

**Senator Gene Davis** proposes the following substitute bill:

**STUDENTS WITH DISABILITIES EVALUATION AMENDMENTS**

2017 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Gene Davis**

House Sponsor: Eric K. Hutchings

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**LONG TITLE**

**General Description:**

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

**Highlighted Provisions:**

This bill:

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

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:



26 **53A-15-301**, as last amended by Laws of Utah 2002, Chapter 82

27 ENACTS:

28 **53A-15-310**, Utah Code Annotated 1953

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

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

32 **53A-15-301. Education programs for students with disabilities -- Supervision by**  
33 **the State Board of Education -- Enforcement.**

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

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

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

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

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

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

46 (a) requirements for appropriate and timely:

47 (i) identification of students with disabilities; and

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

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

51 (c) standards for classes and services;

52 (d) provision for multidistrict programs;

53 (e) provision for delivery of service responsibilities;

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

55 (g) services for dual enrollment students attending public school on a part-time basis

56 under Section **53A-11-102.5**.

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

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

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

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

63 **53A-15-310. Communication regarding a student who may have a disability.**

64 (1) As used in this section:

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

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

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

69 (i) a school district;

70 (ii) a charter school governing board; or

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

72 (d) "School" means a public elementary or secondary school.

73 (e) "Section 504 accommodation plan" means an accommodation plan under Section  
74 504 of the Rehabilitation Act of 1973, 29 U.S.C. Sec. 701 et seq.

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

76 (i) is enrolled in a school; or

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

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

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

80 (i) an IEP;

81 (ii) a Section 504 accommodation plan; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

106 (3) The board shall:

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

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