

Emery County School District



Policy IHB—Special Programs: Special Education

Date Adopted: 8 August 2018

Current Review / Revision: 6 August 2025

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. As determined by the student's IEP team, the District may provide services in the least restrictive environment regardless of whether the other students in the class or setting are eligible for special education services. 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 \(2019\)](#)

[Utah Code § 53E-7-207\(1\), \(2\) \(2024\)](#)

[State Board of Education Special Education Rules](#)

Special Education Program—

The District's special education program is the systems established to:

1. Implement IEPs for eligible students;
2. Appropriately and timely identify eligible students;
3. Evaluate and classify eligible students by qualified personnel;
4. Implement standards for special education classes and services;
5. Deliver special education service responsibilities;
6. Ensure special education instructional staff are appropriately credentialed; and
7. Provide services for dual enrollment students that are eligible students and attending public school on a part-time basis.

[Utah Code § 53E-7-201\(4\) \(2022\)](#)

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 (intellectual disability, hearing impairment [including deafness], speech or language impairment, visual impairment [including blindness], a serious emotional disturbance, an orthopedic impairment, autism, traumatic brain injury, another health impairment, a specific learning disability, deaf-blindness, or multiple disabilities).

[Utah Code § 53E-7-201\(1\), \(8\) \(2022\)](#)

[34 CFR § 300.8\(a\)\(1\)](#)

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\(8\)\(b\) \(2022\)](#)

[State Board of Education Special Education Rules VII.D.](#)

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.

[State Board of Education Special Education Rules II.A.](#)

Parental/Guardian Participation in Special Education Committee—

The District shall maintain documentation to indicate the extent of parent/guardian participation in the student's Individual Education Program ("IEP") development and parent agreement or disagreement with the IEP.

[State Board of Education Special Education Rules III.G.](#)

If the parent/guardian 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/guardian shall be documented. If the parent/guardian 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.

Individual Education Program ("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. In establishing the IEP, the District shall consider the student's needs and the services provided to prevent valid excused absences for mental health or behavioral health resulting in a failure to provide a free appropriate public education to the student as required by law.

[Utah Admin. Rules R277-607-3\(1\)\(a\)\(ii\) \(August 8, 2023\)](#)

[State Board of Education Special Education Rules I.E.26](#)

[State Board of Education Special Education Rules III](#)

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.

[Utah Code § 53E-7-204\(3\)\(e\) \(2022\)](#)

[State Board of Education Special Education Rules I.E.31](#)

[State Board of Education Special Education Rules III.O.](#)

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 auditorily 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.

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.

Previous Revision 2 October 2019