

SCHOOL DISTRICT AMENDMENTS

2017 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Gene Davis

House Sponsor: Eric K. Hutchings

LONG TITLE

General Description:

This bill mandates specific communication between private schools and local education agencies, and between private schools and parents or legal guardians, regarding students with disabilities.

Highlighted Provisions:

This bill:

- ▶ defines terms; and
- ▶ requires a private school to:
 - provide local education agencies with personally identifiable information of students with disabilities; and
 - provide parents of students with disabilities information regarding individual rights and school resources.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

ENACTS:

53A-15-303.1, Utah Code Annotated 1953



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

29 Section 1. Section **53A-15-303.1** is enacted to read:

30 **53A-15-303.1. School district communication with private schools for students**
31 **with disabilities.**

32 (1) As used in this section:

33 (a) "Child-find mandate" means the requirement under the Individuals with Disabilities
34 Education Act, 20 U.S.C. Sec. 1412(a)(3).

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

37 (c) "Local education authority" or "LEA" means:

38 (i) a school district;

39 (ii) a charter school; or

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

41 (d) "Personally identifiable information" means the same as "personal identifiable
42 information" is defined in the Family Educational Rights and Privacy Act, 34 C.F.R. Sec. 99.3.

43 (e) "Section 504 accommodation plan" means an accommodation plan a school creates
44 to provide a student free appropriate public education in accordance with Section 504 of the
45 Rehabilitation Act of 1973, 29 U.S.C. Sec. 701 et seq.

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

47 (i) is enrolled in a private school; and

48 (ii) resides within the geographical boundaries of a school district.

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

50 (i) an IEP;

51 (ii) a Section 504 accommodation plan; or

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

53 (2) A private school shall:

54 (a) disclose personally identifiable information of a student with a disability to an LEA
55 who requests the personally identifiable information to comply with the federal child-find
56 mandate, in accordance with 34 C.F.R. Secs. 99.31(a)(3) and 99.35; and

57 (b) provide the parent or guardian of a student with disability information regarding the
58 Individuals with Disabilities Education Act, 20 U.S.C. Sec 1400 et seq., including:

- 59 (i) the right to free appropriate public education;
60 (ii) an IEP; and
61 (iii) what, if any, services a child enrolled in the private school will not receive that the
62 student has a right to receive if enrolled in a public school.
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Legislative Review Note
Office of Legislative Research and General Counsel