

Senate Engrossed

~~child care; licensing; technical correction~~
(now: ASDB; children with disabilities)

State of Arizona
Senate
Fifty-sixth Legislature
First Regular Session
2023

SENATE BILL 1402

AN ACT

AMENDING SECTIONS 15-1301, 15-1302, 15-1341, 15-1342, 15-1343 AND 15-1344,
ARIZONA REVISED STATUTES; RELATING TO EDUCATION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 15-1301, Arizona Revised Statutes, is amended to
3 read:

4 15-1301. Definitions

5 In this chapter, unless the context otherwise requires:

6 1. "CHILD WITH A DISABILITY" HAS THE SAME MEANING PRESCRIBED IN
7 SECTION 15-761.

8 ~~1.~~ 2. "Employee classifications" means one of the following:

9 (a) Management and supervisory staff WHO ARE on a ~~twelve-month~~
10 TWELVE-MONTH schedule.

11 (b) Teachers, ~~AND~~ AND credentialed and noncredentialed
12 specialists, ~~WHO ARE~~ WHO ARE on an academic schedule.

13 (c) Clerical, accounting, ~~AND~~ AND maintenance workers and others WHO
14 ARE on a ~~twelve-month~~ TWELVE-MONTH schedule.

15 (d) Food service WORKERS and bus drivers on an academic schedule.

16 ~~2.~~ 3. "Hearing impairment" means A hearing impairment as defined
17 in section 15-761.

18 ~~3.~~ 4. "Schools" means the Arizona state schools for the deaf and
19 the blind and includes programs and services offered for ~~the~~ deaf and ~~the~~
20 blind STUDENTS by the schools in conjunction with other educational
21 institutions.

22 ~~4.~~ 5. "Sensory impairment" means the following conditions, as
23 defined in section 15-761:

24 (a) Visual impairment.

25 (b) Hearing impairment.

26 (c) Both a visual IMPAIRMENT and A hearing impairment.

27 (d) Multiple disabilities, if at least one of the disabilities is a
28 visual IMPAIRMENT or a hearing impairment.

29 ~~5.~~ 6. "Visual impairment" means A visual impairment as defined in
30 section 15-761.

31 Sec. 2. Section 15-1302, Arizona Revised Statutes, is amended to
32 read:

33 15-1302. Arizona state schools for the deaf and the blind;
34 provision of services

35 A. There shall be Arizona state schools for the deaf and the blind
36 ~~which~~ THAT provide schools and regional programs in appropriate locations
37 in this state.

38 B. The schools shall ~~be for the education of sensory impaired~~
39 ~~persons;~~ EDUCATE CHILDREN WITH DISABILITIES so that the persons educated
40 there may become self-sustaining and useful citizens.

41 C. The schools shall be fully recognized as institutions for
42 educational purposes.

43 D. The schools shall be optional resources to school districts,
44 state institutions and other approved educational programs. Resource
45 services shall include, ~~but are not limited to,~~ the following:

- 1 1. Assessments.
- 2 2. Special curriculum.
- 3 3. Equipment and materials.
- 4 4. Supplemental related services.
- 5 5. Special short-term programs.
- 6 6. Program planning and staff development.
- 7 7. Information services for parents, families and the public.
- 8 8. Research and development to promote improved educational
- 9 programs and services.
- 10 9. PHYSICAL THERAPY.
- 11 10. OCCUPATIONAL THERAPY.
- 12 11. SPEECH THERAPY.
- 13 12. MOBILITY THERAPY.

14 E. The services prescribed in subsection D OF THIS SECTION shall
15 not duplicate existing services and shall include a variety of methodology
16 as may be requested by the school districts, state institutions and other
17 approved educational programs, including ~~but not limited to~~ oral,
18 auditory, total communication and cued speech.

19 Sec. 3. Section 15-1341, Arizona Revised Statutes, is amended to
20 read:

21 15-1341. Instruction of pupils

22 A. The board of directors shall ~~see~~ ENSURE that all persons
23 admitted to the school are taught and trained by methods ~~which~~ THAT are ~~to~~
24 IN their best interests.

25 B. The board shall ensure the careful supervision of the care,
26 education and development of pupils to ~~insure~~ ENSURE that the best care
27 and education known to modern science ~~is~~ ARE given, as nearly as is
28 practicable, and that the best methods of teaching ~~the sensory impaired~~
29 CHILDREN WITH DISABILITIES are used in the school.

30 C. The board shall give special attention to the methods of care,
31 education and development of the persons admitted, with particular
32 consideration of the humanitarian aspects of their education.

33 D. The board, if advisable in particular cases, may allow pupils to
34 remain at the school during the entire year.

35 Sec. 4. Section 15-1342, Arizona Revised Statutes, is amended to
36 read:

37 15-1342. Admissions

38 A. Chapter 7, article 4 of this title governs admissions to the
39 school except as provided in this section. The evaluation and
40 consideration of placement in the school shall be made under the direction
41 of the chief administrative official of the home school district within
42 the boundaries of which the child resides or a person designated by the
43 official as responsible for special education after consultation with the
44 parent, as defined in section 15-761, of the child. If a parent or legal
45 guardian of a child directly refers a child to the Arizona state schools

1 for the deaf and the blind, the schools shall immediately, after
2 notification of the referral, contact the representative of the home
3 school district within the boundaries of which the child resides. A
4 representative of the home school district shall arrange for the
5 establishment of a placement and evaluation team for that child.

6 B. A placement and evaluation team shall determine the appropriate
7 educational placement for the child based on the development of an
8 individualized education program. Placement and review of the
9 individualized education program may be conducted at the same meeting.
10 Each placement and evaluation team shall document that it has advised the
11 child's parent or legal guardian of all placement options. The placement
12 and evaluation team shall consist of at least the following persons:

13 1. The parent or legal guardian of the child.

14 2. A representative from the home school district in which the
15 child resides who meets all of the following requirements:

16 (a) Is qualified to provide or supervise the provision of specially
17 designed instruction to meet the unique needs of children with
18 disabilities.

19 (b) Is knowledgeable about the general education curriculum.

20 (c) Is knowledgeable about the availability of resources of the
21 public agency.

22 3. A certified teacher of children with ~~a sensory impairment~~
23 **DISABILITIES** who provides or may provide in the future educational
24 services to the child.

25 4. An evaluator, with preference given to an evaluator who is
26 trained and experienced in evaluating the educational needs of children
27 with ~~a sensory impairment~~ **DISABILITIES**. The evaluator may also be a
28 member of the team pursuant to paragraph 2 or 6 of this subsection.

29 5. An educational representative of the Arizona state schools for
30 the deaf and the blind. The educational representative may also be a
31 member of the team pursuant to paragraph 3 of this subsection.

32 6. If the child is or will be participating in the regular
33 educational environment, at least one regular education teacher.

34 7. If appropriate, the child with a disability.

35 C. The individualized education program plan of a child continuing
36 in special education placement from the prior school year shall be
37 reviewed annually and revised if necessary. The individualized planning
38 conference shall include a representative of the home school district and
39 a representative of the schools, the child's teacher, the parent, as
40 defined in section 15-761, of the child and, if appropriate, the child.

41 D. The Arizona state schools for the deaf and the blind shall hold
42 a placement meeting for a child who is enrolled in a campus-based model at
43 least annually to review the child's placement status and shall invite a
44 representative of the child's home school district. If a determination is
45 made that the Arizona state schools for the deaf and the blind is no

1 longer the least restrictive environment, the home school district shall
2 enroll the child.

3 E. Except as provided in subsection G of this section, a
4 representative for special education of the home school district shall
5 place the child according to the recommendations of the individualized
6 education program team.

7 F. A child who is placed in the school but moves from one school
8 district or county to another may remain placed in the school until the
9 next annual review. A representative of the child's new district of
10 residence shall be included on the team conducting the review. The
11 superintendent of the Arizona state schools for the deaf and the blind
12 shall at least quarterly give the chief ~~administrator~~ ADMINISTRATIVE
13 OFFICIAL of the school district notice of any changes in a child's
14 residence and the new district of residence shall become the new home
15 school district.

16 G. If the chief ~~administrator~~ ADMINISTRATIVE OFFICIAL of the home
17 school district and the superintendent of the schools determine that the
18 schools cannot provide the appropriate educational programs and services
19 needed by the child, they shall locate or establish a program to meet the
20 child's needs in consultation with the department of education and any
21 other appropriate state agency. THIS SUBSECTION DOES NOT ALLOW THE
22 SCHOOLS TO REFUSE TO ENROLL A PERSON WHO IS ENTITLED TO AN EDUCATION IN
23 THE SCHOOLS PURSUANT TO SECTION 15-1343.

24 H. A complete record of every person admitted shall be kept from
25 the date of the person's ~~admission~~ APPLICATION to the date of the person's
26 discharge, release, removal, graduation or death. The records shall be
27 accessible to the board or a legislative committee or on order of a judge
28 of a court of record.

29 I. A political or religious belief shall not be required as a
30 qualification of any student of the schools.

31 Sec. 5. Section 15-1343, Arizona Revised Statutes, is amended to
32 read:

33 15-1343. Persons entitled to education

34 A. A person is entitled to an education in the schools for the deaf
35 and the blind without charge if the person is a resident of this state,
36 ~~age~~ IS three through twenty-one years OF AGE and ~~sensory impaired~~ HAS AT
37 LEAST ONE OF THE DISABILITIES PRESCRIBED IN SECTION 15-761, PARAGRAPH 2 to
38 an extent that ~~he~~ THE PERSON cannot acquire an appropriate education in
39 the PERSON'S school district of residence.

40 B. The school district of residence that refers a pupil for
41 admission to the schools shall determine that the pupil is a resident of
42 this state or is otherwise eligible for an education without charge
43 pursuant to sections 15-823 and 15-824.

1 Sec. 6. Section 15-1344, Arizona Revised Statutes, is amended to
2 read:

3 15-1344. Authority for enrollment of children under three
4 years of age; definition

5 A. The board of directors may enroll a child WHO IS under ~~the age~~
6 ~~of~~ three years OF AGE in the schools for the deaf and the blind without
7 charge if the person having legal custody of the child is a resident of
8 this state and the child ~~is sensory impaired~~ HAS AT LEAST ONE OF THE
9 DISABILITIES PRESCRIBED IN SECTION 15-761, PARAGRAPH 2 to an extent that
10 the ~~person~~ CHILD would benefit from a specialized program.

11 B. For the purposes of this section, the residence of the person
12 having legal custody of the ~~parent~~ CHILD is considered the residence of the
13 ~~parent~~ CHILD.

14 C. For the purposes of this section, "legal custody" means legal
15 custody pursuant to section 15-824.