

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

Special Education Amendments
2026 GENERAL SESSION
STATE OF UTAH
Chief Sponsor: Karen M. Peterson
Senate Sponsor: Heidi Balderree

LONG TITLE

General Description:

This bill creates a written notice requirement related to special education.

Highlighted Provisions:

This bill:

- defines terms;
- requires a local education agency to give written notice to a parent of an eligible student under certain circumstances;
- enacts a certain exclusion related to the notice requirement; and
- makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:

AMENDS:

53G-4-402, as last amended by Laws of Utah 2025, First Special Session, Chapter 16

ENACTS:

53E-7-210, Utah Code Annotated 1953

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

Section 1. Section **53E-7-210** is enacted to read:

53E-7-210 . Boundary change notice requirement.

(1) As used in this section:

(a) "Boundary change" means any change to the geographic boundary or school

28 assignment that affects the location of an eligible student's special class.

29 (b)(i) "Special class" means a placement on the continuum of alternative placements
30 under the Individuals with Disabilities Education Act, 20 U.S.C. Sec. 1400 et seq.
31 where an eligible student receives specially designed instruction in a class
32 designated only for a student with a disability.

33 (ii) "Special class" does not mean a special enrollment program as that term is
34 defined in Subsection 53G-4-402(24).

35 (2)(a) If a boundary change will result in the relocation of an eligible student's special
36 class, the LEA where the eligible student is enrolled shall send the parent of the
37 eligible student written notice of the boundary change:

38 (i) at least 30 days before the effective date of the boundary change;

39 (ii) that includes, at minimum:

40 (A) a description of the action, including the reason for the boundary change and
41 how the boundary change will impact the eligible student;

42 (B) the name and location of the new school or program site;

43 (C) instructions on how the parent may obtain more information about the
44 boundary change;

45 (D) key dates and a timeline for implementation;

46 (E) information about the new school or program, including contact information
47 for relevant staff;

48 (F) information about scheduling an IEP meeting and other transfer services
49 available to the eligible student; and

50 (G) instructions on how the parent may obtain other logistical information
51 relevant to the boundary change, including transportation arrangements; and

52 (iii) through one or more of the following methods:

53 (A) regular mail;

54 (B) certified mail;

55 (C) email; or

56 (D) hand delivery.

57 (b) Notwithstanding Subsection (2)(a), an LEA is not required to notify a parent if the
58 boundary change that results in the relocation of an eligible student's special class
59 occurs due to compliance with Subsection 53G-4-402(24).

60 (3) Before implementing a boundary change that affects a special class an LEA shall:

61 (a) provide a parent of an affected eligible student an opportunity to submit a written or

62 verbal comment regarding the proposed boundary change; and
63 (b) document and consider each comment the LEA receives before making a final
64 decision.

65 Section 2. Section **53G-4-402** is amended to read:

66 **53G-4-402 . Powers and duties generally.**

67 (1) A local school board shall:

- 68 (a) implement the core standards for Utah public schools using instructional materials
69 that best correlate to the core standards for Utah public schools and graduation
70 requirements;
- 71 (b) administer tests, required by the state board, which measure the progress of each
72 student, and coordinate with the state superintendent and state board to assess results
73 and create plans to improve the student's progress, which shall be submitted to the
74 state board for approval;
- 75 (c) use progress-based assessments as part of a plan to identify schools, teachers, and
76 students that need remediation and determine the type and amount of federal, state,
77 and local resources to implement remediation;
- 78 (d) for each grading period and for each course in which a student is enrolled, issue a
79 grade or performance report to the student:
80 (i) that reflects the student's work, including the student's progress based on mastery,
81 for the grading period; and
82 (ii) in accordance with the local school board's adopted grading or performance
83 standards and criteria;
- 84 (e) develop early warning systems for students or classes failing to make progress;
- 85 (f) work with the state board to establish a library of documented best practices,
86 consistent with state and federal regulations, for use by the special districts;
- 87 (g) implement training programs for school administrators, including basic management
88 training, best practices in instructional methods, budget training, staff management,
89 managing for learning results and continuous improvement, and how to help every
90 student achieve optimal learning in basic academic subjects; and
- 91 (h) ensure that the local school board meets the data collection and reporting standards
92 described in Section 53E-3-501.

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

- 96 (3)(a) A local school board may purchase, sell, and make improvements on school sites,
97 buildings, and equipment, and construct, erect, and furnish school buildings.
- 98 (b) School sites or buildings may only be conveyed or sold on local school board
99 resolution affirmed by at least two-thirds of the school board members.
- 100 (4)(a) A local school board may participate in the joint construction or operation of a
101 school attended by students residing within the district and students residing in other
102 districts either within or outside the state.
- 103 (b) Any agreement for the joint operation or construction of a school shall:
104 (i) be signed by the president of the local school board of each participating district;
105 (ii) include a mutually agreed upon pro rata cost; and
106 (iii) be filed with the state board.
- 107 (5) A local school board may establish, locate, and maintain elementary, secondary, and
108 applied technology schools.
- 109 (6) A local school board may enter into cooperative agreements with other local school
110 boards to provide educational services that best utilize resources for the overall
111 operation of the school districts, including shared transportation services.
- 112 (7) A local school board shall ensure that an agreement under Subsection (6):
113 (a) is signed by the president of the local school board of each participating district;
114 (b) specifies the resource being shared;
115 (c) includes a mutually agreed upon pro rata cost;
116 (d) includes the duration of the agreement; and
117 (e) is filed with the state board.
- 118 (8)(a) Except as provided in Section 53E-3-905 and Subsection (8)(b), a local school
119 board may enroll children in school who are at least five years old before September
120 2 of the year in which admission is sought.
- 121 (b) A local school board may enroll a child in kindergarten who does not meet the age
122 requirement described in Subsection (8)(a) if the child:
123 (i) moves to Utah from a different state in which the child, during the relevant school
124 year:
125 (A) was a resident; and
126 (B) was enrolled in kindergarten in accordance with the previous state's age
127 requirements for kindergarten enrollment; and
128 (ii) transfers to the enrolling school after the beginning of the same school year.
- 129 (9) A local school board:

- 130 (a) may establish and support school libraries; and
- 131 (b) shall provide an online platform:
- 132 (i) through which a parent is able to view the title, author, and a description of any
- 133 material the parent's child borrows from the school library, including a history of
- 134 borrowed materials, either using an existing online platform that the LEA uses or
- 135 through a separate platform; and
- 136 (ii)(A) for a school district with 1,000 or more enrolled students, no later than
- 137 August 1, 2024; and
- 138 (B) for a school district with fewer than 1,000 enrolled students, no later than
- 139 August 1, 2026.
- 140 (10) A local school board may collect damages for the loss, injury, or destruction of school
- 141 property.
- 142 (11) A local school board may authorize guidance and counseling services for students and
- 143 the student's parents before, during, or following school enrollment.
- 144 (12)(a) A local school board shall administer and implement federal educational
- 145 programs in accordance with Title 53E, Chapter 3, Part 8, Implementing Federal or
- 146 National Education Programs.
- 147 (b) Federal funds are not considered funds within the school district budget under
- 148 Chapter 7, Part 3, Budgets.
- 149 (13)(a) A local school board may organize school safety patrols and adopt policies under
- 150 which the patrols promote student safety.
- 151 (b) A student appointed to a safety patrol shall be at least 10 years old and have written
- 152 parental consent for the appointment.
- 153 (c) Safety patrol members may not direct vehicular traffic or be stationed in a portion of
- 154 a highway intended for vehicular traffic use.
- 155 (d) Liability may not attach to a school district, its employees, officers, or agents, or to a
- 156 safety patrol member, a parent of a safety patrol member, or an authorized volunteer
- 157 assisting the program by virtue of the organization, maintenance, or operation of a
- 158 school safety patrol.
- 159 (14)(a) A local school board may on its own behalf, or on behalf of an educational
- 160 institution for which the local school board is the direct governing body, accept
- 161 private grants, loans, gifts, endowments, devises, or bequests that are made for
- 162 educational purposes.
- 163 (b) The contributions made under Subsection (14)(a) are not subject to appropriation by

- 164 the Legislature.
- 165 (15)(a) A local school board may appoint and fix the compensation of a compliance
166 officer to issue citations for violations of Subsection 76-9-1106(3)(c).
- 167 (b) A person may not be appointed to serve as a compliance officer without the person's
168 consent.
- 169 (c) A teacher or student may not be appointed as a compliance officer.
- 170 (16) A local school board shall adopt bylaws and policies for the local school board's own
171 procedures.
- 172 (17)(a) A local school board shall make and enforce policies necessary for the control
173 and management of the district schools.
- 174 (b) Local school board policies shall be in writing, filed, and referenced for public
175 access.
- 176 (18) A local school board may hold school on legal holidays other than Sundays.
- 177 (19)(a) A local school board shall establish for each school year a school traffic safety
178 committee to implement this Subsection (19).
- 179 (b) The committee shall be composed of one representative of:
- 180 (i) the schools within the district;
- 181 (ii) the Parent Teachers' Association of the schools within the district;
- 182 (iii) the municipality or county;
- 183 (iv) state or local law enforcement; and
- 184 (v) state or local traffic safety engineering.
- 185 (c) The committee shall:
- 186 (i) receive suggestions from school community councils, parents, teachers, and
187 others, and recommend school traffic safety improvements, boundary changes to
188 enhance safety, and school traffic safety program measures;
- 189 (ii) review and submit annually to the Department of Transportation and affected
190 municipalities and counties a child access routing plan for each elementary,
191 middle, and junior high school within the district;
- 192 (iii) in consultation with the Utah Safety Council and the Division of Family Health,
193 provide training to all students in kindergarten through grade 6, within the district,
194 on school crossing safety and use; and
- 195 (iv) help ensure the district's compliance with rules made by the Department of
196 Transportation under Section 41-6a-303.
- 197 (d) The committee may establish subcommittees as needed to assist in accomplishing the

- 198 committee's duties under Subsection (19)(c).
- 199 (20)(a) A local school board shall adopt and implement a comprehensive emergency
200 response plan to prevent and combat violence in the local school board's public
201 schools, on school grounds, on school vehicles, and in connection with
202 school-related activities or events.
- 203 (b) The local school board shall ensure that the plan:
- 204 (i) includes prevention, intervention, and response components;
- 205 (ii) is consistent with the school discipline and conduct policies required for school
206 districts under Chapter 8, Part 2, School Discipline and Conduct Plans;
- 207 (iii) requires professional learning for all district and school building staff on the
208 staff's roles in the emergency response plan;
- 209 (iv) provides for coordination with local law enforcement and other public safety
210 representatives in preventing, intervening, and responding to violence in the areas
211 and activities referred to in Subsection (20)(a); and
- 212 (v) includes procedures to notify a student who is off campus at the time of a school
213 violence emergency because the student is:
- 214 (A) participating in a school-related activity; or
- 215 (B) excused from school for a period of time during the regular school day to
216 participate in religious instruction at the request of the student's parent.
- 217 (c) The state board, through the state superintendent, shall develop comprehensive
218 emergency response plan models that local school boards may use, where
219 appropriate, to comply with Subsection (20)(a).
- 220 (d) A local school board shall, by July 1 of each year, certify to the state board that its
221 plan has been practiced at the school level and presented to and reviewed by its
222 teachers, administrators, students, and the student's parents and local law enforcement
223 and public safety representatives.
- 224 (21)(a) A local school board may adopt an emergency response plan for the treatment of
225 sports-related injuries that occur during school sports practices and events.
- 226 (b) The plan may be implemented by each secondary school in the district that has a
227 sports program for students.
- 228 (c) The plan may:
- 229 (i) include emergency personnel, emergency communication, and emergency
230 equipment components;
- 231 (ii) require professional learning on the emergency response plan for school

- 232 personnel who are involved in sports programs in the district's secondary schools;
233 and
- 234 (iii) provide for coordination with individuals and agency representatives who:
235 (A) are not employees of the school district; and
236 (B) would be involved in providing emergency services to students injured while
237 participating in sports events.
- 238 (d) The local school board, in collaboration with the schools referred to in Subsection
239 (21)(b), may review the plan each year and make revisions when required to improve
240 or enhance the plan.
- 241 (e) The state board, through the state superintendent, shall provide local school boards
242 with an emergency plan response model that local school boards may use to comply
243 with the requirements of this Subsection (21).
- 244 (22)(a) A local school board shall approve an LEA's policies and procedures that an
245 LEA develops to ensure that students have non-electronic notification of and access
246 to:
- 247 (i) school activities and events, including:
248 (A) schedule changes;
249 (B) extracurricular activities; and
250 (C) sporting events; and
251 (ii) the emergency response plans described in Subsections (20) and (21).
- 252 (b) Notwithstanding Subsection (22)(a), an LEA may provide electronic notification of
253 and access to school activities and events as described in Subsections (22)(a)(i) and
254 (ii) if:
255 (i)(A) the school provides each student with an electronic device; and
256 (B) the electronic device is capable of receiving electronic notification of and
257 access to school activities and events as described in Subsections (22)(a)(i) and
258 (ii); or
259 (ii) an emergency, unforeseen circumstance, or other incident arises and an LEA
260 cannot reasonably provide timely non-electronic notification.
- 261 (c) An LEA may not require the use of a privately owned electronic device to complete
262 course work.
- 263 (23) A local school board shall do all other things necessary for the maintenance,
264 prosperity, and success of the schools and the promotion of education.
- 265 (24)(a)(i) As used in this subsection, "special enrollment program" means a full-day

- 266 academic program in which a parent opts to enroll the parent's student and that is
267 offered at a specifically designated school within an LEA, including:
- 268 [(i)] (A) gifted or advanced learning programs; or
269 [(ii)] (B) dual language immersion programs.
- 270 (ii) "Special enrollment program" does not mean a special class as that term is
271 defined in Section 53E-7-210.
- 272 (b) Before closing a school, changing the boundaries of a school, or changing or closing
273 the location of a special enrollment program, a local school board shall:
- 274 (i) at a local school board meeting, make and approve a motion to initiate the
275 notification required under Subsections (24)(b)(ii) through (iv);
- 276 (ii) on or before 90 days before the day on which the local school board approves the
277 school closure or at least 30 days before the day on which the local school board
278 approves a school boundary change, provide notice that the local school board is
279 considering the closure or boundary change to:
- 280 (A) parents of students enrolled in the school, using the same form of
281 communication the local school board regularly uses to communicate with
282 parents and also by mail, using the United States Postal Service, to the parents
283 at each known address;
- 284 (B) parents of students enrolled in other schools within the school district that may
285 be affected by the closure or boundary change, using the same form of
286 communication the local school board regularly uses to communicate with
287 parents and also by mail, using the United States Postal Service, to the parents
288 at each known address; and
- 289 (C) the governing council and the mayor of the municipality in which the school is
290 located;
- 291 (iii) provide an opportunity for public comment on the proposed school closure
292 during at least two public local school board meetings;
- 293 (iv) provide an opportunity for public comment on the proposed school boundary
294 change during one public local school board meeting; and
- 295 (v) hold a public hearing as defined in Section 10-20-102 and provide public notice
296 of the public hearing in accordance with Subsection (24)(c).
- 297 (c) A local school board shall:
- 298 (i) ensure that the notice of a public hearing required under Subsection (24)(b)(v)
299 indicates the:

- 300 (A) name of the school or schools under consideration for closure or boundary
301 change; and
- 302 (B) the date, time, and location of the public hearing;
- 303 (ii) if feasible, hold the public hearing at the location of the school that is under
304 consideration for closure;
- 305 (iii) for at least 10 days before the day on which the public hearing occurs, publish
306 the notice of public hearing occurs, publish the notice of the public hearing for the
307 school district in which the school is located, as a class A notice under Section
308 63G-30-102; and
- 309 (iv) at least 30 days before the day on which the public hearing occurs, provide notice
310 of the public hearing in the same manner as the notice of consideration under
311 Subsection (24)(b)(ii).
- 312 (d) A motion made under Subsection (24)(b) shall name each school under consideration
313 for closure in a separate motion.
- 314 (e) For a school closure, a local school board shall complete the process described in this
315 Subsection (24) on or before December 31 of the calendar year preceding the
316 beginning of the school year in which a school closure takes effect.
- 317 (f)(i) For a school boundary change, a local school board shall complete the process
318 described in this Subsection (24) no more than 60 days after the day on which the
319 local school board votes to approve a school closure.
- 320 (ii) Parents of students enrolled in a school affected by a boundary change shall have
321 at least 30 days after the day on which the local school board votes to approve a
322 school boundary change to request an out of area enrollment request in accordance
323 with Chapter 6, Part 4, School District Enrollment.
- 324 (25) A local school board may implement a facility energy efficiency program established
325 under Title 11, Chapter 44, Performance Efficiency Act.
- 326 (26) A local school board may establish or partner with a certified youth court in
327 accordance with Section 80-6-902 or establish or partner with a comparable restorative
328 justice program, in coordination with schools in that district. A school may refer a
329 student to a youth court or a comparable restorative justice program in accordance with
330 Section 53G-8-211.
- 331 (27)(a) As used in this Subsection (27):
- 332 (i) "Learning material" means any learning material or resource used to deliver or
333 support a student's learning, including textbooks, reading materials, videos, digital

- 334 materials, websites, and other online applications.
- 335 (ii)(A) "Instructional material" means learning material that a local school board
336 adopts and approves for use within the LEA.
- 337 (B) "Instructional material" does not include learning material used in a
338 concurrent enrollment, advanced placement, or international baccalaureate
339 program or class or another class with required instructional material that is not
340 subject to selection by the local school board.
- 341 (iii) "Supplemental material" means learning material that:
- 342 (A) an educator selects for classroom use; and
- 343 (B) a local school board has not considered and adopted, approved, or prohibited
344 for classroom use within the LEA.
- 345 (b) A local school board shall:
- 346 (i) make instructional material that the school district uses readily accessible and
347 available for a parent to view;
- 348 (ii) annually notify a parent of a student enrolled in the school district of how to
349 access the information described in Subsection (27)(b)(i); and
- 350 (iii) include on the school district's website information about how to access the
351 information described in Subsection (27)(b)(i).
- 352 (c) In selecting and approving instructional materials for use in the classroom, a local
353 school board shall:
- 354 (i) establish an open process, involving educators and parents of students enrolled in
355 the LEA, to review and recommend instructional materials for board approval; and
- 356 (ii) ensure that under the process described in Subsection (27)(c)(i), the board:
- 357 (A) before the meetings described in Subsection (27)(c)(ii)(B), posts the
358 recommended learning material online to allow for public review or, for
359 copyrighted material, makes the recommended learning material available at
360 the LEA for public review;
- 361 (B) before adopting or approving the recommended instructional materials, holds
362 at least two public meetings on the recommendation that provides an
363 opportunity for educators whom the LEA employs and parents of students
364 enrolled in the LEA to express views and opinions on the recommendation; and
- 365 (C) adopts or approves the recommended instructional materials in an open and
366 regular board meeting.
- 367 (d) A local school board shall adopt a supplemental materials policy that provides

368 flexible guidance to educators on the selection of supplemental materials or resources
369 that an educator reviews and selects for classroom use using the educator's
370 professional judgment, including whether any process or permission is required
371 before classroom use of the materials or resources.

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

376 (f) Nothing in this Subsection (27) requires a local school board to review all learning
377 materials used within the LEA.

378 (28) If information, data, or action from a school district is necessary for the state board to
379 fulfill a statutory data gathering, compliance, or reporting requirement, a local school
380 board shall provide the relevant information, data, or action, subject to enforcement
381 under Section 53E-3-401.

382 Section 3. **Effective Date.**

383 This bill takes effect on July 1, 2026.