

REFERENCE TITLE: special education; transition services; requirements

State of Arizona
Senate
Fifty-sixth Legislature
Second Regular Session
2024

SB 1463

Introduced by
Senators Bennett: Diaz, Farnsworth

AN ACT

AMENDING SECTIONS 15-235, 15-241, 15-763, 15-764 AND 15-766, ARIZONA REVISED STATUTES; AMENDING TITLE 15, CHAPTER 7, ARTICLE 4, ARIZONA REVISED STATUTES, BY ADDING SECTION 15-768; APPROPRIATING MONIES; RELATING TO SPECIAL EDUCATION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 15-235, Arizona Revised Statutes, is amended to
3 read:

4 15-235. Division of special education; director; duties;
5 qualifications; special education advisory
6 committee; individualized education program
7 advisory council

8 A. ~~THE~~ division of special education is established to carry out
9 this section, section 15-236 and chapter 7, article 4 of this title
10 subject to the superintendent of public instruction.

11 B. There shall be at least one director of the division of special
12 education.

13 C. The director or directors shall carry out this section, section
14 15-236 and chapter 7, article 4 of this title and the duties prescribed by
15 the state board of education relating to the administration of this
16 section, section 15-236 and chapter 7, article 4 of this title.

17 D. The division of special education may review special education
18 programs, including placement of pupils, to determine that program,
19 evaluation and placement procedures comply with sections 15-766 and 15-767
20 and the rules approved by the state board of education.

21 E. Only a person who is experienced in special education is
22 eligible for appointment as a director of the division of special
23 education.

24 F. A special education advisory committee is established that shall
25 advise and consult with the state board of education, the superintendent
26 of public instruction and the director or directors of the division of
27 special education and that shall engage in other activities as are
28 provided in this section. The advisory committee shall be composed
29 pursuant to the requirements of 20 United States Code section
30 ~~1412(A)(21)(b) and (c)~~ 1412(a)(21)(B) AND (C). The state board of
31 education shall appoint the members of the advisory committee for
32 staggered ~~three year~~ THREE-YEAR terms. Vacancies shall be filled for the
33 unexpired term in the same manner as original appointments.

34 G. The SPECIAL EDUCATION advisory committee shall have a minimum of
35 two meetings a year.

36 H. The SPECIAL EDUCATION advisory committee annually shall elect
37 its own chairman and ~~vice-chairman~~ VICE CHAIRMAN. The state board of
38 education shall regularly submit, as part of its budget request, any item
39 or items sufficient to cover expenses of the operation of the advisory
40 committee, and of its members in connection with their attendance at
41 meetings of the advisory committee and other advisory committee
42 activities.

43 I. THE INDIVIDUALIZED EDUCATION PROGRAM ADVISORY COUNCIL IS
44 ESTABLISHED WITHIN THE DIVISION OF SPECIAL EDUCATION. THE STATE BOARD OF
45 EDUCATION SHALL APPOINT THE MEMBERS OF THE ADVISORY COUNCIL, INCLUDING AT

1 LEAST ONE DIRECTOR OF SPECIAL EDUCATION, AT LEAST ONE PARENT OF A CHILD
2 WITH A DISABILITY AND AT LEAST ONE STUDENT WHO IS A CHILD WITH A
3 DISABILITY, FOR STAGGERED THREE-YEAR TERMS. THE ADVISORY COUNCIL SHALL:

4 1. DEVELOP AND ADOPT, SUBJECT TO APPROVAL BY THE STATE BOARD OF
5 EDUCATION, A STATEWIDE TEMPLATE FOR INDIVIDUALIZED EDUCATION PROGRAMS.
6 THE STATEWIDE TEMPLATE ADOPTED PURSUANT TO THIS PARAGRAPH MUST:

7 (a) BE WRITTEN IN PLAIN AND CONCISE LANGUAGE.

8 (b) BE DESIGNED AND STRUCTURED IN A CLEAR AND LOGICAL MANNER THAT
9 IS UNDERSTANDABLE BY LAYPERSONS AND THAT FACILITATES DATA COLLECTION.

10 (c) MEET ALL FEDERAL REQUIREMENTS.

11 (d) INCLUDE THE FORM THAT IS DEVELOPED PURSUANT TO PARAGRAPH 3 OF
12 THIS SUBSECTION.

13 2. ANNUALLY REVIEW THE STATEWIDE TEMPLATE ADOPTED PURSUANT TO
14 PARAGRAPH 1 OF THIS SUBSECTION TO DETERMINE WHAT CHANGES, IF ANY, ARE
15 NECESSARY TO ENSURE THAT THE TEMPLATE:

16 (a) FOCUSES ON THE STRENGTHS OF EACH CHILD WITH A DISABILITY.

17 (b) IS DESIGNED TO IMPROVE STUDENT OUTCOMES AND SUPPORT INSTRUCTION
18 THAT IS ALIGNED WITH STATE STANDARDS.

19 (c) PROMOTES EARLY LEARNING, POSTSECONDARY TRANSITION PLANNING AND
20 MAXIMUM PARTICIPATION IN REGULAR EDUCATION CLASSES.

21 (d) ASSISTS SPECIAL EDUCATION TEACHERS WITH PLANNING AND DELIVERING
22 SPECIALLY DESIGNED INSTRUCTION, ACCOMMODATIONS AND PROGRAM MODIFICATIONS
23 TO MEET THE UNIQUE NEEDS OF EACH CHILD WITH A DISABILITY.

24 (e) PROMOTES MEANINGFUL PARTICIPATION OF REGULAR EDUCATION TEACHERS
25 IN DEVELOPING INDIVIDUALIZED EDUCATION PROGRAMS AND DELIVERING SPECIALLY
26 DESIGNED INSTRUCTION.

27 (f) FACILITATES COORDINATION WITH THE DEPARTMENT OF ECONOMIC
28 SECURITY IF THE CHILD WITH A DISABILITY MAY BE ELIGIBLE FOR SERVICES
29 PROVIDED UNDER TITLE 23, CHAPTER 3, ARTICLE 1.

30 3. DEVELOP A POSTSECONDARY EDUCATION TRANSITION PLANNING FORM FOR
31 PUBLIC SCHOOLS TO PROVIDE, WITH THE CHILD WITH A DISABILITY'S
32 INDIVIDUALIZED EDUCATION PROGRAM, TO EACH HIGH SCHOOL STUDENT WHO IS A
33 CHILD WITH A DISABILITY. THE FORM MUST INCLUDE ALL OF THE FOLLOWING FOR
34 EACH CHILD WITH A DISABILITY:

35 (a) COMPETENCY REQUIREMENTS FOR GRADUATION FROM HIGH SCHOOL.

36 (b) COURSE ENROLLMENT PLANS.

37 (c) THE EXPECTED GRADUATION DATE AND THE AGE OF THE CHILD WITH A
38 DISABILITY ON THE EXPECTED GRADUATION DATE.

39 (d) INFORMATION ABOUT EACH OF THE FOLLOWING:

40 (i) CAREER AND TECHNICAL EDUCATION OPPORTUNITIES.

41 (ii) DUAL ENROLLMENT OPPORTUNITIES.

42 (iii) CONCURRENT ENROLLMENT OPPORTUNITIES.

43 (iv) PREEMPLOYMENT TRANSITION SERVICES PROVIDED BY THE DEPARTMENT
44 OF ECONOMIC SECURITY PURSUANT TO TITLE 23, CHAPTER 3, ARTICLE 1.

1 Sec. 2. Section 15-241, Arizona Revised Statutes, is amended to
2 read:

3 15-241. School, charter school and school district
4 accountability; annual achievement profiles;
5 classification; letter grade system; profiles;
6 appeals process; failing schools tutoring fund;
7 definition

8 A. On or before November 1 of each year, the department of
9 education shall compile for each public school and local education agency,
10 and shall recommend to the state board of education, an annual achievement
11 profile that consists of an educational dashboard that reflects the
12 achievement for each public school and local education agency on the
13 academic and educational performance indicators prescribed in subsection D
14 of this section, except that a career technical education district may not
15 be assigned a letter grade pursuant to this section. The department shall
16 provide any technical assistance needed by the state board to make final
17 adoption of the annual achievement profile.

18 B. Each school, charter holder and school district shall submit to
19 the department of education any data that is required and requested and
20 that is necessary to compile the achievement profile. A school or local
21 education agency that fails to submit the information that is necessary is
22 not eligible to receive monies from the classroom site fund established by
23 section 15-977.

24 C. The annual achievement profile compiled by the department of
25 education and recommended to the state board of education shall be used to
26 determine a standard measurement of acceptable academic progress for each
27 school and local education agency and a school and local education agency
28 classification pursuant to subsection G of this section. Any disclosure
29 of educational records compiled by the department pursuant to this section
30 shall comply with the family educational rights and privacy act of 1974
31 (20 United States Code section 1232g).

32 D. The annual achievement profile for schools and local education
33 agencies shall include, at a minimum, the following academic and
34 educational performance indicators:

35 1. Multiple measures of academic performance or other academically
36 relevant indicators of school quality that are appropriate to assess the
37 educational impact of a school during the academic year as determined by
38 the state board of education.

39 2. Academic progress on assessments adopted pursuant to sections
40 15-741 and 15-741.02 in English language arts and mathematics.

41 3. Academic progress on the English language learner assessments
42 administered pursuant to section 15-756, subsection B and section
43 15-756.05.

1 4. Progress toward college and career readiness for all schools and
2 local education agencies that offer instruction in any of grades nine
3 through twelve.

4 5. Academic progress on assessments administered pursuant to
5 section 15-741.02.

6 6. Multiple measures of educational performance or other relevant
7 indicators of school quality that assess a school's educational impact,
8 such as:

9 (a) Graduation rates. ~~and~~ FOR THE PURPOSES OF THIS SUBDIVISION,
10 EXTENDED-YEAR GRADUATION RATES FOR CHILDREN WITH DISABILITIES AS DEFINED
11 IN SECTION 15-761 SHALL BE GIVEN THE SAME WEIGHT AS THE ADJUSTED COHORT
12 GRADUATION RATES, IF APPLICABLE.

13 (b) Attendance rates.

14 E. If neither the school nor the school district meets the minimum
15 student count as recommended by the department of education and approved
16 by the state board of education for any of the performance indicators
17 prescribed in subsection D of this section, the performance indicator
18 shall not be factored into the letter grade assigned pursuant to this
19 section.

20 F. Subject to final adoption by the state board of education, the
21 department of education shall determine the criteria for each school and
22 local education agency classification on each performance indicator of the
23 annual achievement profile prescribed in subsection D of this section
24 using a ~~researched-based~~ RESEARCH-BASED methodology and shall recommend to
25 the state board for final adoption the criteria for each school and local
26 education agency classification. The department shall develop the
27 methodology in collaboration with a coalition of qualified technical and
28 policy stakeholders appointed by the state board. The department shall
29 provide technical assistance and, on request, student or statewide
30 performance indicator data needed to determine and calculate the
31 methodology and final letter grades. At a minimum, the methodology shall
32 include the performance of pupils at all achievement levels, account for
33 pupil mobility, account for the distribution of pupil achievement at each
34 school and local education agency and include longitudinal indicators of
35 academic performance. For the purposes of this subsection,
36 "~~researched-based~~ RESEARCH-BASED methodology" means the systematic and
37 objective application of statistical and quantitative research principles
38 to calculate the indicators used to determine A through F letter grades.

39 G. The annual achievement profile shall use classifications based
40 on an A through F letter grade system adopted by the state board of
41 education in which a letter grade of A reflects an excellent level of
42 performance and a letter grade of F reflects a failing level of
43 performance. The A through F letter grade system shall be applied to each
44 performance indicator of the annual achievement profile prescribed in
45 subsection D of this section, and the state board shall assign an overall

1 letter grade for the public school or local education agency. The A
2 through F letter grade system shall indicate expected standards of
3 performance for all schools on each performance indicator of the annual
4 achievement profile prescribed in subsection D of this section and the
5 manner in which schools may rise above or fall below those expected
6 standards of performance. The state board may also assign a school a
7 letter grade of F on each performance indicator of the annual achievement
8 profile prescribed in subsection D of this section if the state board
9 determines that the school is among the persistently lowest-achieving
10 schools in the state on the majority of the performance indicators of the
11 annual achievement profile under the federal school accountability
12 requirements pursuant to section 1003(g) of the elementary and secondary
13 education act (20 United States Code section 6303).

14 H. The classification on each performance indicator of the annual
15 achievement profile for each school and the criteria used to determine
16 classification pursuant to subsections F and G of this section shall be
17 included on the school report card prescribed in section 15-746.

18 I. Subject to final adoption by the state board of education, the
19 department of education shall use achievement profiles appropriately to
20 assess the educational impact of accommodation schools, alternative
21 schools and extremely small schools, may develop profiles for schools that
22 participate in the board examination system prescribed in chapter 7,
23 article 6 of this title and schools that participate in Arizona online
24 instruction pursuant to section 15-808 and may develop other exceptions as
25 prescribed by the state board for the purposes of this section.

26 J. The department of education shall establish a process, including
27 a deadline for when requests must be submitted, for a school or local
28 education agency to correct student data used to determine the school's or
29 local education agency's annual achievement profile. If a correction to
30 student data is required, the department shall notify the school or local
31 education agency of the data correction process and shall annually process
32 student data correction requests. The state board of education shall
33 establish an appeals process to allow a school or local education agency
34 to appeal the school's or local education agency's final letter grade, or
35 a letter grade applied to a performance indicator prescribed in subsection
36 D of this section, based on mitigating factors, including achievement
37 profile designations based on incorrect data, identified by the
38 department.

39 K. The failing schools tutoring fund is established consisting of
40 monies collected pursuant to section 42-5029, subsection E and section
41 42-5029.02, subsection A, paragraph 8 as designated for this purpose. The
42 department of education shall administer the fund. The department may use
43 monies from the fund to purchase materials designed to assist students to
44 meet the Arizona academic standards and to achieve a passing score on
45 assessments adopted by the state board of education.

1 L. For the purposes of this section, "academic progress" means
2 measures of both proficiency and academic gain.

3 Sec. 3. Section 15-763, Arizona Revised Statutes, is amended to
4 read:

5 15-763. Plan for providing special education; definition

6 A. All school districts and charter schools shall develop policies
7 and procedures for providing special education to all children with
8 disabilities within the district or charter school. All children with
9 disabilities shall receive special education programming commensurate with
10 their abilities and needs. Each child WITH A DISABILITY shall be ensured
11 access to the general curriculum and an opportunity to meet the state's
12 academic standards. If appropriate to meet the needs of a pupil and to
13 ensure access to the general education curriculum, specially designed
14 instruction that is in accordance with a pupil's individualized education
15 program may be delivered in a variety of education settings by a general
16 education teacher or other certificated personnel provided that special
17 education personnel certificated pursuant to section 15-203 are involved
18 in the planning, progress monitoring and, when appropriate, ~~involved in~~
19 ~~the~~ delivery of the specially designed instruction. Pupils who receive
20 special education shall not be required to achieve passing scores on the
21 statewide assessment or the test that is identical to the civics portion
22 of the naturalization test under section 15-701.01 in order to graduate
23 from high school unless the pupil is learning at a level appropriate for
24 the pupil's grade level in a specific academic area and unless a passing
25 score on the statewide assessment or the test that is identical to the
26 civics portion of the naturalization test under section 15-701.01 is
27 specifically required in a specific academic area by the pupil's
28 individualized education program as mutually agreed on by the pupil's
29 parents and the pupil's individualized education program team or the
30 pupil, if the pupil is at least eighteen years of age. The pupil's
31 individualized education program shall include any necessary testing
32 accommodations. Special education services shall be provided at no cost to
33 the parents of children with disabilities.

34 B. BEGINNING ON JULY 1, 2025, EACH SCHOOL DISTRICT AND CHARTER
35 SCHOOL IN THIS STATE MUST USE THE STATEWIDE TEMPLATE FOR INDIVIDUALIZED
36 EDUCATION PROGRAMS ADOPTED PURSUANT TO SECTION 15-235.

37 ~~B.~~ C. The state board of education shall adopt guidelines to
38 define a parent's or guardian's role or a pupil's role, if the pupil is at
39 least eighteen years of age, in the development of a pupil's section 504
40 plan as defined in section 15-731, including testing and testing
41 accommodations.

42 ~~C.~~ D. For the purposes of determining the services to pupils
43 served by private schools under existing federal law, the state shall
44 consider the term to include homeschooled pupils.

1 ~~D.~~ E. If federal monies are provided to a school district or a
2 charter school for special education services to homeschooled or private
3 schooled pupils, the school district or charter school shall provide the
4 services to both the homeschooled pupils and the private schooled pupils
5 in the same manner.

6 ~~E.~~ F. For the purposes of this section, "special education" has
7 the same meaning prescribed in section 15-1201.

8 Sec. 4. Section 15-764, Arizona Revised Statutes, is amended to
9 read:

10 15-764. Powers and duties of the school district governing
11 board or county school superintendent

12 A. The governing board of each school district or the county school
13 superintendent shall:

14 1. Provide special education and related services for all children
15 with disabilities and make such programs and services available to all
16 eligible children with disabilities who are at least three years but less
17 than twenty-two years of age, except that a person who is being provided
18 special education services at the time the person reaches twenty-two years
19 of age shall continue to receive special education services from that
20 school district until the end of that school year.

21 2. Employ supportive special personnel, which may include a
22 director of special education, for the operation of special school
23 programs and services for exceptional children.

24 3. To the extent appropriate, educate children with disabilities in
25 the regular education classes. Special classes, separate schooling or
26 other removal of children with disabilities from the regular educational
27 environment shall occur only if, and to the extent that, the nature or
28 severity of the disability is such that education in regular classes, even
29 with the use of supplementary aids and services, cannot be accomplished
30 satisfactorily.

31 4. Provide necessary specialized transportation in connection with
32 any educational program, class or service as required by the pupil's
33 individualized education program.

34 5. Establish A policy with regard to allowable pupil-teacher ratios
35 and pupil-staff ratios within the school district or county for provision
36 of special education services.

37 6. PROVIDE TRANSITION PLANNING AND SERVICES PURSUANT TO SECTION
38 15-768.

39 B. The special education programs and services established pursuant
40 to this section and section 15-765 shall be conducted only in a school
41 facility ~~which~~ THAT houses regular education classes or in other
42 facilities approved by the division of special education.

43 C. The governing body of each school district, county or agency
44 involved in intergovernmental agreements, in cooperation with another
45 school district or districts, may establish special education programs for

1 exceptional children. When two or more governing bodies determine to
2 carry out by joint agreement the duties in regard to the special education
3 programs for exceptional children, the governing bodies, in accordance
4 with state law and the rules of the division of special education, shall
5 establish a written agreement for the provision of services. In such
6 agreements, one governing body of each school district, an agency involved
7 in intergovernmental agreements or the county shall administer the program
8 in accordance with the contract agreement between the school districts.
9 Tuition students may be included in the agreement. The agreement may also
10 include lease-purchase of facilities for the special education programs
11 for exceptional children.

12 D. The county school superintendent, upon ON approval of the
13 division of special education, may establish special education programs in
14 the county accommodation schools under the jurisdiction of the
15 superintendent or may cooperate with other school districts by agreement
16 to provide such services for such special programs in accordance with the
17 rules of the division of special education. At the beginning of each
18 school year, the county school superintendent shall present an estimate of
19 the current year's accommodation school exceptional programs tuition cost
20 to each school district that has signed an agreement to use the services
21 of the accommodation school. The tuition shall be the estimated per
22 capita cost based on the number of pupils that each school district has
23 estimated will enroll in the program, and the school district shall pay
24 the tuition quarterly in advance on July 1, October 1, January 1 and April
25 1. Increases in enrollment during the school year over the school
26 district's estimate of July 1 shall cause the tuition charges to be
27 adjusted accordingly. In the event of overpayment by the school district
28 of residence, the necessary adjustment shall be made at the close of the
29 school year.

30 Sec. 5. Section 15-766, Arizona Revised Statutes, is amended to
31 read:

32 15-766. Evaluation of children for placement in special
33 education program; deferred graduation; due process
34 hearing procedures

35 A. A special education referral shall be made under the direction
36 of the chief administrative official of the school district or county, or
37 such person officially designated as responsible for special education,
38 after consultation with the parent or guardian.

39 B. Before a child who is suspected of having a disability is placed
40 in a special education program, an evaluation shall be made in accordance
41 with the individuals with disabilities education act (20 United States
42 Code section 1414) to determine whether ~~a~~ THE child is a child with a
43 disability. A school district or charter school shall specify explicitly
44 in the official notification to any parent that an initial evaluation may
45 be conducted AND that the parent has the option to consent TO or refuse

1 the initial evaluation in accordance with the individuals with
2 disabilities education act (20 United States Code sections 615 and 1414).
3 This evaluation shall be conducted within sixty days after receiving
4 parental consent for the evaluation. A reevaluation shall be conducted
5 not more than once each year, unless the parent and the public ~~education~~
6 EDUCATIONAL agency otherwise agree, and at least every three years if the
7 public educational agency determines that the educational or related
8 services needs of the child warrant a reevaluation, or if the child's
9 parents or teacher requests a reevaluation, unless the parent and the
10 public ~~education~~ EDUCATIONAL agency agree that a reevaluation is
11 unnecessary.

12 C. Any evaluation components that are appropriate to consider under
13 the specific circumstances may be shared by and among state agencies for
14 the purpose of expediting completion of the evaluation and placement
15 process.

16 D. The chief administrative official of the school district or
17 county or the person officially designated as responsible for special
18 education shall place the child, based ~~upon~~ ON the consensus
19 recommendation of the individualized education program team and subject to
20 due process pursuant to 20 United States Code section 1415, except that a
21 child shall not be EITHER:

22 1. Placed in a special education program without the written
23 consent of the child's parent or guardian.

24 2. ISSUED A HIGH SCHOOL DIPLOMA WITHOUT WRITTEN CONSENT OF THE
25 CHILD'S PARENT OR GUARDIAN, OR OF A CHILD WITH A DISABILITY WHO IS AT
26 LEAST EIGHTEEN YEARS OF AGE. THE DEPARTMENT MAY NOT IMPOSE A PENALTY OR
27 WITHHOLD FUNDING FROM A SCHOOL FOR NOT ISSUING A HIGH SCHOOL DIPLOMA
28 PURSUANT TO THIS PARAGRAPH.

29 E. The due process hearing procedures prescribed in this section
30 extend to the parents of a child, a student who has reached the age of
31 majority or the public educational agency or agencies involved in any
32 decisions regarding the student. All due process hearings shall be
33 conducted in accordance with federal and state laws governing the
34 educational rights of children with known or suspected disabilities. The
35 state board of education shall adopt rules for implementing this section
36 that comply with the following:

37 1. The parent, the adult student or the public educational agency
38 or agencies may initiate due process hearing procedures under either of
39 the following circumstances:

40 (a) There is a proposal to initiate or change the identification,
41 evaluation or educational placement of the child, or the provision of a
42 free appropriate public education to the child.

43 (b) There is a refusal to initiate or change the identification,
44 evaluation or educational placement of the child, or the provision of a
45 free appropriate public education to the child.

1 2. Either the parent, the adult student or the public educational
2 agency or agencies may initiate a due process hearing by submitting a
3 written request to the state educational agency and the public educational
4 agency involved in any decisions regarding the student. The state
5 educational agency shall provide a model form that any party may use in
6 requesting a due process hearing. The public educational agency shall
7 promptly forward any requests received to the state educational agency.
8 Any request received by the state educational agency shall be transmitted
9 immediately to the office of administrative hearings and the public
10 educational agency.

11 3. A decision made in a hearing conducted pursuant to this section
12 ~~shall be~~ IS final, except that any party involved in a hearing may bring a
13 civil action in any court of competent jurisdiction without regard to the
14 amount in controversy.

15 F. The public educational agency shall pay all costs incurred by
16 the office of administrative hearings associated with any hearing
17 conducted pursuant to this section and the public educational agency or a
18 public agency pool operated pursuant to section 11-952.01 in which the
19 public educational agency participates shall contract with the office of
20 administrative hearings for this purpose.

21 G. Title 41, chapter 6, article 10 ~~shall apply~~ APPLIES to all
22 hearings to the extent not inconsistent with this section and federal and
23 state law regarding the education of students with disabilities.

24 Sec. 6. Title 15, chapter 7, article 4, Arizona Revised Statutes,
25 is amended by adding section 15-768, to read:

26 15-768. Transition services; individualized education
27 programs; requirements; definition

28 A. EACH PUBLIC SCHOOL THAT PROVIDES INSTRUCTION TO HIGH SCHOOL
29 STUDENTS SHALL DEVELOP A PLAN FOR PROVIDING TRANSITION SERVICES AS DEFINED
30 IN THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT (P.L. 91-230; 84 STAT.
31 175 TO 188; 20 UNITED STATES CODE SECTION 1401) FOR EACH STUDENT WHO IS A
32 CHILD WITH A DISABILITY BEFORE THE STUDENT COMPLETES GRADE NINE OR REACHES
33 SIXTEEN YEARS OF AGE, WHICHEVER OCCURS FIRST. TRANSITION SERVICES
34 PROVIDED UNDER THIS SECTION MAY BE INTEGRATED INTO AND OCCUR
35 SIMULTANEOUSLY WITH A STUDENT'S COURSEWORK AND MAY BE PROVIDED FOR MORE
36 THAN FOUR YEARS, AS DETERMINED BY THE CHILD WITH A DISABILITY'S
37 INDIVIDUALIZED EDUCATION PROGRAM TEAM. TRANSITION SERVICES PROVIDED UNDER
38 THIS SECTION MUST INCLUDE ALL OF THE FOLLOWING:

39 1. ANNUAL COMPLETION OF AT LEAST ONE ASSESSMENT PROVIDED PURSUANT
40 TO SUBSECTION C, PARAGRAPH 2 OF THIS SECTION AND ONE INFORMAL ASSESSMENT
41 TO IDENTIFY APPROPRIATE, MEASURABLE POSTSECONDARY EDUCATIONAL GOALS FOR
42 THE CHILD WITH A DISABILITY.

43 2. THE POSTSECONDARY EDUCATION TRANSITION PLANNING FORM DEVELOPED
44 PURSUANT TO SECTION 15-235, SUBSECTION I, PARAGRAPH 3.

1 3. ANY DEVICES OR SERVICES THAT ARE NECESSARY FOR THE CHILD WITH A
2 DISABILITY TO COMMUNICATE IN A POSTSECONDARY EDUCATION ENVIRONMENT.

3 B. EACH PUBLIC SCHOOL THAT PROVIDES TRANSITION SERVICES UNDER THIS
4 SECTION SHALL:

5 1. REVIEW AND REVISE THE TRANSITION SERVICES AS NECESSARY BUT AT
6 LEAST ONCE DURING EACH YEAR OF THE CHILD WITH A DISABILITY'S ENROLLMENT IN
7 A HIGH SCHOOL IN THIS STATE.

8 2. PROVIDE TRANSITION SERVICES IN THE LEAST RESTRICTIVE
9 ENVIRONMENT, AS DETERMINED BY THE CHILD WITH A DISABILITY'S INDIVIDUALIZED
10 EDUCATION PROGRAM TEAM.

11 C. THE DEPARTMENT OF EDUCATION SHALL:

12 1. DEVELOP GUIDELINES FOR HOW PUBLIC SCHOOLS MAY COMPLY WITH THE
13 LEAST RESTRICTIVE ENVIRONMENT REQUIREMENTS PRESCRIBED IN THIS SECTION AND
14 FOR HOW THE LEAST RESTRICTIVE ENVIRONMENT IS CALCULATED FOR THE PURPOSE OF
15 FEDERAL REPORTING REQUIREMENTS.

16 2. PROVIDE FORMAL TRANSITION ASSESSMENTS FOR STUDENTS WITH
17 SIGNIFICANT DISABILITIES, AS REQUESTED BY PUBLIC SCHOOLS.

18 3. DEVELOP SAMPLE FORMS THAT PUBLIC SCHOOLS MAY USE TO REPORT TO
19 THE PARENTS OF A CHILD WITH A DISABILITY, OR TO A CHILD WITH A DISABILITY
20 WHO IS AT LEAST EIGHTEEN YEARS OF AGE, THE CHILD WITH A DISABILITY'S
21 PROGRESS TOWARD ACCOMPLISHING THE TRANSITION STANDARDS ADOPTED BY THE
22 STATE BOARD OF EDUCATION PURSUANT TO SUBSECTION D OF THIS SECTION.

23 D. THE STATE BOARD OF EDUCATION SHALL ADOPT STANDARDS FOR
24 TRANSITION SERVICES PROVIDED PURSUANT TO THIS SECTION.

25 E. FOR THE PURPOSES OF THIS SECTION, "TRANSITION SERVICES" HAS THE
26 SAME MEANING AS DEFINED IN 20 UNITED STATES CODE SECTION 1401.

27 Sec. 7. Statewide individualized education program system:
28 study; report; delayed repeal

29 A. The department of education and the individualized education
30 program advisory council established by section 15-235, Arizona Revised
31 Statutes, as amended by this act, shall study the feasibility of creating
32 a web-based, statewide individualized education program system, including
33 all of the following:

34 1. The estimated cost of developing and maintaining the system.

35 2. How long it will take to develop a system, together with a
36 proposed schedule to develop the system and implement the system by public
37 schools in this state.

38 3. Statewide individualized education program systems developed in
39 other states.

40 B. On or before December 31, 2024, the department of education
41 shall submit a report to the speaker of the house of representatives and
42 the president of the senate that contains the findings of the study and
43 recommendations for creating a web-based, statewide individualized
44 education program system. The department of education shall provide a
45 copy of the report to the secretary of state.

1 C. This section is repealed from and after January 31, 2025.

2 Sec. 8. Coordinated services for children with disabilities
3 study committee; reports; delayed repeal

4 A. The coordinated services for children with disabilities study
5 committee is established to develop resources for children with
6 disabilities and the families of children with disabilities. The study
7 committee shall consist of the following members:

8 1. A representative from the department of education.

9 2. A representative from the department of economic security's
10 division of developmental disabilities.

11 3. A representative from the developmental disabilities planning
12 council.

13 4. Two members of the public who provide special education and
14 related services to children with disabilities, one of whom is appointed
15 by the speaker of the house of representatives and one of whom is
16 appointed by the president of the senate.

17 5. Two members of the public, each of whom is either a child with a
18 disability or an immediate family member of a child with a disability.
19 One member under this paragraph shall be appointed by the speaker of the
20 house of representatives and one member shall be appointed by the
21 president of the senate.

22 B. The study committee shall do all of the following:

23 1. Solicit testimony from subject-matter experts, parents of
24 children with disabilities and members of the public about their
25 experiences working with state agencies, public schools and state programs
26 during postsecondary education transitions.

27 2. Coordinate services and benefits.

28 3. Collaborate and develop resources to support children with
29 disabilities and the families of children with disabilities with
30 postsecondary education transitions.

31 4. Identify the roles and responsibilities of each of the following
32 persons with respect to postsecondary education transition planning
33 beginning when the child with a disability reaches fourteen years of age
34 until the child with a disability either receives a high school diploma or
35 exceeds the maximum age to be eligible for a free appropriate public
36 education under state and federal law:

37 (a) Students who are children with disabilities.

38 (b) Parents of students who are children with disabilities.

39 (c) Public schools.

40 (d) The department of economic security, including both the
41 vocational rehabilitation services provided pursuant to title 23,
42 chapter 3, article 1, Arizona Revised Statutes, and services provided by
43 the division of developmental disabilities.

44 (e) Private vendors.

1 5. Review existing intergovernmental agreements relating to
2 services for children with disabilities and, if necessary, recommend
3 changes to guidelines, time frames and expectations for each party to an
4 agreement.

5 C. The study committee may hold hearings and take testimony from
6 witnesses who may assist the study committee in fulfilling its
7 responsibilities.

8 D. The study committee members are not eligible to receive
9 compensation but are eligible for reimbursement of expenses pursuant to
10 title 38, chapter 4, article 2, Arizona Revised Statutes.

11 E. On or before December 31, 2024, the study committee shall submit
12 a preliminary report of its findings and recommendations to the governor,
13 the president of the senate and the speaker of the house of
14 representatives.

15 F. On or before December 31, 2025, the study committee shall submit
16 a final report of its findings and recommendations to the governor, the
17 president of the senate and the speaker of the house of representatives
18 and shall provide a copy of the report to the secretary of state.

19 G. This section is repealed from and after December 31, 2026.

20 Sec. 9. Appropriation; department of education; statewide
21 template for individualized education programs

22 The sum of \$_____ is appropriated from the state general fund in
23 fiscal year 2024-2025 to the department of education to develop and adopt
24 a statewide template for individualized education programs pursuant to
25 section 15-235, Arizona Revised Statutes, as amended by this act.

26 Sec. 10. Applicability

27 A. Notwithstanding section 15-763, Arizona Revised Statutes, as
28 amended by this act, a school district or charter school that contracts
29 with a third-party provider to develop individualized education programs
30 before the individualized education program advisory council adopts and
31 the state board of education approves a statewide template for
32 individualized education programs pursuant to section 15-235, Arizona
33 Revised Statutes, as amended by this act, is not required to use the
34 statewide template for individualized education programs until after the
35 contract expires.

36 B. A school district or charter school may not enter into a new
37 contract or renew an existing contract with a third-party provider to
38 develop individualized education programs after the statewide template for
39 individualized education programs is adopted and approved.