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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 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

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

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

30 **53G-4-402 . Powers and duties generally.**

31 (1) A local school board shall:

- 32 (a) implement the core standards for Utah public schools using instructional materials
33 that best correlate to the core standards for Utah public schools and graduation
34 requirements;
- 35 (b) administer tests, required by the state board, which measure the progress of each
36 student, and coordinate with the state superintendent and state board to assess results
37 and create plans to improve the student's progress, which shall be submitted to the
38 state board for approval;
- 39 (c) use progress-based assessments as part of a plan to identify schools, teachers, and
40 students that need remediation and determine the type and amount of federal, state,
41 and local resources to implement remediation;
- 42 (d) for each grading period and for each course in which a student is enrolled, issue a
43 grade or performance report to the student:
44 (i) that reflects the student's work, including the student's progress based on mastery,
45 for the grading period; and
46 (ii) in accordance with the local school board's adopted grading or performance
47 standards and criteria;
- 48 (e) develop early warning systems for students or classes failing to make progress;
- 49 (f) work with the state board to establish a library of documented best practices,
50 consistent with state and federal regulations, for use by the special districts;
- 51 (g) implement training programs for school administrators, including basic management
52 training, best practices in instructional methods, budget training, staff management,
53 managing for learning results and continuous improvement, and how to help every [
54 child] student achieve optimal learning in basic academic subjects; and
- 55 (h) ensure that the local school board meets the data collection and reporting standards
56 described in Section 53E-3-501.

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

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

- 62 (b) School sites or buildings may only be conveyed or sold on local school board
63 resolution affirmed by at least two-thirds of the school board members.
- 64 (4) (a) A local school board may participate in the joint construction or operation of a
65 school attended by students residing within the district and students residing in other
66 districts either within or outside the state.
- 67 (b) Any agreement for the joint operation or construction of a school shall:
68 (i) be signed by the president of the local school board of each participating district;
69 (ii) include a mutually agreed upon pro rata cost; and
70 (iii) be filed with the state board.
- 71 (5) A local school board may establish, locate, and maintain elementary, secondary, and
72 applied technology schools.
- 73 (6) A local school board may enter into cooperative agreements with other local school
74 boards to provide educational services that best utilize resources for the overall
75 operation of the school districts, including shared transportation services.
- 76 (7) ~~[A n]~~ A local school board shall ensure that an agreement under Subsection (6)~~[-shall]:~~
77 (a) ~~[be]~~ is signed by the president of the local school board of each participating district;
78 (b) ~~[specify]~~ specifies the resource being shared;
79 (c) ~~[include]~~ includes a mutually agreed upon pro rata cost;
80 (d) ~~[include]~~ includes the duration of the agreement; and
81 (e) ~~[be]~~ is filed with the state board.
- 82 (8) Except as provided in Section 53E-3-905, a local school board may enroll children in
83 school who are at least five years old before September 2 of the year in which admission
84 is sought.
- 85 (9) A local school board:
86 (a) may establish and support school libraries; and
87 (b) shall provide an online platform:
88 (i) through which a parent is able to view the title, author, and a description of any
89 material the parent's child borrows from the school library, including a history of
90 borrowed materials, either using an existing online platform that the LEA uses or
91 through a separate platform; and
92 (ii) (A) for a school district with 1,000 or more enrolled students, no later than
93 August 1, 2024; and
94 (B) for a school district with fewer than 1,000 enrolled students, no later than
95 August 1, 2026.

- 96 (10) A local school board may collect damages for the loss, injury, or destruction of school
97 property.
- 98 (11) A local school board may authorize guidance and counseling services for students and
99 the student's parents before, during, or following school enrollment.
- 100 (12) (a) A local school board shall administer and implement federal educational
101 programs in accordance with Title 53E, Chapter 3, Part 8, Implementing Federal or
102 National Education Programs.
- 103 (b) Federal funds are not considered funds within the school district budget under
104 Chapter 7, Part 3, Budgets.
- 105 (13) (a) A local school board may organize school safety patrols and adopt policies
106 under which the patrols promote student safety.
- 107 (b) A student appointed to a safety patrol shall be at least 10 years old and have written
108 parental consent for the appointment.
- 109 (c) Safety patrol members may not direct vehicular traffic or be stationed in a portion of
110 a highway intended for vehicular traffic use.
- 111 (d) Liability may not attach to a school district, its employees, officers, or agents, or to a
112 safety patrol member, a parent of a safety patrol member, or an authorized volunteer
113 assisting the program by virtue of the organization, maintenance, or operation of a
114 school safety patrol.
- 115 (14) (a) A local school board may on its own behalf, or on behalf of an educational
116 institution for which the local school board is the direct governing body, accept
117 private grants, loans, gifts, endowments, devises, or bequests that are made for
118 educational purposes.
- 119 (b) The contributions made under Subsection (14)(a) are not subject to appropriation by
120 the Legislature.
- 121 (15) (a) A local school board may appoint and fix the compensation of a compliance
122 officer to issue citations for violations of Subsection 76-10-105(2)(b).
- 123 (b) A person may not be appointed to serve as a compliance officer without the person's
124 consent.
- 125 (c) A teacher or student may not be appointed as a compliance officer.
- 126 (16) A local school board shall adopt bylaws and policies for the local school board's own
127 procedures.
- 128 (17) (a) A local school board shall make and enforce policies necessary for the control
129 and management of the district schools.

- 130 (b) Local school board policies shall be in writing, filed, and referenced for public
131 access.
- 132 (18) A local school board may hold school on legal holidays other than Sundays.
- 133 (19) (a) A local school board shall establish for each school year a school traffic safety
134 committee to implement this Subsection (19).
- 135 (b) The committee shall be composed of one representative of:
- 136 (i) the schools within the district;
- 137 (ii) the Parent Teachers' Association of the schools within the district;
- 138 (iii) the municipality or county;
- 139 (iv) state or local law enforcement; and
- 140 (v) state or local traffic safety engineering.
- 141 (c) The committee shall:
- 142 (i) receive suggestions from school community councils, parents, teachers, and
143 others, and recommend school traffic safety improvements, boundary changes to
144 enhance safety, and school traffic safety program measures;
- 145 (ii) review and submit annually to the Department of Transportation and affected
146 municipalities and counties a child access routing plan for each elementary,
147 middle, and junior high school within the district;
- 148 (iii) ~~[consult]~~ in consultation with the Utah Safety Council and the Division of Family
149 Health Services~~[-and]~~ , provide training to all students in kindergarten through
150 grade 6, within the district, on school crossing safety and use; and
- 151 (iv) help ensure the district's compliance with rules made by the Department of
152 Transportation under Section 41-6a-303.
- 153 (d) The committee may establish subcommittees as needed to assist in accomplishing the
154 committee's duties under Subsection (19)(c).
- 155 (20) (a) A local school board shall adopt and implement a comprehensive emergency
156 response plan to prevent and combat violence in the local school board's public
157 schools, on school grounds, on ~~[its]~~ school vehicles, and in connection with
158 school-related activities or events.
- 159 (b) The local school board shall ensure that the plan[-shall]:
- 160 (i) ~~[include]~~ includes prevention, intervention, and response components;
- 161 (ii) ~~[be]~~ is consistent with the ~~[student conduct and discipline]~~ school discipline and
162 conduct policies required for school districts under ~~[Chapter 11, Part 2,~~
163 Miscellaneous Requirements] Chapter 8, Part 2, School Discipline and Conduct

- 164 Plans;
- 165 (iii) [~~require~~] requires professional learning for all district and school building staff on
- 166 the staff's roles in the emergency response plan;
- 167 (iv) [~~provide~~] provides for coordination with local law enforcement and other public
- 168 safety representatives in preventing, intervening, and responding to violence in the
- 169 areas and activities referred to in Subsection (20)(a); and
- 170 (v) [~~include~~] includes procedures to notify a student who is off campus at the time of a
- 171 school violence emergency because the student is:
- 172 (A) participating in a school-related activity; or
- 173 (B) excused from school for a period of time during the regular school day to
- 174 participate in religious instruction at the request of the student's parent.
- 175 (c) The state board, through the state superintendent, shall develop comprehensive
- 176 emergency response plan models that local school boards may use, where
- 177 appropriate, to comply with Subsection (20)(a).
- 178 (d) A local school board shall, by July 1 of each year, certify to the state board that its
- 179 plan has been practiced at the school level and presented to and reviewed by its
- 180 teachers, administrators, students, and the student's parents and local law enforcement
- 181 and public safety representatives.
- 182 (21) (a) A local school board may adopt an emergency response plan for the treatment of
- 183 sports-related injuries that occur during school sports practices and events.
- 184 (b) The plan may be implemented by each secondary school in the district that has a
- 185 sports program for students.
- 186 (c) The plan may:
- 187 (i) include emergency personnel, emergency communication, and emergency
- 188 equipment components;
- 189 (ii) require professional learning on the emergency response plan for school
- 190 personnel who are involved in sports programs in the district's secondary schools;
- 191 and
- 192 (iii) provide for coordination with individuals and agency representatives who:
- 193 (A) are not employees of the school district; and
- 194 (B) would be involved in providing emergency services to students injured while
- 195 participating in sports events.
- 196 (d) The local school board, in collaboration with the schools referred to in Subsection
- 197 (21)(b), may review the plan each year and make revisions when required to improve

198 or enhance the plan.

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

202 (22) A local school board shall do all other things necessary for the maintenance,
203 prosperity, and success of the schools and the promotion of education.

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

207 (i) gifted or advanced learning programs; or

208 (ii) dual language immersion programs.

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

211 (i) at a local school board meeting, make and approve a motion to initiate the
212 notification required under Subsections (23)(b)(ii) through (iv):

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

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

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

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

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

231 [(+)] (iv) provide an opportunity for public comment on the proposed school

- 232 boundary change during one public local school board meeting; and
 233 (v) hold a public hearing as defined in Section 10-9a-103 and provide public notice
 234 of the public hearing as described in Subsection ~~[(23)(b)] (23)(c).~~
- 235 [(b)] (c) A local school board shall:
- 236 (i) [The] ensure that the notice of a public hearing required under Subsection [
 237 (23)(a)(iii) shall: (i) indicate] (23)(b)(v) indicates the:
- 238 (A) name of the school or schools under consideration for closure or boundary
 239 change; and
- 240 (B) the date, time, and location of the public hearing;
- 241 (ii) if feasible, hold the public hearing at the location of the school that is under
 242 consideration for closure;
- 243 [(ii)] (iii) for at least 10 days before the day ~~[of]~~ on which the public hearing~~[-be~~
 244 published] occurs, publish the notice of the public hearing for the school district in
 245 which the school is located, as a class A notice under Section 63G-30-102; and
- 246 [(iii)] (iv) at least 30 days before the day on which the public hearing [described in
 247 Subsection (23)(a)(iii), ~~be provided as described in Subsections (23)(a)(i)-.]~~ occurs,
 248 provide notice of the public hearing in the same manner as the notice of
 249 consideration under Subsection (23)(b)(ii).
- 250 (d) A motion made under Subsection (23)(b) shall name each school under consideration
 251 for closure in a separate motion.
- 252 (e) For a school closure, a local school board shall complete the process described in this
 253 Subsection (23) on or before December 31 of the calendar year preceding the
 254 beginning of the school year in which a school closure takes effect.
- 255 (f) (i) For a school boundary change, a local school board shall complete the process
 256 described in this Subsection (23) no more than 60 days after the day on which the
 257 local school board votes to approve a school closure.
- 258 (ii) Parents of students enrolled in a school affected by a boundary change shall have
 259 at least 30 days after the day on which the local school board votes to approve a
 260 school boundary change to request an out of area enrollment request in accordance
 261 with Chapter 6, Part 4, School District Enrollment.
- 262 (24) A local school board may implement a facility energy efficiency program established
 263 under Title 11, Chapter 44, Performance Efficiency Act.
- 264 (25) A local school board may establish or partner with a certified youth court in
 265 accordance with Section 80-6-902 or establish or partner with a comparable restorative

266 justice program, in coordination with schools in that district. A school may refer a
267 student to a youth court or a comparable restorative justice program in accordance with
268 Section 53G-8-211.

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

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

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

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

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

280 (A) an educator selects for classroom use; and

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

283 (b) A local school board shall:

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

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

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

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

292 (i) establish an open process, involving educators and parents of students enrolled in
293 the LEA, to review and recommend instructional materials for board approval; and

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

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

299 (B) before adopting or approving the recommended instructional materials, holds

- 300 at least two public meetings on the recommendation that provides an
 301 opportunity for educators whom the LEA employs and parents of students
 302 enrolled in the LEA to express views and opinions on the recommendation; and
 303 (C) adopts or approves the recommended instructional materials in an open and
 304 regular board meeting.
- 305 (d) A local school board shall adopt a supplemental materials policy that provides
 306 flexible guidance to educators on the selection of supplemental materials or resources
 307 that an educator reviews and selects for classroom use using the educator's
 308 professional judgment, including whether any process or permission is required
 309 before classroom use of the materials or resources.
- 310 (e) If an LEA contracts with another party to provide online or digital materials, the
 311 LEA shall include in the contract a requirement that the provider give notice to the
 312 LEA any time that the provider makes a material change to the content of the online
 313 or digital materials, excluding regular informational updates on current events.
- 314 (f) Nothing in this Subsection (26) requires a local school board to review all learning
 315 materials used within the LEA.

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

317 **53G-6-402 . Open enrollment options -- Procedures -- Processing fee --**

318 **Continuing enrollment.**

- 319 (1) Each local school board is responsible for providing educational services consistent
 320 with Utah state law and rules of the state board for each student who resides in the
 321 district and, as provided in this section through Section 53G-6-407 and to the extent
 322 reasonably feasible, for any student who resides in another district in the state and
 323 desires to attend a school in the district, giving priority to a child of a military service
 324 member, as that term is defined in 53B-8-102.
- 325 (2) (a) A school is open for enrollment of nonresident students if the enrollment level is
 326 at or below the open enrollment threshold.
- 327 (b) If a school's enrollment falls below the open enrollment threshold, the local school
 328 board shall allow a nonresident student to enroll in the school.
- 329 (3) A local school board may allow enrollment of nonresident students in a school that is
 330 operating above the open enrollment threshold.
- 331 (4) (a) A local school board shall adopt policies describing procedures for nonresident
 332 students to follow in applying for entry into the district's schools.
- 333 (b) Those procedures shall provide, as a minimum, for:

- 334 (i) distribution to interested parties of information about the school or school district
335 and how to apply for admission;
- 336 (ii) use of standard application forms prescribed by the state board;
- 337 (iii) (A) submission of applications from November 15 through the first Friday in
338 February by those seeking admission during the early enrollment period for the
339 following year; or
- 340 (B) submission of applications from August 1 through November 1 by those
341 seeking admission during the early enrollment period for the following year in
342 a school district described in Subsection 53G-6-401(1)(b);
- 343 (iv) submission of applications by those seeking admission during the late enrollment
344 period;
- 345 (v) notwithstanding any other provision of this part or Part 3, School District
346 Residency, submission of applications for at least 30 days after the day on which a
347 school boundary change takes effect for those affected by the school boundary
348 change;
- 349 [~~(v)~~] (vi) written notification to the student's parent of acceptance or rejection of an
350 application:
- 351 (A) within six weeks after receipt of the application by the district or by March 31,
352 whichever is later, for applications submitted during the early enrollment
353 period;
- 354 (B) within two weeks after receipt of the application by the district or by the
355 Friday before the new school year begins, whichever is later, for applications
356 submitted during the late enrollment period for admission in the next school
357 year; [~~and~~]
- 358 (C) within two weeks after receipt of the application by the district, for
359 applications submitted during the late enrollment period for admission in the
360 current year; and
- 361 (D) within two weeks after receipt of the application by the district, for
362 applications submitted by students affected by a school district boundary
363 change;
- 364 [~~(vi)~~] (vii) written notification to the resident school for intradistrict transfers or the
365 resident district for interdistrict transfers upon acceptance of a nonresident student
366 for enrollment; and
- 367 [~~(vii)~~] (viii) written notification to the parents of each student that resides within the

- 368 school district and other interested parties of the revised early enrollment period
 369 described in Subsection 53G-6-401(1)(b) if:
- 370 (A) the school district is doing a district wide grade reconfiguration of its
 371 elementary, middle, junior, and senior high schools; and
 372 (B) the grade reconfiguration described in Subsection [~~(4)(b)(vii)(A)~~]
 373 (4)(b)(viii)(A) will be implemented in the next school year.
- 374 (c) (i) Notwithstanding the dates established in Subsection (4)(b) for submitting
 375 applications and notifying parents of acceptance or rejection of an application, a
 376 local school board may delay the dates if a local school board is not able to make
 377 a reasonably accurate projection of the early enrollment school capacity or late
 378 enrollment school capacity of a school due to:
- 379 (A) school construction or remodeling;
 380 (B) drawing or revision of school boundaries; or
 381 (C) other circumstances beyond the control of the local school board.
- 382 (ii) The delay may extend no later than four weeks beyond the date the local school
 383 board is able to make a reasonably accurate projection of the early enrollment
 384 school capacity or late enrollment school capacity of a school.
- 385 (5) A school district may charge a one-time \$5 processing fee, to be paid at the time of
 386 application.
- 387 (6) An enrolled nonresident student shall be permitted to remain enrolled in a school,
 388 subject to the same rules and standards as resident students, without renewed
 389 applications in subsequent years unless one of the following occurs:
- 390 (a) the student graduates;
 391 (b) the student is no longer a Utah resident;
 392 (c) the student is suspended or expelled from school; [~~or~~]
 393 (d) except for a student described in Subsection (6)(e), the district determines that
 394 enrollment within the school will exceed the school's open enrollment threshold; or
 395 (e) for a child of a military service member, as that term is defined in Section 53B-8-102,
 396 who moves from temporary to permanent housing outside of the relevant school
 397 district boundaries following a permanent change of station:
- 398 (i) in kindergarten through grade 10, the student completes the current school year; or
 399 (ii) in grades 11 and 12, the student graduates.
- 400 (7) (a) Determination of which nonresident students will be excluded from continued
 401 enrollment in a school during a subsequent year under Subsection (6)(d) is based

- 402 upon time in the school, with those most recently enrolled being excluded first and
403 the use of a lottery system when multiple nonresident students have the same number
404 of school days in the school.
- 405 (b) Nonresident students who will not be permitted to continue their enrollment shall be
406 notified no later than March 15 of the current school year.
- 407 (8) The parent of a student enrolled in a school that is not the student's school of residence
408 may withdraw the student from that school for enrollment in another public school by
409 submitting notice of intent to enroll the student in:
- 410 (a) the district of residence; or
411 (b) another nonresident district.
- 412 (9) Unless provisions have previously been made for enrollment in another school, a
413 nonresident district releasing a student from enrollment shall immediately notify the
414 district of residence, which shall enroll the student in the resident district and take such
415 additional steps as may be necessary to ensure compliance with laws governing school
416 attendance.
- 417 (10) (a) Except as provided in Subsection (10)(c), a student who transfers between
418 schools, whether effective on the first day of the school year or after the school year
419 has begun, by exercising an open enrollment option under this section may not
420 transfer to a different school during the same school year by exercising an open
421 enrollment option under this section.
- 422 (b) The restriction on transfers specified in Subsection (10)(a) does not apply to a
423 student transfer made for health or safety reasons.
- 424 (c) A local school board may adopt a policy allowing a student to exercise an open
425 enrollment option more than once in a school year.
- 426 (11) Notwithstanding Subsections (2) and (6)(d), a student who is enrolled in a school that
427 is not the student's school of residence, because school bus service is not provided
428 between the student's neighborhood and school of residence for safety reasons:
- 429 (a) shall be allowed to continue to attend the school until the student finishes the highest
430 grade level offered; and
431 (b) shall be allowed to attend the middle school, junior high school, or high school into
432 which the school's students feed until the student graduates from high school.
- 433 (12) Notwithstanding any other provision of this part or Part 3, School District Residency, a
434 student shall be allowed to enroll in any charter school or other public school in any
435 district, including a district where the student does not reside, if the enrollment is

436 necessary, as determined by the Division of Child and Family Services, to comply with
437 the provisions of 42 U.S.C. Section 675.

438 Section 3. **Effective date.**

439 This bill takes effect on May 1, 2024.