



## **Expectational Students Services**

Exceptional Student Services policy and procedures and section 504

**COMPLETED**

PO Box 250

Sanders, AZ 86512

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| LOCATOR | YES/NO | <b>Child Find Policy &amp; Procedure Checklist</b>  |
|---------|--------|---|
|         |        | <b>POLICY</b>   |
|         |        | Each public agency will ensure that all children with disabilities within the boundaries of the public agency, including children with disabilities who are homeless or wards of the State, and children with disabilities attending private schools or home schools, regardless of the severity of their disability, and who are in need of special education and related services are identified, located, and evaluated.   |
|         |        | <b>PROCEDURES</b>   |
|         |        | <p><b>Individuals with Disabilities Education Act (IDEA '04)</b><br/> <b>34 CFR §300.111 Child Find</b></p> <p>1) <b>Unified School Districts, Elementary School Districts, and Union High School Districts</b> will identify, locate, and evaluate all children with disabilities <b>within their geographic boundaries</b> who are in need of special education and related services.</p> <p>This must include:</p> <ul style="list-style-type: none"> <li>a) Children who are homeless;</li> <li>b) Children who are highly mobile, including migrant children;</li> <li>c) Children who are wards of the state; and,</li> <li>d) Children who are attending private schools or home schools.</li> </ul> <p><b>Charter Schools</b> will identify, locate, and evaluate all children with disabilities within their population served who are in need of special education and related services.</p> <p>2) Child find must also include children who are suspected of being children with a disability and are in need of special education, even though:</p> <ul style="list-style-type: none"> <li>a) They are advancing from grade to grade or</li> <li>b) They are highly mobile children, including those who are migrant children.</li> </ul> <p>3) Each public agency will maintain a record of children who are receiving special education and related services.</p> |
|         |        | <p><b>Arizona Administrative Code (AAC)</b><br/> <b>R7-2-401.C Public Awareness</b></p> <p>1) Each public agency shall inform the general public and all parents within its boundaries of responsibility of the availability of special education services for students aged 3 through 21 years and how to access those services, including information regarding early intervention services for children aged birth through 2 years.</p> <p>2) <b>Unified School Districts, Elementary School Districts, and Union High School Districts</b> are responsible for public awareness and child find for private schools within their geographic boundaries.</p>  |

|  |  |  |
|--|--|--|
|  |  | <p><b>AAC R?-2-401.D Child Identification and Referral</b></p> <p>1) Each public agency shall establish, implement, and disseminate to its school-based personnel and all parents written procedures for the identification and referral of all children with disabilities aged birth through 21 years.</p> <p><b>Unified School Districts, Elementary School Districts, and Union High School Districts</b> must include children with disabilities attending private schools and home schools, regardless of the severity of the disability.</p> <p>2) Each public agency will require all school-based staff to review the written procedures related to child identification and referral on an annual basis and will maintain documentation of the staff review.</p> <p>3) Identification (screening for possible disabilities) shall be completed within 45 calendar days after:</p> <ul style="list-style-type: none"> <li>a) Entry of each preschool or kindergarten student and any student enrolling without appropriate records of screening, evaluation, and progress in school; or</li> <li>b) Parent notification of concern regarding developmental or educational progress by their child aged 3 through 21 years.</li> </ul> <p>4) Screening procedures shall include vision and hearing status and consideration of the following areas:</p> <ul style="list-style-type: none"> <li>a) Cognitive or academic;</li> <li>b) Communication;</li> <li>c) Motor;</li> <li>d) Social or behavioral; and</li> <li>e) Adaptive development.</li> </ul> <p>5) For a student transferring in to a school, the public agency shall review enrollment data and educational performance in the prior school. If there is a history of special education for a student not currently eligible for special education or of poor progress, the name of the student shall be submitted to the administrator for consideration of the need for a referral for a full and individual evaluation or other services.</p> <p>6) If a concern about a student is identified through screening procedures or review of records, the parents of the student shall be notified of the concern within 10 school days and informed of the public agency's procedures to follow up on the student's needs.</p> <p>7) Each public agency shall maintain documentation of the identification procedures utilized, the dates of entry into school or notification by parents of a concern, and the dates of screening. The dates shall be maintained in students' permanent records.</p> <p>8) If the screening indicates a possible disability, the name of the student shall be submitted to the administrator for consideration of the need for a referral for a full and individual evaluation or other services. A parent or a student may request an evaluation of the student. For parentally placed private school students, the school district within whose boundaries the nonprofit private</p> |
|--|--|--|

|  |  |   |
|--|--|---|
|  |  | <p>school is located is responsible for such evaluation.</p> <p>9) If, after consultation with the parent, the public agency determines that a full and individual evaluation is not warranted, the public agency shall provide prior written notice and procedural safeguards notice to the parent in a timely manner.</p> |
|--|--|---|

Child find is a component of the Individuals with Disabilities Education Act (IDEA '04) that requires Public Education Agencies (PEA) to locate, identify, and evaluate all children with disabilities, aged birth through 21, located within their boundaries of responsibility who are in need of early intervention or special education services.

Child find applies to children who are:

- Highly mobile, such as migrant and homeless
- Wards of the state
- Private school students
- Homeschool students.

Can a student who has good grades and who is advancing from grade to grade still be eligible to receive special education instruction and services?

Yes. The Individuals with Disabilities Education Act (IDEA) and its implementing regulations require that all children with disabilities who are in need of special education and related services, regardless of the severity of their disability, are identified, located, and evaluated. [20 U.S.C. § 1412(a)(3); 34 C.F.R. § 300.111(a)] The federal regulations require that in discharging these "Child Find" obligations, a school must include children who are suspected of having a disability, even if they are advancing from grade to grade. [34 C.F.R. § 300.111(c)(1)] "Therefore, IDEA and the regulations clearly establish that the determination about whether a child is a child with a disability is not limited to information about the child's academic performance. Furthermore, 34 CFR § 300.101(c) states that each State must ensure that a free appropriate public education (FAPE) is available to any individual child with a disability who needs special education and related services, even though the child has not failed or been retained in a course or grade, and is advancing from grade to grade." [Letter to Clarke, 48 IDELR 77 (OSEP 2007)]

What are Arizona's screening procedures for special education eligibility?

Arizona State Board of Education rules state that identification (screening for possible disabilities) shall be completed within 45 calendar days after entry of each preschool or kindergarten student and any student enrolling without appropriate records of screening, evaluation, and progress in school, or after notification to the [school] by parents of concerns regarding developmental or educational progress by their child aged 3 years through 21 years." [A.A.C. R7-2-401(O)(5)] "If a concern about a student is identified through screening procedures or through review of records, the public education agency shall notify the parents of the student of the concern within 10 school days and inform them of the public education agency procedures to follow-up on the student's needs. [A.A.C. R7-2-401(D)(8)]

When a child transitions from the Arizona Early Intervention Program (AzEIP) to preschool, is it appropriate or required to send the child through a Child Find screening process?

According to Arizona State Board of Education rules, screening for possible disabilities for a child entering preschool is only required if the student enrolls "without appropriate records of screening, evaluation and progress in school." [A.A.C. R7-2-401(D)(5)] Therefore, a screening for a child already having such screening or evaluation information would not be required. The regulations that implement the IDEA require States to have in effect policies and procedures to ensure that a child participating in early intervention services under Part C, "and who will participate in preschool programs assisted under Part B of the [IDEA], experience a smooth and effective transition to those preschool programs." [34 C.F.R. § 300.124] To this end, a transition meeting is required. At this

meeting the team reviews existing data on the child, determines if further assessments are required, and, by the child's third birthday, develops and implements an IEP for the child. [Id.]

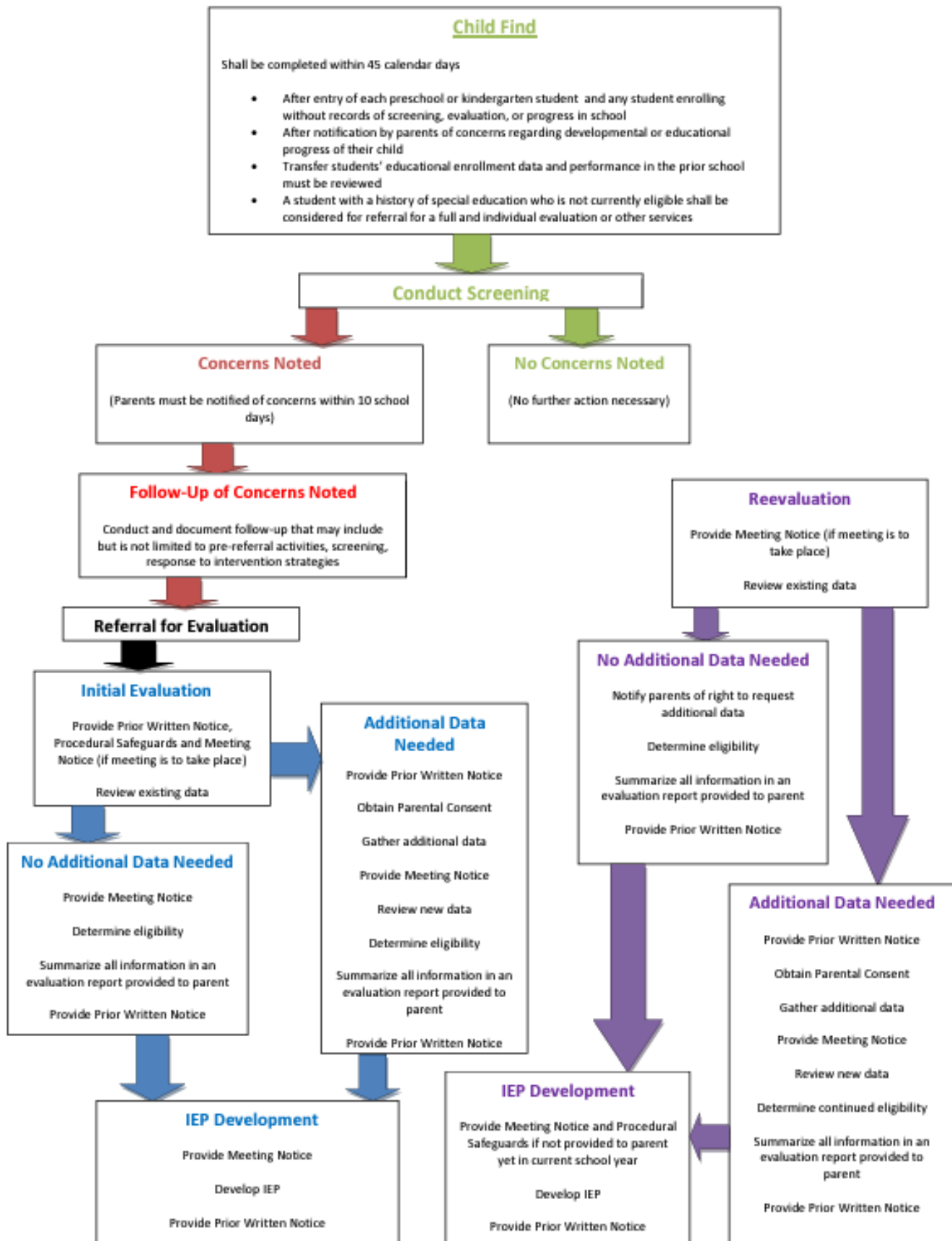
Who is responsible for child find activities for school-aged students who are homeschooled or those who attend private schools or charter schools?

The regulations that implement the IDEA require each State to have policies and procedures to ensure that "all children with disabilities ... including children with disabilities who are homeless children or are wards of the State, and children with disabilities attending private schools, regardless of the severity of their disability, and who are in need of special education and related services, are identified, located and evaluated." [34 C.F.R. § 300.111(a)(i)] In Arizona, each public education agency must have written procedures for the identification and referral of all children with disabilities within its boundaries of responsibility, including children with disabilities attending private schools and those who are home schooled. (A.A.C. R7-2-401(O)(1)) This is known as "child find." A school district is responsible for identifying children with disabilities attending non-profit private schools located within its boundaries. [A.A.C. R7-2-401(D)(4)(b)] With regard to children with disabilities attending for-profit private schools, the school district responsible for child find activities is the district where the parent resides. [Letter to Chapman, 49 IDELR 163 (OSEP 2007)] Under Arizona statutes, homeschooled students are considered private school students. [A.R.S. § 15-763(C)] Charter schools are responsible for child identification activities for students enrolled in the charter school. [A.A.C. R7-2-401(D)(4)(a)] However, charter schools are not responsible for outreach under the child find regulations because charter schools have no specific geographical boundaries.

What are a school's Child Find duties in regard to a transfer student?

With respect to students transferring into a school, Arizona State Board of Education rules require schools to review enrollment data and educational performance in the prior school. [Arizona Administrative Code (A.A.C.) R7-2-401(O)(7)] "If there is a history of special education for a student not currently eligible for special education, or poor progress, the name of the student shall be submitted to the administrator for consideration of the need for a referral for a full and individual

## Special Education Process





# RESPONSE TO INTERVENTION PROCESS AND PROCEDURES & FORMS

## **Purpose**

RTI represents a systemic method for evaluating the needs of all students and for fostering positive student outcomes through carefully selected and implemented interventions. It also may be used to assist schools in identifying students who may require more intensive instructional services and/or be eligible for an exceptional student education program.

## **Administration and Staff Belief**

RTI is based upon the belief that all students can learn and that only 4-5% (the most severely disabled) are not capable of achieving grade level benchmarks. Before beginning to implement change, a school administrator must get consensus that the staff believes that "all students will learn". In order to successfully implement RTI we can no longer hold prejudicial belief systems that blame student's lack of success in school on their social status, economic status, language skills or any other excuse for not being successful in school.

## **What is Response to Intervention (RTI)?**

Understanding Response to Intervention is the initial step toward the implementation of an effective RTI approach on your campus. Being able to define RTI, being knowledgeable of the laws that support RTI and being able to delineate the advantages of RTI lead educators to a deeper understanding of this approach. Building background knowledge is essential to the success of RTI on a campus.

### **Definition of RTI**

Response to Intervention (RTI) is an approach used to increase the opportunity for all students to meet academic achievement standards through early identification of students whose academic and/or behavioral needs place them at risk. RTI ensures that resources and interventions are appropriately targeted to serve all struggling learners as early as possible through high-quality instruction.

- RTI meets the goals of the No Child Left Behind (NCLB) legislation by helping districts with early identification of struggling learners and by providing immediate intervention using scientifically research-based instruction and teaching methods in order to improve educational outcomes.
- RTI is a school-wide prevention approach used to intervene early when students show signs of struggling academically and/or behaviorally.
- RTI generates high-quality instruction/interventions matched to student needs. RTI uses the student's learning rate over time and level of performance to make relevant educational decisions.
- RTI can be used to make referral decisions for those students who do not respond to intensive intervention in the general education setting.
- RTI provides support data that can be used in the identification of students with specific learning disabilities as opposed to the traditional discrepancy model used to determine eligibility for special education services.
- RTI meets the educational needs of all students by providing direct, focused instruction to address the academic and/or behavioral domains.

## **What laws: support Response to Intervention (RTI)?**

Both the No Child Left Behind (NCLB) legislation and the Individuals with Disabilities Education Improvement Act (IDEA 2004) focus on the quality of instruction received by students in the general education setting. IDEA 2004 and NCLB require the use of research-based instruction and interventions. Effective academic and behavioral programs that result in improved student performance have become an essential focus.

Utilization of data-based and scientifically research-based interventions to determine eligibility for learning disabilities is stressed in IDEA 2004. IDEA 2004 gives school districts the option to use the Response to Intervention (RTI) approach when determining the educational needs of students. The use of the discrepancy model is not removed or excluded when identifying students with specific learning disabilities. The use of RTI data is allowed as part of the special education referral or evaluation process.

With an RTI approach, general education teachers assume increased responsibility for providing high-quality instruction for early identified struggling students. Timely interventions must be provided to address the diverse needs of these students using a tiered system of interventions that increases in intensity and duration. RTI promotes unity of special education and general education, creating a seamless system.

### **Why do we need the RTI process?**

Response to Intervention (RTI) is a new and highly-effective approach to help identify and provide scientifically research-based interventions for students at risk. Reasons for implementing an Rtl process include:

- The law calls for early identification and intervention.
- Students usually receive assistance and support much earlier when an RTI model is implemented.
- Students might experience unnecessary academic failure when interventions are not provided.
- Students' needs might be met in general education if appropriate interventions are provided.
- Early identification and intervention help in preventing student difficulties as opposed to reacting to student problems.
- Students who are struggling do not always qualify for special education services.
- Interventions employed in the general education setting might prevent unnecessary referrals or reduce the number of referrals to special education.
- Early identification and prevention programs may result in a decreased number of students who are identified with specific learning disabilities (SLD).

### **How can RTI be used to determine eligibility for special education?**

The RTI process has the potential to limit the amount of academic failure that any student experiences and to increase the accuracy of special education evaluations. Prior to RTI, districts depended on the Discrepancy Model to identify students with learning disabilities. Students were administered tests to determine if discrepancies existed between IQ and achievement. Those students who had a "severe discrepancy" would be diagnosed with a learning disability and referred to special education.

The use of RTI could also reduce the number of students who are mistakenly identified as having learning disabilities when their learning problems are actually due to cultural differences or lack of adequate instruction. Information and data gathered by an RTI process can lead to earlier identification of students who have true disabilities and are in need of special education services.

# Response to Intervention (RTI) Process

**Student is referred to the RTI Team.** A student is referred to the RTI Team because he/she is not doing well academically, behaviorally, or both in class. The purpose is to discuss interventions to try in the classroom.

**Tier One Interventions:** These are students that teachers are keeping an eye on. There are some concerns, and we should be trying some basic interventions. (45 day screeners) This first round of interventions include: what things can be done in the classroom to improve the success of the student. During this time, teachers must be in contact with parents. Vision/hearing must be looked into and if we need to look into counseling. Attendance is also documented. Students can be in this stage for a few weeks while the teacher is gathering the data. **Sample interventions:** One on one at the "U" table, peer tutoring, moving seat closer to teacher, sticker reward system, daily communication log between home and school. etc.



**Tier Two Intervention5-** These are more complex interventions, like having the student meet with the interventionists (Reading and Moth), and /or supplemental materials to complete in class and maybe at home as well. The teacher is staying in touch with parent letting them know their student is still making little progress. See about a tutoring program for after school. Students can be in this stage for a few weeks to gather data and to see how the student is responding to intervention. You can also reword students for moving from Tier Two to Tier One which can be motivating for students.



**Tier Three Interventions.** This is where there is serious concern about the success of a student and may need to start the process for the Child Study Team. Continue interventions and invite the CST Leader to this meeting to further discuss what next steps should be taken. Students should have been in Tier One and Tier Two for at least nine weeks before getting to this point.



**Child Study.** This is after all RTI steps have been tried and interventions have been put in place. Documentation has been gathered and now the RTI Team wants to start a Child Study Team Process.



**Notify Parent immediately.** discuss concerns and to gather educational/ medical history on the student,



**Continue notification of parent.** Make sure the parent is well aware of where we are in the RTI process.

# Response to Intervention

## Child Identification Proce

### 45 Day Screener

Teacher completes a 45 day screener on ALL students new to the district. Compare student progress to that of his/her peers. Areas of concern will be noted by teacher.



### Counselor

The 45 day screeners are given to the Counselor. The form is reviewed and given to the correct individuals/team to manage the concerns.

*Nurse:* vision/hearing/medical  
*Speech:* Speech Pathologist  
*Academics:* RTI Team  
*Behavior:* RTI Team



### Teacher Referral

Teacher will complete RTI Referral Packet and submit to the Counselor. RTI Team will meet to discuss a success path for the student.



### Parent Referral

Parent(s) will bring learning or behavior concern(s) to teacher's attention. Teacher completes RTI Referral Packet and submits to Counselor for RTI Team review.



### RTI (Response to Intervention) Team

Classroom Teacher  
 Counselor  
 Administrator  
 Parent  
 ESS Representative



### Responding to Intervention

*STOP:* If the student is making progress, then continue with current interventions and support.



### NOT Responding to Intervention

Students are not making progress. RTI team will discuss whether or not student will be referred to the Child Study Team. This process should take about 9 weeks once placed in the RTI Team Process.

### ESS Director Review

The Child Study Team Leader will bring file to ESS Office for final review and possibly to start the testing process for ESS.

First parent meeting with ESS will be to review data gathered by the Child Study Team and obtain permission to Test the child.



### Child Study Team

This team will review the data gathered by the RTI Team, work samples and review 45 day screeners. They may also suggest more interventions not tried. The Child Study Packet will be completed, and a decision will be made to either move to further discussion about ESS support or to try more interventions. There could also be a recommendation for a 504 plan.

# Sanders Elementary School

Sanders Unified School District

## Response to Intervention (RTI) Procedures

Purpose of RTI Team: A place where a teacher can refer to a student who may be struggling either academically or behaviorally. The RTI Team will offer support to the teacher with ideas and suggestions on interventions. Occasionally, students who do not respond to the intervention maybe move to the Child Study Team for possible future placement in Exceptional Student Services (Special Education).

TIER 1 -ALL students have access, within the general education classroom, to differentiated instruction.

1. Identify students at-risk using UNIVERSAL TEST DATA, grades, discipline referrals, attendance records, social/emotional issues, etc.
2. Identify weak areas to target for remediation within the classroom.
3. Incorporate/infuse teaching strategies within the classroom for targeted assistance.
4. Make calls to parents, set up meetings when necessary.
5. Collect and review evidence indicating the student needs support/acceleration.
6. Document interventions - what supports are in place?
7. Using DATA, progress monitor for growth or lack thereof and adjust instruction based on student performance data.

TIER 2 - Supplemental targeted support, usually in small groups of 4 to 6 students

1. Refer concerns to RTI Team
2. Make calls to parents, set up meetings when necessary.
3. Additional intervention can be added by pull out (Accelerated Reader/Math) during the end of core time or during enrichment.
4. Seek out additional support from colleagues, administration, instructional coach, ESS teachers, - change schedules, etc. Academic, attendance, and behavior contracts can be created. Work with building administrators where additional interventions are needed by making recommendations, brainstorming, etc.
5. Using DATA, progress monitor for growth and adjust instruction based on student performance data.

TIER 3- Explicit, intensive, and specific support, usually one-on-one

1. Possible referral for ESS testing
2. Document, document, document!
3. Follow up on identified students at least 1-2 times per week.
4. Using DATA, progress monitor for growth and adjust instruction based on student performance data.



Sanders Elementary School  
RTI Student Referral Forms

Student Name: \_\_\_\_\_

ID#: \_\_\_\_\_

DOB: \_\_\_\_\_

Referring Teacher: \_\_\_\_\_

Grade: \_\_\_\_\_

Parent(s) Name: \_\_\_\_\_

Phone #: \_\_\_\_\_

REASON FOR REFERRAL

Academic Areas: (check below)

Reading

Math

Other: \_\_\_\_\_

Describe in detail: (What specific deficits does the student have academic skills or competencies?)

Behavioral

Describe in detail: (How often does the problem occur, how intense is it, and for how long does the problem last?)

INSTRUCTION OF INFORMATION

How does this student's academic skills compare to those of "average" children in your classroom? (How does the student compare to peers in reading, math, writing, organizational skills?)

What are several strengths, talents, dreams, goals, or specific interests for this student? (These could be used when designing interventions.)

Parent Contact: Have you contacted parent regarding these concerns?

Date: \_\_\_\_\_ Time: \_\_\_\_\_ Purpose: \_\_\_\_\_

Date: \_\_\_\_\_ Time: \_\_\_\_\_ Purpose: \_\_\_\_\_

Date: \_\_\_\_\_ Time: \_\_\_\_\_ Purpose: \_\_\_\_\_

STUDENT INFORMATION -- Each area must be addressed - OR - indicate as not applicable (NA)

|   |                             |  |
|---|-----------------------------|--|
| <b>Attendance</b>   | <b>Testing Information</b>  | <b><u>Screening</u></b>                              |
| <b>Total days missed since beginning of school:</b> Click here to enter text. | <b>AzMerit:</b><br>Reading: | 1) Hearing Date:<br>2) Results:                      |
| List all schools attended: Click here to enter text.                          | Math:                       | Recheck Needed:                                      |
| <b>Retentions:</b><br>Year(s) Click here to enter text.                       | <b>Galileo:</b><br>Reading: | Vision Date:   |
| <b>Grade(s)</b> Click here to enter text.                                     | Math:                       | <b><u>Results:</u></b><br><u>text.</u>               |
| <b>Previous Enrollment:</b><br>ELL:<br>504:<br>ESS:                           | <b>DIBELS:</b>              | <b>Recheck Needed:</b>                               |
|   | <b>STAR:</b><br>Reading:    | 3) <b>Other: (i.e. medication/medical diagnoses)</b> |
|   | Math:                       |  |
|   |                             |  |
| <b><u>Discipline</u> Record</b>   | <b>OTHER INFORMATION</b>    |  |
| Number of discipline reports:   |                             |  |
| Number of In-School suspensions:.   |                             |  |
| <b>Number of Out-of-School suspensions:</b>                                   |                             |  |
|   |                             |  |

#### SELF-DIRECTION

Does the student want to succeed in school? Give examples to support your answer:

Does the student seek assistance from teachers, peers, others?

Does the parent report efforts made at home to complete homework or study assignments?

Is the student making an effort to learn? Explain:

Are the student's achievement scores consistent with the student's grade?

## Intervention Strategies Documentation Form

**Student Name:** [Click here to enter text.](#)

**Date:** [Click here to enter a date.](#)

**Teacher:** [Choose an item.](#)

**Grade:** [Choose an item.](#)

|  |        |  |                       |
|--|--------|--|-----------------------|
| <b>-Academic or Behavior Concerns:</b> |        |  |                       |
| Intervention:                          | Start: | <input type="checkbox"/> Successful<br><input type="checkbox"/> Unsuccessful | Notes:                |
|  |        |  | <a href="#">text.</a> |
| <b>Academic or Behavior Concerns:</b>  |        |  |                       |
| Intervention:                          | Start: | <input type="checkbox"/> Successful<br><input type="checkbox"/> Unsuccessful | Notes:                |
|  |        |  | <a href="#">text.</a> |
| <b>Academic or Behavior Concerns:</b>  |        |  |                       |
| Intervention:                          | Start: | <input type="checkbox"/> Successful<br><input type="checkbox"/> Unsuccessful | Notes:                |
|  |        |  | <a href="#">text.</a> |
| <b>Academic or Behavior Concerns:</b>  |        |  |                       |
| Intervention:                          | Start: | <input type="checkbox"/> Successful<br><input type="checkbox"/> Unsuccessful | Notes:                |
|  |        |  | <a href="#">text.</a> |

STUDENT STUDY  
TEAM REFERRAL  
PROCESS AND  
PROCEDURES  
&  
FORMS

## Student Study Team Referral

Referral Date: \_\_\_\_\_ Student ID#: \_\_\_\_\_  
Student: \_\_\_\_\_  
Grade: \_\_\_\_\_ Date of Birth: \_\_\_\_\_  
Parent(s) name/address: \_\_\_\_\_  
Referring person: \_\_\_\_\_ Role: \_\_\_\_\_

Presenting problem:

Examples to illustrate problem:

What is the student able to do as well as others in the class? (i.e., strengths)

Modifications or accommodations attempted in the classroom:

What interventions have been attempted?

When were interventions initiated \_\_\_\_\_ when terminated? \_\_\_\_\_

What was the student able to do more successfully as a result of any interventions?

Student's current grades in class: \_\_\_\_\_

Other relevant information:

## SST Student Data Collection

Student: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

Person collecting this information: \_\_\_\_\_

Title \_\_\_\_\_ SST Referral Date \_\_\_\_\_

Date Parent notified of Referral to SST: \_\_\_\_\_

**Information obtained from parent interview:**

### **Other Information:**

discussion with previous and current teachers, administrators, other school staff, and outside professionals.

### Information Reviewed:

### Comments:

Vision Hearing Screening

\_\_\_\_\_

Prior Testing

\_\_\_\_\_

Work Samples

\_\_\_\_\_

Class Observations

\_\_\_\_\_

SST Interventions

\_\_\_\_\_

Previous Referral Information

\_\_\_\_\_

Outside Evaluations

\_\_\_\_\_

Parent Information

\_\_\_\_\_

Teacher Observations

\_\_\_\_\_

## Hearing Vision/Health Information

To: \_\_\_\_\_

From: ----- School Psychologist

Re: Hearing/vision/health information for Special Education Student

Federal and State Rules and Regulations mandate that every student being evaluated for special education services receive a hearing and vision screening. To assist with this mandate, I have listed the student that requires a hearing and vision screening as part of his/her initial special education evaluation.

Thank you for your cooperation with this. Please feel free to contact me if you have any questions.

|                           |  |
|---------------------------|--|
| <b>Student Name</b>       |  |
| <b>Grade</b>              |  |
| <b>Hearing: Right ear</b> |  |
| <b>Hearing: Left ear</b>  |  |
| <b>Vision: Right eye</b>  |  |
| <b>Vision: Left eye</b>   |  |
| <b>Vision: Both eyes</b>  |  |
| <b>Medical Conditions</b> |  |
| <b>Medications</b>        |  |

# Social and Developmental History

Student's Name: (Last, First, MI) \_\_\_\_\_ Birth Date \_\_\_\_\_ Grade \_\_\_\_\_  
 Address \_\_\_\_\_ Home phone \_\_\_\_\_

Child is currently living with (please select one):

- ☐ Biological parent(s)
 ☐ Adoptive parent(s)
 ☐ Foster parent(s)
 ☐ Relative
 ☐ Other

If "Other", please explain: \_\_\_\_\_

Has the child ever lived with another person? ☐ YES ☐ NO (If "yes", please explain with whom, where, when, duration & circumstances): \_\_\_\_\_

If both biological or adoptive parents are not in the home, how often does the child have contact with him/her/them?

## PARENT/GUARDIAN INFORMATION

Mother's name \_\_\_\_\_ Age \_\_\_\_\_ Occupation \_\_\_\_\_

Address (if different from child's) \_\_\_\_\_

Home phone (if different from child's) \_\_\_\_\_ Business phone \_\_\_\_\_

Health problems: (Include history of diabetes, hypertension, heart disease, respiratory diseases, cancer, alcoholism, drug abuse, seizures, or mental illness)

Father's name \_\_\_\_\_ Age \_\_\_\_\_ Occupation \_\_\_\_\_

Address (if different from child's) \_\_\_\_\_

Home phone (if different from child's) \_\_\_\_\_ Business phone \_\_\_\_\_

Health problems: (Include history of diabetes, hypertension, heart disease, respiratory diseases, cancer, alcoholism, drug abuse, seizures, or mental illness)

## Marital status of parents:

Married ☐ YES ☐ NO (If "no", please elaborate below.) How long? \_\_\_\_\_

Widowed ☐ Year of spouse's death \_\_\_\_\_ Years married? \_\_\_\_\_

☐ Separated How long? \_\_\_\_\_

☐ Divorced How long? \_\_\_\_\_

☐ Remarried How long? \_\_\_\_\_ (please elaborate below)

Stepmother's name \_\_\_\_\_ Age \_\_\_\_\_ Occupation \_\_\_\_\_

Address (if different from child's) \_\_\_\_\_

Home phone (if different from child's) \_\_\_\_\_ Business phone \_\_\_\_\_

Health problems: (Include history of diabetes, hypertension, heart disease, respiratory diseases, cancer, alcoholism, drug abuse, seizures, or mental illness)

Stepfather's name \_\_\_\_\_ Age \_\_\_\_\_ Occupation \_\_\_\_\_

Address (if different from child's) \_\_\_\_\_

Home phone (if different from child's) \_\_\_\_\_ Business phone \_\_\_\_\_

Health problems: (Include history of diabetes, hypertension, heart disease, respiratory diseases, cancer, alcoholism, drug abuse, seizures, or mental illness)



Please list all siblings related to the child:

| Name / Age | Relation | Residence | Health/Learning Problems | Grade |
|------------|----------|-----------|--------------------------|-------|
| _____      | _____    | _____     | _____                    | _____ |
| _____      | _____    | _____     | _____                    | _____ |
| _____      | _____    | _____     | _____                    | _____ |
| _____      | _____    | _____     | _____                    | _____ |
| _____      | _____    | _____     | _____                    | _____ |

Are there any other people living in the household? \_\_\_\_\_

Have there been any recent changes in the family structure? (i.e. deaths, marriages, births, moves, traumas) \_\_\_\_\_

### PRENATAL HISTORY

How long did the pregnancy last? \_\_\_\_\_

Medications taken during pregnancy (prescribed or over-the-counter) \_\_\_\_\_

Please report whether any of the following occurred during the pregnancy and, if "yes", explain.

|   | YES                      | NO                       | When during pregnancy | How much | How often |
|---|--------------------------|--------------------------|-----------------------|----------|-----------|
| Toxemia                                     | <input type="checkbox"/> | <input type="checkbox"/> | _____                 | n/a      | n/a       |
| Alcohol                                     | <input type="checkbox"/> | <input type="checkbox"/> | _____                 | _____    | _____     |
| Drugs (list type)                           | <input type="checkbox"/> | <input type="checkbox"/> | _____                 | _____    | _____     |
| Type: _____                                 |                          |                          |                       |          |           |
| Trauma                                      | <input type="checkbox"/> | <input type="checkbox"/> | _____                 | n/a      | n/a       |
| Type (i.e. fall, car accident, etc.): _____ |                          |                          |                       |          |           |

### BIRTH HISTORY

Mother's age at birth \_\_\_\_\_ Type of delivery \_\_\_\_\_ Birth trauma? \_\_\_\_\_

Length of labor \_\_\_\_\_ Anesthesia or medication used \_\_\_\_\_

Birth weight \_\_\_\_\_ Birth defects? \_\_\_\_\_

Complications (cyanosis, meconium, cord compression)? \_\_\_\_\_

How many days did infant stay in hospital? \_\_\_\_\_

### NEONATAL PERIOD & EARLY DEVELOPMENT

|                             | YES                      | NO                       | Treatment |
|-----------------------------|--------------------------|--------------------------|-----------|
| Jaundice                    | <input type="checkbox"/> | <input type="checkbox"/> | _____     |
| Convulsions                 | <input type="checkbox"/> | <input type="checkbox"/> | _____     |
| Anoxia (lack of oxygen)     | <input type="checkbox"/> | <input type="checkbox"/> | _____     |
| Use of life support systems | <input type="checkbox"/> | <input type="checkbox"/> | _____     |

Did the child gain weight consistently during the first year of life? ☐ YES ☐ NO

### DEVELOPMENTAL HISTORY

Please record the age for the following:

Of first words \_\_\_\_\_ Of first sentences \_\_\_\_\_ Age sat alone \_\_\_\_\_

Walked alone \_\_\_\_\_ Toilet training started \_\_\_\_\_ Toilet training completed \_\_\_\_\_

Did child crawl before walking? ☐ YES ☐ NO Was child well coordinated? ☐ YES ☐ NO

Problems with bedwetting? ☐ YES ☐ NO How long? \_\_\_\_\_ Intervention? \_\_\_\_\_

Repetitive habits (i.e. thumbsucking, twirling of hair, rocking)? \_\_\_\_\_

Please describe child's eating habits and attitudes \_\_\_\_\_



Has your child ever been (or is currently) diagnosed or treated for any of the following? (Please provide copies of related reports.)

|                                     | YES                      | NO                       | Age | Treatment/Intervention |
|-------------------------------------|--------------------------|--------------------------|-----|------------------------|
| Attention Deficit Disorder          | <input type="checkbox"/> | <input type="checkbox"/> | ___ | _____                  |
| Type: with Hyperactivity            | <input type="checkbox"/> |                          |     |                        |
| with Inattentiveness                | <input type="checkbox"/> |                          |     |                        |
| both                                | <input type="checkbox"/> |                          |     |                        |
| Bipolar Disorder (Manic Depression) | <input type="checkbox"/> | <input type="checkbox"/> | ___ | _____                  |
| Depression                          | <input type="checkbox"/> | <input type="checkbox"/> | ___ | _____                  |
| Learning Disability                 | <input type="checkbox"/> | <input type="checkbox"/> | ___ | _____                  |
| Type: _____                         |                          |                          |     |                        |
| Date of last assessment: _____      |                          |                          |     |                        |
| Emotional Disability                | <input type="checkbox"/> | <input type="checkbox"/> | ___ | _____                  |
| Special Education services:         |                          |                          |     |                        |
| Occupational therapy (OT)           | <input type="checkbox"/> | <input type="checkbox"/> | ___ |                        |
| Physical therapy (PT)               | <input type="checkbox"/> | <input type="checkbox"/> | ___ |                        |
| Speech/language                     | <input type="checkbox"/> | <input type="checkbox"/> | ___ |                        |
| Counseling                          | <input type="checkbox"/> | <input type="checkbox"/> | ___ |                        |
| Other: _____                        |                          |                          | ___ | _____                  |

#### HEALTH ASSESSMENT

Height \_\_\_\_\_ Weight \_\_\_\_\_ Dental status? \_\_\_\_\_

How often does the child see the doctor? \_\_\_\_\_ Date of last visit: \_\_\_\_\_

How often is the child absent from school? \_\_\_\_\_ General health status: \_\_\_\_\_

Frequent medications, including dosages and purposes:

Please indicate if your child has experienced any of the following:

|                           | YES                      | NO                       | AGE | Treatment and/or Details of the situation |
|---------------------------|--------------------------|--------------------------|-----|---|
| Vision problems           | <input type="checkbox"/> | <input type="checkbox"/> | ___ | _____                                     |
| Hearing problems          | <input type="checkbox"/> | <input type="checkbox"/> | ___ | _____                                     |
| Allergies                 | <input type="checkbox"/> | <input type="checkbox"/> | ___ | _____                                     |
| Type: _____               |                          |                          |     |   |
| Chronic illnesses         | <input type="checkbox"/> | <input type="checkbox"/> | ___ | _____                                     |
| Chronic conditions        | <input type="checkbox"/> | <input type="checkbox"/> | ___ | _____                                     |
| Concussion(s)             | <input type="checkbox"/> | <input type="checkbox"/> | ___ | _____                                     |
| Other serious head injury | <input type="checkbox"/> | <input type="checkbox"/> | ___ | _____                                     |
| Fractures                 | <input type="checkbox"/> | <input type="checkbox"/> | ___ | _____                                     |
| Stitches                  | <input type="checkbox"/> | <input type="checkbox"/> | ___ | _____                                     |
| High fever                | <input type="checkbox"/> | <input type="checkbox"/> | ___ | _____                                     |
| Seizures                  | <input type="checkbox"/> | <input type="checkbox"/> | ___ | _____                                     |

Please list any hospitalizations this child has had, including reason, length of stay and age or year of hospitalization.

**EDUCATIONAL HISTORY**

Age when entered Kindergarten \_\_\_\_\_

Ever retained? ☐ YES ☐ NO If "yes", in what grade(s)? \_\_\_\_\_

How many moves since the child entered school? \_\_\_\_\_

Please list all school and locations of each that the child has attended.

| School | Location (town/state) | Attended for what grades? |
|--------|-----------------------|---------------------------|
| _____  | _____                 | _____                     |
| _____  | _____                 | _____                     |
| _____  | _____                 | _____                     |
| _____  | _____                 | _____                     |

**PARENT INPUT**Is your child's school attendance consistent? ☐ YES ☐ NO If "no", please explainHas this child's educational experience been one that you have felt good about? ☐ YES ☐ NO If "no", please explainDoes your child get along with others, express feelings and take care of personal needs? ☐ YES ☐ NO If "no", please explainDoes your child process information like peers the same age in areas such as memory (short-term or long-term), reasoning and attention? ☐ YES ☐ NO If "no", please explainDoes your child read, write and compute mathematics like peers the same age? ☐ YES ☐ NO If "no", please explainDo you understand the reason for the current referral for testing? ☐ YES ☐ NOIf "no", please contact the school psychologist *as soon as possible*.

What are your concerns regarding your child?

When was there an awareness or concern?



**PERSONALITY**

How would you describe your child's activity level (under, over, average)? \_\_\_\_\_

Explain if and how the child displays the following:

Affection \_\_\_\_\_  
 Responsibility \_\_\_\_\_  
 Perfectionism \_\_\_\_\_  
 Anger \_\_\_\_\_  
 Impulsiveness \_\_\_\_\_  
 Sadness \_\_\_\_\_  
 Mood changes \_\_\_\_\_  
 Compulsion \_\_\_\_\_  
 Jealousy \_\_\_\_\_  
 Sloppiness \_\_\_\_\_  
 Aggression \_\_\_\_\_  
 Withdrawal \_\_\_\_\_  
 Frustration \_\_\_\_\_  
 Unusual fears \_\_\_\_\_  
 Anxiety \_\_\_\_\_

Suicidal threats (if "yes", how long ago?) \_\_\_\_\_

Suicidal attempts (if "yes", how long ago?) \_\_\_\_\_

Have you any concerns about the child's sleeping patterns? ☐ YES ☐ NO (if "yes", please explain)

What is the child's sleep schedule? \_\_\_\_\_

How well does the child accomplish tasks in work and play without your assistance?

Work:

Play:

Do you have concerns about the child in the areas of lying and/or stealing?

What ages are the child's friends? \_\_\_\_\_

What kinds of activities do you share with the child?

What kinds of activities does your child seek out for him/herself?



What do you consider to be this child's best qualities?

What frustrates you most about this child?

What kinds of things does this child say about him/herself?

Is there any other information that you feel would be helpful in understanding this child more fully?

Other remarks?

Information provided by: \_\_\_\_\_ Relationship to child: \_\_\_\_\_

Recorded by (if other than person giving information): \_\_\_\_\_

Title / relationship to person giving information: \_\_\_\_\_

Date: \_\_\_\_\_

Translator used: ☐ YES ☐ NO





## Referral Background History and Cumulative File Review

Student: \_\_\_\_\_

Referral Date: \_\_\_\_\_

**Current School Information:**

School of Attendance

Grade Level

Teacher

**Previous Schools Attended:**

Records Status

---

1 \_\_\_\_\_

2 \_\_\_\_\_

2 \_\_\_\_\_

3 \_\_\_\_\_

3 \_\_\_\_\_

**Attendance Record:**

Comments on Attendance☐ No unusual attendance pattern \_\_\_\_\_

☐ Significant absences

☐ Gaps in schooling \_\_\_\_\_

**Previous Testing:**

Name of Test: \_\_\_\_\_ date of administration \_\_\_\_\_ scores: \_\_\_\_\_  
 \_\_\_\_\_ Math Rdg. Lang.

| Math | Rdg. | Lang. |
|------|------|-------|
| 1    | 1    | 1     |
| 2    | 2    | 2     |
| 3    | 3    | 3     |
| 4    | 4    | 4     |
| 5    | 5    | 5     |
| 6    | 6    | 6     |
| 7    | 7    | 7     |
| 8    | 8    | 8     |
| 9    | 9    | 9     |
| 10   | 10   | 10    |
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| 100  | 100  | 100   |

Name of Test: \_\_\_\_\_ date of administration \_\_\_\_\_ scores: \_\_\_\_\_  
 \_\_\_\_\_ Math Rdg. Lang

| Math | Rdg. | Lang |
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| 100  | 100  | 100  |

Name of Test: \_\_\_\_\_ date of administration \_\_\_\_\_ scores: \_\_\_\_\_  
 \_\_\_\_\_ Math Rdg. Lang.

|             |             |             |
|-------------|-------------|-------------|
| <u>Math</u> | <u>Rdg.</u> | <u>Lang</u> |
|-------------|-------------|-------------|

**Previous Referrals:**

Discuss Results of any Previous Referrals:

☐ Special Education \_\_\_\_\_

Title One

ESL

☐ Other \_\_\_\_\_

**Other Information:** (Please provide a summary of information provided by the student's previous or current teachers, administrators, other school staff, parents, and outside professionals.)

Is there evidence of possible non-academic explanations for this student's current difficulties?

☐ Socio-economic, Environmental or Cultural disadvantage☐ Sensory impairment☐ Lack of instruction in reading or mathematics☐ Limited proficiency in the English language

**Note: Please attach all reports or records of student grades and student discipline records if relevant.**

## STUDENT STUDY TEAM

**Student name:** \_\_\_\_\_ **Date:** \_\_\_\_\_  
**Student ID:** \_\_\_\_\_ **Grade:** \_\_\_\_\_  
**Parents name(s)/address:** \_\_\_\_\_  
**Parent(s) telephone:** \_\_\_\_\_ **Referring person:** \_\_\_\_\_

### Information reviewed:

- Modifications or accommodations attempted in the classroom Student's current grades.
- Medical/health/vision/hearing information Attached referral.
- Teacher observations
- Parent observations/information
- Past special education records School records
- Other (specify)-----

### SST's decision/plan/roles assigned:

#### Signatures of attendees:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

#### Role:

School Psychologist  
Special Education Teacher  
Regular Education Teacher  
LEA Representative  
Speech/Language Therapist  
Occupational Therapist  
Physical Therapist  
Parent

## Parent Notification of Special Education Referral

Student Name \_\_\_\_\_ D.O.B. \_\_\_\_\_

Date \_\_\_\_\_

Dear \_\_\_\_\_,

Your child has been referred to our school's Child Study Team. This group of school staff meets regularly to discuss ways of providing for the individual needs of students who may be experiencing difficulty in school. Your child was referred to the Child Study Team for difficulties related to:

The goal of this informal procedure is to assist our teachers in dealing with concerns early so that more serious problems do not develop.

Below are listed team recommendations and possible interventions for your child.

Recommendations:

Interventions:

If you have any questions, please call me at \_\_\_\_\_

\_\_\_\_\_  
Child Study Team Contact

\_\_\_\_\_  
School

SECTION 504  
PROCESS AND  
PROCEDURES  
&  
FORMS

Sanders Unified School District  
Procedures for Referral, Evaluation, and  
Identification of Students Eligible for Services  
Pursuant to Section 504 of the Rehabilitation Act of 1973

**1. Section 504 and the Section 504 Coordinator**

Section 504 of the Rehabilitation Act of 1973 (known as Section 504) is a federal law affecting programs receiving federal financial assistance. The law is intended to provide equal opportunity for qualified people with disabilities, including students with disabilities who attend public schools. The Sanders Unified School District is dedicated to complying with the requirements of Section 504, as well as the requirements of federal law in the Individuals with Disabilities Education Act (IDEA), the Americans with Disabilities Act, and state law applicable to students found eligible for special education. The Sanders Unified School District has developed procedures for guidance to parents or guardians and staff concerning obligations in this area.

The 504/Title II Coordinator is [Robert Snyder](#), who may be reached by calling the district office at 855-678-2733. Her email address is [robertsnyder@sandersusd.net](mailto:robertsnyder@sandersusd.net).

The district recognizes the responsibility to assure that children with disabilities receive a Free and Appropriate Public Education. The district wishes to assist parents, students, and staff in identifying students with suspected disabilities and making an informed decision concerning eligibility and appropriate programming and/or accommodations.

In interpreting evaluation data and in making placement decisions, the district will draw upon a variety of sources, ensuring that information obtained from all sources is documented and carefully considered. AU placement decisions will be made by a group of persons including individuals knowledgeable about the child, the meaning of the evaluation data, and the placement options, in conformance with federal requirements.

**2. Initial Referral for a Section 504 Evaluation**

An initial referral begins the Section 504 process for a student. Any parent, guardian, staff member, or the student him or herself may refer a student with a suspected disability for evaluation under Section 504. Referrals should be made to the Section 504 Coordinator. While it is recommended that referrals be submitted in writing, a parent or guardian may make a verbal referral to this 504/Title II Coordinator, who will then prepare a written referral form for the parent's or guardian's review and approval.

Referrals should include the name of the student, grade, reason for referral and current concerns, suspected disability if known, and should attach any documentation considered relevant by the individual making the referral.

### **3. Initial 504 Meeting**

An initial meeting convenes a Section 504 multi-disciplinary evaluation team to obtain the written consent of the parent/guardian to complete an initial evaluation or reevaluation. The team will gather and review all relevant data that may be used to draw a conclusion as to whether the student has a mental or physical impairment that substantially limits a major life activity. The team may review results of formal assessments, such as psycho-educational evaluations, but the 504 evaluations does not require formal assessments in all cases if there is sufficient data to provide information for the team to make an eligibility determination. When evaluating students who may be in need of special education or related services, including 504 services, the district is committed to utilizing tests and other evaluation materials that have been validated for the specific purpose for which they are used, administered by trained personnel, and tailored to assess specific areas of educational need.

### **4. Eligibility Determination Meeting**

An eligibility determination meeting is conducted when the multi-disciplinary team applies the student data to the eligibility criteria in order to make a final determination as to whether the student is a student with a qualified disability. The team shall review each student's impairments on a case-by-case basis, considering both the extent to which the impairment limits a major life activity and its expected duration. A temporary impairment may qualify a student for Section 504 services if it is an impairment that substantially limits one or more major life activities for an extended period of time.

Present at the eligibility determination meeting should be school representatives or other professionals knowledgeable in the area of the evaluation data and qualified to interpret or facilitate discussion. Also present shall be persons knowledgeable about the individual student as well as persons knowledgeable about possible accommodations and related services available through the district. Parents must be invited to each team meeting with proper notice. Parents must receive notice of their parental rights and procedural safeguards.

When the team determines eligibility, the substantial limitation is determined without consideration of mitigating measures, such as medical equipment, prosthetics, or eyeglasses. In addition, if the impairment is episodic or in remission, the determination is made by considering the time when the impairments are active.

### **5. Plan Development**

If a student is found eligible for services, a Plan will be developed either at the eligibility determination meeting or promptly after the eligibility determination. Plans shall be reviewed at least annually to determine if any changes are needed for the next school year.

### **6. Distribution of the Plan**

All teachers and any other staff who work with the student and may be expected to implement the Plan shall receive a copy of the Plan for that student. For example, bus drivers, lunch aides,

# Sanders Unified School District

## Exceptional Student Services

### IMPLEMENTING SECTION 504

#### A Step-by-Step Guide

Why is 504 Important?

- 15-701.01 (A)(3)  
"Pupils with section 504 plans as defined in section 15-731 shall not be required to achieve passing scores on competency tests in order to graduate from high school unless the pupil is learning at a level appropriate for the pupil's grade level in a specific academic area and unless passing scores on a competency test is specifically required in a specific academic area by the pupil's section 504 plan that is developed in consultation with the pupil's parents."

Disciplinary Proceedings

**Suspension**

**Expulsion**

**Use of Drugs and Alcohol**

504 Definition has 3 Prongs

- >A physical or mental impairment
- >That poses a substantial limitation
- >On a major life activity

**Learning**

**Participating**

**Accessing**

**Mental or Physical impairment**

Evaluation

- >A doctor's note on a prescription pad - "Needs 504 Plan" - is not enough.
- >An evaluation must exist/be performed to determine eligibility.
- >The evaluation must be performed by a group of qualified persons.
- >May include parent, doctor, school staff, outside experts

Evaluation (cont'd)

- > Performed to determine the existence of a disability.
- >May be a:
  - comprehensive review of records and existing information;
  - Some additional assessment
  - Full blown psycho-educational evaluation
  - Or anything in-between
  - Reevaluation at least every 3 years



## · Substantial Limitation: Eligibility

After the existence of the impairment is documented, how does it **substantially** limit a major life activity?

Pervasive across learning environments

Non-selective

Significantly impairs access.

### Eligibility

- > If the student is not eligible, use common sense and best practices to identify differentiated learning strategies to assist the student in succeeding. Ensure that your evaluation is thorough enough to withstand a challenge, especially in AIMS assessment and disciplinary proceedings.

### 504 Accommodation Plan

#### > What is it?

- **A [written] plan that lists the necessary accommodations to minimize the impact of the impairment. The goal is to level the playing field and grant equal access.**
- **Accommodation, not modifications: accommodation does not change the content of the material or level of accomplishment needed. They change how a student gains access or how they demonstrate learning/proficiency. Think of it as environmental engineering.**

#### > Who creates it?

- Whoever works with the student (think outside of the box to include bus driver, cafeteria staff, lunch monitors, etc.) that might encounter a situation where the impairment manifests itself.
- Consider all school environments and requirements. Get input from a variety of sources, including the nurse, student, parent, and relevant outside professionals (doctor).

### 504 Accommodation Plan

#### > Who gets a copy of it?

- Each teacher serving the student (don't forget second semester teachers!)
- Other school staff who will need to implement provisions of the Plan (bus drivers, lunch aides, cafeteria staff, nurse, etc)
- Student if able to understand and self-advocate.

#### > Where is it kept?

- Cumulative file so it is sent along with other records when records are requested by another school.
- 504 coordinator's files
- Teachers' plan books (available to subs)
- Bus Driver route book/log where a sub driver can see it
- FERPA applies.

#### > When must the Plan be reviewed?

- At least once each year
- If classes that are changed or added may have impact on the plan's appropriateness/ effectiveness
- If the impairment changes significantly
- If the building/class location changes
- If the curriculum changes

#### 504 Coordinator

> Usually, a central office administrator

- OCR contact
- Assists local school coordinators with implementation, ensuring compliance.
- Receives 504 appeals.
- Budgets funds to help school purchase equipment/services beyond the usual, e.g. computer software/hardware, aide for field trips, wheelchair bus for fieldtrips, etc.

#### School Coordinator

> Usually, the principal or assistant principal

- Chairs 504 meetings.
- Maintains copies of 504 evaluations and accommodation plans
- Maintains a database of due dates for evaluations (3 yrs) and accommodation plans (1 yr)
- Monitors implementation of 504 Plans
- Has the authority to compel a staff member to comply.

>Accommodations, not Modifications

> Reasonable Accommodations

> Equal Access

> Refusal to implement a 504 Plan is willful discrimination and a Section 1983 violation.

>OCR often uses IDEA guidelines (3 yr. evaluations, 1 yr. Plan reviews, suspension, and expulsion considerations, etc.)

>FERPA confidentiality provisions apply to Section 504

#### Good Steps to Take

>Use your school attorney to review 504 appeal decisions, whenever in doubt. Not all attorneys are created equal; make sure they know 504.

> Subscribe to a good 504 Report publication.

>Use staff meetings (administrator and school level) to review 504 issues.

>Use differentiated instruction, accessible mainstream technology, and assistive technology to assist all students. If students are succeeding and have access to what they need in the regular routine, they won't need to be identified. There will not be a "substantial limitation".

## SECTION 504 EVALUATION/PLACEMENT CHECKLIST

Student Name: \_\_\_\_\_ Student#: \_\_\_\_\_

School: \_\_\_\_\_ Grade: \_\_\_\_\_

1. The Team Leader receives a Section 504 Evaluation Referral.  
\_\_\_\_\_  
(Date)
2. The Team Leader sends Parent Invitation: Section 504 Meeting to parent/guardian.  
\_\_\_\_\_  
(Date)
3. The Team Leader collects and reviews sources of data to assist with the 504.  
Evaluation meeting and guides discussion from the Section 504 Evaluation Referral.  
\_\_\_\_\_  
(Date)
4. If further data is needed to determine eligibility, a plan is put into place and a  
follow up meeting date is set to review new data and finalize eligibility.  
The Team Leader obtains parent consent (see Parent Consent: Section 504 Evaluation)  
and provides Parent's Rights and Safeguards Under Section 504 to parent/guardian.  
\_\_\_\_\_  
(Date)
5. Members of the 504 Team review data and complete the Section 504 Eligibility  
Determination Report.  
\_\_\_\_\_  
(Date)
6. The Team Leader provides Parent Notice: Section 504 Eligibility Form  
and Parent's Rights and Safeguards Under Section 504 to parent/guardian either in  
person or by certified mail.  
\_\_\_\_\_  
(Date)
7. The Team Leader updates the Student Management System if the student is  
eligible.  
\_\_\_\_\_  
(Date)
8. If a Section 504 Student Accommodation Plan is developed, the Team Leader is  
responsible for ensuring that all members of the 504 Team receive a copy and  
the student's teachers are monitoring implementation of the Plan.  
\_\_\_\_\_  
(Date)
9. The Team Leader schedules a review or re-evaluation of the student if a request  
for review or re-evaluation is received or if new information is received that  
indicates a need for review or re-evaluation.  
\_\_\_\_\_  
(Date)
- IO. The Team Leader ensures that the Section 504 Student Accommodation Plan is.  
sent to the new location if the student changes schools.  
\_\_\_\_\_  
(Date)

## PARENT CONSENT SECTION 504 EVALUATION

Student Name: \_\_\_\_\_ Student#: \_\_\_\_\_

School: \_\_\_\_\_ Grade: \_\_\_\_\_

Date: \_\_\_\_\_

To The Parent/Guardian of: \_\_\_\_\_ (Student Name)

I have received a Section 504 Evaluation Referral regarding your child. As part of our efforts to help improve your child's classroom performance, **once I receive your signed consent**, we will meet to determine if your child has a qualifying disability under Section 504 of the Rehabilitation Act. Members of the evaluation team will collect and review information on your child's learning and behavior. Your child's teacher(s) and the school's guidance counselor, school psychologist, and other staff members may be involved in observations, assessments, and other data collection activities.

We will first meet to review existing data and determine whether we need to conduct further evaluations to determine whether eligibility may be made regarding your child qualifying under Section 504. You will receive notice of the meeting and are encouraged to attend and participate in the discussion and decision-making process. If you have any questions, please contact me.

Section 504 provides you with specific rights concerning this evaluation process, which are designed to keep you fully informed concerning decisions about your child. These rights are summarized on the "Parent's Rights and Safeguards Under Section 504" document enclosed with this notice. If you did not find the document concerning a parent's rights or need another copy, please contact me. The 504/Title II Coordinator is Robert Snyder, who may be reached by calling the district office at 855-678-2733. Her email address is robertsnyder@sandersusd.net.

\_\_\_\_\_  
504 Team Leader

\_\_\_\_\_  
Telephone Number

Enclosure

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**Parent Consent: I consent to an evaluation of my child to determine eligibility for a Section 504 Accommodation Plan.**

\_\_\_\_\_  
Parent/Guardian Signature

\_\_\_\_\_  
Date

**e-IEP PRO Section 504 Module**  
**Eligibility Determination Report - Areas of Eligibility**

| <b>Elig.#</b> | <b>Eligibility Area Description</b> | <b>Eligibility Area</b>   |
|---------------|-------------------------------------|---------------------------|
| 6             | Cardiovascular                      | Body System - QI          |
| 9             | Digestive                           | Body System - QI          |
| <b>14</b>     | Emotional Illness                   | Body System - QI          |
| 17            | Episodic                            | Body System - QI          |
| 8             | Genito-urinary                      | Body System - QI          |
| 10            | Hemic and Lymphatic                 | Body System - QI          |
| <b>18</b>     | In Remission                        | Body System - QI          |
| 15            | Mental Illness                      | Body System - QI          |
| 12            | Intellectual Disability             | Body System - QI          |
| 2             | Musculoskeletal                     | Body System - QI          |
| 1             | Neurological                        | Body System - QI          |
| 13            | Organic Brain Syndrome              | Body System - QI          |
| 7             | Reproductive                        | Body System - QI          |
| 4             | Respiratory                         | Body System - QI          |
| 11            | Skin or Endocrine                   | Body System - QI          |
| 3             | Special Sense Organs                | Body System - QI          |
| 16            | Specific Learning Disabilities      | Body System - QI          |
| 5             | Speech Organs                       | Body System - QI          |
| 19            | Other                               | Body System - QI          |
|               |                                     |                           |
| <b>32</b>     | <b>Bending</b>                      | <b>Life Activity - Q2</b> |
| 42            | Bladder                             | Life Activity - Q2        |
| 41            | Bowel                               | Life Activity - Q2        |
| 44            | Brain                               | Life Activity - Q2        |
| 26            | Breathing                           | Life Activity - Q2        |
| 20            | Caring for Oneself                  | Life Activity - Q2        |

| <b>Elig.#</b> | <b>Eligibility Area Description</b> | <b>Eligibility Area</b> |
|---------------|-------------------------------------|-------------------------|
| 46            | Circulatory                         | Life Activity - Q2      |
| 37            | Communicating                       | Life Activity - Q2      |
| 34            | Concentrating                       | Life Activity - Q2      |
| 40            | Digestive                           | Life Activity - Q2      |
| 49            | Eating                              | Life Activity - Q2      |
| 47            | Endocrine                           | Life Activity - Q2      |
| 38            | Functions to the immune system      | Life Activity - Q2      |
| 24            | Hearing                             | Life Activity - Q2      |
| 36            | Interacting with Others             | Life Activity - Q2      |
| 27            | Learning                            | Life Activity - Q2      |
| 31            | Lifting                             | Life Activity - Q2      |
| 43            | Neurological                        | Life Activity - Q2      |
| 39            | Normal Cell Growth                  | Life Activity - Q2      |
| 21            | Performing Manual Tasks             | Life Activity - Q2      |
| 33            | Reading                             | Life Activity - Q2      |
| 48            | Reproductive Functions              | Life" Activity - Q2     |
| 45            | Respiratory                         | Life Activity - Q2      |
| 23            | Seeing                              | Life Activity - Q2      |
| 29            | Sleeping                            | Life Activity - Q2      |
| 25            | Speaking                            | Life Activity - Q2      |
| 30            | Standing                            | Life Activity - Q2      |
| 35            | Thinking                            | Life Activity - Q2      |
| 22            | Walking                             | Life Activity - Q2      |
| 28            | Working                             | Life Activity - Q2      |
| 50            | Other                               | Life Activity - Q2      |

## PARENT'S RIGHTS AND SAFEGUARDS UNDER SECTION 504

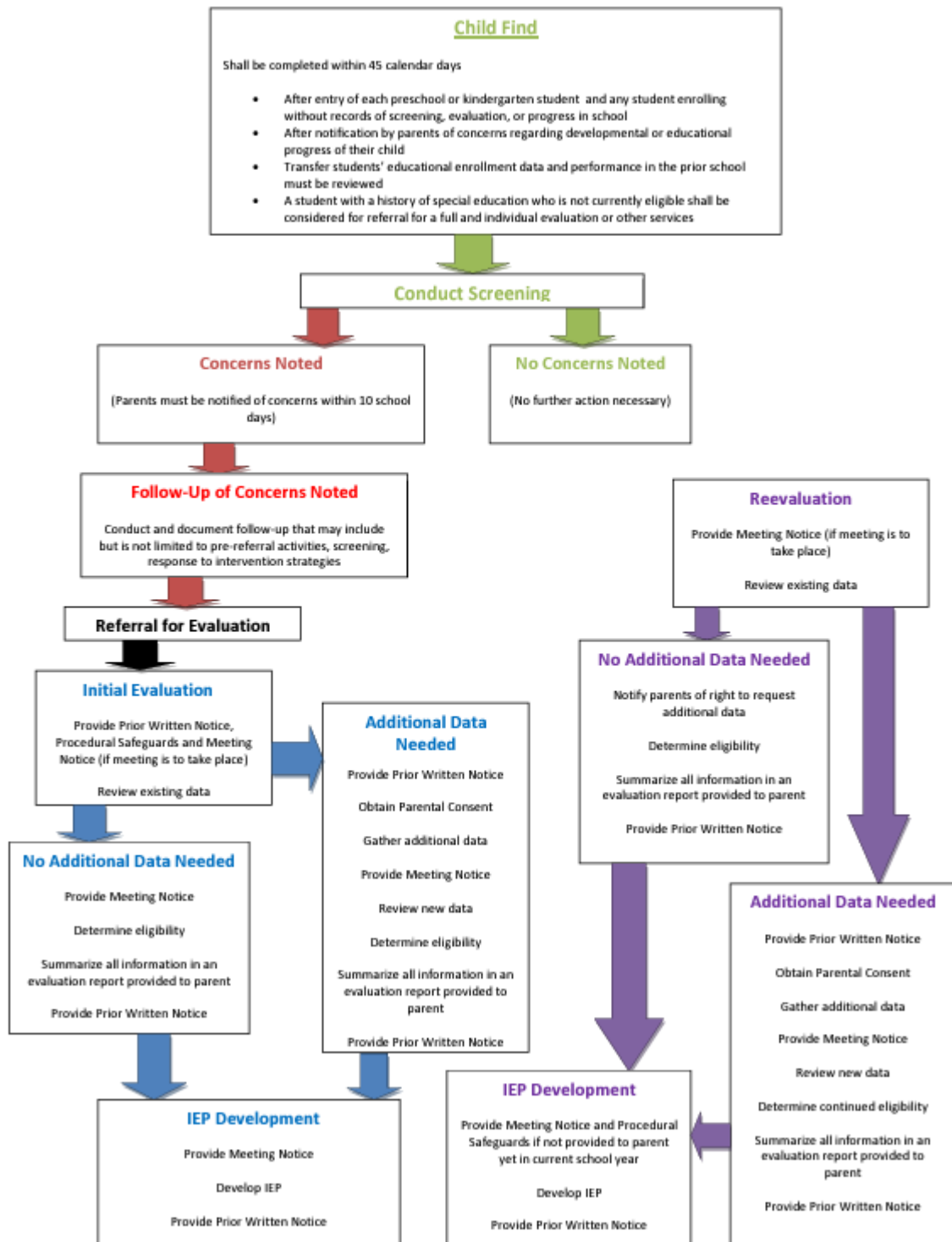
### As a parent, you have the right to:

1. Have your child take part in and receive benefits from public education programs without discrimination based on a disability.
2. Have the District advise you of your rights under federal law.
3. Provide parent consent for an evaluation of your child and receive notice with respect to identification, evaluation, or eligibility determination of your child.
4. Have your child receive a free appropriate public education. This includes the right to be educated with students without disabilities to the maximum extent appropriate. It also includes the right to have the District make reasonable accommodations to allow your child an equal opportunity to participate in school and school-related activities.
5. Have your child educated in facilities and receive services comparable to those provided students without disabilities.
6. Have eligibility and educational placement decisions made based upon a variety of information sources, and by individuals who know the student, the evaluation data, and placement options.
7. Have transportation provided to an out of District school placement setting at no greater cost to you than would be incurred if the student were placed in a program operated by the district.
8. Provide your child with an equal opportunity to participate in nonacademic and extracurricular activities offered by the district through the provision of reasonable accommodations.
9. Examine all relevant records relating to decisions regarding your child's identification, evaluation, educational program, and placement.
10. Obtain copies of educational records at a reasonable cost unless the fee would effectively deny you access to the records.
11. Receive a response from the district to reasonable requests for explanations and interpretations of your child's records.
12. Request amendment of your child's educational records if there is reasonable cause to believe that they are inaccurate, misleading, or otherwise in violation of the privacy rights of your child. If the District refuses this request, it shall notify you within a reasonable time and advise you of the right to a hearing.
13. Request an impartial due process hearing related to decisions regarding your child's identification, evaluation, and educational placement. You and your child may take part in the hearing and have an attorney represent you at your own cost.
14. File a complaint with the district when you believe your child's rights have been violated. A complaint may be filed by completing the Section 504 Complaint Form and submitting it to your school Principal or to: The 504/Title II Coordinator is Robert Snyder, who may be reached by calling the district office at 855-678-2733. Her email address is robertsnyder@sandersusd.net.
15. The Office for Civil Rights of the U.S. Department of Education also enforces the requirements of Section 504 and Title II. The address of the regional office that includes Arizona is: Office for Civil Rights, 1244 Speer Blvd. Suite 300, Denver, CO 80204-3582, Phone: 303-844-4695.

SPECIAL EDUCATION  
REFERRAL  
PROCESS AND  
PROCEDURES  
&  
FORMS



## Special Education Process



**Sanders Unified School District #18  
Procedures for Referral, Evaluation, and  
Identification of Students Eligible of Services  
Pursuant to individuals with Disabilities Education Act (IDEA 2004)**

Sanders Unified School District will follow IEP process in the formation of the Individual Education Plan (IEP). The IEP ensures that children with special needs receive quality teaching and an individualized learning environment designed to maximize their education.

## **Special Education IEP Process**

### **Step 1: Pre-Referral**

The pre-referral step in the special education process is more formal than providing simple and temporary accommodation for students. Pre-referral intervention is to identify, develop, and implement alternative education strategies for students who have recognized problems in the classroom before the student is referred to special education. Pre-referral intervention will be conducted by the Sanders Student Study Team(s) at each school site. The pre-referral team consists of the teacher, the parents/guardians, an administrator, other general education teachers, nurse, guidance counselor, and any other staff/adult involved in the education of the student. The general education teacher provides background information regarding the problem exhibited by the student and the team works together to develop possible solutions.

Sanders Unified will use the response to intervention (RTI) as the more formal and systematic pre-referral step (three levels of intervention) to review and document the following:

- Tier 1: focused on utilizing high-quality general education instruction in the core curriculum with all students. (RTI theorizes that around 80% of all students will respond positively to core curriculum and behavior systems.)
- Tier 2: targeted group instruction or some form of group remediation/reteach to improve performance. (The RTI model believes that second level services will improve performance for approximately 15% of all students.)
- Tier 3: use of intensive, individualized interventions.

Whether the school uses pre-referral teams or the more formal RTI process, the intent is to provide interventions that will help the student achieve success without entering special education. However, if these interventions do not improve the student's performance, then the student will be referred for an assessment to determine possible eligibility for special education services.

### **Pre-Referral for Early Childhood**

Child Find is a component of the Individuals with Disabilities Act (IDEA '04) that requires.

Public Education Agencies (PEA) locate, identify, and evaluate all children with disabilities, age 3 through 22, located within their boundaries of responsibility that are in need of early intervention or special education services. (Arizona Early Intervention Program and Navajo Nation "Growing in Beauty" programs locate, identify, and evaluate children Birth to age 3).

Sanders Unified will conduct Identification (screening for possible disabilities) within 45 calendar days each school year for all newly enrolled preschool and kindergarten students. Child Find is ongoing throughout the school year.

Screening procedures shall include vision and hearing status and consideration of the following developmental growth areas:

- Cognitive and general intelligence
- Academic.
- Communication.
- Motor and sensory
- Social emotional
- Functional Behavioral; and
- Adaptive Behavior skills.
- Health and physical

There are different pre-referral interventions through which the school district will initiate the IEP process. These interventions are implemented based on the type of disability exhibited by the student.

**The main objectives of the pre-referral are.**

- Document and elaborate on the challenges and difficulties exhibited by the child.
- Evaluate the usefulness of classroom accommodations and changes.
- Review the power of different instructional interventions.
- Supervise the development of the student.

The pre-referral process helps to determine whether behavioral and educational challenges exhibited by the child can be resolved in a general education classroom. To avoid unnecessary evaluations and placements, the assessments used at this stage are purely intervention-based. Typically crafted in the general education class, this step is conducted with the use of direct performance procedures.

During the pre-referral stage, teachers will try various certified teaching approaches in hopes of establishing whether flawed instruction could be the cause of the problems exhibited.

- These interventions need to be documented with formal data for a period of four (4) to six (6) weeks. Students whose learning remains challenged will be referred to the next step in the IEP process, referred for special education services.

## Step 2: Referral

If the intervention in the general education classroom is unsuccessful and the student continues to experience difficulty, the Student Study Team may refer the child for a special education evaluation. Referrals for determination of eligibility for special education services may be initiated by:

- School personnel (including general education teachers, special education teachers, counselors, administrators, etc.
- Child's parent(s) or legal guardian(s);
- Any other person involved in the education or care of the child.

The official referral will begin the formal process of determining eligibility for special education services beginning with the review of existing data (RED) meeting. The schools' Multidisciplinary Evaluation Team (MET) which includes the parent/legal guardian must agree to the evaluation. The MET team will obtain consent from the student's parent to evaluate.

### Referral for Reevaluation

The reevaluation of an already identified special education student will follow a similar process as an individual referred student beginning with the review of existing data meeting. If the MET team decides not to reevaluate, the student's parent/legal guardian will be informed of the reasons for the decision and given the opportunity (right) to request additional data.

The Multidisciplinary Evaluation Team must conduct a reevaluation prior to the decision to dismiss a student for the special education program.

### Step 3: Identification

Once a referral has been made, the process of a comprehensive psycho-educational evaluation will begin to determine whether the student has a disability that requires special education services. The Multidisciplinary Evaluation Team will conduct a formal and comprehensive psycho-educational evaluation that measures:

- Intelligence
- Achievement
- Behavioral
- Disability-specific issues
- Medical
- Informal observations

The initial comprehensive psycho-educational evaluation will be completed within 60 calendar days from receipt of informed written parental consent \*For students transitioning from the Arizona Early Intervention Program (AzEIP), Sanders Multidisciplinary Evaluation Team will consider the evaluation as an initial evaluation.

The 60-day evaluation period may be extended for an additional 30 days, provided it is in the best interest of the child and the parents and Public Education Agency (PEA=Sanders Unified School District Representative) agree in writing to such an extension.

### Step 4: Eligibility (FAPE)

The Individual Disability Education Act (IDEA) states that each child is entitled to a Free and Appropriate Public Education (FAPE). Sanders will accomplish this requirement for identified students by developing an Individualized Education Plan (IEP) that addressed the specialized need of the student.

The information gathered during the comprehensive psycho-educational evaluation will be used to classify the student as needing special education and/or related services. The Individual Education Plan (IEP) team will develop an IEP which addresses specialized instruction and delivery of that specialized instruction in the appropriate setting. Students who do not meet the qualifications for special education services will remain in the traditional classroom setting.

The following are areas of special education eligibility:

- Autism (A) Autism means a developmental disability significantly affecting verbal and nonverbal communication and social interaction, generally evident before age three, that adversely affects a child's educational performance. Other characteristics often associated with autism are engagement in repetitive activities and stereotyped movements, resistance to environmental change or change in daily routines, and unusual responses to sensory experiences. Autism does not apply if a child's educational performance is adversely affected primarily because the child has an emotional disturbance, as defined in paragraph (c)(4) of this section. A child who manifests the characteristics of autism after age three could be identified as having autism if the criteria in paragraph (c)(1)(i) of this section are satisfied. [34 C.F.R. § 300.8(c)(1)]
- Deafness (D) means a hearing impairment that is so severe that the child is impaired in processing linguistic information through hearing, with or without amplification that adversely affects a child's educational performance. [34 C.F.R. § 300.8(c)(3)]
- Deaf-Blindness (DB) means concomitant hearing and visual impairments, the combination of which causes such severe communication and other developmental and educational needs that they cannot be accommodated in special education programs solely for children with deafness or children with blindness. [34 C.F.R. § 300.8(c)(2)]
- Emotional Disturbance (ED) Emotional disturbance means a condition exhibiting one or more of the following characteristics over a long period of time and to a marked degree that adversely affects a child's educational performance: (A) An inability to learn that cannot be explained by intellectual, sensory, or health factors. (B) An inability to build or maintain satisfactory interpersonal relationships with peers and teachers. (C) Inappropriate types of behavior or feelings under normal circumstances. (D) A general pervasive mood of unhappiness or depression. (E) A tendency to develop physical symptoms or fears associated with personal or school problems. (ii) Emotional disturbance includes schizophrenia. The term does not apply to children who are socially maladjusted, unless it is determined that they have an emotional disturbance under paragraph (c)(4)(i) of this section. [34 C.F.R. § 300.8(c)(4)] A determination of Emotional Disturbance requires verification of a disorder by a psychiatrist, licensed psychologist, licensed professional counselor, licensed clinical social worker (LCSW), or a certified school psychologist.
- Hearing Impairment (HI) Hearing impairment means an impairment in hearing, whether permanent or fluctuating, that adversely affects a child's educational performance but that is not included under the definition of deafness in this section. [34 C.F.R. § 300.8(c)(5)] A determination of Hearing Impairment requires an audiological evaluation by an individual holding a master's or doctoral degree in audiology, and an evaluation of communication/language proficiency.
- Mild Intellectual Disability (MIID) Intellectual Disability means significantly subaverage general intellectual functioning, existing concurrently with deficits in adaptive behavior and manifested during the developmental period, that adversely affects a child's educational performance. [34 C.F.R. § 300.8(c)(6)] The term Intellectual Disability replaces the term mental retardation.
- Moderate Intellectual Disability (MOID) Intellectual Disability means significantly subaverage general intellectual functioning, existing concurrently with deficits in adaptive behavior and manifested during the developmental period, that adversely affects a child's educational performance. [34 C.F.R. § 300.8(c)(6)] The term Intellectual Disability replaces the term mental retardation.
- Multiple Disabilities (MD) Multiple disabilities means concomitant impairments (such as [intellectual disability]-blindness or [intellectual disability]-orthopedic impairment), the combination of which causes such severe educational needs that they cannot be accommodated in special education programs solely for one of the impairments. Multiple disabilities do not include deaf-blindness. [34 C.F.R. § 300.8(c)(7)]
- Other Health Impaired (OHI) Other health impairment means having limited strength, vitality, or alertness, including a heightened alertness to environmental stimuli, that results in limited alertness with

respect to the educational environment, that— (i) Is due to chronic or acute health problems such as asthma, attention deficit disorder or attention deficit hyperactivity disorder, diabetes, epilepsy, a heart condition, hemophilia, lead poisoning, leukemia, nephritis, rheumatic fever, sickle cell anemia, and Tourette syndrome; and (ii) Adversely affects a child's educational performance. [34 C.F.R. § 300.8(c)(9)] A determination of Other Health Impairment requires verification of a health impairment by a Doctor of Medicine, doctor of osteopathy, licensed nurse practitioner, licensed physician assistant, or in cases of ADHD a certified school psychologist or licensed psychologist.

- **Orthopedic Impairment (OI)** Orthopedic impairment means a severe orthopedic impairment that adversely affects a child's educational performance. The term includes impairments caused by a congenital anomaly, impairments caused by disease (e.g., poliomyelitis, bone tuberculosis), and impairments from other causes (e.g., cerebral palsy, amputations, and fractures or burns that cause contractures). [34 C.F.R. § 300.8(c)(8)] A determination of Orthopedic Impairment requires verification of the physical disability by a Doctor of Medicine, doctor of osteopathy, doctor of podiatric medicine, licensed nurse practitioner, or licensed physician assistant.

- **Speech or Language Impairment (SLI)** Speech or language impairment means a communication disorder, such as stuttering, impaired articulation, a language impairment, or a voice impairment, that adversely affects a child's educational performance. [34 C.F.R. 300.8(c)(11)] A determination of Speech-Language Impairment requires an evaluation by a certified speech-language pathologist or speech-language technician. For students whose speech impairments appear to be limited to articulation, voice, or fluency problems, the written evaluation may be limited to: an audiometric screening within the past calendar year; a review of academic history and classroom functioning; an assessment of the speech problem by a licensed and certified speech-language pathologist or speech-language technician; or an assessment of the student's functional communication skills.

- **Specific Learning Disability (SLD)** Specific learning disability—(i) General. Specific learning disability means a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, that may manifest itself in the imperfect ability to listen, think, speak, read, write, spell, or to do mathematical calculations, including conditions such as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia. (ii) Disorders not included. Specific learning disability does not include learning problems that are primarily the result of visual, hearing, or motor disabilities, of [intellectual disability], of emotional disturbance, or of environmental, cultural, or economic disadvantage. [34 C.F.R. § 300.8(c)(10)]

- **Severe Intellectual Disability (SID)** Intellectual Disability means significantly subaverage general intellectual functioning, existing concurrently with deficits in adaptive behavior and manifested during the developmental period, that adversely affects a child's educational performance. [34 C.F.R. § 300.8(c)(6)] The term Intellectual Disability replaces the term mental retardation.

- **Traumatic Brain Injury (TBI)** Traumatic brain injury means an acquired injury to the brain caused by an external physical force, resulting in total or partial functional disability or psychosocial impairment, or both, that adversely affects a child's educational performance. Traumatic brain injury applies to open or closed head injuries resulting in impairments in one or more areas, such as cognition; language; memory; attention; reasoning; abstract thinking; judgment; problem-solving; sensory, perceptual, and motor abilities; psychosocial behavior; physical functions; information processing; and speech. Traumatic brain injury does not apply to brain injuries that are congenital or degenerative, or to brain injuries induced by birth trauma. [34 C.F.R. § 300.8(c)(12)] A determination of Traumatic Brain Injury requires verification of the injury by a Doctor of Medicine, doctor of osteopathy, licensed nurse practitioner, licensed physician assistant, or a licensed clinical neuropsychologist.

- **Visual Impairment (VI)** Visual impairment including blindness means an impairment in vision that, even with correction, adversely affects a child's educational performance. The term includes both partial sight and blindness. [34 C.F.R. § 300.8(c)(13)] A determination of Visual Impairment requires verification of a visual impairment by an ophthalmologist or optometrist.

- **Developmental Delay** (\*For early childhood to age 9) The regulations that implement the IDEA



allow states to determine eligibility for special education to children aged three through nine who are experiencing developmental delays in one or more of the following areas: physical development; cognitive development; communication development; social or emotional development; or adaptive development. [34 C.F.R. 300.8(b)] Arizona Revised Statutes (A.R.S.) state that “Developmental delay” means performance by a child who is at least three years of age but under ten years of age on a norm-referenced test that measures at least one and one-half, but not more than three, standard deviations below the mean for children of the same chronological age in two or more of the following areas: cognitive development; physical development; communication development; social or emotional development; [or] adaptive development.” [A.R.S. 15-761(3)]

- Preschool Severe Delay (PSD) Arizona defines preschool severe delay as “performance by a preschool child on a norm-referenced test that measures more than three standard deviations below the mean for child of the same chronological age in one or more of the following areas: cognitive development; physical development; communication development; social or emotional development; [or] adaptive development.” The results of the norm-referenced measure must be corroborated by information from a comprehensive development assessment and from parental input, if available, as measure by a judgment-based assessment or survey. If there is a discrepancy between the measures, the evaluation team shall determine eligibility based on a preponderance of the information presented. [A.R.S. 15-761(24)]

#### Step 5: Development of the IEP (IEP and LRE)

Within 30 days of the completion of the evaluation, the Multidisciplinary Evaluation Team will meet to determine eligibility. In simple terms, a student is considered eligible for special education services if:

(1) the child has a disability as defined by IDEA which negatively impacts his/her educational performance, and (2) the child needs special education services in order to benefit from education.

Not all students are determined to be eligible for special education services. There are multiple reasons why a student may not qualify for special education services including not having a disability that negatively impacts his or her education. However, these students may be considered for other help to access the academic curricula. In these situations, the school will need to work out a plan to provide other services for the student.

If the team determines that the student is eligible for special education services, then a formal Individualized Education Program (IEP) team will be formed to develop a plan of special education services for the student.

An IEP is a written statement for a child with a disability that is developed, reviewed, and revised in a meeting and that must include certain content:

- A statement of the child’s present levels of academic achievement and functional performance
- A statement of measurable annual goals
- A description of how the child’s progress toward meeting the annual goals will be measured and when periodic reports on the child’s progress will be provided.
- A statement of the special education and related services and supplementary aids and services to be provided to the child.
- A statement of the program modifications or supports for school personnel.
- An explanation of the extent, if any, to which the child will not participate with nondisabled children in the regular class and activities.
- A statement of accommodations necessary to measure academic achievement and functional performance on State and districtwide assessments.
- The projected date for the beginning of the services, and the anticipated frequency, location, and duration of those services
- If the IEP team determines that the child must take an alternate assessment, a statement explaining why.

- If the child turns 16 while an IEP is in effect, appropriate measurable postsecondary goals based upon age-appropriate transition assessments related to training, education, employment, and, where appropriate, independent living, and transition services needed to assist the child in reaching the postsecondary goals. [34 C.F.R. § 300.320(a)]

\*When applicable, other individuals will be included in the IEP meeting such as the rehabilitation or transition service providers or early intervention representatives.

#### Step 6: Implementation

Once the IEP is developed and signed by members of the IEP team it will be the responsibility of the entire IEP team to ensure that the IEP is implemented. The IEP team may meet as frequently as needed to discuss the implementation of the IEP. The IEP case manager is required to ensure documentation of mastery of benchmarks and annual goals. The IEP is a "living" document and can be altered during the school year if needed. The IEP goals and benchmarks provide the objectives for the education of the student and prescribe the services being provided by the district. However, it must be understood that the district is not required to meet all goals within the school year, but they must provide evidence of the "good faith effort" toward achieving the goals. Implementation of the IEP may include related services providers such as occupational or physical therapist services, speech/language services, visual and hearing-impaired specialist.

#### Step 7: Reevaluation and Reviews

Each IEP developed requires accountability and consistent follow up by the child's parents. A review is conducted annually or after every three years. The purpose for these reviews is to determine whether the child is meeting their educational goals.

If the IEP goals are not being met, revisions are made in the IEP. In the event that the child is meeting and even exceeding their IEP goals, new milestones are determined. In some cases, the child may be moved back into the general education classroom setting (inclusion).



| LOCATOR | YES/NO | <b>Confidentiality Policy &amp; Procedure Checklist</b>   |
|---------|--------|---|
|         |        | <b>POLICY</b>   |
|         |        | The public agency will ensure that protection of the confidentiality of any personally identifiable data, information, and records collected or maintained by the agency will be in accordance with 34 CFR §§300.611:-. 300.627.  |
|         |        | <b>PROCEDURES</b>   |
|         |        | <p><b>§300.613 Access Rights</b></p> <p>1) The public agency must permit parents to inspect and review any education records relating to their children that are collected, maintained, or used by the agency under IDEA. The agency must comply with a request without unnecessary delay and in no case more than 45 days after the request has been made and before:</p> <ul style="list-style-type: none"> <li>a) Any IEP meeting.</li> <li>b) Any hearing involving a due process complaint or disciplinary hearing; or</li> <li>c) Any resolution session.</li> </ul> <p>2) The right to inspect and review education records includes:</p> <ul style="list-style-type: none"> <li>a) The right to a response from the agency to reasonable requests for explanations and interpretations of the records.</li> <li>b) The right to request that the agency provide copies of the records if failure to provide those copies would effectively prevent the parent from exercising the right to inspect and review the records; and</li> <li>c) The right to have a representative of the parent inspect and review the records.</li> </ul> <p>3) The public agency may presume that the parent has authority to inspect and review records relating to his or her child unless the agency has been advised to the contrary by legal proceeding involving guardianship, separation, and divorce.</p> |
|         |        | <p><b>§300.614 Record of Access</b> I) The public agency will keep a record of parties obtaining access to education records collected, maintained, or used under IDEA (except access by parents and authorized employees of the agency), including:</p> <ul style="list-style-type: none"> <li>a) The name of the party.</li> <li>b) The date access was given; and</li> <li>c) The purpose for which the party is authorized to use the records.</li> </ul>   |
|         |        | <p><b>§300.615 Records on More Than One Child</b></p> <p>1) If any education record includes information on more than one child, the parents of those children have the right to inspect and review only the information relating to their child.</p>   |

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|  |  | <p><b>§300.616 Lists of Types and Locations of Information</b></p> <p>1) The public agency must provide parents on request a list of the types and locations of education records collected, maintained, or used by the agency.</p>  |
|  |  | <p><b>§300.617 Fees</b></p> <p>1) The public agency may charge a fee for copies of records that are made for parents if the fee does not effectively prevent the parents from exercising their right to inspect and review records.</p> <p>2) The public agency may not charge a fee to search for or to retrieve information.</p>   |
|  |  | <p><b>§300.618 Amendment of Records at Parent's Request</b></p> <p>1) A parent who believes that information in the education records collected, maintained, or used by the agency is inaccurate or misleading or violates the privacy or other rights of the child may request the agency to amend the information.</p> <p>2) The public agency must decide whether to amend the information in accordance with the request within a reasonable period of time of receipt of the request.</p> <p>3) If the agency refuses to amend the information in accordance with the request, it must inform the parent of the refusal and advise the parent of the right to a hearing under §300.619.</p> |
|  |  | <p><b>§300.619 Opportunity for a Hearing</b></p> <p>1) The public agency must, on request, provide an opportunity for a hearing to challenge information in education records to ensure that it is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the child.</p>  |
|  |  | <p><b>§300.620 Result of Hearing</b></p> <p>1) If, as a result of a hearing, the agency decides to amend information determined inaccurate, misleading, or otherwise in violation of the privacy or other rights of the child, it must do so accordingly and so inform the parent in writing.</p> <p>2) If, as a result of a hearing, the agency decides that the information is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the child, it must inform the parent of the parent's right to place in the maintained records a statement commenting on the information or setting forth any reasons for disagreeing with the agency's decision.</p>    |
|  |  | <p><b>§300.622 Consent</b></p> <p>1) Parental consent must be obtained before personally identifiable information is disclosed to parties other than participating agencies, unless the information is contained in education records and the disclosure is authorized without parent consent under FERPA.</p>   |

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|  |  | <p>2) Parental consent must be obtained before personally identifiable information is released to officials of participating agencies providing or paying for transition services in accordance with §300.321.</p> <p>3) If a child is enrolled, or is going to enroll, in a private school that is not located in the boundaries of the district of the parent's residence, parental consent must be obtained before any personally identifiable information about the child is released between officials in the district where the private school is located and officials in the district of the parent's residence.</p>   |
|  |  | <p><b>§300.623 Safeguards</b></p> <p>1) The public agency must protect the confidentiality of personally identifiable information at collection, storage, disclosure, and destruction stages.</p> <p>2) One official at the public agency must assume responsibility for ensuring the confidentiality of any personally identifiable information.</p> <p>3) All persons collecting or using personally identifiable information must receive training or instruction regarding the State's policies and procedures under 300.123 and FERPA (34 CFR part 99).</p> <p>4) The public agency must maintain, for public inspection, a current listing of the names and positions of its employees who may have access to personally identifiable information.</p> |
|  |  | <p><b>§300.624 Destruction of Information</b></p> <p>1) The public agency must inform parents when personally identifiable information collected, maintained, or used for IDEA purposes is no longer needed to provide educational services to the child.</p> <p>2) The information must be destroyed at the request of the parents. However, a permanent record of a student's name, address, and phone number, his or her grades, attendance record, classes attended, grade level completed, and year completed may be maintained without time limitation.</p>  |
|  |  | <p><b>§300.625 Children's Rights</b></p> <p>1) The rights of the parents regarding educational records are transferred to the student at age 18 under FERPA.</p> <p>2) If the rights of the parents regarding educational records are transferred to the student at age 18 under the IDEA, the public agency must provide any notice required under the procedural safeguards provisions.</p>  |

| LOCATOR | YES/NO | <b>Evaluation and Eligibility Policy &amp; Procedure Checklist</b>   |
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|         |        | <b>POLICY</b>  |
|         |        | <p>A full and individual initial evaluation will be conducted by the public agency before the initial provision of special education and related services to a child with a disability in accordance with 34 CFR §§300.300-300.311 of the IDEA regulations.</p> <p>A reevaluation of each child with a disability will be conducted by the public agency in accordance with §§300.300-300.311 of the IDEA regulations.</p>   |
|         |        | <b>PROCEDURES</b>  |
|         |        | <p><b>§300.300 Parental Consent</b></p> <ol style="list-style-type: none"> <li>1) The public agency proposing to conduct an initial evaluation to determine if a child qualifies as a child with a disability, after reviewing existing data with the parents and providing prior written notice, will obtain informed consent from the parent of the child before collecting any additional data. <ol style="list-style-type: none"> <li>a) Parental consent for initial evaluation must not be construed as consent for initial provision of special education and related services.</li> <li>b) The public agency must make reasonable efforts to obtain the informed consent from the parent for an initial evaluation.</li> </ol> </li> <li>2) For initial evaluations only, if the child is a ward of the state and is not residing with the child's parent, the public agency is not required to obtain consent from the parent if: <ol style="list-style-type: none"> <li>a) Despite reasonable efforts to do so, the public agency cannot discover the whereabouts of the parents of the child;</li> <li>b) The rights of the parents of the child have been terminated by the court;</li> <li>c) The rights of the parent to make educational decisions have been subrogated by a judge and consent for an initial evaluation has been given by an individual appointed by the judge to represent the child.</li> </ol> </li> <li>3) The public agency may, but is not required to, seek informed consent through due process procedures if the parent of a child who is enrolled or seeking to enroll in the public agency refuses consent for an initial evaluation.</li> <li>4) The public agency must obtain informed consent from the parent of the child before the initial provision of special education and related services to the child and must make reasonable efforts to obtain that consent.</li> <li>5) If a parent refuses consent for the initial provision of special education and related services, the public agency may not seek consent through due process hearing procedures. The public agency: <ol style="list-style-type: none"> <li>a) Will not be considered to be in violation to provide FAPE;</li> </ol> </li> </ol> |

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|  |  | <p>b) Is not required to convene an IEP Team meeting or develop an IEP for the child.</p> <p>6) The public agency must obtain informed consent prior to conducting any reevaluation of a child with a disability.</p> <p>a) If the parent refuses consent, the public agency may utilize due process hearing procedures to seek consent, but does not violate its obligation if it declines to pursue the evaluation or reevaluation.</p> <p>b) Toe informed parental consent for reevaluation need not be obtained if the public agency can demonstrate that:</p> <p>i) it made reasonable efforts to obtain such consent and has documented those attempts.</p> <p>ii) The child's parent has failed to respond.</p> <p>7) Parental consent is not required before:</p> <p>a) Reviewing existing data as part of an evaluation or reevaluation; or</p> <p>b) Administering a test or other evaluation that is administered to all children unless consent is required of parents of all children prior to administration.</p> <p>8) A public agency may not use a parent's refusal to consent to one service or activity under this section to deny the parent or child any other service, benefit, or activity of the public agency, except as required by this part.</p> <p>9) If a parent of a child who is home schooled or placed in a private school by the parents at their own expense does not provide consent for the initial evaluation or the reevaluation, or the parent fails to respond to a request to provide consent, the public agency may not utilize due process hearing procedures to seek consent.</p> |
|  |  | <p><b>§300.301 Initial Evaluations</b></p> <p>1) Consistent with consent requirements of §300.300, either a parent of a child or the public agency may initiate a request for an initial evaluation to determine if a child is a child with a disability.</p> <p>2) The initial evaluation must:</p> <p>a) Be completed within 60 days of receiving parental consent for the evaluation, unless:</p> <p>i) The parents and the public agency agree that it is in the best interest of the child to extend the timeline to complete the evaluation for an additional 30 days;</p> <p>ii) The child enrolls in the public agency from another public agency after the parent has provided consent and before the determination of eligibility by the other agency (In that event, the agency will ensure prompt completion of the evaluation); or</p> <p>iii) The parent of a child with a disability repeatedly fails or refuses to produce the child for the evaluation.</p> <p>b) Consist of procedures to determine if the child is a child with a disability and to determine the educational needs of the child.</p>  |

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|  |  | <p><b>§300.303 Reevaluations</b></p> <ol style="list-style-type: none"> <li>1) The public agency will conduct a reevaluation of a child with a disability if: <ol style="list-style-type: none"> <li>a) The agency determines that the educational or related service needs, including improved academic achievement and functional performance, of the child warrant a reevaluation, or</li> <li>b) If the child's parents or teacher requests a reevaluation, except that</li> <li>c) The public agency will not conduct a reevaluation more than once a year unless the parent and agency agree otherwise.</li> </ol> </li> <li>2) The public agency will conduct a reevaluation at least once every 3 years, unless the parent and the agency agree that a reevaluation is unnecessary.</li> </ol>  |
|  |  | <p><b>§300.304 Evaluation Procedures</b></p> <ol style="list-style-type: none"> <li>1) The public agency will provide prior written notice to the parents of a child who has, or who is suspected of having, a disability that describes the evaluation procedures that the agency proposes to conduct.</li> <li>2) In conducting an evaluation or reevaluation, the public agency will: <ol style="list-style-type: none"> <li>a) Use a variety of assessment tools and strategies to gather relevant functional, developmental, and academic information about the child, including information provided by the parent in order to determine; <ol style="list-style-type: none"> <li>i) Whether the child is a child with a disability; and</li> <li>ii) If the child is a child with a disability, information related to enabling the child to be involved in and progress in the general education curriculum (or for a preschool child, to participate in appropriate activities).</li> </ol> </li> <li>b) Not use any single measure or assessment as the sole criterion for determining whether a child is a child with a disability and for determining an appropriate educational program for the child; and</li> <li>c) Use technically sound instruments that may assess the relative contribution of cognitive and behavioral factors, in addition to physical or developmental factors.</li> </ol> </li> <li>3) The public agency will ensure that evaluation materials and strategies: <ol style="list-style-type: none"> <li>a) Are selected and administered so as not to be discriminatory on a racial or cultural basis;</li> <li>b) Are administered in the child's native language or other mode of communication and in the form most likely to yield accurate information on what the child knows and can do academically, developmentally, and functionally, unless it is clearly not feasible to do so;</li> <li>c) Are used for the purposes for which the assessment(s) or measure(s) are valid and reliable;</li> <li>d) Are administered by trained and knowledgeable personnel;</li> <li>e) Are administered in accordance with the instructions provided by the</li> </ol> </li> </ol> |

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|  |  | <p>assessment publisher;</p> <p>f) Are selected and administered so as to ensure that if administered to a child with impaired sensory, manual, or speaking skills, the assessment results accurately reflect the child's aptitude or achievement level or whatever other factors the test purports to measure rather than reflecting the child's impairments (unless those skills are the factors being measured).</p> <p>g) Assess the child in all areas related to the suspected disability, including, if appropriate, health, vision, hearing, social and emotional status, general intelligence, academic performance, adaptive behavior, communicative status, and motor abilities; and</p> <p>h) Are sufficiently comprehensive to identify all of the child's special education and related services needs, whether or not those needs are commonly associated with the child's disability.</p> <p>i) Provide relevant information that directly assists in determining the educational needs of the child.</p> <p>4) Evaluations of children who transfer to or from another public agency in the same school year are coordinated with the prior and subsequent schools, in order to expedite the completion of a full evaluation.</p>   |
|  |  | <p><b>§300.305 Additional Evaluation Requirements</b></p> <p>1) As part of an initial evaluation (if appropriate), and as part of any reevaluation, the IEP Team and other qualified professionals, as appropriate, will:</p> <p>a) Review existing evaluation data on the child including:</p> <p>i) Evaluations and information provided by the parents;</p> <p>ii) Current classroom-based, local, and statewide assessments, and classroom-based observations; and</p> <p>iii) Observations by teachers and related services providers.</p> <p>b) On the basis of that review and input from the child's parents, identify what additional data, if any, are needed to determine:</p> <p>i) Whether the child is or continues to be a child with a disability and if so, the educational needs of the child;</p> <p>ii) The present levels of academic achievement and related developmental needs of the child; and</p> <p>iii) Whether the child needs special education and related services to enable the child to meet measurable annual IEP goals and to participate, as appropriate, in the general education curriculum.</p> <p>c) The IEP Team may conduct the review without a meeting.</p> <p>2) If additional data are needed, the public agency will administer the assessments required to obtain the additional data.</p> <p>3) If additional data are not needed to determine whether the child continues to be a child with a disability and to determine the child's educational needs, the public agency will notify the parents of:</p> <p>a) The determination and the reasons for the determination; and</p> |

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|  |  | <p>b) The right of the parents to request an assessment to determine whether the child continues to be a child with a disability and to determine the child's educational needs.</p> <p>4) The public agency will evaluate a child before determining that the child is no longer a child with a disability except when the termination is due to graduation with a regular high school diploma or the child's reaching age 22.</p> <p>5) When the child's eligibility terminates because of graduation or reaching age 22, the agency will provide a summary of the child's academic achievement and functional performance that includes recommendations on how to assist the child in meeting the child's postsecondary goals.</p>  |
|  |  | <p><b>§300.306 Determination of Eligibility</b></p> <p>1) Upon completion of the evaluation process, the public agency will ensure that:</p> <p>a) A group of qualified professionals and the parent of the child determine:</p> <p>i) If the child is a child with a disability under the Individuals with Disabilities Education Act and the Arizona State Statutes; and</p> <p>ii) If so, the educational needs of the child.</p> <p>b) The parents are provided, at no cost, a copy of the evaluation report and eligibility determination.</p> <p>2) A child will not be determined to be a child with a disability if the primary factor for the determination is:</p> <p>a) Lack of appropriate instruction in reading, including the essential components of reading instruction (as defined in 1208(3) of the ESEA);</p> <p>b) Lack of appropriate instruction in math; or</p> <p>c) Limited English proficiency.</p> <p>3) The eligibility determination, including education needs, will be based on all of the information sources used in the evaluation process, and if the child is deemed eligible and in need of special education and related services, an IEP will be developed in accordance with §§300.320 through 300.324.</p> |
|  |  | <p><b>§300.307 Additional Procedures for Identifying Children with Specific Learning Disabilities</b></p> <p><b><i>Option 1:</i></b></p> <p>1) The public education agency will use the state-adopted criteria for determining whether a child has a specific learning disability through a process based on the child's response to scientific, research-based intervention in conformity with IDEA Regulations §300.307-311.</p>   |



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|  |  | <p><b>Option 2:</b></p> <p>2) The public education agency will establish a criteria for determining whether a child has a specific learning disability through the identification of a severe discrepancy between intellectual ability and achievement in conformity with IDEA Regulations §§300.307-311.</p> <p><b>Option 3:</b></p> <p>3) The public education agency will determine, on an individual child basis, the criteria for determining whether a child has a specific learning disability using one of the following criteria in conformity with IDEA Regulations §§300.307-311:</p> <ul style="list-style-type: none"> <li>a) The state-adopted criteria based on a child's response to scientific, research-based intervention;</li> <li>b) The identification of a severe discrepancy between intellectual ability and achievement.</li> </ul>   |
|  |  | <p><b>§300.308 Additional Group Members</b></p> <p>1) The determination of whether a child suspected of having a specific learning disability is a child with a disability must be made by the child's parents and a team of qualified professionals which must include:</p> <ul style="list-style-type: none"> <li>a) The child's regular teacher; or</li> <li>b) If the child does not have a regular teacher, then a regular teacher qualified to teach children of that age;</li> <li>c) For a child of less than school age, an individual qualified by the State to teach children of his/her age;</li> <li>d) At least one person qualified to conduct individual diagnostic evaluations of children, such as a school psychologist, speech-language pathologist, or remedial reading teacher.</li> </ul>  |
|  |  | <p><b>§300.309 Determining the Existence of a Specific Learning Disability</b></p> <p>1) A child may be determined to have a specific learning disability if:</p> <ul style="list-style-type: none"> <li>a) The child does not achieve adequately for the child's age or to meet State-approved grade-level standards in one or more of the following areas, when provided with learning experiences and instruction appropriate for the child's age or meet State-approved grade-level standards: <ul style="list-style-type: none"> <li>i) Oral expression</li> <li>ii) Listening comprehension</li> <li>iii) Written expression</li> <li>iv) Basic reading skill</li> <li>v) Reading fluency skills</li> <li>vi) Reading comprehension</li> <li>vii) Mathematics calculation</li> <li>viii) Mathematics problem solving</li> </ul> </li> <li>b) The child does not make sufficient progress to meet age or State-approved grade-level standards in one or more of the areas in (1)(a)</li> </ul> |

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|  |  | <p>when using a process based on the child's response to scientific, research-based intervention; or</p> <p>c) The child exhibits a pattern of strengths and weaknesses in performance, achievement, or both, relative to age, State-approved grade level standards, or intellectual development, that is determined by the group to be relevant to the identification of a specific learning disability, using appropriate assessments.</p> <p>2) The findings of this section are not primarily the result of:</p> <p>a) A visual, hearing, or motor disability;</p> <p>b) Mental retardation;</p> <p>c) Emotional disturbance;</p> <p>d) Cultural factors;</p> <p>e) Environmental or economic disadvantage; or</p> <p>f) Limited English proficiency.</p> <p>3) The group must ensure that the underachievement is not due to a lack of appropriate instruction in reading or math and must consider:</p> <p>a) Data that demonstrate that prior to, or as part of, the referral process, the child was provided appropriate instruction in regular education settings, delivered by qualified personnel; and</p> <p>b) Data-based documentation of repeated assessments of achievement at reasonable intervals, reflecting formal assessment of student progress during instruction, which was provided to the child's parents.</p> <p>4) The public agency must promptly request parent consent to evaluate if, prior to referral, the child has not made adequate progress after an appropriate period of time when provided instruction described in (3)(a) and (b).</p> |
|  |  | <p><b>§300.310 Observation</b></p> <p>1) The public agency must ensure that the child is observed in his/her learning environment, including the regular classroom setting, to document the child's academic performance and behavior in the areas of difficulty.</p> <p>2) In the case of a child of less than school age or who is out of school, a group member must observe the child in an environment appropriate for a child of that age.</p>   |
|  |  | <p><b>§300.311 Specific Documentation for the Eligibility Determination</b></p> <p>1) For a child suspected of having a specific learning disability, the eligibility determination must contain a statement of:</p> <p>a) Whether the child has a specific learning disability;</p> <p>b) The basis for making the determination, including an assurance the determination was made in accordance with the Individuals with Disabilities Education Act;</p> <p>c) The relevant behavior, if any, noted during the observation and the relationship of that behavior to the child's academic functioning;</p>  |

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|  |  | <ul style="list-style-type: none"> <li>d) The educationally relevant medical findings, if any;</li> <li>e) Whether the child does not achieve adequately for his/her age or to meet State-approved grade level standards consistent with (1)(a); and does not make sufficient progress to meet age- or State-approved grade-level standards consistent with (1)(b); or</li> <li>f) The child exhibits a pattern of strengths and weaknesses in performance, achievement, or both, relative to age, State-approved grade-level standards or intellectual development consistent with (1)(c).</li> <li>g) The determination of the group concerning the effects of a visual, hearing, or motor disability; mental retardation; emotional disturbance; cultural factors; environmental or economic disadvantage; or limited English proficiency of the child's achievement level.</li> </ul> <p>2) If the child participated in a process that assessed the child's response to scientific, research-based intervention, the determination must include:</p> <ul style="list-style-type: none"> <li>a) The instructional strategies used and the student-centered data collected;</li> <li>b) Documentation that the child's parents were notified about the State's policies regarding the amount and nature of student performance that would be collected and the general education services that would be provided;</li> <li>c) Strategies for increasing the rate of learning; and</li> <li>d) The parent's right to request an evaluation.</li> </ul> <p>3) Each group member must certify in writing whether the report reflects the member's conclusion. If it does not, the group member must submit a separate statement presenting the member's conclusions.</p> |
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| LOCATOR | YES/NO | <b>Free Appropriate Public Education (FAPE)<br/>Policy &amp; Procedure Checklist</b>  |
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|         |        | <b>POLICY</b>   |
|         |        | A free appropriate public education (FAPE) will be available to all children within the boundaries of responsibility of the public agency, including children with disabilities who have been suspended or expelled from school as provided for in §300.530(d) of the IDEA regulations.   |
|         |        | <b>PROCEDURES</b>   |
|         |        | <p><b>§300.306 Determination of Eligibility, 300.308 Additional Group Members)</b></p> <p><b>All Public Agencies</b> will make the determination that a child is eligible for special education and related services on an individual basis by a properly constituted team.</p> <p><b>§300.101 Free Appropriate Public Education</b></p> <p><b>1) For Preschool Children (<u>3</u> to <u>5</u>)</b></p> <p><b>Unified districts and elementary districts will:</b></p> <ul style="list-style-type: none"> <li>a) Make FAPE available no later than the child's third birthday;</li> <li>b) Ensure that an IEP or an IFSP is in effect for each child by that date;</li> <li>c) Ensure that a child's IEP Team determines the date when services under the IEP or IFSP will begin if a child's third birthday occurs during the summer.</li> </ul> <p><b>Union high school districts and charter schools will:</b></p> <p>Refer any children who are suspected of having a disability to the appropriate unified district or elementary district for evaluation and, if appropriate, for services.</p> <p><b>2) For School-Aged Children (<u>5</u> to <u>21</u>)</b></p> <p><b>All Public Agencies</b> will make FAPE available to any child who needs special education and related services, even though the child has not failed or been retained in a course or grade, and is advancing from grade to grade.</p> |
|         |        | <p><b>ARS 15-764 Powers of the School District Governing Board or County School Superintendent</b></p> <ul style="list-style-type: none"> <li>1) The public education agency (PEA) will establish policy and procedures with regard to allowable pupil-teacher ratios and pupil-staff ratios within the PEA or county for provision of special education services.</li> <li>2) The special education programs and services provided shall be conducted only in a school facility that houses regular education classes or in other facilities approved by the division of special education.</li> </ul>   |

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|  |  | <p><b>§300.105 Assistive Technology</b></p> <p>1) The public agency will ensure that assistive technology devices or services or both will be available to a child with a disability, if required, as a part of:</p> <ul style="list-style-type: none"> <li>a) Special education,</li> <li>b) Related services, and</li> <li>c) Supplementary aids and services.</li> </ul> <p>2) On a case-by-case basis, the public agency will ensure the use of school-purchased assistive technology devices in a child's home or other setting if the child's IEP Team determines that the child needs access to those devices in order to receive FAPE.</p>   |
|  |  | <p><b>§300.106 Extended School Year Services (ESY)</b></p> <p>1) The public agency will make extended school year services available as necessary to provide FAPE to children with disabilities.</p> <ul style="list-style-type: none"> <li>a) ESY services will be provided only if a child's IEP team determines, in accordance with §§300.320-300.324, that the services are necessary for the provision of FAPE.</li> <li>b) Services will not be: <ul style="list-style-type: none"> <li>i) Limited to a particular category of disability; or,</li> <li>ii) Unilaterally limited to the type, amount, or duration of services.</li> </ul> </li> </ul> <p>2) The ESY services that are provided to a child with a disability will:</p> <ul style="list-style-type: none"> <li>a) Be provided beyond the normal school year of the agency;</li> <li>b) Be provided in accordance with the child's IEP;</li> <li>c) Be provided at no cost to the parents of the child; and</li> <li>d) Meet the standards of the State.</li> </ul> |
|  |  | <p><b>§300.107 Nonacademic Services</b></p> <p>1) The public agency will afford children with disabilities an equal opportunity for participation in nonacademic and extracurricular services and activities including, as determined appropriate and necessary by the child's IEP team, the provision of supplementary aids and services.</p> <p>2) Nonacademic and extracurricular services and activities may include counseling services, athletics, transportation, health services, recreational activities, special interest groups or clubs sponsored by the public agency, referrals to agencies that provide assistance to individuals with disabilities, and employment of students, including both employment by the public agency and assistance in making outside employment available.</p>  |
|  |  | <p><b>§300.108 Physical Education</b></p> <p>1) The public agency will make regular physical education services available to children with disabilities to the same extent that the agency provides those services to children without disabilities, unless:</p>   |

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|  |  | <p>a) The child is enrolled full time in a separate facility; or</p> <p>b) The child needs specially designed physical education as prescribed in the child's IEP.</p> <p>2) If a child is enrolled in a separate facility, the public agency will ensure that the child receives appropriate physical education services.</p> <p>3) If special physical education is prescribed in a child's IEP, the public agency will provide for those services, either directly or through other public or private programs.</p>  |
|  |  | <p><b>§300.110 Program Options</b></p> <p>The public agency will ensure that children with disabilities have available to them the variety of educational programs and services that are available to nondisabled children, including art, music, industrial arts, consumer and homemaking education, and vocational education.</p>   |
|  |  | <p><b>§300.113 Routine Checking of Hearing Aids and External Components of Surgically Implanted Medical Devices</b></p> <p>1) The public agency will ensure that the hearing aids worn in school by children with hearing impairments are functioning properly; and</p> <p>2) The external components of surgically implanted medical devices (e.g., cochlear implants) are functioning properly, except that the agency will not be responsible for any post-surgical maintenance, programming, or replacement of any component, external or internal, of the medical device.</p>  |
|  |  | <p><b>§300.154 Methods of Ensuring Services</b></p> <p>1) The public agency may use the Medicaid or other public benefits or insurance programs in which a child participates to provide or pay for services required under IDEA, as permitted under the public benefits or insurance program, except that the public agency:</p> <ul style="list-style-type: none"> <li>a) May not require parents to sign up for or enroll in public benefits or insurance programs to receive FAPE;</li> <li>b) May not require parents to incur out-of-pocket expenses such as payment of a deductible or co-pay for services required by IDEA, but may pay the cost that parents otherwise would be required to pay;</li> <li>c) May not use a child's public benefit if that use would: <ul style="list-style-type: none"> <li>i) Decrease lifetime benefits;</li> <li>ii) Result in the family paying for non-school services that would otherwise be paid for by public benefits;</li> <li>iii) Increase premiums or lead to discontinuation of benefits; or</li> <li>iv) Risk loss of eligibility.</li> </ul> </li> </ul> <p>2) The public agency must notify parents that their refusal to allow access to their public benefits does not relieve the agency of its responsibility to provide all required IDEA services.</p> <p>3) The public agency must obtain a one-time written consent from the parent, after providing written notification and before accessing the</p> |

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|  |  | <p>child's or the parent's public benefits for the first time. The consent must specify:</p> <ul style="list-style-type: none"> <li>a) The personally identifiable information that may be disclosed;</li> <li>b) The purpose of the disclosure; and</li> <li>c) The agency to which the disclosure may be made.</li> </ul> <p>4) The public agency must provide a written notification to the child's parents before accessing the child's or parent's public benefits or insurance for the first time and prior to obtaining the one-time parental consent and annually thereafter.</p> |
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| LOCATOR | YES/NO | <b>Least Restrictive Environment (LRE)<br/>Policy &amp; Procedure Checklist</b>  |
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|         |        | <b>POLICY</b>  |
|         |        | Children with disabilities, including children in public or private institutions or other care facilities, will be educated to the maximum extent appropriate with children who are not disabled in accordance with §§300.114-300.117 of the IDEA regulations.   |
|         |        | <b>PROCEDURES</b>  |
|         |        | <b>§300.114 LRE Requirements</b><br>The public agency will ensure that special classes, separate schooling, or other removal of children with disabilities from the regular educational environment occurs only if the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.   |
|         |        | <b>§300.115 Continuum of Alternative Placements</b><br>1) The public agency will make available a continuum of alternative placements to meet the needs of children with disabilities for special education and related services.<br>2) The continuum of alternative placements will include: <ul style="list-style-type: none"> <li>a) Instruction in regular classes, special classes, special schools, home instruction, and instruction in hospitals and institutions;</li> <li>b) Supplementary services, such as a resource room or itinerant instruction, to be provided in conjunction with regular class placement.</li> </ul>  |
|         |        | <b>§300.116 Placements</b><br>1) The placement decision for each child will be: <ul style="list-style-type: none"> <li>a) Made by a group that includes the parents and other persons knowledgeable about the child, about the meaning of the evaluation data, and about the placement options;</li> <li>b) In conformity with the LRE provisions of the IDEA regulations;</li> <li>c) Determined at least annually;</li> <li>d) Based on the child's IEP; and</li> <li>e) As close as possible to the child's home.</li> </ul> 2) Unless the IEP of a child requires some other arrangement, the child will be educated in the school that he or she would attend if not disabled.<br>3) In selecting the LRE, consideration will be given to any potential harmful effect on the child or on the quality of services that she or he needs.<br>4) A child with a disability will not be removed from age-appropriate regular classrooms solely because of needed modifications in the |



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|  |  | general education curriculum.  |
|  |  | <p><b>§300.117 Nonacademic Settings</b></p> <p>1) In providing or arranging for the provision of nonacademic and extracurricular services and activities, including meals, recess periods, and other nonacademic activities, the public agency must ensure that each child with a disability participates with nondisabled children in the extracurricular services and activities to the maximum extent appropriate to the needs of that child.</p> <p>2) The public agency will ensure that the supplementary aids and services determined by the IEP Team to be appropriate and necessary are provided to allow the child to participate in nonacademic settings.</p> |

| LOCATOR | YES/NO | <b>Individualized Education Program (IEP)<br/>Policy &amp; Procedure Checklist</b>   |
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|         |        | <b>POLICY</b>  |
|         |        | The public agency shall ensure that an IEP is developed and implemented for each eligible child served by the public agency and for each eligible child placed in or referred to a private school or facility by the public agency in accordance with §§300.320-300.325 of the IDEA regulations.   |
|         |        | <b>PROCEDURES</b>  |
|         |        | <p><b>§300.320 Contents of the IEP</b></p> <p>I) The contents of each IEP will include a statement of:</p> <p>a) The child's present levels of academic achievement and functional performance, including:</p> <p>i) How the child's disability affects the child's involvement and progress in the general education curriculum; or</p> <p>ii) For preschool children, as appropriate, how the disability affects the child's participation in appropriate activities;</p> <p>b) Measurable annual goals, including academic and functional goals designed to:</p> <p>i) Meet the child's needs that result from the child's disability to enable the child to be involved in and make progress in the general education curriculum; and</p> <p>ii) Meet each of the child's other educational needs that result from the child's disability;</p> <p>iii) For children with disabilities who take alternate assessments aligned to alternate achievement standards (AIMS A), a description of benchmarks or short-term objectives;</p> <p>c) How the child's progress toward meeting the IEP goals will be measured and when periodic reports on the child's progress toward the goals will be provided;</p> <p>d) The special education and related services to be provided to the child, the supplementary aids and services to be provided to the child or on behalf of the child, and the program modifications or supports for school personnel that will be provided to enable the child:</p> <p>i) To advance appropriately toward attaining the annual goals; and</p> <p>ii) To be involved in and progress in the general education curriculum and to participate in extracurricular and other nonacademic activities with other children with disabilities and nondisabled children.</p> <p>e) The extent, if any, to which the child will not participate with nondisabled children in the regular class and in extracurricular and other nonacademic activities;</p> <p>f) Any individual accommodations that are needed to measure the</p> |

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|  |  | <p>academic achievement and functional performance of the child on State and district-wide assessments;</p> <p>g) If the IBP Team determines that the child must take an alternate assessment instead of a particular regular State or district-wide assessment of student achievement, a statement of why:</p> <p>i) the child cannot participate in the regular assessment; and</p> <p>ii) the particular alternate assessment selected is appropriate for the child;</p> <p>h) The projected date for the beginning of the services and modifications and the anticipated frequency, location, and duration of those services and modifications.</p> <p>i) Beginning not later than the first IEP to be in effect when the child turns 16, or younger if determined appropriate by the IEP Team, and updated annually, the IEP will also include a statement of:</p> <p>i) Appropriate measurable postsecondary goals based upon age-appropriate transition assessments related to training, education, employment, and where appropriate, independent living skills;</p> <p>ii) Transition services (including courses of study) needed to assist the child in reaching those goals.</p> <p>j) Beginning not later than one year before a student reaches the age of 18, the IEP will include a statement that the parents and the student have been informed of the rights under Part B, if any, that will transfer to the student on reaching the age of 18.</p> |
|  |  | <p><b>§300.321 The IEP Team</b></p> <p>1) The IEP Team for each child with a disability will include:</p> <p>a) The parents of the child;</p> <p>b) Not less than one regular education teacher of the child (if the child is, or may be, participating in the regular education environment);</p> <p>c) Not less than one special education teacher of the child, or where appropriate, not less than one special education provider of the child;</p> <p>d) A representative of the public agency who:</p> <p>i) Is qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of children with disabilities;</p> <p>ii) Is knowledgeable about the general education curriculum; and</p> <p>iii) Is knowledgeable about the availability of resources of the public agency;</p> <p>iv) May be a public agency team member described in (b) through (f) if the above criteria are met.</p> <p>e) An individual who can interpret the instructional implications of evaluation results, who may be a member of the team described in (b) through (f).</p> <p>f) At the discretion of the parent or the agency, other individuals who have knowledge or special expertise regarding the child, including</p>   |

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|  |  | <p>related services personnel as appropriate; and</p> <p>g) Whenever appropriate, the child with a disability.</p> <p>i) A child of any age if the purpose of the meeting is to consider postsecondary goals and transition services needed to assist the child in reaching the IEP goals.</p> <p>ii) If the student does not attend the IEP meeting, the public agency will take other steps to ensure that the student's preferences and interests are considered.</p> <p>h) To the extent appropriate and with consent of the parents or the adult child, the public agency will invite a representative of any participating agency that is likely to be responsible for providing or paying for transition services.</p> <p>i) For a child who is transitioning from AzEIP, representatives from AzEIP must be invited to the initial IEP if the parent requests.</p> <p>2) A member of the IEP Team described in (l)(a) through (l)(e) is not required to attend the IEP meeting if the parent and the school agree in writing prior to the meeting that attendance is not necessary because the member's area of curriculum or related services is not being modified or discussed in the meeting.</p> <p>3) A member of the IEP Team described in (l)(a) through (l)(e5) may be excused from attending the IEP meeting in whole or part when the meeting involves a modification to or discussion of the member's area of the curriculum or related services if the parent, in writing, and the public agency consent to the excusal and the member submits, in writing, to the IEP Team, input into the development of the IEP prior to the meeting.</p> <p>4) In the case of a child previously served by AzEIP, an invitation to the initial IEP Team meeting must, at the request of the parent, be sent to the AzEIP service coordinator to assist with the smooth transition of services.</p> |
|  |  | <p><b>§300.322 Parent Participation</b></p> <p>1) The agency will take steps to ensure parent(s) of a child with a disability are present at each IEP meeting or are afforded the opportunity to participate by:</p> <p>a) Notifying parents of the meeting early enough to ensure that they will have an opportunity to attend; and</p> <p>b) Scheduling the meeting at a mutually agreed on time and place.</p> <p>2) The meeting notice will:</p> <p>a) Indicate the purpose, time, and location of the meeting and who will be in attendance; and</p> <p>b) Inform the parents of the provisions relating to the participation of other individuals who have knowledge or special expertise about the child and a representatives of the AzEIP (if the meeting is for an initial IEP of a child transitioning from AzEIP).</p>  |

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|  |  | <p>3) Beginning not later than the first IEP to be in effect when the child turns 16, the notice will also:</p> <ul style="list-style-type: none"> <li>a) Indicate that a purpose of the meeting will be the consideration of postsecondary goals and transition services;</li> <li>b) Indicate that the agency will invite the student; and</li> <li>c) Identify any other agency that will be invited to send a representative.</li> </ul> <p>4) If neither parent can attend, the public agency will use other methods to ensure parent participation, including individual or conference telephone calls.</p> <p>5) A meeting may be conducted without a parent in attendance if the public agency is unable to convince the parents that they should attend. In this case, the public agency will maintain a record of its attempts to arrange a mutually agreed on time and place, such as:</p> <ul style="list-style-type: none"> <li>a) Detailed records of telephone calls made or attempted and the results of those calls;</li> <li>b) Copies of correspondence sent to the parents and any responses received; and</li> <li>c) Detailed records of visits made to the parent's home or place of employment and the results of those visits.</li> </ul> <p>6) The public agency will take whatever action is necessary to help the parent understand the proceedings at the IEP meeting, including arranging for an interpreter for parents with deafness or whose native language is other than English.</p> <p>7) The public agency will give the parent a copy of the child's IEP at no cost to the parent.</p> |
|  |  | <p><b>§300.323 When IEPs Must Be in Effect</b></p> <p>1) At the beginning of each school year, the public agency must have in effect for each child with a disability in its jurisdiction, an IEP as defined in §300.320.</p> <p>2) The public agency will ensure that:</p> <ul style="list-style-type: none"> <li>a) A meeting to develop an IEP for an eligible child is conducted within 30 days of a determination of eligibility for special education and related services.</li> <li>b) As soon as possible following the development of the IEP, the services indicated in the IEP are made available to the child.</li> <li>c) An IEP will be in effect at the beginning of each school year.</li> </ul> <p>3) For a child aged 2 years 9 months-5 years previously served by AzEIP, the IEP Team will consider the contents of the child's IFSP. An IFSP may serve as the IEP of the child if:</p> <ul style="list-style-type: none"> <li>a) The agency has provided the parents with a detailed explanation of the differences between an IEP and an IFSP;</li> <li>b) The parent and the agency agree in writing to the use of an IFSP;</li> <li>c) The IFSP contains an educational component that promotes school</li> </ul>   |

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|  |  | <p>readiness and includes pre-literacy, language, and numeric skills; and</p> <p>d) The IFSP is developed in accordance with IEP procedures.</p> <p>4) The public agency will ensure that each child's IEP is accessible to each regular education teacher, special education teacher, related service provider, and any other service provider is who responsible for implementing the IEP.</p> <p>a) Each teacher and related service provider will be informed of his or her specific responsibilities in implementing the IEP; and</p> <p>b) The specific accommodations, modifications, and supports that must be provided for the child in accordance with the IEP.</p> <p>5) For a child with an IEP who transfers into the public agency from another public agency in Arizona, the public agency, in consultation with the parents, will provide a free appropriate public education (including services comparable to the services described in the existing IEP) until the agency:</p> <p>a) Reviews and adopts the child's IEP from the previous public agency or</p> <p>b) Develops, adopts, and implements a new IEP.</p> <p>6) For a child with an IEP who transfers into the public agency from another state, the public agency, in consultation with the parents, will provide a free appropriate public education (including services comparable to the services described in the existing IEP) until the agency:</p> <p>a) Conducts an evaluation for eligibility for special education in Arizona or determines that such an evaluation is unnecessary; and</p> <p>b) Develops, adopts, and implements a new IEP, if appropriate.</p> <p>7) To facilitate the transition of a child enrolling from another public education agency, either from within or from outside of Arizona, the public agency will take reasonable steps to promptly obtain the child's education records, including all records pertaining to special education, from the previous public agency in which the child was enrolled.</p> <p>8) When a records request is received from another public agency, from either within or outside of Arizona, the agency will promptly respond to the request.</p> |
|  |  | <p><b>§300.324 Development, Review, and Revision of an IEP</b></p> <p>1) In developing each child's IEP, the IEP Team will consider:</p> <p>a) The strengths of the child and the concerns of the parents for enhancing the education of their child;</p> <p>b) The results of the initial or most recent evaluation of the child; and</p> <p>c) The academic, developmental, and functional needs of the child.</p> <p>2) In consideration of special factors, the IEP Team must:</p> <p>a) In the case of a child whose behavior impedes his or her learning or</p>  |

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|  |  | <p>process complaint and the factual basis of the complaint so the public agency has the opportunity to resolve the dispute.</p> <p>3) The resolution meeting need not be held if:</p> <ul style="list-style-type: none"> <li>a) The parent and public agency agree in writing to waive the meeting; or</li> <li>b) The parent and public agency agree to use the mediation process.</li> </ul> <p>4) The parent and the public agency determine the relevant IEP Team members to attend the meeting.</p> <p>5) If the public agency has not resolved the complaint to the satisfaction of the parent within 30 days of the receipt of the complaint, the due process hearing may occur. The timeline for issuing a final decision begins at the end of this 30-day period.</p> <p>6) The failure of the parent to participate in the resolution meeting that has not been mutually agreed to be waived will delay the timelines for the resolution process and due process hearing until the meeting is held.</p> <p>7) If the public agency is unable to obtain the participation of the parent after reasonable efforts have been made and documented, the agency may, at the conclusion of the 30-day period, request the hearing officer dismiss the parent's due process complaint.</p> <p>8) If the public agency fails to hold the resolution meeting within 15 days of receiving the complaint or fails to participate in the meeting, the parent may request that the hearing officer begin the hearing timeline.</p> <p>9) The 45-day timeline for the due process hearing starts the day after:</p> <ul style="list-style-type: none"> <li>a) Both parties agree in writing to waive the resolution meeting, OR</li> <li>b) After either the mediation or resolution meeting starts but before the end of the 30-day resolution period, the parties agree in writing that no agreement is possible, OR</li> <li>c) If both parties agree in writing to continue the mediation at the end of the 30-day resolution period, but later, one party withdraws from the mediation process.</li> </ul> <p>10) If a resolution is reached at the meeting, the parties must execute a legally binding agreement that is:</p> <ul style="list-style-type: none"> <li>a) Signed by both the parent and public agency representative who has authority to legally bind the agency; and</li> <li>b) Enforceable in any State court of competent jurisdiction or in a district court of the United States.</li> </ul> <p>11) Either party may void the agreement within 3 business days of the agreement's execution.</p> |
|  |  | <p><b>§300.518 Child's Status during Proceedings</b></p> <p>1) The child involved in the due process hearing complaint must remain in his or her current educational placement:</p> <ul style="list-style-type: none"> <li>a) Unless a discipline appeal has been filed as provided in §300.533;</li> <li>b) During the pendency of any administrative or judicial proceeding</li> </ul>  |

| LOCATOR | YES/NO | <b>Discipline Policy &amp; Procedure Checklist</b>  |
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|         |        | <b>POLICY</b>   |
|         |        | A child with a disability may be disciplined for a violation of the student code of conduct, including removal from his or her current placement to an appropriate interim alternative educational setting, another setting, suspension, or expulsion in accordance with IDEA Regulations §§300.530 through 300.536.  |
|         |        | <b>PROCEDURES</b>   |
|         |        | <p><b>§300.530 Authority of School Personnel</b></p> <ol style="list-style-type: none"> <li>1) On a case-by-case basis and in consideration of any unique circumstances, school personnel may remove a child with a disability who violates a student code of conduct from his or her current placement to an appropriate interim alternative educational setting, another setting, or suspension, for not more than <b>10</b> consecutive school days (to the extent those alternatives are applied to children without disabilities), and for additional removals of not more than 10 consecutive school days in that same school year for separate incidents of misconduct, as long as those removals do not constitute a change of placement under §300.536.</li> <li>2) After a child with a disability has been removed from his or her current placement for 10 school days in the same school year, during any subsequent days of removal, the public agency must provide services to the extent required to: <ol style="list-style-type: none"> <li>a) Enable the child to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting his/her IEP goals; and</li> <li>b) Receive, as appropriate, a functional behavioral assessment, behavioral intervention services, and modifications that are designed to address the behavior violation so that it does not recur.</li> </ol> </li> <li>3) The public agency is only required to provide services during periods of removal to a child with a disability who has been removed from his or her current placement for 10 days or less in that school year, if it provides services to nondisabled children similarly removed.</li> <li>4) After a child with a disability has been removed from his or her current placement for 10 school days, and the current removal is for not more than 10 consecutive school days and not a change of placement, school personnel, in consultation with at least one of the child's teachers, determine the extent to which services are needed, so as to enable the child to continue to participate in the general education curriculum and to progress toward meeting the IEP goals.</li> <li>5) If the removal is a change in placement, the child's IEP Team determines the appropriate services.</li> </ol> |



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|  |  | <p>regarding a due process complaint notice requesting a due process hearing under §300.507; or</p> <p>c) Unless the public agency and parents of the child agree otherwise.</p> <p>2) If the complaint involves an application for initial admission to public school, the child, with the consent of the parents, must be placed in the public school until the completion of all the proceedings.</p> <p>3) If the complaint involves an application for initial services for a child who has turned 3 and is transitioning from Part C to Part B, the public agency is not required to provide the Part C services the child had been receiving. If the child is found eligible for special education and related services under Part B and the parent consents to the initial provision of services under §300.300(b), then the public agency must provide those services that are not in dispute.</p> <p>4) If the hearing officer agrees with the child's parents that a change of placement is appropriate, that placement must be treated as an agreement between the State and parent for the purposes of (1)(c) of this section.</p>   |
|  |  | <p><b>§300.519 Surrogate Parents</b></p> <p>1) The public agency will ensure that the rights of a child are protected by assigning an individual to act as a surrogate for the parents when:</p> <ul style="list-style-type: none"> <li>a) No parent can be identified.</li> <li>b) After reasonable efforts are made, no parent can be located.</li> <li>c) The child is a ward of the State (with no foster parent); or</li> <li>d) The child is an unaccompanied homeless youth as defined by the McKinney-Vento Homeless Assistance Act.</li> </ul> <p>2) The public agency will have a method for determining when a surrogate parent is needed and for making surrogate parent assignments.</p> <p>3) The public agency will ensure that a person selected as a surrogate parent:</p> <ul style="list-style-type: none"> <li>a) Is not an employee of the State, the agency, or any other agency that is involved in the education or care of the child;</li> <li>b) Has no personal or professional interest that conflicts with the interest of the child the surrogate parent represents; and</li> <li>c) Has knowledge and skills that ensure adequate representation of the child.</li> </ul> <p>4) In the case of an unaccompanied homeless youth, appropriate staff of emergency shelters, transitional shelters, independent living programs, and street outreach programs may be appointed as temporary surrogate parents until a surrogate parent can be appointed that meets all the requirements of this section.</p> |
|  |  | <p><b>§300.520 Transfer of Parental Rights at Age of Majority</b></p> <p>1) When a child with a disability reaches age 18, unless that child has been determined to be incompetent:</p> <ul style="list-style-type: none"> <li>a) The public agency will provide any notice required by the IDEA regulations to both the child and the parents; and</li> </ul>  |

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|  |  | <p>b) All rights accorded to parents under Part B of the Act transfer to the child.</p> <p>2) When the rights are transferred, the public agency will provide notice to the child and parent of the transfer of rights.</p> |
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|  |  | <p>that of others, consider the use of positive behavioral interventions and supports and other strategies to address that behavior;</p> <p>b) In the case of a child with limited English proficiency, consider the language needs of the child as those needs relate to the child's IEP;</p> <p>c) In the case of a child who is blind or visually impaired, provide for instruction in Braille and the use of Braille unless the IEP Team determines, after an evaluation of the child's reading and writing skills, needs, and appropriate reading and writing media (including an evaluation of the child's future needs for instruction in Braille or the use of Braille) that instruction in Braille or the use of Braille is not appropriate for the child;</p> <p>d) Consider the communication needs of the child, and in the case of a child who is deaf or hard of hearing, consider the child's language and communication needs, opportunities for direct communication with peers and professional personnel in the child's language and communication mode, academic levels and full range of needs, including opportunities for direct instruction in the child's language and communication mode;</p> <p>e) Consider whether the child requires assistive technology devices and services.</p> <p>3) The regular education teacher of a child with a disability, as a member of the IEP Team, must, to the extent appropriate, participate in the development, review, and revision of the child's IEP, including the determination of:</p> <p>a) Appropriate positive behavioral interventions and strategies for the child; and</p> <p>b) Supplementary aids and services, program modifications, and/or supports for school personnel that will be provided for the child, consistent with §300.320(a)(4).</p> <p>4) In making changes to the IEP after the annual IEP meeting, the parent and the agency may agree to amend the IEP without a meeting for the purpose of making those changes and instead, develop a written document to amend or modify the child's current IEP. The public agency must:</p> <p>a) Inform all members of the child's IEP Team of those changes, and</p> <p>b) Upon request, provide the parents with the revised copy of the IEP.</p> <p>5) To the extent possible, the public agency will encourage the consolidation of evaluation, reevaluation, and IEP meetings for a child.</p> <p>6) The public agency will ensure that the IEP Team reviews the child's IEP periodically, but not less than annually, to determine if goals are being achieved and revises the IEP, when appropriate, to address:</p> <p>a) Any lack of expected progress toward the annual goals and in the general education curriculum, if appropriate.</p> <p>b) The results of any reevaluation.</p> <p>c) Information about the child provided to, or by, the parents;</p> |
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|  |  | <p>d) The child's anticipated needs, or other matters.</p> <p>7) If a participating agency other than the public agency fails to provide the transition services in an IEP, the public agency must reconvene the IEP Team to identify alternative strategies to meet the child's transition outcomes.</p>   |
|  |  | <p><b>§300.325 Private School Placements by the Public Agency</b></p> <p>1) Before the public agency places a child with a disability in a private school or facility, the agency must initiate and conduct a meeting to develop an IEP for the child and ensure that a representative of the private school or facility attends the meeting in person or by conference call.</p> <p>2) Subsequent IEP reviews may be initiated and conducted by the private school at the discretion of the public agency. However, the public agency must ensure that:</p> <ul style="list-style-type: none"> <li>a) The parents and public agency representative are involved in any decisions about the child's IEP; and</li> <li>b) They agree to any proposed changes in the IEP before those changes are implemented.</li> </ul> <p>3) The public agency remains responsible for ensuring FAPE to a child placed by the public agency in a private school or facility.</p> |
|  |  | <p><b>§300.327 Educational Placements</b></p> <p>The public agency must ensure that the parents of a child with a disability are members of any group that makes decisions on the educational placement of their child.</p>   |

| L9CATOR | YES/NO | <b>Procedural Safeguards Policy &amp; Procedure Checklist</b>  |
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|         |        | <b>POLICY</b>  |
|         |        | The public agency will establish, maintain, and implement, procedural safeguards that meet the requirements of §§. 300.500 through 300.536 of the IDEA regulations   |
|         |        | <b>PROCEDURES</b>  |
|         |        | <p><b>§300.501 Opportunity to Examine Records, Parent Participation in Meetings</b></p> <ol style="list-style-type: none"> <li>1) The public agency will ensure that the parents of a child with a disability shall be given an opportunity to inspect and review all education records with respect to the identification, evaluation, educational placement, and the provision of FAPE to the child.</li> <li>2) The public agency will ensure that the parents of a child with a disability shall: <ol style="list-style-type: none"> <li>a) Be given an opportunity to participate in meetings with respect to the identification, evaluation, educational placement, and the provision of FAPE to the child.</li> <li>b) Be provided notice consistent with §300.322 to ensure they have opportunity to participate in meetings.</li> <li>c) Be members of any group that makes decisions on the educational placement of their child.</li> </ol> </li> <li>3) If neither parent can participate in a meeting in which a decision is to be made relating to the educational placement of their child, the public agency must use other methods to ensure their participation, including individual or conference telephone calls, or video conferencing.</li> <li>4) A placement decision may be made by a group without the involvement of the parent, if the public agency is unable to obtain the parent's participation and has maintained a record of its attempts to ensure their involvement.</li> </ol> |
|         |        | <p><b>§300.502 Independent Educational Evaluation</b></p> <ol style="list-style-type: none"> <li>1) The parents of a child with a disability have the right to obtain an independent educational evaluation of their child. The public agency must provide to parents, upon request for an independent educational evaluation: <ol style="list-style-type: none"> <li>a) Information about where an independent educational evaluation may be obtained; and</li> <li>b) The agency criteria applicable for independent educational evaluations. Agency criteria for the independent educational evaluation must be the same as the criteria the agency uses when it conducts an evaluation, to the extent consistent with the parent's right to an evaluation.</li> </ol> </li> <li>2) A parent has the right to an independent educational evaluation at public expense if the parent disagrees with an evaluation obtained by the public</li> </ol>  |

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|  |  | <p>agency. If a parent requests an independent educational evaluation at public expense, the public agency must, without unnecessary delay, either:</p> <ul style="list-style-type: none"> <li>a) File for a due process hearing to show that its evaluation is appropriate; or</li> <li>b) Ensure that an independent educational evaluation is provided at public expense, unless the agency demonstrates in a hearing that the evaluation obtained by the parent did not meet agency criteria.</li> </ul> <p>3) If a due process hearing decision is that the agency's evaluation is appropriate, the parent still has the right to an independent educational evaluation, but not at public expense.</p> <p>4) If a parent requests an independent educational evaluation, the public agency may ask for the parent's reasons for the objections but may not require the parent to provide an explanation and may not unreasonably delay either providing the independent educational evaluation at public expense or filing a request for due process to defend its evaluation.</p> <p>5) A parent is entitled to only one independent educational evaluation at public expense each time the public agency conducts an evaluation with which the parent disagrees.</p> <p>6) The results of any independent educational evaluation that is obtained by or provided to the public agency:</p> <ul style="list-style-type: none"> <li>a) Must be considered by the public agency if it meets agency criteria in any decision with respect to the provision of FAPE to the child; and</li> <li>b) May be presented by any party as evidence in a due process hearing.</li> </ul> <p>7) If a hearing officer requests an independent educational evaluation as part of a due process hearing, the cost of the evaluation must be at public expense.</p> |
|  |  | <p><b>§300.503 Prior Notice by the Public Agency; Content of Notice</b></p> <p>1) Written notice must be given to the parents of a child with a disability a reasonable time before the public agency:</p> <ul style="list-style-type: none"> <li>a) Proposes to initiate or change the identification, evaluation, or educational placement of the child or the provision of FAPE to the child; or</li> <li>b) Refuses to initiate or change the identification, evaluation, or educational placement of the child or the provision of FAPE to the child.</li> </ul> <p>2) The notice must include:</p> <ul style="list-style-type: none"> <li>a) A description of the action proposed or refused by the agency.</li> <li>b) An explanation of why the agency proposes or refuses to take the action.</li> <li>c) A description of each evaluation procedure, assessment, record, or report the agency used as a basis for the proposed or refused action;</li> <li>d) A statement that the parents of a child with a disability have protection under the procedural safeguards of this part, and if this notice is not an initial referral for evaluation, the means by which a copy of a</li> </ul>   |

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|  |  | <p>description of the procedural safeguards can be obtained;</p> <p>e) Sources for parents to contact to obtain assistance in understanding the provisions of this part;</p> <p>f) A description of other options that the IEP Team considered and the reasons why those options were rejected;</p> <p>g) A description of other factors that are relevant to the agency's proposal or refusal.</p> <p>3) The notice must be written in language understandable to the general public and provided in the native language or other mode of communication used by the parent.</p> <p>4) If the native language or other mode of communication used by the parent is not a written language, the agency must ensure:</p> <p>a) The notice is translated orally or by other means to the parent in his or her native language or other mode of communication;</p> <p>b) That the parent understands the content of the notice;</p> <p>c) That there is written evidence of these requirements.</p>  |
|  |  | <p><b>§300.504 Procedural Safeguards Notice</b></p> <p>1) A copy of the procedural safeguards available to the parent of a child with a disability must be given to the parents only one time a school year, except that a copy also must be given to the parents:</p> <p>a) Upon initial referral or parent request for evaluation;</p> <p>b) Upon receipt of a first complaint to the State or first request for a due process hearing in a school year;</p> <p>c) When a disciplinary change of placement /removal has been initiated; or</p> <p>d) Upon request by a parent.</p> <p>2) The procedural safeguards notice must include a full explanation of all the procedural safeguards available under §300.148, §§300.151-300.153, §300.300, §§300.502-300.503, §§300.505-300.515, §300.520, §§300.530-300.536, and §§300.610-300.625 relating to:</p> <p>a) Independent educational evaluations;</p> <p>b) Prior written notice;</p> <p>c) Parental consent;</p> <p>d) Access to education records;</p> <p>e) Opportunity to present and resolve complaints through the due process hearing and State complaint procedures, including:</p> <p>i) The time period in which to file a complaint;</p> <p>ii) The opportunity for the agency to resolve the complaint;</p> <p>iii) The difference between due process hearing and State complaint procedures, jurisdictions, issues that may be raised, timelines, and relevant procedures.</p> <p>f) The availability of mediation;</p> <p>g) The child's placement during the due process hearing;</p> <p>h) Procedures for students subject to placement in an interim alternative educational setting;</p> |

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|  |  | <ul style="list-style-type: none"> <li>i) Requirements for unilateral placements by parents of children in private schools at public expense;</li> <li>j) Due process hearings including requirements for disclosure of evaluation results and recommendations;</li> <li>k) Civil actions, including timelines; and</li> <li>l) Attorney fees.</li> </ul> <p>3) This notice must meet the same requirements for understandable language as for the written prior notice described in §300.503.</p>  |
|  |  | <p><b>§300.505 Electronic Mail</b></p> <p>The parent of a child with a disability may elect to receive required notices by an electronic mail communication if the public agency makes that option available.</p>   |
|  |  | <p><b>§300.506 Mediation</b></p> <p>1) The public agency will establish procedures to allow parties to disputes, including those matters arising prior to a request for a due process hearing, to resolve disputes through mediation. Procedures will ensure that the mediation process:</p> <ul style="list-style-type: none"> <li>a) Is voluntary on the part of the parties;</li> <li>b) Is not used to deny or delay a parent's right to a due process hearing or any other right under the IDEA; and</li> <li>c) Is conducted by a qualified and impartial mediator who is trained in effective mediation techniques.</li> </ul> <p>2) A public agency may establish procedures to offer to parents and schools that choose not to use mediation, an opportunity to meet, at a time and location convenient to the parties, with a disinterested party:</p> <ul style="list-style-type: none"> <li>a) Who is under contract with an appropriate alternative dispute resolution entity, or a parent training and information center, or community parent resource center; and</li> <li>b) Who would explain the benefits of, and encourage the mediation process to the parents.</li> </ul> |
|  |  | <p><b>§300.507 Filing a Due Process Complaint</b></p> <p>1) A parent or public agency may file a request for a due process hearing relating to the identification, evaluation, or educational placement of a child with a disability.</p> <p>2) The request for a due process hearing must allege a violation that occurred not more than two years before the date the parent or public agency knew or should have known about the alleged violation.</p> <p>3) The public agency must inform the parent of any free or low cost legal and other relevant services available in the area upon parent request.</p>  |
|  |  | <p><b>§300.508 Due Process Complaint (Hearing)</b></p> <p>1) The public agency will have procedures that require either party, or the attorney representing a party, to provide to the other party a confidential</p>   |



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|  |  | <p>due process complaint.</p> <p>2) The party filing the notice for a hearing must forward a copy of the request to the State.</p> <p>3) The due process hearing complaint must include the following in order for the complaint to be heard:</p> <ul style="list-style-type: none"> <li>a) The name of the child;</li> <li>b) The residential address of the child;</li> <li>c) The school of attendance;</li> <li>d) A description of the nature of the problem of the child relating to the proposed or refused initiation or change, including facts relating to the problem; and</li> <li>e) A proposed resolution of the problem to the extent known and available to the party at the time.</li> </ul> <p>4) The due process complaint will be deemed sufficient unless the party receiving the complaint notifies the hearing officer and the other party in writing, within 15 days of receipt of the complaint, that it believes the complaint does not meet the content requirements.</p> <p>5) Within five days of receipt of notice, the hearing officer must determine whether the complaint meets the requirements and notify the parties, in writing, of that determination.</p> <p>6) A party may amend its due process complaint only if:</p> <ul style="list-style-type: none"> <li>a) The other party consents in writing and is given an opportunity to resolve the complaint through the resolution process; or</li> <li>b) The hearing officer grants permission, but in no case is it amended later than five days before the due process hearing begins.</li> </ul> <p>7) If a party files an amended complaint, the relevant timelines begin again.</p> <p>8) If the public agency has not sent a prior written notice to the parent regarding the subject matter contained in the due process complaint, it must do so within 10 days of receiving the complaint.</p> <p>9) Within 10 days of receiving the complaint, the receiving party will send to the other party a response that specifically addresses the issues raised in the due process complaint.</p> |
|  |  | <p><b>§300.510 Resolution Process</b></p> <p>1) Within 15 days of receiving the notice of the parent's due process complaint and prior to the initiation of a due process hearing, the public agency must convene a meeting with the parent and the relevant members of the IEP Team who have specific knowledge of the facts identified in the complaint that:</p> <ul style="list-style-type: none"> <li>a) Includes a representative of the public agency who has agency decision-making authority;</li> <li>b) May not include an attorney of the public agency unless the parent is accompanied by an attorney.</li> </ul> <p>2) The purpose of the meeting is for the parent of the child to discuss the due</p>  |

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|  |  | <p>6) Within 10 school days of any decision to change the placement of a child with a disability because of a violation of a code of student conduct, the public agency, parent, and relevant members of the IEP Team must review all relevant information in the student's file, the IEP, teacher observations, and any relevant information to determine:</p> <ul style="list-style-type: none"> <li>a) If the conduct was caused by, or had a direct and substantial relationship to, the child's disability; or</li> <li>b) If the conduct in question was the direct result of the public agency's failure to implement the IEP.</li> </ul> <p>7) The conduct must be determined to be a manifestation of the disability if either (6) (a) or (b) occurred, and if the IEP was not implemented, the public agency must take immediate steps to remedy that deficiency.</p> <p>8) If the public agency, parent, and relevant members of the IEP Team determine that the conduct was a manifestation of the child's disability, the child must be returned to the placement from which the child was removed, unless the parent and public agency agree to a change of placement. The IEP Team must either:</p> <ul style="list-style-type: none"> <li>a) Conduct a functional behavioral assessment, unless one has already been done, and implement a behavioral intervention plan; or</li> <li>b) If a behavioral intervention plan has already been developed, review the plan and modify it, as necessary, to address the behavior.</li> </ul> <p>9) School personnel may remove a student to an interim alternative educational setting for not more than 45 school days without regard to manifestation of disability if the child:</p> <ul style="list-style-type: none"> <li>a) Carries a weapon to or possesses a weapon at school, on school premises, or to or at a school function under the jurisdiction of a state or public education agency;</li> <li>b) Knowingly possesses or uses illegal drugs, or sells or solicits the sale of a controlled substance, while at school, on school premises, or at a school function under the jurisdiction of a state or public education agency; or</li> <li>c) Has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of a state or public education agency.</li> </ul> <p>10) The public education agency will notify parents and provide notice of procedural safeguards on the day the PEA determines the student has violated the code of conduct and the violation constitutes a change of placement (i.e., interim alternative education setting).</p> |
|  |  | <p><b>§300.531 Determination of Setting</b></p> <p>The child's IEP Team determines the interim alternative educational setting for services.</p>  |

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|  |  | <p><b>§300.532 Appeal</b></p> <p>1) The parent of a child with a disability who disagrees with any decision regarding placement under §§300.530 and 300.531 or the manifestation determination may appeal the decision by requesting an expedited due process hearing in conformance with §§300.310 through 300.314 and AAC R7-2-405.I.</p> <p>2) A public agency that believes that maintaining the current placement of the child is substantially likely to cause injury to the child or others may appeal the decision by requesting an expedited due process hearing in conformance with §§300.310 through 300.314 and AAC R7-2-405.I.</p>  |
|  |  | <p><b>§300.533 Placement during Appeals</b></p> <p>The student must remain in the interim alternative educational setting pending the decision of the hearing officer or expiration of the interim setting, whichever comes first, unless the parent and public agency agree otherwise.</p>  |
|  |  | <p><b>§300.534 Protections for Children Not Determined Eligible for Special Education and Related Services</b></p> <p>1) A student who has not been determined eligible and who engaged in a behavior that violated a code of student conduct may assert protections if the public agency had knowledge that the child was a child with a disability before the behavior that precipitated the disciplinary action occurred. A public agency must be deemed to have such knowledge if:</p> <ul style="list-style-type: none"> <li>a) The parent of the child expressed concern in writing to supervisory or administrative personnel of the appropriate educational agency, or a teacher of the child, that the child is in need of special education and related services;</li> <li>b) The parent of the child requested an evaluation of the child pursuant to §§300.300 through 300.311; or</li> <li>c) The teacher of the child, or other personnel of the public agency, expressed specific concerns about a pattern of behavior demonstrated by the child directly to the director of special education or to other supervisory personnel of the agency.</li> </ul> <p>2) A public agency would not be deemed to have knowledge if the parent of the child:</p> <ul style="list-style-type: none"> <li>a) Has not allowed an IDEA evaluation of the child;</li> <li>b) Has refused special education services for the child; or</li> <li>c) The child has been evaluated and determined to not be a child with a disability under IDEA.</li> </ul> <p>3) If a public agency does not have knowledge that a child is a child with a disability prior to taking disciplinary measures against the child, the child may be disciplined as other children without disabilities who engage in comparable behaviors.</p> <p>4) If an evaluation is requested during the time in which a child is</p> |

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|  |  | <p>subjected to disciplinary measures, the evaluation must be conducted in an expedited manner.</p> <p>a) Until the evaluation is completed, the child remains in the educational placement determined by the public agency, which can include suspension or expulsion without educational services.</p> <p>b) If the child is determined to be a child with a disability, the agency must provide special education and related services in accordance with this part, including the requirements of §§300.530 through 300.536.</p>  |
|  |  | <p><b>§300.535 Referral to and Action by Law Enforcement and Judicial Authorities</b></p> <p>1) The public agency may report a crime committed by a child with a disability to appropriate authorities to enable them to exercise their responsibilities.</p> <p>2) An agency reporting a crime committed by a child with a disability will ensure that copies of the special education and disciplinary records of the child are transmitted for consideration by the appropriate authorities to whom the agency reports the crime, but only to the extent permitted by FERPA.</p>   |
|  |  | <p><b>§300.536 Change of Placement Because of Disciplinary Removals</b></p> <p>1) A change of placement occurs if:</p> <p>a) The removal is for more than 10 consecutive school days; or</p> <p>b) The child has been subjected to a series of removals that constitute a pattern:</p> <p>i) because the series of removals total more than 10 school days in a school year;</p> <p>ii) because the child's behavior is substantially similar to the behavior in previous incidents that resulted in a series of removals; and</p> <p>iii) because of such additional factors as the length of each removal, the total amount of time the child has been removed, and the proximity of the removals to one another.</p> <p>2) The public agency will determine on a case-by-case basis whether a pattern of removals constitutes a change of placement, and such determinations are subject to review through due process and judicial proceedings.</p> |

| LOCATOR | YES/NO | <b>Graduation Policy &amp; Procedure Checklist</b>   |
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|         |        | <b>POLICY</b>  |
|         |        | The public agency shall provide a FAPE to all eligible students until termination of eligibility due to graduation from secondary school with a regular diploma or due to exceeding 21 years of age, in accordance with §300.305 and ARS 15-701.01(A)(3)and (B).   |
|         |        | <b>PROCEDURES</b>  |
| .       |        | <b>ARS 15-701.01(B)"and AAC R7-2-301(D)(I)</b><br><br>1) The public agency ensures that the governing board shall prescribe graduation criteria for students with disabilities from its high schools, which shall include accomplishment of the academic standards in at least reading, writing, mathematics, science, and social studies, as determined by district assessment.<br><br>2) The public agency ensures that the governing board shall develop a course of study and graduation and promotion requirements for all students placed in special education programs in accordance with R7-2-401 et seq.  |
|         |        | <b>§300.102 Limitation-Exception to FAPE for Certain Ages</b><br><br>1) The public agency will not be obligated to provide FAPE to students with disabilities who have graduated from high school with a regular high school diploma.<br><br>2) The exception does not apply to children who have graduated from high school but have not been awarded a regular high school diploma.<br><br>3) Graduation from high school with a regular high school diploma constitutes a change of placement requiring prior written notice in accordance with §300.503.   |
|         |        | <b>§300.305 Additional Requirements for Evaluations and Reevaluations</b><br><br>1) An evaluation is not required before the termination of a child's eligibility due to graduation from secondary school with a regular diploma or due to the child's exceeding 21 years of age.<br><br>2) For a child no longer eligible due to graduation or exceeding the age of eligibility, a public agency must provide the child with a summary of the child's academic achievement and functional performance, which shall include recommendations on how to assist the child in meeting the child's postsecondary goals. |
|         |        | <b>ARS 15-701.01(3) High School Graduation Requirements</b><br><br>Pupils with disabilities as defined in ARS 15-761 or children who receive special education as defined in 15-763 shall not be required to achieve passing scores on competency tests (AIMS) in order to   |

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|  |  | graduate from high school unless the pupil is learning at a level appropriate for the pupil's grade level in a specific academic area and unless a passing score on a competency test is specifically required in a specific academic area by the pupil's IEP as mutually agreed on by the pupil's parents (or 18-year-old student) and the IEP Team. |
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| 300.8(c)(l)<br>ARS 15-761(1)<br>SF, SASF, SCSF  | <p>Documentation supports the category and substantiates eligibility for:</p> <p><b>Autism (A):</b> a developmental disability that significantly affects verbal and nonverbal communication and social interaction and adversely affects educational performance.</p>   |
| 300.8(b)<br>ARS 15-761(3)<br>SF,SASF  | <p>Documentation supports the category and substantiates eligibility for:</p> <p><b>Developmental Delay (DD):</b> performance by a child who is at least three years of age, but under ten years of age, on a norm-referenced test that measures at least one and one-half, but not more than three, standard deviations below the mean for children of the same chronological age in two or more of the following areas:</p> <ul style="list-style-type: none"> <li>(a) Cognitive development.</li> <li>(b) Physical development.</li> <li>(c) Communication development.</li> <li>(d) Social or emotional development.</li> <li>(e) Adaptive development.</li> </ul> <p>The results of the norm-referenced measure must be corroborated by information from a comprehensive developmental assessment and from parental input, if available, as measured by a judgment-based assessment or survey. If there is a discrepancy between the measures, the evaluation team shall determine eligibility based on a preponderance of the information presented.</p> |
| 300.8(c){4}<br>ARS 15-761(7)<br>RI-2-401. E.6.a<br>SF, SASF, SCSF<br><br>• 60-Day<br>Correction | <p>Documentation supports the category and substantiates eligibility for:</p> <p><b>Emotional Disability (ED):</b> verification by a psychologist or psychiatrist of one or more of the following characteristics over a long period of time and to a marked degree that adversely affects educational performance: inability to learn, inability to build or maintain relationships, inappropriate behavior/feelings, unhappiness or depression, physical symptoms/fears, or schizophrenia, which adversely affects education performance.</p>  |
| 300.8(c)(5)<br>ARS 15-761(8)<br>R7-2-401. E.6.b<br>SF, SASF, SCSF<br><br>• 60-Day<br>Correction | <p>Documentation supports the category and substantiates eligibility for:</p> <p><b>Hearing Impairment (HI):</b> verification by an audiologist of a hearing impairment that interferes with the student's performance in the educational environment and requires the provision of special education and related services. If there is evidence that a student's condition has changed, look for documentation that the team discussed the need for an updated medical verification.</p>  |

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| R7-2-401. E.6.b<br><b>SF, SASF, SCSF</b>   | Documentation supports the category and substantiates eligibility for:<br><br><b>Hearing Impairment {HI}</b> : evaluation of the language proficiency of the student, including documentation of the student's mode of communication and its effectiveness for the student in accessing the general curriculum.  |
| <b>ARS 15-761(14)</b><br>SF, SASF, SCSF  | Documentation supports the category and substantiates eligibility for:<br><br><b>Mild Intellectual Disability (MIID)</b> : performance on standard measures of intellectual functioning and adaptive behavior between two and three SD below the mean for students of the same age.  |
| ARS 15-761(15)<br>SF, SASF, SCSF   | Documentation supports the category and substantiate eligibility for:<br><br><b>Moderate Intellectual Disability (MOID)</b> : performance on standard measures of intellectual functioning and adaptive behavior between three and four standard deviations (SD) below the mean for students of the same age.  |
| 300.8(c)(7)<br>ARS 15-761(17)<br>SF, SASF, SCSF<br><br>• <b>60-Day Correction</b>                  | Documentation supports the category and substantiates eligibility for:<br><br><b>Multiple Disabilities (MD)</b> : multiple disabilities include two or more of the following: HI, OI, MOID, and/or VI or a student with one of the disabilities already listed in this section existing concurrently with MIID, ED, or SLD.  |
| ARS 15-761(18)<br>SF,SASF,SCSF<br><br>• <b>60-Day Correction</b>                                   | Documentation supports the category and substantiates eligibility for:<br><br><b>Multiple Disabilities with Severe Sensory Impairment (MD-SSI)</b> : multiple disabilities include: (1) severe visual impairment or hearing impairment, with another severe disability or (2) severe visual impairment and severe hearing impairment.  |
| 300.8(c)(9)<br>ARS 15-761(20)<br>R?-2-401. E.6.c<br>SF,SASF,SCSF<br><br>• <b>60-Day Correction</b> | Documentation supports the category and substantiates eligibility for:<br><br><b>Other Health Impaired (OHI)</b> : verification by a doctor of medicine of limited strength, vitality, or alertness, including heightened alertness to environmental stimuli (such as ADD or AD/HD) that is due to chronic or acute health problems and adversely affects student performance. If there is evidence that a student's condition has changed, look for documentation that the team discussed the need for an updated medical verification. |



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| 300.8(c)(8)<br>ARS 15-761(19)<br>R7-2-401. E.6.e<br>SF, SASF, SCSF<br><br>• <b>60-Day<br/>Correction</b> | Documentation supports the category and substantiates eligibility for:<br><br><b>Orthopedic Impairment (01):</b> verification by a doctor of medicine of one or more severe orthopedic impairments, including those caused by congenital anomaly, disease, and other causes, such as amputation or cerebral palsy and that adversely affect educational performance. If there is evidence that a student's condition has changed, look for documentation that the team discussed the need for updated medical verification.  |
| ARS 15-761(24)<br>SF, SASF   | Documentation supports the category and substantiates eligibility for:<br><br><b>Preschool Severe Delay (PSD):</b> more than three SD below the mean in one or more of the following areas: cognitive, motor, communication, social/emotional, or adaptive development.<br><br>The results of the norm-referenced measure must be corroborated by information from a comprehensive developmental assessment and from parental input, if available, as measured by a judgment-based assessment or survey. If there is a discrepancy between the measures, the evaluation team shall determine eligibility based on a preponderance of the information presented.  |
| 300.8(c)(11)<br>ARS 15-761(34)<br>SF,SASF,SCSF   | Documentation supports the category and substantiates eligibility for:<br><br><b>Speech or Language Impairment (SU):</b> a communication disorder such as stuttering, impaired articulation, severe disorders of syntax, semantics, or vocabulary, or functional language skills, or a voice impairment to the extent that it calls attention to itself, interferes with communication, or causes a student to be maladjusted.   |
| 300.8(c)(10)<br>300.307<br>300.309<br>ARS 15-761(33)<br>R7-2-401. E.6.d<br>SF,SASF,SCSF                  | Documentation supports the category and substantiates eligibility for:<br><br><b>Specific Learning Disability (SLD):</b> a response to scientific, research-based intervention (with documentation of a statement of assurance); or a significant discrepancy that documents a pattern of strengths and weaknesses between achievement and ability in one or more areas: oral or written expression, reading or listening comprehension, basic reading skills, fluency, mathematics calculation, or reasoning; or a response to other alternative research-based procedures. The disorder may result in an imperfect ability to listen, think, speak, read, write, spell, or do math. Each PEA should establish its own criteria for the determination of SLD. |

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| 300.311(b)<br>SF, SASF, SCSF   | Documentation supports the category and substantiates eligibility for:<br><br><b>Specific Learning Disability (SLD):</b> a certification of each team member's agreement or disagreement must be included. This certification may be contained in the report or may be located on a separate eligibility statement.  |
| 300.311(a)(6)<br>SF, SASF, SCSF  | Documentation supports the category and substantiates eligibility for:<br><br><b>Specific Learning Disability (SLD):</b> a determination of the effects of environmental, cultural, or economic disadvantage must be included.   |
| ARS 15-761(29)<br>SF, SASF, SCSF   | Documentation supports the category and substantiates eligibility for:<br><br><b>Severe Intellectual Disability (SID):</b> performance on a standard measure of intellectual functioning and adaptive behavior at least four SD below the mean for a student of the same age.  |
| 300.8(c)(12)<br>ARS 15-761(38)<br><br>R7-2-401.<br>E.6.h<br><br>SF, SASF, SCSF<br><br>• <b>60-Day<br/>Correction</b> | Documentation supports the category and substantiates eligibility for:<br><br><b>Traumatic Brain Injury (TBI):</b> verification by a doctor of medicine of an acquired injury to the brain that is caused by an external physical force and that results in total or partial functional disabilities, psychosocial impairment, or both that adversely affects educational performance. If there is evidence that a student's condition has changed, look for documentation that the team discussed the need for an updated medical verification. |
| 300.8(c)(13)<br>ARS 15-761(39)<br><br>R7-2-401. E.6.i<br>SF, SASF, SCSF<br><br>• <b>60-Day<br/>Correction</b>        | Documentation supports the category and substantiates eligibility for:<br><br><b>Visual Impairment (VI):</b> verification by an ophthalmologist or optometrist of a visual impairment that interferes with the student's performance in the educational environment and that requires the provision of special education and related services. If there is evidence that a student's condition has changed, look for documentation that the team discussed the need for an updated medical verification.   |

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| 300.324(a)<br>(2)(iii)<br>ARS 15-761(39)<br>ARS 15-214<br>(A)(1)<br>SF, SASF, SCSF | <p>Documentation supports the category and substantiates eligibility for:</p> <p><b>Visual Impairment (VI):</b> individualized Braille literacy assessment completed for students who are blind. This assessment should address the effect that the visual impairment has on reading and writing performance that is commensurate with the student's ability.</p> <ul style="list-style-type: none"> <li>• If a student with a visual impairment is not blind, mark this item <b>U</b>.</li> <li>• Mark this item <b>U</b> for phased-out students.</li> </ul> |
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# EXHIBITS

AC©  
**N01\1DISCRIMINATION / EQUAL OPPORTUNITY**

The Board is committed to a policy of nondiscrimination in relation to race, color, religion, sex, age, national origin, and disability. This policy will prevail in all matters concerning staff members, students, the public, educational programs and services, and individuals with whom the Board does business.

Adopted: date of Manual adoption

**LEGAL REF.:**

A.R.S.

23-341

41-1463

20 U.S.C. 1400 *et seq.*, Individuals with Disabilities Education Act

20 U.S.C. 1681, Education Amendments of 1972, Title IX

20 U.S.C. 1703, Equal Employment Opportunity Act of 1972

29 U.S.C. 794, Rehabilitation Act of 1973, (Section 504)

42 U.S.C. 2000, Civil Rights Act of 1964, Titles VI and VII

42 U.S.C. 12101 *et seq.*, Americans with Disabilities Act

Arizona Constitution, Ordinance Art. XX, Par. Seventh

**CROSS REF.:**

ACA - Sexual Harassment

GBA - Equal Employment Opportunity

GCQE - Discipline, Suspension, and Dismissal of Professional Staff Members

GOOD - Discipline, Suspension, and Dismissal of Support Staff Members

IHBA - Special Instructional Programs and Accommodations for  
Disabled Students

JB - Equal Educational Opportunities

JII - Student Concerns, Complaints and Grievances

JK - Student Discipline

JKD - Student Suspension

KEQ - Public Concerns/Complaints about Facilities or Services

**GBGCB©**  
**STAFF HEALTH AND SAFETY**  
**(Com'municable Diseases)**

It is the policy of the School District to take reasonable and lawful measures to protect students and staff members from the transmission of communicable diseases. The Superintendent is authorized to adopt such procedures as are necessary to implement this policy in a manner consistent with state and federal laws.

**Exclusion from School**

A staff member who has a communicable disease shall be excluded from school only if the staff member presents a direct threat to the health or safety of others in the school workplace. The outbreak control measures and other directives of the Department of Health Services (DHS) and local health agencies shall be acted upon as the best medical knowledge and judgments with regard to the exclusion of a staff member who has a communicable disease that is addressed by OHS regulations. The communicable diseases specifically addressed by DHS regulations are listed at **A.A.C. R9-6-203 *et seq.***

A staff member who has a chronic communicable disease, such as tuberculosis or HIV/AIDS, shall not be excluded unless a significant risk is presented, to the health and safety of others, which cannot be eliminated by reasonable accommodation. The Superintendent shall consult with legal counsel and health professionals, as necessary, to ensure that exclusion of a staff member with a chronic communicable disease will not violate the staff member's rights under the Americans with Disabilities Act or Section 504 of the Rehabilitation Act.

The school health aide or other person designated by the Superintendent must reassess a staff member who is excluded from school because of a communicable disease before the staff member returns to work. The District may require a physician's written medical release as a condition for the staff member's return to work.

**Reporting and Notification**

The District shall report by telephone to its local health agency each diagnosed and suspected case of a communicable disease as set out in regulation JLCB-R.

If an outbreak of a communicable disease occurs in a school setting, the Superintendent or the school health aide shall promptly inform staff members who are known to have special vulnerability to infection. The District does not assume any duty to notify an employee of health risks caused by the presence of a communicable disease in the school setting unless the at-risk employee has notified the District of the conditions when notification is needed.

**Confidentiality**

The District shall make reasonable efforts to maintain the confidentiality of staff members' medical conditions. All medical information relating to employees is confidential. The identity of a staff member who has a communicable disease and/or the nature of the communicable disease may be disclosed only to:

Staff members who must have such information to carry out their duties under this policy; *or*

- Staff members or students (or their parents/guardians) who must have such information to protect themselves from direct threat to their health or safety.

Inquiries or concerns by staff members or others regarding communicable diseases or a staff member who is known or believed to have a communicable disease shall be directed to the Superintendent or the school health aide.

## **Universal Precautions**

The District shall follow the "Universal Precautions Standard" set forth in the attached Exhibit GBGCB-E to protect employees who are at risk of being exposed to blood and body fluids in the course of their work.

## **Food Service Workers**

The District shall follow the guidance of the U.S. Department of Health and Human Services concerning infectious and communicable diseases transmitted through the handling of food, and special precautions required for food services workers.

## **HIV/AIDS**

Current medical information indicates that HIV can be transmitted by sexual intercourse with an infected partner, by injection of infected blood products, and by transmission from an infected mother to her child *in utero* or during the birth process. None of the identified cases of HIV infection in the United States are known to have been transmitted in a school setting or through any other casual person-to-person contact. There is no evidence that HIV is spread by sneezing, coughing, shaking hands, hugging, or sharing toilets, food, water, or utensils. According to best medical knowledge and judgments, the use of the "universal precautions" and other procedures that implement this policy are sufficient to protect staff members and students from transmission of HIV at school.

Adopted: date of Manual adoption

### **LEGAL REF.:**

**A.R.S.**

36-621

36-624

**A.A.C.**

R9-6-203 *et seq.*

R9-6-355

29 U.S.C. 794 *et seq.* Rehabilitation Act, (Section 504)

42 U.S.C. 12101 *et seq.* (Americans with Disabilities Act)

29 C.F.R. 1630.1 *et seq.* (**ADA** guidelines)

29 C.F.R. 1910.10 *et seq.* (OSHA Universal Precautions Standard)

### **CROSS REF.:**

GBGC - Employee Assistance

GBGCA-Wellness Programs

JLCB-R - Immunizations of Students

## IHB© SPECIAL INSTRUCTIONAL PROGRAMS

A long-range plan will be the basis for providing special education services for students with exceptional needs and education requirements. These services may include specialized programs, personnel, facilities, materials, and equipment needed to promote the individual physical, social, intellectual, and emotional growth of exceptional students.

The Superintendent shall develop procedures that provide educational opportunities for individuals with disabilities and that accomplish District compliance with federal laws including the Individuals with Disabilities Education Act (IDEA), the Arizona revised statutes, and the lawful regulations of the State Board of Education. Such procedures shall include, but not be limited to, the following provisions:

- All children with disabilities aged birth (0) through twenty-one (21) years within the District's jurisdiction are to be identified, located, and evaluated including children attending religious or private schools who are in need of special education and related services.
- A free appropriate public education (FAPE) shall be available to all children with disabilities aged three (3) through twenty-one (21) years within the District's jurisdiction, including children advancing from grade to grade, those who have been suspended or expelled from school in accordance with the applicable IDEA rules and regulations, and any child with a disability the District has placed in or referred to a private school or facility. The District may refer to and contract with approved public or private agencies as necessary to ensure the provision of FAPE for children with Disabilities. FAPE for an eligible student with a disability shall extend through conclusion of the instructional year during which the student attains the age of twenty-two (22).
- A full individual evaluation encompassing existing and additional data shall be conducted for each child to determine if the child is a child with a disability and the educational needs of the child before the initial provision of special education and related services. A reevaluation of each child shall be conducted at least every third year.
- An individualized education program (IEP) shall be developed and implemented for each eligible child served by the District and for each eligible child the District places in or refers to a private school or facility. An IEP or an individualized family service plan (IFSP) will be in place for each child with a disability prior to the provision of FAPE.
- To the maximum extent appropriate, opportunities for the least restrictive setting, inclusion in educational exercises with regular program students, and for interaction with the total school environment will be provided to exceptional students, the exception to be only when the student's condition, with supplementary aids and services, make such regular class education unsatisfactory.
- All required procedural safeguards must be guaranteed to the exceptional students and their parents. The parents will be provided with notices of procedural safeguards in each specified instance and all due process conditions will be satisfied with respect to the provision of a free appropriate public education.
- The District shall follow the established state and federal standards to protect the confidentiality of personally identifiable information at the collection, storage, disclosure, and destruction stages.



- To the extent essential to provide FAPE to children with disabilities aged three (3) through twenty-one (21), extended school year (ESY) services shall be made available and implemented as necessary.
- **Criteria for the graduation of exceptional students, including accomplishment in reading, writing, and mathematics, shall be as specified in the District policy on graduation requirements. Such standards shall be equivalent to or greater than those established by the State Board of Education.**
- **Not later than March 1 of each, year conduct a review of the reasonable and acceptable ratio of students per teacher for each disability category. The applicable ratios shall be specified in a regulation accompanying the District policy on class size.**
- **The discipline of exceptional students, and unevaluated students suspected of having a qualifying disability, is to be conducted in such a manner as to comply with FAPE and requirements of the IDEA.**

For the purpose of this policy as it relates to a child with a disability, **home school district** means the school district in which the person resides who has legal **custody of the child as provided in A.R.S. 15-824**. If the child is a ward of the state and a specific person does not have legal custody of the child or is a ward of this state and the child is enrolled in an accommodation school pursuant to **A.R.S. 15-913**, the home school district is the district the child last attended or, if the child has not previously attended a public school in this state, the school district within which the child currently resides.

The Superintendent is authorized and directed to establish procedures for the development and administration of the necessary programs, and to document District compliance with the law and this policy. Such procedures will be made available to staff members and to parents as necessary to enhance compliance.

Adopted: date of Manual adoption

LEGAL REF.:

**A.R.S.**

15-761

15-761.01

15-763

15-763.01

15-764

15-765 to 15-769

15-771

15-773

15-881

15-1181 to 15-1185

15-1201 to 15-1205

36-555

**A.A.C.**

R7-2-401

R7-2-402

R7-2-403

R7-2-405

R7-2-601

R7-2-602

R7-2-603

20 U.S.C. 1400 et seq., Individuals with Disabilities Education Act  
29 U.S.C. 794, Rehabilitation Act of 1973, {Section 504)

**CROSS REF.:**

IB - Class Size

KE - Promotion and Retention of Students

KF - Graduation Requirements

KD - Student Suspension

KE - Expulsion of Students

JR - Student Records

**IHBA©**  
**SPECIAL INSTRUCTIONAL PROGRAMS**  
**AND ACCOMMODATIONS FOR**  
**DISABLED STUDENTS**

**(Section 504 of the Rehabilitation Act of 1973)**

It is the responsibility of the District to identify and evaluate students who, within the intent of Section 504 of the Rehabilitation Act of 1973, need special services or programs in order that such students may receive the required free appropriate education.

For this policy, a student who may need special services or programs within the intent of Section 504 is one who:

- Has a physical or mental impairment that substantially limits one (1) or more major life activities, including learning; or
- Has a record of such impairment; or
- Is regarded as having such impairment.

Students may be eligible for services under the provisions of Section 504 even though they do not require services pursuant to the Individuals with Disabilities in Education Act (IDEA). Students who are identified as individuals with exceptional needs, according to IDEA criteria, are not addressed under this policy. The needs of such students are provided for under Policy IHB and its regulations and under state and federal laws and regulations.

Adopted: date of Manual adoption

LEGAL REF.:

**A.R.S.**

15-708

29 U.S.C. 706

29 U.S.C. 794

CROSS REF.:

GCQF - Discipline, Suspension, and Dismissal of Professional Staff Members

GDQD - Discipline, Suspension, and Dismissal of Support Staff Members

JII - Student Concerns, Complaints and Grievances

JK - Student Discipline

JKD - Student Suspension

KED - Public Concerns/Complaints about Facilities and Services

EXHIBIT

**SPECIAL INSTRUCTIONAL PROGRAMS  
AND ACCOMMODATIONS FOR  
DISABLED STUDENTS**

**(Section 504 of the Rehabilitation Act of 1973)**

**POLICY MEMORANDUM**

**TO: Staff**

**FROM:**

**RE: Responsibilities of the District to Students with Disabilities under  
Section 504 of the Rehabilitation Act of 1973.**

This memorandum is to clarify certain responsibilities of the District under Section 504 of the Rehabilitation Act of 1973.

Section 504 prohibits discrimination against persons with disabilities, including both students and staff members, by school districts receiving federal financial assistance. Included in the U.S. Department of Education regulations for Section 504 is the requirement that students with disabilities be provided with free appropriate public education (FAPE). The regulations pertaining to FAPE are published at 34 Code of Federal Regulations, Part 104, Subpart D.) These regulations require identification, evaluation, the provision of appropriate services, and procedural safeguards.

With respect to most students with disabilities, many aspects of the Section 504 regulations concerning FAPE parallel the requirements of the Individuals with Disabilities Education Act (IDEA) (formerly the Education of the Handicapped Act) and Arizona law. In those areas, by fulfilling our responsibilities under the IDEA and state law we are also meeting the standards of the Section 504 regulations.

*However, in some other respects the requirements of the laws are different. There are some students who are not eligible for IDEA services but who nevertheless are eligible under Section 504, and to whom the District may therefore have responsibilities.*

The IDEA defines as eligible only students who have certain specified types of impairments and who, because of one (1) of those conditions, need special education. Section 504, on the other hand, protects all students with disabilities. defined as those having *any physical or mental impairment* that substantially limits one (1) or more major life activities (including learning). Section 504 covers all students who meet this definition, even if they do not fall within the IDEA-enumerated categories and even if they do not need to be in a special education program.

An example of a student who is protected by Section 504 but who may not be covered by the IDEA is one who has juvenile arthritis but who has no mental impairments. Such a student has a health impairment but may not be covered by the IDEA if the student does not need placement in a special education program. However, the student is disabled for purposes of

Section 504. A similar example might be a student with acquired immune deficiency syndrome (AIDS). Students with attention deficit/hyperactivity (ADD/H) or emotional disorders are another example. Such students may not meet the criteria for IDEA categories such as learning disabled or severely emotionally disturbed. However, if their disorders or conditions substantially limit their ability to function at school, they are disabled within the meaning of Section 504.

If the District has reason to believe that, because of a disability as defined under Section 504, a student needs *either* special education and related services or related services in the regular setting in order to participate in the school program, the District must evaluate the student; if the student is determined to be disabled under Section 504, the District must develop and implement a plan for the delivery of any needed services. Again, these steps must be taken even though the student is not covered by IDEA special education provisions and procedures.

What is required for the Section 504 evaluation and placement process is determined by the type of disability believed to be present, and the type of services the student may need. The evaluation must be sufficient to accurately and completely assess the nature and extent of the disability, and the recommended services. Evaluations more limited than a full special education evaluation *may* be adequate in some circumstances. For example, in the case of the student with juvenile arthritis, the evaluation might consist of the school health aide meeting with the parent and reviewing the student's current medical records. In the cases of ADD/H students, current psychoeducational evaluations may be used if such evaluations assessed the ADD/H issue. In other cases, additional testing *may* be necessary.

The determination of what services are needed must be made by a group of persons knowledgeable about the student. The group should review the nature of the disability, how it affects the student's education, whether special services are needed, and if -so what those services are. The decisions about Section 504 eligibility and services must be documented in the student's file and reviewed periodically.

For the juvenile arthritic student. Section 504 services might be the provision of a typing course and use of a typewriter/word processor to improve writing speed or to provide a less painful means of writing. For the AIDS student, Section 504 services might be the administration and monitoring of medication, or a class schedule modified to address the student's stamina. For an ADD/H student, services might include modifications in the regular classroom, special assistance from an aide, a behavior plan, counseling, and/or the monitoring of medication.

It should also be noted that, under Section 504, the parents or guardian must be provided with notice of actions affecting the identification, evaluation, or placement of the student and are entitled to an impartial hearing if they disagree with District decisions in these areas. For disabilities covered only by Section 504 and not the IDEA, a Section 504 hearing will have to be made available that is separate from the IDEA hearing process. The District is exploring different frameworks for the adoption of procedures for conducting Section 504 hearings in the District, should the need arise.

In summary, it is important to keep in mind that some students who have physical or mental conditions that limit their ability to participate in the education program are entitled to rights under Section 504 even though they may not fall into IDEA categories and may not be covered by that law.

REGULATION

**SPECIAL INSTRUCTIONAL PROGRAMS  
AND ACCOMMODATIONS FOR  
DISABLED STUDENTS**

**(Section 504 of the Rehabilitation Act of 1973)**

Each qualified student within the District who is eligible to receive regular or special education or related aids or services, regardless of the nature or severity of the condition necessitating such programs or services, shall receive free appropriate education in the District.

***Identification and referral procedures:***

- Any student who needs or is believed to need special education or related services not available through existing programs in order to receive a free appropriate public education may be referred by a parent, teacher, or other certificated school employee for identification and evaluation of the student's individual education needs.
- The identification and evaluation will be completed by persons knowledgeable about the student, the student's school history, the student's individual needs, the meaning of evaluation data, and the placement options. The Superintendent will monitor the identification and evaluation to ensure that qualified personnel participate...
- The District will consider the referral and, based upon a review of the student's existing records, including academic, social, and behavioral records, make a decision as to whether an evaluation under this procedure is appropriate. If a request for evaluation is denied, the District will inform the parents or guardian of this decision and of their procedural rights.

***Evaluation.*** Evaluation of the student and formulation of a plan of services will be carried out by the District according to the following procedures:

- The District will evaluate the nature of the student's disability and the impact of the disability upon the student's education. This evaluation will include consideration of any behaviors that interfere with regular participation of a student who otherwise meets the criteria (such as age) for participation in the educational program and/or activities.
- No final determination of whether the student will or will not be identified as a student with a disability within the meaning of Section 504 will be made by the District without first inviting the parent or guardian of the student to participate in a meeting concerning such determination.
- A final decision will be made by the District in writing, and the parents or guardian of the student shall be notified of the Section 504 procedural safeguards available to them, including the right to an impartial hearing and review.

***Plan for services:***

- For a student who has been identified as having a disability within the meaning of Section 504 and in need of special education or related aids and services, the District

shall be responsible for determining what special services are needed.

- In making such determination, the District shall consider an available relevant information, drawing upon a variety of sources, including, but not limited to, comprehensive assessments conducted by the District's professional staff.
- The parents or guardian shall be invited to participate in District meetings where services for the student will be determined, and shall be given an opportunity to examine all relevant records.
- The District will develop a written plan describing the disability and the special education or related services needed. The plan will specify how the regular or special education and related aids and services will be provided, and by whom.
- The District may also determine that no special education or related services are appropriate. If so, the record of the District proceedings will reflect the identification of the student as a person with a disability and will state the basis for the decision that no special services are presently needed.
- A student with a disability shall be placed in the regular educational environment of the District, with the use of the supplementary aids and services, unless the District demonstrates that such placement cannot be achieved satisfactorily. The student with a disability shall be educated with those who are not disabled to the maximum extent appropriate to the individual needs of the student.
- The District shall notify the parents or guardian in writing of its final decision concerning the services to be provided.
- If a plan for providing related services is developed, all school personnel who work with the student shall be informed of the plan.

***Review of the student's progress.*** The District will monitor the progress of the student with a disability and the effectiveness of the student's education plan annually to determine whether special education or related services are appropriate and necessary, and that the student's needs are being met as adequately as the needs of a nondisabled student.

Prior to any subsequent significant change in placement, a comprehensive reevaluation of the student's needs will be conducted.

***Procedural safeguards:***

- The parents or guardian shall be notified in writing of all District decisions concerning the identification, evaluation, or educational placement of students made under this policy.
- The parents or guardian shall be notified that they may examine relevant records.
- As to such decisions by the District, the parents or guardian shall have the right to an impartial hearing ("Section 504 due process hearing"), with opportunity for participation by the parents or guardian and their counsel. In the notification of any District decision concerning identification, evaluation, or placement, the parents or guardian will be advised that:
  - A request for a Section 504 due process hearing should be made within thirty-five (35) days of notice of right to file (but not less than thirty [30] days).



- The request shall be made to:

Name: Superintendent  
Sanders Unified School District No. 18  
Address: **PO Box 250**  
Sanders, Arizona 86512  
Phone: 855-678-7873

- The hearing will be held in accord with Regulation IHBA-RB. The decision may be appealed only to a federal court of competent jurisdiction.
- Attorneys' fees are available only as authorized by law.

If a state due process hearing has been or will be held under the IDEA concerning issues relevant to the Section 504 proceeding, a hearing officer qualified as to IDEA and Section 504 proceedings may preside in a joint hearing. The issues for either IDEA or Section 504 determination shall be clearly defined at the outset, and determinations by the hearing officer will be separate and distinct.

If both the parents or guardian and the District agree that the student is not eligible for special education under the **IDEA**, neither party is required to exhaust administrative proceedings under the IDEA prior to the holding of a Section 504 due process hearing.

The hearing officer shall render a decision. The parents or guardian shall be notified in writing of the decision. Either party may seek review of the decision of the Section 504 hearing officer by a federal court of competent jurisdiction.

The parties shall abide by the decision of the Section 504 hearing officer unless the decision is appealed to a federal court of competent jurisdiction and the decision is stayed by the court.



REGULATION

**SPECIAL INSTRUCTIONAL PROGRAMS  
AND ACCOMMODATIONS FOR  
DISABLED STUDENTS**

**(Section 504 of the Rehabilitation Act of 1973)**

**Section 504 Due Process  
Hearing Procedures**

An impartial due process hearing will be utilized to resolve differences involving the education of a Section 504 qualified student with a disability when such differences cannot be resolved by means of a less formal procedure. In this instance, *due process* is defined as an opportunity to present objections and reasons for the objections to the decision and/or procedures of the committee regarding application of Section 504. A Section 504 due process hearing may be called at the request of the District or a parent, guardian, or surrogate of an affected student. The proceedings will be presided over and decided by an impartial hearing officer. *Impartial hearing officer* means a person selected to preside at a due process hearing to assure that proper procedures are followed and to assure the protection of the rights of both parties.

In all related hearing matters the following definitions shall apply:

- *Days* means calendar days.
- *Placement plan* means the program by which the decision concerning the educational placement of the student is decided.
- *Parents* means parents, guardian, or surrogate parent.

Parents or the District may initiate a due process hearing on a matter related to 1) eligibility and related procedures, 2) procedural safeguards, or 3) provision of a free and appropriate public education to the student.

Requests for a due process hearing must be submitted in writing to the Superintendent. Hearing notifications to the parents shall be given at least twenty (20) days prior to the date set for the hearing. The notice shall contain:

A statement of time, place, and nature of the hearing.

A statement of the legal authority and jurisdiction under which the hearing is being held.

A reference to the particular section of the statutes and rules involved.

A statement of the availability of relevant records for examination.

A short and plain statement of the matters asserted.

A statement of the right to be represented by counsel.

All written correspondence shall be provided in English and/or interpreted in the primary language.

## **Hearing Procedures**

The hearing officer shall preside at the hearing and shall conduct the proceedings in an impartial manner to the end that all parties involved have an opportunity to:

- Present their evidence.
- Produce outside expert testimony and be represented by legal counsel and by individuals with knowledge or training with respect to problems of students with disabilities.

Parents involved in the hearing will be given the right to:

- Have the student present at the hearing.
- Open the hearing to the public.

In cases where there are language differences, an interpreter shall be provided.

The hearing officer shall review all relevant facts concerning the education placement.

- The hearing officer shall determine, subject to appeal by judicial review, whether the District has met all procedural aspects of the education accommodation plan.
- The hearing officer shall render a decision, subject to judicial review, that is binding on all parties, except that in all cases any action taken must comply with current Arizona Revised Statutes and federal court decisions.
- The hearing officer shall ascertain that:

The procedures utilized in determining the student's needs have been appropriate in nature and degree.

The student's rights have been fully observed.

The provision of aids, services, or programs to the student may afford a free and appropriate education.

- If the parents' primary language is other than English, then the hearing officer shall appoint an interpreter.

## **Decision of the Hearing Officer**

A copy of the hearing officer's decision shall be delivered to the District and the parent, guardian, or surrogate within ten (10) days following completion of the hearing, which in no event shall be later than forty-five (45) days after receipt of the request for a hearing.

- Notification will include a statement that either party may appeal the decision.

The decision of the hearing officer is binding on all parties concerned; it is subject only to judicial review.

## **Record of Hearing**

A written or electronic verbatim recording of the Section 504 due process hearing shall be on file at the District office and will be available for review upon request to the parents and/or any of the involved parties. Parents may have a copy of the proceedings, in English and in the primary language of the home.

LEGAL REF.:

**A.A.C.**

**R7-2-405**

**JB©**  
**EQUAL EDUCATIONAL**  
**OPPOQ.TUNITIES**

The right of student to participate fully in classroom instruction shall not be abridged or impaired because of race, color, religion, sex, age, national origin, and disability, or any other reason not related to the student's individual capabilities.

The right of students to participate in extracurricular activities shall be dependent only upon their maintaining the minimum academic and behavioral standards established by the Board, and their individual ability in the extracurricular activity.

Adopted: date of Manual adoption

**LEGAL REF.:**

Arizona Constitution, Act XI, Sec. 6

20 U.S.C. 1400 *et seq.*, Individuals with Disabilities Education Act.

20 U.S.C. 1681, Education Amendments of 1972, Title IX

20 U.S.C. 1703, Equal Educational Opportunities Act

29 U.S.C. 794, Rehabilitation Act of 1973, (Section 504)

42 U.S.C. 2000, Civil Rights Act of 1964, as amended in 1972, Title VI, Title VII

42 U.S.C. 11301, McKinney-Vento Homeless Assistance Act of 2001

**CROSS REF.:**

AC - Nondiscrimination

ACA - Sexual Harassment

GBA - Equal Employment Opportunity

GCQF - Discipline, Suspension, and Dismissal of Professional Staff Members

GDOD - Discipline, Suspension, and Dismissal of Support Staff Members

IHBA - Special Educational Programs and Accommodations for Disabled Students

JII - Student Concerns, Complaints and Grievances

JK - Student Discipline

JKD - Student Suspension

KEO - Public Concerns/Complaints about Facilities or Services

**KED©**  
**PUBLIC CONCERNS/ COMPLAINTS**  
**ABOUT FACILITIBS AND SERVICES**

The Superintendent shall establish procedures to be used by citizens of the District who have complaints about District facilities or services. Such procedures shall provide for administrative review of such complaints and, further, shall provide for Board review at the request of the complainant if the matter is not resolved by administrative review.

Adopted: date of Manual adoption

LEGAL REF.:

**A.R.S.**

15-341

15-342

29 U.S.C. 794 Rehabilitation Act of 1973, {Section 504}