

**4.0610 SPECIAL PROGRAMS:  
SPECIAL EDUCATION**

4.0610.01

*PROVISION OF SPECIAL EDUCATION Issue  
Date: 9/12/96*

Eligible handicapped/challenged students 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 education and related services to eligible students in the least restrictive environment. Handicapped/challenged students shall have the opportunity to participate in educational programs and activities with non-handicapped students. To be eligible for special education services, a student must have been determined to have one or more of the handicapping/challenging conditions listed in federal regulations or in state law.

*DEFINITION OF HANDICAPPED  
STUDENTS Issue Date: 9/12/96*

“Handicapped/challenged students” means a student between the ages of three (3) years and twenty-two (22) years, inclusive, with educational handicaps (physically handicapped, autistic, or multiply handicapped).

*CHILD IDENTIFICATION Issue Date: 9/12/96*

The District shall maintain a system for identifying handicapped/challenged children who are in need of special education services. This system includes a program to inform the public annually of educational opportunities, which are available to the handicapped/challenged.

**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 § 53E-7-202 \(2019\)](#)

**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).

[Utah Code § 53E-7-201\(1\), \(5\) \(2019\)](#)

**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 to the end of the school year.

[Utah Code § 53E-7-201\(5\)\(b\) \(2019\)](#)

**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**.

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*PARENTAL PARTICIPATION SPECIAL EDUCATION COMMITTEE Issue Date: 9/12/96*

The District shall maintain documentation to indicate the extent of parent participation in the Individual Educational Plan (IEP) 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 shall pursue the courses of action available in state and federal statutes and regulations.

*SURROGATE PARENTS Issue Date: 9/12/96*

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 Issue Date: 9/12/96*

Whenever, under federal rules, written notice to parents within a reasonable time is required, "reasonable time" shall be defined as at least five (5) school days. The parent may agree to waive the five (5) school day notice period.

*INDIVIDUAL EDUCATION PLAN (IEP) Issue Date: 9/12/96*

The Individual Education Plan (IEP) developed for each student shall include all the elements required by state and federal regulation. 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.

*PLACEMENT DECISIONS Issue Date: 9/12/96*

**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.

The decision on the IEP shall be made for the first time within thirty (30) calendar days from the date of completion of the written assessment report. If this deadline occurs when school is not in session during the summer, the decision shall be made by the first day of classes in the fall, unless assessments indicate the student will need extended year services. In such cases, a decision on extended year services will be made prior to the time such services will be rendered.

*MAINSTREAMING Issue Date: 9/12/96*

When appropriate, handicapped/challenged students shall:

1. Remain in the regular education program with special education support services, supplementary aides, or other special arrangements as needed;

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2. Be educated to the maximum extent appropriate with students who are not handicapped/challenged.
3. Be provided opportunities to participate in school activities on the same basis as non-handicapped/challenged students.
4. Be offered an opportunity for interaction with non-handicapped/challenged students on a regular basis.

*INSTRUCTIONAL DAY Issue Date: 9/12/96*

An instructional day commensurate with that of non-handicapped/challenged students shall be available to handicapped/challenged students.

### **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.

*SCHOOL FOR THE BLIND AND SCHOOL FOR THE DEAF Issue Date: 9/12/96*

Prior to consideration of the student's educational placement for special education services, the District shall provide each parent of a visually or auditorily handicapped/challenged student the following written information regarding the Utah School for the Deaf or Utah School for the Blind:

1. ~~The availability of programs offered;~~
2. ~~The eligibility and admissions requirements;~~
3. ~~Students' rights to admission and to appeal an admissions decision.~~

*STUDENTS IN UTAH STATE DEPARTMENT OF SOCIAL SERVICES FACILITIES Issue Date: 9/12/96*

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 boundaries, the District may contract to provide special education program to eligible handicapped/challenged students residing in the facility.

*PLANNING AND EVALUATION Issue Date: 9/12/96*

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.

CLARIFICATION OF SPECIAL EDUCATION POLICIES IN THE DISTRICT IS CONTAINED IN THE DUCHESNE COUNTY SCHOOL DISTRICT SPECIAL EDUCATION **POLICY AND PROCEDURES MANUAL.**

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**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 auditorily **disabled** 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.**

**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.