

Proposed Utah's IDEA Application for the 24-25 School Year
Draft 1: Submitted to the USBE on May 2, 2024
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OMB NO. 1820-0030

Expires: 01/31/2026

**ANNUAL STATE APPLICATION UNDER PART B OF THE
INDIVIDUALS WITH DISABILITIES EDUCATION ACT AS AMENDED IN 2004
FOR FEDERAL FISCAL YEAR 2024**

CFDA No. 84.027A and 84.173A

ED FORM No. 9055

**UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF SPECIAL EDUCATION PROGRAMS**

Washington, DC 20202-2600

Public Burden Statement

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless such collection displays a currently valid OMB control number. The valid OMB control number for this collection is 1820-0030. Public reporting burden for this collection of information is estimated to average 14 hours per responses, and an average of 25 additional hours for responses reporting data related to significant disproportionality in a given year, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. The obligation to respond to this collection is required to obtain or retain a benefit under 20 U.S.C. 1411 and 1419. If you have comments or concerns regarding the status of your individual submission of this form, please contact Jennifer Simpson at Jennifer.Simpson@ed.gov or at the Office of Special Education and Rehabilitative Services US Department of Education, 400 Maryland Avenue SW, Washington, DC 20202.

Respondents are required to submit information for Sections I-IV of the Annual State Application in order to receive a grant under Section(s) 611 and/or 619 of the Individuals with Disabilities Education Act. Respondents are required to provide the data in Section V pursuant to IDEA section 618(a)(3), which provides the Secretary authority to collect annual data on any information that may be required by the Secretary and 34 CFR §300.647(b)(7), which requires States to report all risk ratio thresholds, minimum cell sizes, minimum n-sizes, standards for measuring reasonable progress if the State uses the "reasonable progress" flexibility in 34 CFR §300.647(d)(2), and the rationales for each, to the Department.

Section I

A. Submission Statement for Part B of IDEA

Please select 1 or 2 below. Check 3 if appropriate.

1. The State provides assurances that it has in effect policies and procedures to meet all eligibility requirements of Part B of the Act as found in PL 108-446, the Individuals with Disabilities Education Act and applicable regulations (IDEA). The State is able to meet all assurances found in Section II.A. of this Application.
2. The State cannot provide assurances for all eligibility requirements of Part B of the Act as found in PL 108-446. The State has determined that it is unable to make the assurances that are checked as 'No' in Section II.A. However, the State assures that throughout the period of this grant award the State will operate consistent with all requirements of IDEA in PL 108-446 and applicable regulations. The State will make such changes to existing policies and procedures as are necessary to bring those policies and procedures into compliance with the requirements of the IDEA, as amended, as soon as possible, and not later than June 30, 2025. The State has included the date by which it expects to complete necessary changes associated with assurances marked 'No'. (Refer to Assurances found in Section II.A.)

Optional:

3. The State is submitting modifications to State policies and procedures previously submitted to the Department. These modifications are: (1) deemed necessary by the State, for example when the State revises applicable State law or regulations; (2) required by the Secretary because there is a new interpretation of the Act or regulations by a Federal court or the State's highest court; and/or (3) because of an official finding of noncompliance with Federal law or regulations.

B. Conditional Approval for Current Grant Year

If the State received conditional approval for the current grant year, check the appropriate statement(s) below:

1. Conditional Approval Related to Assurances in Section II.A.:

- a. Section II.A. provides documentation of completion of all issues identified in the FFY 2023 conditional approval letter.
- b. As noted in Section II.A., the State has not completed all issues identified in the FFY 2023 conditional approval letter.

2. Conditional Approval Related to Other Issues:

- a. The State previously submitted documentation of completion of all issues identified in the FFY 2023 conditional approval letter.
- b. The State is attaching documentation of completion of all issues identified in the FFY 2023 conditional approval letter. *(Attach documentation showing completion of all issues.)*
- c. The State has not completed all issues identified in the FFY 2023 conditional approval letter. *(Attach documentation showing completion of any issues and a list of items not yet completed.)*

Section II

A. Assurances Related to Policies and Procedures

The State makes the following assurances that it has policies and procedures in place as required by Part B of the Individuals with Disabilities Education Act. (20 U.S.C. 1411-1419; 34 CFR §§300.100-300.174)

<p>Yes <i>(Assurance is given Place a check as applicable.)</i></p>	<p>No <i>(Assurance cannot be given. Provide date on which State will complete changes in order to provide assurance.)</i> <i>Enter date(s) as applicable</i></p>	<p>Assurances Related to Policies and Procedures</p>
<p>✓</p>		<p>1. A free appropriate public education is available to all children with disabilities residing in the State between the ages of 3 and 21, inclusive, including children with disabilities who have been suspended or expelled, in accordance with 20 U.S.C. 1412(a)(1); 34 CFR §§300.101-300.108.</p>
<p>✓</p>		<p>2. The State has established a goal of providing a full educational opportunity to all children with disabilities and a detailed timetable for accomplishing that goal. (20 U.S.C. 1412(a)(2); 34 CFR §§300.109-300.110)</p>
<p>✓</p>		<p>3. All children with disabilities residing in the State, including children with disabilities who are homeless or are wards of the State and children with disabilities attending private schools, regardless of the severity of their disabilities, and who are in need of special education and related services, are identified, located, and evaluated and a practical method is developed and implemented to determine which children with disabilities are currently receiving needed special education and related services in accordance with 20 U.S.C. 1412(a)(3); 34 CFR §300.111.</p>
<p>✓</p>		<p>4. An individualized education program, or an individualized family service plan that meets the requirements of section 636(d), is developed, reviewed, and revised for each child with a disability in accordance with 34 CFR §§300.320 through 300.324, except as provided in §§300.300(b)(3) and 300.300(b)(4). (20 U.S.C. 1412(a)(4); 34 CFR §300.112)</p>
<p>✓</p>		<p>5. To the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, are educated with children who are not disabled, and special classes, separate schooling, or other removal of children with disabilities from the regular educational environment occurs only when the nature or severity of the disability of a child is such that education in regular classes with the use of supplementary aids and services cannot be</p>

		achieved satisfactorily in accordance with 20 U.S.C. 1412(a)(5)(A)-(B); 34 CFR §§300.114-300.120.
✓		6. Children with disabilities and their parents are afforded the procedural safeguards required by 34 CFR §§300.500 through 300.536 and in accordance with 20 U.S.C. 1412(a)(6); 34 CFR §300.121.
✓		7. Children with disabilities are evaluated in accordance with 34 CFR §§300.300 through 300.311. (20 U.S.C. 1412(a)(7); 34 CFR §300.122)
✓		8. Agencies in the State comply with 34 CFR §§300.610 through 300.626 (relating to the confidentiality of records and information). (20 U.S.C. 1412(a)(8); 34 CFR §300.123)
✓		9. Children participating in early intervention programs assisted under Part C, and who will participate in preschool programs assisted under this part, experience a smooth and effective transition to those preschool programs in a manner consistent with section 637(a)(9). By the third birthday of such a child, an individualized education program or, if consistent with 34 CFR §300.323(b) and section 636(d), an individualized family service plan, has been developed and is being implemented for the child. The local educational agency will participate in transition planning conferences arranged by the designated lead agency under section 635(a)(10). (20 U.S.C. 1412(a)(9); 34 CFR §300.124)
✓		10. Agencies in the State, and the SEA if applicable, comply with the requirements of 34 CFR §§300.130 through 300.148 (relating to responsibilities for children in private schools), including that to the extent consistent with the number and location of children with disabilities in the State who are enrolled by their parents in private elementary schools and secondary schools in the school district served by a local educational agency, provision is made for the participation of those children in the program assisted or carried out under this part by providing for such children special education and related services in accordance with the requirements found in 34 CFR §§300.130 through 300.148 unless the Secretary has arranged for services to those children under subsection (f) [By pass]. (20 U.S.C. 1412(a)(10); 34 CFR §§300.129-300.148)
✓		11. The State educational agency is responsible for ensuring that the requirements of Part B are met including the requirements of 34 CFR §§300.113, 300.149, 300.150 through 300.153, and 300.175 and 300.176 and that the State monitors and enforces the requirements of Part B in accordance with 34 CFR §§300.600-300.602 and 300.606-300.608. (20 U.S.C. 1412(a)(11); 34 CFR §300.149)
✓		12. The Chief Executive Officer of a State or designee of the officer shall ensure that an interagency agreement or other mechanism for interagency coordination is in effect between each public agency described in subparagraph (b) of 34 CFR §300.154 and the State educational agency, in order to ensure that all services described in paragraph (b)(1)(i) that are needed to ensure a free appropriate public education are provided, including the provision of such services during

		the pendency of any dispute under §300.154(a)(3). Such agreement or mechanism shall meet the requirements found in 20 U.S.C. 1412(a)(12)(A)-(C); 34 CFR §300.154.
✓		13. The State educational agency will not make a final determination that a local educational agency is not eligible for assistance under this part without first affording that agency reasonable notice and an opportunity for a hearing. (20 U.S.C. 1412(a)(13); 34 CFR §300.155)
✓		14. The State educational agency has established and maintains qualifications to ensure that personnel necessary to carry out this part are appropriately and adequately prepared and trained, including that those personnel have the content knowledge and skills to serve children with disabilities as noted in 20 U.S.C. 1412(a)(14)(A)-(E), as amended by the Every Student Succeeds Act; 34 CFR §300.156.
✓		15. The State has established goals for the performance of children with disabilities in the State that meet the requirements found in 20 U.S.C. 1412(a)(15)(A)-(C), as amended by the Every Student Succeeds Act; 34 CFR §300.157.
✓		16. All children with disabilities are included in all general State and districtwide assessment programs, including assessments described under section 1111 of the Elementary and Secondary Education Act of 1965, with appropriate accommodations and alternate assessments where necessary and as indicated in their respective individualized education programs as noted in 20 U.S.C. 1412(a)(16)(A)-(E); as amended by the Every Student Succeeds Act; 34 CFR §300.160.
✓		17. Funds paid to a State under this part will be expended in accordance with all the provisions of Part B including 20 U.S.C. 1412(a)(17)(A)-(C); 34 CFR §300.162.
✓		18. The State will not reduce the amount of State financial support for special education and related services for children with disabilities, or otherwise made available because of the excess costs of educating those children, below the amount of that support for the preceding fiscal year, unless a waiver is granted, in accordance with 20 U.S.C. 1412(a)(18)(A)-(D); 34 CFR §§300.163 through 300.164.
✓		19. Prior to the adoption of any policies and procedures needed to comply with this section (including any amendments to such policies and procedures), the State ensures that there are public hearings, adequate notice of the hearings, and an opportunity for comment available to the general public, including individuals with disabilities and parents of children with disabilities. (20 U.S.C. 1412(a)(19); 34 CFR §300.165)
✓		20. In complying with 34 CFR §§300.162 and 300.163, a State may not use funds paid to it under this part to satisfy State-law mandated funding obligations to local educational agencies, including funding based on student attendance or enrollment, or inflation. (20 U.S.C. 1412(a)(20); 34 CFR §300.166)
✓		21. The State has established and maintains an advisory panel for the purpose of providing policy guidance with respect to special education

		and related services for children with disabilities in the State as found in 20 U.S.C. 1412(a)(21)(A)-(D); 34 CFR §§300.167-300.169.
✓		22. The State educational agency examines data, including data disaggregated by race and ethnicity, to determine if significant discrepancies are occurring in the rate of long-term suspensions and expulsions of children with disabilities in accordance with 20 U.S.C. 1412(a)(22)(A)-(B); 34 CFR §300.170.
✓		23a. The State adopts the National Instructional Materials Accessibility Standard for the purposes of providing instructional materials to blind persons or other persons with print disabilities, in a timely manner after the publication of the National Instructional Materials Accessibility Standard in the Federal Register in accordance with 20 U.S.C. 1412(a)(23)(A) and (D); 34 CFR §300.172.
		23b. <i>(Note: Check either "23b.1" or "23b.2" whichever applies.</i>
✓		23b.1 The State educational agency coordinates with the National Instructional Materials Access Center and not later than 12/03/06 the SEA as part of any print instructional materials adoption process, procurement contract, or other practice or instrument used for purchase of print instructional materials enters into a written contract with the publisher of the print instructional materials to: <ul style="list-style-type: none"> • require the publisher to prepare and, on or before delivery of the print instructional materials, provide to the National Instructional Materials Access Center, electronic files containing the contents of the print instructional materials using the National Instructional Materials Accessibility Standard; or • purchase instructional materials from the publisher that are produced in, or may be rendered in, specialized formats. (20 U.S.C. 1412(a)(23)(C); 34 CFR §300.172)
		23b.2 The State educational agency has chosen not to coordinate with the National Instructional Materials Access Center but assures that it will provide instructional materials to blind persons or other persons with print disabilities in a timely manner. (20 U.S.C. 1412(a)(23)(B); 34 CFR §300.172)
✓		24. The State has in effect, consistent with the purposes of the IDEA and with section 618(d) of the Act, policies and procedures designed to prevent the inappropriate overidentification or disproportionate representation by race and ethnicity of children as children with disabilities, including children with disabilities with a particular impairment described in 34 CFR §300.8. (20 U.S.C 1412(a)(24); 34 CFR §300.173)
✓		25. The State educational agency shall prohibit State and local educational agency personnel from requiring a child to obtain a prescription for a substance covered by the Controlled Substances Act (21 U.S.C. 812(c)) as a condition of attending school, receiving an evaluation under 34 CFR §§300.300 through 300.311, or receiving services under the IDEA as described in 20 U.S.C. 1412(a)(25)(A)-(B); 34 CFR §300.174.

B. Other Assurances

The State also makes the following assurances:

Yes	Other Assurances
✓	1. The State shall distribute any funds the State does not reserve under 20 U.S.C. 1411(e) to local educational agencies (including public charter schools that operate as local educational agencies) in the State that have established their eligibility under section 613 for use in accordance with this part as provided for in 20 U.S.C. 1411(f)(1)-(3); 34 CFR §300.705.
✓	2. The State shall provide data to the Secretary on any information that may be required by the Secretary. (20 U.S.C. 1418(a)(3); 34 CFR §§300.640-300.645.)
✓	3. The State, local educational agencies, and educational service agencies shall use fiscal control and fund accounting procedures that insure proper disbursement of and accounting for Federal funds. (34 CFR §76.702)
✓	4. As applicable, the assurance in OMB Standard Form 424B (Assurances for Non-Construction Programs), relating to legal authority to apply for assistance; access to records; conflict of interest; merit systems; nondiscrimination; Hatch Act provisions; labor standards; flood insurance; environmental standards; wild and scenic river systems; historic preservation; protection of human subjects; animal welfare; lead-based paint; Single Audit Act; and general agreement to comply with all Federal laws, executive orders and regulations.

C. Certifications

The State is providing the following certifications:

Yes	Certifications
✓	<p>1. The State certifies that ED Form 80-0013, <i>Certification Regarding Lobbying</i>, is on file with the Secretary of Education.</p> <p>With respect to the <i>Certification Regarding Lobbying</i>, the State recertifies that no Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the making or renewal of Federal grants under this program; that the State shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," when required (34 CFR Part 82, Appendix B); and that the State Agency shall require the full certification, as set forth in 34 CFR Part 82, Appendix A, in the award documents for all sub awards at all tiers.</p>
✓	2. The State certifies that the arrangements to establish responsibility for services pursuant to 20 U.S.C. 1412(a)(12)(A)-(C); 34 CFR §300.154 (or 20 U.S.C. 1412(a)(12)(A)); 34 CFR §300.154(a) are current. This certification must be received prior to the expenditure of any funds reserved by the State under 20 U.S.C. 1411(e)(1); 34 CFR §300.171.

D. Statement

I certify that the State of Utah can make the assurances checked as 'yes' in Section II.A. and II.B. and the certifications required in Section II.C. of this application. These provisions meet the requirements of Part B of the Individuals with Disabilities Education Act (IDEA) as found in PL 108-446 and the implementing regulations. The State will operate its IDEA Part B program in accordance with all of the required assurances and certifications.

If any assurances have been checked 'no', I certify that the State will operate throughout the period of this grant award consistent with the requirements of the IDEA ,as found in PL 108-446 and any applicable regulations, and will make such changes to existing policies and procedures as are necessary to bring those policies and procedures into compliance with the requirements of the IDEA, as amended, as soon as possible, and not later than June 30, 2025. (34 CFR § 76.104)

I, the undersigned authorized official of the

State of Utah, Utah State Board of Education,
(Name of State and official name of State agency)

am designated by the Governor of this State to submit this application for FFY 2024 funds under Part B of the IDEA.

Printed/Typed Name of Authorized Representative of the State:
Title of Authorized Representative of the State:
Signature:
Date:

Section III

Description of Use of Funds Under Part B of the Individuals with Disabilities Education Act—20 U.S.C. 1411(e)(5); 34 CFR § 300.171

States must provide the Description of Use of Funds by completing and submitting the Excel Interactive Spreadsheet with the FFY 2024 Application.

Describe how the amount retained by the State educational agency under 20 U.S.C. 1411(e)(1) will be used to meet the following activities under Part B. (20 U.S.C. 1411(e)(1)-(3), (6) and (7).) The Department annually identifies for States the maximum amounts that a State may retain under Section 1411(e)(1) and (2).¹ The dollar amounts **listed in the Excel Interactive Spreadsheet** by the State for administration and for other State activities should add up to less or equal to the dollar amount provided to the State by the Department for each of these activities.

Enter whole dollar amounts (do not enter cents) in appropriate cells on the State's Excel Interactive Worksheet. The Excel Interactive Spreadsheet must be submitted as part of the State's application.

Describe the process used to get input from LEAs regarding the distribution of amounts among activities described in the Excel Interactive Spreadsheet to meet State priorities. (20 U.S.C. 1411(e)(5)(B); 34 CFR § 300.704)

At regularly held meetings with LEA Special Education Directors (District and Charter School}, IDEA budgets are frequently discussed, and input sought. The FFY2023 IDEA application was presented to the Utah State Board of Education for review during their May 2023 public meeting. The plan was posted on the USBE Special Education Section website with an invitation for public comment. Input was welcome from all interested stakeholders. All suggestions either at the planned meetings or from the invitation of public comments are always welcomed, noted, and if appropriate acted upon. A yearly needs assessment of LEAs (Districts and Charter Schools) is administered to seek input into the budget.

The USBE staff engages in an extensive budget planning process to ensure that statewide needs in special education are being met, as well as providing leadership on upcoming issues that need attention and budget. Monitoring findings are also reviewed and used in the distribution of funds and for funding priorities. LEA Special Education Directors serve on many state committees and help plan budgets for the future. A State Special Education Finance Committee made up of parents, special education directors, and USBE staff meets regularly to advise on budgetary issues. The Utah Special Education Advisory Panel (USEAP} made up of statewide stakeholders is kept informed of budget priorities and offers suggestions as appropriate.

¹Each State may reserve for each fiscal year not more than the maximum amount the State was eligible to reserve for State administration under this section for fiscal year 2004 or \$800,000 (adjusted in accordance with 20 U.S.C. 1411(e)(1)(B)), whichever is greater; and each outlying area may reserve for each fiscal year not more than 5 percent of the amount the outlying area receives under 20 U.S.C. 1411(b)(1) for the fiscal year or \$35,000, whichever is greater.

For each fiscal year beginning with fiscal year 2005, the Secretary shall cumulatively adjust: 1) the maximum amount the State was eligible to reserve for State administration under this part for fiscal year 2004; and 2) \$800,000, by the rate of inflation as measured by the percentage increase, if any, from the preceding fiscal year in the Consumer Price Index For All Urban Consumers, published by the Bureau of Labor Statistics of the Department of Labor.

Section IV

State Administration

Section 608(a) of the IDEA requires each State that receives funds under this title to:

- (1) ensure that any State rules, regulations, and policies relating to this title conform to the purposes of this title;
- (2) identify in writing to local educational agencies located in the State and the Secretary any such rule, regulation, or policy as a State-imposed requirement that is not required by this title and Federal regulations; and
- (3) minimize the number of rules, regulations, and policies to which the local educational agencies and schools located in the State are subject under this title.

States must attach to this application a list identifying any rule, regulation, or policy that is State-imposed (not required by IDEA or Federal regulations). If there are no such State-imposed rules, regulations, or policies, please so indicate. In addition, the State is required to inform local educational agencies in writing of such State-imposed rules, regulations or policies. (20 U.S.C. 1407(a); 34 CFR § 300.199)

The Utah Special Education rules go beyond federal regulations in several areas:

I.E. Definitions

Specific definitions for:

Behavior Intervention Plan

Day, Including Shortened School Day

English Learner to align with Utah Rule R277-404

Functional Behavior Assessment

Functional Performance

Inclusion

Interim alternative educational settings

Paraeducator

Science of Reading

Speech Language Technician

II.A Child Find System

The collection and use of data to meet the requirements of this section are subject to the confidentiality of information provisions under these Rules and R277-487 (Public School Data Confidentiality and Disclosure).

II.B Referral

Note: Each school district and charter school shall provide an initial special education assessment for children who enter the custody of the Division of Child and Family Services (DCFS), upon request by that division, for children whose school records indicate that they may have disabilities requiring special education services. (53E-7-207).

II.C.1.a.(3) Parental Consent

When conducting psychological evaluations, the LEA must implement the parental or adult student consent requirements of UCA 53E-9-203 (Student Privacy and Data Protection).

II.D(2)(a) Initial Evaluation

The initial evaluation: a. Must be conducted within 45 school days of receiving parental or adult student consent for the evaluation; unless the initial evaluation was requested by DCFS, in which case it must be conducted within 30 calendar days (53E-7-207).

II.F.2. Evaluation Procedures

The USDB is available to LEAs for assessments of students with visual impairment and hearing loss, as well as professional learning on appropriate administration of assessments, and procedures to ensure appropriate interpretation of assessments (R277-800-7, Extension Classrooms).

II.J.4 Categorical Definitions, Criteria, and Assessments

Changed title from “emotional disturbance” to “Emotional-Behavioral Disability.”

III.I.1.b.5(a-d) Development, Review, and Revision of the IEP

This section adds procedures for behavior that impedes learning. (R277-608, Prohibition of Corporal Punishment in Utah's Public Schools and R277-609, Standards for LEA Discipline Plans and Emergency Safety Interventions.)

III.I.1.b.(2)(a) Development, Review, and Revision of the IEP

Prior to determining whether a blind student should use braille as the primary reading mode, the student's IEP team must be provided (through pertinent literature or discussions with competent braille users and educators, or both) with detailed information about the use and efficiency of braille as a reading medium, to make an informed choice as to the student's primary reading mode.

III.I.2. Development, Review, and Revision of the IEP

Material or substantial changes to the IEP require the local education agency to convene an IEP meeting.

III.J. Definition of the Individualized Education Program

Specific language around IEP goals regarding criterion and conditions.
Requirement for an annual IEP goal related to postsecondary transition.

III.N.1.b. Extended School Year (ESY) Services

Meet the standards of the USBE in R277-751, Special Education Extended School Year (ESY).

III.P Inclusionary Practices to Provide a Full Educational Opportunity

Included the definition and expectation of inclusionary practices as part of the full educational opportunity.

IV.B.4 Independent Educational Evaluation

This section requires that an independent educational evaluation conducted at the LEAs expense becomes the property of the LEA, in entirety.

IV.G.1. Filing a Due Process Complaint

The Utah Legislature finds that it is in the best interest of students with disabilities to provide for a prompt and fair final resolution of disputes which may arise over educational programs and rights and responsibilities of students with disabilities, their parent(s), and public schools (UCA 53E-7-208(1)).

IV.Q.2. Civil Action

A civil action may be filed in either State or Federal court; if appealed to State court, the appeal must be filed within 30 days of the date of the due process hearing decision. A Federal court may apply a similar time limit (UCA 53E-7- 208(4)(a)).

IV.R.8. Attorneys' Fees

If the parties fail to reach agreement on payment of attorneys' fees, then a party seeking recovery of attorneys' fees for a special education administrative action under 20 USC § 1415(i) may seek to file a court action within 30 days after issuance of due process decision (UCA 53E-7-208(4)(b)).

IV.V. Confidentiality

The USBE staff and LEAs take appropriate steps to ensure the protection of the confidentiality of any personally identifiable data, information, and records collected or maintained by the USBE staff and LEAs pursuant to Part B of the IDEA and R277-487, Public School Data Confidentiality and Disclosure.

V.D. Change of Placement Due to Disciplinary Removals

Included "shortened school days."

VI.B. Students with Disabilities Enrolled by their Parent in Private Schools when FAPE is not at Issue. Included language about Utah specific scholarships (Carson Smith and Special Needs Opportunity)

VI.D.8. and 9. Students with Disabilities Enrolled in Home School

Dual enrollment (R277-438 and UCA 53G-6-702). a. A student with a disability who is simultaneously enrolled in both home school or private school and a public school is considered a dual enrollment student. b. A student with a disability seeking dual enrollment is entitled to special education and related services, under an IEP, for the time, or for the number of courses, the student is enrolled in the public school, based on the decision of the student's IEP Team. The IEP Team must consider the amount of time and courses needed for the provision of FAPE. 9. Home schools do not meet the definition of private schools (R277-438, Dual Enrollment).

VI.J.3. Students with Disabilities Convicted as Adults and Incarcerated in Adult Prisons

Custodial status alone does not qualify an individual for services under the IDEA (R277-709-5.B, Youth in Custody Programs and Students with Disabilities).

VI.K.3. Students with Disabilities Who are Also in State Custody/Care

Special education programs provided through youth in custody programs shall be monitored, through UPIPS monitoring visits.

VII.B.3. Postsecondary Transition Services

Parent or adult student participation (§300.322). For a student with a disability age 14 and older, or younger if determined appropriate by the IEP team, the notice of meeting must indicate:

- a. That a purpose of the meeting will be the consideration of the postsecondary goals and transition services for the student;
- b. That the LEA will invite the student; and
- c. Identify any other agency that will be invited, with the consent of the parent(s) or adult student, to send a representative

[VII.B.5.a. Postsecondary Transition Services](#)

For students with disabilities, ages 14 and older, an annual IEP goal related to the student's postsecondary transition service needs.

Any modifications to graduation requirements, as permitted under R277- 700, The Elementary and Secondary School General Core.

[VII.C.2. Graduation](#)

A student with a disability served by a special education program shall satisfy high school completion or graduation criteria, consistent with State and federal law and the student's IEP.

The LEA may modify graduation requirements consistent with the student's IEP (R277-700-6(25)). An LEA may award a student a certificate of completion consistent with state and federal law and the student's IEP.

[VII.D. Termination of Services Upon Reaching Age 22](#)

If a student with a disability turns 22 any time after July 1, LEAs must continue to provide FAPE until the end of that school year (R277-419- 2(23)(b)).

[VIII.A.2. General Supervisory Authority](#)

FAPE for eligible students (UCA 53E-7-202). a. All students with disabilities, who are between the ages of 3 and 22 and have not graduated from high school with a regular diploma, are entitled to a FAPE.

[VIII.A.2.b.\(7\) General Supervisory Authority](#)

Services for dual enrollment students attending public school on a parttime basis under UCA 53G-6-702.

[VIII.D.2. USBE Program Monitoring](#)

All LEAs are involved in the UPIPS monitoring system, as required under Part B of the IDEA, R277-709 Education Programs Serving Youth in Custody, and R277-114-3 Program Monitoring. The UPIPS system is revised periodically and goes through the process of stakeholder involvement and comment.

[VIII.K. Personnel Qualifications](#)

Licensing includes State Rules R277-301 Educator Licensing, R277-306 Educator Preparation Programs, and R277-324 Paraprofessional/Paraeducator Programs, Assignments, and Qualifications.

Certified interpreters required under UCA 35A-13-604.

[VIII.W. Access to Instructional Materials](#)

The USBE staff, in coordination with the Utah State Instructional Materials Access Center (USIMAC) and the USDB, ensures accessible materials are available to LEAs for qualifying students, as described in UCA 53E-8-409 and R277-800-9, Utah State Instructional Materials Access Center.

[VIII.Z. Notification of LEA or State Agency in Case on Ineligibility](#)

If the SEA determines that an LEA or State agency is not eligible under Part B of the IDEA, then the SEA must notify the LEA or State agency of that determination, and provide the LEA or State agency with reasonable notice and an opportunity for a hearing, in compliance with R277-114, Corrective Action and Withdrawal or Reduction of Program Funds.

[IX.A. LEA Eligibility for IDEA Part B Funds](#)

Policies and procedures include inclusionary practices.

[IX.E. Personnel Development](#)

The LEA must ensure that all personnel necessary to carry out Part B of the IDEA are appropriately and adequately prepared, subject to the requirements related to personnel qualifications and section 2122 of the ESEA/ESSA, as well as 34 CFR § 300.156; R277-304 Teacher Preparation Programs, R277-306 Educator Preparation Program, R277-320 Grow Your Own Teacher and School Counselor Pipeline Program and R277-324 Paraprofessional/Paraeducator Programs, Assignments, and Qualifications.

[IX.F. Funded Prevalence of Disabling Conditions](#)

Following Utah Code UCA 53F-2-307, Weighted pupil units for programs for students with disabilities - Local school board allocation

[IX.G. LEA Provisions of FAPE](#)

Inclusion of State Rule R277-419, Pupil Accounting.

[IX.I. Educator License Requirements](#)

Included licensing state rules R277-301 Educator Licensing, R277-304 Teacher Preparation Programs, R277-306 Educator Preparation Program, and R277-320 Grow Your Own Teacher and School Counselor Pipeline Program.

Required an adapted physical education endorsement of those teaching adapted physical education.

[X.D. Special Education Add-On Calculation](#)

Includes requirements of Utah Code 53F-2-307, Weighted pupil units for programs for students with disabilities -- Local school board allocation and State Rule R277-479, Funding for Charter School Students With Disabilities on an IEP.

[X.E. Special Education Self-Contained Allowable Use](#)

Includes Utah Code 53F-2-307 Weighted pupil units for programs for students with disabilities -- Local school board allocation and 53F-2-308, state institutions -- Appropriations for stipends for special educators.

[X.U. Permissive Use of Funds/Incidental Benefit: Services and Support That also Benefit Students Without Disabilities](#)

Includes Utah Code 53F-2-307, Weighted pupil units for programs for students with disabilities - Local school board allocation.

[X.V. Correlation of Fiscal Reports and LEA Monitoring](#)

Includes State Rule R277-114, Corrective Action and Withdrawal or Reduction of Program Funds.

Section V

A. Maintenance of State Financial Support

Pursuant to the authority established in IDEA section 618(a)(3), each applicant for funds under section 611 must provide the following State fiscal data with a certification of its accuracy by the State budget office or an authorized representative thereof. Amounts should be shown in whole dollars and are for the State fiscal year (SFY). States may meet the maintenance of State financial support (MFS) requirement in IDEA section 612(a)(18) and 34 CFR § 300.163 on either a total or per capita basis. In order to complete Section V.A. of the Application, States must provide in whole dollars the total amount of State financial support made available for special education and related services for children with disabilities during SFYs 2022 and 2023. However, if a State met the MFS requirement on a per capita basis, it **must** complete the first chart and then may also complete the second chart by providing, in whole dollars, the amount of State financial support made available for special education and related services per child with a disability during SFYs 2022 and 2023..

Total Amount of State Financial Support Made Available for Special Education and Related Services for Children with Disabilities

SFY 2022	\$481,071,394
SFY 2023	\$519,353,993

Per capita amount of State Financial Support Made Available for Special Education and Related Services for Children with Disabilities

SFY 2022	\$5,407
SFY 2023	\$5,654

State Budget Officer or Authorized Representative (Printed Name)

Signature of State Budget Officer or Authorized Representative

Date

B. Significant Disproportionality

In accordance with 34 CFR § 300.647(b)(7), each State must report all risk ratio thresholds, minimum cell sizes, minimum n-sizes, standards for measuring reasonable progress if the State uses the “reasonable progress” flexibility in 34 CFR § 300.647(d)(2), and the rationales for each, to the Department. Under § 300.647(b)(7), rationales for minimum cell sizes that exceed 10 and minimum n-sizes that exceed 30 must include a detailed explanation of why the numbers chosen are reasonable and how they ensure that the State is appropriately analyzing and identifying LEAs with significant disproportionality based on race and ethnicity, in the identification, placement, or discipline of children with disabilities. Additionally, pursuant to the authority established in IDEA section 618(a)(3), each applicant must also provide the number of years of data it uses in making annual determinations of significant disproportionality. Each applicant must provide this information by completing and submitting the Significant Disproportionality Reporting Form.

All States completed and submitted the **Significant Disproportionality Reporting** Form with their FFY 2020 IDEA Part B application. After the initial submission of the Form, a State will only be required to submit the Form with any future annual IDEA Part B State applications if the State modifies its risk ratio thresholds, minimum cell sizes, minimum n-sizes, standards for measuring reasonable progress, and rationales for each, or the number of years of data used in making annual determinations of significant disproportionality.

If your State has revised its Significant Disproportionality procedures or has any questions regarding Section V.B. of the grant application, please contact your OSEP State Lead before the Application due date.