

EDUCATIONAL RIGHTS AMENDMENTS

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Raymond P. Ward

Senate Sponsor: Lincoln Fillmore

LONG TITLE

General Description:

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

Highlighted Provisions:

This bill:

- requires an LEA to provide an educational environment that is safe for all students and staff;
- requires an LEA to ensure an educational environment has minimal disruptions;
- forecloses certain private rights of action and waivers of governmental immunity; 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 (Effective 07/01/24), as last amended by Laws of Utah 2019, Chapter 186

53E-7-207 (Effective 07/01/24), as last amended by Laws of Utah 2022, Chapter 431

63I-1-253 (Effective 05/01/24) (Superseded 07/01/24), as last amended by Laws of Utah 2023, Chapters 30, 52, 133, 161, 367, and 494

63I-1-253 (Effective 07/01/24) (Contingently Superseded 01/01/25), as last amended by Laws of Utah 2023, Chapters 30, 52, 133, 161, 310, 367, and 494

63I-1-253 (Contingently Effective 01/01/25), as last amended by Laws of Utah 2023, Chapters 30, 52, 133, 161, 187, 310, 367, and 494

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

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

**53E-2-304 (Effective 07/01/24). 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) in accordance with Subsection (5) and beginning July 1, 2025:

(A) 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;

(B) provide an education to all students in which the students' classroom is not disrupted by a pattern of behavior that interferes substantially and materially with classroom instruction;

(C) provide an environment to all educators, school staff, and students that is free from repeated verbal or physical sexual harassment or sexual assault;

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

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

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

~~[(vi)]~~ (vii) participate in ongoing research and development projects primarily at the

62 school level aimed at improving the quality of education within the system; and
63 [(vii)] (viii) involve business and industry in the education process through the
64 establishment of partnerships with the business community at the district and
65 school level.

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

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

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

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

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

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

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

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

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

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

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

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

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

95 (4) (a) Each school district and public school shall make an annual report to its patrons

on its activities under this section.

(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.

(5) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the state board shall make rules to ensure implementation of the requirements described in Subsection (2)(a)(ii).

(6) Nothing in this section creates a private right of action or constitutes a waiver of immunity under Section 63G-7-301.

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

53E-7-207 (Effective 07/01/24). 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) In accordance with Subsection (6) and beginning July 1, 2025:

- (a) 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.
- (b) An LEA shall provide education to all students within the LEA in the least restrictive environment possible that does not result in a pattern of behavior that interferes substantially and materially with the instruction of the other students in the classroom.
- (c) 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:
- (i) verbal or physical sexual harassment; or
- (ii) sexual assault.

(6) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the state board shall make rules to ensure implementation of the requirements described in Subsection (5).

(7) Nothing in this section creates a private right of action or constitutes a waiver of immunity under Section 63G-7-301.

Section 3. Section **63I-1-253** is amended to read:

63I-1-253 (Effective 05/01/24) (Superseded 07/01/24). Repeal dates: Titles 53 through 53G.

- (1) Section 53-2a-105, which creates the Emergency Management Administration Council, is repealed July 1, 2027.
- (2) Sections 53-2a-1103 and 53-2a-1104, which create the Search and Rescue Advisory Board, are repealed July 1, 2027.
- (3) Section 53-5-703, which creates the Concealed Firearm Review Board, is repealed July 1, 2024.

- 164 (4) Section 53B-6-105.5, which creates the Technology Initiative Advisory Board, is
165 repealed July 1, 2024.
- 166 (5) Section 53B-7-709, regarding five-year performance goals for the Utah System of
167 Higher Education is repealed July 1, 2027.
- 168 (6) Title 53B, Chapter 8a, Part 3, Education Savings Incentive Program, is repealed July 1,
169 2028.
- 170 (7) Title 53B, Chapter 17, Part 11, USTAR Researchers, is repealed July 1, 2028.
- 171 (8) Section 53B-17-1203, which creates the SafeUT and School Safety Commission, is
172 repealed January 1, 2025.
- 173 (9) Title 53B, Chapter 18, Part 16, USTAR Researchers, is repealed July 1, 2028.
- 174 (10) Title 53B, Chapter 18, Part 18, Electrification of Transportation Infrastructure
175 Research Center, is repealed on July 1, 2028.
- 176 (11) Subsection 53C-3-203(4)(b)(vii), which provides for the distribution of money from
177 the Land Exchange Distribution Account to the Geological Survey for test wells and
178 other hydrologic studies in the West Desert, is repealed July 1, 2030.
- 179 (12) Subsection 53E-2-304(6), which forecloses a private right of action or waiver of
180 governmental immunity, is repealed July 1, 2027.
- 181 ~~[(12)]~~ (13) Subsections 53E-3-503(5) and (6), which create coordinating councils for youth
182 in custody, are repealed July 1, 2027.
- 183 ~~[(13)]~~ (14) In relation to a standards review committee, on January 1, 2028:
184 (a) in Subsection 53E-4-202(8), the language "by a standards review committee and the
185 recommendations of a standards review committee established under Section
186 53E-4-203" is repealed; and
187 (b) Section 53E-4-203 is repealed.
- 188 ~~[(14)]~~ (15) Section 53E-4-402, which creates the State Instructional Materials Commission,
189 is repealed July 1, 2027.
- 190 ~~[(15)]~~ (16) Title 53E, Chapter 6, Part 5, Utah Professional Practices Advisory Commission,
191 is repealed July 1, 2033.
- 192 ~~[(16)]~~ (17) Section 53F-2-420, which creates the Intensive Services Special Education Pilot
193 Program, is repealed July 1, 2024.
- 194 (18) Subsection 53E-7-207(7), which forecloses a private right of action or waiver of
195 governmental immunity, is repealed July 1, 2027.
- 196 ~~[(17)]~~ (19) Section 53F-5-213 is repealed July 1, 2023.
- 197 ~~[(18)]~~ (20) Section 53F-5-214, in relation to a grant for professional learning, is repealed

198 July 1, 2025.

199 ~~[(19)]~~ (21) Section 53F-5-215, in relation to an elementary teacher preparation grant, is

200 repealed July 1, 2025.

201 ~~[(20)]~~ (22) Section 53F-5-219, which creates the Local Innovations Civics Education Pilot

202 Program, is repealed on July 1, 2025.

203 ~~[(21)]~~ (23) Subsection 53F-9-203(7), which creates the Charter School Revolving Account

204 Committee, is repealed July 1, 2024.

205 ~~[(22)]~~ (24) Subsections 53G-4-608(2)(b) and (4)(b), related to the Utah Seismic Safety

206 Commission, are repealed January 1, 2025.

207 ~~[(23)]~~ (25) Section 53G-9-212, Drinking water quality in schools, is repealed July 1, 2027.

208 ~~[(24)]~~ (26) Title 53G, Chapter 10, Part 6, Education Innovation Program, is repealed July 1,

209 2027.

210 Section 4. Section **63I-1-253** is amended to read:

211 **63I-1-253 (Effective 07/01/24) (Contingently Superseded 01/01/25). Repeal dates:**

212 **Titles 53 through 53G.**

213 (1) Section 53-2a-105, which creates the Emergency Management Administration Council,

214 is repealed July 1, 2027.

215 (2) Sections 53-2a-1103 and 53-2a-1104, which create the Search and Rescue Advisory

216 Board, are repealed July 1, 2027.

217 (3) Section 53-2d-703 is repealed July 1, 2027.

218 (4) Section 53-5-703, which creates the Concealed Firearm Review Board, is repealed July

219 1, 2024.

220 (5) Section 53B-6-105.5, which creates the Technology Initiative Advisory Board, is

221 repealed July 1, 2024.

222 (6) Section 53B-7-709, regarding five-year performance goals for the Utah System of

223 Higher Education is repealed July 1, 2027.

224 (7) Title 53B, Chapter 8a, Part 3, Education Savings Incentive Program, is repealed July 1,

225 2028.

226 (8) Title 53B, Chapter 17, Part 11, USTAR Researchers, is repealed July 1, 2028.

227 (9) Section 53B-17-1203, which creates the SafeUT and School Safety Commission, is

228 repealed January 1, 2025.

229 (10) Title 53B, Chapter 18, Part 16, USTAR Researchers, is repealed July 1, 2028.

230 (11) Title 53B, Chapter 18, Part 18, Electrification of Transportation Infrastructure

231 Research Center, is repealed on July 1, 2028.

232 (12) Subsection 53C-3-203(4)(b)(vii), which provides for the distribution of money from
233 the Land Exchange Distribution Account to the Geological Survey for test wells and
234 other hydrologic studies in the West Desert, is repealed July 1, 2030.

235 (13) Subsection 53E-2-304(6), which forecloses a private right of action or waiver of
236 governmental immunity, is repealed July 1, 2027.

237 [(13)] (14) Subsections 53E-3-503(5) and (6), which create coordinating councils for youth
238 in custody, are repealed July 1, 2027.

239 [(14)] (15) In relation to a standards review committee, on January 1, 2028:

240 (a) in Subsection 53E-4-202(8), the language "by a standards review committee and the
241 recommendations of a standards review committee established under Section
242 53E-4-203" is repealed; and

243 (b) Section 53E-4-203 is repealed.

244 [(15)] (16) Section 53E-4-402, which creates the State Instructional Materials Commission,
245 is repealed July 1, 2027.

246 [(16)] (17) Title 53E, Chapter 6, Part 5, Utah Professional Practices Advisory Commission,
247 is repealed July 1, 2033.

248 (18) Subsection 53E-7-207(7), which forecloses a private right of action or waiver of
249 governmental immunity, is repealed July 1, 2027.

250 [(17)] (19) Section 53F-2-420, which creates the Intensive Services Special Education Pilot
251 Program, is repealed July 1, 2024.

252 [(18)] (20) Section 53F-5-213 is repealed July 1, 2023.

253 [(19)] (21) Section 53F-5-214, in relation to a grant for professional learning, is repealed
254 July 1, 2025.

255 [(20)] (22) Section 53F-5-215, in relation to an elementary teacher preparation grant, is
256 repealed July 1, 2025.

257 [(21)] (23) Section 53F-5-219, which creates the Local Innovations Civics Education Pilot
258 Program, is repealed on July 1, 2025.

259 [(22)] (24) Subsection 53F-9-203(7), which creates the Charter School Revolving Account
260 Committee, is repealed July 1, 2024.

261 [(23)] (25) Subsections 53G-4-608(2)(b) and (4)(b), related to the Utah Seismic Safety
262 Commission, are repealed January 1, 2025.

263 [(24)] (26) Section 53G-9-212, Drinking water quality in schools, is repealed July 1, 2027.

264 [(25)] (27) Title 53G, Chapter 10, Part 6, Education Innovation Program, is repealed July 1,
265 2027.

Section 5. Section **63I-1-253** is amended to read:

63I-1-253 (Contingently Effective 01/01/25). Repeal dates: Titles 53 through 53G.

- (1) Section 53-2a-105, which creates the Emergency Management Administration Council, is repealed July 1, 2027.
- (2) Sections 53-2a-1103 and 53-2a-1104, which create the Search and Rescue Advisory Board, are repealed July 1, 2027.
- (3) Section 53-2d-703 is repealed July 1, 2027.
- (4) Section 53-5-703, which creates the Concealed Firearm Review Board, is repealed July 1, 2024.
- (5) Section 53B-6-105.5, which creates the Technology Initiative Advisory Board, is repealed July 1, 2024.
- (6) Section 53B-7-709, regarding five-year performance goals for the Utah System of Higher Education is repealed July 1, 2027.
- (7) Title 53B, Chapter 8a, Part 3, Education Savings Incentive Program, is repealed July 1, 2028.
- (8) Title 53B, Chapter 17, Part 11, USTAR Researchers, is repealed July 1, 2028.
- (9) Section 53B-17-1203, which creates the SafeUT and School Safety Commission, is repealed January 1, 2025.
- (10) Title 53B, Chapter 18, Part 16, USTAR Researchers, is repealed July 1, 2028.
- (11) Title 53B, Chapter 18, Part 18, Electrification of Transportation Infrastructure Research Center, is repealed on July 1, 2028.
- (12) Subsection 53C-3-203(4)(b)(vii), which provides for the distribution of money from the Land Exchange Distribution Account to the Geological Survey for test wells and other hydrologic studies in the West Desert, is repealed July 1, 2030.
- (13) Subsection 53E-2-304(6), which forecloses a private right of action or waiver of governmental immunity, is repealed July 1, 2027.
- ~~[(13)]~~ (14) Subsections 53E-3-503(5) and (6), which create coordinating councils for youth in custody, are repealed July 1, 2027.
- ~~[(14)]~~ (15) In relation to a standards review committee, on January 1, 2028:
 - (a) in Subsection 53E-4-202(8), the language "by a standards review committee and the recommendations of a standards review committee established under Section 53E-4-203" is repealed; and
 - (b) Section 53E-4-203 is repealed.
- ~~[(15)]~~ (16) Section 53E-4-402, which creates the State Instructional Materials Commission,

is repealed July 1, 2027.

~~[(16)]~~ (17) Title 53E, Chapter 6, Part 5, Utah Professional Practices Advisory Commission, is repealed July 1, 2033.

~~(18)~~ Subsection 53E-7-207(7), which forecloses a private right of action or waiver of governmental immunity, is repealed July 1, 2027.

~~[(17)]~~ (19) Section 53F-2-420, which creates the Intensive Services Special Education Pilot Program, is repealed July 1, 2024.

~~[(18)]~~ (20) Section 53F-5-213 is repealed July 1, 2023.

~~[(19)]~~ (21) Section 53F-5-214, in relation to a grant for professional learning, is repealed July 1, 2025.

~~[(20)]~~ (22) Section 53F-5-215, in relation to an elementary teacher preparation grant, is repealed July 1, 2025.

~~[(21)]~~ (23) Section 53F-5-219, which creates the Local Innovations Civics Education Pilot Program, is repealed on July 1, 2025.

~~[(22)]~~ (24) (a) Subsection 53F-9-201.1(2)(b)(ii), in relation to the use of funds from a loss in enrollment for certain fiscal years, is repealed on July 1, 2030.

(b) On July 1, 2030, the Office of Legislative Research and General Counsel shall renumber the remaining subsections accordingly.

~~[(23)]~~ (25) Subsection 53F-9-203(7), which creates the Charter School Revolving Account Committee, is repealed July 1, 2024.

~~[(24)]~~ (26) Subsections 53G-4-608(2)(b) and (4)(b), related to the Utah Seismic Safety Commission, are repealed January 1, 2025.

~~[(25)]~~ (27) Section 53G-9-212, Drinking water quality in schools, is repealed July 1, 2027.

~~[(26)]~~ (28) Title 53G, Chapter 10, Part 6, Education Innovation Program, is repealed July 1, 2027.

Section 6. **Effective date.**

(1) Except as provided in Subsections (2) and (3), this bill takes effect on July 1, 2024.

(2) The actions affecting Section 63I-1-253 (Effective 07/01/2024) (Contingently Superseded 01/01/25), take effect on July 1, 2024; and

(3) The actions affecting Section 63I-1-253 (Contingently Effective 1/1/2025), take effect on January 1, 2025.