

Highland Free School

HFS Special Education (ESS) Policies and Procedures

Edited 4-2023

Exceptional Education Services for Children with Disabilities

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

Charter Schools

Highland Free School will identify, locate, and evaluate all children with disabilities within the population they serve who are in need of special education and related services.

Child find must also include children who are suspected of being children with a disability and are in need of special education, even though:

- They are advancing from grade to grade or
- They are highly mobile children, including those who are migrant children.

Each public education agency will maintain a record of children who are receiving special education and related services.

AAC R7-2-401.C Public Awareness

Highland Free School, on an annual basis, creates public awareness of special education opportunities and advises parents of the rights of children with disabilities. Through Child Find, HFS shall inform the general public and all parents within the public education agency'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 aged birth through 2 years.

- Confidentiality protections.
- The availability of special education services.
- Student rights to a free appropriate public education.
- The special education referral process.

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

Highland Free School shall establish, implement, and make available (either in writing or electronically) to its school-based personnel and all parents within Highland Free Schools 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.

Highland Free School shall require appropriate school-based personnel to review the written procedures related to child identification and referral on an annual basis. The public education agency shall maintain documentation of school-based personnel review.

- 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.
- The public education agency responsible for child identification activities is the school district 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.
- Identification (screening for possible disabilities) shall be completed within 45 calendar days after:
 - a) Entry of each kindergarten student and any student enrolling without appropriate records of screening, evaluation, and progress in school; or
 - b) Notification to Highland Free School by parents of concerns regarding developmental or educational progress by their child (aged 3 years through 21 years).
- 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.
- For a student transferring in to Highland Free School. Highland Free School 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 Director/Special Education Director for consideration of the need for a referral for a full and individual evaluation or other services.

- If a concern about a student is identified through screening procedures or through a review of records, Highland Free School shall notify the parents of the student of the concern within 10 school days and inform them of Highland Free School's procedures to follow up on the student's needs.
- Highland Free School 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.
- If the identification process indicates a possible disability, and the student is enrolled in Highland Free School, 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.)
- If, after consultation with the parent, the responsible public education agency determines that a full and individual evaluation is not warranted, Highland Free School shall provide prior written notice and procedural safeguards notice to the parent in a timely manner.

Screening for Children Birth through 2 years 9 months

The screening of children from birth through 2 years 9 months who exhibit difficulty with cognitive skills, motor coordination, vision, hearing, speaking, or social\emotional skills is the responsibility of the Arizona Early Intervention Program (AzEip). Highland Free School's Director and or Special Education Director will make available (to any parent inquiring) all information regarding AzEip.

For further information visit www.azdes.gov/azeip or call (520) 325- 6495 or (877) 222-5432.

Screening of Preschool Children Ages 2.9 through Five Years.

Child Find procedures for children ages 2.9 through Five Years are as follows:

1. When a child is referred to Highland Free School and is **not** currently enrolled at Highland Free School, the HFS director or Special Education Director will meet with the parent/guardian and provided the parent/guardian with a Child Find information

packet. The informational packet includes information to help the parent/guardian find and contact the proper resources for the school district in which they reside.

****Parents, private preschools, pediatricians, and other community members in the TUSD district may contact the Exceptional Education Early Childhood Coordinator at 232-8314 or the district office at 225-6410 to refer a child for a preschool evaluation. The TUSD Child Find website, which describes their services for preschool children, can be found at:**

<http://www.tusd1.org/contents/depart/preschool/ecee.asp>

Screening for School-Age Children Attending Highland Free School

All kindergarten and other new students will be screened for possible disabilities within 45 calendar days after:

- Entry of each preschool or kindergarten student and any student enrolling without appropriate records of screening, evaluation, and progress in school.
- Notification to the public education agency by parents of concerns regarding developmental or educational progress by their child.
- 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.
- For a student transferring in to Highland Free School, HFS 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 Director/Special Education Director for consideration of the need for a referral for a full and individual evaluation or other services.
- If a concern about a student is identified through screening procedures or through a review of records, HFS shall notify the parents of the student of the concern within **10** school days and inform them of the public education agency procedures to follow up on the student's needs.
- HFS 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 Director. In the case of a student not enrolled, the results shall be maintained in a location designated by the Director.
- If the identification process indicates a possible disability, the name of the student shall be submitted to the Director/Special Education Director for consideration of the need for a referral for a full and individual evaluation or other services.

- If, after consultation with the parent, HFS determines that a full and individual evaluation is not warranted, the public education agency shall provide prior written notice and procedural safeguards notice to the parent in a timely manner.

The New Student Screening process is as follows:

1. The Office Manager/Attendance Clerk or Designee generates the New Student Screening and gives the form to the general education teacher of the student.
2. The teacher completes Section B of the form and returns it to the Office Manager/Attendance Clerk or Designee.
3. If concerns *are* indicated, the Office Manager/Attendance Clerk or Designee refers the form to the Director or Designee who indicates on the form what actions are to be taken. Examples of actions to be taken are included in the New Student Screening form, and may include consideration for Child Study. The Director or Designee follows up with a staff member and signs and dates the form. Staff member will follow up.
4. The parent must be informed in writing, within **10** days of the concerns and the intended action to be taken. Two types of templates for letters to parents are available at Highland Free School's office (mentioned above).
5. If *no* concerns are noted, the Director marks the form "No problem noted at this time" and signs and dates the form.

Child Find: Required Activities by Director

- Ensure that all new students are screened within 45 days of enrollment using the New Student Screening Form.
- Disseminate Child Find procedures to parents annually using brochure provided on HFS's website.
- Review Child Find procedures with staff annually at the beginning of each school year.
- Use the Sign-In Attendance form to verify staff participation in step #3

Evaluation Policy & Procedure

A full and individual initial evaluation will be conducted by Highland Free School (appropriate staff and professionals) 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 Highland Free School in accordance with §§300.300–300.311 of the IDEA regulations.

§300.300 Parental Consent

Highland Free School proposing to conduct an initial evaluation to determine if a child qualifies as a child with a disability, after reviewing existing data with the parents and providing prior written notice, will obtain informed consent from the parent of the child before collecting any additional data.

- Parental consent for initial evaluation must not be construed as consent for initial provision of special education and related services.
- Highland Free School must make reasonable efforts to obtain the informed consent from the parent for an initial evaluation.
 - For initial evaluations only, if the child is a ward of the state and is not residing with the child's parent, the public education agency is not required to obtain consent from the parent if:
 - a) Despite reasonable efforts to do so, the public education agency 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.
- Highland Free School may, but is not required to, seek informed consent through due process procedures if the parent of a child who is enrolled or seeking to enroll in the public education agency refuses consent for an initial evaluation.
- Highland Free School 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.
- If a parent refuses consent for the initial provision of special education and related services, Highland Free School may not seek consent through due process hearing procedures. Highland Free School:
 - 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.
- Highland Free School must obtain informed consent prior to conducting any reevaluation of a child with a disability.
 - a) If the parent refuses consent, Highland Free School 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 the public education agency can demonstrate that HFS has made reasonable efforts to

obtain such consent and has documented those attempts and /or the child's parent has failed to respond.

- Parental consent is not required before:
 - a) Reviewing existing data as part of an evaluation or reevaluation;
 - 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.
- Highland Free School may not use a parent's refusal to consent to one service or activity under this section to deny the parent or child any other service, benefit, or activity of the public education agency, except as required by this part.

Parent Written Request for Initial Evaluation

The parent of a child enrolled at Highland Free School may initiate a request for an initial evaluation to determine if their child has a disability. Upon **written** receipt of a parental request for an initial evaluation, a Study Team, (please see "Study Team" for explanation of participants) under the direction of the Director, will be convened.

- HFS will send a PWN to the parent stating our intent, within 15 school days of receiving the parents written request.

Evaluation Timeline for Parent's Written Request for Initial Evaluation

Initial evaluations must be conducted within 60 days of receiving a parents written request for an evaluation.

Exceptions to the 60 day timeline

- Parent fails or refuses to produce the student for the evaluation
- Student enrolls in or leaves a school outside HFS after the evaluation process has begun
- A Prior Written Notice must be completed noting one of the reasons above
- Complete the **Extension to Evaluation Timeline** form.

Extensions of 30 days beyond the 60 day timeline are allowed if in the best interest of the child. Examples include child illness or death in the family. Extensions cannot occur for the following reasons:

- Personnel/Parent scheduling conflicts

- Personnel/Parent illness
- Lack of personnel

§300.301 Initial Evaluations

Consistent with consent requirements of §300.300, either a parent of a child or Highland Free School may initiate a request for an initial evaluation to determine if a child is a child with a disability.

- The initial evaluation must:

Be completed within 60 days of receiving parental consent for the evaluation, unless the parents and the public education agency agree that it is in the best interest of the child to extend the timeline to complete the evaluation for an additional 30 days;

The child enrolls in the public education agency from another public education agency after the parent has provided consent and before the determination of eligibility by the other agency (In that event, the agency will ensure prompt completion of the evaluation)

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

Consist of procedures to determine if the child is a child with a disability and to determine the educational needs of the child.

§300.303 Reevaluations

- Highland Free School will conduct a reevaluation of a child with a disability if:
 - a) Highland Free School 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) Highland Free School will not conduct a reevaluation more than once a year unless the parent and agency agree otherwise.
- Highland Free School will conduct a reevaluation at least once every 3 years, unless the parent and the agency agree that a reevaluation is unnecessary.

§300.304 Evaluation Procedures

- Highland Free School 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 Highland Free School proposes to conduct.
- In conducting an evaluation or reevaluation, Highland Free School 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 whether the child is a child with a disability and or 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.
- Highland Free School will ensure that evaluation materials and strategies:
 1. a) Are selected and administered so as not to be discriminatory on a racial or cultural basis;
 2. 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;
 3. c) Are used for the purposes for which the assessment(s) or measure(s) are valid and reliable;
 4. d) Are administered by trained and knowledgeable personnel;
 5. e) Are administered in accordance with the instructions provided by the assessment publisher;
 6. 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).
 7. 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
 8. 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.
 9. i) Provide relevant information that directly assists in determining the educational needs of the child.

- 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.

§300.305 Additional Evaluation Requirements

- 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:

- Evaluations and information provided by the parents;
- Current classroom-based, local, and statewide assessments, and classroom-based observations; and
- 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:

- Whether the child is or continues to be a child with a disability and if so, the educational needs of the child;
- The present levels of academic achievement and related developmental needs of the child.
- Whether the child needs special education and related services to enable the child to meet measurable annual IEP goals and to participate, as appropriate, in the general education curriculum.

c) The IEP team may conduct the review without a meeting.

- If additional data are needed, Highland Free School will administer the assessments required to obtain the additional data.

- 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, Highland Free School 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.

- Highland Free School will evaluate a child before determining that the child is no longer a child with a disability.

§300.306 Determination of Eligibility

- Upon completion of the evaluation process, Highland Free School will ensure that:
 - a) A group of qualified professionals and the parent of the child determine: If the child is a child with a disability under the Individuals with Disabilities Education Act and the Arizona State Statutes; and If so, the educational needs of the child.
 - b) The parents are provided, at no cost, a copy of the evaluation report an eligibility determination.
- 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 (December 9, 2015));
 - b) Lack of appropriate instruction in math; or
 - c) Limited English proficiency.
- 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.

§300.307 Additional Procedures for Identifying Children with Specific Learning Disabilities

Option 1:

1) Highland Free School will use the state-adopted criteria for determining whether a child has a specific learning disability through a process based on the child's response to scientific, research-based intervention in conformity with IDEA Regulations §§300.307–300.311.

Option 2:

2) Highland Free School will establish a criteria for determining whether a child has a specific learning disability through the identification of a severe discrepancy between intellectual ability and achievement in conformity with IDEA Regulations §§300.307–300.311.

Option 3:

3) Highland Free School 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:

1. a) The state-adopted criteria based on a child’s response to scientific, research-based intervention;
2. b) The identification of a severe discrepancy between intellectual ability and achievement.

§300.308 Additional Group Members (ie: Study team, team)

• 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.

Study Team: The Child Study Team Purpose and procedures. For more information please see Appendix A

§300.309 Determining the Existence of a Specific Learning Disability

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:

1. i) Oral expression
2. ii) Listening comprehension
3. iii) Written expression
4. iv) Basic reading skill
5. v) Reading fluency skills
6. vi) Reading comprehension
7. vii) Mathematics calculation
8. 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 (team) to be relevant to the identification of a specific learning disability, using appropriate assessments.

• 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.

• The group (team) 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.

- Highland Free School (Director/Special education Director) 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).

§300.310 Observation

- Highland Free School (Director/Special education Director) 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.
- In the case of a child of less than school age or who is out of school, The Director or Special Education Director of Highland Free School would meet with the parent/guardian of the child in question and offer them guidance and assistance contacting the proper agency/school in the district where they reside.

§300.311 Specific Documentation for the Eligibility Determination

- 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.

- 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.

- 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.

The Multidisciplinary Evaluation Team (MET). MET Team Purpose and procedures. For more information please see Appendix B

AAC R7-2-401.E Evaluation/Reevaluation

- Highland Free School shall establish, implement, and make available to school-based personnel and parents of enrolled students 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.

- 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.

- 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 Highland Free School's receipt of the parent's informed written consent and shall conclude with date of the multidisciplinary evaluation team (MET) determination of eligibility.

- a) If the parent requests the evaluation, the Highland Free School must, 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 the Highland Free School's receipt of the parent's informed written consent.

b) 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 PEA 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.

c) Highland Free School 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 the public education agency 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,

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) Highland Free School 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.

§300.101 Free Appropriate Public Education

A Free Appropriate Public Education - FAPE

Highland Free School will make the following services available to all children with disabilities within the population of Highland Free School, including children with disabilities who have been suspended or expelled from school as provided for in §300.530(d) of the IDEA regulations.

- A free, appropriate public education.
- A fair, accurate, and unbiased evaluation to assist in deciding Exceptional Education and related services.
- An individualized educational program (IEP) based upon each student's individual capabilities and needs.
- An education in the most typical setting in which each student can make educational progress.
- A range of placement options from the least restrictive to the most restrictive.
- The same array of academic, nonacademic, physical education, and extracurricular activity services that is available to students without disabilities.

§300.101 Free Appropriate Public Education

Charter schools will:

- Highland Free School (Director, Special Education Director) will refer any children who are suspected of having a disability to the appropriate unified district or elementary district, in which they reside, for evaluation and, if appropriate, for services.

For School-Aged Children (5 to 21) Enrolled at Highland Free School

- Highland Free School 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.
- Highland Free School will protect the rights of students and their parents throughout the Exceptional Education process. Parents must approve the initial evaluation and initial placement of their child, participate in developing the IEP, and have advanced notice of proposed changes in their child's program. Parents also have the right to call an IEP meeting to review the educational program of their child.

ARS 15-764.A(5) Powers of the School District Governing Board or County School Superintendent

The governing board of Highland Free School 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.

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.

§300.105 Assistive Technology

- Highland Free School 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.

- On a case-by-case basis, Highland Free School 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.

§300.106 Extended School Year Services (ESY)

- Highland Free School 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.
- The ESY services that are provided to a child with a disability will:
 - a) Be provided beyond the normal school year of the agency;
 - 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.

§300.107 Nonacademic Services

- Highland Free School 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.

- Nonacademic and extracurricular services and activities may include counseling services, athletics, transportation, health services, recreational activities, special interest groups or clubs sponsored by Highland Free School.

§300.108 Physical Education

- Highland Free School will make regular physical education services available to children with disabilities to the same extent that Highland Free School 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.
- If a child is enrolled in a separate facility, Highland Free School will ensure that the child receives appropriate physical education services. Highland Free School will provide the parent /guardian with information to assist them in obtaining services from their public school of residency.
- If special physical education is prescribed in a child's IEP, Highland Free School will provide for those services, either directly or through other public or private programs.

§300.110 Program Options

- Highland Free School will ensure that children with disabilities have available to them the variety of educational programs and services that are available to nondisabled children, including art, music, industrial arts, consumer and homemaking education, and vocational education.

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

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

§300.154 Methods of Ensuring Services

- Highland Free School 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 Highland Free School;
 1. a) May not require parents to sign up for or enroll in public benefits or insurance programs to receive FAPE;
 2. 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;
 3. c) May not use a child’s public benefit if that use would:
 - i) Decrease lifetime benefits;
 - ii) Result in the family paying for nonschool 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.

- Highland Free School must notify parents that their refusal to allow access to their public benefits does not relieve the agency of its responsibility to provide all required IDEA services.

- Highland Free School 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.

- Highland Free School 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.

AAC R7-2-401.F Parental Consent

- Highland Free School (Special Education Director) 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.

1. 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, Highland Free School 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.
2. 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, Highland Free School:

- 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.

- 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, Highland Free School:

- 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.

- 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, Highland Free School 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.

AAC R7-2-401.K Preschool Programs

- Highland Free School is not responsible for providing Preschool programs.

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

- Highland Free School shall 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.

1. When a child is referred to Highland Free School and is **not** currently enrolled at Highland Free School, the HFS director or Special Education Director will meet with the parent/guardian and provided the parent/guardian with a Child Find information packet. The informational packet includes information to help the parent/guardian find and contact the proper resources for the school district in which they reside.

****Parents, private preschools, pediatricians, and other community members in the TUSD district may contact the Exceptional Education Early Childhood Coordinator at 232-8314 or the district office at 225-6410 to refer a child for a preschool evaluation. The TUSD Child Find website, which describes their services for preschool children, can be found at:**

<http://www.tusd1.org/contents/depart/preschool/ecee.asp>

Least Restrictive Environment (LRE) Policy & Procedure

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.

§300.114 LRE Requirements

Highland Free School 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.

§300.115 Continuum of Alternative Placements

- Highland Free School will make available a continuum of alternative placements to meet the needs of children with disabilities for special education and related services.
- 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.

§300.116 Placements

- 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.
- 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.
- 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.
- A child with a disability will not be removed from age-appropriate regular classrooms solely because of needed modifications in the general education curriculum.

§300.117 Nonacademic Settings

- In providing or arranging for the provision of nonacademic and extracurricular services and activities, including meals, recess periods, and other nonacademic activities, the Highland Free School 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.
- Highland Free school 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.

AAC R7-2-401.H Least Restrictive Environment

- Highland Free School 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. *Please see IEP procedures in appendix B*
- A continuum of services and supports for students with disabilities shall be available through Highland Free School.

APPENDIX A

The Child Study Team Purpose

Highland Free School will have a Child Study Team (CST) to assist school staff in problem solving and planning general education interventions to support student's success in the classroom. Child Study Teams are school-based, problem solving groups whose mission is to assist teachers, administrators, and school staff with intervention strategies for dealing with the academic and social-emotional behavioral needs of general education students. Child Study Teams have the potential to:

1. Enable the school's instructional program to meet a broader range of student needs.
2. Engage in group problem-solving procedures to resolve both academic and behavioral concerns.
3. Identify for early intervention students who are at-risk to themselves and others.
4. Partner with parents and outside resources.
5. Engage as a professional learning community by sharing expertise and enhancing professional development.
6. Reduce the number of inappropriate referrals for special education evaluations

Recommendation to the Child Study Team

A teacher, parent, guardian, administrator, or staff member may initiate a recommendation to the CST. A student for whom concerns were noted through the New Student Screening process may also be recommended to the CST.

Child Study Team Members

The CST may consist of a core team of at least 4-7 members, including:

- A Coordinator who schedules, facilitates, and maintains records of team actions.
 - The recommending teacher.
 - At least one other teacher.
 - A specialist such as a school nurse, school counselor, or special education teacher.
- Other CST members in addition to the core team may be invited to participate.

While parent permission is not required to initiate the Child Study process, parents are encouraged to participate. Parents must be notified in their native language or in another mode of communication if the parents are not able to read. If the parent will need an interpreter or translator, please contact Meaningful Access at 225-6082.

The Multidisciplinary Evaluation Team (MET)

The determination of the need to evaluate a student for Special Education is a team decision. A multidisciplinary team must conduct the evaluation, and the team must include at least one education specialist in a field relevant to the student's suspected disability. All students considered for placement in a special education program must have a comprehensive evaluation of the capabilities and limitations of the student that establishes the student's eligibility for such placement.

Multidisciplinary Evaluation Team Members

The multidisciplinary evaluation team (MET) is a school district team of qualified professionals, including the parent, or student if 18 or older, that determines whether a student is eligible for special education based on evaluation results. Required members of the MET are in **bold** below. Other members of the MET may include, but are not limited to the following: related service providers, counselor, Adaptive P.E. teacher, etc.

- **Parent**
- Student
- **Special Education Teacher or specialist** with knowledge in the area of the suspected disability
- **Evaluator**
- **General Education Teacher** directly instructing the student or a teacher in an age-appropriate grade level
- **District representative**

Initial Special Education Evaluation or Re-evaluation Procedures

It is the responsibility of the multidisciplinary evaluation team (MET) to consider all available and relevant information about the student before determining the need to evaluate. This consideration process is called "Review of Data 1."

Review of Data 1: Consideration of Student Data as a Team

The Special Education Director will send the parents a HFS Meeting Notice which will indicate the need to complete a review of data with the MET team.

The Special Education Director is responsible for the following prior to or during the Review of Data1:

- Obtain relevant background information about the student including educational records; previous evaluation reports if any are available; the student's developmental, medical, and family history;
- Obtain current vision and hearing screening test results;
- Determine the student's native language; the extent to which disadvantage is a factor; and documentation of efforts to educate the student in general education.
- If the team is considering counseling services, be prepared to document the following on the MET
 - Determination if the student qualifies for such services: Behavior History Review/Factors Social-Emotional History Review/Factors. How long has the behavior been a problem?
 - The team will review existing evaluation data regarding the student, including evaluations and information provided by the parents, current classroom-based assessments and observations, and observations by teachers and related services providers. Vision and hearing screening must be obtained PRIOR to the review of data meeting.
 - The team may conduct the review to consider the need for a reevaluation at the IEP annual review meeting prior to the reevaluation due date.

Review of Data 1 Team Decision Making

Based upon this review of data, the team will identify what additional data, if any, are needed to determine the following:

- If the student has a category of disability, or in the case of re-evaluation, if the student continues to have a disability.

- If the student needs special education and related services, or in the case of re-evaluation, if the student continues to need special education and related services.
- The present levels of performance and other educational needs of the student.
- In the case of a re-evaluation, any additions or modifications to the special education and related services that will be needed to enable the student to meet the measurable annual goals established in the IEP and to participate in the general curriculum, as appropriate.
- If the team determines that no additional data are needed, the HFS Review of Data 1 form will reflect this determination. The team will provide the parents a finalized copy of the Review of Data 1 and HFS Prior Written Notice within 5 days of the meeting.
 - If the team determines that additional assessment(s) is/are necessary to determine eligibility and performance and classroom needs are needed, then the team obtains Parent permission. The parents will sign the HFS Permission to Evaluate within 15 calendar days of determining the need for an evaluation.
 - The team will document the outcome of the review using HFS Review of Data 1.

Parent Permission

A school's evaluation team must obtain informed, written parent consent (HFS Permission to Evaluate) before conducting an evaluation. If the parent refuses consent for initial evaluation, the team can offer mediation. A court-appointed educational surrogate parent must provide written permission for an evaluation if:

- No parent can be identified.
- After reasonable efforts, the parents cannot be located.

Additional Procedures for Reevaluations

The evaluation team must conduct a reevaluation at least every three years after a student has been placed in special education.

Reevaluations can occur more frequently if conditions warrant, or if the parents or the student's teacher requests a reevaluation. The need for a reevaluation also must be considered and documented with a prior written notice before determining that a student no longer has a disability.

Evaluations

- Test Materials

The assessment tests, materials, and strategies included in the evaluation:

- Will be provided and administered in the language and form most likely to yield accurate academic and developmental information, unless it is clearly not feasible to do so.
- Will be selected and used so as not to be racially or culturally discriminatory.
- Will be selected and used to measure the extent to which a child with limited English proficiency has a disability and needs special education, rather than measuring the child's English language skills.
- Will be used for the purposes for which the assessments or measures are valid and reliable.
- Will be administered by trained and knowledgeable personnel in accordance with the instructions provided by the producer of such tests.
- Will be used to provide relevant information that directly assists in determining the educational needs of the child.
- Will be used to assess specific areas of educational need and not merely those that are designed to provide a single general intelligence quotient.
- Will be used to determine whether the child has a disability and the nature and extent of the special education and related services that the child needs.

Evaluating all Areas of Disabilities

The team will assess the student in all areas related to the suspected disability, including, if appropriate, health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status, motor abilities, and the need for assistive technology. The team will consult with appropriate discipline representatives when these are possible areas of concern. The team will use the evaluation to gather relevant functional and developmental information about the student, information provided by the parents, and information related to helping the student be involved in and progress in general curriculum, or for a preschool child to participate in appropriate activities. If a **Permission to Evaluate** form has been signed to conduct an evaluation, all evaluations listed must be conducted. If during the course of the overall evaluation a particular area is deemed not necessary a **Prior Written Notice** must be provided to explain the reason why the evaluation was not conducted.

Considering Language Proficiency.

The assigned designee will consult student records before beginning an evaluation to ascertain the student's PHLOTE status and/or current AZELLA scores. The evaluator

should consult with the Team to consider the need for additional evaluation. If the student has limited English proficiency, the evaluator should be fluent in English and in the student's language of proficiency, should use a qualified interpreter, or should assess the student using acceptable tests that do not stress spoken language. If English is not the primary language of the student's home, the evaluator may include an adaptive behavior assessment when cognitive delays are suspected. There is to be caution used with the adaptive measure and the normative measure (some measures are not normed on Spanish populations). The evaluation and MET must reflect that assessments and other evaluation materials were administered in a non-discriminatory racial or cultural manner and that they were administered in a form and language most likely to yield accurate information on what the child knows and can do academically, developmentally and functionally unless it was not feasible. The Evaluator needs to explicitly describe both in the evaluation and in the MET what strategies, materials and/or test were used to address any issues related to the student's language proficiency.

Evaluation Report

The evaluation report will be reviewed in conjunction with other information by the evaluation team, including the parents, at a multidisciplinary conference. A finalized written copy of the evaluation report will be provided to the parent at the MET meeting or within **5 days** of the MET meeting.

Evaluation Criteria

No single procedure will be used as the sole criterion for determining whether a student has a disability and for determining an appropriate educational program for the student. The evaluation will be sufficiently comprehensive to identify all of the student's special education and related services needs, whether or not commonly linked to the disability category in which the student has been classified. If an assessment used in the evaluation 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.

Evaluation Timelines

Initial evaluations must be conducted within 60 days of receiving parent consent for evaluation or a parent request for an evaluation.

Exceptions to the 60 day timeline

- Parent fails or refuses to produce the student for the evaluation
- Student enrolls in or leaves a school outside HFS after the evaluation process has begun
- A Prior Written Notice must be completed noting one of the reasons above
- Complete the **Extension to Evaluation Timeline** form.

Extensions of 30 days beyond the 60 day timeline are allowed if in the best interest of the child. Examples include child illness or death in the family. Extensions cannot occur for the following reasons:

- Personnel scheduling conflicts
- Personnel illness
- Lack of personnel

Eligibility Determination Procedures

1. The evaluation team will complete the evaluation and determine the student's eligibility for special education within **60 calendar days** from the date on which the parents provided informed written consent or the date on which the parents provided a written request for an evaluation.
2. The Special Education Director will send the parents a Meeting Notice at least 10 days or sooner if agreed upon by parent and district staff, prior to the proposed meeting. The Special Education Director will inform all MET members of the meeting.
3. The team will review the evaluation results and any other relevant information at the meeting and will document the eligibility decision.
4. The evaluation of specific learning disability also includes a Classroom Observation of the student's academic and behavioral performance. The observation must take place within the regular classroom conducted by at least one team member other than the student's regular teacher. Additionally, if oral expression or listening comprehension is a suspected area of disability, a speech pathologist will conduct an evaluation to assess those areas.
5. If the student is eligible, the team may proceed with IEP development.
6. Within 5 days of the meeting the Special Education Director will provide the parents a copy of the procedural safeguards (for initial evaluation), Prior Written Notice of the team's decision, a copy of the eligibility report, and a copy of the evaluation report if it was not previously given to the parents.
7. All required paper work (signature page, invitation and medical certifications) will be sent to the Special Education Director and filed accordingly.

The IEP team must convene and develop an IEP within 30 days of any MET determination.

Consideration of Other Factors

The evaluation results establish that the student's current functional or educational difficulties are not primarily the result of any of the following factors:

- Environmental or economic disadvantage — Ongoing abuse, neglect, family instability, social isolation, malnutrition, lack of normal childhood opportunities, frequent substance abuse, student employment, family income at or below the poverty level.
- Health or medical problems — Long-term or chronic illnesses, medical syndromes, medications affecting learning, short-term illnesses that result in poor achievement.
- Personal adjustment problems — Situational stress correlated with a drop in achievement, difficulty adjusting to school expectations, attitudinal and motivational factors, delinquency, emotional problems.
- Educational disadvantage — Frequent changes in schools, lack of continuous school enrollment, frequent school absences, lack of previous remediation attempts, previous instructional deficiencies.
- Language factors — Language experience deprivation, multiple language background, poor language development (language immaturity).
- Cultural factors — Migrant farming, recent immigration from another country, cultural practices that are distinctly different from those of the majority culture, reservation life.
-

Special Considerations for Specific Learning Disability Eligibility

The evaluator will draw upon information from a variety of sources and must conclude that the following conditions are present:

- There is a significant discrepancy between the student's ability and achievement in one or more of the following areas: oral expression, listening comprehension, basic reading, reading fluency skills, reading comprehension, math calculation, math reasoning, and written expression.
- There is evidence that the student, after receiving supportive and remedial general education assistance, still exhibits significant learning problems that require special education services.

Parent Request for Initial Evaluation

The parent of a child may initiate a request for an initial evaluation to determine if their child has a disability. Upon written receipt of a parental request for an initial evaluation, a MET will be convened to do a Review of Data.

Parent Request for an Independent Educational Evaluation (IEE)

Special education regulations allow parents to obtain an independent educational evaluation at public expense if they disagree with an evaluation provided by the school district. School staff must notify the Special Education Director when parents request an independent evaluation in writing. The district Department of Special Education will

provide the parents with a list of qualified evaluators available to complete such an evaluation.

Highland Free School reserves the right to challenge the parent's request by asking for a due process hearing. If the hearing decision is that the district's evaluation is appropriate, the parents will be responsible for the cost of the independent evaluation. An independent evaluation must meet the same requirements as a district evaluation. If an independent evaluation is conducted, the district will consider it in making decisions about the student's education

Non-Highland Free School Obtained Evaluations

The evaluation team may determine a student's eligibility for special education using a non-district (HFS) evaluation. This most commonly occurs when a special education transfer student has been evaluated by the previous school district or when parents obtain an independent evaluation.

The appropriate assigned school representative will review the evaluation report to determine its adequacy in relation to state and federal evaluation requirements. The psychologist must presume eligibility for in-state evaluations but should review the report to ensure all required components are present. As other states have different criteria for meeting federal eligibility regulations, the psychologist cannot presume eligibility for out-of-state evaluations. If any written evaluation components are missing from the non-district evaluation, the MET will determine which additional evaluations need to be completed. If the student has a current IEP, the student's special education services will not be interrupted during the evaluation process.

Eligibility

The team determines if the student meets the criteria of a disability and whether the child does or does not need special education services. A student shall not be determined to be a child with a disability if the determinant factor is lack of appropriate instruction in reading, (including the essential components of reading instruction), lack of appropriate instruction in math, or limited English proficiency. Parent is provided with a notice regarding this decision that meets prior written notice requirement under IDEA.

Primary services can be in any of the categories of disability. Related services **must be attached** to a Primary service. They cannot be the only service provided to a child. Related services are supportive services which are required to assist a child with a disability to benefit from their special education services. Related services such as speech-language (can also be a primary service), physical and occupational therapy, and adaptive physical education have eligibility criteria and will have goals in the IEP. Other related services can include: audiology services, interpreting services, transportation, counseling, school health services and school nurse services.

A table translating the special education categories with the State of Arizona special education categories and then to the Federal special education categories can be obtained by contacting The Special Education Director at Highland Free School.

APPENDIX B

Individual Education Program (IEP)

The Individualized Education Program (IEP) is both a process and a written document whereby parents and special educators develop special education services for a student with disabilities, monitor the student's educational progress, and make needed changes in the student's program as circumstances change. The IEP must be based on the individual needs of the student, must enable the student to receive educational benefit, and must meet state educational agency standards.

In developing each student's IEP, the IEP team will consider the strengths of the student and the concerns of the parents for enhancing the education of their child. The team also will consider the results of the initial or most recent comprehensive evaluation of the student, and the results of the student's performance on any State or district-wide assessment programs.

Highland Free School shall ensure that an IEP is developed and implemented for each eligible child served by the public education agency and for each eligible child placed in or referred to a private school or facility by the public education agency in accordance with §§300.320–300.325 of the IDEA regulations.

§300.320 Contents of the IEP

- 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 (MSAA and AIMS A), a description of benchmarks or short-term objectives;

- How the child's progress toward meeting the IEP goals will be measured and when periodic reports on the child's progress toward the goals will be provided;

- 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.

- The extent, if any, to which the child will not participate with nondisabled children in the regular class and in extracurricular and other nonacademic activities;

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

- If the IEP team determines that the child must take an alternate assessment instead of a particular regular State or district-wide assessment of student achievement, a statement of why:

i) the child cannot participate in the regular assessment; and

ii) the particular alternate assessment selected is appropriate for the child;

- The projected date for the beginning of the services and modifications and the anticipated frequency, location, and duration of those services and modifications.

- 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:

- Appropriate measurable postsecondary goals based upon age-appropriate transition assessments related to training, education, employment, and where appropriate, independent living skills.
- Transition services (including courses of study) needed to assist the child in reaching those goals.
- 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.

§300.321 The IEP Team

The following persons (highlighted in bold must attend the IEP meeting. The other individuals listed are encouraged to attend as appropriate:

1. **Parent/guardian:** The student's parents, guardian, or educational surrogate. (see Definitions in Additional Information ii) (Appendix C for surrogate)
2. **General education teacher:** At least one of the student's general education teachers (if the student is, or may be, participating in any general education environment) who will help develop the IEP, including positive behavioral interventions and strategies, supplementary aids and services, program modifications, and support for school personnel, as appropriate.
3. **Special education teacher/Service provider:** At least one of the student's special education teachers or providers who will lead the team in writing the IEP, work with the student to carry out the IEP, and work with other school staff, particularly the general education teachers, to provide expertise about addressing the student's unique needs.
4. **District representative/Designee:** A representative of the school district who is qualified to provide or supervise the provision of specifically designed instruction to meet the unique needs of children with disabilities and who is knowledgeable about the general curriculum and the availability of district resources.
5. **Evaluator/Representative:** An individual who can interpret the instructional implications of the evaluation results.
6. **Related service provider:** Depending on the student's individual needs, the related service providers attending the meeting might include a behavior specialist, occupational therapist, physical therapist, speech-language pathologist, transportation representative, interpreter and/or other related service member.
7. **Transition representative:** Representatives of any other agencies that may be responsible for paying for or providing transition services (if the student is at least 16 years old or, if appropriate, younger) can be invited. If an agency invited to send a representative to a meeting does not do so, the school will take steps to obtain participation of any other relevant agency in the planning of transition services.

8. Student: The student, if appropriate. If transition needs or services will be discussed at the meeting, the student must be invited to attend. If the student does not attend, the school will take other steps to ensure that the student's preferences and interests are considered.
9. Private school representative: An individual who represents an out of district educational setting.
10. Counselor: A school counselor.
11. Other individuals who have knowledge or special expertise about the student (at the discretion of the parent or district).

NOTE: An IEP team member may fill three of the team positions if properly qualified and designated. For example, the special education teacher may participate as the school district representative and as the person who can interpret the student's evaluation results. If the student's primary disability is speech/language impairment, a speech pathologist will serve as the student's "special education teacher/service provider" for purposes of the IEP meeting.

IEP Team Attendance:

1. A member of the IEP Team is not required to attend an IEP Team meeting, in whole or in part, **IF** the parent of the child and the LEA agree, in writing (IEP Attendance Exemption form) , that the attendance of the member is not necessary because the member(s) area of the curriculum or related services is not being modified or discussed in the meeting.
2. A member of the IEP Team may be excused from attending an IEP Team meeting, in whole or in part, when the meeting involves a modification to, or discussion of the member(s) area of the curriculum or related services IF:
 - o The parent consents in writing (IEP Attendance Exemption form.) to the excusal; and
 - o The member submits, in writing to the parent and the IEP Team, input into the development of the IEP prior to the meeting.

§300.322 Parent Participation

- Highland Free School 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.
- 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).
- If applicable Due to Highland Free School being a K-6 grade institution: 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 the agency will invite the student; and
 - c) Identify any other agency that will be invited to send a representative.
 - If neither parent can attend, Highland Free School will use other methods to ensure parent participation, including individual or conference telephone calls.
 - A meeting may be conducted without a parent in attendance if the public education agency is unable to convince the parents that they should attend. In this case, the public education agency 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.
 - Highland Free School 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.
 - The public education agency will give the parent a copy of the child's IEP at no cost to the parent.

§300.323 When IEPs Must Be in Effect

- At the beginning of each school year, Highland Free School must have in effect for each child with a disability in its jurisdiction, an IEP as defined in §300.320.

- Highland Free School 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.

- For children aged 2 years 9 months through 5 years who were previously served by AzEIP. Highland Free School is a k-6 Charter School. Children 2 years through 5 years would initially be referred to their public school of residency by Highland Free School's Special Education Director.

- Highland Free School's Special Education Director 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.

- For a child with an IEP who transfers in to the public education agency from another public education agency in Arizona, Highland Free School, in consultation with the parents, will provide a free appropriate public education (including services comparable to the services described in the existing IEP) until the agency:

- a) Reviews and adopts the child's IEP from the previous public education agency or

- b) Develops, adopts, and implements a new IEP.

- For a child with an IEP who transfers in to Highland Free School from another state, Highland Free School, in consultation with the parents, will provide a free appropriate public education (including services comparable to the services described in the existing IEP) until the agency:

- 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.

- To facilitate the transition of a child enrolling from another public

education agency, either from within or from outside of Arizona, Highland Free School 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.

- When a records request is received from another public agency, from either within or outside of Arizona, Highland Free School will promptly respond to the request.

§300.324 Development, Review, and Revision of an IEP

- 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.

- 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.

- 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

- b) Supplementary aids and services, program modifications, and/or supports for school personnel that will be provided for the child, consistent with §300.320(a)(4).

- In making changes to the IEP after the annual IEP meeting, the parent and the agency may agree to amend the IEP without a meeting to make those changes and instead, develop a written document to amend or modify the child's current IEP. The public education agency must:

- 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.

- To the extent possible, Highland Free School will encourage the consolidation of evaluation, reevaluation, and IEP meetings for a child.

- Highland Free School 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.

- If a participating agency other than Highland Free School fails to provide the transition services in an IEP, the public education agency must reconvene the IEP team to identify alternative strategies to meet the child's transition outcomes.

§300.325 Private School Placements by the Public Education Agency

- Before Highland Free School places a child with a disability in a private school or facility, the agency must initiate and conduct a meeting to develop an IEP for the child and ensure that a representative of the private school or facility attends the meeting in person or by conference call.
- Subsequent IEP reviews may be initiated and conducted by the private school at the discretion of the public education agency. However, the public education agency must ensure that:
 - a) The parents and the public education agency 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.
- Highland Free School remains responsible for ensuring FAPE to a child placed by the public education agency in a private school or facility.

§300.327 Educational Placements

Highland Free School 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.

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

1. 1) Highland Free School 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. 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. 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. 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. 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. *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. The public education agency 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, the public education agency 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. *7) A parent or public education agency 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.*

Highland Free School IEP Process

Meeting Notice Procedures

- HFS procedures are to convene the IEP meeting two months prior to the expiration date. This allows ample time for parents and teams to determine a mutual meeting date and time. It is not acceptable to go beyond the expiration date. There must be an active IEP in place at all times.
- The invitation needs to be sent to the parents providing at least 10 calendar days notice. The parent may waive the 10 day notice and request an earlier date and if the team agrees, the IEP meeting may be held.
- If the parent declines that date and time, the team sets a second date and time which does not have to be 10 calendar days notice but reasonable.
- If the parent declines that date and time, the team sets the third and last date. The team may proceed on that third date whether or not the parent attends. If the parent does not attend, the team may complete the IEP and it must be sent home.
- Parents may say that they don't want the IEP meeting held without them. It is best to accommodate if possible, but when that is not successful it must still be completed before that expiration date. Explain to them that by law the team must develop this IEP within the timeline and that they may meet later to discuss changes on that IEP. It is meant to be a fluid document to be adjusted as needed to meet the student's current needs so it is not difficult to make amendments if the team is in agreement.
- If the team cannot agree on or complete IEP items at meetings the team must continue so the IEP is completed within the timeframe. If the team suggests alternate dates and times it must occur prior to the expiration date. If the parent

can't attend the suggested times, the team completes the IEP. It is sent home and amendments can be made later if the team agrees.

- Our electronic system is designed for teams to print an IEP in the draft stage to use during the IEP meeting. Changes are made at the IEP meeting and considered a final IEP. The additions, changes, deletions and edits made at the meeting are entered into the system and finalized. It is not sufficient that parents are given the draft at the IEP meeting. They must be sent that final version within five days.

The IEP team **must:**

- Develop an IEP within 30 calendar days of determining the student's eligibility for special education and related services. The team may develop the IEP following the eligibility determination if parents were notified of the Meeting Notice.
- Develop the IEP before providing any special education or related services.
- Complete the annual IEP within 364 days of the last IEP.
- Revise the IEP if the student is not making expected progress toward his or her goals or upon parent request.
- Develop a new IEP **after** a reevaluation is completed. The IEP date must be either the same date, or within 30 days, of the reevaluation date.
- If additional information about the student's needs becomes available an IEP review may be appropriate to reflect necessary changes based on the new information.
- For IEP's which are due in August or by September of the following school year, complete those IEP's by the last day of school during the current school year.

A draft IEP may be prepared before an IEP meeting as long as the parents are informed that the proposed goals, objectives and services are only recommendations for review and discussion. Copies of proposed Present Levels and Annual Goals may be shared with the parent prior to the IEP meeting if desired. The provided copies must be clearly identified as draft documents.

Parents must be given the opportunity to be active participants in the IEP process. Parents or school staff may request an IEP review meeting if they believe the child is not making satisfactory progress or if there is a problem with the child's current IEP.

The IEP team will give the parents a Meeting Notice of proposed IEP meetings so they may participate. When reasonable, the notice will be in the primary home language, will be written in understandable language and will explain the purpose of the meeting, time, location, and the positions held by the staff who will attend. The notice will inform the parents of their right to review the child's educational records before the meeting and have a representative with them at the meeting. The team will ensure that the parents understand the proceedings at an IEP meeting. If needed, the team will provide an interpreter for parents who are hearing impaired or who have limited English proficiency. Contact Meaningful Access at 225-6080. The Meeting Notice procedure to ensure that an active IEP will remain in place is to send the invitation to the parent providing at least 10 calendar days notice prior to the proposed meeting. If the parent declines that date and time, the team sets a second date unless the parent gave permission for the team to

proceed without them. The second date and time does not have to be 10 days notice but reasonable. If the parent declines that date and time, the team sets the third and last date. The team proceeds on that third date whether or not the parent attends.

Initial IEP procedures

1. The IEP team will send a Meeting Notice to the parents at least 10 days prior to the proposed meeting or a mutually agreed upon time.
2. At the meeting, the team will document components of the IEP.
3. All IEP participants will sign the IEP to document their participation. Any member of the IEP team may participate using the teleconference or video conference option. If the parents are unwilling to participate, the IEP team may meet without them and document, using Meeting Notice, their attempts to include the parents. If a required member of the IEP team is unable to attend, the parent and a school representative may excuse that member using the Attendance Exemption form. The roles that may not be excused include the district representative and one special education teacher/service provider.
4. After the IEP Team has met to develop the IEP, the team will obtain the parent's written permission for initial services using the Initial Placement Statement. Once the signature is obtained the team will provide the agreed-upon services as indicated on the IEP. The initial placement statement is required only once upon initial placement into special education. Special Education services cannot be delivered until the Initial Placement Statement is signed by the parent.
5. The IEP team will provide the parents procedural safeguards and prior written notice indicating implementation of the new IEP.
6. The Special Education Director will ensure that everyone who will be involved in implementing the IEP has access to the document and knows each person's specific responsibilities for carrying out the student's IEP.
7. The special education teacher or service provider will send the original signature pages (Participation page, Meeting Notice, Medicaid Consent, Initial Placement Statement) to the district's Exceptional Education Compliance Technician at Rosemont Service Center.
8. The special education teacher or service provider will ensure that copies of the IEP documents are provided to the parents and to the student cumulative folder within 5 days of the IEP meeting.
9. The student's special education teacher and any other service providers will assess the student's progress toward the mastery of IEP annual goals and will provide the student's parents with a quarterly progress report.

Annual IEP Procedures

The IEP team will review the student's IEP at least once a year, or more frequently if needed, to determine whether the student is achieving the annual goals. Either the parents or the school can ask to hold an IEP meeting to revise the IEP. IEP revisions may be needed to address:

1. Documented lack of expected progress toward the annual goals and in the general curriculum,

2. The results of any reevaluation (within 30 days a new IEP must be written),
3. New information about the student provided by the parents or school staff,
4. Following a manifestation determination or,

5. Other matters that may negatively impact progress towards goals (progress reports).

The student's special education teacher or primary service provider will send a Meeting Notice to the parents at least 10 days prior to the proposed meeting or at a mutually agreed upon time. If the parents waive the right to participate or unable to attend after three notices, the IEP team may meet without them and document their attempts to include the parents using Meeting Notice form. If a required member of the IEP team is unable to attend, the parent and a school representative may excuse that member using the Attendance Exemption form. The roles that may not be excused include the district representative and one special education teacher/service provider.

1. At the IEP meeting, the teacher will review the progress of previous IEP goals and document current classroom performance and assessment data in the present levels of performance section of the new IEP. The teacher then will lead the team in developing a new IEP.

Amendment Procedures

Changes to the IEP may be made:

- By convening an IEP team meeting or,
- If the parents and the team agree not to convene an IEP meeting for the purposes of making changes, a document will be developed to amend or modify the current IEP.

More Changes made by an amendment must include:

- Input by IEP team members
- A signed Participation Page
- A Prior Written Notice must document the change(s) made to the IEP
- Mailing or giving a copy of the revised IEP to the parents within five days.
- Giving a copy of the revised IEP to the student's teachers, counselor and administrators within five days.
- Place a copy of the amendment in the student's file.

Correcting IEP Procedures

Clerical errors are errors that can be fixed without reconvening the IEP team.

To fix a clerical error, the Special Education Director copies the original IEP into a new document and makes the correction to the new document. The following situations can be addressed with a clerical correction.

- Incorrect dates
- Grammatical errors
- Participates on the participation page can be changed to match the original signature page.
- Incorrect type of meeting (initial, annual, reeval)

Dismissal of services 1. Primary Services

An evaluation is required prior to determining that a child no longer has a disability except when the termination is due to graduation with a regular high school diploma or the child has reached the age of 22.

- Graduates or reaches age 22:

For a child who has graduated with a regular high school diploma or reached age 22, a summary of their academic achievement and functional performance needs to be completed. This will include recommendations on how to assist the child in meeting their post secondary goals.

- When a student no longer requires specialized instruction the following IEP Team process needs to occur:
 1. Review of Data
 2. Evaluation in areas determined by Review of Data (psychological, educational, developmental history, classroom observation, etc)
 3. MET to determine continued eligibility or dismissal (complete MET Determination Report)
 4. Close out IEP goals if dismissing.
 5. Complete a Prior Written Notice.

2. Related Services

If related services (Occupational Therapy, Physical Therapy, Speech/Language, or Adaptive PE) are being considered for dismissal a Review of Data needs to be completed by the related services provider.

- When completed at the annual IEP the goals can be closed out at that time.
- If not at an annual IEP:

1. Related services provider completes a Review of Data-Add/Dismiss Related Service form.
2. Convene an IEP meeting; or
3. Complete an amendment noting the dismissal of services and closing out the goals. Related services provider works with the case manager to complete the amended IEP and the Participation Page of the IEP.
4. The related services provider will be responsible for completing the Review of Data- Adding/Dismissing Related Service, closing out the goals and sending the Prior Written Notice.

If the Review of Data results in the need for additional assessments, then Permission to Evaluate is required and the specified evaluation will be completed. Upon completion of the evaluation, the related service provider will reconvene the team to determine if services will be added or dismissed. The Review of Data-Add/Dismiss Related Service form will be used.

Revocation of Consent

A parent may revoke consent for special education services at any time. The Revocation of Consent will be for **all** Special Education services being provided (the parent can not pick and choose the services they want to revoke/keep as this would be an IEP Team responsibility). The parental revocation of consent for discontinuing special education and related services must be in writing. It is preferred that the form for (**Revocation of Consent for Special Education & Related Services**) is utilized but a written letter by the parent is acceptable. Upon receipt of the Revocation of Consent the Special Education Director will:

- Send a Prior Written Notice to the parent regarding the change in educational placement.
- Complete a Revocation of Consent for Special Education & Related Services.
- Notify the Director that the document is in review; they will complete the processing.
- Immediately send the original, signed Revocation of Consent form to the Special Education Director

Services to the child will continue until the Prior Written Notice has been provided to the parents, and at that point services will be discontinued and the child will be considered a general education student. The parent does not have to provide an explanation, either orally or in writing, prior to ceasing the provision of special education and related services.

If a parent who revoked consent for special education and related services later request that their child be re- enrolled in special education, this must be treated as a request for an initial evaluation (rather than a reevaluation). This requires a MET review of existing evaluation data that includes classroom based, local or state assessments, and classroom based observations by teachers and related services providers. On the basis of that review and input from the child's parents, the IEP Team and other qualified professionals must

identify what additional data, if any, are needed to determine whether the child is a child with a disability.

The IEP Document

The IEP document is a written plans developed by the IEP team, including the parents, to help a student with a disability achieve specific educational goals. The written IEP should clearly outline the student's current skill levels, including functional and educational needs, the educational services the student requires, who will provide those services, and how the student's progress will be measured. All legally-required contents of the IEP will be documented using the following district IEP forms and instruction.

IEP Section 4 Team Participation

Document, with signatures and dates, the attendance of the IEP participants. If parents do not participate, document attempts to contact them on the Meeting Notice form. (Add in more on attempts to contact)

Documentation of reasonable efforts to contact parents must include:

- Detailed records of telephone calls made or attempted and the results of those calls;
- Copies of correspondence (Meeting Notices) sent to the parents and any responses received

IEP Section 5a Health Information

Ensure that the current health information is documented by the health assistant and nurse prior to the IEP meeting.

IEP Section 5b Present Levels of Academic Achievement and Functional Performance

The IEP team must consider the student's present level of academic and functional performance (PLAFP). All areas pertinent to the student's needs must be addressed in the

PLAFP. This can be determined by a combination of tests, observations, evaluations, and classroom reports by the teacher. The PLAFP must document:

- a narrative summary of the student's strengths and needs,
- concerns of the parent's for enhancing their child's education,
- how the student's disability affects his or her involvement and progress in the general curriculum

There should be a direct relationship between the present levels of educational performance, the annual goals, and the other components of the IEP. There should be a clear alignment between the student needs (as articulated in the evaluation and PLAFP) and the goals and services identified on the IEP.

Also embedded in the present levels of performance are special considerations. The IEP team needs to specify whether each of the following factors is relevant to the student:

- Assistive technology devices or services to maintain or improve the student's functional capabilities.
- Student behavior that interferes with the learning of self or others.
- English language learner
- Communication needs and, for a student who is deaf or hard of hearing, opportunities for communication and instruction in the student's language and communication mode.

If a behavior plan is checked as needed, the team must initiate the development of a behavior plan located in the behavior section of the student documents.

Special Education Needs (Goal Areas)

Identify the student's needs that result from the student's disability and require special education services. For an initial placement, needs would be identified through the child's multidisciplinary evaluation. For subsequent IEPs, sources of information would include classroom-based assessments and observations by teachers and service providers, new information provided by the parents, review information, and any additional reevaluation data. Each identified need should be addressed within the goals and objectives.

IEP Annual Goals and Objectives

The annual goals are measurable statements that describe what the student can reasonably accomplish in a year. The goals must be based on the student's present levels of performance, and be designed to help the student be involved and progress in the general curriculum. All students need to have at least one academic goal (including

students with ED, Autism, and OI). Seventy-five percent of all goals in the IEP must be aligned with Arizona State Standards.

The structure of the annual goal includes the following:

- ! Instructional Area (relates to statements of need in the PLAFP)
- ! Statement of what the student will be able to do (the standards-based goal)
- ! The person responsible
- ! The baseline data
- ! The criteria for meeting the goal (measurable data)
- ! The evaluation method (how the measurable data will be gathered) and
- ! The evaluation frequency

If the student is taking Alternate Assessment, objectives or benchmarks must be written for each goal.

The student's progress toward meeting the annual IEP goals will be provided in a quarterly progress report. These progress reports will be based on data gathered on the annual goals and the data will be cited in the progress reports (as EVIDENCED by...).

The Special Education Director is responsible for printing the progress reports to be sent home.

IEP Services

Identify the specific special education and related services the student will receive, the date services will begin, the number of minutes or hours services will be provided, the frequency (number of sessions per month), and the ending date for services.

Consult or Indirect Service must include all of the following components:

- Documentation of the services provided on behalf of the child by the special educator (i.e. logs of contact with the child/general education teacher with observation notes and written recommendations).
- Modifications in instruction or curriculum that resulted from input of the Special Education teacher can be described by the general education teacher.
- The unique needs of the child and a description of their individual adaptations for instruction can be articulated by the Special Education teacher.
- Documentation of the child's progress shows that it is adequately meet the IEP goals.

Support needed by school staff.

Identify any supports for school staff necessary for the student to achieve annual goals, be involved in and progress in the general curriculum, and be educated and participate with non-disabled students to the maximum extent appropriate. Examples of supports are in-service and training about the student's disability, ways to adapt the content standards, and consultation with special education staff. Contact the school principal or Special Education Director before recommending any supports not readily available at the school site or within the school district. Document supports in "Other" in the Supplemental Aides & Services portion of the IEP.

Related services are support services determined by the IEP team to be required so that the student can benefit from special education. Students, who require a specific related service, except for transportation and nursing services, must be evaluated in that particular area by an appropriate related service provider. Following the evaluation, the provider will advise the team about the student's need for the service, the type of service, frequency, amount of service, and appropriate goals and objectives. The team will decide the student's need for transportation based upon the unique needs of the student caused by the disability and/or the location of the program. If the team makes a determination that transportation is needed then this would be indicated in the related service portion of the IEP.

The team will document the student's need for a related service in the present levels of performance, goals and objectives, related services, and, if appropriate, the general classroom adaptations section of the IEP. Before recommending a needed related service that is not readily available at the student's school, the IEP team will contact the proper service providers or designee. If speech/language impairment, visual impairment, or hearing impairment is the student's primary disability, identify the service to be provided in the special education services section rather than the related service section.

Counseling:

The IEP team will determine a student's need for counseling as a related service, regardless of the student's category of eligibility, based upon the presence of significant and persistent social, emotional, or behavioral difficulties that interfere with the student's progress in school. Counseling services may be provided when they are needed to support the student's IEP goals. Examples of appropriate services include assisting the student with developing effective decision-making skills, anger management, increasing frustration tolerance and impulse control, and increasing self awareness of strengths and deficits.

When counseling services are contemplated for a student, one of the following people must be contacted prior to scheduling the IEP meeting: School counselor, social worker, or psychologist. One of these individuals should attend the IEP meeting with a draft of appropriate goals based upon student social history, observations, and current performance. This individual should also indicate who will be providing the service.

IEP Least Restrictive Environment Participation in general education and curriculum

Document activities in which the student will NOT have an opportunity to participate with non-disabled peers.

Specify the least restrictive placement for the student using the list of options on the IEP form. The selected placement must be based upon the student's needs rather than the student's category of eligibility or any other factors. Provide justification for the option selected. Document any potentially harmful effects resulting from the placement. Provide an explanation if the setting is not at the student's home school, as close as possible to the student's home, based on the student's IEP needs, or does not provide maximum appropriate access to non-disabled peers.

IEP Extended school year services

Specify whether ESY services are needed. Eligibility based on the current recoupment/retention data or critical learning justification. If eligible, ESY eligibility documentation data is submitted using the ESY required documents per timelines. If further data is needed in order to determine the student's need for extended school year services, the team must ensure that this is determined least 45 days prior to the last day of school).

IEP Accommodations Instruction and Assessment

Specify the general classroom adaptations, if any, that the student will need in order to progress toward achieving annual goals and in order to participate in and benefit from general education. Specify any necessary universal and standard accommodations that will be needed in the administration of the state reading, math, and writing portions of the nationally standardized test.

The Arizona Department of Education publishes **Testing Accommodations Guidelines** every school year. As stated in the annually published *ADE Testing Accommodations: Guidelines*, "Students should receive the same accommodations for classroom instruction, classroom assessments, district assessments, and state assessments. No accommodations should be provided during assessments that are not also provided during instruction. However, not all accommodations appropriate for instruction are appropriate for use during a standardized state assessment. **The accommodations available to students**

while testing (specified annually by ADE in the Accommodations Guidelines publication).”

Accommodations can also be distributed by giving the accommodation determination to the student’s general education teachers.

It is the responsibility of the Special Education teacher (and any other staff administering state assessments, i.e., psychologists, related service staff, etc.) to read and follow those guidelines before administering state and district assessments. This document can be found at <http://ade.az.gov>.

IEP Assessment Levels

Arizona statute (§15-741), the Individuals with Disabilities Education Act (§300.160), and the Elementary Secondary Education Act (§1111) mandate that all students who are educated with Arizona’s public funds must participate in state assessments, including all students with disabilities and all students identified as English Language Learners.

(Excerpt from *ADE Testing Accommodations: Guidelines*)

Indicate the level of student participation:

- Enrolled Grade Level (based on Arizona Academic Standards). Students participate in state assessments and all specified district assessments.
- Alternate Assessment (based on Arizona Alternate Academic Standards). For those few students who cannot meaningfully participate in Enrolled Grade Level tests because of the severity of their disability, the IEP team, may consider qualification for alternate assessments by meeting the definition of significant cognitive disability based on the state assessment Eligibility Criteria. The Eligibility Criteria form is a required IEP Attachment if the student is being considered for eligibility. Students participate in the state assessment. They do not participate in district assessments. Instead teachers should be providing year-long instruction and opportunities for student practice on the Alternate Academic Standards.

IEP Written Notice

The purpose of the IEP Written Notice is to summarize the previous sections of the IEP and to provide the parents with Prior Written Notice of any changes in a student’s special education program or placement. The IEP Written Notice must include a description of the action being proposed and an explanation of the action. Specify any additions, deletions or changes in the IEP relative to the last IEP the student had.

Indicate the items that represent the basis of the decisions leading to the action. It is important to document parent or student input within the “other” section. List other

options considered for the student such as increase/decrease in service time, placement in a more restrictive environment, or dismissal from special education. List specific reason(s) why the team rejected these options. Address any concerns or other relevant information (e.g. health, medication, behavior, attendance, upcoming surgery).

Note: At the completion of the annual IEP meeting the following documents must be provided to the parents:

1. ADE Parent Survey
2. Consent To Claim Medicaid Reimbursement (have parent sign if willing)
3. Resolution of Concerns

Initial Placement into Special Education

Highland Free School will educate students with disabilities in the most appropriate educational setting in which each student can make satisfactory progress. After the IEP Team has met to develop the IEP, the team will obtain the parent's written permission for initial services using the Initial Placement Statement. Highland Free School will place students with disabilities in special education settings without delay from the date of consent unless determined otherwise by the IEP team (e.g. When placement would occur during the last two weeks of the school year).

Homebound Instructional Services

Purpose of Homebound Instructional Services

"Homebound" or "Hospitalized" services are defined in Arizona Revised Statutes 15-901 (B) (12) as a pupil who is capable of profiting from academic instruction but is unable to attend school due to illness, disease, accident, or other health conditions, who has been examined by a licensed medical doctor and who is certified by that doctor as being unable to attend regular classes for a period of not less than three school months or a pupil who is capable of profiting from academic instruction but is unable to attend school regularly due to chronic or acute health problems, who has been examined by a licensed medical doctor and who is certified by that doctor as being unable to attend regular classes for intermittent periods of time totally three school months during a school year. Homebound or Hospitalized includes a student who is unable to attend school for a period of less than three months due to a pregnancy if a competent medical doctor, after examination, certifies that the student is unable to attend regular classes due to risk to the pregnancy or to the student's health.

Homebound instructional services will be made available for a special education student who, because of illness, disease, accident or other health conditions:

- Is unable to attend school for a period of not less than three school months (60 consecutive school days).
- Is capable of learning at school but is unable to attend classes for intermittent periods of time totaling three months (60 cumulative school days) during a school year.

Since homebound is a change of placement, an IEP meeting must be held in order to amend the IEP and initiate service. The team must conclude that instruction at home or in a hospital is the least restrictive environment in which the student can be educated. The home school team will determine the amount of service time the student will receive.

Requirements For Homebound Services

- It is the goal of Highland Free School to educate students in the least restrictive environment. Accordingly, teachers will work with students with the aim of returning students to their assigned schools as soon as students are medically able to return.
- It is the responsibility of the student's parent to provide a safe environment for the delivery of services, and a responsible adult must be present in the home during each instructional session.
- A Highland Free School representative will contact the parents to arrange a mutually agreed upon schedule for instruction.
- The parents and/or student will be responsible for notifying the teacher whenever the student will be unavailable for instruction.
- The parents will be responsible for notifying the school and the homebound teacher when a medical doctor has verified that the student may return to school.
- The IEP team may request medical authorization updates from the physician in order to better plan an appropriate program.

Guidelines for when Homebound Instructional Services are available.

1. Students in general education or exceptional education may be considered for homebound services if there is a potential that he/she may not have access to his/her education for a potential of sixty school days or three calendar months due to a mental or physical illness, or "at-risk pregnancy". The potential days of missed school do not have to be in consecutive order but may be intermittent periods of time.
2. The school Special Education Director needs to conduct a child study meeting to assure that the student's absences are due to physical or mental illness, disease, accident or pregnancy which will risk the health of the mother or unborn child. Since Homebound students do not have any educational contact with peers, it is probably the most restrictive environment available. Before a child study team makes a decision to consider a homebound placement, it is the responsibility of all child study team members to carefully consider the Least Restrictive Environment for the student. Congenital conditions, Exceptional Education labels, chronic health

conditions which do not require a doctor's care, bullying, social conditions at school, or suspensions are usually not legal reasons for a student to require homebound services.

3. After considerations have been documented, the school Special Education Director or appropriate staff obtain a medical certificate. The student or his/her family must take this certificate to a licensed medical doctor with the status of Medical Doctor (MD) or Doctor of Osteopathy (DO). The doctor shall state the medical condition such as physical or mental illness, accident, disease or chronic health condition that is the reason the student cannot attend school for sixty school days (consecutive or intermittent) or three calendar months.
4. A Homebound or Hospitalized student includes a student who cannot attend regular school for a period of less than 60 days due to a pregnancy if a licensed doctor after examination, certifies that the mother is unable to attend classes due to risk to the pregnancy or the student's health.
5. The completed medical certificate should be faxed directly from the doctor's office to HFS. Medical certificates must be submitted each August for students who continue from one school year to the next as a homebound or hospitalized student. *The school site is responsible to ensure the medical certificate is given to the parent or doctor. The completed Medical Certificate must be kept in the student's Special Education records.*
6. Upon receipt of the medical certificate, a Multi-Disciplinary Addendum Team (for students in Exceptional Education) or a Section 504 meeting (for students in general education) will be scheduled. The purpose of the scheduled meeting will be for the consideration of a Homebound placement. The "meeting notice" or invitation for the scheduled meeting will be sent. IEP or 504 paperwork will be provided by the school.
7. At the IEP or 504 meeting, Least Restrictive Environment is again considered. These options include: telephone conference calls in CORE curriculum classes for students in grades five, And Distance Learning classes offered through the Internet and monitored by appropriate staff.

Resource Special Education Student Transfers From Out Of District

- The office staff will review the Registration Information Sheet that the parent has filled out to see if the student has special education. If the student has special education, the office staff will notify the special education director/provider. The office manager will have the parents complete the Student Record Transmittal Request form as a part of the registration packet.
- The special education teacher/provider will call the last school attended and complete the Verification of Previous Special Education Placement form within 10 days of enrollment. This form is located in the office. The special education teacher/provider can complete the form and fax or email to the prior school of residency.
- The student will be provided special education services based on the information on the Verification of Previous Special Education Placement and out of district records.

- If data is sufficient send copies of out of district evaluations and IEP to the Special Education Director.
- Within 30 days of enrollment, the team needs to meet to write a new IEP.
- Within 30 days of enrollment, the school Special Education Director will facilitate an evaluation team meeting to review records and determine if there is sufficient data to determine eligibility and develop an IEP.
- If there is sufficient data the team summarizes the data on the Review of Data form and identifies the disability category on the MET Determination form. The team can then develop an IEP for the student.
- If there is insufficient data the team must summarize the data on the Review of Data form and document their decision to obtain additional data. This must be completed within 60 days. During this evaluation process the Team must continue to honor the existing IEP. The parent/guardian can then sign the Permission to Evaluate form. The parent must receive Prior Written Notice and Procedural Safeguards.
- Once records from out of district are available and /or any evaluations needed are conducted, the team must schedule a meeting with the parent to establish eligibility (Review of Data, MET Determination, Prior Written Notice) and develop a IEP.
NOTE: Time lines for Review of Data (within 30 days) and evaluation when necessary (within 60 days) cannot be exceeded waiting for records.

Extended School Year

Extended School Year (ESY) is an individualized program, based upon the current IEP goals and objectives, offered to special education children beyond the normal school year at no cost to parents. The IEP team will consider every disabled child's need for ESY services at each annual IEP review meeting. The team will determine eligibility on an individual basis using specific criteria. Related services will be provided when required to maintain identified skills. The least restrictive environment is considered for each ESY program, but may not necessarily include all of the options available during the regular school year. ESY can be provided in a variety of environments such as the home with the parent teaching and staff consulting, at school, and in the community. ESY is not compulsory; parents may choose to decline ESY services.

ESY Factors

No single criterion can be used to determine eligibility.

1. Regression/recoupment: Many children regress to a lower level of functioning over vacation periods, but

both non-disabled and special education children usually recover (recoup) skills to the level achieved previously in a short period of time. A regression/recoupment analysis considers the amount of regression a child experiences as a result of a break from school with the amount of time required to regain the prior level of skill,

and whether the child loses crucial self-sufficiency objectives during the break, with little possibility of a reasonable recoupment period.

2. Data-based Observation of the Pupil: Data collected by school staff or other qualified observers indicate a need for ESY services.
3. Least Restrictive Environment (LRE) considerations: Services are needed in order for the student to maintain placement in the Least Restrictive Environment.
4. Learning Stage (emerging skills and breakthrough opportunities): The IEP team must consider whether the child is in a critical learning stage (e.g., a child has just shown appropriate toileting behavior at the end of the school year and needs continued assistance to maintain this skill) that has great potential for increasing his or her self-sufficiency. If such a skill is not completely acquired and mastered, it is likely that the current level of acquisition will be lost during the summer vacation.
5. Teacher and Parent Interviews and Recommendations: Data from teacher and parent interviews and recommendations indicate the need for ESY services.
6. Considerations of the Pupil's Previous History: The student's past history of regression or ESY services indicate a need for ESY services.
7. Parent Skills and Abilities: The parents are unable to maintain a child's level of functioning during a break in programming.

Factors inappropriate for determining need for ESY services

- ! The cost to the school district
- ! The child's need for socialization, enrichment, or supplemental instruction
- ! The child's readiness for next year, developing new skills, or preparing for mainstreaming
- ! Progress on IEP goals and objectives not met during the year
- ! Slow progress that is typical for the child
- ! Slow progress that is the result of medical problems, absenteeism, or transitional life situations (e.g., divorce or death of a family member)
- ! Convenience of the parent or school (e.g., summer recreation program, day care or respite care service)
- ! The need for additional instruction to maximize the child's educational opportunities
- ! The child's need for educational services beyond what is prescribed in the IEP goals and objectives

ESY data collection

Each child's special education teacher will collect and record a broad range of detailed information in order to determine the child's eligibility for ESY services. That information may include:

- Data-based Observation of the Pupil: Data collected by school staff or other qualified observers.
- Child work samples, test results, report cards, homework, progress reports

- Parent observations and assessments of loss of skills in identified areas
- Progress reports of educators, therapists, and others working directly with the child before and after breaks in instruction

Assessment of the IEP goals and objectives as they relate to regression and recoupment
 Each child's special education teacher will establish a series of measurement timelines in order to provide a baseline to document regression and recoupment, and will develop a schedule for collecting data about the child's progress. To be considered for regression-recoupment, goals and objectives must be part of the child's current IEP.

Determining ESY eligibility and services

1. A decision regarding the need for ESY must be completed a minimum of 45 days prior to the end of the school year.
2. The teachers/service providers will collect data on all goals and be prepared to determine the need for ESY services at the annual review IEP meeting.
3. At the annual review meeting, the teachers/service providers will present the ESY documentation to the IEP team. The team will determine the need for ESY services using the ESY eligibility profile. If the child qualifies, the team will determine which IEP goals and objectives will be targeted for ESY services and will determine the frequency, duration, and least restrictive environment for delivery of service.
4. If there is insufficient data to determine the need for ESY, an IEP amendment must be completed to capture the ESY determination. An addendum is also required if after reviewing eligibility data, the IEP team concludes that a change in ESY eligibility should be considered.
5. ESY services will address the identified ESY needs but does not have to mirror the current IEP (e.g. student may not require related services during ESY)

Exceptional Education Timelines

Documents to be finalized and mailed to parents within 5 days of the meeting:

- ✂ IEP's (including amendments & clerical corrections)
- ✂ MET's/ Review of Data
- ✂ Evaluations
- ✂ Manifest Determination

IEP's

Completed prior annual review date (364 days or less)

Within 30 days of any MET (including the re-evaluation)

Meeting Notices need 10 day notification to parent for first notice

Out of District Verifications & Enrollment completed within 10 days Review of Data within 30 days of student enrollment

Permission to Evaluate: within 15 calendar days of determining the need for the evaluation. **Evaluations/METs:** 60 days from receipt of written consent or written request. Can be extended for 30 days *if* criteria is met.

45 Day New Student Screening- completed within 45 days of student enrollment. If concerns are noted parents must be informed in writing within 10 days.

Procedural Safeguards

- Highland Free School will establish, maintain, and implement procedural safeguards that meet the requirements of §§300.500 through 300.536 of the IDEA regulations.

§300.501 Opportunity to Examine Records; Parent Participation in Meetings

- Highland Free School 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.
- The public education agency 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.
- If neither parent can participate in a meeting in which a decision is to be made relating to the educational placement of their child, Highland Free School must use other methods to ensure their participation, including individual or conference telephone calls, or video conferencing.
- A placement decision may be made by a group without the involvement of the parent, if Highland Free School is unable to obtain the parent's participation and has maintained a record of its attempts to ensure their involvement.

§300.502 Independent Educational Evaluation

- The parents of a child with a disability have the right to obtain an independent educational evaluation of their child. Highland Free School must provide to parents, upon request for an independent educational evaluation:
 - a) Information about where an independent educational evaluation may be obtained; and
 - b) The agency criteria applicable for independent educational evaluations. Agency criteria for the independent educational evaluation must be the same as the criteria the agency uses when it conducts an evaluation, to the extent consistent with the parent's right to an evaluation.

- A parent has the right to an independent educational evaluation at public expense if the parent disagrees with an evaluation obtained by the public education agency. If a parent requests an independent educational evaluation at public expense, Highland Free School 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.

- If a due process hearing decision is that Highland Free School's evaluation is appropriate, the parent still has the right to an independent educational evaluation, but not at public expense.

- If a parent requests an independent educational evaluation, Highland Free School 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.

- A parent is entitled to only one independent educational evaluation at public expense each time Highland Free School conducts an evaluation with which the parent disagrees.

- The results of any independent educational evaluation that is obtained by or provided to Highland Free School:
 - a) Must be considered by the public education agency if it meets agency 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.

- 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.

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

- Written notice must be given to the parents of a child with a disability a reasonable time before Highland Free School:

- 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.

- The notice must include:

- 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 each evaluation procedure, assessment, record, or report the agency 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 the agency's proposal or refusal.

- 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.

- If the native language or other mode of communication used by the parent is not a written language, Highland Free School 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.

§300.504 Procedural Safeguards Notice

- 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: a) Independent educational evaluations;

- b) Prior written notice;
- c) Parental consent;
- d) Access to education records;
- e) 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 Highland Free School 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.

- f) The availability of mediation;
- g) The child's placement during the due process hearing;
- h) Procedures for students subjected to placement in an interim

alternative educational setting;

- i) Requirements for unilateral placements by parents of children in private schools at public expense;
- j) Due process hearings including requirements for disclosure of evaluation results and recommendations;

- k) Civil actions, including timelines; and
- l) Attorney fees.

- This notice must meet the same requirements for understandable language as for the written prior notice described in §300.503.

§300.505 Electronic Mail

- The parent of a child with a disability may elect to receive required notices by an electronic mail communication if Highland Free School makes that option available.

§300.506 Mediation

- Highland Free School 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.

- Highland Free School 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.

§300.507 Filing a Due Process Complaint

1. 1) A parent or Highland Free School may file a request for a due process hearing relating to the identification, evaluation, or educational placement of a child with a disability.

2. 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 Highland Free School knew or should have known about the alleged violation.
3. 3) Highland Free School must inform the parent of any free or low cost legal and other relevant services available in the area upon parent request.
- 4.

§300.508 Due Process Complaint (Hearing)

- Highland Free School will have procedures that require either party, or the attorney representing a party, to provide to the other party a confidential due process complaint.
- The party filing the notice for a hearing must forward a copy of the request to the State.
- 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.
- 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.
- 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.
- 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.

- If Highland Free School 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.
- 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.

§300.510 Resolution Process

- Within 15 days of receiving the notice of the parent's due process complaint and prior to the initiation of a due process hearing, Highland Free School 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 Highland Free School who has agency decision-making authority;
 - b) May not include an attorney of Highland Free School unless the parent is accompanied by an attorney.
- The purpose of the meeting is for the parent of the child to discuss the due process complaint and the factual basis of the complaint so the public education agency has the opportunity to resolve the dispute.
- The resolution meeting need not be held if:
 - a) The parent and public education agency agree in writing to waive the meeting; or
 - b) The parent and Highland Free School agree to use the mediation process.
- The parent and Highland Free School determine the relevant IEP team members to attend the meeting.
- If Highland Free School 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.
- 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.
- If Highland Free School is unable to obtain the participation of the parent after reasonable efforts have been made and documented, the agency may, at the end of the

30-day period, request that the hearing officer dismiss the parent’s due process complaint.

- If Highland Free School 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.
- The 45-day timeline for the due process hearing starts the day after:
 - a) Both parties agree in writing to waive the resolution meeting;
 - 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.
- 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 Highland Free School representative who has authority to legally bind the agency; and
 - b) Enforceable in any state court of competent jurisdiction or in a district court of the United States.
- Either party may void the agreement within 3 business days of the agreement’s execution.

§300.518 Child’s Status during Proceedings

- 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 Highland Free School and parents of the child agree otherwise.

- 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.
- 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, Highland Free School is not required to provide services, Due to Highland is a K-6 Charter school and children who are not enrolled in Highland Free School (and are not of school age) are helped by HFS Special Education Director to obtain information and serves from their public school of residency.
- 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.

§300.519 Surrogate Parents

- Highland Free School 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;
- Highland Free School will have a method for determining when a surrogate parent is needed and for making surrogate parent assignments.
- Highland Free School will ensure that a person selected as a surrogate parent:
 - a) Is not an employee of the State, the agency, or any other agency that is involved in the education or care of the child;
 - 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.
- In the case of an unaccompanied homeless youth, HFS's 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.

§300.520 Transfer of Parental Rights at Age of Majority

- When a child with a disability reaches age 18, unless that child has been determined to be incompetent:
 - a) The public education agency 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.
- When the rights are transferred, the public education agency will provide notice to the child and parent of the transfer of rights.

AAC R7-2-401.I Procedural Safeguards

- Each public education agency 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 Highland Free School's and the state's dispute resolution options.
- In accordance with the requirements of IDEA, prior written notice shall be provided to the parents of a child within a reasonable time after the PEA proposes to initiate or change, or refuses to initiate or change, the identification, evaluation, educational placement or provisions of FAPE to the child, but before the decision is implemented.

Discipline

- 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.

§300.530 Authority of School Personnel

- 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.

- After a child with a disability has been removed from his or her current placement for 10 school days in the same school year, during any subsequent days of removal, the public education agency 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.

- Highland Free School 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.

- 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.

- If the removal is a change in placement, the child's IEP team determines the appropriate services.

- 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, Highland Free School, 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 the public education agency's failure to implement the IEP.

- 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, Highland Free School must take immediate steps to remedy that deficiency.

- If Highland Free School , the parent, and relevant members of the IEP team determine that the conduct was a manifestation of the child’s disability, the child must be returned to the placement from which the child was removed, unless the parent and public education agency 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.
- 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 public education agency;
 - b) Knowingly possesses or uses illegal drugs, or sells or solicits the sale of a controlled substance, while at school, on school premises, or at a school function under the jurisdiction of a state or public education agency; or
 - 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 Highland Free School.
- Highland Free School 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).

AAC R7-2-401.P Suspension and Expulsion

- *Each public education agency shall establish, implement, and make available to personnel and parents written procedures for the suspension and expulsion of students with disabilities.*
- Highland Free School 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. The public education agency shall maintain documentation of staff review.
- Procedures for such suspensions and expulsions shall meet the requirements of the IDEA and its regulations, and state statutes.

SUSPENSION/MANIFESTATION DETERMINATION FOR SPECIAL EDUCATION STUDENTS

A school administrator authorized to suspend a student from school shall inform the student with a disability of the alleged misconduct and shall describe to the student the evidence known at the time to support the allegations of misconduct.

1. 1) For all suspensions, look up the student's records to determine if the student is receiving special education services, is in the referral process, has a 504 accommodation plan, or is perceived to have a disability.
2. 2) The suspending administrator will follow Highland Free School's policy as outlined in this document.
3. 3) Determine if there have been prior short-term suspensions during current school year.
4. 4) Document ALL suspensions, and expulsions.
5. 5) Whenever a suspension is imposed, the student and parent(s) shall be informed of the suspension by telephone, mail, or personal contact by the authorized administrator and given a copy of Highland Free School's Regulations and Procedural Safeguards within twenty-four (24) hours.
6. 6) The suspending administrator must notify the special education department chair or the student's special education teacher of the suspension.
Short Term Suspension (10 consecutive or cumulative days in a school year)

- Any time parents are required to take their children home (except for medical reasons or arrests), IT IS CONSIDERED A SUSPENSION UNDER THE LAW
Suspending administrator may opt to develop an abeyance contract.

Long Term Suspension (greater than 10 consecutive or cumulative days in a school year)

- On the 10th cumulative or consecutive day of suspension in a school year the process for manifestation determination must be followed.
- The suspending administrator must notify the special education Director or school Special education liaison to convene a manifestation determination meeting **(includes the entire IEP team)** within **10 school** days to address the following areas:

o Determine whether the misconduct was related to the disability. If related, a long term suspension, **or an abeyance contract cannot** be initiated.

o Determine whether the IEP was being implemented. If not implemented, a long term suspension, or an abeyance contract **cannot** be initiated.

o Develop or review a Functional Behavior Assessment (FBA)

o Develop or review a Behavior Intervention Plan, based on FBA

! If parent(s) do not attend the manifestation determination meeting, written notice, procedural safeguards and manifestation determination paperwork will be mailed or hand delivered by the suspending authority within 5 days.

Procedure and Student Rights at the Manifestation Determination

- The school's Director, Special Education Director and or the Special Education Liaison shall preside at the Manifestation Determination. The Director shall describe the student's alleged misconduct and disciplinary action imposed
 - The school Liason shall describe the behavioral characteristics of the student's disability
 - All team members shall provide input concerning the relationship between the alleged misconduct and the student's disability
 - Based on all information presented, the IEP Team shall determine if:
 - A) The student's conduct was caused by, or had a direct and substantial relationship to, the student's disability.
 - B) The student's conduct was the direct result of the LEA's failure to implement the IEP. The determination shall be documented on the manifestation documentation form.

DISCIPLINE if Misconduct is NOT a Manifestation of the Student's Disability

- If the IEP Team determines that the child's behavior was not a manifestation of the disability, the student may be disciplined in the same manner as a non-disabled student and a long term hearing, or an abeyance contract may be an option. **However, both regular and special education services must be provided.** A functional behavior assessment and behavior plan needs to be developed to address the behavior. If one or both are in place, then the team needs to review them.

If the child's parent(s) disagree with the determination that the child's behavior was not a manifestation of the child's disability or with any decision regarding placement, the parent may request a hearing from the state.

Interim Alternative Education Setting (IAES)

- **ONLY** if drugs and/or weapons/*serious bodily injury (as governed by the US criminal code) are involved will an Interim Alternative Educational Setting (IAES) be considered using the following requirements:
 - Manifestation determination must be held. However, student is eligible for an IAES for up to 45 days regardless if misconduct is or isn't a manifestation of the disability.
 - The IEP must be revised to reflect IAES placement (amendment)
 - Both general and special education services must continue.
 - Please note that an IAES is not mandatory. An alternative to an IAES is to develop an abeyance contract.

*Serious bodily injury is defined as: Bodily injury that involves a substantial risk of death, unconsciousness, extreme physical pain, protracted and obvious disfigurement, or protracted loss or the impairment of the function of a bodily member, organ, or mental faculty. 18 U.S.C.

Confidentiality

Highland Free School will ensure that protection of the confidentiality of any personally identifiable data, information, and records collected or maintained by the agency will be in accordance with 34 CFR §§300.611–300.627.

§300.613 Access Rights

- Highland Free School agency must permit parents to inspect and review any education records relating to their children that are collected, maintained, or used by the agency under IDEA. The agency must comply with a request without unnecessary delay and in no case more than 45 days after the request has been made and before:

- a) Any IEP meeting;
- b) Any hearing involving a due process complaint or disciplinary hearing; or
- c) Any resolution session.

- The right to inspect and review education records includes:

- a) The right to a response from the agency to reasonable requests for explanations and interpretations of the records;
- b) The right to request that HFS provide copies of the records if failure to provide those copies would effectively prevent the parent from exercising the right to inspect and review the records; and
- c) The right to have a representative of the parent inspect and review the records.

- Highland Free School may presume that the parent has authority to inspect and review records relating to his or her child unless the agency has been advised to the contrary by legal proceeding involving guardianship, separation, and divorce.

§300.614 Record of Access

- Highland Free School will keep a record of parties obtaining access to education records collected, maintained, or used under IDEA (except access by parents and authorized employees of the agency), including:

- a) The name of the party;
- b) The date access was given; and
- c) The purpose for which the party is authorized to use the records.

§300.615 Records on More Than One Child

- If any education record includes information on more than one child, the parents of those children have the right to inspect and review only the information relating to their child.

§300.616 Lists of Types and Locations of Information

- Highland Free School must provide parents on request a list of the types and locations of education records collected, maintained, or used by the agency.

§300.617 Fees

- Highland Free School may charge a fee for copies of records that are made for parents if the fee does not effectively prevent the parents from exercising their right to inspect and review records.
- Highland Free School may not charge a fee to search for or to retrieve information.

§300.618 Amendment of Records at Parent's Request

1. 1) A parent who believes that information in the education records collected, maintained, or used by HFS is inaccurate or misleading or violates the privacy or other rights of the child may request the agency to amend the information.
2. 2) Highland Free School must decide whether to amend the information in accordance with the request within a reasonable period of time of receipt of the request.
3. 3) If Highland Free School refuses to amend the information in accordance with the request, it must inform the parent of the refusal and advise the parent of the right to a hearing under §300.619.

§300.619 Opportunity for a Hearing

- Highland Free School must, on request, provide an opportunity for a hearing to challenge information in education records to ensure that it is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the child.

§300.620 Result of Hearing

- If, as a result of a hearing, HFS decides to amend information determined inaccurate, misleading, or otherwise in violation of the privacy or other rights of the child, it must do so accordingly and so inform the parent in writing.
- If, as a result of a hearing, HFS decides that the information is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the child, it must inform the parent of the parent's right to place in the maintained records a statement commenting on the information or setting forth any reasons for disagreeing with the agency's decision.

§300.622 Consent

- Parental consent must be obtained before personally identifiable information is disclosed to parties other than participating agencies, unless the information is contained in education records and the disclosure is authorized without parent consent under FERPA.
- Parental consent must be obtained before personally identifiable information is released to officials of participating agencies providing or paying for transition services in accordance with §300.321.
- If a child is enrolled, or is going to enroll, in a private school that is not located in the boundaries of the district of the parent's residence, parental consent must be obtained before any personally identifiable information about the child is released between officials in the district where the private school is located and officials in the district of the parent's residence.

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

- Upon receiving a written request, Highland Free School 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). Highland Free School shall also forward records to any other person or agency for which the parents have given signed permission.

§300.623 Safeguards

- Highland Free School must protect the confidentiality of personally identifiable information at collection, storage, disclosure, and destruction stages.
- One official at Highland Free School must assume responsibility for ensuring the confidentiality of any personally identifiable information.
- All persons collecting or using personally identifiable information must receive training or instruction regarding the State's policies and procedures under 300.123 and FERPA (34 CFR part 99).
- Highland Free School must maintain, for public inspection, a current listing of the names and positions of its employees who may have access to personally identifiable information.

AAC R7-2-401.J(1) Confidentiality

- Highland Free School uses special education records to help in the instruction, guidance, and educational progress of students; to provide information to parents and staff; to comply with federal and state regulatory requirements; to provide a basis for the evaluation and improvement of school programs; and to conduct educational research. Highland Free School complies with all federal laws and regulations pertaining to the privacy and confidentiality of special education records.
- Highland Free School documents, including electronic, written, or printed documents containing student and personnel information and correspondence. Written paper documents and student cumulative files and Special education documentation are kept in a locked file cabinet in HFS's main office.
- Any personnel other than the director and special education director, must sign and date a form (form is attached to student Special Education files) when viewing information contained in those files.
- Access to Highland Free Schools electronic database system requires the user to use a password to gain entry. Password and login information should always be kept in a secure location and never shared with any other person. The user is responsible and accountable for all data accessed and/or input under your account login. If a colleague needs an account created or for any reason is unable to access their own account.

Parent Rights Regarding Special Education Records

Parents, or their authorized representatives, have the right to review and inspect any educational records directly related to the parent's child and maintained by Highland Free

School. Such records may be inspected and reviewed within 45 days of the date the district receives a request for access.

All parent requests to review inspect, or copy special education records will be made to Highland Free School Director /Special Education Director. If any educational record includes information on more than one student, the parents may inspect and review only the information relating to their child. School personnel will be available to explain and interpret the content of the records to the parents or their authorized representative. Upon request, the Department will provide the parents a copy of their child's records at no cost.

Parents who believe that information in their child's educational records is inaccurate, misleading, or violates the privacy rights of the child, may request, in writing to the Director, that the district amend the record. The Director will decide whether to comply with the request and will inform the parents within a reasonable time. If the Director decides to refuse to amend the record, the parents will be advised of their right to a due process hearing.

Parents may restrict access to their child's records by withholding consent to disclose records, except that Highland Free School will permit disclosure without consent to school officials with legitimate educational interests and to law enforcement agencies that request the records. When records are requested by a law enforcement agency, the school will send the parent or guardian prior written notice indicating that the records were sent as requested.

If requested, Highland Free School will provide parents a list of the types and locations of educational records collected, maintained, or used by HFS. Parents have the right to be informed before their child's records are destroyed. Parents also may file a complaint with the U.S. Department of Education concerning alleged failures by the district to comply with the requirements of FERPA.

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

- Parents shall be fully informed about the requirements of the IDEA and regulations, including an annual notice of the policies and procedures that HFS shall follow regarding storage, disclosure to a third party, retention, and destruction of personally identifiable information.

Storage Of Special Education Records

Special education records will be maintained on site by Highland Free School under the supervision of the Director /Special Education Director. Each student's special education teacher or related services specialist will keep a copy of the student's current IEP, meeting notices, prior written notices, and progress reports at the school site.

§300.624 Destruction of Information

- Highland Free School must inform parents when personally identifiable information collected, maintained, or used for IDEA purposes is no longer needed to provide educational services to the child.
- The information must be destroyed at the request of the parents. However, a permanent record of a student's name, address, and phone number, his or her grades, attendance record, classes attended, grade level completed, and year completed may be maintained without time limitation.

Destruction Of Special Education Records

- Highland Free School will destroy special education records five years after the school year in which the student graduated from high school or was projected to graduate. HFS will maintain a permanent record of a student's name, address, and phone number without time limitation.

AAC R7-2-401.J(3) Confidentiality

The rights of parents regarding education records are transferred to the student at age 18, unless the student has been adjudicated incapacitated, or the student has executed a delegation of rights to make educational decisions pursuant to A.R.S. §15-773.

§300.625 Children's Rights

- The rights of the parents regarding educational records are transferred to the student at age 18 under FERPA.
- If the rights of the parents regarding educational records are transferred to the student at age 18 under the IDEA, Highland Free School must provide any notice required under the procedural safeguards provisions.

§300.532 Appeal

- The parent of a child with a disability who disagrees with any decision regarding placement under §§300.530 and 300.531 or the manifestation determination may appeal the decision by requesting an expedited due process hearing in conformance with §§300.310 through 300.314 and AAC R7-2-405.I.
- Highland Free School believes that maintaining the current placement of the child is substantially likely to cause injury to the child or others may appeal the decision by requesting an expedited due process hearing in conformance with §§300.310 through 300.314 and AAC R7-2-405.I.

§300.533 Placement during Appeals

- The student must remain in the interim alternative educational setting pending the decision of the hearing officer or expiration of the interim setting, whichever comes first, unless the parent and public education agency agree otherwise.

§300.534 Protections for Children Not Determined Eligible for Special Education and Related Services

- A student who has not been determined eligible and who engaged in a behavior that violated a code of student conduct may assert protections if the public education agency had knowledge that the child was a child with a disability before the behavior that precipitated the disciplinary action occurred. A public education agency must be deemed to have such knowledge if:
 1. a) The parent of the child expressed concern in writing to supervisory or administrative personnel of Highland Free School, or a teacher of the child, that the child is in need of special education and related services;
 2. b) The parent of the child requested an evaluation of the child pursuant to §§300.300 through 300.311; or
 3. c) The teacher of the child, or other personnel of Highland Free School, expressed specific concerns about a pattern of behavior demonstrated by the child directly to the director of special education or to other supervisory personnel of HFS.
- Highland Free School would not be deemed to have knowledge if the parent of the child:
 - a) Has not allowed an IDEA evaluation of the child;
 - b) Has refused special education services for the child; or
 - c) The child has been evaluated and determined to not be a child with a disability under IDEA.
- If Highland Free School does not have knowledge that a child is a child with a disability prior to taking disciplinary measures against the child, the child may be disciplined as other children without disabilities who engage in comparable behaviors.
- If an evaluation is requested during the time in which a child is subjected to disciplinary measures, the evaluation must be conducted in an expedited manner.
 1. a) Until the evaluation is completed, the child remains in the educational placement determined by Highland Free School, which can include suspension or expulsion without educational services.

2. b) If the child is determined to be a child with a disability, the agency must provide special education and related services in accordance with this part, including the requirements of §§300.530 through 300.536.

§300.535 Referral to and Action by Law Enforcement and Judicial Authorities

1. 1) Highland Free School may report a crime committed by a child with a disability to appropriate authorities to enable the agency to exercise its responsibilities.
2. 2) HFS reporting a crime committed by a child with a disability will ensure that copies of the special education and disciplinary records of the child are transmitted for consideration by the appropriate authorities to whom the agency reports the crime, but only to the extent permitted by FERPA.

§300.536 Change of Placement Because of Disciplinary Removals

- A change of placement occurs if:

- a) The removal is for more than 10 consecutive school days; or
- b) The child has been subjected to a series of removals that constitute a pattern:
 1. i) because the series of removals total more than 10 school days in a school year;
 2. ii) because the child's behavior is substantially similar to the behavior in previous incidents that resulted in a series of removals; and
 3. iii) because of such additional factors as the length of each removal, the total amount of time the child has been removed, and the proximity of the removals to one another.
2. 2) Highland Free School will determine on a case-by-case basis whether a pattern of removals constitutes a change of placement, and such determinations are subject to review through due process and judicial proceedings.

Graduation Policy & Procedure

Highland Free School is a Kindergarten – 6th grade elementary charter school.

