



Utah State Board of Education

STUDENT TOILET TRAINING REQUIREMENTS AND CONSIDERATIONS FOR DISABILITIES

A UTAH STATE BOARD OF EDUCATION TECHNICAL
ASSISTANCE DOCUMENT

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INTRODUCTION

Utah Code [53G-7-203](#) and Utah State Board of Education Rule [R277-631](#) state the local education agencies (LEAs) may not enroll a student unless the student is toilet trained.

A student who is not toilet trained can be enrolled in school if the toilet training is a result of a condition addressed in an individualized education program (IEP) or a 504 plan.

A student who is not toilet trained may lead an LEA to suspect a disability that needs to be evaluated under child find requirements outlined in [Utah State Board of Education Special Education Rule II.](#) and Section 504 of the Rehabilitation Act ([34 CFR § 104.32](#)).

LEAs must also ensure a free appropriate public education (FAPE) in the least restrictive environment is provided to all students who qualify for an IEP or 504 plan.

CHILD FIND AND TOILET TRAINING

LEAs develop child find policies and procedures to identify, locate, and evaluate students with disabilities residing within the jurisdiction of the LEA ([Utah State Board of Education Special Education Rule II.A.1.](#)).

LEAs must consider all information that comes with a student when they enroll. This may include private school information, preschool programs, early intervention programs, homeschool information, medical records, and any other information the parent may provide.

If the LEA suspects the student has a disability that contributed to the lack of toilet training, the student becomes subject to child find, and an evaluation for special education and/or a 504 plan may be considered.

If the LEA does not suspect the toilet training is related to a disability, they should investigate further to ensure further evaluation is not needed. If a parent believes

that the toilet training is related to a disability, the LEA needs to determine if they will evaluate the student or provide a prior written notice refusing to evaluate.

An LEA should conditionally enroll the student until an evaluation can be completed to determine if the student has a disability that contributes to the lack of toilet training.

STUDENTS ELIGIBLE FOR AN IEP OR 504 PLAN DURING PRESCHOOL

If the student had an IEP or 504 plan in preschool, the LEA must ensure the student continues to receive FAPE and is educated in the least restrictive environment even if the student is not toilet trained when they enroll in kindergarten.

While a student's IEP or 504 plan may not directly/specifically address toileting, LEAs must still provide FAPE to the student as outlined in the IEP or 504 plan.

EXAMPLES

STUDENT WITHOUT TOILET TRAINING IN THE IEP OR 504 PLAN

A student with an IEP or 504 plan that only includes speech services seeks to enroll in school. The IEP or 504 plan does not address the condition of toilet training. The student is entitled to FAPE as outlined on the IEP or 504 plan. Choosing to deny enrollment is a denial of FAPE.

LEAs should enroll the student and determine a way to address the toilet training issue to ensure FAPE, which may include amending the IEP or 504 plan.

STUDENT WITH TOILET TRAINING IN THE IEP OR 504 PLAN

A student with an IEP or 504 plan that includes toilet training needs should have a clearly outlined program or plan for services that the LEA will implement. When the student enrolls in school, the LEA will continue to provide the necessary services and supports to ensure FAPE.

PARENT INVOLVEMENT IN TOILET TRAINING

If a student's IEP or 504 plan includes toilet training, LEA staff are trained and provide the necessary supports. Parents must not be asked to provide the toilet training service required to provide FAPE.

Services related to toilet training on an IEP or 504 plan are provided in a private or cleared restroom. The LEA may adopt a policy requiring background checks for parents entering a public multi-stall restroom for purposes of aiding in toilet training.

ADDITIONAL CONSIDERATIONS

The toilet training legislation and board rule are specific to kindergarten – twelfth grade. Legislation and the board rule do not include preschool. LEAs must enroll students beginning in first grade under [Utah Code 53G-6-202](#). If a parent does not enroll a student, a notice of compulsory education violation can be issued to a parent potentially leading to a class B misdemeanor.