

**Representative V. Lowry Snow** proposes the following substitute bill:

**KINDERGARTEN AMENDMENTS**

2016 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Howard A. Stephenson**

House Sponsor: V. Lowry Snow

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**LONG TITLE**

**General Description:**

This bill amends and enacts provisions related to the kindergarten.

**Highlighted Provisions:**

This bill:

- ▶ allows a student to enter kindergarten before the student is five years old, under certain conditions;
- ▶ defines kindergarten as a half-day class;
- ▶ gives rulemaking authority; and
- ▶ makes technical and conforming changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**53A-3-402**, as last amended by Laws of Utah 2015, Chapters 399 and 415

**53A-3-402.7**, as enacted by Laws of Utah 1993, Chapter 122

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

27 Section 1. Section **53A-3-402** is amended to read:

28 **53A-3-402. Powers and duties generally.**

29 (1) Each local school board shall:

30 (a) implement the core standards for Utah public schools utilizing instructional  
31 materials that best correlate to the core standards for Utah public schools and graduation  
32 requirements;

33 (b) administer tests, required by the State Board of Education, which measure the  
34 progress of each student, and coordinate with the state superintendent and State Board of  
35 Education to assess results and create plans to improve the student's progress which shall be  
36 submitted to the State Office of Education for approval;

37 (c) use progress-based assessments as part of a plan to identify schools, teachers, and  
38 students that need remediation and determine the type and amount of federal, state, and local  
39 resources to implement remediation;

40 (d) develop early warning systems for students or classes failing to make progress;

41 (e) work with the State Office of Education to establish a library of documented best  
42 practices, consistent with state and federal regulations, for use by the local districts; and

43 (f) implement training programs for school administrators, including basic  
44 management training, best practices in instructional methods, budget training, staff  
45 management, managing for learning results and continuous improvement, and how to help  
46 every child achieve optimal learning in basic academic subjects.

47 (2) Local school boards shall spend minimum school program funds for programs and  
48 activities for which the State Board of Education has established minimum standards or rules  
49 under Section [53A-1-402](#).

50 (3) (a) A board may purchase, sell, and make improvements on school sites, buildings,  
51 and equipment and construct, erect, and furnish school buildings.

52 (b) School sites or buildings may only be conveyed or sold on board resolution  
53 affirmed by at least two-thirds of the members.

54 (4) (a) A board may participate in the joint construction or operation of a school  
55 attended by children residing within the district and children residing in other districts either  
56 within or outside the state.

57 (b) Any agreement for the joint operation or construction of a school shall:

58 (i) be signed by the president of the board of each participating district;

59 (ii) include a mutually agreed upon pro rata cost; and

60 (iii) be filed with the State Board of Education.

61 (5) A board may establish, locate, and maintain elementary, secondary, and applied  
62 technology schools.

63 (6) Except as provided in Section [53A-1-1001](#) or Section [53A-3-402.7](#), a board may  
64 enroll children in school who are at least five years of age before September 2 of the year in  
65 which admission is sought.

66 (7) A board may establish and support school libraries.

67 (8) A board may collect damages for the loss, injury, or destruction of school property.

68 (9) A board may authorize guidance and counseling services for children and their  
69 parents or guardians prior to, during, or following enrollment of the children in schools.

70 (10) (a) A board shall administer and implement federal educational programs in  
71 accordance with Title 53A, Chapter 1, Part 9, Implementing Federal or National Education  
72 Programs Act.

73 (b) Federal funds are not considered funds within the school district budget under Title  
74 53A, Chapter 19, Public School Budgets.

75 (11) (a) A board may organize school safety patrols and adopt rules under which the  
76 patrols promote student safety.

77 (b) A student appointed to a safety patrol shall be at least 10 years old and have written  
78 parental consent for the appointment.

79 (c) Safety patrol members may not direct vehicular traffic or be stationed in a portion  
80 of a highway intended for vehicular traffic use.

81 (d) Liability may not attach to a school district, its employees, officers, or agents or to a  
82 safety patrol member, a parent of a safety patrol member, or an authorized volunteer assisting  
83 the program by virtue of the organization, maintenance, or operation of a school safety patrol.

84 (12) (a) A board may on its own behalf, or on behalf of an educational institution for  
85 which the board is the direct governing body, accept private grants, loans, gifts, endowments,  
86 devises, or bequests that are made for educational purposes.

87 (b) These contributions are not subject to appropriation by the Legislature.

88 (13) (a) A board may appoint and fix the compensation of a compliance officer to issue  
89 citations for violations of Subsection 76-10-105(2).

90 (b) A person may not be appointed to serve as a compliance officer without the  
91 person's consent.

92 (c) A teacher or student may not be appointed as a compliance officer.

93 (14) A board shall adopt bylaws and rules for its own procedures.

94 (15) (a) A board shall make and enforce rules necessary for the control and  
95 management of the district schools.

96 (b) All board rules and policies shall be in writing, filed, and referenced for public  
97 access.

98 (16) A board may hold school on legal holidays other than Sundays.

99 (17) (a) Each board shall establish for each school year a school traffic safety  
100 committee to implement this Subsection (17).

101 (b) The committee shall be composed of one representative of:

102 (i) the schools within the district;

103 (ii) the Parent Teachers' Association of the schools within the district;

104 (iii) the municipality or county;

105 (iv) state or local law enforcement; and

106 (v) state or local traffic safety engineering.

107 (c) The committee shall:

108 (i) receive suggestions from school community councils, parents, teachers, and others  
109 and recommend school traffic safety improvements, boundary changes to enhance safety, and  
110 school traffic safety program measures;

111 (ii) review and submit annually to the Department of Transportation and affected  
112 municipalities and counties a child access routing plan for each elementary, middle, and junior  
113 high school within the district;

114 (iii) consult the Utah Safety Council and the Division of Family Health Services and  
115 provide training to all school children in kindergarten through grade six, within the district, on  
116 school crossing safety and use; and

117 (iv) help ensure the district's compliance with rules made by the Department of  
118 Transportation under Section 41-6a-303.

119 (d) The committee may establish subcommittees as needed to assist in accomplishing  
120 its duties under Subsection (17)(c).

121 (18) (a) Each school board shall adopt and implement a comprehensive emergency  
122 response plan to prevent and combat violence in its public schools, on school grounds, on its  
123 school vehicles, and in connection with school-related activities or events.

124 (b) The plan shall:

125 (i) include prevention, intervention, and response components;

126 (ii) be consistent with the student conduct and discipline policies required for school  
127 districts under Title 53A, Chapter 11, Part 9, School Discipline and Conduct Plans;

128 (iii) require inservice training for all district and school building staff on what their  
129 roles are in the emergency response plan;

130 (iv) provide for coordination with local law enforcement and other public safety  
131 representatives in preventing, intervening, and responding to violence in the areas and activities  
132 referred to in Subsection (18)(a); and

133 (v) include procedures to notify a student, to the extent practicable, who is off campus  
134 at the time of a school violence emergency because the student is:

135 (A) participating in a school-related activity; or

136 (B) excused from school for a period of time during the regular school day to  
137 participate in religious instruction at the request of the student's parent or guardian.

138 (c) The State Board of Education, through the state superintendent of public  
139 instruction, shall develop comprehensive emergency response plan models that local school  
140 boards may use, where appropriate, to comply with Subsection (18)(a).

141 (d) Each local school board shall, by July 1 of each year, certify to the State Board of  
142 Education that its plan has been practiced at the school level and presented to and reviewed by  
143 its teachers, administrators, students, and their parents and local law enforcement and public  
144 safety representatives.

145 (19) (a) Each local school board may adopt an emergency response plan for the  
146 treatment of sports-related injuries that occur during school sports practices and events.

147 (b) The plan may be implemented by each secondary school in the district that has a  
148 sports program for students.

149 (c) The plan may:

- 150 (i) include emergency personnel, emergency communication, and emergency  
151 equipment components;
- 152 (ii) require inservice training on the emergency response plan for school personnel who  
153 are involved in sports programs in the district's secondary schools; and
- 154 (iii) provide for coordination with individuals and agency representatives who:  
155 (A) are not employees of the school district; and  
156 (B) would be involved in providing emergency services to students injured while  
157 participating in sports events.
- 158 (d) The board, in collaboration with the schools referred to in Subsection (19)(b), may  
159 review the plan each year and make revisions when required to improve or enhance the plan.
- 160 (e) The State Board of Education, through the state superintendent of public  
161 instruction, shall provide local school boards with an emergency plan response model that local  
162 boards may use to comply with the requirements of this Subsection (19).
- 163 (20) A board shall do all other things necessary for the maintenance, prosperity, and  
164 success of the schools and the promotion of education.
- 165 (21) (a) Before closing a school or changing the boundaries of a school, a board shall:  
166 (i) hold a public hearing, as defined in Section [10-9a-103](#); and  
167 (ii) provide public notice of the public hearing, as specified in Subsection (21)(b).
- 168 (b) The notice of a public hearing required under Subsection (21)(a) shall:  
169 (i) indicate the:  
170 (A) school or schools under consideration for closure or boundary change; and  
171 (B) date, time, and location of the public hearing; and  
172 (ii) at least 10 days prior to the public hearing, be:  
173 (A) published:  
174 (I) in a newspaper of general circulation in the area; and  
175 (II) on the Utah Public Notice Website created in Section [63F-1-701](#); and  
176 (B) posted in at least three public locations within the municipality or on the district's  
177 official website.
- 178 (22) A board may implement a facility energy efficiency program established under  
179 Title 11, Chapter 44, Performance Efficiency Act.
- 180 Section 2. Section **53A-3-402.7** is amended to read:

181 **53A-3-402.7. Kindergartens -- Establishment -- Funding -- Age exception.**

182 (1) [~~Kindergartens are~~] (a) Kindergarten is an integral part of the state's public  
183 education system.

184 (b) Kindergarten, as described in Subsection (1)(a), is a half-day class.

185 (2) [~~By July 1, 1994, each~~] (a) A local school board [of education] shall provide  
186 kindergarten [classes], as described in Subsection (1), free of charge for a kindergarten  
187 [children] child residing within the district.

188 [~~Kindergartens~~] (b) A kindergarten established under Subsection (2)(a) shall  
189 receive state money under [Title 53A,] Chapter 17a, Minimum School Program Act.

190 (3) (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,  
191 and this Subsection (3), the State Board of Education shall make rules that:

192 (i) provide for a school district or charter school to enroll in kindergarten a student who  
193 is younger than five years old;

194 (ii) except as provided in Subsection (3)(a)(iii), limit the enrollment in each school  
195 district or charter school of children under five years old to:

196 (A) .5% of children enrolled in kindergarten in the school district or charter school for  
197 the 2016-2017 school year; or

198 (B) 1% of children enrolled in kindergarten in the school district or charter school each  
199 year after the 2016-2017 school year;

200 (iii) allow each school district or charter school to enroll at least one student who is  
201 younger than five years old in kindergarten; and

202 (iv) prohibit a school district or charter school from enrolling a child described in  
203 Subsection (3)(b) in hours of instruction in addition to kindergarten described in Subsection  
204 (1), unless the school district or charter school only offers kindergarten that incorporates  
205 additional hours of instruction.

206 (b) In accordance with State Board of Education rule described in Subsection (3)(a), a  
207 local school board or charter school governing board shall enroll in kindergarten a child who is  
208 younger than five years old on September 2 of the year the child seeks to enroll if:

209 (i) the child turns five on or before December 31 of the year in which the child seeks to  
210 enroll in kindergarten;

211 (ii) the child's parent or legal guardian requests to enroll the child; and

212 (iii) the local school board or charter school governing board determines that the child  
213 is ready for kindergarten, based on:

214 (A) the child's score on a kindergarten entry assessment; and

215 (B) other factors related to kindergarten readiness, as determined by the local school  
216 board or charter school governing board, in accordance with State Board of Education rule  
217 described in Subsection (3)(a).

218 (c) A local school board or charter school governing board may charge a parent or legal  
219 guardian a fee to administer the assessment described in Subsection (3)(b)(iii)(A).