

SB0119S02 compared with SB0119S03

11 **Money Appropriated in this Bill:**

12 None

13 **Other Special Clauses:**

14 This bill provides a special effective date.

15 **Utah Code Sections Affected:**

16 ENACTS:

17 **53E-4-409** ~~{(Effective 07/01/26)}~~, Utah Code Annotated 1953

34 ~~{53F-10-304 (Effective 07/01/26), Utah Code Annotated 1953}~~

35 ~~{53G-7-228 (Effective 07/01/26), Utah Code Annotated 1953}~~

AMENDS:

24 ~~{53F-9-601 (Effective 07/01/26), as enacted by Laws of Utah 2022, Chapter 407}~~

25 ~~{53F-10-101 (Effective 07/01/26), as last amended by Laws of Utah 2023, Chapter 467}~~

26 ~~{53F-10-102 (Effective 07/01/26), as enacted by Laws of Utah 2022, Chapter 407}~~

27 ~~{53F-10-202 (Effective 07/01/26) (Repealed 07/01/27), as enacted by Laws of Utah 2022, Chapter 407}~~

29 ~~{53F-10-302 (Effective 07/01/26), as enacted by Laws of Utah 2022, Chapter 407}~~

30 ~~{53G-4-603 (Effective 07/01/26), as last amended by Laws of Utah 2024, Chapter 523}~~

31 ~~{53G-7-203 (Effective 07/01/26), as last amended by Laws of Utah 2025, Chapter 394}~~

18

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

20 Section 1. Section 1 is enacted to read:

21 **53E-4-409.** ~~{(Effective 07/01/26)}~~ **Open educational resources -- Development and implementation.**

41 (1) As used in this section:

42 (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.

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

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

48 (a) contract with one or more qualified entities to develop comprehensive open educational resources for elementary grades that:

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- 50 (i) align with Utah core standards;
51 (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;
53 (iii) reflect Utah values and priorities;
54 (iv) provide accessibility to students with disabilities in compliance with federal and state law;
56 (v) are available in digital and, where appropriate, print formats;
57 (vi) are free from bias;
58 (vii) do not contain obscene or harmful material;
59 (viii) are age appropriate for the grade level; and
60 (ix) promote American values and civic understanding.
61 (b) ensure the open educational resources include:
62 (i) comprehensive instructional materials for all core subject areas;
63 (ii) teacher resources, including:
64 (A) scopes and sequences;
65 (B) topics by grade level;
66 (C) text selection guides;
67 (D) unit and lesson-level implementation guides;
68 (E) daily lesson plans;
69 (F) formative, interim, and summative assessments; and
70 (G) professional development materials;
71 (iii) student materials and resources, including:
72 (A) student-facing instructional materials such as graphic organizers;
73 (B) guided practice materials;
74 (C) independent practice materials;
75 (D) digital learning resources;
76 (E) project and performance tasks; and
77 (F) other classroom supports; and
78 (iv) implementation guides to support LEAs in the adoption and use of the materials;
79 (c) establish quality standards and review processes for materials developed under this section;
81 (d) ensure that:
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- (i) the state owns all intellectual property rights, including copyright, in the open educational resources developed under this section; and
- 84 (ii) the open educational resources are openly licensed under a Creative Commons or equivalent license to allow an LEA to use, adapt, customize, and distribute the materials without charge;
- 87 (e) make the open educational resources available through a centralized digital platform accessible to all LEAs and the public; and
- 89 (f) ensure that 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.
- 92 (3) In developing open educational resources under this section, the state board shall:
- 93 (a) consult with LEAs, teachers, curriculum specialists, and other education stakeholders;
- 94 (b) establish a review committee that:
- 95 (i) includes individuals representing:
- 96 (A) LEAs;
- 97 (B) parents;
- 98 (C) teachers;
- 99 (D) curriculum specialists; and
- 100 (E) other education stakeholders; and
- 101 (ii) reviews all open educational resources before the resources are made available for LEA adoption;
- 103 (iii) provide opportunities for public comment on draft open educational resources before final release;
- 105 (c) establish timelines for phased development and implementation;
- 106 (d) provide opportunities for pilot programs and field testing before statewide release; and
- 108 (e) ensure ongoing review and updates to maintain alignment with Utah core standards and educational best practices.
- 110 (4)
- (a) The state board may not require an LEA to adopt or use the open educational resources developed under this section.
- 112 (b) An LEA that chooses to adopt the open educational resources developed under this section shall use the LEA's existing curriculum approval process.
- 114 (5) The state board shall:
- 115 (a) make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to:

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- 117 (i) establish standards and procedures for contracting under this section;
118 (ii) establish quality standards and suitability rubrics for open educational resources developed under
this section;
120 (iii) establish procedures for LEA access to and use of the open educational resources;
121 (iv) establish procedures for ongoing review, updates, and maintenance of the open educational
resources; and
123 (v) establish standards and procedures for the review committee described in Subsection (3)(b);
125 (b) upon request, report to the Education Interim Committee regarding:
126 (i) progress on curriculum development under this section, including timelines and milestones;
128 (ii) expenditures from appropriations under this section;
129 (iii) LEA adoption and use of the open educational resources;
130 (iv) feedback from LEAs, teachers, and other stakeholders, including parents;
131 (v) plans and progress for updates, maintenance, and expansion of the open educational resources; and
133 (vi) the review process and recommendations from the review committee described in Subsection (3)
(b).

135 ~~{Section 2. Section 53F-9-601 is amended to read: }~~

136 **53F-9-601. Small LEA Capital Projects Fund.**

- 137 (1) As used in this section:
138 (a) "Capital development project" means the same as that term is defined in Section 63A-5b-401.
140 (b) "Fund" means the Small School District Capital Projects Fund created in this section.
141 (2)
(a) There is created a capital projects fund known as the Small School District Capital Projects Fund.
143 (b) Subject to legislative appropriations, and except as provided in Subsection (4), money in the fund
shall be used for a capital development project~~[in accordance with this section and Title 53F;~~
~~Chapter 10, State Funding -- Capital Projects.] :~~
146 (i) or an eligible school district in accordance with Sections 53F-10-301 and 53F-10-302; or
148 (ii) for an eligible charter school in accordance with Section 53F-10-304.
149 (c) The fund shall:
150 (i) be funded by:
151 (A) one-time appropriations; and
152 (B) repayment and interest on loans described in Section 53F-10-302; and

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- 153 (ii) accrue interest, which shall be deposited into the fund.
154 (3) The state board shall authorize disbursements from the fund.
155 (4) The state board shall administer the fund in accordance with this section.

156 ~~{Section 3. Section 53F-10-101 is amended to read: }~~

157 **53F-10-101. Definitions.**

As used in this [section] part:

- 159 (1) "Capital development project" means the same as that term is defined in Section 63A-5b-401,
including new construction, capital expansion, and renovation.
- 161 (2) "Capital local levy" means the levy that a local school board imposes under Section 53F-8-303.
- 163 (3) "Capital Projects Evaluation Panel" or "panel" means the panel established in Section 53F-10-201.
- 165 (4) "Capital projects funding" means funds distributed from the Small ~~[School District]~~ LEA Capital
Projects Fund[-] :
- 167 (a) to an eligible school district; or
- 168 (b) to an eligible charter school in accordance with Section 53F-10-304.
- 169 (5) "Charter school authorizer" means the same as that term is defined in Section 53G-5-102.
- 171 ~~[(5)]~~ (6) "Division" means the Division of Facilities Construction and Management.
- 172 (7) "Eligible charter school" means a charter school:
- 173 (a) that is located in a county of the fourth, fifth, or sixth class;
- 174 (b) that has been in operation for at least three consecutive years; and
- 175 (c) whose charter school authorizer:
- 176 (i) has reviewed and approved the charter school's proposed capital development project; and
- 178 (ii) has certified that the charter school is in good standing and meets all requirements of the charter
school's charter agreement.
- 180 (8) "Eligible LEA" means an eligible charter school and an eligible school district.
- 181 ~~[(6)]~~ (9) "Eligible school district" means a school district:
- 182 (a) in a county of the fourth, fifth, or sixth class; and
- 183 (b)
- (i) that qualifies for state guarantee funding related to local levies under Section 53F-2-601; or
- 185 (ii)
- (A) that has a project that the panel has approved; and
- 186 (B) that the state board approves, upon the state superintendent's recommendation.

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187 ~~[(7)] (10)~~ "Small ~~[School District]~~ LEA Capital Projects Fund" or "fund" means the capital projects
188 fund created in Section 53F-9-601.

189 ~~{Section 4. Section 53F-10-102 is amended to read: }~~

190 **53F-10-102. Capital development project proposal process -- State board role.**

192 (1) The state board shall make rules, in accordance with Title 63G, Chapter 3, Utah Administrative
193 Rulemaking Act, to establish a process for ~~[school districts]~~ eligible LEAs to submit to the panel
194 proposals for funding for capital development projects under this chapter, including:

196 (a) the panel's review, prioritization, and recommendation to the state board;

197 (b) the state board's consideration and approval, if applicable, of proposed capital development projects;
198 and

199 (c) management of panel processes and administration.

200 (2) The state board may fund direct costs and administration of the panel, not to exceed \$200,000.

202 (3) The state board shall:

203 (a) evaluate recommendations of the panel regarding proposed capital development projects;

205 (b) approve proposed capital development projects, subject to the availability of capital development
206 funding; and

207 (c) oversee the disbursement of capital development funding.

208 ~~{Section 5. Section 53F-10-202 is amended to read: }~~

209 **53F-10-202. Panel duties.**

210 (1) The panel shall:

211 (a) determine criteria for:

212 (i) the allowed uses of capital project fund resources described in Sections 53F-10-301, ~~[and~~
213 53F-10-302, and 53F-10-304 and the prioritization of proposed capital development projects,
214 including the extent to which a proposed project:

215 (A) eliminates risks to student life and safety through renewal or replacement;

216 (B) enhances efficiency of use, including combining necessarily existent small schools, described in
217 Section 53F-2-304;

218 (C) addresses essential program growth and capacity;

219 (D) provides a cost effective solution that is appropriate for the facility's need; and

220 (E) comports with the school district's provision of matching funds and sufficient revenues for ongoing
221 operation and maintenance;

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- 222 (b) evaluate capital development project proposals to ensure viability, efficiency, and adherence to
education and construction standards;
- 224 (c) prioritize capital development projects;
- 225 (d) recommend that the state board distribute capital project funding to ~~[school districts]~~ eligible LEAs;
- 227 (e) if necessary based on the circumstances of the capital development project, in partnership with the
division, oversee the capital development project; and
- 229 (f) report to the state board regarding the panel's actions.
- 230 (2) The panel may:
- 231 (a) determine that a technical assistance liaison is necessary for an eligible ~~[school district]~~ LEA
applying for capital project funding under this chapter to efficiently complete the project; and
- 234 (b) facilitate engagement with the division or a willing ~~[school district]~~ LEA partner having the required
technical expertise in similar capital development projects.
- 236 ~~{Section 6. Section 53F-10-302 is amended to read:}~~
- 237 **53F-10-302. Capital development project loans.**
- 238 (1) The panel may recommend and the state board may distribute capital project funding for a loan to an
eligible school district to provide the required match amount described in Section 53F-10-301 for a
capital development project that the panel has prioritized:
- 241 (a) at an interest rate that the state treasurer establishes that is equal to the state's most recent general
obligation bond rate; or
- 243 (b) at no interest for a school district:
- 244 (i) with a per-household property tax that is higher than 125% of the statewide average of property tax
as a percentage of household income, based on the data sets described in Subsection 53F-10-302(1)
(b); and
- 247 (ii) that has incurred debt equal to 90% of the debt limit imposed by Utah Constitution, Article XIV,
Section 4.
- 249 (2) The panel shall determine the repayment terms of a loan described in Subsection (1), subject to state
board approval, based on established standards.
- 251 (3) Repayment of a loan described in Subsection (1) and associated interest shall be deposited into the
Small School ~~[District Capital]~~ LEA Projects Fund.
- 253 (4) An ~~[LEA]~~ eligible school district that receives loan funding under this section shall demonstrate the
ability to provide sufficient ongoing funding to support the operation and maintenance of the new or

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renovated facility resulting from the capital development project based on standards that the panel establishes.

257 Section 7. Section 7 is enacted to read:

258 **53F-10-304. Charter school capital development project grants -- Security interest.**

260 (1) After reviewing an eligible charter school's financial capacity and ability to generate project funding, the panel may recommend to the state board, and the state board may authorize a distribution of capital project funding to an eligible charter school as a grant for a capital development project that the panel has prioritized.

264 (2) An eligible charter school that receives grant funding under this section shall demonstrate the ability to provide sufficient ongoing funding to support the operation and maintenance of the new or renovated facility resulting from the capital development project based on standards that the panel establishes.

268 (3) As a condition of receiving grant funding under this section, an eligible charter school shall:

270 (a) grant the state a first-priority security interest in:

271 (i) the facility funded by the grant; and

272 (ii) the real property on which the facility is located;

273 (b) ensure that the charter school's governing board, or the entity that owns the facility if different from the governing board, executes all documents necessary to:

275 (i) create and perfect the security interest described in Subsection (3)(a);

276 (ii) record the security interest with the county recorder in the county where the facility is located; and

278 (iii) subordinate all other existing or future liens, mortgages, deeds of trust, and encumbrances on the facility and real property to the state's security interest;

280 (c) enter into a written agreement with the state board that:

281 (i) establishes the terms of the security interest described in Subsection (3)(a);

282 (ii) prohibits the charter school from selling, transferring, pledging as collateral, or further encumbering the facility or real property without prior written approval from the state board;

285 (iii) requires the charter school to notify the state board within 10 business days of:

286 (A) any proposed sale, transfer, or encumbrance of the facility or real property;

287 (B) any notice of default received from any creditor;

288 (C) any contemplated closure or cessation of operations;

289 (D) any change in the entity that owns the facility; or

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- 290 (E) any initiation of bankruptcy, receivership, or similar proceedings;
291 (iv) requires the charter school to maintain adequate insurance on the facility and name the state as loss
payee;
293 (v) establishes repayment terms if the charter school ceases operations or closes; and
294 (vi) provides that, notwithstanding any other provision of state law and to the extent permitted by
federal law;
296 (A) the state shall recover the full amount of grant funding provided under this section;
298 (B) the state's recovery described in Subsection (3)(c)(vi)(A) shall be paid from proceeds of any sale,
transfer, lease, or liquidation of the facility or real property before distribution to any other creditor,
lien holder, or interest holder;and
302 (C) if the facility continues to serve public school students under a different charter school operator
approved by the charter school's authorizer, the state board may, in the state board's discretion,
transfer the security interest and any remaining obligations to the successor charter school operator,
or require immediate repayment and release the security interest.
307 (4) The state board shall:
308 (a) monitor compliance with the security interest requirements and agreement described in Subsection
(3);
310 (b) take appropriate action to enforce the state's security interest if an eligible charter school:
312 (i) defaults on any obligation under the agreement described in Subsection (3)(c);
313 (ii) ceases operations; or
314 (iii) materially breaches the charter school's charter agreement; and
315 (c) make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to:
317 (i) establish procedures for reviewing and approving proposals to sell, transfer, or encumber facilities;
and
319 (ii) establish procedures for enforcing the state's security interest.
320 (5) The panel shall determine the terms of a grant described in this section, subject to approval by the
state board.
322 ~~{Section 8. Section 53G-4-603 is amended to read: }~~
323 **53G-4-603. Additional indebtedness -- Election -- Voter information pamphlet.**
325 (1) As used in this section:
326 (a) "Qualifying general obligation bond" means a bond:

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- 327 (i) issued pursuant to Title 11, Chapter 14, Local Government Bonding Act; and
328 (ii) authorized by an election held on or after July 1, 2014.
- 329 (b) "Private placement bond" means a bond that a school district issues, within the general obligation
bond market:
- 331 (i) without a public offering;
332 (ii) in a private sale to one purchaser or a limited number of purchasers; and
333 (iii) through a negotiated sale process, including direct placement, rather than through a competitive
bid.
- 335 [(b)] (c) "Voter information pamphlet" means the notification required by Section 11-14-202.
- 337 (2) A local school board may require the qualified electors of the district to vote on a proposition as
to whether to incur indebtedness, subject to conditions provided in Title 11, Chapter 14, Local
Government Bonding Act, if:
- 340 (a) the debts of the district are equal to school taxes and other estimated revenues for the school year,
and it is necessary to create and incur additional indebtedness in order to maintain and support
schools within the district; or
- 343 (b) the local school board determines it advisable to issue school district bonds to purchase school sites,
buildings, or furnishings or to improve existing school property.
- 345 (3) A local school board shall specify, in the voter information pamphlet for a bond election, a plan of
finance, including:
- 347 (a) the specific project or projects for which a bond is to be issued; and
348 (b) a priority designation for each project.
- 349 (4) Except as provided in Subsection (5), a local school board shall ensure that qualifying general
obligation bond proceeds are used to complete projects in accordance with the plan of finance
described in Subsection (3).
- 352 (5)
- (a) After distribution to the public of the voter information pamphlet, with two-thirds majority
approval of the local school board, a local school board may upon a determination of compelling
circumstances adjust the plan of finance described in Subsection (3) by:
- 356 (i) changing the priority designation of a project;
357 (ii) adding a project that was not listed in the voter information pamphlet; or
358 (iii) removing a project that was listed in the voter information pamphlet.

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- 359 (b) A local school board may not vote on more than one adjustment described in Subsection (5)(a) per
meeting.
- 361 (6) For a qualifying general obligation bond, a local school board shall:
- 362 (a) in accordance with Subsection (6)(b), post on the local school board's website:
- 363 (i) the plan of finance as described in the voter information pamphlet; and
- 364 (ii) a progress report detailing the status of the projects listed in the plan of finance, including:
- 366 (A) the status of any construction contracts related to a project;
- 367 (B) the bid amount;
- 368 (C) the estimated and actual construction start date;
- 369 (D) the estimated and actual construction end date; and
- 370 (E) the final cost; and
- 371 (b) update the information described in Subsection (6)(a):
- 372 (i) before the beginning of each new fiscal year; and
- 373 (ii) no less than 30 days before any vote on the issuance of a new bond by the local school board or the
public.
- 375 (7)
- (a) If a local school board violates Subsection (4), a registered voter in the school district may file an
action for an extraordinary writ to prohibit the local school board from adjusting the plan of finance
without obtaining the necessary local school board approval.
- 379 (b) If a registered voter prevails in an action under Subsection (7)(a), the court shall award reasonable
costs and attorney fees to the registered voter.
- 381 (c) The action described in Subsection (7)(a) may not be used to challenge the validity of a bond.
- 383 (8) A school district may not:
- 384 (a) issue a private placement bond; or
- 385 (b) incur any indebtedness except as provided in this part.
- 386 ~~{Section 9. Section 53G-7-203 is amended to read: }~~
- 387 **53G-7-203. Kindergartens -- Establishment -- Funding -- Assessment.**
- 389 (1) Kindergartens are an integral part of the state's public education system.
- 390 (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.

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- 392 (b) Each LEA governing board shall:
- 393 (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~~]
- 396 (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
- 400 (B) provide the option to register for a designated half-day kindergarten option at the time of
registration;
- 402 (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;
- 405 (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;
- 409 (v) inform parents regarding the additional educational resources and opportunities available to parents
who select the half-day kindergarten option; and
- 411 (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).
- 415 (c) Nothing in this Subsection (2):
- 416 (i) allows an LEA governing board to require a student to participate in a full-day kindergarten
program;
- 418 (ii) modifies the non-compulsory status of kindergarten under Chapter 6, Part 2, Compulsory Education;
or
- 420 (iii) requires a student who only attends a half day of kindergarten to participate in dual enrollment
under Section 53G-6-702.
- 422 (3) Kindergartens established under Subsection (2) shall receive state money under Title 53F, Public
Education System -- Funding.
- 424 (4)

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(a) The state board shall:

- 425 (i) develop and collect data from a kindergarten assessment that the board selects by rule;
427 (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
430 (iii) establish minimum standards for half-day kindergarten.

431 (b) An LEA shall:

- 432 (i) administer the assessment described in Subsection (4)(a) to each kindergarten student; and
434 (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.
436 (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.

440 [~~(6) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the state board
shall make rules to:~~]

442 [~~(a) beginning with the 2025-2026 school year, require a student to be toilet trained before being
enrolled in public school;~~]

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

446 [~~(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.]~~]

450 Section 10. Section **10** is enacted to read:

451 **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:

455 (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;

457 (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

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(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.

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Section 2. **Effective date.**

Effective Date.

This bill takes effect on July 1, 2026.

2-23-26 2:19 PM