

Chris H. Wilson proposes the following substitute bill:

Public Education Compliance

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Katy Hall

Senate Sponsor: Chris H. Wilson

LONG TITLE

General Description:

This bill amends and enacts provisions expanding the authority of the State Board of Education (state board) to address transparency and local education agency compliance.

Highlighted Provisions:

This bill:

- requires the state board to:
 - use an existing compliance framework to address reports or allegations of noncompliance;
 - develop a system to address complaints to the Utah Professional Practices Advisory Commission in a timely and expedient manner; and
 - publish information related to state board meetings on the state board's website;
- may require the state board to issue a report;
- requires a school district or charter school to provide information to the state board that is necessary for the state board to fulfill a statutory data gathering, compliance, or reporting requirement; and
- makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

53E-3-401, as last amended by Laws of Utah 2020, Chapters 253, 408

53E-6-506, as last amended by Laws of Utah 2024, Chapter 20

53G-4-402, as last amended by Laws of Utah 2024, Chapters 67, 476

29 **53G-5-404**, as last amended by Laws of Utah 2024, Chapter 63

30 ENACTS:

31 **53E-3-525**, Utah Code Annotated 1953

32

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

33 Section 1. Section **53E-3-401** is amended to read:

34 **53E-3-401 . Powers of the state board -- Adoption of rules -- Enforcement --**
35 **Attorney.**

36 (1) As used in this section:

37 (a) "Education entity" means:

- 38 (i) an entity that receives a distribution of state funds through a grant program
39 managed by [-]the state board under this public education code;
40 (ii) an entity that enters into a contract with the state board to provide an educational
41 good or [-]service;
42 (iii) a school district;
43 (iv) a charter school; or
44 (v) a regional education service agency, as that term is defined in Section 53G-4-410.

45 (b) "Educational good or service" means a good or service that is required or regulated
46 under:

- 47 (i) this public education code; or
48 (ii) a rule, made in accordance with Title 63G, Chapter 3, Utah Administrative
49 Rulemaking Act, and authorized under this public education code.

50 (2)(a) The state board has general control and supervision of the state's public education
51 system.

52 (b) "General control and supervision" as used in Utah Constitution, Article X, Section 3,
53 means directed to the whole system.

54 (3) The state board may not govern, manage, or operate school districts, institutions, and
55 programs, unless granted that authority by statute.

56 (4)(a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
57 the state board may make rules to execute the state board's duties and responsibilities
58 under the Utah Constitution and state law.

59 (b) The state board may delegate the state board's statutory duties and responsibilities to
60 state board employees.

61 (5)(a) The state board may sell any interest it holds in real property upon a finding by
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the state board that the property interest is surplus.

(b) The state board may use the money it receives from a sale under Subsection (5)(a) for capital improvements, equipment, or materials, but not for personnel or ongoing costs.

(c) If the property interest under Subsection (5)(a) was held for the benefit of an agency or institution administered by the state board, the money may only be used for purposes related to the agency or institution.

(d) The state board shall advise the Legislature of any sale under Subsection (5)(a) and related matters during the next following session of the Legislature.

(6) The state board shall develop policies and procedures related to federal educational programs in accordance with Part 8, Implementing Federal or National Education Programs.

(7) On or before December 31, 2010, the state board shall review mandates or requirements provided for in state board rule to determine whether certain mandates or requirements could be waived to remove funding pressures on public schools on a temporary basis.

(8)(a) The state board shall provide procedures for addressing and resolving compliance and monitoring issues related to this public education code, federal law, or rules, including:

(i) creating methods to review and investigate alleged compliance issues;

(ii) creating clear procedures for corrective action plans;

(iii) allowing for an appeals process; and

(iv) addressing contractual and non-contractual issues.

~~[(a)]~~ (b) If an education entity violates this public education code or rules authorized under this public education code, the state board may, in accordance with the rules described in Subsection ~~[(8)(e)]~~ (8)(d):

(i) require the education entity to enter into a corrective action agreement with the state board;

(ii) temporarily or permanently withhold state funds from the education entity;

(iii) require the education entity to pay a penalty;~~[-or]~~

(iv) require the education entity to reimburse specified state funds to the state board~~[-]~~ ;

(v) require additional reporting or monitoring;

(vi) refer the complaint, evidence, and findings to the attorney general's office or the relevant district attorney's office;

(vii) require the education entity to hire a third-party provider to provide services the

- 97 state board determines necessary;
98 (viii) require reimbursement from the education entity instead of future allocations
99 from the state board;
100 (ix) require a follow-up investigation;
101 (x) refer the violation and corresponding evidence to the state auditor or the
102 legislative auditor general, if the violation relates to finances;
103 (xi) request additional evidence of compliance; or
104 (xii) other action the state board deems appropriate.
105 ~~[(b)]~~ (c) Except for temporarily withheld funds, if the state board collects state funds
106 under Subsection ~~[(8)(a)]~~ (8)(b), the state board shall pay the funds into the Uniform
107 School Fund.
108 ~~[(e)]~~ (d) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
109 the state board shall make rules:
110 (i) that require notice and an opportunity to be heard for an education entity affected
111 by a state board action described in Subsection ~~[(8)(a)]~~ (8)(b); and
112 (ii) to administer this Subsection (8).
113 ~~[(d)]~~ (e)(i) An individual may bring a violation of statute or state board rule to the
114 attention of the state board in accordance with a process described in rule adopted
115 by the state board.
116 (ii) If the state board identifies a violation of statute or state board rule as a result of
117 the process described in Subsection ~~[(8)(d)(i)]~~ (8)(e)(i), the state board may take
118 action in accordance with this section.
119 ~~[(e) The state board shall report criminal conduct of an education entity to the district~~
120 ~~attorney of the county where the education entity is located.]~~
121 (9) The state board may audit the use of state funds by an education entity that receives
122 those state funds as a distribution from the state board.
123 (10) The state board may require, by rule made in accordance with Title 63G, Chapter 3,
124 Utah Administrative Rulemaking Act, that if an LEA contracts with a third party
125 contractor for an educational good or service, the LEA shall require in the contract that
126 the third party contractor shall provide, upon request of the LEA, information necessary
127 for the LEA to verify that the educational good or service complies with:
128 (a) this public education code; and
129 (b) state board rule authorized under this public education code.
130 (11)(a) The state board may appoint an attorney to provide legal advice to the state

board and coordinate legal affairs for the state board and the state board's employees.

(b) An attorney described in Subsection (11)(a) shall cooperate with the Office of the Attorney General.

(c) An attorney described in Subsection (11)(a) may not:

(i) conduct litigation;

(ii) settle claims covered by the Risk Management Fund created in Section 63A-4-201;

or

(iii) issue formal legal opinions.

(12) The state board shall ensure that any training or certification that an employee of the public education system is required to complete under this title or by rule complies with Title 63G, Chapter 22, State Training and Certification Requirements.

Section 2. Section **53E-3-525** is enacted to read:

53E-3-525 . State board transparency.

(1) Beginning January 1, 2027, the state board shall:

(a) publish on the state board's website a record of each vote by the state board, including:

(i) the date, time, and place of the meeting;

(ii) the subject of the vote;

(iii) the names of state board members present and absent;

(iv) the result of the vote, including each board member's individual vote; and

(v) the audio or video associated with the vote;

(b) distribute a contract the state board intends to consider at a meeting to each state board member at least five days before the date on which the meeting is scheduled to occur;

(c) ensure the information described in Subsection (1)(a) is accessible through a single click from the state board's home webpage; and

(d) post the information required by Subsection (1)(a) within 7 business days after a vote.

(2) In accordance with Title 36, Chapter 35, Rules Review and General Oversight

Committee, the Rules Review and General Oversight Committee may request a report from the state board detailing the:

(a) implementation of the requirements of this section; and

(b) the state board's compliance with the requirements of this section.

Section 3. Section **53E-6-506** is amended to read:

53E-6-506 . UPPAC duties and procedures.

- 165 (1) The state board may direct UPPAC to review a complaint about an educator and
166 recommend that the state board:
- 167 (a) dismiss the complaint; or
168 (b) investigate the complaint in accordance with this section.
- 169 (2)(a) The state board may direct UPPAC to:
- 170 (i) in accordance with this section, investigate a complaint's allegation or decision; or
171 (ii) hold a hearing.
- 172 (b) UPPAC may initiate a hearing as part of an investigation.
- 173 (c) Upon completion of an investigation or hearing, UPPAC shall:
- 174 (i) provide findings to the state board; and
175 (ii) make a recommendation for state board action.
- 176 (d) UPPAC may not make a recommendation described in Subsection (2)(c)(ii) to
177 adversely affect an educator's license unless UPPAC gives the educator an
178 opportunity for a hearing.
- 179 (3)(a) The state board may:
- 180 (i) select an independent investigator to conduct a UPPAC investigation with UPPAC
181 oversight; or
182 (ii) authorize UPPAC to select and oversee an independent investigator to conduct an
183 investigation.
- 184 (b) In conducting an investigation, UPPAC or an independent investigator shall conduct
185 the investigation independent of and separate from a related criminal investigation.
- 186 (c) In conducting an investigation, UPPAC or an independent investigator may:
- 187 (i) in accordance with Section 53E-6-606, administer oaths and issue subpoenas; or
188 (ii) receive evidence related to an alleged offense, including sealed or expunged
189 records released to the state board under Section 77-40a-403.
- 190 (d) If UPPAC finds that reasonable cause exists during an investigation, UPPAC may
191 recommend that the state board initiate a background check on an educator as
192 described in Section 53G-11-403.
- 193 (e) UPPAC has a rebuttable presumption that an educator committed a sexual offense
194 against a minor child if the educator voluntarily surrendered a license or certificate or
195 allowed a license or certificate to lapse in the face of a charge of having committed a
196 sexual offense against a minor child.
- 197 (4) The state board may direct UPPAC to:
- 198 (a) recommend to the state board procedures for:

- (i) receiving and processing complaints;
- (ii) investigating a complaint's allegation or decision;
- (iii) conducting hearings; or
- (iv) reporting findings and making recommendations to the state board for state board action;

(b) recommend to the state board or a professional organization of educators:

- (i) standards of professional performance, competence, and ethical conduct for educators; or
- (ii) suggestions for improvement of the education profession; or

(c) fulfill other duties the state board finds appropriate.

(5) UPPAC may not participate as a party in a dispute relating to negotiations between:

- (a) a school district and the school district's educators; or
- (b) a charter school and the charter school's educators.

(6) The state board shall make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to establish UPPAC duties and procedures[-] , including a system to address UPPAC complaints in a timely and expedient manner.

Section 4. 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

- 233 standards and criteria;
- 234 (e) develop early warning systems for students or classes failing to make progress;
- 235 (f) work with the state board to establish a library of documented best practices,
- 236 consistent with state and federal regulations, for use by the special districts;
- 237 (g) implement training programs for school administrators, including basic management
- 238 training, best practices in instructional methods, budget training, staff management,
- 239 managing for learning results and continuous improvement, and how to help every
- 240 student achieve optimal learning in basic academic subjects; and
- 241 (h) ensure that the local school board meets the data collection and reporting standards
- 242 described in Section 53E-3-501.
- 243 (2) Local school boards shall spend Minimum School Program funds for programs and
- 244 activities for which the state board has established minimum standards or rules under
- 245 Section 53E-3-501.
- 246 (3)(a) A local school board may purchase, sell, and make improvements on school sites,
- 247 buildings, and equipment, and construct, erect, and furnish school buildings.
- 248 (b) School sites or buildings may only be conveyed or sold on local school board
- 249 resolution affirmed by at least two-thirds of the school board members.
- 250 (4)(a) A local school board may participate in the joint construction or operation of a
- 251 school attended by students residing within the district and students residing in other
- 252 districts either within or outside the state.
- 253 (b) Any agreement for the joint operation or construction of a school shall:
- 254 (i) be signed by the president of the local school board of each participating district;
- 255 (ii) include a mutually agreed upon pro rata cost; and
- 256 (iii) be filed with the state board.
- 257 (5) A local school board may establish, locate, and maintain elementary, secondary, and
- 258 applied technology schools.
- 259 (6) A local school board may enter into cooperative agreements with other local school
- 260 boards to provide educational services that best utilize resources for the overall
- 261 operation of the school districts, including shared transportation services.
- 262 (7) A local school board shall ensure that an agreement under Subsection (6):
- 263 (a) is signed by the president of the local school board of each participating district;
- 264 (b) specifies the resource being shared;
- 265 (c) includes a mutually agreed upon pro rata cost;
- 266 (d) includes the duration of the agreement; and

(e) is filed with the state board.

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

(9) A local school board:

(a) may establish and support school libraries; and

(b) shall provide an online platform:

(i) through which a parent is able to view the title, author, and a description of any material the parent's child borrows from the school library, including a history of borrowed materials, either using an existing online platform that the LEA uses or through a separate platform; and

(ii)(A) for a school district with 1,000 or more enrolled students, no later than August 1, 2024; and

(B) for a school district with fewer than 1,000 enrolled students, no later than August 1, 2026.

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

(11) A local school board may authorize guidance and counseling services for students and the student's parents before, during, or following school enrollment.

(12)(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.

(13)(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.

- (14)(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) The contributions made under Subsection (14)(a) are not subject to appropriation by the Legislature.
- (15)(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.
- (16) A local school board shall adopt bylaws and policies for the local school board's own procedures.
- (17)(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.
- (18) A local school board may hold school on legal holidays other than Sundays.
- (19)(a) A local school board shall establish for each school year a school traffic safety committee to implement this Subsection (19).
- (b) The committee shall be composed of one representative of:
- (i) the schools within the district;
 - (ii) the Parent Teachers' Association of the schools within the district;
 - (iii) the municipality or county;
 - (iv) state or local law enforcement; and
 - (v) state or local traffic safety engineering.
- (c) The committee shall:
- (i) receive suggestions from school community councils, parents, teachers, and others, and recommend school traffic safety improvements, boundary changes to enhance safety, and school traffic safety program measures;
 - (ii) review and submit annually to the Department of Transportation and affected municipalities and counties a child access routing plan for each elementary, middle, and junior high school within the district;
 - (iii) in consultation with the Utah Safety Council and the Division of Family Health[

- 335 Services], provide training to all students in kindergarten through grade 6, within
336 the district, on school crossing safety and use; and
- 337 (iv) help ensure the district's compliance with rules made by the Department of
338 Transportation under Section 41-6a-303.
- 339 (d) The committee may establish subcommittees as needed to assist in accomplishing the
340 committee's duties under Subsection (19)(c).
- 341 (20)(a) A local school board shall adopt and implement a comprehensive emergency
342 response plan to prevent and combat violence in the local school board's public
343 schools, on school grounds, on school vehicles, and in connection with
344 school-related activities or events.
- 345 (b) The local school board shall ensure that the plan:
- 346 (i) includes prevention, intervention, and response components;
- 347 (ii) is consistent with the school discipline and conduct policies required for school
348 districts under Chapter 8, Part 2, School Discipline and Conduct Plans;
- 349 (iii) requires professional learning for all district and school building staff on the
350 staff's roles in the emergency response plan;
- 351 (iv) provides for coordination with local law enforcement and other public safety
352 representatives in preventing, intervening, and responding to violence in the areas
353 and activities referred to in Subsection (20)(a); and
- 354 (v) includes procedures to notify a student who is off campus at the time of a school
355 violence emergency because the student is:
- 356 (A) participating in a school-related activity; or
- 357 (B) excused from school for a period of time during the regular school day to
358 participate in religious instruction at the request of the student's parent.
- 359 (c) The state board, through the state superintendent, shall develop comprehensive
360 emergency response plan models that local school boards may use, where
361 appropriate, to comply with Subsection (20)(a).
- 362 (d) A local school board shall, by July 1 of each year, certify to the state board that its
363 plan has been practiced at the school level and presented to and reviewed by its
364 teachers, administrators, students, and the student's parents and local law enforcement
365 and public safety representatives.
- 366 (21)(a) A local school board may adopt an emergency response plan for the treatment of
367 sports-related injuries that occur during school sports practices and events.
- 368 (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 (21)(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 (21).

(22)(a) A local school board shall approve an LEA's policies and procedures that an LEA develops to ensure that students have non-electronic notification of and access to:

(i) school activities and events, including:

- (A) schedule changes;
- (B) extracurricular activities; and
- (C) sporting events; and

(ii) the emergency response plans described in Subsections (20) and (21).

(b) Notwithstanding Subsection (22)(a), an LEA may provide electronic notification of and access to school activities and events as described in Subsections (22)(a)(i) and (ii) if:

(i)(A) the school provides each student with an electronic device; and

- (B) the electronic device is capable of receiving electronic notification of and access to school activities and events as described in Subsections (22)(a)(i) and (ii); or

(ii) an emergency, unforeseen circumstance, or other incident arises and an LEA cannot reasonably provide timely non-electronic notification.

(c) An LEA may not require the use of a privately owned electronic device to complete course work.

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

(24)(a) As used in this subsection, "special enrollment program" means a full-day academic program in which a parent opts to enroll the parent's student and that is offered at a specifically designated school within an LEA, including:

(i) gifted or advanced learning programs; or

(ii) dual language immersion programs.

(b) Before closing a school, changing the boundaries of a school, or changing or closing the location of a special enrollment program, a local school board shall:

(i) at a local school board meeting, make and approve a motion to initiate the notification required under Subsections (24)(b)(ii) through (iv);

(ii) on or before 90 days before the day on which the local school board approves the school closure or at least 30 days before the day on which the local school board approves a school boundary change, provide notice that the local school board is considering the closure or boundary change to:

(A) parents of students enrolled in the school, using the same form of communication the local school board regularly uses to communicate with parents and also by mail, using the United States Postal Service, to the parents at each known address;

(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 also by mail, using the United States Postal Service, to the parents at each known address; and

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

(iii) provide an opportunity for public comment on the proposed school closure during at least two public local school board meetings;

(iv) provide an opportunity for public comment on the proposed school boundary change during one public local school board meeting; and

(v) hold a public hearing as defined in Section 10-9a-103 and provide public notice of the public hearing in accordance with Subsection (24)(c).

(c) A local school board shall:

(i) ensure that the notice of a public hearing required under Subsection (24)(b)(v) indicates the:

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

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

(ii) if feasible, hold the public hearing at the location of the school that is under consideration for closure;

(iii) for at least 10 days before the day on which the public hearing occurs, publish the notice of public hearing occurs, publish the notice of the public hearing for the school district in which the school is located, as a class A notice under Section 63G-30-102; and

(iv) at least 30 days before the day on which the public hearing occurs, provide notice of the public hearing in the same manner as the notice of consideration under Subsection (24)(b)(ii).

(d) A motion made under Subsection (24)(b) shall name each school under consideration for closure in a separate motion.

(e) For a school closure, a local school board shall complete the process described in this Subsection (24) on or before December 31 of the calendar year preceding the beginning of the school year in which a school closure takes effect.

(f)(i) For a school boundary change, a local school board shall complete the process described in this Subsection (24) no more than 60 days after the day on which the local school board votes to approve a school closure.

(ii) Parents of students enrolled in a school affected by a boundary change shall have at least 30 days after the day on which the local school board votes to approve a school boundary change to request an out of area enrollment request in accordance with Chapter 6, Part 4, School District Enrollment.

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

(26) A local school board may establish or partner with a certified youth court in accordance with Section 80-6-902 or establish or partner with a comparable restorative justice program, in coordination with schools in that district. A school may refer a student to a youth court or a comparable restorative justice program in accordance with Section 53G-8-211.

(27)(a) As used in this Subsection (27):

(i) "Learning material" means any learning material or resource used to deliver or support a student's learning, including textbooks, reading materials, videos, digital materials, websites, and other online applications.

(ii)(A) "Instructional material" means learning material that a local school board adopts and approves for use within the LEA.

(B) "Instructional material" does not include learning material used in a concurrent enrollment, advanced placement, or international baccalaureate program or class or another class with required instructional material that is not subject to selection by the local school board.

(iii) "Supplemental material" means learning material that:

(A) an educator selects for classroom use; and

(B) a local school board has not considered and adopted, approved, or prohibited for classroom use within the LEA.

(b) A local school board shall:

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

(ii) annually notify a parent of a student enrolled in the school district of how to access the information described in Subsection (27)(b)(i); and

(iii) include on the school district's website information about how to access the information described in Subsection (27)(b)(i).

(c) In selecting and approving instructional materials for use in the classroom, a local school board shall:

(i) establish an open process, involving educators and parents of students enrolled in the LEA, to review and recommend instructional materials for board approval; and

(ii) ensure that under the process described in Subsection (27)(c)(i), the board:

(A) before the meetings described in Subsection (27)(c)(ii)(B), posts the recommended learning material online to allow for public review or, for copyrighted material, makes the recommended learning material available at the LEA for public review;

(B) before adopting or approving the recommended instructional materials, holds at least two public meetings on the recommendation that provides an opportunity for educators whom the LEA employs and parents of students enrolled in the LEA to express views and opinions on the recommendation; and

- (C) adopts or approves the recommended instructional materials in an open and regular board meeting.
- (d) A local school board shall adopt a supplemental materials policy that provides flexible guidance to educators on the selection of supplemental materials or resources that an educator reviews and selects for classroom use using the educator's professional judgment, including whether any process or permission is required before classroom use of the materials or resources.
- (e) If an LEA contracts with another party to provide online or digital materials, the LEA shall include in the contract a requirement that the provider give notice to the LEA any time that the provider makes a material change to the content of the online or digital materials, excluding regular informational updates on current events.
- (f) Nothing in this Subsection (27) requires a local school board to review all learning materials used within the LEA.
- (28) If information, data, or action from a school district is necessary for the state board to fulfill a statutory data gathering, compliance, or reporting requirement, a local school board shall provide the relevant information, data, or action, subject to enforcement under Section 53E-3-401.
- Section 5. Section **53G-5-404** is amended to read:
- 53G-5-404 . Requirements for charter schools.**
- (1) A charter school shall be nonsectarian in the charter school's 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;

- 539 (B) the financial reporting requirements applicable to LEAs established by the
540 state board under Section 53E-3-501; and
- 541 (C) accounting report standards established by the state auditor as described in
542 Section 51-2a-301.
- 543 (b) Before, and as a condition for opening a charter school:
- 544 (i) a charter school shall:
- 545 (A) certify to the authorizer that the charter school's accounting methods meet the
546 requirements described in Subsection (4)(a)(iii); or
- 547 (B) if the authorizer requires, conduct a performance demonstration to verify that
548 the charter school's accounting methods meet the requirements described in
549 Subsection (4)(a)(iii); and
- 550 (ii) the authorizer shall certify to the state board that the charter school's accounting
551 methods meet the requirements described in Subsection (4)(a)(iii).
- 552 (c) A charter school shall file the charter school's annual financial audit report with the
553 Office of the State Auditor within six months of the end of the fiscal year.
- 554 (d) For the limited purpose of compliance with federal and state law governing use of
555 public education funds, including restricted funds, and making annual financial audit
556 reports under this section, a charter school is a government entity governed by the
557 public education code.
- 558 (5)(a) A charter school shall be accountable to the charter school's authorizer for
559 performance as provided in the charter school's charter agreement.
- 560 (b) To measure the performance of a charter school, an authorizer may use data
561 contained in:
- 562 (i) the charter school's annual financial audit report;
- 563 (ii) a report submitted by the charter school as required by statute; or
- 564 (iii) a report submitted by the charter school as required by the charter school's
565 charter agreement.
- 566 (c) A charter school authorizer may not impose performance standards, except as
567 permitted by statute, that limit, infringe, or prohibit a charter school's ability to
568 successfully accomplish the purposes of charter schools as provided in Section
569 53G-5-104 or as otherwise provided in law.
- 570 (6) A charter school may not advocate unlawful behavior.
- 571 (7) Except as provided in Section 53G-5-305, a charter school shall be organized and
572 managed in accordance with Title 16, Chapter 6a, Utah Revised Nonprofit Corporation

Act, upon the charter school's 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 in accordance with Section 53G-5-504; and

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

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

(10)(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 (10)(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 in accordance with 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.

(11)(a) As used in this Subsection (11), "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 (11)(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.

(12) 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.

(13)(a) As used in this Subsection (13):

(i) "Learning material" means any learning material or resource used to deliver or support a student's learning, including textbooks, reading materials, videos, digital materials, websites, and other online applications.

(ii)(A) "Instructional material" means learning material that a charter school governing board adopts and approves for use within the charter school.

(B) "Instructional material" does not include learning material used in a concurrent enrollment, advanced placement, or international baccalaureate program or class, or another class with required instructional material that is not subject to selection by the charter school governing board.

(iii) "Supplemental material" means learning material that:

(A) an educator selects for classroom use; and

(B) a charter school governing board has not considered and adopted, approved, or prohibited for classroom use within the charter school.

- 641 (b) A charter school shall:
- 642 (i) make instructional material that the charter school uses readily accessible and
- 643 available for a parent to view;
- 644 (ii) annually notify a parent of a student enrolled in the charter school of how to
- 645 access the information described in Subsection (13)(b)(i); and
- 646 (iii) include on the charter school's website information about how to access the
- 647 information described in Subsection (13)(b)(i).
- 648 (c) In selecting and approving instructional materials for use in the classroom, a charter
- 649 school governing board shall:
- 650 (i) establish an open process, involving educators and parents of students enrolled in
- 651 the charter school, to review and recommend instructional materials for board
- 652 approval; and
- 653 (ii) ensure that under the process described in Subsection (13)(c)(i), the charter
- 654 school governing board:
- 655 (A) before the public meetings described in Subsection (13)(c)(ii)(B), posts the
- 656 recommended learning materials online to allow for public review or, for
- 657 copyrighted material, makes the recommended learning material available at
- 658 the charter school for public review;
- 659 (B) before adopting or approving the recommended instructional materials, holds
- 660 at least two public meetings on the recommendation that provide an
- 661 opportunity for educators whom the charter school employs and parents of
- 662 students enrolled in the charter school to express views and opinions on the
- 663 recommendation; and
- 664 (C) adopts or approves the recommended instructional materials in an open and
- 665 regular board meeting.
- 666 (d) A charter school governing board shall adopt a supplemental materials policy that
- 667 provides flexible guidance to educators on the selection of supplemental materials or
- 668 resources that an educator reviews and selects for classroom use using the educator's
- 669 professional judgment, including whether any process or permission is required
- 670 before classroom use of the materials or resources.
- 671 (e) If a charter school contracts with another party to provide online or digital materials,
- 672 the charter school shall include in the contract a requirement that the provider give
- 673 notice to the charter school any time that the provider makes a material change to the
- 674 content of the online or digital materials, excluding regular informational updates on

675 current events.

676 (f) Nothing in this Subsection (13) requires a charter school governing board to review
677 all learning materials used within the charter school.

678 (14) If information, data, or action from a charter school is necessary for the state board to
679 fulfill a statutory data gathering, compliance, or reporting requirement, a local school
680 board shall provide the relevant information, data, or action, subject to enforcement
681 under Section 53E-3-401.

682 Section 6. **Effective Date.**

683 This bill takes effect on May 7, 2025.