



Policy Brief

Utah Advisory Committee to the
U.S. Commission on Civil Rights

The Civil Rights of Students with Disabilities in Utah¹

The Utah Advisory Committee to the U.S. Commission on Civil Rights examined whether K–12 students with disabilities in Utah public schools are receiving an equitable education consistent with federal civil rights protections, including IDEA, Section 504, and the ADA. The Committee reviewed data and testimony from educators, advocates, parents, and policymakers and found that, **despite a robust legal framework and recent state initiatives to promote inclusion, gaps in implementation, underfunding, data quality, and staffing continue to produce persistent disparities in access, inclusion, and outcomes for students with disabilities.**

The Committee found that students with disabilities in Utah continue to experience substantial disparities in academic outcomes, disciplinary actions, and instructional access compared with their nondisabled peers. Graduation and proficiency rates remain markedly lower, with only 57 percent of students in special education earning a diploma in 2023 and roughly 23 percent dropping out. Suspension, restraint, seclusion, and other exclusionary practices occur at disproportionate levels and reduce instructional time.

“Inclusion and acceptance of students with disabilities is ensuring each student is valued as a visible member of the school community with equal opportunities to contribute by creating conditions for active, meaningful participation.”

Utah has made efforts in recent years to improve students’ access to the classroom. Efforts have been made by the Utah State Board of Education to improve the inclusion of students with disabilities in schools. They established the Utah Special Education Advisory panel, a panel consisting of parents and educators, and tasked them with crafting a definition of meaningful inclusion and developing best practices for schools to implement the definition.

The new state Educational Rights Amendment introduces additional requirements for classroom safety but may infringe on federal protections for students with disabilities. While the bill explicitly preserves the language of IDEA regarding the least restrictive environment, it adds new safety and disruption conditions that could be used to justify removing students with disabilities from general education settings if their behavior is seen as dangerous or disruptive. Much of the language in the law is vague and could lead to broad interpretation when put into practice. The mandates in these rules remain unfunded and there is continued skepticism of how they will be implemented.

Funding gaps and staff shortages are hindering implementation of civil rights protections for students with disabilities. Schools and resources are chronically underfunded for the implementation of IDEA and other supports and resources for students with disabilities. Utah educators report that less than 40% of the needed funding is delivered. While Utah legislators increased the overall education budget for the 2025-2026 school year, they did not designate any additional funds for special education

¹ Full and complete citations can be found in the report.

The Committee concluded that these conditions create an ongoing tension between classroom safety and the civil rights of students with disabilities. **Current policies and funding levels force educators to balance competing priorities of safety, inclusion, and resource constraints**—a dynamic that risks more restrictive placements, increased exclusion from general education, and unintended erosion of students’ federally protected right to a free appropriate public education in the least restrictive environment.

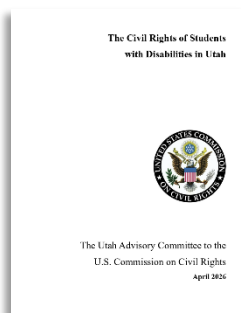
Recommendations

The Committee recommends that the Utah Legislature & Governor:

- Codify or formally adopt the state’s definition of “meaningful inclusion” and the Portrait of Meaningful Inclusion (POMI) as the baseline standard for Utah LEAs
- Clarify and improve the Educational Right Amendment:
 - Formally clarify safety provisions cannot be used to circumvent IDEA and Section 504 protections, and that any change in placement for safety reasons must follow existing due process requirements.
 - Address vague or overly broad language that risks expansive or inconsistent interpretation when implemented.
 - Allocate funding to adequately administer the requirements of the Educational Rights Amendment
- Incentivize recruitment, retention, and training of special education teachers and para-educators through pay, benefits, and workforce investments requiring legislative appropriation.
- Increase stable funding for evidence-based peer mentoring, training, and advocacy models so that parent support is available statewide, including rural and non-English-speaking families.
- Improve data collection around rate of discipline for students with disabilities, frequency of discipline, achievement gaps, and any innovative solutions that have helped close achievement gaps for students with disabilities.
- Create an ombudsman position that parents can access for more immediate help outside of the complaint process.

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Through these actions, the Committee urges state authorities to reconcile the dual priorities of classroom safety and inclusion with the constitutional and statutory guarantee that students with disabilities receive a free and appropriate public education in the least restrictive environment.



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The U.S. Commission on Civil Rights (Commission) is an independent, bipartisan agency established by Congress and directed to study and collect information relating to discrimination or a denial of equal protection of the laws under the Constitution because of race, color, religion, sex, age, disability, national origin, or in the administration of justice. This product is part of the Utah Advisory Committee’s study, The Civil Rights of Students with Disabilities in Utah. This policy-oriented summary of the published report is intended to aid stakeholders seeking solutions to this complex issue. You can find the full report here: <https://www.usccr.gov/reports/2026/civil-rights-students-disabilities-utah>.