

Senate Engrossed

special education; transition services; requirements

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

SENATE BILL 1463

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; 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.

1 I. THE INDIVIDUALIZED EDUCATION PROGRAM ADVISORY COUNCIL IS
2 ESTABLISHED WITHIN THE DIVISION OF SPECIAL EDUCATION. THE STATE BOARD OF
3 EDUCATION SHALL APPOINT THE MEMBERS OF THE ADVISORY COUNCIL, INCLUDING AT
4 LEAST ONE DIRECTOR OF SPECIAL EDUCATION, AT LEAST ONE PARENT OF A CHILD
5 WITH A DISABILITY AND AT LEAST ONE STUDENT WHO IS A CHILD WITH A
6 DISABILITY, FOR STAGGERED THREE-YEAR TERMS. THE ADVISORY COUNCIL SHALL:

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

- 10 (a) BE WRITTEN IN PLAIN AND CONCISE LANGUAGE.
11 (b) BE DESIGNED AND STRUCTURED IN A CLEAR AND LOGICAL MANNER THAT
12 IS UNDERSTANDABLE BY LAYPERSONS AND THAT FACILITATES DATA COLLECTION.
13 (c) MEET ALL FEDERAL REQUIREMENTS.
14 (d) INCLUDE THE FORM THAT IS DEVELOPED PURSUANT TO PARAGRAPH 3 OF
15 THIS SUBSECTION.

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

- 19 (a) FOCUSES ON THE STRENGTHS OF EACH CHILD WITH A DISABILITY.
20 (b) IS DESIGNED TO IMPROVE STUDENT OUTCOMES AND SUPPORT INSTRUCTION
21 THAT IS ALIGNED WITH STATE STANDARDS.
22 (c) PROMOTES EARLY LEARNING, POSTSECONDARY TRANSITION PLANNING AND
23 MAXIMUM PARTICIPATION IN REGULAR EDUCATION CLASSES.
24 (d) ASSISTS SPECIAL EDUCATION TEACHERS WITH PLANNING AND DELIVERING
25 SPECIALLY DESIGNED INSTRUCTION, ACCOMMODATIONS AND PROGRAM MODIFICATIONS
26 TO MEET THE UNIQUE NEEDS OF EACH CHILD WITH A DISABILITY.
27 (e) PROMOTES MEANINGFUL PARTICIPATION OF REGULAR EDUCATION TEACHERS
28 IN DEVELOPING INDIVIDUALIZED EDUCATION PROGRAMS AND DELIVERING SPECIALLY
29 DESIGNED INSTRUCTION.
30 (f) FACILITATES COORDINATION WITH THE DEPARTMENT OF ECONOMIC
31 SECURITY IF THE CHILD WITH A DISABILITY MAY BE ELIGIBLE FOR SERVICES
32 PROVIDED UNDER TITLE 23, CHAPTER 3, ARTICLE 1.

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

- 38 (a) COMPETENCY REQUIREMENTS FOR GRADUATION FROM HIGH SCHOOL.
39 (b) COURSE ENROLLMENT PLANS.
40 (c) THE EXPECTED GRADUATION DATE AND THE AGE OF THE CHILD WITH A
41 DISABILITY ON THE EXPECTED GRADUATION DATE.
42 (d) INFORMATION ABOUT EACH OF THE FOLLOWING:
43 (i) CAREER AND TECHNICAL EDUCATION OPPORTUNITIES.
44 (ii) DUAL ENROLLMENT OPPORTUNITIES.
45 (iii) CONCURRENT ENROLLMENT OPPORTUNITIES.

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

J. THE DEPARTMENT OF EDUCATION SHALL INCORPORATE THE STATEWIDE TEMPLATE THAT IS ADOPTED PURSUANT TO SUBSECTION I, PARAGRAPH 1 OF THIS SECTION INTO THE DEPARTMENT'S SPECIAL EDUCATION PROCEDURES AND GUIDELINES, INCLUDING:

1. THE DEPARTMENT'S PROCEDURES FOR EVALUATING THE SPECIAL EDUCATION PROGRAMS, INSTRUCTION AND SERVICES PROVIDED BY A PUBLIC SCHOOL IN THIS STATE.

2. ANY TRAINING PROVIDED BY THE DEPARTMENT TO SCHOOL PERSONNEL.

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

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

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

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

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

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

4 1. Multiple measures of academic performance or other academically
5 relevant indicators of school quality that are appropriate to assess the
6 educational impact of a school during the academic year as determined by
7 the state board of education.

8 2. Academic progress on assessments adopted pursuant to sections
9 15-741 and 15-741.02 in English language arts and mathematics.

10 3. Academic progress on the English language learner assessments
11 administered pursuant to section 15-756, subsection B and section
12 15-756.05.

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

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

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

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

25 (b) Attendance rates.

26 E. If neither the school nor the school district meets the minimum
27 student count as recommended by the department of education and approved
28 by the state board of education for any of the performance indicators
29 prescribed in subsection D of this section, the performance indicator
30 shall not be factored into the letter grade assigned pursuant to this
31 section.

32 F. Subject to final adoption by the state board of education, the
33 department of education shall determine the criteria for each school and
34 local education agency classification on each performance indicator of the
35 annual achievement profile prescribed in subsection D of this section
36 using a ~~researched-based~~ RESEARCH-BASED methodology and shall recommend to
37 the state board for final adoption the criteria for each school and local
38 education agency classification. The department shall develop the
39 methodology in collaboration with a coalition of qualified technical and
40 policy stakeholders appointed by the state board. The department shall
41 provide technical assistance and, on request, student or statewide
42 performance indicator data needed to determine and calculate the
43 methodology and final letter grades. At a minimum, the methodology shall
44 include the performance of pupils at all achievement levels, account for
45 pupil mobility, account for the distribution of pupil achievement at each

1 school and local education agency and include longitudinal indicators of
2 academic performance. For the purposes of this subsection,
3 "~~researched-based~~ RESEARCH-BASED methodology" means the systematic and
4 objective application of statistical and quantitative research principles
5 to calculate the indicators used to determine A through F letter grades.

6 G. The annual achievement profile shall use classifications based
7 on an A through F letter grade system adopted by the state board of
8 education in which a letter grade of A reflects an excellent level of
9 performance and a letter grade of F reflects a failing level of
10 performance. The A through F letter grade system shall be applied to each
11 performance indicator of the annual achievement profile prescribed in
12 subsection D of this section, and the state board shall assign an overall
13 letter grade for the public school or local education agency. The A
14 through F letter grade system shall indicate expected standards of
15 performance for all schools on each performance indicator of the annual
16 achievement profile prescribed in subsection D of this section and the
17 manner in which schools may rise above or fall below those expected
18 standards of performance. The state board may also assign a school a
19 letter grade of F on each performance indicator of the annual achievement
20 profile prescribed in subsection D of this section if the state board
21 determines that the school is among the persistently lowest-achieving
22 schools in the state on the majority of the performance indicators of the
23 annual achievement profile under the federal school accountability
24 requirements pursuant to section 1003(g) of the elementary and secondary
25 education act (20 United States Code section 6303).

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

30 I. Subject to final adoption by the state board of education, the
31 department of education shall use achievement profiles appropriately to
32 assess the educational impact of accommodation schools, alternative
33 schools and extremely small schools, may develop profiles for schools that
34 participate in the board examination system prescribed in chapter 7,
35 article 6 of this title and schools that participate in Arizona online
36 instruction pursuant to section 15-808 and may develop other exceptions as
37 prescribed by the state board for the purposes of this section.

38 J. The department of education shall establish a process, including
39 a deadline for when requests must be submitted, for a school or local
40 education agency to correct student data used to determine the school's or
41 local education agency's annual achievement profile. If a correction to
42 student data is required, the department shall notify the school or local
43 education agency of the data correction process and shall annually process
44 student data correction requests. The state board of education shall
45 establish an appeals process to allow a school or local education agency

1 to appeal the school's or local education agency's final letter grade, or
2 a letter grade applied to a performance indicator prescribed in subsection
3 D of this section, based on mitigating factors, including achievement
4 profile designations based on incorrect data, identified by the
5 department.

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

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

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

17 15-763. Plan for providing special education; definition

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

1 B. BEGINNING ON JULY 1, 2026, EACH SCHOOL DISTRICT AND CHARTER
2 SCHOOL IN THIS STATE MUST USE EITHER THE STATEWIDE TEMPLATE FOR
3 INDIVIDUALIZED EDUCATION PROGRAMS ADOPTED PURSUANT TO SECTION 15-235 OR A
4 TEMPLATE THAT IS SUBSTANTIVELY IDENTICAL TO THE STATEWIDE TEMPLATE FOR
5 INDIVIDUALIZED EDUCATION PROGRAMS.

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

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

14 ~~D.~~ E. If federal monies are provided to a school district or a
15 charter school for special education services to homeschooled or private
16 schooled pupils, the school district or charter school shall provide the
17 services to both the homeschooled pupils and the private schooled pupils
18 in the same manner.

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

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

23 15-764. Powers and duties of the school district governing
24 board or county school superintendent

25 A. The governing board of each school district or the county school
26 superintendent shall:

27 1. Provide special education and related services for all children
28 with disabilities and make such programs and services available to all
29 eligible children with disabilities who are at least three years but less
30 than twenty-two years of age, except that a person who is being provided
31 special education services at the time the person reaches twenty-two years
32 of age shall continue to receive special education services from that
33 school district until the end of that school year.

34 2. Employ supportive special personnel, which may include a
35 director of special education, for the operation of special school
36 programs and services for exceptional children.

37 3. To the extent appropriate, educate children with disabilities in
38 the regular education classes. Special classes, separate schooling or
39 other removal of children with disabilities from the regular educational
40 environment shall occur only if, and to the extent that, the nature or
41 severity of the disability is such that education in regular classes, even
42 with the use of supplementary aids and services, cannot be accomplished
43 satisfactorily.

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

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

7 6. PROVIDE TRANSITION PLANNING AND SERVICES PURSUANT TO SECTION
8 15-768.

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

13 C. The governing body of each school district, county or agency
14 involved in intergovernmental agreements, in cooperation with another
15 school district or districts, may establish special education programs for
16 exceptional children. When two or more governing bodies determine to
17 carry out by joint agreement the duties in regard to the special education
18 programs for exceptional children, the governing bodies, in accordance
19 with state law and the rules of the division of special education, shall
20 establish a written agreement for the provision of services. In such
21 agreements, one governing body of each school district, an agency involved
22 in intergovernmental agreements or the county shall administer the program
23 in accordance with the contract agreement between the school districts.
24 Tuition students may be included in the agreement. The agreement may also
25 include lease-purchase of facilities for the special education programs
26 for exceptional children.

27 D. The county school superintendent, ~~upon~~ ON approval of the
28 division of special education, may establish special education programs in
29 the county accommodation schools under the jurisdiction of the
30 superintendent or may cooperate with other school districts by agreement
31 to provide such services for such special programs in accordance with the
32 rules of the division of special education. At the beginning of each
33 school year, the county school superintendent shall present an estimate of
34 the current year's accommodation school exceptional programs tuition cost
35 to each school district that has signed an agreement to use the services
36 of the accommodation school. The tuition shall be the estimated per
37 capita cost based on the number of pupils that each school district has
38 estimated will enroll in the program, and the school district shall pay
39 the tuition quarterly in advance on July 1, October 1, January 1 and April
40 1. Increases in enrollment during the school year over the school
41 district's estimate of July 1 shall cause the tuition charges to be
42 adjusted accordingly. In the event of overpayment by the school district
43 of residence, the necessary adjustment shall be made at the close of the
44 school year.

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

3 15-766. Evaluation of children for placement in special
4 education program; deferred graduation; due process
5 hearing procedures

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

10 B. Before a child who is suspected of having a disability is placed
11 in a special education program, an evaluation shall be made in accordance
12 with the individuals with disabilities education act (20 United States
13 Code section 1414) to determine whether ~~a~~ THE child is a child with a
14 disability. A school district or charter school shall specify explicitly
15 in the official notification to any parent that an initial evaluation may
16 be conducted AND that the parent has the option to consent TO or refuse
17 the initial evaluation in accordance with the individuals with
18 disabilities education act (20 United States Code sections 615 and 1414).
19 This evaluation shall be conducted within sixty days after receiving
20 parental consent for the evaluation. A reevaluation shall be conducted
21 not more than once each year, unless the parent and the public ~~education~~
22 EDUCATIONAL agency otherwise agree, and at least every three years if the
23 public educational agency determines that the educational or related
24 services needs of the child warrant a reevaluation, or if the child's
25 parents or teacher requests a reevaluation, unless the parent and the
26 public ~~education~~ EDUCATIONAL agency agree that a reevaluation is
27 unnecessary.

28 C. Any evaluation components that are appropriate to consider under
29 the specific circumstances may be shared by and among state agencies for
30 the purpose of expediting completion of the evaluation and placement
31 process.

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

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

40 2. ISSUED A HIGH SCHOOL DIPLOMA WITHOUT PROVIDING WRITTEN NOTICE TO
41 THE CHILD'S PARENT OR GUARDIAN, OR TO THE CHILD WITH A DISABILITY WHO IS
42 AT LEAST EIGHTEEN YEARS OF AGE, AT LEAST ONE YEAR BEFORE THE ANTICIPATED
43 HIGH SCHOOL GRADUATION DATE OF THE CHILD WITH A DISABILITY. THE NOTICE
44 SHALL INCLUDE THE ANTICIPATED HIGH SCHOOL GRADUATION DATE OF THE CHILD
45 WITH A DISABILITY, A LIST OF THE CREDITS AND COURSEWORK THAT THE CHILD

1 WITH A DISABILITY MUST COMPLETE TO GRADUATE FROM HIGH SCHOOL AND THE
2 TRANSITION SERVICES THAT THE SCHOOL WILL PROVIDE TO THE CHILD WITH A
3 DISABILITY BEFORE THE HIGH SCHOOL GRADUATION. IF THE PARENT OR GUARDIAN
4 OF THE CHILD WITH A DISABILITY, OR THE CHILD WITH A DISABILITY WHO IS AT
5 LEAST EIGHTEEN YEARS OF AGE, DISAGREES WITH THE SCHOOL'S DETERMINATION
6 THAT THE CHILD WITH A DISABILITY HAS SATISFIED THE HIGH SCHOOL GRADUATION
7 REQUIREMENTS ADOPTED BY THE STATE BOARD OF EDUCATION PURSUANT TO SECTION
8 15-701.01, THE SCHOOL SHALL PROVIDE TO THE PARENT, GUARDIAN OR CHILD WITH
9 A DISABILITY THE CURRICULUM FOR EACH COURSE FOR WHICH THE CHILD WITH A
10 DISABILITY EARNED ACADEMIC CREDIT TO MEET THE HIGH SCHOOL GRADUATION
11 REQUIREMENTS AND EVIDENCE THAT EACH COURSE ACCOMPLISHES THE ACADEMIC
12 STANDARDS ADOPTED BY THE STATE BOARD OF EDUCATION FOR THE RELEVANT SUBJECT
13 AREA. THE SCHOOL SHALL PROVIDE THE INFORMATION REQUIRED BY THIS PARAGRAPH
14 AT LEAST FORTY-FIVE SCHOOL DAYS BEFORE THE ANTICIPATED GRADUATION DATE OF
15 THE CHILD WITH A DISABILITY OR NOT LATER THAN FIFTEEN SCHOOL DAYS AFTER
16 THE SCHOOL IS NOTIFIED THAT THE PARENT, GUARDIAN OR CHILD WITH A
17 DISABILITY DISAGREES WITH THE SCHOOL'S DETERMINATION, WHICHEVER IS
18 LATER. THE DEPARTMENT MAY NOT IMPOSE A PENALTY OR WITHHOLD FUNDING FROM A
19 SCHOOL FOR NOT ISSUING A HIGH SCHOOL DIPLOMA PURSUANT TO THIS PARAGRAPH.

20 E. The due process hearing procedures prescribed in this section
21 extend to the parents of a child, a student who has reached the age of
22 majority or the public educational agency or agencies involved in any
23 decisions regarding the student. All due process hearings shall be
24 conducted in accordance with federal and state laws governing the
25 educational rights of children with known or suspected disabilities. The
26 state board of education shall adopt rules for implementing this section
27 that comply with the following:

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

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

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

37 2. Either the parent, the adult student or the public educational
38 agency or agencies may initiate a due process hearing by submitting a
39 written request to the state educational agency and the public educational
40 agency involved in any decisions regarding the student. The state
41 educational agency shall provide a model form that any party may use in
42 requesting a due process hearing. The public educational agency shall
43 promptly forward any requests received to the state educational agency.
44 Any request received by the state educational agency shall be transmitted

1 immediately to the office of administrative hearings and the public
2 educational agency.

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

7 F. The public educational agency shall pay all costs incurred by
8 the office of administrative hearings associated with any hearing
9 conducted pursuant to this section and the public educational agency or a
10 public agency pool operated pursuant to section 11-952.01 in which the
11 public educational agency participates shall contract with the office of
12 administrative hearings for this purpose.

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

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

18 15-768. Transition services; individualized education
19 programs; requirements; definition

20 A. EACH PUBLIC SCHOOL THAT PROVIDES INSTRUCTION TO HIGH SCHOOL
21 STUDENTS SHALL DEVELOP A PLAN FOR PROVIDING TRANSITION SERVICES AS DEFINED
22 IN THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT (P.L. 91-230; 84 STAT.
23 175 TO 188; 20 UNITED STATES CODE SECTION 1401) FOR EACH STUDENT WHO IS A
24 CHILD WITH A DISABILITY BEFORE THE STUDENT COMPLETES GRADE NINE OR REACHES
25 SIXTEEN YEARS OF AGE, WHICHEVER OCCURS FIRST. TRANSITION SERVICES
26 PROVIDED UNDER THIS SECTION MAY BE INTEGRATED INTO AND OCCUR
27 SIMULTANEOUSLY WITH A STUDENT'S COURSEWORK AND MAY BE PROVIDED FOR MORE
28 THAN FOUR YEARS, AS DETERMINED BY THE CHILD WITH A DISABILITY'S
29 INDIVIDUALIZED EDUCATION PROGRAM TEAM. TRANSITION SERVICES PROVIDED UNDER
30 THIS SECTION MUST INCLUDE ALL OF THE FOLLOWING:

31 1. ANNUAL COMPLETION OF AT LEAST ONE FORMAL ASSESSMENT PROVIDED
32 PURSUANT TO SUBSECTION C, PARAGRAPH 2 OF THIS SECTION AND ONE INFORMAL
33 ASSESSMENT TO IDENTIFY APPROPRIATE, MEASURABLE POSTSECONDARY EDUCATIONAL
34 GOALS FOR THE CHILD WITH A DISABILITY.

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

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

39 B. EACH PUBLIC SCHOOL THAT PROVIDES TRANSITION SERVICES UNDER THIS
40 SECTION SHALL:

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

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

4 C. THE DEPARTMENT OF EDUCATION SHALL:

5 1. DEVELOP GUIDELINES FOR HOW PUBLIC SCHOOLS MAY COMPLY WITH THE
6 LEAST RESTRICTIVE ENVIRONMENT REQUIREMENTS PRESCRIBED IN THIS SECTION AND
7 FOR HOW THE LEAST RESTRICTIVE ENVIRONMENT IS CALCULATED FOR THE PURPOSE OF
8 FEDERAL REPORTING REQUIREMENTS.

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

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

16 D. SUBJECT TO APPROVAL BY THE STATE BOARD OF EDUCATION, THE
17 DEPARTMENT OF EDUCATION MAY ISSUE GUIDELINES FOR HIGH SCHOOL GRADUATION,
18 TRANSITION SERVICES AND POSTSECONDARY EDUCATION TRANSITION PLANNING FOR
19 CHILDREN WITH DISABILITIES.

20 E. THE STATE BOARD OF EDUCATION SHALL ADOPT STANDARDS FOR
21 TRANSITION SERVICES PROVIDED PURSUANT TO THIS SECTION.

22 F. FOR THE PURPOSES OF THIS SECTION, "TRANSITION SERVICES" HAS THE
23 SAME MEANING AS DEFINED IN 20 UNITED STATES CODE SECTION 1401.

24 Sec. 7. Statewide individualized education program system;
25 study; report; delayed repeal

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

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

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

35 3. Statewide individualized education program systems developed in
36 other states.

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

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

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

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

1. A representative from the department of education.
2. A representative from the department of economic security's division of developmental disabilities.
3. A representative from the developmental disabilities planning council.
4. Two members of the public who provide special education and related services to children with disabilities, one of whom is appointed by the speaker of the house of representatives and one of whom is appointed by the president of the senate.
5. Two members of the public, each of whom is either a child with a disability or an immediate family member of a child with a disability. One member under this paragraph shall be appointed by the speaker of the house of representatives and one member shall be appointed by the president of the senate.

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

1. Solicit testimony from subject-matter experts, parents of children with disabilities and members of the public about their experiences working with state agencies, public schools and state programs during postsecondary education transitions.
2. Recommend changes to improve how public schools and state agencies coordinate services and benefits, including changes to facilitate state agencies' participation in the development of student individualized education programs.
3. Recommend the types of resources and information that children with disabilities and the families of children with disabilities need to plan for postsecondary education transitions.
4. Identify the roles and responsibilities of each of the following persons with respect to postsecondary education transition planning beginning when the child with a disability reaches fourteen years of age until the child with a disability either receives a high school diploma or exceeds the maximum age to be eligible for a free appropriate public education under state and federal law:
 - (a) Students who are children with disabilities.
 - (b) Parents of students who are children with disabilities.
 - (c) Public schools.
 - (d) The department of economic security, including both the vocational rehabilitation services provided pursuant to title 23, chapter 3, article 1, Arizona Revised Statutes, and services provided by the division of developmental disabilities.

1 (e) Private vendors.

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

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

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

12 E. On or before December 31, 2024, the study committee shall submit
13 a preliminary report of its findings and recommendations to the governor,
14 the president of the senate and the speaker of the house of
15 representatives. The study committee shall solicit feedback and comments
16 on the preliminary report from the superintendent of public instruction
17 and the director of the department of economic security and shall
18 incorporate the feedback and comments into the final report submitted
19 pursuant to subsection F of this section.

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

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