

150 **53E-7-207. Local education agency special education duty and authority.**

151 (1) An LEA shall, at no cost to the eligible student, provide a full continuum of special
152 education services and placements to an eligible student enrolled at the LEA.

153 (2) (a) Upon request of the Division of Child and Family Services ~~§~~→ **and if the LEA**
153a **obtains appropriate consent for the evaluation** ←~~§~~, an LEA shall
154 provide an initial special education evaluation to an individual who enters the custody of the
155 Division of Child and Family Services, if the Division of Child and Family Services suspects
156 the individual may be an eligible student.

157 (b) (i) Except as provided in Subsection (2)(b)(ii), the LEA shall conduct an evaluation
158 described in Subsection (2)(a) within 30 days after the day on which the Division of Child and
159 Family Services makes the request.

160 (ii) An LEA may refuse to conduct an evaluation described in Subsection (2)(a) if the
161 LEA reviews the relevant data regarding the individual and, within 10 days after the day on
162 which the LEA received the request described in Subsection (2)(a), gives the Division of Child
163 and Family Services written prior notice of refusal to evaluate.

164 (3) (a) In accordance with Subsection (3)(b), an LEA may provide education or training
165 for an individual with a disability who is:

166 (i) younger than 3 years old; or

167 (ii) at least 22 years old and not an eligible student.

168 (b) (i) Except as provided in Subsection (3)(b)(ii), an LEA may not use funding
169 described in Title 53F, Chapter 2, State Funding -- Minimum School Program, to pay for the
170 cost of education or training described in Subsection (3)(a).

171 (ii) An LEA may use adult education program funding described in Section 53F-2-401,
172 in accordance with the requirements described in Section 53F-2-401, to pay for the cost of the
173 education or training described in Subsection (3)(a).

174 (c) To pay for the cost of education or training described in Subsection (3)(a), an LEA
175 may use fees, contributions, or other funds received by the LEA if the purpose of the fees,
176 contributions, or other funds is to provide the education or training.

177 Section 7. Section **53E-7-208** is repealed and reenacted to read:

178 **53E-7-208. Special education dispute resolution -- Rulemaking -- Due process**
179 **hearing -- Right to appeal.**

180 (1) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and