

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. “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 ~~5.3.~~ “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. “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. "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~~
3 ~~to 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 ~~7.4.~~ 4. "Child with a disability," has the same meaning prescribed in A.R.S. § 15-761.
- 6 ~~9.5.~~ 5. "Department" means the Arizona Department of Education.
- 7 ~~10. "Doctor of medicine" means a person holding a license to practice medicine pursuant to A.R.S.~~
8 ~~Title 32, Chapter 13 (medical doctor) or Chapter 17 (doctor of osteopathy).~~
- 9 ~~11.6.~~ 6. "Exceptional Student Services ~~Division~~ or ~~"ESS"~~" means the Exceptional Student Services
10 Division of the Arizona Department of Education.
- 11 ~~12.7.~~ 7. "Evaluator" means a ~~qualified~~ person trained and knowledgeable in a field relevant to the
12 child's disability who administers specific and individualized assessment for the purpose of special
13 education evaluation and placement.
- 14 ~~13.8.~~ 8. "Full and individual evaluation" means procedures used in accordance with the IDEA to
15 determine whether a child has a disability and the nature and extent of the special education and
16 related services that the child needs. This evaluation includes:
17 a. A review of existing information about the child;
18 b. A decision regarding the need for additional information;
19 c. If necessary, the collection of additional information; and
20 d. A review of all information about the child and a determination of eligibility for special
21 education services and needs of the child.
- 22 ~~14.9.~~ 9. "Independent educational evaluation" means an evaluation conducted by ~~a qualified~~ an
23 evaluator who is not employed by the public education agency responsible for the education of
24 the child in question.
- 25 10. "Informed written consent" means a person has been fully informed of all information relevant to
26 the activity for which consent is sought, in the person's native language or through another mode
27 of communication; the person understands and agrees in writing to the carrying out of the activity
28 for which consent is sought; and the person understands that the granting of consent is voluntary
29 and may be revoked at any time.
- 30 ~~15.11.~~ 11. "Interpreter" means a person trained to translate orally or in sign language in matters
31 pertaining to special education identification, evaluation, placement, the provision of free
32 appropriate public education (FAPE), or assurance of procedural safeguards for parents and
33 students who converse in a language other than spoken English. Each student's IEP team
34 determines the level of interpreter skill necessary for the provision of FAPE.
- 35 ~~16. "Language in which the student is proficient" means all languages including sign language~~
36 ~~systems.~~

- 1 ~~17. "Licensed psychologist" means a person holding a license from the state of Arizona Board of~~
2 ~~Psychologist examiners in accordance with A.R.S. Title 32, Chapter 19.1, Article 2.~~
- 3 12. "Multidisciplinary Evaluation Team" has the same meaning prescribed in A.R.S. § 15-761.
- 4 ~~18.~~ 13. "Modifications" means substantial changes in what a student is expected to learn and to
5 demonstrate. Changes may be made in the instructional level, the content or the performance
6 criteria. Such changes are made to provide a student with meaningful and productive learning
7 experiences, environments, and assessments based on individual needs and abilities.
- 8 ~~19. "Paraeducator" means a person employed to assist with the education of students but who is not~~
9 ~~certified to teach by the Arizona Department of Education. Alternate terms may include~~
10 ~~paraprofessional, teacher aide, instructional assistant or other similar titles.~~
- 11 ~~20.~~ 14. "Private school" means any nonpublic educational institution where academic instruction is
12 provided, including nonsectarian and parochial schools, that are not under the jurisdiction of the
13 state or a public education agency.
- 14 ~~21.~~ 15. "Private special education school" means a ~~private school that is established to serve~~
15 ~~primarily~~ nonpublic educational institution where instruction is provided primarily to students
16 with disabilities. The school may also serve students without disabilities.
- 17 ~~22. "Psychiatrist" means a doctor of medicine who specializes in the study, diagnosis, treatment and~~
18 ~~prevention of mental disorders.~~
- 19 ~~23.~~ 16. "Public education agency" or "PEA" means a school district, charter school, accommodation
20 school, state supported institution, or other political subdivision of the state that is responsible
21 for providing education to children with disabilities.
- 22 17. "Qualified professionals" means individuals who have met state approved or recognized degree,
23 certification, licensure, registration or other requirements that apply in the areas in which the
24 individuals are providing services such as screening, identification, evaluation, general education,
25 special education or related services, including supplemental aids and services.
- 26 ~~24. "Screening" means an informal or formal process of determining the status of a child with respect~~
27 ~~to appropriate developmental and academic norms. Screening may include observations, family~~
28 ~~interviews, review of medical, developmental, or education records, or the administration of~~
29 ~~specific instruments identified by the test publisher as appropriate for use as screening tools.~~
- 30 18. "Specially designed instruction" has the same meaning prescribed in A.R.S. § 15-761.
- 31 ~~25.~~ 19. "Special education teacher" means a teacher holding a special education certificate from the
32 Arizona Department of Education.
- 33 ~~26.~~ 20. "Suspension" means a disciplinary removal from a child's current placement that results in a
34 failure to provide services to the extent necessary to enable the child to progress appropriately in
35 the general curriculum and advance toward achieving the goals set out in the child's IEP. The term
36 does not include disciplinary actions or changes in placement through the IEP process if the child

1 ~~continues to receive the services described above. The term does include actions such as “in-~~
2 ~~school” and “going home for the rest of the day” removals if the child does not receive the services~~
3 ~~described above~~ has the same meaning prescribed in A.R.S. § 15-840.

4 **C. Public Awareness.**

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

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

11 ~~3.~~2. School districts are responsible for public awareness in private schools located within their
12 ~~geographical~~ boundaries of responsibility.

13 **D. Child Identification and Referral.**

14 1. Each public education agency shall establish, implement, and ~~disseminate~~ make available, either
15 in writing or electronically, to its school-based personnel and all parents, within the public
16 education agency boundaries of responsibility, written procedures for the identification and
17 referral of for the identification and referral of all children with disabilities, aged birth through 21,
18 including children with disabilities attending private schools and home schools, regardless of the
19 severity of their disability.
20

21 2. Each public education agency ~~will~~ shall require ~~all~~ appropriate school-based ~~staff~~ personnel to
22 review the written procedures related to child identification and referral on an annual basis. The
23 public education agency shall maintain documentation of ~~staff~~ school-based personnel review.

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

26 4. The public education agency responsible for child identification activities is the school district in
27 which the parents reside unless:

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

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

33 5. Identification (screening for possible disabilities) shall be completed within 45 calendar days after:

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

36 b. Notification to the public education agency by parents of concerns regarding developmental
37 or educational progress by their child aged 3 years through 21 years.
38

- 1 6. Screening procedures shall include vision and hearing status and consideration of the following
2 areas: cognitive or academic, communication, motor, social or behavioral, and adaptive
3 development. Screening does not include detailed individualized comprehensive evaluation
4 procedures.
- 5 7. For a student transferring into a school; the public education agency shall review enrollment data
6 and educational performance in the prior school. If there is a history of special education for a
7 student not currently eligible for special education, or poor progress, the name of the student
8 shall be submitted to the administrator for consideration of the need for a referral for a full and
9 individual evaluation or other services.
- 10
11 8. If a concern about a student is identified through screening procedures or through review of
12 records, the public education agency shall notify the parents of the student of the concern within
13 10 school days and inform them of the public education agency procedures to follow-up on the
14 student's needs.
- 15 9. Each public education agency shall maintain documentation of the identification procedures
16 utilized, the dates of entry into school or notification by parents made pursuant to subsection
17 (D)(5), and the dates of screening. The results shall be maintained in the student's permanent
18 records in a location designated by the administrator. In the case of a student not enrolled, the
19 results shall be maintained in a location designated by the administrator.
- 20 10. If the identification process indicates a possible disability, the name of the student shall be
21 submitted to the administrator for consideration of the need for a referral for a full and individual
22 evaluation or other services. A parent or a student may request an evaluation of the student. For
23 parentally-placed private school students the school district within whose boundaries the non-
24 profit private school is located is responsible for such evaluation.
- 25
26 11. If, after consultation with the parent, the responsible public education agency determines that a
27 full and individual evaluation is not warranted, the public education agency shall provide prior
28 written notice and procedural safeguards notice to the parent in a timely manner.

29 **E. Evaluation/re-evaluation.**

- 30 1. Each public education agency shall establish, implement, ~~disseminate~~ and make available to its
31 school-based personnel; and ~~make available to~~ parents within its boundaries of responsibility;
32 written procedures for the initial full and individual evaluation of students suspected of having a
33 disability, and for the re-evaluation of students previously identified as being eligible for special
34 education.
- 35 2. Procedures for the initial full and individual evaluation of children suspected of having a disability
36 and for the re-evaluation of students with disabilities shall meet the requirements of IDEA and its
37 regulations, ~~and~~ state statutes and State Board of Education rules.
- 38 3. The initial evaluation of a child being considered for special education, or the re-evaluation per a
39 parental request of a student already receiving special education services, shall be ~~completed as~~
40 ~~soon as possible, but shall not exceed~~ conducted within 60 calendar days from the public
41 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.
4

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

12 ~~4.~~ 5. The 60-day evaluation period may be extended for an additional 30 days, provided it is in the
13 best interest of the child, and the ~~parents~~ parent and PEA agree in writing to such an extension.
14 Neither the 60-day evaluation period nor any extension shall cause a re-evaluation to exceed the
15 time-lines for a re-evaluation within three years of the previous evaluation.

16 ~~5.~~ 6. The public education agency may accept current information about the student from another
17 state, public agency, public education agency, or through an independent ~~evaluator~~ educational
18 evaluation. In such instances, the Multidisciplinary Evaluation Team shall be responsible for
19 reviewing and approving or supplementing an evaluation to meet the requirements identified in
20 subsections (E)(1) through (7).

21 ~~6.~~ 7. For the following disabilities, the full and individual initial evaluation shall include:
22 a. Emotional disability: verification of a disorder by a ~~psychiatrist, licensed psychologist, or a~~
23 ~~certified school psychologist~~ qualified professional.
24 b. Hearing impairment:
25 i. An audiological evaluation by ~~an audiologist~~ a qualified professional, and
26 ii. An evaluation of communication/language proficiency.
27 c. Other health impairment: verification of a health impairment by a ~~doctor of medicine~~
28 qualified professional.
29 d. Specific learning disability: a determination of whether the child exhibits a pattern of
30 strengths and weaknesses in performance, achievement, or both, relative to age, state-
31 approved grade-level standards, or intellectual development that meets the public education
32 agency criteria through one of the following methods:
33 i. A discrepancy between achievement and ability;
34 ii. The child's response to scientific, research-based interventions; or
35 iii. Other alternative research-based procedures.
36 e. Orthopedic impairment: verification of the physical disability by a ~~doctor of medicine~~ qualified
37 professional.
38 f. Speech/language impairment: an evaluation by a ~~certified speech language therapist~~
39 qualified professional.
40 g. For students whose speech impairments appear to be limited to articulation, voice, or fluency
41 problems, the written evaluation may be limited to:
42 i. An audiometric screening within the past calendar year,
43 ii. A review of academic history and classroom functioning,
44 iii. An assessment of the speech problem by a speech therapist, or
45 iv. An assessment of the student's functional communication skills.

- 1 h. Traumatic brain injury: verification of the injury by a ~~doctor of medicine~~ qualified professional.
2 i. Visual impairment: verification of a visual impairment by ~~an ophthalmologist or optometrist~~
3 a qualified professional.
4

5 8. The Department shall develop a list, subject to review and approval of the State Board of
6 Education, of qualified professionals eligible to conduct the appropriate evaluations prescribed in
7 subsection (E)(7).
8

9 ~~7.9.~~ The Multidisciplinary Evaluation Team shall determine, in accordance with the IDEA and
10 regulations, whether the requirements of subsections (E)(6)(a) through (i) are required for a
11 student's re-evaluation.

12 **F. Parental Consent.**

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

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

19 3. If the parent of the child refuses to consent to the initial provision of special education and related
20 services, or the parent fails to respond to a request to provide consent for the initial provision of
21 special education and related services, the public education agency:

- 22 a. Will not be considered to be in violation of the requirement to make available FAPE to the
23 child because of the failure to provide the child with the special education and related services
24 for which the parent refuses to or fails to provide consent, and
25 b. Is not required to convene an IEP Team meeting or develop an IEP in accordance with these
26 rules.

27 4. If, at any time subsequent to the initial provision of special education and related services, the
28 parent of a child revokes consent in writing for the continued provision of special education and
29 related services, the public education agency:

- 30 a. May not continue to provide special education and related services to the child, but shall
31 provide prior written notice before ceasing the provision of special education and related
32 services;
33 b. May not use the mediation procedures or the due process procedures in order to obtain
34 agreement or a ruling that the services may be provided to the child;
35 c. Will not be considered to be in violation of the requirement to make FAPE available to the
36 child because of the failure to provide the child with further special education and related
37 services; and
38 d. Is not required to convene an IEP Team meeting or develop an IEP for the child for further
39 provision of special education and related services.

40 5. If a parent revokes consent in writing for their child's receipt of special education services after
41 the child is initially provided special education and related services, the public agency is not

1 required to amend the child's education records to remove any references to the child's receipt
2 of special education and related services because of the revocation of consent.

3
4 **G. Individualized Education Program (IEP).**

5 1. Each public education agency shall establish, implement, and ~~disseminate~~ make available to its
6 school-based personnel, and ~~make available to~~ parents, written procedures for the development,
7 implementation, review, and revision of IEPs.

8 2. Procedures for IEPs shall meet the requirements of the IDEA and its regulations, ~~and~~ state statutes
9 and State Board of Education rules.

10 3. Procedures shall include the incorporation of Arizona ~~Academic Standards~~ academic standards as
11 adopted by the State Board of Education into the development of each IEP and address grade-
12 level expectations and grade-level content instruction. ~~IEP goals aligned with the Arizona~~
13 ~~Academic Standards shall identify the specific level within the Standard that is being addressed.~~

14 4. Each IEP of a student with a disability shall ~~stipulate the provision of instructional or support~~
15 ~~services by a special education teacher, certified speech-language therapist, and/or ancillary~~
16 ~~service provider(s), as appropriate.~~ be developed in accordance with IDEA and its regulations,
17 state statutes and State Board of Education rules. If appropriate to meet the needs of a student
18 and to ensure access to the general curriculum, an IEP team may include specially designed
19 instruction in the IEP that may be delivered in a variety of educational settings by a general
20 education teacher or other certificated personnel provided that certificated special education
21 personnel are involved in the planning, progress monitoring and when appropriate, the delivery
22 of the specially designed instruction.

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

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

35 7. A parent or public education agency may request in writing a review of the IEP, and shall identify
36 the basis for requesting review. Such review shall take place within ~~15~~ 45 school days of the
37 receipt of the request ~~or~~ at a mutually agreed upon date and time ~~but not to exceed 30 school~~
38 ~~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~~ shall
15 be ~~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~~ shall 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.

- 35 K. Preschool Programs. Each public education agency responsible for serving preschool children with
36 disabilities shall establish, implement, and ~~disseminate~~ make available to its personnel; and ~~make~~
37 ~~available to~~ parents, written procedures for:

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

1 public education agency who have been placed by their parents in private schools or who are
2 home schooled.

3 **O. Public Participation.**

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

13 **P. Suspension and Expulsion.**

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