

**MEMORANDUM**

**TO:** Members, Utah State Board of Education

**FROM:** Angie Stallings, Associate Superintendent  
Policy and Communication

**DATE:** June 9-10, 2016

**ACTION:** Utah State Board of Education Special Education Rules Manual (Updated)  
and R277-750 *Education Programs for Students with Disabilities*  
(Amendment)

---

**Background:**

The Utah State Board of Education Special Education Rules Manual (Manual) received preliminary approval by the Board in May. Because of additional hearings and public input following the May Board meeting, the Manual will again be presented to the Law and Licensing Committee in June for further discussion and proposed approval. R277-750 also received preliminary approval by the Board, but the Manual revision date still needed to be inserted into the rule. A revision date of June 10, 2016 has now been inserted into R277-750, pending Board approval of the Manual in June.

**Board Strategic Plan:**

This item supports the following imperative and strategies in the Board's Strategic Plan:  
Oversight - Monitor, review, and provide general supervision to all public education institutions and other entities for which the State Board has responsibility.

**Anticipated Action:**

It is proposed that the Law and Licensing Committee consider approving the updated Manual and R277-750 on second reading and, if approved by the Committee, the Board consider approving the updated Manual and R277-750 on third and final reading.

**Contact:** Glenna Gallo, 801-538-7757  
Rich Nye, 801-538-7550  
Angie Stallings, 801-538-7550

1 **R277. Education, Administration.**

2 **R277-750. Education Programs for Students with Disabilities.**

3 ~~[R277-750-1. Definitions.~~

4 "Board" means the ~~Utah State Board of Education.~~]

5 **R277-750-[2]1. Authority and Purpose.**

6 [A-](1) This rule is authorized by:

7 (a) Utah Constitution Article X, Section 3, which vests general control and  
8 supervision [of]over public education in the Board[;];

9 (b) Subsection 53A-1-402(1), which directs the Board to adopt rules regarding  
10 services for persons with disabilities[; Section 53A-15-301, which directs the Board  
11 to set standards for state funds appropriated for students with disabilities];

12 (c) Title 53A, Chapter 15, Part 3, Education of Children with Disabilities, which  
13 requires the Board to adopt rules regarding educational services to students with  
14 disabilities; and

15 (d) Section 53A-1-401[({3})] which [permits]allows the Board to [adopt rules in  
16 accordance with its responsibilities]make rules to execute the Board's duties and  
17 responsibilities under the Utah Constitution and state law.

18 [B-](2) The purpose of this rule is to specify standards and procedures for  
19 special education programs.

20 **R277-750-2. Incorporation of Special Education Rules Manual by Reference.**

21 (1) This rule incorporates by reference the Special Education Rules manual  
22 dated June 10, 2016, which establishes policies and procedures for:

23 (a) appropriate and timely identification of a student with a disability;

24 (b) evaluation and classification of a student with a disability by qualified  
25 personnel;

26 (c) standards for services provided to a student with a disability;

27 (d) provision for multi-district programs for a student with a disability;

28 (e) provision for delivery of service responsibilities;

29 (f) certification and qualifications for instructional staff; and

30 (g) the state's implementation of federal special education programs, including

31 IDEA.

- 32           (2) A copy of the manual is located at:  
33           (a) http://www.schools.utah.gov/sars/Laws.aspx; and  
34           (b) the Utah State Board of Education.

35   **R277-750-3. Standards and Procedures.**

36           [A.](1) ~~[As its rules for programs for students with disabilities, t]~~The Board  
37   adopts and hereby incorporates by reference the Individuals with Disabilities  
38   Education Improvement Act of 2004, 20 U.S.C., 1400 as the Board's rules for  
39   students with disabilities.

40           [B.](2) The ~~[Board]~~Superintendent and LEAs shall ~~[act]~~provide services to a  
41   student with a disability in accordance with:

42           ([1]a) Section 504 of the Rehabilitation Act of 1973, 29 U.S.C.A. 794,  
43   incorporated by reference in R277-112;

44           ([2]b) ~~[R277-750]~~this rule;

45           ([3]c) ~~[State Board of Education]~~the Special Education Rules, ~~[August 2013]~~  
46   included in the Special Education Rules manual described in R277-750-2; and

47           ([4]d) ~~[F]~~the annual Utah State Federal Application under Part B of the  
48   Individuals with Disabilities Education Act as amended in 2004.

49           ~~[C. Students with disabilities shall be entitled to dual enrollment consistent~~  
50   ~~with Section 53A-11-102.5 and R277-438.]~~

51   **KEY: special education**

52   **Date of Enactment or Last Substantive Amendment: ~~[October 8, 2013]~~2016**

53   **Notice of Continuation: August 14, 2012**

54   **Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53A-1-402(1);**

55   **Title 53A, Chapter 15, Part 3; ~~[53A-17a-111; 53A-15-301; ]53A-1-401[(3)]~~**