

Lincoln Fillmore proposes the following substitute bill:

**School and Classroom Amendments**

2026 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Lincoln Fillmore**

House Sponsor:

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**LONG TITLE**

**General Description:**

This bill enacts provisions related to school enrollment and curriculum development.

**Highlighted Provisions:**

This bill:

- requires students to meet personal care independence standards before enrolling in public school;
- creates exemptions from enrollment requirements for students with qualifying conditions;
- directs the State Board of Education to develop open educational resources aligned with Utah core standards;
- provides for reporting on curriculum development and implementation;
- establishes an additional conditional use of the Public Education Economic Stabilization Restricted Account; and
- makes conforming changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

This bill provides a special effective date.

**Utah Code Sections Affected:**

AMENDS:

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

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

ENACTS:

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

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

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

Section 1. Section **53E-4-409** is enacted to read:

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

(1) As used in this section:

(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.

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

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

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

(i) align with Utah core standards;

(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;

(iii) reflect Utah values and priorities;

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

(v) are available in digital and, where appropriate, print formats;

(vi) are free from bias;

(vii) do not contain obscene or harmful material;

(viii) are age appropriate for the grade level; and

(ix) promote American values and civic understanding.

(b) ensure the open educational resources include:

(i) comprehensive instructional materials for all core subject areas;

(ii) teacher resources, including:

(A) scopes and sequences;

(B) topics by grade level;

(C) text selection guides;

(D) unit and lesson-level implementation guides;

(E) daily lesson plans;

(F) formative, interim, and summative assessments; and

(G) professional development materials;

(iii) student materials and resources, including:

- 63                    (A) student-facing instructional materials such as graphic organizers;  
64                    (B) guided practice materials;  
65                    (C) independent practice materials;  
66                    (D) digital learning resources;  
67                    (E) project and performance tasks; and  
68                    (F) other classroom supports; and  
69                    (iv) implementation guides to support LEAs in the adoption and use of the materials;  
70                    (c) establish quality standards and review processes for materials developed under this  
71                    section;  
72                    (d) ensure that:  
73                    (i) the state owns all intellectual property rights, including copyright, in the open  
74                    educational resources developed under this section; and  
75                    (ii) the open educational resources are openly licensed under a Creative Commons or  
76                    equivalent license to allow an LEA to use, adapt, customize, and distribute the  
77                    materials without charge;  
78                    (e) make the open educational resources available through a centralized digital platform  
79                    accessible to all LEAs and the public; and  
80                    (f) ensure that the open educational resources developed under this section are clearly  
81                    labeled and identified as open educational resources in all formats and platforms to  
82                    provide transparency to parents and other stakeholders.  
83                    (3) In developing open educational resources under this section, the state board shall:  
84                    (a) consult with LEAs, teachers, curriculum specialists, and other education stakeholders;  
85                    (b) establish a review committee that:  
86                    (i) includes individuals representing:  
87                    (A) LEAs;  
88                    (B) parents;  
89                    (C) teachers;  
90                    (D) curriculum specialists; and  
91                    (E) other education stakeholders; and  
92                    (ii) reviews all open educational resources before the resources are made available for  
93                    LEA adoption;  
94                    (iii) provide opportunities for public comment on draft open educational resources  
95                    before final release;  
96                    (c) establish timelines for phased development and implementation;

(d) provide opportunities for pilot programs and field testing before statewide release;  
and

(e) ensure ongoing review and updates to maintain alignment with Utah core standards  
and educational best practices.

(4)(a) The state board may not require an LEA to adopt or use the open educational  
resources developed under this section.

(b) An LEA that chooses to adopt the open educational resources developed under this  
section shall use the LEA's existing curriculum approval process.

(5) The state board shall:

(a) make rules in accordance with Title 63G, Chapter 3, Utah Administrative  
Rulemaking Act, to:

(i) establish standards and procedures for contracting under this section;

(ii) establish quality standards and suitability rubrics for open educational resources  
developed under this section;

(iii) establish procedures for LEA access to and use of the open educational resources;

(iv) establish procedures for ongoing review, updates, and maintenance of the open  
educational resources; and

(v) establish standards and procedures for the review committee described in  
Subsection (3)(b);

(b) upon request, report to the Education Interim Committee regarding:

(i) progress on curriculum development under this section, including timelines and  
milestones;

(ii) expenditures from appropriations under this section;

(iii) LEA adoption and use of the open educational resources;

(iv) feedback from LEAs, teachers, and other stakeholders, including parents;

(v) plans and progress for updates, maintenance, and expansion of the open  
educational resources; and

(vi) the review process and recommendations from the review committee described  
in Subsection (3)(b).

Section 2. Section **53F-9-204** is amended to read:

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

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

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

following revenue sources:

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

- (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

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

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

- (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.

- (3) Subject to the availability of ongoing appropriations to the account, in accordance with Utah Constitution, Article X, Section 5, Subsection (4), the ongoing appropriation to the account shall be used to fund:

- (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;

- (b) the Minimum School Program for a year in which Income Tax Fund revenue and Uniform School Fund revenue are insufficient to fund:

- (i) ongoing appropriations to the public education system; and

- (ii) enrollment growth and inflation estimates, as defined in Section 53F-9-201.1;~~[-and]~~

- (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

- ~~[(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).

- (4)(a) The account shall earn interest.

- (b) All interest earned on account money shall be deposited in the account.

- (5) On or before December 31, 2023, and every three years thereafter, the Office of the Legislative Fiscal Analyst shall:

- (a) review the percentages described in Subsections (2)(a)(i) and (2)(b); and
- (b) recommend to the Executive Appropriations Committee any changes based on the review described in Subsection (5)(a).

(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:

- (a) the cost of providing 32 paid professional hours for teachers in accordance with Section 53F-7-203;
- (b) the amount to make the distribution required under Section 53F-2-527;
- (c) the cost of the Stipends for Future Educators Grant Program described in Section 53F-5-223; and
- (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).

Section 3. Section **53G-7-203** is amended to read:

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

(1) Kindergartens are an integral part of the state's public education system.

(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.

(b) Each LEA governing board shall:

(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]

(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

(B) provide the option to register for a designated half-day kindergarten option at the time of registration;

(iii) provide a dedicated kindergarten class specifically designated as a half-day kindergarten class when enrollment of half-day kindergarten students at an

- 199 individual school or a regional school exceeds a minimum of 18 students;
- 200 (iv) when enrollment of half-day kindergarten students at an individual school
- 201 exceeds a minimum of 18 students, designate the school as a half-day
- 202 kindergarten provider for the improvement of recruiting teachers that prefer
- 203 half-day teaching;
- 204 (v) inform parents regarding the additional educational resources and opportunities
- 205 available to parents who select the half-day kindergarten option; and
- 206 (vi) ensure that a half-day kindergarten student who is registered in a class that
- 207 includes full-day kindergarten students receives instruction that at least meets the
- 208 minimum standards for half-day kindergarten that the state board establishes, in
- 209 accordance with Subsection (4)(a)(iii).
- 210 (c) Nothing in this Subsection (2):
- 211 (i) allows an LEA governing board to require a student to participate in a full-day
- 212 kindergarten program;
- 213 (ii) modifies the non-compulsory status of kindergarten under Chapter 6, Part 2,
- 214 Compulsory Education; or
- 215 (iii) requires a student who only attends a half day of kindergarten to participate in
- 216 dual enrollment under Section 53G-6-702.
- 217 (3) Kindergartens established under Subsection (2) shall receive state money under Title
- 218 53F, Public Education System -- Funding.
- 219 (4)(a) The state board shall:
- 220 (i) develop and collect data from a kindergarten assessment that the board selects by
- 221 rule;
- 222 (ii) make rules, in accordance with Title 63G, Chapter 3, Utah Administrative
- 223 Rulemaking Act, regarding the administration of and reporting regarding the
- 224 assessment described in Subsection (4)(a)(i); and
- 225 (iii) establish minimum standards for half-day kindergarten.
- 226 (b) An LEA shall:
- 227 (i) administer the assessment described in Subsection (4)(a) to each kindergarten
- 228 student; and
- 229 (ii) report to the state board the results of the assessment described in Subsection
- 230 (4)(b)(i) in relation to each kindergarten student in the LEA.
- 231 (5) The state board shall require LEAs to report average daily membership for all
- 232 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.

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

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

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

~~[(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.]~~

Section 4. Section **53G-7-228** is enacted to read:

**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:

(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;

(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

(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.

Section 5. **Effective Date.**

This bill takes effect on July 1, 2026.