

Lincoln Fillmore proposes the following substitute bill:

Regulatory Impacts on Families

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Lincoln Fillmore

House Sponsor: Melissa G. Ballard

LONG TITLE

General Description:

This bill requires state agencies, counties, municipalities, and local school boards to consider the impact of certain governmental actions on families.

Highlighted Provisions:

This bill:

- requires a state agency engaged in rulemaking to consider the impact a proposed rule may have on family health, stability, and formation;
- requires a state agency that reasonably expects a proposed rule to have a measurable negative impact on family health, stability, or formation to consider reasonable alternatives to reduce the impact;
- requires a county or municipal legislative body, before passing an ordinance, to consider the impact the proposed ordinance may have on family health, stability, and formation;
- specifies that a county or municipal legislative body's failure to comply with the requirement described above does not invalidate an ordinance enacted by the legislative body or create a cause of action;
- creates an exception to the family impact considerations described above for a county or municipal ordinance enacted in response to an emergency;
- requires a local school board, before adopting a policy or taking other formal action, to consider the impact the proposed rule or action may have on family health, stability, and formation; and
- makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

29 **Utah Code Sections Affected:**

30 AMENDS:

31 **10-3-702**, as last amended by Laws of Utah 2025, Chapter 35432 **17-64-501**, as renumbered and amended by Laws of Utah 2025, First Special Session,
33 Chapter 1334 **53E-3-401**, as last amended by Laws of Utah 2025, Chapter 50135 **53G-4-402**, as last amended by Laws of Utah 2025, First Special Session, Chapter 1636 **63G-3-301**, as last amended by Laws of Utah 2025, Chapters 463, 483

37 ENACTS:

38 **10-3-702.1**, Utah Code Annotated 1953

39

40 *Be it enacted by the Legislature of the state of Utah:*41 Section 1. Section **10-3-702** is amended to read:42 **10-3-702 . Extent of power exercised by ordinance.**43 (1) As used in this section, "open house" means an event held by a homeowner, including
44 an event in association with a real estate agent, architect, builder, or developer, to
45 showcase a home, including the outdoor landscaping around the home.46 (2)(a) Except as provided in Subsection (2)(b), and subject to Section 10-3-702.1, the
47 governing body of a municipality may pass any ordinance to regulate, require,
48 prohibit, govern, control or supervise any activity, business, conduct or condition
49 authorized by this title or any other provision of law.50 (b)(i) The governing body of a municipality may not regulate an open house
51 differently than a residential use.

52 (ii) Any ordinance regulating an open house differently than a residential use is void.

53 (3)(a) An officer of the municipality may not be convicted of a criminal offense where
54 the officer relied on or enforced an ordinance the officer reasonably believed to be a
55 valid ordinance.56 (b) It shall be a defense in any action for punitive damages over the enforcement of an
57 invalid ordinance if the official:

58 (i) acted in good faith in enforcing an ordinance; or

59 (ii) enforced an ordinance on advice of legal counsel.

60 Section 2. Section **10-3-702.1** is enacted to read:61 **10-3-702.1 . Family impact consideration before enacting ordinance.**62 (1) Except for an ordinance enacted in response to an emergency, the governing body shall,

63 before passing an ordinance under Section 10-3-702, consider the impact the proposed
 64 ordinance may have on family health, stability, and formation.

65 (2) Failure to comply with Subsection (1) does not:

66 (a) invalidate an ordinance enacted by the governing body; or

67 (b) create a cause of action against the municipality or the governing body.

68 Section 3. Section **17-64-501** is amended to read:

69 **17-64-501 . Ordinances -- Power to enact -- Penalty for violation.**

70 (1) A[-] legislative body may:

71 (a) pass ordinances:

72 (i) necessary for carrying into effect or discharging the powers and duties conferred
 73 by this title; and

74 (ii) as are necessary and proper to provide for the safety, and preserve the health,
 75 promote the prosperity, improve the morals, peace, and good order, comfort, and
 76 convenience of the county and county inhabitants, and for the protection of
 77 property in the county;

78 (b) enforce obedience to ordinances with fines or penalties as the legislative body
 79 considers proper;

80 (c) pass ordinances to control air pollution;

81 (d) pass resolutions; and

82 (e) make or adopt policies that conform with a county ordinance, county resolution, or
 83 provision of state or federal law.

84 (2)(a) Except for an ordinance described in Subsection 17-64-502(6), a legislative body
 85 shall, before passing an ordinance under Subsection (1), consider the impact the
 86 proposed ordinance may have on family health, stability, and formation.

87 (b) Failure to comply with Subsection (2)(a) does not:

88 (i) invalidate an ordinance enacted by the legislative body; or

89 (ii) create a cause of action against the county or the legislative body.

90 [~~2~~] (3)(a)(i) Punishment imposed under Subsection (1)(b) shall be by fine,
 91 imprisonment, or both fine and imprisonment.

92 (ii) A fine imposed under Subsection [~~2~~](a)(i) (3)(a)(i) may not exceed the
 93 maximum fine for a class B misdemeanor under Section 76-3-301.

94 (b) Notwithstanding Subsection [~~2~~](a) (3)(a), a county may not impose a criminal
 95 penalty greater than an infraction for a violation pertaining to an individual's pet, as
 96 defined in Section 4-12-102, or an individual's use of the individual's residence

- 97 unless:
- 98 (i) the violation:
 - 99 (A) is a nuisance as that term is defined in Section 78B-6-1101; and
 - 100 (B) threatens the health, safety, or welfare of the individual or an identifiable third
 - 101 party; or
- 102 (ii) the county has imposed a fine on the individual for a violation that involves the
- 103 same residence or pet on three previous occasions within the past 12 months.
- 104 (c) Subsection [~~(2)~~(b)] (3)(b) does not apply to county enforcement of a building code or
- 105 fire code ordinance in accordance with Title 15A, State Construction and Fire Codes
- 106 Act.
- 107 (d) When a penalty for a violation of an ordinance includes any possibility of
- 108 imprisonment, the legislative body shall include in the ordinance a statement that the
- 109 county is required, under Section 78B-22-301, to provide for indigent defense
- 110 services, as that term is defined in Section 78B-22-102.
- 111 (e) Notwithstanding any other provision of law, the following may issue a criminal
- 112 citation for a violation that is punished as a misdemeanor if the violation threatens the
- 113 health and safety of an animal or the public:
 - 114 (i) a fire officer described in Section 53-7-102;
 - 115 (ii) a law enforcement officer described in Section 53-13-103; or
 - 116 (iii) an animal control officer described in Section 11-46-102.

117 [~~(3)~~] (4)(a) Except as specifically authorized by statute, the legislative body may not
 118 impose a civil penalty for the violation of a county traffic ordinance.

119 (b) Subsection [~~(3)~~(a)] (4)(a) does not apply to an ordinance regulating the parking of
 120 vehicles on a highway.

121 [~~(4)~~] (5) A county may not issue more than one infraction within a 14-day period for a
 122 violation described in Subsection [~~(2)~~(b)] (3)(b) that is ongoing.

123 Section 4. Section **53E-3-401** is amended to read:

124 **53E-3-401 . Powers of the state board -- Adoption of rules -- Enforcement --**
 125 **Attorney.**

126 (1) As used in this section:

- 127 (a) "Education entity" means:
 - 128 (i) an entity that receives a distribution of state funds through a grant program
 - 129 managed by the state board under this public education code;
 - 130 (ii) an entity that enters into a contract with the state board to provide an educational

- 131 good or service;
- 132 (iii) a school district;
- 133 (iv) a charter school; or
- 134 (v) a regional education service agency, as that term is defined in Section 53G-4-410.
- 135 (b) "Educational good or service" means a good or service that is required or regulated
- 136 under:
- 137 (i) this public education code; or
- 138 (ii) a rule, made in accordance with Title 63G, Chapter 3, Utah Administrative
- 139 Rulemaking Act, and authorized under this public education code.
- 140 (2)(a) The state board has general control and supervision of the state's public education
- 141 system.
- 142 (b) "General control and supervision" as used in Utah Constitution, Article X, Section 3,
- 143 means directed to the whole system.
- 144 (3) The state board may not govern, manage, or operate school districts, institutions, and
- 145 programs, unless granted that authority by statute.
- 146 (4)(a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
- 147 including the requirement relating to consideration of impacts on family health,
- 148 stability, and formation, the state board may make rules to execute the state board's
- 149 duties and responsibilities under the Utah Constitution and state law.
- 150 (b) The state board may delegate the state board's statutory duties and responsibilities to
- 151 state board employees.
- 152 (5)(a) The state board may sell any interest it holds in real property upon a finding by
- 153 the state board that the property interest is surplus.
- 154 (b) The state board may use the money it receives from a sale under Subsection (5)(a)
- 155 for capital improvements, equipment, or materials, but not for personnel or ongoing
- 156 costs.
- 157 (c) If the property interest under Subsection (5)(a) was held for the benefit of an agency
- 158 or institution administered by the state board, the money may only be used for
- 159 purposes related to the agency or institution.
- 160 (d) The state board shall advise the Legislature of any sale under Subsection (5)(a) and
- 161 related matters during the next following session of the Legislature.
- 162 (6) The state board shall develop policies and procedures related to federal educational
- 163 programs in accordance with Part 8, Implementing Federal or National Education
- 164 Programs.

- 165 (7) On or before December 31, 2010, the state board shall review mandates or requirements
166 provided for in state board rule to determine whether certain mandates or requirements
167 could be waived to remove funding pressures on public schools on a temporary basis.
- 168 (8)(a) The state board shall provide procedures for addressing and resolving compliance
169 and monitoring issues related to this public education code, federal law, or rules,
170 including:
- 171 (i) creating methods to review and investigate alleged compliance issues;
 - 172 (ii) creating clear procedures for corrective action plans;
 - 173 (iii) allowing for an appeals process; and
 - 174 (iv) addressing contractual and non-contractual issues.
- 175 (b) If an education entity violates this public education code or rules authorized under
176 this public education code, the state board may, in accordance with the rules
177 described in Subsection (8)(d):
- 178 (i) require the education entity to enter into a corrective action agreement with the
179 state board;
 - 180 (ii) temporarily or permanently withhold state funds from the education entity;
 - 181 (iii) require the education entity to pay a penalty;
 - 182 (iv) require the education entity to reimburse specified state funds to the state board;
 - 183 (v) require additional reporting or monitoring;
 - 184 (vi) refer the complaint, evidence, and findings to the attorney general's office or the
185 relevant district attorney's office;
 - 186 (vii) require the education entity to hire a third-party provider to provide services the
187 state board determines necessary;
 - 188 (viii) require reimbursement from the education entity instead of future allocations
189 from the state board;
 - 190 (ix) require a follow-up investigation;
 - 191 (x) refer the violation and corresponding evidence to the state auditor or the
192 legislative auditor general, if the violation relates to finances;
 - 193 (xi) request additional evidence of compliance; or
 - 194 (xii) take other action the state board deems appropriate.
- 195 (c) Except for temporarily withheld funds, if the state board collects state funds under
196 Subsection (8)(b), the state board shall pay the funds into the Uniform School Fund.
- 197 (d) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
198 state board shall make rules:

- 199 (i) that require notice and an opportunity to be heard for an education entity affected
200 by a state board action described in Subsection (8)(b); and
201 (ii) to administer this Subsection (8).
- 202 (e)(i) An individual may bring a violation of statute or state board rule to the attention
203 of the state board in accordance with a process described in rule [~~adopted~~] made by
204 the state board.
- 205 (ii) If the state board identifies a violation of statute or state board rule as a result of
206 the process described in Subsection (8)(e)(i), the state board may take action in
207 accordance with this section.
- 208 (9) The state board may audit the use of state funds by an education entity that receives
209 those state funds as a distribution from the state board.
- 210 (10) The state board may require, by rule made in accordance with Title 63G, Chapter 3,
211 Utah Administrative Rulemaking Act, that if an LEA contracts with a third party
212 contractor for an educational good or service, the LEA shall require in the contract that
213 the third party contractor shall provide, upon request of the LEA, information necessary
214 for the LEA to verify that the educational good or service complies with:
- 215 (a) this public education code; and
216 (b) state board rule authorized under this public education code.
- 217 (11)(a) The state board may appoint an attorney to provide legal advice to the state
218 board and coordinate legal affairs for the state board and the state board's employees.
- 219 (b) An attorney described in Subsection (11)(a) shall cooperate with the Office of the
220 Attorney General.
- 221 (c) An attorney described in Subsection (11)(a) may not:
- 222 (i) conduct litigation;
223 (ii) settle claims covered by the Risk Management Fund created in Section 63A-4-201;
224 or
225 (iii) issue formal legal opinions.
- 226 (12) The state board shall ensure that any training or certification that an employee of the
227 public education system is required to complete under this title or by rule complies with
228 Title 63G, Chapter 22, State Training and Certification Requirements.
- 229 Section 5. Section **53G-4-402** is amended to read:
- 230 **53G-4-402 . Powers and duties generally.**
- 231 (1) A local school board shall:
- 232 (a) implement the core standards for Utah public schools using instructional materials

- 233 that best correlate to the core standards for Utah public schools and graduation
234 requirements;
- 235 (b) administer tests, required by the state board, which measure the progress of each
236 student, and coordinate with the state superintendent and state board to assess results
237 and create plans to improve the student's progress, which shall be submitted to the
238 state board for approval;
- 239 (c) use progress-based assessments as part of a plan to identify schools, teachers, and
240 students that need remediation and determine the type and amount of federal, state,
241 and local resources to implement remediation;
- 242 (d) for each grading period and for each course in which a student is enrolled, issue a
243 grade or performance report to the student:
- 244 (i) that reflects the student's work, including the student's progress based on mastery,
245 for the grading period; and
- 246 (ii) in accordance with the local school board's adopted grading or performance
247 standards and criteria;
- 248 (e) develop early warning systems for students or classes failing to make progress;
- 249 (f) work with the state board to establish a library of documented best practices,
250 consistent with state and federal regulations, for use by the special districts;
- 251 (g) implement training programs for school administrators, including basic management
252 training, best practices in instructional methods, budget training, staff management,
253 managing for learning results and continuous improvement, and how to help every
254 student achieve optimal learning in basic academic subjects; and
- 255 (h) ensure that the local school board meets the data collection and reporting standards
256 described in Section 53E-3-501.
- 257 (2) Local school boards shall spend Minimum School Program funds for programs and
258 activities for which the state board has established minimum standards or rules under
259 Section 53E-3-501.
- 260 (3)(a) A local school board may purchase, sell, and make improvements on school sites,
261 buildings, and equipment, and construct, erect, and furnish school buildings.
- 262 (b) School sites or buildings may only be conveyed or sold on local school board
263 resolution affirmed by at least two-thirds of the school board members.
- 264 (4)(a) A local school board may participate in the joint construction or operation of a
265 school attended by students residing within the district and students residing in other
266 districts either within or outside the state.

- 267 (b) Any agreement for the joint operation or construction of a school shall:
- 268 (i) be signed by the president of the local school board of each participating district;
- 269 (ii) include a mutually agreed upon pro rata cost; and
- 270 (iii) be filed with the state board.
- 271 (5) A local school board may establish, locate, and maintain elementary, secondary, and
- 272 applied technology schools.
- 273 (6) A local school board may enter into cooperative agreements with other local school
- 274 boards to provide educational services that best utilize resources for the overall
- 275 operation of the school districts, including shared transportation services.
- 276 (7) A local school board shall ensure that an agreement under Subsection (6):
- 277 (a) is signed by the president of the local school board of each participating district;
- 278 (b) specifies the resource being shared;
- 279 (c) includes a mutually agreed upon pro rata cost;
- 280 (d) includes the duration of the agreement; and
- 281 (e) is filed with the state board.
- 282 (8)(a) Except as provided in Section 53E-3-905 and Subsection (8)(b), a local school
- 283 board may enroll children in school who are at least five years old before September
- 284 2 of the year in which admission is sought.
- 285 (b) A local school board may enroll a child in kindergarten who does not meet the age
- 286 requirement described in Subsection (8)(a) if the child:
- 287 (i) moves to Utah from a different state in which the child, during the relevant school
- 288 year:
- 289 (A) was a resident; and
- 290 (B) was enrolled in kindergarten in accordance with the previous state's age
- 291 requirements for kindergarten enrollment; and
- 292 (ii) transfers to the enrolling school after the beginning of the same school year.
- 293 (9) A local school board:
- 294 (a) may establish and support school libraries; and
- 295 (b) shall provide an online platform:
- 296 (i) through which a parent is able to view the title, author, and a description of any
- 297 material the parent's child borrows from the school library, including a history of
- 298 borrowed materials, either using an existing online platform that the LEA uses or
- 299 through a separate platform; and
- 300 (ii)(A) for a school district with 1,000 or more enrolled students, no later than

- 301 August 1, 2024; and
302 (B) for a school district with fewer than 1,000 enrolled students, no later than
303 August 1, 2026.
- 304 (10) A local school board may collect damages for the loss, injury, or destruction of school
305 property.
- 306 (11) A local school board may authorize guidance and counseling services for students and
307 the student's parents before, during, or following school enrollment.
- 308 (12)(a) A local school board shall administer and implement federal educational
309 programs in accordance with Title 53E, Chapter 3, Part 8, Implementing Federal or
310 National Education Programs.
- 311 (b) Federal funds are not considered funds within the school district budget under
312 Chapter 7, Part 3, Budgets.
- 313 (13)(a) A local school board may organize school safety patrols and adopt policies under
314 which the patrols promote student safety.
- 315 (b) A student appointed to a safety patrol shall be at least 10 years old and have written
316 parental consent for the appointment.
- 317 (c) Safety patrol members may not direct vehicular traffic or be stationed in a portion of
318 a highway intended for vehicular traffic use.
- 319 (d) Liability may not attach to a school district, its employees, officers, or agents, or to a
320 safety patrol member, a parent of a safety patrol member, or an authorized volunteer
321 assisting the program by virtue of the organization, maintenance, or operation of a
322 school safety patrol.
- 323 (14)(a) A local school board may on its own behalf, or on behalf of an educational
324 institution for which the local school board is the direct governing body, accept
325 private grants, loans, gifts, endowments, devises, or bequests that are made for
326 educational purposes.
- 327 (b) The contributions made under Subsection (14)(a) are not subject to appropriation by
328 the Legislature.
- 329 (15)(a) A local school board may appoint and fix the compensation of a compliance
330 officer to issue citations for violations of Subsection 76-9-1106(3)(c).
- 331 (b) A person may not be appointed to serve as a compliance officer without the person's
332 consent.
- 333 (c) A teacher or student may not be appointed as a compliance officer.
- 334 (16) A local school board shall adopt bylaws and policies for the local school board's own

- 335 procedures.
- 336 (17)(a) A local school board shall make and enforce policies necessary for the control
337 and management of the district schools.
- 338 (b) Local school board policies shall be in writing, filed, and referenced for public
339 access.
- 340 (18) A local school board may hold school on legal holidays other than Sundays.
- 341 (19)(a) A local school board shall establish for each school year a school traffic safety
342 committee to implement this Subsection (19).
- 343 (b) The committee shall be composed of one representative of:
- 344 (i) the schools within the district;
- 345 (ii) the Parent Teachers' Association of the schools within the district;
- 346 (iii) the municipality or county;
- 347 (iv) state or local law enforcement; and
- 348 (v) state or local traffic safety engineering.
- 349 (c) The committee shall:
- 350 (i) receive suggestions from school community councils, parents, teachers, and
351 others, and recommend school traffic safety improvements, boundary changes to
352 enhance safety, and school traffic safety program measures;
- 353 (ii) review and submit annually to the Department of Transportation and affected
354 municipalities and counties a child access routing plan for each elementary,
355 middle, and junior high school within the district;
- 356 (iii) in consultation with the Utah Safety Council and the Division of Family Health,
357 provide training to all students in kindergarten through grade 6, within the district,
358 on school crossing safety and use; and
- 359 (iv) help ensure the district's compliance with rules made by the Department of
360 Transportation under Section 41-6a-303.
- 361 (d) The committee may establish subcommittees as needed to assist in accomplishing the
362 committee's duties under Subsection (19)(c).
- 363 (20)(a) A local school board shall adopt and implement a comprehensive emergency
364 response plan to prevent and combat violence in the local school board's public
365 schools, on school grounds, on school vehicles, and in connection with
366 school-related activities or events.
- 367 (b) The local school board shall ensure that the plan:
- 368 (i) includes prevention, intervention, and response components;

- 369 (ii) is consistent with the school discipline and conduct policies required for school
370 districts under Chapter 8, Part 2, School Discipline and Conduct Plans;
- 371 (iii) requires professional learning for all district and school building staff on the
372 staff's roles in the emergency response plan;
- 373 (iv) provides for coordination with local law enforcement and other public safety
374 representatives in preventing, intervening, and responding to violence in the areas
375 and activities referred to in Subsection (20)(a); and
- 376 (v) includes procedures to notify a student who is off campus at the time of a school
377 violence emergency because the student is:
- 378 (A) participating in a school-related activity; or
379 (B) excused from school for a period of time during the regular school day to
380 participate in religious instruction at the request of the student's parent.
- 381 (c) The state board, through the state superintendent, shall develop comprehensive
382 emergency response plan models that local school boards may use, where
383 appropriate, to comply with Subsection (20)(a).
- 384 (d) A local school board shall, by July 1 of each year, certify to the state board that its
385 plan has been practiced at the school level and presented to and reviewed by its
386 teachers, administrators, students, and the student's parents and local law enforcement
387 and public safety representatives.
- 388 (21)(a) A local school board may adopt an emergency response plan for the treatment of
389 sports-related injuries that occur during school sports practices and events.
- 390 (b) The plan may be implemented by each secondary school in the district that has a
391 sports program for students.
- 392 (c) The plan may:
- 393 (i) include emergency personnel, emergency communication, and emergency
394 equipment components;
- 395 (ii) require professional learning on the emergency response plan for school
396 personnel who are involved in sports programs in the district's secondary schools;
397 and
- 398 (iii) provide for coordination with individuals and agency representatives who:
399 (A) are not employees of the school district; and
400 (B) would be involved in providing emergency services to students injured while
401 participating in sports events.
- 402 (d) The local school board, in collaboration with the schools referred to in Subsection

- 403 (21)(b), may review the plan each year and make revisions when required to improve
404 or enhance the plan.
- 405 (e) The state board, through the state superintendent, shall provide local school boards
406 with an emergency plan response model that local school boards may use to comply
407 with the requirements of this Subsection (21).
- 408 (22)(a) A local school board shall approve an LEA's policies and procedures that an
409 LEA develops to ensure that students have non-electronic notification of and access
410 to:
- 411 (i) school activities and events, including:
- 412 (A) schedule changes;
- 413 (B) extracurricular activities; and
- 414 (C) sporting events; and
- 415 (ii) the emergency response plans described in Subsections (20) and (21).
- 416 (b) Notwithstanding Subsection (22)(a), an LEA may provide electronic notification of
417 and access to school activities and events as described in Subsections (22)(a)(i) and
418 (ii) if:
- 419 (i)(A) the school provides each student with an electronic device; and
- 420 (B) the electronic device is capable of receiving electronic notification of and
421 access to school activities and events as described in Subsections (22)(a)(i) and
422 (ii); or
- 423 (ii) an emergency, unforeseen circumstance, or other incident arises and an LEA
424 cannot reasonably provide timely non-electronic notification.
- 425 (c) An LEA may not require the use of a privately owned electronic device to complete
426 course work.
- 427 (23) A local school board shall do all other things necessary for the maintenance,
428 prosperity, and success of the schools and the promotion of education.
- 429 (24)(a) As used in this subsection, "special enrollment program" means a full-day
430 academic program in which a parent opts to enroll the parent's student and that is
431 offered at a specifically designated school within an LEA, including:
- 432 (i) gifted or advanced learning programs; or
- 433 (ii) dual language immersion programs.
- 434 (b) Before closing a school, changing the boundaries of a school, or changing or closing
435 the location of a special enrollment program, a local school board shall:
- 436 (i) at a local school board meeting, make and approve a motion to initiate the

- 437 notification required under Subsections (24)(b)(ii) through (iv);
- 438 (ii) on or before 90 days before the day on which the local school board approves the
- 439 school closure or at least 30 days before the day on which the local school board
- 440 approves a school boundary change, provide notice that the local school board is
- 441 considering the closure or boundary change to:
- 442 (A) parents of students enrolled in the school, using the same form of
- 443 communication the local school board regularly uses to communicate with
- 444 parents and also by mail, using the United States Postal Service, to the parents
- 445 at each known address;
- 446 (B) parents of students enrolled in other schools within the school district that may
- 447 be affected by the closure or boundary change, using the same form of
- 448 communication the local school board regularly uses to communicate with
- 449 parents and also by mail, using the United States Postal Service, to the parents
- 450 at each known address; and
- 451 (C) the governing council and the mayor of the municipality in which the school is
- 452 located;
- 453 (iii) provide an opportunity for public comment on the proposed school closure
- 454 during at least two public local school board meetings;
- 455 (iv) provide an opportunity for public comment on the proposed school boundary
- 456 change during one public local school board meeting; and
- 457 (v) hold a public hearing as defined in Section 10-20-102 and provide public notice
- 458 of the public hearing in accordance with Subsection (24)(c).
- 459 (c) A local school board shall:
- 460 (i) ensure that the notice of a public hearing required under Subsection (24)(b)(v)
- 461 indicates the:
- 462 (A) name of the school or schools under consideration for closure or boundary
- 463 change; and
- 464 (B) the date, time, and location of the public hearing;
- 465 (ii) if feasible, hold the public hearing at the location of the school that is under
- 466 consideration for closure;
- 467 (iii) for at least 10 days before the day on which the public hearing occurs, publish
- 468 the notice of public hearing occurs, publish the notice of the public hearing for the
- 469 school district in which the school is located, as a class A notice under Section
- 470 63G-30-102; and

- 471 (iv) at least 30 days before the day on which the public hearing occurs, provide notice
472 of the public hearing in the same manner as the notice of consideration under
473 Subsection (24)(b)(ii).
- 474 (d) A motion made under Subsection (24)(b) shall name each school under consideration
475 for closure in a separate motion.
- 476 (e) For a school closure, a local school board shall complete the process described in this
477 Subsection (24) on or before December 31 of the calendar year preceding the
478 beginning of the school year in which a school closure takes effect.
- 479 (f)(i) For a school boundary change, a local school board shall complete the process
480 described in this Subsection (24) no more than 60 days after the day on which the
481 local school board votes to approve a school closure.
- 482 (ii) Parents of students enrolled in a school affected by a boundary change shall have
483 at least 30 days after the day on which the local school board votes to approve a
484 school boundary change to request an out of area enrollment request in accordance
485 with Chapter 6, Part 4, School District Enrollment.
- 486 (25) A local school board may implement a facility energy efficiency program established
487 under Title 11, Chapter 44, Performance Efficiency Act.
- 488 (26) A local school board may establish or partner with a certified youth court in
489 accordance with Section 80-6-902 or establish or partner with a comparable restorative
490 justice program, in coordination with schools in that district. A school may refer a
491 student to a youth court or a comparable restorative justice program in accordance with
492 Section 53G-8-211.
- 493 (27)(a) As used in this Subsection (27):
- 494 (i) "Learning material" means any learning material or resource used to deliver or
495 support a student's learning, including textbooks, reading materials, videos, digital
496 materials, websites, and other online applications.
- 497 (ii)(A) "Instructional material" means learning material that a local school board
498 adopts and approves for use within the LEA.
- 499 (B) "Instructional material" does not include learning material used in a
500 concurrent enrollment, advanced placement, or international baccalaureate
501 program or class or another class with required instructional material that is not
502 subject to selection by the local school board.
- 503 (iii) "Supplemental material" means learning material that:
- 504 (A) an educator selects for classroom use; and

- 505 (B) a local school board has not considered and adopted, approved, or prohibited
506 for classroom use within the LEA.
- 507 (b) A local school board shall:
- 508 (i) make instructional material that the school district uses readily accessible and
509 available for a parent to view;
- 510 (ii) annually notify a parent of a student enrolled in the school district of how to
511 access the information described in Subsection (27)(b)(i); and
- 512 (iii) include on the school district's website information about how to access the
513 information described in Subsection (27)(b)(i).
- 514 (c) In selecting and approving instructional materials for use in the classroom, a local
515 school board shall:
- 516 (i) establish an open process, involving educators and parents of students enrolled in
517 the LEA, to review and recommend instructional materials for board approval; and
- 518 (ii) ensure that under the process described in Subsection (27)(c)(i), the board:
- 519 (A) before the meetings described in Subsection (27)(c)(ii)(B), posts the
520 recommended learning material online to allow for public review or, for
521 copyrighted material, makes the recommended learning material available at
522 the LEA for public review;
- 523 (B) before adopting or approving the recommended instructional materials, holds
524 at least two public meetings on the recommendation that provides an
525 opportunity for educators whom the LEA employs and parents of students
526 enrolled in the LEA to express views and opinions on the recommendation; and
- 527 (C) adopts or approves the recommended instructional materials in an open and
528 regular board meeting.
- 529 (d) A local school board shall adopt a supplemental materials policy that provides
530 flexible guidance to educators on the selection of supplemental materials or resources
531 that an educator reviews and selects for classroom use using the educator's
532 professional judgment, including whether any process or permission is required
533 before classroom use of the materials or resources.
- 534 (e) If an LEA contracts with another party to provide online or digital materials, the
535 LEA shall include in the contract a requirement that the provider give notice to the
536 LEA any time that the provider makes a material change to the content of the online
537 or digital materials, excluding regular informational updates on current events.
- 538 (f) Nothing in this Subsection (27) requires a local school board to review all learning

539 materials used within the LEA.

540 (28) If information, data, or action from a school district is necessary for the state board to
541 fulfill a statutory data gathering, compliance, or reporting requirement, a local school
542 board shall provide the relevant information, data, or action, subject to enforcement
543 under Section 53E-3-401.

544 (29) Before adopting a policy or taking other formal action under this section, a local
545 school board shall consider the impact the proposed policy or action may have on family
546 health, stability, and formation.

547 Section 6. Section **63G-3-301** is amended to read:

548 **63G-3-301 . Rulemaking procedure.**

549 (1) An agency authorized to make rules is also authorized to amend or repeal those rules.

550 (2) Except as provided in Sections 63G-3-303 and 63G-3-304, when making, amending, or
551 repealing a rule, agencies shall comply with:

552 (a) the requirements of this section;

553 (b) consistent procedures required by other statutes;

554 (c) applicable federal mandates; and

555 (d) rules made by the office to implement this chapter.

556 (3) Subject to the requirements of this chapter, each agency shall develop and use flexible
557 approaches in drafting rules that meet the needs of the agency and that involve persons
558 affected by the agency's rules.

559 (4)(a) Each agency shall file the agency's proposed rule and rule analysis with the office.

560 (b) Rule amendments shall be marked with new language underlined and deleted
561 language struck out.

562 (c)(i) The office shall publish the information required under Subsection (8) on the
563 rule analysis and the text of the proposed rule in the next issue of the bulletin.

564 (ii) For rule amendments, only the section or subsection of the rule being amended
565 need be printed.

566 (iii) If the director determines that the rule is too long to publish, the office shall
567 publish the rule analysis and shall publish the rule by reference to a copy on file
568 with the office.

569 (5) Before filing a proposed rule with the office, the agency shall:

570 (a) conduct a thorough analysis, consistent with the criteria established by the

571 Governor's Office of Planning and Budget, of the fiscal impact [a] the rule may have
572 on businesses, which criteria may include:

573 [(a)] (i) the type of industries that will be impacted by the rule, and for each identified
 574 industry, an estimate of the total number of businesses within the industry, and an
 575 estimate of the number of those businesses that are small businesses;

576 [(b)] (ii) the individual fiscal impact that would incur to a single business for a
 577 one-year period;

578 [(c)] (iii) the aggregated total fiscal impact that would incur to all businesses within
 579 the state for a one-year period;

580 [(d)] (iv) the total cost that would incur to all impacted entities over a five-year
 581 period; and

582 [(e)] (v) the department head's comments on the analysis[-] ; and

583 (b) consider the impact the proposed rule may have on family health, stability, and
 584 formation.

585 (6)(a) If the agency reasonably expects that a proposed rule will have a measurable
 586 negative fiscal impact on small businesses, the agency shall consider, as allowed by
 587 federal law, each of the following methods of reducing the impact of the rule on
 588 small businesses:

589 [(a)] (i) establishing less stringent compliance or reporting requirements for small
 590 businesses;

591 [(b)] (ii) establishing less stringent schedules or deadlines for compliance or reporting
 592 requirements for small businesses;

593 [(c)] (iii) consolidating or simplifying compliance or reporting requirements for small
 594 businesses;

595 [(d)] (iv) establishing performance standards for small businesses to replace design or
 596 operational standards required in the proposed rule; and

597 [(e)] (v) exempting small businesses from all or any part of the requirements
 598 contained in the proposed rule.

599 (b)(i) If an agency reasonably expects that a proposed rule will have a measurable
 600 negative impact on family health, stability, or formation, the agency shall, to the
 601 extent allowed by state and federal law, consider reasonable alternatives or
 602 modifications to the rule that may reduce the impact, which may include:

603 (A) phasing in compliance or implementation requirements;

604 (B) adjusting effective dates or transition periods;

605 (C) simplifying administrative or procedural requirements that directly affect
 606 families; or

- 607 (D) other reasonable alternatives identified by the agency.
- 608 (ii) An agency is not required to adopt an alternative or modification described in
- 609 Subsection (6)(b)(i).
- 610 (7) If during the public comment period an agency receives comment that the proposed rule
- 611 will cost small business more than one day's annual average gross receipts, and the
- 612 agency had not previously performed the analysis in Subsection [~~(6)~~] (6)(a), the agency
- 613 shall perform the analysis described in Subsection [~~(6)~~] (6)(a).
- 614 (8) The rule analysis shall contain:
- 615 (a) a summary of the rule or change;
- 616 (b) the purpose of the rule or reason for the change;
- 617 (c) the statutory authority or federal requirement for the rule;
- 618 (d) the anticipated cost or savings to:
- 619 (i) the state budget;
- 620 (ii) local governments;
- 621 (iii) small businesses; and
- 622 (iv) persons other than small businesses, businesses, or local governmental entities;
- 623 (e) the compliance cost for affected persons;
- 624 (f) how interested persons may review the full text of the rule;
- 625 (g) how interested persons may present their views on the rule;
- 626 (h) the time and place of any scheduled public hearing;
- 627 (i) the name and telephone number of an agency employee who may be contacted about
- 628 the rule;
- 629 (j) the name of the agency head or designee who authorized the rule;
- 630 (k) the date on which the rule may become effective following the public comment
- 631 period;
- 632 (l) the agency's analysis on the fiscal impact of the rule on businesses as required under
- 633 Subsection [~~(5)~~] (5)(a);
- 634 (m) a brief statement that the agency considered the impact of the rule on family health,
- 635 stability, and formation under Subsection (5)(b) and, if applicable, a brief summary
- 636 of the agency's efforts to consider reasonable alternatives or modifications under
- 637 Subsection (6)(b);
- 638 [~~(n)~~] (n) any additional comments the department head may choose to submit regarding
- 639 the fiscal impact the rule may have on businesses; and
- 640 [~~(o)~~] (o) if applicable, a summary of the agency's efforts to comply with the requirements

- 641 of Subsection [~~(6)~~] (6)(a).
- 642 (9)(a) For a rule being repealed and reenacted, the rule analysis shall contain a summary
643 that generally includes the following:
- 644 (i) a summary of substantive provisions in the repealed rule which are eliminated
645 from the enacted rule; and
- 646 (ii) a summary of new substantive provisions appearing only in the enacted rule.
- 647 (b) The summary required under this Subsection (9) is to aid in review and may not be
648 used to contest any rule on the ground of noncompliance with the procedural
649 requirements of this chapter.
- 650 (10) An agency shall mail a copy of the rule analysis to a person that makes a timely
651 request of the agency for advance notice of the agency's rulemaking proceedings and to
652 any other person that, by statutory or federal mandate or in the judgment of the agency,
653 should also receive notice.
- 654 (11)(a) Following the publication date, the agency shall allow at least 30 days for public
655 comment on the rule.
- 656 (b) The agency shall review and evaluate all public comments submitted in writing
657 within the time period under Subsection (11)(a) or presented at public hearings
658 conducted by the agency within the time period under Subsection (11)(a).
- 659 (12)(a) Except as provided in Sections 63G-3-303, 63G-3-304, and 63G-3-304.1, a
660 proposed rule becomes effective on any date specified by the agency that is:
- 661 (i) no fewer than seven calendar days after the day on which the public comment
662 period closes under Subsection (11); and
- 663 (ii) no more than 120 days after the day on which the rule is published.
- 664 (b) The agency shall provide notice of the rule's effective date to the office in the form
665 required by the office.
- 666 (c) The notice of effective date may not provide for an effective date before the day on
667 which the office receives the notice.
- 668 (d) The office shall publish notice of the effective date of the rule in the next issue of the
669 bulletin.
- 670 (e) A proposed rule lapses if a notice of effective date or a change to a proposed rule is
671 not filed with the office within 120 days after the day on which the rule is published.
- 672 (13)(a)(i) Before an agency enacts a rule, the agency shall submit to the
673 appropriations subcommittee and interim committee with jurisdiction over the
674 agency the agency's proposed rule for review, if the proposed rule, over a

- 675 five-year period, has a fiscal impact of more than \$1,000,000 statewide.
- 676 (ii) A proposed rule that is subject to Subsection (13)(e) is exempt from Subsection
677 (13)(a)(i).
- 678 (b) An appropriations subcommittee or interim committee that reviews a rule an agency
679 submits under Subsection (13)(a) shall:
- 680 (i) before the review, directly inform the chairs of the Rules Review and General
681 Oversight Committee of the coming review, including the date, time, and place of
682 the review; and
- 683 (ii) after the review, directly inform the chairs of the Rules Review and General
684 Oversight Committee of the outcome of the review, including any
685 recommendation.
- 686 (c) An appropriations subcommittee or interim committee that reviews a rule an agency
687 submits under Subsection (13)(a) may recommend to the Rules Review and General
688 Oversight Committee that the Rules Review and General Oversight Committee not
689 recommend reauthorization of the rule in the legislation described in Section
690 63G-3-502.
- 691 (d) The agency shall calculate the substantial fiscal impact in accordance with
692 Subsection [~~(5)~~] (5)(a).
- 693 (e) Unless an agency cannot implement a statute or execute a federally delegated
694 authority without making a rule that is estimated to have substantial fiscal impact, the
695 agency may not make the rule.
- 696 (f) The requirements described in Subsections (13)(a) and (13)(b) do not apply to:
- 697 (i) the State Tax Commission; or
698 (ii) the State Board of Education.
- 699 (14)(a) As used in this Subsection (14), "initiate rulemaking proceedings" means the
700 filing, for the purposes of publication in accordance with Subsection (4), of an
701 agency's proposed rule that is required by state statute.
- 702 (b) A state agency shall initiate rulemaking proceedings no later than 180 days after the
703 day on which the statutory provision that specifically requires the rulemaking takes
704 effect, except under Subsection (14)(c).
- 705 (c) When a statute is enacted that requires agency rulemaking and the affected agency
706 already has rules in place that meet the statutory requirement, the agency shall submit
707 the rules to the Rules Review and General Oversight Committee for review within 60
708 days after the day on which the statute requiring the rulemaking takes effect.

709 (d) If a state agency does not initiate rulemaking proceedings in accordance with the
710 time requirements in Subsection (14)(b), the state agency shall appear before the
711 legislative Rules Review and General Oversight Committee and provide the reasons
712 for the delay.

713 Section 7. **Effective Date.**

714 This bill takes effect on May 6, 2026.