

1 **SPECIAL EDUCATION HEARINGS AMENDMENTS**

2 2024 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Marsha Judkins**

5 Senate Sponsor: \_\_\_\_\_

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7 **LONG TITLE**8 **General Description:**9 This bill creates a training program for an attorney to be certified in special education  
10 hearings.11 **Highlighted Provisions:**

12 This bill:

- 13 ▶ creates a training program to certify an attorney to provide special education legal  
14 services;
- 15 ▶ requires the court administrator to implement the training program;
- 16 ▶ requires the State Board of Education (state board) and the Utah State Bar to be  
17 consulted for the program; and
- 18 ▶ establishes the criteria for the training program curriculum.

19 **Money Appropriated in this Bill:**

20 None

21 **Other Special Clauses:**

22 None

23 **Utah Code Sections Affected:**

24 ENACTS:

25 **53E-7-501**, Utah Code Annotated 195326 

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

Section 1. Section **53E-7-501** is enacted to read:

**Part 5. Special Education Legal Advocate Program**

**53E-7-501. Special Education Legal Advocate Program.**

(1) As used in this section:

(a) "Court administrator" means the state court administrator described in Section 78A-2-105.

(b) "IDEA" means the Individuals with Disabilities Education Act, 20 U.S.C. Sec. 1400, et seq.

(c) "Special education legal advocate program" or "program" means the program established in Subsection (2).

(d) "State board" means the same as the term is defined in Section 53E-1-102.

(2) There is established the Special Education Legal Advocate Program to develop a group of attorneys who can represent families in IDEA special education dispute resolution including state complaints, mediation, and due process hearings when families do not otherwise have legal representation.

(3) In consultation with the state board and the Utah State Bar, the court administrator shall contract with a third party to develop a curriculum to train an attorney in developing the following skills necessary for representation of a client with special education needs:

(a) conducting a resolution session with an LEA;

(b) drafting a comprehensive due process complaint;

(c) developing hearing strategy;

(d) planning witnesses and evidence; and

(e) presenting arguments in a simulated due process hearing.

(4) The court administrator in consultation with the state board shall ensure the curriculum for the program covers key topics related to effectively representing parents and students in special education matters including:

(a) IDEA procedural safeguards including student and parent's rights;

(b) IEPs, free appropriate public education requirements, and related student accommodations including the least restrictive environment with a continuum of placements;

(c) dispute resolution processes including mediation, complaints, resolution sessions, and due process hearings;

- 59 (d) private school placement reimbursement claims;  
60 (e) detriment to child educational standard and compensatory education awards;  
61 (f) discipline procedures for removals, suspensions, and expulsions;  
62 (g) information about appeals and the appeals process for a special education hearing  
63 including the required timelines for filing an appeal; and  
64 (h) relevant case law regarding special education proceedings.  
65 (5) The court administrator shall administer the program in collaboration with the Utah  
66 State Bar including:  
67 (a) enrolling attorneys with good standing for the training;  
68 (b) establishing a list of certified attorneys who have completed the training;  
69 (c) maintaining a list of certified attorneys on the court's website;  
70 (d) sharing the list described in Subsection (5)(c) with the state board; and  
71 (e) connecting prospective clients with a certified attorney who has volunteered to be  
72 available.  
73 (6) The state board shall provide a link on the state board's website to the court's list of  
74 certified attorneys for the program.  
75 (7) If a parent is referred to the program, the court administrator may solicit the list of  
76 certified attorneys for a volunteer to take the referral.  
77 (8) An attorney that is trained under this program:  
78 (a) may charge for the legal services provided or represent a client pro bono; and  
79 (b) shall be able to recover legal fees as allowed under state law if the attorney prevails  
80 in a case.  
81 (9) In consultation with the state board and the Utah State Bar, the court administrator  
82 shall review the effectiveness of the training curriculum at least once every three years.  
83 (10) In addition to the program and subject to legislative appropriation, the state board  
84 may contract with a third party to provide parent advocates within an LEA to provide support  
85 to a parent of a child with a disability.

86 **Section 2. Effective date.**

87 This bill takes effect on May 1, 2024.