

# SECTION I INSTRUCTIONAL PROGRAM

## I-0050 AUSD10 IA INSTRUCTIONAL GOALS AND OBJECTIVES

The primary mission of Amphitheater Unified School District is to provide its children with a quality education. This will be accomplished by producing and maintaining a learning environment that fosters current and future productivity and satisfaction.

In its relationship with the instructional program, the Governing Board hopes to make its finest contribution to education in our community. The Board sees itself supporting and facilitating the efforts of the faculty.

Fine teachers, administrators and other instructional personnel need several kinds of important help from laymen. Most important of all, they need to know what the community expects children and youths to learn. Accordingly, the Governing Board establishes and is attentive to the *purposes* for its schools.

The Board believes how school is to be taught is the prerogative of the staff as guided by the District mission, vision, goals and values, and as anchored by educational standards. The Governing Board's contribution to that operation is to provide the needed equipment, materials of instruction, services, and such other facilitating action as may be requested.

The Governing Board is interested, too, in supporting the staff's continuing efforts to improve the instructional program, and assumes that there is *always* room for improvement.

The School District should have a comprehensive system of constructive evaluation whereby school programs and student progress can be continually appraised. The staff will present to the Governing Board student achievement data, based on the District's goals and objectives, which will enable the Governing Board to evaluate the educational system, guide improvement efforts, and foster community support of schools.

Schools should establish a code of discipline commensurate with community and legal standards.

The Governing Board expects the school system to effect the following goals (product goals) for each student:

- *Goal 1.* Each student should develop a healthy self concept.

- *Goal 2.* Students should develop skills needed to enter the world of work with an awareness of opportunities and requirements related to specific vocations and advanced education. Each student should become contributing members of society equipped with the skills, knowledge, and values necessary to meet the challenges of a changing world.
- *Goal 3.* Each student should acquire attitudes, knowledges, and habits that permit functioning effectively as a responsible citizen.
- *Goal 4.* Each student should acquire good health habits and an understanding of conditions necessary for maintaining physical and emotional well-being.
- *Goal 5.* Each student should have opportunities for the development of understanding and appreciation of human achievement in the humanities, fine arts, and sciences.
- *Goal 6.* Each student should have the opportunity to develop a wide variety of interests.
- *Goal 7.* Each student should be exposed through active participation to situations that encourage them to ask questions, make decisions, accomplish tasks, test new things, examine alternatives, and express creative thinking.
- *Goal 8.* Each student should develop self-discipline by becoming aware of the benefits of good discipline and should be willing to assume responsibility for their own actions.
- *Goal 9.* Each student should develop skills in mathematics, reading, writing, speaking, and listening to the maximum level of their individual abilities.

*Adopted:* date of Manual adoption

CROSS REF.: AD - Educational Philosophy/School District Mission

## **I-0150 AUSD10 IB FREEDOM OF SPEECH**

Personnel of the School District are expected to exercise their constitutionally guaranteed right to freedom of expression. The Governing Board recognizes that no freedom is absolute and reminds employees they are representatives of the District and should use discretion when exercising their right to freedom of speech.

Educators must be free to think and to express ideas, free to select and employ materials and methods of instruction, free from undue pressures of authority, and free to act within their own professional groups. Such freedom should be used judiciously and prudently to the end that it promotes the free exercise of intelligence and student learning. Freedom of speech must be exercised within the context of the basic ethical responsibilities of the profession. Those responsibilities include:

- A commitment to democratic tradition and its methods.
- A concern for the welfare, growth, and development of children.
- An awareness of the method of scholarship.
- An application of good taste and judgment in selecting and employing materials and methods of instruction.
- An awareness of the needs and sensitivities of the community.
- The obligation to teach state standards.

*Adopted:* date of Manual adoption

**AI-0200 © IC  
SCHOOL YEAR**

The school year shall not be less than the minimum number of days required by Arizona law. Each instructional day shall consist of not less than the minimum amount of time prescribed in A.R.S. 15-901 for each respective program level. Variance from this requirement may be sought under A.R.S. 15-861.

The Board shall establish the school calendar each year after recommendations from the Superintendent.

*Adopted:* date of Manual adoption

LEGAL REF.:       A.R.S. 15-341.01 (Laws 2000, 5th S.S., Ch 1 § 54)  
                          15-801  
                          15-854  
                          15-855  
                          15-861  
                          15-881  
                          15-901

## **I-0250 AUSD10 ICA SCHOOL CALENDAR**

In a regular meeting no later than February of each year, the Governing Board shall adopt and direct the dissemination of the school calendar for the following school year. In advance of the meeting, the Superintendent shall submit a proposed calendar resulting from adequate prior consultation with District employees represented, if they desire, by their employee organizations.

The school year shall be considered to include:

- A specified number of teaching days (or equivalent), to be not less than the number specified by state statute.
- If an emergency arises that requires the closing of school(s) for one (1) or more day(s), certificated employees will work an equal number of days without additional pay making up the cancelled day(s). Support staff employees who do not work will not receive pay on a day of a school closing, but will be paid for work on a subsequent make up day.
- A day or days at the beginning of the school year for orientation of new staff members.
- A day before schools open and a day after schools close.
- A day or days for planned in-service educational programs for staff members.

Major changes in the school calendar will be made by the Governing Board upon recommendation by the Superintendent following consultations with employees as indicated above.

*Adopted:* December 9, 2008

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I-0281 AUSD10 ICA-E  
SCHOOL CALENDAR**

This document may be found on the District's website at [www.amphi.com](http://www.amphi.com)

**I-0400 © ID  
SCHOOL DAY**

The normal school day for the instruction of the students of this District shall be in accordance with Arizona Revised Statutes.

The regular school session may be temporarily altered by the Board upon recommendation by the Superintendent when such alteration is in the best interest of the District.

The Superintendent may close the schools, delay the opening of schools, or dismiss school early for emergency reasons and to protect the health and safety of students and staff members, shall prepare rules for the proper and timely notification of concerned persons in the event of such emergency closing, and shall in all cases inform the Board President as soon as possible.

The Superintendent shall develop guidelines that allow students to enter schools and to leave schools under exceptional conditions so that variances with the normal school schedule may be accommodated. Such guidelines shall consider inclement weather, family illness, and other similar circumstances.

*Adopted:* date of Manual adoption  
LEGAL REF.:       A.R.S. 15-341  
                          15-801  
                          15-861  
                          15-901

## REGULATION

### I-0411 AUSD10 ID-R SCHOOL DAY

## REGULATION

The school day shall be arranged and scheduled by the administration, within the limitations of school facilities, employee organization agreements, and requirements of state laws and regulations, so as to offer the greatest return educationally for the time spent.

#### **Students**

In accordance with state law, the following guidelines, or their annualized equivalents, regarding the length of the instructional day shall be maintained:

- *Kindergarten* students must be enrolled in the kindergarten program for a minimum of 120 minutes each day, or 600 minutes per week, not including lunch periods and recess periods.
- *First, second, and third grade* students must be enrolled for a minimum of 240 minutes each day, or 1,200 minutes per week, not including lunch periods and recess periods.
- *Fourth, fifth, and sixth grade* students must be enrolled for a minimum of 300 minutes each day, or 1,500 minutes per week, not including lunch periods and recess periods.
- *Seventh and eighth grade* students must be enrolled for a minimum of 360 minutes each day, or 1,800 minutes per week, not including lunch periods and recess periods.
- *High school* students must be enrolled in a minimum of four subjects or the equivalent thereof that count toward graduation.

#### **Employees**

All employees shall comply with the rules and regulations of the school in which they are employed with respect to hours worked per day as it pertains to each school's opening and closing hours, lunch periods, etc. A workday is generally construed to be of a full eight hours' duration, with exact times determined by the respective administrative officials.



**I-0500 © IE**  
**ORGANIZATION OF INSTRUCTION**

The organizational plan of the District schools shall be organized into three (3) basic levels:

Elementary schools, which shall include grades pre-school (PS), as applicable, and kindergarten (K) through five (5).

Middle schools, which shall include grades six (6) through eight (8); and

High schools, which shall include grades nine (9) through twelve (12).

This basic organizational structure shall be subject to change by the Governing Board whenever the needs of students and/or the District warrants such change. In addition, the Superintendent may vary the grade levels to be included in each such school and the facilities provided for various special classes, so as to maximize space utilization and the benefits to the students enrolled.

*Adopted:* date of Manual adoption

**I-0900 © IGA**  
**CURRICULUM DEVELOPMENT**  
**Curriculum**

The curricula of the schools shall be in harmony with the Governing Board's adopted goals as recommended by the citizens of the District.

Curriculum development by the certificated staff shall be guided by such factors as:

- Actual studies and information concerning the needs of students in the District.
- The range of abilities, aptitudes, interests, and aspirations of the students.
- The kinds of programs the residents of the School District want for the students.
- The mobility of the student population, making it necessary to provide education useful anywhere in the world.

The Governing Board desires that unnecessary duplication of work among the various school levels be eliminated, and that courses of study and syllabi be coordinated effectively.

The Governing Board favors providing opportunities for faculty members to help in curriculum development through such devices as workshops, institutes, study groups, committee assistance from outside consultants, and all other means for the teachers to improve the curriculum.

The Governing Board reserves the responsibility for establishing curricula for the School District. Teachers shall teach within the approved curricula.

**Curriculum Design**

The School District shall provide for a learning program based on definite objectives covering skills, knowledge, and values, and subject to measurement as a means for assessing the validity of adopted goals and the performance of the organization in meeting the goals of the Governing Board.

*Adopted:* date of Manual adoption

LEGAL REF.:       A.R.S. 15-203  
                          15-341  
                          15-701  
                          15-701.01

15-721  
15-722

## **I-1000 AU\$D10 IGC PILOT PROJECTS**

The Governing Board encourages innovative programs that are evidence-based and indicate promise of improvements in student academic achievement and practical long-range improvements in the educational program. Once proven effective and feasible, the Governing Board may wish to make such innovative programs available to all students who can benefit by them as rapidly as resources will permit.

*Adopted:* date of manual adoption

## **AI-1050 © IGD CURRICULUM ADOPTION**

All new programs and courses of study will be subject to Board approval, as will elimination of programs and courses and extensive alteration in their content. All new courses shall be thoroughly researched in accordance with Governing Board Policy IGB. Curricular proposals from the professional staff may be presented to the Superintendent, who will be responsible for making recommendations to the Board on such matters.

The Governing Board acknowledges the legislative affirmation that public school students should be taught to value each other as individuals and not be taught to resent or hate other races or classes of people.

No District school shall include in its program of instruction any courses or classes that:

- Promote the overthrow of the United States government.
- Promote resentment toward a race or class of people.
- Are designed primarily for students of a particular ethnic group.
- Advocate ethnic solidarity instead of treatment of students as individuals.

The above restrictions are not to be construed to restrict or prohibit:

- Courses or classes for Native American students that are required to comply with federal law.
- Grouping of students according to academic performance, including capability in the English language, that may result in a disparate impact by ethnicity.
- Courses or classes that include the history of any ethnic group and that are open to all students, unless the course or class is in violation of an above cited course or class restriction.
- Courses or classes that include the discussion of controversial aspects of history.
- Instruction about the Holocaust, any other instance of genocide, or the historical oppression of a particular group of people based on ethnicity, race, or class.

An alleged failure by the District to abide by the preceding conditions may subject the District to investigation by the State Board of Education (SBE) or the Superintendent of Public Instruction. Enforcement action may be instituted by the SBE or the Superintendent of Public Instruction as prescribed by A.R.S. 15-112.

*Adopted:* date of Manual adoption

LEGAL REF.:       A.R.S. 15-111  
                          15-112  
                          15-721  
                          15-722

## **I-1100 AUUSD10 IGE CURRICULUM GUIDES AND COURSE OUTLINES**

Instructional objectives and course outlines shall be prepared by the certificated staff in compliance with the legal requirements of the state and the goals and objectives of curriculum and instruction adopted by the Governing Board.

The Superintendent shall have general coordinating authority and supervision over the formation of all courses of study and instructional objectives.

*Adopted:* date of Manual adoption

LEGAL REF.:       A.R.S. 15-341  
                          15-701  
                          15-701.01

**REGULATION**

**REGULATION**

**I-1111 AUSD10 IGE-R**

**CURRICULUM GUIDES AND COURSE OUTLINES**

Each area of the curriculum will be reviewed on a regular basis, according to needs established by teachers or through the process of program evaluation.

A committee will be selected by the Superintendent in cooperation with the principals. The committee will be composed of some or all teachers who are teaching the subject under consideration, appropriate teachers from grade levels above and below, and special needs areas, and administrators.

The committee will determine the content and direction of a course and translate them into terminal and instructional objectives. The committee will align instructional objectives to the state standards for that content area, and other skill sets as endorsed by the District.

After this, the committee will select appropriate learning activities and materials to meet the course objectives and the individual students' learning modes and abilities.



## ^ & ^I-1250 AUSD10 IHA BASIC INSTRUCTIONAL PROGRAM

The various instructional programs will be developed to maintain a balanced, integrated, and sequential curriculum that will serve the educational needs of all school-aged children in the District. The curriculum will be broad in scope and provide for a wide range in readiness for learning, in potential for learning, and in speed of knowledge acquisition.

The instructional program shall reflect the importance of literacy and mathematics as the basic elements throughout each student's education.

The focus on literacy and mathematics shall not result in neglect of other areas of the curriculum.

The instructional program, in accordance with applicable state standards, will include planned sequences in:

- Language arts.
- Mathematics.
- Social studies.
- Science.
- World languages.
- Fine arts.
- Career and technical education.
- Health and safety education.
- Physical education.

Each school educating students in kindergarten and grades one (1) through three (3) shall have a reading program as required by A.R.S. 15-704 and applicable State Board of Education rules. The planned program for all students shall include appropriate instructional activities and all instruction required under state law and State Board of Education regulations.

*Adopted:* date of Manual adoption

LEGAL REF.: A.R.S. 15-203

15-341

15-701  
15-701.01  
15-704  
15-710  
15-718  
15-741.01  
15-802  
A.A.C. R7-2-301 *et seq.*

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BASIC INSTRUCTIONAL PROGRAM**

**Reading**

For students in kindergarten (K) and grades one (1) through three (3), the District shall:

- select and administer screening, ongoing diagnostic and classroom based instructional reading assessments, including motivational assessments, as defined by the State Board of Education;
- conduct a curriculum evaluation;
- adopt a scientifically based reading curriculum including the essentials of reading instruction;
- provide ongoing teacher training based on scientifically based reading research;
- devote reasonable amounts of time to explicit instruction and independent reading;
- provide intensive reading instruction as defined by the State Board of Education to each student who does not meet or exceed the Arizona Instrument to Measure Standards (AIMS) test; and
- review its reading program and take corrective action as specified by the State Board of Education whenever more than twenty percent (20%) of the third grade students do not meet the AIMS standards.

**Skin Cancer Prevention**

For students in the grades kindergarten (K) through eight (8) a comprehensive skin cancer prevention program shall be provided.

Instruction shall be in an age appropriate manner and include the following components:

- Basic facts about skin cancer;

- The negative impact of human exposure to ultraviolet radiation obtained through sunburns and tanning;
- Strategies and behaviors to reduce the risk of contracting skin cancer.

## **^ & ^|-1300 AU\$D10 IHAA ENGLISH INSTRUCTION**

Subject to the exceptions provided in A.R.S. section 15-753, all students in this School District shall be taught English by being taught in English.

### **Definitions**

"Bilingual education/native language instruction" means a language acquisition process for students in which much or all instruction, textbooks, or teaching materials are in the child's native language other than English.

"English language classroom" means a classroom in which English is the language of instruction used by the teaching personnel, and in which such teaching personnel possess a good knowledge of the English language. English language classrooms encompass both English language mainstream classrooms and sheltered English immersion classrooms.

"English language mainstream classroom" means a classroom in which the students either are native English language speakers or already have acquired reasonable fluency in English.

"English learner" or "limited English proficient student" means a child who does not speak English or whose native language is not English, and who is not currently able to perform ordinary classroom work in English.

"Sheltered English immersion" or "structured English immersion" means a classroom in which an English language acquisition process for young children in which nearly all classroom instruction is in English but with the curriculum and presentation designed for children who are English language learners or limited English proficient. Books and instructional materials are in English and all reading, writing, and subject matter are taught in English. Although teachers may use a minimal amount of the child's native language when necessary, no subject matter shall be taught in any language other than English, and children in this program learn to read and write solely in English. This educational methodology represents the standard definition of "sheltered English" or "structured English" found in educational literature.

### **English Immersion**

All students who are English learners shall be educated through sheltered English immersion during a temporary transition period not normally intended to exceed one (1) year. Once English learners have acquired a good working knowledge of English and are able to do regular school work in English, they

shall no longer be classified as English learners and shall be transferred to English language mainstream classrooms.

The Superintendent shall develop procedures as necessary to implement this policy.

*Adopted:* date of Manual adoption

LEGAL REF.: A.R.S. 15-751 through 15-756  
15-756.02 through 15-756.06  
15-756.08  
15-756.10  
15-756.11  
15-756.12  
15-756.13  
15-757

CROSS REF.: A.A.C. R7-2-306  
IHBE - Bilingual Instruction/Native Language Instruction  
IL - Evaluation of Instructional Programs (Testing Programs)  
ILB - Test/Assessment Administration

## REGULATION

## REGULATION

### ^ & ^I-1311 © IHAA-R ENGLISH INSTRUCTION State Mandated Testing

#### **Program**

Each school shall use an English Language Learner (ELL) program developed from a state task force approved model. All ELLs are to be provided with appropriate daily English language development and instruction.

#### **Student Identification**

A home language survey form will be completed at the time of enrollment of new or transfer students. The form will explain how students are assessed for English language proficiency. If the primary home language (the language most often spoken in the home or the first acquired language) is a language other than English the student shall be considered to have a primary or home language other than English (PHLOTE).

All PHLOTE children shall be administered English language assessments upon initial entry and at the end of the year (after February 1). New and continuing ELLs may be assessed at midpoint of the academic year, but no student may be assessed more than three (3) times per year. The midyear assessment (not a wholesale assessment of all students) will provide those who warrant assessment an opportunity to enter a mainstream classroom as soon as possible.

The tests will be administered at the times indicated by trained personnel except when federal grants require different time lines or when an individualized education program (IEP) team for a qualified special education child finds the procedure inappropriate.

#### **Student Progress and Reassessment for Reclassification**

At least annually, parents shall receive a notice of student proficiency level and program placement.

ELLs not progressing as evidenced by failure to improve scores on the Arizona state standards tests or the nationally standardized test of A.R.S. 15-741 may be provided compensatory instruction to assist them in achieving those standards. A written individualized compensatory plan that documents the scope and type of instructional services provided to an ELL shall be kept in the student's file.

Reassessment of classification may take place following assessment testing but shall be considered at least once a year. If appropriate, parents shall receive a

reclassification notice with a copy of the notice to be placed in the student ELL file.

When a student is reclassified as a fluent English language (FEL) student, the school shall monitor the student for two (2) years after the reclassification to determine if the student is performing satisfactorily. The two (2) year monitoring form shall be maintained in the student's file.

LEGAL REF.: A.R.S. 15-751 thru 15-757



## **I-1700 AUUSD10 IHAI CAREER AND TECHNICAL EDUCATION**

The District shall provide career and technical education in a balanced program of technical instruction, academic integration, and skill application. The aim is to provide for the development of skills, abilities, understandings, attitudes, and work habits essential for individuals who desire to enter the skilled and technical work areas or plan to attend post-secondary institutions. The rapid changes in technology and global influences have necessitated the need to provide individuals with career and technical offerings that require a thorough knowledge of industry technical skills, 21st Century Skills, and a sound but flexible foundation in basic academic education.

Special effort shall be made to staff the teaching positions in the career and technical education program with industry-experienced practitioners skilled in their respective fields. Industry standard equipment and tools shall, to the extent possible, be provided to ensure students are ready to enter the workforce.

In accordance with Section 504 of the Vocational Rehabilitation Act of 1973, the District will provide an equal-opportunity career and technical education program to all high school students, parents, District employees, and members of the general public. All courses, services, and activities are offered without regard to race, color, creed, religion/religious beliefs, gender, sexual orientation, age, marital status, political beliefs/affiliation, national origin, disability, home language, family, social or cultural background.

## **REGULATION**

## **REGULATION**

### **I-1711 AUSD10 IHAI-R CAREER AND TECHNICAL EDUCATION**

The District offers a comprehensive career and technical education program to all students (in grades nine [9] through twelve [12]), parents, employees of the District, and members of the general public. All courses, programs, services, and activities are offered without regard to race, color, creed, religion/religious beliefs, age, gender, sexual orientation, marital status, political beliefs/affiliation, national origin, disability, home language, family, social or cultural background. Limited English-speaking skills will not be a barrier to admission or participation in career and technical education. The primary requirements for admission are an established interest to pursue a career in the chosen occupational field and the ability to meet the requirements for entry-level employment in that field of work.

A complete list of all programs, courses, and activities offered in the career and technical education program will be advertised annually in the local newspapers. The list of courses and programs offered may include, but is not limited to, the following:

- Agricultural Business Management-Animal Science
- Allied Health
- Audio Visual Technology
- Automotive Technology
- Business Management and Administrative Services
- Construction Technology
- Culinary Arts
- Drafting/Design Technology
- Early Childhood Professions
- Education Professions
- Engineering
- Fashion Design and Merchandising

- Information Technology
- Marketing, Management and Entrepreneurship
- Graphic Communications
- Hospitality
- Performing Arts





## **Drug Abuse Education - Intermediate School, Grades 4, 5, 6**

Implementation of a more comprehensive program of instruction in District schools concerning drug use and drug and alcohol abuse shall include workshops and resource materials for teachers. The instruction should include the following:

- The meaning of good health; not just the absence of illness, but a well-functioning body; a happy person whose body is respected and who avoids any type of abuse.
- The proper aids to help the students maintain good health by their own efforts and through the efforts of their parents, teachers, school nurses, and doctors.
- The dangers that may result from taking any medicine or pills unless given by a parent, doctor, nurse, or other authorized person. Without adequate supervision, students might make mistakes - take the wrong medicines, take too many pills.
- The deadly dangers of taking pills, either known or unknown, that may produce strange sensations - a feeling of intoxication, dizziness, light-headedness, a restless drowsiness.
- The dangers similar to the above resulting from breathing fumes from certain types of glue, gasoline, or other volatile substances. The "kicks" may be a poor bargain for illness, severe damage to one's lungs, liver, or brain.
- The legal implications of becoming involved in drug or alcohol use, particularly when such items are acquired illegally. Factual information on state laws and School District policies regarding drug or alcohol use and abuse, and the consequences of violating said laws and policies.
- The dangers of beginning the involvement with tobacco, which causes poor health conditions and may cause heart disease or lung cancer.
- The possible contacts with users or sellers of marijuana - illegal use of which may be a serious threat to health and psychological well-being.
- The use of parent education programs to provide information on drugs and the symptoms of drug and alcohol abuses in children.
- The counseling of students who use drugs, tobacco, or alcohol or who associate with those who do.

## **Drug Abuse Education - Middle School, Grades 6, 7, 8**

Implementation of a more comprehensive program of instruction in District schools concerning drug use and drug and alcohol abuse shall include workshops and resource materials for teachers. The instruction should include the following:

- The meaning of good health; not just the absence of illness, but a well-functioning body; a happy person whose body is respected and who avoids any type of abuse.
- An emphasis on drug education through science, health, and physical education classes utilizing audiovisual materials and other resources to provide factual information on drug and alcohol abuse.
- The dangers of becoming involved with tobacco, which causes poor health conditions and may cause heart disease or lung cancer.
- The dangers of taking any medicines or pills unless given by a parent, nurse, doctor, or other authorized person.
- The dangers of taking any kinds of pills, or breathing the fumes of certain substances, such as various types of glue, gasoline, etc., which may produce strange sensations.
- An appraisal of the behavior standards of the community and of society in general as they affect drug use and abuse.
- Information about possible contact with users or sellers of drugs, especially marijuana, which may be harmful to both physical health and psychological well-being.
- The use of parent education programs to provide parents with information on drugs and the symptoms of drug and alcohol abuse in children.
- The legal implications of becoming involved in drug or alcohol use, especially when such items are acquired illegally. Factual information on state laws and School District policy regarding the use and abuse of drugs, and the consequences of violating said laws and policies.
- The cooperation of all groups interested in the growth and development of young people, i.e. family, school, church, news media, recreational organizations, legal authorities, etc.

- The counseling of students who use drugs or alcohol or who associate with the drug-using crowd.

### **Drug Abuse Education - High School, Grades 9, 10, 11, 12**

Implementation of a more comprehensive program of instruction in District schools concerning drug use and drug and alcohol abuse shall include workshops and resource materials for teachers. The instruction should include the following:

- A review and updating of factual information about drug use and drug and alcohol abuse in all classes where discussion of these topics may arise.
- The use of a required course in health education to present information about drugs and alcohol, utilizing audiovisual materials, printed and other materials, and community resources.
- An emphasis on the social, economic, and cultural implications associated with drug and alcohol abuse, and a review of the behavior standards of the local community and of society in general.
- The legal implications of becoming involved in drug or alcohol abuse, especially when such items are acquired illegally. Factual information on state laws and School District policy regarding drug or alcohol use and abuse, and the consequences of violating said laws and policies.
- The dangers of taking any drugs, narcotics, or alcohol, or of breathing the fumes of certain substances, such as gasoline and some types of glue, which may be harmful to both physical health and psychological well-being.
- The dangers of becoming involved with tobacco, which causes poor health conditions and may cause heart disease or lung cancer.
- The counseling of students who use drugs or alcohol or who associate with the drug-using crowd.
- The cooperation of all groups interested in the growth and development of young people, i.e. family, school, church, news media, recreational organizations, legal authorities, community organizations, etc.
- The use of parent education programs to provide parents with information on drugs and the symptoms of drug and alcohol abuse in young people.

*Adopted:* date of manual adoption



**^ & ^I-2050 © IHAMB**  
**FAMILY LIFE EDUCATION**  
**Instruction in Sex Education**

**Grades K - 8:**

Instruction in sex education may be offered in the District in conformity with the requirements of Arizona law.

- Prior to offering sex education, the Board shall establish an *ad hoc* advisory committee with membership representative of the District's size and the racial and ethnic composition of the community to assist in the development of lessons and advise the Board on an ongoing basis.
- The Board shall review the total instructional materials for lessons presented for approval.
- The Board shall publicize and hold at least two (2) public hearings for the purpose of receiving public input at least one (1) week prior to the Board meeting at which sex education lessons will be considered for approval.
- The Board shall maintain for viewing by the public the total instructional materials to be used in approved sex education lessons within the District.
- The Superintendent shall, before recommending the offering of instruction in sex education, develop and implement regulations that meet the requirements of Arizona regulatory and statutory law.
- If sex education is offered in grades seven (7) and eight (8) the curricula shall include instruction on the laws relating to sexual conduct with a minor.

**Grades 9-12:**

Instruction in sex education may be offered in the District in conformity with the requirements of Arizona law.

- The Governing Board shall review the total instructional materials and approve all lessons in the course of study to be offered in sex education.
- The Board shall maintain for viewing by the public the total instructional materials to be used in all high school sex education courses to be offered.

- If sex education is offered, the curricula shall include instruction on the laws relating to sexual conduct with a minor.

### **Certification of Compliance**

The District shall certify, under the notarized signatures of both the Governing Board President and the Superintendent, compliance with A.A.C. R7-2-303. Acknowledgment of receipt of the compliance certification from the State Board of Education is required as a prerequisite to the initiation of instruction. Certification of compliance shall be in a format and with such particulars as shall be specified by the Department of Education.

### **Instruction on Acquired Immune Deficiency Syndrome and Human Immunodeficiency Virus**

The District may provide instruction in kindergarten (K) through grade twelve (12) on acquired immune deficiency syndrome and the human immunodeficiency virus as authorized by Arizona law.

If instruction is to be offered at one (1) or more grade levels, the Superintendent shall develop and implement regulations on such instruction that conform to Arizona law.

*Adopted:* date of Manual adoption

LEGAL REF.:       A.R.S. 15-341  
                          15-716  
                          15-720  
                          A.A.C. R7-2-303  
                          R9-6-339

## REGULATION

## REGULATION

### I-2061 © IHAMB-R FAMILY LIFE EDUCATION Instruction in Sex Education

#### **Grades K - 8:**

*Elective lessons.* The District may provide a specific elective lesson or lessons concerning sex education as a supplement to the health course of study.

- Such supplement may be taken by the student only upon the written request of the student's parent or guardian.
- Alternative elective lessons from the state-adopted optional subjects shall be provided for students who do not enroll in elective sex education.
- Elective sex education lessons shall not exceed the equivalent of one (1) class period per day for one-eighth (1/8th) of the school year for grades kindergarten (K) through four (4).
- Elective sex education lessons shall not exceed the equivalent of one (1) class period per day for one-quarter (1/4th) of the school year for grades five (5) through eight (8).

*Governing Board approval.* All elective sex education lessons to be offered must have prior approval from the Governing Board.

#### *Format of instruction:*

- Lessons shall be taught to boys and girls separately.
- Lessons shall be ungraded and shall require no homework; any evaluation administered for the purpose of self-analysis shall not be retained or recorded by the school or the teacher in any form.

Lessons shall not include tests, psychological inventories, surveys, or examinations containing any questions about personal beliefs or practices in sex, family life, morality, values, or religion on the part of students or their parents.

- Lessons for grades seven (7) and eight (8) shall include instruction on the laws relating to sexual conduct with a minor.

#### **Grades 9 - 12:**

- A course in sex education may be provided in the high schools of Arizona.
- Lessons shall not include tests, psychological inventories, surveys, or examinations containing any questions about personal beliefs or practices in sex, family life, morality, values, or religion on the part of students or their parents.

***Content of instruction (Grades K - 12):***

All sex education materials and instruction shall be age appropriate, shall recognize the needs of exceptional students, shall meet the needs of the District, shall recognize local community standards and sensitivities, shall not include the teaching of abnormal, deviate, or unusual sexual acts and practices, and shall include the following:

- Emphasis upon the power of individuals to control their own personal behavior.
- Students shall be encouraged to base their actions on reasoning, self-discipline, sense of responsibility, self-control, and ethical considerations such as respect for self and others.
- Instruction on how to say "no" to unwanted sexual advances and to resist negative peer pressure.
- Students shall be taught that it is wrong to take advantage of, or to exploit, another person.
- Instruction on the laws relating to sexual conduct with a minor.

All sex education materials and instruction that discuss sexual intercourse shall:

- Stress that students should abstain from sexual intercourse until they are mature adults.
- Emphasize that abstinence from sexual intercourse is the only method for avoiding pregnancy that is one hundred percent (100%) effective.
- Stress that sexually transmitted diseases have severe consequences and constitute a serious and widespread public health problem.
- Include a discussion of the possible emotional and psychological consequences of preadolescent and adolescent sexual intercourse and the consequences of preadolescent and adolescent pregnancy.
- Promote honor and respect for monogamous heterosexual marriage.

- Advise students of Arizona law pertaining to the financial responsibilities of parenting, and legal liabilities related to sexual intercourse with a minor.

### **Instruction on Acquired Immune Deficiency Syndrome and Human Immunodeficiency Virus**

The District will develop its own course of study for each grade. At a minimum, instruction shall:

- Be appropriate to the grade level in which it is offered.
- Be medically accurate.
- Promote abstinence.
- Discourage drug abuse.
- Dispel myths regarding transmission of the human immunodeficiency virus.

Nothing shall be included in the course of study instruction that:

- Promotes a homosexual life-style.
- Portrays homosexuality as a positive alternative life-style.
- Suggests that some methods of sex are safe methods of homosexual sex.

The District may request that the Department of Health Services, in conjunction with the Department of Education, review instruction materials to determine their medical accuracy.

The District may request that the Department of Education provide the following assistance:

- A suggested course of study.
- Teacher training.
- A list of available films and other teaching aids.

At the request of a parent, a student shall be excused from the instruction on acquired immune deficiency syndrome and the human immunodeficiency virus. The District shall notify all parents of their ability to withdraw their children from the instruction.

**I-2100 © IHAMC HIV / AIDS EDUCATION**

Refer to Policy IHAMB.

**^ & ^I-2350 © IHB**  
**SPECIAL INSTRUCTIONAL PROGRAMS**

A long-range plan will be the basis for providing special education services for students with exceptional needs and education requirements. These services may include specialized programs, personnel, facilities, materials, and equipment needed to promote the individual physical, social, intellectual, and emotional growth of exceptional students.

The Superintendent shall develop procedures that provide educational opportunities for individuals with disabilities and that accomplish District compliance with federal laws including the Individuals with Disabilities Education Act (IDEA), the Arizona revised statutes, and the lawful regulations of the State Board of Education. Such procedures shall include, but not be limited to, the following provisions:

- All children with disabilities aged birth (0) through twenty-one (21) years within the District's jurisdiction are to be identified, located, and evaluated including children attending religious or private schools who are in need of special education and related services.
- A free appropriate public education (FAPE) shall be available to all children with disabilities aged three (3) through twenty-one (21) years within the District's jurisdiction, including children advancing from grade to grade, those who have been suspended or expelled from school in accordance with the applicable IDEA rules and regulations, and any child with a disability the District has placed in or referred to a private school or facility. The District may refer to and contract with approved public or private agencies as necessary to ensure the provision of FAPE for children with disabilities. FAPE for an eligible student with a disability shall extend through conclusion of the instructional year during which the student attains the age of twenty-two (22).
- A full individual evaluation encompassing existing and additional data shall be conducted for each child to determine if the child is a child with a disability and the educational needs of the child before the initial provision of special education and related services. A reevaluation of each child shall be conducted at least every third year.
- An individualized education program (IEP) shall be developed and implemented for each eligible child served by the District and for each eligible child the District places in or refers to a private school or facility. An IEP or an individualized family service plan (IFSP) will be in place for each child with a disability prior to the provision of FAPE.

- To the maximum extent appropriate, opportunities for the least restrictive setting, inclusion in educational exercises with regular program students, and for interaction with the total school environment will be provided to exceptional students, the exception to be only when the student's condition, with supplementary aids and services, make such regular class education unsatisfactory.
- All required procedural safeguards must be guaranteed to the exceptional students and their parents. The parents will be provided with notices of procedural safeguards in each specified instance and all due process conditions will be satisfied with respect to the provision of a free appropriate public education.
- The District shall follow the established state and federal standards to protect the confidentiality of personally identifiable information at the collection, storage, disclosure, and destruction stages.
- To the extent essential to provide FAPE to children with disabilities aged three (3) through twenty-one (21), extended school year (ESY) services shall be made available and implemented as necessary.
- Criteria for the graduation of exceptional students, including accomplishment in reading, writing, and mathematics, shall be as specified in the District policy on graduation requirements. Such standards shall be equivalent to or greater than those established by the State Board of Education.
- Not later than March 1 of each year conduct a review of the reasonable and acceptable ratio of students per teacher for each disability category. The applicable ratios shall be specified in a regulation accompanying the District policy on class size.
- The discipline of exceptional students, and unevaluated students suspected of having a qualifying disability, is to be conducted in such a manner as to comply with FAPE and requirements of the IDEA.

The Superintendent is authorized and directed to establish procedures for the development and administration of the necessary programs, and to document District compliance with the law and this policy. Such procedures will be made available to staff members and to parents as necessary to enhance compliance.

*Adopted:* date of Manual adoption

LEGAL REF.:       A.R.S. 15-761  
                               15-764  
                               15-881  
                               15-761.01



15-765 to 15-769  
15-1181 to 15-1185  
15-763  
15-771  
15-1201 to 15-1205  
15-763.01  
15-773 36-555  
A.A.C. R7-2-401  
R7-2-405  
R7-2-603  
R7-2-402  
R7-2-601  
R7-2-403  
R7-2-602  
20 U.S.C. 1400 *et seq.*, Individuals with Disabilities  
Education Act  
29 U.S.C. 794, Rehabilitation Act of 1973, (Section 504)

CROSS REF.: IIB - Class Size  
IKE - Promotion, Retention, and Acceleration of Students  
IKF - Graduation Requirements  
JKD - Student Suspension  
JKE - Expulsion of Students  
JR *et seq.* - Student Records

**REGULATION** **REGULATION**  
**^ & ^I-2361 © IHB-R**  
**SPECIAL INSTRUCTIONAL PROGRAMS**  
**(Identification and Placement of Exceptional Students)**

This detailed administrative regulation is issued to:

- Accomplish the requirements of the Governing Board set out in policy IHB Special Instructional Programs.
- Assure District compliance with the requirements of applicable federal and state laws and the lawful regulations of the State Board of Education.
- Aid District personnel in fulfilling their duties relating to the topic by presenting the procedural information in a format that aligns with the Arizona Department of Education/Exceptional Student Services (ADE/ESS) compliance checklists.

Citations from the following sources are annotated to the material to assist in conducting research and for clarification:

- Arizona Revised Statutes (A.R.S.)
- Arizona Administrative Code (A.A.C.) Title 7, Chapter 2, State Board of Education Rules
- Regulations of the Family Educational Rights and Privacy Act as published in Part 99 of Title 34 of the Code of Federal Regulations (C.F.R.)
- Regulations to the Individuals with Disabilities Education Act (IDEA) as published in Title 34 of the C.F.R., Part 300.

Whenever the term "District" is used in this regulation, it is to be interpreted contextually to mean the School District, the respective local school site, a representative of the District or a representative of the local school site, as is applicable to the circumstance.

**Applicability**

To accommodate the necessity to present procedural information in a format that aligns with the Arizona Department of Education/Exceptional Student Services (ADE/ESS) compliance checklists, this generic regulation contains procedural requirements for covered individuals of all ages. However, any statement in this

regulation that addresses a provision that is not applicable to the grade levels and age ranges included in the student membership of the District is to be considered for the purposes of compliance to be not applicable.

### **Child Find**

The District will identify, locate, and evaluate all children with disabilities within its geographic boundaries who are in need of special education and related services including, but not limited to, children who are:

- Homeless;
- Highly mobile, including migrant children;
- Wards of the state; and,
- Attending private schools or who are homeschooled.

In its identification process the District will include children who are suspected of being a child with a disability and in need of special education, even though a student is:

- Advancing from grade to grade
- Highly mobile, including a migrant student. [34 C.F.R. 300.111]

The District will inform the general public and parents within its boundaries of the responsibility for special education services for students aged three (3) through twenty-one (21) years, and how those services may be accessed including information regarding early intervention services for children aged birth through two (2) years. Services for an eligible student with a disability shall extend through conclusion of the instructional year during which the student attains the age of twenty-two (22). [A.A.C. R7-2-401.C]

The District will require all school-based staff members to review the written procedures related to child identification and referral on an annual basis, and maintain documentation of the staff review. [A.A.C. R7-2-401.D]

Identification screening for possible disabilities shall be completed within forty-five (45) calendar days after:

- Entry of each preschool or kindergarten student and any student enrolling without appropriate records or screening, evaluation, and progress in school; or
- Parent notification of developmental or educational concerns.

Screening procedures shall include vision and hearing status and consideration of the following areas:

- Cognitive or academic;
- Communication;
- Motor;
- Social or behavioral; and
- Adaptive development.

For a student transferring into a school, the District shall review enrollment data and educational performance in the prior school. If there is a history of special education for a student not currently eligible for special education or poor 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. [A.A.C. R7-2-401.D]

If a concern about a student is identified through screening procedures or review of records, the parents 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. [A.A.C. R7-2-401.D]

The District shall maintain documentation of the identification procedures utilized, the dates of entry into school, notification by parents of a concern and the dates of screening. The dates shall be maintained in the student's permanent records. [A.A.C. R7-2-401.D]

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 or a student may request an evaluation of the student. [A.A.C. R7-2-401.D]

If, after consultation with the parent, 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 in a timely manner. [A.A.C. R7-2-401.D]

### **Confidentiality**

The District will permit parents to inspect and review any education records relating to their children that are collected, maintained or used by the District under Individuals with Disabilities Education Act (IDEA). The District will comply

with a request without unnecessary delay and in no case more than forty-five (45) days after the request has been made, and before:

- Any individualized education program (IEP) meeting;
- Any hearing involving a due process complaint or disciplinary hearing;
- Any resolution session. [34 C.F.R. 300.613]

The right to inspect and review education records includes:

- The right to a response from the District to reasonable requests for explanations and interpretations of the records;
- The right to request that the District provide copies of the records if failure to provide those copies would effectively prevent the parent from exercising the right to inspect and review the records; and
- The right to have a representative of the parent inspect and review the records. [34 C.F.R. 300.613]

The District may presume that the parent has authority to inspect and review records relating to his or her child unless the District has been advised to the contrary by legal proceeding involving guardianship, separation and divorce. [34 C.F.R. 300.613]

The District will keep a record of parties obtaining access to education records collected, maintained or used under IDEA (except access by parents and authorized employees of the District), including:

- The name of the party;
- The date access was given; and
- The purpose for which the party is authorized to use the records. [C.F.R. 300.614]

If any education record includes information on more than one (1) child, the parents of those children have the right to inspect and review only the information relating to their child. [C.F.R. 300.615]

The District will provide parents on request a list of the types and locations of education records collected, maintained or used by the District. [C.F.R. 300.616]

The District may charge a fee for copies of records that are made for parents if the fee does not effectively prevent the parents from exercising their right to inspect and review records. [C.F.R 300.617]

The District will not charge a fee to search for or to retrieve information. [C.F.R 300.615]

A parent who believes that information in the education records collected, maintained or used by the District is inaccurate or misleading or violates the privacy or other rights of the child, may request the District to amend the information. [C.F.R 300.618]

The District will decide whether to amend the information in accordance with the request in a reasonable period of time of receipt of the request. [C.F.R 300.618]

If the District refuses to amend the information in accordance with the request, it will inform the parent of the refusal and advise the parent of the right to a hearing under C.F.R 300.619. [C.F.R 300.618]

The District will, on request, provide an opportunity for a hearing to challenge information in education records to ensure that it is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the child. [C.F.R 300.618]

If, as a result of a hearing, the District decides to amend information determined inaccurate, misleading, or otherwise in violation of the privacy or other rights of the child, it will do so accordingly and so inform the parent in writing. [C.F.R 300.618]

If, as a result of a hearing, the District decides that the information is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the child, the District will inform the parent of the parent's right to place in the maintained records a statement commenting on the information or setting forth any reasons for disagreeing with the District's decision. [C.F.R 300.618]

Parental consent will be obtained before personally identifiable information is disclosed to parties other than participating agencies, unless the information is contained in education records and the disclosure is authorized without parent consent under Family Educational Rights and Privacy Act (FERPA). [C.F.R 300.622]

Parental consent will be obtained before personally identifiable information is released to officials of participating agencies providing or paying for transition services in accordance with §300.321. [C.F.R 300.622]

If a child is enrolled, or is going to enroll in a private school that is not located in the boundaries of the district of the parent's residence, parental consent will be

obtained before any personally identifiable information about the child is released between officials in the district where the private school is located and officials in the district of the parent's residence. [C.F.R 300.622]

The District will protect the confidentiality of personally identifiable information at collection, storage, disclosure, and destruction stages. [C.F.R 300.623]

One (1) official at the District will assume responsibility for ensuring the confidentiality of any personally identifiable information.

All persons collecting or using personally identifiable information will receive training or instruction regarding the State's policies and procedures under 300.123 and FERPA (34 C.F.R. part 99). [C.F.R 300.623]

The District will maintain, for public inspection, a current listing of the names and positions of its employees who may have access to personally identifiable information. [C.F.R 300.623]

The District will inform parents when personally identifiable information collected, maintained, or used for IDEA purposes is no longer needed to provide educational services to the child. [C.F.R 300.624]

The information will be destroyed at the request of the parents. However, a permanent record of a student's name, address, and phone number, his or her grades, attendance record, classes attended, grade level completed, and year completed may be maintained without time limitation. [C.F.R 300.624]

The rights of the parents regarding educational records are transferred to the student at age eighteen (18) under FERPA. unless the student has been declared legally incompetent, or the student has executed a delegation of rights to make educational decisions pursuant to A.R.S. 15-773. [C.F.R 300.625]

If the rights of the parents regarding educational records are transferred to the student at age eighteen (18) under the IDEA, the District will provide any notice required under the procedural safeguards provisions. [C.F.R 300.625]

## **Discipline**

On a case-by-case basis and in consideration of any unique circumstances, school personnel may remove a child with a disability who violates a student code of conduct from his or her 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 §300.536. [34 C.F.R. 300.530] After a child with a disability has been removed from his or her current placement for ten (10) school days in the same school year, during any subsequent days of removal the District will provide services to the extent required to:

- Enable the child to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting his/her IEP goals; and
- 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. [34 C.F.R. 300.530]

The District is only required to provide services during periods of removal to a child with a disability who has been removed from his or her current placement for the (10) days or less in that school year, if it provides services to non-disabled children similarly removed. [34 C.F.R. 300.530]

After a child with a disability has been removed from his or her 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, school personnel, in consultation with at least one of the child's teachers, 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 individualized education program (IEP) goals. [34 C.F.R. 300.530]

If the removal is a change in placement, the child's IEP team determines the appropriate services. [34 C.F.R. 300.530]

Within ten (10) school days of any decision to change the placement of a child with a disability because of a violation of a code of student conduct, the District, parent, and relevant members of the IEP team will review all relevant information in the student's file, the IEP, teacher observations, and any relevant information to determine:

- If the conduct was caused by, or had a direct and substantial relationship to, the child's disability; or
- If the conduct in question was the direct result of the District's failure to implement the IEP. [34 C.F.R. 300.530]

The conduct will be determined to be a manifestation of the disability if either of the above-named conditions occurred, and, if the IEP was not implemented, the District will take immediate steps to remedy that deficiency. [34 C.F.R. 300.530]



If the District, parent, and relevant members of the IEP team determine that the conduct was a manifestation of the child's disability, the child will be returned to the placement from which the child was removed, unless the parent and District agree to a change of placement. The IEP team will either:

- Conduct a functional behavioral assessment, unless already done, and implement a behavioral intervention plan; or
- If a behavioral intervention plan has already been developed, review the plan and modify it, as necessary, to address the behavior. [34 C.F.R. 300.530]

School 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:

- Carries a weapon to or possesses a weapon at school, on school premises, to or at a school function under the jurisdiction of the state or the District;
- Knowingly possesses or uses illegal drugs, or sells or solicits the sale of a controlled substance, while at school, on school premises, or at a school function under the jurisdiction of the state or the District; or
- Has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of the state or the District. [34 C.F.R. 300.530]

The District will notify parents and provide notice of procedural safeguards on the day the District determines the student has violated the code of conduct, and the violation constitutes a change in placement (i.e., interim alternative education setting). [34 C.F.R. 300.530]

The child's IEP team determines the interim alternative educational setting for services. [34 C.F.R. 300.531]

The parent of a child with a disability who disagrees with any decision regarding placement under §§300.530 and 300.531 or the manifestation determination may appeal the decision by requesting an expedited due process hearing in conformance with §§300.310 through 300.314 and A.A.C. R7-2-405.I. [34 C.F.R. 300.532]

When the District believes that maintaining the current placement of the child is substantially likely to cause injury to the child or others the District may appeal the decision by requesting an expedited due process hearing in conformance with §§300.310 through 300.314 and A.A.C. R7-2-405.I. [34 C.F.R. 300.532]

The student will remain in the interim alternative educational setting pending the decision of the hearing officer or expiration of the interim setting, whichever comes first, unless the parent and District agree otherwise. [34 C.F.R. 300.532]

A non-eligible student who engaged in a behavior that violated a code of student 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 will be deemed to have such knowledge if:

- The parent of the child expressed concern in writing to supervisory or administrative personnel of the District, or a teacher of the child, that the child is in need of special education and related services;
- The parent of the child requested an evaluation of the child pursuant to §§300.300 through 300.311; or
- 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. [34 C.F.R. 300.534]

The District will not be deemed to have knowledge if the parent of the child:

- Has not allowed an IDEA evaluation of the child;
- Has refused special education services for the child; or
- The child has been evaluated and determined to not be a child with a disability under IDEA. [34 C.F.R. 300.534]

When 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 as other children without disabilities who engage in comparable behaviors.

If an evaluation is requested during the time in which a child is subjected to disciplinary measures, the evaluation will be conducted in an expedited manner.

- 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.
- If the child is determined to be a child with a disability, the District will provide special education and related services in accordance with this

part, including the requirements of §§300.530 through 300.536. [34 C.F.R. 300.534]

The District may report a crime committed by a child with a disability to appropriate authorities to enable them to exercise their responsibilities. [34 C.F.R. 300.535] When reporting a crime committed by a child with a disability the District ensures that copies of the special education and disciplinary records of the child are transmitted for consideration by the appropriate authorities to whom the District reports the crime, but only to the extent permitted by FERPA. [34 C.F.R. 300.535]

A change of placement occurs if:

- The removal is for more than ten (10) consecutive school days; or
- The child has been subjected to a series of removals that constitute a pattern:
  - because the series of removals total more than ten (10) school days in a school year;
  - because the child's behavior is substantially similar to the behavior in previous incidents that resulted in a series of removals; and
  - 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. [34 C.F.R. 300.536]

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. [34 C.F.R. 300.536]

### **Evaluation and Eligibility**

The District, when proposing to conduct an initial evaluation to determine if a child qualifies as a child with a disability, and after reviewing existing data with the parents and providing prior written notice, will obtain informed consent from the parent of the child before collecting any additional data.

- Parental consent for initial evaluation will not be construed as consent for initial provision of special education and related services.
- The District will make reasonable efforts to obtain the informed consent from the parent for an initial evaluation. [34 C.F.R. 300.300]

For initial evaluations only, if the child is a ward of the state, is not residing with the child's parent, the District is not required to obtain consent from the parent if:

- Despite reasonable efforts to do so, the District cannot discover the whereabouts of the parents of the child;
- The rights of the parents of the child have been terminated by the court;
  - The rights of the parent 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. [34 C.F.R. 300.536]

The District may, but is not required to seek informed consent through due process procedures if the parent of a child who is enrolled or seeking to enroll in the District refuses consent for an initial evaluation. [34 C.F.R. 300.300]

The District will obtain informed consent from the parent of the child before the initial provision of special education and related services to the child, and will make reasonable efforts to obtain that consent. [34 C.F.R. 300.300]

If a parent refuses consent for the initial provision of special education and related services, the District will not seek consent through due process hearing procedures. The District:

- Will not be considered to be in violation to provide a Free Appropriate Public Education (FAPE);
- Is not required to convene a IEP team meeting or develop an IEP for the child. [34 C.F.R. 300.300]

If, at any time subsequent to the initial provision of special education and related services, the parent of a child revokes consent in writing for the continued provision of special education and related services, the District:

- May not continue to provide special education and related services to the child, but shall provide prior written notice before ceasing the provision of special education and related services;
- May not use the mediation procedures or the due process procedures in order to obtain agreement or a ruling that the services may be provided to the child;
- Will not be considered in violation of the requirement to make FAPE available to the child because of the failure to provide the child with further special education and related services; and

- 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.

The District will obtain informed consent prior to conducting any reevaluation of a child with a disability.

- If the parent 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.
- The informed parental consent for reevaluation need not be obtained if the District can demonstrate that:
  - it made reasonable efforts to obtain such consent and has documented those attempts;
  - the child's parent has failed to respond. [34 C.F.R. 300.300]

Parental consent is not required before:

- Reviewing existing data as part of an evaluation or reevaluation; or
- Administering a test or other evaluation that is administered to all children unless consent is required of parents of all children prior to administration. [34 C.F.R. 300.300]

The District will not use a parent's refusal to consent to one service or activity under this section to deny the parent or child any other service, benefit, or activity of the District, except as required by this part. [34 C.F.R. 300.300]

If a parent of a child who is home-schooled or placed in a private school by the parents at their own expense does not provide consent for the initial evaluation or the reevaluation, or the parent fails to respond to a request to provide consent, the District will not utilize due process hearing procedures to seek consent. [34 C.F.R. 300.300]

Consistent with consent requirements of §300.300, either a parent 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. [34 C.F.R. 300.301]

The initial evaluation will:

- Be completed within sixty (60) days of receiving parental consent for the evaluation, unless:

- the parents 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; or;
- the child enrolls in the District following the child's departure from a previous district after the parent has provided consent and before the determination of eligibility by the child's previous district. In that event, the District ensures prompt completion of the evaluation.
- the parent of a child with a disability repeatedly fails or refuses to produce the child for the evaluation.
- Consist of procedures to determine if the child is a child with a disability and to determine the educational needs of the child. [34 C.F.R. 300.301]

The District will conduct a reevaluation of a child with a disability if:

- The District determines that the educational or related service needs, including improved academic achievement and functional performance, of the child warrant a reevaluation; or
- If the child's parents or teacher requests a reevaluation; except
- The District will not conduct a reevaluation more than once a year unless the parent and District agree otherwise. [34 C.F.R. 300.303]

The District will conduct a reevaluation at least once every three (3) years, unless the parent and the District agree that a reevaluation is unnecessary. [34 C.F.R. 300.303]

The District will provide prior written notice to the parents of a child who has, or who is suspected of having, a disability, that describes the evaluation procedures that the District proposes to conduct. [34 C.F.R. 300.304]

In conducting an evaluation or reevaluation, the District will:

- 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 in order to determine;
  - whether the child is a child with a disability; and
  - 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).

- 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
- Use technically sound instruments that may assess the relative contribution of cognitive and behavioral factors, in addition to physical or developmental factors. [34 C.F.R. 300.304]

The District ensures that evaluation materials and strategies:

- Are selected and administered so as not to be discriminatory on a racial or cultural basis;
- 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;
- Are used for the purposes for which the assessment(s) or measure(s) are valid and reliable;
- Are administered by trained and knowledgeable personnel;
- Are administered in accordance with the instructions provided by the assessment publisher;
- 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).
- 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; and
- 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.
- Provide relevant information that directly assists in determining the educational needs of the child. [34 C.F.R. 300.304]

Evaluations of children who transfer to or from another District in the same school year are coordinated with the prior and subsequent schools, in order to expedite the completion of a full evaluation. [34 C.F.R. 300.304]

As part of an initial evaluation (if appropriate), and as part of any reevaluation, the IEP team and other qualified professionals, as appropriate, will:

- Review existing evaluation data on the child including:
  - evaluations and information provided by the parents;
  - current classroom-based, local and state-wide assessments, and classroom-based observations;
  - observations by teachers, and related services providers.
- On the basis of that review, and input from the child's parents, identify what additional data, if any, are needed to determine whether:
  - the child is or continues to be a child with a disability, and, if so, the educational needs of the child;
  - the present levels of academic achievement and related developmental needs of the child;
  - 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.
- The IEP team may conduct the review without a meeting. [34 C.F.R. 300.305]

If additional data are needed, the District will administer the assessments required to obtain the additional data. [34 C.F.R. 300.305]

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 parents of:

- The determination and the reasons for the determination; and
- The right of the parents 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. [34 C.F.R. 300.305]



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 at the conclusion of the instructional year during which the child attained the age of twenty-two (22).

- When the child's eligibility terminates because of graduation or at the conclusion of the instructional year during which the child attained the age of 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. [34 C.F.R. 300.305]

Upon completion of the evaluation process, the District ensures that:

- A group of qualified professionals and the parent of the child determine:
  - if the child is a child with a disability under the Individuals with Disabilities Education Act and the Arizona State Statutes; and
  - if so, the educational needs of the child.
- The parents are provided, at no cost, a copy of the evaluation report and eligibility determination. [34 C.F.R. 300.306]

A child will not be determined to be a child with a disability if the primary factor for the determination is:

- 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]);
- Lack of appropriate instruction in math; or
- Limited English proficiency. [34 C.F.R. 300.306]

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 §300.320 through 300.324. [34 C.F.R. 300.306]

Additional procedures for identifying children with specific learning disabilities:

- Option 1:
  - The District will use the state-adopted criteria for determining whether a child has a specific learning disability through a process based on

the child's response to scientific, research-based intervention in conformity with IDEA Regulations §300.307-311. [34 C.F.R. 300.307]

- Option 2:
  - The District will use a criteria for determining whether a child has a specific learning disability through the identification of a severe discrepancy between intellectual ability and achievement in conformity with IDEA Regulations §300.307-311. [34 C.F.R. 300.307]
- Option 3:
  - 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 §300.307-311:
    - The state-adopted criteria based on a child's response to scientific, research-based intervention;
    - The identification of a severe discrepancy between intellectual ability and achievement. [34 C.F.R. 300.307]

The determination of whether a child suspected of having a specific learning disability is a child with a disability will be made by the child's parents and a team of qualified professionals which will include:

- The child's regular education teacher; or
- If the child does not have a regular education teacher, then a regular education teacher qualified to teach children of that age;
- For a child of less than school age, an individual qualified by the state to teach children of his/her age;
- At least one (1) person qualified to conduct individual diagnostic evaluations of children, such as a school psychologist, speech-language pathologist, or remedial reading teacher. [34 C.F.R. 300.308]

A child may be determined to have a specific learning disability if:

- The child does not achieve adequately for the child's age or to meet state–approved grade level standards in one (1) 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:

- oral expression
- listening comprehension
- written expression
- basic reading skill
- reading fluency skills
- reading comprehension
- mathematics calculation
- mathematics problem solving
- The child does not make sufficient progress to meet age or state–approved grade level standards in one (1) or more of the areas in listed immediately above when using a process based on the child's response to scientific, research-based intervention; or
- 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, through one (1) of the following methods:
  - a discrepancy between achievement and ability;
  - the child's response to scientific, research-based interventions, or
  - other alternative research-based procedures,

using appropriate assessments. [34 C.F.R. 300.309]

The findings of this section are not primarily the result of:

- A visual, hearing or motor disability;
- Mental retardation;
- Emotional disturbance;
- Cultural factors;
- Environmental or economic disadvantage; or

- Limited English proficiency. [34 C.F.R. 300.309]

The group ensures that the underachievement is not due to a lack of appropriate instruction in reading or math and consider:

- 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
- 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 parents. [34 C.F.R. 300.309]

The District will promptly request parent 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 the two (2) immediately preceding bullets. [34 C.F.R. 300.309]

The District ensures that the child is observed in his/her learning environment, including the regular classroom setting, to document the child's academic performance and behavior in the areas of difficulty. [34 C.F.R. 300.310]

In the case of a child less than school age or out of school, a group member will observe the child in an environment appropriate for a child that age. [34 C.F.R. 300.310]

For a child suspected of having a specific learning disability, the eligibility determination will contain a statement of:

- Whether the child has a specific learning disability;
- The basis for making the determination, including an assurance the determination was made in accordance with the Individuals with Disabilities Education Act;
- The relevant behavior, if any, noted during the observation and the relationship of that behavior to the child's academic functioning;
- The educationally relevant medical findings, if any;
- Whether the child does not achieve adequately for his/her age or to meet state-approved grade level standards consistent with whether the child has a specific learning disability; and does not make sufficient progress to

meet age or state-approved grade level standards consistent with the basis of a determination in accordance with IDEA; or

- 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 consistent with the observation of relevant behavior.
- The determination of the group concerning the effects of a visual, hearing, or motor disability; mental retardation; emotional disturbance; cultural factors; environmental or economic disadvantage; or limited English proficiency of the child's achievement level. [34 C.F.R. 300.311]

If the child participated in a process that assessed the child's response to scientific, research-based intervention:

- The instructional strategies used and the student-centered data collected; and
- The documentation that the child's parents were 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;
- Strategies for increasing the rate of learning; and
- The parent's right to request an evaluation. [34 C.F.R. 300.311]

Each group member will certify in writing whether the report reflects the member's conclusion. If it does not, the group member will submit a separate statement presenting the member's conclusions. [34 C.F.R. 300.311]

### **Free Appropriate Public Education**

The determination that a child is eligible for special education and related services will be made on an individual basis by a properly constituted District team. [34 C.F.R. 300.306 and, if applicable, 300.308]

For preschool children (age three [3] to five [5]):

- The District will:
  - Make FAPE available no later than the child's third birthday;
  - Ensure that an IEP or an Individualized Family Service Plan (IFSP) is in effect for each child by that date;

- Ensure that a child's IEP team determines the date when services under the IEP or IFSP will begin if a child's third birthday occurs during the summer.

For school-aged children (age five [5] through twenty-one [21]):

- 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. Services for an eligible student with a disability shall extend through conclusion of the instructional year during which the student attains the age of twenty-two (22).

The District will establish policy and procedures with regard to allowable student-teacher ratios and student-staff ratios within the District or county for provision of special education services. [A.R.S. 15-764]

The special education programs and services provided shall be conducted only in a school facility which houses regular education classes or in other facilities approved by the division of special education. [A.R.S. 15-764]

The District ensures that assistive technology devices or services or both will be available to a child with a disability, if required, as a part of:

- special education;
- related services;
- supplementary aids and service. [34 C.F.R. 300.105]

On a case-by-case basis, the District ensures the use of school-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. [34 C.F.R. 300.105]

The District will make extended school year services available as necessary to provide FAPE to children with disabilities.

- Extended school year (ESY) services will be provided only if a child's IEP team determines, in accordance with §§300.320-300.324, that the services are necessary for the provision of FAPE.
- Services will not be:
  - limited to a particular category of disability; or,

- unilaterally limited to the type, amount, or duration of services. [34 C.F.R. 300.106]

The ESY services that are provided to a child with a disability will:

- Be provided beyond the normal school year of the District;
- Be provided in accordance with the child's IEP;
- Be provided at no cost to the parents of the child; and
- Meet the standards of the state. [34 C.F.R. 300.106]

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. [34 C.F.R. 300.107]

Nonacademic and extracurricular services and activities may include counseling services, athletics, transportation, health services, recreational activities, special interest groups or clubs sponsored by the District, referrals to agencies that provide assistance to individuals with disabilities, and employment of students, including both employment by the District and assistance in making outside employment available. [34 C.F.R. 300.107]

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:

- The child is enrolled full time in a separate facility; or
- The child needs specially designed physical education as prescribed in the child's IEP. [34 C.F.R. 300.108]

If a child is enrolled in a separate facility, the District ensures that the child receives appropriate physical education services. [34 C.F.R. 300.108]

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. [34 C.F.R. 300.108]

The District ensures 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. [34 C.F.R. 300.110]

When serving children wearing hearing aids or surgically implanted medical devices, the District ensures that:

- The hearing aids worn in school by children with hearing impairments are functioning properly; and
- 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. [34 C.F.R. 300.113]

The District may use the 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:

- Will not require parents to sign up for or enroll in public benefits or insurance programs to receive FAPE;
- Will not require parents 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 parents otherwise would be required to pay;
- Will not use a child's public benefit if that use would:
  - decrease lifetime benefits;
  - result in the family paying for non-school services that would otherwise be paid for by public benefits;
  - increase premiums or lead to discontinuation of benefits; or
  - risk loss of eligibility. [34 C.F.R. 300.154]

The District will notify parents that their refusal to allow access to their public benefits does not relieve the District of its responsibility to provide all required IDEA services. [34 C.F.R. 300.154]

The District will obtain parent consent consistent with §300.09 each time that access to public benefits are sought. [34 C.F.R. 300.154]

## **Graduation**



The District ensures that the Governing Board shall prescribe graduation criteria for students with disabilities from its high schools, which shall include accomplishment of the academic standards in at least reading, writing, mathematics, science and social studies, as determined by District assessment. [A.R.S. 15-701(B) and A.A.C. R7-2-301(D)(1)]

The District ensures that the Governing Board shall develop a course of study and graduation and promotion requirements for all students placed in special education programs in accordance with R7-2-401 *et seq.* [A.R.S. 15-701(B) and A.A.C. R7-2-301(D)(1)]

The District will not be obligated to provide FAPE to students with disabilities who have graduated from high school with a regular high school diploma. [34 C.F.R. 300.102]

The exception does not apply to children who have graduated from high school but have not been awarded a regular high school diploma. [34 C.F.R. 300.102]

Graduation from high school with a regular high school diploma constitutes a change of placement requiring prior written notice in accordance with §300.503. [34 C.F.R. 300.102]

An evaluation is not required before the termination of a child's eligibility due to graduation from secondary school with a regular diploma or due to conclusion of the instructional year during which the student attains the age of twenty-two (22). [34 C.F.R. 300.305]

For a child no longer eligible due to graduation or exceeding the age of eligibility, the District will provide the child with a summary of the child's academic achievement and functional performance, which shall include recommendations on how to assist the child in meeting the child's post secondary goals. [34 C.F.R. 300.305]

Students with disabilities as defined in A.R.S. 15-761 or children who receive special education as defined in 15-763, shall not be required to achieve passing scores on competency tests (AIMS) in order to graduate from high school unless the student is learning at a level appropriate for the student's grade level in a specific academic area and unless a passing score on a competency test is specifically required in a specific academic area by the student's IEP as mutually agreed on by the student's parents (or eighteen [18] year old student) and IEP team. [A.R.S. 15-701.01(3)]

### **Individualized Education Program**

The contents of each individualized education program (IEP) will include a statement of:

- The child's present levels of academic achievement and functional performance, including:
  - how the child's disability affects the child's involvement and progress in the general curriculum; or
  - for preschool children, as appropriate, how the disability affects the child's participation in appropriate activities;
- Measurable annual goals, including academic and functional goals designed to:
  - 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; and
  - meet each of the child's other educational needs that result from the child's disability;
  - for children with disabilities who take alternate assessments (AIMS A) aligned to alternate achievement standards, a description of benchmarks or short-term objectives;
- 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;
- 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, the program modifications or supports for school personnel that will be provided to enable the child:
  - to advance appropriately toward attaining the annual goals;
  - 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.
- 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;
- Any individual accommodations that are needed to measure the academic achievement and functional performance of the child on state and District-wide assessments;

- If the IEP team determines that the child must take an alternate assessment instead of a particular regular state or District-wide assessment of student achievement, a statement of why:
  - the child cannot participate in the regular assessment; and
  - the particular alternate assessment selected is appropriate for the child;
- The projected date for the beginning of the services and modifications and the anticipated frequency, location, and duration of those services and modifications. [34 C.F.R. 300.320]

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

- appropriate measurable postsecondary goals based upon age appropriate transition assessments related to training, education, employment, and, where appropriate independent living skills;
- transition services (including courses of study) needed to assist the child in reaching those goals. [34 C.F.R. 300.320]

Beginning not later than one (1) year before a student reaches the age of eighteen (18), the IEP will include a statement that the parents 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). [34 C.F.R. 300.320]

The IEP team for each child with a disability will include:

- The parents of the child;
- Not less than one (1) regular education teacher of the child (if the child is, or may be, participating in the regular education environment);
- Not less than one (1) special education teacher of the child, or where appropriate, not less than one special education provider of the child;
- A representative of the District who:
  - is qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of children with disabilities;
  - is knowledgeable about the general education curriculum; and

- is knowledgeable about the availability of resources of the District;
- may be a District team member described in the IEP team described above, with the exception of the parents, if the above criteria are met.
- An individual who can interpret the instructional implications of evaluation results, who may be a member of the team described in the IEP team described above, with the exception of the parents.
- At the discretion of the parent or the District, other individuals who have knowledge or special expertise regarding the child, including related services personnel as appropriate; and
- Whenever appropriate, the child with a disability.
- 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.
- To the extent appropriate and with consent of the parents 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 will be invited to the initial IEP if the parent requests. [34 C.F.R. 300.321]

A member of the District IEP team described above, and including a person who can interpret the results, is not required to attend the IEP meeting if the parent and the school 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. [34 C.F.R. 300.321]

A member of the District IEP team described above, and including a person who can interpret the results, 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, in writing and the District consent to the excusal, and the member submits, in writing to the IEP

team, input into the development of the IEP prior to the meeting. [34 C.F.R. 300.321]

In the case of a child previously served by AzEIP, an invitation to the initial IEP team meeting will, at the request of the parent, be sent to the AzEIP service coordinator to assist with the smooth transition of services. [34 C.F.R. 300.321]

The District will take steps to ensure parent(s) of a child with a disability are present at each IEP meeting or are afforded the opportunity to participate by:

- Notifying parents of the meeting early enough to ensure that they will have an opportunity to attend; and
- Scheduling the meeting at a mutually agreed on time and place. [34 C.F.R. 300.322]

The meeting notice will:

- Indicate the purpose, time, and location of the meeting and who will be in attendance; and
- Inform the parents 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. [34 C.F.R. 300.322]

Beginning not later than the first IEP to be in effect when the child turns sixteen (16), the notice will also:

- Indicate that a purpose of the meeting will be the consideration of postsecondary goals and transition services;
- Indicate that the District will invite the student;
- Identify any other agency that will be invited to send a representative. [34 C.F.R. 300.322]

If neither parent can attend, the District will use other methods to ensure parent participation, including individual or conference telephone calls. [34 C.F.R. 300.322]

A meeting may be conducted without a parent in attendance if the District is unable to convince the parents 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:

- Detailed records of telephone calls made or attempted and the results of those calls;
- Copies of correspondence sent to the parents and any responses received; and
- Detailed records of visits made to the parent's home or place of employment and the results of those visits. [34 C.F.R. 300.322]

The District will take whatever action is necessary to help the parent understand the proceedings at the IEP meeting, including arranging for an interpreter for parents with deafness or whose native language is other than English. [34 C.F.R. 300.322]

The District will give the parent a copy of the child's IEP at no cost to the parent. [34 C.F.R. 300.322]

At the beginning of each school year, the District will have in effect for each child with a disability in its jurisdiction, an IEP as defined in 300.320. [34 C.F.R. 300.323]

The District ensures that:

- 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.
- 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. [34 C.F.R. 300.323]

For a child aged two (2) years nine (9) months to five (5) years previously served by AzEIP, the IEP team will consider the contents of the child's Individualized Family Service Plan (IFSP). An IFSP may serve as the IEP of the child if:

- The District has provided the parents with a detailed explanation of the differences between an IEP and an IFSP;
- The parent and the District agree in writing to the use of an IFSP;
- The IFSP contains an educational component that promotes school readiness and includes pre-literacy, language and numeric skills; and
- The IFSP is developed in accordance with IEP procedures. [34 C.F.R. 300.323]

The District ensures 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 his or her specific responsibilities in implementing the IEP; and
- The specific accommodations, modifications, and supports that will be provided for the child in accordance with the IEP. [34 C.F.R. 300.323]

For a child with an IEP who transfers into the District from another school system in Arizona, the District, in consultation with the parents, will provide a free appropriate public education (including services comparable to the services described in the existing IEP) until the District:

- Reviews and adopts the child's IEP from the previous District, or
- Develops, adopts, and implements a new IEP. [34 C.F.R. 300.323]

For a child with an IEP who transfers into the District from another state, the District, in consultation with the parents, will provide a free appropriate public education (including services comparable to the services described in the existing IEP) until the District:

- Conducts an evaluation for eligibility for special education in Arizona, or determines that such an evaluation is unnecessary; and
- Develops, adopts, and implements a new IEP, if appropriate. [34 C.F.R. 300.323]

To facilitate the transition of a child enrolling from another school system, 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 system in which the child was enrolled. [34 C.F.R. 300.323]

When a records request is received from another District, from either within or outside of Arizona, the District will promptly respond to the request. [34 C.F.R. 300.323]

In developing each child's IEP, the IEP team will consider:

- The strengths of the child and the concerns of the parents for enhancing the education of their child;
- The results of the initial or most recent evaluation of the child; and

- The academic, developmental, and functional needs of the child. [34 C.F.R. 300.324]

In consideration of special factors, the IEP team will:

- In the case of a child whose behavior impedes his or her learning or that of others, consider the use of positive behavioral interventions and supports, and other strategies to address that behavior;
- 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;
- 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;
- 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;
- Consider whether the child requires assistive technology devices and services. [34 C.F.R. 300.324] The regular education teacher of a child with a disability, as a member of the IEP team, will, to the extent appropriate, participate in the development, review, and revision of the child's IEP, including the determination of:
  - Appropriate positive behavioral interventions and strategies for the child; and
  - Supplementary aids and services, program modifications, and/or supports for school personnel that will be provided for the child, consistent with §300.320(a)(4). [34 C.F.R. 300.324]

In making changes to the IEP after the annual IEP meeting, the parent 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 will:

- Inform all members of the child's IEP team of those changes, and



- Upon request, provide the parents with the revised copy of the IEP. [34 C.F.R. 300.324]

To the extent possible, the District will encourage the consolidation of evaluation, reevaluation and IEP meetings for a child. [34 C.F.R. 300.324]

The District ensures 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:

- any lack of expected progress toward the annual goals and in the general education curriculum, if appropriate;
- the results of any reevaluation;
- information about the child provided to, or by the parents;
- the child's anticipated needs, or other matters. [34 C.F.R. 300.324]

If a participating agency other than the District fails to provide the transition services in an IEP, the District will reconvene the IEP team to identify alternative strategies to meet the child's transition outcomes. [34 C.F.R. 300.324]

Before the District places a child with a disability in a private school or facility, the District will 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. [34 C.F.R. 300.325] Subsequent IEP reviews may be initiated and conducted by the private school at the discretion of the District. However, the District ensures that:

- The parents and District representative are involved in any decisions about the child's IEP; and
- Agree to any proposed changes in the IEP before those changes are implemented. [34 C.F.R. 300.325]

The District remains responsible to ensure FAPE to a child placed by the District in a private school or facility. [34 C.F.R. 300.325]

The District ensures that the parents of a child with a disability are members of any group that makes decisions on the educational placement of their child. [34 C.F.R. 300.327]

### **Least Restrictive Environment**

The District ensures 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. [34 C.F.R 300.114]

The District will make available a continuum of alternative placements to meet the needs of children with disabilities for special education and related services. [34 C.F.R 300.115]

The continuum of alternative placements will include:

- Instruction in regular classes, special classes, special schools, home instruction, and instruction in hospital and institutions;
- Supplementary services, such as a resource room or itinerant instruction, to be provided in conjunction with regular class placement.

The placement decision for each child will be:

- Made by a group that includes the parents and other persons knowledgeable about the child, the meaning of the evaluation data, and the placement options;
- In conformity with the least restrictive environment (LRE) provisions of the IDEA regulations;
- Determined at least annually;
- Based on the child's IEP; and,
- As close as possible to the child's home. [34 C.F.R 300.115]

Unless the IEP of a child requires some other arrangement, the child will be educated in the school that he or she would attend if not disabled. [34 C.F.R 300.115]

In selecting the LRE, consideration will be given to any potential harmful effect on the child or on the quality of services that she/he needs. [34 C.F.R 300.115]

A child with a disability will not be removed from age-appropriate regular classrooms solely because of needed modifications in the general education curriculum. [34 C.F.R 300.115]

In providing or arranging for the provision of nonacademic and extracurricular services and activities, including meals, recess periods, and other nonacademic

activities, the District ensures 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. [34 C.F.R 300.117]

The District ensures that the supplementary aides and services determined by the IEP team to be appropriate and necessary are provided to allow the child to participate in nonacademic settings. [34 C.F.R 300.115]

The District will establish, maintain, and implement procedural safeguards that meet the requirements of §300.500 through 300.536 of the IDEA Regulations.

### **Procedural Safeguards**

The District ensures that the parents of a child with a disability shall be given an opportunity to inspect and review all education records with respect to the identification, evaluation, educational placement, and the provision of FAPE to the child. [34 C.F.R. 300.501]

The District ensures that the parents of a child with a disability shall:

- be given an opportunity to participate in meetings with respect to the identification, evaluation, educational placement and the provision of FAPE to the child.
- be provided notice consistent with §300.322 to ensure they have opportunity to participate in meetings.
- be members of any group that makes decisions on the educational placement of their child. [34 C.F.R. 300.501].

If neither parent can participate in a meeting in which a decision is to be made relating to the educational placement of their child, the District must use other methods to ensure their participation, including individual or conference telephone calls, or video conferencing. [34 C.F.R. 300.501]

If neither parent can participate in a meeting in which a decision is to be made relating to the educational placement of their child, the District must use other methods to ensure their participation, including individual or conference telephone calls, or video conferencing. [34 C.F.R. 300.501]

A placement decision may be made by a group without the involvement of the parent, if the District is unable to obtain the parent's participation and has maintained a record of its attempts to ensure their involvement. [34 C.F.R. 300.501]

The parents of a child with a disability have the right to obtain an independent educational evaluation of their child. The District must provide to parents, upon request for an independent educational evaluation:

- Information about where an independent educational evaluation may be obtained; and
- The District criteria applicable for independent educational evaluations. District criteria for the independent educational evaluation must be the same as the criteria the District uses when it conducts an evaluation, to the extent consistent with the parent's right to an evaluation. [34 C.F.R. 300.502]

A parent has the right to an independent educational evaluation at public expense if the parent disagrees with an evaluation obtained by the District. If a parent requests an independent educational evaluation at public expense, the District must, without unnecessary delay, either:

- File for a due process hearing to show that its evaluation is appropriate; or
- Ensure that an independent educational evaluation is provided at public expense, unless the District demonstrates in a hearing that the evaluation obtained by the parent did not meet District criteria. [34 C.F.R. 300.502]

If a due process hearing decision is that the District's evaluation is appropriate, the parent still has the right to an independent educational evaluation, but not at public expense. [34 C.F.R. 300.502]

If a parent requests an independent educational evaluation, the District may ask for the parent's reasons for the objections, but may not require the parent to provide an explanation and may not unreasonably delay either providing the independent educational evaluation at public expense or filing a request for due process to defend its evaluation. [34 C.F.R. 300.502]

A parent is entitled to only one (1) independent educational evaluation at public expense each time the District conducts an evaluation with which the parent disagrees. [34 C.F.R. 300.502]

The results of any independent educational evaluation which is obtained by or provided to the District:

- must be considered by the District, if it meets District criteria, in any decision with respect to the provision of FAPE to the child; and
- may be presented by any party as evidence in a due process hearing. [34 C.F.R. 300.502]

If a hearing officer requests an independent educational evaluation as part of a due process hearing, the cost of the evaluation must be at public expense.

Written notice must be given to the parents of a child with a disability a reasonable time before the District:

- Proposes to initiate or change the identification, evaluation or educational placement of the child or the provision of FAPE to the child; or
- Refuses to initiate or change the identification, evaluation or educational placement of the child or the provision of FAPE to the child. [34 C.F.R. 300.503]

The notice must include:

- A description of the action proposed or refused by the District;
- An explanation of why the District proposes or refuses to take the action;
- A description of each evaluation procedure, assessment, record or report the District used as a basis for the proposed or refused action;
- A statement that the parents of a child with a disability have protection under the procedural safeguards of this part and, if this notice is not an initial referral for evaluation, the means by which a copy of a description of the procedural safeguards can be obtained;
- Sources for parents to contact to obtain assistance in understanding the provisions of this part;
- A description of other options that the IEP team considered and the reasons why those options were rejected;
- A description of other factors that are relevant to the District's proposal or refusal. [34 C.F.R. 300.503]

The notice must be written in language understandable to the general public, provided in the native language or other mode of communication used by the parent. [34 C.F.R. 300.503]

If the native language or other mode of communication used by the parent is not a written language, the District ensures:

- the notice is translated orally or by other means to the parent in his or her native language or other mode of communication;

- That the parent understands the content of the notice;
- That there is written evidence of these requirements. [34 C.F.R. 300.503]

A copy of the procedural safeguards available to the parent of a child with a disability must be given to the parents only one (1) time a school year, except that a copy also must be given to the parents:

- Upon initial referral or parent request for evaluation;
- Upon receipt of a first complaint to the state or first request for a due process hearing in a school year;
- When a disciplinary change of placement /removal has been initiated;
- Upon request by a parent. [34 C.F.R. 300.504]

The procedural safeguards notice must include a full explanation of all the procedural safeguards available under §300.148, §§300.151 through 300.153, §300.300, §§300.502 through 300.503, §§300.505 through 300.515, §300.520, §§300.530 through 536, and §§300.610 through 300.625 relating to:

- Independent educational evaluations;
- Prior written notice;
- Parental consent;
- Access to education records;
- Opportunity to present and resolve complaints through the due process hearing and state complaint procedures, including;
- The time period in which to file a complaint;
- The opportunity for the District to resolve the complaint;
- The difference between due process hearing and state complaint procedures, jurisdictions, issues that may be raised, timelines, and relevant procedures.
- The availability of mediation;
- The child's placement during the due process hearing;

- Procedures for students subject to placement in an interim alternative educational setting
- Requirements for unilateral placements by parents of children in private schools at public expense;
- Due process hearings including requirements for disclosure of evaluation results and recommendations;
- Civil actions, including timelines;
- Attorney fees. [34 C.F.R. 300.504]

This notice must meet the same requirements for understandable language as for the written prior notice described in §300.503. [34 C.F.R. 300.504]

The parent of a child with a disability may elect to receive required notices by an electronic mail communication if the District makes that option available. [34 C.F.R. 300.505]

The District will establish procedures to allow parties to disputes, including those matters arising prior to a request for a due process hearing, to resolve disputes through mediation. Procedures will ensure that the mediation process:

- Is voluntary on the part of the parties;
- Is not used to deny or delay a parent's right to a due process hearing or any other right under the IDEA;
- Is conducted by a qualified and impartial mediator who is trained in effective mediation techniques. [34 C.F.R. 300.506]

The District may establish procedures to offer to parents and schools that choose not to use mediation an opportunity to meet, at a time and location convenient to the parties, with a disinterested party:

- Who is under contract with an appropriate alternative dispute resolution entity, or a parent training and information center, or community parent resource center;
- Who would explain the benefits of, and encourage the mediation process to the parents. [34 C.F.R. 300.506]

A parent or District may file a request for a due process hearing relating to the identification, evaluation or educational placement of a child with a disability. [34 C.F.R. 300.507]

The request for a due process hearing must allege a violation that occurred not more than two (2) years before the date the parent or District knew or should have known about the alleged violation. [34 C.F.R. 300.507]

The District must inform the parent of any free or low cost legal and other relevant services available in the area upon parent request. [34 C.F.R. 300.507]

The District will have procedures that require either party, or the attorney representing a party, to provide to the other party a confidential due process complaint. [34 C.F.R. 300.508]

The party filing the notice for a hearing must forward a copy of the request to the state. [34 C.F.R. 300.508]

The due process hearing complaint must include the following in order for the complaint to be heard:

- The name of the child;
- The residential address of the child;
- The school of attendance;
- A description of the nature of the problem of the child relating to the proposed or refused initiation or change, including facts relating to the problem; and
- A proposed resolution of the problem to the extent known and available to the party at the time. [34 C.F.R. 300.508]

The due process complaint will be deemed sufficient unless the party receiving the complaint notifies the hearing officer and the other party in writing, within fifteen (15) days of receipt of the complaint, that it believes the complaint does not meet the content requirements. [34 C.F.R. 300.508]

Within five (5) days of receipt of notice, the hearing officer must determine whether the complaint meets the requirements and notify the parties, in writing, of that determination. [34 C.F.R. 300.508]

A party may amend its due process complaint only if:

- The other party consents in writing and is given an opportunity to resolve the complaint through the resolution process; or



- The hearing officer grants permission, but in no case later than five (5) days before the due process hearing begins. [34 C.F.R. 300.508]

If a party files an amended complaint, the relevant timelines begin again. [34 C.F.R. 300.508]

If the District has not sent a prior written notice to the parent regarding the subject matter contained in the due process complaint, it must do so within ten (10) days of receiving the complaint. [34 C.F.R. 300.508]

Within ten (10) days of receiving the complaint, the receiving party will send to the other party a response that specifically addresses the issues raised in the due process complaint. [34 C.F.R. 300.508]

Within fifteen (15) days of receiving the notice of the parent's due process complaint, and prior to the initiation of a due process hearing, the District must convene a meeting with the parent and the relevant members of the IEP team who have specific knowledge of the facts identified in the complaint that:

- Includes a representative of the District who has District decision-making authority;
- May not include an attorney of the District unless the parent is accompanied by an attorney. [34 C.F.R. 300.510]

The purpose of the meeting is for the parent of the child to discuss the due process complaint, and the factual basis of the complaint, so the District has the opportunity to resolve the dispute. [34 C.F.R. 300.510]

The resolution meeting need not be held if:

- The parent and District agree in writing to waive the meeting; or
- The parent and District agree to use the mediation process. [34 C.F.R. 300.510]

The parent and the District determine the relevant IEP team members to attend the meeting. [34 C.F.R. 300.510]

If the District has not resolved the complaint to the satisfaction of the parent within thirty (30) days of the receipt of the complaint, the due process hearing may occur. The timeline for issuing a final decision begins at the end of this thirty (30) day period. [34 C.F.R. 300.510]

The failure of the parent to participate in the resolution meeting that has not been mutually agreed to be waived, will delay the timelines for the resolution process and due process hearing until the meeting is held. [34 C.F.R. 300.510]

If the District is unable to obtain the participation of the parent after reasonable efforts have been made and documented, the District may, at the conclusion of the thirty (30) day period, request the hearing officer dismiss the parent's due process complaint. [34 C.F.R. 300.510]

If the District fails to hold the resolution meeting within fifteen (15) days of receiving the complaint or fails to participate in the meeting, the parent may request that the hearing officer begin the hearing timeline. [34 C.F.R. 300.510]

The forty-five (45) day timeline for the due process hearing starts the day after:

- Both parties agree in writing to waive the resolution meeting; *or*
- After either the mediation or resolution meeting starts but before the end of the thirty (30) day resolution period, the parties agree in writing that no agreement is possible; *or*
- If both parties agree in writing to continue the mediation at the end of the thirty (30) day resolution period, but later, one (1) party withdraws from the mediation process. [34 C.F.R. 300.510]

If a resolution is reached at the meeting, the parties must execute a legally binding agreement that is:

- Signed by both the parent and District representative who has authority to legally bind the District; and
- Enforceable in any state court of competent jurisdiction or in a district court of the United States. [34 C.F.R. 300.510]

Either party may void the agreement within three (3) business days of the agreement's execution. [34 C.F.R. 300.510]

The child involved in the due process hearing complaint must remain in his or her current educational placement:

- Unless a discipline appeal has been filed as provided in §300.533;
- During the pendency of any administrative or judicial proceeding regarding a due process complaint notice requesting a due process hearing under §300.507; *or*

- Unless the District and parents of the child agree otherwise. [34 C.F.R. 300.518]

If the complaint involves an application for initial admission to public school, the child, with the consent of the parents, must be placed in the public school until the completion of all the proceedings. [34 C.F.R. 300.518]

If the complaint involves an application for initial services for a child who has turned three (3) and transitioning from Part C to Part B, the District is not required to provide the Part C services the child had been receiving. If the child is found eligible for special education and related services under Part B, and the parent consents to the initial provision of services under §300.300(b), then the District must provide those services that are not in dispute. [34 C.F.R. 300.518]

If the hearing officer agrees with the child's parents that a change of placement is appropriate, that placement must be treated as an agreement between the state and parent for the purposes of (1)(c) of this section. [34 C.F.R. 300.518]

The District ensures that the rights of a child are protected by assigning an individual to act as a surrogate for the parents when:

- No parent can be identified;
- After reasonable efforts are made, no parent can be located;
- The child is a ward of the state (with no foster parent);
- The child is an unaccompanied homeless youth as defined by the McKinney-Vento Homeless Assistance Act. [34 C.F.R. 300.519]

The District will have a method for determining when a surrogate parent is needed and for making surrogate parent assignments. [34 C.F.R. 300.519]

The District ensures that a person selected as a surrogate parent:

- Is not an employee of the state, the District, or any other agency that is involved in the education or care of the child;
- Has no personal or professional interest that conflicts with the interest of the child the surrogate parent represents; and
- Has knowledge and skills that ensure adequate representation of the child. [34 C.F.R. 300.519]

In the case of an unaccompanied homeless youth, appropriate staff of emergency shelters, transitional shelters, independent living programs, and

street outreach programs may be appointed as temporary surrogate parents until a surrogate parent can be appointed that meets all the requirements of this section. [34 C.F.R. 300.519]

When a child with a disability reaches age eighteen (18), unless that child has been determined to be incompetent:

- The District will provide any notice required by the IDEA regulations to both the child and the parents; and
- All rights accorded to parents under Part B of the Act transfer to the child. [34 C.F.R. 300.520]

When the rights are transferred, the District will provide notice to the child and parent of the transfer of rights. [34 C.F.R. 300.520]

**I-2381 © IHB-E**  
**EEXXHHIIBBIITT EEXXHHIIBBIITT**  
**SPECIAL INSTRUCTIONAL PROGRAMS**  
**PROCEDURAL SAFEGUARDS NOTICE**

A sample of the procedural safeguards notice is available from the Arizona Department of Education. It is titled "SPECIAL EDUCATION RIGHTS OF PARENTS AND CHILDREN UNDER THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT (IDEA AMENDED 2004)." If the District chooses to modify these sample procedures it is suggested that a comparison to the citations in the information below be reviewed.

The Federal Regulations at 34 C.F.R. 300.504 on Procedural safeguards notice read as follows:

"Sec. 300.504 Procedural safeguards notice.

(a) General. A copy of the procedural safeguards available to the parents of a child with a disability must be given to the parents, at a minimum--

- (1) Upon initial referral for evaluation;
- (2) Upon each notification of an IEP meeting;
- (3) Upon reevaluation of the child; and
- (4) Upon receipt of a request for due process under Sec. 300.507.

(b) Contents. The procedural safeguards notice must include a full explanation of all of the procedural safeguards available under Secs. 300.403, 300.500-300.529, and 300.560-300.577, and the State complaint procedures available under Secs. 300.660-300.662 relating to—

- (1) Independent educational evaluation;
- (2) Prior written notice;
- (3) Parental consent;
- (4) Access to educational records;
- (5) Opportunity to present complaints to initiate due process hearings;
- (6) The child's placement during pendency of due process proceedings;

(7) Procedures for students who are subject to placement in an interim alternative educational setting;

(8) Requirements for unilateral placement by parents of children in private schools at public expense;

(9) Mediation;

(10) Due process hearings, including requirements for disclosure of evaluation results and recommendations;

(11) State-level appeals (if applicable in that State);

(12) Civil actions;

(13) Attorneys' fees; and

(14) The State complaint procedures under Secs. 300.660-300.662, including a description of how to file a complaint and the timelines under those procedures.

(c) Notice in understandable language. The notice required under paragraph (a) of this section must meet the requirements of Sec. 300.503(c)."

The following is a summary of sources for procedures that may be found in law, regulation and District policy other than the A.D.E. sample:

- An opportunity for parent of a child with a disability to examine all records § 34 C.F.R. 300.501, Policy JR and Regulation JR-R (Student Records).
- Procedures to protect the rights of the child whenever the parents of the child are not known § 34 CFR 300.501 and A.R.S. 15-763.01.
- Prior written notice to the parents is to be provided upon specific instances § 34 C.F.R. 300.503.
- Procedures designed to ensure the prior written notice is in the native language of the parents, unless it clearly is not feasible to do so. If the district is unable after making an effort, to provide the notice in the native language of the parent, then the A.D.E. should be contacted for assistance. See § 34 C.F.R. 300.503.
- Procedures for mediation shall be provided. Contact the A.D.E. for a list of mediators. See § 34 C.F.R. 300.507 *et seq.* and A.A.C. R7-2-401.

An explanation of the State complaint procedure shall be provided § 34 C.F.R. 300.660 *et seq.* and A.A.C. R7-2-405.

Due process procedures are to be included § 34 C.F.R. 300.507 and A.A.C. R7-2-405.

Procedures that require the parent of a child with a disability, or the attorney representing the child, to provide notice within certain guidelines (it shall remain confidential) § 34 C.F.R. 300.507.

Discipline procedures should be explained § 34 C.F.R. 300.507, and Policy JKD (Student Suspension).

**I-2400 © IHBA**  
**SPECIAL INSTRUCTIONAL PROGRAMS AND ACCOMMODATIONS FOR**  
**DISABLED STUDENTS**  
**(Section 504 of the Rehabilitation Act of 1973)**

It is the responsibility of the District to identify and evaluate students who, within the intent of Section 504 of the Rehabilitation Act of 1973, need special services or programs in order that such students may receive the required free appropriate education.

For this policy, a student who may need special services or programs within the intent of Section 504 is one who:

- Has a physical or mental impairment that substantially limits one (1) or more major life activities, including learning; or
- Has a record of such impairment; or
- Is regarded as having such impairment.

Students may be eligible for services under the provisions of Section 504 even though they do not require services pursuant to the Individuals with Disabilities in Education Act (IDEA). Students who are identified as individuals with exceptional needs, according to IDEA criteria, are not addressed under this policy. The needs of such students are provided for under Policy IHB and its regulations and under state and federal laws and regulations.

*Adopted:* date of Manual adoption

LEGAL REF.: A.R.S. 15-708  
29 U.S.C. 706  
29 U.S.C. 794

CROSS REF.: GCQF - Discipline, Suspension, and Dismissal of Professional Staff Members  
GDQD - Discipline, Suspension, and Dismissal of Support Staff Members  
JII - Student Concerns, Complaints and Grievances  
JK - Student Discipline  
JKD - Student Suspension  
KED - Public Concerns/Complaints about Facilities and Services



## REGULATION

## REGULATION

### I-2411 © IHBA-RA SPECIAL INSTRUCTIONAL PROGRAMS AND ACCOMMODATIONS FOR DISABLED STUDENTS (Section 504 of the Rehabilitation Act of 1973)

Each qualified student within the District who is eligible to receive regular or special education or related aids or services, regardless of the nature or severity of the condition necessitating such programs or services, shall receive free appropriate education in the District.

#### ***Identification and referral procedures:***

- Any student who needs or is believed to need special education or related services not available through existing programs in order to receive a free appropriate public education may be referred by a parent, teacher, or other certificated school employee for identification and evaluation of the student's individual education needs.
- The identification and evaluation will be completed by persons knowledgeable about the student, the student's school history, the student's individual needs, the meaning of evaluation data, and the placement options. The Superintendent will monitor the identification and evaluation to ensure that qualified personnel participate.
- The District will consider the referral and, based upon a review of the student's existing records, including academic, social, and behavioral records, make a decision as to whether an evaluation under this procedure is appropriate. If a request for evaluation is denied, the District will inform the parents or guardian of this decision and of their procedural rights.

***Evaluation.*** Evaluation of the student and formulation of a plan of services will be carried out by the District according to the following procedures:

- The District will evaluate the nature of the student's disability and the impact of the disability upon the student's education. This evaluation will include consideration of any behaviors that interfere with regular participation of a student who otherwise meets the criteria (such as age) for participation in the educational program and/or activities.
- No final determination of whether the student will or will not be identified as a student with a disability within the meaning of Section 504 will be

made by the District without first inviting the parent or guardian of the student to participate in a meeting concerning such determination.

- A final decision will be made by the District in writing, and the parents or guardian of the student shall be notified of the Section 504 procedural safeguards available to them, including the right to an impartial hearing and review.

***Plan for services:***

- For a student who has been identified as having a disability within the meaning of Section 504 and in need of special education or related aids and services, the District shall be responsible for determining what special services are needed.
- In making such determination, the District shall consider all available relevant information, drawing upon a variety of sources, including, but not limited to, comprehensive assessments conducted by the District's professional staff.
- The parents or guardian shall be invited to participate in District meetings where services for the student will be determined, and shall be given an opportunity to examine all relevant records.
- The District will develop a written plan describing the disability and the special education or related services needed. The plan will specify how the regular or special education and related aids and services will be provided, and by whom.
- The District may also determine that no special education or related services are appropriate. If so, the record of the District proceedings will reflect the identification of the student as a person with a disability and will state the basis for the decision that no special services are presently needed.
- A student with a disability shall be placed in the regular educational environment of the District, with the use of the supplementary aids and services, unless the District demonstrates that such placement cannot be achieved satisfactorily. The student with a disability shall be educated with those who are not disabled to the maximum extent appropriate to the individual needs of the student.
- The District shall notify the parents or guardian in writing of its final decision concerning the services to be provided.

- If a plan for providing related services is developed, all school personnel who work with the student shall be informed of the plan.

**Review of the student's progress.** The District will monitor the progress of the student with a disability and the effectiveness of the student's education plan annually to determine whether special education or related services are appropriate and necessary, and that the student's needs are being met as adequately as the needs of a nondisabled student.

Prior to any subsequent significant change in placement, a comprehensive reevaluation of the student's needs will be conducted.

***Procedural safeguards:***

- The parents or guardian shall be notified in writing of all District decisions concerning the identification, evaluation, or educational placement of students made under this policy.
- The parents or guardian shall be notified that they may examine relevant records.
- As to such decisions by the District, the parents or guardian shall have the right to an impartial hearing ("Section 504 due- process hearing"), with opportunity for participation by the parents or guardian and their counsel. In the notification of any District decision concerning identification, evaluation, or placement, the parents or guardian will be advised that:
- A request for a Section 504 due- process hearing should be made within thirty-five (35) days of notice of right to file (but not less than thirty [30] days).
- The request shall be made to:

Name: Student Services/Special Education Office  
Amphitheater Unified School District No. 10  
Address: 701 W. Wetmore Road, Room 168  
Tucson, AZ 85705  
Phone: (520) 696-5000

- The hearing will be held in accord with Regulation IHBA-RB. The decision may be appealed only to a federal court of competent jurisdiction.
- Attorneys' fees are available only as authorized by law.

If a state due process hearing has been or will be held under the IDEA concerning issues relevant to the Section 504 proceeding, a hearing officer

qualified as to IDEA and Section 504 proceedings may preside in a joint hearing. The issues for either IDEA or Section 504 determination shall be clearly defined at the outset, and determinations by the hearing officer will be separate and distinct.

If both the parents or guardian and the District agree that the student is not eligible for special education under the IDEA, neither party is required to exhaust administrative proceedings under the IDEA prior to the holding of a Section 504 due- process hearing.

The hearing officer shall render a decision. The parents or guardian shall be notified in writing of the decision. Either party may seek review of the decision of the Section 504 hearing officer by a federal court of competent jurisdiction.

The parties shall abide by the decision of the Section 504 hearing officer unless the decision is appealed to a federal court of competent jurisdiction and the decision is stayed by the court.

REGULATION

REGULATION

I-2412 © IHBA-RB  
**SPECIAL INSTRUCTIONAL PROGRAMS AND  
ACCOMMODATIONS FOR DISABLED STUDENTS  
(Section 504 of the Rehabilitation Act of 1973)  
Section 504 Due Process Hearing Procedures**

An impartial due- process hearing will be utilized to resolve differences involving the education of a Section 504 qualified student with a disability when such differences cannot be resolved by means of a less formal procedure. In this instance, *due process* is defined as an opportunity to present objections and reasons for the objections to the decision and/or procedures of the committee regarding application of Section 504. A Section 504 due- process hearing may be called at the request of the District or a parent, guardian, or surrogate of an affected student. The proceedings will be presided over and decided by an impartial hearing officer. *Impartial hearing officer* means a person selected to preside at a due- process hearing to assure that proper procedures are followed and to assure the protection of the rights of both parties.

In all related hearing matters the following definitions shall apply:

- *Days* means calendar days.
- *Placement plan* means the program by which the decision concerning the educational placement of the student is decided.
- *Parents* means parents, guardian, or surrogate parent.

Parents or the District may initiate a due- process hearing on a matter related to (1) eligibility and related procedures, (2) procedural safeguards, or (3) provision of a free and appropriate public education to the student. Requests for a due- process hearing must be submitted in writing to the Superintendent. Hearing notifications to the parents shall be given at least twenty (20) days prior to the date set for the hearing. The notice shall contain:

- A statement of time, place, and nature of the hearing.
- A statement of the legal authority and jurisdiction under which the hearing is being held.
- A reference to the particular section of the statutes and rules involved.
- A statement of the availability of relevant records for examination.

- A short and plain statement of the matters asserted.
- A statement of the right to be represented by counsel.

All written correspondence shall be provided in English and/or interpreted in the primary language.

### **Hearing Procedures**

The hearing officer shall preside at the hearing and shall conduct the proceedings in an impartial manner to the end that all parties involved have an opportunity to:

- Present their evidence.
- Produce outside expert testimony and be represented by legal counsel and by individuals with knowledge or training with respect to problems of students with disabilities.

Parents involved in the hearing will be given the right to:

- Have the student present at the hearing.
- Open the hearing to the public.

In cases where there are language differences, an interpreter shall be provided.

The hearing officer shall review all relevant facts concerning the education placement.

- The hearing officer shall determine, subject to appeal by judicial review, whether the District has met all procedural aspects of the education accommodation plan.
- The hearing officer shall render a decision, subject to judicial review, that is binding on all parties, except that in all cases any action taken must comply with current Arizona Revised Statutes and federal court decisions.

The hearing officer shall ascertain that:

- The procedures utilized in determining the student's needs have been appropriate in nature and degree.
- The student's rights have been fully observed.

- The provision of aids, services, or programs to the student may afford a free and appropriate education.
- If the parents' primary language is other than English, then the hearing officer shall appoint an interpreter.

### **Decision of the Hearing Officer**

A copy of the hearing officer's decision shall be delivered to the District and the parent, guardian, or surrogate within ten (10) days following completion of the hearing, which in no event shall be later than forty-five (45) days after receipt of the request for a hearing.

- Notification will include a statement that either party may appeal the decision.

The decision of the hearing officer is binding on all parties concerned; it is subject only to judicial review.

### **Record of Hearing**

A written or electronic verbatim recording of the Section 504 due- process hearing shall be on file at the District office and will be available for review upon request to the parents and/or any of the involved parties. Parents may have a copy of the proceedings, in English and in the primary language of the home.

LEGAL REF.:       A.A.C. R7-2-405

**I-2431 © IHBA-E**  
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**SPECIAL INSTRUCTIONAL PROGRAMS AND**  
**ACCOMMODATIONS FOR DISABLED STUDENTS**  
**(Section 504 of the Rehabilitation Act of 1973)**

POLICY MEMORANDUM

TO: Staff

FROM:

RE: Responsibilities of the District to Students with Disabilities under Section 504 of the Rehabilitation Act of 1973.

This memorandum is to clarify certain responsibilities of the District under Section 504 of the Rehabilitation Act of 1973.

Section 504 prohibits discrimination against persons with disabilities, including both students and staff members, by school districts receiving federal financial assistance. Included in the U.S. Department of Education regulations for Section 504 is the requirement that students with disabilities be provided with free appropriate public education (FAPE). The regulations pertaining to FAPE are published at 34 Code of Federal Regulations, Part 104, Subpart D.) These regulations require identification, evaluation, the provision of appropriate services, and procedural safeguards.

With respect to most students with disabilities, many aspects of the Section 504 regulations concerning FAPE parallel the requirements of the Individuals with Disabilities Education Act (IDEA) (formerly the Education of the Handicapped Act) and Arizona law. In those areas, by fulfilling our responsibilities under the IDEA and state law we are also meeting the standards of the Section 504 regulations.

*However, in some other respects the requirements of the laws are different. There are some students who are not eligible for IDEA services but who nevertheless are eligible under Section 504, and to whom the District may therefore have responsibilities. The IDEA defines as eligible only students who have certain specified types of impairments and who, because of one (1) of those conditions, need special education. Section 504, on the other hand, protects all students with disabilities, defined as those having any physical or mental impairment that substantially limits one (1) or more major life activities (including learning). Section 504 covers all students who meet this definition, even if they do not fall within the IDEA-enumerated categories and even if they do not need to be in a special education program.*



An example of a student who is protected by Section 504 but who may not be covered by the IDEA is one who has juvenile arthritis but who has no mental impairments. Such a student has a health impairment but may not be covered by the IDEA if the student does not need placement in a special education program. However, the student is disabled for purposes of Section 504. A similar example might be a student with acquired immune deficiency syndrome (AIDS). Students with attention deficit/hyperactivity (ADD/H) or emotional disorders are another example. Such students may not meet the criteria for IDEA categories such as learning disabled or severely emotionally disturbed. However, if their disorders or conditions substantially limit their ability to function at school, they are disabled within the meaning of Section 504.

If the District has reason to believe that, because of a disability as defined under Section 504, a student needs *either* special education and related services *or* related services in the *regular* setting in order to participate in the school program, the District must evaluate the student; if the student is determined to be disabled under Section 504, the District must develop and implement a plan for the delivery of any needed services. Again, these steps must be taken even though the student is not covered by IDEA special education provisions and procedures.

What is required for the Section 504 evaluation and placement process is determined by the type of disability believed to be present, and the type of services the student may need. The evaluation must be sufficient to accurately and completely assess the nature and extent of the disability, and the recommended services. Evaluations more limited than a full special education evaluation may be adequate in some circumstances. For example, in the case of the student with juvenile arthritis, the evaluation might consist of the school nurse meeting with the parent and reviewing the student's current medical records. In the cases of ADD/H students, current psychoeducational evaluations may be used if such evaluations assessed the ADD/H issue. In other cases, additional testing may be necessary.

The determination of what services are needed must be made by a group of persons knowledgeable about the student. The group should review the nature of the disability, how it affects the student's education, whether special services are needed, and if so what those services are. The decisions about Section 504 eligibility and services must be documented in the student's file and reviewed periodically. For the juvenile arthritic student, Section 504 services might be the provision of a typing course and use of a typewriter/word processor to improve writing speed or to provide a less painful means of writing. For the AIDS student, Section 504 services might be the administration and monitoring of medication, or a class schedule modified to address the student's stamina. For an ADD/H student, services might include modifications in the regular classroom, special

assistance from an aide, a behavior plan, counseling, and/or the monitoring of medication.

It should also be noted that, under Section 504, the parents or guardian must be provided with notice of actions affecting the identification, evaluation, or placement of the student and are entitled to an impartial hearing if they disagree with District decisions in these areas. For disabilities covered only by Section 504 and not the IDEA, a Section 504 hearing will have to be made available that is separate from the IDEA hearing process. The District is exploring different frameworks for the adoption of procedures for conducting Section 504 hearings in the District, should the need arise.

In summary, it is important to keep in mind that some students who have physical or mental conditions that limit their ability to participate in the education program are entitled to rights under Section 504 even though they may not fall into IDEA categories and may not be covered by that law.

**^ & ^I-2450 © IHBB**  
**GIFTED AND TALENTED EDUCATION**

The Board requires that expanded academic and advanced course offerings, programs and supplemental services be provided as an integral part of the regular school day to gifted students identified in accord with relevant statutes. A program scope and sequence for gifted education including those requirements found in A.R.S. 15-779.02 shall be prepared and submitted in a form required by the Department of Education for approval by July 1 if any changes were made the previous year and by the same date at least every five (5) years if no changes were made.

The framework for said programs shall encompass the following objectives:

- Expansion of academic attainments and intellectual skills.
- Stimulation of intellectual curiosity, independence, and responsibility.
- Development of originality and creativity.
- Development of positive attitude toward self and others.
- Development of desirable social and leadership skills.
- Career exploration and awareness.

Ability of candidates for this program shall be evidenced by:

- Achievement in schoolwork.
- Scores on tests measuring intellectual ability and aptitude.
- The judgments of teachers, psychologists, administrators, and supervisors familiar with the demonstrated abilities of the students.

Procedures shall be established by the Superintendent for identifying students of demonstrated achievement or potential ability.

*Adopted:* date of Manual adoption

LEGAL REF.:       A.R.S. 15-203  
                          15-779 *et seq.*  
                          A.A.C. R7-2-406

**I-2550 © IHBCA**  
**PROGRAMS FOR PREGNANT / PARENTING STUDENTS**

Pregnant students should have the same educational opportunities as their peers. Such students may also need additional counseling and health services that are available through the public schools.

Pregnant students may elect to remain in the regular school program and shall not be involuntarily excluded from any part of the school program, provided, however, that reasonable safeguards are maintained both for the school's and the student's best interests.

Pregnant students shall notify school authorities of their status as soon as it is ascertained. The Superintendent will establish procedures as necessary to implement this policy.

*Adopted:* date of Manual adoption

LEGAL REF.: A.R.S. 15-341

CROSS REF.: AD - Educational Philosophy/School District Mission

IHBF - Homebound Instruction

JHD - Exclusions and Exemptions from School Attendance

**REGULATION** **REGULATION**  
**I-2561 © IHBCA-R**  
**PROGRAMS FOR PREGNANT / PARENTING STUDENTS**

The District affirms the right of a pregnant student to continue her participation in the public school program.

As soon as the pregnancy is medically confirmed, the student shall consult with a member of the counseling staff or the principal for the purpose of planning her educational program.

The student may be eligible for the following educational plans or may suggest alternatives:

- She may remain in her present school program, with modifications as necessary, until the birth of her baby is imminent or until her physician states that continued participation would be detrimental to her health.
- If eligible for homebound or chronic illness status, in accord with A.R.S. 15-901, she may temporarily withdraw from school at the direction of her physician and may receive homebound instruction from the date of her withdrawal until her physician states that she is physically able to return to school.

Efforts will be made to see that the educational program of the student is disrupted as little as possible; that she receives information on available health and counseling services, as well as instruction; and that she is encouraged to return to school after delivery.

## **^I-2650 © IHBD COMPENSATORY EDUCATION (Title I)**

The Superintendent shall pursue funding under Title I, Improving the Academic Achievement of the Disadvantaged, of the Elementary and Secondary Education Act, to supplement instructional services and activities in order to improve the educational opportunities of educationally disadvantaged or deprived children.

All schools, regardless of whether they receive Title I funds, shall provide services that, taken as a whole, are substantially comparable. Teachers, administrators, and other staff shall be assigned to schools in a manner that ensures equivalency among the District's schools. Curriculum materials and instructional supplies shall be provided in a manner that ensures equivalency among the District's schools.

Parents and students of private schools who are eligible for services as residents within the District shall be provided services on an equitable basis in accordance with 20 U.S.C. 6320 of the Elementary and Secondary Education Act.

### **Title I Parental Involvement**

The District maintains programs, activities, and procedures for the involvement of parents/guardians of students receiving services, or enrolled in programs, under Title I. These programs, activities, and procedures are described in District-level and School-level compacts.

*District-Level Parental Involvement Compact.* The Superintendent shall develop a District-Level Parental Involvement Compact according to Title I requirements. The District-Level Parental Involvement Compact shall contain:

- The District's expectations for parental involvement;
- Specific strategies for effective parent involvement activities to improve student academic achievement and school performance; and
- Other provisions as required by federal law. The Superintendent shall ensure that the Compact is distributed to parents/guardians of students receiving services, or enrolled in programs, under Title I.

*School-Level Parental Involvement Compact.* Each school principal shall develop a School-Level Parental Involvement Compact according to Title I requirements. This School-Level Parental Involvement Compact shall contain:

- A process for continually involving parents/guardians in its development and implementation;

- How parents/guardians, the entire school staff, and students share the responsibility for improved student academic achievement;
- The means by which the school and parents/guardians build and develop a partnership to help children achieve the state's high standards; and
- Other provisions as required by federal law.

Each school principal shall ensure that the Compact is distributed to parents/guardians of students receiving services, or enrolled in programs, under Title I.

*Adopted:* date of Manual adoption

LEGAL REF.: A.R.S. 15-341

20 U.S.C. 6301 *et seq.*, No Child Left Behind

## REGULATION

## REGULATION

### ^I-2661 © IHBD-R COMPENSATORY EDUCATION (Title I)

#### **District-Level Parental Involvement Compact**

The District-level compact shall provide an understanding of the joint responsibility of the District and parents/guardians to improve students' academic achievement and school performance.

To that end, the District provides opportunities for parents/guardians involvement at the District level and the District involves parents/guardians in the joint development of the District's plan to help low-achieving children meet challenging achievement and academic standards (20 U.S.C 6312), and the process of school review and improvement (20 U.S.C. 6316) by:

- Establishing a District-level committee with parents/guardians liaisons from each building as well as representatives from other impacted programs, including Head Start.
- Establishing meaningful, ongoing two-way communication between the District, staff, and parents/guardians.
- Developing a medium to communicate to parents/guardians about the plan and seek their input and participation.
- Training personnel on how to collaborate effectively with families with diverse backgrounds that may impede parents/guardians participation (e.g. illiteracy or language difficulty).

The District provides the coordination, technical assistance, and other support necessary to assist participating schools in planning and implementing effective parents/guardians involvement activities to improve student academic achievement and school performance by:

- Providing ongoing District-level workshops to assist schools in planning and implementing improvement strategies.
- Establishing training programs for school liaisons to bring the communication and facilitation skills to the schools they represent.
- Providing information to parents/guardians about the various assessment tools and instruments that will be developed to monitor progress.



- Seeking input from parents/guardians in developing workshops.

The District builds the capacity of schools and parents/guardians for strong parental involvement by:

- Providing ongoing communication about the District-wide committee through District newsletters or other written or electronically communicated means.
- Engaging the school parent organizations to actively seek out and involve parents/guardians through regular communication updates and information sessions.
- Utilizing parent organizations to assist in identifying effective communication strategies based on their members' needs.

The District coordinates and integrates parents/guardians involvement strategies under this compact with parents/guardians involvement strategies under other programs, (such as the Head Start program, Reading First program, Early Reading First program, Even Start program, Parents as Teachers program, Home Instruction Program for Preschool Youngsters, and State-run preschool programs) by:

- Involving District and building representatives from other programs to assist in identifying specific population needs.
- Sharing data from other programs to assist in developing new initiatives to improve academic achievement and school improvement.

The District conducts, with the involvement of parents/guardians, an annual evaluation of the content and effectiveness of the parents/guardians involvement policy in improving the academic quality of the schools served under Title I, including identifying barriers to greater participation by parents/guardians in activities authorized by this section (with particular attention to parents/guardians who are economically disadvantaged, are disabled, have limited English proficiency, have limited literacy, or are of any racial or ethnic minority background), and use the findings of such evaluation to design strategies for more effective parents/guardians involvement, and to revise, if necessary, the parents/guardians involvement policies described in this section by:

- Evaluating the effectiveness of the content and communication methods through a variety of methods, including: focus groups, surveys, workshops, and informal coffees with District and school administrative staff, parents/guardians, and teachers.

- Identifying barriers to effective evaluation by language support or other assistance as needed.
- Identifying potential policy and compact changes to revise and improve program(s).

The District involves parents/guardians in the activities of the schools served under Title I by:

- Providing communication and calendar information to parents/ guardians of upcoming meetings, discussions or events and encouraging their participation.
- Providing school principal and parent organization coordination of events.

### **School-Level Parental Involvement Compact**

The school-level parent involvement compact provides an understanding of the joint responsibility of the school and parents/guardians for improving student academic achievement and school performance. The school provides opportunities for parent/guardian involvement by:

- Convening an annual meeting, at a convenient time, to which all parents/guardians of participating children are invited and encouraged to attend, to inform parents/guardians of their school's participation under Title I and to explain the requirements of Title I, and the right of the parents/guardians to be involved. The school principal shall:
- Invite all parents/guardians of participating children to the annual meeting at school.
- Explain the rights of parents/guardians to be involved in establishing this compact.
- Introduce and involve the school representatives on the District-level committee.
- Provide an overview of Title I and give parents/guardians an opportunity to express questions and concerns.
- Indicate the mechanisms by which the committee work will be communicated.
- Seek the involvement and input of parents/guardians.

- Provide child care so that all parents/guardians who would otherwise be unable to attend may attend.
- Offering a flexible number of meetings, such as meetings in the morning or evening, and may provide, with funds provided under this part, transportation, child care, or home visits, as such services relate to parental involvement. The school principal shall:
- Provide parents/guardians with opportunities to ask questions and dialogue informally about student academic achievement and school performance.
- Engage school-based parent organizations to assist with communication and implementation needs.
- Develop and use outreach programs to involve community groups and organizations.
- Involving parents/guardians in an organized, ongoing, and timely way, in the planning, review, and improvement of programs under Title I, including the planning, review, and improvement of the school parental involvement policy and the joint development of the school wide program plan (under 20 U.S.C. 1114). The school principal shall:
- Identify and establish a process by which an adequate representation of parents/guardians of participating children can occur.
- Establish a schedule for the school-based committee to plan, review, and recommend improvements to the District parent involvement policy.
- The school principal shall:
  - Provide parents/guardians of participating children timely information about programs.
  - Communicate updates through use of school newsletters, the District web site, e-mail and telephone contact, and home visits if needed.

The school principal will provide a description and explanation of the curriculum in use at the school, the forms of academic assessment used to measure student progress, and the proficiency levels students are expected to meet.

The school principal shall:

- Provide parents/guardians, upon request, opportunities for regular meetings to formulate suggestions and to participate, as appropriate, in

decisions relating to the education of their children, and respond to any suggestions as soon as practicably possible.

- Develop a feedback loop for parents/guardians to ask questions and receive follow-up.

If the school wide plan is not satisfactory to the parents/guardians of participating children, the school principal shall:

- Submit any comments when the school makes the plan available to the Governing Board.
- Provide a process for parents/guardians to express concerns and complaints.

### **Shared Responsibilities for High Student Academic Achievement**

The school is responsible for providing a high-quality curriculum and instruction in a supportive and effective learning environment that enables the children served under Title I to meet the state's student academic achievement standards.

Each parent/guardian is responsible for supporting their children's learning, by:

- Monitoring attendance, homework, and television viewing.
- Volunteering in their child's classroom and participating, as appropriate, in decisions relating to their children's education and extracurricular activities.

Communication between teachers and parents/guardians occurs on an ongoing basis through:

- Parent-teacher conferences in elementary schools, at least annually, during which the compact shall be discussed as the compact relates to the individual child's achievements.
- Frequent reports to parents/guardians on their children's progress.
- Reasonable access to staff, opportunities to volunteer and participate in their child's class, and observation of classroom activities.

### **Building Capacity for Involvement.**

To ensure effective involvement of parents/guardians and to support a partnership among the school's involved, each school shall:

- Provide assistance to parents/guardians of children served in understanding the state's academic content standards and state student academic achievement standards, state and local assessments, monitoring a child's progress, and work with educators to improve the achievement of their children.
- Provide materials and training (such as literacy, technology, et cetera) to help parents/guardians work with their children.
- Educate teachers and other staff in the value and utility of contributions of parents/guardians and how to effectively communicate with and work with parents/guardians as equal partners.
- Implement and coordinate parent/guardian programs that will build ties between them.
- Coordinate and integrate parent involvement programs and activities with Head Start, Reading First, Early Reading First, Even Start, the Home Instruction Programs for Preschool Youngsters, the Parents as Teachers Program and public preschool and other programs and conduct other activities, such as parent/guardian resource centers that encourage and support parents/guardians in more fully participating in the education of their children.
- Ensure that information is sent to the parents/guardians of participating children in a format and language that parents/guardians can understand.
- Involve parents/guardians in the development of training for teachers, school principals, and other educators to improve the effectiveness of such training.
- Provide necessary literacy training from funds received under this part if the District has exhausted all other reasonably available sources of funding for such training.
- Pay reasonable and necessary expenses associated with local parental involvement activities, including transportation and child care costs to enable parents/guardians to participate in school-related meetings and training sessions.
- Train parents/guardians to enhance the involvement of other parents/guardians.
- Use outreach programs to involve community groups and organizations.

- Arrange school meetings at a variety of times, or conduct in-home conferences between teachers and other educators, in order to maximize parental involvement and participation.
- Adopt and implement model approaches to improving parental involvement.
- Establish a District-wide parent advisory council to provide advice on all matters related to parental involvement in supported programs.
- Develop appropriate roles for community-based organizations and businesses in parent/guardian involvement activities.
- Provide such other reasonable support for parental involvement activities under this section as parents/guardians may request.

In carrying out the parental involvement requirements of this compact, the school, to the extent practicable, will provide full opportunities for the participation of parents/guardians with limited English proficiency or disabilities, including providing information and school reports in a format and, to the extent practicable, in a language such parents/guardians understand.

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## **COMPENSATORY EDUCATION**

### **CHECKLIST FOR DEVELOPMENT, IMPLEMENTATION, AND MAINTENANCE OF PARENT INVOLVEMENT COMPACTS FOR TITLE I PROGRAMS**

The development, implementation, and maintenance of parent/guardian involvement compacts must be accomplished with meaningful consultation with parents/guardians of children participating in Title I programs. The Superintendent designates a person to be responsible for the process of obtaining meaningful consultation. This checklist includes some measures designed to encourage meaningful consultation.

This is an annual checklist. Check steps as completed.

- Plan regular meetings throughout the school year with parents/guardians to discuss the District and/or school compacts; identify dates, convenient times, places, and persons whose attendance is desired. Offer meetings in the morning or evening, and, if funds are available under Title I for this purpose, provide transportation, childcare, or home visits, as such services relate to parent/guardian involvement.
- Plan an agenda for meetings to be held to discuss District and/or school compacts.
- Always begin with "introducing where we are now" and end with "next steps."
- Agendas should provide for two-way communication between District and parents/guardians of children participating in Title I programs.
- Agendas can be built around the federal compliance requirements as stated in the District- and school-level compacts as developed.
- Agendas should also include a section to inform parents/guardians of their school's participation under Title I and to explain Title I's requirements regarding parent involvement, including the right of the parents/guardians to be involved.
- Agendas should also include a section to describe and explain the curriculum in use at the school, the forms of academic assessment used to measure student progress, and the proficiency levels students are expected to meet.

- If requested by a parent/guardian, agendas should also include a section for parents/guardians to formulate suggestions and to participate, as appropriate, in decisions relating to the education of their children.
- Agendas should also include a section to involve parents/guardians in the planning, review, and improvement of Title I programs, including the joint development of the school-wide program plan.
- Another agenda topic is how funds are allotted for parent/guardian involvement in activities; parents/guardians of children receiving services must be involved in these decisions.
- Notify interested persons of meeting dates to discuss the District and/or school compacts, including:
  - Parents/guardians of students participating in Title I programs
  - Staff members
  - Students participating in Title I programs
  - School Board members
  - Media
  - Coordinators for other school programs, (e.g. Head Start and preschool programs)
  - Officials of private schools
    - Other
- Publicize the meeting dates, times, and locations to discuss District and/or school compacts.
- Make all Open Meetings Law notifications and postings for meetings to be held to discuss District and/or school compacts. (Notice and record keeping shall be in accord with the open meeting laws)
- Appoint a recording secretary to keep meeting minutes.
- Provide copies of working drafts to parents/guardians in an understandable and uniform format and, to the extent practicable, in a language the parents/guardians can understand.



- Determine "success" indicators to measure the effectiveness of the parental involvement compacts in improving the academic quality of the schools.
- Review the "success" indicators in order to evaluate the effectiveness of the parental involvement compacts in improving the academic quality of the schools.
- Identify barriers to greater participation by parents/guardians, with particular attention to parents/guardians who are economically disadvantaged, are disabled, have limited English proficiency, have limited literacy, or are of any racial or ethnic minority background. Use the findings of such evaluation to design strategies for more effective parent/guardian involvement.
- If the school-wide program plan is not satisfactory to the parents/guardians of participating children, submit any parents/guardians comments on the plan when the school makes the plan available to the Governing Board.
- Provide status reports to the Governing Board and, periodically, request the Board's approval of the parental involvement compacts as they evolve.
- Revise the applicable parental involvement compacts as necessary.

**^I-2682 © IHBD-EB**  
**EEXHHIIBBIITT EEXHHIIBBIITT**  
**COMPENSATORY EDUCATION**  
NOTICE TO PARENTS

**Improving Basic Programs Operated by Local Educational Agencies:**

At the beginning of each school year, a school or district that receives funds under this part shall notify the parents of each student attending any school receiving funds under this part that the parents may request, and the district will provide the parents on request, information regarding the professional qualifications of the student's classroom teachers, including, at a minimum, the following: [20 U.S.C 6311(h)(6)(A)]

- Whether the teacher has met the State qualifications and licensing criteria for the grade levels and subject areas in which the teacher provides instruction.
- Whether the teacher is teaching under emergency or other provisional status.
- The teacher's baccalaureate degree major and any other graduate certifications or degrees.
- Whether paraprofessionals provide services to the student and, if so, their qualifications.

A school must provide to parents information on the level of achievement of the parent's child in each of the state academic assessments. [20 U.S.C 6311(h)(6)(B)(i)]

A school must provide parents timely notice that the parent's child has been assigned, or has been taught for four (4) or more consecutive weeks by, a teacher who is not highly qualified. [20 U.S.C 6311(h)(6)(B)(ii)]

**Academic Assessment and Local Education Agency and School Improvement**

A school or district shall promptly provide to parents of each student enrolled in an elementary school or a secondary school identified for school improvement, corrective action or restructuring: [20 U.S.C 6316(b)(6)]

- An explanation of what the identification means, and how the school compares in terms of academic achievement to other district schools and the state educational agency;

- The reasons for the identification;
- An explanation of what the school identified for school improvement is doing to address the problem;
- An explanation of what the district or State educational agency is doing to help the school address the achievement problem;
- An explanation of how the parents can become involved in addressing the academic issues that caused the school to be identified for school improvement; and
- An explanation of the parents' option to transfer their child to another public school (with transportation provided by the agency when required) or to obtain supplemental educational services for the child.

Whenever the school fails to make adequate yearly progress and/or is restructured, the district shall provide the teachers and parents with an adequate opportunity to comment and participate in developing a plan. [20 U.S.C 6316(b)(8)(c)]

The district shall provide annual notice to parents of each student enrolled in an elementary school or a secondary school identified for school improvement under 20 U.S.C. 6316(b)(1)(E)(i), for corrective action under 20 U.S.C. 6316(b)(7)(C)(i), or for restructuring under 20 U.S.C. 6316(b)(8)(A)(i).: [20 U.S.C. 6316(e)(2)(A)]

- The availability of supplemental education services;
- The identity of approved providers that are within the district or whose services are reasonably available in neighboring districts; and
- A brief description of those services, qualifications, and demonstrated effectiveness of each such provider.

### **Parental Involvement**

Parents shall be notified of the parental involvement policy in an understandable and uniform format and, to the extent practicable, provided in a language the parents can understand. Such policy shall be made available to the local community and updated periodically to meet the changing needs of parents and the school. [20 U.S.C 6318(b)]

Each school shall: [20 U.S.C 6318(c)]

- Convene an annual meeting, at a convenient time, to which all parents of participating children shall be invited and encouraged to attend, to inform parents of their school's participation, and to explain the requirements of this part, and the right of the parents to be involved;
- Offer a flexible number of meetings;
- Involve parents, in an organized, ongoing, and timely way, in the planning, review, and improvement of programs including the planning, review, and improvements of the school parental involvement policy and the joint development of the school-wide program plan under 20 U.S.C. 6314(b)(2);
- Provide parents of participating children:
  - Timely information about programs under this part;
  - A description and explanation of the curriculum in use at the school, the forms of academic assessment used to measure student progress, and the proficiency levels students are expected to meet; and
  - If requested by parents, opportunities for regular meetings to formulate suggestions and to participate, as appropriate, in decisions relating to the education of their children, and respond to any such suggestions as soon as practicably possible.

### **Voluntary Public School Choice Program**

The school or district shall provide to parents of students in the area to be served by the Voluntary Public School Choice program with prompt notice of: [20 U.S.C. 7225d(a)(2)]

- The existence of the program;
- The program's availability; and
- A clear explanation of how the program will operate.

**^ & ^I-2900 © IHBE**  
**BILINGUAL INSTRUCTION / NATIVE LANGUAGE INSTRUCTION**

Individual schools in which twenty (20) or more students of a given grade level receive parental exception waivers in accord with A.R.S. 15-753 shall offer classes teaching English and other subjects through bilingual education techniques, or other generally recognized educational methodologies permitted by law. Where these programs are not available students receiving parental exception waivers shall be permitted to transfer to a public school in which such a class is offered.

**Prerequisites for Waiver Requests**

With prior written informed consent, provided on an annual basis, a student's parents or legal guardian may request a waiver from the application of A.R.S. 15-752 - being placed in an English language classroom. In order to apply for a waiver the parents or guardian must:

- Visit the school to apply for the waiver, and while at the school,
- Be provided a full description of the educational materials to be used in the different educational program choices, and
- Be provided all the educational opportunities available to the child.

**Parental Exception Waiver**

A parental exception waiver may be applied for if the above prerequisites have been met and at least one (1) of the following applies:

- The student already possesses good English language skills, as measured by:

Oral evaluation or standardized tests of English vocabulary comprehension, reading, and writing, in which the student scores:

- Approximately at or above the state average for the student's grade level, or
- At or above the fifth (5th) grade average, whichever is lower.
  - The student is age ten (10) or older, and:
  - It is the informed belief of the school principal and educational staff that an alternate course of educational study would be better suited to the

student's overall educational progress and rapid acquisition of basic English language skills.

- The student has special individual needs (physical and psychological needs above and beyond the lack of English proficiency).
- Any decision to issue a waiver based on special individual need is to be made subject to the examination, approval and authorizing signature of the Superintendent within, but not limited to, the following guidelines:
  - The student has already been placed in an English language classroom for not less than thirty (30) calendar days during that school year.
  - It is subsequently the informed belief of the school principal and educational staff that the child has such special and individual physical or psychological needs, above and beyond the lack of English proficiency, and an alternate course of educational study would be better suited to the student's overall educational development and rapid acquisition of English.
  - A written description of not less than two hundred fifty (250) words documenting these special individual needs for the specific student must be provided and permanently added to the student's official school record after,.
  - A special needs review has been completed by persons knowledgeable about the student, the student's school history, the student's special individual needs, the meaning of evaluation data, and the placement options. The review shall be based upon the student's existing records, including academic, social, and behavioral records.
  - The waiver application must contain the original authorizing signature of the school principal.
  - If the student has been determined to be a student with a disability under the Individuals with Disabilities Education Act then all procedural safeguards including those relative to evaluation and the provision of free appropriate public education must be followed.
  - If the student has been determined to be a student with a disability under Section 504 of the Rehabilitation Act of 1973, evaluation and such accommodations as are necessary to provide a free appropriate public education shall be provided in accord with the act.
  - Teachers and local school districts may reject waiver requests without explanation or legal consequence. The existence of such special individual needs shall not compel issuance of a waiver.

- The parents shall be fully informed of their right to refuse to agree to a waiver for special individual needs.

The Superintendent shall develop procedures as necessary for implementation of this policy.

*Adopted:* date of Manual adoption

LEGAL REF.:       A.R.S. 15-744  
                          15-751  
                          15-752  
                          15-753  
                          15-754  
                          15-755

CROSS REF.:       A.A.C. R7-2-310  
                          IHAA - English Instruction  
                          IHB - Special Instructional Programs  
                          IHBA - Special Instructional Programs and Accommodations  
                          for Disabled Students

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**^I-2931 © IHBE-EA**  
**BILINGUAL INSTRUCTION / NATIVE LANGUAGE INSTRUCTION**

**LIMITED ENGLISH PROFICIENT STUDENTS REQUIRED NOTICE**

Those eligible entities using funds provided under Chapter 70 - STRENGTHENING AND IMPROVEMENT OF ELEMENTARY AND SECONDARY SCHOOLS - Subchapter III - Language Instruction for Limited English Proficient and Immigrant Students shall provide the following notice.

- As required by 20 U.S.C 7012(a): The school or district must inform a parent of a limited English proficient child identified for participation, or participating in, such a program of the reasons for their child being identified, their child's level of English proficiency, instructional method, how their child's program will meet their child's needs, how the program will help the child to learn English, exit requirements or expected rate of transition, and information regarding parental rights.
- As required by 20 U.S.C 7012(b): Each school or district using funds provided under this part to provide a language instruction educational program that has failed to make progress on the annual measurable achievement objectives described in section 3122 for any fiscal year for which part A is in effect, shall separately inform the parents of a child identified for participation in such a program, or participating in such program, of such failure not later than thirty (30) days after such failure occurs.
- As required by 20 U.S.C 7012(e): Each school or district shall implement an effective means of outreach to parents of limited English proficient students to inform the parents regarding how they can be involved in their children's education, and be active participants in assisting their children to attain English proficiency, achieve at high levels in core academic subjects, and meet challenging state academic achievement standards and state academic content standards expected of all students. In addition, the outreach shall include holding, and sending notice of opportunities for, regular meetings for formulating and responding to parent recommendations.



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**BILINGUAL INSTRUCTION / NATIVE LANGUAGE INSTRUCTION**

**REQUEST FOR PARENTAL EXCEPTION WAIVER**

Student's name \_\_\_\_\_  
Last First M.I.

School \_\_\_\_\_ Current grade \_\_\_\_\_ Birth date \_\_\_\_\_

Home phone \_\_\_\_\_ Work phone \_\_\_\_\_ Message phone \_\_\_\_\_

Parent or guardian's name \_\_\_\_\_  
Last First M.I.

Home address \_\_\_\_\_  
Street City Zip

E-mail address \_\_\_\_\_

I, \_\_\_\_\_ the undersigned parent /legal guardian of the above student, visited the school and while present was provided with a full description of the education materials to be used in different educational program choices, and a full description of all the educational opportunities available to my child. I herein request a waiver from the application of A.R.S. 15-752 - being placed in an English language classroom and consent to placement in a bilingual education/native language instruction program.

The reason for the request is that the above-named student:

- Possesses good English language skills.
- Is age ten (10) or older
- Has special individual needs

The following (or attached) information is provided to assist in making a determination as to the granting of the waiver.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Signature of Parent or Legal Guardian

\_\_\_\_\_  
Date

**FOR DISTRICT USE ONLY  DO NOT WRITE BELOW THIS LINE**

Date stamp \_\_\_\_\_ Filing Date

Approved       Denied

Principal \_\_\_\_\_ Date \_\_\_\_\_

Superintendent \_\_\_\_\_ Date \_\_\_\_\_

(Only required for special individual needs)

**^I-3000 © IHBF**  
**HOMEBOUND INSTRUCTION**

"Homebound" or "hospitalized" means a student who is capable of profiting from academic instruction but is unable to attend school due to illness, disease, accident or other health conditions, who has been examined by a competent medical doctor and who is certified by that doctor as being unable to attend regular classes for a period of not less than three (3) school months or a student who is capable of profiting from academic instruction but is unable to attend school regularly due to chronic or acute health problems, who has been examined by a competent medical doctor and who is certified by that doctor as being unable to attend regular classes for intermittent periods of time totaling three (3) school months during a school year. Homebound or hospitalized includes a student who is unable to attend school for a period of less than three (3) months due to a pregnancy if a competent medical doctor, after an examination, certifies that the student is unable to attend regular classes due to risk to the pregnancy or to the student's health.

Requests for homebound instruction must be made to the school office and shall include medical certification stating the general medical condition, such as illness, disease or chronic health condition, that is the reason the student is unable to attend school. Homebound instruction must be provided a minimum of four (4) hours per week by teachers with the same certification as the regular classroom teacher. Full-time attendance may be counted for each day during a week in which the student receives at least four (4) hours of instruction. Classroom teachers are expected to work with the teachers of homebound students concerning materials to be covered in order that each homebound student may rejoin the class upon return to school.

*Adopted:* date of Manual adoption

LEGAL REF.:       A.R.S. 15-769  
                              15-901

A.A.C. R7-2-607

CROSS REF.:       JHD - Exclusions and Exemptions from School Attendance

## **REGULATION**

## **REGULATION**

### **I-3011 AUSD10 IHBF-R HOMEBOUND INSTRUCTION**

The District will provide instructional services to children who are homebound or hospitalized and who are qualified for such services.

Any student who has been admitted to a school in the District (in kindergarten through grade twelve) and who is unable to attend regular classes due to illness, injury, pregnancy, or other disabilities for a period of not less than three school months may apply for homebound instruction. The student must be examined and certified by a competent medical doctor as being unable to attend regular classes for a period of not less than three school months. Application for homebound service shall be made to the student's principal, who will submit the request to the appropriate associate superintendent.

If the administrative team determines that a student is eligible for homebound instruction, a teacher will then be assigned to provide the student with a minimum of four hours of instruction per week for grades one through twelve and two hours of instruction per week for kindergarten at the student's home or hospital accommodation.

The purpose of the homebound program is to assist students in keeping up with their current classwork. The program requires the full cooperation of medical and educational personnel and a close working relationship with the classroom teacher. The District's goal is to help students remain current with their regular classroom work in order to facilitate adjustment when they are able to return to school.

*Adopted:* date of manual adoption

## **I-3050.1 AUSD10 IHBG HOME SCHOOLING**

### **Definition**

*Home school* means a school conducted primarily by the parent, guardian, or other person who has custody of a child, or instruction provided in the child's home.

### **Enrollment after Home Schooling; Grade-Level Placement**

A student who enrolls in a District kindergarten program or grades one through twelve after receiving instruction in a home school shall be tested by the District to determine the appropriate grade level for the educational placement of the student. Grade-level placement is dependent upon testing, District policy, and state law, but should include consideration of parental input and the age of the student. If the District places a student in a grade level that the parent/legal guardian does not feel is appropriate, the parent/ legal guardian may challenge that placement in accordance with District Policy JG.

### **High School Course Credit**

A student who enrolls in a District high school after receiving instruction in a home school may receive District high school credit toward graduation in the following situations.

- If the student has completed course work from an accredited institution, the District shall place the letter grade earned by the student in such course work in the student's District transcript.
- If the student has earned accredited correspondence course work credit, credit shall be given for such work. The limitations of District Policy IKF, pertaining to number of correspondence course work credits and subject areas, are inapplicable to home school students.

After District review of home school course work documentation, former home school students who enroll in a high school may be required to take tests to earn District high school course *credits only*. Testing for a letter grade is not permitted. A student may take an "exam for credit" only once for each subject/course. Any testing for credit will include Arizona State Board of Education competency standards. For former home school students, school administrators may allow more than two units of pass/fail credit for home school work. (Normally, only two units of pass/fail per student are permissible). Administrators should inform parents/legal guardians and students that colleges and universities may have specific limitations on pass/fail credits for their admission standards.

## **Grade Point Averages and Class Ranking**

For a former home school student to earn a District grade point average, 51 percent of the student's total course work must reflect a letter grade. To be eligible for class ranking, a former home school student may have no more than two (2) pass/fail (ungraded) credits.

## **Part-Time Enrollment**

Home school students will not be allowed to enroll in the District on a part-time basis or attend limited classes or programs.

## **Extracurricular or Interscholastic Activities**

Home school students may participate in District extracurricular and/or interscholastic athletics at the school in which their residence would make them eligible to enroll. Home school students shall be given an opportunity to participate in tryouts for all competitive sports programs. However, in selection of members to a team with limited membership, preference shall be given to District students. Home school students participating in activities must meet all applicable participation requirements, including payment of the same participation or activity fee(s), if any, paid by District students.

Home school students shall not be permitted to participate in District athletics in a manner that would violate Arizona Interscholastic Association rules applicable to District students.

Home school students suspended or expelled from any school may not participate in District programs until they have completed all requirements for readmission.

## **Textbooks**

The District will not provide textbooks to home school students.

## **District Library Use**

When accompanied by an adult, home school students may use School District library facilities during regularly scheduled library hours and shall comply with applicable visitor policies at the school site. At the discretion of the school principal, home school students may be permitted to check out library materials on the same terms and conditions as District students.

*Adopted:* date of manual adoption

LEGAL REF.: A.R.S. 15-745

15-802

15-802.01

A.A.C. R7-2-808

CROSS REF.:

IKF - Graduation Requirements

JG - Assignment of Students to Classes and Grade Levels

JJIB - Interscholastic Sports

**I-3500 © IHBJ  
INDIAN EDUCATION**

**(Participation of Indian parents and tribes in the educational process pursuant to special impact aid provisions for local educational agencies that claim entitlements based on the number of students residing on Indian lands)**

The Governing Board shall give tribal officials and parents of Indian students the opportunity to comment on the participation of Indian students on an equal basis in the school program with all other students educated by the District. The District shall disseminate to tribal officials and parents of Indian students any evaluations of education programs assisted with funds provided under the Special Impact Aid Act, and any program plans for education programs that the District plans to initiate or eliminate.

The District will actively consult and regularly involve tribal officials and parents of Indian students in the planning and development of education programs assisted with funds provided under the Special Impact Aid Act and will afford tribal officials and parents of Indian students an opportunity to make recommendations concerning:

- The needs of their children.
- The ways by which they can assist their children in realizing the benefits to be derived from the education programs assisted with funds provided under the Special Impact Aid Act.
- Their overall views on the education program in the District, including:
  - The operation of the District's education program.
  - The degree of parental participation allowed.

*Adopted:* date of Manual adoption

LEGAL REF.:           A.R.S. 15-205  
                              20 U.S.C. 7701 *et seq.*, Impact Aid Act



## REGULATION

## REGULATION

### I-3511 © IHBJ-R INDIAN EDUCATION

Tribal officials and parents of Indian students shall have the opportunity to comment on the participation of Indian students pursuant to Policies ABA, AC, AD, BEDBA, and BEDH. Further, the District will schedule at least three (3) meetings each year for the specific purpose of receiving input on issues relating to provisions of the Special Impact Aid Act, in order to better serve the needs of the students affected by this act. The meetings will be held in one (1) of the schools or the central administration building, normally beginning at 7:00 - 7:30 p.m. Minutes will be taken and assessed in order to modify policies and procedures as appropriate, based on input received at these meetings, such that the students are better served.

The District will also assess the extent to which Indian students participate on an equal basis in the District and will, if needed, modify its educational program to allow Indian students to participate on an equal basis.

The District will disseminate evaluations of educational programs assisted with funds provided under the act, including any program plans that the District intends to initiate or eliminate.

The District will annually review Policy IHBJ to ensure that it meets all minimum standards and continues to provide for an adequate level of Indian participation. If needed, the District will amend or modify policies and procedures to conform with appropriate requirements.

Any amended policies or procedures shall be provided to the secretary and to the affected tribe(s).

**I-3531 © IHBJ-EA**  
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**INDIAN EDUCATION**  
**COMPLAINT PROCEDURES**

The District will comply with the following as it applies to a complaint.

***Contents of a complaint.*** For purposes of these procedures, a complaint is a signed statement that includes:

- An allegation that the District has failed to:
- Establish adequate policies and procedures to ensure the participation of Indian parents and tribes in the education process;
- Adhere to these policies and procedures; or
- Take into consideration meaningful Indian input in designing the education program;
- Information that supports the allegation;
- A specific request for relief; and
- A statement describing what steps it has taken to resolve with the District the matters on which the complaint is based.

***Who may file a complaint:***

- Any tribe, or its designee, that has students attending a District school may, in its discretion and without regard to the requirements of any other provision of law, file a written complaint with the Assistant Secretary of the United States Department of the Interior regarding any action of the District pursuant to, or relevant to, the matters.
- If a tribe files a complaint through a designee, the tribe shall acknowledge in writing in the complaint that the designee is authorized to act on its behalf.
- Parents of Indian children may not file a complaint directly with the Assistant Secretary.
- These parents shall submit their grievances to the tribe or its designee, although neither the tribe nor its designee is obligated to file these grievances in a complaint with the Assistant Secretary.

- A complaint filed under these procedures need not reflect the views of a majority of the parents of Indian children attending the District schools.

***Where to file a complaint.*** The tribe may file a complaint with the Secretary of Education, United States Department of Education, Washington, DC 20202-6244.

***When to file a complaint.*** A tribe may file a complaint with the Assistant Secretary only if:

- The District has complied with the requirements; and
- The tribe has taken reasonable steps to resolve with the District the issues on which the complaint is based.

***Receipt of a complaint by the Assistant Secretary.*** The Assistant Secretary considers a complaint to have been received only after the Assistant Secretary determines that the complaint:

- Satisfies the requirements; and
- Is in writing and signed by a tribal official or the tribe's authorized designee.

***Dismissal of a complaint:***

- If the Assistant Secretary determines that a complaint fails to meet the requirements, the Assistant Secretary notifies the tribe or its designee that the complaint has been dismissed for purposes of invoking hearing procedures.
- Each notice that a complaint has been dismissed includes the reasons why the Assistant Secretary determined that the complaint did not meet the requirements.
- Notice that a complaint has been dismissed does not preclude other efforts to investigate or resolve the issues raised in the complaint, including the filing of an amended complaint.

***Consolidation of complaints.*** The Assistant Secretary may consolidate complaints involving the same tribe or District.

LEGAL REF.: 20 U.S.C. 1221

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**I-3532 © IHBJ-EB**  
**INDIAN EDUCATION**  
**HEARING PROCEDURES**

The District will comply with the following as it applies to a hearing.

***Applicability of hearing procedures in these procedures.*** These hearing procedures apply only to proceedings.

***Applicability of other laws.*** The following provisions do not apply to proceedings:

- Administrative Procedure Act.
- Federal Rules of Civil Procedure.
- Federal Rules of Evidence.

***Parties to a hearing.*** The parties to a hearing under this subpart are:

- The complaining tribe or tribes; and
- The affected District or Districts.

***Notice.*** Within ten (10) working days after receiving a complaint, the Assistant Secretary:

- Appoints a hearing examiner to conduct the hearing;
- Selects a time for the hearing so that the hearing occurs no more than thirty (30) days after the appointment of a hearing examiner;
- Designates a place for the hearing that is, to the extent possible:
  - Near the District; or
  - At another location convenient to the tribe and the District, if the Assistant Secretary determines there is a good cause to designate another location;
- Notifies the tribe and the District of the time, place, and nature of the hearing; and
- Sends copies of the complaint to the District and the tribe.

***District's reply to the complaint.*** Within fifteen (15) days after receiving the notice, the District shall file with the Assistant Secretary its reply to the charges in the complaint.

***General procedural rules:***

- *Communications.* No party shall communicate orally or in writing with the hearing examiner or the Assistant Secretary on matters under review, except minor procedural matters, unless all parties to the complaint are given:
  - Timely and adequate notice of the communication; and
  - Reasonable opportunity to respond.
- *Submission of documents.* For each document that a party submits, the party shall:
  - File one (1) copy for inclusion in the record of the proceedings; and
  - Provide a copy to each of the other parties to the proceedings.
- *Record.* A record of the proceedings will be established and maintained by the Assistant Secretary.

***Conduct of the hearing:***

- *Public hearing.* The hearing must be open to the public.
- *Representation by counsel.* Parties may be represented by counsel.
- *Evidence:*
  - Each party may submit oral and written testimony that is relevant to the issues in the proceedings.
  - A party may object to evidence it considers to be irrelevant or unduly repetitious.
- *Authority and responsibilities of the hearing examiner:*
  - The hearing examiner may regulate the course of the proceedings and the conduct of the parties during those proceedings. The hearing examiner takes all steps necessary to conduct a fair and impartial

proceeding, to avoid delay, and to maintain order, including the following:

- The hearing examiner may clarify, simplify, or define the issues or consider other matters that may aid in the disposition of the complaint.
  - The hearing examiner may direct the parties to exchange relevant documents or information.
  - The hearing examiner may receive, rule on, exclude, or limit evidence.
  - Although hearings are open to the general public, the hearing examiner may establish reasonable rules governing public attendance at the proceedings.
  - The hearing examiner may examine witnesses.
  - The hearing examiner may interpret applicable statutes and regulations but may not waive them or rule on their validity.
- *Transcripts:*
    - The Assistant Secretary:
      - Arranges for the preparation of a transcript of each hearing;
      - Retains the original transcript as part of the record of the proceedings; and
      - Provides one (1) copy of the transcript to each party.
    - Additional copies of the transcript are available on request and with payment of the reporting service's reproduction fee.
  - *Hearing costs.* Each party shall bear only its own costs in the proceeding.

***Opportunity to submit additional evidence:***

- Each party may submit to the hearing examiner additional evidence that is relevant to the issues raised at the hearing.
- The hearing examiner must receive each party's additional evidence within ten (10) days after the hearing.

***The hearing examiner's findings and recommendations.*** Within thirty (30) days after the hearing, the hearing examiner:

- Makes, on the basis of the record, written findings of fact and recommendations concerning any appropriate remedial action that should be taken;
- Submits those findings and recommendations, along with the hearing record, to the Assistant Secretary; and
- Sends a copy of those findings and recommendations to each party.

***Opportunity to comment on the hearing examiner's findings and recommendations:***

- Each party may file with the Assistant Secretary comments on the hearing examiner's findings and recommendations.
- The Assistant Secretary must receive each party's comments within ten (10) days after the party receives a copy of the hearing examiner's findings and recommendations.

***The Assistant Secretary's final determination:***

- Within thirty (30) days after receiving the hearing record and the hearing examiner's findings and recommendations, the Assistant Secretary makes, on the basis of the record, a written determination that includes:
  - Any appropriate remedial action that the District must take;
  - A schedule for completing any remedial action; and
  - The reasons for the Assistant Secretary's decision.
- After completing such final determination, the Assistant Secretary sends the parties a copy of:
  - The hearing record;
  - The hearing examiner's findings and recommendations; and
  - The Assistant Secretary's final determination.
- The Assistant Secretary's final determination is the final action of the Department concerning the complaint.

**Judicial review of the Assistant Secretary's final determination.** If a party is dissatisfied with the Assistant Secretary's final determination, the party may seek judicial review before a court of competent jurisdiction.

**Effects of noncompliance with the Assistant Secretary's final determination:**

- *Determination of compliance:*
  - Undertaken the required remedial action; or
  - Failed to undertake the remedial action within the time established and the Secretary determines that an extension of time will not effectively encourage the required remedial action.
- *Withholding by the Secretary:*
  - Except as provided, if the Secretary determines that the District has failed to undertake the remedial action, the Secretary withholds payment of all funds to which the District is entitled until that remedial action is undertaken.
  - The Secretary does not withhold funds if the tribe or its designee requests in writing that these funds be released to the District.
  - The Secretary may not withhold funds during the course of the school year if the Secretary determines that a withholding would substantially disrupt the education programs of the District.
  - If the District is aggrieved by the Secretary's action, the District may request a hearing.
- *Election of alternative services by the tribe:*
  - If the Secretary determines that the District has failed to undertake the remedial action, the affected tribe may elect to:
    - Contract with the Bureau of Indian Affairs under Title I of the Indian Self-Determination and Education Assistance Act to provide educational services previously provided by the District; or
    - Have a Bureau of Indian Affairs school provide those educational services. □ If the affected tribe exercises its option, any Indian students affiliated with that tribe who wish to remain in attendance at the District against whom the complaint was filed may be counted by the District for the purpose of receiving funds.



- If Indian students remain affiliated with the District:
  - The Secretary may not withhold funds that are based on the number of Indian students who remain affiliated with the District; and
  - The tribe may not file any further complaints with respect to these Indian students.

LEGAL REF.:       20 U.S.C. 240  
                      20 U.S.C. 1221

**I-3550 AU\$D10 IHC**  
**EXTENDED INSTRUCTIONAL PROGRAMS**

The Governing Board, in an effort to ensure that educational opportunities are available to all citizens of the community, as well as to students who may have special needs, offers extended educational resources, such as homebound instruction, career and technical education, cooperative education in business and industry, outdoor education, and summer school programs.

*Adopted:* date of Manual adoption

## **I-3600 AUSD10 IHCA SUMMER SCHOOL**

The School District, with approval by the Governing Board, may conduct a summer school program each year. The purpose of a summer school program is to provide additional opportunities for students to receive instruction or participate in enrichment activities.

Summer school attendance does not in any way guarantee promotion or graduation. However, at the high school level, students may earn credits toward high school graduation that may result in a revision of their class placement at the high school.

*Adopted:* date of Manual adoption

LEGAL REF.:       A.R.S. 15-881  
                          15-1141  
                          15-1142  
                          15-1143