

Lincoln Fillmore proposes the following substitute bill:

1 **School and Classroom Amendments**

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Lincoln Fillmore

House Sponsor:

2 **LONG TITLE**

3 **General Description:**

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

5 **Highlighted Provisions:**

6 This bill:

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

16 **Money Appropriated in this Bill:**

17 None

18 **Other Special Clauses:**

19 This bill provides a special effective date.

20 **Utah Code Sections Affected:**

21 **AMENDS:**

22 **53F-9-204**, as last amended by Laws of Utah 2025, Chapters 413, 433

23 **53G-7-203**, as last amended by Laws of Utah 2025, Chapter 394

24 **ENACTS:**

25 **53E-4-409**, Utah Code Annotated 1953

26 **53G-7-228**, Utah Code Annotated 1953

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

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

31 **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
34 are in the public domain or released under an open license that permits free use,
35 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
38 appropriation, the state board shall:

39 (a) contract with one or more qualified entities to develop comprehensive open
40 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
43 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
46 state law;
47 (v) are available in digital and, where appropriate, print formats;
48 (vi) are free from bias;
49 (vii) do not contain obscene or harmful material;
50 (viii) are age appropriate for the grade level; and
51 (ix) promote American values and civic understanding.

52 (b) ensure the open educational resources include:

53 (i) comprehensive instructional materials for all core subject areas;
54 (ii) teacher resources, including:
55 (A) scopes and sequences;
56 (B) topics by grade level;
57 (C) text selection guides;
58 (D) unit and lesson-level implementation guides;
59 (E) daily lesson plans;
60 (F) formative, interim, and summative assessments; and
61 (G) professional development materials;
62 (iii) student materials and resources, including:

- (A) student-facing instructional materials such as graphic organizers;
- (B) guided practice materials;
- (C) independent practice materials;
- (D) digital learning resources;
- (E) project and performance tasks; and
- (F) other classroom supports; and

(iv) implementation guides to support LEAs in the adoption and use of the materials;

(c) establish quality standards and review processes for materials developed under this section;

(d) ensure that:

(i) the state owns all intellectual property rights, including copyright, in the open educational resources developed under this section; and

(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;

(e) make the open educational resources available through a centralized digital platform accessible to all LEAs and the public; and

(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.

3) In developing open educational resources under this section, the state board shall:

(a) consult with LEAs, teachers, curriculum specialists, and other education stakeholders;

(b) establish a review committee that:

(i) includes individuals representing:

(A) LEAs;

(B) parents;

(C) teachers;

(D) curriculum specialists; and

(E) other education stakeholders; and

(ii) reviews all open educational resources before the resources are made available for LEA adoption;

(iii) provide opportunities for public comment on draft open educational resources before final release;

(c) establish timelines for phased development and implementation;

97 (d) provide opportunities for pilot programs and field testing before statewide release;
98 and
99 (e) ensure ongoing review and updates to maintain alignment with Utah core standards
100 and educational best practices.

101 (4)(a) The state board may not require an LEA to adopt or use the open educational
102 resources developed under this section.
103 (b) An LEA that chooses to adopt the open educational resources developed under this
104 section shall use the LEA's existing curriculum approval process.

105 (5) The state board shall:

106 (a) make rules in accordance with Title 63G, Chapter 3, Utah Administrative
107 Rulemaking Act, to:
108 (i) establish standards and procedures for contracting under this section;
109 (ii) establish quality standards and suitability rubrics for open educational resources
110 developed under this section;
111 (iii) establish procedures for LEA access to and use of the open educational resources;
112 (iv) establish procedures for ongoing review, updates, and maintenance of the open
113 educational resources; and
114 (v) establish standards and procedures for the review committee described in
115 Subsection (3)(b);

116 (b) upon request, report to the Education Interim Committee regarding:
117 (i) progress on curriculum development under this section, including timelines and
118 milestones;
119 (ii) expenditures from appropriations under this section;
120 (iii) LEA adoption and use of the open educational resources;
121 (iv) feedback from LEAs, teachers, and other stakeholders, including parents;
122 (v) plans and progress for updates, maintenance, and expansion of the open
123 educational resources; and
124 (vi) the review process and recommendations from the review committee described
125 in Subsection (3)(b).

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

127 **53F-9-204 . Public Education Economic Stabilization Restricted Account.**

128 (1) There is created within the Uniform School Fund a restricted account known as the
129 "Public Education Economic Stabilization Restricted Account."
130 (2)(a) Except as provided in Subsection (2)(b), the account shall be funded from the

131 following revenue sources:

132 (i) 15% of the difference between, as determined by the Office of the Legislative
133 Fiscal Analyst:
134 (A) the estimated amount of ongoing Income Tax Fund and Uniform School Fund
135 revenue available for the Legislature to appropriate for the next fiscal year; and
136 (B) the amount of ongoing appropriations from the Income Tax Fund and Uniform
137 School Fund in the current fiscal year; and
138 (ii) other appropriations as the Legislature may designate.

139 (b) If the appropriation described in Subsection (2)(a) would cause the ongoing
140 appropriations to the account to exceed 11% of Uniform School Fund appropriations
141 described in Section 53F-9-201.1 for the same fiscal year, the Legislature shall
142 appropriate only those funds necessary to ensure that the ongoing appropriations to
143 the account equal 11% of Uniform School Fund appropriations for that fiscal year.

144 (3) Subject to the availability of ongoing appropriations to the account, in accordance with
145 Utah Constitution, Article X, Section 5, Subsection (4), the ongoing appropriation to the
146 account shall be used to fund:
147 (a) except for a year described in Subsection (3)(b)[or] ,(c), or (d), one-time
148 appropriations to the public education system, including at least \$65,000,000 to the
149 Catalyst Center Grant Program described in Section 53E-3-507.1;
150 (b) the Minimum School Program for a year in which Income Tax Fund revenue and
151 Uniform School Fund revenue are insufficient to fund:
152 (i) ongoing appropriations to the public education system; and
153 (ii) enrollment growth and inflation estimates, as defined in Section 53F-9-201.1;[and]
154 (c) the Minimum School Program for a year in which changes in federal tax policy cause
155 Income Tax Fund revenue to decrease by an amount equal to or greater than the
156 amount required to fund enrollment growth and inflation estimates, as defined in
157 Section 53F-9-201.1; or
158 [(e)] (d) the minimum basic local amount as defined in Section 53F-2-301 for a year in
159 which the minimum basic tax rate, as defined in Section 53F-2-301, is insufficient to
160 generate the amount described in Subsection 53F-2-301(2)(a).

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

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

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

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

168 (6) In preparing budget bills for a given fiscal year, the Executive Appropriations
169 Committee shall make the one-time appropriations described in Subsection (3)(a) by
170 appropriating at least the lesser of 10% of the total amount of the one-time
171 appropriations to:

172 (a) the cost of providing 32 paid professional hours for teachers in accordance with
173 Section 53F-7-203;
174 (b) the amount to make the distribution required under Section 53F-2-527;
175 (c) the cost of the Stipends for Future Educators Grant Program described in Section
176 53F-5-223; and
177 (d) the cost of the Rural School Sports Facilities Grant Program described in Section
178 53F-10-303.

179 (7) No later than October 15 of each year, the state board shall report to the Office of the
180 Legislative Fiscal Analyst an estimated cost for each of the one-time appropriations
181 described in Subsection (6).

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

183 **53G-7-203 . Kindergartens -- Establishment -- Funding -- Assessment.**

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

185 (2)(a) Each LEA governing board shall provide kindergarten classes free of charge for
186 kindergarten children residing within the district or attending [the] a charter school.

187 (b) Each LEA governing board shall:

188 (i) provide a half-day kindergarten option for a student that comprises the minimum
189 standards for half-day kindergarten that the state board establishes, in accordance
190 with Subsection (4)(a)(iii), if the student's parent requests a half-day option;[and]

191 (ii)(A) inform parents of the availability of the option to register for a designated
192 full-curriculum half-day kindergarten option at the time of all kindergarten
193 registration, by email, posters, or other announcements when a parent requests
194 kindergarten registration; and

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

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

individual school or a regional school exceeds a minimum of 18 students;

(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;

(v) inform parents regarding the additional educational resources and opportunities available to parents who select the half-day kindergarten option; and

(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).

(c) Nothing in this Subsection (2):

(i) allows an LEA governing board to require a student to participate in a full-day kindergarten program;

(ii) modifies the non-compulsory status of kindergarten under Chapter 6, Part 2, Compulsory Education; or

(iii) requires a student who only attends a half day of kindergarten to participate in dual enrollment under Section 53G-6-702.

Kindergartens established under Subsection (2) shall receive state money under Title 53F, Public Education System -- Funding.

(a) The state board shall:

(i) develop and collect data from a kindergarten assessment that the board selects by rule;

(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

(iii) establish minimum standards for half-day kindergarten.

(b) An LEA shall:

(i) administer the assessment described in Subsection (4)(a) to each kindergarten student; and

(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.

233 to the schedule for grades 1 through 3 with the October 1 data described in Section
234 53F-2-302.

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

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

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

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

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

246 **53G-7-228 . Personal care independence standards -- School enrollment.**

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

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

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

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

259 Section 5. **Effective Date.**

260 This bill takes effect on July 1, 2026.