



28 **53E-7-204**, as renumbered and amended by Laws of Utah 2018, Chapter 1

29 **53E-7-301**, as renumbered and amended by Laws of Utah 2018, Chapter 1

30 REPEALS:

31 **53E-7-203**, as renumbered and amended by Laws of Utah 2018, Chapter 1



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

34 Section 1. Section **53E-3-503** is amended to read:

35 **53E-3-503. Education of individuals in custody of or receiving services from**  
36 **certain state agencies -- Establishment of coordinating council -- Advisory councils.**

37 (1) For purposes of this section, "board" means the State Board of Education.

38 (2) (a) The board is directly responsible for the education of all [~~persons under the age~~  
39 ~~of 21 who are:~~] individuals who are:

40 (i) (A) younger than 21 years old; or

41 (B) students with disabilities entitled to a free, appropriate public education as  
42 described in Section **53E-7-202**; and

43 [~~(i)~~] (ii) (A) receiving services from the Department of Human Services;

44 [~~(i)~~] (B) in the custody of an equivalent agency of a Native American tribe recognized  
45 by the United States Bureau of Indian Affairs and whose custodial parent or legal guardian  
46 resides within the state; or

47 [~~(iii)~~] (C) being held in a juvenile detention facility.

48 (b) The board shall [~~adopt~~] make rules, in accordance with Title 63G, Chapter 3, Utah  
49 Administrative Rulemaking Act, to provide for the distribution of funds for the education of  
50 [~~persons~~] individuals described in Subsection (2)(a).

51 (3) Subsection [~~(2)(a)(i)~~] (2)(a)(ii)(B) does not apply to [~~persons~~] an individual taken  
52 into custody for the primary purpose of obtaining access to education programs provided for  
53 youth in custody.

54 (4) The board shall, where feasible, contract with school districts or other appropriate  
55 agencies to provide educational, administrative, and supportive services, but the board shall  
56 retain responsibility for the programs.

57 (5) The Legislature shall establish and maintain separate education budget categories  
58 for youth in custody or who are under the jurisdiction of the following state agencies:

59 (a) detention centers and the Divisions of Juvenile Justice Services and Child and  
60 Family Services;

61 (b) the Division of Substance Abuse and Mental Health; and

62 (c) the Division of Services for People with Disabilities.

63 (6) (a) The Department of Human Services and the ~~[State Board of Education]~~ board  
64 shall appoint a coordinating council to plan, coordinate, and recommend budget, policy, and  
65 program guidelines for the education and treatment of persons in the custody of the Division of  
66 Juvenile Justice Services and the Division of Child and Family Services.

67 (b) The ~~[department]~~ Department of Human Services and the board may appoint  
68 similar councils for those in the custody of the Division of Substance Abuse and Mental Health  
69 or the Division of Services for People with Disabilities.

70 (7) A school district contracting to provide services under Subsection (4) shall  
71 establish an advisory council to plan, coordinate, and review education and treatment programs  
72 for ~~[persons]~~ individuals held in custody in the district.

73 Section 2. Section **53E-7-202** is amended to read:

74 **53E-7-202. Education programs for students with disabilities -- Supervision by**  
75 **the State Board of Education -- Enforcement.**

76 (1) (a) All students with disabilities, who are ~~[between the ages of three and 22]~~ 3 years  
77 old or older but younger than 22 years old and have not graduated from high school with a  
78 regular diploma, are entitled to a free, appropriate public education.

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

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

83 ~~[(ii) end of the school year for those who turn 22 after December 31 and before the end~~  
84 ~~of the school year.]~~

85 (c) ~~[The]~~ In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking  
86 Act, the State Board of Education shall adopt rules consistent with applicable state and federal  
87 law to implement this part.

88 (2) The rules adopted by the ~~[state board]~~ State Board of Education shall include the  
89 following:

- 90 (a) appropriate and timely identification of students with disabilities;
- 91 (b) diagnosis, evaluation, and classification by qualified personnel;
- 92 (c) standards for classes and services;
- 93 (d) provision for multidistrict programs;
- 94 (e) provision for delivery of service responsibilities;
- 95 (f) certification and qualifications for instructional staff; and
- 96 (g) services for dual enrollment students attending public school on a part-time basis
- 97 under Section 53G-6-702.

98 (3) (a) The [~~state board~~] State Board of Education shall have general control and

99 supervision over all educational programs for students within the state who have disabilities.

100 (b) Those programs must comply with rules adopted by the [~~state board~~] State Board of

101 Education under this section.

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

103 Section 3. Section 53E-7-204 is amended to read:

104 **53E-7-204. School district responsibility -- Reimbursement of costs -- Other**

105 **programs.**

106 (1) (a) Each school district shall provide, either singly or in cooperation with other

107 school districts or public institutions, a free, appropriate education program for all students

108 with disabilities who are residents of the district.

109 (b) The program shall include necessary special facilities, instruction, and

110 education-related services.

111 (c) The costs of a district's program, or a district's share of a joint program, shall be

112 paid from district funds.

113 (2) School districts that provide special education services under this part in

114 accordance with applicable rules of the State Board of Education shall receive reimbursement

115 from the board under Title 53F, Chapter 2, State Funding -- Minimum School Program, and

116 other applicable laws.

117 (3) (a) A school district may, singly or in cooperation with other public entities,

118 provide education and training for persons with disabilities who are:

- 119 (i) younger than [~~three~~] 3 years old; or
- 120 (ii) older than 22 [~~consistent with~~] years old as described in Subsection 53E-7-202(1).

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

124 Section 4. Section **53E-7-301** is amended to read:

125 **53E-7-301. Definitions.**

126 As used in this part:

127 (1) "Blind student" means an individual [~~between ages three through 21 who is~~], who  
128 is 3 years old or older but younger than 22 years old and eligible for special education services,  
129 [and] who:

130 (a) has a visual acuity of 20/200 or less in the better eye with correcting lenses or has a  
131 limited field of vision such that the widest diameter subtends an angular distance no greater  
132 than 20 degrees;

133 (b) has a medically indicated expectation of visual deterioration; or

134 (c) has functional blindness.

135 (2) "Braille" means the system of reading and writing through touch, commonly known  
136 as English Braille.

137 (3) "Functional blindness" means a visual impairment that renders a student unable to  
138 read or write print at a level commensurate with the student's cognitive abilities.

139 (4) "Individualized education program" or "IEP" means a written statement developed  
140 for a student eligible for special education services pursuant to the Individuals with Disabilities  
141 Education Act, 20 U.S.C. Section 1414(d).

142 Section 5. **Repealer.**

143 This bill repeals:

144 Section **53E-7-203, State director of special education -- Qualifications -- Duties.**