

**Representative Raymond P. Ward** proposes the following substitute bill:

**EDUCATIONAL RIGHTS AMENDMENTS**

2024 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Raymond P. Ward**

House Sponsor: Lincoln Fillmore

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**LONG TITLE**

**General Description:**

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

**Highlighted Provisions:**

This bill:

- requires an LEA provide an educational environment that is safe for all students and staff;
- requires an LEA to ensure an educational environment has minimal disruptions; 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

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

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

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

28 **53E-2-304. School district and individual school powers -- Plan for college and**  
29 **career readiness definition.**

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

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

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

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

40 (iii) provide an education to all students in which the students' classroom is not  
41 predictably disrupted in an ongoing fashion;

42 (iv) provide an environment to all educators, school staff, and students that is free from  
43 repeated:

44 (A) verbal or physical sexual harassment; or

45 (B) sexual assault;

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

47 [~~(ii)~~] (vi) implement a public school choice program to give parents, students, and  
48 teachers greater flexibility in designing and choosing among programs with different focuses  
49 through schools within the same district and other districts, subject to space availability,  
50 demographics, and legal and performance criteria;

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

53 [~~(iv)~~] (viii) provide opportunities for each student to acquire and develop academic and  
54 occupational knowledge, skills, and abilities;

55 [~~(v)~~] (ix) participate in ongoing research and development projects primarily at the  
56 school level aimed at improving the quality of education within the system; and

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

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

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

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

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

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

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

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

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

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

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

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

79 (v) Time spent during the school day to implement an individual learning plan or a  
80 plan for college and career readiness is considered part of the school term described in Section  
81 [53F-2-102](#).

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

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

87 (b) The reporting process shall involve participation from teachers, parents, and the

88 community at large in determining how well the district or school is performing.

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

90 **53E-7-207. Local education agency special education duty and authority.**

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

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

97 (3) (a) Upon request of the Division of Child and Family Services and if the LEA  
98 obtains appropriate consent for the evaluation, an LEA shall provide an initial special  
99 education evaluation to an individual who enters the custody of the Division of Child and  
100 Family Services, if the Division of Child and Family Services suspects the individual may be  
101 an eligible student.

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

105 (ii) An LEA may refuse to conduct an evaluation described in Subsection (3)(a) if the  
106 LEA reviews the relevant data regarding the individual and, within 10 days after the day on  
107 which the LEA received the request described in Subsection (3)(a), gives the Division of Child  
108 and Family Services written prior notice of refusal to evaluate.

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

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

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

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

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

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

125 (6) An LEA shall provide education to all students within the LEA in the least  
126 restrictive environment possible that does not predictably disrupt the education of other  
127 students within the classroom in an ongoing fashion.

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

130 (a) verbal or physical sexual harassment; or

131 (b) sexual assault.

132 **Section 3. Effective date.**

133 This bill takes effect on July 1, 2024.