

Representative Raymond P. Ward proposes the following substitute bill:

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, as last amended by Laws of Utah 2019, Chapter 186



26 **53E-7-207**, as last amended by Laws of Utah 2022, Chapter 431

27 **63I-1-253 (Superseded 07/01/24)**, as last amended by Laws of Utah 2023, Chapters 30,
28 52, 133, 161, 367, and 494

29 **63I-1-253 (Eff 07/01/24) (Cont Sup 01/01/25)**, as last amended by Laws of Utah 2023,
30 Chapters 30, 52, 133, 161, 310, 367, and 494

31 **63I-1-253 (Contingently Effective 01/01/25)**, as last amended by Laws of Utah 2023,
32 Chapters 30, 52, 133, 161, 187, 310, 367, and 494

33

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

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

36 **53E-2-304. School district and individual school powers -- Plan for college and**
37 **career readiness definition.**

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

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

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

46 (ii) in accordance with Subsection (5) and beginning July 1, 2025:

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

49 (B) provide an education to all students in which the students' classroom is not
50 ↳ ~~significantly~~ ←↳ disrupted ↳ ~~in an ongoing fashion~~ by a pattern of behavior that
50a interferes substantially and materially with classroom instruction ←↳ ;

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

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

55 [(iii)] (iv) implement a public school choice program to give parents, students, and
56 teachers greater flexibility in designing and choosing among programs with different focuses

57 through schools within the same district and other districts, subject to space availability,
58 demographics, and legal and performance criteria;

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

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

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

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

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

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

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

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

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

74 (ii) Each local school board, in consultation with school personnel, parents, and school
75 community councils or similar entities shall establish policies to provide for the effective
76 implementation of an individual learning plan or a plan for college and career readiness for
77 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 meeting
80 student achievement standards as defined in the core standards for Utah public schools;

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

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

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

87 (v) Time spent during the school day to implement an individual learning plan or a

88 plan for college and career readiness is considered part of the school term described in Section
89 [53F-2-102](#).

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

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

95 (b) The reporting process shall involve participation from teachers, parents, and the
96 community at large in determining how well the district or school is performing.

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

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

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

103 **53E-7-207. Local education agency special education duty and authority.**

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

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

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

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

118 (ii) An LEA may refuse to conduct an evaluation described in Subsection (3)(a) if the

119 LEA reviews the relevant data regarding the individual and, within 10 days after the day on
120 which the LEA received the request described in Subsection (3)(a), gives the Division of Child
121 and Family Services written prior notice of refusal to evaluate.

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

- 124 (i) younger than 3 years old; or
- 125 (ii) at least 22 years old and not an eligible student.

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

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

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

135 (5) In accordance with Subsection (6) and beginning July 1, 2025:

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

139 (b) An LEA shall provide education to all students within the LEA in the least
140 restrictive environment possible that does not ~~result in a pattern of behavior that interferes~~
141 ~~students within the classroom in an ongoing fashion~~ result in a pattern of behavior that interferes
141a substantially and materially with the instruction of the other students in the classroom ←H .

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

- 144 (i) verbal or physical sexual harassment; or
- 145 (ii) sexual assault.

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

149 (7) Nothing in this section creates a private right of action or constitutes a waiver of

150 immunity under Section 63G-7-301.

151 Section 3. Section **63I-1-253 (Superseded 07/01/24)** is amended to read:

152 **63I-1-253 (Superseded 07/01/24). Repeal dates: Titles 53 through 53G.**

153 (1) Section **53-2a-105**, which creates the Emergency Management Administration
154 Council, is repealed July 1, 2027.

155 (2) Sections **53-2a-1103** and **53-2a-1104**, which create the Search and Rescue Advisory
156 Board, are repealed July 1, 2027.

157 (3) Section **53-5-703**, which creates the Concealed Firearm Review Board, is repealed
158 July 1, 2024.

159 (4) Section **53B-6-105.5**, which creates the Technology Initiative Advisory Board, is
160 repealed July 1, 2024.

161 (5) Section **53B-7-709**, regarding five-year performance goals for the Utah System of
162 Higher Education is repealed July 1, 2027.

163 (6) Title 53B, Chapter 8a, Part 3, Education Savings Incentive Program, is repealed
164 July 1, 2028.

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

166 (8) Section **53B-17-1203**, which creates the SafeUT and School Safety Commission, is
167 repealed January 1, 2025.

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

169 (10) Title 53B, Chapter 18, Part 18, Electrification of Transportation Infrastructure
170 Research Center, is repealed on July 1, 2028.

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

174 (12) Subsection **53E-2-304(6)**, which forecloses a private right of action or waiver of
175 governmental immunity, is repealed July 1, 2027.

176 [~~(12)~~] (13) Subsections **53E-3-503(5)** and (6), which create coordinating councils for
177 youth in custody, are repealed July 1, 2027.

178 [~~(13)~~] (14) In relation to a standards review committee, on January 1, 2028:

179 (a) in Subsection **53E-4-202(8)**, the language "by a standards review committee and the
180 recommendations of a standards review committee established under Section **53E-4-203**" is

181 repealed; and

182 (b) Section [53E-4-203](#) is repealed.

183 [~~14~~] (15) Section [53E-4-402](#), which creates the State Instructional Materials
184 Commission, is repealed July 1, 2027.

185 [~~15~~] (16) Title 53E, Chapter 6, Part 5, Utah Professional Practices Advisory
186 Commission, is repealed July 1, 2033.

187 [~~16~~] (17) Section [53F-2-420](#), which creates the Intensive Services Special Education
188 Pilot Program, is repealed July 1, 2024.

189 (18) Subsection [53E-7-207\(7\)](#), which forecloses a private right of action or waiver of
190 governmental immunity, is repealed July 1, 2027.

191 [~~17~~] (19) Section [53F-5-213](#) is repealed July 1, 2023.

192 [~~18~~] (20) Section [53F-5-214](#), in relation to a grant for professional learning, is
193 repealed July 1, 2025.

194 [~~19~~] (21) Section [53F-5-215](#), in relation to an elementary teacher preparation grant, is
195 repealed July 1, 2025.

196 [~~20~~] (22) Section [53F-5-219](#), which creates the Local Innovations Civics Education
197 Pilot Program, is repealed on July 1, 2025.

198 [~~21~~] (23) Subsection [53F-9-203\(7\)](#), which creates the Charter School Revolving
199 Account Committee, is repealed July 1, 2024.

200 [~~22~~] (24) Subsections [53G-4-608\(2\)\(b\)](#) and [\(4\)\(b\)](#), related to the Utah Seismic Safety
201 Commission, are repealed January 1, 2025.

202 [~~23~~] (25) Section [53G-9-212](#), Drinking water quality in schools, is repealed July 1,
203 2027.

204 [~~24~~] (26) Title 53G, Chapter 10, Part 6, Education Innovation Program, is repealed
205 July 1, 2027.

206 Section 4. Section **63I-1-253 (Eff 07/01/24) (Cont Sup 01/01/25)** is amended to read:
207 **63I-1-253 (Eff 07/01/24) (Cont Sup 01/01/25). Repeal dates: Titles 53 through**
208 **53G.**

209 (1) Section [53-2a-105](#), which creates the Emergency Management Administration
210 Council, is repealed July 1, 2027.

211 (2) Sections [53-2a-1103](#) and [53-2a-1104](#), which create the Search and Rescue Advisory

212 Board, are repealed July 1, 2027.

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

214 (4) Section 53-5-703, which creates the Concealed Firearm Review Board, is repealed
215 July 1, 2024.

216 (5) Section 53B-6-105.5, which creates the Technology Initiative Advisory Board, is
217 repealed July 1, 2024.

218 (6) Section 53B-7-709, regarding five-year performance goals for the Utah System of
219 Higher Education is repealed July 1, 2027.

220 (7) Title 53B, Chapter 8a, Part 3, Education Savings Incentive Program, is repealed
221 July 1, 2028.

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

223 (9) Section 53B-17-1203, which creates the SafeUT and School Safety Commission, is
224 repealed January 1, 2025.

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

226 (11) Title 53B, Chapter 18, Part 18, Electrification of Transportation Infrastructure
227 Research Center, is repealed on July 1, 2028.

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

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

233 [~~13~~] (14) Subsections 53E-3-503(5) and (6), which create coordinating councils for
234 youth in custody, are repealed July 1, 2027.

235 [~~14~~] (15) In relation to a standards review committee, on January 1, 2028:

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

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

240 [~~15~~] (16) Section 53E-4-402, which creates the State Instructional Materials
241 Commission, is repealed July 1, 2027.

242 [~~16~~] (17) Title 53E, Chapter 6, Part 5, Utah Professional Practices Advisory

243 Commission, is repealed July 1, 2033.

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

246 [~~(17)~~] (19) Section 53F-2-420, which creates the Intensive Services Special Education
247 Pilot Program, is repealed July 1, 2024.

248 [~~(18)~~] (20) Section 53F-5-213 is repealed July 1, 2023.

249 [~~(19)~~] (21) Section 53F-5-214, in relation to a grant for professional learning, is
250 repealed July 1, 2025.

251 [~~(20)~~] (22) Section 53F-5-215, in relation to an elementary teacher preparation grant, is
252 repealed July 1, 2025.

253 [~~(21)~~] (23) Section 53F-5-219, which creates the Local Innovations Civics Education
254 Pilot Program, is repealed on July 1, 2025.

255 [~~(22)~~] (24) Subsection 53F-9-203(7), which creates the Charter School Revolving
256 Account Committee, is repealed July 1, 2024.

257 [~~(23)~~] (25) Subsections 53G-4-608(2)(b) and (4)(b), related to the Utah Seismic Safety
258 Commission, are repealed January 1, 2025.

259 [~~(24)~~] (26) Section 53G-9-212, Drinking water quality in schools, is repealed July 1,
260 2027.

261 [~~(25)~~] (27) Title 53G, Chapter 10, Part 6, Education Innovation Program, is repealed
262 July 1, 2027.

263 Section 5. Section **63I-1-253 (Contingently Effective 01/01/25)** is amended to read:
264 **63I-1-253 (Contingently Effective 01/01/25). Repeal dates: Titles 53 through 53G.**

265 (1) Section **53-2a-105**, which creates the Emergency Management Administration
266 Council, is repealed July 1, 2027.

267 (2) Sections **53-2a-1103** and **53-2a-1104**, which create the Search and Rescue Advisory
268 Board, are repealed July 1, 2027.

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

270 (4) Section **53-5-703**, which creates the Concealed Firearm Review Board, is repealed
271 July 1, 2024.

272 (5) Section **53B-6-105.5**, which creates the Technology Initiative Advisory Board, is
273 repealed July 1, 2024.

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280 repealed January 1, 2025.

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282 (11) Title 53B, Chapter 18, Part 18, Electrification of Transportation Infrastructure
283 Research Center, is repealed on July 1, 2028.

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

287 (13) Subsection [53E-2-304\(6\)](#), which forecloses a private right of action or waiver of
288 governmental immunity, is repealed July 1, 2027.

289 [~~13~~] (14) Subsections [53E-3-503\(5\)](#) and (6), which create coordinating councils for
290 youth in custody, are repealed July 1, 2027.

291 [~~14~~] (15) In relation to a standards review committee, on January 1, 2028:

292 (a) in Subsection [53E-4-202\(8\)](#), the language "by a standards review committee and the
293 recommendations of a standards review committee established under Section [53E-4-203](#)" is
294 repealed; and

295 (b) Section [53E-4-203](#) is repealed.

296 [~~15~~] (16) Section [53E-4-402](#), which creates the State Instructional Materials
297 Commission, is repealed July 1, 2027.

298 [~~16~~] (17) Title 53E, Chapter 6, Part 5, Utah Professional Practices Advisory
299 Commission, is repealed July 1, 2033.

300 (18) Subsection [53E-7-207\(7\)](#), which forecloses a private right of action or waiver of
301 governmental immunity, is repealed July 1, 2027.

302 [~~17~~] (19) Section [53F-2-420](#), which creates the Intensive Services Special Education
303 Pilot Program, is repealed July 1, 2024.

304 [~~18~~] (20) Section [53F-5-213](#) is repealed July 1, 2023.

305 [~~(19)~~] (21) Section [53F-5-214](#), in relation to a grant for professional learning, is
306 repealed July 1, 2025.

307 [~~(20)~~] (22) Section [53F-5-215](#), in relation to an elementary teacher preparation grant, is
308 repealed July 1, 2025.

309 [~~(21)~~] (23) Section [53F-5-219](#), which creates the Local Innovations Civics Education
310 Pilot Program, is repealed on July 1, 2025.

311 [~~(22)~~] (24) (a) Subsection [53F-9-201.1\(2\)\(b\)\(ii\)](#), in relation to the use of funds from a
312 loss in enrollment for certain fiscal years, is repealed on July 1, 2030.

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

315 [~~(23)~~] (25) Subsection [53F-9-203\(7\)](#), which creates the Charter School Revolving
316 Account Committee, is repealed July 1, 2024.

317 [~~(24)~~] (26) Subsections [53G-4-608\(2\)\(b\)](#) and [\(4\)\(b\)](#), related to the Utah Seismic Safety
318 Commission, are repealed January 1, 2025.

319 [~~(25)~~] (27) Section [53G-9-212](#), Drinking water quality in schools, is repealed July 1,
320 2027.

321 [~~(26)~~] (28) Title 53G, Chapter 10, Part 6, Education Innovation Program, is repealed
322 July 1, 2027.

323 Section 6. **Effective date.**

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

325 (2) The actions affecting Section [631-1-253](#) (Effective 07/01/2024) (Contingently
326 Superseded 01/01/25), take effect on July 1, 2024; and

327 (3) The actions affecting Section [631-1-253](#) (Contingently Effective 1/1/2025), take
328 effect on January 1, 2025.