

SCHOOL AND CLASSROOM AMENDMENTS

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Douglas R. Welton

Senate Sponsor: _____

LONG TITLE

General Description:

This bill addresses school enrollment through kindergarten enrollment requirements and certain notices to a school regarding students taken into custody.

Highlighted Provisions:

This bill:

- ▶ requires the State Board of Education to create rules regarding toilet training as a condition for kindergarten enrollment;
- ▶ amends a provision regarding notices from a peace or probation officer regarding a student taken into custody to include a superintendent's designee; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

53G-7-203, as last amended by Laws of Utah 2023, Chapters 347, 467

53G-8-403, as last amended by Laws of Utah 2023, Chapter 161

80-6-103, as last amended by Laws of Utah 2023, Chapter 161



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

29 Section 1. Section **53G-7-203** is amended to read:

30 **53G-7-203. Kindergartens -- Establishment -- Funding -- Assessment.**

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

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

34 (b) Each LEA governing board shall provide a half-day kindergarten option for a
35 student if the student's parent requests a half-day option.

36 (c) Nothing in this Subsection (2):

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

39 (ii) modifies the non-compulsory status of kindergarten under Title 53G, Chapter 6,
40 Part 2, Compulsory Education; or

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

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

45 (4) (a) The state board shall:

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

48 (ii) make rules, in accordance with Title 63G, Chapter 3, Utah Administrative
49 Rulemaking Act, regarding the administration of and reporting regarding the assessment
50 described in Subsection (4)(a)(i).

51 (b) An LEA shall:

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

54 (ii) report to the state board the results of the assessment described in Subsection
55 (4)(b)(i) in relation to each kindergarten student in the LEA.

56 (5) [~~Beginning with the 2022-2023 school year, the~~] The state board shall require
57 LEAs to report average daily membership for all kindergarten students who attend kindergarten
58 on a schedule that is equivalent in length to the schedule for grades 1 through 3 with the

59 October 1 data described in Section [53F-2-302](#).

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

62 (a) beginning with the 2024-2025 school year, require a student to be toilet trained
 63 before being enrolled in kindergarten;

64 (b) establish requirements for an LEA's kindergarten enrollment process to include
 65 assurances from a parent that the parent's student is toilet trained;

66 (c) create a process for an LEA to follow when an enrolled student in kindergarten is
 67 found to not be toilet trained, including:

68 (i) referring the student and the student's parent to a school social worker or counselor
 69 for additional family supports and resources; ~~and~~ **and**

69a **(ii) allowing a parent or adult designee to**

69b **aid in toilet training as needed; and ~~and~~**

70 ~~and~~ **and** (iii) when needed, ~~and~~ reintegration of a student once the student has become
 70a toilet trained; and

71 (d) create exemptions from the requirement in Subsection (6)(a) for a student who is
 72 not able to be toilet trained before kindergarten because of a condition described in an IEP or
 73 Section 504 accommodation plan.

74 Section 2. Section **53G-8-403** is amended to read:

75 **53G-8-403. Superintendent required to notify school.**

76 (1) Within three days of receiving a notification from the juvenile court or a law
 77 enforcement agency under Section [80-6-103](#), the district superintendent or the superintendent's
 78 designee shall notify the principal of the school the juvenile attends or last attended.

79 (2) Upon receipt of the information, the principal shall:

80 (a) make a notation in a secure file other than the student's permanent file; and

81 (b) if the student is still enrolled in the school, notify staff members who, in his
 82 opinion, should know of the adjudication.

83 (3) A person receiving information pursuant to this part may only disclose the
 84 information to other persons having both a right and a current need to know.

85 (4) Access to secure files shall be limited to persons authorized to receive information
 86 under this part.

87 Section 3. Section **80-6-103** is amended to read:

88 **80-6-103. Notification to a school -- Civil and criminal liability.**

89 (1) As used in this section:

- 90 (a) "School" means a school in a local education agency.
- 91 (b) "Local education agency" means a school district, a charter school, or the Utah
92 Schools for the Deaf and the Blind.
- 93 (c) "School official" means:
- 94 (i) the school superintendent of the district in which the minor resides or attends
95 school;
- 96 (ii) the designee of the school superintendent described in Subsection (1)(c)(i); or
97 ~~[(ii)]~~ (iii) if there is no school superintendent for the school, the principal of the school
98 where the minor attends.
- 99 (d) "Transferee school official" means:
- 100 (i) the school superintendent of the district in which the minor resides or attends school
101 if the minor is admitted to home detention;
- 102 (ii) the designee of the school superintendent described in Subsection (1)(d)(i); or
103 ~~[(ii)]~~ (iii) if there is no school superintendent for the school, the principal of the school
104 where the minor attends if the minor is admitted to home detention.
- 105 (2) A notification under this section is provided for a minor's supervision and student
106 safety.
- 107 (3) (a) If a minor is taken into temporary custody under Section 80-6-201 for a violent
108 felony or an offense in violation of Title 76, Chapter 10, Part 5, Weapons, the peace officer, or
109 other person who has taken the minor into temporary custody, shall notify a school official
110 within five days after the day on which the minor is taken into temporary custody.
- 111 (b) A notification under this Subsection (3) shall only disclose:
- 112 (i) the name of the minor;
- 113 (ii) the offense for which the minor was taken into temporary custody or admitted to
114 detention; and
- 115 (iii) if available, the name of the victim if the victim resides in the same school district
116 as the minor or attends the same school as the minor.
- 117 (4) After a detention hearing for a minor who is alleged to have committed a violent
118 felony, or an offense in violation of Title 76, Chapter 10, Part 5, Weapons, the juvenile court
119 shall order a juvenile probation officer to notify a school official, or a transferee school official,
120 and the appropriate local law enforcement agency of the juvenile court's decision, including

121 any disposition, order, or no-contact order.

122 (5) If a designated staff member of a detention facility admits a minor to home
123 detention under Section 80-6-205 and notifies the juvenile court of that admission, the juvenile
124 court shall order a juvenile probation officer to notify a school official, or a transferee school
125 official, and the appropriate local law enforcement agency that the minor has been admitted to
126 home detention.

127 (6) (a) If the juvenile court adjudicates a minor for an offense of violence or an offense
128 in violation of Title 76, Chapter 10, Part 5, Weapons, the juvenile court shall order a juvenile
129 probation officer to notify a school official, or a transferee school official, of the adjudication.

130 (b) A notification under this Subsection (6) shall be given to a school official, or a
131 transferee school official, within three days after the day on which the minor is adjudicated.

132 (c) A notification under this section shall include:

133 (i) the name of the minor;

134 (ii) the offense for which the minor was adjudicated; and

135 (iii) if available, the name of the victim if the victim:

136 (A) resides in the same school district as the minor; or

137 (B) attends the same school as the minor.

138 (7) If the juvenile court orders probation under Section 80-6-702, the juvenile court
139 shall order a juvenile probation officer to notify the appropriate local law enforcement agency
140 and the school official of the juvenile court's order for probation.

141 (8) (a) An employee of the local law enforcement agency, or the school the minor
142 attends, who discloses a notification under this section is not:

143 (i) civilly liable except when the disclosure constitutes fraud or willful misconduct as
144 provided in Section 63G-7-202; and

145 (ii) civilly or criminally liable except when the disclosure constitutes a knowing
146 violation of Section 63G-2-801.

147 (b) An employee of a governmental agency is immune from any criminal liability for
148 failing to provide the information required by this section, unless the employee fails to act due
149 to malice, gross negligence, or deliberate indifference to the consequences.

150 (9) (a) A notification under this section shall be classified as a protected record under
151 Section 63G-2-305.

152 (b) All other records of disclosures under this section are governed by Title 63G,
153 Chapter 2, Government Records Access and Management Act, and the Family Educational
154 Rights and Privacy Act, 20 U.S.C. Sec. 1232g.

155 Section 4. **Effective date.**

156 This bill takes effect on May 1, 2024.