2017-2018
Updates/Revisions

"Preparing Every Student for Success
in College, Career and Life"
Special Instructional Programs (IHB-R)
SPECIAL INSTRUCTIONAL PROGRAMS

(Identification and Placement of Exceptional Students)

This detailed administrative regulation is issued to:

- Accomplish the requirements of the Governing Board set out in policy IHB - Special Instructional Programs.

- Assure District compliance with the requirements of applicable federal and state laws and the lawful regulations of the State Board of Education.

- Aid District personnel in fulfilling their duties relating to the topic by presenting the procedural information in a format that aligns with the Arizona Department of Education/Exceptional Student Services (ADE/ESS) compliance checklists.

Citations from the following sources are annotated to the material to assist in conducting research and for clarification:

- Arizona Revised Statutes (A.R.S.)

- Arizona Administrative Code (A.A.C.) Title 7, Chapter 2, State Board of Education Rules


- Regulations to the Individuals with Disabilities Education Act (IDEA) as published in Title 34 of the C.F.R., Part 300.

Whenever the term "District" is used in this regulation, it is to be interpreted contextually to mean the School District, the respective local school site, a representative of the District or a representative of the local school site, as is applicable to the circumstance.

Applicability
SPECIAL INSTRUCTIONAL PROGRAMS

(Identification and Placement of Exceptional Students)

To accommodate the necessity to present procedural information in a format that aligns with the Arizona Department of Education/Exceptional Student Services (ADE/ESS) compliance checklists, this generic regulation contains procedural requirements for covered individuals of all ages. However, any statement in this regulation that addresses a provision that is not applicable to the grade levels and age ranges included in the student membership of the District is to be considered for the purposes of compliance to be not applicable.

Child Find

The District will identify, locate, and evaluate all children with disabilities within its geographic boundaries who are in need of special education and related services including, but not limited to, children who are:

- Homeless;
- Highly mobile, including migrant children;
- Wards of the state; and,
- Attending private schools or who are homeschooled.

In its identification process the District will include children who are suspected of being a child with a disability and in need of special education, even though a student is:

- Advancing from grade to grade
- Highly mobile, including a migrant student. [34 C.F.R. 300.111]

The District will inform the general public and parents within its boundaries of the responsibility for special education services for high school-aged students aged three (3) through or twenty-one (21) years, and how those services may be
SPECIAL INSTRUCTIONAL PROGRAMS

(Identification and Placement of Exceptional Students)

accessed including information regarding early intervention services for children aged birth through two (2) years. Services 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), as determined appropriate by the Individual Education Plan (IEP) team. [A.A.C. R7-2-401.C]

The District will require all school-based staff members to review the written procedures related to child identification and referral on an annual basis, and maintain documentation of the staff review. [A.A.C. R7-2-401.D]

Identification screening for possible disabilities shall be completed within forty-five (45) calendar days after:

- Entry of each preschool or kindergarten student and any student enrolling without appropriate records or screening, evaluation, and progress in school; or
- Parent notification of developmental or educational concerns.

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

- Cognitive or academic;
- Communication;
- Motor;
- Social or behavioral; and
- Adaptive development.
SPECIAL INSTRUCTIONAL PROGRAMS

(Identification and Placement of Exceptional Students)

For a student transferring into a school, the District 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 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. [A.A.C. R7-2-401.D]

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 ten (10) school days and informed of the District's procedures to follow-up on the student's needs. [A.A.C. R7-2-401.D]

The District shall maintain documentation of the identification procedures utilized, the dates of entry into school, notification by parents of a concern and the dates of screening. The dates shall be maintained in the student's permanent records. [A.A.C. R7-2-401.D]

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. [A.A.C. R7-2-401.D]

If, after consultation with the parent, the District determines that a full and individual evaluation is not warranted, the District shall provide prior written notice and procedural safeguards notice to the parent in a timely manner. [A.A.C. R7-2-401.D]

Confidentiality

The District will permit parents to inspect and review any education records relating to their children that are collected, maintained or used by the District under Individuals with Disabilities Education Act (IDEA). The District will
SPECIAL INSTRUCTIONAL PROGRAMS

(Identification and Placement of Exceptional Students)

comply with a request without unnecessary delay and in no case more than forty-five (45) days after the request has been made, and before:

- Any individualized education program (IEP) meeting;
- Any hearing involving a due process complaint or disciplinary hearing;
- Any resolution session. [34 C.F.R. 300.613]

The right to inspect and review education records includes:

- The right to a response from the District to reasonable requests for explanations and interpretations of the records;
- The right to request that the District 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
- The right to have a representative of the parent inspect and review the records. [34 C.F.R. 300.613]

The District may presume that the parent has authority to inspect and review records relating to his or her child unless the District has been advised to the contrary by legal proceeding involving guardianship, separation and divorce. [34 C.F.R. 300.613]

The District 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 District), including:

- The name of the party;
- The date access was given; and
SPECIAL INSTRUCTIONAL PROGRAMS

(Identification and Placement of Exceptional Students)

- The purpose for which the party is authorized to use the records. [C.F.R 300.614]

If any education record includes information on more than one (1) child, the parents of those children have the right to inspect and review only the information relating to their child. [C.F.R 300.615]

The District will provide parents on request a list of the types and locations of education records collected, maintained or used by the District. [C.F.R 300.616]

The District 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. [C.F.R 300.617]

The District will not charge a fee to search for or to retrieve information. [C.F.R 300.615]

A parent who believes that information in the education records collected, maintained or used by the District is inaccurate or misleading or violates the privacy or other rights of the child, may request the District to amend the information. [C.F.R 300.618]

The District will decide whether to amend the information in accordance with the request in a reasonable period of time of receipt of the request. [C.F.R 300.618]

If the District refuses to amend the information in accordance with the request, it will inform the parent of the refusal and advise the parent of the right to a hearing under C.F.R 300.619. [C.F.R 300.618]

The District will, 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. [C.F.R 300.618]
SPECIAL INSTRUCTIONAL PROGRAMS

(Identification and Placement of Exceptional Students)

If, as a result of a hearing, the District decides to amend information determined inaccurate, misleading, or otherwise in violation of the privacy or other rights of the child, it will do so accordingly and so inform the parent in writing. [C.F.R 300.618]

If, as a result of a hearing, the District decides that the information is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the child, the District will 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 District's decision. [C.F.R 300.618]

Parental consent will 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 Family Educational Rights and Privacy Act (FERPA). [C.F.R 300.622]

Parental consent will be obtained before personally identifiable information is released to officials of participating agencies providing or paying for transition services in accordance with §300.321. [C.F.R 300.622]

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 will 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. [C.F.R 300.622]

The District will protect the confidentiality of personally identifiable information at collection, storage, disclosure, and destruction stages. [C.F.R 300.623]

One (1) official at the District will assume responsibility for ensuring the confidentiality of any personally identifiable information.
SPECIAL INSTRUCTIONAL PROGRAMS

(Identification and Placement of Exceptional Students)

All persons collecting or using personally identifiable information will receive training or instruction regarding the State's policies and procedures under 300.123 and FERPA (34 C.F.R. part 99). [C.F.R 300.623]

The District will maintain, for public inspection, a current listing of the names and positions of its employees who may have access to personally identifiable information. [C.F.R 300.623]

The District will inform parents when personally identifiable information collected, maintained, or used for IDEA purposes is no longer needed to provide educational services to the child. [C.F.R 300.624]

The information will 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. [C.F.R 300.624]

The rights of the parents regarding educational records are transferred to the student at age eighteen (18) under FERPA. [C.F.R 300.625]

If the rights of the parents regarding educational records are transferred to the student at age eighteen (18) under the IDEA, the District will provide any notice required under the procedural safeguards provisions. [C.F.R 300.623]

Discipline

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 ten (10) consecutive school days (to the extent those alternatives are applied to children without disabilities), and for additional removals of not more than ten (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. [34 C.F.R. 300.530]

After a child with a disability has been removed from his or her current placement for ten (10) school days in the same school year, during any subsequent days of removal the District will provide services to the extent required to:

- 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

- 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. [34 C.F.R. 300.530]

The District 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 the (10) days or less in that school year, if it provides services to non-disabled children similarly removed. [34 C.F.R. 300.530]

After a child with a disability has been removed from his or her current placement for ten (10) school days, and the current removal is for not more than ten (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 individualized education program (IEP) goals. [34 C.F.R. 300.530]

If the removal is a change in placement, the child's IEP team determines the appropriate services. [34 C.F.R. 300.530]

Within ten (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 District,
SPECIAL INSTRUCTIONAL PROGRAMS

(Identification and Placement
of Exceptional Students)

parent, and relevant members of the IEP team will review all relevant information
in the student's file, the IEP, teacher observations, and any relevant information to
determine:

- If the conduct was caused by, or had a direct and substantial relationship
to, the child's disability; or

- If the conduct in question was the direct result of the District's failure to
implement the IEP. [34 C.F.R. 300.530]

The conduct will be determined to be a manifestation of the disability if either of
the above-named conditions occurred, and, if the IEP was not implemented, the
District will take immediate steps to remedy that deficiency. [34 C.F.R. 300.530]

If the District, parent, and relevant members of the IEP team determine that the
counsel was a manifestation of the child's disability, the child will be returned to
the placement from which the child was removed, unless the parent and District
agree to a change of placement. The IEP team will either:

- Conduct a functional behavioral assessment, unless already done, and
implement a behavioral intervention plan; or

- If a behavioral intervention plan has already been developed, review the
plan and modify it, as necessary, to address the behavior. [34 C.F.R.
300.530]

School personnel may remove a student to an interim alternative educational
setting for not more than forty-five (45) school days without regard to
manifestation of disability if the child:

- Carries a weapon to or possesses a weapon at school, on school premises,
to or at a school function under the jurisdiction of the state or the District;
SPECIAL INSTRUCTIONAL PROGRAMS

(Identification and Placement
of Exceptional Students)

- 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 the state or the District; or

- Has inflicted serious bodily injury upon another person while at school,
  on school premises, or at a school function under the jurisdiction of the state
  or the District. [34 C.F.R. 300.530]

The District will notify parents and provide notice of procedural safeguards on the
day the District determines the student has violated the code of conduct, and the
violation constitutes a change in placement (i.e., interim alternative education
setting). [34 C.F.R. 300.530]

The child's IEP team determines the interim alternative educational setting for
services. [34 C.F.R. 300.531]

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 A.A.C. R7-2-405.I. [34
C.F.R. 300.532]

When the District believes that maintaining the current placement of the child is
substantially likely to cause injury to the child or others the District may appeal
the decision by requesting an expedited due process hearing in conformance with
§§300.310 through 300.314 and A.A.C. R7-2-405.I. [34 C.F.R. 300.532]

The student will 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 District agree otherwise. [34 C.F.R. 300.532]

A non-eligible student who engaged in a behavior that violated a code of student
conduct may assert protections if the District had knowledge that the child was a
SPECIAL INSTRUCTIONAL PROGRAMS

(Identification and Placement of Exceptional Students)

child with a disability before the behavior that precipitated the disciplinary action occurred. The District will be deemed to have such knowledge if:

- The parent of the child expressed concern in writing to supervisory or administrative personnel of the District, or a teacher of the child, that the child is in need of special education and related services;

- The parent of the child requested an evaluation of the child pursuant to §§300.300 through 300.311; or

- The teacher of the child, or other personnel of the District, 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 District. [34 C.F.R. 300.534]

The District will not be deemed to have knowledge if the parent of the child:

- Has not allowed an IDEA evaluation of the child;

- Has refused special education services for the child; or

- The child has been evaluated and determined to not be a child with a disability under IDEA. [34 C.F.R. 300.534]

When the District 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.

If an evaluation is requested during the time in which a child is subjected to disciplinary measures, the evaluation will be conducted in an expedited manner.
SPECIAL INSTRUCTIONAL PROGRAMS

(Identification and Placement of Exceptional Students)

- Until the evaluation is completed, the child remains in the educational placement determined by the District, which can include suspension or expulsion without educational services.

- If the child is determined to be a child with a disability, the District will provide special education and related services in accordance with this part, including the requirements of §§300.530 through 300.536. [34 C.F.R. 300.534]

The District may report a crime committed by a child with a disability to appropriate authorities to enable them to exercise their responsibilities. 34 C.F.R. 300.535]

When reporting a crime committed by a child with a disability the District ensures that copies of the special education and disciplinary records of the child are transmitted for consideration by the appropriate authorities to whom the District reports the crime, but only to the extent permitted by FERPA. [34 C.F.R. 300.535]

A change of placement occurs if:

- The removal is for more than ten (10) consecutive school days; or

- The child has been subjected to a series of removals that constitute a pattern:
  - because the series of removals total more than ten (10) school days in a school year;
  - because the child's behavior is substantially similar to the behavior in previous incidents that resulted in a series of removals; and
SPECIAL INSTRUCTIONAL PROGRAMS

(Identification and Placement
 of Exceptional Students)

- 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. [34 C.F.R. 300.536]

The District 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. [34 C.F.R. 300.536]

Evaluation and Eligibility

The District, when proposing to conduct an initial evaluation to determine if a
child qualifies as a child with a disability, and 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.

- Parental consent for initial evaluation will not be construed as consent for
  initial provision of special education and related services.

- The District will make reasonable efforts to obtain the informed consent
  from the parent for an initial evaluation. [34 C.F.R. 300.300]

For initial evaluations only, if the child is a ward of the state, is not residing with
the child's parent, the District is not required to obtain consent from the parent if:

- Despite reasonable efforts to do so, the District cannot discover the
  whereabouts of the parents of the child;

- The rights of the parents of the child have been terminated by the court;

- 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. [34 C.F.R.
  300.536]
SPECIAL INSTRUCTIONAL PROGRAMS

(Identification and Placement of Exceptional Students)

The District 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 District refuses consent for an initial evaluation. [34 C.F.R. 300.300]

The District will obtain informed consent from the parent of the child before the initial provision of special education and related services to the child, and will make reasonable efforts to obtain that consent. [34 C.F.R. 300.300]

If a parent refuses consent for the initial provision of special education and related services, the District will not seek consent through due process hearing procedures. The District:

- Will not be considered to be in violation to provide a Free Appropriate Public Education (FAPE);

- Is not required to convene a IEP team meeting or develop an IEP for the child. [34 C.F.R. 300.300]

The District will obtain informed consent prior to conducting any reevaluation of a child with a disability.

- If the parent refuses consent, the District may utilize due process hearing procedures to seek consent, but does not violate its obligation if it declines to pursue the evaluation or reevaluation.

- The informed parental consent for reevaluation need not be obtained if the District can demonstrate that:
  - it made reasonable efforts to obtain such consent and has documented those attempts;
  - the child's parent has failed to respond. [34 C.F.R. 300.300]
SPECIAL INSTRUCTIONAL PROGRAMS

(Identification and Placement of Exceptional Students)

Parental consent is not required before:

- Reviewing existing data as part of an evaluation or reevaluation; or

- Administering a test or other evaluation that is administered to all children unless consent is required of parents of all children prior to administration. [34 C.F.R. 300.300]

The District will 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 District, except as required by this part. [34 C.F.R. 300.300]

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 District will not utilize due process hearing procedures to seek consent. [34 C.F.R. 300.300]

Consistent with consent requirements of §300.300, either a parent of a child or the District may initiate a request for an initial evaluation to determine if a child is a child with a disability. [34 C.F.R. 300.301]

The initial evaluation will:

- Be completed within sixty (60) days of receiving parental consent for the evaluation, unless:

  - the parents and the District agree that it is in the best interest of the child to extend the timeline to complete the evaluation for an additional thirty (30) days; or;

  - the child enrolls in the District following the child's departure from a previous district after the parent has provided consent and before the
SPECIAL INSTRUCTIONAL PROGRAMS

(Identification and Placement
of Exceptional Students)

determination of eligibility by the child's previous district. In that event, the District ensures prompt completion of the evaluation.

- the parent of a child with a disability repeatedly fails or refuses to produce the child for the evaluation.

- Consist of procedures to determine if the child is a child with a disability and to determine the educational needs of the child. [34 C.F.R. 300.301]

The District will conduct a reevaluation of a child with a disability if:

- The District determines that the educational or related service needs, including improved academic achievement and functional performance, of the child warrant a reevaluation; or

- If the child's parents or teacher requests a reevaluation; except

- The District will not conduct a reevaluation more than once a year unless the parent and District agree otherwise. [34 C.F.R. 300.303]

The District will conduct a reevaluation at least once every three (3) years, unless the parent and the District agree that a reevaluation is unnecessary. [34 C.F.R. 300.303]

The District 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 District proposes to conduct. [34 C.F.R. 300.304]

In conducting an evaluation or reevaluation, the District will:

- 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;
SPECIAL INSTRUCTIONAL PROGRAMS

(Identification and Placement of Exceptional Students)

- whether the child is a child with a disability; and
- 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).

- 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

- Use technically sound instruments that may assess the relative contribution of cognitive and behavioral factors, in addition to physical or developmental factors. [34 C.F.R. 300.304]

The District ensures that evaluation materials and strategies:

- Are selected and administered so as not to be discriminatory on a racial or cultural basis;

- 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;

- Are used for the purposes for which the assessment(s) or measure(s) are valid and reliable;

- Are administered by trained and knowledgeable personnel;

- Are administered in accordance with the instructions provided by the assessment publisher;
SPECIAL INSTRUCTIONAL PROGRAMS

(Identification and Placement of Exceptional Students)

- 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).

- 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

- 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.

- Provide relevant information that directly assists in determining the educational needs of the child. [34 C.F.R. 300.304]

Evaluations of children who transfer to or from another District in the same school year are coordinated with the prior and subsequent schools, in order to expedite the completion of a full evaluation. [34 C.F.R. 300.304]

As part of an initial evaluation (if appropriate), and as part of any reevaluation, the IEP team and other qualified professionals, as appropriate, will:

- Review existing evaluation data on the child including:
  - evaluations and information provided by the parents;
  - current classroom-based, local and state-wide assessments, and classroom-based observations;
  - observations by teachers, and related services providers.
SPECIAL INSTRUCTIONAL PROGRAMS

(Identification and Placement of Exceptional Students)

- On the basis of that review, and input from the child's parents, identify what additional data, if any, are needed to determine whether:

  - the child is or continues to be a child with a disability, and, if so, the educational needs of the child;

  - the present levels of academic achievement and related developmental needs of the child;

  - 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.

- The IEP team may conduct the review without a meeting. [34 C.F.R. 300.305]

If additional data are needed, the District will administer the assessments required to obtain the additional data. [34 C.F.R. 300.305]

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 District will notify the parents of:

- The determination and the reasons for the determination; and

- 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. [34 C.F.R. 300.305]

The District 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 at the conclusion of the instructional year during which the child attained the age of twenty-two (22).
SPECIAL INSTRUCTIONAL PROGRAMS

(Identification and Placement of Exceptional Students)

• When the child's eligibility terminates because of graduation or at the conclusion of the instructional year during which the child attained the age of twenty-two (22), the District 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. [34 C.F.R. 300.305]

Upon completion of the evaluation process, the District ensures that:

• A group of qualified professionals and the parent of the child determine:
  ■ if the child is a child with a disability under the Individuals with Disabilities Education Act and the Arizona State Statutes; and
  ■ if so, the educational needs of the child.

• The parents are provided, at no cost, a copy of the evaluation report and eligibility determination. [34 C.F.R. 300.306]

A child will not be determined to be a child with a disability if the primary factor for the determination is:

• Lack of appropriate instruction in reading, including the essential components of reading instruction (as defined in 1208(3) of the Elementary and Secondary Education Act [ESEA]);

• Lack of appropriate instruction in math; or

• Limited English proficiency. [34 C.F.R. 300.306]

The eligibility determination, including education needs, will be based on all of the information sources used in the evaluation process, and if deemed eligible and
SPECIAL INSTRUCTIONAL PROGRAMS

(Identification and Placement of Exceptional Students)

in need of special education and related services, an IEP will be developed in accordance with §300.320 through 300.324. [34 C.F.R. 300.306]

Additional procedures for identifying children with specific learning disabilities:

- Option 1:
  ■ The District 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. [34 C.F.R. 300.307]

- Option 2:
  ■ The District will use 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. [34 C.F.R. 300.307]

- Option 3:
  ■ The District 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:
    
    ⇒ The state-adopted criteria based on a child's response to scientific, research-based intervention;

    ⇒ The identification of a severe discrepancy between intellectual ability and achievement. [34 C.F.R. 300.307]
SPECIAL INSTRUCTIONAL PROGRAMS

(Identification and Placement of Exceptional Students)

The determination of whether a child suspected of having a specific learning disability is a child with a disability will be made by the child's parents and a team of qualified professionals which will include:

- The child's regular education teacher; or

- If the child does not have a regular education teacher, then a regular education teacher qualified to teach children of that age;

- For a child of less than school age, an individual qualified by the state to teach children of his/her age;

- At least one (1) person qualified to conduct individual diagnostic evaluations of children, such as a school psychologist, speech-language pathologist, or remedial reading teacher. [34 C.F.R. 300.308]

A child may be determined to have a specific learning disability if:

- The child does not achieve adequately for the child's age or to meet state-approved grade level standards in one (1) 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:
  
  - oral expression
  - listening comprehension
  - written expression
  - basic reading skill
  - reading fluency skills
  - reading comprehension
SPECIAL INSTRUCTIONAL PROGRAMS

(Identification and Placement
of Exceptional Students)

- mathematics calculation
- mathematics problem solving

- The child does not make sufficient progress to meet age or state-approved grade level standards in one (1) or more of the areas in listed immediately above when using a process based on the child's response to scientific, research-based intervention; or

- 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. [34 C.F.R. 300.309]

The findings of this section are not primarily the result of:

- A visual, hearing or motor disability;
- Mental retardation/intellectual disability
- Emotional disturbance;
- Cultural factors;
- Environmental or economic disadvantage; or
- Limited English proficiency. [34 C.F.R. 300.309]

The group ensures that the underachievement is not due to a lack of appropriate instruction in reading or math and consider:
SPECIAL INSTRUCTIONAL PROGRAMS

(Identification and Placement of Exceptional Students)

- 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

- 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. [34 C.F.R. 300.309]

The District will 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 the two (2) immediately preceding bullets. [34 C.F.R. 300.309]

The District ensures 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. [34 C.F.R. 300.310]

In the case of a child less than school age or out of school, a group member will observe the child in an environment appropriate for a child that age. [34 C.F.R. 300.310]

For a child suspected of having a specific learning disability, the eligibility determination will contain a statement of:

- Whether the child has a specific learning disability;

- The basis for making the determination, including an assurance the determination was made in accordance with the Individuals with Disabilities Education Act;

- The relevant behavior, if any, noted during the observation and the relationship of that behavior to the child's academic functioning;
SPECIAL INSTRUCTIONAL PROGRAMS

(Identification and Placement of Exceptional Students)

- The educationally relevant medical findings, if any;

- Whether the child does not achieve adequately for his/her age or to meet state-approved grade level standards consistent with whether the child has a specific learning disability; and does not make sufficient progress to meet age or state-approved grade level standards consistent with the basis of a determination in accordance with IDEA; or

- 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 the observation of relevant behavior.

- The determination of the group concerning the effects of a visual, hearing, or motor disability; mental retardation intellectual disability; emotional disturbance; cultural factors; environmental or economic disadvantage; or limited English proficiency of the child's achievement level. [34 C.F.R. 300.311]

If the child participated in a process that assessed the child's response to scientific, research-based intervention:

- The instructional strategies used and the student-centered data collected; and

- The 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;

- Strategies for increasing the rate of learning; and

- The parent's right to request an evaluation. [34 C.F.R. 300.311]
SPECIAL INSTRUCTIONAL PROGRAMS

(Identification and Placement of Exceptional Students)

Each group member will certify in writing whether the report reflects the member's conclusion. If it does not, the group member will submit a separate statement presenting the member's conclusions. [34 C.F.R. 300.311]

Free Appropriate Public Education

The determination that a child is eligible for special education and related services will be made on an individual basis by a properly constituted District team. [34 C.F.R. 300.306 and, if applicable, 300.308]

For preschool children (age three [3] to five [5]):

- The District will:
  - 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.

For high school-aged children (age five [5] through twenty-one [21]):

- The District 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. Services 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), as determined appropriate by the IEP team.

The District will establish policy and procedures with regard to allowable pupil-teacher ratios and pupil-staff ratios within the District or county for provision of special education services. [A.R.S. 15-764]
SPECIAL INSTRUCTIONAL PROGRAMS

(Identification and Placement of Exceptional Students)

The special education programs and services provided shall be conducted only in a school facility which houses regular education classes or in other facilities approved by the division of special education. [A.R.S. 15-764]

The District ensures that assistive technology devices or services or both will be available to a child with a disability, if required, as a part of:

- special education;
- related services;
- supplementary aids and service. [34 C.F.R. 300.105]

On a case-by-case basis, the District ensures 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. [34 C.F.R. 300.105]

The District will make extended school year services available as necessary to provide FAPE to children with disabilities.

- Extended school year (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.

- Services will not be:
  - limited to a particular category of disability; or,
  - unilaterally limited to the type, amount, or duration of services. [34 C.F.R. 300.106]

The ESY services that are provided to a child with a disability will:
SPECIAL INSTRUCTIONAL PROGRAMS

(Identification and Placement of Exceptional Students)

- Be provided beyond the normal school year of the District;
- Be provided in accordance with the child's IEP;
- Be provided at no cost to the parents of the child; and
- Meet the standards of the state. [34 C.F.R. 300.106]

The District 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. [34 C.F.R. 300.107]

Nonacademic and extracurricular services and activities may include counseling services, athletics, transportation, health services, recreational activities, special interest groups or clubs sponsored by the District, referrals to agencies that provide assistance to individuals with disabilities, and employment of students, including both employment by the District and assistance in making outside employment available. [34 C.F.R. 300.107]

The District will make regular physical education services available to children with disabilities to the same extent that the District provides those services to children without disabilities, unless:

- The child is enrolled full time in a separate facility; or
- The child needs specially designed physical education as prescribed in the child's IEP. [34 C.F.R. 300.108]

If a child is enrolled in a separate facility, the District ensures that the child receives appropriate physical education services. [34 C.F.R. 300.108]
SPECIAL INSTRUCTIONAL PROGRAMS

(Identification and Placement
of Exceptional Students)

If special physical education is prescribed in a child's IEP, the District will provide for those services, either directly or through other public or private programs. [34 C.F.R. 300.108]

The District ensures that children with disabilities have available to them the variety of education programs and services that are available to non-disabled children, including but not limited to electives such as art, music, and career and technical education courses, industrial arts, consumer and homemaking education, and vocational education. [34 C.F.R. 300.110]

When serving children wearing hearing aids or surgically implanted medical devices, the District ensures that:

- The hearing aids worn in school by children with hearing impairments are functioning properly; and

- The external components of surgically implanted medical devices (e.g., cochlear implants) are functioning properly, except that the District will not be responsible for any post-surgical maintenance, programming or replacement of any component, external or internal, of the medical device. [34 C.F.R. 300.113]

The District 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 District:

- Will not require parents to sign up for or enroll in public benefits or insurance programs to receive FAPE;

- Will 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;
SPECIAL INSTRUCTIONAL PROGRAMS

(Identification and Placement of Exceptional Students)

- Will not use a child's public benefit if that use would:
  - decrease lifetime benefits;
  - result in the family paying for non-school services that would otherwise be paid for by public benefits;
  - increase premiums or lead to discontinuation of benefits; or
  - risk loss of eligibility. [34 C.F.R. 300.154]

The District will notify parents that their refusal to allow access to their public benefits does not relieve the District of its responsibility to provide all required IDEA services. [34 C.F.R. 300.154]

The District will obtain parent consent prior to accessing a child's or parent's public benefits or insurance for the first time.

The District will 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.

Graduation

The District ensures that the Governing Board shall prescribe graduation criteria for students with disabilities from its high schools, which shall include accomplishment of access to and progress within the academic standards in at least reading, writing, mathematics, science and social studies, as determined by District assessment, and data through the IEP team for progress on annual goals and objectives. [A.R.S. 15-701(B) and A.A.C. R7-2-301(D)(1)]

The District ensures that the Governing Board shall develop a course of study and graduation and promotion requirements for all students placed in special
SPECIAL INSTRUCTIONAL PROGRAMS

(Identification and Placement
of Exceptional Students)

education programs in accordance with R7-2-401 et seq. [A.R.S. 15-701(B) and
A.A.C. R7-2-301(D)(1)]

The District will not be obligated to provide FAPE to students with disabilities
who have graduated from high school with a regular high school diploma. [34
C.F.R. 300.102]

The exception does not apply to children who have graduated from high school
but have not been awarded a regular high school diploma. [34 C.F.R. 300.102]

Graduation from high school with a regular high school diploma constitutes a
change of placement requiring prior written notice in accordance with
§300.503. [34 C.F.R. 300.102]

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 conclusion of
the instructional year during which the student attains the age of twenty-two
(22). [34 C.F.R. 300.305]

For a child no longer eligible due to graduation or exceeding the age of eligibility,
the District will 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 post secondary goals. [34 C.F.R.
300.305]

Pupils with disabilities as defined in A.R.S. 15-761 or children who receive
special education as defined in 15-763, shall not be required to achieve passing
scores on state-mandated assessments competency tests (AIMS) 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 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 eighteen [18] year old student)
and IEP team. [A.R.S. 15-701.01(3)]
SPECIAL INSTRUCTIONAL PROGRAMS

(Identification and Placement
of Exceptional Students)

Individualized Education Program

The contents of each individualized education program (IEP) will include a statement of:

- The child's present levels of academic achievement and functional performance, including:
  - how the child's disability affects the child's involvement and progress in the general curriculum; or
  - for preschool children, as appropriate, how the disability affects the child's participation in appropriate activities;

- Measurable annual goals, including academic and functional goals designed to:
  - 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
  - meet each of the child's other educational needs that result from the child's disability;
  - for children with disabilities who take state-approved alternate assessments (AIMS-A) aligned to and derived from the state's content alternate—academic achievement standards, a description of benchmarks or short-term objectives;

- 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;
SPECIAL INSTRUCTIONAL PROGRAMS

(Identification and Placement of Exceptional Students)

- 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, the program modifications or supports for school personnel that will be provided to enable the child:
  - to advance appropriately toward attaining the annual goals;
  - 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.

- 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;

- Any individual accommodations that are needed to measure the academic achievement and functional performance of the child on state and District-wide assessments;

- If the IEP 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:
  - the child cannot participate in the regular assessment; and
  - the particular alternate assessment selected is appropriate for the child;

- The projected date for the beginning of the services and modifications and the anticipated frequency, location, and duration of those services and modifications. [34 C.F.R. 300.320]
SPECIAL INSTRUCTIONAL PROGRAMS

(Identification and Placement of Exceptional Students)

Beginning not later than the first IEP to be in effect when the child turns sixteen (16), or younger if determined appropriate by the IEP team the first school year the student enrolls in the District and updated annually, the IEP will also include a statement of:

- appropriate measurable postsecondary goals based upon age appropriate transition assessments related to training, education, employment, and, where appropriate independent living skills;

- transition services (including courses of study) needed to assist the child in reaching those goals. [34 C.F.R. 300.320]

Beginning not later than one (1) year before a student reaches the age of eighteen (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 eighteen (18). [34 C.F.R. 300.320]

The IEP team for each child with a disability will include:

- The parents of the child;

- Not less than one (1) regular education teacher of the child (if the child is, or may be, participating in the regular education environment);

- Not less than one (1) special education teacher of the child, or where appropriate, not less than one special education provider of the child;

- A representative of the District who:

  - is qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of children with disabilities;
SPECIAL INSTRUCTIONAL PROGRAMS

(Identification and Placement of Exceptional Students)

- is knowledgeable about the general education curriculum; and

- is knowledgeable about the availability of resources of the District;

- may be a District team member described in the IEP team described above, with the exception of the parents, if the above criteria are met.

- An individual who can interpret the instructional implications of evaluation results, who may be a member of the team described in the IEP team described above, with the exception of the parents.

- At the discretion of the parent or the District, other individuals who have knowledge or special expertise regarding the child, including related services personnel as appropriate; and

- Whenever appropriate, the child with a disability.

- 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;

- If the student does not attend the IEP meeting, the District will take other steps to ensure that the student's preferences and interests are considered.

- To the extent appropriate and with consent of the parents or the adult child;

  - the District will invite a representative of any participating agency that is likely to be responsible for providing or paying for transition services.

A member of the District IEP team described above, and including a person who can interpret the results, is not required to attend the IEP meeting if the parent and
SPECIAL INSTRUCTIONAL PROGRAMS

(Identification and Placement of Exceptional Students)

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. [34 C.F.R. 300.321]

A member of the District IEP team described above, and including a person who can interpret the results, 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 District 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. [34 C.F.R. 300.321]

The District 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:

- Notifying parents of the meeting early enough to ensure that they will have an opportunity to attend; and

- Scheduling the meeting at a mutually agreed on time and place. [34 C.F.R. 300.322]

The meeting notice will:

- Indicate the purpose, time, and location of the meeting and who will be in attendance; and

- Inform the parents of the provisions relating to the participation of other individuals who have knowledge or special expertise about the child. [34 C.F.R. 300.322]

Beginning not later than the first IEP to be in effect when the child turns sixteen (16), the first school year the student enrolls in the District, the notice will also:

, the notice will also:
SPECIAL INSTRUCTIONAL PROGRAMS

(Identification and Placement
of Exceptional Students)

- Indicate that a purpose of the meeting will be the consideration of postsecondary goals and transition services;

- Indicate that the District will invite the student

- Identify any other agency that will be invited to send a representative. [34 C.F.R. 300.322]

If neither parent can attend, the District will use other methods to ensure parent participation, including individual or conference telephone calls. [34 C.F.R. 300.322]

A meeting may be conducted without a parent in attendance if the District is unable to convince the parents that they should attend. In this case, the District will maintain a record of its attempts to arrange a mutually agreed on time and place, such as:

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

- Copies of correspondence sent to the parents' and any responses received; and

- Detailed records of visits made to the parent's home or place of employment and the results of those visits. [34 C.F.R. 300.322]

The District 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. [34 C.F.R. 300.322]

The District will give the parent a copy of the child's IEP at no cost to the parent. [34 C.F.R. 300.322]
SPECIAL INSTRUCTIONAL PROGRAMS

(Identification and Placement
of Exceptional Students)

At the beginning of each school year, the District will have in effect for each child with a disability in its jurisdiction, an IEP as defined in 300.320. [34 C.F.R. 300.323]

The District ensures that:

- A meeting to develop an IEP for an eligible child is conducted within thirty (30) days of a determination of eligibility for special education and related services.

- As soon as possible following the development of the IEP, the services indicated in the IEP are made available to the child. An IEP will be in effect at the beginning of each school year. [34 C.F.R. 300.323]

The District ensures that each child's IEP is accessible to each regular education teacher, special education teacher, related service provider and any other service provider who is responsible for implementing the IEP.

- Each teacher and related service provider will be informed of his or her specific responsibilities in implementing the IEP; and

- The specific accommodations, modifications, and supports that will be provided for the child in accordance with the IEP. [34 C.F.R. 300.323]

For a child with an IEP who transfers into the District from another school system in Arizona, the District, 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 District:

- Reviews and adopts the child's IEP from the previous District, or

- Develops, adopts, and implements a new IEP. [34 C.F.R. 300.323]
SPECIAL INSTRUCTIONAL PROGRAMS

(Identification and Placement
of Exceptional Students)

For a child with an IEP who transfers into the District from another state, the District, 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 District:

- Conducts an evaluation for eligibility for special education in Arizona, or determines that such an evaluation is unnecessary; and

- Develops, adopts, and implements a new IEP, if appropriate. [34 C.F.R. 300.323]

To facilitate the transition of a child enrolling from another school system, either from within or from outside of Arizona, the District will take reasonable steps to promptly obtain the child's education records, including all records pertaining to special education, from the previous school system in which the child was enrolled. [34 C.F.R. 300.323]

When a records request is received from another District, from either within or outside of Arizona, the District will promptly respond to the request. [34 C.F.R. 300.323]

In developing each child's IEP, the IEP team will consider:

- The strengths of the child and the concerns of the parents for enhancing the education of their child;

- The results of the initial or most recent evaluation of the child; and

- The academic, developmental, and functional needs of the child. [34 C.F.R. 300.324]

In consideration of special factors, the IEP team will:
SPECIAL INSTRUCTIONAL PROGRAMS

(Identification and Placement of Exceptional Students)

- In the case of a child whose behavior impedes his or her learning or that of others, consider the use of positive behavioral interventions and supports, and other strategies to address that behavior;

- 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;

- 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;

- 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 level and full range of needs, including opportunities for direct instruction in the child's language and communication mode;

- Consider whether the child requires assistive technology devices and services. [34 C.F.R. 300.324]

The regular education teacher of a child with a disability, as a member of the IEP team, will, to the extent appropriate, participate in the development, review, and revision of the child's IEP, including the determination of:

- Appropriate positive behavioral interventions and strategies for the child; and
SPECIAL INSTRUCTIONAL PROGRAMS

(Identification and Placement of Exceptional Students)

- 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). [34 C.F.R. 300.324]

In making changes to the IEP after the annual IEP meeting, the parent and the District 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 District will:

- Inform all members of the child's IEP team of those changes, and

- Upon request, provide the parents with the revised copy of the IEP. [34 C.F.R. 300.324]

To the extent possible, the District will encourage the consolidation of evaluation, reevaluation and IEP meetings for a child. [34 C.F.R. 300.324]

The District ensures that the IEP team reviews the child's IEP periodically, but not less than annually, to determine if goals are being achieved, and revise the IEP, when appropriate, to address:

- any lack of expected progress toward the annual goals and in the general education curriculum, if appropriate;

- the results of any reevaluation;

- information about the child provided to, or by the parents;

- the child's anticipated needs, or other matters. [34 C.F.R. 300.324]

If a participating agency other than the District fails to provide the transition services in an IEP, the District will reconvene the IEP team to identify alternative strategies to meet the child's transition outcomes. [34 C.F.R. 300.324]
SPECIAL INSTRUCTIONAL PROGRAMS

(Identification and Placement of Exceptional Students)

Before the District places a child with a disability in a private school or facility, the District will 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. [34 C.F.R. 300.325]

Subsequent IEP reviews may be initiated and conducted by the private school at the discretion of the District. However, the District ensures that:

- The parents and District representative are involved in any decisions about the child’s IEP; and
- Agree to any proposed changes in the IEP before those changes are implemented. [34 C.F.R. 300.325]

The District remains responsible to ensure FAPE to a child placed by the District in a private school or facility. [34 C.F.R. 300.325]

The District ensures that the parents of a child with a disability are members of any group that makes decisions on the educational placement of their child. [34 C.F.R. 300.327]

Least Restrictive Environment

The District ensures 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. [34 C.F.R 300.114]

The District will make available a continuum of alternative placements to meet the needs of children with disabilities for special education and related services. [34 C.F.R 300.115]
SPECIAL INSTRUCTIONAL PROGRAMS

(Identification and Placement of Exceptional Students)

The continuum of alternative placements will include:

- Instruction in regular classes, special classes, special schools, home instruction, and instruction in hospital and institutions;

- Supplementary services, such as a resource room or itinerant instruction, to be provided in conjunction with regular class placement.

The placement decision for each child will be:

- Made by a group that includes the parents and other persons knowledgeable about the child, the meaning of the evaluation data, and the placement options;

- In conformity with the least restrictive environment (LRE) provisions of the IDEA regulations;

- Determined at least annually;

- Based on the child's IEP; and,

- As close as possible to the child's home. [34 C.F.R 300.115]

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. [34 C.F.R 300.115]

In selecting the LRE, consideration will be given to any potential harmful effect on the child or on the quality of services that she/he needs. [34 C.F.R 300.115]

A child with a disability will not be removed from age-appropriate regular classrooms solely because of needed modifications in the general education curriculum. [34 C.F.R 300.115]
SPECIAL INSTRUCTIONAL PROGRAMS

(Identification and Placement of Exceptional Students)

In providing or arranging for the provision of nonacademic and extracurricular services and activities, including meals, recess periods, and other nonacademic activities, the District ensures 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. [34 C.F.R 300.117]

The District ensures that the supplementary aides and services determined by the IEP team to be appropriate and necessary are provided to allow the child to participate in nonacademic settings. [34 C.F.R 300.115]

The District will establish, maintain, and implement procedural safeguards that meet the requirements of §300.500 through 300.536 of the IDEA Regulations.

Procedural Safeguards

The District ensures 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. [34 C.F.R. 300.501]

The District ensures that the parents of a child with a disability shall:

• be given an opportunity to participate in meetings with respect to the identification, evaluation, educational placement and the provision of FAPE to the child.

• be provided notice consistent with §300.322 to ensure they have opportunity to participate in meetings.

• be members of any group that makes decisions on the educational placement of their child. [34 C.F.R. 300.501]
SPECIAL INSTRUCTIONAL PROGRAMS

(Identification and Placement of Exceptional Students)

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 District must use other methods to ensure their participation, including individual or conference telephone calls, or video conferencing. [34 C.F.R. 300.501]

A placement decision may be made by a group without the involvement of the parent, if the District is unable to obtain the parent's participation and has maintained a record of its attempts to ensure their involvement. [34 C.F.R. 300.501]

The parents of a child with a disability have the right to obtain an independent educational evaluation of their child. The District must provide to parents, upon request for an independent educational evaluation:

- Information about where an independent educational evaluation may be obtained; and

- The District criteria applicable for independent educational evaluations. District criteria for the independent educational evaluation must be the same as the criteria the District uses when it conducts an evaluation, to the extent consistent with the parent's right to an evaluation. [34 C.F.R. 300.502]

A parent has the right to an independent educational evaluation at public expense if the parent disagrees with an evaluation obtained by the District. If a parent requests an independent educational evaluation at public expense, the District must, without unnecessary delay, either:

- File for a due process hearing to show that its evaluation is appropriate; or
SPECIAL INSTRUCTIONAL PROGRAMS

(Identification and Placement
of Exceptional Students)

- Ensure that an independent educational evaluation is provided at public expense, unless the District demonstrates in a hearing that the evaluation obtained by the parent did not meet District criteria. [34 C.F.R. 300.502]

If a due process hearing decision is that the District's evaluation is appropriate, the parent still has the right to an independent educational evaluation, but not at public expense. [34 C.F.R. 300.502]

If a parent requests an independent educational evaluation, the District 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. [34 C.F.R. 300.502]

A parent is entitled to only one (1) independent educational evaluation at public expense each time the District conducts an evaluation with which the parent disagrees. [34 C.F.R. 300.502]

The results of any independent educational evaluation which is obtained by or provided to the District:

- must be considered by the District, if it meets District criteria, in any decision with respect to the provision of FAPE to the child; and

- may be presented by any party as evidence in a due process hearing. [34 C.F.R. 300.502]

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.

Written notice must be given to the parents of a child with a disability a reasonable time before the District:
SPECIAL INSTRUCTIONAL PROGRAMS

(Identification and Placement of Exceptional Students)

- Proposes to initiate or change the identification, evaluation or educational placement of the child or the provision of FAPE to the child; or

- Refuses to initiate or change the identification, evaluation or educational placement of the child or the provision of FAPE to the child. [34 C.F.R. 300.503]

The notice must include:

- A description of the action proposed or refused by the District;

- An explanation of why the District proposes or refuses to take the action;

- A description of each evaluation procedure, assessment, record or report the District used as a basis for the proposed or refused action;

- 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 description of the procedural safeguards can be obtained;

- Sources for parents to contact to obtain assistance in understanding the provisions of this part;

- A description of other options that the IEP team considered and the reasons why those options were rejected;

- A description of other factors that are relevant to the District's proposal or refusal. [34 C.F.R. 300.503]

The notice must be written in language understandable to the general public, provided in the native language or other mode of communication used by the parent. [34 C.F.R. 300.503]
SPECIAL INSTRUCTIONAL PROGRAMS

(Identification and Placement of Exceptional Students)

If the native language or other mode of communication used by the parent is not a written language, the District ensures:

- the notice is translated orally or by other means to the parent in his or her native language or other mode of communication;

- That the parent understands the content of the notice;

- That there is written evidence of these requirements. [34 C.F.R. 300.503]

A copy of the procedural safeguards available to the parent of a child with a disability must be given to the parents only one (1) time a school year, except that a copy also must be given to the parents:

- Upon initial referral or parent request for evaluation;

- Upon receipt of a first complaint to the state or first request for a due process hearing in a school year;

- When a disciplinary change of placement/removal has been initiated;

- Upon request by a parent. [34 C.F.R. 300.504]

The procedural safeguards notice must include a full explanation of all the procedural safeguards available under §300.148, §§300.151 through 300.153, §300.300, §§300.502 through 300.503, §§300.505 through 300.515, §300.520, §§300.530 through 536, and §§300.610 through 300.625 relating to:

- Independent educational evaluations;

- Prior written notice;

- Parental consent;
SPECIAL INSTRUCTIONAL PROGRAMS

(Identification and Placement of Exceptional Students)

- Access to education records;
- Opportunity to present and resolve complaints through the due process hearing and state complaint procedures, including:
  - The time period in which to file a complaint;
  - The opportunity for the District to resolve the complaint;
  - The difference between due process hearing and state complaint procedures, jurisdictions, issues that may be raised, timelines, and relevant procedures.
- The availability of mediation;
- The child's placement during the due process hearing;
- Procedures for students subject to placement in an interim alternative educational setting
- Requirements for unilateral placements by parents of children in private schools at public expense;
- Due process hearings including requirements for disclosure of evaluation results and recommendations;
- Civil actions, including timelines;
- Attorney fees. [34 C.F.R. 300.504]

This notice must meet the same requirements for understandable language as for the written prior notice described in §300.503. [34 C.F.R. 300.504]
SPECIAL INSTRUCTIONAL PROGRAMS

(Identification and Placement of Exceptional Students)

The parent of a child with a disability may elect to receive required notices by an electronic mail communication if the District makes that option available. [34 C.F.R. 300.505]

The District 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:

- Is voluntary on the part of the parties;

- Is not used to deny or delay a parent's right to a due process hearing or any other right under the IDEA;

- Is conducted by a qualified and impartial mediator who is trained in effective mediation techniques. [34 C.F.R. 300.506]

The District 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:

- Who is under contract with an appropriate alternative dispute resolution entity, or a parent training and information center, or community parent resource center;

- Who would explain the benefits of, and encourage the mediation process to the parents. [34 C.F.R. 300.506]

A parent or District may file a request for a due process hearing relating to the identification, evaluation or educational placement of a child with a disability. [34 C.F.R. 300.507]
SPECIAL INSTRUCTIONAL PROGRAMS

(Identification and Placement
of Exceptional Students)

The request for a due process hearing must allege a violation that occurred not more than two (2) years before the date the parent or District knew or should have known about the alleged violation. [34 C.F.R. 300.507]

The District must inform the parent of any free or low cost legal and other relevant services available in the area upon parent request. [34 C.F.R. 300.507]

The District will have procedures that require either party, or the attorney representing a party, to provide to the other party a confidential due process complaint. [34 C.F.R. 300.508]

The party filing the notice for a hearing must forward a copy of the request to the state. [34 C.F.R. 300.508]

The due process hearing complaint must include the following in order for the complaint to be heard:

- The name of the child;
- The residential address of the child;
- The school of attendance;
- 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
- A proposed resolution of the problem to the extent known and available to the party at the time. [34 C.F.R. 300.508]

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
SPECIAL INSTRUCTIONAL PROGRAMS

(Identification and Placement
of Exceptional Students)

fifteen (15) days of receipt of the complaint, that it believes the complaint does not meet the content requirements. [34 C.F.R. 300.508]

Within five (5) 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. [34 C.F.R. 300.508]

A party may amend its due process complaint only if:

- The other party consents in writing and is given an opportunity to resolve the complaint through the resolution process; or

- The hearing officer grants permission, but in no case later than five (5) days before the due process hearing begins. [34 C.F.R. 300.508]

If a party files an amended complaint, the relevant timelines begin again. [34 C.F.R. 300.508]

If the District 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 ten (10) days of receiving the complaint. [34 C.F.R. 300.508]

Within ten (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. [34 C.F.R. 300.508]

Within fifteen (15) days of receiving the notice of the parent's due process complaint, and prior to the initiation of a due process hearing, the District 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:

- Includes a representative of the District who has District decision-making authority;
SPECIAL INSTRUCTIONAL PROGRAMS

(Identification and Placement of Exceptional Students)

- May not include an attorney of the District unless the parent is accompanied by an attorney. [34 C.F.R. 300.510]

The purpose of the meeting is for the parent of the child to discuss the due process complaint, and the factual basis of the complaint, so the District has the opportunity to resolve the dispute. [34 C.F.R. 300.510]

The resolution meeting need not be held if:

- The parent and District agree in writing to waive the meeting; or

- The parent and District agree to use the mediation process. [34 C.F.R. 300.510]

The parent and the District determine the relevant IEP team members to attend the meeting. [34 C.F.R. 300.510]

If the District has not resolved the complaint to the satisfaction of the parent within thirty (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 thirty (30) day period. [34 C.F.R. 300.510]

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. [34 C.F.R. 300.510]

If the District is unable to obtain the participation of the parent after reasonable efforts have been made and documented, the District may, at the conclusion of the thirty (30) day period, request the hearing officer dismiss the parent's due process complaint. [34 C.F.R. 300.510]
SPECIAL INSTRUCTIONAL PROGRAMS

(Identification and Placement of Exceptional Students)

If the District fails to hold the resolution meeting within fifteen (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. [34 C.F.R. 300.510]

The forty-five (45) day timeline for the due process hearing starts the day after:

- Both parties agree in writing to waive the resolution meeting; or

- After either the mediation or resolution meeting starts but before the end of the thirty (30) day resolution period, the parties agree in writing that no agreement is possible; or

- If both parties agree in writing to continue the mediation at the end of the thirty (30) day resolution period, but later, one (1) party withdraws from the mediation process. [34 C.F.R. 300.510]

If a resolution is reached at the meeting, the parties must execute a legally binding agreement that is:

- Signed by both the parent and District representative who has authority to legally bind the District; and

- Enforceable in any state court of competent jurisdiction or in a district court of the United States. [34 C.F.R. 300.510]

Either party may void the agreement within three (3) business days of the agreement's execution. [34 C.F.R. 300.510]

The child involved in the due process hearing complaint must remain in his or her current educational placement:

- Unless a discipline appeal has been filed as provided in §300.533;
SPECIAL INSTRUCTIONAL PROGRAMS

(Identification and Placement of Exceptional Students)

- During the pendency of any administrative or judicial proceeding regarding a due process complaint notice requesting a due process hearing under §300.507; or

- Unless the District and parents of the child agree otherwise. [34 C.F.R. 300.518]

If the complaint involves an application for initial admission to public school, the child, with the consent if the parents, must be placed in the public school until the completion of all the proceedings. [34 C.F.R. 300.518]

If the complaint involves an application for initial services for a child who has turned three (3) and transitioning from Part C to Part B, the District 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 District must provide those services that are not in dispute. [34 C.F.R. 300.518]

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. [34 C.F.R. 300.518]

The District ensures that the rights of a child are protected by assigning an individual to act as a surrogate for the parents when:

- No parent can be identified;

- After reasonable efforts are made, no parent can be located;

- The child is a ward of the state (with no foster parent);

- The child is an unaccompanied homeless youth as defined by the McKinney-Vento Homeless Assistance Act. [34 C.F.R. 300.519]
SPECIAL INSTRUCTIONAL PROGRAMS

(Identification and Placement of Exceptional Students)

The District will have a method for determining when a surrogate parent is needed and for making surrogate parent assignments. [34 C.F.R. 300.519]

The District ensures that a person selected as a surrogate parent:

- Is not an employee of the state, the District, or any other agency that is involved in the education or care of the child;

- Has no personal or professional interest that conflicts with the interest of the child the surrogate parent represents; and

- Has knowledge and skills that ensure adequate representation of the child. [34 C.F.R. 300.519]

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. [34 C.F.R. 300.519]

When a child with a disability reaches age eighteen (18), unless that child has been determined to be incompetent:

- The District will provide any notice required by the IDEA regulations to both the child and the parents; and

- All rights accorded to parents under Part B of the Act transfer to the child. [34 C.F.R. 300.520]

When the rights are transferred, the District will provide notice to the child and parent of the transfer of rights. [34 C.F.R. 300.520]
Restraint and Seclusion (JLDB)
RERAINT AND SECLUSION

Restraint and seclusion are not to be used as disciplinary consequences.

A school may permit the use of restraint or seclusion techniques on any pupil if both of the following apply:

A. The pupil's behavior presents an imminent danger of bodily harm to the pupil or others.

B. Less restrictive interventions appear insufficient to mitigate the imminent danger of bodily harm.

If a restraint or seclusion technique is used on a pupil:

A. School personnel shall maintain continuous visual observation and monitoring of the pupil while the restraint or seclusion technique is in use.

B. The restraint or seclusion technique shall end when the pupil's behavior no longer presents an imminent danger to the pupil or others.

C. The restraint or seclusion technique shall be used only by school personnel who are trained in the safe and effective use of restraint and seclusion techniques unless an emergency situation does not allow sufficient time to summon trained personnel.

D. The restraint technique employed may not impede the pupil's ability to breathe.

E. The restraint technique may not be out of proportion to the pupil's age or physical condition.

Schools may establish policies and procedures for the use of restraint or seclusion techniques in a school safety or crisis intervention plan if the plan is not specific to any individual pupil.

Schools shall establish reporting and documentation procedures to be followed when a restraint or seclusion technique has been used on a pupil. The procedures shall include the following requirements:
RESTRAINT AND SECLUSION

A. School personnel shall provide the pupil's parent or guardian with written or oral notice on the same day that the incident occurred, unless circumstances prevent same-day notification. If the notice is not provided on the same day of the incident, notice shall be given within twenty-four (24) hours after the incident.

B. Within a reasonable time following the incident, school personnel shall provide the pupil's parent or guardian with written documentation that includes information about any persons, locations or activities that may have triggered the behavior, if known, and specific information about the behavior and its precursors, the type of restraint or seclusion technique used and the duration of its use.

C. Schools shall review strategies used to address a pupil's dangerous behavior if there has been repeated use of restraint or seclusion techniques for the pupil during a school year. The review shall include a review of the incidents in which restraint or seclusion technique were used and an analysis of how future incidents may be avoided, including whether the pupil requires a functional behavioral assessment.

If a school district or charter school summons law enforcement instead of using a restraint or seclusion technique on a pupil, the school shall comply with the reporting, documentation and review procedures established under the paragraph above. School resource officers are authorized to respond to situations that present the imminent danger of bodily harm according to protocols established by their law enforcement agency.

Schools are not prohibited from adopting policies which include procedures for the reasonable use of physical force by certificated or support staff personnel in self-defense, defense of others and defense of property (A.R.S. 15-843, subsection b, paragraph 3.)

The District authorizes the use of these definitions which are included in A.R.S. 15-105:

A. "Restraint" means any method or device that immobilizes or reduces the ability of a pupil to move the pupil's torso, arms, legs or head freely,
RESTRAINT AND SECLUSION

including physical force or mechanical devices. Restraint does not include any of the following:

1. Methods or devices implemented by trained school personnel or used by a pupil for the specific and approved therapeutic or safety purposes for which the method or device is designed and, if applicable, prescribed.

2. The temporary touching or holding of the hand, wrist, arm, shoulder or back for the purpose of inducing a pupil to comply with a reasonable request or to go to a safe location.

3. The brief holding of a pupil by one adult for the purpose of calming or comforting the pupil.

4. Physical force used to take a weapon away from a pupil or to separate and remove a pupil from another person when the pupil is engaged in a physical assault on another person.

B. "School" means a school district, a charter school, a public or private special education school that provides services to pupils placed by a public school, the Arizona State Schools for the Deaf and the Blind and a private school.

C. "Seclusion" means the involuntary confinement of a pupil alone in a room from which egress is prevented. Seclusion does not include the use of a voluntary behavior management technique, including a timeout location, as part of a pupil's education plan, individual safety plan, behavioral plan or individualized education program that involves the pupil's separation from a larger group for purposes of calming.

Adopted: date of Manual adoption

LEGAL REF.:  
A.R.S.  
13-403 et seq.  
13-2911
RESTRAINT AND SECLUSION

15-105
15-341
15-342
15-841
15-842
15-843
15-844

CROSS REF.:
GBEB - Staff Conduct
JIC - Student Conduct
JK - Student Discipline
JKA - Corporal Punishment
JKD - Student Suspension
JKE - Expulsion of Students
Restraint and Seclusion (JLDB-EA)
RERAINT AND SECLUSION

RERAINT/SECLUSION DOCUMENTATION

This form must be completed when school personnel have used a restraint or seclusion technique with a student.

Referral to Law Enforcement: School personnel are required to comply with the reporting, documentation and review procedures required by A.R.S. 15-105 if the school district summoned law enforcement instead of using a restraint or seclusion technique on the student.

Applicable Definitions: For purposes of determining whether this form must be completed, the following definitions apply:

Restraint means any method or device that immobilizes or reduces the ability of a student to move the student's torso, arms, legs or head freely, including physical force or mechanical devices.

Restraint does not include any of the following;

1. Methods or devices implemented by trained school personnel or used by a student for the specific and approved therapeutic or safety purposes for which the method or device is designed and, if applicable, prescribed.

2. The temporary touching or holding of the hand, wrist, arm, shoulder or back for the purpose of inducing a student to comply with a reasonable request or to go to a safe location.

3. The brief holding of a student by one adult for the purpose of calming or comforting the student.

4. Physical force used to take a weapon away from a student or to separate and remove a student from another person when the student is engaged in a physical assault on another person.

Seclusion means the involuntary confinement of a student alone in a room from which egress is prevented.
RESTRAINT AND SECLUSION

RESTRAINT/SECLUSION DOCUMENTATION

Seclusion does not include the use of a voluntary behavior management technique, including a timeout location, as part of a student's education plan, individual safety plan, behavioral plan or individualized education program (IEP) that involves the student's separation from a larger group for purposes of calming.

**Notification to Parents:** Check the appropriate box.

- ☐ School personnel provided the student's parent/guardian with written or oral notice on the same day the incident occurred; or

- ☐ Circumstances prevented same day notification to the student's parent/guardian of the incident. Notice will provided within twenty-four (24) hours after the incident.

Student: ___________________________________________ Student ID: ___________

First        Middle        Last
Restraint and Seclusion (JLDB-EB)
RESTRAINT AND SECLUSION
RESTRAINT/SECLUSION DOCUMENTATION

Student: ___________________________ Student ID: ____________
Grade: _______ Age: _______ DOB: _______ School: ________________
Parent(s): _____________________________________________________
Address: ______________________________________________________
Phone: (w)__________________(h)__________________(c)_____________
Date of Incident: __________ Location ___________ ___________
Month/Day/Year

School personnel were permitted to use the restraint or seclusion technique because both of the following applied (check boxes to confirm that both conditions were met):

☐ The student's behavior presented an imminent danger of bodily harm to the student or others;

☐ Less restrictive interventions appeared insufficient to mitigate the imminent danger of bodily harm.

Description of the student's behavior that presented an imminent danger of bodily harm to the student or others:

________________________________________________________________________

________________________________________________________________________

Description of the less restrictive interventions that appeared insufficient to mitigate the danger of imminent danger of bodily harm:

________________________________________________________________________

________________________________________________________________________
RERAINT AND SECLUSION
RERAINT/SECLUSION DOCUMENTATION

School personnel involved in the incident must check the boxes below and provide other information as needed. If a box is not checked "True," school personnel must explain why the particular condition was not met.

1. School personnel maintained continuous visual observation and monitoring of the student while the restraint or seclusion technique was used.  True ☐  Not True ☐

Personnel who observed and monitored the student:

_______________________________________
_______________________________________

2. The restraint or seclusion ended when the student’s behavior no longer presented an imminent danger to the student or others.  True ☐  Not True ☐

3. The restraint or seclusion technique was used only by school personnel who are trained in the safe and effective use of restraint and seclusion techniques, unless an emergency situation did not allow sufficient time to summon trained personnel.  True ☐  Not True ☐

4. If an emergency existed that did not allow sufficient time to summon trained personnel, explain the emergency:

_______________________________________

5. The restraint technique used did not impede the student’s ability to breathe.  True ☐  Not True ☐

6. The restraint technique was not out of proportion to the student’s age or physical condition.  True ☐  Not True ☐
RESTRAINT AND SECLUSION
RESTRAINT/SECLUSION DOCUMENTATION

Information (if known) about any persons, locations or activities that may have triggered the student's behavior:

____________________________________________________________________________________

____________________________________________________________________________________

Specific information about the behavior and its precursors:

____________________________________________________________________________________

____________________________________________________________________________________

Type of restraint or seclusion technique used:

____________________________________________________________________________________

____________________________________________________________________________________

Duration of restraint or seclusion technique used: ___________ minutes

A review meeting is needed: Yes ☐ No ☐ A review meeting to review strategies used to address a student's dangerous behavior must be scheduled if there has been repeated use of restraint or seclusion for the student during the school year. If a review meeting is needed, it will be scheduled and separate documentation will be completed.

Person(s) Responsible for Completing Form:

____________________________________________________________________________________ Date: ___________

____________________________________________________________________________________ Date: ___________
Restraint and Seclusion (JLDB-EC)
RERAINT AND SECLUSION

RERAINT/SECLUSION DOCUMENTATION
(Same Day Oral/Written Notification to Parent/Guardian)
or within twenty-four (24) hours if
circumstances prevented same day notice

Date provided: _____/_____/_____

Time: ______: ___m.

Method of Delivery:

☐ Oral

☐ Written

Hand-delivery (signature required) ________________

Mailed: ☐ 1st Class Mail-Certificate of Mailing and/or

☐ Certified Mail-Return Receipt Requested

E-mailed using address: ______________________________;
maintain proof of electronic delivery

Name of Parent/Guardian Receiving Notice: ____________________________

Person Providing Notice: ____________________________

Confirmation that a copy of this completed documentation was provided to the Parent/Guardian (provided within a reasonable time following the incident):

Date provided: _____/_____/_____

Time: ______: ___m.

Method of Delivery:

☐ Oral

☐ Written
RERAINT AND SECLUSION
RESTRAINT/SECLUSION DOCUMENTATION
(Same Day Oral/Written Notification to Parent/Guardian)
or within twenty-four (24) hours if circumstances prevented same day notice

Hand-delivery (signature required) __________________________

Mailed: ☐ 1st Class Mail-Certificate of Mailing and/or
☐ Certified Mail-Return Receipt Requested

E-mailed using address: _______________________________; maintain proof of electronic delivery

Name of Parent/Guardian Receiving Notice: _______________________________

Person Providing Notice: _______________________________
Restraint and Seclusion (JLDB-ED)
RERAINT AND SECLUSION
RESTRAINT/SECLUSION DOCUMENTATION
(Review of Repeated Use of Restraint
or Seclusion Techniques)

A review meeting to review strategies used to address a student's dangerous behavior must be scheduled if there has been repeated use of restraint or seclusion for the student during the school year, A.R.S. 15-105.

Student: ___________________________ Student ID: ______________

Grade: ____ Age: ____ DOB: _______ School: ________________

Parent(s): ______________________________________________________

Address: ______________________________________________________________________

Phone:(w) ___________ (h) ___________________ (c) ________________________

Date of Incident: __________ Location: __________________________

Month/Day/Year

Review current and previous incidents in which physical restraint/seclusion techniques were used:

___________________________________________________________________________

___________________________________________________________________________

Review strategies used to address the student's dangerous behavior:

___________________________________________________________________________

___________________________________________________________________________

Analyze how future incidents may be avoided:

___________________________________________________________________________

___________________________________________________________________________
RERAINT AND SECLUSION
RESTRAINT/SECLUSION DOCUMENTATION
(Review of Repeated Use of Restraint or Seclusion Techniques)

The Team recommends a Functional Behavioral Assessment: Yes ☐ No ☐

Name: __________________ Signature: ___________ Date: ______________
Name: __________________ Signature: ___________ Date: ______________
Name: __________________ Signature: ___________ Date: ______________
Name: __________________ Signature: ___________ Date: ______________
Name: __________________ Signature: ___________ Date: ______________

If parent(s) did not attend the meeting, explain other methods to ensure parent participation and/or child as appropriate (e.g., conference call, videoconference, home visit): __________________________
Student Records (JR)
STUDENT RECORDS

Required student records (regular and special education) will be prepared in a manner consistent with the state and federal laws and the requirements of the Arizona Uniform System of Financial Records (USFR) and those of the Arizona Department of Libraries, Archives and Public Records. Retention periods and disposition of records shall be as specified in the USFR, the Arizona Department of Library Archives and Public Records and relevant federal statutes and regulations.

The District will comply with the provisions of the Family Educational Rights and Privacy Act (FERPA) and the Individuals with Disabilities Education Act (IDEA), the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001 (USA PATRIOT ACT), and the No Child Left Behind-Every Student Succeeds Act of 2001-2015 (NCLB ESSA) in the establishment, maintenance, correction, and disposition of student records.

The Board directs the Superintendent to establish procedures for such compliance, including informing parents, students, and the public of the contents. The Superintendent will implement procedures as required by law and will establish procedures for dealing with violations.

If a parent or eligible student believes that the District is violating the FERPA, that person has a right to file a complaint with the U.S. Department of Education. The address is:

- **The Right of the parent or an eligible student to inspect and review the student's education records.**

  - **The B.** The intent of the District to limit the disclosure of personally identifiable information contained in a student's education records, including disciplinary records, except by the prior written consent of the parent or eligible student or under certain limited circumstances as permitted by the FERPA, the USA PATRIOT Act or the NCLB Act.

  - **The C.** The right of the parent or eligible student to seek to correct parts of the school education records that the student or the parent believes to be inaccurate, misleading, or in violation of student rights. This right includes the right to a hearing to present evidence that the record should be changed if the District decides not to alter it according to the parent's or eligible student's request.
STUDENT RECORDS

- **The D.** The right of the parent or eligible student to file a complaint with the U.S. Department of Education if they believe the District has violated the FERPA.

Parents and eligible students have the following rights under the Family Educational Rights and Privacy Act (FERPA) and this procedure [34 C.F.R. 99.7 and 300.613]. The notice shall also include:

- **The A.** The procedure for exercising the right to inspect and review education records.

- **The B.** The procedure for requesting amendments of education records that the student believes to be inaccurate, misleading or otherwise a violation of the student's privacy rights.

- **The C.** The conditions when prior consent is not required, the criteria for determining who constitutes a school official and what constitutes a legitimate educational interest.

If the School District permits the release of directory information relating to pupils, the information shall be released on or before October 31 of each year. The Superintendent shall develop procedures to communicate to students and their parents in a timely manner information relating to access to the Arizona Department of Education form which is designed to allow pupils to request that directory information not be released pursuant to the Elementary and Secondary Education Act (ESEA) as reauthorized by the No Child Left Behind (NCLB) Act of 2001 Every Student Succeeds Act of 2015 (ESSA).

Adopted: September 6, 2012 date of Manual adoption

LEGAL REF.:
A.R.S.
15-141
15-142
15-828
15-829
41-251-1346 et seq. 403.06
41-1354
44-1373
STUDENT RECORDS

10 U.S.C. 503
20 U.S.C. 1232
20 U.S.C. 1400 et seq., Individuals with Disabilities Education Act

20 U.S.C. 7908
34 C.F.R. 300

CROSS REF.:
IHB - Special Instructional Programs
JF - Student Admissions
JFAB - Admission of Nonresident Students
JLH - Missing Students
JRCA - Request for Transfer of Records
Student Records (JR-R)
STUDENT RECORDS

This procedure is designed to meet the provisions of the Family Educational Rights and Privacy Act (FERPA) and the Individuals with Disabilities in Education Act (IDEA). All personnel in the District are expected to fulfill the requirements of policy and the following procedures in order to protect the confidentiality of personally identifiable information at collection, storage, disclosure, and destruction stages [34 C.F.R. 300.612].

The Superintendent has the responsibility for ensuring the confidentiality of any personally identifiable information [34 C.F.R. 300.612].

All rights and protections given parents under the FERPA and this procedure transfer to the student upon reaching age eighteen (18) except where the student continues as a dependent under specified circumstances, or enrolling in a postsecondary school. The student then becomes an "eligible student" [34 C.F.R. 99.5 and 300.625]

Definitions

For the purpose of the procedure, the District has used the following definitions of terms:

- **Student**. A **Student** - Any person who attends or has attended a program of instruction sponsored by the District **and for whom** and for whom the District maintains education records.

- **Eligible Student**. A student who has reached age eighteen (18) or is attending a postsecondary school.

- **Parent**

- **C. Parent** - Either the natural parent of a student, unless the parent's rights under the FERPA have **been removed** been removed by a court order, statute, or other legal document, or a guardian, or an individual acting as a **parent-a parent or guardian in the absence of the student's parent or guardian. The District may presume that the parent has the authority to inspect and review education records relating to his or her child **unless the** unless the District has been advised that the parent does not have authority under applicable law.

- **D. Education records**. - Any information directly related to a student recorded in any way including, but **not limited to** not limited to, handwriting, print, computer media, video or audio tape, film, microfilm or microfiche, that **is maintained by the**
STUDENT RECORDS

is maintained by the District, an employee of the District, or any agent of the District except:

- Personal. Personal records kept by an employee of the District that meets the following tests:
  - (a). It is used only as a personal memory aid.
  - (b). It is kept in the personal possession of the individual who made it.
  - (c). It is not accessible and has never been revealed to any other person except the employee's temporary substitute.

- Medical. Medical treatment records maintained for "eligible students."

- Records. Records collected and maintained by a law enforcement unit of the school.

- Records. Records containing only information about a person after that individual is no longer a student in the District.

- An employment record that is used only in relation to a student's employment by the District. (Employment for this purpose does not include activities for which a student receives a grade or credit in a course.)

- Related. Related alumni records after the student no longer attends classes provided by the District, and the records do not relate to the person as a student.

- Personally identifiable information - Any data or information that makes the subject of a record known. This includes the student's name, the name(s) of the student's parent(s) or other family member(s), the student's address, the student's Social Security number, a student number, a list of personal characteristics, or other information that would make the student's identity easily traceable.

- Signed and dated written consent - May include a record and signature in electronic form that:

- Identifies and authenticates a particular person as the source of the electronic consent.
**STUDENT RECORDS**

- Indicates ☐. Indicates such person's approval of the information contained in the electronic consent.

**Locations of Education Records**

A list of types and locations of education records collected, maintained, or used will be provided to the parents on request [34 C.F.R. 300.616]. See Exhibit JR-EA.

**Procedure to Inspect Education Records**

Parents of a student, the designated representative of the parents, and an eligible student may inspect and review the student's education records that are collected, maintained, or used by the District [34 C.F.R. 300.501]. In some circumstances it may be mutually more convenient for the record custodian to provide copies of records. Charges for the copies of records will be costs of copying unless the fee would effectively prevent the parent from exercising rights to inspect and review those records [34 C.F.R. 300.613 and 300.617].

Since a student's records may be maintained in several locations, the school principal will offer to collect copies of records or the records themselves from locations other than a student's school so they may be inspected at one (1) site. However, if parents and eligible students wish to inspect records where they are maintained, the school's principal will make every effort to accommodate their wishes.

Parents, the designated representative of the parents, or the eligible student should submit to the student's school principal a signed and dated written request that identifies as precisely as possible the record or records wanted for inspection. The District will respond to any request without unnecessary delay before any meeting regarding any individual education program or hearing relating to the identification, evaluation, placement of a student, or the provision of a free appropriate public education, and in no case more than forty-five (45) days after the request has been made [34 C.F.R. 300.613 and 99.10]. See Exhibit JR-ED.

The principal, or other education records custodian, will contact the parent of the student or the eligible student to discuss how access will be best arranged (e.g., copies, at the exact location, or records brought to a single site).
STUDENT RECORDS

Parents have the right, upon reasonable request, for explanations and interpretations of the information contained in the records and a right to request copies of the records containing the information, if not in violation of stated policy of FERPA. Parents have the right to have a representative of the parent to inspect and review the records [34 C.F.R. 300.613 and 99.10].

The principal, or other education records custodian, will make the needed arrangements as promptly as possible and notify the parent or eligible student of the time and place where the records may be inspected. This procedure must be completed in forty-five (45) days or less after receipt of the request for access [34 C.F.R. 300.613].

If for any valid reason, such as working hours, distance between record location sites, or health, the parent or eligible student cannot personally inspect and review a student's education records, the District will arrange for the parent or eligible student to obtain copies of the record. See below for information regarding fees for copies of records [34 C.F.R. 300.613 and 99.10].

When a record contains information about students other than a parent's child or the eligible student, the parent or eligible student may not inspect and review the records of the other students [34 C.F.R. 300.615, 99.5 and 99.12].

Fees for Copies of Records

All records subject to disclosure under this procedure shall be available for inspection free of charge. If copies are desired, they shall be furnished by the District to the parent or eligible student on request and free of charge. Additional copies may be sent to other schools or agencies without charge. However, the District reserves the right to charge up to thirty-five cents (35¢) per page for multiple or excessive requests. Copies of available records shall be produced as promptly as possible upon receipt of the request. No fee will be charged for search and retrieval of records [34 C.F.R. 300. 617 and 617 and 99.11].

The District will provide copies of records:

- When the refusal to provide copies effectively denies access to the records by the parent or eligible student [34 C.F.R. 300.617].

- At the request of the parent or eligible student, when the District has provided the records to third parties by the prior consent of the parent or eligible student.
STUDENT RECORDS

At C. At the request of the parent or eligible student when the District has forwarded the records to another school where the student seeks or intends to enroll.

Directory Information

The District designates the following personally identifiable information contained in a student's education records as "directory information" and may disclose that information without prior written consent [20 U.S.C. 1232g(a)(5)(A)]:

- The A. The student's name.
- The B. The student's address.

C. The student's telephone listing.

D. The student's date of birth, and place of birth.

E. The student's electronic mail address.

F. The student's photograph.

- The G. The student's grade level.
- The H. The student's major field of study.
- I. The student's dates of attendance.

- J. The student's enrollment status (e.g., part time or full time).

- K. The student's participation in officially recognized activities and sports.

- L. The student's weight and height if a member of an athletic team.

- M. The student's honors and awards received.

- N. The student's most recently attended educational agency or institution.

Within the first three (3) weeks of each school year the District will publish in a District communication or send home with each student the above list, or a revised list, of the items of directory information designated as directory information. For a student who
STUDENT RECORDS

enrolls after the notice is published, the list will be given to the parent or eligible student at the time and place of enrollment. See Exhibit JR-EB.

After the parents or eligible student have been notified, they will have two (2) weeks to advise the District in writing (a letter to the Superintendent's office) of any or all of the items they refuse to permit the District to designate as directory information about that student.

According to state and federal law if the Governing Board permits the release of directory information relating to students to persons or organizations who inform students of educational or occupational opportunities, then the Governing Board shall provide access to directory information on the same basis to military official recruiting representatives for the purpose of informing students of educational and occupational opportunities available to them. Directory information shall be released on or before October 31 of each year unless the parent or eligible student requests in writing to the District (a letter to the Superintendent's office within two (2) weeks after notification) not to release directory information to any person or organization without prior signed and dated written consent. The District shall distribute a form, separate from any other form, designed and provided to districts by the Arizona Department of Education allowing pupils to request that directory information not be released. If the District distributes materials to pupils through electronic communication or on an internet website, the form may be distributed in the same manner. A person who is wrongfully denied access to directory information or access to school buildings, school grounds or other property may notify the Department of Education, which shall report the alleged violation to the United States Department of Education. If the parent or eligible student refuses to allow the release of directory information without prior signed and dated written consent, then the District will not provide military recruiters, upon request, directory information containing the student's name, addresses and telephone listings.

At the end of the two (2)-week period, if the parent or eligible student has not returned the form indicating refusal to allow the release of directory information, the District will assume it has their permission to release the above-mentioned information. This designation will remain in effect until it is modified by the prior signed and dated written direction of the parent or eligible student. The student's records will be appropriately marked by the records custodian to ensure compliance with the parents' or eligible student's request.

Use of Student Education Records

PHOENIX UNION HIGH SCHOOL DISTRICT NO. 210
STUDENT RECORDS

To carry out their responsibilities, school officials will have access to student education records for legitimate educational purposes. The District will use the following criteria to determine who are school officials [34 C.F.R. 99.31]:

- A. A person duly elected to the Board (under limited circumstances).
- A-B. A person certificated by the state and appointed by the Board to an administrative or supervisory position.
- A-C. A person certificated by the state and under contract to the Board as an instructor.
- A-D. A person employed by the Board as a temporary substitute for administrative, supervisory, or instructional personnel for the period of such performance as a substitute.
- A-E. A person employed by or under contract to the Board to perform a special task, such as a secretary, a clerk, the Board attorney, or auditor, for the period of such performance as an employee or contractor.

School-District officials who meet the criteria listed above will have access to a student's records if they have a legitimate educational interest in doing so [34 C.F.R. 99.32]. A "legitimate educational interest" is the person's need to know in order to:

- Perform-A. Perform an administrative task required in the school employee's position description approved by the Board.
- Perform-B. Perform a supervisory or instructional task directly related to the student's education.
- Perform-C. Perform a service or benefit for the student or the student's family, such as health care, counseling, student job placement, or student financial aid.

Records of students placed in special educational programs will be under the direct supervision of the program administration. All persons collecting or using personally identifiable information in records of students determined to be a student with a disability will receive training or instruction regarding Arizona's policies and procedures for the
STUDENT RECORDS

protection of these records at the collection, storage, disclosure, and destruction stages in accordance with FERPA and IDEA [34 C.F.R. 300.623].

The District will maintain for public inspection a current listing of the names and positions of employees who have access to personally identifiable information maintained on students placed in special education [34 C.F.R. 300.623]. When the information maintained in these records is no longer needed to provide educational services to the student, the District will notify the parents of their right to have the personally identifiable information destroyed [34 C.F.R. 300.624]. However a permanent record of a student's name, address, phone number, grades, attendance record, classes attended, grade level completed, and year completed will be maintained [34 C.F.R. 300.624]. Destruction of records will be accomplished in accordance with the requirements of Arizona law and regulations of the Department of Library, Archives, and Public Records [34 C.F.R. 300.623].

The District will release information from or permit access to a student's education records only with a parent's or eligible student's prior signed and dated written consent, except that the Superintendent or a person designated in writing by the Superintendent may permit disclosure [34 C.F.R. 99.30, 99.31, 99.34, and 99.37]:

- **When A.** When a student seeks or intends to enroll in another school district or a postsecondary school the District will not will not further notify parents or eligible students prior to such a transfer of records. Parents and student have a right a right to obtain copies of records transferred under this provision. See Exhibit JR-EC.

- **When B.** When certain federal and state officials need information in order to audit or enforce legal conditions related to related to federally supported education programs in the District.

- **To C.** To parties who provide or may provide financial aid to a student to:
  - **Establish1.** Establish the student's eligibility for the aid.
  - **Determine2.** Determine the amount of financial aid.
  - **Establish3.** Establish the conditions for the receipt of the financial aid.
  - **Enforce4.** Enforce the agreement between the provider and the receiver of financial aid.
STUDENT RECORDS

- **I.-D.** If a state law adopted before November 19, 1974, required certain specific items of information to be disclosed in personally identifiable form from student records to state or local officials.

- **I.-E.** If a state law adopted before November 19, 1974, required certain specific items of information to be disclosed in personally identifiable form from student records to state or local officials of the juvenile justice system and the officials certify in writing that the information will not be disclosed to any other party, except as provided under state law, without prior signed and dated written consent of the parent or the eligible student.

- **J.** When the District has entered into a written agreement or contract for an organization to conduct studies on the District’s behalf to develop tests, administer student aid, or improve instruction.

- **K.** To accrediting organizations to carry out their accrediting functions.

- **L.** To parents of an eligible student if the parents claim the student as a dependent as defined by the Internal Revenue Code of 1954.

- **M.** To comply with a judicial order or lawfully issued subpoena. The District will make a reasonable effort to notify the parent or the eligible student before making a disclosure under this provision unless directed otherwise by a court of competent jurisdiction.

- **N.** To comply with an ex parte order from a court of competent jurisdiction requiring the District to permit the U.S. Attorney General or U.S. Attorney General’s designee to collect education records in the possession of the District that are relevant to an authorized investigation or prosecution of an offense listed in 18 U.S.C. 2332b-2332b(g)(5)(B) for an act of domestic or international terrorism as defined in 18 U.S.C. 2331. An ex parte order is an order issued by a court of competent jurisdiction without notice to the adverse party. A disclosure pursuant to an ex parte order will not be recorded as a disclosure of information from a student's education records by the District.

- **O.** If the District initiates legal action against a parent or student, the District may disclose to the court, without a court
STUDENT RECORDS

A court order or subpoena, the education records of the student that are relevant for the District to proceed with the legal action.

- **If L.** If a parent or eligible student initiates legal action against the District, the District may, without a court order or subpoena, disclose the student's education records that are relevant for the District to defend itself.

- **M.** To comply with the request of authorized law enforcement officials conducting an investigation of acts of terrorism.

- **The N.** The disclosure is in connection with a health or safety emergency. Time is an important and limiting factor in determining whether the disclosure is in connection with a health or safety emergency. The District will permit any school official to make the needed disclosure from student education records in a health or safety emergency if:
  - **The 1.** The official deems the disclosure is warranted by the seriousness of the threat to the health or safety of the student or other persons.
  - **The 2.** The information is necessary and needed to address the emergency.
  - **The 3.** The persons to whom the information is to be disclosed are qualified and in a position to deal with the emergency.

- **The O.** The District may release student attendance, disciplinary, and other education records to a law enforcement agency and county attorney pursuant to an intergovernmental agreement between the District, the law enforcement agency, the county attorney, and other state, local, or tribal government agencies to create a local or tribal juvenile justice network for the purpose of:
  - **Providing 1.** Providing appropriate programs and services to intervene with juveniles currently involved in the juvenile justice system.
  - **Providing 2.** Providing appropriate programs and services designed to deter at-risk juveniles from dropping out of school or other delinquent behavior.
  - **Increasing 3.** Increasing the safety and security of the community and its children by reducing juvenile crime.

- **Education P.** Education records provided pursuant to an intergovernmental agreement entered into in accord with the above provisions shall be used solely for the
STUDENT RECORDS

purposes of the agreement and shall not be disclosed to any other party, except as provided by law.

A District school official may release information from a student's education records, other than directory information, to a third party if the parent or the eligible student gives prior signed and dated written consent for the disclosure and the third party agrees that the information will not be disclosed to any other party without the prior consent of the parent or eligible student. The signed and dated written consent must include at least:

- A. A specification of the records to be released.
- B. The reasons for the disclosure.
- C. The person or the organization or the class of persons or organizations to whom the disclosure is to be made.
- D. The signature of the parent or eligible student.
- E. The date of the consent and, if appropriate, a date when the consent is to be terminated.

The parent or the eligible student may obtain a copy of any records disclosed under this provision, unless otherwise provided.

Records of Requests for Access and Disclosures Made from Education Records

The District will maintain an accurate record of all requests for it to disclose information from or to permit access to a student's education records, and of information it discloses and access it permits, with some exceptions as listed below. This record will be kept with, but will not be a part of, each student's cumulative school records. It will be available only to the record custodian, the eligible student, the parent of the student, or to federal, state, or local officials for the purpose of auditing or enforcing federally supported educational programs [34 C.F.R. 99.32]. See Exhibit JR-EE.

The record will include at least:

- A. The name of the person, organization or agency that made the request.
- B. The interest the person, organization or agency had in the information.
STUDENT RECORDS

- **The C.** The date the person, organization or agency made the request.
- **Whether D.** Whether the request was granted and, if it was, the date access was permitted or the disclosure was made.

The District will maintain this record as long as it maintains the student's education records. The record will not include requests for access or access granted to:

- **the A.** the parent or eligible student,
- **authorized B.** authorized law enforcement officials conducting an investigation of acts of terrorism,
- **school C.** school officials who have a legitimate educational interest in the student,
- **requests D.** requests for or disclosures of information contained in the student's education records if the request is accompanied by or authorized by the prior signed and dated written consent of the parent or eligible student, or
- **for E.** for requests for or disclosures of directory information designated for that student.

Procedures to Seek to Correct Education Records
[34 C.F.R. 99.20 and 99.21]

Parents of students and eligible students have a right to seek to change any part of the student's record they believe is inaccurate, misleading, or in violation of student rights [34 C.F.R. 300.618 and 99.20]. *(Note: Under the FERPA, the District may decline to consider a request to change the grade a teacher assigns for a course.)*

For the purpose of outlining the procedure to seek to correct education records, the term **incorrect** will be used to describe a record that is inaccurate, misleading, or in violation of student rights. The term **correct** will be used to describe a record that is accurate, not misleading, and not in violation of student rights. Also, in this section, the term **requester** will be used to describe the parent of a student or the eligible student who is asking the District to correct a record.
STUDENT RECORDS

To establish an orderly process to review and correct education records for a requester, the District may make a decision to comply with the request for change at several levels in the procedure [34 C.F.R. 300.618 and 99.20].

First-level decision.—A parent of a student or an eligible student who finds an item in the student's education records that appears to be inaccurate, misleading, or in violation of student rights should immediately ask the record custodian to correct it. If the record is incorrect because of an obvious error and it is a simple matter to make the record change at this level, the record custodian will make the correction. However, if the record is changed at this level, the method and result must satisfy the requester.

If the custodian cannot change the record to the requester's satisfaction or the record does not appear to be obviously incorrect, the custodian will:

- Provide A. Provide the requester a copy of the questioned record at no cost.
- Ask B. Ask the requester to initiate a written request for the change.
- Follow C. Follow the procedure for a second-level decision.

Second-level decision.—The written request to correct a student's education records through the procedure at this level should specify the correction the requester wishes the District to make. It should at least identify the item thought to be incorrect and state whether the requester believes the item:

- Is A. Is inaccurate and why,
- Is B. Is misleading and why, or
- Violates C. Violates student rights and why.

The request will be dated and signed by the requester.

Within two (2) weeks after receiving a written request, the record custodian will study the request, discuss it with other school officials (the person who made the record or those who may have a professional concern about the District's response to the request), make a decision to comply or decline to comply with the request, and complete the appropriate steps to notify the requester or move the request to the next level for a decision.

If, as a result of this review and discussion, a decision is reached that the record should be corrected, the record custodian will affect the change and notify the requester, in
STUDENT RECORDS

writing, of that action. Each such notice will include an invitation for the requester to inspect and review the student’s education records to make certain the record is in order and the correction is satisfactory.

If a decision is reached that the record is correct, the custodian will make a written summary of any discussions with other officials and of the findings in the matter. This summary and a copy of the written request will be transmitted to the Superintendent.

Third-level decision. The Superintendent will review the material provided by the record custodian and, if necessary, discuss the matter with other officials such as the school attorney or the Board (in executive session unless otherwise requested by parent[s]). The Superintendent will then make a decision concerning the request and complete the steps at this decision level. Ordinarily, this level of the procedure should be completed within two (2) weeks. If it will take longer, the Superintendent will notify the requester in writing of the reasons for the delay and a date when the decision will be made.

If the Superintendent decides the record is incorrect and should be changed, the record custodian will be advised to make the changes. The record custodian will advise the requester of the change.

If the Superintendent decides the record is correct, a letter to the requester will be prepared that will include [34 C.F.R. 300.619 and 99.20]:

- The A. The District's decision that the record is correct and the basis for the decision.
- A-B. A notice to the requester explaining the requester's right to ask for a hearing to present evidence that the record is incorrect and that the District will grant such a hearing.
- Instructions C. Instructions for the requester to contact the Superintendent to discuss acceptable hearing officers, convenient times, and a satisfactory site for the hearing. (The District will not be bound by the requester's positions on these items but will, as far as possible, arrange the hearing as the requester wishes.)
- Advice D. Advice that the requester may be represented or assisted in the hearing by other parties, including an attorney, at the requester's expense.
STUDENT RECORDS

Fourth-level decision.-After the requester has submitted (orally or in writing) any wishes concerning the hearing officer and the time and place for the hearing, the Superintendent will, within one (1) week, notify the requester when and where the District will hold the hearing and whom it has designated as the hearing officer [34 C.F.R. 300.621, 99.21, 99.22, and 99.34].

At the hearing, the hearing officer will provide the requester a full and reasonable opportunity to present material evidence and testimony to demonstrate that the questioned part of the student's education records is incorrect as shown in the requester's written request for a change in the record (second level).

Within one (1) week after the hearing, the hearing officer will submit to the Superintendent a written summary of the evidence submitted at the hearing. Along with the summary, the hearing officer will submit recommendations, based solely on the evidence presented at the hearing, that the record should be changed or should remain unchanged.

The Superintendent will prepare the District's decision within two (2) weeks after the hearing. That decision will be based on the summary of the evidence presented at the hearing and on the hearing officer's recommendation. However, the District's decision will be based solely on the evidence presented at the hearing. Therefore, the Superintendent may overrule the hearing officer if the hearing officer's recommendation is deemed inconsistent with the evidence presented. As a result of the District's decision, the Superintendent will take one (1) of the following actions:

- **If A.** If the decision is that the District will change the record, the Superintendent will instruct the record custodian to correct the record. The record custodian will correct the record and notify the requester as at the second-level decision [34 C.F.R. 300.620 and 99.21].

- **If B.** If the decision is that the District will not change the record, the Superintendent will prepare a written notice to the requester that will include [34 C.F.R. 300.620 and 99.21]:
  - The District's decision that the record is correct and will not be changed.
  - A copy of a summary of the evidence presented at the hearing and a written statement of the
STUDENT RECORDS

reasons for the District's decision.

Advice to the requester that an explanatory statement may be placed in the student's education records stating the reasons for disagreement with the District's decision and/or the reasons for believing the record to be incorrect.

Final administrative step in the procedure.- When the District receives an explanatory statement from a requester after a hearing, it will maintain that statement as part of the student's education records as long as it maintains the questioned part of the record. The statement will be attached to the questioned part of the record and whenever the questioned part of the record is disclosed the explanatory statement will also be disclosed [34 C.F.R. 300.620 and 99.21].

Directory Information

Pursuant to FERPA (the

Annual Notification to Parents Regarding Confidentiality of Student Education Records [34 C.F.R. 300.612]

Dear Parent:

The Family Educational Rights and Privacy Act

), the District may permit access to or the release of directory information to the public unless the parent or eligible student gives written notice to the District that such information should not be made public without prior written consent. Notice must be given to the school within two (2) weeks after the student enrolls in the Phoenix Union High School District. Parents who do not wish information released about their children must complete a Directory Information Non-Release Form and return it to the school office. If this notification is not received, we will assume that your permission is given to use your son's/daughter's directory information as described above.

Directory information includes the following: a) student's name, b) class designation (grade), c) the student's extracurricular participation, d) the student's achievements, awards or honors, e) the student's height and weight if a member of an athletic team, f) the
STUDENT RECORDS

student's photograph, g) the student's enrollment status, and h) the school or school district the student attended before enrollment in this District.

Directory information is also used to compile such publications as newsletters, yearbooks, plays, athletic programs, etc. If you do not want your child's name or picture used in newsletters, yearbooks, plays, athletic programs, etc., you must check the box at the bottom of the Directory Information Non-Release Form.

Armed Forces and Military Recruiters may also request directory information. If you do not want your child's name, address and telephone number released to Armed Forces and Military Recruiters, an Armed Forces Recruiter Access Directory Information Non-Release Request Form must be completed and returned to the school office.

Notification of Confidentiality Rights

Regarding Education Records of Students and Their Parents

Confidentiality of education records is a right of public school students and their parents. Two federal laws, the Individuals with Disabilities Education Act (IDEA), and the Family Educational Rights and Privacy Act (FERPA) provide for this right. Under these laws, "education records" means those records that are: 1) directly related to a student; and 2) maintained by an educational agency or institution or by a party acting for the agency or institution. Of course, education records are maintained on every child enrolled in a public school. The types of information gathered and maintained includes, but is not limited to: the student's and parents' names, address and telephone number, the student's date and place of birth, date of enrollment in the school, records from previous schools attended, attendance record, subjects taken, grades, school activities, assessment results, number of credits earned, immunization records, disciplinary records, if any, correspondence from parents, and child find and other screening results, including hearing and vision screening results.

In addition, for children with disabilities, education records could include, but is not limited to, evaluation and testing materials, medical and health information, each annual Individualized Education Program (IEP), notices to parents, notes regarding IEP meetings, parental consent documents, information provided by parents, progress reports, assessment results, materials related to disciplinary actions, and mediation agreements.
STUDENT RECORDS

The information is gathered from a number of sources including the student's parents and staff of the school of attendance. Also, with parental permission, information may be gathered from additional sources including doctors and other health care providers.

This information is collected to assure proper identification of the student and the student's parents, including the maintenance of accurate records of the student's progress and activities in school. For children with disabilities, additional information is collected in order to assure the child is identified, evaluated, and provided a Free Appropriate Public Education (FAPE) in accordance with state and federal special education laws.

Each agency participating under Part B of IDEA must assure that at all stages of gathering, storing, retaining and disclosing education records to third parties that it complies with the federal confidentiality laws. In addition, the destruction of any education records of a child with a disability must be in accordance with IDEA regulatory requirements.

The federal Family Policy Compliance Office of the U.S. Department of Education has provided the following notice of parent's rights under FERPA:

- The Family Educational Rights and Privacy Act (FERPA) affords parents and students over eighteen (18) years of age ("eligible students") certain rights with respect to the student's education records. These rights are as follows:

  - The right to inspect and review the student's education records

(FERPA) affords parents and students over 18 years of age ("eligible students") certain rights with respect to the student's education records. The Governing Board has established written policies regarding the collection, storage, retrieval, release, use, and transfer of student educational information collected and maintained pertinent to the education of all students to ensure the confidentiality of the information and to guarantee parents' and students' rights to privacy. These policies and procedures are in compliance with:

The Family Education Rights and Privacy Act; Title 20, United States Code, Sections 1232g and 1232h; and the Federal Regulations (34 C.F.R., Part 99) issued pursuant to such act;

Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001 (USA PATRIOT ACT);
STUDENT RECORDS

Every Student Succeeds Act of 2015 (ESSA);

The Individuals with Disabilities in Education Act; 20 U.S.C. Chapter 33; and the Federal Regulations (34 C.F.R. Part 300); and

Arizona Revised Statutes, Title 15, sections 141 and 142.

Student education records are collected and maintained to help in the instruction, guidance, and educational progress of the student, to provide information to parents and staff members, to provide a basis for the evaluation and improvement of school programs, and for legitimate educational research. The students' records maintained by the District may include - but are not necessarily limited to, identifying data, report cards and transcripts of academic work completed, standardized achievement test scores, attendance data, reports of psychological testing, health data, teacher or counselor observations, and verified reports of serious or recurrent behavior patterns.

These records are maintained in the office of the District under the supervision of the school administrator and are available only to the teachers and staff members working with the student. Upon request, the District discloses education records, including disciplinary records, without consent to officials of another school district in which a student seeks or intends to enroll. Otherwise, records are not released to most agencies, persons or organizations without prior signed and dated written consent of the parent [34 C.F.R. 99.7]. The signed and dated written consent may be in electronic form under certain conditions [34 C.F.R. 99.30].

You shall be informed when personally identifiable information collected, maintained, or used is no longer needed to provide educational services to your child. The information must be maintained for two (2) years after the date your child was last enrolled in this school district.

You have the right to inspect and review any and all records related to your child within forty-five (45) days of the day the school receives of receiving a request for access. Parents or eligible students should submit to the school principal [or appropriate school official], including a listing of persons or organizations who have reviewed or have received copies of the information [34 C.F.R. 99.7]. Parents who wish to review their children's records should contact the principal for an appointment or submit to the principal a written request that identifies the record(s) they you wish to inspect. The school—official District personnel will make arrangements for access and notify
STUDENT RECORDS

The parent or eligible student—you of the time and place where the records may be inspected.

- The right to request the amendment of the student’s education records that the parent or eligible student believes are inaccurate.

Parents or eligible students may ask the school to amend a record that they believe is inaccurate. They should write the school principal [or appropriate school official]

District personnel will be available to explain the contents of the records to you. Copies of student education records will be made available to parents when it is not practicable for you to inspect and review the records at the school. Charges for the copies of records will be costs of copying unless the fee prevents the parent from exercising rights to inspect and review those records.

You have the right to request that an amendment be made to the student’s education records and to add comments of your own if you believe information in the record file is inaccurate or misleading [34 C.F.R. 99.7(a)(1)]. You should write the principal, clearly identify the part of the record they you want changed, and specify why it is inaccurate or misleading. If the school District decides not to amend the record as requested by the parent or eligible student you, the school District will notify the parent or eligible student you of the decision and advise them you of their the right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the parent or eligible student you when notified of the right to a hearing.

- You have the right to consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent. One (1) exception, which permits disclosure without consent, is disclosure to school officials with legitimate educational interests. A school official is a person employed by the school-District as an administrator, supervisor, instructor, or support staff member (including health or medical staff and law enforcement unit personnel); a person serving on the District Governing School Board; a person or company with whom the school-District has contracted to perform a special task (such as an attorney, auditor, medical consultant, or therapist); or a parent or student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks. A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility.
STUDENT RECORDS

The copies of the District student education records confidentiality policies and procedures may be reviewed in the assigned office in each school [34 C.F.R. 99.7]. You have the right to file a complaint with the U.S. Department of Education—Family Educational Rights and Privacy Act Office in Washington, D.C., concerning alleged failures by the Phoenix Union High School District to comply with the requirements of FERPA [34 C.F.R. 99.7]. The name and address of the Office that administers FERPA is:

Family Policy Compliance Office,
U.S. Department of Education,
400 Maryland Avenue, SW,
Washington, DC 20202-4605.
Student Surveys (JRR)
STUDENT SURVEYS

Student surveys will be prepared, administered, retained, and communicated to parents and students in a manner consistent with state and federal laws. The requirements of the Arizona Revised Statutes shall be as specified in the relevant statutes and subsequent regulations.

The District will comply with all statutes pertaining to surveys including the requirement that notwithstanding any other law, each school district and charter school shall obtain written informed consent from the parent of a pupil before administering any survey that is retained by a school district, a charter school or the department of education for longer than one (1) year and that solicits personal information about the pupil regarding a number of characteristics which are listed in the statute A.R.S. 15-117.

The District will comply with the provisions of the Family Educational Rights and Privacy Act (FERPA) and the Individuals with Disabilities Education Act (IDEA).

If a parent or eligible student believes that the District is violating the FERPA, that person has a right to file a complaint with the U.S. Department of Education. The address is:

The Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202-4605
Telephone number: (202) 260-3887

Annual Notification

At the beginning of every school year, every school district and charter school shall obtain written informed consent from the parent of a pupil to participate in any survey pursuant to A.R.S. 15-117 for the entire year. A parent of a pupil may at any time revoke consent for the pupil to participate in any survey pursuant to subsection A of section 15-117. For any pupil who is at least eighteen years of age, the permission or consent that would otherwise be required from the pupil's parent pursuant to this section is required only from the pupil. All surveys conducted pursuant to subsection A of section 15-117 shall be approved and
STUDENT SURVEYS

authorized by the school district or charter school. The school district or charter school is subject to the penalties prescribed in subsection L of section 15-117. A teacher or other school employee may not administer any survey pursuant to subsection A of section 15-117 without written authorization from the school district or charter school.

Adopted:

LEGAL REF.:
A.R.S.
15-101
15-102
15-104
15-117
15-141
15-142
15-249
15-741
20 U.S.C. 1232h
20 U.S.C. 1400 et seq., Individuals with Disabilities Education Act
20 U.S.C. 7908
34 C.F.R. 300
34 C.F.R. 98

CROSS REF.:
JI - Student Rights and Responsibilities
JICEC - Freedom of Expression
JIII - Student Concerns, Complaints, and Grievances
KB - Parental Involvement in Education