

I-2361 © IHB-RA

REGULATION REGULATION

SPECIAL INSTRUCTIONAL PROGRAMS

**(Identification and Placement
of Exceptional Students)**

The School will ensure that all children, including children attending private schools, within the School's responsibility who have suspected disabilities are identified, located, and evaluated. The process of identifying, locating, and evaluating students with disabilities is important to the provision of educational opportunities for all students. It is this process of identification, **evaluation**, development of program, placement, and the provision of services - its sensitivity, its accuracy - that will determine much of what happens with students during the remainder of their educational lives.

This process is guided by a variety of laws and regulations regarding identification, **evaluation**, development of program, placement, and the provision of transition services enacted at both the state and federal levels. The following are the procedures to be followed in the School to comply with those laws and regulations.

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IDENTIFICATION

Local community agency resources will be identified for referring parents of children from birth through two years old who require screening, **evaluation**, or early intervention services [34 C.F.R.

300.125]. The identification procedures for three- to five-year-olds shall include screening and **evaluation** procedures consistent with considerations for older students. Information regarding such screenings and regarding the rights of children with disabilities shall be made available in a mode of communication that will be understandable to parents, regardless of their ethnic, linguistic, or cultural background [34 C.F.R. 300.500]. Documentation of these annual efforts to create public awareness of **special education** and to inform parents of the rights of children with disabilities is maintained by the School [34 C.F.R. 300.561].

Teacher rating scales will be used for the screening/identification of students who may require **special education**. The teacher rating scales will be distributed to classroom teachers as appropriate, along with copies of procedures for identifying students who are exceptional.

The identification procedures shall include consideration of academic progress, as well as vision and hearing, communication, and emotional and psychomotor problems, but shall not include detailed individual **evaluation** procedures such as psychological testing [A.A.C. R7-2-401]. Vision and hearing screening shall be in accordance with the regulations of the Department of Health Services.

If the identification procedures indicate a possible disability, a referral for **evaluation** shall occur only after appropriate consultation among the administrator, the parent, and the teacher or through a child study team discussion. Parents and/or students may request a referral for **evaluation** and are encouraged to follow a similar pattern of discussion and agreement [A.A.C. R7-2-401]. When consent and agreement of the parent are impossible to obtain, the School may proceed through the use of mediation and due process procedures [34 C.F.R. 300.505]. When no parent [34 C.F.R. 300.505] can be found, or the child is a ward of the state, a surrogate shall be requested, in accord with A.R.S. 15-763.01, to protect the rights of the child [34 C.F.R. 300.515]. Documentation of the identification procedures utilized shall be maintained in the student's cumulative folder in a location designated by the administrator.

Identification procedures shall be completed within forty-five (45) calendar days after enrollment for each kindergarten student and new student enrolling without appropriate screening records [34 C.F.R. 300.561; A.A.C. R7-2-401].

REFERRAL

The referral of a student for **evaluation** for possible placement in **special education** and related services shall be made by the administrator after notifying parents of their rights and after documenting the informed consent of the parent or guardian [34 C.F.R. 300.504; 34 C.F.R. 300.505; and A.A.C. R7-2-401]. When the parent does not refer the child, the parent must be provided notice of referral for **evaluation** within seven (7) days [A.A.C. R7-2-401]. Such parental consent shall be obtained within fifteen (15) calendar days after the disposition of the referral and the determination to evaluate [A.A.C. R7-2-401]. Absent the consent of the parent or guardian, mediation or due process procedures may be used to address the issue of referral for **evaluation** [34 C.F.R. 300.504].

The written notice of referral, as provided in A.A.C. R7-2-405 and 34 C.F.R. 300.504, will include a copy of the procedural safeguards available to the parents of a child with a disability. Translation of the notice will be made by an interpreter when necessary to ensure understanding.

The person or persons making the initial referral shall be notified within thirty (30) calendar days regarding the status of progress of the referral [A.A.C. R7-2-401].

EVALUATION

A written **evaluation** plan appropriate to the student's unique educational needs shall be prepared by a multidisciplinary team, which includes at least one (1) teacher or other specialist with knowledge in the area of the suspected disability, a regular **education** teacher, the evaluator, and the parent [A.R.S. 15-761; A.A.C. R7-2-401]. Testing and **evaluation** materials and procedures used for the purposes of **evaluation** and placement of children with disabilities are to be selected and administered so as not to be racially or culturally discriminatory [34 C.F.R. 300.532]. The **evaluation** shall include determination of the student's primary language. The **evaluation** shall be completed within sixty (60) calendar days after obtaining written consent of the parent or guardian for the **evaluation**, or, absent such consent, through the use of mediation or due process procedures as referred to above [C.F.R. 300.505]. If the **evaluation** cannot be completed within sixty (60) calendar days, the parents and the Arizona Department of **Education** shall be notified and given an expected completion date [34 C.F.R. 300.505, A.A.C. R7-2-401]. The **evaluation** shall meet all legal requirements and be conducted every three (3) years, or more frequently if conditions warrant or if an **evaluation** is requested by the student's parent or teacher.

If a student is determined to be limited English proficient, one (1) or more of these procedures shall be followed:

- Use an evaluator fluent in the language in which the student is proficient and in English.
- Use an interpreter knowledgeable in **special education** comprehensive **evaluation** placement procedures to assist with language and testing.
- Use test instruments that do not stress spoken language and are considered valid and reliable performance measures of functioning [A.A.C. R7-2-401].

If a student is suspected of having impaired sensory, motor, or communication skills, adaptations shall be made to the **evaluation** plan including the selection of appropriate testing and **evaluation** materials [A.A.C. R7-2-401].

The following shall be noted on the student record:

- The identification procedures utilized.
- The date of entry into school.
- The date of screening.
- The primary language of the home.
- The primary language of the student.
- The racial/ethnic background of the student.

All advice, consultation, and other communication shall be in the primary language of the home, except in cases where written communication is necessary and the primary language of the home is not commonly written [A.A.C. R7-2-401].

The **evaluation** shall assess the capabilities and limitations of the student in all areas of suspected disability. This will include, where appropriate, health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status, and motor abilities. It shall, if necessary, indicate any additional assessment needed to develop a program for the student and make an appropriate placement decision [34 C.F.R. 300.532].

Testing and other **evaluation** materials are used that have been validated for the specific purpose for which they are used and are administered by trained and knowledgeable personnel in conformance with the instructions provided by their producers [A.A.C. R7-2-401]. The **evaluation** will not rely exclusively on tests and materials that are designed to provide a single general intelligence quotient and will not utilize one single procedure as the sole criterion for determining an appropriate educational program for a child [34 C.F.R. 300.532].

A comprehensive **evaluation** of the child conducted by professional personnel, qualified comparably to Arizona professional personnel, may be used to determine the child's eligibility for **special education**. Appropriate diagnostic personnel shall be responsible for approving or supplementing the **evaluation** [A.A.C. R7-2-401].

All **evaluations** shall include all components listed in A.R.S. 15-766 including, but not limited to:

- Reason for referral.
- Educationally relevant medical findings.
- Educational history of the student, including documentation of efforts to educate the student in the regular classroom.
- Determination of whether the student's educational problems are related to or resulting from reasons of educational disadvantage.
- Developmental history of the student. If the language spoken in the student's home is other than English, the student shall not be considered for placement unless an **evaluation** of developmental history, cultural background, languages, and school achievement substantiate other findings of educational disability. Such **evaluation** shall include estimates of adaptive behavior with findings from a visit to the student's home. The visit shall occur only with the consent of the parent or guardian.
- Types of tests administered to the student and the results of such tests.
- Consideration of the student's racial/ethnic background as it relates to the selection and uses of test instruments and the interpretation of test results.

- General recommendations regarding areas to be addressed in the child's educational program.
- Written results of a current vision and hearing screening within the past year.
- An educational **evaluation**.

Evaluation data shall include **evaluations** and information provided by the parents of the child, current classroom-based assessments, observations by teachers and related services providers, and additional data, as needed to determine if the student is a child with a disability under one of the categories of IDEA and state law.

The specific categories and their requirements for **evaluation** are noted below.

Autism

In determining whether a student is autistic, the comprehensive **evaluation** must include components specified in A.R.S. 15-766, and in addition must include:

- Written and dated anecdotal records or behavioral observations.
- A comprehensive psychological **evaluation** conducted by a certificated school psychologist or psychiatrist, which shall include an individual **evaluation** of intellectual ability and potential and behavioral observations.
- A physical examination, which shall include a neurological **evaluation** if deemed necessary by the examining doctor of medicine or certificated school psychologist.
- An **evaluation** of speech and language development by a certificated speech/language pathologist or a certificated speech/language therapist [A.A.C. R7-2-410].

Emotional Disability

For the **evaluation** of a child suspected of having an emotional disability, a comprehensive psychological or psychiatric **evaluation** by a certificated school psychologist, licensed psychologist or a licensed psychiatrist is required [A.A.C. R7-2-401]. Additionally, the **evaluation** report must include all of the components specified in A.R.S. 15-766.

The **evaluation** shall determine the presence of a condition exhibiting one (1) or more of the following characteristics over a long period of time and to a marked degree, which adversely affects educational performance. The term does not include a child who is socially maladjusted, unless it is determined that the child is also a child with an emotional disability.

- An inability to learn which cannot be explained by intellectual, sensory, or health factors.
- An inability to build or maintain satisfactory interpersonal relationships with peers and teachers.

- Inappropriate types of behavior or feelings under normal circumstances.
- A general pervasive mood of unhappiness or depression.
- A tendency to develop physical symptoms or fears associated with personal or school problems.

Hearing Impairment

For the **evaluation** of a child suspected of having a hearing impairment, all components specified in A.R.S. 15-766, as well as a complete audiological **evaluation** shall be included [A.A.C. R7-2-401]. Hearing impairment includes children who are deaf.

Mild, Moderate, or Severe Mental Retardation

For the **evaluation** of a child suspected of having mild, moderate, or severe mental retardation, the **evaluation** shall include all the components specified in A.R.S. 15-766. A comprehensive psychological **evaluation** is required, including an intellectual assessment and an assessment of social and adaptive skills and measures of achievement, which shall be administered by a certificated school psychologist, a certificated psychometrist under the direction of a certificated school psychologist, or a licensed psychologist [A.A.C. R7-2-401].

In determining whether a student is a child with a disability with severe or profound mental disability, the comprehensive **evaluation** shall include all components specified in A.R.S. 15-766, and shall include:

- A review of the student's previous medical, psychological, and academic records.
- An individual measure of cognitive development administered by a certificated school psychologist or a licensed psychologist. The test used shall be appropriate for the student's functioning level and chronological age.
- An assessment, conducted by a certificated school psychologist, or a licensed psychologist, of social and adaptive skills, to include self-help/daily living and environmental factors. This assessment shall include information from the parent and teacher.
- Measures of achievement within areas of preacademic, academic, prevocational, vocational, general knowledge, and comprehension of the environmental demands. This assessment shall be conducted by a certificated teacher, certificated school psychologist, or certificated psychometrist.
- A sensory/perceptual/motor screening, and assessment, if deemed necessary following the screening, conducted by a licensed physical therapist, a registered occupational therapist, or a doctor of medicine.
- A communication assessment conducted by a certificated speech/language therapist or certificated speech/language pathologist, including information on receptive and expressive language and the need for alternative/augmentative communication systems.
- A report from a doctor of medicine regarding any medical inhibitors to learning.

Multiple Disabilities

In determining whether a child is a child with multiple disabilities, a comprehensive **evaluation** must meet the **evaluation** requirements for each disability being considered.

Multiple Disabilities with Severe Sensory Impairment

In determining whether a child is a child with multiple disabilities, the comprehensive **evaluation** must meet the **evaluation** requirements for each disability being considered and must, also, include **evaluation** for a severe visual impairment or a severe hearing impairment or both severe visual and hearing impairments.

Orthopedic impairment

A student suspected of having an orthopedic impairment shall have a medical certification to establish to severity and implications of the impairment. A description of the educational implications shall be provided by an educational specialist in the area of the disability [A.A.C. R7-2-401]. All of the components specified in A.R.S. 15-766 must be included.

Other Health Impairments

In determining whether a child is a child with other health impairments, the comprehensive **evaluation** shall include all components specified in A.R.S. 15-766.

Specific Learning Disability

For determining the existence of a learning disability, (1) the team shall determine that achievement is not commensurate with the student's age and ability levels in one [1] or more of the areas listed below, when provided with learning experiences appropriate for the student's age and ability levels; and (2) the team shall find that the student has a significant discrepancy between achievement and intellectual ability in one [1] or more of the following areas: (a) oral expression, (b) listening comprehension, (c) written expression, (d) basic reading skill, (e) reading comprehension, (f) mathematics calculation, or (g) mathematics reasoning [34 C.F.R. 300.541 and A.A.C. R7-2-401].

For determining the existence of a learning disability, at least one (1) team member other than the student's regular teacher shall observe the student's academic performance in the regular classroom setting. The team shall include the student's regular teacher or, if the student does not have a regular classroom teacher, a regular classroom teacher qualified to teach a student of the same age [34 C.F.R. 300.542 and A.A.C. R7-2-401].

For determining the existence of a learning disability, certification shall be given in writing as to whether the report reflects each team member's conclusion. Any team member whose conclusion is not reflected by the conclusion must submit a separate statement presenting an alternative conclusion [34 C.F.R. 300.543, and A.A.C. R7-2-401].

Speech/Language Impairment

For a student whose problems appear to be limited to impairment of articulation, voice, or fluency, the written **evaluation** shall include, but need not be limited to:

- A current audiometric screening within the past year.

- A review of the student's academic history and classroom functioning.
- An assessment of the student's functional communication skills.
- An assessment of the student's speech problem by a certificated speech/ language therapist [A.A.C. R7-2-401].

The written **evaluation** for students whose problems appear to be limited to severe language disorders of syntax, semantics, or vocabulary shall include **evaluation** requirements pursuant to A.R.S. 15-766.

Traumatic Brain Injury

In evaluating a child for eligibility as a child with disabilities under the category of Traumatic Brain Injury, the comprehensive **evaluation** shall include all components specified in A.R.S. 15-766.

Visual Impairment

A student suspected of having a visual impairment, shall have a medical certification to establish the severity and implications of the impairment in addition to all components specified in A.R.S. 15-766 [A.A.C. R7-2-401].

REEVALUATION

The reevaluation shall meet all legal requirements and be conducted every three (3) years, or more frequently if conditions warrant or if an **evaluation** is requested by the student's parent or teacher. A copy of the procedural safe- guards, available to the parents of the child with a disability, will be given to the parents.

Informed parental consent is required before a reevaluation is conducted.

- If parents fail to respond to a request for reevaluation, the **evaluation** may take place if the School can demonstrate it has taken reasonable measures to obtain the informed parental consent.
- If parents refuse to provide consent for reevaluation, mediation or due process procedures may be used to address the issue of reevaluation.
- If the parent requests a reevaluation, the School will obtain informed consent, convene the multidisciplinary **evaluation** team, and determine the components to be included in the reevaluation.

The content and scope of the reevaluation shall be determined by the **Evaluation** Team, which shall involve the parent, and any other persons needed to make a determination of what additional data are required.

Reevaluation data shall include:

- All data necessary to determine whether the child continues to have a disability;
- The present levels of performance and educational needs of the child;

- A determination of whether the child continues to need **special education** and related services; and
- Whether any additions or modifications to the **special education** and related services are needed to enable the child to meet the measurable annual goals set out in the Individualized **Education** Program (IEP) of the child, and to participate, as appropriate, in the general curriculum.

If the IEP Team determines that no additional data are needed to determine whether the child continues to be a child with a disability, the public agency shall notify the child's parents--

- Of that determination and the reasons for it; and
- Of the right of the parents to request an assessment to determine whether, for purposes of services under this part, the child continues to be a child with a disability who requires **special education** services in order to ensure the provision of a free appropriate public education [34 C.F.R. 300.533].

INDEPENDENT EDUCATIONAL EVALUATION

The parents of a child with a disability have the right to an independent educational **evaluation** at public expense in accordance with A.A.C. R7-2-401 and within the following guidelines [34 C.F.R. 300.502]:

- The parent must disagree with the **evaluation** obtained by the public agency or a due process hearing officer must order the **evaluation**.
- Upon request and without delay, the School shall provide information about where an independent **evaluation** may be obtained and the School's criteria for independent educational **evaluations**.
- The criteria under which the **evaluation** is obtained, including the location of the **evaluation** and the qualifications of the examiner, must be the same as the criteria that the public agency uses when it initiates an **evaluation**.
- The School may not refuse a parent request for information on obtaining an Independent Educational **Evaluation**, but may initiate a due process hearing to show that the School's **evaluation** is appropriate. If the determination by the Hearing Officer is that the **evaluation** is appropriate, the parent may still obtain an independent **evaluation**, but not at public expense.
- An independent **evaluation** obtained at public or private expense must be considered by the public agency in provision of a free appropriate public **education** for the child and may be presented as evidence in a hearing [A.A.C. R7-2-405].

ELIGIBILITY DETERMINATION

The **evaluation** must support **special education** eligibility. A diagnostic statement, indicating the program(s) for which the student is eligible, must be made, a description of how test scores and other **evaluation** data supports eligibility must be prepared, results of tests that align with the definition of a disability must be discussed, and the student must meet all eligibility criteria required in A.A.C. R7-2-

401 for the disability(ies) identified and must require **special education** services in order to receive a free appropriate public **education** [34 C.F.R 300.535 and A.R.S. 15-761 and 15-766].

A copy of the **evaluation** report for any of the categories specified under the Individuals with Disabilities **Education** Act or in State Statute and the documentation of determination of eligibility will be given to the parent [34 C.F.R. 300.534].

INDIVIDUALIZED EDUCATION PROGRAMS

Once a determination of eligibility has been made, an individualized **education** program (IEP) must be developed for each student with a disability prior to the provision of **special education** and related services [34 C.F.R. 300.341 to 300.350]. For students transitioning from Part C, Early Intervention Programs for Infants and Toddlers with Disabilities, services to preschool students, the School will ensure that an IEP, or if determined appropriate by the IEP team, an Individualized Family Service Plan (IFSP), will have been developed and implemented by the child's third birthday [34 C.F.R. 300.300]. For others, a meeting to develop an IEP must be held within 30 calendar days of a determination that **special education** and related services are needed. For students continuing in **special education** placement from the prior school year, in order that they are in effect at the beginning of the school year, the IEP must be reviewed and revised at least annually. IEP's must also be reviewed and revised as needed to address lack of expected progress.

The notice of the IEP meeting sent to parents must be in the primary language of the home and must indicate the (a) purpose, (b) time, (c) location of the meeting, and (d) who will be in attendance. The Procedural Safeguards Notice, including a copy of all procedural safeguards, must be made available to the parents upon each notification of an IEP meeting. If a purpose of the meeting is the consideration of transition services for the student, the notice must also indicate this purpose, indicate the identities of agencies invited, and indicate that the student and other agency representatives will be invited [34 C.F.R. 300.345(b) and A.A.C. R7-2-401].

The School shall take steps to ensure that one (1) or both of the parents of the student with a disability are present at each meeting or are afforded the opportunity to participate, including (a) notifying parents of the meeting early enough to ensure that they will have an opportunity to attend, and (b) scheduling the meeting at a mutually agreed upon time and place [34 C.F.R. 300.345]. The intent is that the parent shall have the opportunity to suggest alternative times and places [34 C.F.R. 300.345 and A.A.C. R7-2-401]. The School shall take whatever action is necessary to ensure that the parent understands the proceedings at a meeting, including arranging for an interpreter for parents who are deaf or whose native language is other than English [34 C.F.R. 300.345].

If parents choose not to attend the meeting, the School shall use other methods to ensure parent participation, including individual or conference telephone calls [34 C.F.R. 300.345 and A.A.C. R7-2-401].

If, after multiple attempts, the School is unable to convince either parent to attend, a meeting may be conducted without a parent in attendance. In such event, a record must be kept of attempts to arrange a mutually agreed upon time and place, such as:

- Detailed records of telephone calls made or attempted, and the results of such calls;

- Copies of correspondence sent to the parents and any responses received; and
- Detailed records of visits made to the parents' home or place of employment and the results of such visits.

IEP Team Membership

The School shall ensure that each meeting includes the following participants: (a) one or both of the student's parents; (b) at least one regular **education** teacher, if the child will be, or may be, participating in the regular **education** environment; (c) at least one **special education** teacher of the child, or if appropriate, at least one **special education** provider for the child; (d) a representative of the School, other than the student's teacher, who is qualified to provide, or supervise the provision of, **special education**, and who is knowledgeable about the general curriculum and about the availability of resources of the School; (e) an individual who can interpret the instructional implications of the **evaluation** results; (f) at the discretion of the parent or the School, other individuals who have knowledge or **special** expertise regarding the child, including related services personnel; and (g) the student, when appropriate.

In general the IEP team, with the parent, shall consider:

- The strengths of the child and the concerns of the parents for enhancing the **education** of their child.
- The results of the initial **evaluation** or most recent **evaluation** of the child.
- For children who meet the specific criteria, additional areas must be addressed.
 - For the child whose behavior impedes his or her learning or that of others consider, when appropriate, strategies, including positive behavioral interventions, strategies, and supports to address that behavior.
 - For students who are limited English proficient, specify the language of instruction and consider the language needs of the child [34 C.F.R. 300.347 and A.A.C. R7-2-401].
 - For the child who is blind or visually impaired, review the need for Braille and make it available for instruction, if appropriate. If Braille is not appropriate for a particular child, document on the IEP the reasons why it is not necessary.
 - For the child who is deaf or hard of hearing, consider the full range of language and communication needs of the child, including opportunities for direct instruction in the child's language and communication mode.
 - For all children, consider whether the child requires assistive technology devices and services.
 - For all children who are age 14 (or younger, if determined appropriate by the IEP team), consideration of the transition service needs of the student under the applicable components of the student's IEP focusing on the student's courses of study. [34 C.F.R. 300.347]

- For all children, beginning at age 16 (or younger, if determined appropriate by the IEP team), a statement of the needed transition services for the student, including the responsibilities of all other agencies for services.

Content of the IEP

The individualized **education** program for each student must include: (a) a statement of the student's present level of educational performance, including a description of how the child's disability affects involvement and progress in the general curriculum; (b) a statement of measurable annual goals, including benchmarks or short-term objectives and how they will be measured; (c) a statement of the specific **special education** and related services and supplementary aids and services to be provided to the student, or on behalf of the student, and a statement of the program modifications or supports for school personnel that will be provided for the student; (d) an explanation of the extent to which the student will not participate with nondisabled students in the regular class and in other activities of the School; (e) a statement of any individual modifications in the administration of State or School-wide assessments of student achievement that are needed in order for the student to participate in state-wide or School-wide assessments, or a statement why a particular assessment is not appropriate for a student with an indication of what alternate method of assessment will be used; (f) the projected dates for initiation of services and modifications; (g) the anticipated frequency, location, and duration of the services and modifications; (h) appropriate objective criteria and **evaluation** procedures for determining the student's progress toward the annual goals; (i) a statement of needed transition services, if appropriate, in accord with regulations 34 C.F.R. 300.18, 300.346 and 300.347; and (j) a statement of whether the student will attend the same school that they would attend if the disability did not exist, or reasons why **education** will occur in another school if that is the case [34 C.F.R. 300.347].

For preschool children, the IEP must also contain a description of how the disability affects the child's participation in appropriate activities and a statement of measurable annual goals, including benchmarks or short-term objectives, related to that child's participation in appropriate activities [34 C.F.R. 300.347].

If the student is in need of assistive technology devices, or assistive technology services, or both, as deemed necessary by the IEP team, the School shall ensure that such devices and services are available, in good working order, and the devices and services are documented on the IEP [34 C.F.R. 300.308 and 300.346]. This will include the requirement that the School shall ensure that the hearing aids worn in school by children with hearing impairments, including deafness, are functioning properly [34 C.F.R. 300.303]. The IEP shall include goals and objectives for each particular device or related service listed on the IEP.

Beginning at least one year, before the student with a disability reaches the age of majority, the student's IEP must include a statement that the student has been informed of his or her rights under the Individuals With Disabilities **Education** Act that will transfer upon reaching majority [34 C.F.R. 300.347].

Written information shall be provided to students with disabilities and their parents concerning the opportunities available in the areas of prevocational, work experience, vocational **education**, and related career development programs and the requirements for eligibility for enrollment in each of

these programs no later than the beginning of the ninth grade. During the initial IEP meeting, and any subsequent meeting to review the IEP, consideration must be given to the need for prevocational, work experience, vocational **education**, and related career development programs for each **special education** student. This consideration can occur at any IEP meeting but must occur no later than the beginning of the ninth grade. For students identified as needing prevocational, work experience, vocational **education**, or related career development programs, the IEP or the individualized vocational **education** program shall include goals and objectives and the extent of services to be provided. [A.R.S. 15-764 and A.A.C. R7-2-401]

Prior written notice must be provided to parents after the IEP meeting but before action is taken. A copy of the IEP shall be provided to the parent without cost [34 C.F.R. 300.346 and A.A.C. R7-2-401].

A parent or the public agency may request, in writing, a review of the IEP. Such a review shall take place within fifteen (15) school days after the School's receipt of the request to review the IEP.

Transition Responsibility

For each student with a disability beginning at age 14 (or younger, if determined appropriate by the IEP team), and updated annually, the IEP must include a statement of the transition service needs of the student under the applicable components of the student's IEP that focus on the student's courses of study (such as participation in advanced-placement courses or a vocational **education** program); and for each student beginning at age 16 (or younger, if determined appropriate by the IEP team), a statement of needed transition services for the student, including, if appropriate, a statement of the responsibilities of other providers and any needed linkages [34 C.F.R. 300.347].

If the meeting is for consideration of transition services, the student and a representative of the agency responsible for providing or paying for services shall be invited [34 C.F.R. 300.344; 34 C.F.R. 300.347; and A.A.C. R7-2-401]. If the student or the representative does not attend, the School shall take and document steps to ensure the participation of the agency and to ensure that the student's preferences and interests are considered [34 C.F.R. 300.344].

If a participating agency fails to provide agreed upon transition services contained in the IEP, the School shall, as soon as possible, initiate a meeting for the purpose of identifying alternative strategies to meet transition objectives and, if necessary, revise the student's IEP [34 C.F.R. 300.348].

Work Experience Program

Each student enrolled in a **special education** work experience program shall have been declared eligible for and be receiving **special education** services and shall be at least 16 years of age [A.R.S. 15-764 and A.A.C. R7-2-401].

Prior to placement in a **special education** work experience program, the student shall receive a vocational assessment that assesses the student's interests, skills, abilities, needs, work habits, and behaviors [A.A.C. R7-2-401].

A written vocational plan based on the vocational assessment shall be prepared. This plan shall describe the goals of the work experience program and the objectives for each student's participation in the program [A.A.C. R7-2-401].

If a work experience placement is not available or participation is terminated, the student with a disability shall be provided with a full-time instructional program [A.A.C. R7-2-401].

Students shall be placed in a work environment and shall work a minimum of 225 minutes per week. This placement shall be based on the abilities and needs of the individual student documented through vocational assessment [A.A.C. R7-2-401].

A training plan and agreement shall be developed in written form for each student, identifying specific responsibilities of the student, employer, and others involved. The agreement shall outline the tasks to be learned and performed by the student in the specific work experience placement. The School shall document that the parent has approved participation in a work environment [A.A.C. R7-2-401].

Students enrolled in the **special education** work experience program shall receive related instruction in life and employability skills and skills related to their work placement [A.A.C. R7-2-401].

Monitoring of a student's work experience by the School work experience coordinator shall be done at least once every nine weeks and shall include an employer **evaluation** of the student's performance [A.A.C. R7-2-401].

Every **special education** work experience program shall be coordinated by a **special education** teacher and shall be approved by the Arizona Department of **Education**, Division of **Special Education** [A.R.S. 15-764 and A.A.C. R7-2-401].

Extended School Year

The need for extended school year (ESY) services will be discussed annually in an IEP meeting, and the decisions, including reasons therefore, will be documented.

PLACEMENT

If the student is evaluated and placed in a **special education** program, a copy of the results will be placed in the student's **special education** file [A.A.C. R7-2-401].

The recommendation for placement shall be the responsibility of the multidisciplinary **evaluation** team and shall be in compliance with Arizona law and A.A.C. R7-2-401.

Upon recommendation by the multidisciplinary **evaluation** team, the administrator shall plan for placement of the student, except that no student shall initially be placed in a **special education** program without written approval from the parent or guardian, or the student, when appropriate. Appropriate mediation or due process procedures may be utilized when such approval is not forthcoming.

The administrator shall establish procedures for conducting a placement review with the parent and for providing notice in accord with the notice requirement for change of any proposed change of placement [34 C.F.R. 300.552; 34 C.F.R. 300.504; and A.A.C. R7-2-401].

Pursuant to authorization for placement, the recommended programs and services shall be provided as soon as possible after the date of consent. If the School fails to place the student within a reasonable amount of time, it shall notify the parent and the Arizona Department of **Education** in writing and shall place the student in a program through an interagency agreement with another School or a private agency [A.A.C R7-2-401].

A student placed in a **special education** program will receive not less than 175 instructional days of at least the minimum number of hours required for each respective program level as specified in A.R.S. 15-901 or as otherwise specified in the student's IEP [A.A.C R7-2-401].

No student may be placed in a **special education** program unless the personnel providing the program or service meet the standards for certification and endorsement pursuant to A.A.C. R7-2-601, 602, and 603.

Each School shall ensure that the parents of each child with a disability are members of any group that makes decisions on the educational placement of their child. Procedures used to ensure the participation of parents shall be those provided for in parent participation in the IEP meeting [34 C.F.R. 300.501].

In making a recommendation for **special education** placement, the participants in the IEP meeting shall ensure:

- That **special** classes, separate schooling, or other removal of a student with disabilities from the regular educational environment shall occur only when the nature or severity of the disability is such that **education** in regular classes or in a building with students without disabilities cannot be accomplished satisfactorily even with the use of supplementary aids and services [34 C.F.R. 300.550; A.A.C. R7-2-401; and A.R.S. 15-764].
- That a continuum of alternative placements is available to the student and that, prior to placing the student, alternative placements and supplementary services are considered and documentation is provided indicating the reasons for not selecting any placements that would be less restrictive [34 C.F.R. 300.551].
- That the student's placement results from, and is based on, the student's IEP.
- That unless the IEP of a student with a disability requires some other arrangement, the student is educated in the school that he or she would attend if not disabled. The placement should be as close as possible to the child's home.
- That consideration is given to any potentially harmful effect on the student or on the quality of services needed.

Each of the items indicated above shall be submitted in writing to the administrator or to the person designated as responsible for **special education**. This report shall be maintained as a part of the student's record. [34 C.F.R. 300.552 and A.A.C. R7-2-401].

All **special education** placements, including those in private schools, shall be made on a trial basis. [A.A.C. R7-2-401].

Procedures shall be established to appropriately place, count, and report students in **special education** programs [A.R.S. 15-236 and 34 C.F.R. 300.754].

The student's placement shall be reevaluated at least once per year, or more often if needed, to determine continued placement or termination of **special education** services. The educational

progress of a student in a **special education** program shall be reviewed at least as often as it is for all students, and a copy of the results of the review shall be provided to the parent or guardian of the student [A.R.S. 15-767 and A.A.C. R7-2-408].

Before **special education** programs and services for the student may be terminated by the School, the results of a complete review of the student's educational status must confirm that termination of such programs and services is in the best interests of the student [A.A.C. R7-2-401]. An IEP meeting and **evaluation** must be held for purpose of making such a determination in accord with 34 C.F.R. 300.532, 300.533, and 300.534. The **evaluation** is not required if the reason for termination of service is graduation from the program with a regular high school diploma or attaining the age after which a free appropriate public **education** is no longer provided in this state [34 C.F.R. 300.534]. The parent of the student shall also be included in the review process if termination of programs and services is being considered, but written consent for termination of services is not required. If the parent disagrees with the termination recommendation, the parent shall be provided with formal written notice including an explanation as to due process rights pursuant to 34 C.F.R. 300.503. and A.A.C. R7-2-405.

LEAST-RESTRICTIVE ENVIRONMENT - CONTINUUM OF ALTERNATIVE PLACEMENTS

In keeping with its policy of least-restrictive environment, the School will ensure that, to the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, are to be educated with children who are not disabled, and **special** classes, separate schooling, or other removal of children with disabilities from the regular educational environment occurs only when the nature or severity of the disability of a child is such that **education** in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily [34 C.F.R. 300.550].

A continuum of alternative placements will be available to meet the needs of children with disabilities for **special education** and related services [34 C.F.R. 300.551 and A.A.C. R7-2-401]. The individual **education** program may include provisions for dealing with disruptive behavior, including a range of options that are appropriate responses to disruptive behaviors. Such behavioral interventions shall be agreed upon at the time the IEP is developed or revised [34 C.F.R. 300.520].

All students with disabilities, especially those whose educational needs require their being placed solely with other disabled students during most of the day, will participate with students without disabilities in nonacademic, extracurricular services and activities, and in program options such as art and music, to the maximum extent appropriate [34 C.F.R. 300.305; 300.306; and 300.553]. Placement will be based on individual student needs and not on the disability. A child with a disability will be afforded the opportunity to participate in the regular physical **education** programs offered in the School, or in physical **education**, specially designed, if necessary [34 C.F.R. 300.307].

Students placed in residential settings or outside the School will be provided opportunities to participate with students without disabilities to the maximum extent appropriate. The administrator will establish procedures for monitoring the progress of such students and will provide for reintegration of such students into the public school as recommended during review of the individual **education** program [34 C.F.R. 300.550].

The School shall ensure that a child with a disability is not removed from **education** in an age-appropriate regular classroom solely because of needed modifications in the general curriculum [34 C.F.R. 300.552].

Regular Class Placement

This alternative shall be considered the most appropriate when the student has been determined to be eligible for **special education** services according to A.R.S. 15-766, but it is the decision of the IEP team that the student's needs can be best met in the regular class with the use of supplementary aids and services.

Regular Class Placement with Resource Room/Itinerant Instruction Placement

This alternative shall be considered the most appropriate when the student has been determined to be eligible for **special education** services according to A.R.S. 15-766 or when the student can best benefit from **education** in the regular classroom for the major portion of the school day, with the least possible time spent in the **special education** classroom or by receiving itinerant instruction.

Special Class Placement

This alternative shall be considered the most appropriate when the student has been determined to be eligible for **special education** services according to A.R.S. 15-766 and has needs in some or all academic areas and/or has **special** needs or conditions that will require the provision of **special education** and related services in a **special** classroom. Interaction with nondisabled peers will be facilitated to meet the requirements to ensure the provision of a free and appropriate **education**. Students with disabilities may be assigned to **special** classes or separate schooling only when regular classes with supplementary aids and services are deemed unsatisfactory.

Other Placements

When appropriate, placement in **special** schools, at home, in hospitals, and in other settings will be considered in accordance with applicable statutes or regulations [34 C.F.R. 300.554].

Nonacademic Settings

In providing or arranging for the provisions of nonacademic and extracurricular services and activities, including meals, recess periods, and the services and activities set forth in 34 C.F.R. 300.306, the School shall ensure that each student with a disability participates with students without disabilities in such services and activities to the maximum extent appropriate to the needs of that student [34 C.F.R. 300.306, 300.553, and A.A.C. R7-2-401]. Nonacademic and extracurricular services and activities may include, but not be limited to counseling services, athletics, transportation, health services, recreational activities, **special** interest groups or clubs sponsored by the School, referrals to agencies that provide assistance to individuals with disabilities, and employment of students, including both employment by the School and assistance in making outside employment available [34 C.F.R. 300.306].

Out-of-School/Private School Placements

Before the School places a student with a disability in, or refers a student with a disability to, a private school or a facility outside the School, it shall initiate and conduct a meeting to develop an

individualized **education** program for the student in accordance with 34 C.F.R. 300.343 [34 C.F.R. 300.349].

The School will ensure that a representative of the private school or out-of-School facility attends the meeting. If the representative cannot attend, the School will use other methods to ensure participation by the private school or out-of-School facility, including individual or conference telephone calls.

Reviewing and revising individualized **education** programs:

- After a student with a disability enters a private school or out-of-School facility, any meetings to review and revise the student's individualized **education** program may be initiated and conducted by the private school or out-of-School facility after consultation and with approval by the School [34 C.F.R. 300.349].
- If the private school or out-of-School facility initiates and conducts such meetings, the School shall ensure that the parents and the School's representative [34 C.F.R. 300.349]:
 - Are involved in any decision about the student's individualized **education** program; and
 - Agree to any proposed changes in the program before such changes are implemented.

Even if a private school or out-of-School facility implements a student's individualized **education** program, responsibility for compliance with this part remains with the School and the state educational agency [34 C.F.R. 300.349].

Children In Private Schools

To the extent consistent with their number and location in the State, provision must be made for the participation of private school children with disabilities in the program assisted or carried out under Part B of the Act by providing them with **special education** and related services in accordance with Secs. 300.453-300.462.

- For children aged 3 through 21, an amount that is the same proportion of the LEA's total subgrant under section 611(g) of the Act as the number of private school children with disabilities aged 3 through 21 residing in its jurisdiction is to the total number of children with disabilities in its jurisdiction aged 3 through 21; and
- For children aged 3 through 5, an amount that is the same proportion of the LEA's total subgrant under section 619(g) of the Act as the number of private school children with disabilities aged 3 through 5 residing in its jurisdiction is to the total number of children with disabilities in its jurisdiction aged 3 through 5.

No private school child with a disability has an individual right to receive some or all of the **special education** and related services that the child would receive if enrolled in a public school.