

Representative Raymond P. Ward proposes the following substitute bill:

EDUCATIONAL RIGHTS AMENDMENTS

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Raymond P. Ward

House Sponsor: Lincoln Fillmore

LONG TITLE

General Description:

This bill requires an LEA provide a safe and minimally disrupted educational environment.

Highlighted Provisions:

This bill:

- ▶ requires an LEA provide an educational environment that is safe for all students and staff;
- ▶ requires an LEA to ensure an educational environment has minimal disruptions; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:

AMENDS:

53E-2-304, as last amended by Laws of Utah 2019, Chapter 186

53E-7-207, as last amended by Laws of Utah 2022, Chapter 431



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

Section 1. Section 53E-2-304 is amended to read:

53E-2-304. School district and individual school powers -- Plan for college and career readiness definition.

(1) In order to acquire and develop the characteristics listed in Section 53E-2-302, each school district and each public school within its respective district shall implement a comprehensive system of accountability in which students advance through public schools by demonstrating competency in the core standards for Utah public schools through the use of diverse assessment instruments such as authentic assessments, projects, and portfolios.

(2) (a) Each school district and public school shall:

(i) develop and implement programs integrating technology into the curriculum, instruction, and student assessment;

(ii) provide an environment to all educators, school staff, and students that does not pose a predictable threat of serious bodily injury to the educators, school staff, or students;

(iii) provide an education to all students in which the students' classroom is not
H→ predictably significantly ←H disrupted in an ongoing fashion;

(iv) provide an environment to all educators, school staff, and students that is free from repeated:

(A) verbal or physical sexual harassment; or

(B) sexual assault;

~~[(i)]~~ (v) provide for teacher and parent involvement in policymaking at the school site;

~~[(iii)]~~ (vi) implement a public school choice program to give parents, students, and teachers greater flexibility in designing and choosing among programs with different focuses through schools within the same district and other districts, subject to space availability, demographics, and legal and performance criteria;

~~[(iv)]~~ (vii) establish strategic planning at both the district and school level and site-based decision making programs at the school level;

~~[(v)]~~ (viii) provide opportunities for each student to acquire and develop academic and occupational knowledge, skills, and abilities;

~~[(vi)]~~ (ix) participate in ongoing research and development projects primarily at the school level aimed at improving the quality of education within the system; and

57 ~~[(vii)]~~ (x) involve business and industry in the education process through the
58 establishment of partnerships with the business community at the district and school level.

59 (b) (i) As used in this section, "plan for college and career readiness" means a plan
60 developed by a student and the student's parent, in consultation with school counselors,
61 teachers, and administrators that:

62 (A) is initiated at the beginning of grade 7;

63 (B) identifies a student's skills and objectives;

64 (C) maps out a strategy to guide a student's course selection; and

65 (D) links a student to post-secondary options, including higher education and careers.

66 (ii) Each local school board, in consultation with school personnel, parents, and school
67 community councils or similar entities shall establish policies to provide for the effective
68 implementation of an individual learning plan or a plan for college and career readiness for
69 each student at the school site.

70 (iii) The policies shall include guidelines and expectations for:

71 (A) recognizing the student's accomplishments, strengths, and progress toward meeting
72 student achievement standards as defined in the core standards for Utah public schools;

73 (B) planning, monitoring, and managing education and career development; and

74 (C) involving students, parents, and school personnel in preparing and implementing
75 an individual learning plan and a plan for college and career readiness.

76 (iv) A parent may request a conference with school personnel in addition to an
77 individual learning plan or a plan for college and career readiness conference established by
78 local school board policy.

79 (v) Time spent during the school day to implement an individual learning plan or a
80 plan for college and career readiness is considered part of the school term described in Section
81 [53F-2-102](#).

82 (3) A school district or public school may submit proposals to modify or waive rules or
83 policies of a supervisory authority within the public education system in order to acquire or
84 develop the characteristics listed in Section [53E-2-302](#).

85 (4) (a) Each school district and public school shall make an annual report to its patrons
86 on its activities under this section.

87 (b) The reporting process shall involve participation from teachers, parents, and the

community at large in determining how well the district or school is performing.

Section 2. Section **53E-7-207** is amended to read:

53E-7-207. Local education agency special education duty and authority.

(1) An LEA shall, at no cost to the eligible student, provide a full continuum of special education services and placements to an eligible student enrolled at the LEA.

(2) As determined by an eligible student's IEP team, an LEA may provide special education to an eligible student in the least restrictive environment as determined by the eligible student's IEP team, regardless of whether the other students in the class or setting are eligible students.

(3) (a) Upon request of the Division of Child and Family Services and if the LEA obtains appropriate consent for the evaluation, an LEA shall provide an initial special education evaluation to an individual who enters the custody of the Division of Child and Family Services, if the Division of Child and Family Services suspects the individual may be an eligible student.

(b) (i) Except as provided in Subsection (3)(b)(ii), the LEA shall conduct an evaluation described in Subsection (3)(a) within 30 days after the day on which the Division of Child and Family Services makes the request.

(ii) An LEA may refuse to conduct an evaluation described in Subsection (3)(a) if the LEA reviews the relevant data regarding the individual and, within 10 days after the day on which the LEA received the request described in Subsection (3)(a), gives the Division of Child and Family Services written prior notice of refusal to evaluate.

(4) (a) In accordance with Subsection (4)(b), an LEA may provide education or training for an individual with a disability who is:

(i) younger than 3 years old; or

(ii) at least 22 years old and not an eligible student.

(b) (i) Except as provided in Subsection (4)(b)(ii), an LEA may not use funding described in Title 53F, Chapter 2, State Funding -- Minimum School Program, to pay for the cost of education or training described in Subsection (4)(a).

(ii) An LEA may use adult education program funding described in Section **53F-2-401**, in accordance with the requirements described in Section **53F-2-401**, to pay for the cost of the education or training described in Subsection (4)(a).

(c) To pay for the cost of education or training described in Subsection (4)(a), an LEA may use fees, contributions, or other funds received by the LEA if the purpose of the fees, contributions, or other funds is to provide the education or training.

(5) An LEA shall provide education to all students within the LEA in the least restrictive environment possible that does not predictably threaten serious bodily injury to educators, school staff, or other students.

(6) An LEA shall provide education to all students within the LEA in the least restrictive environment possible that does not ~~predictably~~ significantly ~~disrupt the~~ education of other students within the classroom in an ongoing fashion.

(7) An LEA shall provide an environment to all educators, school staff, and students in the least restrictive environment possible that does not allow for repeated:

- (a) verbal or physical sexual harassment; or
- (b) sexual assault.

Section 3. Effective date.

This bill takes effect on July 1, 2024.