

1 Article 4. SPECIAL EDUCATION

2 **R7-2-401. Special Education Standards for Public Agencies Providing Educational Services**

3 **A.** For the purposes of this Article, the Individuals with Disabilities Education Improvement Act (IDEA),
4 20 U.S.C. 1400 et seq. and its implementing regulations, 34 CFR 300.1 et seq., are incorporated herein
5 by reference. Copies of the incorporated material can be obtained from the U.S. Government Printing
6 Office, ~~Attn: New Orders, P.O. Box 979050, St. Louis, MO 63197-9000~~
7 <https://bookstore.gpo.gov/catalog/laws-regulations> or the Arizona Department of Education,
8 Exceptional Student Services, 1535 West Jefferson Street, Phoenix, Arizona 85007.

9 **B.** Definitions. All terms defined in the IDEA, its implementing regulations and A.R.S. § 15-761 are
10 applicable, with the following additions:

11 1. “Accommodations” means the provisions made to allow a student to access the general education
12 curriculum and demonstrate learning. Accommodations do not substantially change the
13 instructional level, ~~the~~ content or ~~the~~ performance criteria, but are made in order to provide a
14 student equal access to learning and equal opportunity to demonstrate what is known.
15 Accommodations shall not alter the content of the curriculum or a test, or provide inappropriate
16 assistance to the student within the context of the test.

17 ~~2. “Adaptations” means changes made to the environment, curriculum, and instruction or~~
18 ~~assessment practices in order for a student to be a successful learner. Adaptations include~~
19 ~~accommodations and modifications. Adaptations are based on an individual student’s strengths~~
20 ~~and needs.~~

21 ~~3.2.~~ “Administrator” means the chief administrative official or designee ~~(responsible for special~~
22 ~~education services)~~ authorized to act on behalf of a public education agency.

23 ~~4.3.~~ “Audiologist” means a person who specializes in the identification and prevention of hearing
24 problems and in the non-medical rehabilitation of those who have hearing impairments, and who
25 is licensed to practice audiology according to A.R.S. Title 36, Chapter 17, Article 4.

26 ~~5.4.~~ “Boundaries of responsibility” means for:
27 a. A school district, the geographical area within ~~the~~ its legally designated boundaries.
28 b. A charter school, the population of students enrolled in the charter school.
29 c. A public education agency other than a school district or charter school, the population of
30 students ~~enrolled in a charter school or~~ receiving educational services from a public education
31 agency.

32 ~~6. “Certificate in speech and language therapy” means a speech-language pathologist or speech-~~
33 ~~language technician certificate awarded by the State Board of Education.~~

34 ~~7.5.~~ “Certified school psychologist” means a person holding a certificate from the Arizona State Board
35 of Education issued pursuant to 7 A.A.C. 2, Article 6, in the area of school psychology.

- 1 ~~8-6.~~ "Certified speech-language therapist" means a person holding a speech-language pathologist or
2 speech-language technician certificate from the Arizona State Board of Education issued pursuant to
3 7 A.A.C. 2, Article 6, and a license from the Arizona Department of Health Services as a speech-
4 language pathologist in accordance with A.R.S. Title 36, Chapter 17, Article 4.
- 5 7. "Child with a disability," as defined by A.R.S. § 15-761(2), is a child that has been evaluated
6 pursuant to A.R.S. § 15-766 and has been determined to have a qualifying disability and who, by
7 reason thereof, needs special education and related services.
- 8 ~~9-8.~~ "Department" means the Arizona Department of Education.
- 9 ~~10-9.~~ "Doctor of medicine" means a person holding a license to practice medicine pursuant to ~~A.R.S.~~
10 ~~Title 32, Chapter 13~~ state law as a ~~(medical doctor)~~ or ~~Chapter 17~~ (doctor of osteopathy).
- 11 ~~11-10.~~ "Exceptional Student Services ~~Division~~" or "~~ESS~~" means the Exceptional Student Services
12 Division of the Arizona Department of Education.
- 13 ~~12-11.~~ "Evaluator" means a ~~qualified~~ person trained and knowledgeable in a field relevant to the
14 child's disability who administers specific and individualized assessment for the purpose of special
15 education evaluation and placement.
- 16 ~~13-12.~~ "Full and individual evaluation" means procedures used in accordance with the IDEA to
17 determine whether a child has a disability and the nature and extent of the special education and
18 related services that the child needs. This evaluation includes:
19 a. A review of existing information about the child;
20 b. A decision regarding the need for additional information;
21 c. If necessary, the collection of additional information; and
22 d. A review of all information about the child and a determination of eligibility for special
23 education services and needs of the child.
- 24 ~~14-13.~~ "Independent educational evaluation" means an evaluation conducted by ~~a qualified~~
25 ~~evaluator~~ an examiner who is not employed by the public education agency responsible for the
26 education of the child in question.
- 27 14. "Informed written consent" means a person has been fully informed of all information relevant to
28 the activity for which consent is sought, in the person's native language or through another mode
29 of communication; the person understands and agrees in writing to the carrying out of the activity
30 for which consent is sought; and the person understands that the granting of consent is voluntary
31 and may be revoked at any time.
- 32 15. "Interpreter" means a person trained to translate orally or in sign language in matters pertaining
33 to special education identification, evaluation, placement, the provision of free appropriate public
34 education (FAPE), or assurance of procedural safeguards for parents and students who converse
35 in a language other than spoken English. Each student's IEP team determines the level of
36 interpreter skill necessary for the provision of FAPE.
- 37 ~~16.~~ "~~Language in which the student is proficient~~" means ~~all languages including sign language~~
38 ~~systems.~~

- 1 ~~17-16.~~ "Licensed psychologist" means a person holding a psychologist license from the a state of
2 Arizona Board of Psychologist examiners in accordance with A.R.S. Title 32, Chapter 19.1, Article
3 2 licensing body.
- 4 17. "Multidisciplinary Evaluation Team" means a team of persons including individuals described as
5 the individualized education program team and other qualified professionals who shall determine
6 whether a child is eligible for special education and related services.
- 7 18. "Modifications" means substantial changes in what a student is expected to learn and to
8 demonstrate. Changes may be made in the instructional level, the content or the performance
9 criteria. Such changes are made to provide a student with meaningful and productive learning
10 experiences, environments, and assessments based on individual needs and abilities.
- 11 ~~19. "Paraeducator" means a person employed to assist with the education of students but who is not~~
12 ~~certified to teach by the Arizona Department of Education. Alternate terms may include~~
13 ~~paraprofessional, teacher aide, instructional assistant or other similar titles.~~
- 14 ~~20-19.~~ "Private school" means any nonpublic educational institution where academic instruction is
15 provided, including nonsectarian and parochial schools, that are not under the jurisdiction of the
16 state or a public education agency.
- 17 ~~21-20.~~ "Private special education school" means a ~~private school that is established to serve~~
18 ~~primarily~~ nonpublic educational institution where instruction is provided primarily to students
19 with disabilities. The school may also serve students without disabilities.
- 20 ~~22-21.~~ "Psychiatrist" means a ~~doctor of medicine who specializes in the study, diagnosis, treatment~~
21 ~~and prevention of mental disorders~~ licensed physician who has completed three years of graduate
22 training in psychiatry in a program approved by the American medical association or the American
23 osteopathic association.
- 24 ~~23-22.~~ "Public education agency" or "PEA" means a school district, charter school, accommodation
25 school, state supported institution, or other political subdivision of the state that is responsible
26 for providing education to children with disabilities.
- 27 23. "Qualified professionals" means individuals who have met state approved or recognized degree,
28 certification, licensure, registration or other requirements that apply in the areas in which the
29 individuals are providing services such as screening, identification, evaluation, general education,
30 special education or related services, including supplemental aids and services.
- 31 24. "Screening" means an informal or formal process of determining the status of a child with respect
32 to appropriate developmental and academic norms. Screening may include observations, family
33 interviews, review of medical, developmental, or education records, or the administration of
34 specific instruments identified by the test publisher as appropriate for use as screening tools.
- 35 25. "Specially designed instruction" means adapting, as appropriate to the needs of an eligible child
36 the content, methodology, or delivery of instruction to address the unique needs of the child
37 that result from the child's disability; and to ensure access of the child to the general curriculum,

1 so that the child can meet the educational standards within the jurisdiction of the PEA that
2 apply to all children.

3 ~~25.~~26. "Special education teacher" means a teacher holding a special education certificate from the
4 Arizona Department of Education.

5 ~~26.~~27. "Suspension" means ~~a disciplinary removal from a child's current placement that results in a~~
6 ~~failure to provide services to the extent necessary to enable the child to progress appropriately in~~
7 ~~the general curriculum and advance toward achieving the goals set out in the child's IEP. The term~~
8 ~~does not include disciplinary actions or changes in placement through the IEP process if the child~~
9 ~~continues to receive the services described above. The term does include actions such as "in-~~
10 ~~school" and "going home for the rest of the day" removals if the child does not receive the services~~
11 ~~described above.~~ the temporary withdrawal of the privilege of attending a school for a specified
12 period of time.

13 C. Public Awareness.

14 1. Each public education agency shall inform the general public and all parents, within the public
15 education agency's boundaries of responsibility, of the availability of special education services
16 for students aged 3 through 21 years and how to access those services. This includes information
17 regarding early intervention services for children aged birth through 2 years.

18 ~~2.—Each public education agency is responsible for public awareness within their enrolled population~~
19 ~~(including the families of enrolled students).~~

20 ~~3.~~2. School districts are responsible for public awareness in private schools located within their
21 ~~geographical~~ boundaries of responsibility.

22 D. Child Identification and Referral.

23 1. All children with disabilities residing in the state, including children with disabilities who are
24 homeless or are wards of the state, including children with disabilities who attend private schools,
25 regardless of the severity of their disability, and who are in need of special education and related
26 services must be identified, located, and evaluated. Child find must include children who are
27 suspected of being a child with a disability in need of special education and related services,
28 including children who are advancing from grade to grade, and children who are highly mobile,
29 including migrant children.

30 2. Each public education agency must develop and implement a practical method to identify, locate,
31 and evaluate children with disabilities who are in need of, but are not currently receiving special
32 education and related services.

33 ~~1.~~3. Each public education agency shall establish, implement, and ~~disseminate~~ make available, either
34 in writing or electronically, to its school-based personnel and all parents, within the public
35 ~~education agency~~ its boundaries of responsibility, written procedures ~~for the identification and~~
36 ~~referral of~~ to identify, locate and evaluate all children with disabilities, aged birth through 21,
37 including children with disabilities attending private schools and home schools, regardless of the
38 severity of their disability.

- 1 ~~2.4.~~ Each public education agency will require all school-based ~~staff~~ personnel who are employed or
2 contracted by the school to review the written procedures related to child identification and
3 referral on an annual basis. The public education agency shall maintain documentation of ~~staff~~
4 school-based personnel review.
- 5 ~~3.—Procedures for child identification and referral shall meet the requirements of the IDEA and~~
6 ~~regulations, A.R.S. Title 15, Chapter 7, Article 4 and these rules.~~
- 7 ~~4.5.~~ The Each public education agency is responsible for child identification activities ~~is~~ in the school
8 district in which the parents reside unless:
9 a. The student is enrolled in a charter school or public education agency that is not a school
10 district. In that event, the charter school or public education agency is responsible for child
11 identification activities;
12 b. The student is enrolled in a non-profit private school. In that event, the school district within
13 whose boundaries the private school is located is responsible for child identification activities.
- 14 ~~5.6.~~ Identification (screening for possible disabilities) shall be completed within 45 calendar days after:
15 a. Entry of each preschool or kindergarten student and any student enrolling without
16 appropriate records of screening, evaluation, and progress in school; ~~or~~
17 b. A student transfers into a school and the student's enrollment documentation indicates a
18 history of special education for a student not currently eligible, or sustained and unexplained
19 poor progress in school; or
20 c. ~~Notification~~ Written notification by parents of concerns to the public education agency ~~by~~
21 ~~parents of concerns~~ regarding developmental or educational progress by their child aged 3
22 years through 21 years.
- 23 ~~6.7.~~ Screening procedures shall include vision and hearing status and consideration of the following
24 areas: cognitive or academic, communication, motor, social or behavioral, and adaptive
25 development. Screening does not include ~~detailed individualized comprehensive evaluation~~
26 ~~procedures~~ a full and individual evaluation.
- 27 ~~7.—For a student transferring into a school; the public education agency shall review enrollment data~~
28 ~~and educational performance in the prior school. If there is a history of special education for a~~
29 ~~student not currently eligible for special education, or poor progress, the name of the student~~
30 ~~shall be submitted to the administrator for consideration of the need for a referral for a full and~~
31 ~~individual evaluation or other services.~~
- 32 ~~8.~~ If, on the basis of the screening, the public education agency reasonably suspects that the child's
33 performance might be the result of a disability that has not yet been identified, the public
34 education agency must refer the child for a full and individual evaluation.
- 35 ~~8.9.~~ If a concern about a student is identified through screening procedures or through review of
36 records that does not rise to the level of suspecting the child is a child with a disability in need of
37 special education and related services, the public education agency shall notify the parents of the
38 student in writing of the concern within 10 a reasonable amount of time but not to exceed 15
39 school days and inform them of the public education agency procedures to follow-up on the
40 student's needs which may include specific general education supports and/or interventions that
41 will be put in place to address the concerns, including who will provide the supports and/or

1 interventions, in what setting, and how the parent will be notified of the progress the child is
2 making with those supports and/or interventions.

3 10. If, after a reasonable amount of time not to exceed one school semester, the student's teacher or
4 an administrator, in consultation with the student's parent, determines that the general
5 education supports and/or interventions have not resolved the concerns identified in the
6 screening and as a result, there is suspicion that the student may be a child with a disability in
7 need of special education and related services, the public education agency shall refer the student
8 for a full and individual evaluation.

9 a. Implementation of general education supports and/or interventions shall not be put in place in
10 order to delay or deny the student an evaluation.

11 b. At any time during the implementation of general education supports and/or interventions, the
12 parent may request an evaluation in writing to determine if the child is a child with a disability
13 in need of special education and related services.

14 ~~9.11.~~ Each public education agency shall maintain documentation of the identification procedures
15 utilized, the dates of entry into school or notification by parents made pursuant to subsection
16 (D)~~(5)~~ (6), and the dates of screening. The results shall be maintained in the student's permanent
17 records in a location designated by the administrator. In the case of a student not enrolled, the
18 results shall be maintained in a location designated by the administrator.

19 ~~10. If the identification process indicates a possible disability, the name of the student shall be~~
20 ~~submitted to the administrator for consideration of the need for a referral for a full and individual~~
21 ~~evaluation or other services. A parent or a student may request an evaluation of the student. For~~
22 ~~parentally-placed private school students the school district within whose boundaries the non-~~
23 ~~profit private school is located is responsible for such evaluation.~~

24 ~~11. If, after consultation with the parent, the responsible public education agency determines that a~~
25 ~~full and individual evaluation is not warranted, the public education agency shall provide prior~~
26 ~~written notice and procedural safeguards notice to the parent in a timely manner.~~

27 E. Evaluation/re-evaluation.

28 1. Each public education agency shall establish, implement, ~~disseminate~~ and make available to ~~its~~
29 school-based personnel, and ~~make available to~~ parents within its boundaries of responsibility,
30 written procedures for the initial full and individual evaluation of students suspected of having a
31 disability, and for the re-evaluation of students previously identified as being eligible for special
32 education.

33 2. Procedures for the initial full and individual evaluation of children suspected of having a disability
34 and for the re-evaluation of students with disabilities shall meet the requirements of IDEA and its
35 regulations, ~~and~~ state statutes and State Board of Education rules.

36 3. The initial evaluation of a child being considered for special education, or the re-evaluation per a
37 parental request of a student already receiving special education services, shall be ~~completed as~~
38 ~~soon as possible, but shall not exceed~~ conducted within 60 calendar days from the public
39 education agency's receipt of the parent's informed written consent. ~~If the public education~~

1 ~~agency initiates the evaluation, the 60-day period shall commence with the date of receipt of~~
2 ~~informed written consent~~ and shall conclude with the date of the Multidisciplinary Evaluation
3 Team (MET) determination of eligibility. If the parent requests the evaluation ~~and the MET~~
4 ~~concur, the 60-day period shall commence with the date that the written parental request was~~
5 ~~received by the public education agency and shall conclude with the date of the MET~~
6 ~~determination of eligibility.~~ the PEA must, within a reasonable amount of time not to exceed 15
7 school days from the date it receives a parent's written request for an evaluation, either begin
8 the evaluation by reviewing existing data, or provide prior written notice refusing to conduct the
9 requested evaluation.

- 10 4. The 60-day evaluation period may be extended for an additional 30 days, provided it is in the best
11 interest of the child, and the ~~parents~~ parent and PEA agree in writing to such an extension. Neither
12 the 60-day evaluation period nor any extension shall cause a re-evaluation to exceed the time-
13 lines for a re-evaluation within three years of the previous evaluation.
- 14 5. The public education agency may accept current information about the student from another
15 state, public agency, public education agency, or through an independent evaluator educational
16 evaluation. In such instances, the Multidisciplinary Evaluation Team shall be responsible for
17 reviewing and approving or supplementing an evaluation to meet the requirements identified in
18 subsections (E)(1) through (7).
- 19 6. For the following disabilities, the full and individual initial evaluation shall include:
20 a. Emotional disability: verification of a disorder by a psychiatrist, licensed psychologist, or a
21 certified school psychologist.
22 b. Hearing impairment:
23 i. An audiological evaluation by an audiologist, and
24 ii. An evaluation of communication/language proficiency.
25 c. Other health impairment: verification of a health impairment by a doctor of medicine,
26 licensed psychologist, licensed nurse practitioner or physician's assistant as appropriate.
27 d. Specific learning disability: a determination of whether the child exhibits a pattern of
28 strengths and weaknesses in performance, achievement, or both, relative to age, state-
29 approved grade-level standards, or intellectual development that meets the public education
30 agency criteria through one of the following methods:
31 i. A discrepancy between achievement and ability;
32 ii. The child's response to scientific, research-based interventions; or
33 iii. Other alternative research-based procedures.
34 e. Orthopedic impairment: verification of the physical disability by a doctor of medicine, or
35 physical therapist licensed pursuant to A.R.S. Title 32, Chapter 19.
36 f. Speech/language impairment: an evaluation by a certified speech-language therapist.
37 g. For students whose speech impairments appear to be limited to articulation, voice, or fluency
38 problems, the written evaluation may be limited to:
39 i. An audiometric screening within the past calendar year,
40 ii. A review of academic history and classroom functioning,
41 iii. An assessment of the speech problem by a speech therapist, or
42 iv. An assessment of the student's functional communication skills.
43 h. Traumatic brain injury: verification of the injury by a doctor of medicine.
44 i. Visual impairment: verification of a visual impairment by ~~an ophthalmologist~~ a licensed doctor
45 of medicine practicing in the specialty of ophthalmology or a licensed optometrist.

1
2 7. The Multidisciplinary Evaluation Team shall determine, in accordance with the IDEA and
3 regulations, whether the requirements of subsections (E)(6)(a) through (i) are required for a
4 student's re-evaluation.

5 8. The public education agency shall conduct a full and individual evaluation of a child with a disability
6 before determining that the child is no longer a child with a disability, unless the child's eligibility
7 is being terminated due to graduation from secondary school with a regular high school diploma
8 or because the child is no longer eligible to receive a free and appropriate public education due
9 to age requirements under A.R.S. § 15-764 (a)(1).

10 **F. Parental Consent.**

11 1. A public education agency shall obtain informed written consent from the parent of the child with
12 a disability before the initial provision of special education and related services to the child.

13 2. If the parent of a child fails to respond to a request for, or refuses to consent to, the initial
14 provision of special education and related services, the public education agency may not use
15 mediation or due process procedures in order to obtain agreement or a ruling that the services
16 may be provided to the child.

17 3. If the parent of the child refuses to consent to the initial provision of special education and related
18 services, or the parent fails to respond to a request to provide consent for the initial provision of
19 special education and related services, the public education agency:
20 a. Will not be considered to be in violation of the requirement to make available FAPE to the
21 child because of the failure to provide the child with the special education and related services
22 for which the parent refuses to or fails to provide consent, and
23 b. Is not required to convene an IEP Team meeting or develop an IEP in accordance with these
24 rules.

25 4. If, at any time subsequent to the initial provision of special education and related services, the
26 parent of a child revokes consent in writing for the continued provision of special education and
27 related services, the public education agency:
28 a. May not continue to provide special education and related services to the child, but shall
29 provide prior written notice before ceasing the provision of special education and related
30 services;
31 b. May not use the mediation procedures or the due process procedures in order to obtain
32 agreement or a ruling that the services may be provided to the child;
33 c. Will not be considered to be in violation of the requirement to make FAPE available to the
34 child because of the failure to provide the child with further special education and related
35 services; and
36 d. Is not required to convene an IEP Team meeting or develop an IEP for the child for further
37 provision of special education and related services.

38 5. If a parent revokes consent in writing for their child's receipt of special education services after
39 the child is initially provided special education and related services, the public agency is not
40 required to amend the child's education records to remove any references to the child's receipt
41 of special education and related services because of the revocation of consent.

1 G. Individualized Education Program (IEP).

- 2 1. Each public education agency shall establish, implement, and ~~disseminate~~ make available to its
3 school-based personnel, and ~~make available to~~ parents, written procedures for the development,
4 implementation, review, and revision of IEPs.
- 5 2. Procedures for IEPs shall meet the requirements of the IDEA and its regulations, ~~and~~ state statutes
6 and State Board of Education rules.
- 7 3. Procedures shall include the incorporation of Arizona ~~Academic Standards~~ academic standards as
8 adopted by the State Board of Education into the development of each IEP and address grade-
9 level expectations and grade-level content instruction. ~~IEP goals aligned with the Arizona~~
10 ~~Academic Standards shall identify the specific level within the Standard that is being addressed.~~
- 11 4. Each IEP of a student with a disability, developed with the opportunity for parent participation,
12 shall ~~stipulate the provision of instructional or support services by a special education teacher,~~
13 ~~certified speech language therapist, and/or ancillary service provider(s), as appropriate.~~ include a
14 statement of the special education and related services that will be provided to enable to child to
15 advance appropriately toward attaining his or her annual goals and to be involved in and make
16 progress in the general education curriculum. Each child's IEP must include the projected date for
17 the beginning of the services and modifications; the anticipated frequency, duration, and location
18 of those services; and a description of the instructional or support services, including a designation
19 of the types of qualified professionals and other providers that will provide those instructional or
20 support services to the student. If appropriate to meet to meet the needs of a student and to
21 ensure access to the general curriculum, an IEP team may include specially designed instruction
22 in the IEP that may be delivered in a variety of educational settings by a general education teacher
23 or other certificated personnel provided that certificated special education personnel are
24 involved in the planning, progress monitoring and when appropriate, the delivery of the specially
25 designed instruction.
- 26 5. Each student with a disability who has an IEP shall participate in the state assessment system.
27 Students with disabilities can test with or without ~~standard~~ accommodations or modifications as
28 indicated in the student's IEP. Students who are determined to have a significant cognitive
29 disability based on the established eligibility criteria will be assessed with the state's alternate
30 assessment as determined by the IEP team.
- 31 6. A meeting of the whole IEP team shall be conducted to review and revise each student's IEP at
32 least annually, or more frequently if the student's progress substantially deviates from what was
33 anticipated. The public education agency shall provide written notice of the meeting to the
34 parents of the student to ensure that parents have the opportunity to participate in the meeting.
35 After the annual review, the public education agency and parent may agree not to convene an IEP
36 team meeting for the purposes of making changes, and instead may develop a written document
37 to amend or modify the student's current IEP.
- 38 7. A parent or public education agency may request in writing a review of the IEP, and shall identify
39 the basis for requesting review. Such review shall take place within ~~15~~ 30 school days of the
40 receipt of the request ~~or~~ at a mutually agreed upon date and time ~~but not to exceed 30 school~~
41 ~~days.~~

1 H. Least Restrictive Environment.

- 2 1. Each public education agency shall establish, implement, and ~~disseminate~~ make available to its
3 school-based personnel, and ~~make available to~~ parents, written procedures to ensure the delivery
4 of special education services in the least restrictive environment as identified by IDEA and its
5 regulations, ~~and~~ state statutes and State Board of Education rules.
- 6 2. A continuum of services and supports for students with disabilities shall be available through each
7 public education agency.

8 I. Procedural Safeguards.

- 9 1. Each public education agency shall establish, implement, and ~~disseminate~~ make available to ~~its~~
10 school-based personnel and parents of students with disabilities written procedures to ensure
11 children with disabilities and their parents are afforded the procedural safeguards required by
12 federal statute and regulation and state statute. These procedures shall include dissemination to
13 parents information about the public education agency's and state's dispute resolution options.
- 14 2. In accordance with the ~~prior written notice~~ requirements of IDEA, prior written notice must be
15 ~~issued in a timely manner following a decision by a~~ provided to the parents of a child within a
16 reasonable time after the PEA ~~to propose~~ proposes to initiate or change, or ~~refuse~~ refuses to
17 initiate or change, the identification, evaluation, educational placement or the provision of FAPE
18 to the child, but before the decision is implemented.

19 J. Confidentiality.

- 20 1. Each public education agency shall establish, implement, and ~~disseminate~~ make available to its
21 personnel, and ~~make available to~~ parents, written policies and procedures to ensure the
22 confidentiality of records and information in accordance with the IDEA and its regulations, the
23 Family Educational Rights and Privacy Act (FERPA) and its regulations, and state statutes.
- 24 2. Parents shall be fully informed about the requirements of the IDEA and regulations, including an
25 annual notice of the policies and procedures that the PEA must follow regarding storage,
26 disclosure to a third party, retention, and destruction of personally identifiable information.
- 27 3. The rights of parents regarding education records are transferred to the student at age 18, unless
28 the student has been ~~declared legally incompetent~~ adjudicated incapacitated, or the student has
29 executed a delegation of rights to make educational decisions pursuant to A.R.S. § 15-773.
- 30 4. Upon receiving a written request, each public education agency shall forward special education
31 records to any other public education agency in which a student ~~is attempting~~ has enrolled or is
32 seeking to enroll. Records shall be forwarded within the time-frame specified in A.R.S. § 15-828(F).
33 The public education agency shall also forward records to any other person or agency for which
34 the parents have given signed consent.

- 1 K. Preschool Programs. Each public education agency responsible for serving preschool children with
2 disabilities shall establish, implement, and ~~disseminate~~ make available to its personnel; and ~~make~~
3 ~~available to~~ parents, written procedures for:
4
- 5 1. The operation of the preschool program, in accordance with federal statute and regulation, and
6 state statute, that provides a continuum of placements to students;
 - 7 2. The smooth and effective transition from the Arizona Early Intervention Program (~~AzEIP~~) to a
8 public school preschool program in accordance with the agreement between the Department of
9 Economic Security and the Department; and
 - 10 3. The provision of a minimum of 360 minutes per week of instruction in a program that ~~operates at~~
11 ~~least three days a week~~ meets at least 216 hours over the minimum number of days.
- 12 L. Children in Private Schools. Each ~~public~~ education agency shall establish, implement, and ~~disseminate~~
13 make available to its personnel; and ~~make available to~~ parents; written procedures regarding the
14 access to special education services to students enrolled in private schools by their parents as
15 identified by the IDEA and its regulations, ~~and~~ state statutes and State Board of Education rules.
- 16 M. ~~State Education Agency~~ Department Responsible for General Supervision and Obligations Related to
17 and Methods of Ensuring Services.
- 18 1. The Department is responsible for the general supervision of services to children with disabilities
19 aged 3 through 21 served through a public education agency.
 - 20 2. The Department shall ensure through fund allocation, monitoring, dispute resolution, and
21 technical assistance that all eligible students receive ~~a free appropriate public education~~ FAPE in
22 conformance with the IDEA and its regulations, A.R.S. Title 15, Chapter 7, Article 4, and these
23 rules.
 - 24 3. In exercising its general supervision responsibilities, the Department shall ensure that when it
25 identifies noncompliance with the requirements of the IDEA Part B, the noncompliance is
26 corrected as soon as possible, and in no case later than one year after the Department's written
27 notification to the PEA of its identification of the noncompliance.
- 28 N. Procedural Requirements Relating to Public Education Agency Eligibility.
- 29 1. Each public education agency shall establish eligibility for funding with the ~~Arizona~~ Department in
30 accordance with the IDEA and its regulations, ~~and~~ state statutes and with ~~schedule~~ schedules and
31 ~~method~~ methods prescribed by the Department.
 - 32 2. In the event the Department determines that a public education agency does not meet eligibility
33 for funding requirements, the public education agency has a right to a hearing before such funding
34 is withheld.
 - 35 3. The Department may ~~temporarily interrupt~~ suspend payments during any time period when a
36 public education agency has not corrected deficiencies in eligibility for federal funds as a result of
37 fiscal requirements of monitoring, auditing, complaint and due process findings.

1 4. Each public education agency shall, on an annual basis, determine the number of children within
2 each disability category who have been identified, located, evaluated, and/or receiving special
3 education services. This includes children residing within the boundaries of responsibility of the
4 public education agency who have been placed by their parents in private schools or who are
5 home schooled.

6 **O. Public Participation.**

- 7 1. Each public education agency shall establish, implement, and ~~disseminate~~ make available to ~~its~~
8 personnel; and ~~make available to~~ parents; written procedures to ensure that, prior to the
9 adoption of any policies and procedures needed to comply with federal and state statutes and
10 regulations, there are:
11 a. Public hearings;
12 b. Notice of the hearings; and
13 c. An opportunity for comment available to the general public, including individuals with
14 disabilities and parents of children with disabilities.
- 15 2. This requirement does not pertain to day-to-day operating procedures.

16 **P. Suspension and Expulsion.**

- 17 1. Each public education agency shall establish, implement, and ~~disseminate~~ make available to ~~its~~
18 personnel; and ~~make available to~~ parents; written procedures for the suspension and expulsion
19 of students with disabilities.
- 20 2. Each public education agency shall require all school-based staff involved in the disciplinary
21 process to review the policies and procedures related to suspension and expulsion on an annual
22 basis. The public education agency shall maintain documentation of staff review.
- 23 3. Procedures for such suspensions and expulsions shall meet the requirements of the IDEA and its
24 regulations, and state statutes.