

Senator Gene Davis proposes the following substitute bill:

SCHOOL DISTRICT AMENDMENTS

2017 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Gene Davis

House Sponsor: Eric K. Hutchings

LONG TITLE

General Description:

This bill mandates specific communication between private schools and local education agencies, and between private schools and parents or legal guardians, regarding students with disabilities.

Highlighted Provisions:

This bill:

- ▶ defines terms; and
- ▶ requires a private school to:
 - provide local education agencies with personally identifiable information of students with disabilities; and
 - provide parents of students with disabilities information regarding individual rights and school resources.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

ENACTS:



26 53A-15-303.1, Utah Code Annotated 1953

27

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

29 Section 1. Section **53A-15-303.1** is enacted to read:

30 **53A-15-303.1. School district communication with private schools for students**
31 **with disabilities.**

32 (1) As used in this section:

33 (a) "District school" means a public school under the control of a local school board
34 elected under Title 20A, Chapter 14, Nomination and Election of State and Local School
35 Boards.

36 (b) "IEP" means an individualized education program under the Individuals with
37 Disabilities Education Act, 20 U.S.C. Sec. 1400 et seq.

38 (c) "Local education agency" or "LEA" means:

39 (i) a district school;

40 (ii) a charter school; or

41 (iii) the Utah Schools for the Deaf and the Blind.

42 (d) "Personally identifiable information" means the same as that term is described in
43 the Family Educational Rights and Privacy Act, 34 C.F.R. Part 99.

44 (e) "Section 504 accommodation plan" means an accommodation plan a school creates
45 to provide a student free appropriate public education in accordance with Section 504 of the
46 Rehabilitation Act of 1973, 29 U.S.C. Sec. 701 et seq.

47 (f) "Student" means a child who:

48 (i) is enrolled in a private school; and

49 (ii) resides within the geographical boundaries of a school district.

50 (g) "Student with a disability" means a student who is eligible for:

51 (i) an IEP;

52 (ii) a Section 504 accommodation plan; or

53 (iii) other special education accommodations that an LEA or school provides.

54 (2) A private school shall:

55 (a) disclose personally identifiable information of a student with a disability to an LEA

56 if:

57 (i) the parent or legal guardian of the student with a disability requests the disclosure;

58 or

59 (ii) the student with a disability enrolls at an LEA and the LEA requests the disclosure;

60 and

61 (b) provide the parent or legal guardian of a student with a disability information
62 regarding rights and services a student with a disability is entitled to under the Individuals with
63 Disabilities Education Act, 20 U.S.C. Sec. 1400 et seq., including:

64 (i) the right to free, appropriate public education; and

65 (ii) an IEP.