



Special Education Instructional Program Policies and Procedures

Child Find

Arizona Autism Charter School will identify, locate, and evaluate all children with disabilities within their population served who are in need of special education and related services, regardless of the severity of their disability. In its identification process Arizona Autism Charter School will include children who are suspected of being a child with a disability and in need of special education, even though a student is:

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

Arizona Autism Charter School will inform the general public and parents within its population served of the responsibility for special education services for students aged three (3) through twenty-one (21) years, and how those services may be accessed including information regarding early intervention services for children aged birth through two (2) years. Services for an eligible student with a disability shall extend through conclusion of the instructional year during which the student attains the age of twenty-two (22). [A.A.C. R7-2-401.C] Arizona Autism Charter School will require all staff members to review the written procedures related to child identification and referral on an annual basis, and maintain documentation of the staff review. [A.A.C. R7-2-401.D]

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

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

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.

For a student transferring into Arizona Autism Charter School, Arizona Autism Charter School shall review enrollment data and educational performance in the prior school. If there is a history of special education for a student not currently eligible for special education or poor progress, the name of the student shall be submitted to the administrator for consideration of the need for a referral for a full and individual evaluation or other services. [A.A.C. R7-2-401.D] If a concern about a student is identified through screening procedures or review of records, the parents of the student shall be notified of the concern within ten (10) school days and informed of Arizona Autism Charter School's procedures to follow-up on the student's needs. [A.A.C. R7-2-401.D] Arizona Autism Charter School shall maintain

documentation of the identification procedures utilized, the dates of entry into school, notification by parents of a concern and the dates of screening. The results shall be maintained in the student's permanent records. [A.A.C. R7-2-401.D] 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 (18) may request an evaluation of the student. [A.A.C. R7-2-401.D] If, after consultation with the parent, Arizona Autism Charter School determines that a full and individual evaluation is not warranted, Arizona Autism Charter School shall provide prior written notice and procedural safeguards notice to the parent in a timely manner. [A.A.C. R7-2-401.D]

Confidentiality

Arizona Autism Charter School will ensure that protection of the confidentiality of any personally identifiable data, information, and records collected or maintained by the school will be in accordance with 34 C.F.R.

§§300.611-300.627. Arizona Autism Charter School establishes, implements and hereby makes available to its personnel and parents these written policies and procedures to ensure the confidentiality of records and information in accordance with the IDEA, FERPA and its regulations, and state statutes. [A.A.C. § R7-2-401(J)(1)]

Arizona Autism Charter School will permit parents to inspect and review any education records relating to their children that are collected, maintained or used by Arizona Autism Charter School under Individuals with Disabilities Education Act (IDEA). Arizona Autism Charter School will comply with a request without unnecessary delay and in no case more than forty-five (45) days after the request has been made, and before:

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

The right to inspect and review education records includes:

- The right to a response from Arizona Autism Charter School to reasonable requests for "explanations and interpretations of the records;
- The right to request that Arizona Autism Charter School provide copies of the records if failure to "provide those copies would effectively prevent the parent from exercising the right to inspect and" review the records; and
- The right to have a representative of the parent inspect and review the records. [34 C.F.R."300.613]

Arizona Autism Charter School may presume that the parent has authority to inspect and review records relating to his or her child unless Arizona Autism Charter School has been advised to the contrary by an order entered in a legal proceeding involving guardianship, separation and divorce. [34 C.F.R. 300.613]

Arizona Autism Charter School will keep a record of parties obtaining access to education records collected, maintained or used under IDEA (except access by parents and authorized employees of Arizona Autism Charter School), including:

- The name of the party;
- The date access was given; and
- The purpose for which the party is authorized to use the records. [C.F.R 300.614]

If any education record includes information on more than one (1) child, the parents of those children have the right to inspect and review only the information relating to their child. [C.F.R 300.615] Arizona Autism Charter School will provide parents on request a list of the types and locations of education records collected, maintained or used by Arizona Autism Charter School. [C.F.R 300.616] Arizona

Autism Charter School may charge a fee for copies of records that are made for parents if the fee does not effectively prevent the parents from exercising their right to inspect and review records. [C.F.R 300.617] Arizona Autism Charter School will not charge a fee to search for or to retrieve information.

A parent who believes that information in the education records collected, maintained or used by Arizona Autism Charter School is inaccurate or misleading or violates the privacy or other rights of the child, may request Arizona Autism Charter School to amend the information. [C.F.R 300.618] Arizona Autism Charter School will decide whether to amend the information in accordance with the request in a reasonable period of time of receipt of the request. [C.F.R 300.618] If Arizona Autism Charter School refuses to amend the information in accordance with the request, it will inform the parent of the refusal and advise the parent of the right to a hearing under C.F.R 300.619. [C.F.R 300.618] Arizona Autism Charter School will, on request, provide an opportunity for a hearing to challenge information in education records to ensure that it is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the child. [C.F.R 300.619] If, as a result of a hearing, Arizona Autism Charter School decides to amend information determined to be inaccurate, misleading, or otherwise in violation of the privacy or other rights of the child, it will do so accordingly and so inform the parent in writing. [C.F.R 300.620] If, as a result of a hearing, Arizona Autism Charter School decides that the information is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the child, Arizona Autism Charter School will inform the parent of the parent's right to place in the maintained records a statement commenting on the information or setting forth any reasons for disagreeing with Arizona Autism Charter School's decision. [C.F.R 300.620] Parental consent will be obtained before personally identifiable information is disclosed to parties other than participating agencies, unless the information is contained in education records and the disclosure is authorized without parent consent under Family Educational Rights and Privacy Act (FERPA). [C.F.R 300.622] Parental consent will be obtained before personally identifiable information is released to officials of participating agencies providing or paying for transition services in accordance with §300.321. [C.F.R 300.622] Arizona Autism Charter School will protect the confidentiality of personally identifiable information at collection, storage, disclosure, and destruction stages. [C.F.R 300.623] One (1) official at Arizona Autism Charter School will assume responsibility for ensuring the confidentiality of any personally identifiable information. All persons collecting or using personally identifiable information will receive training or instruction regarding the State's policies and procedures under 300.123 and FERPA (34 CFR part 99). [C.F.R 300.623] Arizona Autism Charter School will maintain, for public inspection, a current listing of the names and positions of its employees who may have access to personally identifiable information. [C.F.R 300.623] Arizona Autism Charter School will inform parents when personally identifiable information collected, maintained, or used for IDEA purposes is no longer needed to provide educational services to the child. [C.F.R 300.624] The information will be destroyed at the request of the parents. However, a permanent record of a student's name, address, and phone number, his or her grades, attendance record, classes attended, grade level completed, and year completed may be maintained without time limitation. [C.F.R 300.624] The rights of the parents regarding educational records are transferred to the student at age eighteen (18) under FERPA, 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. [C.F.R 300.625; A.A.C. § R7-2-401(J)(3)] If the rights of the parents regarding educational records are transferred to the student at age eighteen (18) under the IDEA, Arizona Autism Charter School will provide any notice required under the procedural safeguards provisions. [C.F.R 300.625]

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

[AAC R7-2-401.J(4)]

Discipline

A child with a disability may be disciplined for a violation of the student code of conduct, including removal from his or her current placement to an appropriate interim alternative educational setting, another setting, suspension, or expulsion in accordance with IDEA Regulations §§300.530 through 300.536.

Arizona Autism Charter School hereby establishes, implements, and makes available to personnel and parents written procedures for the suspension and expulsion of students with disabilities. Procedures for such suspensions and expulsions shall meet the requirements of the IDEA and its regulations, and state statutes. Arizona Autism Charter School shall require all school-based staff involved in the disciplinary process to review the policies and procedures related to suspension and expulsion on an annual basis. Arizona Autism Charter School shall maintain documentation of staff review. [A.A.C. § R7-2-401(P)]

On a case-by-case basis and in consideration of any unique circumstances, school personnel may remove a child with a disability who violates a student code of conduct from his or her current placement to an appropriate interim alternative educational setting, another setting, or suspension, for not more than ten (10) consecutive school days (to the extent those alternatives are applied to children without disabilities), and for additional removals of not more than ten (10) consecutive school days in that same school year for separate incidents of misconduct, as long as those removals do not constitute a change of placement under

§300.536. [34 C.F.R. 300.530] After a child with a disability has been removed from his or her current placement for ten (10) school days in the same school year, during any subsequent days of removal Arizona Autism Charter School will provide services to the extent required to:

- Enable the child to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting his/her IEP goals; and
- Receive, as appropriate, a functional behavioral assessment, behavioral intervention services and modifications that are designed to address the behavior violation so that it does not recur. [34 C.F.R. 300.530]

Arizona Autism Charter School is only required to provide services during periods of removal to a child with a disability who has been removed from his or her current placement for the (10) days or less in that school year, if it provides services to non-disabled children similarly removed. [34 C.F.R. 300.530] After a child with a disability has been removed from his or her current placement for ten (10) school days, and the current removal is for not more than ten (10) consecutive school days and not a change of placement, school personnel, in consultation with at least one of the child's teachers, determine the extent to which services are needed, so as to enable the child to continue to participate in the general education curriculum and to progress toward meeting the individualized education program (IEP) goals. [34 C.F.R. 300.530] If the removal is a change in placement, the child's IEP Team determines the appropriate services. [34

C.F.R. 300.530] Within ten (10) school days of any decision to change the placement of a child with a disability because of a violation of a code of student conduct, Arizona Autism Charter School, parent, and relevant members of the IEP Team will review all relevant information in the student's file, the IEP, teacher observations, and any relevant information to determine:

- If the conduct was caused by, or had a direct and substantial relationship to, the child's disability; or
- If the conduct in question was the direct result of Arizona Autism Charter School's failure to implement the IEP. [34 C.F.R. 300.530]

The conduct will be determined to be a manifestation of the disability if either of the above-named conditions occurred, and, if the IEP was not implemented, Arizona Autism Charter School will take immediate steps to remedy that deficiency.

If Arizona Autism Charter School, parent, and relevant members of the IEP Team determine that the conduct was a manifestation of the child's disability, the child will be returned to the placement from which the child was removed, unless the parent and School agree to a change of placement. The IEP Team will either:

- Conduct a functional behavioral assessment, unless already done, and implement a behavioral intervention plan; or
- If a behavioral intervention plan has already been developed, review the plan and modify it, as necessary, to address the behavior. [34 C.F.R. 300.530]

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

- Carries a weapon to or possesses a weapon at school, on school premises, to or at a school function under the jurisdiction of the state or Arizona Autism Charter School;
- Knowingly possesses or uses illegal drugs, or sells or solicits the sale of a controlled substance, while at school, on school premises, or at a school function under the jurisdiction of the state or Arizona Autism Charter School; or
- Has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of the state or Arizona Autism Charter School. [34 C.F.R. 300.530]

Arizona Autism Charter School will notify parents and provide notice of procedural safeguard on the day Arizona Autism Charter School determines the student has violated the code of conduct, and the violation constitutes and change in placement (i.e., interim alternative education setting). [34 C.F.R. 300.530] The child's IEP Team determines the interim alternative educational setting for services. [34 C.F.R. 300.531]

The parent of a child with a disability who disagrees with any decision regarding placement under §§300.530 and 300.531 or the manifestation determination may appeal the decision by requesting an expedited due process hearing in conformance with §§300.310 through 300.314 and A.A.C. R7-2-405.I. [34 C.F.R. 300.532]

When Arizona Autism Charter School believes that maintaining the current placement of the child is substantially likely to cause injury to the child or others Arizona Autism Charter School may appeal the decision by requesting an expedited due process hearing in conformance with §§300.310 through 300.314 and A.A.C. R7-2-405.I. [34 C.F.R. 300.532] The student will remain in the interim alternative educational setting pending the decision of the hearing officer or expiration of the interim setting, whichever comes first, unless the parent and School agree otherwise. [34 C.F.R. 300.533]

A student who has not been determined to be eligible for special education and related services, and who has engaged in a behavior that violated a code of student conduct may assert protections available to eligible students, if Arizona Autism Charter School had knowledge that the child was a child with a disability before the behavior that precipitated the disciplinary action occurred. Arizona Autism Charter School will be deemed to have such knowledge if:

- The parent of the child expressed concern in writing to supervisory or administrative personnel of Arizona Autism Charter School, or a teacher of the child, that the child is in need of special education and related services;
- The parent of the child requested an evaluation of the child pursuant to §§300.300 through 300.311; or
- The teacher of the child, or other personnel of Arizona Autism Charter School, expressed specific concerns about a pattern of behavior demonstrated by the child directly to the director of special education or to other supervisory personnel of Arizona Autism Charter School. [34 C.F.R. 300.534]

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

- any lack of expected progress toward the annual goals and in the general education curriculum, if appropriate;
- the results of any reevaluation;
- information about the child provided to, or by the parents;
- the child's anticipated needs, or other matters. [34 C.F.R. 300.324]

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

Before Arizona Autism Charter School places a child with a disability in a private school or facility, Arizona Autism Charter School will initiate and conduct a meeting to develop an IEP for the child and ensure that a representative of the private school or facility attends the meeting in person or by conference call. [34 C.F.R. 300.325]

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

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

Arizona Autism Charter School remains responsible to ensure FAPE to a child placed by Arizona Autism Charter School in a private school or facility. [34 C.F.R. 300.325]

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

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

- 1) Arizona Autism Charter School shall establish, implement, and make available to its school-based personnel and parents written procedures for the development, implementation, review, and revision of IEPs.
- 2) Procedures for IEPs shall meet the requirements of the IDEA and its regulations, the state statutes, and the State Board of Education rules.
- 3) Procedures shall include the incorporation of Arizona academic standards as adopted by the State Board of Education into the development of each IEP and address grade-level expectations and grade-level content instruction.
- 4) Each IEP of a student with a disability shall be developed in accordance with IDEA and its regulations, state statutes, and State Board of Education rules. If appropriate to meet the needs of a student and to ensure access to the general curriculum, an IEP team may include specially designed instruction in the IEP that may be delivered in a variety of educational settings by a general education teacher or other certificated personnel provided that certificated special education personnel are involved in the planning, progress monitoring, and when appropriate, the delivery of the specially designed instruction.
- 5) Each student with a disability who has an IEP shall participate in the state assessment system. Students with disabilities can test with or without accommodations or modifications as indicated in the student's IEP. Students who are determined to have a significant cognitive disability based on

the established eligibility criteria will be assessed with the state's alternate assessments as determined by the IEP team.

- 6) A meeting of the IEP team shall be conducted to review and revise each student's IEP at least annually, or more frequently if the student's progress substantially deviates from what was anticipated. Arizona Autism Charter School 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, Arizona Autism Charter School and parent may agree not to convene an IEP team meeting for the purposes of making changes, and instead may develop a written document to amend or modify the student's current IEP.
- 7) A parent or Arizona Autism Charter School 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.

Least Restrictive Environment

Children with disabilities enrolled in Arizona Autism Charter School 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.

Arizona Autism Charter School ensures that special classes, separate schooling, or other removal of children with disabilities from the regular educational environment occurs only if the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily. [34 C.F.R 300.114]

Arizona Autism Charter School will make available a continuum of alternative placements to meet the needs of children with disabilities for special education and related services. [34 C.F.R 300.115] The continuum of alternative placements will include:

- Instruction in regular classes, special classes, special schools, home instruction, and instruction in hospital and institutions;
- Supplementary services, such as a resource room or itinerant instruction, to be provided in conjunction with regular class placement.

The placement decision for each child will be:

- Made by a group that includes the parents and other persons knowledgeable about the child, the meaning of the evaluation data, and the placement options;
- In conformity with the LRE provisions of the IDEA regulations;
- Determined at least annually;
- Based on the child's IEP; and,
- As close as possible to the child's home, except as reflected in parents' exercise of school choice to enroll the child in Arizona Autism Charter School. [34 C.F.R 300.116]

Unless the IEP of a child requires some other arrangement or except as reflected in parents' exercise of school choice to enroll the child in Arizona Autism Charter School, the child will be educated in the school that he or she would attend if not disabled. [34 C.F.R 300.116]

In selecting the LRE, consideration will be given to any potential harmful effect on the child or on the quality of services that she/he needs. [34 C.F.R 300.116]

A child with a disability will not be removed from age-appropriate regular classrooms solely because of needed modifications in the general education curriculum. [34 C.F.R 300.116]

In providing or arranging for the provision of nonacademic and extracurricular services and activities, including meals, recess periods, and other nonacademic activities, Arizona Autism Charter School ensures that each child with a disability participates with nondisabled children in the extracurricular services and activities to the maximum extent appropriate to the needs of that child. [34 C.F.R 300.117]

Arizona Autism Charter School ensures that the supplementary aides and services determined by the IEP Team to be appropriate and necessary are provided to allow the child to participate in nonacademic settings. [34 C.F.R 300.115]

AAC R7-2-401.H Least Restrictive Environment

Arizona Autism Charter School shall establish, implement, and make available to its school-based personnel and parents, written procedures to ensure the delivery of special education services in the least restrictive environment as identified by IDEA and its regulations, the state statutes, and the State Board of Education rules. A continuum of services and supports for students with disabilities shall be available through Arizona Autism Charter School.

Procedural Safeguards

Arizona Autism Charter School will establish, maintain, and implement procedural safeguards that meet the requirements of §300.500 through 300.536 of the IDEA Regulations.

Arizona Autism Charter School ensures that the parents of a child with a disability shall be given an opportunity to inspect and review all education records with respect to the identification, evaluation, educational placement, and the provision of FAPE to the child. [34 C.F.R. 300.501]

Arizona Autism Charter School ensures that the parents of a child with a disability shall:

- be given an opportunity to participate in meetings with respect to the identification, evaluation, educational placement and the provision of FAPE to the child.
- be provided notice consistent with §300.322 to ensure they have opportunity to participate in meetings.
- be members of any group that makes decisions on the educational placement of their child. [34 C.F.R. 300.501]

If neither parent can participate in a meeting in which a decision is to be made relating to the educational placement of their child, Arizona Autism Charter School must use other methods to ensure their participation, including individual or conference telephone calls, or video conferencing. [34 C.F.R. 300.501]

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

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

- Information about where an independent educational evaluation may be obtained; and
- Arizona Autism Charter School criteria applicable for independent educational evaluations. School criteria for the independent educational evaluation must be the same as the criteria Arizona Autism Charter School uses when it conducts an evaluation, to the extent consistent with the parent's right to an evaluation. [34 C.F.R. 300.502]

A parent has the right to an independent educational evaluation at public expense if the parent disagrees with an evaluation obtained by Arizona Autism Charter School. If a parent requests an independent

educational evaluation at public expense, Arizona Autism Charter School must, without unnecessary delay, either:

- File for a due process hearing to show that its evaluation is appropriate; or
- Ensure that an independent educational evaluation is provided at public expense, unless Arizona Autism Charter School demonstrates in a hearing that the evaluation obtained by the parent did not meet School criteria. [34 C.F.R. 300.502]

If a due process hearing decision is that Arizona Autism Charter School's evaluation is appropriate, the parent still has the right to an independent educational evaluation, but not at public expense. [34 C.F.R. 300.502] If a parent requests an independent educational evaluation, Arizona Autism Charter School may ask for the parent's reasons for the objections, but may not require the parent to provide an explanation and may not unreasonably delay either providing the independent educational evaluation at public expense or filing a request for due process to defend its evaluation. [34 C.F.R. 300.502] A parent is entitled to only one independent educational evaluation at public expense each time Arizona Autism Charter School conducts an evaluation with which the parent disagrees. [34 C.F.R. 300.502] The results of any independent educational evaluation which is obtained by or provided to Arizona Autism Charter School:

- must be considered by Arizona Autism Charter School, if it meets School criteria, in any decision with respect to the provision of FAPE to the child; and
- may be presented by any party as evidence in a due process hearing. [34 C.F.R. 300.502]

If a hearing officer requests an independent educational evaluation as part of a due process hearing, the cost of the evaluation must be at public expense.

More specific information regarding independent educational evaluations is contained in Arizona Autism Charter School's separate IEE policy and procedure.

Written notice must be given to the parents of a child with a disability a reasonable time before Arizona Autism Charter School-

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

The notice must include:

- A description of the action proposed or refused by Arizona Autism Charter School;
- An explanation of why Arizona Autism Charter School proposes or refuses to take the action;
- A description of each evaluation procedure, assessment, record or report Arizona Autism Charter School used as a basis for the proposed or refused action;
- A statement that the parents of a child with a disability have protection under the procedural safeguards of this part and, if this notice is not an initial referral for evaluation, the means by which a copy of a description of the procedural safeguards can be obtained;
- Sources for parents to contact to obtain assistance in understanding the provisions of this part;
- A description of other options that the IEP Team considered and the reasons why those options were rejected;
- A description of other factors that are relevant to Arizona Autism Charter School's proposal or refusal. [34 C.F.R. 300.503]

The notice must be written in language understandable to the general public, provided in the native language or other mode of communication used by the parent. [34 C.F.R. 300.503] If the native language or other mode of communication used by the parent is not a written language, Arizona Autism Charter School must ensure:

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

- That the parent understands the content of the notice;
- That there is written evidence of these requirements. [34 C.F.R. 300.503]

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

- Upon initial referral or parent request for evaluation;
- Upon receipt of a first complaint to the State or first request for a due process hearing in a school year;
- When a disciplinary change of placement /removal has been initiated;
- Upon request by a parent. [34 C.F.R. 300.504]

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

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

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

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

Arizona Autism Charter School will establish procedures to allow parties to disputes, including those matters arising prior to a request for a due process hearing, to resolve disputes through mediation.

Procedures will ensure that the mediation process:

- Is voluntary on the part of the parties;
- Is not used to deny or delay a parent's right to a due process hearing or any other right under the IDEA;
- Is conducted by a qualified and impartial mediator who is trained in effective mediation techniques. [34 C.F.R. 300.506]

Arizona Autism Charter School may establish procedures to offer to parents and schools that choose not to use mediation an opportunity to meet, at a time and location convenient to the parties, with a disinterested party:

- Who is under contract with an appropriate alternative dispute resolution entity, or a parent training and information center, or community parent resource center;
- Who would explain the benefits of, and encourage the mediation process to the parents. [34 C.F.R. 300.506]

A parent or School may file a request for a due process hearing relating to the identification, evaluation or educational placement of a child with a disability. [34 C.F.R. 300.507] The request for a due process hearing must allege a violation that occurred not more than two years before the date the parent or School knew or should have known about the alleged violation. [34 C.F.R. 300.507] Arizona Autism Charter School must inform the parent of any free or low cost legal and other relevant services available in the area upon parent request. [34 C.F.R. 300.507]

Arizona Autism Charter School will have procedures that require either party, or the attorney representing a party, to provide to the other party a confidential due process complaint. [34 C.F.R. 300.508] The party filing the notice for a hearing must forward a copy of the request to the State. [34 C.F.R. 300.508] The due process hearing complaint must include the following in order for the complaint to be heard:

- The name of the child;
- The residential address of the child;
- Arizona Autism Charter School of attendance;
- A description of the nature of the problem of the child relating to the proposed or refused initiation or change, including facts relating to the problem; and
- A proposed resolution of the problem to the extent known and available to the party at the time. [34 C.F.R. 300.508]

The due process complaint will be deemed sufficient unless the party receiving the complaint notifies the hearing officer and the other party in writing, within fifteen (15) days of receipt of the complaint, that it believes the complaint does not meet the content requirements. [34 C.F.R. 300.508]

Within five (5) days of receipt of notice, the hearing officer must determine whether the complaint meets the requirements and notify the parties, in writing, of that determination. [34 C.F.R. 300.508] A party may amend its due process complaint only if:

- The other party consents in writing and is given an opportunity to resolve the complaint through the resolution process; or
- The hearing officer grants permission, but in no case later than five (5) days before the due process hearing begins. [34 C.F.R. 300.508]

If a party files an amended complaint, the relevant timelines begin again. [34 C.F.R. 300.508] If Arizona Autism Charter School has not sent a prior written notice to the parent regarding the subject matter contained in the due process complaint, it must do so within ten (10) days of receiving the complaint. [34 C.F.R. 300.508] Within ten (10) days of receiving the complaint, the receiving party will send to the other party a response that specifically addresses the issues raised in the due process complaint. [34 C.F.R. 300.508]

Within fifteen (15) days of receiving the notice of the parent's due process complaint, and prior to the initiation of a due process hearing, Arizona Autism Charter School must convene a meeting with the parent and the relevant members of the IEP Team who have specific knowledge of the facts identified in the complaint that:

- Includes a representative of Arizona Autism Charter School who has School decision-making authority;
- May not include an attorney of Arizona Autism Charter School unless the parent is accompanied by an attorney. [34 C.F.R. 300.510]

The purpose of the meeting is for the parent of the child to discuss the due process complaint, and the factual basis of the complaint, so Arizona Autism Charter School has the opportunity to resolve the dispute. [34 C.F.R. 300.510] The resolution meeting need not be held if:

- The parent and School agree in writing to waive the meeting; or
- The parent and School agree to use the mediation process. [34 C.F.R. 300.510]

The parent and Arizona Autism Charter School determine the relevant IEP Team members to attend the meeting. [34 C.F.R. 300.510] If Arizona Autism Charter School has not resolved the complaint to the satisfaction of the parent within thirty (30) days of the receipt of the complaint, the due process hearing may occur. The timeline for issuing a final decision begins at the end of this thirty (30) day period. [34 C.F.R. 300.510] The failure of the parent to participate in the resolution meeting that has not been mutually agreed to be waived, will delay the timelines for the resolution process and due process hearing until the meeting is held. [34 C.F.R. 300.510] If Arizona Autism Charter School is unable to obtain the participation of the parent after reasonable efforts have been made and documented, Arizona Autism Charter School may, at the conclusion of the thirty (30) day period, request the hearing officer dismiss the parent's due process complaint. [34 C.F.R. 300.510] If Arizona Autism Charter School fails to hold the resolution meeting within fifteen (15) days of receiving the complaint or fails to participate in the meeting, the parent may request that the hearing officer begin the hearing timeline. [34 C.F.R. 300.510] The forty-five (45) day timeline for the due process hearing starts the day after:

- Both parties agree in writing to waive the resolution meeting; *or*
- After either the mediation or resolution meeting starts but before the end of the thirty (30) day resolution period, the parties agree in writing that no agreement is possible; *or*
- If both parties agree in writing to continue the mediation at the end of the thirty (30) day resolution period, but later, one (1) party withdraws from the mediation process. [34 C.F.R. 300.510]

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

- Signed by both the parent and School representative who has authority to legally bind Arizona Autism Charter School; and
- Enforceable in any state court of competent jurisdiction or in a district court of the United States. [34 C.F.R. 300.510]

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

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

- Unless a discipline appeal has been filed as provided in §300.533;
- During the pendency of any administrative or judicial proceeding regarding a due process complaint notice requesting a due process hearing under §300.507; or
- Unless Arizona Autism Charter School and parents of the child agree otherwise. [34 C.F.R. 300.518]

If the complaint involves an application for initial admission to public school, the child, with the consent of the parents, must be placed in the public school until the completion of all the proceedings. [34 C.F.R. 300.518] If the complaint involves an application for initial services for a child who has turned three (3) and transitioning from Part C to Part B, Arizona Autism Charter School 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 Arizona Autism Charter School must provide those services that are not in dispute. [34 C.F.R. 300.518] If the hearing officer agrees with the child's parents that a change of placement is appropriate, that placement must be treated as an agreement between the state and parent for the purposes of (1)(c) of this section. [34 C.F.R. 300.518]

