

MEETING MINUTES

Arizona State Board of Education
Special Education Evaluations Ad Hoc Subcommittee

NOTICE OF PUBLIC MEETING

Pursuant to Arizona Revised Statutes (A.R.S.) 38-431.02, notice is hereby given to the members of the Arizona State Board of Education, the Special Education Evaluations Ad Hoc Subcommittee and to the general public that the Subcommittee will hold a meeting, open to the public, on **Thursday, June 27, 2024, at 9:00 A.M.**

Please note the location of the **Thursday, June 27, 2024**, Special Education Evaluations Ad Hoc Subcommittee meeting: 1700 W. Washington St., Executive Tower, 3rd Floor Boardroom, Phoenix, AZ 85007. The public will have physical access to the meeting location 30 minutes before the Board meeting, at 8:30 A.M.

A copy of the meeting agenda is attached. The subcommittee reserves the right to change the order of items on the agenda, with the exception of public hearings. One or more members of the subcommittee may participate telephonically or virtually.

Agenda materials can be reviewed online at <http://azsbe.az.gov>

Pursuant to A.R.S. §38-431.02 (H), the subcommittee may discuss and take action concerning any matter listed on the agenda.

Persons with a disability may request reasonable accommodation such as a sign language interpreter or narrator by contacting the State Board Office at (602) 542-5057. Requests should be made as early as possible to allow time to arrange the accommodation.

The **Thursday, May 2, 2024**, Special Education Evaluations Ad Hoc Subcommittee meeting will be a hybrid-access meeting. This means the public has the opportunity to participate in-person or virtually. Please see instructions below on how to access the meeting and provide public comment on agenda items.

Accessing the Special Education Evaluations Ad Hoc Subcommittee Meeting Virtually

To watch the Special Education Evaluations Ad Hoc Subcommittee meeting via computer or a smartphone with a data plan/Wi-Fi:

- Open a web browser on your device (Safari, Google Chrome, Internet Explorer, Firefox)

- Visit azsbe.az.gov
- Upper right hand of the page, click on the YouTube icon
- A pop-up may open, stating you are leaving the official website, click “ok”
- When the meeting starts, you will see a “live” video. If you do not see this, and the meeting’s start time has passed, you may need to hit the refresh button on your browser

Direct Link:

If you do not have internet access to watch the meeting, please contact the Board’s office at (602) 542-5057 and a staff member will assist you.

Procedure for Submitting a Public Comment (Please read through each option carefully):

Written Comment:

Written comments for the meeting will be accepted by:

- email inbox@azsbe.az.gov
- fax to (602) 542-3046
- USPS to 1700 W. Washington St., Executive Tower, Suite 300, Phoenix, Arizona 85007

The deadline to submit a written comment will be **Monday, June 24, 2024, at 12:00 PM.**

Written comments received after the deadline, including those that are mailed but not received by staff, will not be posted and will not be provided to members.

Written comments will not be read into the record; however, staff will post all written comments received by the deadline on the Subcommittee's agenda by **Thursday, June 27, 2024, at 8:00 AM.**

DATED AND POSTED this 17th day of June 2024.

By:

A handwritten signature in black ink, appearing to read 'Sean Ross', with a large, stylized 'S' and 'R'.

Sean Ross

Executive Director

(602) 542-5057

1. Overview of the structure of the meeting

Chair Hagerman called the Subcommittee Meeting to order at 9:11 am

Attendees:

Colette Chapman, Subcommittee Member - present
Jenny Clark, Vice Chair Member - absent
Clark Crace, Subcommittee Member - present
Amanda Glass, Subcommittee Member - present
Dr. Scott Hagerman, Subcommittee Member - present
David Jefferson, Subcommittee Member - absent
Tina Kauffmann, Subcommittee Member - present
Karla Philips-Krivickas, Subcommittee Member - present
Dr. Matthew Moix, Subcommittee Member - absent
Richard Murphy, Subcommittee Member - present
Heather Pierson, Subcommittee Member - present (virtual)
Dr. Marsha Spencer, Subcommittee Member - present
Charlotte Taylor, Subcommittee Member - present (arrived at 9:23 am)
Dr. Erin Testa, Subcommittee Member - absent
Christopher Tiffany, Subcommittee Member - present

Executive Director Ross took attendance. The Committee has a quorum.

1. Overview of Meeting Structure

Executive Director Ross presented on this agenda item.

2. Presentation, discussion, and possible action to approve the Subcommittee recommendations

to the State Board regarding special education evaluations and special education funding for preschool students, which were tabled from the May meeting

Chair Hagerman introduced this agenda item.

F.1.

A motion was made to approve the recommendation that ADE create and makes available to the field a model form that schools could use to provide to parents when the IEP team, including the parent, and other qualified professionals, as appropriate, agree that no additional data are needed to determine whether the child continues to be eligible for special education services.

Motion passed 10-0

Motion made by: Amanda Glass

Seconded: Richard Murphy

Member	Vote
Colette Chapman	Y
Clark Crace	Y
Amanda Glass	Y
Dr. Scott Hagerman	Y
Tina Kauffmann	Y
Karla Philips-Krivickas	Y
Richard Murphy	Y
Heather Pierson	Y
Dr. Marsha Spencer	Y
Christopher Tiffany	Y

G.1.

A motion was made to approve the recommendation that R7-2-401. E.4 be revised to require PEA's must respond to a request for evaluation within 15 calendar days.

Motion failed 7-3

Motion made by: Richard Murphy

Seconded: Christopher Tiffany

Members had discussion on this item.

Member	Vote
Colette Chapman	N
Clark Crace	N
Amanda Glass	Y
Dr. Scott Hagerman	N
Tina Kauffmann	N
Karla Philips-Krivickas	Y
Richard Murphy	Y
Heather Pierson	N
Dr. Marsha Spencer	N
Christopher Tiffany	y

G.2.

A motion was made to approve the recommendation to revise R7-2-401.E.4. to include:

“a. Upon the completion of the review of data meeting, if the determination is made that additional data are needed, the PEA must request parental consent and provide Prior Written Notice within five school days.

b. the consent form and Prior Written Notice may also be provided in the review of data meeting after the determination has been made that additional data are needed.”

Motion passed 8-3

Motion made by: Marsha Spencer

Seconded: Clark Crace

Members had discussion on this item.

Member	Vote
Colette Chapman	N
Clark Crace	Y
Amanda Glass	Y
Dr. Scott Hagerman	Y
Tina Kauffmann	N
Karla Philips-Krivickas	Y
Richard Murphy	Y
Heather Pierson	Y
Dr. Marsha Spencer	Y
Charlotte Taylor	N
Christopher Tiffany	Y

G.3.

A motion was made to approve the recommendation that R7-2-401.E.4. be revised to include:

“Each PEA must publish and make available to parents on its website, its procedures related to requesting an evaluation for special education, including the PEA points of contact for efficient communication”.

Motion passed 11-0

Motion made by: Amanda Glass

Seconded: Karla Krivickas

Member	Vote
Colette Chapman	Y
Clark Crace	Y
Amanda Glass	Y
Dr. Scott Hagerman	Y
Tina Kauffmann	Y
Karla Philips-Krivickas	Y
Richard Murphy	Y

Heather Pierson	Y
Dr. Marsha Spencer	Y
Charlotte Taylor	Y
Christopher Tiffany	Y

G.4.

A motion was made to approve the recommendation that R7-2-401.E.3. be revised to include: "Upon completion of the administration of assessments, other evaluation measures, and the evaluation report, if the parent requests it, the school shall provide a copy of the evaluation report to a parent at least five school days before the Multi-Disciplinary Evaluation (MET) team meeting."

Motion made by: Amanda Glass

Seconded: Karla Krivickas

Members had discussion on this recommendation.

A motion was made to amend the recommendation and change "school days" to "calendar days" for recommendation G.4.

Motion made by: Amanda Glass

Seconded: Karla Krivickas

Motion passed 10-1

Member	Vote
Colette Chapman	N
Clark Crace	Y
Amanda Glass	Y
Dr. Scott Hagerman	Y
Tina Kauffmann	Y
Karla Philips-Krivickas	Y
Richard Murphy	Y
Heather Pierson	Y
Dr. Marsha Spencer	Y
Charlotte Taylor	Y
Christopher Tiffany	Y

A motion was made to amend to change the language in the recommendation from "school days" to "calendar days" for recommendation G.5.

Motion made by: Amanda Glass

Seconded by: Clark Crace

Motion passed: 10-1

Member	Vote
Colette Chapman	N

Clark Crace	Y
Amanda Glass	Y
Dr. Scott Hagerman	Y
Tina Kauffmann	Y
Karla Philips-Krivickas	Y
Richard Murphy	Y
Heather Pierson	Y
Dr. Marsha Spencer	Y
Charlotte Taylor	Y
Christopher Tiffany	Y

A motion was made to amend the language in the recommendation G.4. to remove “if the parents request it”.

Motion made by: Amanda Glass

Seconded: Karla Krivickas

Members had discussion on this motion and recommendation. The motion was withdrawn.

Members had discussion on this recommendation.

A motion was made to amend the language of recommendation G.4. to remove “If the parent’s request it” from recommendation G.4.

Motion made by: Richard Murphy

Seconded: Amanda Glass

Motion passed 9-2

Member	Vote
Colette Chapman	Y
Clark Crace	Y
Amanda Glass	Y
Dr. Scott Hagerman	Y
Tina Kauffmann	N
Karla Philips-Krivickas	Y
Richard Murphy	Y
Heather Pierson	Y
Dr. Marsha Spencer	N
Charlotte Taylor	Y
Christopher Tiffany	Y

A motion was made to approve the amended recommendation G.4., which states that upon completion of the administration of assessments, other evaluation measures, the school shall provide a copy of the evaluation report to a parent at least five calendar days before the Multidisciplinary Evaluation (MET) team meeting.

Motion made by: Amanda Glass

Seconded: Richard Murphy
Motion failed: 7 nays – 4 ayes

Member	Vote
Colette Chapman	N
Clark Crace	N
Amanda Glass	Y
Dr. Scott Hagerman	N
Tina Kauffmann	N
Karla Philips-Krivickas	Y
Richard Murphy	Y
Heather Pierson	N
Dr. Marsha Spencer	N
Charlotte Taylor	N
Christopher Tiffany	Y

G.5.

A motion was made to approve the recommendation that R7-2-401.E.3. be revised to include: “Upon completion of the administration of assessments, other evaluation measures, and the evaluation report, if the parent requests it, the school shall provide a copy of the evaluation report to a parent at least five calendar days before the Multi-Disciplinary Evaluation (MET) team meeting, so long as the parent requests it at least ten calendar days prior to the Multidisciplinary Evaluation Team (MET) determination of eligibility.”

Motion made by: Amanda Glass
Seconded: Christopher Tiffany
Motion failed 10-1

Member	Vote
Colette Chapman	N
Clark Crace	N
Amanda Glass	Y
Dr. Scott Hagerman	N
Tina Kauffmann	N
Karla Philips-Krivickas	N
Richard Murphy	N
Heather Pierson	N
Dr. Marsha Spencer	N
Charlotte Taylor	N
Christopher Tiffany	N

H.1.

A motion was made to approve the recommendation that the Board advocate for legislative change to A.R.S. §15-771 to read:

“Each school district shall make available an educational program for preschool children with

disabilities who reside in the school district and who are not already receiving services that have been provided through the department of education. A charter school may choose to make available an educational program for preschool children with disabilities. The state board of education shall prescribe rules for use by school districts in the provision of educational programs for preschool children with disabilities. School districts are required to, and charter schools may, make available education programs for preschool children who meet the definition of a child with a disability under one or more categories as specified in A.R.S. § 15-761. For the purposes of calculating average daily membership, school districts and charter schools may count only those preschool children who meet the definition of a child with a disability under one or more categories as specified in A.R.S. § 15-761.

Motion passed 11-0

Motion made by: Clark Crace

Seconded: Tina Kauffman

Members had discussion on this item.

Member	Vote
Colette Chapman	Y
Clark Crace	Y
Amanda Glass	Y
Dr. Scott Hagerman	Y
Tina Kauffmann	Y
Karla Philips-Krivickas	Y
Richard Murphy	Y
Heather Pierson	Y
Dr. Marsha Spencer	Y
Charlotte Taylor	Y
Christopher Tiffany	Y

3. Presentation, discussion, and possible action to approve the Subcommittee recommendations to the State Board regarding evaluations for special education in a student's native language, assistive technology, and the definition of the term 'parent', which were tabled from the May meeting

Chair Hagerman introduced this item.

Amanda Glass presented to the subcommittee about these recommendations.

I.1.

A motion was made to approve the recommendation that R7-2-401.E.2. be revised to include: "Each public education agency shall ensure that evaluation materials and strategies are provided and administered in the child's native language, including ASL, 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."

Motion failed 6-5

Motion made by: Charlotte Taylor

Seconded: Richard Murphy

Members had discussion on this recommendation.

Member	Vote
Colette Chapman	N
Clark Crace	N
Amanda Glass	Y
Dr. Scott Hagerman	N
Tina Kauffmann	N
Karla Philips-Krivickas	Y
Richard Murphy	Y
Heather Pierson	N
Dr. Marsha Spencer	N
Charlotte Taylor	Y
Christopher Tiffany	Y

I.2.

A motion was made to approve the recommendation that R7-2-401.E.2. be revised to include: "For a student who uses any type of assistive communication device, evaluators will be required to have familiarity with the assistive communication device or be assisted by another professional who does have familiarity with the assistive communication device. When conditions of standardized assessments preclude the use of an assistive communication device during assessment, other forms of assessment will be included in the evaluation process that do allow for the use of the assistive communication device."

Motion failed 7-4

Motion made by: Amanda Glass

Seconded: Richard Murphy

Members had discussion on this recommendation

Member	Vote
Colette Chapman	N
Clark Crace	N
Amanda Glass	Y
Dr. Scott Hagerman	N
Tina Kauffmann	N
Karla Philips-Krivickas	Y
Richard Murphy	Y
Heather Pierson	N
Dr. Marsha Spencer	N
Charlotte Taylor	N
Christopher Tiffany	Y

I.3.

A motion was made to approve the recommendation that R7-2-401.E.2. be revised to include: "A student whose primary language (determined by the student and/or their parents, not the IEP team or the PEA) is ASL shall have their evaluation conducted:

1. By a school psychologist who is fluent in ASL; and/or
2. With an ASL interpreter and a Certified Deaf Interpreter to provide interpretation/translation”

Motion failed 7-4

Motion made by: Amanda Glass

Seconded: Richard Murphy

Members had discussion on this recommendation.

Member	Vote
Colette Chapman	N
Clark Crace	N
Amanda Glass	Y
Dr. Scott Hagerman	N
Tina Kauffmann	N
Karla Philips-Krivickas	Y
Richard Murphy	Y
Heather Pierson	N
Dr. Marsha Spencer	N
Charlotte Taylor	N
Christopher Tiffany	Y

I.4.

A motion was made to approve the recommendation that R7-2-401. B.14 be revised to include:
 “Parent’ has the same meaning as prescribed in 34 C.F.R. §300.30.

- a. In a dependency, Title 8 guardianship, or termination of parental rights action pursuant to Ariz. R.P. Juv. Ct. 310(c), if a judicial order identifies a person or persons under 34 C.F.R. §300.30(a)(1) through (4) or appoints a surrogate parent who meets the requirements of 34 C.F.R. § 300.519(d)(2)(i) and (e), to act as the ‘parent’ of a child or to make educational decisions on behalf of a child, then such person or persons shall be determined to be the ‘parent’ for purposes of this definition.”

Members had discussion on this recommendation.

Motion passed 11-0

Motion made by: Tina Kauffman

Seconded: Dr. Marsha Spencer

Member	Vote
Colette Chapman	Y
Clark Crace	Y
Amanda Glass	Y
Dr. Scott Hagerman	Y
Tina Kauffmann	Y

Karla Philips-Krivickas	Y
Richard Murphy	Y
Heather Pierson	Y
Dr. Marsha Spencer	Y
Charlotte Taylor	Y
Christopher Tiffany	Y

The Subcommittee recessed at 10:48 am and reconvened at 10:56 am.

4. Discussion related to Independent Educational Evaluations (IEE) as part of the initial evaluation process for special education

Executive Director Ross introduced this agenda item.

Members discussed this agenda item.

The Subcommittee recessed at 11:36 am and reconvened at 11:50 am

5. Generation of and possible action to approve recommendations to be made to the State Board related to Independent Educational Evaluations (IEE) as part of the initial evaluation process for special education

Executive Director Ross introduced this agenda item and shared additional recommendations that were developed.

Members had discussion on the proposed recommendations.

6. Summary of current events, future meeting dates and items for future agendas

A future virtual meeting will be scheduled to allow members to review the additional recommendations and vote on those items.

Chair Hagerman adjourned the meeting at 11:58 am.