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**SCHOOL AND CLASSROOM AMENDMENTS**

2024 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Douglas R. Welton**

Senate Sponsor: Lincoln Fillmore

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**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

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

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

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

- (1) Kindergartens are an integral part of the state's public education system.
- (2) (a) Each LEA governing board shall provide kindergarten classes free of charge for

- 29 kindergarten children residing within the district or attending the charter school.
- 30 (b) Each LEA governing board shall provide a half-day kindergarten option for a student  
31 if the student's parent requests a half-day option.
- 32 (c) Nothing in this Subsection (2):
- 33 (i) allows an LEA governing board to require a student to participate in a full-day  
34 kindergarten program;
- 35 (ii) modifies the non-compulsory status of kindergarten under Title 53G, Chapter 6,  
36 Part 2, Compulsory Education; or
- 37 (iii) requires a student who only attends a half day of kindergarten to participate in  
38 dual enrollment under Section 53G-6-702.
- 39 (3) Kindergartens established under Subsection (2) shall receive state money under Title  
40 53F, Public Education System -- Funding.
- 41 (4) (a) The state board shall:
- 42 (i) develop and collect data from a kindergarten assessment that the board selects by  
43 rule; and
- 44 (ii) make rules, in accordance with Title 63G, Chapter 3, Utah Administrative  
45 Rulemaking Act, regarding the administration of and reporting regarding the  
46 assessment described in Subsection (4)(a)(i).
- 47 (b) An LEA shall:
- 48 (i) administer the assessment described in Subsection (4)(a) to each kindergarten  
49 student; and
- 50 (ii) report to the state board the results of the assessment described in Subsection  
51 (4)(b)(i) in relation to each kindergarten student in the LEA.
- 52 (5) ~~[Beginning with the 2022-2023 school year, the]~~ The state board shall require LEAs to  
53 report average daily membership for all kindergarten students who attend kindergarten  
54 on a schedule that is equivalent in length to the schedule for grades 1 through 3 with the  
55 October 1 data described in Section 53F-2-302.
- 56 (6) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
57 state board shall make rules to:
- 58 (a) beginning with the 2024-2025 school year, require a student to be toilet trained  
59 before being enrolled in kindergarten;
- 60 (b) establish requirements for an LEA's kindergarten enrollment process to include  
61 assurances from a parent that the parent's student is toilet trained;
- 62 (c) create a process for an LEA to follow when an enrolled student in kindergarten is

- 63           found to not be toilet trained, including:  
 64           (i) referring the student and the student's parent to a school social worker or  
 65           counselor for additional family supports and resources;  
 66           (ii) allowing a parent or the parent's adult designee to aid in toilet training as needed;  
 67           and  
 68           (iii) when needed, reintegration of a student once the student has become toilet  
 69           trained; and  
 70           (d) create exemptions from the requirement in Subsection (6)(a) for a student who is not  
 71           able to be toilet trained before kindergarten because of a condition described in an  
 72           IEP or Section 504 accommodation plan.

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

74           **53G-8-403 . Superintendent required to notify school.**

- 75           (1) Within three days of receiving a notification from the juvenile court or a law  
 76           enforcement agency under Section 80-6-103, the district superintendent or the  
 77           superintendent's designee shall notify the principal of the school the juvenile attends or  
 78           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 opinion,  
 82           should know of the adjudication.  
 83           (3) A person receiving information pursuant to this part may only disclose the information  
 84           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, or the school superintendent's designee, of the district  
 95           in which the minor resides or attends school; or  
 96           (ii) if there is no school superintendent for the school, the principal, or the principal's

97           designee, of the school where the minor attends.

98       (d) "Transferee school official" means:

99           (i) the school superintendent, or the school superintendent's designee, of the district

100           in which the minor resides or attends school if the minor is admitted to home

101           detention; or

102           (ii) if there is no school superintendent for the school, the principal, or the principal's

103           designee, of the school where the minor attends if the minor is admitted to home

104           detention.

105       (2) A notification under this section is provided for a minor's supervision and student safety.

106       (3) (a) If a minor is taken into temporary custody under Section 80-6-201 for a violent  
107           felony or an offense in violation of Title 76, Chapter 10, Part 5, Weapons, the peace  
108           officer, or other person who has taken the minor into temporary custody, shall notify  
109           a school official within five days after the day on which the minor is taken into  
110           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  
116           district 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 felony,  
118           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  
120           official, and the appropriate local law enforcement agency of the juvenile court's  
121           decision, including any disposition, order, or no-contact order.

122       (5) If a designated staff member of a detention facility admits a minor to home detention  
123           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  
125           school official, and the appropriate local law enforcement agency that the minor has  
126           been admitted to 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  
129           juvenile probation officer to notify a school official, or a transferee school official, of  
130           the adjudication.

- 131 (b) A notification under this Subsection (6) shall be given to a school official, or a  
132 transferee school official, within three days after the day on which the minor is  
133 adjudicated.
- 134 (c) A notification under this section shall include:
- 135 (i) the name of the minor;
- 136 (ii) the offense for which the minor was adjudicated; and
- 137 (iii) if available, the name of the victim if the victim:
- 138 (A) resides in the same school district as the minor; or
- 139 (B) attends the same school as the minor.
- 140 (7) If the juvenile court orders probation under Section 80-6-702, the juvenile court shall  
141 order a juvenile probation officer to notify the appropriate local law enforcement agency  
142 and the school official of the juvenile court's order for probation.
- 143 (8) (a) An employee of the local law enforcement agency, or the school the minor  
144 attends, who discloses a notification under this section is not:
- 145 (i) civilly liable except when the disclosure constitutes fraud or willful misconduct as  
146 provided in Section 63G-7-202; and
- 147 (ii) civilly or criminally liable except when the disclosure constitutes a knowing  
148 violation of Section 63G-2-801.
- 149 (b) An employee of a governmental agency is immune from any criminal liability for  
150 failing to provide the information required by this section, unless the employee fails  
151 to act due to malice, gross negligence, or deliberate indifference to the consequences.
- 152 (9) (a) A notification under this section shall be classified as a protected record under  
153 Section 63G-2-305.
- 154 (b) All other records of disclosures under this section are governed by Title 63G,  
155 Chapter 2, Government Records Access and Management Act, and the Family  
156 Educational Rights and Privacy Act, 20 U.S.C. Sec. 1232g.
- 157 Section 4. **Effective date.**
- 158 This bill takes effect on May 1, 2024.