

Policy © 5-203 Students with Disabilities (Individuals with Disabilities Education Act [IDEA])

A. Child Find

The District will ensure that all children with disabilities within its jurisdiction who are in need of special education and related services are identified, located and evaluated.

1. The District will identify, locate and evaluate all children with disabilities within its population served who are in need of special education and related services.
2. The District is responsible for child find activities as required by A.R.S. § 15-768.
3. Child find must also include children who are suspected of being a child with a disability and in need of special education, including:
 - a. Children who are advancing from grade to grade; and
 - b. Highly mobile children, including migrant children.
4. The District will maintain a record of children who are receiving special education and related services.
5. The District shall establish, implement, and disseminate written procedures for the identification and referral of all children with disabilities from birth through twenty-one (21) years.
6. The District will require all District-based staff to review the written procedures related to child identification and referral on an annual basis and maintain documentation of the staff review.
7. Identification (screening for possible disabilities) shall be completed within forty-five (45) calendar days after:
 - a. Entry of each preschool or kindergarten student and any student enrolling without appropriate records of screening, evaluation, and progress in the District; or
 - b. Parent/legal guardian notification of developmental or educational concerns.
8. Screening procedures shall include vision and hearing status and consideration of the following areas:
 - a. cognitive or academic;
 - b. communication;
 - c. motor;
 - d. social or behavioral; and
 - e. adaptive development.
9. For a student transferring into the District, the District shall review enrollment data and educational performance in the prior district. If there is a history of special education for a student not currently eligible for special education or an indication of inadequate progress, the name of the student shall be submitted to the administrator for consideration of the need for a referral for a full and individual evaluation or other services.
10. If a concern about a student is identified through screening procedures or review of records, the parent/legal guardian of the student shall be notified of the concern

within ten (10) school days and informed of the District's procedures to follow up on the student's needs.

11. The District shall maintain documentation of the identification procedures utilized, the dates of entry into the District, notification by the parent/legal guardian of a concern and the dates of screening. The dates shall be maintained in the student's permanent records.
12. If the screening indicates a possible disability, the name of the student shall be submitted to the administrator for consideration of the need for a referral for a full and individual evaluation or other services. A parent/legal guardian or a student may request an evaluation of the student.
13. If, after consultation with the parent/legal guardian, the District determines that a full and individual evaluation is not warranted, the District shall provide prior written notice and procedural safeguards notice to the parent/legal guardian in a timely manner.

B. Parental Consent

1. If the District proposes to conduct an initial evaluation to determine if a child qualifies as a child with a disability after reviewing existing data with the parent/legal guardian and providing prior written notice, it will obtain informed consent from the parent/legal guardian of the child before collecting any additional data.
 - a. Parental consent for initial evaluation must not be construed as consent for initial provision of special education and related services.
 - b. The District must make reasonable efforts to obtain the informed consent from the parent/legal guardian for an initial evaluation.
2. For initial evaluations only, if the child is a ward of the state and is not residing with the child's parent/legal guardian, the District is not required to obtain consent from the parent/legal guardian if:
 - a. despite reasonable efforts to do so, the District cannot discover the whereabouts of the parent/legal guardian of the child;
 - b. the rights of the parent/legal guardian of the child have been terminated by the court; or
 - c. the rights of the parent/legal guardian to make educational decisions have been subrogated by a judge and consent for an initial evaluation has been given by an individual appointed by the judge to represent the child.
3. The District may, but is not required to, seek informed consent through due process procedures if the parent/legal guardian of a child who is enrolled or seeking to enroll in the District refuses consent for an initial evaluation.
4. The District must obtain informed consent from the parent/legal guardian of the child before the initial provision of special education and related services to the child and must make reasonable efforts to obtain that consent.
5. If a parent/legal guardian refuses consent for the initial provision of special education and related services, the District may not seek consent through due process hearing procedures. The District:
 - a. will not be considered to be in violation of the requirement to provide a free appropriate public education (FAPE); and

- b. is not required to convene an individualized education program (IEP) team meeting or develop an IEP for the child.
- 6. If the parent/legal guardian revokes consent in writing for the continued provision of special education and related services at any time subsequent to the initial provision of special education and related services, the District:
 - a. may not continue to provide special education and related services to the child but must provide prior written notice prior to ceasing the provision of special education and related services;
 - b. may not utilize the due process hearing procedures;
 - c. will not be considered to be in violation of the requirement to provide FAPE; and
 - d. is not required to convene an IEP team meeting or develop an IEP for the child for further provision of special education and related services.
- 7. The District must obtain informed consent prior to conducting any reevaluation of a child with a disability.
 - a. If the parent/legal guardian refuses consent, the District may utilize due process hearing procedures to seek consent but does not violate its obligation if it declines to pursue the evaluation or reevaluation.
 - b. The informed parental consent for reevaluation need not be obtained if the District can demonstrate that:
 - i. it made reasonable efforts to obtain such consent and has documented those attempts; and
 - ii. the child's parent/legal guardian has failed to respond.
- 8. Parental consent is not required before:
 - a. reviewing existing data as part of an evaluation or reevaluation; or
 - b. administering a test or other evaluation that is administered to all children unless consent is required of the parent/legal guardian of all children prior to administration.
- 9. The District may not use a parent's/legal guardian's refusal to consent to one service or activity under this section to deny the parent/legal guardian or child any other service, benefit, or activity of the District, except as required by the IDEA implementing regulations.
- 10. If a parent/legal guardian of a child who is homeschooled or placed in a private school by the parent/legal guardian at their own expense does not provide consent for the initial evaluation or the reevaluation, or the parent/legal guardian fails to respond to a request to provide consent, the District may not utilize due process hearing procedures to seek consent.

C. Evaluation and Eligibility

A full and individual initial evaluation will be conducted by the District before the initial provision of special education and related services to a child with a disability in accordance with [34 C.F.R. §§ 300.300 through 300.311](#) of the IDEA regulations.

A reevaluation of each child with a disability will be conducted by the District in accordance with [34 C.F.R. §§ 300.300 through 300.311](#) of the IDEA regulations.

Initial Evaluations

1. Consistent with consent requirements of [34 C.F.R. § 300.300](#), either a parent/legal guardian of a child or the District may initiate a request for an initial evaluation to determine if a child is a child with a disability.
2. The initial evaluation must both:
 - a. be completed within sixty (60) days of receiving parental consent for the evaluation, unless:
 - i. the parent/legal guardian and the District agree that it is in the best interest of the child to extend the timeline to complete the evaluation for an additional thirty (30) days;
 - ii. the child enrolls in the District from another District after the parent/legal guardian has provided consent and before the determination of eligibility by the other District. In that event, the District will ensure prompt completion of the evaluation; or
 - iii. the parent/legal guardian of a child with a disability repeatedly fails or refuses to produce the child for the evaluation.
 - b. consist of procedures to determine if the child is a child with a disability and to determine the educational needs of the child.

Reevaluations

1. The District will conduct a reevaluation of a child with a disability if:
 - a. The District determines that the educational or related service needs, including improved academic achievement and functional performance, of the child warrant a reevaluation; or
 - b. The child's parent/legal guardian or teacher requests a reevaluation.
2. The District will not conduct a reevaluation more than once a year unless the parent/legal guardian and District agree otherwise.
3. The District will conduct a reevaluation at least once every three (3) years, unless the parent/legal guardian and the District agree that a reevaluation is unnecessary.

Evaluation Procedures

1. The District must publish on its website and make available to parents/legal guardians its procedures related to requesting an evaluation for special education, including the District's points of contact.
2. If a parent/legal guardian requests an evaluation, the District will within fifteen (15) school days either begin the evaluation by reviewing existing data or provide a prior written notice refusing to conduct the evaluation. The sixty (60) day evaluation period commences on receipt of the signed informed consent.
3. The District will provide prior written notice to the parent/legal guardian of a child who has, or who is suspected of having, a disability, that describes the evaluation procedures that the District proposes to conduct. The consent for evaluation and prior written notice may be simultaneously provided to the parent/legal guardian

following the determination that additional data are needed as a part of the review of existing data process.

4. In conducting an evaluation or reevaluation, the District will:
 - a. use a variety of assessment tools and strategies to gather relevant functional, developmental, and academic information about the child, including information provided by the parent/legal guardian in order to determine:
 - i. whether the child is a child with a disability; and
 - ii. if the child is a child with a disability, information related to enabling the child to be involved in and progress in the general education curriculum (or for a preschool child, to participate in appropriate activities);
 - b. not use any single measure or assessment as the sole criterion for determining whether a child is a child with a disability and for determining an appropriate educational program for the child; and
 - c. use technically sound instruments that may assess the relative contribution of cognitive and behavioral factors, in addition to physical or developmental factors.
5. The District will ensure that evaluation materials and strategies:
 - a. are selected and administered so as not to be discriminatory on a racial or cultural basis;
 - b. are administered in the child's native language or other mode of communication and in the form most likely to yield accurate information on what the child knows and can do academically, developmentally, and functionally, unless it is clearly not feasible to do so;
 - c. are used for the purposes for which the assessment(s) or measure(s) are valid and reliable;
 - d. are administered by trained and knowledgeable personnel;
 - e. are administered in accordance with the instructions provided by the assessment publisher;
 - f. are selected and administered so as to ensure that if administered to a child with impaired sensory, manual, or speaking skills, the assessment results accurately reflect the child's aptitude or achievement level or whatever other factors the test purports to measure, rather than reflecting the child's impairments (unless those skills are the factors being measured);
 - g. assess the child in all areas related to the suspected disability, including, if appropriate, health, vision, hearing, social and emotional status, general intelligence, academic performance, adaptive behavior, communicative status, and motor abilities;
 - h. are sufficiently comprehensive to identify all of the child's special education and related services needs, whether or not those needs are commonly associated with the child's disability; and
 - i. provide relevant information that directly assists in determining the educational needs of the child.
6. Evaluations of children who transfer to or from another District in the same school year shall be coordinated with the prior and subsequent Districts, in order to expedite the completion of a full evaluation.

Additional Evaluation Requirements

1. As part of an initial evaluation (if appropriate), and as part of any reevaluation, the IEP team and other qualified professionals, as appropriate, will do as follows:
 - a. The IEP team will review existing data on the child including:
 - i. evaluations and information provided by the parent/legal guardian;
 - ii. current classroom-based, local and statewide assessments, and classroom-based observations; and
 - iii. observations by teachers, and related services providers.
 - b. On the basis of that review, and with input from the child's parent/legal guardian, the IEP team will identify what additional data, if any, are needed to determine:
 - i. whether the child is or continues to be a child with a disability, and, if so, the educational needs of the child;
 - ii. the present levels of academic achievement and related developmental needs of the child; and
 - iii. whether the child needs special education and related services to enable the child to meet measurable annual IEP goals and to participate, as appropriate, in the general education curriculum.
 - c. The IEP team may conduct the review without a meeting.
2. If additional data are needed, the District will administer the assessments required to obtain the additional data.
3. If additional data are not needed to determine whether the child continues to be a child with a disability, and to determine the child's educational needs, the District will notify the parent/legal guardian of:
 - a. the determination and the reasons for the determination; and
 - b. the right of the parent/legal guardian to request an assessment to determine whether the child continues to be a child with a disability and to determine the child's educational needs.
4. The District will evaluate a child before determining that the child is no longer a child with a disability, except when the termination is due to graduation with a regular high school diploma or the child reaching age twenty-two (22).
5. When the child's eligibility terminates because of graduation or reaching age twenty-two (22), the District will provide a summary of the child's academic achievement and functional performance that includes recommendations on how to assist the child in meeting the child's postsecondary goals.

For the following disabilities, the full and individual initial evaluation shall include:

1. emotional disability: verification of a disorder by a qualified professional;
2. hearing impairment: an audiological evaluation by a qualified professional; and an evaluation of communication/language proficiency;
3. other health impairment: verification of a health impairment by a qualified professional;
4. specific learning disability: a determination of whether the child exhibits a pattern of strengths and weaknesses in performance, achievement, or both, relative to

age, state-approved grade-level standards, or intellectual development that meets the District's criteria through one of the following methods:

- a. a discrepancy between achievement and ability,
 - b. the child's response to scientific, research-based interventions, or
 - c. other alternative research-based procedures;
5. orthopedic impairment: verification of the physical disability by a qualified professional;
 6. speech/language impairment: an evaluation by a qualified professional;
 7. speech impairments appear to be limited to articulation, voice, or fluency problems:
 - a. an audiometric screening within the past calendar year;
 - b. a review of academic history and classroom functioning;
 - c. an assessment of the speech problem by a speech therapist; or
 - d. an assessment of the student's functional communication skills;
 8. traumatic brain injury: verification of the injury by a qualified professional; and/or
 9. visual impairment: verification of a visual impairment by a qualified professional.

The Arizona Department of Education maintains a list of qualified professionals, subject to review and approval by the State Board of Education.

Determination of Eligibility

1. Upon completion of the evaluation process, the District will ensure that:
 - a. a group of qualified professionals and the parent/legal guardian of the child determine:
 - i. if the child is a child with a disability under the Individuals with Disabilities Education Act and the Arizona state statutes; and
 - ii. if so, the educational needs of the child; and
 - b. the parent/legal guardian is provided, at no cost, a copy of the evaluation report and eligibility determination.
2. A child will not be determined to be a child with a disability if the primary factor for the determination is:
 - a. lack of appropriate instruction in reading, including the essential components of reading instruction (as defined in 1208(3) of the Elementary and Secondary Education Act (ESEA);
 - b. lack of appropriate instruction in math; or
 - c. limited English proficiency.
3. The eligibility determination, including education needs, will be based on all of the information sources used in the evaluation process, and if deemed eligible and in need of special education and related services, an IEP will be developed in accordance with [34 C.F.R. §§ 300.320 through 300.324](#).

Observation

1. The District must ensure that the child is observed in the child's learning environment, including the regular classroom setting, to document the child's academic performance and behavior in the areas of difficulty.
2. In the case of a child less than school age or out of school, a group member must observe the child in an environment appropriate for a child that age.

Additional Procedures for Identifying Students with Specific Learning Disabilities

The District will determine, on an individual child basis, the criteria for determining whether a child has a specific learning disability using one of the following criteria in conformity with IDEA regulations [34 C.F.R. §§ 300.307 through 300.311](#):

1. the State-adopted criteria based on a child's response to scientific, research-based intervention;
2. the identification of a severe discrepancy between intellectual ability and achievement; or
3. other alternative research-based procedures.

If a student is found eligible as a student with a disability due to a specific learning disability, the student's IEP shall indicate whether the student has been diagnosed with dyslexia.

Additional Group Members

The determination of whether a child suspected of having a specific learning disability is a child with a disability must be made by the child's parent/legal guardian and a team of qualified professionals, which must include:

1. the child's regular teacher; or
2. if the child does not have a regular teacher, then a regular teacher qualified to teach children of that age; or
3. for a child of less than school age, an individual qualified by the State to teach children of that age; and
4. at least one person qualified to conduct individual diagnostic evaluations of children, such as the District psychologist, speech-language pathologist, or remedial reading teacher.

Determining the Existence of a Specific Learning Disability

1. A child may be determined to have a specific learning disability if:
 - a. the child does not achieve adequately for the child's age or meet State-approved grade level standards in one or more of the following areas when provided with learning experiences and instruction appropriate for the child's age or meet State-approved grade level standards in:
 - i. oral expression
 - ii. listening comprehension

- iii. written expression
 - iv. basic reading skills
 - v. reading fluency skills
 - vi. reading comprehension
 - vii. mathematics calculation
 - viii. mathematics problem solving;
 - b. the child does not make sufficient progress to meet age or State-approved grade level standards in one or more of the areas in (1)(a) when using a process based on the child's response to scientific, research-based intervention; or
 - c. the child exhibits a pattern of strengths and weaknesses in performance, achievement, or both, relative to age, State-approved grade level standards, or intellectual development, that is determined by the group to be relevant to the identification of a specific learning disability, using appropriate assessments.
2. The findings of underachievement are not primarily the result of:
 - a. a visual, hearing, or motor disability;
 - b. intellectual disability;
 - c. emotional disturbance;
 - d. cultural factors;
 - e. environmental or economic disadvantage; or
 - f. limited English proficiency.
 3. The group must ensure that the underachievement is not due to a lack of appropriate instruction in reading or math and must consider:
 - a. data that demonstrate that prior to, or as part of, the referral process, the child was provided appropriate instruction in regular education settings, delivered by qualified personnel; and
 - b. data-based documentation of repeated assessments of achievement at reasonable intervals, reflecting formal assessment of student progress during instruction, which was provided to the child's parent/legal guardian.
 4. The District must promptly request parent/legal guardian consent to evaluate if, prior to referral, the child has not made adequate progress after an appropriate period of time when provided instruction described in (3)(a) and (3)(b).

Observation

In determining whether a child has a specific learning disability, the team must decide to:

- a. use information from an observation in routine classroom instruction and monitoring of the child's performance that was done before the child was referred for an evaluation; or
- b. have at least one member of the team conduct an observation of the child's academic performance in the regular classroom after the child has been referred for an evaluation and parental consent is obtained.

Specific Documentation for the Eligibility Determination

1. For a child suspected of having a specific learning disability, the eligibility determination must contain a statement of:
 - a. whether the child has a specific learning disability;
 - b. the basis for making the determination, including an assurance the determination was made in accordance with the Individuals with Disabilities Education Act;
 - c. the relevant behavior, if any, noted during the observation and the relationship of that behavior to the child's academic functioning;
 - d. the educationally relevant medical findings, if any;
 - e. whether the child does not achieve adequately for the child's age or to meet State-approved grade level standards consistent with IDEA implementing regulations; and either (1) does not make sufficient progress to meet age or State-approved grade level standards consistent with IDEA implementing regulations; or (2) exhibits a pattern of strengths and weaknesses in performance, achievement, or both, relative to age, State-approved grade level standards or intellectual development consistent with IDEA implementing regulations; and
 - f. the determination of the group concerning the effects of a visual, hearing, or motor disability; intellectual disability; emotional disturbance; cultural factors; environmental or economic disadvantage; or limited English proficiency on the child's achievement level.
2. If the child participated in a process that assessed the child's response to scientific, research-based intervention, the eligibility determination must contain:
 - a. the instructional strategies used, and the student-centered data collected;
 - b. the documentation that the child's parent/legal guardian was notified about the State's policies regarding the amount and nature of student performance that would be collected and the general education services that would be provided;
 - c. strategies for increasing the rate of learning; and
 - d. the parent's/legal guardian's right to request an evaluation.
3. Each group member must certify in writing whether the report reflects the member's conclusion. If it does not, the group member must submit a separate statement presenting the member's conclusions.

D. Free Appropriate Public Education

A free appropriate public education (FAPE) will be available to all children within the boundaries of responsibility of the District, including children with disabilities who have been suspended or expelled from the District as provided for in [34 C.F.R. § 300.530](#)(d) of the IDEA regulations.

The District will make the determination that a child is eligible for special education and related services on an individual basis by a properly constituted team.

The District will make FAPE available to any child who needs special education and related services, even though the child has not failed or been retained in a course or grade and is advancing from grade to grade.

The District is responsible for providing transitional services and FAPE as required by A.R.S. § 15-768.

E. Powers of the Governing Board

1. The District will establish policy and procedures with regard to allowable pupil-teacher ratios and pupil-staff ratios within the District for provision of special education services.
2. The special education programs and services shall be provided only in a District facility that houses regular education classes or in other facilities approved by the Arizona Department of Education Division of Special Education.

F. Assistive Technology

1. The District will ensure that assistive technology devices or services or both will be available to a child with a disability, if required, as a part of:
 - a. special education,
 - b. related services, and
 - c. supplementary aids and service.
2. On a case-by-case basis, the District will ensure the use of District-purchased assistive technology devices in a child's home or other setting, if the child's IEP team determines that the child needs access to those devices in order to receive FAPE.

G. Extended School Year Services (ESY)

1. The District will make extended school year services available as necessary to provide FAPE to children with disabilities.
 - a. ESY services will be provided only if a child's IEP team determines, in accordance with [34 C.F.R. §§ 300.320 through 300.324](#), that the services are necessary for the provision of FAPE.
 - b. Services will not be:
 - i. limited to a particular category of disability; or
 - ii. unilaterally limited to the type, amount, or duration of services.
2. The ESY services that are provided to a child with a disability will:
 - a. be provided beyond the normal school year of the District;
 - b. be provided in accordance with the child's IEP;
 - c. be provided at no cost to the parent/legal guardian of the child; and
 - d. meet the standards of the State.
3. Eligibility shall be determined by the IEP team no later than forty-five (45) calendar days prior to the last day of school.
4. Participation in ESY is not mandatory and services are not required for all students with a disability.
5. Eligibility shall not be based on need or desire for any of the following:
 - a. a day care or respite care;
 - b. a program to maximize the academic potential of a student with a disability; or

- c. a summer recreation program for students with a disability.

H. Nonacademic Services

1. The District will afford children with disabilities an equal opportunity for participation in nonacademic and extracurricular services and activities including, as determined appropriate and necessary by the child's IEP team, the provision of supplementary aids and services.
2. Nonacademic and extracurricular services and activities may include but are not necessarily limited to: (a) counseling services; (b) athletics; (c) transportation; (d) health services; (e) recreational activities; (f) special interest groups or clubs sponsored by the District; (g) referrals to agencies that provide assistance to individuals with disabilities; and (h) employment of students, including both employment by the District and assistance in making outside employment available.

I. Physical Education

1. The District will make regular physical education services available to children with disabilities to the same extent that the District provides those services to children without disabilities, unless:
 - a. the child is enrolled full time in a separate facility; or
 - b. the child needs specially designed physical education as prescribed in the child's IEP.
2. If a child is enrolled in a separate facility, the District will ensure that the child receives appropriate physical education services.
3. If special physical education is prescribed in a child's IEP, the District will provide for those services, either directly or through other public or private programs.

J. Program Options

The District will ensure that children with disabilities have available to them the variety of education programs and services that are available to nondisabled children, including art, music, industrial arts, consumer and homemaking education, and vocational education.

K. Routine Checking of Hearing Aids and External Components of Surgically Implanted Medical Devices

1. The District will ensure that the hearing aids worn in school by children with hearing impairments are functioning properly.
2. The District will ensure that the external components of surgically implanted medical devices (e.g., cochlear implants) are functioning properly, except that the District will not be responsible for any post-surgical maintenance,

programming or replacement of any component, external or internal, of the medical device.

L. Methods of Ensuring Services

1. The District may use Medicaid or other public benefits or insurance programs in which a child participates to provide or pay for services required under IDEA, as permitted under the public benefits or insurance program, except that the District:
 - a. may not require the parent/legal guardian to sign up for or enroll in public benefits or insurance programs to receive FAPE;
 - b. may not require the parent/legal guardian to incur out-of-pocket expenses such as payment of a deductible or co-pay for services required by IDEA, but may pay the cost that the parent/legal guardian otherwise would be required to pay; and
 - c. may not use a child's public benefit if that use would:
 - i. decrease lifetime benefits;
 - ii. result in the family paying for non-District services that would otherwise be paid for by public benefits;
 - iii. increase premiums or lead to discontinuation of benefits; or
 - iv. risk loss of eligibility.
2. The District must notify the parent/legal guardian that their refusal to allow access to public benefits does not relieve the District of its responsibility to provide all required IDEA services.
3. Prior to accessing a child's or parent's/legal guardian's public benefits or insurance for the first time, and after providing written notification to the child's parent/legal guardian, the District must obtain written parental consent.

M. Individualized Education Program

The District shall ensure that an IEP is developed and implemented for each eligible child served by the District and for each eligible child placed in or referred to a private school or facility by the District in accordance with [34 C.F.R. §§ 300.320 through 300.325](#) of the IDEA regulations.

Contents of the IEP

The contents of each IEP will include a statement of:

1. the child's present levels of academic achievement and functional performance, including:
 - a. how the child's disability affects the child's involvement and progress in the general curriculum; or
 - b. for preschool children, as appropriate, how the disability affects the child's participation in appropriate activities;

2. measurable annual goals, including academic and functional goals designed to:
 - a. meet the child's needs that result from the child's disability to enable the child to be involved in and make progress in the general education curriculum;
 - b. meet each of the child's other educational needs that result from the child's disability; and
 - c. for children with disabilities who take alternative assessments aligned to alternative achievement standards, a description of benchmarks or short-term objectives;
3. how the child's progress toward meeting the IEP goals will be measured and when periodic reports on the child's progress toward the goals will be provided;
4. the special education and related services to be provided to the child, the supplementary aids and services to be provided to the child or on behalf of the child, and the program modifications or supports for District personnel that will be provided to enable the child:
 - a. to advance appropriately toward attaining the annual goals; and
 - b. to be involved in and progress in the general education curriculum and to participate in extracurricular and other nonacademic activities with other children with disabilities and nondisabled children;
5. the extent, if any, to which the child will not participate with nondisabled children in the regular class and in extracurricular and other nonacademic activities;
6. any individual accommodations that are needed to measure the academic achievement and functional performance of the child on State and District-wide assessments; and
7. the projected date for the beginning of the services and modifications and the anticipated frequency, location, and duration of those services and modifications.

If the IEP team determines that the child must take an alternative assessment instead of a particular regular state or District-wide assessment of student achievement, the IEP must include a statement of why:

- a. the child cannot participate in the regular assessment; and
- b. the particular alternate assessment selected is appropriate for the child.

Beginning not later than the first IEP to be in effect when the child ends ninth grade or turns sixteen (16), whichever is first, or younger if determined appropriate by the IEP team, and updated annually, the IEP will also include a statement of:

- a. appropriate measurable postsecondary goals based upon age-appropriate transition assessments related to training, education, employment, and, where appropriate, independent living skills;
- b. transition services (including courses of study) needed to assist the child in reaching those goals; and
- c. the child's estimated graduation date as aligned with the transition plan.

Beginning not later than one year before a student reaches the age of eighteen (18), the IEP will include a statement that the parent/legal guardian and the student have been informed of the rights under Part B, if any, that will transfer to the student on reaching the age of eighteen (18).

The District will provide written notification to the parent/legal guardian of a student's anticipated graduation date at least one year before the anticipated high school graduation date.

IEP Team

1. The IEP team for each child with a disability will include:
 - a. the parent/legal guardian of the child;
 - b. not less than one regular education teacher of the child (if the child is, or may be, participating in the regular education environment);
 - c. not less than one special education teacher of the child, or where appropriate, not less than one special education provider of the child;
 - d. a representative of the District who:
 - i. is qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of children with disabilities;
 - ii. is knowledgeable about the general education curriculum;
 - iii. is knowledgeable about the availability of resources of the District; and
 - iv. may be the District team member described in (b) through (f) if the above criteria are met;
 - e. an individual who can interpret the instructional implications of evaluation results, who may be a member of the team described in (b) through (f);
 - f. at the discretion of the parent/legal guardian or the District, other individuals who have knowledge or special expertise regarding the child, including related services personnel as appropriate; and
 - g. whenever appropriate, the child with a disability.
2. The District will include a child of any age if the purpose of the meeting is to consider postsecondary goals and transition services needed to assist the child in reaching the IEP goals. If the student does not attend the IEP meeting, the District will take other steps to ensure that the student's preferences and interests are considered.
3. To the extent appropriate and with consent of the parent/legal guardian or the adult child, the District will invite a representative of any participating agency that is likely to be responsible for providing or paying for transition services for a child who is transitioning from the Arizona Early Intervention Program (AzEIP). Representatives from AzEIP must be invited to the initial IEP team meeting if the parent/legal guardian requests.
4. A member of the IEP team described in (1)(b) through (1)(e) is not required to attend the IEP meeting if the parent/legal guardian and the District agree in writing prior to the meeting that attendance is not necessary because the member's area of curriculum or related services is not being modified or discussed in the meeting.

5. A member of the IEP team described in (1)(b) through (1)(e) may be excused from attending the IEP meeting in whole or part when the meeting involves a modification to or discussion of the member's area of the curriculum or related services if the parent/legal guardian, and the District consent in writing to the excusal and the member submits, in writing to the IEP team, input into the development of the IEP prior to the meeting.
6. In the case of a child previously served by AzEIP, an invitation to the initial IEP team meeting must, at the request of the parent/legal guardian, be sent to the AzEIP service coordinator to assist with the smooth transition of services.

Parent Participation

1. The District will ensure that the parent/legal guardian of a child with a disability shall:
 - a. be given an opportunity to participate in meetings with respect to the identification, evaluation, educational placement and provision of FAPE to the child;
 - b. be provided notice consistent with [34 C.F.R. § 300.322](#) to ensure they have opportunity to participate in meetings; and
 - c. be members of any group that makes decisions on the educational placement of their child.
2. The District will take steps to ensure the parent/legal guardian of a child with a disability are present at each IEP meeting or are afforded the opportunity to participate by:
 - a. notifying the parent/legal guardian of the meeting early enough to ensure that they will have an opportunity to attend; and
 - b. scheduling the meeting at a mutually agreed on time and place.
3. The meeting notice will:
 - a. indicate the purpose, time, and location of the meeting and who will be in attendance; and
 - b. inform the parent/legal guardian of the provisions relating to the participation of other individuals who have knowledge or special expertise about the child and of representatives of the AzEIP (if the meeting is for an initial IEP of a child transitioning from AzEIP).
 - c. beginning not later than the first IEP to be in effect when the child turns 16, the notice will also:
 - i. indicate that a purpose of the meeting will be the consideration of postsecondary goals and transition services;
 - ii. indicate that the District will invite the student; and
 - iii. identify any other agency that will be invited to send a representative.
4. If neither parent/legal guardian can attend, the District will use other methods to ensure parent/legal guardian participation, including individual or conference telephone calls.
5. A meeting may be conducted without a parent/legal guardian in attendance if the District is unable to convince the parent/legal guardian that they should attend. In

this case, the District will maintain a record of its attempts to arrange a mutually agreed on time and place, such as:

- a. detailed records of telephone calls made or attempted and the results of those calls;
 - b. copies of correspondence sent to the parent/legal guardian and any responses received; and
 - c. detailed records of visits made to the parent's/legal guardian's home or place of employment and the results of those visits.
6. The District will take whatever action is necessary to help the parent/legal guardian understand the proceedings at the IEP meeting, including arranging for an interpreter for a parent/legal guardian with deafness or whose native language is other than English.
 7. The District will give the parent/legal guardian a copy of the child's IEP at no cost to the parent/legal guardian.

When IEPs Must Be in Effect

1. At the beginning of each school year, the District must have in effect for each child with a disability in its jurisdiction an IEP as defined in [34 C.F.R. § 300.320](#).
2. The District will ensure that:
 - a. A meeting to develop an IEP for an eligible child is conducted within thirty (30) days of a determination of eligibility for special education and related services.
 - b. As soon as possible following the development of the IEP, the services indicated in the IEP are made available to the child. An IEP will be in effect at the beginning of each school year.
3. The District will ensure that each child's IEP is accessible to each regular education teacher, special education teacher, related service provider and any other service provider who is responsible for implementing the IEP. Each teacher and related service provider will be informed of the teacher's and related service provider's specific responsibilities in implementing the IEP and the specific accommodations, modifications, and supports that must be provided for the child in accordance with the IEP.
4. For a child with an IEP who transfers into the District from another District in Arizona, the District, in consultation with the parent/legal guardian, will provide a free appropriate public education (including services comparable to the services described in the existing IEP) until the District:
 - a. reviews and adopts the child's IEP from the previous District; or
 - b. develops, adopts, and implements a new IEP.
5. For a child with an IEP who transfers into the District from another state, the District, in consultation with the parent/legal guardian, will provide a free appropriate public education (including services comparable to the services described in the existing IEP) until the District:
 - a. conducts an evaluation for eligibility for special education in Arizona or determines that such an evaluation is unnecessary; and
 - b. develops, adopts, and implements a new IEP, if appropriate.

6. To facilitate the transition of a child enrolling from another public education agency, either from within or from outside of Arizona, the District will take reasonable steps to promptly obtain the child's education records, including all records pertaining to special education, from the previous school in which the child was enrolled.
7. When a records request is received from another public agency, from either within or outside of Arizona, the District will promptly respond to the request within ten (10) school days.

Development, Review, and Revision of an IEP

1. In developing each child's IEP, the IEP team will consider:
 - a. the strengths of the child and the concerns of the parent/legal guardian for enhancing the education of their child;
 - b. the results of the initial or most recent evaluation of the child; and
 - c. the academic, developmental, and functional needs of the child.
2. In consideration of special factors, the IEP team must:
 - a. in the case of a child whose behavior impedes the child's learning or that of others, consider the use of positive behavioral interventions and supports, and other strategies to address that behavior;
 - b. in the case of a child with limited English proficiency, consider the language needs of the child as those needs relate to the child's IEP;
 - c. in the case of a child who is blind or visually impaired, provide for instruction in Braille and the use of Braille unless the IEP team determines, after an evaluation of the child's reading and writing skills, needs, and appropriate reading and writing media (including an evaluation of the child's future needs for instruction in Braille or the use of Braille) that instruction in Braille or the use of Braille is not appropriate for the child;
 - d. consider the communication needs of the child, and in the case of a child who is deaf or hard of hearing, consider the child's language and communication needs, opportunities for direct communication with peers and professional personnel in the child's language and communication mode, academic level and full range of needs, including opportunities for direct instruction in the child's language and communication mode; and
 - e. consider whether the child requires assistive technology devices and services.
3. The regular education teacher of a child with a disability, as a member of the IEP team, must, to the extent appropriate, participate in the development, review, and revision of the child's IEP, including the determination of:
 - a. appropriate positive behavioral interventions and strategies for the child; and
 - b. supplementary aids and services, program modifications, and/or supports for District personnel that will be provided for the child, consistent with [34 C.F.R. § 300.320\(a\)\(4\)](#).
4. In making changes to the IEP after the annual IEP meeting, the parent/legal guardian and the District may agree to amend the IEP without a meeting for the

purpose of making those changes and, instead, develop a written document to amend or modify the child's current IEP. The District must:

- a. inform all members of the child's IEP team of those changes; and
 - b. upon request, provide the parent/legal guardian with the revised copy of the IEP.
5. To the extent possible, the District will encourage the consolidation of evaluation, reevaluation and IEP meetings for a child.
 6. The District will ensure that the IEP team reviews the child's IEP periodically, but not less than annually, to determine if goals are being achieved, and revise the IEP, when appropriate, to address:
 - a. any lack of expected progress toward the annual goals and in the general education curriculum, if appropriate;
 - b. the results of any reevaluation;
 - c. information about the child provided to or by the parent/legal guardian;
 - d. the child's anticipated needs; and
 - e. other matters.
 7. If a participating agency other than the District fails to provide the transition services in an IEP, the District must reconvene the IEP team to identify alternative strategies to meet the child's transition outcomes.

A parent/legal guardian or the District may request in writing a review of the IEP. Such review shall take place within forty-five (45) school days of receipt of the request or at a mutually agreed upon time.

N. Least Restrictive Environment (LRE)

Children with disabilities, including children in public or private institutions or other care facilities, will be educated to the maximum extent appropriate with children who are not disabled in accordance with [34 C.F.R. §§ 300.114 through 300.117](#) of the IDEA regulations.

The District will ensure that special classes, separate schooling, or other removal of children with disabilities from the regular educational environment occurs only if the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

Continuum of Alternative Placements

1. The District will make available a continuum of alternative placements to meet the needs of children with disabilities for special education and related services.
2. The continuum of alternative placements will include:
 - a. instruction in regular classes, special classes, special schools, home instruction, and instruction in hospitals and institutions; and
 - b. supplementary services, such as a resource room or itinerant instruction, to be provided in conjunction with regular class placement.

Educational Placements

The District must ensure that the parent/legal guardian of a child with a disability are members of any group that makes decisions on the educational placement of their child.

1. The placement decision for each child will be:
 - a. made by a group that includes the parent/legal guardian and other persons knowledgeable about the child, the meaning of the evaluation data, and the placement options;
 - b. in conformity with the LRE provisions of the IDEA regulations;
 - c. determined at least annually;
 - d. based on the child's IEP; and
 - e. as close as possible to the child's home.
2. Unless the IEP of a child requires some other arrangement, the child will be educated in the school that the child would attend if not disabled.
3. In selecting the LRE, consideration will be given to any potential harmful effect on the child or on the quality of services that s/he needs.
4. A child with a disability will not be removed from age-appropriate regular classrooms solely because of needed modifications in the general education curriculum.

Private Placements by the District

1. Before the District places a child with a disability in a private school or facility, the District must initiate and conduct a meeting to develop an IEP for the child and ensure that a representative of the private school or facility attends the meeting in person or by conference call.
2. Subsequent IEP reviews may be initiated and conducted by the private school at the discretion of the District. However, the District must ensure that the parent/legal guardian and District representative:
 - a. are involved in any decisions about the child's IEP; and
 - b. agree to any proposed changes in the IEP before those changes are implemented.
3. The District remains responsible to ensure that FAPE is provided to a child placed by the District in a private school or facility.

Nonacademic Settings

1. In providing or arranging for the provision of nonacademic and extracurricular services and activities, including meals, recess periods, and other nonacademic activities, the District must ensure that each child with a disability participates with nondisabled children in the extracurricular services and activities to the maximum extent appropriate to the needs of that child.
2. The District will ensure that the supplementary aids and services determined by the IEP team to be appropriate and necessary are provided to allow the child to participate in nonacademic settings.

O. Discipline

A child with a disability may be disciplined for a violation of the student code of conduct, including removal from the child's current placement to an appropriate interim alternative educational setting, another setting, suspension, or expulsion in accordance with IDEA Regulations [34 C.F.R. §§ 300.530 through 300.536](#).

Authority of District Personnel

1. On a case-by-case basis and in consideration of any unique circumstances, District personnel may remove a child with a disability who violates a student code of conduct from the child's current placement to an appropriate interim alternative educational setting, another setting, or suspension, for not more than ten (10) consecutive school days (to the extent those alternatives are applied to children without disabilities), and for additional removals of not more than ten (10) consecutive school days in that same school year for separate incidents of misconduct, as long as those removals do not constitute a change of placement under [34 C.F.R. § 300.536](#).
2. After a child with a disability has been removed from the child's current placement for ten (10) school days in the same school year, during any subsequent days of removal, the District must provide services to the extent required to:
 - a. enable the child to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the child's IEP goals; and
 - b. receive, as appropriate, a functional behavioral assessment, behavioral intervention services, and modifications that are designed to address the behavior violation so that it does not recur.
3. The District is only required to provide services during periods of removal to a child with a disability who has been removed from the child's current placement for ten (10) days or less in that school year, if it provides services to non-disabled children similarly removed.
4. After a child with a disability has been removed from the child's current placement for ten (10) school days, and the current removal is for not more than ten (10) consecutive school days and not a change of placement, District personnel, in consultation with at least one of the child's teachers, shall determine the extent to which services are needed, so as to enable the child to continue to participate in the general education curriculum and to progress toward meeting the IEP goals.
5. If the removal is a change in placement, the child's IEP team determines the appropriate services.
6. Within ten (10) school days of any decision to change the placement of a child with a disability because of a violation of a student code of conduct, the District, parent/legal guardian, and relevant members of the IEP team must review all relevant information in the student's file, the IEP, teacher observations, and any relevant information to determine:
 - a. if the conduct was caused by, or had a direct and substantial relationship to, the child's disability; or

- b. if the conduct in question was the direct result of the District's failure to implement the IEP.
- 7. The conduct must be determined to be a manifestation of the disability if either (6)(a) or (6)(b) occurred, and, if the IEP was not implemented, the District must take immediate steps to remedy that deficiency.
- 8. If the District, parent/legal guardian, and relevant members of the IEP team determine that the conduct was a manifestation of the child's disability, the child must be returned to the placement from which the child was removed, unless the parent/legal guardian and District agree to a change of placement. The IEP team must either:
 - a. conduct a functional behavioral assessment, unless already done, and implement a behavioral intervention plan; or
 - b. if a behavioral intervention plan has already been developed, review the plan and modify it, as necessary, to address the behavior.
- 9. District personnel may remove a student to an interim alternative educational setting for not more than forty-five (45) school days without regard to manifestation of disability if the child:
 - a. carries a weapon to or possesses a weapon at school, on District premises to or at a District function;
 - b. knowingly possesses or uses illegal drugs, or sells or solicits the sale of a controlled substance, while at school, on District premises, or at a District function; or
 - c. has inflicted serious bodily injury upon another person while at school, on District premises, or at a District function.
- 10. The District will notify the parent/legal guardian and provide notice of procedural safeguards on the day the District determines that the student has violated the code of conduct and that the violation constitutes the basis for a change in placement (i.e., interim alternative education setting).

Determination of Setting

The child's IEP team determines the interim alternative educational setting for services.

Appeal

- 1. The parent/legal guardian of a child with a disability who disagrees with any decision regarding placement under [34 C.F.R. §§ 300.530 and 300.531](#) or the manifestation determination may appeal the decision by requesting an expedited due process hearing in conformance with [34 C.F.R. §§ 300.310 through 300.314](#) and [A.A.C. R7-2-405.I](#).
- 2. A District that believes that maintaining the current placement of the child is substantially likely to cause injury to the child or others may request an expedited due process hearing in conformance with [34 C.F.R. §§ 300.310 through 300.314](#) and [A.A.C. R7-2-405.I](#).

Placement During Appeals

The student must remain in the interim alternative educational setting pending the decision of the Administrative Law Judge or expiration of the interim setting, whichever comes first, unless the parent/legal guardian and District agree otherwise.

Protections for Children not Determined Eligible for Special Education and Related Services

1. A non-eligible student who engaged in a behavior that violated a student code of conduct may assert protections, if the District had knowledge that the child was a child with a disability before the behavior that precipitated the disciplinary action occurred. The District must be deemed to have such knowledge if any of the following occurred:
 - a. The parent/legal guardian of the child expressed concern in writing to supervisory or administrative personnel of the District school or a teacher of the child, that the child is in need of special education and related services,
 - b. The parent/legal guardian of the child requested an evaluation of the child pursuant to [34 C.F.R. §§ 300.300 through 300.311](#),
 - c. The teacher of the child, or other personnel of the District, expressed specific concerns about a pattern of behavior demonstrated by the child directly to the director of special education or to other supervisory personnel of the District or school.
2. The District is not deemed to have knowledge if the parent/legal guardian of the child:
 - a. has not allowed an IDEA evaluation of the child;
 - b. has refused special education services for the child; or
 - c. if the child has been evaluated and determined to not be a child with a disability under IDEA.
3. If the District does not have knowledge that a child is a child with a disability prior to taking disciplinary measures against the child, the child may be disciplined in the same manner as other children without disabilities who engage in comparable behaviors.
4. If an evaluation is requested during the time in which a child is subjected to disciplinary measures, the evaluation must be conducted in an expedited manner.
 - a. Until the evaluation is completed, the child remains in the educational placement determined by the District, which can include suspension or expulsion without educational services.
 - b. If the child is determined to be a child with a disability, the District must provide special education and related services in accordance with IDEA and state and federal regulations, including the requirements of [34 C.F.R. §§ 300.530 through 300.536](#).

Referral to and Action by Law Enforcement and Judicial Authorities

1. The District may report a crime committed by a child with a disability to appropriate authorities to enable them to exercise their responsibilities.

2. The District in reporting a crime committed by a child with a disability will ensure that copies of the special education and disciplinary records of the child are transmitted for consideration by the appropriate authorities to whom the agency reports the crime, but only to the extent permitted by the Family Education Rights and Privacy Act (FERPA).

Change of Placement Because of Disciplinary Removals

1. A change of placement occurs if:
 - a. the removal is for more than ten (10) consecutive school days; or
 - b. the child has been subjected to a series of removals that constitute a pattern:
 - i. because the series of removals total more than ten (10) school days in a school year;
 - ii. because the child's behavior is substantially similar to the behavior in previous incidents that resulted in a series of removals; and/or
 - iii. because of such additional factors as the length of each removal, the total amount of time the child has been removed, and the proximity of the removals to one another.
2. The District will determine on a case-by-case basis whether a pattern of removals constitutes a change of placement, and such determinations are subject to review through due process and judicial proceedings.

P. Records

The District shall maintain a record of parties who have obtained access to educational records collected under IDEA (other than parents/legal guardians and District employees) to include the name of the accessing party; the date of access; and the purpose.

Upon request, the District shall provide parents/legal guardians with information regarding education records. The District shall comply with requisite provisions of IDEA and federal regulation regarding the destruction of student records once no longer needed to provide educational services.

Adopted:

Legal Authority:

[A.R.S. § 15-763](#)

[A.R.S. § 15-764](#)

A.R.S. § 15-768

[Ariz. Admin. Code R7-2-408](#)

[Ariz. Admin. Code R7-2-401](#) *et seq.*

[20 U.S.C. § 1414](#)

[34 C.F.R. § 300.101](#)

[34 C.F.R. § 300.105](#)

[34 C.F.R. § 300.106](#)

[34 C.F.R. § 300.107](#)

[34 C.F.R. § 300.108](#)

[34 C.F.R. § 300.110](#)

[34 C.F.R. § 300.113](#)

[34 C.F.R. § 300.114](#)

[34 C.F.R. § 300.115](#)

[34 C.F.R. § 300.116](#)

[34 C.F.R. § 300.117](#)

[34 C.F.R. § 300.154](#)

[34 C.F.R. § 300.300](#)

[34 C.F.R. § 300.301](#)

[34 C.F.R. § 300.303](#)

[34 C.F.R. § 300.304](#)

[34 C.F.R. § 300.305](#)

[34 C.F.R. § 300.306](#)

[34 C.F.R. § 300.307](#)

[34 C.F.R. § 300.308](#)

[34 C.F.R. § 300.309](#)

[34 C.F.R. § 300.310](#)

[34 C.F.R. § 300.311](#)

[34 C.F.R. § 300.320](#)

[34 C.F.R. § 300.321](#)

[34 C.F.R. § 300.322](#)

[34 C.F.R. § 300.323](#)

[34 C.F.R. § 300.324](#)

[34 C.F.R. § 300.325](#)

[34 C.F.R. § 300.327](#)

[34 C.F.R. § 300.530](#)

[34 C.F.R. § 300.531](#)

[34 C.F.R. § 300.532](#)

[34 C.F.R. § 300.533](#)

[34 C.F.R. § 300.534](#)

[34 C.F.R. § 300.535](#)

[34 C.F.R. § 300.536](#)

[34 C.F.R. § 300.614](#)