

Representative Adam Robertson proposes the following substitute bill:

PUBLIC EDUCATION MODIFICATIONS

2021 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Keith Grover

House Sponsor: Adam Robertson

LONG TITLE

General Description:

This bill amends provisions related to public education.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ requires a local education agency to:
 - provide parents with access to curriculum that the local education agency uses;
- and
 - for each grading period, provide a student a grade or performance report for each course in which the student is enrolled that reflects the student's work, including the student's progress based on mastery, during the grading period;
- ▶ requires a local education agency to provide a student enrolled in an online course and the student's parent with access to certain information;
- ▶ repeals requirements related to the State Charter School Board reviewing the application for a charter school seeking authorization from an institution of higher education board of trustees; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:



None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

53G-4-402, as last amended by Laws of Utah 2020, Chapter 347

53G-5-306, as last amended by Laws of Utah 2020, Chapter 365

53G-5-404, as last amended by Laws of Utah 2020, Chapters 30 and 192

ENACTS:

53G-6-804, Utah Code Annotated 1953

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **53G-4-402** is amended to read:

53G-4-402. Powers and duties generally.

(1) A local school board shall:

(a) implement the core standards for Utah public schools using instructional materials that best correlate to the core standards for Utah public schools and graduation requirements;

(b) administer tests, required by the state board, which measure the progress of each student, and coordinate with the state superintendent and state board to assess results and create plans to improve the student's progress, which shall be submitted to the state board for approval;

(c) use progress-based assessments as part of a plan to identify schools, teachers, and students that need remediation and determine the type and amount of federal, state, and local resources to implement remediation;

(d) for each grading period and for each course in which a student is enrolled, issue a grade or performance report to the student:

(i) that reflects the student's work, including the student's progress based on mastery, for the grading period; and

(ii) in accordance with the local school board's adopted grading or performance standards and criteria;

~~[(d)]~~ (e) develop early warning systems for students or classes failing to make progress;

57 ~~[(e)]~~ (f) work with the state board to establish a library of documented best practices,
58 consistent with state and federal regulations, for use by the local districts;

59 ~~[(f)]~~ (g) implement training programs for school administrators, including basic
60 management training, best practices in instructional methods, budget training, staff
61 management, managing for learning results and continuous improvement, and how to help
62 every child achieve optimal learning in basic academic subjects; and

63 ~~[(g)]~~ (h) ensure that the local school board meets the data collection and reporting
64 standards described in Section 53E-3-501.

65 (2) Local school boards shall spend Minimum School Program funds for programs and
66 activities for which the state board has established minimum standards or rules under Section
67 53E-3-501.

68 (3) (a) A local school board may purchase, sell, and make improvements on school
69 sites, buildings, and equipment and construct, erect, and furnish school buildings.

70 (b) School sites or buildings may only be conveyed or sold on local school board
71 resolution affirmed by at least two-thirds of the members.

72 (4) (a) A local school board may participate in the joint construction or operation of a
73 school attended by children residing within the district and children residing in other districts
74 either within or outside the state.

75 (b) Any agreement for the joint operation or construction of a school shall:

76 (i) be signed by the president of the local school board of each participating district;

77 (ii) include a mutually agreed upon pro rata cost; and

78 (iii) be filed with the state board.

79 (5) A local school board may establish, locate, and maintain elementary, secondary,
80 and applied technology schools.

81 (6) Except as provided in Section 53E-3-905, a local school board may enroll children
82 in school who are at least five years of age before September 2 of the year in which admission
83 is sought.

84 (7) A local school board may establish and support school libraries.

85 (8) A local school board may collect damages for the loss, injury, or destruction of
86 school property.

87 (9) A local school board may authorize guidance and counseling services for children

and their parents before, during, or following enrollment of the children in schools.

(10) (a) A local school board shall administer and implement federal educational programs in accordance with Title 53E, Chapter 3, Part 8, Implementing Federal or National Education Programs.

(b) Federal funds are not considered funds within the school district budget under Chapter 7, Part 3, Budgets.

(11) (a) A local school board may organize school safety patrols and adopt policies under which the patrols promote student safety.

(b) A student appointed to a safety patrol shall be at least 10 years old and have written parental consent for the appointment.

(c) Safety patrol members may not direct vehicular traffic or be stationed in a portion of a highway intended for vehicular traffic use.

(d) Liability may not attach to a school district, its employees, officers, or agents or to a safety patrol member, a parent of a safety patrol member, or an authorized volunteer assisting the program by virtue of the organization, maintenance, or operation of a school safety patrol.

(12) (a) A local school board may on its own behalf, or on behalf of an educational institution for which the local school board is the direct governing body, accept private grants, loans, gifts, endowments, devises, or bequests that are made for educational purposes.

(b) These contributions are not subject to appropriation by the Legislature.

(13) (a) A local school board may appoint and fix the compensation of a compliance officer to issue citations for violations of Subsection 76-10-105(2)(b).

(b) A person may not be appointed to serve as a compliance officer without the person's consent.

(c) A teacher or student may not be appointed as a compliance officer.

(14) A local school board shall adopt bylaws and policies for the local school board's own procedures.

(15) (a) A local school board shall make and enforce policies necessary for the control and management of the district schools.

(b) Local school board policies shall be in writing, filed, and referenced for public access.

(16) A local school board may hold school on legal holidays other than Sundays.

119 (17) (a) A local school board shall establish for each school year a school traffic safety
120 committee to implement this Subsection (17).

121 (b) The committee shall be composed of one representative of:

122 (i) the schools within the district;

123 (ii) the Parent Teachers' Association of the schools within the district;

124 (iii) the municipality or county;

125 (iv) state or local law enforcement; and

126 (v) state or local traffic safety engineering.

127 (c) The committee shall:

128 (i) receive suggestions from school community councils, parents, teachers, and others
129 and recommend school traffic safety improvements, boundary changes to enhance safety, and
130 school traffic safety program measures;

131 (ii) review and submit annually to the Department of Transportation and affected
132 municipalities and counties a child access routing plan for each elementary, middle, and junior
133 high school within the district;

134 (iii) consult the Utah Safety Council and the Division of Family Health Services and
135 provide training to all school children in kindergarten through grade 6, within the district, on
136 school crossing safety and use; and

137 (iv) help ensure the district's compliance with rules made by the Department of
138 Transportation under Section 41-6a-303.

139 (d) The committee may establish subcommittees as needed to assist in accomplishing
140 ~~its~~ the committee's duties under Subsection (17)(c).

141 (18) (a) A local school board shall adopt and implement a comprehensive emergency
142 response plan to prevent and combat violence in the local school board's public schools, on
143 school grounds, on its school vehicles, and in connection with school-related activities or
144 events.

145 (b) The plan shall:

146 (i) include prevention, intervention, and response components;

147 (ii) be consistent with the student conduct and discipline policies required for school
148 districts under Chapter 11, Part 2, Miscellaneous Requirements;

149 (iii) require professional learning for all district and school building staff on what their

roles are in the emergency response plan;

(iv) provide for coordination with local law enforcement and other public safety representatives in preventing, intervening, and responding to violence in the areas and activities referred to in Subsection (18)(a); and

(v) include procedures to notify a student, to the extent practicable, who is off campus at the time of a school violence emergency because the student is:

(A) participating in a school-related activity; or

(B) excused from school for a period of time during the regular school day to participate in religious instruction at the request of the student's parent.

(c) The state board, through the state superintendent, shall develop comprehensive emergency response plan models that local school boards may use, where appropriate, to comply with Subsection (18)(a).

(d) A local school board shall, by July 1 of each year, certify to the state board that its plan has been practiced at the school level and presented to and reviewed by its teachers, administrators, students, and their parents and local law enforcement and public safety representatives.

(19) (a) A local school board may adopt an emergency response plan for the treatment of sports-related injuries that occur during school sports practices and events.

(b) The plan may be implemented by each secondary school in the district that has a sports program for students.

(c) The plan may:

(i) include emergency personnel, emergency communication, and emergency equipment components;

(ii) require professional learning on the emergency response plan for school personnel who are involved in sports programs in the district's secondary schools; and

(iii) provide for coordination with individuals and agency representatives who:

(A) are not employees of the school district; and

(B) would be involved in providing emergency services to students injured while participating in sports events.

(d) The local school board, in collaboration with the schools referred to in Subsection (19)(b), may review the plan each year and make revisions when required to improve or

enhance the plan.

(e) The state board, through the state superintendent, shall provide local school boards with an emergency plan response model that local school boards may use to comply with the requirements of this Subsection (19).

(20) A local school board shall do all other things necessary for the maintenance, prosperity, and success of the schools and the promotion of education.

(21) (a) Before closing a school or changing the boundaries of a school, a local school board shall:

(i) at least 120 days before approving the school closure or school boundary change, provide notice to the following that the local school board is considering the closure or boundary change:

(A) parents of students enrolled in the school, using the same form of communication the local school board regularly uses to communicate with parents;

(B) parents of students enrolled in other schools within the school district that may be affected by the closure or boundary change, using the same form of communication the local school board regularly uses to communicate with parents; and

(C) the governing council and the mayor of the municipality in which the school is located;

(ii) provide an opportunity for public comment on the proposed school closure or school boundary change during at least two public local school board meetings; and

(iii) hold a public hearing as defined in Section 10-9a-103 and provide public notice of the public hearing as described in Subsection (21)(b).

(b) The notice of a public hearing required under Subsection (21)(a)(iii) shall:

(i) indicate the:

(A) school or schools under consideration for closure or boundary change; and

(B) the date, time, and location of the public hearing;

(ii) at least 10 days before the public hearing, be:

(A) published:

(I) in a newspaper of general circulation in the area; and

(II) on the Utah Public Notice Website created in Section 63F-1-701; and

(B) posted in at least three public locations within the municipality in which the school

is located on the school district's official website, and prominently at the school; and

(iii) at least 30 days before the public hearing described in Subsection (21)(a)(iii), be provided as described in Subsections (21)(a)(i)(A), (B), and (C).

(22) A local school board may implement a facility energy efficiency program established under Title 11, Chapter 44, Performance Efficiency Act.

(23) A local school board may establish or partner with a certified youth court program, in accordance with Section 78A-6-1203, or establish or partner with a comparable restorative justice program, in coordination with schools in that district. A school may refer a student to youth court or a comparable restorative justice program in accordance with Section 53G-8-211.

(24) A local school board shall:

(a) make curriculum that the school district uses readily accessible and available for a parent to view;

(b) annually notify a parent of a student enrolled in the school district of how to access the information described in Subsection (24)(a); and

(c) include on the school district's website information about how to access the information described in Subsection (24)(a).

Section 2. Section 53G-5-306 is amended to read:

53G-5-306. Charter schools authorized by a board of trustees of a higher education institution -- Application process -- Board of trustees responsibilities.

(1) Except as provided in Subsection (6), an applicant identified in Section 53G-5-302 may enter into an agreement with a board of trustees of a higher education institution authorizing the applicant to establish and operate a charter school.

(2) (a) An applicant applying for authorization from a board of trustees to establish and operate a charter school shall provide a copy of the application to ~~[the State Charter School Board and]~~ the local school board of the school district in which the proposed charter school will be located either before or at the same time the applicant files the application with the board of trustees.

(b) The ~~[State Charter School Board and the]~~ local school board may review the application and offer suggestions or recommendations to the applicant or the board of trustees before acting on the application.

(c) The board of trustees shall give due consideration to suggestions or recommendations made by ~~[the State Charter School Board or]~~ the local school board under Subsection (2)(b).

(3) The state board shall make a rule providing a timeline for the opening of a charter school following the approval of a charter school application by a board of trustees.

(4) After approval of a charter school application, the applicant and the board of trustees shall set forth the terms and conditions for the operation of the charter school in a written charter agreement.

(5) (a) The school's charter agreement may include a provision that the charter school pay an annual fee for the board of trustees' costs in providing oversight of, and technical support to, the charter school in accordance with Section [53G-5-205](#).

(b) In the first two years that a charter school is in operation, an annual fee described in Subsection (5)(a) may not exceed the product of 3% of the revenue the charter school receives from the state in the current fiscal year.

(c) Beginning with the third year that a charter school is in operation, an annual fee described in Subsection (5)(a) may not exceed the product of 1% of the revenue a charter school receives from the state in the current fiscal year.

(d) An annual fee described in Subsection (5)(a) shall be:

- (i) paid to the board of trustees' higher education institution; and
- (ii) expended as directed by the board of trustees.

(6) (a) In addition to complying with the requirements of this section, a technical college board of trustees described in Section [53B-2a-108](#) shall obtain the approval of the Utah Board of Higher Education before entering into an agreement to establish and operate a charter school.

(b) If a technical college board of trustees approves an application to establish and operate a charter school, the technical college board of trustees shall submit the application to the Utah Board of Higher Education.

(c) The Utah Board of Higher Education shall, by majority vote, within 60 days of receipt of an application described in Subsection (6)(b), approve or deny the application.

(d) The Utah Board of Higher Education may deny an application approved by a technical college board of trustees if the proposed charter school does not accomplish a

purpose of charter schools as provided in Section 53G-5-104.

(e) A charter school application may not be denied on the basis that the establishment of the charter school will have any or all of the following impacts on a public school, including another charter school:

- (i) an enrollment decline;
- (ii) a decrease in funding; or
- (iii) a modification of programs or services.

(7) (a) Subject to the requirements of this chapter and other related provisions, a technical college board of trustees may establish:

- (i) procedures for submitting applications to establish and operate a charter school; or
- (ii) criteria for approval of an application to establish and operate a charter school.

(b) The Utah Board of Higher Education may not establish policy governing the procedures or criteria described in Subsection (7)(a).

(8) Before a technical college board of trustees accepts a charter school application, the technical college board of trustees shall, in accordance with state board rules, establish and make public:

- (a) application requirements, in accordance with Section 53G-5-302;
- (b) the application process, including timelines, in accordance with this section; and
- (c) minimum academic, financial, and enrollment standards.

Section 3. Section 53G-5-404 is amended to read:

53G-5-404. Requirements for charter schools.

(1) A charter school shall be nonsectarian in its programs, admission policies, employment practices, and operations.

(2) A charter school may not charge tuition or fees, except those fees normally charged by other public schools.

(3) A charter school shall meet all applicable federal, state, and local health, safety, and civil rights requirements.

(4) (a) A charter school shall:

- (i) make the same annual reports required of other public schools under this public education code, including an annual financial audit report described in Section 53G-4-404;
- (ii) ensure that the charter school meets the data and reporting standards described in

Section 53E-3-501; and

(iii) use fund and program accounting methods and standardized account codes capable of producing financial reports that comply with:

(A) generally accepted accounting principles;

(B) the financial reporting requirements applicable to LEAs established by the state board under Section 53E-3-501; and

(C) accounting report standards established by the state auditor as described in Section 51-2a-301.

(b) Before, and as a condition for opening a charter school:

(i) a charter school shall:

(A) certify to the authorizer that the charter school's accounting methods meet the requirements described in Subsection (4)(a)(iii); or

(B) if the authorizer requires, conduct a performance demonstration to verify that the charter school's accounting methods meet the requirements described in Subsection (4)(a)(iii); and

(ii) the authorizer shall certify to the state board that the charter school's accounting methods meet the requirements described in Subsection (4)(a)(iii).

(c) A charter school shall file the charter school's annual financial audit report with the Office of the State Auditor within six months of the end of the fiscal year.

(d) For the limited purpose of compliance with federal and state law governing use of public education funds, including restricted funds, and making annual financial audit reports under this section, a charter school is a government entity governed by the public education code.

(5) (a) A charter school shall be accountable to the charter school's authorizer for performance as provided in the school's charter agreement.

(b) To measure the performance of a charter school, an authorizer may use data contained in:

(i) the charter school's annual financial audit report;

(ii) a report submitted by the charter school as required by statute; or

(iii) a report submitted by the charter school as required by its charter agreement.

(c) A charter school authorizer may not impose performance standards, except as

permitted by statute, that limit, infringe, or prohibit a charter school's ability to successfully accomplish the purposes of charter schools as provided in Section 53G-5-104 or as otherwise provided in law.

(6) A charter school may not advocate unlawful behavior.

(7) Except as provided in Section 53G-5-305, a charter school shall be organized and managed under Title 16, Chapter 6a, Utah Revised Nonprofit Corporation Act, after its authorization.

(8) A charter school shall provide adequate liability and other appropriate insurance, including:

(a) general liability, errors and omissions, and directors and officers liability coverage through completion of the closure of a charter school under Section 53G-5-504; and

(b) tail coverage or closeout insurance covering at least one year after closure of the charter school.

(9) Beginning on July 1, 2014, a charter school, including a charter school that has not yet opened, shall submit any lease, lease-purchase agreement, or other contract or agreement relating to the charter school's facilities or financing of the charter school's facilities to the school's authorizer and an attorney for review and advice before the charter school enters the lease, agreement, or contract.

(10) A charter school may not employ an educator whose license is suspended or revoked by the state board under Section 53E-6-604.

(11) (a) Each charter school shall register and maintain the charter school's registration as a limited purpose entity, in accordance with Section 67-1a-15.

(b) A charter school that fails to comply with Subsection (11)(a) or Section 67-1a-15 is subject to enforcement by the state auditor, in accordance with Section 67-3-1.

(c) If a charter school is an operating charter school with affiliated satellite charter schools, as defined in Section 53G-5-303:

(i) the operating charter school shall register as a limited purpose entity as defined in Section 67-1a-15;

(ii) each affiliated satellite charter school is not required to register separately from the operating charter school; and

(iii) the operating charter school shall:

(A) register on behalf of each affiliated satellite charter school; and

(B) when submitting entity registry information under Section 67-1a-15 on behalf of each affiliated satellite charter school, identify and distinguish registry information for each affiliated satellite, including the address of each affiliated satellite charter school and the name and contact information of a primary contact for each affiliated satellite charter school.

(12) (a) As used in this Subsection (12), "contracting entity" means a person with which a charter school contracts.

(b) A charter school shall provide to the charter school's authorizer any information or documents requested by the authorizer, including documents held by a subsidiary of the charter school or a contracting entity:

(i) to confirm the charter school's compliance with state or federal law governing the charter school's finances or governance; or

(ii) to carry out the authorizer's statutory obligations, including liquidation and assignment of assets, and payment of debt in accordance with state board rule, as described in Section 53G-5-504.

(c) A charter school shall comply with a request described in Subsection (12)(b), including after an authorizer recommends closure of the charter school or terminates the charter school's contract.

(d) Documents held by a contracting entity or subsidiary of a charter school that are necessary to demonstrate the charter school's compliance with state or federal law are the property of the charter school.

(e) A charter school shall include in an agreement with a subsidiary of the charter school or a contracting entity a provision that stipulates that documents held by the subsidiary or a contracting entity, that are necessary to demonstrate the charter school's financial compliance with federal or state law, are the property of the charter school.

(13) For each grading period and for each course in which a student is enrolled, a charter school shall issue a grade or performance report to the student:

(a) that reflects the student's work, including the student's progress based on mastery, for the grading period; and

(b) in accordance with the charter school's adopted grading or performance standards and criteria.

398 (14) A charter school shall:

399 (a) make curriculum that the charter school uses readily accessible and available for a
400 parent to view;

401 (b) annually notify a parent of a student enrolled in the charter school of how to access
402 the information described in Subsection (14)(a); and

403 (c) include on the charter school's website information about how to access the
404 information described in Subsection (14)(a).

405 Section 4. Section **53G-6-804** is enacted to read:

406 **53G-6-804. Parent access to learning management system for online courses --**
407 **Training.**

408 (1) As used in this section:

409 (a) "Learning Management System" means a software application for the
410 administration, documentation, tracking, reporting, automation, or delivery of an online course.

411 (b) "Online course" means a course that an LEA provides to a student over the Internet.

412 (2) An LEA that uses a learning management system for an online course shall
413 provide:

414 (a) to the parent of a student enrolled in the online course, access to the learning
415 management system, including, at a minimum:

416 (i) the curriculum used for the course; and

417 (ii) information about the progress and learning of the parent's student, including
418 assessment results; and

419 (b) to a student enrolled in the course and the student's parent, training or orientation to
420 help the student and student's parent understand how to access:

421 (i) the learning management system;

422 (ii) the online course; and

423 (iii) any online tools used to deliver the online course or instruction.