

EDE—Special Programs: Special Education

Provision of Special Education

Eligible students with disabilities shall enjoy the right to a free appropriate public education, which may include instruction in the regular classroom, instruction through special teaching, or instruction through approved contracts. The District shall be responsible for providing educational and related services to eligible students in the least restrictive environment. Students with disabilities shall have the opportunity to participate in educational programs and activities with students without disabilities. To be eligible for special education services a student must have been determined to have one or more of the disabilities listed in federal regulations or in state law.

Utah Code Ann. § 53A-15-301(1) (2002)

Definition of Students With Disabilities

“students with disabilities” means students between the ages of 3 and 22, inclusive, with educational disabilities as established by federal and state regulations (orthopedic impairment or other physical impairment, hearing impaired, visually impaired, intellectually disabled, emotionally disturbed, specific learning disabled, speech/language disabled, developmentally delayed, autistic, or multiply disabled).

Students Turning 22 During School Session

When a student with a disability turns 22 years old during the school year, and the student has not graduated from high school with a regular diploma, the student’s entitlement to services is extended as follows:

- 1) For students who turn 22 between the beginning of the school year and December 31, the entitlement to services extends to the beginning of the school's winter holiday.
- 2) For students who turn 22 after December 31 and before the end of the school, the entitlement to services extends to the end of the school year.

Utah Code Ann. § 53A-15-301(1)(b) (2002)

Child Identification

The District shall maintain a system for identifying children with disabilities who are in need of special education that includes a system of public awareness to inform the public annually of educational opportunities available to those with disabilities.

Parental Participation In Special Education Committee

The District shall maintain documentation to indicate the extent of parent participation in the student’s Individual Education Plan (“IEP”) development and parent agreement or disagreement with the IEP.

If the parent is unavailable or refuses to cooperate in an IEP meeting, the District may proceed in its responsibilities for the student's education after the avenues in federal regulations have been exhausted. Efforts to contact or include the parent shall be documented. If the parent refuses to consent to initiation of formal evaluation procedures or initial special education placement, the District may pursue the courses of action available in state and federal statutes and regulations.

Surrogate Parents

The District shall determine when surrogate parents are to be assigned and provide for their assignment in accordance with the criteria in federal regulations.

Parental Notice

Whenever, under federal rules, written notice to parents within a reasonable time is required, "reasonable time" shall be defined as at least five school days unless otherwise established by federal or state law. The parent may agree to waive the five-school-day notice period.

Individual Education Plan ("IEP")

The IEP developed for each student shall include all the elements required by state and federal regulations, and shall be completed and in place in the time required by federal and state law and regulations. Signatures of the participants present and an indication of agreement or disagreement with the decisions of the committee shall be a part of the IEP.

Least Restrictive Environment

To the greatest extent appropriate for the individual student, students with disabilities shall:

- 1) Remain in the regular education program with special education support services, supplementary aides, or other special arrangements, if needed.
- 2) Be educated to the maximum extent appropriate with students who do not have disabilities.
- 3) Be provided opportunities to participate in school activities on the same basis as students without disabilities.
- 4) Be offered an opportunity for interaction with students without disabilities on a regular basis.

Instructional Day

An instructional day commensurate with that of students without disabilities shall be available to students with disabilities.

Utah School For The Blind And School For The Deaf

Prior to consideration of the student's educational placement for special education services, the District shall inform each parent of a visually or auditorially handicapped

student that a representative from the Utah School for the Deaf or Utah School for the Blind can assist in developing the student's IEP and make recommendations for placement.

Utah Code Ann. § 53A-25-203(2)(d) (1996)

Students in Utah State Department of Social Service Facilities

If a Utah Department of Social Services approved residential care and treatment facility that does not have an education program is located within the District's boundaries, the District may contract to provide special education to eligible students with disabilities residing in the facility.

Planning and Evaluation

The District's efforts to continuously improve its programs and services in accordance with accreditation requirements shall include elements of special education. The District shall evaluate the effectiveness of its special education program as part of the evaluation information maintained by the District and reported to the public.