

**EDUCATION OF PERSONS WITH A  
DISABILITY**

2002 GENERAL SESSION

STATE OF UTAH

**Sponsor: Ed P. Mayne**

**This act modifies provisions regarding Public Education for students with disabilities by indicating that the education services are available to the beginning of the school's winter holiday or the end of the school year depending on when the students turns 22, if the student has not graduated from high school with a regular diploma. The act provides an effective date.**

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

AMENDS:

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

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

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

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

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

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

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

(i) beginning of the school's winter holiday for those who turn 22 on or after the beginning of the school year and before December 31; and

(ii) end of the school year for those who turn 22 after December 31 and before the end of the school year.

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

(2) The rules adopted by the state board shall include the following:

(a) appropriate and timely identification of students with disabilities;

(b) diagnosis, evaluation, and classification by qualified personnel;

(c) standards for classes and services;

(d) provision for multidistrict programs;

(e) provision for delivery of service responsibilities;

(f) certification and qualifications for instructional staff; and

(g) services for dual enrollment students attending public school on a part-time basis under Section 53A-11-102.5.

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

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

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

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

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

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

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

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

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

(3) (a) A school district may, singly or in cooperation with other public entities, provide education and training for persons with disabilities who are younger than three or older than [24]

22 consistent with Subsection 53A-15-301(1).

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

**Section 3. Effective date.**

This act takes effect on July 1, 2002.