

1                   **STUDENTS WITH DISABILITIES EVALUATION**

2                                   **AMENDMENTS**

3   2017 GENERAL SESSION

4   STATE OF UTAH

5                                   **Chief Sponsor: Gene Davis**

6                                   House Sponsor: Eric K. Hutchings

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8 **LONG TITLE**

9 **General Description:**

10           This bill requires a school or local education agency to communicate certain  
11 information with the parent or legal guardian of a student who may have a disability.

12 **Highlighted Provisions:**

13           This bill:

- 14           ▶ defines terms;
- 15           ▶ requires the State Board of Education to:
- 16                 • make rules regarding communication, within a specified time, with the parent or  
17 legal guardian of a student who may have a disability;
- 18                 • make rules to create a process to review certain violations; and
- 19                 • annually report certain violations to the Education Interim Committee; and
- 20           ▶ makes technical changes.

21 **Money Appropriated in this Bill:**

22           None

23 **Other Special Clauses:**

24           None

25 **Utah Code Sections Affected:**

26 AMENDS:

27           **53A-15-301**, as last amended by Laws of Utah 2002, Chapter 82



28 ENACTS:

29 **53A-15-310**, Utah Code Annotated 1953



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

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

33 **53A-15-301. Education programs for students with disabilities -- Supervision by**  
34 **the State Board of Education -- Enforcement.**

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

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

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

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

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

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

47 (a) requirements for appropriate and timely:

48 (i) identification of students with disabilities; and

49 (ii) communication, in accordance with Section **53A-15-310**, with the parent or legal  
50 guardian of a student who may have a disability;

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

52 (c) standards for classes and services;

53 (d) provision for multidistrict programs;

54 (e) provision for delivery of service responsibilities;

55 (f) certification and qualifications for instructional staff; and

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

58 (3) (a) The state board shall have general control and supervision over all educational

59 programs for students within the state who have disabilities.

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

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

63 Section 2. Section **53A-15-310** is enacted to read:

64 **53A-15-310. Communication regarding a student who may have a disability.**

65 (1) As used in this section:

66 (a) "Board" means the State Board of Education.

67 (b) "IEP" means an individualized education program under the Individuals with  
68 Disabilities Education Act, 20 U.S.C. Sec. 1400 et seq.

69 (c) "LEA" or "local education agency" means:

70 (i) a school district;

71 (ii) a charter school; or

72 (iii) the Utah Schools for the Deaf and the Blind.

73 (d) "School" means a public or private elementary or secondary school or charter  
74 school.

75 (e) "Section 504 accommodation plan" means an accommodation plan under Section  
76 504 of the Rehabilitation Act of 1973, 29 U.S.C. Sec. 701 et seq.

77 (f) "Student" means a child who:

78 (i) is enrolled in a school; or

79 (ii) (A) resides within the geographic boundaries of a school district; and

80 (B) is not yet eligible to enroll in a school due to age.

81 (g) "Student with a disability" means a student who is eligible for:

82 (i) an IEP;

83 (ii) a Section 504 accommodation plan; or

84 (iii) other special education accommodations that an LEA or school provides.

85 (2) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
86 board shall make rules to:

87 (a) ensure that an LEA or school makes the contact described in Subsection (2)(b)  
88 within 10 calendar days after the day on which:

89 (i) a student's parent or legal guardian:

90 (A) initiates a request with the LEA or school for an initial evaluation to determine if  
91 the student is a student with a disability; or

92 (B) informs the LEA or school that the student may be a student with a disability; or

93 (ii) the school otherwise becomes aware that a student may be a student with a  
94 disability;

95 (b) ensure that the LEA or school described in Subsection (2)(a) makes written and  
96 verbal contact, with the parent or legal guardian of a student described in Subsection (2)(a),  
97 that provides information regarding:

98 (i) the process of disability evaluation and the provision of special education services  
99 to the student, including the expected schedule for the process;

100 (ii) the eligibility requirements for special education services, including an IEP and a  
101 Section 504 accommodation plan;

102 (iii) the contact information for the agent of the school or LEA with whom the parent  
103 or legal guardian should communicate;

104 (iv) any available resources relevant to the disability evaluation process; and

105 (v) rules related to the disability evaluation process that the board adopts; and

106 (c) create a process through which the board accepts and reviews complaints regarding  
107 violations of the rules the board makes in accordance with this section.

108 (3) The board shall:

109 (a) report to the Education Interim Committee regarding violations of this section  
110 during or before the committee's September meeting each year; and

111 (b) ensure that the report described in Subsection (3)(a) does not include identifying  
112 information relating to a student or a parent of the student.