

**Senator Todd D. Weiler** proposes the following substitute bill:

**SCHOOL CLOSURE AMENDMENTS**

2024 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Brady Brammer**

Senate Sponsor: Curtis S. Bramble

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**LONG TITLE**

**General Description:**

This bill amends processes for school closures or school boundary changes.

**Highlighted Provisions:**

This bill:

- ▶ defines a term;
- ▶ requires a local school board, before closing a school or changing the boundaries of a school, to make a motion to notify the affected students' parents of a school closure or boundary change;
- ▶ allows the local school board, after a public hearing, to vote on the school closure or school boundary change;
- ▶ requires the local school board to complete the school closure or school boundary change or process on or before a certain date;
- ▶ allows parents of students affected by boundary changes to request enrollment within a certain time after the boundary change takes effect; and
- ▶ makes technical and conforming changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**



26 None

27 **Utah Code Sections Affected:**

28 AMENDS:

29 **53G-4-402**, as last amended by Laws of Utah 2023, Chapters 16, 252, 343, 352, and

30 435

31 **53G-6-402**, as last amended by Laws of Utah 2023, Chapter 44



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

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

35 **53G-4-402. Powers and duties generally.**

36 (1) A local school board shall:

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

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

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

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

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

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

52 (e) develop early warning systems for students or classes failing to make progress;

53 (f) work with the state board to establish a library of documented best practices,  
54 consistent with state and federal regulations, for use by the special districts;

55 (g) implement training programs for school administrators, including basic  
56 management training, best practices in instructional methods, budget training, staff

57 management, managing for learning results and continuous improvement, and how to help  
58 every [child] student achieve optimal learning in basic academic subjects; and

59 (h) ensure that the local school board meets the data collection and reporting standards  
60 described in Section [53E-3-501](#).

61 (2) Local school boards shall spend Minimum School Program funds for programs and  
62 activities for which the state board has established minimum standards or rules under Section  
63 [53E-3-501](#).

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

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

68 (4) (a) A local school board may participate in the joint construction or operation of a  
69 school attended by students residing within the district and students residing in other districts  
70 either within or outside the state.

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

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

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

74 (iii) be filed with the state board.

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

77 (6) A local school board may enter into cooperative agreements with other local school  
78 boards to provide educational services that best utilize resources for the overall operation of the  
79 school districts, including shared transportation services.

80 (7) [~~Am~~] A local school board shall ensure that an agreement under Subsection (6)  
81 [shall]:

82 (a) [~~be~~] is signed by the president of the local school board of each participating  
83 district;

84 (b) [~~specify~~] specifies the resource being shared;

85 (c) [~~include~~] includes a mutually agreed upon pro rata cost;

86 (d) [~~include~~] includes the duration of the agreement; and

87 (e) [~~be~~] is filed with the state board.

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

91 (9) A local school board:

92 (a) may establish and support school libraries; and

93 (b) shall provide an online platform:

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

98 (ii) (A) for a school district with 1,000 or more enrolled students, no later than August  
99 1, 2024; and

100 (B) for a school district with fewer than 1,000 enrolled students, no later than August  
101 1, 2026.

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

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

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

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

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

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

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

117 (d) Liability may not attach to a school district, its employees, officers, or agents, or to  
118 a safety patrol member, a parent of a safety patrol member, or an authorized volunteer assisting

119 the program by virtue of the organization, maintenance, or operation of a school safety patrol.

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

123 (b) The contributions made under Subsection (14)(a) are not subject to appropriation  
124 by the Legislature.

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

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

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

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

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

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

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

137 (19) (a) A local school board shall establish for each school year a school traffic safety  
138 committee to implement this Subsection (19).

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

140 (i) the schools within the district;

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

142 (iii) the municipality or county;

143 (iv) state or local law enforcement; and

144 (v) state or local traffic safety engineering.

145 (c) The committee shall:

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

149 (ii) review and submit annually to the Department of Transportation and affected

150 municipalities and counties a child access routing plan for each elementary, middle, and junior  
151 high school within the district;

152 (iii) ~~[consult]~~ in consultation with the Utah Safety Council and the Division of Family  
153 Health Services ~~[and]~~, provide training to all students in kindergarten through grade 6, within  
154 the district, on school crossing safety and use; and

155 (iv) help ensure the district's compliance with rules made by the Department of  
156 Transportation under Section [41-6a-303](#).

157 (d) The committee may establish subcommittees as needed to assist in accomplishing  
158 the committee's duties under Subsection (19)(c).

159 (20) (a) A local school board shall adopt and implement a comprehensive emergency  
160 response plan to prevent and combat violence in the local school board's public schools, on  
161 school grounds, on ~~[its]~~ school vehicles, and in connection with school-related activities or  
162 events.

163 (b) The local school board shall ensure that the plan ~~[staff]~~:

164 (i) ~~[include]~~ includes prevention, intervention, and response components;

165 (ii) ~~[be]~~ is consistent with the ~~[student conduct and discipline]~~ school discipline and  
166 conduct policies required for school districts under ~~[Chapter 11, Part 2, Miscellaneous~~  
167 Requirements] Chapter 8, Part 2, School Discipline and Conduct Plans;

168 (iii) ~~[require]~~ requires professional learning for all district and school building staff on  
169 the staff's roles in the emergency response plan;

170 (iv) ~~[provide]~~ provides for coordination with local law enforcement and other public  
171 safety representatives in preventing, intervening, and responding to violence in the areas and  
172 activities referred to in Subsection (20)(a); and

173 (v) ~~[include]~~ includes procedures to notify a student who is off campus at the time of a  
174 school violence emergency because the student is:

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

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

178 (c) The state board, through the state superintendent, shall develop comprehensive  
179 emergency response plan models that local school boards may use, where appropriate, to  
180 comply with Subsection (20)(a).

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

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

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

189 (c) The plan may:

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

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

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

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

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

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

201 (e) The state board, through the state superintendent, shall provide local school boards  
202 with an emergency plan response model that local school boards may use to comply with the  
203 requirements of this Subsection (21).

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

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

209 (i) gifted or advanced learning programs; or

210 (ii) dual language immersion programs.

211 (b) Before closing a school [or], changing the boundaries of a school, or changing or

212 closing the location of a special enrollment program, a local school board shall:

213 (i) at a local school board meeting, make and approve a motion to initiate the  
214 notification required under Subsections (23)(b)(ii) through (iv);

215 ~~[(i)]~~ (ii) at least 90 days before [approving] the day on which the local school board  
216 approves the school closure or at least 30 days before the day on which the local school board  
217 approves a school boundary change, provide notice that the local school board is considering  
218 the closure or boundary change to:

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

222 (B) parents of students enrolled in other schools within the school district that may be  
223 affected by the closure or boundary change, using the same form of communication the local  
224 school board regularly uses to communicate with parents and also by mail, using the United  
225 States Postal Service, to the parents at each known address; and

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

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

230 ~~[(iii)]~~ (iv) provide an opportunity for public comment on the proposed school boundary  
231 change during one public local school board meeting; and

232 (v) hold a public hearing as defined in Section 10-9a-103 and provide public notice of  
233 the public hearing as described in Subsection (23)(b).

234 ~~[(b)]~~ (c) Notice provided under Subsections (23)(b)(ii)(A) and (B) may also be by:

235 (i) email to parents of students that contains only the notice of the proposed school  
236 closure or boundary change; and

237 (ii) providing each student that may be impacted by the school closure or boundary  
238 change a paper copy of the notice to take home to the student's parent.

239 (d) A local school board shall:

240 (i) [The] ensure that the notice of a public hearing required under Subsection  
241 [~~(23)(a)(iii)~~ shall:]

242 [(i) indicate] (23)(b)(v) indicates the:



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

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

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

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

251 [~~iii~~] (iv) at least 30 days before the day on which the public hearing [~~described in~~  
252 ~~Subsection (23)(a)(iii), be provided as described in Subsections (23)(a)(i).~~] occurs, provide  
253 notice of the public hearing in the same manner as the notice of consideration under Subsection  
254 (23)(b)(ii).

255 (e) A motion made under Subsection (23) shall name each school under consideration  
256 for closure in a separate motion.

257 (f) For a school closure, a local school board shall complete the process described in  
258 this Subsection (23) on or before December 31 of the calendar year preceding the beginning of  
259 the school year in which a school closure takes effect.

260 (g) (i) For a school boundary change, a local school board shall complete the process  
261 described in this Subsection (23) no more than 60 days after the day on which the local school  
262 board votes to approve a school closure.

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

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

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

273 (26) (a) As used in this Subsection (26):

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

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

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

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

284 (A) an educator selects for classroom use; and

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

287 (b) A local school board shall:

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

290 (ii) annually notify a parent of a student enrolled in the school district of how to access  
291 the information described in Subsection (26)(b)(i); and

292 (iii) include on the school district's website information about how to access the  
293 information described in Subsection (26)(b)(i).

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

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

298 (ii) ensure that under the process described in Subsection (26)(c)(i), the board:

299 (A) before the meetings described in Subsection (26)(c)(ii)(B), posts the recommended  
300 learning material online to allow for public review or, for copyrighted material, makes the  
301 recommended learning material available at the LEA for public review;

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

305 opinions on the recommendation; and

306 (C) adopts or approves the recommended instructional materials in an open and regular  
307 board meeting.

308 (d) A local school board shall adopt a supplemental materials policy that provides  
309 flexible guidance to educators on the selection of supplemental materials or resources that an  
310 educator reviews and selects for classroom use using the educator's professional judgment,  
311 including whether any process or permission is required before classroom use of the materials  
312 or resources.

313 (e) If an LEA contracts with another party to provide online or digital materials, the  
314 LEA shall include in the contract a requirement that the provider give notice to the LEA any  
315 time that the provider makes a material change to the content of the online or digital materials,  
316 excluding regular informational updates on current events.

317 (f) Nothing in this Subsection (26) requires a local school board to review all learning  
318 materials used within the LEA.

319 Section 2. Section **53G-6-402** is amended to read:

320 **53G-6-402. Open enrollment options -- Procedures -- Processing fee -- Continuing**  
321 **enrollment.**

322 (1) Each local school board is responsible for providing educational services consistent  
323 with Utah state law and rules of the state board for each student who resides in the district and,  
324 as provided in this section through Section [53G-6-407](#) and to the extent reasonably feasible, for  
325 any student who resides in another district in the state and desires to attend a school in the  
326 district, giving priority to a child of a military service member, as that term is defined in  
327 [53B-8-102](#).

328 (2) (a) A school is open for enrollment of nonresident students if the enrollment level  
329 is at or below the open enrollment threshold.

330 (b) If a school's enrollment falls below the open enrollment threshold, the local school  
331 board shall allow a nonresident student to enroll in the school.

332 (3) A local school board may allow enrollment of nonresident students in a school that  
333 is operating above the open enrollment threshold.

334 (4) (a) A local school board shall adopt policies describing procedures for nonresident  
335 students to follow in applying for entry into the district's schools.

336 (b) Those procedures shall provide, as a minimum, for:  
337 (i) distribution to interested parties of information about the school or school district  
338 and how to apply for admission;  
339 (ii) use of standard application forms prescribed by the state board;  
340 (iii) (A) submission of applications from November 15 through the first Friday in  
341 February by those seeking admission during the early enrollment period for the following year;  
342 or  
343 (B) submission of applications from August 1 through November 1 by those seeking  
344 admission during the early enrollment period for the following year in a school district  
345 described in Subsection 53G-6-401(1)(b);  
346 (iv) submission of applications by those seeking admission during the late enrollment  
347 period;  
348 (v) notwithstanding any other provision of this part or Part 3, School District  
349 Residency, submission of applications for at least 30 days after the day on which a school  
350 boundary change takes effect for those affected by the school boundary change;  
351 [~~(v)~~] (vi) written notification to the student's parent of acceptance or rejection of an  
352 application:  
353 (A) within six weeks after receipt of the application by the district or by March 31,  
354 whichever is later, for applications submitted during the early enrollment period;  
355 (B) within two weeks after receipt of the application by the district or by the Friday  
356 before the new school year begins, whichever is later, for applications submitted during the late  
357 enrollment period for admission in the next school year; [~~and~~]  
358 (C) within two weeks after receipt of the application by the district, for applications  
359 submitted during the late enrollment period for admission in the current year; and  
360 (D) within two weeks after receipt of the application by the district, for applications  
361 submitted by students affected by a school district boundary change;  
362 [~~(vi)~~] (vii) written notification to the resident school for intradistrict transfers or the  
363 resident district for interdistrict transfers upon acceptance of a nonresident student for  
364 enrollment; and  
365 [~~(vii)~~] (viii) written notification to the parents of each student that resides within the  
366 school district and other interested parties of the revised early enrollment period described in

367 Subsection [53G-6-401\(1\)\(b\)](#) if:

368 (A) the school district is doing a district wide grade reconfiguration of its elementary,  
369 middle, junior, and senior high schools; and

370 (B) the grade reconfiguration described in Subsection [~~(4)(b)(vii)(A)~~] (4)(b)(viii)(A)  
371 will be implemented in the next school year.

372 (c) (i) Notwithstanding the dates established in Subsection (4)(b) for submitting  
373 applications and notifying parents of acceptance or rejection of an application, a local school  
374 board may delay the dates if a local school board is not able to make a reasonably accurate  
375 projection of the early enrollment school capacity or late enrollment school capacity of a school  
376 due to:

377 (A) school construction or remodeling;

378 (B) drawing or revision of school boundaries; or

379 (C) other circumstances beyond the control of the local school board.

380 (ii) The delay may extend no later than four weeks beyond the date the local school  
381 board is able to make a reasonably accurate projection of the early enrollment school capacity  
382 or late enrollment school capacity of a school.

383 (5) A school district may charge a one-time \$5 processing fee, to be paid at the time of  
384 application.

385 (6) An enrolled nonresident student shall be permitted to remain enrolled in a school,  
386 subject to the same rules and standards as resident students, without renewed applications in  
387 subsequent years unless one of the following occurs:

388 (a) the student graduates;

389 (b) the student is no longer a Utah resident;

390 (c) the student is suspended or expelled from school; [or]

391 (d) except for a student described in Subsection (6)(e), the district determines that  
392 enrollment within the school will exceed the school's open enrollment threshold; or

393 (e) for a child of a military service member, as that term is defined in Section  
394 [53B-8-102](#), who moves from temporary to permanent housing outside of the relevant school  
395 district boundaries following a permanent change of station:

396 (i) in kindergarten through grade 10, the student completes the current school year; or

397 (ii) in grades 11 and 12, the student graduates.

398 (7) (a) Determination of which nonresident students will be excluded from continued  
399 enrollment in a school during a subsequent year under Subsection (6)(d) is based upon time in  
400 the school, with those most recently enrolled being excluded first and the use of a lottery  
401 system when multiple nonresident students have the same number of school days in the school.

402 (b) Nonresident students who will not be permitted to continue their enrollment shall  
403 be notified no later than March 15 of the current school year.

404 (8) The parent of a student enrolled in a school that is not the student's school of  
405 residence may withdraw the student from that school for enrollment in another public school by  
406 submitting notice of intent to enroll the student in:

407 (a) the district of residence; or

408 (b) another nonresident district.

409 (9) Unless provisions have previously been made for enrollment in another school, a  
410 nonresident district releasing a student from enrollment shall immediately notify the district of  
411 residence, which shall enroll the student in the resident district and take such additional steps  
412 as may be necessary to ensure compliance with laws governing school attendance.

413 (10) (a) Except as provided in Subsection (10)(c), a student who transfers between  
414 schools, whether effective on the first day of the school year or after the school year has begun,  
415 by exercising an open enrollment option under this section may not transfer to a different  
416 school during the same school year by exercising an open enrollment option under this section.

417 (b) The restriction on transfers specified in Subsection (10)(a) does not apply to a  
418 student transfer made for health or safety reasons.

419 (c) A local school board may adopt a policy allowing a student to exercise an open  
420 enrollment option more than once in a school year.

421 (11) Notwithstanding Subsections (2) and (6)(d), a student who is enrolled in a school  
422 that is not the student's school of residence, because school bus service is not provided between  
423 the student's neighborhood and school of residence for safety reasons:

424 (a) shall be allowed to continue to attend the school until the student finishes the  
425 highest grade level offered; and

426 (b) shall be allowed to attend the middle school, junior high school, or high school into  
427 which the school's students feed until the student graduates from high school.

428 (12) Notwithstanding any other provision of this part or Part 3, School District

429 Residency, a student shall be allowed to enroll in any charter school or other public school in  
430 any district, including a district where the student does not reside, if the enrollment is  
431 necessary, as determined by the Division of Child and Family Services, to comply with the  
432 provisions of 42 U.S.C. Section 675.

433 Section 3. **Effective date.**

434 This bill takes effect on May 1, 2024.