

## Policy and Procedures for Rite of Passage

Private School(s): Canyon State Academy, Sycamore, and Prestige (Rite of Passage)\_\_\_\_\_

Policy assures that: Rite of Passage

ROP ensures that all children with disabilities aged 3 through 21 within its jurisdiction have the right to a free appropriate public education (FAPE), including children with disabilities who are advancing from grade to grade. FAPE shall also be provided to students who have been suspended or expelled from school in accordance with §§300.101(a) (c) and 300.530(d).

### DEFINITIONS

The term "free appropriate public education" or FAPE means special education and related services that

- a. are provided at public expense, under public supervision and direction, and without charge;
- b. meet the standards of the State education;
- c. include preschool, elementary school or secondary school education; and
- d. are provided in conformity with an individualized education program (IEP) that meets the requirements of §§300.320-300.328.

Procedures include, but are not limited to:

### Free appropriate public education (FAPE) §300.101-300.102

- \_\_\_\_\_ 1. FAPE will be made available to each child with disabilities who is in need of special education and related services even though the child is advancing from grade to grade, §§300.101 (a) and 300.101(c)(1). The determination that a child is eligible for special education must be made on an individual basis by the group responsible within the public agency for making those determinations.
- \_\_\_\_\_ 2. Services in accordance with §300.101 will be made available for a child with a disability who has been removed from his or her current educational placement for disciplinary reasons for more than 10 school days.
- \_\_\_\_\_ 3. FAPE will be made available to students who have graduated, but have not been awarded a regular high school diploma (§300.102)(a)(ii).

Policy assures that: ROP

. All children with disabilities, including those attending private schools who are in need of **special education and related services shall be identified, located and evaluated (§300.111)**.

\_\_\_\_\_ ROP will maintain documentation of the public awareness efforts to inform the public and parents within their jurisdiction of the availability of special education services (§300.612(b), AAC R702-401).

- \_\_\_\_\_ . Re-evaluations are the responsibility of the PEA. If the PEA delegates this to ROP, a written agreement shall be developed to determine specific responsibilities relating to the re-evaluation.
- \_\_\_\_\_ Procedures are established for conducting evaluations in accordance with the requirements described in (§§300.304-300.311, ARS-15-766). \*
- \_\_\_\_\_ A re-evaluation of each child shall be conducted every three years in accordance with §§300.532-300.303 and 300.306.

Procedures include:

- \_\_\_\_\_ 1. Tests and other evaluation materials used to assess a child are
  - a. selected and administered so as not to be discriminatory on a racial or cultural basis; and
  - b. provided and administered in the child's native language or other mode of communication, unless it is clearly not feasible to do so.
- \_\_\_\_\_ 2. Materials and procedures used to assess a child with limited English proficiency will be selected and administered to measure the extent to which the child has a disability and needs special education, rather than measuring the child's English language skills.
- \_\_\_\_\_ 3. A variety of assessment tools and strategies will be used to gather relevant functional and developmental information about the child, including information provided by the parent.
- \_\_\_\_\_ 4. Information related to enabling the child to be involved in and progress in the general curriculum, or for a preschool child, to participate in appropriate activities will be included.
- \_\_\_\_\_ 5. The information gathered will assist in determining whether the child is a child with a disability and in the development of the child's IEP.

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- \_\_\_\_\_ 6. Any standardized tests that are given to a child will be
  - a. validated for the specific purpose for which they are used; and
  - b. administered by trained and knowledgeable personnel in accordance with any instructions provided by the producer of the tests.
- \_\_\_\_\_ 7. If an assessment is not conducted under standard conditions, a description of the extent to which it varied from standard conditions will be included in the evaluation report.
- \_\_\_\_\_ 8. Tests and other evaluation materials will be selected to assess specific areas of educational need and not merely those that are designed to provide a single general intelligence quotient.
- \_\_\_\_\_ 9. Tests will be selected and administered to a child with impaired sensory, manual, or speaking skills to accurately reflect the test results of the child's aptitude or achievement level or whatever other factors the test purports to measure, rather than reflecting the child's impaired sensory, manual, or speaking skills (unless those skills are the factors that the test purports to measure).
- \_\_\_\_\_ 10. No single procedure will be used 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.
- \_\_\_\_\_ 11. The child will be assessed in all areas related to the suspected disability, including, if appropriate, health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status, and motor abilities and the need for assistive technology.
- \_\_\_\_\_ 12. The evaluation will be sufficiently comprehensive to identify all of the child's special education and related services needs, whether or not commonly linked to the disability category in which the child has been classified.
- \_\_\_\_\_ 13. Technically sound instruments will be used that may assess the cognitive and behavioral factors, in addition to physical or developmental factors.
- \_\_\_\_\_ 14. Assessment tools and strategies will be used to provide relevant information that directly assists persons in determining the educational needs of the child.

**Re-evaluation (§§300.303- 300.306)**

- \_\_\_\_\_ 15. A re-evaluation will be conducted every three years **or** if conditions warrant a re-evaluation, if the child's parent or teacher requests a re-evaluation, or before determining that the child is no longer a child with a disability.
- \_\_\_\_\_ 16. A re-evaluation will not be required before the termination of a student's eligibility due to graduation with a regular high school diploma, or when a student exceeds the age eligibility for FAPE under the State law.

**Determination of needed evaluation data for reevaluation (§§300.305 AND ARS15-766)**

- \_\_\_\_\_ 17. The MET/IEP team and other qualified professionals, as appropriate, will review existing data on the child, including
  - a. evaluations and information provided by the parents of the child;
  - b. current classroom-based assessments and observations; and
  - c. observations by teachers and related services providers.
- \_\_\_\_\_ 18. On the basis of that review, and input from the child's parents, the MET/IEP team and other qualified professionals will identify what additional data, if any, are needed to determine eligibility.

**If the determination is that no additional data are needed**

- \_\_\_\_\_ 19. The PEA (or **ROP** if determined by the written agreement) will notify the child's parents of
  - a. that 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.
- \_\_\_\_\_ 20. No assessment will be **required** unless requested by the child's parents to determine eligibility.
- \_\_\_\_\_ 21. The MET/IEP team will provide a copy of the evaluation report and documentation of eligibility to the parents.

**If additional data are needed**

- \_\_\_\_\_ 21. The MET/IEP team will provide procedural safeguards notice, prior written notice, and obtain informed parent consent.
- \_\_\_\_\_ 23. The PEA (or **ROP** if determined by the written agreement) will administer tests and other evaluation materials as may be needed to determine if the child is a child with a disability under §300.8.and ARS 15-761.

**Determination of eligibility (§§300.305 – 300.306 and ARS 15-761)**

- \_\_\_\_\_ 24. The MET/IEP team, which includes the parents of the child, and other qualified professionals, will determine whether the child has a disability, or continues to be a child with a disability, as defined in §300.8, ARS 15-761.

- \_\_\_\_\_ 25. Based on the review of data, and input from the child's parents, the MET/IEP team determines
  - a. if the child has a category of disability, or in the case of reevaluation, if the child continues to have a disability;
  - b. if the child needs special education and related services, or in the case of a reevaluation, if the child continues to need special education and related services; and
  - c. the present levels of performance and other educational needs of the child;
  - d. if any additions or modifications to the special education and related services will be needed to enable the child to meet the measurable annual goals established in the IEP and to participate in the general curriculum, as appropriate.
- \_\_\_\_\_ 26. In interpreting evaluation data for the purpose of determining if a child is a child with a disability, the MET/IEP will draw upon information from a variety of sources, including aptitude and achievement tests, parent input, teacher recommendations, physical condition, social or cultural background, and adaptive behavior; and consider and document all information obtained from all of these sources.
- \_\_\_\_\_ 27. A child may not be determined to be eligible
  - a. If the determinant factor for the eligibility determination is
    - i. lack of instruction in reading or math; or
    - ii. limited English proficiency; and
  - b. the child does not otherwise meet the eligibility criteria under §§300.8-300.311 and ARS 15-761.

**Evaluation Report**

- \_\_\_\_\_ 28. The MET/IEP team, which includes the parents of the child, and other qualified professionals will determine whether the child is a child with a category of disability or, in the case of a reevaluation, if the child continues to be a child with a disability, as defined in §300.8 and ARS 15-761.
- \_\_\_\_\_ 29. The evaluation report will include:
  - a. a review of current evaluations, including types of tests and results of those test
  - b. educational history including the reason for referral, current classroom-based assessments, and observations by teachers and related service providers
  - c. information provided by the parents, including medical and developmental history
  - d. determination of whether the child's educational problems are related to or resulting from reason of educational disadvantage.
- \_\_\_\_\_ 30. The MET/IEP team will provide a copy of the evaluation report and the documentation of determination of eligibility to the parent.

- \_\_\_\_\_ 31. The evaluation report will also include general information pertaining to:
- a. whether the child has a category of disability or, in the case of reevaluation if the child continues to be a child with a category of disability.
  - b. the present levels of performance and educational needs;
  - c. whether the child needs special education and related services or continues to need special education and related services.
  - d. whether any additions and modifications to special education and related services needed to meet the measurable annual goals established in the IEP and to participate, as appropriate, in the general curriculum.

- \_\_\_\_\_ A. An IEP shall be developed and implemented for each eligible child served by the PEA and each eligible child placed in ROP by the PEA (§§300.323-300.324; -and 300.325).
- \_\_\_\_\_ B. Development of the IEP is the responsibility of the PEA. If the PEA delegates this to ROP, a written agreement shall be developed to determine specific responsibilities relating to the IEP in accordance with §300.325.

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PROCEDURES FOR DEVELOPMENT AND IMPLEMENTATION OF THE IEP

**When IEP must be in effect (§300.323) and IEP meetings (§300.324)**

- \_\_\_\_\_ 1. An IEP will be in effect before special education and related services are provided to an eligible child under §300.323.
- \_\_\_\_\_ 2. The IEP will be implemented as soon as possible following the IEP meeting.
- \_\_\_\_\_ 3. The child's IEP will be accessible to each regular education teacher, special education teacher, related service provider, and other service provider who is responsible for its implementation.
- \_\_\_\_\_ 4. Each teacher and provider will be informed of
  - a. his or her specific responsibilities related to implementing the child's IEP
  - b. the specific accommodations, modifications, and supports that will be provided for the child in accordance with the IEP (§300.323).



- \_\_\_\_\_ 5. In the case of a child with a disability aged 3 through 5, an IFSP developed in accordance with §§ 300.500; 300.323 and §§300.325 may serve as the IEP of the child if using an IFSP is agreed to by the agency and the child's parent.
- \_\_\_\_\_ 6. The child's parents will be provided a detailed explanation of the differences between an IFSP and an IEP; and if the parents choose an IFSP, written informed consent is obtained from the parents.

**Review and revision of the IEPs (§300.324(b) and 300.325(b)(2))**

- \_\_\_\_\_ 7. The IEP team will review the child's IEP periodically, but not less than annually, to determine whether the annual goals for the child are being achieved.
- \_\_\_\_\_ 8. The IEP team will revise the IEP as appropriate to address
- a. any lack of expected progress toward the annual goals described in §300.324(a) and in the general curriculum;
  - b. the results of any reevaluation conducted under §300.303;
  - c. information about the child provided to, or by, the parents, as described in §300.305(a)(1);
  - d. the child's anticipated needs; or
  - e. other matters.
- \_\_\_\_\_ 9. If **ROP** initiates and conducts the IEP meeting, the PEA shall ensure that the parents and an agency representative
- a. are involved in any decision about the child's IEP; and
  - b. agree to any proposed changes in the IEP before those changes are implemented.

**IEP team (§300.321) (a)**

- \_\_\_\_\_ 10. The IEP team for each child with a disability will include
- a. the parents of the child;
  - b. at least one regular education teacher of the child (if the child is, or may be, participating in the regular education environment);
  - c. at least one special education teacher of the child, or if appropriate, at least one special education provider of the child;
  - d. a representative of the PEA 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 curriculum
    - iii. is knowledgeable about the availability of resources of the PEA
  - e. an individual who can interpret the instructional implications of evaluation results;

- f. at the discretion of the parent or the agency, other individuals who have knowledge or special expertise regarding the child, including related services personnel as appropriate. The determination of whether an individual has knowledge or special expertise shall be made by the party (parent or agency) who invited the individual to be a member of the team; and
- g. if appropriate, the child.

**Transition Service Participants (§300.321) (b)**

- \_\_\_\_\_ 11 A child of any age may be invited to his or her IEP meeting if the purpose will be consideration of transition services needs or transition services (§300.320(b)(1-2))
  - a. If the student does not attend the IEP meeting, the PEA (or **ROP** if determined by the written agreement) will take other steps to ensure that the student's preferences and interests are considered.
- \_\_\_\_\_ 12. In implementing the requirements of §300.320(b)(2)
  - a. the PEA (or **ROP** if determined by the written agreement) also will invite a representative of any other agency that is likely to be responsible for providing or paying for transition services.
  - b. if an agency invited to send a representative to a meeting does not do so, the PEA (or **ROP** if determined by the written agreement) will take other steps to obtain participation of the other agency in the planning of any transition services.

**Parent participation (§300.322)**

- \_\_\_\_\_ 13. Parents will be present or afforded the opportunity to participate in each IEP meeting. Efforts will include:
  - 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.
- \_\_\_\_\_ 14. 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 in §300.321(a)(6) and (c) relating to the participation of other individuals on the IEP team who have knowledge or special expertise about the child.

- \_\_\_\_\_ 15. For a student with a disability beginning at age 14 (or younger, if appropriate) the notice will also:
    - a. indicate that a purpose of the meeting will be the development of a statement of the transition services needs of the student required in §300.320(b); and
    - b. indicate that the agency will invite the student.
  - \_\_\_\_\_ 16. For a student with a disability beginning at age 16 (or younger, if appropriate) the notice will:
    - a. indicate that a purpose of the meeting is the consideration of needed transition services for the student required in (§300.320(b));
    - b. indicate that the agency will invite the student; and
    - c. identify any other agency that will be invited to send a representative.
  - \_\_\_\_\_ 17. If neither parent can attend, the PEA (or **ROP** if determined by the written agreement) will use other methods to ensure parent participation, including individual or conference telephone calls.
  - \_\_\_\_\_ 18. A meeting may be conducted without a parent in attendance if the PEA (or **ROP** if determined by the written agreement) is unable to convince the parents that they should attend. In this case there will be a record of 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.
  - \_\_\_\_\_ 19. The PEA (or **ROP** if determined by the written agreement) 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.
  - \_\_\_\_\_ 20. The PEA (or **ROP** if determined by the written agreement) will give the parent a copy of the child's IEP at no cost to the parent.
- Development, review, and revision of IEP (§300.324)**
- \_\_\_\_\_ 21. 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. as appropriate, the results of the child's performance on any general State or district-wide assessment programs.

- \_\_\_\_\_ 22. In consideration of special factors, the IEP team also will
- a. in the case of a child whose behavior impedes his or her learning or that of others, consider strategies (including positive behavioral interventions, strategies, and supports) 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;
  - e. in the case of a child who is deaf or hard of hearing, consider:
    - i. the child's language and communication needs
    - ii. opportunities for direct communications with peers and professional personnel in the child's language and communication mode
    - iii. academic level and full range of needs, including opportunities for direct instruction in the child's language and communication mode
  - f. consider whether the child requires assistive technology devices and services;
  - g. if the IEP team, in considering the special factors, determines that a child needs a particular device or service (including an intervention, accommodation, or other program modification) in order for the child to receive FAPE, the IEP team must include a statement to that effect in the child's IEP.
- \_\_\_\_\_ 23. 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 assisting in the determination of
- a. appropriate positive behavioral interventions and strategies for the child
  - b. supplementary aids and services, program modifications, or supports for school personnel that will be provided for the child, consistent with §300.324(a)(ii).

**Content of IEP (§300.324)**

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24. The IEP for each child with a disability will include
- a. a statement of the child's present levels of educational performance, including
    - i. how the child's disability affects the child's involvement and progress in the general curriculum
    - ii. for preschool children, as appropriate, how the disability affects the child's participation in appropriate activities
  - b. a statement of 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 progress in the general curriculum (i.e., the same curriculum as for nondisabled children),
    - ii. meeting each of the child's other educational needs that result from the child's disability
  - c. [a description of benchmarks or short-term objectives for children with disabilities who take alternate assessments aligned to alternate achievement standards,](#)
  - d. statement of the special education and related services to be provided;
  - e. a statement of supplementary aids and services to be provided to the child or on behalf of the child (services provided to the parents or teachers of the child to help them more effectively work with the child):
  - f. a statement of the program modifications or supports for school personnel that will be provided for the child
    - i. to advance appropriately toward attaining the annual goals
    - ii. to be involved and progress in the general curriculum and to participate in extracurricular and other nonacademic activities (LRE)
    - iii. to be educated and participate with other children with disabilities and nondisabled children in extracurricular and other nonacademic activities (LRE);
  - g. an explanation of 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 (LRE)
  - h. a statement of any individual accommodations and modifications in the administration of State or district-wide assessments of student achievement that are needed in order for the child to participate in the assessment (LRE)

- i. if the IEP team determines that the child will not participate in a particular State or district-wide assessment of student achievement (or part of an assessment), a statement of
  - i. why that assessment is not appropriate for the child
  - ii. how the child will be assessed
- j. the projected date for the beginning of the services and modifications and the anticipated frequency, location, and duration of those services and modifications; and
- k. a statement of
  - i. how the child's progress toward the annual goals will be measured
  - ii. how the child's parents will be regularly informed (through such means as periodic report cards), at least as often as parents are informed of their nondisabled children's progress, of
    - 1.) their child's progress toward the annual goals; and
    - 2.) the extent to which that progress is sufficient to enable the child to achieve the goals by the end of the year.

- \_\_\_\_\_ 25. The IEP will include transition service planning as follows:
  - a. for each student with a disability beginning at age 14 (or younger), a statement of the transition service needs of the student under the applicable components of the student's IEP that focus on the student's courses of study (such as participation in advanced-placement courses or a vocational education program)
  - b. the statement of transition service needs will be updated annually
  - c. for each student beginning at age 16 (or younger), a statement of needed transition services for the student
  - d. statement of the interagency responsibilities or any needed linkages will be included, if appropriate.
- \_\_\_\_\_ 26. Beginning at least one year before a student reaches the age of 18, the student's IEP will include a statement that the parents and the student have been informed of the rights, if any, that will transfer to the student on reaching the age of 18, consistent with §300.520.
- \_\_\_\_\_ 27. If a participating agency, other than the PEA, fails to provide the transition services described in the IEP, the PEA (or **ROP** if determined by the written agreement) will reconvene the IEP team to identify alternative strategies to meet the transition objectives for the student set out in the IEP.
- \_\_\_\_\_ 28. The IEP for a child who requires residential placement will include exit criteria that indicate when the educational placement of the child will be reviewed to determine if the child can move to a less restrictive placement (ARS §15-765(k)).

**IEP accountability (§300.325)**

- \_\_\_\_\_ 29. **ROP** will provide special education and related services to a child with a disability in accordance with the child's IEP
- \_\_\_\_\_ 30. ROP will make a good faith effort to assist the child to achieve the goals and objectives or benchmarks listed in the IEP.

Policy assures that:

- \_\_\_\_\_ A. To the maximum extent appropriate, students with disabilities in public or private institutions or other care facilities are educated with students who are not disabled (§ 300.550).
- \_\_\_\_\_ B. Determination of the LRE is the responsibility of the PEA. If the PEA delegated this to ROP, a written agreement shall be developed to determine specific responsibilities relating to the provision of services in the least restrictive environment.

**DEFINITION**

Supplementary aids and services as used in this section means, aids, services, and other supports that are provided in regular education classes or other education-related settings to enable the children with disabilities to be educated with nondisabled children to the maximum extent appropriate in accordance with §§300.114-300.118.

Procedures include, but are not limited to:

**Placement of a child with a disability (§§300.116 and AAC R7-2-401 (G))**

- \_\_\_\_\_ 1. Special education placement decision for a child with a disability, including a preschool child with a disability, will be made by a group of persons that includes:
  - (a) the parent(s)
  - (b) persons who are knowledgeable about the child
  - (c) persons who are knowledgeable of evaluation data, and
  - (d) persons who are knowledgeable of placement options.
- \_\_\_\_\_ 2. Special education placements will
  - a. be determined at Least annually
  - b. be based on the child's IEP, and
  - c. be as close as possible to the child's home.



- \_\_\_\_\_ 3. The PEA (or ROP if determined by the written agreement) will document consideration of any potential harmful effects of the placement on the child or the quality of services.
- \_\_\_\_\_ 4. A child with a disability will not be removed from education in age-appropriate regular classrooms solely because of needed modifications in the general curriculum.

**Nonacademic settings and services (§§300.107-300.117)**

- \_\_\_\_\_ 5. Children with disabilities will participate with non-disabled children in non-academic and extracurricular services and activities, which may include meals and recess periods, to the maximum extent appropriate to the needs of that child.
- \_\_\_\_\_ 6. The children with disabilities will have available to them the variety of educational programs and services available to non-disabled children in the areas served by ROP in nonacademic and extracurricular services and activities in the manner necessary to afford children with disabilities an equal opportunity for participation in those services and activities (§ 300.305).
- \_\_\_\_\_ 7. Students with disabilities will participate with non-disabled students in non-academic and extracurricular services and activities which may include: counseling services, athletics, transportation, health services, recreational activities, special interest groups or clubs sponsored by ROP referrals to agencies that provide assistance to individuals with disabilities and employment of students, including both employment by the PEA and assistance in making outside employment available.

ROP Policy assures that:

- \_\_\_\_\_ A. The PEA ensures that children with disabilities and their parents are guaranteed procedural safeguards with respect to the provision of free appropriate public education (§300.500). If the PEA delegates this to ROP a written agreement shall be developed to determine specific responsibilities relating to the guaranteed procedural safeguards.

**Definitions**

1. "Consent" means
  - a. the parent is fully informed of all information relevant to the activity for which consent is sought, in his or her native language or other mode of communication
  - b. The parent understands and agrees in writing to the activity for which consent is sought
  - c. the consent describes the activity
  - d. the consent lists the records (if any) that will be released and to whom
  - e. the parent understands that the consent is voluntary and may be revoked at any time
  - f. if a parent revokes consent, that the revocation is not retroactive, meaning that the revocation does not negate an action that has occurred after the consent was given and before the consent was revoked (§300.9(c)(2))
  - g. Parental consent for initial evaluation will not be construed as consent for initial placement (§300.300(a)(ii)).
2. "Personally identifiable" means that the information includes
  - a. the name of the child, the child's parent, or other family member
  - b. the address of the child
  - c. a personal identifier, such as the child's social security number or student number
  - d. a list of personal characteristics or other information that would make it possible to identify the child with reasonable certainty. (§300.320.

Procedures include, but are not limited to:

**Parent participation in meetings (§§300.322 and 300.501)**

- \_\_\_\_\_ 3. The PEA (or **ROP** if determined by the written agreement) will take steps to ensure that one or both of the parents are present at each meeting or are given 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 time and place (§300.322(a)(2)).

- \_\_\_\_\_ 4. The meeting notice will
- a. indicate the purpose, time, and location of the meeting
  - b. indicate who will be in attendance
  - c. inform the parents of the provisions in §300.322(b)(ii) (relating to the participation of other individuals on the IEP team who have knowledge or special expertise about the child) (§300.322(a)(b)(c)).

**Parent involvement in placement decisions (§300.322)**

- \_\_\_\_\_ 5. The PEA (or **ROP** if determined by the written agreement) will make reasonable efforts to ensure that the parents understand, and are able to participate in, any group discussions relating to the educational placement of their child, including arranging for an interpreter for parents with deafness, or whose native language is other than English (§300.322(e)).
- \_\_\_\_\_ 6. 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 PEA (or **ROP** if determined by the written agreement) will use other methods to ensure their participation, including individual or conference telephone calls, or video conferencing. (§300.322(d))
- \_\_\_\_\_ 7. If the PEA (or **ROP** if determined by the written agreement) is unable to obtain the parent's participation in the placement decision, a record will be kept of attempts to ensure their involvement. (§§300.322(c)).

**Prior notice by the PEA (§300.503)**

- \_\_\_\_\_ 8. Prior written notice will be given to parents a reasonable time before the PEA (or **ROP** if determined by the written agreement) **proposes or refuses** to initiate or change the
- a. identification
  - b. evaluation
  - c. educational placement of a child with a disability
  - d. provision of FAPE. (§300.503(a)(1))
- \_\_\_\_\_ 9. Prior written notice will be given to the parent at the same time the PEA (or **ROP** if determined by the written agreement) requests parent consent, if the prior written notice relates to an action proposed by the agency that also requires parental consent (§300.503(b)(1)).
- \_\_\_\_\_ 10. The content of the prior written notice will contain
- a. a description of the action proposed or refused by the agency
  - b. an explanation of why the agency proposes or refuses to take the action
  - c. a description of any other options that the agency considered and the reasons why those options were rejected
  - d. a description of each evaluation procedure, test, record, or report the agency used as a basis for the proposed or refused action
  - e. a description of any other factors that are relevant to the agency's proposal or refusal

- f. 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
- g. sources for parents to contact to obtain assistance in understanding these provisions (§300.503(b)(1-7).

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- 11. The prior written notice will be written in language understandable to the general public (§300.503(c)(1)(i).
- 12. The prior written notice will be provided in the native language of the parent or other mode of communication used by the parent, unless it is clearly not feasible to do so (§300.503(c)(1)(ii).
- 13. If the native language or other mode of communication of the parent is not a written language, the PEA will take steps to ensure
  - a. that the prior written 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 prior written notice
  - c. that there is written evidence that the requirements of (a) and (b) have been met (§300.503(c)(2)(i-iii).

**Procedural safeguards notice (300.504)**

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- 14. A copy of the procedural safeguards notice will be given to the parent, at a minimum
  - a. upon initial referral for evaluation
  - b. upon each notification of an IEP meeting
  - c. upon reevaluation of the child
  - d. upon receipt of a request for due process under §300.507 and 300.504(a)(1-4)
- 15. The procedural safeguards notice will include a full explanation of all of the procedural safeguards available under the law, relating to
  - a. independent educational evaluation
  - b. prior written notice
  - c. parental consent
  - d. access to educational records
  - e. opportunity to present complaints to initiate due process hearings
  - f. the child's placement during pendency of due process proceedings
  - g. procedures for students who are subject to placement in an interim alternative educational setting
  - h. requirements for unilateral placement by parents of children in private schools at public expense
  - i. mediation
  - j. due process hearings, including requirements for disclosure of evaluation results and recommendations
  - k. State-level appeals (if applicable)
  - l. civil actions
  - m. attorneys' fees

n. the State complaint procedures under 300.660-300.662, including a description of how to file a complaint and the timelines under those procedures (§300.504(b)(1-14)

- \_\_\_\_\_ 16. The procedural safeguards notice will be written in language understandable to the general public (§300.504(c).
- \_\_\_\_\_ 17. The procedural safeguards notice will be provided in the native language of the parent or other mode of communication used by the parent, unless it is clearly not feasible to do so (§300.503(c).
- \_\_\_\_\_ 18. If the native language or other mode of communication of the parent is not a written language, the PEA (or the **ROP** if determined by the written agreement) will take steps to ensure
  - a. that the procedural safeguards 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 procedural safeguards notice
  - c. that there is written evidence that the requirements of (a) and (b) have been met (§300.503(c)).

**Parental consent (§300.300 and 300.9)**

- \_\_\_\_\_ 19. Parental consent will be obtained if, after a review of existing data, additional data are needed for a reevaluation (§§300.300(c). Parental consent is not required before reviewing existing data as part of an evaluation or before administering a test or other evaluation that is administered to all children unless such consent is required from the parents of all children.
- \_\_\_\_\_ 20. If the parents refuse consent for reevaluation, the PEA may pursue those evaluations by using:
  - a. due process procedures under §§300.300(c)(ii)
  - b. mediation procedures under §§300.504 and 300.506
- \_\_\_\_\_ 21. Informed parental consent need **not** be obtained for the gathering of additional data for reevaluation if the PEA (or **ROP** if determined by the written agreement) can demonstrate that it has taken reasonable measures to obtain that consent, and the child’s parent has failed to respond (§300.300(c)(2).
- \_\_\_\_\_ 22. The reasonable measures taken by the PEA (or the **ROP** if determined by the written agreement) to obtain informed parental consent for a reevaluation will include
  - 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
  - c. detailed records of visits made to the parent’s home or place of employment and the results of those visits (§300.300(d)(5).
- \_\_\_\_\_ 23. **ROP** 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 **ROP**, except as required by this part (§300.300(d)(3).

**Child’s status during due process proceedings (§300.518)**

- \_\_\_\_\_ 24. Except as provided in §300.533, during the pendency of any administrative or judicial proceeding regarding a due process complaint under §300.518(a), unless the State or local agency and the parents of the child agree otherwise, the child involved in the due process complaint will remain in his or her current educational placement (§300.518(a)).
- \_\_\_\_\_ 25. If the decision of a hearing officer in a due process hearing conducted by the SEA or a State review official in an administrative appeal agrees with the child’s parents that a change of placement is appropriate, that placement will be treated as an agreement between the State or local agency and the parents for purposes of §§300.518(a) and 300.518(d).

**Transfer of parental rights at age of majority (§300.520)**

- \_\_\_\_\_ 26. When a student with a disability reaches the age of majority (except for a student with a disability that has been determined to be incompetent under State law)
  - \_\_\_\_\_ a) the PEA (or **ROP** if determined by the written agreement) will provide any notice required by this part to both the individual and the parents
  - \_\_\_\_\_ b) all other rights accorded to parents under Part B of the Act transfer to the student (§300.520(a)(1)(i and ii))

ROP Policy assures that:

- \_\_\_\_\_ A. Parents may inspect and review any educational records relating to their children that are collected, maintained or used by the approved private school. Without unnecessary delay, ROP shall comply with parent request and in no case more than forty-five days after request (§300.613). \*
- \_\_\_\_\_ B. Procedures shall be established and implemented to protect the confidentiality of personally identifiable information at collection, storage, disclosure, and destruction stages. (§300.623)(a).
- \_\_\_\_\_ C. Parents may request amendment of records if they believe information in records is inaccurate, misleading or violates the privacy or other rights of their child (§300.618). \*

Procedures include, but are not limited to:

**Access rights (§300.613)**

- \_\_\_\_\_ 1. Responses to reasonable requests for explanations and interpretation of educational records will be provided to parents.
- \_\_\_\_\_ 2. Parents will be given copies of records if failure to provide copies would prevent parent from inspecting and reviewing records.
- \_\_\_\_\_ 3. A parent’s representative will be given an opportunity to inspect and review the educational records.
- \_\_\_\_\_ 4. ROP may presume parent has authority to inspect and review records relating to his or her child unless the approved private school has been advised that the parent does not have the authority under applicable State law. (e.g., guardianship, separation, divorce) (§§ 300.613)(c)-ARS 15-761 (21)-AAC R7-2-405 (8) and AAC R7-2-401 (22).
- \_\_\_\_\_ 5. A parent request for records will be provided without unnecessary delay, before any meeting regarding IEP or any hearing, and in no case more than 45 days after the request.

\*These requirements may be included in either policy or procedures.

**Record of access (§300.614 and records on more than one child §300.615)**

- 6. ROE will keep records of parties obtaining access to records, collected, maintained and used including name, access date, and purpose for access.
- 7. If a record has information on more than one child, parents have a right to inspect and review only the information relating to their child, or to be informed of that specific information.

**List of type and location of information (§300.616)**

- 8. ROE will maintain a list of types and locations of educational records that are collected, maintained, or used and provide a copy of the list upon request (§300.565).

**Fees (§300.617)**

- 9. ROE will provide copies of records to the parent if failure to do so prevents the parent from inspecting or reviewing the records (§300.613)(b)(2).
- 10. ROE may charge for copies if the fee does not prevent inspection or review of the record (§300.617)(a).
- 11. ROE will not charge a fee to search or retrieve information (§300.617)(b).

**Amendment of records at parent request (§300.618)**

- 12. A parent may request amendment of records if he/she believes that information in an education record is inaccurate, misleading, or otherwise in violation of student privacy or other rights. (§ 99.7) and (§300.618)(a).
- 13. ROE will decide whether to amend information within a reasonable period of time after the receipt of the request (§99.7) and (§300.618)(b).
- 14. If ROE refuses to amend, parents will be informed of the refusal and of the right to a hearing. (§300.618)(c)

**Opportunity for a hearing (§300.619)**

- 15. If the parent requests a hearing, ROE will provide an opportunity for a hearing to challenge information in records. A hearing held for this purpose must be conducted according to the procedures under §34CFR 99.22.

**Result of hearing (§300.620)**

- 16. After a hearing, the ROE will inform parents in writing of its decision to amend an education record believed to be inaccurate, misleading, or otherwise in violation of the privacy or other rights of the child (§300.620)(a).



- \_\_\_\_\_ 17. If the ROP makes a decision not to amend an education record, the parents will be informed of their right to place within the record a statement commenting on the information or setting forth any reasons for disagreeing with the decisions of the agency (§300.612)(c).
  - a. the approved private school will maintain the statement with the record or contested portion and
  - b. if the records are disclosed, the explanation will also be disclosed (§300.618)

**Safeguards (§300.623)**

- \_\_\_\_\_ 18. ROP will protect the confidentiality of personally identifiable information at collection, storage, disclosure to third parties, retention and destruction stages. (§300.623) (a).
- \_\_\_\_\_ 19. An official will be designated to ensure the confidentiality of any personally identifiable information (§300.623) (b).
- \_\_\_\_\_ 20. All persons collecting or using personally identifiable information will receive training or instruction regarding policies and procedures under §300.123 and §34CFR 99.22.
- \_\_\_\_\_ 21. ROP will maintain a current list for public inspection of the names and positions of employees within the approved private school who may have access to personally identifiable information. (§300.623) (d).

**Destruction of information (§300.624)**

- \_\_\_\_\_ 22. The PDS will inform the parent when personally identifiable information collected, maintained or used is no longer needed to provide educational services to the child.
- \_\_\_\_\_   23. ROP will destroy the information at the request of the parent. However, permanent record of name, address, phone number, grades, attendance record, classes attended, grade level completed, and year completed may be maintained without time limitation.

**Children’s rights (§300.625)**

- \_\_\_\_\_ 24. Children may be afforded rights of privacy similar to those afforded to parents, taking into consideration the age of the student and type or severity of disability.
- \_\_\_\_\_ 25. If the rights accorded to parents are transferred to a student with a disability who reaches the age of majority, the rights regarding educational records will be transferred to the student (§99) 5(a).
- \_\_\_\_\_ 26. In accordance with the Family Educational Rights and Privacy Act, the rights of parents regarding education records are transferred to the student at age eighteen.

**Disciplinary information (§300.229)**

- \_\_\_\_\_ 27. ROP will include in the records of a child with a disability a statement of any current or previous disciplinary action that has been taken against the child.
- \_\_\_\_\_   28. The disciplinary information on students with disabilities will be transmitted to the same extent that disciplinary information is transmitted on nondisabled students.

- \_\_\_\_\_ 29. The disciplinary statement may include a description of any behavior engaged in by the student, description of the disciplinary action take and any other information that is relevant to the safety of the student and other individuals.
- \_\_\_\_\_ 30. If a student transfers from one school to another, the transmission of any of the student's records will include the current IEP, current evaluation and any statement of current or previous disciplinary action that has been taken against the student.
- \_\_\_\_\_ 31. If a student transfers from one school to another, the transmission of any of the student's records to the receiving school will occur within the timeframe specified in State statutes and will not require the consent of the parent(s) (ARS 15-828(F-G)).

Policy assures that:

- \_\_\_\_\_ A. If **ROP** offers extended school year services, these services shall be provided in accordance with §§300.320-300.328, ARS 15-881
- \_\_\_\_\_ B. Provision of Extended School Year services, including the evaluation of the need for services, is the responsibility of the PEA. If the PEA delegates this to the approved private school, a written agreement shall be developed to determine specific responsibilities relating to the evaluation and provision of services.

**DEFINITIONS**

As used in this section, the term extended school year services means special education and related services that:

- a. are provided to a child with a disability;
- b. beyond the normal school year of the home school
- c. in accordance with the child’s IEP; and
- d. at no cost to the parents of the child with a disability.

Procedures include, but are not limited to:

**Procedures for determination of ESY services (§§ARS 15-881 AND 300.106)**

- \_\_\_\_\_ 2. The IEP team will determine, on an individual basis, the ESY services that are necessary to provide FAPE to the child with a disability.
- \_\_\_\_\_ 3. ESY services will significantly enhance the child's ability to function independently.
- \_\_\_\_\_ 4. ESY services will not be limited to particular categories of disabilities.
- \_\_\_\_\_ 5. ESY services will not unilaterally be limited to the type, amount or duration of those services.
- \_\_\_\_\_ 6. ESY services will not be required for all children with disabilities

**For children with disabilities who are eligible for ESY, The IEP team will:**

- \_\_\_\_\_ 5. Identify goals/benchmarks/short term objectives;
- \_\_\_\_\_ 6. Identify special education and related services needed;
- \_\_\_\_\_ 7. Must determine the initiation, location, frequency and duration of services; and
- \_\_\_\_\_ 8. Establish a date to review and document services.

Policy assures that:

- \_\_\_\_\_ A. The PEA ensures that special education and related services shall be provided to a child with a disability who has been placed in or referred to a private school or a facility by the PEA (§§300.401-300.402). If the PEA delegates any of the responsibilities to the approved private school, a written agreement shall be developed to determine specific responsibilities relating to the provision of services.
- \_\_\_\_\_ B. ROP will meet the standards of R7-2-402 and provide a special education instructional program for students with disabilities, as defined in §15-1011, which are at least comparable to those provided by the public schools of Arizona.

Procedures include, but are not limited to:

**Children placed in ROP by public agencies (§300.325)**

- \_\_\_\_\_ 1. Before the PEA places a child with a disability, or refers a child with a disability to **ROP** the PEA will initiate and conduct a meeting to develop an IEP in accordance with §§300.324 and 300.325(a).
- \_\_\_\_\_ 2. After a child with disability enters **ROP**, any IEP meeting to review or revise the child’s IEP may be initiated and conducted by the private school at the discretion of the PEA.
- \_\_\_\_\_ 3. A representative of **ROP** will be invited to attend the IEP meeting. If the representative cannot attend, the PEA will use other methods to ensure participation by **ROP** (§300.325(b)(1)).
- \_\_\_\_\_ 4. If **ROP** initiates and conducts IEP meetings, the PEA shall insure that the parents and an agency representative are involved in any decision about the child’s IEP and agree to any proposed changes in the IEP before those changes are implemented (§300.325(b)(2)(i and ii)).

**Requirements concerning property, equipment, and supplies for the benefit of private school children with disabilities, (§300.718)**

- \_\_\_\_\_ 5. The PEA may place equipment and supplies in ROP for a period of time for the program.
- \_\_\_\_\_ 6. The PEA will be accountable for equipment and supplies placed ROP and ensure that the equipment and supplies:
  - a. are used only for Part B purposes; and
  - b. can be removed from the private school without remodeling the private school facility.

**Residential placement (§§300.104 and ARS15-765)**

- \_\_\_\_\_ 7. The PEA may place a child with a disability in a public or private residential program to provide special education and related services.
- \_\_\_\_\_ 8. The placement will include non-medical care, and room and board and placement will be at no cost to the parents of a child with a disability (§300.104).
- \_\_\_\_\_ 9. The IEP team and other qualified professionals will
  - a. review the existing data;
  - b. determine if additional data are needed,
  - c. determine eligibility or continued eligibility;
  - d. review and revise the IEP; and
  - e. Includes exit criteria (ARS 15-765(G, K).
- \_\_\_\_\_ 10. A residential voucher application will be initiated in accordance with ARS 15-765 and ARS 15-1181.

Policy assures that:

- \_\_\_\_\_ A. ROP will consult with the PEA to determine criteria for graduation for students with disabilities that shall include accomplishment of the academic standards adopted by the State Board of Education in reading, writing, and mathematics.
- \_\_\_\_\_ B. ROP will consult with the PEA to determine other criteria for students with disabilities including additional measures of academic achievement and attendance which are in addition to the courses of study and competency requirements prescribed by the State Board of Education (§ARS15-701.01) and (AAC R7-2301 (D)(1).
- \_\_\_\_\_ C. ROP establishes the following policy regarding allowable pupil-teacher ratios \_\_\_\_\_: (§ARS15-764 (A)(5).

Procedures include, but are not limited to:

- \_\_\_\_\_ 1. Graduation from high school with a regular diploma will constitutes a change in placement and requires prior written notice (§300.102) (3).
- \_\_\_\_\_ 2. A student with disability will complete the requirements in accordance with the academic standards adopted by the State Board of Education in reading, writing and mathematics. (§ARS 15-701.01.B.)
- \_\_\_\_\_ 4. ROP will collaborate with the PEA to assure that all students with disabilities take Arizona’s Instrument to Measure Standards (AIMS) or AIMS-A at grades 3, 5, 8, and high school OR, for students in ungraded classes, at ages 9 years, 11 years, 14 years and 16 years.
- \_\_\_\_\_ 5. Each student’s IEP team will determine the graduation test criteria on the AIMS.

Policy assures that:

- \_\_\_\_\_ A. ROP will immediately notify the PEA when any disciplinary action is being contemplated for a student with a disability.
- \_\_\_\_\_ B. If a change in educational placement for disciplinary removal occurs for a child with a disability, services must be provided to the extent necessary to enable the child to appropriately progress in the general curriculum and appropriately advance toward achieving the goals set out in the child's IEP. (§ 300.121 (d)) The PEA and ROP school shall determine who will be responsible for providing the services.

Procedures include, but are not limited to:

**FAPE for children suspended or expelled (§§300.101 and 300.530)**

- \_\_\_\_\_ 1. ROP may cease services during a removal period to a child with a disability when that child has been removed from his or her current placement for 10 school days or less in a school year, if services are not provided to a child without disabilities who has been similarly removed.
- \_\_\_\_\_ 2. For a child with a disability whose placement has not been changed, i.e., who has been removed for more than 10 school days during the school year but these days were not 10 consecutive days or whose removal did not constitute a pattern:
  - a. ROP will provide services to the extent necessary to enable the child to appropriately progress in the general curriculum and advance toward achieving the IEP goals
  - b. School personnel in consultation with the PEA will determine the extent of services necessary to enable the child to appropriately progress in the general curriculum and advance toward achieving the IEP goals. (§300.101).
- \_\_\_\_\_ 3. For a child with a disability whose placement has been changed for disciplinary reasons, i.e., has been removed from his or her current placement for more than 10 consecutive school days in a school year or whose removals constitute a pattern:
  - a. ROP and the PEA will determine who is responsible for providing services to the extent necessary to enable the child to appropriately progress in the general curriculum and advance toward achieving the IEP goals.
  - b. the IEP team, which includes the PEA representative, will determine the extent of services necessary to enable the child to appropriately progress in the general curriculum and advance toward achieving the IEP goals. (§300.530)(d)(i).
- \_\_\_\_\_ 4. If a disciplinary action of more than 10 cumulative school days is contemplated for a child with a disability who has engaged in behavior that violated any rule or code of conduct of the PEA and:

- a. neither a functional behavioral assessment has been conducted nor has a behavior intervention plan been implemented for the child before the behavior occurred; within 10 business days an IEP meeting, including the PEA representative, will be convened to develop appropriate behavioral interventions to address that behavior and the private school shall implement those interventions.
- b. if the child already has a behavior intervention plan, the IEP team will meet to review the plan and its implementation, and, modify the plan to address the behavior. (300.530)(d)(ii)

**Change of placement for disciplinary removals (§§300.530)**

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5. For a child with a disability, a change in placement occurs if:
- a. a removal is for more than 10 consecutive school days or
  - b. the child is subject to a series of removals that constitute a pattern because of factors such as length of each removal, total amount of time the child is removed and the proximity of the removals to one another. (§300.530).

**Manifestation determination review (§300.530)(e)**

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6. The PEA, in conjunction with ROP; will conduct a manifestation determination review when a change of educational placement for disciplinary reasons is contemplated.
- a. When a change of educational placement for disciplinary reasons is contemplated, the PEA will notify the parents of the child no later than the date on which the decision was made to take that action. The PEA will provide the parents with an appropriate procedural safeguards notice.
  - b. No later than 10 days after the date on which the decision to act is made, the manifestation determination review must be conducted.

- c. In conducting a manifestation determination, the IEP team will consider: evaluation and diagnostic results, including information provided by the parents; observations of the child; and the child's IEP and placement.

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7. The IEP team will only determine the child's behavior was not a manifestation of the disability, if all relevant information indicates that:
- a. the child's IEP was appropriately developed and implemented and behavior intervention strategies were provided consistent with the child's IEP and placement;
  - b. the child's disability did not impair the ability of the child to understand the impact and consequences of the behavior subject to the disciplinary action; and
  - c. the child disability did not impair the ability of the child to control the behavior subject to disciplinary action.

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8. The behavior will be considered a manifestation of the child's disability if any of the standards in item 7 are not met



- \_\_\_\_\_ 9. If the behavior is not a manifestation of the child's disability, disciplinary procedures applicable to children without disability will apply except as provided in IDEA regulation §300.102

**Parent appeal (§§300.532)**

- \_\_\_\_\_ 10. If the parent of a child with a disability disagrees with the manifestation determination or any decision regarding the placement, the parents may request a hearing. (§300.530).
- \_\_\_\_\_ 11. The PEA will arrange an expedited hearing if the parent requests a hearing
- \_\_\_\_\_ 12. If a request for an evaluation is made during the time period in which the child is subjected to disciplinary action under §§300.530 or 300.532:
- a. the evaluation will be conducted in an expedited manner
  - b. the child will remain in the placement determined by the school authorities until completion of the evaluation and eligibility determination.