

HB0341S02 compared with HB0341S01

~~{deleted text}~~ shows text that was in HB0341S01 but was deleted in HB0341S02.

inserted text shows text that was not in HB0341S01 but was inserted into HB0341S02.

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~~{Representative Karianne Lisonbee}~~Senator Todd D. Weiler proposes the following substitute bill:

SCHOOL CLOSURE AMENDMENTS

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: ~~{ }~~Brady Brammer

Senate Sponsor: ~~{ _____ }~~Curtis S. Bramble

LONG TITLE

General Description:

This bill amends processes for school closures or school boundary changes.

Highlighted Provisions:

This bill:

- ▶ defines a term;
- ▶ requires a local school board, before closing a school or changing the boundaries of a school, to make a motion to notify the affected students' parents of a school closure or boundary change;
- ▶ allows the local school board, after a public hearing, to vote on the school closure or school boundary change;
- ▶ requires the local school board to complete the school closure or school boundary

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change or process on or before a certain date;

- ▶ allows parents of students affected by boundary changes to request enrollment within a certain time after the boundary change takes effect; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

53G-4-402, as last amended by Laws of Utah 2023, Chapters 16, 252, 343, 352, and 435

53G-6-402, as last amended by Laws of Utah 2023, Chapter 44

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

Section 1. Section **53G-4-402** is amended to read:

53G-4-402. Powers and duties generally.

(1) A local school board shall:

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

(b) administer tests, required by the state board, which measure the progress of each student, and coordinate with the state superintendent and state board to assess results and create plans to improve the student's progress, which shall be submitted to the state board for approval;

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

(d) for each grading period and for each course in which a student is enrolled, issue a grade or performance report to the student:

(i) that reflects the student's work, including the student's progress based on mastery, for the grading period; and

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(ii) in accordance with the local school board's adopted grading or performance standards and criteria;

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

(f) work with the state board to establish a library of documented best practices, consistent with state and federal regulations, for use by the special districts;

(g) implement training programs for school administrators, including basic management training, best practices in instructional methods, budget training, staff management, managing for learning results and continuous improvement, and how to help every [~~child~~] student achieve optimal learning in basic academic subjects; and

(h) ensure that the local school board meets the data collection and reporting standards described in Section 53E-3-501.

(2) Local school boards shall spend Minimum School Program funds for programs and activities for which the state board has established minimum standards or rules under Section 53E-3-501.

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

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

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

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

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

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

(iii) be filed with the state board.

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

(6) A local school board may enter into cooperative agreements with other local school boards to provide educational services that best utilize resources for the overall operation of the school districts, including shared transportation services.

(7) [~~An~~] A local school board shall ensure that an agreement under Subsection (6)

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[shall]:

(a) [~~be~~] is signed by the president of the local school board of each participating district;

(b) [~~specify~~] specifies the resource being shared;

(c) [~~include~~] includes a mutually agreed upon pro rata cost;

(d) [~~include~~] includes the duration of the agreement; and

(e) [~~be~~] is filed with the state board.

(8) Except as provided in Section 53E-3-905, a local school board may enroll children in school who are at least five years old before September 2 of the year in which admission is sought.

(9) A local school board:

(a) may establish and support school libraries; and

(b) shall provide an online platform:

(i) through which a parent is able to view the title, author, and a description of any material the parent's child borrows from the school library, including a history of borrowed materials, either using an existing online platform that the LEA uses or through a separate platform; and

(ii) (A) for a school district with 1,000 or more enrolled students, no later than August 1, 2024; and

(B) for a school district with fewer than 1,000 enrolled students, no later than August 1, 2026.

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

(11) A local school board may authorize guidance and counseling services for students and the student's parents before, during, or following school enrollment.

(12) (a) A local school board shall administer and implement federal educational programs in accordance with Title 53E, Chapter 3, Part 8, Implementing Federal or National Education Programs.

(b) Federal funds are not considered funds within the school district budget under Chapter 7, Part 3, Budgets.

(13) (a) A local school board may organize school safety patrols and adopt policies

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under which the patrols promote student safety.

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

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

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

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

(b) The contributions made under Subsection (14)(a) are not subject to appropriation by the Legislature.

(15) (a) A local school board may appoint and fix the compensation of a compliance officer to issue citations for violations of Subsection 76-10-105(2)(b).

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

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

(16) A local school board shall adopt bylaws and policies for the local school board's own procedures.

(17) (a) A local school board shall make and enforce policies necessary for the control and management of the district schools.

(b) Local school board policies shall be in writing, filed, and referenced for public access.

(18) A local school board may hold school on legal holidays other than Sundays.

(19) (a) A local school board shall establish for each school year a school traffic safety committee to implement this Subsection (19).

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

(i) the schools within the district;

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

(iii) the municipality or county;

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(iv) state or local law enforcement; and

(v) state or local traffic safety engineering.

(c) The committee shall:

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

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

(iii) ~~[consult]~~ in consultation with the Utah Safety Council and the Division of Family Health Services ~~[and]~~, provide training to all students in kindergarten through grade 6, within the district, on school crossing safety and use; and

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

(d) The committee may establish subcommittees as needed to assist in accomplishing the committee's duties under Subsection (19)(c).

(20) (a) A local school board shall adopt and implement a comprehensive emergency response plan to prevent and combat violence in the local school board's public schools, on school grounds, on ~~[its]~~ school vehicles, and in connection with school-related activities or events.

(b) The local school board shall ensure that the plan ~~[shall]~~:

(i) ~~[include]~~ includes prevention, intervention, and response components;

(ii) ~~[be]~~ is consistent with the ~~[student conduct and discipline]~~ school discipline and conduct policies required for school districts under ~~[Chapter 11, Part 2, Miscellaneous Requirements]~~ Chapter 8, Part 2, School Discipline and Conduct Plans;

(iii) ~~[require]~~ requires professional learning for all district and school building staff on the staff's roles in the emergency response plan;

(iv) ~~[provide]~~ provides for coordination with local law enforcement and other public safety representatives in preventing, intervening, and responding to violence in the areas and activities referred to in Subsection (20)(a); and

(v) ~~[include]~~ includes procedures to notify a student who is off campus at the time of a

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school violence emergency because the student is:

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

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

(c) The state board, through the state superintendent, shall develop comprehensive emergency response plan models that local school boards may use, where appropriate, to comply with Subsection (20)(a).

(d) A local school board shall, by July 1 of each year, certify to the state board that its plan has been practiced at the school level and presented to and reviewed by its teachers, administrators, students, and the student's parents and local law enforcement and public safety representatives.

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

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

(c) The plan may:

(i) include emergency personnel, emergency communication, and emergency equipment components;

(ii) require professional learning on the emergency response plan for school personnel who are involved in sports programs in the district's secondary schools; and

(iii) provide for coordination with individuals and agency representatives who:

(A) are not employees of the school district; and

(B) would be involved in providing emergency services to students injured while participating in sports events.

(d) The local school board, in collaboration with the schools referred to in Subsection (21)(b), may review the plan each year and make revisions when required to improve or enhance the plan.

(e) The state board, through the state superintendent, shall provide local school boards with an emergency plan response model that local school boards may use to comply with the requirements of this Subsection (21).

(22) A local school board shall do all other things necessary for the maintenance,

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prosperity, and success of the schools and the promotion of education.

(23) (a) As used in this subsection, "special enrollment program" means a full-day academic program in which a parent opts to enroll the parent's student and that is offered at a specifically designated school within an LEA, including:

(i) gifted or advanced learning programs;

~~(ii) special education programs;~~ or

~~(iii) ii) dual language immersion programs.~~

(b) Before closing a school [or], changing the boundaries of a school, or changing or closing the location of a special enrollment program, a local school board shall:

(i) at a local school board meeting, make and ~~vote on~~ approve a motion to initiate the notification required under Subsections (23)(~~a~~)(ii) through (iv);

~~(i)~~ (ii) at least 90 days before [approving] the day on which the local school board approves the school closure or at least 30 days before the day on which the local school board approves a school boundary change, provide notice that the local school board is considering the closure or boundary change to:

(A) parents of students enrolled in the school, using the same form of communication the local school board regularly uses to communicate with parents and also by mail, using the United States Postal Service, to the parents at each known address;

(B) parents of students enrolled in other schools within the school district that may be affected by the closure or boundary change, using the same form of communication the local school board regularly uses to communicate with parents and also by mail, using the United States Postal Service, to the parents at each known address; and

(C) the governing council and the mayor of the municipality in which the school is located;

~~(ii)~~ (iii) provide an opportunity for public comment on the proposed school closure [or school boundary change] during at least two public local school board meetings; [and]

~~(iii)~~ (iv) provide an opportunity for public comment on the proposed school boundary change during one public local school board meeting; and

(v) hold a public hearing as defined in Section 10-9a-103 and provide public notice of the public hearing as described in Subsection (23)(b).

~~(b)~~ (c) Notice provided under Subsections (23)(b)(ii)(A) and (B) may also be by:

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(i) email to parents of students that contains only the notice of the proposed school closure or boundary change; and

(ii) providing each student that may be impacted by the school closure or boundary change a paper copy of the notice to take home to the student's parent.

(d) A local school board shall:

(i) [The] ensure that the notice of a public hearing required under Subsection [(23)(a)(iii) shall: { }]

[(i) indicate] (23){a+b}(v) indicates the:

(A) name of the school or schools under consideration for closure or boundary change; and

(B) the date, time, and location of the public hearing;

(ii) if feasible, hold the public hearing at the location of the school that is under consideration for closure;

[(ii) (iii) for at least 10 days before the day [of] on which the public hearing[,-be published] occurs, publish the notice of the public hearing for the school district in which the school is located, as a class A notice under Section 63G-30-102; and

[(iii) (iv) at least 30 days before the day on which the public hearing [described in Subsection (23)(a)(iii), be provided as described in Subsections (23)(a)(i)-] occurs, provide notice of the public hearing in the same manner as the notice of consideration under Subsection (23){a+b}(ii).

{d+e} A motion made under Subsection (23){a+} shall name each school under consideration for closure in a separate motion.

{e+f} For a school closure, a local school board shall complete the process described in this Subsection (23) on or before December 31 of the calendar year preceding the beginning of the school year in which a school closure takes effect.

{ff+g} (i) For a school boundary change, a local school board shall complete the process described in this Subsection (23) no more than 60 days after the day on which the local school board votes to approve a school closure.

(ii) Parents of students enrolled in a school affected by a boundary change shall have at least 30 days after the day on which the local school board votes to approve a school boundary change to request an out of area enrollment request in accordance with Chapter 6, Part 4,

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School District Enrollment.

(24) A local school board may implement a facility energy efficiency program established under Title 11, Chapter 44, Performance Efficiency Act.

(25) A local school board may establish or partner with a certified youth court in accordance with Section 80-6-902 or establish or partner with a comparable restorative justice program, in coordination with schools in that district. A school may refer a student to a youth court or a comparable restorative justice program in accordance with Section 53G-8-211.

(26) (a) As used in this Subsection (26):

(i) "Learning material" means any learning material or resource used to deliver or support a student's learning, including textbooks, reading materials, videos, digital materials, websites, and other online applications.

(ii) (A) "Instructional material" means learning material that a local school board adopts and approves for use within the LEA.

(B) "Instructional material" does not include learning material used in a concurrent enrollment, advanced placement, or international baccalaureate program or class or another class with required instructional material that is not subject to selection by the local school board.

(iii) "Supplemental material" means learning material that:

(A) an educator selects for classroom use; and

(B) a local school board has not considered and adopted, approved, or prohibited for classroom use within the LEA.

(b) A local school board shall:

(i) make instructional material that the school district uses readily accessible and available for a parent to view;

(ii) annually notify a parent of a student enrolled in the school district of how to access the information described in Subsection (26)(b)(i); and

(iii) include on the school district's website information about how to access the information described in Subsection (26)(b)(i).

(c) In selecting and approving instructional materials for use in the classroom, a local school board shall:

(i) establish an open process, involving educators and parents of students enrolled in

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the LEA, to review and recommend instructional materials for board approval; and

(ii) ensure that under the process described in Subsection (26)(c)(i), the board:

(A) before the meetings described in Subsection (26)(c)(ii)(B), posts the recommended learning material online to allow for public review or, for copyrighted material, makes the recommended learning material available at the LEA for public review;

(B) before adopting or approving the recommended instructional materials, holds at least two public meetings on the recommendation that provides an opportunity for educators whom the LEA employs and parents of students enrolled in the LEA to express views and opinions on the recommendation; and

(C) adopts or approves the recommended instructional materials in an open and regular board meeting.

(d) A local school board shall adopt a supplemental materials policy that provides flexible guidance to educators on the selection of supplemental materials or resources that an educator reviews and selects for classroom use using the educator's professional judgment, including whether any process or permission is required before classroom use of the materials or resources.

(e) If an LEA contracts with another party to provide online or digital materials, the LEA shall include in the contract a requirement that the provider give notice to the LEA any time that the provider makes a material change to the content of the online or digital materials, excluding regular informational updates on current events.

(f) Nothing in this Subsection (26) requires a local school board to review all learning materials used within the LEA.

Section 2. Section **53G-6-402** is amended to read:

53G-6-402. Open enrollment options -- Procedures -- Processing fee -- Continuing enrollment.

(1) Each local school board is responsible for providing educational services consistent with Utah state law and rules of the state board for each student who resides in the district and, as provided in this section through Section 53G-6-407 and to the extent reasonably feasible, for any student who resides in another district in the state and desires to attend a school in the district, giving priority to a child of a military service member, as that term is defined in 53B-8-102.

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(2) (a) A school is open for enrollment of nonresident students if the enrollment level is at or below the open enrollment threshold.

(b) If a school's enrollment falls below the open enrollment threshold, the local school board shall allow a nonresident student to enroll in the school.

(3) A local school board may allow enrollment of nonresident students in a school that is operating above the open enrollment threshold.

(4) (a) A local school board shall adopt policies describing procedures for nonresident students to follow in applying for entry into the district's schools.

(b) Those procedures shall provide, as a minimum, for:

(i) distribution to interested parties of information about the school or school district and how to apply for admission;

(ii) use of standard application forms prescribed by the state board;

(iii) (A) submission of applications from November 15 through the first Friday in February by those seeking admission during the early enrollment period for the following year; or

(B) submission of applications from August 1 through November 1 by those seeking admission during the early enrollment period for the following year in a school district described in Subsection 53G-6-401(1)(b);

(iv) submission of applications by those seeking admission during the late enrollment period;

(v) notwithstanding any other provision of this part or Part 3, School District Residency, submission of applications for at least 30 days after the day on which a school boundary change takes effect for those affected by the school boundary change;

~~(v)~~ (vi) written notification to the student's parent of acceptance or rejection of an application:

(A) within six weeks after receipt of the application by the district or by March 31, whichever is later, for applications submitted during the early enrollment period;

(B) within two weeks after receipt of the application by the district or by the Friday before the new school year begins, whichever is later, for applications submitted during the late enrollment period for admission in the next school year; ~~and~~

(C) within two weeks after receipt of the application by the district, for applications

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submitted during the late enrollment period for admission in the current year; and

(D) within two weeks after receipt of the application by the district, for applications submitted by students affected by a school district boundary change;

~~[(vi)]~~ (vii) written notification to the resident school for intradistrict transfers or the resident district for interdistrict transfers upon acceptance of a nonresident student for enrollment; and

~~[(vii)]~~ (viii) written notification to the parents of each student that resides within the school district and other interested parties of the revised early enrollment period described in Subsection 53G-6-401(1)(b) if:

(A) the school district is doing a district wide grade reconfiguration of its elementary, middle, junior, and senior high schools; and

(B) the grade reconfiguration described in Subsection ~~[(4)(b)(vii)(A)]~~ (4)(b)(viii)(A) will be implemented in the next school year.

(c) (i) Notwithstanding the dates established in Subsection (4)(b) for submitting applications and notifying parents of acceptance or rejection of an application, a local school board may delay the dates if a local school board is not able to make a reasonably accurate projection of the early enrollment school capacity or late enrollment school capacity of a school due to:

(A) school construction or remodeling;

(B) drawing or revision of school boundaries; or

(C) other circumstances beyond the control of the local school board.

(ii) The delay may extend no later than four weeks beyond the date the local school board is able to make a reasonably accurate projection of the early enrollment school capacity or late enrollment school capacity of a school.

(5) A school district may charge a one-time \$5 processing fee, to be paid at the time of application.

(6) An enrolled nonresident student shall be permitted to remain enrolled in a school, subject to the same rules and standards as resident students, without renewed applications in subsequent years unless one of the following occurs:

(a) the student graduates;

(b) the student is no longer a Utah resident;

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(c) the student is suspended or expelled from school; [or]

(d) except for a student described in Subsection (6)(e), the district determines that enrollment within the school will exceed the school's open enrollment threshold; or

(e) for a child of a military service member, as that term is defined in Section 53B-8-102, who moves from temporary to permanent housing outside of the relevant school district boundaries following a permanent change of station:

(i) in kindergarten through grade 10, the student completes the current school year; or

(ii) in grades 11 and 12, the student graduates.

(7) (a) Determination of which nonresident students will be excluded from continued enrollment in a school during a subsequent year under Subsection (6)(d) is based upon time in the school, with those most recently enrolled being excluded first and the use of a lottery system when multiple nonresident students have the same number of school days in the school.

(b) Nonresident students who will not be permitted to continue their enrollment shall be notified no later than March 15 of the current school year.

(8) The parent of a student enrolled in a school that is not the student's school of residence may withdraw the student from that school for enrollment in another public school by submitting notice of intent to enroll the student in:

(a) the district of residence; or

(b) another nonresident district.

(9) Unless provisions have previously been made for enrollment in another school, a nonresident district releasing a student from enrollment shall immediately notify the district of residence, which shall enroll the student in the resident district and take such additional steps as may be necessary to ensure compliance with laws governing school attendance.

(10) (a) Except as provided in Subsection (10)(c), a student who transfers between schools, whether effective on the first day of the school year or after the school year has begun, by exercising an open enrollment option under this section may not transfer to a different school during the same school year by exercising an open enrollment option under this section.

(b) The restriction on transfers specified in Subsection (10)(a) does not apply to a student transfer made for health or safety reasons.

(c) A local school board may adopt a policy allowing a student to exercise an open enrollment option more than once in a school year.

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(11) Notwithstanding Subsections (2) and (6)(d), a student who is enrolled in a school that is not the student's school of residence, because school bus service is not provided between the student's neighborhood and school of residence for safety reasons:

(a) shall be allowed to continue to attend the school until the student finishes the highest grade level offered; and

(b) shall be allowed to attend the middle school, junior high school, or high school into which the school's students feed until the student graduates from high school.

(12) Notwithstanding any other provision of this part or Part 3, School District Residency, a student shall be allowed to enroll in any charter school or other public school in any district, including a district where the student does not reside, if the enrollment is necessary, as determined by the Division of Child and Family Services, to comply with the provisions of 42 U.S.C. Section 675.

Section 3. Effective date.

This bill takes effect on May 1, 2024.