

HB0143S01 compared with HB0143

~~{Omitted text}~~ shows text that was in HB0143 but was omitted in HB0143S01

inserted text shows text that was not in HB0143 but was inserted into HB0143S01

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1

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



2

3 **LONG TITLE**

4 **General Description:**

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

6 **Highlighted Provisions:**

7 This bill:

- 8 ▶ defines terms; ~~{and}~~
- 9 ▶ requires a local education agency to give written notice to a parent of an eligible student under certain circumstances ~~{:}~~ ;
- 11 ▶ enacts a certain certain exclusion related to the notice requirement; and
- 12 ▶ makes technical and conforming changes.

13 **Money Appropriated in this Bill:**

14 None

15 **Other Special Clauses:**

16 This bill provides a special effective date.

17 **Utah Code Sections Affected:**

18 AMENDS:

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19 53G-4-402 , as last amended by Laws of Utah 2025, First Special Session, Chapter 16

20 ENACTS:

21 **53E-7-210** , Utah Code Annotated 1953

22

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

24 Section 1. Section 1 is enacted to read:

25 **53E-7-210. Boundary change notice requirement.**

26 (1) As used in this section:

27 (a) "Boundary change" means any change to the geographic boundary or school assignment that affects
28 the location of an eligible student's special class.

29 (b)

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

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

35 (2)

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

39 (a){(i)} at least 30 days before the effective date of the boundary change;

40 (b){(ii)} that includes, at minimum:

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

43 (ii){(B)} the name and location of the new school or program site;

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

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

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

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

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

46 (c){(iii)} through one or more of the following methods:

47 (i){(A)} regular mail;

48 (ii){(B)} certified mail;

49 (iii){(C)} email; or

50 (iv){(D)} hand delivery.

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

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

52 (a) provide a parent of an affected eligible student an opportunity to submit a written or verbal comment regarding the proposed boundary change; and

54 (b) document and consider each comment the LEA receives before making a final 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 that best correlate to the core standards for Utah public schools and graduation requirements;

71 (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;

75 (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;

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

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

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

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

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- 85 (f) work with the state board to establish a library of documented best practices, consistent with state
and federal regulations, for use by the special districts;
- 87 (g) implement training programs for school administrators, including basic management training, best
practices in instructional methods, budget training, staff management, managing for learning results
and continuous improvement, and how to help every student achieve optimal learning in basic
academic subjects; and
- 91 (h) ensure that the local school board meets the data collection and reporting standards described in
Section 53E-3-501.
- 93 (2) Local school boards shall spend Minimum School Program funds for programs and activities for
which the state board has established minimum standards or rules under Section 53E-3-501.
- 96 (3)
- (a) A local school board may purchase, sell, and make improvements on school sites, 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 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 school attended by
students residing within the district and students residing in other 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 applied
technology schools.
- 109 (6) A local school board may enter into cooperative agreements with other local school boards to
provide educational services that best utilize resources for the overall 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;

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- 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 board may enroll children in school who are at least five years old before September 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 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 year:
- 125 (A) was a resident; and
- 126 (B) was enrolled in kindergarten in accordance with the previous state's age 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 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
- 136 (ii)
- (A) for a school district with 1,000 or more enrolled students, no later than August 1, 2024; and
- 138 (B) for a school district with fewer than 1,000 enrolled students, no later than August 1, 2026.
- 140 (10) A local school board may collect damages for the loss, injury, or destruction of school property.
- 142 (11) A local school board may authorize guidance and counseling services for students and the student's parents before, during, or following school enrollment.
- 144 (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.
- 147 (b) Federal funds are not considered funds within the school district budget under Chapter 7, Part 3, Budgets.

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- 149 (13)
- (a) A local school board may organize school safety patrols and adopt policies under 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 parental consent for the appointment.
- 153 (c) Safety patrol members may not direct vehicular traffic or be stationed in a portion of 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 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.
- 159 (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.
- 163 (b) The contributions made under Subsection (14)(a) are not subject to appropriation by the Legislature.
- 165 (15)
- (a) A local school board may appoint and fix the compensation of a compliance 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 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 procedures.
- 172 (17)
- (a) A local school board shall make and enforce policies necessary for the control and management of the district schools.
- 174 (b) Local school board policies shall be in writing, filed, and referenced for public 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 committee to implement this Subsection (19).
- 179 (b) The committee shall be composed of one representative of:
- 180 (i) the schools within the district;

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- 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 others, and recommend
school traffic safety improvements, boundary changes to enhance safety, and school traffic safety
program measures;
- 189 (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;
- 192 (iii) in consultation with the Utah Safety Council and the Division of Family Health, provide training to
all students in kindergarten through grade 6, within the district, on school crossing safety and use;
and
- 195 (iv) help ensure the district's compliance with rules made by the Department of Transportation under
Section 41-6a-303.
- 197 (d) The committee may establish subcommittees as needed to assist in accomplishing the committee's
duties under Subsection (19)(c).
- 199 (20)
- (a) A local school board shall adopt and implement a comprehensive emergency response plan to
prevent and combat violence in the local school board's public schools, on school grounds, on
school vehicles, and in connection with 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 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 staff's roles in the
emergency response plan;
- 209 (iv) provides for coordination with local law enforcement and other public safety representatives
in preventing, intervening, and responding to violence in the areas and activities referred to in
Subsection (20)(a); and

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- 212 (v) includes procedures to notify a student who is off campus at the time of a school 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 participate in religious
instruction at the request of the student's parent.
- 217 (c) The state board, through the state superintendent, shall develop comprehensive emergency response
plan models that local school boards may use, where appropriate, to comply with Subsection (20)
(a).
- 220 (d) A local school board shall, by July 1 of each year, certify to the state board that its plan has been
practiced at the school level and presented to and reviewed by its teachers, administrators, students,
and the student's parents and local law enforcement and public safety representatives.
- 224 (21)
- (a) A local school board may adopt an emergency response plan for the treatment of sports-related
injuries that occur during school sports practices and events.
- 226 (b) The plan may be implemented by each secondary school in the district that has a sports program for
students.
- 228 (c) The plan may:
- 229 (i) include emergency personnel, emergency communication, and emergency equipment components;
- 231 (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
- 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 participating in sports
events.
- 238 (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.
- 241 (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).
- 244 (22)

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- (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:
- 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 and access to school activities and events as described in Subsections (22)(a)(i) and (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 access to school activities and events as described in Subsections (22)(a)(i) and (ii); or
- 259 (ii) an emergency, unforeseen circumstance, or other incident arises and an LEA cannot reasonably provide timely non-electronic notification.
- 261 (c) An LEA may not require the use of a privately owned electronic device to complete course work.
- 263 (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.
- 265 (24)
- (a)
- (i) 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:
- 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 defined in Section 53E-7-210.
- 272 (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:
- 274 (i) at a local school board meeting, make and approve a motion to initiate the notification required under Subsections (24)(b)(ii) through (iv);

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- 276 (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:
- 280 (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;
- 284 (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
- 289 (C) the governing council and the mayor of the municipality in which the school is located;
- 291 (iii) provide an opportunity for public comment on the proposed school closure during at least two
public local school board meetings;
- 293 (iv) provide an opportunity for public comment on the proposed school boundary 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 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) indicates the:
- 300 (A) name of the school or schools under consideration for closure or boundary 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 consideration for
closure;
- 305 (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
- 309 (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).
- 312 (d) A motion made under Subsection (24)(b) shall name each school under consideration for closure in
a separate motion.

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- (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.
- 317 (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.
- 320 (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.
- 324 (25) A local school board may implement a facility energy efficiency program established under Title 11, Chapter 44, Performance Efficiency Act.
- 326 (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.
- 331 (27)
- (a) As used in this Subsection (27):
- 332 (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.
- 335 (ii)
- (A) "Instructional material" means learning material that a local school board adopts and approves for use within the LEA.
- 337 (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.
- 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 for classroom use within the LEA.

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- 345 (b) A local school board shall:
- 346 (i) make instructional material that the school district uses readily accessible and available for a parent
to view;
- 348 (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
- 350 (iii) include on the school district's website information about how to access the information described
in Subsection (27)(b)(i).
- 352 (c) In selecting and approving instructional materials for use in the classroom, a local school board
shall:
- 354 (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
- 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 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;
- 361 (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
- 365 (C) adopts or approves the recommended instructional materials in an open and regular board meeting.
- 367 (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.
- 372 (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.
- 376 (f) Nothing in this Subsection (27) requires a local school board to review all learning materials used
within the LEA.

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(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.

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Section 3. **Effective date.**

Effective Date.

This bill takes effect on July 1, 2026.

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