

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
4 (IDEA), 20 U.S.C. 1400 et seq. and its implementing regulations, 34 CFR 300.1 et seq., are incorporated
5 herein by reference. Copies of the incorporated material can be obtained from the U.S. Government
6 Printing Office, <https://bookstore.gpo.gov/catalog/laws-regulations> Attn: New Orders, P.O. Box 979050,
7 St. Louis, MO 63197-9000 or the Arizona Department of Education, Exceptional Student Services, 1535
8 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
12 education 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 student
14 equal access to learning and equal opportunity to demonstrate what is known. Accommodations shall
15 not alter the content of the curriculum or a test, or provide inappropriate assistance to the student
16 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 and~~
20 ~~needs.~~

21 ~~2. 3.~~ "Administrator" means the chief administrative official or designee authorized to act on behalf
22 (responsible for special education services) of a public education agency.

23 ~~3. 4.~~ "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 is
25 licensed to practice audiology according to A.R.S. Title 36, Chapter 17, Article 4.

26 ~~4. 5.~~ "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. 6.~~ 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 the public education
31 agency.

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

34 ~~5. 7.~~ "Certified school psychologist" means a person holding a certificate from the Arizona State
35 Board of Education issued pursuant to 7 A.A.C. 2, Article 6, in the area of school psychology.

36 ~~6. 8.~~ "Certified speech-language therapist" means a person holding a speech-language pathologist or
37 speech-language technician certificate from the Arizona State Board of Education issued pursuant to 7

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1 A.A.C. 2, Article 6, and a license from the Arizona Department of Health Services as a speech-language
2 pathologist in accordance with A.R.S. Title 36, Chapter 17, Article 4.

3 ~~7. “Child with a disability,” as defined by A.R.S. § 15-761(2), is a child that has been evaluated pursuant~~
4 ~~to A.R.S. § 15-766 and has been determined to have a qualifying disability and who, by reason thereof,~~
5 ~~needs special education and related services.~~

6 ~~8-9-7.~~ “Department” means the Arizona Department of Education.

7 ~~9-10-8.~~ “Doctor of medicine” means a person holding a license to practice medicine pursuant to A.R.S.
8 Title 32, Chapter 13 ~~state law as a (medical doctor) or Chapter 17 (doctor of osteopathy)~~ licensed to
9 practice medicine pursuant to A.R.S. Title 32, Chapter 13 or Chapter 17, or similar laws from another
10 state.

11 ~~10-11-9.~~ “Exceptional Student Services Division” or “ESS” means the Exceptional Student Services
12 Division of the Arizona Department of Education.

13 ~~11-12-10.~~ “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 ~~12-13-11.~~ “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 ~~13-14-12.~~ “Independent educational evaluation” means an evaluation conducted by a ~~qualified an~~
25 ~~evaluator~~ ~~examiner~~ who is not employed by the public education agency responsible for the education
26 of the child in question.

27 ~~14-13.~~ “Informed written consent” means a person has been fully informed of all information relevant
28 to the activity for which consent is sought, in the person’s native language or through another mode of
29 communication; the person understands and agrees in writing to the carrying out of the activity for
30 which consent is sought; and the person understands that the granting of consent is voluntary and may
31 be revoked at any time.

32
33 ~~15-14.~~ “Interpreter” means a person trained to translate orally or in sign language in matters pertaining
34 to special education identification, evaluation, placement, the provision of free appropriate public
35 education (FAPE), or assurance of procedural safeguards for parents and students who converse in a
36 language other than spoken English. Each student’s IEP team determines the level of interpreter skill
37 necessary for the provision of FAPE.

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1 16. “Language in which the student is proficient” means all languages including sign language
2 systems.

3 ~~16- 17.~~ [15.](#) “Licensed psychologist” means a person holding a ~~psychologist~~ license [to practice](#)
4 [psychology](#) ~~from the a state licensing body, of Arizona Board of Psychologist examiners in accordance~~
5 ~~with.~~ [pursuant to](#) A.R.S. Title 32, Chapter 19.1, Article 2, [or a similar law from another state.](#)

6 ~~17- 16.~~ [17.](#) “Multidisciplinary Evaluation Team” ~~means a team of persons including individuals described as~~
7 ~~the individualized education program team and other qualified professionals who shall determine~~
8 ~~whether a child is eligible for special education and related services.~~ [has the same meaning prescribed in](#)
9 [A.R.S. § 15-761.](#)

10 ~~18- 17.~~ “Modifications” means substantial changes in what a student is expected to learn and to
11 demonstrate. Changes may be made in the instructional level, the content or the performance criteria.
12 Such changes are made to provide a student with meaningful and productive learning experiences,
13 environments, and assessments based on individual needs and abilities.

14 19. “Paraeducator” means a person employed to assist with the education of students but who is
15 not certified to teach by the Arizona Department of Education. Alternate terms may include
16 paraprofessional, teacher aide, instructional assistant or other similar titles.

17 ~~19- 20.~~ [18.](#) “Private school” means any nonpublic educational institution where academic instruction is
18 provided, including nonsectarian and parochial schools, that are not under the jurisdiction of the state
19 or a public education agency.

20 ~~20- 21.~~ [19.](#) “Private special education school” means a ~~private school that is established to serve~~
21 ~~primarily nonpublic educational institution where instruction is provided primarily to~~ students with
22 disabilities. The school may also serve students without disabilities.

23 ~~21- 22.~~ [20.](#) “Psychiatrist” means a ~~doctor of medicine who specializes in the study, diagnosis, treatment~~
24 ~~and prevention of mental disorders~~ [licensed physician who has completed three years of graduate](#)
25 [training in psychiatry in a program approved by the American medical association or the American](#)
26 [osteopathic association.](#)

27 ~~22- 21.~~ [21.](#) “Public education agency” or “PEA” means a school district, charter school, accommodation
28 school, state supported institution, or other political subdivision of the state that is responsible for
29 providing education to children with disabilities.

30 ~~23- 22.~~ [22.](#) “Qualified professionals” means individuals who have met state approved or recognized
31 [degree, certification, licensure, registration or other requirements that apply in the areas in which the](#)
32 [individuals are providing services such as screening, identification, evaluation, general education, special](#)
33 [education or related services, including supplemental aids and services.](#)

34 ~~24- 23.~~ [23.](#) “Screening” ~~means an informal or formal process of determining the status of a child with~~
35 ~~respect to appropriate developmental and academic norms. Screening may include observations, family~~
36 ~~interviews, review of medical, developmental, or education records, or the administration of specific~~
37 ~~instruments identified by the test publisher as appropriate for use as screening tools.~~ [means a process](#)

Commented [CB1]: Subsection B (page 1, lines 9 and 10) states that all of the definitions from 15-761 are included in this Article so this definition can be deleted from rule. See comment #2 on attached document.

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1 of determining appropriate instructional strategies for curriculum implementation. Screening may not
2 be considered to be an evaluation for eligibility for special education and related services.

3 ~~25-24. 24. "Specially designed instruction" means adapting, as appropriate to the needs of an eligible~~
4 ~~child the content, methodology, or delivery of instruction to address the unique needs of the child that~~
5 ~~result from the child's disability; and to ensure access of the child to the general curriculum, so that the~~
6 ~~child can meet the educational standards within the jurisdiction of the PEA that apply to all children. has~~
7 ~~the same meaning prescribed in A.R.S. 15-761.~~

Commented [CB2]: The original definition was cited by groups as inconsistent with federal regulation 34 CFR 300.302. The new definition is pulled from that reg. See comment #3 on attached document.

8
9 ~~25. 26. 25.~~ "Special education teacher" means a teacher holding a special education certificate
10 from the Arizona Department of Education.

Commented [CB3]: Again, subsection B of this section states the 15-761 definitions apply. This definition may be completely stricken. See comment #4 on attached document.

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

18 C. Public Awareness.

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

23 ~~2- Each public education agency is responsible for public awareness within the boundaries of~~
24 ~~responsibility their enrolled population (including the families of enrolled students).~~

25 ~~3- 2.~~ School districts are responsible for public awareness in private schools located within their
26 geographical boundaries of responsibility.

27 D. Child Identification and Referral.

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

Commented [CB4]: Board staff recieved concerns regarding the new Child Find requirements and would like additional discussion. See comment #5 on attached document.

35 ~~2.~~ Each public education agency ~~must shall~~ develop and implement a practical method to identify,
36 locate, and evaluate children with disabilities who are in need of, but are not currently receiving special
37 education and related services. ~~Procedures for child identification and referral shall meet the~~
38 ~~requirements of the IDEA and regulations, A.R.S. Title 15, Chapter 7, Article 4 and these rules.~~

Commented [CB5]: Questions related to how "practical" is defined and how ADE determines if a PEA's method is practical.

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

6 ~~2-4.~~ Each public education agency ~~will~~ shall require all school-based staff personnel who are
7 employed or contracted by the school to review the written procedures related to child identification
8 and referral on an annual basis. The public education agency shall maintain documentation of staff
9 school-based personnel-review.

Commented [CB6]: Public comment suggests requiring all school school-based personnel is overbroad. See comment #6 on attached document.

Commented [CB7]: Public comment seeks to remove this documentation requirement. See comment #6 on attached document.

10 ~~3-~~ Procedures for child identification and referral shall meet the requirements of the IDEA and
11 regulations, A.R.S. Title 15, Chapter 7, Article 4 and these rules.

12 ~~4-5.~~ Each The public education agency is responsible for child identification activities is in the school
13 district in which the parents reside unless:

14 a. The student is enrolled in a charter school or public education agency that is not a school
15 district. In that event, the charter school or public education agency is responsible for child identification
16 activities;

17 b. The student is enrolled in a non-profit private school. In that event, the school district within
18 whose boundaries the private school is located is responsible for child identification activities.

19 ~~5-6.~~ Identification (screening for possible disabilities) shall be completed within 45-60 calendar days
20 after:

21 a. Entry of each preschool or kindergarten student and any student enrolling without appropriate
22 records of screening, evaluation, and progress in school; ~~or~~

23 b. A student transfers into a school and the student's enrollment documentation indicates a
24 history of special education for a student not currently eligible, or sustained and unexplained poor
25 progress in school; or

26 ~~b-c.~~ Written Notification notification by parents of concerns to the public education agency by
27 ~~parents of concerns~~ regarding developmental or educational progress by their child aged 3 years
28 through 21 years.

29 ~~6-7.~~ Screening procedures shall include vision and hearing status and consideration of the following
30 areas: cognitive or academic, communication, motor, social or behavioral, and adaptive development.
31 Screening does not include a full and individual evaluation detailed individualized comprehensive
32 evaluation procedures.

33 ~~7-8.~~ Within 60 days, For for a student transferring into a school; the public education agency shall
34 review enrollment data and educational performance in the prior school. If there is a history of special
35 education for a student not currently eligible for special education, or poor progress, the name of the
36 student shall be submitted to the administrator for consideration of the need for a referral for a full and
37 individual evaluation or other services.

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1 ~~7- 8- 9.~~ If, on the basis of the screening, the public education agency reasonably suspects that the child's
2 performance might be the result of a disability that has not yet been identified, the public education
3 agency ~~must shall~~ refer the child for a full and individual evaluation.

4 ~~8- 9- 10.~~ If a concern about a student is identified through screening procedures or through
5 review of records ~~that does not rise to the level of suspecting the child is a child with a disability in need~~
6 ~~of special education and related services,~~ the public education agency shall notify the parents of the
7 student ~~in writing~~ of the concern within ~~10~~ within a reasonable amount of time but not to exceed 15
8 school days and inform them of the public education agency procedures to follow-up on the student's
9 needs ~~which may include specific general education supports and/or interventions that will be put in~~
10 ~~place to address the concerns, including who will provide the supports and/or interventions, in what~~
11 ~~setting, and how the parent will be notified of the progress the child is making with those supports~~
12 ~~and/or interventions. Local education agencies may implement general education interventions~~
13 ~~concurrently or before initiating a referral for evaluation in an effort to resolve areas of concern.~~

14 ~~9- 10 11.~~ If, after a reasonable amount of time not to exceed one school semester, the student's
15 teacher or an administrator, in consultation with the student's parent, determines that the general
16 education supports and/or interventions have not resolved the concerns identified in the screening and
17 as a result, there is suspicion that the student may be a child with a disability in need of special
18 education and related services, the public education agency shall refer the student for a full and
19 individual evaluation.

- 20 a. ~~Implementation of general education supports and/or interventions shall not be put in place in~~
21 ~~order to delay or deny the student an evaluation.~~
22 b. ~~At any time during the implementation of general education supports and/or interventions, the~~
23 ~~parent may request an evaluation in writing to determine if the child is a child with a disability in~~
24 ~~need of special education and related services.~~

25 ~~8. If a concern about a student is identified through screening procedures or through review of~~
26 ~~records, the public education agency shall notify the parents of the student of the concern within 10~~
27 ~~school days and inform them of the public education agency procedures to follow up on the student's~~
28 ~~needs.~~

29 ~~9-11-12.~~ Each public education agency shall maintain documentation of the identification procedures
30 utilized, the dates of entry into school or notification by parents made pursuant to subsection (D)(5),
31 and the dates of screening. The results shall be maintained in the student's permanent records in a
32 location designated by the administrator. In the case of a student not enrolled, the results shall be
33 maintained in a location designated by the administrator.

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

Commented [CB8]: Concerns that a 15 day notification timeline is beyond federal requirements and suggested limiting to "within a reasonable time." See comment #8 on attached document.

Commented [CB9]: Public comments prefer these provisions and the provisions in 11 be included in guidance rather than rule. See comment #8 on attached document.

Commented [CB10]: Concerns with "school semester." Suggested replacement language includes "half a school year" or "90 days". See comment #9 on attached document.

Commented [CB11]: There was general confusion concerning 11 however there was support for 11 (a) and (b) on lines 20-24.

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

4 E. Evaluation/re-evaluation.

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

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

12 3. The initial evaluation of a child being considered for special education, or the re-evaluation per a
13 parental request of a student already receiving special education services, shall be conducted within
14 completed as soon as possible, but shall not exceed 60 calendar days from the public education agency's
15 receipt of the parent's informed written consent request for an evaluation. If the public education
16 agency initiates the evaluation, the 60-day period shall commence with the date of receipt of the
17 parent's informed written consent and shall conclude with the date of the Multidisciplinary Evaluation
18 Team (MET) determination of eligibility. If the parent requests the evaluation and the MET concurs, the
19 60-day period shall commence with the date that the written parental request was received by the
20 public education agency and shall conclude with the date of the MET determination of eligibility, the
21 PEA must shall, within a reasonable amount of time not to exceed 15 school days from the date it
22 receives a parent's written request for an evaluation, either begin the evaluation by reviewing existing
23 data, or provide prior written notice refusing to conduct the requested evaluation.

24 4. The 60-day evaluation period may be extended for an additional 30 days, provided it is in the
25 best interest of the child, and the parents and PEA agree in writing to such an extension. Neither the 60-
26 day evaluation period nor any extension shall cause a re-evaluation to exceed the time-lines for a re-
27 evaluation within three years of the previous evaluation.

28 5. The public education agency may accept current information about the student from another
29 state, public agency, public education agency, or through an independent educational evaluation
30 evaluator. In such instances, the individualized education program (IEP) team and other qualified
31 professionals within their scope of knowledge and training the Multidisciplinary Evaluation Team shall
32 be responsible for reviewing and approving or supplementing an evaluation to meet the requirements
33 identified in subsections (E)(1) through (7).

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

35 a. Emotional disability: verification of a disorder by a psychiatrist, licensed psychologist, or a
36 certified school psychologist.

37 b. Hearing impairment:

38 i. An audiological evaluation by an audiologist, and

Commented [CB12]: Public comment found this confusing. However, the addition of "informed written request for an evaluation" should allay some concerns. See comment #10 on attached document.

- 1 ii. An evaluation of communication/language proficiency.
- 2 c. Other health impairment: verification of a health impairment by a doctor of medicine, licensed
3 psychologist, licensed nurse practitioner or physician's assistant as appropriate.
- 4 d. Specific learning disability: a determination of whether the child exhibits a pattern of strengths
5 and weaknesses in performance, achievement, or both, relative to age, state-approved grade-level
6 standards, or intellectual development that meets the public education agency criteria through one of
7 the following methods:
 - 8 i. A discrepancy between achievement and ability;
 - 9 ii. The child's response to scientific, research-based interventions; or
 - 10 iii. Other alternative research-based procedures.
- 11 e. Orthopedic impairment: verification of the physical disability by a doctor of medicine, or
12 physical therapist licensed pursuant to ARS Title 32, Chapter 19.
- 13 f. Speech/language impairment: an evaluation by a certified speech-language therapist.
- 14 g. For students whose speech impairments appear to be limited to articulation, voice, or fluency
15 problems, the written evaluation may be limited to:
 - 16 i. An audiometric screening within the past calendar year,
 - 17 ii. A review of academic history and classroom functioning,
 - 18 iii. An assessment of the speech problem by a speech therapist, or
 - 19 iv. An assessment of the student's functional communication skills.
- 20 h. Traumatic brain injury: verification of the injury by a doctor of medicine.
- 21 i. Visual impairment: verification of a visual impairment by an ophthalmologist a licensed doctor
22 of medicine practicing in the specialty of ophthalmology or a licensed optometrist.
- 23 7. The Multidisciplinary Evaluation Team shall determine, in accordance with the IDEA and
24 regulations, whether the requirements of subsections (E)(6)(a) through (i) are required for a student's
25 re-evaluation.
- 26 8. The public education agency shall conduct a full and individual evaluation of a child with a
27 disability before determining that the child is no longer a child with a disability, unless the child's
28 eligibility is being terminated due to graduation from secondary school with a ~~regular~~ high school
29 diploma or a general equivalency diploma or because the child is no longer eligible to receive a free and
30 appropriate public education due to age requirements under A.R.S. §15-764(a)(1).
- 31 F. Parental Consent.
 - 32 1. A public education agency shall obtain informed written consent from the parent of the child
33 with a disability before the initial provision of special education and related services to the child.

Commented [CB13]: There were concerns of adequately capturing each profession and its scope of practice which changes over time. Proposal is to reduce the list to a more general provision. See comment #11 on attached document.

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- 1 2. If the parent of a child fails to respond to a request for, or refuses to consent to, the initial
2 provision of special education and related services, the public education agency may not use mediation
3 or due process procedures in order to obtain agreement or a ruling that the services may be provided to
4 the child.
- 5 3. If the parent of the child refuses to consent to the initial provision of special education and
6 related services, or the parent fails to respond to a request to provide consent for the initial provision of
7 special education and related services, the public education agency:
- 8 a. Will not be considered to be in violation of the requirement to make available FAPE to the child
9 because of the failure to provide the child with the special education and related services for which the
10 parent refuses to or fails to provide consent, and
- 11 b. Is not required to convene an IEP Team meeting or develop an IEP in accordance with these
12 rules.
- 13 4. If, at any time subsequent to the initial provision of special education and related services, the
14 parent of a child revokes consent in writing for the continued provision of special education and related
15 services, the public education agency:
- 16 a. May not continue to provide special education and related services to the child, but shall
17 provide prior written notice before ceasing the provision of special education and related services;
- 18 b. May not use the mediation procedures or the due process procedures in order to obtain
19 agreement or a ruling that the services may be provided to the child;
- 20 c. Will not be considered to be in violation of the requirement to make FAPE available to the child
21 because of the failure to provide the child with further special education and related services; and
- 22 d. Is not required to convene an IEP Team meeting or develop an IEP for the child for further
23 provision of special education and related services.
- 24 5. If a parent revokes consent in writing for their child's receipt of special education services after
25 the child is initially provided special education and related services, the public agency is not required to
26 amend the child's education records to remove any references to the child's receipt of special education
27 and related services because of the revocation of consent.
- 28 G. Individualized Education Program (IEP).
- 29 1. Each public education agency shall establish, implement, and ~~disseminate~~ make available to its
30 school-based personnel, and ~~make available to parents,~~ written procedures for the development,
31 implementation, review, and revision of IEPs.
- 32 2. Procedures for IEPs shall meet the requirements of the IDEA and its regulations, ~~and~~ state
33 statutes and State Board of Education rules.
- 34 3. Procedures shall include the incorporation of Arizona ~~Academic Standards as adopted by the~~
35 State Board of Education into the development of each IEP and address grade-level expectations and
36 grade-level content instruction. ~~IEP goals aligned with the Arizona Academic Standards shall identify the~~
37 ~~specific level within the standard that is being addressed.~~

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1 4. Each IEP of a student with a disability, developed with the opportunity for parent participation, shall
2 stipulate include a statement of the special education and related services that will be provided to
3 enable to child to advance appropriately toward attaining his or her annual goals and to be involved in
4 and make progress in the general education curriculum. Each child's IEP ~~must shall~~ include the projected
5 date for the beginning of the services and modifications; the anticipated frequency, duration, and
6 location of those services; and a description of the instructional or support services, including a
7 designation of the types of qualified professionals and other providers that will provide those
8 instructional or support services to the student. If appropriate to meet to meet the needs of a student
9 and to ensure access to the general curriculum, an IEP team may include specially designed instruction
10 in the IEP that may be delivered in a variety of educational settings by a general education teacher or
11 other certificated personnel provided that certificated special education personnel are involved in the
12 planning, progress monitoring and when appropriate, the delivery of the specially designed instruction.
13 the provision of instructional or support services by a special education teacher, certified speech-
14 language therapist, and/or ancillary service provider(s), as appropriate.

15
16 ~~4. Each IEP of a student with a disability shall stipulate the provision of instructional or support~~
17 ~~services by a special education teacher, certified speech language therapist, and/or ancillary service~~
18 ~~provider(s), as appropriate.~~

19
20 5. Each student with a disability who has an IEP shall participate in the state assessment system.
21 Students with disabilities can test with or without ~~standard~~ accommodations or modifications as
22 indicated in the student's IEP. Students who are determined to have a significant cognitive disability
23 based on the established eligibility criteria will be assessed with the state's alternate assessment as
24 determined by the IEP team.

25 6. A meeting of the whole IEP team shall be conducted to review and revise each student's IEP at
26 least annually or more frequently if the student's progress substantially deviates from what was
27 anticipated. The public education agency shall provide written notice of the meeting to the parents of
28 the student to ensure that parents have the opportunity to participate in the meeting. After the annual
29 review, the public education agency and parent may agree not to convene an IEP team meeting for the
30 purposes of making changes, and instead may develop a written document to amend or modify the
31 student's current IEP.

32
33 7. A parent or public education agency may request in writing a review of the IEP, and shall identify
34 the basis for requesting review. Such review shall take place within ~~30~~ 15 school days of the receipt of
35 the request or at a mutually agreed upon date and time but not to exceed 30 school.

36 H. Least Restrictive Environment.

37 1. Each public education agency shall establish, implement, and ~~disseminate~~ make available to its
38 school-based personnel, ~~and make available to~~ parents, written procedures to ensure the delivery of
39 special education services in the least restrictive environment as identified by IDEA and its regulations,
40 ~~and~~ state statutes and State Board of Education rules.

41 2. A continuum of services and supports for students with disabilities shall be available through
42 each public education agency.

43 I. Procedural Safeguards.

Commented [CB14]: Public comment indicated this is too prescriptive. Noted that this be moved into guidance or use the federal definition of IEP. See comment #12 on attached document.

Commented [CB15]: Comments seek to allow LEAs to deny a request for review and allow parents mediation or to file a complaint. Public comment also seek to require the requests to identify the basis for the reevaluation. See comment #13 on attached document.

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1 1. Each public education agency shall establish, implement, and ~~disseminate~~ make available to its
2 school-based personnel and parents of students with disabilities written procedures to ensure children
3 with disabilities and their parents are afforded the procedural safeguards required by federal statute
4 and regulation and state statute. These procedures shall include dissemination to parents information
5 about the public education agency's and state's dispute resolution options.

6 2. In accordance with the ~~prior written notice~~ requirements of IDEA, prior written notice ~~must~~ shall
7 be provided to the parents of a child within a reasonable time after the ~~a timely manner following a~~
8 ~~decision by a PEA to propose to initiate or change, or refuses to initiate or change, the identification,~~
9 evaluation, educational placement or the provision of FAPE to the child, ~~but before the decision is~~
10 implemented.

11 J. Confidentiality.

12 1. Each public education agency shall establish, implement, and ~~disseminate~~ make available to its
13 personnel, ~~and make available to parents,~~ written policies and procedures to ensure the confidentiality
14 of records and information in accordance with the IDEA and its regulations, the Family Educational
15 Rights and Privacy Act (FERPA) and its regulations, and state statutes.

16 2. Parents shall be fully informed about the requirements of the IDEA and regulations, including an
17 annual notice of the policies and procedures that the PEA ~~must~~ shall follow regarding storage, disclosure
18 to a third party, retention, and destruction of personally identifiable information.

19 3. The rights of parents regarding education records are transferred to the student at age 18,
20 unless the student has been ~~declared legally incompetent~~ adjudicated incapacitated, or the student has
21 executed a delegation of rights to make educational decisions pursuant to A.R.S. § 15-773.

22 4. Upon receiving a written request, each public education agency shall forward special education
23 records to any other public education agency in which a student has enrolled or is seeking ~~is attempting~~
24 to enroll. Records shall be forwarded within the time-frame specified in A.R.S. § 15-828(F). The public
25 education agency shall also forward records to any other person or agency for which the parents have
26 given signed consent.

27 K. Preschool Programs. Each public education agency responsible for serving preschool children
28 with disabilities shall establish, implement, and ~~disseminate~~ make available to its personnel, and ~~make~~
29 ~~available to parents,~~ written procedures for:

30 1. The operation of the preschool program, in accordance with federal statute and regulation, and
31 state statute, that provides a continuum of placements to students;

32 2. The smooth and effective transition from the Arizona Early Intervention Program (~~AzEIP~~) to a
33 public school preschool program in accordance with the agreement between the Department of
34 Economic Security and the Department; and

35 3. The provision of a minimum of 360 minutes per week of instruction in a program that meets at
36 least two hundred sixteen hours over the minimum number of days ~~that operates at least three days a~~
37 ~~week.~~

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- 1 L. Children in Private Schools. Each ~~public~~ education agency shall establish, implement, and
2 ~~disseminate~~ make available to ~~its~~ personnel; and ~~make available to~~ parents; written procedures
3 regarding the access to special education services to students enrolled in private schools by their
4 parents as identified by the IDEA and its regulations, ~~and~~ state statutes and State Board of Education
5 rules.
- 6 M. ~~State Education Agency~~ Department Responsible for General Supervision and Obligations
7 Related to and Methods of Ensuring Services.
- 8 1. The Department is responsible for the general supervision of services to children with disabilities
9 aged 3 through 21 served through a public education agency.
- 10 2. The Department shall ensure through fund allocation, monitoring, dispute resolution, and
11 technical assistance that all eligible students receive ~~a free appropriate public education~~ FAPE in
12 conformance with the IDEA and its regulations, A.R.S. Title 15, Chapter 7, Article 4, and these rules.
- 13 3. In exercising its general supervision responsibilities, the Department shall ensure that when it
14 identifies noncompliance with the requirements of the IDEA Part B, the noncompliance is corrected as
15 soon as possible, and in no case later than one year after the Department's written notification to the
16 PEA of its identification of the noncompliance.
- 17 N. Procedural Requirements Relating to Public Education Agency Eligibility.
- 18 1. Each public education agency shall establish eligibility for funding with the ~~Arizona~~ Department
19 in accordance with the IDEA and its regulations, ~~and~~ state statutes and with schedules and methods
20 prescribed by the Department.
- 21 2. In the event the Department determines that a public education agency does not meet eligibility
22 for funding requirements, the public education agency has a right to a hearing before such funding is
23 withheld.
- 24 3. The Department may ~~temporarily interrupt~~ suspend payments during any time period when a
25 public education agency has not corrected deficiencies in eligibility for federal funds as a result of fiscal
26 requirements of monitoring, auditing, complaint and due process findings.
- 27 4. Each public education agency shall, on an annual basis, determine the number of children within
28 each disability category who have been identified, located, evaluated, and/or receiving special
29 education services. This includes children residing within the boundaries of responsibility of the public
30 education agency who have been placed by their parents in private schools or who are home schooled.
- 31 O. Public Participation.
- 32 1. Each public education agency shall establish, implement, and ~~disseminate~~ make available to ~~its~~
33 personnel; and ~~make available to~~ parents; written procedures to ensure that, prior to the adoption of
34 any policies and procedures needed to comply with federal and state statutes and regulations, there
35 are:
- 36 a. Public hearings;
- 37 b. Notice of the hearings; and

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- 1 c. An opportunity for comment available to the general public, including individuals with
2 disabilities and parents of children with disabilities.
- 3 2. This requirement does not pertain to day-to-day operating procedures.
- 4 P. Suspension and Expulsion.
- 5 1. Each public education agency shall establish, implement, and ~~disseminate~~ make available to ~~its~~
6 ~~personnel, and make available to parents,~~ written procedures for the suspension and expulsion of
7 students with disabilities.
- 8 2. Each public education agency shall require all school-based staff involved in the disciplinary
9 process to review the policies and procedures related to suspension and expulsion on an annual basis.
10 The public education agency shall maintain documentation of staff review.
- 11 3. Procedures for such suspensions and expulsions shall meet the requirements of the IDEA and its
12 regulations, and state statutes.

DRAFT