



## Carden of Tucson Policies and Procedures

### Policy

Individuals with Disabilities Education Act (IDEA '04) Child Find 34 CFR §300.111

CARDEN OF TUCSON will ensure that all children with disabilities within the boundaries of CARDEN OF TUCSON, including children with disabilities who are homeless or wards of the State, and children with disabilities attending private schools or homeschools, regardless of the severity of their disability, and who are in need of special education and related services are identified, located, and evaluated.

### Procedures

Individuals with Disabilities Education Act (IDEA '04) Child Find 34 CFR §300.111

1. CARDEN OF TUCSON will identify, locate, and evaluate all children with disabilities within their geographic boundaries who are in need of special education and related services. This must include:
  - a. Children who are homeless;
  - b. Children who are highly mobile, including migrant children;
  - c. Children who are wards of the State; and,
  - d. Children who are attending private schools or homeschools.
2. Child find must also include children who are suspected of having a disability and are in need of special education, even though:
  - a. They are advancing from grade to grade or
  - b. They are highly mobile children, including those who are migrant children.
3. CARDEN OF TUCSON will maintain a record of children who are receiving special education and related services.

### Public Awareness AAC R7-2-401.C

1. CARDEN OF TUCSON shall inform the general public and all parents within the CARDEN OF TUCSON's boundaries of responsibility of the availability of special education services for students aged 3 through 21 years and how to access those services. This includes information regarding early intervention services for children from birth through age 2.
2. CARDEN OF TUCSON is responsible for public awareness in private schools located within its boundaries of responsibilities.

## Child Identification and Referral AAC R7-2-401.D

1. CARDEN OF TUCSON shall establish, implement, and make available (either in writing or electronically) to its school-based personnel and all parents within CARDEN OF TUCSON's boundaries of responsibility, written procedures for the identification and referral of all children with disabilities aged 3 through 21, including children with disabilities attending private schools and home schools, regardless of the severity of their disability.
2. CARDEN OF TUCSON shall require appropriate school-based personnel to review the written procedures related to child identification and referral on an annual basis. CARDEN OF TUCSON shall maintain documentation of school-based personnel review.
3. Procedures for child identification and referral shall meet the requirements of the IDEA and its regulations, A.R.S. Title 15, Chapter 7, and the State Board of Education rules R7-2-401.
4. CARDEN OF TUCSON is responsible for child identification activities in which the parents reside unless:
  - a. The student is enrolled in a charter school or public education agency that is not a school district. In that event, the charter school or public education agency is responsible for child identification activities;
  - b. The student is enrolled in a nonprofit private school. In that event, the school district within whose boundaries the private school is located is responsible for child identification activities.
5. Identification (screening for possible disabilities) shall be completed within 45 calendar days after:
  - a. Entry of each preschool or kindergarten student and any student enrolling without appropriate records of screening, evaluation, and progress in school; or
  - b. Notification to CARDEN OF TUCSON by parents of concerns regarding developmental or educational progress by their child (aged 3 years through 21 years).
6. 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. Screening does not include detailed individualized comprehensive evaluation procedures.
7. For a student transferring into a school, the CARDEN OF TUCSON shall review enrollment data and educational performance in the prior school. If there is a history of special education for a student not currently eligible for special education, or of poor progress, the name of the student shall be submitted to the administrator for consideration of the need for a referral for a full and individual evaluation or other services

8. If a concern about a student is identified through screening procedures or through a review of records, CARDEN OF TUCSON shall notify the parents of the student of the concern within 10 school days and inform them of CARDEN OF TUCSON's procedures to follow up on the student's needs.
9. CARDEN OF TUCSON shall maintain documentation of the identification procedures used, the dates of entry into school or the notification by parents made pursuant to subsection (D)(5), and the dates of screening. The results shall be maintained in the student's permanent records in a location designated by the administrator. In the case of a student not enrolled, the results shall be maintained in a location designated by the administrator.
10. If the identification process 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 who has reached the age of majority may request an evaluation of the student. For parentally placed private school students, the school district within whose boundaries the nonprofit private school is located is responsible for such evaluation.
11. If, after consultation with the parent, CARDEN OF TUCSON determines that a full and individual evaluation is not warranted, CARDEN OF TUCSON shall provide prior written notice and procedural safeguards notice to the parent in a timely manner.

## EVALUATION Policies and Procedures

### Policy

A full and individual initial evaluation will be conducted by CARDEN OF TUCSON before the initial provision of special education and related services to a child with a disability in accordance with 34 CFR §§300.300–300.311 of the IDEA regulations. A reevaluation of each child with a disability will be conducted by CARDEN OF TUCSON in accordance with §§300.300–300.311 of the IDEA regulations.

### Procedures

#### Parent Consent §300.300

1. When CARDEN OF TUCSON proposes to conduct an initial evaluation to determine if a child qualifies as a child with a disability, after reviewing existing

data with the parents and providing prior written notice, CARDEN OF TUCSON will obtain informed consent from the parent of the child before collecting any additional data.

- a. Parental consent for initial evaluation must not be construed as consent for initial provision of special education and related services.
  - b. CARDEN OF TUCSON must make reasonable efforts to obtain the informed consent from the parent for an initial evaluation.
2. For initial evaluations only, if the child is a ward of the State and is not residing with the child's parent, CARDEN OF TUCSON is not required to obtain consent from the parent if:
  - a. Despite reasonable efforts to do so, CARDEN OF TUCSON cannot discover the whereabouts of the parents of the child;
  - b. The rights of the parents of the child have been terminated by the court;
  - c. The rights of the parent to make educational decisions have been subrogated by a judge and consent for an initial evaluation has been given by an individual appointed by the judge to represent the child.
3. CARDEN OF TUCSON 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 CARDEN OF TUCSON refuses consent for an initial evaluation.
4. CARDEN OF TUCSON must obtain informed consent from the parent of the child before the initial provision of special education and related services to the child and must make reasonable efforts to obtain that consent.
5. If a parent refuses consent for the initial provision of special education and related services, CARDEN OF TUCSON may not seek consent through due process hearing procedures. CARDEN OF TUCSON:
  - a. Will not be considered in violation for not providing FAPE;
  - b. Is not required to convene an IEP team meeting or develop an IEP for the child.
6. CARDEN OF TUCSON must obtain informed consent prior to conducting any reevaluation of a child with a disability.
  - a. If the parent refuses consent, CARDEN OF TUCSON may use due process hearing procedures to seek consent but does not violate its obligation if it declines to pursue the evaluation or the reevaluation.
  - b. The informed parental consent for reevaluation need not be obtained if CARDEN OF TUCSON can demonstrate that:
    - i. it made reasonable efforts to obtain such consent and has documented those attempts;
    - ii. the child's parent has failed to respond.

7. Parental consent is not required before:
  - a. Reviewing existing data as part of an evaluation or reevaluation; or
  - b. Administering a test or other evaluation that is administered to all children unless consent is required of parents of all children prior to administration.
8. CARDEN OF TUCSON may not use a parent's refusal to consent to one service or activity under this section to deny the parent or child any other service, benefit, or activity of CARDEN OF TUCSON, except as required by this part.
9. If a parent of a child who is home schooled or placed in a private school by the parents at their own expense does not provide consent for the initial evaluation or the reevaluation, or the parent fails to respond to a request to provide consent, CARDEN OF TUCSON may not utilize due process hearing procedures to seek consent.

### Initial Evaluations §300.301

1. Consistent with consent requirements of §300.300, either a parent of a child or CARDEN OF TUCSON may initiate a request for an initial evaluation to determine if a child is a child with a disability.
2. The initial evaluation must:
  - a. Be completed within 60 days of receiving parental consent for the evaluation, unless:
    - i. The parents and CARDEN OF TUCSON agree that it is in the best interest of the child to extend the timeline to complete the evaluation for an additional 30 days;
    - ii. The child enrolls in CARDEN OF TUCSON from another public education agency after the parent has provided consent and before the determination of eligibility by the other agency (In that event, CARDEN OF TUCSON will ensure prompt completion of the evaluation); or
    - iii. The parent of a child with a disability repeatedly fails or refuses to produce the child for the evaluation.
  - b. Consist of procedures to determine if the child is a child with a disability and to determine the educational needs of the child.

### Reevaluations §300.303

1. CARDEN OF TUCSON will conduct a reevaluation of a child with a disability if:
  - a. CARDEN OF TUCSON determines that the educational or related service needs, including improved academic achievement and functional performance, of the child warrant a reevaluation, or
  - b. If the child's parents or teacher requests a reevaluation, except that

- c. CARDEN OF TUCSON will not conduct a reevaluation more than once a year unless the parent and District agree otherwise.
2. CARDEN OF TUCSON will conduct a reevaluation at least once every 3 years, unless the parent and CARDEN OF TUCSON agree that a reevaluation is unnecessary.

### Evaluation Procedures §300.304

1. CARDEN OF TUCSON 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 CARDEN OF TUCSON proposes to conduct.
2. In conducting an evaluation or reevaluation, CARDEN OF TUCSON will:
  - a. Use a variety of assessment tools and strategies to gather relevant functional, developmental, and academic information about the child, including information provided by the parent in order to determine:
    - i. Whether the child is a child with a disability; and
    - ii. If the child is a child with a disability, information related to enabling the child to be involved in and progress in the general education curriculum (or for a preschool child, to participate in appropriate activities).
  - b. Not use any single measure or assessment as the sole criterion for determining whether a child is a child with a disability and for determining an appropriate educational program for the child; and
  - c. Use technically sound instruments that may assess the relative contribution of cognitive and behavioral factors, in addition to physical or developmental factors.
3. CARDEN OF TUCSON will ensure that evaluation materials and strategies:
  - a. Are selected and administered so as not to be discriminatory on a racial or cultural basis;
  - b. Are administered in the child's native language or other mode of communication and in the form most likely to yield accurate information on what the child knows and can do academically, developmentally, and functionally, unless it is clearly not feasible to do so;
  - c. Are used for the purposes for which the assessment(s) or measure(s) are valid and reliable;
  - d. Are administered by trained and knowledgeable personnel;
  - e. Are administered in accordance with the instructions provided by the assessment publisher;
  - f. Are selected and administered so as to ensure that if administered to a child with impaired sensory, manual, or speaking skills, the assessment results accurately reflect the child's aptitude or achievement level or

- whatever other factors the test purports to measure rather than reflecting the child's impairments (unless those skills are the factors being measured).
- g. Assess the child in all areas related to the suspected disability, including, if appropriate, health, vision, hearing, social and emotional status, general intelligence, academic performance, adaptive behavior, communicative status, and motor abilities; and
  - h. Are sufficiently comprehensive to identify all of the child's special education and related service(s) needs, whether or not those needs are commonly associated with the child's disability.
  - i. Provide relevant information that directly assists in determining the educational needs of the child.
4. Evaluations of children who transfer to or from another public education agency in the same school year are coordinated with the prior and subsequent schools, in order to expedite the completion of a full evaluation.

#### Additional Evaluation Requirements §300.305

1. As part of an initial evaluation (if appropriate), and as part of any reevaluation, the IEP team and other qualified professionals, as appropriate, will:
  - a. Review existing evaluation data on the child including:
    - i. Evaluations and information provided by the parents;
    - ii. Current classroom-based, local, and statewide assessments, and classroom-based observations; and
    - iii. Observations by teachers and related services providers.
  - b. On the basis of that review and input from the child's parents, identify what additional data, if any, are needed to determine:
    - i. Whether the child is or continues to be a child with a disability and if so, the educational needs of the child;
    - ii. The present levels of academic achievement and related developmental needs of the child; and
    - iii. Whether the child needs special education and related services to enable the child to meet measurable annual IEP goals and to participate, as appropriate, in the general education curriculum.
  - c. The IEP team may conduct the review without a meeting.
2. If additional data are needed, CARDEN OF TUCSON will administer the assessments required to obtain the additional data.
3. If additional data are not needed to determine whether the child continues to be a child with a disability and to determine the child's educational needs, CARDEN OF TUCSON will notify the parents of:

- a. The determination and the reasons for the determination; and
  - b. The right of the parents to request an assessment to determine whether the child continues to be a child with a disability and to determine the child's educational needs.
4. CARDEN OF TUCSON will evaluate a child before determining that the child is no longer a child with a disability except when the termination is due to graduation with a regular high school diploma or the child's reaching age 22.
5. When the child's eligibility terminates because of graduation or reaching age 22, CARDEN OF TUCSON 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.

### Determination of Eligibility §300.306

1. Upon completion of the evaluation process, CARDEN OF TUCSON will ensure that:
  - a. A group of qualified professionals and the parent of the child determine:
    - i. If the child is a child with a disability under the Individuals with Disabilities Education Act and the Arizona State Statutes; and
    - ii. If so, the educational needs of the child.
  - b. The parents are provided, at no cost, a copy of the evaluation report and eligibility determination.
2. A child will not be determined to be a child with a disability if the primary factor for the determination is:
  - a. Lack of appropriate instruction in reading, including the essential components of reading instruction (as defined in section 1208(3) of the ESEA as such section was in effect on the day before the date of enactment of the Every Student Succeeds Act (ESSA) (December 9, 2015);
  - b. Lack of appropriate instruction in math; or
  - c. Limited English proficiency.
3. The eligibility determination, including education needs, will be based on all of the information sources used in the evaluation process, and if the child is deemed eligible and in need of special education and related services, an IEP will be developed in accordance with §§300.320 through 300.324.



## Additional Procedures for Identifying Children with Specific Learning Disabilities

### §300.307

1. Option 1:
  - a. CARDEN OF TUCSON 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
2. Option 2:
  - a. CARDEN OF TUCSON will establish a criterion 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
3. Option 3:
  - a. CARDEN OF TUCSON 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  
§§300.307–300.311:
    - i. The state-adopted criteria based on a child's response to scientific, research-based intervention;
    - ii. The identification of a severe discrepancy between intellectual ability and achievement.

### Additional Group Member §300.308

1. The determination of whether a child suspected of having a specific learning disability is a child with a disability must be made by the child's parents and a team of qualified professionals that must include:
  - a. The child's regular teacher; or
  - b. If the child does not have a regular teacher, then a regular teacher qualified to teach children of that age;
  - c. For a child of less than school age, an individual qualified by the State to teach children of his/her age;
  - d. At least one person qualified to conduct individual diagnostic evaluations of children, such as a school psychologist, speech-language pathologist, or remedial reading teacher.

### Determining the Existence of a Specific Learning Disability §300.309

1. A child may be determined to have a specific learning disability if:
  - a. The child does not achieve adequately for the child's age or to meet

state-approved grade-level standards in one or more of the following areas, when provided with learning experiences and instruction

appropriate for the child's age or meet State approved grade-level standards:

- i. Oral expression
    - ii. Listening comprehension
    - iii. Written expression
    - iv. Basic reading skill
    - v. Reading fluency skills
    - vi. Reading comprehension
    - vii. Mathematics calculation
    - viii. Mathematics problem solving
  - b. The child does not make sufficient progress to meet age or State approved grade-level standards in one or more of the areas in (1)(a) when using a process based on the child's response to scientific, research-based intervention; or
  - c. The child exhibits a pattern of strengths and weaknesses in performance, achievement, or both, relative to age, State approved grade-level standards, or intellectual development, that is determined by the group to be relevant to the identification of a specific learning disability, using appropriate assessments.
2. The findings of this section are not primarily the result of:
- a. A visual, hearing, or motor disability;
  - b. Intellectual disability;
  - c. Emotional disturbance;
  - d. Cultural factors;
  - e. Environmental or economic disadvantage; or
  - f. Limited English proficiency.
3. The group must ensure that the underachievement is not due to a lack of appropriate instruction in reading or math and must consider:
- a. Data that demonstrate that prior to, or as part of, the referral process, the child was provided appropriate instruction in regular education settings, delivered by qualified personnel; and
  - b. Data-based documentation of repeated assessments of achievement at reasonable intervals, reflecting formal assessment of student progress during instruction, which was provided to the child's parents.
4. CARDEN OF TUCSON must promptly request parent consent to evaluate if, prior to referral, the child has not made adequate progress after an appropriate period of time when provided instruction described in (3)(a) and (b).

## Observation §300.310

1. CARDEN OF TUCSON must ensure that the child is observed in his/her learning environment, including the regular classroom setting, to document the child's academic performance and behavior in the areas of difficulty.
2. In the case of a child of less than school age or who is out of school, a group member must observe the child in an environment appropriate for a child of that age.

## Specific Documentation for the Eligibility Determination §300.311

1. For a child suspected of having a specific learning disability, the eligibility determination must contain a statement of:
  - a. Whether the child has a specific learning disability;
  - b. The basis for making the determination, including an assurance the determination was made in accordance with the Individuals with Disabilities Education Act;
  - c. The relevant behavior, if any, noted during the observation and the relationship of that behavior to the child's academic functioning;
  - d. The educationally relevant medical findings, if any;
  - e. Whether the child does not achieve adequately for his/her age or to meet State approved grade-level standards consistent with (1)(a); and does not make sufficient progress to meet age or State approved grade-level standards consistent with (1)(b); or
  - f. The child exhibits a pattern of strengths and weaknesses in performance, achievement, or both, relative to age, State approved grade-level standards. or intellectual development consistent with (1)(c).
  - g. The determination of the group concerning the effects of a visual, hearing, or motor disability; intellectual disability; emotional disturbance; cultural factors; environmental or economic disadvantage; or limited English proficiency of the child's achievement level.
2. If the child participated in a process that assessed the child's response to scientific, research-based intervention, the determination must include:
  - a. The instructional strategies used and the student-centered data collected;
  - b. Documentation that the child's parents were notified about the State's policies regarding the amount and nature of student performance that would be collected and the general education services that would be provided;
  - c. Strategies for increasing the rate of learning; and
  - d. The parent's right to request an evaluation.

3. Each group member must certify in writing whether the report reflects the member's conclusion. If it does not, the group member must submit a separate statement presenting the member's conclusions.

### Evaluation/Reevaluation AAC R7-2-401.E

1. CARDEN OF TUCSON shall establish, implement, and make available to school-based personnel and parents within its boundaries of responsibility written procedures for the initial full and individual evaluation of students suspected of having a disability, and for the reevaluation of students previously identified as being eligible for special education.
2. Procedures for the initial full and individual evaluation of children suspected of having a disability and for the reevaluation of students with disabilities shall meet the requirements of IDEA and its regulations, State Statutes, and State Board of Education rules.
3. The initial evaluation of a child being considered for special education, or the reevaluation per a parental request of a student already receiving special education services, shall be conducted within 60 calendar days from CARDEN OF TUCSON's receipt of the parent's informed written consent and shall conclude with date of the multidisciplinary evaluation team (MET) determination of eligibility.
4. If the parent requests the evaluation, CARDEN OF TUCSON, within a reasonable amount of time not to exceed 15 school days from the date it receives a parent's written request for an evaluation, either begin the evaluation by reviewing existing data or provide prior written notice refusing to conduct the requested evaluation. The 60- day evaluation period shall commence upon CARDEN OF TUCSON's receipt of the parent's informed written consent.
5. The 60-day evaluation period may be extended for an additional 30 days, provided it is in the best interest of the child and the parent and CARDEN OF TUCSON agree in writing to such an extension. Neither the 60-day evaluation period nor any extension shall cause a reevaluation to exceed the timelines for a reevaluation within three years of the previous evaluation.
6. CARDEN OF TUCSON may accept current information about the student from another state, public agency, public education agency, or through an independent educational evaluation. In such instances, the multidisciplinary evaluation team shall be responsible for reviewing and approving or supplementing an evaluation to meet the requirements identified in subsections (E)(1) through

7. For the following disabilities, the full and individual initial evaluation shall include:
  - a. Emotional disability: verification of a disorder by a qualified professional.
  - b. Hearing impairment:
    - i. An audiological evaluation by a qualified professional, and
    - ii. An evaluation of communication/language proficiency.
  - c. Other health impairment: verification of a health impairment by a qualified professional.
  - d. Specific learning disability: a determination of whether 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 meets CARDEN OF TUCSON criteria through one of the following methods:
    - i. A discrepancy between achievement and ability;
    - ii. The child's response to scientific, research-based interventions; or
    - iii. Other alternative research-based procedures.
  - e. Orthopedic impairment: verification of the physical disability by a qualified professional.
  - f. Speech/language impairment: an evaluation by a qualified professional.
  - g. For students whose speech impairments appear to be limited to articulation, voice, or fluency problems, the written evaluation may be limited to:
    - i. An audiometric screening within the past calendar year,
    - ii. A review of academic history and classroom functioning,
    - iii. An assessment of the speech problem by a speech therapist, or
    - iv. An assessment of the student's functional communication skills.
  - h. Traumatic brain injury: verification of the injury by a qualified professional.
  - i. Visual impairment: verification of a visual impairment by a qualified professional.
8. The Special Education Department shall develop a list, subject to review and approval of the State Board of Education, of qualified professionals eligible to conduct the appropriate evaluations prescribed in subsection (E)(7).
9. The multidisciplinary evaluation team shall determine, in accordance with the IDEA and regulations, whether the requirements of subsections (E)(7)(a) through (i) are required for a student's reevaluation.

## FREE APPROPRIATE PUBLIC EDUCATION(FAPE) Policies and Procedures

### Policy

A free appropriate public education (FAPE) will be available to all children within the boundaries of responsibility of CARDEN OF TUCSON, including children with disabilities who have been suspended or expelled from school as provided for in §300.530(d) of the IDEA regulations.

### Procedures

Determination of Eligibility §300.306, Additional Group Members §300.308

CARDEN OF TUCSON will make the determination that a child is eligible for special education and related services on an individual basis by a properly constituted team.

### Free Appropriate Public Education §300.101

1. For Preschool Children (3 to 5) CARDEN OF TUCSON will:
  - a. Make FAPE available no later than the child's third birthday;
  - b. Ensure that an IEP or an IFSP is in effect for each child by that date;
  - c. Ensure that a child's IEP team determines the date when services under the IEP or IFSP will begin if a child's third birthday occurs during the summer.
  - d. 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.
  
2. For School-Aged Children (5 to 21)
  - a. CARDEN OF TUCSON 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. ARS 15-764.A(5) Powers of the School District Governing Board or County School Superintendent
  - b. The governing board of each school district or the county school superintendent shall establish policy with regard to allowable pupil teacher ratios and pupil-staff ratios within the school district or county for provision of special education services.
  - c. ARS 15-764.B Powers of the School District Governing Board or County School Superintendent The special education programs and services established pursuant to this section and section 15-765 shall be conducted only in a school facility which houses regular education classes or in other facilities approved by the division of special education.

## Assistive Technology §300.105

1. CARDEN OF TUCSON will ensure that assistive technology devices or services, or both, will be available to a child with a disability, if required, as a part of:
  - a. Special education,
  - b. Related services, and
  - c. Supplementary aids and services.
2. On a case-by-case basis, CARDEN OF TUCSON will ensure the use of school-purchased assistive technology devices in a child's home or other setting if the child's IEP team determines that the child needs access to those devices in order to receive FAPE.

## Extended School Year Services (ESY) §300.106

1. CARDEN OF TUCSON will make extended school year services available as necessary to provide FAPE to children with disabilities.
  - a. ESY services will be provided only if a child's IEP team determines, in accordance with §§300.320–300.324, that the services are necessary for the provision of FAPE.
  - b. Services will not be:
    - i. Limited to a particular category of disability; or
    - ii. Unilaterally limited to the type, amount, or duration of services.
2. The ESY services that are provided to a child with a disability will:
  - a. Be provided beyond the normal school year of CARDEN OF TUCSON;
  - b. Be provided in accordance with the child's IEP;
  - c. Be provided at no cost to the parents of the child; and
  - d. Meet the standards of the State.

## Nonacademic Services §300.107

1. CARDEN OF TUCSON 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.
2. Nonacademic and extracurricular services and activities may include counseling services, athletics, transportation, health services, recreational activities, special interest groups or clubs sponsored by CARDEN OF TUCSON, referrals to agencies that provide assistance to individuals with disabilities, and employment of students, including both employment by CARDEN OF TUCSON and assistance in making outside employment available.

## Physical Education §300.108

1. CARDEN OF TUCSON will make regular physical education services available to children with disabilities to the same extent that CARDEN OF TUCSON provides those services to children without disabilities, unless.
  - a. The child is enrolled full time in a separate facility; or
  - b. The child needs specially designed physical education as prescribed in the child's IEP.
2. If a child is enrolled in a separate facility, CARDEN OF TUCSON will ensure that the child receives appropriate physical education services.
3. If special physical education is prescribed in a child's IEP, CARDEN OF TUCSON will provide for those services, either directly or through other public or private programs.

## Program Options §300.110

CARDEN OF TUCSON will ensure that children with disabilities have available to them the variety of educational programs and services that are available to nondisabled children (including electives and CTE.).

## Routine Checking of Hearing Aids and External Components of Surgically Implanted Medical Devices §300.113

1. CARDEN OF TUCSON will ensure that the hearing aids worn in school by children with hearing impairments are functioning properly; and
2. The external components of surgically implanted medical devices (e.g., cochlear implants) are functioning properly, except that CARDEN OF TUCSON will not be responsible for any post-surgical maintenance, programming, or replacement of any component, external or internal, of the medical device.

## Methods of Ensuring Services §300.154

1. CARDEN OF TUCSON 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 CARDEN OF TUCSON:
  - a. May not require parents to sign up for or enroll in public benefits or insurance programs to receive FAPE;



- b. May not require parents to incur out-of-pocket expenses such as payment of a deductible or co-pay for services required by IDEA, but may pay the cost that parents otherwise would be required to pay;
  - c. May not use a child's public benefit if that use would:
    - i. Decrease lifetime benefits;
    - ii. Result in the family paying for non-school services that would otherwise be paid for by public benefits;
    - iii. Increase premiums or lead to discontinuation of benefits; or
    - iv. Risk loss of eligibility.
2. CARDEN OF TUCSON must notify parents that their refusal to allow access to their public benefits does not relieve CARDEN OF TUCSON of its responsibility to provide all required IDEA services.
  3. CARDEN OF TUCSON must obtain a one-time written consent from the parent, after providing written notification and before accessing the child's or the parent's public benefits for the first time. The consent must specify:
    - a. The personally identifiable information that may be disclosed;
    - b. The purpose of the disclosure; and
    - c. The agency to which the disclosure may be made.
  4. CARDEN OF TUCSON must provide a written notification to the child's parents before accessing the child's or parent's public benefits or insurance for the first time and prior to obtaining the one time parental consent and annually thereafter.

#### Parental Consent AAC R7-2-401.F

1. CARDEN OF TUCSON shall obtain informed written consent from the parent of the child with a disability before the initial provision of special education and related services to the child.
2. If the parent of a child fails to respond to a request for, or refuses to consent to, the initial provision of special education and related services, CARDEN OF TUCSON may not use mediation or due process procedures in order to obtain agreement or a ruling that the services may be provided to the child.
3. If the parent of the child refuses to consent to the initial provision of special education and related services, or the parent fails to respond to a request to provide consent for the initial provision of special education and related services, CARDEN OF TUCSON:
  - a. Will not be considered to be in violation of the requirement to make available FAPE to the child because of the failure to provide the child with

- the special education and related services for which the parent refuses to or fails to provide consent, and
- b. Is not required to convene an IEP team meeting or develop an IEP in accordance with these rules.
4. If, at any time after the initial provision of special education and related services, the parent of a child revokes consent in writing for the continued provision of special education and related services, CARDEN OF TUCSON:
- a. May not continue to provide special education and related services to the child, but shall provide prior written notice before ceasing the provision of special education and related services;
  - b. May not use the mediation procedures or the due process procedures in order to obtain agreement or a ruling that the services may be provided to the child;
  - c. Will not be considered to be in violation of the requirement to make FAPE available to the child because of the failure to provide the child with further special education and related services; and
  - d. Is not required to convene an IEP team meeting or develop an IEP for the child for further provision of special education and related services.
5. If a parent revokes consent in writing for the child's receipt of special education services after the child is initially provided special education and related services, CARDEN OF TUCSON is not required to amend the child's education records to remove any references to the child's receipt of special education and related services because of the revocation of consent.

### Preschool Programs AAC R7-2-401.K

CARDEN OF TUCSON is responsible for serving preschool children with disabilities and will establish, implement, and make available to its personnel and parents, written procedures for:

1. The operation of the preschool program, in accordance with federal statute and regulations and the State Statutes, that provides a continuum of placements for students;
2. The smooth and effective transition from the Arizona Early Intervention Program to a public school preschool program in accordance with the agreement between the Department of Economic Security and the Department; and
3. The provision of a minimum of 360 minutes per week of instruction in a program that meets at least 216 hours over the minimum number of days.

## Children in Private Schools AAC R7-2-401.L

CARDEN OF TUCSON will establish, implement, and make available to its personnel and parents written procedures regarding the access to special education services to students enrolled in private schools by their parents as identified by the IDEA and its regulations, State Statutes, and State Board of Education rules.

## LEAST RESTRICTIVE ENVIRONMENT (LRE) Policies and Procedures

### Policy

Children with disabilities, including children in public or private institutions or other care facilities, will be educated to the maximum extent appropriate with children who are not disabled in accordance with §§300.114–300.117 of the IDEA regulations.

### Procedures

#### LRE Requirements §300.114

CARDEN OF TUCSON will ensure that special classes, separate schooling, or other removals of children with disabilities from the regular educational environment occur 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.

#### Continuum of Alternative Placements §300.115

1. CARDEN OF TUCSON will make available a continuum of alternative placements to meet the needs of children with disabilities for special education and related services.
2. The continuum of alternative placements will include:
  - a. Instruction in regular classes, special classes, special schools, home instruction, and instruction in hospitals and institutions;
  - b. Supplementary services, such as a resource room or itinerant instruction, to be provided in conjunction with regular class placement.

## Placements §300.116

1. The placement decision for each child will be:
  - a. Made by a group that includes the parents and other persons knowledgeable about the child, about the meaning of the evaluation data, and about the placement options;
  - b. In conformity with the LRE provisions of the IDEA regulations
  - c. Determined at least annually;
  - d. Based on the child's IEP; and
  - e. As close as possible to the child's home.
2. Unless the IEP of a child requires some other arrangement, the child will be educated in the school that he or she would attend if not disabled.
3. In selecting the LRE, consideration will be given to any potential harmful effect on the child or on the quality of services that she or he needs.
4. A child with a disability will not be removed from age-appropriate regular classrooms solely because of needed modifications in the general education curriculum.

## Nonacademic Settings §300.117

1. In providing or arranging for the provision of nonacademic and extracurricular services and activities, including meals, recess periods, and other nonacademic activities, CARDEN OF TUCSON must ensure that each child with a disability participates with nondisabled children in the extracurricular services and activities to the maximum extent appropriate to the needs of that child.
2. CARDEN OF TUCSON will ensure that the supplementary aids and services determined by the IEP team to be appropriate and necessary are provided to allow the child to participate in nonacademic settings.

## Least Restrictive Environment AAC R7-2-401.H

1. CARDEN OF TUCSON shall establish, implement, and make available to its school-based personnel and parents, written procedures to ensure the delivery of special education services in the least restrictive environment as identified by IDEA and its regulations, the State Statutes, and the State Board of Education rules.
2. A continuum of services and supports for students with disabilities shall be available through CARDEN OF TUCSON.

## INDIVIDUALIZED EDUCATION PLAN (IEP) Policies and Procedures

### Policy

CARDEN OF TUCSON shall ensure that an IEP is developed and implemented for each eligible child served by CARDEN OF TUCSON and for each eligible child placed in or referred to a private school or facility by CARDEN OF TUCSON in accordance with §§300.320–300.325 of the IDEA regulations.

### Procedures

#### Contents of the IEP §300.320

1. The contents of each IEP will include a statement of:
  - a. The child's present levels of academic achievement and functional performance, including:
    - i. How the child's disability affects the child's involvement and progress in the general education curriculum; or
    - ii. For preschool children, as appropriate, how the disability affects the child's participation in appropriate activities;
  - b. Measurable annual goals, including academic and functional goals designed to:
    - i. Meet the child's needs that result from the child's disability to enable the child to be involved in and make progress in the general education curriculum; and
    - ii. Meet each of the child's other educational needs that result from the child's disability;
    - iii. For children with disabilities who take alternate assessments aligned to alternate achievement standards a description of benchmarks or short-term objectives;
  - c. How the child's progress toward meeting the IEP goals will be measured and when periodic reports on the child's progress toward the goals will be provided;
  - d. The special education and related services to be provided to the child, the supplementary aids and services to be provided to the child or on behalf of the child, and the program modifications or supports for school personnel that will be provided to enable the child:
    - i. To advance appropriately toward attaining the annual goals; and
    - ii. To be involved in and progress in the general education curriculum and to participate in extracurricular and other nonacademic activities with other children with disabilities and nondisabled children.
  - e. The extent, if any, to which the child will not participate with nondisabled children in the regular class and in extracurricular and other nonacademic activities;

- f. Any individual accommodations that are needed to measure the academic achievement and functional performance of the child on State and district-wide assessments;
- g. 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:
  - i. the child cannot participate in the regular assessment; and
  - ii. the particular alternate assessment selected is appropriate for the child.
- h. The projected date for the beginning of the services and modifications and the anticipated frequency, location, and duration of those services and modifications.
- i. Beginning not later than the first IEP to be in effect when the child turns 16 (or younger if determined appropriate by the IEP team) and updated annually, the IEP will also include a statement of:
  - i. Appropriate measurable postsecondary goals based upon age-appropriate transition assessments related to training, education, employment, and where appropriate, independent living skills;
  - ii. Transition services (including courses of study) needed to assist the child in reaching those goals.
- j. Beginning not later than one year before a student reaches the age of 18, the IEP will include a statement that the parents and the student have been informed of the rights under Part B, if any, that will transfer to the student on reaching the age of 18.

### The IEP Team §300.321

1. The IEP team for each child with a disability will include:
  - a. The parents of the child;
  - b. Not less than one regular education teacher of the child (if the child is, or may be, participating in the regular education environment);
  - c. Not less than one special education teacher of the child, or where appropriate, not less than one special education provider of the child;
  - d. A representative of CARDEN OF TUCSON who:
    - i. Is qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of children with disabilities;
    - ii. Is knowledgeable about the general education curriculum; and
    - iii. Is knowledgeable about the availability of resources of CARDEN OF TUCSON;
    - iv. May be a CARDEN OF TUCSON team member described in (b) through (f) if the above criteria are met.

- e. An individual who can interpret the instructional implications of evaluation results, who may be a member of the team described in (b) through (f).
  - f. At the discretion of the parent or CARDEN OF TUCSON, other individuals who have knowledge or special expertise regarding the child, including related services personnel as appropriate; and
  - g. Whenever appropriate, the child with a disability.
    - i. A child of any age if the purpose of the meeting is to consider postsecondary goals and transition services needed to assist the child in reaching the IEP goals.
    - ii. If the student does not attend the IEP meeting, CARDEN OF TUCSON will take other steps to ensure that the student's preferences and interests are considered.
  - h. To the extent appropriate and with consent of the parents or the adult child, CARDEN OF TUCSON will invite a representative of any participating agency that is likely to be responsible for providing or paying for transition services.
    - i. For a child who is transitioning from AzEIP, representatives from AzEIP must be invited to the initial IEP if the parent requests.
2. A member of the IEP team described in (1)(a) through (1)(e) is not required to attend the IEP meeting if the parent and the school agree in writing prior to the meeting that attendance is not necessary because the member's area of curriculum or related services is not being modified or discussed in the meeting.
  3. A member of the IEP team described in (1)(a) through (1)(e) 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 and CARDEN OF TUCSON consent to the excusal, in writing, and the member submits to the IEP team, in writing, input into the development of the IEP prior to the meeting.
  4. In the case of a child previously served by AzEIP, an invitation to the initial IEP team meeting must, at the request of the parent, be sent to the AzEIP service coordinator to assist with the smooth transition of services.

## Parent Participation §300.322

1. CARDEN OF TUCSON will take steps to ensure the parents of a child with a disability are present at each IEP meeting or are afforded the opportunity to participate by:
  - a. Notifying parents of the meeting early enough to ensure that they will have an opportunity to attend; and
  - b. Scheduling the meeting at a mutually agreed on time and place.

2. The meeting notice will:
  - a. Indicate the purpose, time, and location of the meeting and who will be in attendance; and
  - b. Inform the parents of the provisions relating to the participation of other individuals who have knowledge or special expertise about the child and of representatives of the AzEIP (if the meeting is for an initial IEP of a child transitioning from AzEIP).
3. Beginning not later than the first IEP to be in effect when the child turns 16, the notice will also:
  - a. Indicate that a purpose of the meeting will be the consideration of postsecondary goals and transition services;
  - b. Indicate that CARDEN OF TUCSON will invite the student; and
  - c. Identify any other agency that will be invited to send a representative.
4. If neither parent can attend, CARDEN OF TUCSON will use other methods to ensure parent participation, including individual or conference telephone calls.
5. A meeting may be conducted without a parent in attendance if CARDEN OF TUCSON is unable to convince the parents that they should attend. In this case, CARDEN OF TUCSON will maintain a record of its attempts to arrange a mutually agreed on time and place, such as:
  - a. Detailed records of telephone calls made or attempted and the results of those calls;
  - b. Copies of correspondence sent to the parents and any responses received; and
  - c. Detailed records of visits made to the parent's home or place of employment and the results of those visits.
6. CARDEN OF TUCSON 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.
7. CARDEN OF TUCSON will give the parent a copy of the child's IEP at no cost to the parent.

### When IEPs Must Be in Effect §300.323

1. At the beginning of each school year, CARDEN OF TUCSON must have in effect for each child with a disability in its jurisdiction, an IEP as defined in §300.320.
2. CARDEN OF TUCSON will ensure that:
  - a. A meeting to develop an IEP for an eligible child is conducted within 30 days of a determination of eligibility for special education and related services.



- b. As soon as possible following the development of the IEP, the services indicated in the IEP are made available to the child.
    - c. An IEP will be in effect at the beginning of each school year.
3. For children aged 2 years 9 months through 5 years who were previously served by AzeIP, the IEP team will consider the contents of the child's IFSP. An IFSP may serve as the IEP of the child if:
  - a. CARDEN OF TUCSON has provided the parents with a detailed explanation of the differences between an IEP and an IFSP;
  - b. The parent and CARDEN OF TUCSON agree in writing to the use of an IFSP;
  - c. The IFSP contains an educational component that promotes school readiness and includes pre-literacy, language, and numeric skills, and the IFSP is developed in accordance with IEP procedures.
4. CARDEN OF TUCSON will ensure that each child's IEP is accessible to each regular education teacher, special education teacher, related service provider, and any other service provider who is responsible for implementing the IEP.
  - a. Each teacher and related service provider will be informed of his or her specific responsibilities in implementing the IEP; and
  - b. The specific accommodations, modifications, and supports that must be provided for the child in accordance with the IEP.
5. For a child with an IEP who transfers into CARDEN OF TUCSON from another public education agency in Arizona, CARDEN OF TUCSON, in consultation with the parents, will provide a free appropriate public education (including services comparable to the services described in the existing IEP) until CARDEN OF TUCSON:
  - a. Reviews and adopts the child's IEP from the previous public education agency or
  - b. Develops, adopts, and implements a new IEP.
6. For a child with an IEP who transfers into CARDEN OF TUCSON from another state, CARDEN OF TUCSON, in consultation with the parents, will provide a free appropriate public education (including services comparable to the services described in the existing IEP) until CARDEN OF TUCSON:
  - a. Conducts an evaluation for eligibility for special education in Arizona or determines that such an evaluation is unnecessary; and
  - b. Develops, adopts, and implements a new IEP, if appropriate.
7. To facilitate the transition of a child enrolling from another public education agency, either from within or from outside of Arizona, CARDEN OF TUCSON will take reasonable steps to promptly obtain the child's education records, including all records pertaining to special education, from the previous public education agency in which the child was enrolled.

8. When a records request is received from another public agency, from either within or outside of Arizona, CARDEN OF TUCSON will promptly respond to the request.

## Development, Review, and Revision of an IEP §300.324

1. In developing each child's IEP, the IEP team will consider:
  - a. The strengths of the child and the concerns of the parents for enhancing the education of their child;
  - b. The results of the initial or most recent evaluation of the child; and
  - c. The academic, developmental, and functional needs of the child.
2. In consideration of special factors, the IEP team must:
  - a. 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;
  - b. In the case of a child with limited English proficiency, consider the language needs of the child as those needs relate to the child's IEP;
  - c. In the case of a child who is blind or visually impaired, provide for instruction in Braille and the use of Braille unless the IEP team determines, after an evaluation of the child's reading and writing skills, needs, and appropriate reading and writing media (including an evaluation of the child's future needs for instruction in Braille or the use of Braille) that instruction in Braille or the use of Braille is not appropriate for the child;
  - d. Consider the communication needs of the child, and in the case of a child who is deaf or hard of hearing, consider the child's language and communication needs, opportunities for direct communication with peers and professional personnel in the child's language and communication mode, academic levels and full range of needs, including opportunities for direct instruction in the child's language and communication mode;
  - e. Consider whether the child requires assistive technology devices and services.
3. The regular education teacher of a child with a disability, as a member of the IEP team, must, to the extent appropriate, participate in the development, review, and revision of the child's IEP, including the determination of:
  - a. Appropriate positive behavioral interventions and strategies for the child; and 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).

4. In making changes to the IEP after the annual IEP meeting, the parent and CARDEN OF TUCSON may agree to amend the IEP without a meeting to make those changes and instead, develop a written document to amend or modify the child's current IEP. CARDEN OF TUCSON:
  - a. Inform all members of the child's IEP team of those changes and
  - b. Upon request, provide the parents with the revised copy of the IEP.
5. To the extent possible, CARDEN OF TUCSON will encourage the consolidation of evaluation, reevaluation, and IEP meetings for a child.
6. CARDEN OF TUCSON will ensure that the IEP team reviews the child's IEP periodically, but not less than annually, to determine if goals are being achieved and revises the IEP, when appropriate, to address:
  - a. Any lack of expected progress toward the annual goals and in the general education curriculum, if appropriate;
  - b. The results of any reevaluation;
  - c. Information about the child provided to, or by, the parents;
  - d. The child's anticipated needs, or other matters.
7. If a participating agency other than CARDEN OF TUCSON fails to provide the transition services in an IEP, CARDEN OF TUCSON must reconvene the IEP team to identify alternative strategies to meet the child's transition outcomes.

### Private School Placements by the Public Education Agency §300.325

1. Before CARDEN OF TUCSON places a child with a disability in a private school or facility, CARDEN OF TUCSON must initiate and conduct a meeting to develop an IEP for the child and ensure that a representative of the private school or facility attends the meeting in person or by conference call.
2. Subsequent IEP reviews may be initiated and conducted by the private school at the discretion of CARDEN OF TUCSON. However, CARDEN OF TUCSON must ensure that:
  - a. The parents and CARDEN OF TUCSON representative are involved in any decisions about the child's IEP; and
  - b. They agree to any proposed changes in the IEP before those changes are implemented.
3. CARDEN OF TUCSON remains responsible for ensuring FAPE to a child placed by CARDEN OF TUCSON in a private school or facility.

## Educational Placements §300.327

CARDEN OF TUCSON must ensure that the parents of a child with a disability are members of any group that makes decisions on the educational placement of their child.

## Individualized Education Program (IEP) AAC R7-2-401.G

1. CARDEN OF TUCSON shall establish, implement, and make available to its school-based personnel and parents written procedures for the development, implementation, review, and revision of IEPs.
2. Procedures for IEPs shall meet the requirements of the IDEA and its regulations, the State Statutes, and the State Board of Education rules.
3. Procedures shall include the incorporation of Arizona academic standards as adopted by the State Board of Education into the development of each IEP and address grade-level expectations and grade-level content instruction.
4. Each IEP of a student with a disability shall be developed in accordance with IDEA and its regulations, State Statutes, and State Board of Education rules. If appropriate to meet the needs of a student and to ensure access to the general curriculum, an IEP team may include specially designed instruction in the IEP that may be delivered in a variety of educational settings by a general education teacher or other certificated personnel provided that certificated special education personnel are involved in the planning, progress monitoring, and when appropriate, the delivery of the specially designed instruction.
5. Each student with a disability who has an IEP shall participate in the State Assessment System. Students with disabilities can test with or without accommodations or modifications as indicated in the student's IEP. Students who are determined to have a significant cognitive disability based on the established eligibility criteria will be assessed with the State's alternate assessments as determined by the IEP team.
6. A meeting of the IEP team shall be conducted to review and revise each student's IEP at least annually, or more frequently if the student's progress substantially deviates from what was anticipated. CARDEN OF TUCSON shall provide written notice of the meeting to the parents of the student to ensure that parents have the opportunity to participate in the meeting. After the annual review, CARDEN OF TUCSON and parent may agree not to convene an IEP team meeting for the purposes of making changes, and instead may develop a written document to amend or modify the student's current IEP.

7. A parent or CARDEN OF TUCSON may request in writing a review of the IEP and shall identify the basis for requesting review. Such review shall take place within 45 school days of the receipt of the request at a mutually agreed upon date and time.

## PROCEDURAL SAFEGUARDS Policies and Procedures

### Policy

CARDEN OF TUCSON will establish, maintain, and implement procedural safeguards that meet the requirements of §§300.500 through 300.536 of the IDEA regulations.

### Procedures

#### Opportunity to Examine Records; Parent Participation in Meetings §300.501

1. CARDEN OF TUCSON will ensure that the parents of a child with a disability shall be given an opportunity to inspect and review all education records with respect to the identification, evaluation, educational placement, and the provision of FAPE to the child.
2. CARDEN OF TUCSON will ensure that the parents of a child with a disability shall:
  - a. Be given an opportunity to participate in meetings with respect to the identification, evaluation, educational placement, and the provision of FAPE to the child.
  - b. Be provided notice consistent with §300.322 to ensure they have the opportunity to participate in meetings.
  - c. Be members of any group that makes decisions on the educational placement of their child.
3. If neither parent can participate in a meeting in which a decision is to be made relating to the educational placement of their child, CARDEN OF TUCSON must use other methods to ensure their participation, including individual or conference telephone calls, or video conferencing.
4. A placement decision may be made by a group without the involvement of the parent, if CARDEN OF TUCSON is unable to obtain the parent's participation and has maintained a record of its attempts to ensure their involvement.

#### Independent Educational Evaluation §300.502

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

- a. Information about where an independent educational evaluation may be obtained; and
  - b. CARDEN OF TUCSON criteria applicable for independent educational evaluations. CARDEN OF TUCSON criteria for the independent educational evaluation must be the same as the criteria the agency uses when it conducts an evaluation, to the extent consistent with the parent's right to an evaluation.
2. A parent has the right to an independent educational evaluation at public expense if the parent disagrees with an evaluation obtained by CARDEN OF TUCSON. If a parent requests an independent educational evaluation at public expense, CARDEN OF TUCSON must, without unnecessary delay, either:
  - a. File for a due process hearing to show that its evaluation is appropriate; or
  - b. Ensure that an independent educational evaluation is provided at public expense, unless the agency demonstrates in a hearing that the evaluation obtained by the parent did not meet agency criteria.
3. If a due process hearing decision is that CARDEN OF TUCSON evaluation is appropriate, the parent still has the right to an independent educational evaluation, but not at public expense.
4. If a parent requests an independent educational evaluation, CARDEN OF TUCSON 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.
5. A parent is entitled to only one independent educational evaluation at public expense each time CARDEN OF TUCSON conducts an evaluation with which the parent disagrees.
6. The results of any independent educational evaluation that is obtained by or provided to CARDEN OF TUCSON:
  - a. Must be considered by CARDEN OF TUCSON if it meets CARDEN OF TUCSON criteria in any decision with respect to the provision of FAPE to the child; and
  - b. May be presented by any party as evidence in a due process hearing.
7. If a hearing officer requests an independent educational evaluation as part of a due process hearing, the cost of the evaluation must be at public expense.

### Prior Notice by the Public Education Agency; Content of Notice §300.503

1. Written notice must be given to the parents of a child with a disability a reasonable time before CARDEN OF TUCSON:

- a. Proposes to initiate or change the identification, evaluation, or educational placement of the child or the provision of FAPE to the child; or
  - b. Refuses to initiate or change the identification, evaluation, or educational placement of the child or the provision of FAPE to the child.
2. The notice must include:
  - a. A description of the action proposed or refused by CARDEN OF TUCSON;
  - b. An explanation of why CARDEN OF TUCSON proposes or refuses to take the action;
  - c. A description of each evaluation procedure, assessment, record, or report CARDEN OF TUCSON used as a basis for the proposed or refused action;
  - d. A statement that the parents of a child with a disability have protection under the procedural safeguards of this part, and if this notice is not an initial referral for evaluation, how a copy of a description of the procedural safeguards can be obtained;
  - e. Sources for parents to contact to obtain assistance in understanding the provisions of this part;
  - f. A description of other options that the IEP team considered and the reasons why those options were rejected;
  - g. A description of other factors that are relevant to CARDEN OF TUCSON's proposal or refusal.
3. The notice must be written in language understandable to the general public and provided in the native language or other mode of communication used by the parent.
4. If the native language or other mode of communication used by the parent is not a written language, CARDEN OF TUCSON must ensure:
  - a. The notice is translated orally or by other means to the parent in his or her native language or other mode of communication;
  - b. That the parent understands the content of the notice;
  - c. That there is written evidence of these requirements.

#### Procedural Safeguards Notice §300.504

1. A copy of the procedural safeguards available to the parent of a child with a disability must be given to the parents only one time a school year, except that a copy also must be given to the parents:
  - a. Upon initial referral or parent request for evaluation;
  - b. Upon receipt of a first complaint to the State or first request for a due process hearing in a school year;
  - c. When a disciplinary change of placement/removal has been initiated; or
  - d. Upon request by a parent.

The procedural safeguards notice must include a full explanation of all the

procedural safeguards available under §300.148, §§300.151– 300.153, §300.300, §§300.502–300.503, §§300.505–300.515, §300.520, §§300.530–300.536, and §§300.610–300.625 relating to:

- e. Independent educational evaluations;
  - f. Prior written notice;
  - g. Parental consent;
  - h. Access to education records;
  - i. Opportunity to present and resolve complaints through the due process hearing and State complaint procedures, including:
    - i. The time period in which to file a complaint;
    - ii. The opportunity for CARDEN OF TUCSON to resolve the complaint;
    - iii. The difference between due process hearing and State complaint procedures, jurisdictions, issues that may be raised, timelines, and relevant procedures.
  - j. The availability of mediation;
  - k. The child’s placement during the due process hearing;
  - l. Procedures for students subjected to placement in an interim alternative educational setting;
  - m. Requirements for unilateral placements by parents of children in private schools at public expense;
  - n. Due process hearings including requirements for disclosure of evaluation results and recommendations;
  - o. Civil actions, including timelines; and
  - p. Attorney fees.
2. This notice must meet the same requirements for understandable language as for the written prior notice described in §300.503.

### Electronic Mail §300.505

The parent of a child with a disability may elect to receive required notices by an electronic mail communication if CARDEN OF TUCSON makes that option available.

### Mediation §300.506

1. CARDEN OF TUCSON will establish procedures to allow parties to dispute (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:
  - a. Is voluntary on the part of the parties;
  - b. Is not used to deny or delay a parent’s right to a due process hearing or any other right under the IDEA; and



- c. Is conducted by a qualified and impartial mediator who is trained in effective mediation techniques.
2. CARDEN OF TUCSON may establish procedures to offer 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:
  - a. Who is under contract with an appropriate alternative dispute resolution entity, a parent training and information center, or community parent resource center; and
  - b. Who would explain the benefits of and encourage the mediation process to the parents.

### Filing a Due Process Complaint §300.507

1. A parent or CARDEN OF TUCSON may file a request for a due process hearing relating to the identification, evaluation, or educational placement of a child with a disability.
2. The request for a due process hearing must allege a violation that occurred not more than two years before the date the parent or CARDEN OF TUCSON knew or should have known about the alleged violation.
3. CARDEN OF TUCSON must inform the parent of any free or low cost legal and other relevant services available in the area upon parent request.

### Due Process Complaint (Hearing) §300.508

1. CARDEN OF TUCSON will have procedures that require either party, or the attorney representing a party, to provide to the other party a confidential due process complaint.
2. The party filing the notice for a hearing must forward a copy of the request to the State.
3. The due process hearing complaint must include the following in order for the complaint to be heard:
  - a. The name of the child;
  - b. The residential address of the child;
  - c. The school of attendance;
  - d. A description of the nature of the problem of the child relating to the proposed or refused initiation or change, including facts relating to the problem; and
  - e. A proposed resolution of the problem to the extent known and available to the party at the time.

4. The due process complaint will be deemed sufficient unless the party receiving the complaint notifies the hearing officer and the other party in writing, within 15 days of receipt of the complaint, that it believes the complaint does not meet the content requirements.
5. Within five days of receipt of notice, the hearing officer must determine whether the complaint meets the requirements and notify the parties, in writing, of that determination.
6. A party may amend its due process complaint only if:
  - a. The other party consents in writing and is given an opportunity to resolve the complaint through the resolution process; or
  - b. The hearing officer grants permission, but in no case is it amended later than five days before the due process hearing begins. If a party files an amended complaint, the relevant timelines begin again.
7. CARDEN OF TUCSON has not sent a prior written notice to the parent regarding the subject matter contained in the due process complaint, it must do so within 10 days of receiving the complaint.
8. Within 10 days of receiving the complaint, the receiving party will send to the other party a response that specifically addresses the issues raised in the due process complaint.

### Resolution Process §300.510

1. Within 15 days of receiving the notice of the parent's due process complaint and prior to the initiation of a due process hearing, CARDEN OF TUCSON 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:
  - a. Includes a representative of CARDEN OF TUCSON who has agency decision-making authority;
  - b. May not include an attorney of CARDEN OF TUCSON unless the parent is accompanied by an attorney.
2. 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 CARDEN OF TUCSON has the opportunity to resolve the dispute.
3. The resolution meeting need not be held if:
  - a. The parent and CARDEN OF TUCSON agree in writing to waive the meeting; or
  - b. The parent and CARDEN OF TUCSON agree to use the mediation process.

- c. The parent and CARDEN OF TUCSON determine the relevant IEP team members to attend the meeting.
4. If CARDEN OF TUCSON has not resolved the complaint to the satisfaction of the parent within 30 days of the receipt of the complaint, the due process hearing may occur. The timeline for issuing a final decision begins at the end of this 30-day period.
5. 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.
6. If CARDEN OF TUCSON is unable to obtain the participation of the parent after reasonable efforts have been made and documented, CARDEN OF TUCSON may, at the end of the 30-day period, request that the hearing officer dismiss the parent's due process complaint.
7. If CARDEN OF TUCSON fails to hold the resolution meeting within 15 days of receiving the complaint or fails to participate in the meeting, the parent may request that the hearing officer begin the hearing timeline.
8. The 45-day timeline for the due process hearing starts the day after:
  - a. Both parties agree in writing to waive the resolution meeting; OR
  - b. After either the mediation or resolution meeting starts but before the end of the 30-day resolution period, the parties agree in writing that no agreement is possible; OR
  - c. If both parties agree in writing to continue the mediation at the end of the 30-day resolution period, but later, one party withdraws from the mediation process.
9. If a resolution is reached at the meeting, the parties must execute a legally binding agreement that is:
  - a. Signed by both the parent and CARDEN OF TUCSON representative who has authority to legally bind CARDEN OF TUCSON; and
  - b. Enforceable in any state court of competent jurisdiction or in a district court of the United States.
10. Either party may void the agreement within 3 business days of the agreement's execution.

### Child's Status during Proceedings §300.518

1. The child involved in the due process hearing complaint must remain in his or her current educational placement:
  - a. Unless a discipline appeal has been filed as provided in §300.533;

- b. During the pendency of any administrative or judicial proceeding regarding a due process complaint notice requesting a due process hearing under §300.507; or
  - c. Unless CARDEN OF TUCSON and parents of the child agree otherwise.
2. If the complaint involves an application for initial admission to public school, the child, with the consent of the parents, must be placed in the public school until the completion of all the proceedings.
3. If the complaint involves an application for initial services for a child who has turned 3 and is transitioning from Part C to Part B, CARDEN OF TUCSON 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 CARDEN OF TUCSON must provide those services that are not in dispute.
4. If the hearing officer agrees with the child's parents that a change of placement is appropriate, that placement must be treated as an agreement between the State and parent for the purposes of (1)(c) of this section.

### Surrogate Parents §300.519

1. CARDEN OF TUCSON will ensure that the rights of a child are protected by assigning an individual to act as a surrogate for the parents when:
  - a. No parent can be identified;
  - b. After reasonable efforts are made, no parent can be located;
  - c. The child is a ward of the State (with no foster parent); or
  - d. The child is an unaccompanied homeless youth as defined by the McKinney-Vento Homeless Assistance Act.
2. CARDEN OF TUCSON will have a method for determining when a surrogate parent is needed and for making surrogate parent assignments.
3. CARDEN OF TUCSON will ensure that a person selected as a surrogate parent:
  - a. Is not an employee of the State, CARDEN OF TUCSON, or any other agency that is involved in the education or care of the child;
  - b. Has no personal or professional interest that conflicts with the interest of the child the surrogate parent represents; and
  - c. Has knowledge and skills that ensure adequate representation of the child.
4. In the case of an unaccompanied homeless youth, appropriate staff of emergency shelters, transitional shelters, independent living programs, and street outreach

programs may be appointed as temporary surrogate parents until a surrogate parent can be appointed that meets all the requirements of this section.

### Transfer of Parental Rights at Age of Majority §300.520

1. When a child with a disability reaches age 18, unless that child has been determined to be incompetent:
  - a. CARDEN OF TUCSON will provide any notice required by the IDEA regulations to both the child and the parents; and
  - b. All rights accorded to parents under Part B of the Act transfer to the child.
2. When the rights are transferred, CARDEN OF TUCSON will provide notice to the child and parent of the transfer of rights
3. Transfer of Rights/Age of Majority
  - a. The age of majority is when children legally become adults. At such time, they gain the rights of adults, which include the right to vote, marry, apply for a credit card, make medical and financial decisions for themselves, sign contracts, live independently, and much more. In most states the age of majority is age 18.

### Procedural Safeguards AAC R7-2-401.I

1. CARDEN OF TUCSON shall establish, implement, and make available to school-based personnel and parents of students with disabilities written procedures to ensure children with disabilities and their parents are afforded the procedural safeguards required by federal statute and regulation and State Statute. These procedures shall include dissemination of information to parents about Carden of Tucson and the State's dispute resolution options.
2. In accordance with the requirements of IDEA, prior written notice shall be provided to the parents of a child within a reasonable time after CARDEN OF TUCSON proposes to initiate or change, or refuses to initiate or change, the identification, evaluation, educational placement or provision of FAPE to the child, but before the decision is implemented.

### DISCIPLINE Policies and Procedures

#### Policy

A child with a disability may be disciplined for a violation of the student code of conduct, including removal from his or her current placement to an appropriate interim alternative

educational setting, another setting, suspension, or expulsion in accordance with IDEA Regulations §§300.530 through 300.536.

## Procedures

### Authority of School Personnel §300.530

1. On a case-by-case basis and in consideration of any unique circumstances, school personnel may remove a child with a disability who violates a student code of conduct from his or her current placement to an appropriate interim alternative educational setting, another setting, or suspension, for not more than 10 consecutive school days (to the extent those alternatives are applied to children without disabilities), and for additional removals of not more than 10 consecutive school days in that same school year for separate incidents of misconduct, as long as those removals do not constitute a change of placement under §300.536.
2. After a child with a disability has been removed from his or her current placement for 10 school days in the same school year, during any subsequent days of removal, CARDEN OF TUCSON must provide services to the extent required to:
  - a. Enable the child to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting his/her IEP goals; and
  - b. Receive, as appropriate, a functional behavioral assessment, behavioral intervention services, and modifications that are designed to address the behavior violation so that it does not recur.
3. CARDEN OF TUCSON is only required to provide services during periods of removal to a child with a disability who has been removed from his or her current placement for 10 days or less in that school year, if it provides services to nondisabled children similarly removed.
4. After a child with a disability has been removed from his or her current placement for 10 school days and the current removal is for not more than 10 consecutive school days and not a change of placement, school personnel, in consultation with at least one of the child's teachers, determine the extent to which services are needed, so as to enable the child to continue to participate in the general education curriculum and to progress toward meeting the IEP goals.
5. If the removal is a change in placement, the child's IEP team determines the appropriate services.
6. Within 10 school days of any decision to change the placement of a child with a disability because of a violation of a code of student conduct, CARDEN OF TUCSON, parent, and relevant members of the IEP team must review all relevant information in the

- student's file, the IEP, teacher observations, and any relevant information to determine:
- a. If the conduct was caused by, or had a direct and substantial relationship to, the child's disability; or
  - b. If the conduct in question was the direct result of CARDEN OF TUCSON's failure to implement the IEP.
7. The conduct must be determined to be a manifestation of the disability if either (6)(a) or (b) occurred, and if the IEP was not implemented, CARDEN OF TUCSON must take immediate steps to remedy that deficiency.
  8. If CARDEN OF TUCSON, parent, and relevant members of the IEP team determine that the conduct was a manifestation of the child's disability, the child must be returned to the placement from which the child was removed, unless the parent and CARDEN OF TUCSON agree to a change of placement. The IEP team must either:
    - a. Conduct a functional behavioral assessment, unless one has already been done, and implement a behavioral intervention plan; or
    - b. If a behavioral intervention plan has already been developed, review the plan and modify it, as necessary, to address the behavior.
  9. School personnel may remove a student to an interim alternative educational setting for not more than 45 school days without regard to manifestation of disability if the child:
    - a. Carries a weapon to or possesses a weapon at school, on school premises, or to or at a school function under the jurisdiction of a state or CARDEN OF TUCSON;
    - b. Knowingly possesses or uses illegal drugs, or sells or solicits the sale of a controlled substance, while at school, on school premises, or at a school function under the jurisdiction of a state or CARDEN OF TUCSON; or
    - c. Has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of a state or CARDEN OF TUCSON.
  10. CARDEN OF TUCSON will notify parents and provide notice of procedural safeguards on the day the PEA determines the student has violated the code of conduct and the violation constitutes a change of placement (i.e., interim alternative education setting).

## Suspension and Expulsion AAC R7-2-401.P

1. CARDEN OF TUCSON shall establish, implement, and make available to personnel and parents written procedures for the suspension and expulsion of students with disabilities.

2. CARDEN OF TUCSON shall require all school-based staff involved in the disciplinary process to review the policies and procedures related to suspension and expulsion on an annual basis. CARDEN OF TUCSON shall maintain documentation of staff review.
3. Procedures for such suspensions and expulsions shall meet the requirements of the IDEA and its regulations, and State Statutes.

### Determination of Setting §300.531

The child's IEP team determines the interim alternative educational setting for services.

### Confidentiality AAC R7-2-401.J(4)

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

1. Records retention
  - a. Student Education Records: Parents have the right to inspect and review all educational records, and all other rights guaranteed by the Family Educational Rights and Privacy Act.
  - b. Destruction of Education Records: The district destroys all psychological and special education records on students five years after those students have been removed from special education, have been withdrawn from the district or have graduated.

### Additional Information

#### Post School Outcomes (PSO) Survey

As part of the secondary transition experience, students who had an IEP in place upon exit will be contacted by someone from their high school one year after they have exited the Arizona school system.

Every school that serves transition-aged students with disabilities is required to participate in the PSO Survey every year. The requirement is set per IDEA and is oftentimes referred to as Indicator 14.

When students are contacted for the PSO Survey, school staff host a conversation that addresses the survey questions designed to capture student engagement in



postsecondary education/training or employment. Data obtained from the PSO Survey facilitates results-driven analysis and improvement to secondary transition programs at the state and local levels.

### Indicator 13 Requirements

Beginning not later than the first IEP to be in effect when the child turns 16, or younger if determined appropriate by the IEP team, certain secondary transition components must be included in the IEP. Required components include:

- Age-appropriate Transition Assessments
- Measurable Postsecondary Goals (MPGs)
- Coordinated Set of Activities
- Course of Study
- Aligned Annual IEP Goals

### Summary of Performance

A summary of academic achievement and functional performance, including recommendations to assist an exiting student in meeting his or her measurable postsecondary goals for students whose eligibility terminates due to graduation from high school with a regular diploma or exceeding the age eligibility for free appropriate public education (FAPE), must be developed.

### High School Graduation

The Arizona State Board of Education establishes the requirements for graduation from high school. The minimum course of study and competency requirements are outlined in Title 7 Chapter 2 of The Arizona Administrative Code. The minimum course of study State Board Rule is R7-2-302.

## Credit Requirements

The table below summarizes the *minimum* credit requirements for high school graduation in Arizona, starting with the graduating class of 2017. Please note that school districts and charter schools may, at their discretion, establish additional graduation credit requirements for their students.

| SUBJECT                                     | CREDITS   |
|---|-----------|
| English or English as a Second Language     | 4 credits |
| Mathematics                                 | 4 credits |
| Science                                     | 3 credits |
| History & Social Science                    | 3 credits |
| Fine Arts or Career and Technical Education | 1 credit  |
| Locally Prescribed Courses                  | 7 credits |

## Child Find – AZ Find

Child Find is a component of the Individuals with Disabilities Education Act (IDEA '04) that requires Public Education Agencies (PEAs) to locate, identify, and evaluate all children with disabilities, aged birth through 21. PEAs are school districts and charter schools.

### Requirements

Child find applies to children who are:

- Suspected of having a disability even though they are advancing from grade to grade
- Highly mobile, such as migrant and homeless
- Wards of the State
- Private school students
- Homeschool students

