

HB0310S02 compared with HB0310S03

20 **Utah Code Sections Affected:**

21 AMENDS:

22 **53G-6-403** , as last amended by Laws of Utah 2019, Chapter 293

23 **53G-6-604** , as renumbered and amended by Laws of Utah 2018, Chapter 3

24 **53G-8-213** , as last amended by Laws of Utah 2025, Chapter 348

25 **53G-8-403** , as last amended by Laws of Utah 2024, Chapter 532

26 **53G-9-902** , as last amended by Laws of Utah 2025, First Special Session, Chapter 9

27 **63M-7-208** , as last amended by Laws of Utah 2024, Chapter 240

28 **80-6-103** , as last amended by Laws of Utah 2025, Chapters 173, 208

29

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

31 Section 1. Section **53G-6-403** is amended to read:

32 **53G-6-403. Policies for acceptance and rejection of applications.**

33 (1)

(a) A local school board shall adopt policies governing acceptance and rejection of applications required under Section 53G-6-402.

35 (b) The policies adopted under Subsection (1)(a) shall include policies and procedures to assure that decisions regarding enrollment requests are administered fairly without prejudice to any student or class of student, except as provided in Subsection (2).

38 (2) Standards for accepting or rejecting an application for enrollment may include:

39 (a) for an elementary school, the capacity of the grade level;

40 (b) for a secondary school, the capacity of a comprehensive program;

41 (c) maintenance of heterogeneous student populations if necessary to avoid violation of constitutional or statutory rights of students;

43 (d) not offering, or having capacity in, an elementary or secondary special education or other special program the student requires;

45 (e) maintenance of reduced class sizes:

46 (i) in a Title I school that uses federal, state, and local money to reduce class sizes for the purpose of improving student achievement; or

48 (ii) in a school that uses school trust money to reduce class size;

49 (f) willingness of prospective students to comply with district policies; and

HB0310S02 compared with HB0310S03

- 50 (g) giving priority to intradistrict transfers over interdistrict transfers.
51 (3)
- (a) Standards for accepting or rejecting applications for enrollment may not include:
- 52 (i) previous academic achievement;
53 (ii) athletic or other extracurricular ability;
54 (iii) the fact that the student requires special education services for which space is available;
56 (iv) proficiency in the English language; or
57 (v) previous disciplinary proceedings, except as provided in Subsection (3)(b).
- (b) A local school board may provide for the denial of applications from students who:
- 59 (i) have committed serious infractions of the law or school policies, including policies of the district in
which enrollment is sought; [or]
- 61 (ii) have been guilty of chronic misbehavior which would, if it were to continue after the student was
admitted:
- 63 (A) endanger persons or property;
64 (B) cause serious disruptions in the school; or
65 (C) place unreasonable burdens on school staff[:]; or
66 (iii) have any school safety incidents or safe-school violations.
- (c) A local school board may also provide for provisional enrollment of students with prior behavior
problems, establishing conditions under which enrollment of a nonresident student would be
permitted or continued.
- 70 (4)
- (a) The state board, in consultation with the Utah High School Activities Association, shall establish
policies regarding nonresident student participation in interscholastic competition.
- 73 (b) Nonresident students shall be eligible for extracurricular activities at a public school consistent with
eligibility standards as applied to students that reside within the school attendance area, except as
provided by policies established under Subsection (4)(a).
- 77 (5) For each school in the district, the local school board shall post on the school district's website:
- 79 (a) the school's maximum capacity;
80 (b) the school's adjusted capacity;
81 (c) the school's projected enrollment used in the calculation of the open enrollment threshold;
83 (d) actual enrollment on October 1, January 2, and April 1;

HB0310S02 compared with HB0310S03

- 84 (e) the number of nonresident student enrollment requests;
85 (f) the number of nonresident student enrollment requests accepted; and
86 (g) the number of resident students transferring to another school.

87 Section 2. Section **53G-6-604** is amended to read:

88 **53G-6-604. Requirement of school record for transfer of student -- Procedures.**

89 (1) Except as provided in Section 53E-3-905, a school shall request a certified copy of a transfer
student's record, directly from the transfer student's previous school~~[, within 14 days after enrolling~~
~~the transfer student].~~

92 (2)

(a)

(i) Except as provided in Subsection (2)(b) and Section 53E-3-905, a school requested to forward
a certified copy of a transferring student's record to the new school shall comply within ~~[30]~~ 10
school days of the request.

95 (ii) The student record shall include the student's discipline file including any safe-school violation,
reintegration, or threat assessment.

97 (b) If the record has been flagged ~~[pursuant to]~~ in accordance with Section 53G-6-602, a school may
not forward the record to the new school and the requested school shall notify the division of the
request.

100 (c) A school may not enroll a student unless the student record from the previous school is received
or the school administrator or designee reviews the data gateway for any safe-school violation,
reintegration, or threat assessment.

103 Section 3. Section **53G-8-213** is amended to read:

104 **53G-8-213. Reintegration plan for student alleged to have committed violent felony or**
weapon offense.

106 (1) As used in this section, "multidisciplinary team" means:

107 (a) the local education agency or designee;

108 (b) the juvenile court or designee;

109 (c) the Division of Juvenile Justice and Youth Services or designee;

110 (d) a school safety and security specialist designated under Section 53G-8-701.6 or designee if
applicable;

112 (e) school safety and security director designated under Section 53G-8-701.8 or designee if applicable;

HB0310S02 compared with HB0310S03

- 114 (f) a school resource officer if applicable; ~~[and]~~ or
- 115 (g) any other relevant party that should be involved in a reintegration plan.
- 116 (2)
- (a) ~~If [a school district]~~ an LEA receives a notification from the juvenile court or a law enforcement agency that a student was arrested for, charged with, or adjudicated in the juvenile court for a serious offense, the LEA and the relevant school shall develop a reintegration plan for the student with a multidisciplinary team, the student, and the student's parent or guardian, within ~~[five]~~ seven school days after the day on which the school receives a notification while school is in session.
- 122 (b) ~~If {a school district}~~ an LEA receives a notification when school is not in session from the juvenile court or a law enforcement agency that a student was arrested for, charged with, or adjudicated in the juvenile court for a serious offense, the school shall develop a reintegration plan for the student with a multidisciplinary team, the student, and the student's parent within seven school days of school being back in session from summer break.
- 128 (3) The relevant school described in Subsection (2) may deny admission to the student until the school completes the reintegration plan under Subsection (2).
- 130 (4)
- (a) The reintegration plan under Subsection (2) shall ~~[address]~~ include:
- 131 ~~[(a)]~~ (i) a behavioral intervention for the student;
- 132 ~~[(b)]~~ (ii) a short-term mental health or counseling service for the student;
- 133 ~~[(c)]~~ (iii) an academic intervention for the student; ~~[and]~~ or
- 134 (iv) any other interventions that the multidisciplinary team, the student, and the student's parent or guardian determine are necessary.
- 136 ~~[(d)]~~ (b) ~~[(f)]~~ If the serious offense was directed at a school employee or another student within the school, notification of the reintegration plan to that school employee or student and the student's parent.
- 139 (5) ~~[A school district]~~ An LEA may not reintegrate a student into a school where:
- 140 (a) a student or staff member has a protective order against the student being reintegrated; or
- 142 (b) a student or staff member is the victim of ~~[a] [sexual crime or forcible felony committed by the student being reintegrated]~~ an offense listed in Section 76-3-203.5 where the student is seeking reintegration or continued enrollment has been found to be adjudicated.

146

HB0310S02 compared with HB0310S03

(6) A reintegration plan under this section will remain in effect for an entire school year or 180 days from the plan's implementation, or as long as the multidisciplinary team deems the reintegration plan necessary.

149 [(6)] (7)

(a) Notwithstanding Subsection (2), [~~a school district~~] an LEA may elect to not integrate a student into a school if the student has committed, or allegedly committed, a forcible felony.

152 (b) If [~~a school district~~] an LEA elects to not integrate a student under Subsection [(6)(a)] (7)(a), the school district shall provide alternative education options for the student.

154 [(7)] (8) A reintegration plan under this section is classified as a protected record under Section 63G-2-305.

156 [(8)] (9) All other records of disclosures under this section are governed by Title 63G, Chapter 2, Government Records Access and Management Act, and the Family Educational Rights and Privacy Act, 20 U.S.C. Sec. 1232g.

159 Section 4. Section **53G-8-403** is amended to read:

160 **53G-8-403. Superintendent required to notify school.**

161 (1) "LEA head" means the superintendent of a school district or the director of a charter school.

163 (2) Within three days of receiving a notification from the juvenile court or a law enforcement agency under Section 80-6-103, the LEA head or LEA head's designee shall notify the principal of the school the juvenile attends or last attended.

166 (3) Upon receipt of the information, the principal shall:

167 (a) make a notation in a secure file other than the student's permanent file; and

168 (b) if the student is still enrolled in the school, notify staff members who, in his opinion, should know of the adjudication.

170 (4) A person receiving information [~~pursuant to~~] in accordance with this part may only disclose the information to other persons having both a right and a current need to know.

172 (5) Access to secure files shall be limited to persons authorized to receive information under this part.

174 (6) Beginning no later than July 1, 2025, an LEA shall digitally maintain the [~~secure~~] cumulative file described in Subsection (3) or, if available, the [~~students~~] student's related reintegration plan described in 53G-8-213, for one year from the day the notice is received and ensure the secure file follows the student if the student transfers to a different school or LEA.

179 Section 5. Section **53G-9-902** is amended to read:

HB0310S02 compared with HB0310S03

- 180 **53G-9-902. Informed parental consent required -- Parental notification required.**
- 181 (1) Except as provided in a student's IEP or Section 504 accommodation plan:
- 182 (a) an individual who is not authorized personnel may not provide a restricted service; and
- 184 (b) authorized personnel may not provide a restricted service:
- 185 (i) outside the scope of the relevant license; or
- 186 (ii) with other students present.
- 187 (2) For authorized personnel to provide a restricted service,¹[~~2~~]
- 188 ~~[(a)]~~ the relevant LEA, school, or authorized personnel shall obtain informed written parental consent
 before the first session of a restricted service in a given school year, using a standard form that
 includes:
- 191 ~~[(i)]~~ (a) fields for at least the following information:
- 192 ~~[(A)]~~ (i) the name of the student;
- 193 ~~[(B)]~~ (ii) the name of the individual giving informed consent; and
- 194 ~~[(C)]~~ (iii) the name of each authorized personnel who has authority under the informed written consent
 to provide a restricted service;
- 196 ~~[(ii)]~~ (b) a statement that the authorized personnel will provide information about the restricted service
 ~~[in accordance with Subsection (2)(b)],~~ including that the parent has the right to opt out of receiving
 notifications at any time; and
- 199 ~~[(iii)]~~ (c) a statement that authorized personnel will adhere to the topics or issues the parent identifies,
 in collaboration with authorized personnel, for discussion or exclusion with the student under
 Subsection (3)(a), except that the authorized personnel may address topics if the omission would
 compromise the student's immediate safety, the omission would violate mandatory reporting
 obligations, or, based on behaviors or statements the authorized personnel observes, the authorized
 personnel determines a need to assess the student's safety~~[; and]~~ .
- 206 ~~[(b) unless the student's parent opts out of receiving notifications from the authorized personnel
 under this Subsection (2)(b), within one business day after each session of a restricted service, the
 authorized personnel shall provide to the student's parent:]~~
- 209 ~~[(i) notice that the restricted service took place; and]~~
- 210 ~~[(ii) a description of the topic of the restricted service.]~~
- 211 (3)
- (a)

HB0310S02 compared with HB0310S03

- (i) When obtaining the informed written parental consent described in Subsection [~~(2)~~(a)] (2), the LEA, school, or authorized personnel shall, through consultation with the parent, provide the parent an opportunity to identify topics or issues the parent intends the authorized personnel to address or to not address with the student.
- 216 (ii) Except as described in Subsection (3)(a)(iii), authorized personnel may not address a topic or issue for which a parent has expressly stated an intent for authorized personnel to not address with the student under this Subsection (3)(a).
- 219 (iii) Subsection (3)(a)(ii) does not apply if:
- 220 (A) an omission within a restricted service would compromise the student's immediate safety; or
- 222 (B) the student discloses information that creates a duty on the authorized personnel to make a mandatory report for the purpose of discussing the information with the student to the extent necessary to make the report, including for suspected cases of child abuse or neglect under Section 80-2-602, abuse of a student under Section 53E-6-701, or any other legally mandated duty to report an incident.
- 228 (b)
- (i) The requirement to obtain prior informed written parental consent before providing a restricted service described in Subsection [~~(2)~~(a)] (2) does not apply in a case in which a delay to contact a parent would create an immediate serious risk of suicide or serious bodily injury, as defined in Section 76-1-101.5, to the student or to another individual.
- 233 (ii) For a circumstance described in Subsection (3)(b)(i), the LEA, school, or authorized personnel shall notify a parent in accordance with Section 53G-9-604.
- 235 (c) A student's IEP or Section 504 accommodation plan that includes a restricted service satisfies the informed parental consent requirement described in Subsection [~~(2)~~(a)] (2).
- 237 (4)
- (a) The state board may make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, regarding the application of this section to the actions of educators and staff in the public education system.
- 240 (b) The state board shall, in consultation with the Department of Health and Human Services, provide guidance to authorized personnel, educators, and school support staff on conduct and practices that constitute and do not constitute a restricted service.

243

HB0310S02 compared with HB0310S03

(5) Nothing in this part authorizes an individual to take an action that exceeds the scope of the individual's license or certification.

245 (6) This section does not apply to a service a student accesses through the SafeUT Crisis Line established in Section 53H-4-210.

247 Section 6. Section **63M-7-208** is amended to read:

248 **63M-7-208. Juvenile justice oversight -- Delegation -- Effective dates.**

249 (1) The State Commission on Criminal and Juvenile Justice shall:

250 (a) support implementation and expansion of evidence-based juvenile justice programs and practices, including assistance regarding implementation fidelity, quality assurance, and ongoing evaluation;

253 (b) examine and make recommendations on the use of third-party entities or an intermediary organization to assist with implementation and to support the performance-based contracting system authorized in Subsection (1)(m);

256 (c) oversee the development of performance measures to track juvenile justice reforms, and ensure early and ongoing stakeholder engagement in identifying the relevant performance measures;

259 (d) evaluate currently collected data elements throughout the juvenile justice system and contract reporting requirements to streamline reporting, reduce redundancies, eliminate inefficiencies, and ensure a focus on recidivism reduction;

262 (e) review averted costs from reductions in out-of-home placements for juvenile justice youth placed with the Division of Juvenile Justice and Youth Services and the Division of Child and Family Services, and make recommendations to prioritize the reinvestment and realignment of resources into community-based programs for youth living at home, including the following:

267 (i) statewide expansion of:

268 (A) juvenile receiving centers, as defined in Section 80-1-102;

269 (B) mobile crisis outreach teams, as defined in Section 26B-5-101;

270 (C) youth courts; and

271 (D) victim-offender mediation;

272 (ii) statewide implementation of nonresidential diagnostic assessment;

273 (iii) statewide availability of evidence-based programs and practices including cognitive behavioral and family therapy programs for minors assessed by a validated risk and needs assessment as moderate or high risk;

276

HB0310S02 compared with HB0310S03

- 279 (iv) implementation and infrastructure to support the sustainability and fidelity of evidence-based
juvenile justice programs, including resources for staffing, transportation, and flexible funds; and
- (v) early intervention programs such as family strengthening programs, family wraparound services,
and proven truancy interventions;
- 281 (f) assist the Administrative Office of the Courts in the development of a statewide sliding scale for the
assessment of fines, fees, and restitution, based on the ability of the minor's family to pay;
- 284 (g) analyze the alignment of resources and the roles and responsibilities of agencies, such as
the operation of early intervention services, receiving centers, and diversion, and make
recommendations to reallocate functions as appropriate, in accordance with Section 80-5-401;
- 288 (h) comply with the data collection and reporting requirements under Section 80-6-104;
- 289 (i) develop a reasonable timeline within which all programming delivered to minors in the juvenile
justice system [~~must~~] shall be evidence-based or consist of practices that are rated as effective for
reducing recidivism by a standardized program evaluation tool;
- 293 (j) provide guidelines to be considered by the Administrative Office of the Courts and the Division of
Juvenile Justice and Youth Services in developing tools considered by the Administrative Office of
the Courts and the Division of Juvenile Justice and Youth Services in developing or selecting tools
to be used for the evaluation of juvenile justice programs;
- 298 (k) develop a timeline to support improvements to juvenile justice programs to achieve reductions
in recidivism and review reports from relevant state agencies on progress toward reaching that
timeline;
- 301 (l) subject to Subsection (2), assist in the development of training for juvenile justice stakeholders,
including educators, law enforcement officers, probation staff, judges, Division of Juvenile Justice
and Youth Services staff, Division of Child and Family Services staff, and program providers;
- 305 (m) subject to Subsection (3), assist in the development of a performance-based contracting system,
which shall be developed by the Administrative Office of the Courts and the Division of Juvenile
Justice and Youth Services for contracted services in the community and contracted out-of-home
placement providers;
- 309 (n) assist in the development of a validated detention risk assessment tool that is developed or adopted
and validated by the Administrative Office of the Courts and the Division of Juvenile Justice and
Youth Services as provided in Section 80-5-203; and

313

HB0310S02 compared with HB0310S03

- (o) annually issue and make public a report to the governor, president of the Senate, speaker of the House of Representatives, and chief justice of the Utah Supreme Court on the progress of the reforms and any additional areas in need of review.
- 316 (2) Training described in Subsection (1)(l) should include instruction on evidence-based programs and principles of juvenile justice, such as risk, needs, responsivity, and fidelity, and [~~shall~~] changes in legislation that impact the juvenile justice system and may be supplemented by the following topics:
- 320 (a) adolescent development;
- 321 (b) identifying and using local behavioral health resources;
- 322 (c) cross-cultural awareness;
- 323 (d) graduated responses;
- 324 (e) Utah juvenile justice system data and outcomes; and
- 325 (f) gangs.
- 326 (3) The system described in Subsection (1)(m) shall provide incentives for:
- 327 (a) the use of evidence-based juvenile justice programs and practices rated as effective by the tools selected in accordance with Subsection (1)(j);
- 329 (b) the use of three-month timelines for program completion; and
- 330 (c) evidence-based programs and practices for minors living at home in rural areas.
- 331 (4) The State Commission on Criminal and Juvenile Justice may delegate the duties imposed under this section to a subcommittee or board established by the State Commission on Criminal and Juvenile Justice in accordance with Subsection 63M-7-204(2).
- 335 Section 7. Section **80-6-103** is amended to read:
- 336 **80-6-103. Notification to a school -- Civil and criminal liability.**
- 337 (1) As used in this section:
- 338 (a) "School" means a school in a local education agency.
- 339 (b) "Local education agency" means a school district, a charter school, or the Utah Schools for the Deaf and the Blind.
- 341 (c) "School official" means the superintendent of a school district or the director of a charter school or designee in which the minor resides or attends school.
- 343 (d) "Serious offense" means:
- 344 (i) a violent felony as defined in Section 76-3-203.5;
- 345

HB0310S02 compared with HB0310S03

- (ii) an offense that is a violation of an offense under Title 76, Chapter 6, Part 4, Theft, and the property stolen is a firearm; or
- 347 (iii) an offense that is a violation of an offense under Title 76, Chapter 11, Weapons.
- 348 (e) "Transferee school official" means the superintendent of a school district or the director of a charter school or designee in which the minor resides or attends school if the minor is admitted to home detention.
- 351 (2) A notification under this section is provided for a minor's supervision and student safety.
- 352 (3)
- (a) If a minor is taken into temporary custody under Section 80-6-201 for a serious offense, the peace officer, or other person who has taken the minor into temporary custody, shall notify a school official within five days after the day on which the minor is ~~[taken into]~~ released from temporary custody.
- 356 (b) A notification under this Subsection (3) shall only disclose:
- 357 (i) the name of the minor;
- 358 (ii) the offense for which the minor was taken into temporary custody or admitted to detention; and
- 360 (iii) if available, the name of the victim if the victim resides in the same school district as the minor or attends the same school as the minor.
- 362 (4) After a detention hearing for a minor who is alleged to have committed a serious offense, the juvenile court shall order a juvenile probation officer to notify a school official, or a transferee school official, and the appropriate local law enforcement agency of the juvenile court's decision, including any disposition, order, or no-contact order.
- 366 (5) If a designated staff member of a detention facility admits a minor to home detention under Section 80-6-205 and notifies the juvenile court of that admission, the juvenile court shall order a juvenile probation officer to notify a school official, or a transferee school official, and the appropriate local law enforcement agency that the minor has been admitted to home detention.
- 371 (6)
- (a) If the juvenile court adjudicates a minor for a serious offense, the juvenile court shall order a juvenile probation officer to notify a school official, or a transferee school official, of the adjudication.
- 374 (b) A notification under this Subsection (6) shall be given to a school official, or a transferee school official, within three days after the day on which the minor is adjudicated.

HB0310S02 compared with HB0310S03

- 377 (c) A notification under this section shall include:
- 378 (i) the name of the minor;
- 379 (ii) the offense for which the minor was adjudicated; and
- 380 (iii) if available, the name of the victim if the victim:
- 381 (A) resides in the same school district as the minor; or
- 382 (B) attends the same school as the minor.
- 383 (7) If the juvenile court orders formal probation under Section 80-6-702, the juvenile court shall order
a juvenile probation officer to notify the appropriate local law enforcement agency and the school
official of the juvenile court's order for formal probation.
- 386 (8)
- (a) An employee of the local law enforcement agency, or the school the minor attends, who discloses a
notification under this section is not:
- 388 (i) civilly liable except when the disclosure constitutes fraud or willful misconduct as provided in
Section 63G-7-202; and
- 390 (ii) civilly or criminally liable except when the disclosure constitutes a knowing violation of
Section 63G-2-801.
- 392 (b) An employee of a governmental agency is immune from any criminal liability for failing to provide
the information required by this section, unless the employee fails to act due to malice, gross
negligence, or deliberate indifference to the consequences.
- 395 (9)
- (a) A notification under this section shall be classified as a protected record under Section 63G-2-305.
- 397 (b) All other records of disclosures under this section are governed by Title 63G, Chapter 2,
Government Records Access and Management Act, and the Family Educational Rights and Privacy
Act, 20 U.S.C. Sec. 1232g.
- 400 Section 8. **Effective date.**
This bill takes effect on May 6, 2026.

3-3-26 6:47 PM