

SPECIAL EDUCATION MODIFICATIONS

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Raymond P. Ward

Senate Sponsor: _____

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

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.



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

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

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

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

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

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

(i) younger than 3 years old; or

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

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

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

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