



OFFICE OF THE
STATE AUDITOR

May 31, 2024

Superintendent Wendy Dau
Provo School District
280 West 940 North
Provo, Utah 84604

Dear Superintendent Dau:

During the 2024 General Session, the state legislature passed House Bill 257 “Distinctions on the Basis of Sex,” enacted as Utah Code §63G-31 (Statute).

Section 63G-31-401(1)(a) requires the Office of the State Auditor (Office) to “establish a process to receive and investigate alleged violations of the statute by a government entity.” Effective May 1, 2024, the Office established a process to receive alleged violations. Recently, the Office received a complaint of a possible violation by Provo School District (District). The Office provided the District with information regarding the possible violation as part of the Office’s investigatory process.

Additionally, Section 63G-31-401(1)(b)(ii) requires the Office to provide notice to a government entity when the Office determines a violation has occurred. Section 63G-31-304(2)(a) requires each government entity to adopt a privacy compliance plan by May 1, 2024 to address compliance with the entity’s duties under the Statute. During our investigation, we noted that the District currently has a draft privacy compliance plan, but it has not yet adopted a final version. The draft plan appeared to contain information sufficient to comply with the District’s statutory duty regarding this topic. Statute allows 30 days to cure the violation. Please send the Office a copy of the official policy once adopted. Statute requires the Office to notify the Attorney General if a noted violation is not cured within 30 days.

Other than the lack of an officially-adopted privacy compliance plan, the Office noted no other exception to Statute. The nature of the complaint was such that the Office was unable to identify the validity of the complaint.

We appreciate the timely and cooperative response of the District during this investigation.

Sincerely,

Office of the State Auditor

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