

SPECIAL EDUCATION POLICIES AND PROCEDURES MANUAL

Noah Webster Schools
2025-2026



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Special Education Overview

The Special Education Department administration is located in room 522 at Mesa and room 204 at Pima. As part of our Child Find procedures, services are provided to special education students across the campus. All questions should be directed to the Special Education Director in regards to our Child Find procedures or services. The special education files are housed in this area and are kept confidential. Classroom teachers have access to the files and are encouraged to review those of their students.

The Special Education Department consists of Special Education Teachers, Teaching Assistants, Speech Pathologist Assistants, Speech Pathologists, School Counselors, Occupational Therapists, and School Psychologists. Department staff are either employed by Noah Webster Schools or contracted through outside agencies.

Free Appropriate Public Education (FAPE) Policy and Procedures- §300.101

The Individual with Disabilities Act (IDEA), the Federal law governing special education, required participating states to have policies and procedures to ensure that: “A free appropriate public education is available to children with disabilities residing in State between the ages of three and 21, inclusive, including children with disabilities who have been suspended or expelled from school” as provided for in §300.530(d) of the IDEA regulations.

Since it is the commitment and obligation of the Noah Webster Schools and its staff to ensure that students with disabilities have available to them a free and appropriate public education (FAPE), the following questions and answers are designed to help the user understand FAPE and the over-arching logic of special education policies and procedures.

Preschool Children (3 to 5) Noah Webster Schools, a charter school, will refer any children who are suspected of having a disability to the appropriate unified district or elementary district for evaluation and, if appropriate, for services.

For School-Aged Children (5 to 21), Noah Webster Schools will 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.

*20 United States Code (U.S.C.) § 1401(9); 34 C.F.R. § 300.17; A.R.S. § 15-764(A)(1)

Powers of the School District Governing Board or County School Superintendent- ARS 15-

764.A(5)

The governing board of each school district or the county school superintendent shall establish policy with regard to allowable pupil-teacher ratios and pupil-staff ratios within the school district or county for provision of special education services.

Powers of the School District Governing Board or County School Superintendent- ARS 15-

764.B

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.

The Individuals with Disabilities Education Act (IDEA)

IDEA is a federal law that protects the rights of students with disabilities. In addition to standard school records, for children with disabilities, education records could include evaluation and testing materials, medical and health information, Individualized Education Programs and related notices and consents, progress reports, materials related to disciplinary actions, and mediation agreements. Such information is gathered from a number of sources, including the student's parents and staff of the school of attendance. Also, with parental permission, information may be gathered from additional pertinent sources, such as doctors and other health care providers. This information is collected to assure the child is identified, evaluated, and provided a Free Appropriate Public Education in accordance with state and federal special education laws.

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

For additional information or to file a complaint, you may call the federal government at (202) 260-3887 (voice) or 1-800-877-8339 (TDD) OR the Arizona Department of Education (ADE/ESS) at (602) 542-4013. Or you may contact:

Family Policy Compliance Office
U.S. Department of Education 400
Maryland Avenue, SW Washington,
D.C. 20202-5901

Arizona Department of Education
Exceptional Student Services 1535
W. Jefferson, BIN 24 Phoenix, AZ
85007

Procedural Safeguards Notice-§300.504

The IDEA requires that public schools provide written notice to parents that includes a full explanation of the procedural safeguards. This procedural safeguards notice (PSN) must be written in a manner that is easily understandable to the general public and must be written in the parent's native language or other mode of communication, unless it is clearly not feasible to do so. If the parent's native language or other mode of communication is not a written language, the school must take steps to ensure that the notice is translated orally and that the parent understands the content of the notice; the school must maintain written evidence that these steps were undertaken. Procedural safeguards are available upon request to be emailed or available on site. Please contact the Special Education Director for a copy.

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 Noah Webster Schools 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.

Noah Webster Schools 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 Noah Webster Schools 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 Noah Webster Schools proposes to initiate or change, or refuses to initiate or change, the identification, evaluation, educational placement or the provision of FAPE to the child, but before the decision is implemented.

Child Find

Individuals with Disabilities Education Act (IDEA '04) 34 CFR §300.111 Child Find Unified School Districts, Elementary School Districts, and Union High School Districts will identify, locate, and evaluate all children with disabilities within their geographic boundaries who are in need of special education and related services.

This must include:

- a) Children who are homeless
- b) Children who are highly mobile, including migrant children
- c) Children who are wards of the state
- d) Children who are attending private schools or home schools.

Charter Schools (Noah Webster Schools) will identify, locate, and evaluate all children with disabilities within the population they serve who are in need of special education and related services.

We are responsible for identifying, locating, and evaluating all children with disabilities within our school and for making appropriate referrals to the:

1. Arizona Early Intervention Program (AzEIP) for children from birth through 2 years of age for evaluation and services if needed; and
2. School district of residence for children ages 3 through 5 for evaluation and services if needed.
3. 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, private school students, homeschool students

It is Noah Webster School's responsibility to inform the general public and all parents of students enrolled in our school of our responsibility to make available special education services for students with disabilities and how to access those services. Noah Webster Schools will

identify, locate, and evaluate all children with disabilities within the population they serve who are in need of special education and related services. In addition, we have a responsibility to provide information regarding early intervention services for children from birth through 2 years of age.

Noah Webster Schools is a charter school, who is responsible for providing a free and appropriate public education (FAPE), which includes special education and related services for students with disabilities at public expense, under public supervision and direction and without charge to the parents.

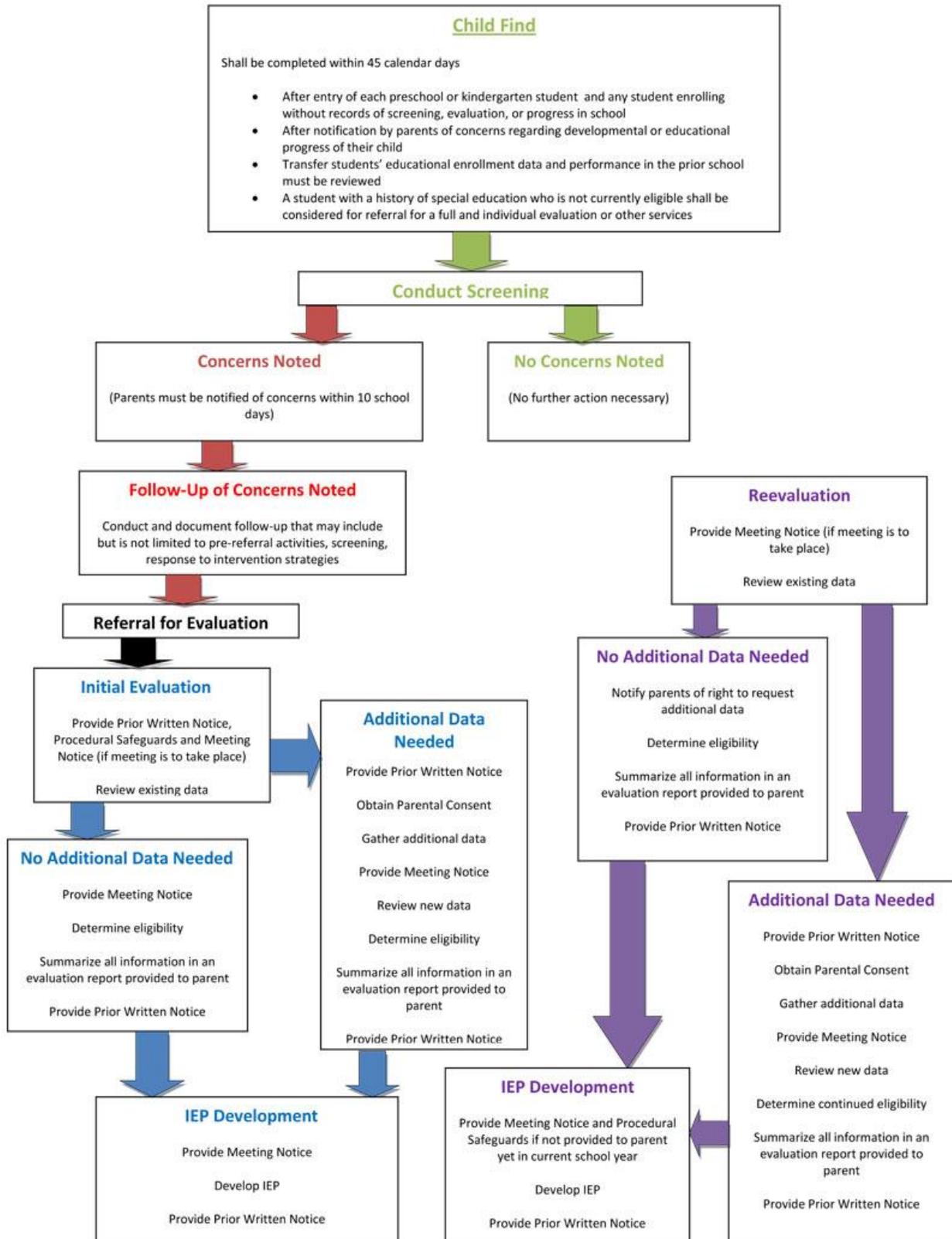
For all new students to the school, the classroom teacher will complete screening activities within 45 days of enrollment. The teacher will look at the child's ability in the areas of academics, vision, hearing, communication, social/emotional and motor skills. If any concerns are noted, the child may be referred for additional help. Noah Webster Schools will maintain record of children who are receiving special education and related services.

If you have concerns about a child you know, please contact the Special Education Department at (480) 986-2335 ext. 2530 for more information.

Public Awareness- AAC R7-2-401.C

Noah Webster Schools shall inform the general public and all parents within the its 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. School districts are responsible for public awareness in private schools located within their boundaries of responsibility.

Special Education Process



45 Day Screenings

The classroom teacher will need to complete a 45 Day Screening for each child who is new to the school throughout the year within 45 calendar days of the first day the child enrolled. This form helps to identify students who have special needs and who may need special education. Each child in your classroom must have this form in the cumulative file in the office. You will be provided a form for each new student within the first 45 days of enrollment. Please turn completed 45 Day Screenings in to the Attendance Office.

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

- Entry of each preschool or kindergarten student and any student enrolling without appropriate records of screening, evaluation, and progress in school; or
- Notification to Noah Webster Schools 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.

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

Noah Webster Schools shall establish, implement, and make available (either in writing or electronically) to its school-based personnel and all parents within its boundaries of responsibility, written procedures for the identification and referral of all children with disabilities aged birth through 21, including children with disabilities attending private schools and home schools, regardless of the severity of their disability.

Noah Webster Schools shall require appropriate school-based personnel to review the written procedures related to child identification and referral on an annual basis. Noah Webster Schools 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 is responsible for child identification activities in the school district in which the parents reside unless:

- a. The student is enrolled in a charter school or another public education agency that is not a school district. In that event, the charter school or other 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.

For a student transferring into the school, Noah Webster Schools shall review enrollment data

and educational performance in the prior school. If there is a history of special education for a student not currently eligible for special education, or of poor progress, the name of the student shall be submitted to the administrator for consideration of the need for a referral for a full and individual evaluation or other services.

If a concern about a student is identified through screening procedures or through a review of records, Noah Webster Schools shall notify the parents of the student of the concern within 10 school days and inform them of Noah Webster Schools procedures to follow up on the student's needs.

Noah Webster Schools 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, 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, Noah Webster Schools determines that a full and individual evaluation is not warranted, Noah Webster Schools shall provide prior written notice and procedural safeguards notice to the parent in a timely manner.

Anyone can refer a child to special education. If a parent informs you that he/she wants his/her child tested, notify the SPED director immediately. This may be a request in writing and should be shared with the Special Education Director immediately. We are obligated to act on these requests. The Special Education Director will make contact with parent within 15 days to discuss concerns and set up a meeting to discuss the special education process and develop an assessment plan.

NOTE: A request for special education assessment may be denied.

If a teacher requests a special education evaluation, The first step is a referral to the MTSS/CST team. This team will consist of the parent, classroom teacher, the MTSS/CST leader and others as needed. If a classroom teacher wants to refer a child, it is necessary for the teacher to document all interventions in detail. The classroom teacher will be responsible for completing paperwork as needed in a timely matter for this and various other meetings. The team will decide the next step and proceed from there. Accommodations and/or modifications may be discussed and be implemented.

If the team decides the child should be tested, the proper assessments will be scheduled, testing completed, the referral team reconvened, and a placement decision will be made. If placement is decided, the Individualized Education Program (IEP) will be developed and the

child will receive special education services.

The Special Education Department will support the classroom teachers as part of our Child Find process, which includes services of special education students. The team will work with students, supply quarterly reports, provide copies of the IEP, and act as a resource for the teacher. The team will lend resource books and materials, help with paperwork, be available for conferences as needed by the teacher, help to modify or accommodate classroom work, administer state standardized tests as dictated by the IEP, and work together to ensure success for students.

Evaluation Policies and Procedures

A full and individual initial evaluation will be conducted by Noah Webster Schools 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 Noah Webster Schools in accordance with §§300.300–300.311 of the IDEA regulations.

Parental Consent- §300.300, AAC R7-2-401.F

When Noah Webster Schools conducts an initial or re-evaluation to determine if a child qualifies as a child with a disability, and after reviewing existing data with the parents and providing prior written notice, will obtain informed consent from the parent/guardian/legal representative of the child before collecting any additional data. This consent is for the evaluation only and does not consent for initial placement into special education. Noah Webster Schools shall obtain informed written consent from the part of the child with a disability before the initial provision of special education and related services to the child.

If a parent refuses consent for the initial provision of special education and related services, Noah Webster Schools will not be considered in violation for not providing FAPE; Is not required to convene an IEP team meeting or develop an IEP for the child. 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, Noah Webster Schools 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.

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, Noah Webster Schools:

- 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, Noah Webster Schools:

- 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, Noah Webster Schools 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.

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

- a. Despite reasonable efforts to do so, Noah Webster Schools 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.

Noah Webster Schools 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 Noah Webster Schools refuses consent for an initial evaluation.

Noah Webster Schools 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, Noah Webster Schools may not seek consent through due process hearing procedures. Noah Webster Schools:

- 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.

Noah Webster Schools must obtain informed consent prior to conducting any reevaluation of a child with a disability.

- a. If the parent refuses consent, Noah Webster Schools 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 Noah Webster Schools can demonstrate that:
 - i. it made reasonable efforts to obtain such consent and has documented those attempts;
 - ii. the child's parent has failed to respond.

Parental consent is not required before:

- a. Reviewing existing data as part of an evaluation or reevaluation; or
- b. Administering a test or other evaluation that is administered to all children unless consent is required of parents of all children prior to administration.

Noah Webster Schools 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 Noah Webster Schools, except as required by this part.

If a parent of a child who is home schooled or placed in a private school by the parents at their own expense does not provide consent for the initial evaluation or the reevaluation, or the parent fails to respond to a request to provide consent, Noah Webster Schools may not utilize due process hearing procedures to seek consent.

Initial Evaluations- §300.301

Consistent with consent requirements of §300.300, either a parent of a child or Noah Webster Schools staff 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:

- a. The parents and Noah Webster Schools agree that it is in the best interest of the child to extend the timeline to complete the evaluation for an additional 30 days;
- b. The child enrolls in Noah Webster Schools 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 other agency will ensure prompt completion of the evaluation);
or
- c. The parent of a child with a disability repeatedly fails or refuses to produce the child for the evaluation.

Re-Evaluations- §300.303

Noah Webster Schools will conduct a reevaluation of a child with a disability if

- a. The agency determines that the educational or related service needs, including improved academic achievement and functional performance, of the child warrant a reevaluation, or
- b. If the child's parents or teacher requests a reevaluation, except that
- c. Noah Webster Schools will not conduct a reevaluation more than once a year unless the parent and agency agree otherwise.
- d. Noah Webster will conduct a reevaluation at least once every 3 years, unless the parent and the agency agree that a reevaluation is unnecessary.

Evaluation Procedures- §300.304

Noah Webster Schools will provide prior written notice to the parents of a child who has or who is suspected of having a disability that describes the evaluation procedures that the agency proposes to conduct.

In conducting an evaluation or reevaluation, Noah Webster Schools will:

- a. Use a variety of assessment tools and strategies to gather relevant functional, developmental, and academic information about the child, including information provided by the parent in order to determine:
 - i. Whether the child is a child with a disability; and
 - ii. If the child is a child with a disability, information related to enabling the child to be involved in and progress in the general education curriculum (or for a preschool child, to participate in appropriate activities).
- b. Not use any single measure or assessment as the sole criterion for determining whether a child is a child with a disability and for determining an appropriate educational program for the child; and
- c. Use technically sound instruments that may assess the relative contribution of cognitive and behavioral factors, in addition to physical or developmental factors.

Noah Webster Schools will ensure that evaluation materials and strategies:

- a. Are selected and administered so as not to be discriminatory on a racial or cultural basis;
- b. Are administered in the child's native language or other mode of communication and in the form most likely to yield accurate information on what the child knows and can do academically, developmentally, and functionally, unless it is clearly not feasible to do so;
- c. Are used for the purposes for which the assessment(s) or measure(s) are valid and reliable;
- d. Are administered by trained and knowledgeable personnel;

- e. Are administered in accordance with the instructions provided by the assessment publisher;
- f. Are selected and administered so as to ensure that if administered to a child with impaired sensory, manual, or speaking skills, the assessment results accurately reflect the child's aptitude or achievement level or whatever other factors the test purports to measure rather than reflecting the child's impairments (unless those skills are the factors being measured).
- g. Assess the child in all areas related to the suspected disability, including, if appropriate, health, vision, hearing, social and emotional status, general intelligence, academic performance, adaptive behavior, communicative status, and motor abilities; and
- h. Are sufficiently comprehensive to identify all of the child's special education and related service(s) needs, whether or not those needs are commonly associated with the child's disability.
- i. Provide relevant information that directly assists in determining the educational needs of the child.

Evaluations of children who transfer to or from another public education agency in the same school year are coordinated with the prior and subsequent schools, in order to expedite the completion of a full evaluation.

Additional Evaluation Requirements- §300.305

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

- a. Review existing evaluation data on the child including:
 - i. Evaluations and information provided by the parents;
 - ii. Current classroom-based, local, and statewide assessments, and classroom-based observations; and
 - iii. Observations by teachers and related services providers.
- b. On the basis of that review and input from the child's parents, identify what additional data, if any, are needed to determine:
 - i. Whether the child is or continues to be a child with a disability and if so, the educational needs of the child;
 - ii. The present levels of academic achievement and related developmental needs of the child; and
 - iii. Whether the child needs special education and related services to enable the child to meet measurable annual IEP goals and to participate, as appropriate, in the general education curriculum.
- c. The IEP team may conduct the review without a meeting.

If additional data are needed, Noah Webster Schools 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, Noah Webster Schools 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.

Noah Webster Schools will evaluate a child before determining that the child is no longer a child with a disability except when the termination is due to graduation with a regular high school diploma or the child's reaching age 22.

When the child's eligibility terminates because of graduation or reaching age 22, Noah Webster Schools will provide a summary of the child's academic achievement and functional performance that includes recommendations on how to assist the child in meeting the child's postsecondary goals.

Evaluation/Re-Evaluation- AAC R7-2-401.E

Noah Webster Schools shall establish, implement, and make available to school-based personnel and parents within its boundaries of responsibility written procedures for the initial full and individual evaluation of students suspected of having a disability, and for the reevaluation of students previously identified as being eligible for special education.

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 Noah Webster Schools' receipt of the parent's informed written consent and shall conclude with the date of the multidisciplinary evaluation team (MET) determination of eligibility.

If the parent requests the evaluation, Noah Webster Schools 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 Noah Webster Schools' receipt of the parent's informed written consent.

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 Noah Webster Schools 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.

Noah Webster Schools 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 Noah Webster Schools criteria through one of the following methods:
 - i. A discrepancy between achievement and ability;
 - ii. The child's response to scientific, research-based interventions; or
 - iii. Other alternative research-based procedures.
- e. Orthopedic impairment: verification of the physical disability by a qualified professional.
- f. Speech/language impairment: an evaluation by a qualified professional.
- g. For students whose speech impairments appear to be limited to articulation, voice, or fluency problems, the written evaluation may be limited to:
 - i. An audiometric screening within the past calendar year,
 - ii. A review of academic history and classroom functioning,
 - iii. An assessment of the speech problem by a speech therapist, or
 - iv. An assessment of the student's functional communication skills.
- h. Traumatic brain injury: verification of the injury by a qualified professional.
- i. Visual impairment: verification of a visual impairment by a qualified professional.

The Department shall develop a list, subject to review and approval of the State Board of Education, of qualified professionals eligible to conduct the appropriate evaluations prescribed in subsection (E)(7).

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.

Determination of Eligibility-§300.306

Upon completion of the evaluation process, Noah Webster Schools will ensure that:

- a. A group of qualified professionals and the parent of the child determine:
 - i. If the child is a child with a disability under the Individuals with Disabilities Education Act and the Arizona State Statutes; and
 - ii. If so, the educational needs of the child.
- b. The parents are provided, at no cost, a copy of the evaluation report and eligibility determination.

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.

Independent Educational Evaluation-§300.502

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

- a. Information about where an independent educational evaluation may be obtained; and
- b. Noah Webster Schools' criteria applicable for independent educational evaluations. Noah Webster Schools' criteria for the independent educational evaluation must be the same as the criteria Noah Webster Schools 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 Noah Webster Schools. If a parent requests an independent educational evaluation at public expense, Noah Webster Schools 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 Noah Webster Schools demonstrates in a hearing that the evaluation obtained by the parent did not meet criteria.

If a due process hearing decision is that Noah Webster Schools' 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, Noah Webster Schools 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 Noah Webster Schools conducts an evaluation with which the parent disagrees.

The results of any independent educational evaluation that is obtained by or provided to Noah Webster Schools:

- a. Must be considered by Noah Webster Schools 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.

Additional Procedures for Identifying Children with Specific Learning Disabilities- **§300.307**

A State must adopt, consistent with [§ 300.309](#), criteria for determining whether a child has a specific learning disability as defined in [§ 300.8\(c\)\(10\)](#). In addition, the criteria adopted by the State—

- a. Must not require the use of a severe discrepancy between intellectual ability and achievement for determining whether a child has a specific learning disability, as defined in [§ 300.8\(c\)\(10\)](#);
- b. Must permit the use of a process based on the child's response to scientific, research-based intervention; and
- c. May permit the use of other alternative research-based procedures for determining whether a child has a specific learning disability, as defined in [§ 300.8\(c\)\(10\)](#).

Consistency with State criteria. A public agency must use the State criteria adopted pursuant to [paragraph \(a\)](#) of this section in determining whether a child has a specific learning disability. Noah Webster Schools 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.

For any students determined eligible for special education under the eligibility category of Specific Learning Disability (SLD), the IEP team shall document in the Individualized Education Program (IEP) whether the student has a diagnosis of dyslexia, if applicable to the student.

Dyslexia

The school is not required to obtain, or conduct evaluations to diagnose dyslexia for the purposes of this documentation. If a diagnosis of dyslexia is provided by a parent or a qualified professional and is determined to be relevant to the student's educational needs, the diagnosis shall be included in the IEP. (HB 2170).

Determining the Existence of a Specific Learning Disability- §300.309

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

- a. The child does not achieve adequately for the child's age or to meet State-approved grade-level standards in one or more of the following areas, when provided with learning experiences and instruction appropriate for the child's age or meet State-approved grade-level standards:
 - i. Oral expression
 - ii. Listening comprehension
 - iii. Written expression
 - iv. Basic reading skill
 - v. Reading fluency skills
 - vi. Reading comprehension
 - vii. Mathematics calculation
 - viii. Mathematics problem solving
- b. The child does not make sufficient progress to meet age or State-approved grade-level standards in one or more of the areas in (1)(a) when using a process based on the child's response to scientific, research-based intervention; or
- c. The child exhibits a pattern of strengths and weaknesses in performance, achievement, or both, relative to age, State-approved grade-level standards, or intellectual development, that is determined by the group to be relevant to the identification of a specific learning disability, using appropriate assessments.

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 must ensure that the underachievement is not due to a lack of appropriate instruction in reading or math and must consider:

- a. Data that demonstrates 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 child progress during instruction,

which was provided to the child's parents.

Noah Webster Schools 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).

The Individualized Education Program (IEP)

Schools must provide eligible children with disabilities special education and related services in accordance with the child's individualized education program (IEP). An IEP is defined as a written statement for a child with a disability that is developed, reviewed, and revised in accordance with the specific guidelines set forth in the IDEA. The program described in the IEP document must be reasonably calculated to enable the child to receive educational benefit.

While an IEP is not a performance contract and does not constitute a guarantee by the school and/or the teacher that a child will progress at a specified rate, schools and teachers are required to make a good faith effort to assist children in achieving the goals set forth in the IEP and to enable them to access and make progress in the general curriculum. Schools must follow the program outlined in the IEP by providing the services, accommodations, modifications, and other supplementary items described within the document.

The law specifies what information must be included in each IEP, but it does not specify what the IEP document must look like. In Arizona, schools decide what the IEP form will look like. Noah Webster Schools uses IEPro when formatting and creating IEPs and other related documents.

*20 U.S.C. § 1414(d); 34 C.F.R. §§ 300.320-328

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

Noah Webster Schools shall establish, implement, and make available to its school-based personnel and parents written procedures for the development, implementation, review, and revision of IEPs.

Procedures for IEPs shall meet the requirements of the IDEA and its regulations, the state statutes, and the State Board of Education rules.

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.

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.

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.

Transition services: Beginning not later than the first IEP to be in effect when the child completes 9th grade or reaches age 16, whichever is first, or younger if determined appropriate by the IEP Team, and updated annually, thereafter, the IEP must include:

- a. Appropriate measurable postsecondary goals based upon age-appropriate transition assessments related to training, education, employment, and, where appropriate, independent living skills; and
- b. The transition services (including courses of study) needed to assist the child in reaching those goals; and
- c. The estimated date of graduation for the child, including the course of study that specifically aligns to the child's individual transition plan.
 - i. A school shall inform parents in writing at least one year before the anticipated high school graduation date of the child with a disability. This requirement is in addition to and not in lieu of federal requirements at C.F.R. 300.503 to provide prior written notice typically sent immediately prior to implementing a change in placement.
- d. Transfer of rights at age of majority: Beginning not later than one year before the child reaches the age of majority under State law, the IEP must include a statement that the child has been informed of the child's rights under Part B of the Act, if any, that will transfer to the child on reaching the age of majority under § 300.520.

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. Noah Webster Schools 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, Noah Webster Schools 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.

A parent or Noah Webster Schools 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.

The IEP Team

The IEP team is a group of individuals charged with developing, reviewing, and revising the IEP and is required to consist of the following members:

1. not less than one of the child's parents, or the adult student, if legal rights have transferred (which, in Arizona is at age 18)
2. not less than one of the child's regular education teachers (if the child is or may be participating in the regular education environment)
3. not less than one of the child's special education teachers, or where appropriate, not less than one of the child's special education providers
4. a representative of the child's school who:
 - a. is qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of children with disabilities;
 - b. is knowledgeable about the general curriculum; and
 - c. is knowledgeable about the availability of the school's resources;
 - d. may be a member of the IEP team serving in another role as long as he or she meets the criteria described in letters a – c.
5. an individual who can interpret the instructional implications of evaluation results—who may be one of the team members already serving in another role;
6. at the parent's or school's discretion, other individuals who have knowledge or special expertise regarding the child, including related services personnel as appropriate
7. whenever possible, the child with a disability;
8. if postsecondary transition services are being discussed, the student and representatives of other agencies who are likely to be responsible for paying for or providing transition services (Noah Webster is K-8 only at this time)
9. if the public agency is considering a private school placement, a representative of the private school; and
10. For a child who is transitioning from AzEIP, representatives from AzEIP must be invited to the initial IEP if the parent requests.

*34 C.F.R. § 300.321

Parent Participation- §300.322

Noah Webster Schools 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).

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, Noah Webster Schools 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 Noah Webster Schools is unable to convince the parents that they should attend. In this case, Noah Webster Schools 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.

Noah Webster Schools 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.

Noah Webster Schools will give the parent a copy of the child's IEP at no cost to the parent.

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

Noah Webster Schools 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.

Noah Webster Schools 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, Noah Webster Schools 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 Noah Webster Schools is unable to obtain the parent's participation and has maintained a record of its attempts to ensure their involvement.

Additional Group Members- §300.308

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.

Implementing the IEP

Each child's IEP should be implemented as soon as possible following the IEP meeting at which the IEP is developed. An IEP must be in effect before a school can provide special education and related services. Schools must ensure that IEPs are accessible to each regular education teacher, special education teacher, related service provider, or other service provider who is responsible for implementing that IEP, and that each of those individuals is informed of his or her specific responsibilities related to the implementation of the IEP. Indeed, all relevant school personnel must be informed of the specific accommodations, modifications, and supports that must be provided to each child in accordance with his or her IEP.

When IEPs Must be in Effect- §300.323

At the beginning of each school year, Noah Webster Schools must have in effect for each child with a disability in its jurisdiction, an IEP as defined in §300.320.

Noah Webster Schools 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, the IEP team will consider the contents of the child's IFSP. An IFSP may serve as the IEP of the child if:

- a. The agency has provided the parents with a detailed explanation of the differences between an IEP and an IFSP;
- b. The parent and the agency agree in writing to the use of an IFSP;

- c. The IFSP contains an educational component that promotes school readiness and includes pre-literacy, language, and numeric skills; and
- d. The IFSP is developed in accordance with IEP procedures.

Noah Webster Schools 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 into Noah Webster Schools from another public education agency in Arizona, Noah Webster Schools, in consultation with the parents, will provide a free appropriate public education (including services comparable to the services described in the existing IEP) until Noah Webster Schools:

- 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 into Noah Webster Schools from another state, Noah Webster Schools, in consultation with the parents, will provide a free appropriate public education (including services comparable to the services described in the existing IEP) until Noah Webster Schools:

- 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, Noah Webster Schools 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, Noah Webster Schools will promptly respond to the request.

Review and Revision of IEPs and Related Documents

The IEP team is required to review each child's IEP periodically, but not less than annually, to determine if the child is making progress toward achieving annual goals, and revise the IEP as appropriate to address: (1) any lack of expected progress in the general curriculum or toward meeting the annual goals, (2) the results of a re-evaluation, or (3) the child's anticipated needs.

In Arizona, if a parent or the school requests an IEP review *in writing* and identifies the basis for requesting the review, the review must occur within 45 school days of receipt of the request at a mutually agreed upon date and time.

If the IEP needs to be revised at any time after the annual review, the parents and the school may agree to make necessary changes to the IEP without convening an IEP team meeting, and may instead develop a written document to modify or amend the IEP. If changes are made in this manner, the school must ensure that the IEP team is informed of those changes. The school must give the parent a copy of the revised IEP with the amendments incorporated.

*34 C.F.R. § 300.323, 34 C.F.R. § 300.324(b); A.A.C. R7-2-401(G)

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

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 Noah Webster Schools 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. Noah Webster Schools 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, Noah Webster Schools will encourage the consolidation of evaluation, reevaluation, and IEP meetings for a child.

Noah Webster Schools 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 Noah Webster Schools fails to provide the transition services in an IEP, Noah Webster Schools must reconvene the IEP team to identify alternative strategies to meet the child's transition outcomes.

IEP Team Meetings

Noah Webster Schools are responsible for initiating and conducting meetings for the purpose of developing, reviewing, and revising the IEPs of children with disabilities.

Schools are responsible for taking steps to ensure that one or both parents of a child with a disability are present at each IEP meeting or are, at least, given the opportunity to participate. Parents should be notified through the use of a "meeting notice" early enough so that they will have an opportunity to attend the meeting, which is required to be scheduled at a mutually agreed on time and place. The IDEA does not require the school to schedule an IEP meeting outside regular school hours to accommodate parents or their experts. [*Letter to Thomas*, 51 IDELR 224 (OSEP 2008)]

The meeting notice must indicate the purpose, time, and location of the meeting and who will be in attendance, and it must inform parents of their right to bring to the meeting any individual with knowledge or special expertise about the child.

If neither parent can attend the meeting, the school may use other methods to ensure their participation, such as individual or conference call, or video conferencing. The school may conduct an IEP meeting without the parents if it is unable to convince the parents to attend. The 9th Circuit Court of Appeals recently held that a school's failure to ensure the parent's participation in an IEP meeting following the parent's request to delay the meeting, as opposed to an affirmative refusal to participate, amounted to a denial of FAPE for the student. If the school holds an IEP meeting without the parent, it must have a record of its attempts to arrange a mutually agreed on time and place, such as detailed phone records, copies of correspondence sent to the parents and responses received.

*34 C.F.R. § 300.322; 34 C.F.R. § 300.328

Excusal from Meetings

A member of the IEP team may be excused from attending an IEP meeting, in whole or in part, when the member's area of the curriculum or related service is being discussed if the parent and the school consent to the excusal prior to the meeting, and the member submits written input into the development of the IEP prior to the meeting. The parent's consent to the excusal must be in writing. It is important to remember that consent is more than just an agreement; it means that the parent has been fully informed of all relevant information in his or her native language or other mode of communication. Further, consent means that the activity for which his or her consent is being sought has been described and that the parent understands and agrees in writing to the carrying out this activity. Noah Webster Schools makes every effort to include all members of the IEP team in meetings and will reschedule if timeline procedures allow.

IEP Development

At the beginning of each school year, schools must have an IEP in effect for each child with a disability. Schools are required to give the parent a copy of the child's IEP free of charge. In developing IEPs, teams must consider the following:

1. the child's strengths;
2. the parents' concerns for enhancing their child's education;
3. the results of the child's most recent evaluation; and
4. the child's academic, developmental, and functional needs.

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;
1. PLAAFP: A statement of the child's present levels of academic achievement and functional performance including how the child's disability affects his or her involvement

and progress in the general curriculum (the same curriculum taught to nondisabled children).

2. Measurable annual goals: A statement of measurable goals, including academic and functional goals, designed to meet the child's needs that result from the disability.
3. and meet the child's other educational needs. For children who take alternate assessments include benchmarks or short-term objectives.
4. Progress reports: A statement of how the child's progress toward meeting annual goals will be measured and a description of how parents will be regularly informed of the child's progress toward meeting those goals.
5. Services & supports:
 - a. A statement of the special education and related services and supplementary aids and services—based upon peer-reviewed research to the extent practicable—that the school will provide to the child.
 - b. Any program modifications or supports for school personnel so that the child can make progress towards achieving annual goals, be involved in and make progress in the general education curriculum, participate in extracurricular and other nonacademic activities, and participate with both disabled and nondisabled children in these activities.
 - c. Although IDEA does not define the term "supplementary aids and services," the United States Department of Education suggests several possibilities including, but not limited to, modification of the regular class curriculum, behavior management techniques, use of assistive technology, provision of note-takers, or a combination of support
6. An explanation of the extent, if any, to which the child will participate with nondisabled children in the regular classroom setting and in other activities.
7. Accommodations for assessments: A statement of any individual accommodations that are necessary to measure the child's academic and functional performance on State and district-wide assessments.
 - a. Although the IDEA does not specifically require IEPs to include classroom accommodations, the United States Department of Education advises that IEPs include classroom accommodations for children whose IEP teams determine those accommodations to be necessary to ensure those children receive a FAPE. [*Letter to Wilson*, 43 IDLER 165 (OSEP 2004)]
8. Alternate assessments: If the IEP team determines that the child will take an alternate assessment, the IEP must include a statement of why the child cannot participate in the regular assessment and what particular alternate assessment the child will take.
9. Implementation date: The projected date that services and modifications will begin and the anticipated frequency, location, and duration of those services and modifications.
10. Postsecondary transition: Beginning with the first IEP to be in effect when the child turns 16, appropriate measurable postsecondary goals that:
 - a. are based on age appropriate transition assessments that take into account the child's strengths, interests, and preferences;
 - b. include the areas of employment and education and/or training, and independent living skills where appropriate;
 - c. are accompanied by a coordinated set of transition activities aimed at assisting the child in reaching those goals, which are specifically designed as an outcomes

oriented process that promotes movement from school to post-school life.

11. Transfer of majority rights: Beginning no later than one year before the child reaches the age of majority (18 in Arizona), a statement that the child has been informed of the rights, if any, that will transfer to him or her upon reaching the age of majority.
12. Transition services for students to be in effect in the IEP in place when the student ends 9th grade or age 16, whichever is first, or earlier, as determined necessary by the students IEP team. (A.A.C. R7-2-401(G)(4)(A))
13. The student's estimated graduation date is to be included in their IEP, aligned with the transition plan. (A.A.C. R7-2-401(G)(4)(C))
14. The school is to provide written notification to the parent(s)/Guardian of the student's anticipated graduation date at least one year before the anticipated high school graduation date. (A.A.C. R7-2-401(G)(4)(A) (c) (i))

The following special factors must also be considered and documented:

1. In the case of a child whose behavior impedes the child's learning or that of others, the IEP team needs to consider the use of positive behavioral interventions and supports, or other strategies, to address the behavior.
2. In the case of a child who is limited English proficient, the team must consider the child's language needs as they relate to the IEP.
3. In the case of a child who is blind or visually impaired, the IEP team must consider the use of Braille, as appropriate for the child.
4. In the case of a child who is deaf or hard of hearing, the IEP team must consider the child's communication needs.
5. The IEP team must consider whether a child needs assistive technology devices and services.

*34 C.F.R. § 300.324

Observation-§300.310

Noah Webster Schools 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, a group member must observe the child in an environment appropriate for a child of that age.

Specific Documentation for the Eligibility Determination- §300.311

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; mental retardation; 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.

Extended School Year- §300.106

Schools are required to ensure that extended school year services are available to students, as necessary, in order to provide a FAPE. Extended School Year (ESY) services are defined to mean special education and related services that are provided to a child with a disability beyond the school's normal school days, in accordance with the child's IEP, at no cost to the parent. A child's need for ESY services is to be determined on an individual basis by the IEP team. Schools are not permitted to limit ESY services to particular categories of disability or to unilaterally limit the type, amount, or duration of the services. Moreover, eligibility for ESY services cannot be based on need or desire for day care or respite care, an educational program to maximize the student's academic potential, or a summer recreation program.

Noah Webster Schools 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.

ESY services are necessary if either: (1) the benefits that the student gained during the regular school year would be significantly jeopardized if he or she is not provided educational services, or (2) the student would experience severe or substantial regression if he or she is not provided educational services during short or long recesses or summer months and the regression would result in substantial skill loss of a degree and duration that would seriously impede the student's progress toward educational goals. The IEP team shall determine if the student is eligible to receive ESY services no later than 45 days prior to the last day of the school year.

The determination of whether a student is eligible for ESY services must take into account least restrictive environment considerations and be determined by the IEP team, using a multifaceted inquiry based on the following criteria: (1) retrospective data, such as past regression and the rate of recoupment, and (2) predictive data, when empirical data is not available, which may be proven by expert opinion based upon a professional individual assessment.

*34 C.F.R. § 300.106; A.R.S. § 15-881; A.A.C. R7-2-408

Transportation

Schools must provide transportation as a related service if it is necessary to assist a child with a disability to benefit from special education. The determination of whether a child needs transportation is to be made by the IEP team, taking into account whether the child's disability prevents the child from using the same transportation as nondisabled children, or from getting to school in the same manner as nondisabled students. It is presumed that most children do not require transportation as a related service, particularly if integrated transportation can be achieved by providing accommodations, such as lifts, or other equipment adaptations on regular school vehicles. If transportation is a required related service, the transportation arrangement must be clearly described in the IEP, and the service must be provided at no cost to the parent.

Assistive Technology-§300.105

Noah Webster Schools 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, Noah Webster Schools 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.

Specially Designed Instruction

Special education means specially designed instruction, at no cost to the parents, to meet the unique needs of a child with a disability. “Specially designed instruction” means adapting, as appropriate to the needs of an eligible child, the content, methodology, or delivery of instruction to address the unique needs of the child that result from his or her disability, and to ensure the child access to the general curriculum so that he or she can meet the educational standards that apply to all children. Special education is meant to provide a child with a disability skills, techniques, and strategies designed with the unique needs resulting from their particular disabilities in mind and aimed at mitigating the effects of those disabilities. Specially designed instruction does not merely provide momentary access to information, but rather creates knowledge in a child with a disability by teaching a transferrable set of skills that can be used across settings and time.

*20 U.S.C. § 1402(29); 34 C.F.R. § 300.39

Nonacademic Services-§300.107

Noah Webster Schools 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 Noah Webster Schools, referrals to agencies that provide assistance to individuals with disabilities, and employment of students, including both employment by Noah Webster Schools and assistance in making outside employment available.

Nonacademic Settings-§300.117

In providing or arranging for the provision of nonacademic and extracurricular services and activities, including meals, recess periods, and other nonacademic activities, Noah Webster Schools 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.

Noah Webster Schools 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.

Physical Education-§300.108

Noah Webster Schools will make regular physical education services available to children with disabilities to the same extent that the agency provides those services to children without disabilities, unless:

- 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, Noah Webster Schools will ensure that the child receives appropriate physical education services.

If special physical education is prescribed in a child's IEP, Noah Webster Schools will provide for those services, either directly or through other public or private programs.

Program Options-§300.110

Noah Webster Schools 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.

Accommodations

Accommodations are the provisions made to allow a student to access and demonstrate learning. Accommodations do not substantially change the instructional level, the content or the performance criteria, but are made in order to provide a student equal access to learning and equal opportunity to demonstrate what is known. Accommodations do not alter the content of the curriculum or a test, or provide inappropriate assistance to the student within the context of the test. Accommodations are task or situation dependent, whereas specially designed instruction should be portable and useful in mitigating the impact of the disability across all circumstances or in any situation.

*A.A.C. R7-2-401(B)(1)

Least Restrictive Environment (LRE) Requirements-§300.114, AAC R7-2-401.H

Noah Webster Schools 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.

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.

Noah Webster Schools 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.

A continuum of services and supports for students with disabilities shall be available through Noah Webster Schools.

Continuum of Alternative Placements-§300.115

Noah Webster Schools 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.

Placements- §300.116

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.

Private School Placements by Noah Webster Schools- §300.325

Before Noah Webster Schools places a child with a disability in a private school or facility, Noah Webster Schools 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 Noah Webster Schools. However, Noah Webster Schools must ensure that:

- a. The parents and Noah Webster Schools 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.

Noah Webster Schools remains responsible for ensuring FAPE to a child placed by Noah Webster Schools in a private school or facility.

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

Noah Webster Schools 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 the agency will not be responsible for any post-surgical maintenance, programming, or replacement of any component, external or internal, of the medical device.

Methods of Ensuring Services-§300.154

Noah Webster Schools 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 Noah Webster Schools:

- a. May not require parents to sign up for or enroll in public benefits or insurance programs to receive FAPE;
- b. May not require parents to incur out-of-pocket expenses such as payment of a deductible or co-pay for services required by IDEA, but may pay the cost that parents otherwise would be required to pay;
- c. May not use a child's public benefit if that use would:
 - i. Decrease lifetime benefits;
 - ii. Result in the family paying for 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.

Noah Webster Schools 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.

Noah Webster Schools 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.

Noah Webster Schools 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.

Least Restrictive Environment

The IDEA's least restrictive environment (LRE) provision requires that, to the maximum extent appropriate, children with disabilities, including children in preschool, public or private institutions, or other care facilities, are educated with children who are not disabled, and special classes, separate schooling, or other removal of children with disabilities from the regular educational environment occurs only when the nature or severity of the child's disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily. However, this does not mean that the LRE will be the same for every child with a disability. In each case, the IEP team must decide the most appropriate educational setting in which the child can receive a FAPE given his or her unique needs. The IEP team must determine which environment puts the least amount of restrictions on the child's opportunity to learn. In a situation where a child will not participate fully with peers without disabilities, the IEP must include an explanation of why and to what extent.

The placement decision must be made by a group of people, including the parents and other people knowledgeable about the child, the meaning of the evaluation data, and the placement options. Placement is generally the last in a series of decisions, and occurs only after a child is evaluated and an IEP is developed. Thus, the appropriate goals, services, and supports should be determined before deciding where they will be provided. Placement must be reviewed annually and must be individually determined for the child based on the IEP goals and services to be provided rather than developing goals and services to "fit" the placement. Factors that may be considered in determining placements include the educational benefits to the child with a disability, the non-academic and social benefits to the child, and the degree of disruption that the child will cause to his or her learning and the learning of others. Factors that may not be considered in determining placements include the child's category of disability, the severity of the disability, and the availability or cost of placements or special education and related services.

*34 C.F.R. § 300.114, 34 C.F.R. § 300.116

Prior Written Notice by Noah Webster Schools; Content of Notice- §300.503

Written notice must be given to the parents of a child with a disability a reasonable time before Noah Webster Schools:

- 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 Noah Webster Schools;
- 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 Noah Webster Schools 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 Noah Webster Schools 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, Noah Webster Schools 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.

Identification

A PWN must be provided to the parents of a preschool or school-aged child who is *identified* through child find measures and referred by the school for an initial evaluation.

Evaluation

- o Collection of additional data: Schools must provide PWN *before* collecting additional evaluation data. **OR** Schools must provide PWN refusing to collect additional data after the IEP team determines that no additional evaluation data is needed to complete the evaluation process.
- o Eligibility: PWN must be provided after the IEP team has determined whether the child is or is not eligible as a child with a disability as this completes the evaluation process. This PWN would

document either a school's proposal to make the child eligible for special education or the school's refusal to make the child eligible.

Educational placement

Schools must provide PWN when there is a proposal or refusal to initiate or change a child's educational placement, including:

- o Initial placement of a child into special education upon initial eligibility for special education and related services
- o Exiting a child from special education altogether when the child's IEP team determines the child is no longer eligible as a child with a disability
- o Graduation from high school with a regular high school diploma
- o Disciplinary removals that constitute a change of placement
- o A decision about the educational placement of a child along the continuum of alternative placements

Free Appropriate Public Education (FAPE)

PWN must be provided when there is a proposal or refusal to initiate or change the provision of a FAPE, such as before implementation of the initial IEP, or before a revised IEP can be implemented. When an IEP team decides to add to, subtract from, or otherwise alter what constitutes a FAPE for a child, parents must be provided PWN documenting the resulting proposals and refusals.

*34 C.F.R. § 300.503

Transfer Students

In the case of a child with a disability who has an IEP in effect and who, during the school year, transfers to a different school district or charter school within the *same* state, the receiving school, in consultation with the parents, is required to provide that student a FAPE, including services comparable to those in the IEP from the sending school until such time as the receiving school adopts the previous school's IEP or develops and implements a new IEP.

In the case of a child with a disability who has an IEP in effect and who transfers during the school year to a *different* state, the receiving school, in consultation with the parents, is required to provide that student with a FAPE, including services comparable to those in the IEP from the sending school until such time as the receiving school conducts an evaluation, if determined to be necessary, and develops and implements a new IEP.

In either case, the receiving school must take reasonable steps to promptly obtain the child's records (including the IEP and supporting documentation) from the sending school. Specifically, in Arizona, the receiving school has five school days to request records from the child's previous school and that school has 10 school days to send the records. [A.R.S. § 15-828(G)], 34 C.F.R. § 300.323(e);

Electronic Mail-§300.505

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

Dispute Resolution

The IDEA and its implementing regulations mandate that states make available formal processes for families of children with disabilities age 3 through 21 and public schools to resolve special education-related disputes. State Educational Agencies (SEA) are required to offer mediation, a due process hearing system, and a State administrative complaint system.

Mediation-§300.506

Mediation is a part of parents' procedural safeguards under the IDEA. It is an informal process during which an impartial mediator helps parents and schools experiencing conflict reach agreement about a student's special education program. Mediation is a problem-solving process rather than an adversarial process. It allows the parties to communicate directly with each other as they work toward a mutually agreeable solution. The goal of mediation is for parties to reach a compromise regarding disputes over special education matters and to memorialize that compromised solution into a written agreement signed by both parties.

Noah Webster Schools 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.

Noah Webster Schools 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.

Either a parent of a child with a disability or a public education agency may request mediation as a way to resolve disputes involving any matter that arises under the IDEA or its implementing regulations. Mediation may be used to resolve issues in a due process complaint or it may be requested, by the parent or the school, as a stand-alone process to address concerns or disputes that arise. Mediation is offered at no cost, must be voluntary on the part of both parties, and may not be used to deny or delay a parent's right to a due process hearing. The Arizona Department of Education maintains a list of qualified mediators who are trained annually in the area of special education law and are knowledgeable about current trends in mediation and mediation techniques.

*34 C.F.R. § 300.506; A.A.C. R7-2-405.02

Filing a Due Process Complaint- §300.507

A parent or Noah Webster Schools may file a request for a due process hearing relating to the identification, evaluation, or educational placement of a child with a disability.

The request for a due process hearing must allege a violation that occurred not more than two years before the date the parent or Noah Webster Schools knew or should have known about the alleged violation.

Noah Webster Schools must inform the parent of any free or low cost legal and other relevant services available in the area upon parent request.

Due Process Hearing- §300.508

Due process hearing is part of parents' procedural safeguards under the IDEA. The most formal of the dispute resolution options, a due process hearing may be used to resolve any matter relating to the identification, evaluation, educational placement of a child, or the provision of a free appropriate public education to the child. Only parents or adult students and schools can be parties to a due process hearing. One of the parties must file a due process complaint to begin the process, and there is a two-year statute of limitations on requests for a due process hearing. The filing party bears the burden of proof in the hearing.

Noah Webster Schools 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 Noah Webster Schools 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.

Expedited Due Process Hearing

The parent of a child with a disability may file a request for an expedited due process hearing if he or she disagrees with: (1) any decision regarding placement made under the special education discipline provisions; or (2) the manifestation determination. A school may request an expedited due process hearing if it believes that maintaining the current placement of the child is substantially likely to result in injury to the child or to others.

Unless the parents and the school agree in writing to waive the meeting, or agree to use mediation, a resolution meeting must occur within seven calendar days of receiving notice of the expedited due process complaint. The hearing may proceed unless the matter has been resolved

to the satisfaction of both parties within 15 calendar days of receipt of the due process complaint. An expedited due process hearing must be conducted within 20 school days of the date the hearing request is received, and the administrative law judge has 10 school days after the hearing to issue a decision.

The student stays put in the Interim Alternative Educational Setting (IAES) pending the judge's decision or until the disciplinary period expires, whichever occurs first, unless the parties agree otherwise.

Resolution Process- §300.510

Within 15 days of receiving the notice of the parent's due process complaint and prior to the initiation of a due process hearing, Noah Webster Schools 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 Noah Webster Schools who has agency decision-making authority;
- b. May not include an attorney of Noah Webster Schools 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 Noah Webster Schools has the opportunity to resolve the dispute.

The resolution meeting need not be held if:

- a. The parent and Noah Webster Schools agree in writing to waive the meeting; or
- b. The parent and Noah Webster Schools agree to use the mediation process.

The parent and Noah Webster Schools determine the relevant IEP team members to attend the meeting.

If Noah Webster Schools 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 Noah Webster Schools is unable to obtain the participation of the parent after reasonable efforts have been made and documented, Noah Webster Schools may, at the end of the 30-day period, request that the hearing officer dismiss the parent's due process complaint.

If Noah Webster Schools 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; OR
- b. After either the mediation or resolution meeting starts but before the end of the 30-day resolution period, the parties agree in writing that no agreement is possible; OR
- c. If both parties agree in writing to continue the mediation at the end of the 30-day resolution period, but later, one party withdraws from the mediation process.

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 Noah Webster Schools 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.

Child's Status during Proceedings- §300.518

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 Noah Webster Schools 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, Noah Webster Schools is not required to provide the Part C services the child had been receiving. If the child is found eligible for special education and related services under Part B and the parent consents to the initial provision of services under §300.300(b), then Noah Webster Schools must provide those services that are not in dispute.

If the hearing officer agrees with the child's parents that a change of placement is appropriate, that placement must be treated as an agreement between the State and parent for the purposes of (1)(c) of this section.

Surrogate Parents- §300.519

Noah Webster Schools 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;

Noah Webster Schools will have a method for determining when a surrogate parent is needed and for making surrogate parent assignments.

Noah Webster Schools will ensure that a person selected as a surrogate parent:

- a. Is not an employee of the State, Noah Webster Schools, 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, appropriate staff of emergency shelters, transitional shelters, independent living programs, and street outreach programs may be appointed as temporary surrogate parents until a surrogate parent can be appointed that meets all the requirements of this section.

Transfer of Parental Rights at Age of Majority- §300.520

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

- a. Noah Webster Schools 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, Noah Webster Schools will provide notice to the child and parent of the transfer of rights.

State Administrative Complaint

State administrative complaint system is not part of the system of procedural safeguards outlined in the IDEA, but rather falls under the SEA's general supervision responsibilities and is outlined in the regulations that implement the IDEA. The SEA is responsible for ensuring that public schools comply with Part B of the IDEA and a complaint is a way for members of the community to notify the SEA that there is or may be noncompliance with the IDEA in a public

school. A formal complaint is considered a request for the SEA to investigate an alleged failure by a public school to comply with a legal requirement of the IDEA or an alleged violation of a right of a parent and/or child with disabilities who is eligible, or believed to be eligible, for services based on federal and state laws and regulations governing special education.

The State complaint system is not a procedural safeguard, any individual or organization may file a State administrative complaint. The SEA can only investigate allegations of violations of Part B of the IDEA that occurred within the past year. The SEA has 60 calendar days from the date it identifies the complaint to conduct an investigation into the allegations presented in the complaint and to issue written findings. Every investigation includes a thorough review of information presented within documentation and via interviews with relevant parties in the particular case. The investigation concludes with the issuance of a formal written report, which is the SEA's independent determination as to whether the public school has violated a requirement of Part B of the IDEA. In accordance with 34 C.F.R. § 300.152(a), the report must address each allegation in the complaint and includes the findings of fact, conclusions of law, and the reasons for the SEA's final decision.

If the SEA identifies noncompliance with State and/or federal special education requirements it will dictate corrective action that the school must undertake to correct any noncompliance and mitigate the likelihood of the reoccurrence of the noncompliance. Corrective action must be completed in accordance with the schedule prescribed by the SEA, but in no case may take more than one year to complete.

*34 C.F.R. §§ 300.151 through 153; A.A.C. R7-2-405.01

Discipline Policy and Procedures

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.

Authority of School Personnel- §300.530

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, Noah Webster Schools 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.

Noah Webster Schools 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, Noah Webster Schools, the parent(s), 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, Noah Webster Schools must take immediate steps to remedy that deficiency.

If Noah Webster Schools, the parent(s), 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 Noah Webster Schools 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 public education agency.

Noah Webster Schools will notify parents and provide notice of procedural safeguards on the day Noah Webster Schools determines the student has violated the code of conduct and the violation constitutes a change of placement (i.e., interim alternative education setting).

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

Noah Webster Schools shall establish, implement, and make available to personnel and parents written procedures for the suspension and expulsion of students with disabilities.

Noah Webster Schools 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. Noah Webster Schools 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.

Determination of Setting- §300.531

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

Appeal- §300.532

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.

Noah Webster Schools that believes that maintaining the current placement of the child is substantially likely to cause injury to the child or others may appeal the decision by requesting an expedited due process hearing in conformance with §§300.310 through 300.314 and AAC R7-2-405.I.

Placement during Appeals- §300.533

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 Noah Webster Schools agree otherwise.

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

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 Noah Webster Schools had knowledge that the child was a child with a disability before the behavior that precipitated the disciplinary action occurred. Noah Webster Schools must be deemed to have such knowledge if:

- a. The parent of the child expressed concern in writing to supervisory or administrative personnel of Noah Webster Schools, or a teacher of the child, that the child is in need of special education and related services;
- b. The parent of the child requested an evaluation of the child pursuant to §§300.300 through 300.311; or
- c. The teacher of the child, or other personnel of Noah Webster Schools, 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 Noah Webster Schools.

Noah Webster Schools 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 Noah Webster Schools 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.

- a. Until the evaluation is completed, the child remains in the educational placement determined by Noah Webster Schools, which can include suspension or expulsion without educational services.
- b. If the child is determined to be a child with a disability, Noah Webster Schools must provide special education and related services in accordance with this part, including the requirements of §§300.530 through 300.536.

Confidentiality Policy and Procedures

Noah Webster Schools 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.

Access Rights- §300.613

Noah Webster Schools 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. Noah Webster Schools 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 Noah Webster Schools to reasonable requests for explanations and interpretations of the records;
- b. The right to request that Noah Webster Schools 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.

Noah Webster Schools may presume that the parent has authority to inspect and review records relating to his or her child unless Noah Webster Schools has been advised to the contrary by legal proceeding involving guardianship, separation, and divorce.

Record of Access- §300.614

Noah Webster Schools 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.

Noah Webster Schools 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 the agency provide copies of the records if failure to provide those copies would effectively prevent the parent from exercising the right to inspect and review the records; and
- c. The right to have a representative of the parent inspect and review the records

Noah Webster Schools 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.

Records on More Than One Child- §300.615

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.

Lists of Types and Locations of Information- §300.616

Noah Webster Schools must provide parents on request a list of the types and locations of education records collected, maintained, or used by Noah Webster Schools.

Fees- §300.617

Noah Webster Schools 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.

Noah Webster Schools may not charge a fee to search for or to retrieve information.

Amendment of Records at Parent's Request- §300.618

A parent who believes that information in the education records collected, maintained, or used by Noah Webster Schools is inaccurate or misleading or violates the privacy or other rights of the child may request the agency to amend the information.

Noah Webster Schools must decide whether to amend the information in accordance with the request within a reasonable period of time of receipt of the request.

If Noah Webster Schools 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.

Opportunity for a Hearing- §300.619

Noah Webster Schools 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.

Result of Hearing- §300.620

If, as a result of a hearing, Noah Webster Schools 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, Noah Webster Schools 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 Noah Webster Schools decision.

Consent- §300.622

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.

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

Upon receiving a written request, Noah Webster Schools 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 timeframe specified in A.R.S. § 15-828(F). Noah Webster Schools shall also forward records to any other person or agency for which the parents have given signed consent.

Safeguards- §300.623

Noah Webster Schools must protect the confidentiality of personally identifiable information at collection, storage, disclosure, and destruction stages.

One official at Noah Webster Schools 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).

Noah Webster Schools must maintain, for public inspection, a current listing of the names and positions of its employees who may have access to personally identifiable information.

Annual Notification to Parents Regarding Confidentiality of Student Education Records

The Family Educational Rights and Privacy Act (FERPA) is a Federal law that protects the privacy of student education records. FERPA gives parents certain rights with respect to their children's education records. These rights transfer to the student when he or she reaches the age of 18 or attends a school beyond the high school level. Students to whom the rights have transferred are "eligible students."

- Parents or eligible students have the right to inspect and review the student's education records maintained by the school within 45 days of a request made to the school administrator. Schools are not required to provide copies of records unless it is impossible for parents or eligible students to review the records without copies. Schools may charge a fee for copies.
- Parents or eligible students have the right to request in writing that a school correct records that they believe to be inaccurate or misleading. If the school decides not to amend the record, the parent or eligible student then has the right to a formal hearing. After the hearing, if the school still decides not to amend the record, the parent or eligible student has the right to place a statement with the record setting forth his or her view about the contested information.
- Generally, schools must have written permission from the parent or eligible student in order to release any information from a student's education record. However, FERPA allows schools to disclose those records, without consent, to the following parties or under the following conditions:
 - School officials with legitimate educational interest
 - A school official is a person employed or contracted by the school to serve as an administrator, supervisor, teacher, or support staff member (including health staff, law enforcement personnel, attorney, auditor, or other similar roles); a person serving on the school board; or a parent or student serving on an official committee or assisting another school official in performing his or her tasks;
 - A legitimate educational interest means the review of records is necessary to fulfill a professional responsibility for the school;
 - Other schools to which a student is seeking to enroll;
 - Specified officials for audit or evaluation purposes;
 - Appropriate parties in connection with financial aid to a student;
 - Organizations conducting certain studies for or on behalf of the school;
 - Accrediting organizations;
 - To comply with a judicial order or lawfully issued subpoena;
 - Appropriate officials in cases of health and safety emergencies; and

- State and local authorities, within a juvenile justice system, pursuant to specific State law.

Schools may disclose, without consent, “directory” information such as a student’s name, address, telephone number, date and place of birth, honors and awards, sports participation (including height and weight of athletes) and dates of attendance unless notified by the parent or eligible student that the school is not to disclose the information without consent.

Destruction of Information- §300.624

Noah Webster Schools 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.

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

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

Children’s Rights- §300.625

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, Noah Webster Schools must provide any notice required under the procedural safeguards provisions.

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

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.

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

Noah Webster Schools may report a crime committed by a child with a disability to appropriate authorities to enable Noah Webster Schools to exercise its responsibilities.

When Noah Webster Schools reports a crime committed by a child with a disability, it will ensure that copies of the special education and disciplinary records of the child are transmitted for consideration by the appropriate authorities to whom Noah Webster Schools reports the crime, but only to the extent permitted by FERPA.

Change of Placement Because of Disciplinary Removals- §300.536

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:
 - i. because the series of removals total more than 10 school days in a school year;
 - ii. because the child's behavior is substantially similar to the behavior in previous incidents that resulted in a series of removals; and
 - 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.

Noah Webster Schools 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.

Noah Webster School

Procedural Safeguards Regulation

(Section 504 of the Rehabilitation Act of 1973)

Each qualified student within the School who is eligible to receive special education or related aids or services, regardless of the nature or severity of the condition necessitating such programs or services, shall receive free appropriate education in the School. It is the responsibility of the School to identify and evaluate students who, within the intent of Section 504 of the Rehabilitation Act of 1973, need special services or programs in order that such students may receive the required free appropriate education.

Procedural Safeguards

1. Notice

The parents or guardians shall be notified in writing of all School actions concerning the

identification, evaluation, or educational placement of students who, because of disability, need or are believed to need special educational or related services. Such actions include decisions to refuse to identify or evaluate a student and decisions to deny or significantly change a student's educational placement.

2. Opportunity to Examine Records

The parents or guardians shall be notified that they may examine relevant records.

3. Hearing

An impartial due process hearing ("Section 504 due process hearing") will be utilized to resolve differences concerning the identification, evaluation, or educational placement of students who, because of disability, need or are believed to need special educational or related services when such differences cannot be resolved by means of a less formal procedure. In this instance, due process is defined as an opportunity to present objections and reasons for the objections to the decision and/or procedures of the School in making its decision. A Section 504 due process hearing may be called at the request of the School or a parent, guardian, or surrogate of an affected student. The proceedings will be presided over and decided by an impartial hearing officer. Impartial hearing officer means a person selected to preside at a due process hearing to assure that proper procedures are followed and to assure the protection of the rights of both parties.

In the notification of any School action concerning identification, evaluation, or educational placement, the parents or guardian will be advised that:

- A. A request for a Section 504 due process hearing should be made within thirty-five (35) days of notice of the right to file (but not less than thirty (30) days).
- B. The request shall be made to:

Dr. Terra Coleman
Noah Webster Schools-Mesa
7301 E. Baseline Road
Mesa, AZ 85209
(480) 986-2335

OR

Robert Rodenbaugh
Noah Webster Schools-Pima
5399 N. Pima Road
Scottsdale, AZ 85250
(480) 291-6900

4. Review

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

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

*34 C.F.R. § 300.504

Section 504

Definition of 504

A federal law that requires a school district/charter to provide a free and appropriate public education to each child with a disability in the district. The student's disability needs to SIGNIFICANTLY IMPACT their progress in the general education classroom. Much like an IEP, a 504 plan can help students with learning and attention issues learn and participate in the general education curriculum. A 504 plan outlines how a child's specific needs are met with accommodations and other services. These measures "remove barriers" to learning. This definition covers a wide range of conditions including ADHD and learning disabilities.

Who is Eligible for a 504 Plan?

504 plans are for K-12 public school students with disabilities. Section 504 defines a person with a disability as someone who:

- Has a physical or mental impairment that "substantially" limits one or more major life activity (such as reading or concentrating).
- Has a record of the impairment.
- Is regarded as having an impairment, or a significant difficulty that isn't temporary.

504 Procedures

1. Consult with Administration, Principal/Assistant Principal, 504 Coordinator or Special Education Director (not all cases will need to go through 504 process)
2. Start and refer to CST
3. CST makes 504 evaluation recommendation
4. 504 Coordinator sets up evaluation meeting (parent, teacher and coordinator)
5. Determine if student is eligible for a 504 plan
 - a. If yes, 504 plan is developed and renewed every year (if not sooner)
 - b. If no, student is returned to CST and administration consultation is needed at this time for further action.

Multi-Tiered System of Support (MTSS)

MTSS is a framework to provide targeted support to academic struggling students. The goal of MTSS is to intervene early so students can close academic gaps. It screens all students and aims to address academic challenges. The data dashboard will be used to drive individual conversations with teachers and the MTSS Team about their students' academics and progress.

Academic Identification:

- Teachers will identify academically at-risk students throughout the year. The MTSS process never ends or closes. This is part of our obligation to the Child Find Process and is required.
- Teachers will document interventions used including length of time. Use the MTSS

Intervention Logs in the Common Forms area on SharePoint.

- Teachers will notify parents of concerns and keep records of parent interactions (emails, phone calls, conferences and SIS). Notes will be documented on the Teacher Input form.
- Students falling far below on state tests, Galileo or Acadience will be considered for MTSS.
- Students being identified for retention will be considered for MTSS.
- After each benchmark and at periodic times, the MTSS team will meet with teachers to review their benchmark data and specify a few identified students who are struggling academically.
- During the MTSS meeting the teacher will discuss the data on the data dashboard and speak about interventions already in place.

Child Study Team (CST)

Noah Webster Schools has created a Child Study Team to support teachers with students that have severe behavioral needs. The CST will work in coordination with the teachers and parents to create positive and safe interventions. CST should be used after classroom interventions have been documented and exhausted.

Behavior Identification

- Teachers need to try at least 3 interventions before recommending a student to CST for behavior reasons.
- Teachers must document interventions used including length of time.
- Teachers must notify parents of concerns and keep records of parent interactions.
- Teachers must follow Noah Webster Schools' policy for discipline, students should receive office referrals according to school policy if behavior warrants.
- Regarding CST for students with behavior issues:

- If you have a student in your classroom that has 10 behavior points you should start the CST process.
- If the student has 15-20, you should complete CST forms.
- If the student has 20+ points, he/she should already be in CST. If not, teacher should fill out the forms ASAP.

Procedures for CST

- Teacher will complete CST forms provided on SharePoint. The CST Coordinator will provide assistance as needed to complete forms.
- Attach current progress report, report card, Galileo Scores, Acadience.
- Attach discipline referral(s). Discipline referrals are available from the Playground Supervisor.
- Attach any correspondence with parents that may provide additional information.
- CST forms must be received by the site principal and he/she must initial that he/she has reviewed it prior to turning into the CST Coordinator.
- Turn into the CST Coordinator once all the required information is complete.
- CST Team will set up a meeting with you prior to meeting with the parents.
- CST Coordinator will then schedule a time to meet with the parents, teacher and relevant staff to discuss student issues and incorporate a plan.
- After the initial meeting, the CST will meet with the teacher and parents approximately every six weeks.