

SB0119 compared with SB0119S04

12 **Money Appropriated in this Bill:**

13 None

14 **Other Special Clauses:**

15 This bill provides a special effective date.

16 **Utah Code Sections Affected:**

17 ENACTS:

18 **53E-4-409** , Utah Code Annotated 1953

27 ~~**53G-7-228** , Utah Code Annotated 1953~~

19 REPEALS:

20 **53E-3-521** , as enacted by Laws of Utah 2020, Chapter 174

21 **53G-7-218** , as last amended by Laws of Utah 2025, Chapter 394

AMENDS:

23 ~~**53F-9-204** , as last amended by Laws of Utah 2025, Chapters 413, 433~~

24 ~~**53G-7-203** , as last amended by Laws of Utah 2025, Chapter 394~~

22

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

24 Section 1. Section 1 is enacted to read:

25 **53E-4-409. Open educational resources -- Development and implementation.**

32 (1) As used in this section:

33 (a) "Open educational resources" means teaching, learning, and research materials that are in the public domain or released under an open license that permits free use, adaptation, and distribution.

36 (b) "Utah core standards" means the standards described in Section 53E-4-202.

37 (2) Notwithstanding any other provision in this part, and subject to legislative appropriation, the state board shall:

39 (a) identify or contract with one or more qualified entities , or work with current state educational professionals to develop comprehensive open educational resources for elementary grades that:

41 (i) align with Utah core standards;

42 (ii) meet the instructional needs of students in kindergarten through grade 8 suitable for the age of students at the grade level for which the materials are developed;

44 (iii) reflect Utah values and priorities;

45 (iv) provide accessibility to students with disabilities in compliance with federal and state law; {and}

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- 47 (v) are available in digital and, where appropriate, print formats;
43 (vi) are free from bias;
44 (vii) do not contain obscene or harmful material;
45 (viii) are age appropriate for the grade level; and
46 (ix) promote American values and civic understanding.
48 (b) ensure the open educational resources may include:
49 (i) comprehensive instructional materials for all core subject areas;
50 (ii) teacher resources, including:
51 (A) scopes and sequences;
52 (B) topics by grade level;
53 (C) text selection guides;
54 (D) unit and lesson-level implementation guides;
55 (E) daily lesson plans;
56 (F) {~~formative, interim, and summative assessments~~} assessment item banks; and
57 (G) professional development materials;
58 (iii) student materials and resources, including:
59 (A) student-facing instructional materials such as graphic organizers;
60 (B) guided practice materials;
61 (C) independent practice materials;
62 (D) digital learning resources;
63 (E) project and performance tasks; and
64 (F) other classroom supports; and
65 (iv) implementation guides to support LEAs in the adoption and use of the materials;
66 (c) establish quality standards and review processes for materials developed under this section;
68 (d) ensure that:
69 (i) the state owns all intellectual property rights, including copyright, in the open educational resources
developed under this section; and
71 (ii) the open educational resources are openly licensed under a Creative Commons {~~license~~} or
equivalent license to allow an LEA to use, adapt, customize, and distribute the materials without
charge; {and}

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- (e) make the open educational resources available through a centralized digital platform accessible to all LEAs and the public{:-} ; and
- 76 (3){(f)} ~~{The state board shall}~~ ensure that the ~~{Instructional Materials Commission does not review or approve the}~~ open educational resources developed under this section are clearly labeled and identified as open educational resources in all formats and platforms to provide transparency to parents and other stakeholders.
- 78 (4){(3)} In developing open educational resources under this section, the state board shall:
- 79 (a) consult with LEAs, teachers, curriculum specialists, and other education stakeholders;
- 80 (b) establish a review committee that:
- 81 (i) includes individuals representing:
- 82 (A) LEAs;
- 83 (B) parents;
- 84 (C) teachers;
- 85 (D) curriculum specialists; and
- 86 (E) other education stakeholders; and
- 87 (ii) reviews all open educational resources before the resources are made available for LEA adoption;
- 89 (iii) provide opportunities for public comment on draft open educational resources before final release;
- 80 (b){(c)} establish timelines for phased development and implementation;and
- 81 ~~{(e) {provide opportunities for pilot programs and field testing before statewide release; and}}~~
- 83 (d) ensure ongoing review and updates to maintain alignment with Utah core standards and educational best practices.
- 94 (4)
- 85 (5){(a)} The state board may not require an LEA to adopt or use the open educational resources developed under this section.
- 87 ~~{(6) {The state board shall:}}~~
- 96 (b) An LEA that chooses to adopt the open educational resources developed under this section shall use the LEA's existing curriculum approval process.
- 98 (5)
- 88 (a) The state board shall make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act{:-} to{:} implement this section.
- 90 ~~{(i) {establish standards and procedures for contracting under this section;}}~~

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- 91 ~~{(ii) {establish quality standards and suitability rubrics for open educational resources developed under
this section;}}~~
- 93 ~~{(iii) {establish procedures for LEA access to and use of the open educational resources; and}}~~
- 95 ~~{(iv) {establish procedures for ongoing review, updates, and maintenance of the open educational
resources;}}~~
- 97 (b) upon request, report to the Education Interim Committee regarding~~{:~~ the progress and
implementation of this section.
- 98 ~~{(i) {progress on curriculum development under this section, including timelines and milestones;}}~~
- 100 ~~{(ii) {expenditures from appropriations under this section;}}~~
- 101 ~~{(iii) {LEA adoption and use of the open educational resources;}}~~
- 102 ~~{(iv) {feedback from LEAs, teachers, and other stakeholders, including parents; and}}~~
- 103 ~~{(v) {plans and progress for updates, maintenance, and expansion of the open educational resources;}}~~
}

102 Section 2. **Repealer.**

This Bill Repeals:

103 This bill repeals:

104 Section **53E-3-521, Requirements for early mathematics plan.**

105 Section **53G-7-218, Establishment of early learning plan.**

106 ~~{Section 2. Section **53F-9-204** is amended to read:}~~

106 **53F-9-204. Public Education Economic Stabilization Restricted Account.**

107 (1) There is created within the Uniform School Fund a restricted account known as the "Public
Education Economic Stabilization Restricted Account."

109 (2)

(a) Except as provided in Subsection (2)(b), the account shall be funded from the following revenue
sources:

111 (i) 15% of the difference between, as determined by the Office of the Legislative Fiscal Analyst:

113 (A) the estimated amount of ongoing Income Tax Fund and Uniform School Fund revenue available for
the Legislature to appropriate for the next fiscal year; and

115 (B) the amount of ongoing appropriations from the Income Tax Fund and Uniform School Fund in the
current fiscal year; and

117 (ii) other appropriations as the Legislature may designate.

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- 118 (b) If the appropriation described in Subsection (2)(a) would cause the ongoing appropriations to the
account to exceed 11% of Uniform School Fund appropriations described in Section 53F-9-201.1
for the same fiscal year, the Legislature shall appropriate only those funds necessary to ensure that
the ongoing appropriations to the account equal 11% of Uniform School Fund appropriations for
that fiscal year.
- 123 (3) Subject to the availability of ongoing appropriations to the account, in accordance with
124 Utah Constitution, Article X, Section 5, Subsection (4), the ongoing appropriation to the account
shall be used to fund:
- 126 (a) except for a year described in Subsection (3)(b)~~[-or]~~ (c), or (d), one-time appropriations to the
public education system, including at least \$65,000,000 to the Catalyst Center Grant Program
described in Section 53E-3-507.1;
- 129 (b) the Minimum School Program for a year in which Income Tax Fund revenue and Uniform School
Fund revenue are insufficient to fund:
- 131 (i) ongoing appropriations to the public education system; and
132 (ii) enrollment growth and inflation estimates, as defined in Section 53F-9-201.1; ~~[and]~~
- 133 (c) the Minimum School Program for a year in which changes in federal tax policy cause Income
Tax Fund revenue to decrease by an amount equal to or greater than the amount required to fund
enrollment growth and inflation estimates, as defined in Section 53F-9-201.1; or
- 137 ~~[(e)]~~ (d) the minimum basic local amount as defined in Section 53F-2-301 for a year in which the
minimum basic tax rate, as defined in Section 53F-2-301, is insufficient to generate the amount
described in Subsection 53F-2-301(2)(a).
- 140 (4)
- (a) The account shall earn interest.
- 141 (b) All interest earned on account money shall be deposited in the account.
- 142 (5) On or before December 31, 2023, and every three years thereafter, the Office of the Legislative
Fiscal Analyst shall:
- 144 (a) review the percentages described in Subsections (2)(a)(i) and (2)(b); and
145 (b) recommend to the Executive Appropriations Committee any changes based on the review described
in Subsection (5)(a).
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- (6) In preparing budget bills for a given fiscal year, the Executive Appropriations Committee shall make the one-time appropriations described in Subsection (3)(a) by appropriating at least the lesser of 10% of the total amount of the one-time appropriations to:
- 151 (a) the cost of providing 32 paid professional hours for teachers in accordance with Section 53F-7-203;
 - 153 (b) the amount to make the distribution required under Section 53F-2-527;
 - 154 (c) the cost of the Stipends for Future Educators Grant Program described in Section 53F-5-223; and
 - 156 (d) the cost of the Rural School Sports Facilities Grant Program described in Section 53F-10-303.
- (7) No later than October 15 of each year, the state board shall report to the Office of the Legislative Fiscal Analyst an estimated cost for each of the one-time appropriations described in Subsection (6).

161 ~~{Section 3. Section 53G-7-203 is amended to read: }~~

162 **53G-7-203. Kindergartens -- Establishment -- Funding -- Assessment.**

- 163 (1) Kindergartens are an integral part of the state's public education system.
- 164 (2)
- (a) Each LEA governing board shall provide kindergarten classes free of charge for kindergarten children residing within the district or attending [the] a charter school.
 - 166 (b) Each LEA governing board shall:
 - 167 (i) provide a half-day kindergarten option for a student that comprises the minimum standards for half-day kindergarten that the state board establishes, in accordance with Subsection (4)(a)(iii), if the student's parent requests a half-day option; ~~and~~
 - 170 (ii)
 - (A) inform parents of the availability of the option to register for a designated full-curriculum half-day kindergarten option at the time of all kindergarten registration, by email, posters, or other announcements when a parent requests kindergarten registration; and
 - 174 (B) provide the option to register for a designated half-day kindergarten option at the time of registration;
 - 176 (iii) provide a dedicated kindergarten class specifically designated as a half-day kindergarten class when enrollment of half-day kindergarten students at an individual school or a regional school exceeds a minimum of 18 students;
 - 179 (iv) when enrollment of half-day kindergarten students at an individual school exceeds a minimum of 18 students, designate the school as a half-day kindergarten provider for the improvement of recruiting teachers that prefer half-day teaching;

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- 183 (v) inform parents regarding the additional educational resources and opportunities available to parents
who select the half-day kindergarten option; and
- 185 (vi) ensure that a half-day kindergarten student who is registered in a class that includes full-day
kindergarten students receives instruction that at least meets the minimum standards for half-day
kindergarten that the state board establishes, in accordance with Subsection (4)(a)(iii).
- 189 (c) Nothing in this Subsection (2):
- 190 (i) allows an LEA governing board to require a student to participate in a full-day kindergarten
program;
- 192 (ii) modifies the non-compulsory status of kindergarten under Chapter 6, Part 2, Compulsory Education;
or
- 194 (iii) requires a student who only attends a half day of kindergarten to participate in dual enrollment
under Section 53G-6-702.
- 196 (3) Kindergartens established under Subsection (2) shall receive state money under Title 53F, Public
Education System -- Funding.
- 198 (4)
- (a) The state board shall:
- 199 (i) develop and collect data from a kindergarten assessment that the board selects by rule;
- 201 (ii) make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
regarding the administration of and reporting regarding the assessment described in Subsection
(4)(a)(i); and
- 204 (iii) establish minimum standards for half-day kindergarten.
- 205 (b) An LEA shall:
- 206 (i) administer the assessment described in Subsection (4)(a) to each kindergarten student; and
- 208 (ii) report to the state board the results of the assessment described in Subsection (4)(b)(i) in relation to
each kindergarten student in the LEA.
- 210 (5) The state board shall require LEAs to report average daily membership for all kindergarten students
who attend kindergarten on a schedule that is equivalent in length to the schedule for grades 1
through 3 with the October 1 data described in Section 53F-2-302.
- 214 [~~(6) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the state board
shall make rules to:]~~
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[~~(a) beginning with the 2025-2026 school year, require a student to be toilet trained before being enrolled in public school;~~]

218 [~~(b) establish requirements for an LEA's enrollment process to include assurances from a parent that the parent's student is toilet trained; and~~]

220 [~~(c) create exemptions from the requirement in Subsection (6)(a) for a student who is not able to be toilet trained before enrolling because of a condition that is subject to federal child find requirements or described in an IEP or Section 504 accommodation plan.~~]

224 Section 4. Section 4 is enacted to read:

225 **53G-7-228. Personal care independence standards -- School enrollment.**

In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the state board shall make rules to:

228 (1) beginning with the 2026-2027 school year, require a student to demonstrate personal care independence by being toilet trained before being enrolled in a public school;

230 (2) establish requirements for an LEA's enrollment process to include assurances from a parent that the parent's student meets the personal care independence requirements described in Subsection (1); and

233 (3) create exemptions from the requirement in Subsection (1) for a student who is not able to meet personal care independence requirements because of a condition that is subject to federal child find requirements found in Section 20 U.S.C. 1412(a)(3), Individuals with Disabilities Education Act, and 34 C.F.R. Sec. 300.111 or described in an IEP or Section 504 accommodation plan.

106 Section 3. **Effective date.**

Effective Date.

This bill takes effect on July 1, 2026.

3-3-26 2:41 PM