

1 **EDUCATION OF PERSONS WITH A**
2 **DISABILITY**

3 2002 GENERAL SESSION
4 STATE OF UTAH

5 **Sponsor: Ed P. Mayne**

6 **This act modifies provisions regarding Public Education for students with disabilities by**
7 **[clarifying] indicating that the education services are available to the end of the school**
7a **[-year] semester during which**
8 **the students turns 22, if the student has not graduated from high school with a regular**
9 **diploma. The act provides an effective date.**

10 This act affects sections of Utah Code Annotated 1953 as follows:

11 AMENDS:

12 **53A-15-301**, as last amended by Chapter 215, Laws of Utah 2000

13 **53A-15-303**, as last amended by Chapters 30 and 53, Laws of Utah 1992

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

15 Section 1. Section **53A-15-301** is amended to read:

16 **53A-15-301. Education programs for students with disabilities -- Supervision by the**
17 **State Board of Education -- Enforcement.**

18 (1) (a) All students with disabilities, who are between the ages of three and 22 and have
19 not graduated from high school with a regular diploma, are entitled to a free, appropriate public
20 education.

21 (b) For purposes of Subsection (1)(a), if a student with a disability turns 22 during the
22 school year, the entitlement extends to the end of the [school year] :

22a (i) WINTER SEMESTER FOR THOSE WHO TURN 22 ON OR AFTER THE BEGINNING OF THE
22b SCHOOL YEAR AND BEFORE THE END OF THE WINTER SEMESTER; AND

22c (ii) SCHOOL YEAR FOR THOSE WHO TURN 22 AFTER THE WINTER SEMESTER AND BEFORE
22d THE END OF THE SCHOOL YEAR .

23 ~~(b)~~ (c) The State Board of Education shall adopt rules consistent with applicable state
24 and federal law to implement this chapter.



- 25 (2) The rules adopted by the state board shall include the following:
- 26 (a) appropriate and timely identification of students with disabilities;
- 27 (b) diagnosis, evaluation, and classification by qualified personnel;

- 28 (c) standards for classes and services;
- 29 (d) provision for multidistrict programs;
- 30 (e) provision for delivery of service responsibilities;
- 31 (f) certification and qualifications for instructional staff; and
- 32 (g) services for dual enrollment students attending public school on a part-time basis under
- 33 Section 53A-11-102.5.

34 (3) (a) The state board shall have general control and supervision over all educational
 35 programs for students within the state who have disabilities.

36 (b) Those programs must comply with rules adopted by the state board under this section.

37 (4) The state superintendent of public instruction shall enforce this chapter.

38 Section 2. Section **53A-15-303** is amended to read:

39 **53A-15-303. School district responsibility -- Reimbursement of costs -- Other**
 40 **programs.**

41 (1) (a) Each school district shall provide, either singly or in cooperation with other school
 42 districts or public institutions, a free, appropriate education program for all students with
 43 disabilities who are residents of the district.

44 (b) The program shall include necessary special facilities, instruction, and
 45 education-related services.

46 (c) The costs of a district's program, or a district's share of a joint program, shall be paid
 47 from district funds.

48 (2) School districts that provide special education services under this chapter in accordance
 49 with applicable rules of the State Board of Education shall receive reimbursement from the board
 50 under Title 53A, Chapter 17a, Minimum School Program Act, and other applicable laws.

51 (3) (a) A school district may, singly or in cooperation with other public entities, provide
 52 education and training for persons with disabilities who are younger than three or older than [21]
 53 22 consistent with Subsection 53A-15-301(1).

54 (b) The cost of such a program may be paid from fees, contributions, and other funds
 55 received by the district for support of the program, but may not be paid from public education
 56 funds.

57 Section 3. **Effective date.**

58 This act takes effect on July 1, 2002.

Legislative Review Note
as of 12-11-01 9:02 AM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel