

**SPECIAL EDUCATION MODIFICATIONS**

2024 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Raymond P. Ward**

Senate Sponsor: Lincoln Fillmore

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**LONG TITLE**

**General Description:**

This bill requires an LEA provide a safe and minimally disrupted educational environment.

**Highlighted Provisions:**

This bill:

- ▶ requires an LEA provide an educational environment that is safe for all students and staff including students and staff in special education;
- ▶ requires an LEA to ensure an educational environment has minimal disruptions; and
- ▶ makes technical changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

This bill provides a special effective date.

**Utah Code Sections Affected:**

AMENDS:

**53E-7-207**, as last amended by Laws of Utah 2022, Chapter 431

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

Section 1. Section **53E-7-207** is amended to read:

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



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

30 (2) As determined by an eligible student's IEP team, an LEA may provide special  
31 education to an eligible student in the least restrictive environment as determined by the  
32 eligible student's IEP team, regardless of whether the other students in the class or setting are  
33 eligible students.

34 (3) (a) Upon request of the Division of Child and Family Services and if the LEA  
35 obtains appropriate consent for the evaluation, an LEA shall provide an initial special  
36 education evaluation to an individual who enters the custody of the Division of Child and  
37 Family Services, if the Division of Child and Family Services suspects the individual may be  
38 an eligible student.

39 (b) (i) Except as provided in Subsection (3)(b)(ii), the LEA shall conduct an evaluation  
40 described in Subsection (3)(a) within 30 days after the day on which the Division of Child and  
41 Family Services makes the request.

42 (ii) An LEA may refuse to conduct an evaluation described in Subsection (3)(a) if the  
43 LEA reviews the relevant data regarding the individual and, within 10 days after the day on  
44 which the LEA received the request described in Subsection (3)(a), gives the Division of Child  
45 and Family Services written prior notice of refusal to evaluate.

46 (4) (a) In accordance with Subsection (4)(b), an LEA may provide education or training  
47 for an individual with a disability who is:

- 48 (i) younger than 3 years old; or
- 49 (ii) at least 22 years old and not an eligible student.

50 (b) (i) Except as provided in Subsection (4)(b)(ii), an LEA may not use funding  
51 described in Title 53F, Chapter 2, State Funding -- Minimum School Program, to pay for the  
52 cost of education or training described in Subsection (4)(a).

53 (ii) An LEA may use adult education program funding described in Section [53F-2-401](#),  
54 in accordance with the requirements described in Section [53F-2-401](#), to pay for the cost of the  
55 education or training described in Subsection (4)(a).

56 (c) To pay for the cost of education or training described in Subsection (4)(a), an LEA  
57 may use fees, contributions, or other funds received by the LEA if the purpose of the fees,  
58 contributions, or other funds is to provide the education or training.

59           (5) An LEA shall provide education to all students within the LEA in the least  
60 restrictive environment possible that does not predictably threaten serious bodily injury to  
61 school staff or other students.

62           (6) In place an eligible student, an LEA shall provide education to all students within  
63 the LEA in the least restrictive environment possible that does not disrupt the education of  
64 other students within the classroom in an ongoing fashion.

65           Section 2. **Effective date.**

66           This bill takes effect on July 1, 2024.