



Arizona Department of Education
Exceptional Student Services

September 11, 2025

[REDACTED], Superintendent
[REDACTED] District

RE: [REDACTED] District: Reference Number: 3638

Dear Superintendent [REDACTED]

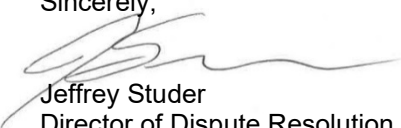
On July 18, 2025, our office received a formal state administrative complaint from [REDACTED] (Complainants), alleging that the [REDACTED] (District) is in noncompliance in special education matters relating to [REDACTED] (Student). As required by 34 C.F.R. §§ 300.151-300.153 and the Arizona Administrative Code R7-2-405.01, the Arizona Department of Education/Exceptional Student Services Dispute Resolution Unit (ADE/ESS) conducted an investigation into this matter. This investigation included contact with the following: the Complainants; [REDACTED], Attorney for the Complainants; [REDACTED], Director of Special Education for the District; [REDACTED], Attorney for the District. In addition, the Student's records maintained by your District were reviewed, as were documents provided by the Complainant.

Enclosed please find our Investigative Report on this matter, which is ADE/ESS's independent determination as to whether the District has violated a requirement of Part B of the Individuals with Disabilities Education Act (IDEA). In accordance with 34 C.F.R. § 300.152(a), this written decision addresses each allegation in the complaint, as clarified by the Complainant during an initial interview with the investigator on August 8, 2025, and includes our findings of fact, conclusions of law, and the reasons for ADE/ESS's final decision. A copy of the Investigative Report has also been sent to the Complainant.

As explained in further detail in the attached Investigative Report, noncompliance with one or more requirements of Part B of the IDEA was identified during this investigation. To ensure the timely correction of the identified noncompliance, corrective action has been ordered by ADE/ESS in a separate corrective action letter which is also enclosed. In order to verify understanding and confirm the timely completion of the assigned corrective action, please contact Ms. Christina Lane, Compliance Coordinator, with any questions.

Arizona Department of Education/Exceptional Student Services ADE/ESS appreciated the cooperation of your staff during this process. Please do not hesitate to contact the ADE/ESS Education Program Specialist assigned to your District or me, if ADE/ESS can be of further assistance to you.

Sincerely,


Jeffrey Studer
Director of Dispute Resolution
Exceptional Student Services
Arizona Department of Education
Jeffrey.Studer@azed.gov
Phone: 602-364-401

cc: [REDACTED], Complainant

[REDACTED] Attorney for the Complainants

[REDACTED], Director of Special Education for [REDACTED] District

[REDACTED], Attorney for the District

[REDACTED], Program Support and Monitoring Specialist, Exceptional Student Services, ADE

ADE File



ARIZONA DEPARTMENT OF
EDUCATION

Dispute Resolution Unit
1535 W. Jefferson St. Bin #24 Phoenix, AZ 85007
(602) 542-3084 www.azed.gov/specialeducation

CONFIDENTIAL STUDENT RECORD

Complainant: [REDACTED]
Public Education Agency: [REDACTED] District
Reference Number: 3638
Investigator: Janice Rakoczy
Date Issued: September 11, 2025

INVESTIGATIVE REPORT

INTRODUCTION

The Student is 13 years old and, at the time the complaint was filed, eligible to receive special education and related services under the eligibility category of specific learning disability in the areas of basic reading skills, reading comprehension, written expression, mathematics calculation, mathematics problem solving, and reading fluency. The Student is currently in the seventh grade and attends school within the District.

Although both of the Student's parents filed this state complaint, this investigator only had contact with the Student's mother. Therefore, for the purpose of clarity, the term "Complainant" in this Investigation Report refers to the Student's mother.

The complaint process falls under the State's general supervisory authority and is a process through which members of the community can alert the state education agency (SEA) of potential noncompliance with the IDEA in public schools. Accordingly, although a written state administrative complaint was filed by an individual complainant, the investigation is the SEA's investigation, and the wording of issues falls to ADE/ESS's discretion to ensure clarity and an accurate understanding of the alleged noncompliance can be assured. Similarly, it falls to ADE/ESS to determine whether to combine similar issues.

ISSUE 1

Whether the District provided the Student a free appropriate public education (FAPE) during his expulsion from November 4, 2024, through February 24, 2025, in accordance with the Individuals with Disabilities Education Act (IDEA)?

FINDINGS OF FACT

1. The Student began the 2024-2025 school year on July 22, 2024.¹
2. The Student began the 2024-2025 school year with an individualized education program (IEP) dated December 12, 2023.
3. The Student's December 12, 2023, IEP entitled him to, amongst other things, the following specially designed instruction (SDI) in the areas of basic reading skills, reading comprehension, written expression, mathematics calculation, mathematics problem solving, and reading fluency:²

¹ According to the Arizona Education Data Standards (AzEDS), the Arizona Department of Education's data reporting system.

² "Specially designed instruction means adapting, as appropriate to the needs of an eligible child . . . the content, methodology, or delivery of instruction to address the unique needs of the child that result from the child's disability and meet the educational standards within the jurisdiction of the public agency that apply to all children." [34 C.F.R. § 300.39(b)(3)(i)-(ii)]

Special Education Services	Instructional Setting / Location	Start Date	Total Minutes	Provider	Duration/ End Date
Basic Reading Skills	Resource Classroom	12/12/2023	30 minutes per week	Special Education Teacher	12/11/2024
	Frequency and Duration: One session of 30 minutes per week				
	SDI of basic reading skills will be provided in a small group setting with direct instruction focusing on grapheme- phoneme strategies, phonemic awareness, decoding and word families. The instruction will use modeling, guided practice and most to least prompts.				
Reading Compreh.	Resource Classroom	12/12/2023	30 minutes per week	Special Education Teacher	12/11/2024
	Frequency and Duration: One session of 30 minutes per week				
	SDI of reading comprehension will be provided in a small group setting with direct instruction focusing on visual prompts, determine importance, and story mapping. The instruction will use modeling, guided practice and most to least prompts.				
Written Expression	Resource Classroom	12/12/2023	30 minutes per week	Special Education Teacher	12/11/2024
	Frequency and Duration: One session of 30 minutes per week				
	SDI of writing will be provided in small group setting with direct instruction focusing on visual and verbal prompts, graphic organizers, organization, and prewriting activities. The instruction will use modeling, guided practice and most to least prompts.				
Math Calculation	Resource Classroom	12/12/2023	30 minutes per week	Special Education Teacher	12/11/2024
	Frequency and Duration: One session of 30 minutes per week				
	SDI of math will be provided in a small group setting with direct instruction focusing on modeling, chunking, step by step instructions, and a multi-sensory approach. The instruction will use modeling, guided practice and most to least prompts.				
Math Problem Solving	Resource Classroom	12/12/2023	30 minutes per week	Special Education Teacher	12/11/2024
	Frequency and Duration: One session of 30 minutes per week				
	SDI of math will be provided in a small group setting with direct instruction focusing on modeling, chunking, step by step instructions, and a multi-sensory approach. The instruction will use modeling, guided practice and most to least prompts.				
Reading Fluency	Resource Classroom	12/12/2023	30 minutes per week	Special Education Teacher	12/11/2024
	Frequency and Duration: One session of 30 minutes per week				
	SDI of reading fluency will be provided in a small group setting with direct instruction focusing on modeling, repeated practice, and self monitoring.				
Clarification: Service minutes and specialized instruction minutes are based on a 4-day 3-week month average. Services will not be made up for District approved holidays, early release, absences, field trips, or assemblies. 1 week is allowed for progress monitoring.					

4. The Student's December 12, 2023, IEP entitled him to, amongst other things, the following supplementary aids and services:

Supplementary Aids/Assistive Technology and Services for Students					
Educationally Relevant Supplementary Aids/ Assistive Technology and Services Are Listed Below.					
Writing Support	General Ed. Classroom w/ Support Services	12/12/2023	30 mins per week	Para	12/11/2024
Frequency and Duration: 1 session of 30 mins per week					
follow up instruction for writing					
Reading Support	General Ed. Classroom w/ Support Services	12/12/2023	30 mins per week	Para	12/11/2024
Frequency and Duration: 1 session of 30 mins per week					
follow up instruction for reading					
Math Support	General Ed. Classroom w/ Support Services	12/12/2023	30 mins per week	Para	12/11/2024
Frequency and Duration: 1 session of 30 mins per week					
follow up instruction for math					
Clarification: Service minutes and specialized instruction minutes are based on a 4-day 3-week month average. Services will not be made up for District approved holidays, early release, absences, field trips, or assemblies. 1 week is allowed for progress monitoring.					

5. The Student was expelled from the District on November 4, 2024.^{3,4,5}
6. On November 4, 2024, the District made an offer to the Complainants to provide the Student with a free appropriate public education (FAPE) via the District's online learning platform following the Student's expulsion hearing on November 4, 2024.⁶
7. On November 4, 2024, the Complainants refused the District's offer to provide the Student a FAPE via the District's online learning platform, stating that, due to the nature of the Student's disability, online learning would be "ineffective" for him.⁷
8. A meeting notice dated February 24, 2025, documented that the Student's IEP team, which included the Complainant, was invited to meet on February 24, 2025, for the following purposes:
 - To Review and revise the IEP
 - To determine services and educational setting for Student during his expulsion
 - To discuss compensatory education, if appropriate
9. Prior written notice dated February 24, 2025, documents, among other things, that the Student's IEP team, which included the Complainant, convened on February 24, 2025, and agreed to the following:
 - The team proposed to provide Student [sic] with the services identified in his IEP in the District's self-contained classroom.
 - The team determined that student [sic] would begin receiving services in the self-contained classroom on February 25, 2025.
 - The team proposed to provide compensatory services to Student [sic] on Fridays (except holidays and school breaks) in the self-contained classroom.
 - The team also determined that compensatory services were appropriate for the time he was not receiving services from the date of his expulsion through February 25, 2025 (57 school days). The team determined that he would receive compensatory services on Fridays in the self-contained classroom.
 - The team recommended implementing compensatory services during the final week of Spring Break and continuing every Friday until the total number of service minutes required for recovery is completed. The team reached a consensus in support of this proposal.
10. The Student was re-enrolled in the District on February 25, 2025, and this was his first date of attendance following his expulsion on November 4, 2024.⁸

³ According to the Arizona Education Data Standards (AzEDS), the Arizona Department of Education's data reporting system, the Student's last day of attendance was October 31, 2024.

⁴ According to the District's academic calendar posted on its website, November 1, 2024, was not a school day.

⁵ In a letter dated May 5, 2025, from the District's Attorney to the Complainants' Attorney, the District acknowledged that the Student was improperly expelled on November 4, 2024, and that the Student's records would be updated by the District to document nine days of out-of-school suspension and not an expulsion.

⁶ A letter dated February 15, 2025, from the Complainant's Attorney to the District's Attorney, and a written statement dated August 24, 2025, emailed by the District's Attorney to the complaint investigator document that the District's school principal and special education director made an offer to the Complainants to provide the Student with a FAPE via its online platform following his expulsion on November 4, 2024.

⁷ The Complainants' refusal of the District's offer to provide the Student with a FAPE via its online platform on November 4, 2024, is documented in a letter dated February 15, 2025, from the Complainants' Attorney to the District's Attorney, and in a written statement dated August 24, 2025, emailed by the District's Attorney to the complaint investigator.

⁸ According to the Arizona Education Data Standards (AzEDS), the Arizona Department of Education's data reporting system.

11. A written statement dated August 24, 2025, emailed to the complaint investigator from the District's Attorney included, among other things, the following statement:

- Student's IEP team met on February 24, 2025, to determine whether the offer of online instruction provided Student with FAPE. Student's IEP team found that he required in-person instruction in order to access the curriculum and found that his appropriate interim alternative educational setting was in a self-contained classroom. The IEP team also found the offer of online instruction was not an appropriate offer of FAPE. Accordingly, Student was found eligible for compensatory services.⁹

CONCLUSIONS AND FINDINGS

The IDEA and its implementing regulations obligate schools to make a free appropriate public education (FAPE) available to students with disabilities. A FAPE is defined as special education and related services that are provided at public expense, under public supervision and direction, and without charge; meet the standards of the state education agency; and are provided to each child in conformity with his or her IEP.¹⁰

As noted in the findings of fact, the District acknowledges that its offer to provide the Student with the special education and related services in conformity with his December 12, 2023, IEP via the District's online platform following his expulsion on November 4, 2024, did not constitute a free and appropriate public education for the Student as required by the IDEA. Also noted in the finding of fact, the Student's February 24, 2025, IEP team determined that, due to the nature of the Student's disability, he required in-person instruction to access the curriculum and, therefore, agreed that the Student's interim alternative educational placement would be the District's self-contained classroom. Based on the foregoing, ADE/ESS finds that the District did not provide the Student a free appropriate public education (FAPE) during his expulsion from November 4, 2024, through February 24, 2025, in accordance with the Individuals with Disabilities Education Act (IDEA) and is, therefore, in noncompliance regarding this issue.

ISSUE 2

Whether the District convened the Student's individualized education program (IEP) team by December 11, 2024, to conduct an annual review of the Student's December 12, 2023, IEP in accordance with the Individuals with Disabilities Education Act's (IDEA) procedural requirements?

FINDINGS OF FACT

1. The Student began the 2024-2025 school year with a current IEP dated December 12, 2023.
2. The Student was expelled from the District from November 4, 2024, through February 25, 2025.¹¹
3. The Student's IEP team convened on February 24, 2025, to review and revise the Student's December 12, 2023, IEP.

⁹ A written statement dated August 24, 2025, emailed to the complaint investigator from the District's Attorney included, among other things, the statement that the "[IEP] team, including Complainant and her counsel, determined that an appropriate compensatory award was for Student to receive specially designed instruction on Fridays (District has a M-TH school week) in the self-contained classroom to be provided by the special education teacher. Student was offered, accepted, and received compensatory services on Fridays from February 24, 2025 to the end of the school year each week school was in session. All compensatory services awarded have been provided to Student."

¹⁰ 20 U.S.C. § 1401(9); 34 C.F.R. § 300.17

¹¹ According to the Arizona Education Data Standards (AzEDS), the Arizona Department of Education's data reporting system.

CONCLUSIONS AND FINDINGS

The federal regulations that implement the Individuals with Disabilities Education Act (IDEA) require schools to ensure that each child's IEP is reviewed periodically, but not less than annually, and to revise the child's IEP, as appropriate, to address any lack of expected progress toward his annual goals and in the general curriculum, the results of any reevaluation, information about the child provided to or by the parents, the child's anticipated needs, or "other matters."¹²

The IDEA regulations require schools to conduct a review of a student's IEP at least annually; however, as noted in the findings of fact, at the time the Student's IEP was due for annual review on or before December 11, 2024, the Student was expelled from the District. As such, the District was not obligated to convene the Student's individualized education program (IEP) team by December 11, 2024, to conduct an annual review of the Student's December 12, 2023, IEP in accordance with the Individuals with Disabilities Education Act's (IDEA) procedural requirements and is, therefore, in compliance regarding this issue.

ISSUE 3

Whether the District responded to the Complainants' February 15, 2025, written records request within 45 calendar days, or by April 1, 2025, in accordance with the Individuals with Disabilities Education Act's (IDEA) procedural requirements?

FINDINGS OF FACT

1. A letter dated February 15, 2025, sent on behalf of the Complainants from their Attorney to the District's Attorney, included, among other things, a request for the Student's educational records.
2. In the filed complaint and during an interview with the complaint investigator on August 8, 2025, the Complainants' Attorney confirmed receipt of some of the Student's records. She asserted that many of the records were not received prior to April 1, 2025, and some remained outstanding as of the filing of the complaint.¹³
3. In a written statement dated August 24, 2025, emailed to the complaint investigator from the District's Attorney, the District acknowledged that it does not have a record that it responded to the Complainants' February 15, 2025, written records request within 45 calendar days.

CONCLUSIONS AND FINDINGS

In accordance with the regulations that implement the IDEA, schools must permit parents to inspect and review any education records relating to their child that are collected, maintained or used by the school, and must comply with such a request before any IEP meeting, due process hearing, or resolution session, and in no case later than 45 days from the date of the request.¹⁴

The IDEA regulations require that a student's educational records be provided no later than 45 days after a request is made by parents. In this case, the Complainants' Attorney requested records on behalf of the parents on February 15, 2025, which required the District to send the Student's records on or before April 1, 2025. As noted in the findings of fact, the Complainants' Attorney acknowledges receipt of some of the requested records but contends that some were not timely sent. Also noted in the findings of fact, the District acknowledges that it does not have documentation to support that it sent the records requested on February 15, 2025, within 45 days as required. As such, ADE/ESS finds that the District did not respond to the

¹² 34 C.F.R. § 300.324(b)

¹³ The Complainants list in the filed complaint the Student's February 24, 2025, and April 8, 2025, IEPs and the Complainants' April 8, 2025, informed written consent to evaluate the Student as records still outstanding; however, these documents are dated after the records request made on February 15, 2025. In an email to the complaint investigator from the District's Attorney dated August 28, 2025, the District stated that it "believes" the April 8, 2025, IEP was a draft and not implemented.

¹⁴ 34 C.F.R. § 300.613(a)

Complainants' February 15, 2025, written records request within 45 calendar days, or by April 1, 2025, in accordance with the Individuals with Disabilities Education Act's (IDEA) procedural requirements and is, therefore, in noncompliance regarding this issue.

ISSUE 4

Whether the District responded to the Complainants' February 15, 2025, written request for a special education reevaluation within 15 school days by either beginning the re-evaluation process by reviewing existing data or providing prior written notice refusing to conduct the requested reevaluation by March 26, 2025, in accordance with the Individuals with Disabilities Education Act's (IDEA) Arizona Administrative Code's (A.A.C.) procedural requirements?

FINDINGS OF FACT

1. On February 15, 2025, the Complainants' Attorney sent a letter to the District's Attorney, which included, among other things, the following request for an IEP meeting for the Student. The Complainants' Attorney considered this statement to be a written request by the parents to have the Student reevaluated:
 - **IEP Meeting.** We are requesting an IEP meeting with [District] to discuss an appropriate interim alternative educational setting for [Student] for the duration of his expulsion, as required by 20 U.S.C. § 1415(k)(2)...In addition to discussion of the appropriate interim alternative education setting in which [Student] should be receiving educational services, we would also like the IEP team to discuss the educational impact of the expulsion and lack of services for the last four months on [Student] and whether a reevaluation is warranted at this time, including discussion of the need for a functional behavioral assessment and behavior services.¹⁵
2. During an interview with the complaint investigator on August 12, 2025, the District stated that it interpreted the request from the Complainants' Attorney, captured in finding of fact #1, to be a request for an IEP meeting and not as a direct parental request to reevaluate the Student.
3. The District scheduled an IEP meeting for February 24, 2025, in response to the Complainants' February 15, 2025, request.
4. The District did not respond to the Complainants' Attorney's February 15, 2025, proposal to discuss whether a reevaluation was warranted.¹⁶

CONCLUSIONS AND FINDINGS

The regulations that implement the Individuals with Disabilities Education Act (IDEA) state that [e]ach public agency must conduct a full and individual initial evaluation, in accordance with §§ 300.304 through 300.306, before the initial provisions of special education and related services to a child with a disability under this part. Either a parent of a child or a public agency may initiate a request for an initial evaluation to determine if the child is a child with a disability.¹⁷ The term "reevaluation" generally means a comprehensive evaluation which is analogous to initial evaluation under 34 CFR 300.532.¹⁸ Arizona State Board of Education rules clarify that if the parent requests the evaluation the school must, within a reasonable amount of time not to exceed 15 school days from the date it receives a parent's written request for an evaluation, either begin the evaluation

¹⁵ During an interview with the complaint investigator on August 8, 2025, the Complainants' Attorney stated that her interpretation of the IDEA regulations is that a request for a special education evaluation can be made by a parent's representative on behalf of the parent.

¹⁶ The District did convene the Student's IEP team on April 8, 2025, in response to the Complainants' request, made on their behalf by their Attorney on February 15, 2025, to review and revise the Student's February 24, 2025, IEP. PWN dated April 8, 2025, documents that during the April 8, 2025, meeting, the IEP team also reviewed existing data and agreed that additional data were needed to determine the Student's eligibility for special education and related services.

¹⁷ 34 C.F.R. § 300.301

¹⁸ See *Letter to Tinsley*, 26 IDELR 1076 (OSEP 1990)

by reviewing existing data, or provide prior written notice refusing to conduct the requested evaluation.¹⁹ As per the IDEA and A.A.C. regulations, the District is required to respond to a parent's written request for a special education reevaluation for the Student within 15 school days of receiving the request. In this case, as noted in the findings of fact, the Complainants' Attorney sent a written request for an IEP meeting to the District's Attorney. The request included the proposal that the Student's IEP team also discuss "whether a reevaluation is warranted at this time, including discussion of the need for a functional behavioral assessment and behavior services". Because the letter from the Complainants' Attorney does not clearly request that the District reevaluate the Student, it would not constitute a written request for a special education reevaluation. Further, notwithstanding the fact that the Complainants' Attorney interprets the law to mean that legal representatives can request a reevaluation on behalf of a child's parents, the regulations clearly stipulate that only a parent or public agency can initiate a request for reevaluation. Therefore, the District was not obligated to respond to what the Complainants' Attorney asserts is a parental written request for reevaluation within 15 days. As such, ADE/ESS finds that the District was not required to respond to the Complainants' February 15, 2025, written request for a special education reevaluation within 15 school days by either beginning the reevaluation process by reviewing existing data or providing prior written notice refusing to conduct the requested reevaluation by March 26, 2025, in accordance with the Individuals with Disabilities Education Act's (IDEA) Arizona Administrative Code's (A.A.C.) procedural requirements and, therefore, is in compliance regarding this issue.

ISSUE 5

Whether the District provided the Complainants with a copy of the Student's February 24, 2025, individualized education program (IEP) in accordance with the Individuals with Disabilities Education Act's (IDEA) procedural requirements?

FINDINGS OF FACT

1. On February 24, 2025, the Student's IEP team met to review and revise the December 12, 2023, IEP.
2. The District stated during an interview with the complaint investigator on August 12, 2025, that it provided a copy of the Student's IEP to the Complainant at the meeting on February 24, 2025, and emailed a copy to the Complainants the following day.
3. As of this writing, the District was not able to provide a copy of the email sent to the Complainants with the Student's February 24, 2025, IEP attached.²⁰
4. A written statement dated August 24, 2025, emailed to the complaint investigator from the District's Attorney, included, among other things, the following statement:
 - Student's case manager and special education teacher...confirmed he provided Complainant the February 24, 2025, IEP by placing a copy in Student's backpack on February 25, 2025. [Student's case manager] is no longer an employee of the District...

CONCLUSIONS AND FINDINGS

The regulations that implement the Individuals with Disabilities Education Act (IDEA) require a school to provide the parents of a child with a disability with a copy of the child's IEP, and to do so at no cost to the parent.²¹ However, the IDEA is silent as to the time frame in which the copy must be made available to the parents. In the discussion section of the regulations that accompany the regulations, the United States

¹⁹ A.A.C. R7-2-401(E)(4)

²⁰ On August 1, 2025, the District's Attorney emailed a copy of the Student's February 24, 2025, IEP to the Complainants' Attorney in response to the request for documents made by the complaint investigator after the filing of the complaint on July 18, 2025.

²¹ 34 C.F.R. § 300.322(f)

Department of Education writes that "the specific timeframe in which the public agency provides a copy of the IEP to the parent is best left to the public agency to determine."²²

Although the IDEA regulations are silent as to a specific timeframe in which a copy of a student's IEP must be provided to the parents, in this case, the District asserted that it provided a copy of the IEP to the Complainant at the Student's February 24, 2025, IEP meeting, put a copy of the IEP in the Student's backpack on February 25, 2025, and emailed a copy to the Complainants on February 25, 2025; however, at the time of this writing, the District was not able to provide any documentation to support that the Complainants were provided with a copy of the Student's February 24, 2025, IEP until it was emailed to the Complainants' Attorney on August 1, 2025, which is after the filing of the complaint. As such, ADE/ESS finds that the District did not provide the Complainants with a copy of the Student's February 24, 2025, individualized education program (IEP) in accordance with the Individuals with Disabilities Education Act's (IDEA) procedural requirements and is, therefore, in noncompliance regarding this issue.

ISSUE 6

Whether the District provided the Complainants with prior written notice (PWN) before implementing the changes made to the Student's February 24, 2025, IEP in accordance with the Individuals with Disabilities Education Act's (IDEA) procedural requirements?

FINDINGS OF FACT

1. The Student's IEP team met on February 24, 2025, to review and revise the Student's December 12, 2023, IEP.
2. The Student's February 24, 2025, IEP included, among other things, the following changes:
 - The Student's placement was changed from inside the regular class 80% or more of the day to inside the regular class less than 40% of the day
 - The supplementary aids and services that were included in the Student's December 12, 2023, IEP were not included in the Student's February 24, 2025, IEP.
3. The implementation date of the Student's February 24, 2025, IEP was February 24, 2025.
4. Prior written notice dated February 24, 2025, documents, among other things, the following:^{23,24}
 - The team proposed to provide Student with the services identified in his IEP in the District's self-contained classroom.²⁵
 - The team determined that Student would begin receiving services in the self-contained classroom on February 25, 2025.
5. The Student was re-enrolled in the District on February 25, 2025, and this was his first date of attendance following his expulsion on November 4, 2024.

²² 34 C.F.R. Part 300, Analysis of Comments and Changes, Subpart D - Evaluations, Eligibility, IEPs, and Educational Placement, *Federal Register*, Vol. 71, No. 156, p. 46687 (August 2006)

²³ Specifically, the regulations that implement the IDEA require schools to provide parents with written notice a reasonable time before the public agency proposes or refuses to initiate or change the identification, evaluation, or educational placement of the child, or the provision of a free appropriate public education (FAPE) to the child. [34 C.F.R. § 300.503(a)]

²⁴ The PWN documents the Student's expulsion date as December 4, 2024. The District acknowledged during an interview with the complaint investigator on August 12, 2025, that this is a clerical error and the date of expulsion should be November 4, 2024.

²⁵ A self-contained classroom is a specialized educational setting designed to cater to the unique academic, behavioral, or developmental needs of a specific group of students. Unlike mainstream classrooms where students are integrated across a range of skill levels, the self-contained model concentrates students with demonstrably similar educational requirements within a single learning space, typically overseen by one or more dedicated educators and support staff.

6. Prior written notice dated February 24, 2025, documents, among other things, February 25, 2025, as the date PWN was sent/given to parents.²⁶
7. The District stated during an interview with the complaint investigator on August 12, 2025, that it provided a copy of the prior written notice dated February 24, 2025, to the Complainant at the February 24, 2025, meeting and also emailed a copy to the Complainant the next day.²⁷
8. A written statement dated August 24, 2025, emailed to the complaint investigator from the District's Attorney, included, among other things, the following statement:
 - Student's case manager and special education teacher...confirmed he provided Complainant the February 25, 2025, prior written notice by placing a copy in Student's backpack on February 25, 2025. [Student's special education teacher] is no longer an employee of the District...

CONCLUSIONS AND FINDINGS

The federal regulations require a school to provide parents with written notice a reasonable time before the public agency proposes or refuses to initiate or change the identification, evaluation, or educational placement of the child or the provision of a FAPE to the child.²⁸ PWN is a communication tool that is to be provided to parents after a team makes a decision but before that decision is implemented by the school. The United States Department of Education/Office of Special Education Programs (OSEP) provides additional guidance, explaining that parents are entitled to an explanation for the reasons why a school refuses to include parental recommendations into a student's finalized IEP.²⁹ In accordance with the requirements of IDEA, prior written notice shall be provided to the parents of a child within a reasonable time after the PEA (public education agency) proposes to initiate or change, or refuses to initiate or change, the identification, evaluation, educational placement or the provision of FAPE to the child, but before the decision is implemented."³⁰

Per the IDEA regulations, the District was required to provide the Complainants with prior written notice *after* the IEP team proposed to change the Student's educational placement and *before* this decision was implemented. In this case, the Student's IEP team made the decision to change the Student's placement on February 24, 2025. This was also the implementation date documented in the Student's IEP; however, the PWN documents, among other things, that the Student's placement would be in the District's self-contained classroom beginning on February 25, 2025, which was the Student's first day of attendance following his expulsion. As noted in the findings of fact, the PWN itself documents that prior written notice was provided to the Complainants on February 25, 2025. Also noted in the findings of fact, the District asserted that it provided the Complainants with PWN at the February 24, 2025, IEP meeting and emailed a copy to the Complainants following the IEP meeting; however, at the time of this writing, the District was not able to provide documentation to support this. Furthermore, because the PWN itself documents that prior written notice was given to the Complainant on February 25, 2025, and the District asserts in a letter from its Attorney that a copy was sent home in the Student's backpack on February 25, 2025, which would be at the end of the school day, PWN would not have been provided to the Complainant *before* the decision was implemented. As such, ADE/ESS finds that the District did not provide the Complainants with prior written notice (PWN) before implementing the changes made to the Student's February 24, 2025, IEP in accordance with the Individuals with Disabilities Education Act's (IDEA) procedural requirements and is, therefore, in noncompliance regarding this issue.

²⁶ In the filed complaint, the Complainants' Attorney acknowledged receipt of the PWN dated February 24, 2025, on May 5, 2025.

²⁷ As of this writing, the District had not provided documentation to support that it emailed the Complainants a copy of the Student's February 24, 2025, PWN.

²⁸ 34 C.F.R. § 300.503(a)(1)-(2)

²⁹ *Letter to Faustini*, 32 IDELR 2006 (OSEP) 1999)

³⁰ Arizona Administrative Code (A.A.C.) R7-2-401(l)(2)

ISSUE 7

Whether the District convened the Student's multi-disciplinary evaluation team (MET) to determine the Student's eligibility for special education and related services within 60 calendar days of receiving the Complainants' informed written consent to reevaluate the Student in accordance with the Individuals with Disabilities Education Act's (IDEA) procedural requirements?

FINDINGS OF FACT

1. The Student's MET convened on April 8, 2025, to review existing data and determined that additional data were needed to determine the Student's continued eligibility for special education and related services.
2. In the filed complaint and during an interview with the complaint investigator on August 8, 2025, the Complainants stated that the Complainant signed informed written consent to evaluate the Student on April 8, 2025, in the following areas:^{31,32}
 - academics
 - behavior
 - social/emotional
 - autism
3. As of this writing, the District was unable to locate the original informed written consent signed by the Complainant on or around April 8, 2025. The Complainant also could not provide a copy of the informed written consent.
4. The District stated in an interview with the complaint investigator on August 12, 2025, that the exact date the Complainant signed the original informed written consent for the Student to be evaluated is unknown, as are the areas in which the Complainant consented to have the Student evaluated.
5. On May 21, 2025, the Student's MET convened to review the Student's evaluation results and to determine the Student's eligibility for special education and related services.
6. The Complainants stated in the filed complaint and during an interview with the complaint investigator on August 8, 2025, that the MET did not determine the Student's eligibility during the May 21, 2025, meeting because the Student had not been evaluated in all areas agreed upon during the Student's April 8, 2025, review of existing data meeting and in accordance with the original informed written consent, now lost.
7. The District's Attorney stated in an interview with the complaint investigator on August 12, 2025, that the District's position is that it evaluated the Student in all agreed-upon areas within 60 days of receiving the Complainant's informed written consent.
8. On May 21, 2025, the Complainants' Attorney emailed the District's Attorney the following agreement to extend the 60-day evaluation timeline by an additional 30 days:³³

³¹ PWN dated April 8, 2025, includes, among other things, that the MET proposed to evaluate the Student in the areas of academics, autism, communication, social-emotional, and motor/sensory. PWN dated April 10, 2025, includes, among other things, that the MET proposed to evaluate the Student in the areas of academics, behavior, and socio-emotional. The April 10, 2025, PWN also listed autism spectrum disorder, particularly pragmatic language, social communication, and executive functioning as options the agency considered. The "Reasons these options were rejected" section of the April 10, 2025, PWN and the section "Description of evaluation procedures, test record, or report the agency used/will use as a basis for proposed action" were left blank.

³² If informed written consent was signed April 8, 2025, as the Complainants allege, the MET would have been required to convene on or before June 7, 2025, to be within the prescribed 60-day evaluation timeline.

³³ If informed written consent was signed April 8, 2025, as the Complainants allege, the MET would have been required to convene on or before July 7, 2025, to be within the prescribed 90-day evaluation timeline.

- Parents agree to a 30-day extension for the MET timeline so that a standardized autism evaluation can be conducted, parent and student rating scales can be administered, and the attached court-ordered psychological evaluation can be reviewed and considered.
9. On May 22, 2025, the Complainant signed an informed written consent to evaluate the Student in the following areas:
- ADOS³⁴
 - BASC³⁵
 - And/or GARS/GAARS^{36,37}
10. The Student's multi-disciplinary evaluation team convened on July 23, 2025, reviewed the Student's evaluation results, and determined the Student's eligibility for special education and related services.^{38,39}

CONCLUSIONS AND FINDINGS

The regulations that implement the IDEA state that an evaluation must be completed within 60 days of the date the school received informed written consent from the parent or within the timeframe established by the State.⁴⁰ Arizona State Board of Education rules clarify that if the evaluation or reevaluation is initiated by the school, it must be conducted within 60 days from the date the school received informed written parental consent.⁴¹ The 60-day evaluation period shall commence upon the [school's] receipt of the parent's informed written consent"⁴²and shall conclude with the date of the Multidisciplinary Evaluation Team (MET) determination of eligibility."⁴³

The 60-day evaluation period may be extended for an additional 30 days, provided that it is in the best interest of the child, and the parent and PEA agree in writing to such an extension. Neither the 60-day evaluation period nor any extension shall cause a re-evaluation to exceed the time-lines for a re-evaluation within three years of the previous evaluation.⁴⁴

The IDEA regulations required the District to convene the Student's MET to determine the Student's eligibility for special education and related services within 60 days of receiving the parent's informed written consent. In this case, as noted in the findings of fact, the District is unable to locate the original informed written consent signed by the Complainant following the review of existing data meeting on April 8, 2025; therefore, it is impossible to establish when the 60-day evaluation timeline began. Although the April 8, 2025, and April 10, 2025, PWNs document the areas the MET proposed and considered to evaluate the Student, the PWNs are discrepant from one another and do not replace the original signed informed written consent in determining what areas the Student was to be evaluated. Also noted in the findings of fact, the parties agreed to extend the 60-day evaluation timeline by an additional 30 days in order for the District to assess the Student in the

³⁴ The Autism Diagnostic Observation Schedule (ADOS) is a standardized diagnostic tool for assessing and diagnosing Autism Spectrum Disorders. ADOS is designed to assess communication, social interaction, and play or imaginative use of materials for individuals suspected of having autism. The tool is highly regarded for its ability to provide a standardized way to evaluate and measure autism across various age groups and developmental levels.

³⁵ Behavior Assessment System for Children (BASC) is a valuable tool used by psychologists and educators to evaluate the behavior and adaptive skills of children and adolescents. The BASC provides valuable insights into a child's behavioral and emotional functioning.

³⁶ The Gilliam Autism Rating Scale (GARS-3) is a standardized assessment tool designed to help identify autism symptoms in individuals aged 3 to 22 years. It focuses on key areas such as social interaction, communication, and stereotyped behaviors, providing valuable insights for parents, educators, and clinicians. This questionnaire aims to evaluate specific behaviors and characteristics to determine if further assessment or intervention is necessary.

³⁷ GAARS-It is unclear what is meant by this acronym.

³⁸ July 23, 2025, is 106 days beyond the initial RED meeting, and the date that Complainants allege the original informed written consent was signed on April 8, 2025, and 62 days beyond May 22, 2025, when another informed written consent was signed.

³⁹ A series of undated PWNs regarding the Student's reevaluation was provided by the District in response to the complaint investigator's document request. It is unclear if these PWNs were drafts or PWNs of record.

⁴⁰ 34 C.F.R. § 300.301(c)(1)

⁴¹ A.A.C. R7-2-401(E)(3)

⁴² *Id.* at (E)(4)

⁴³ *Id.* at (E)(3)

⁴⁴ A.A.C. R7-2-401(E)(5)

area of autism. To this end, another informed written consent was signed by the Complainant on May 22, 2025. Although both parties agreed to extend the original 60-day timeline for an additional 30 days, it should be noted that this agreement would extend the evaluation timeline to 90 days from the date of the original informed written consent. Because the original date that consent was provided by the Complainant cannot be established, the timeline for the additional 30 days is also indeterminate. Additionally, the regulations stipulate that a 30-day extension to the federally mandated 60-day evaluation timeline *must be in the best interest of the child*. The regulation does not allow such an extension simply because the District needs more time to complete assessments or, in this case, as a remedy to the District's failure to maintain control over the Complainant's initial informed written consent. Because neither the beginning of the evaluation timeline nor the areas in which the Student was to be assessed can be determined, ADE/ESS finds that the District did not convene the Student's multi-disciplinary evaluation team (MET) to determine the Student's eligibility for special education and related services within 60 calendar days of receiving the Complainants' informed written consent to reevaluate the Student in accordance with the Individuals with Disabilities Education Act's (IDEA) procedural requirements and is, therefore, in noncompliance regarding this issue.

ISSUE 8

Whether the District assessed the Student in the following areas as documented in the Complainant's informed written consent obtained in accordance with the Individuals with Disabilities Education Act's (IDEA) procedural requirements?

- **Academics**
- **Behavior**
- **Social/emotional**
- **Autism**

FINDINGS OF FACT

1. Prior written notice dated April 8, 2025, documents, among other things, that the Student's MET reviewed existing data on April 8, 2025, and concluded that additional data were needed to determine the Student's continued eligibility for special education and related services.
2. As of this writing, the District is unable to locate the original informed written consent signed by the Complainant on or around April 8, 2025, following the review of existing data meeting on April 8, 2025.
3. On May 22, 2025, the Complainant signed an informed written consent to evaluate the Student in the following areas:
 - ADOS
 - BASC
 - And/or GARS/GAARS
4. The Student's special education evaluation report dated July 23, 2025, documented that the Student was evaluated in the following areas:
 - Academics - administered May 13, 2025
 - Communication (Test of Pragmatic Language) - administered April 17, 2025
 - Social/Emotional (GARS-3) - administered March 31, 2025⁴⁵
 - Behavior Assessment for Children (BASC) - administered May 20, 2025

⁴⁵ This date is prior to the RED meeting. It is unclear if this is the correct date or a clerical error.

- Autism Diagnostic Observation Scale (ADOS) - administered June 12, 2025
 - Motor/Sensory
 - Beery-Buktenica Developmental Test of Visual-Motor Integration (VMI) - administered April 14, 2025 ⁴⁶
 - Sensational Brain: Sensory Symptoms Checklist - administered May 15, 2025
5. A written statement dated August 24, 2025, emailed to the complaint investigator from the District's Attorney, included, among other things, the following statements:
- The District has a record of Complainant's May 22, 2025 informed written consent for Student's ADOS evaluation. It does not have a record of signed written consent for the evaluations performed in the areas of academics, communication, social emotional or motor/sensory.
 - The District contracted with an outside provider to conduct the evaluations identified above. The District has identified fidelity concerns with the provider and is actively hiring staff in order to have the capacity to complete evaluations in-house. It has also hired two additional individuals in the special education department to assist with compliance and documentation.

CONCLUSIONS AND FINDINGS

The regulations that implement the IDEA state that each public agency must ensure that the child is assessed in all areas related to the suspected disability, including, if appropriate, health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status, and motor abilities.⁴⁷ The regulations that implement the IDEA state that an evaluation must be completed within 60 days of the date the school received informed written consent from the parent or within the timeframe established by the State.⁴⁸

The IDEA regulations required the District to evaluate the Student in all areas of suspected disability and in accordance with the informed written consent provided to the District by the Complainant. In this case, as the District acknowledges, it is unable to locate the original informed written consent signed by the Complainant following the Student's review of existing data meeting on April 8, 2025, where the MET agreed that additional data were needed to determine the Student's eligibility for special education and related services. Therefore, it cannot be established in which areas the Complainant initially consented to the Student being assessed. As noted in the findings of fact, the Complainant provided another informed written consent on May 22, 2025, to assess the Student specifically for autism. Because the original informed written consent is lost, the documentation provided by the District does not clearly establish which areas the Complainant consented to have the Student assessed, therefore, ADE/ESS finds that the District did not assess the Student in the areas documented in the Complainant's informed written consent in accordance with the Individuals with Disabilities Education Act's (IDEA) procedural requirements and is, therefore, in noncompliance regarding this issue.

⁴⁶ The Beery-Buktenica Developmental Test of Visual-Motor Integration (Beery VMI) is a gold standard measure designed to identify challenges related to the coordination of visual and motor skills in both children and adults.

⁴⁷ 34 C.F.R. § 300.304(c)(4)

⁴⁸ 34 C.F.R. § 300.301(c)(1)

ISSUE 9

Whether the District extended the Student's 60-day evaluation timeline for an additional 30 calendar days in accordance with the Arizona Administrative Code's (A.A.C.) procedural requirements?

FINDINGS OF FACT

1. Prior written notice dated April 8, 2025, documents, among other things, that the Student's MET reviewed existing data on April 8, 2025, and concluded that additional data were needed to determine the Student's eligibility for special education and related services.
2. As of this writing, the District is unable to locate the original informed written consent signed by the Complainant on or around April 8, 2025, following the review of existing data meeting on April 8, 2025.
3. On May 21, 2025, the Complainants' Attorney emailed the District's Attorney the following agreement to extend the 60-day evaluation timeline by an additional 30 days:⁴⁹
 - Parents agree to a 30-day extension for the MET timeline so that a standardized autism evaluation can be conducted, parent and student rating scales can be administered, and the attached court-ordered psychological evaluation can be reviewed and considered.
4. On May 22, 2025, the Complainant signed an informed written consent to evaluate the Student in the following areas:
 - ADOS
 - BASC
 - And/or GARS/GAARS
5. The Student's multi-disciplinary evaluation team convened on July 23, 2025, reviewed the Student's evaluation results, and determined the Student's eligibility for special education and related services.

CONCLUSIONS AND FINDINGS

The 60-day evaluation period may be extended for an additional 30 days, provided that it is in the best interest of the child, and the parent and PEA agree in writing to such an extension. Neither the 60-day evaluation period nor any extension shall cause a re-evaluation to exceed the timelines for a re-evaluation within three years of the previous evaluation.⁵⁰

The Arizona Administrative Code (A.A.C.) allows an extension to the federally mandated 60-day evaluation period by an additional 30 calendar days. Such an extension must be in the child's best interest, and the parent and public education agency must agree in writing. As noted in the findings of fact, although there is a written agreement between the District and Complainant for the extension so that agreed-upon testing can be completed, there is nothing to support that this decision was based on the best interest of the child, and not simply an effort to afford the District more time to evaluate the Student to remedy the lost informed written consent. Furthermore, because the start date of the original 60-day evaluation timeline cannot be established due to lost documentation, a 30-day extension to this timeline also cannot be established. As a result, ADE/ESS finds that the District did not extend the Student's 60-day evaluation timeline for an additional 30 calendar days in accordance with the Arizona Administrative Code (A.A.C.) procedural requirements and is, therefore, in noncompliance regarding this issue.

⁴⁹ If informed written consent was signed April 8, 2025, as the Complainants allege, the MET would have been required to convene on or before July 7, 2025, to be within the prescribed 90-day evaluation timeline.

⁵⁰ A.A.C. R7-2-401(E)(5)

ISSUE 10

Whether the District changed the Student's placement when the Student began the 2025-2026 school year on July 16, 2025, in accordance with the Individuals with Disabilities Education Act's (IDEA) procedural requirements?

FINDINGS OF FACT

1. The Student began the 2025-2026 school year on July 16, 2025.⁵¹
2. The Student began the 2025-2026 school year with a current individualized education program (IEP) dated February 24, 2025.^{52,53}
3. The Student's February 24, 2025, IEP documents the Student's least restrictive environment as inside the regular class less than 40% of the day.
4. A written statement dated August 24, 2025, emailed to the complaint investigator from the District's Attorney, included, among other things, the following statement:
 - Student's placement at the time of his reenrollment on February 25, 2025 was a Level C placement, in accordance with this February 24, 2025, IEP.⁵⁴
 - The District concedes that for five school days, from July 16, 2025, to July 23, 2025, Student was in the regular classroom for 80% or more of the day.⁵⁵
5. Although after the filing of the complaint, it is important to note that on July 23, 2025, the Student's IEP team convened and agreed that the Student's least restrictive environment is inside the regular class 80% or more of the day.

CONCLUSIONS AND FINDINGS

The IDEA gives responsibility for determining eligibility, special education and related services, and educational placement for a child with a disability to the child's IEP team, which is a group of individuals comprised of certain school personnel and at least one of the child's parents as described in 34 C.F.R. § 300.321. The regulations that implement the IDEA state that each public agency must ensure that to the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, are educated with children who are nondisabled; and 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.⁵⁶

The IDEA regulations stipulate that a child's educational placement must be made by the IEP team. In this instance, the Student's February 24, 2025, IEP, which was in effect when he began the 2025-2026 school year on July 16, 2025, documents his least restrictive environment (LRE) as inside the regular class less than 40% of the day. As noted in the findings of fact, the District acknowledges, and documentation confirms, that the District unilaterally changed the Student's educational placement from July 16, 2025, until July 23, 2025, when the Student's IEP team convened to change the Student's placement. Based on the foregoing, ADE/ESS finds

⁵¹ According to the Arizona Education Data Standards (AzEDS), the Arizona Department of Education's data reporting system.

⁵² During an interview with the complaint investigator on August 12, 2025, the District stated that the Student's IEP dated April 8, 2025, is believed to have been a draft and was not implemented.

⁵³ In a written statement dated August 24, 2025, emailed to the complaint investigator from the District's Attorney, the District asserted that it "reasonably believes that the May 21, 2025, IEP was a draft that was not implemented".

⁵⁴ Level C means the Student's least restrictive environment is inside the regular class less than 40% of the day.

⁵⁵ The complaint was filed on July 18, 2025.

⁵⁶ 34 C.F.R. § 300.114 (a)(2)

that the District changed the Student's placement outside of the IEP team process when the Student began the 2025-2026 school year on July 16, 2025, and is, therefore, in noncompliance regarding this issue.

ISSUE 11

Whether the District provided the Complainant with prior written notice before implementing the changes made to the Student's May 21, 2025, IEP in accordance with the Individuals with Disabilities Education Act's (IDEA) procedural requirements?

FINDINGS OF FACT

1. On May 21, 2025, the Student's IEP team convened to review the Student's reevaluation data and to review and revise the Student's February 24, 2025, IEP.⁵⁷
2. Prior written notice dated May 21, 2025, documented, among other things, that the Student's IEP team agreed to postpone the review and revision of the Student's February 24, 2025, IEP until after additional assessment had been completed.⁵⁸
3. A written statement dated August 24, 2025, emailed to the complaint investigator from the District's Attorney, included, among other things, the following statement:
 - The District reasonably believes the May 21, 2025 IEP was a draft that was not implemented. The District does not have a record of the May 21, 2025 IEP being implemented or [sic] the Complainant was provided a copy. Additionally, the May 21, 2025 prior written notice states "The parent's advocate requested to have a full rating scale evaluation (ADOS, BASC and GARS) before further discussing the full IEP."

CONCLUSIONS AND FINDINGS

The federal regulations require a school to provide parents with written notice a reasonable time before the public agency proposes or refuses to initiate or change the identification, evaluation, or educational placement of the child or the provision of a FAPE to the child.⁵⁹ PWN is a communication tool that is to be provided to parents after a team makes a decision but before that decision is implemented by the school. The United States Department of Education/Office of Special Education Programs (OSEP) provides additional guidance, explaining that parents are entitled to an explanation for the reasons why a school refuses to include parental recommendations into a student's finalized IEP.⁶⁰ In accordance with the requirements of IDEA, prior written notice shall be provided to the parents of a child within a reasonable time after the PEA (public education agency) proposes to initiate or change, or refuses to initiate or change, the identification, evaluation, educational placement or the provision of FAPE to the child, but before the decision is implemented."⁶¹

Although this issue was not included in the original submitted State complaint, the Complainant's Attorney included the allegation during the Complainant's interview on August 8, 2025. The IDEA regulations require that PWN be provided to the parent after an IEP team decision is made, and prior to implementing that decision. As noted in the findings of fact, the District asserts that the Student's IEP dated May 21, 2025, was a draft and was not implemented; therefore, no changes were made to the Student's programming on May 21, 2025. As such, the District was not required to provide the Complainants with PWN. Based on the foregoing, ADE/ESS

⁵⁷ The District did not submit a meeting notice for the May 21, 2025, meeting. The purpose of the meeting is documented in the PWN dated May 21, 2025.

⁵⁸ The prior written notice dated May 21, 2025, is not completed and does not include a notice date or a date on which a written notice was given to parents. The date is included in the body of the text. Further, the District did not provide documentation that this PWN was sent to the Complainants following the meeting. As such, it is unclear whether this PWN is a draft or an official document; however, since the PWN is cited in the written response from the District's Attorney (see FoF #3), ADE/ESS accepts it as an official document.

⁵⁹ 34 C.F.R. § 300.503(a)(1)-(2)

⁶⁰ *Letter to Faustini*, 32 IDELR 2006 (OSEP) 1999)

⁶¹ Arizona Administrative Code (A.A.C.) R7-2-401(I)(2)

finds that the District was not required to provide the Complainant with prior written notice before implementing the Student's May 21, 2025, IEP in accordance with the Individuals with Disabilities Education Act's (IDEA) procedural requirements and is, therefore, in compliance regarding this issue.⁶²

ISSUE 12

Whether the District determined the Student's eligibility for extended school year services (ESY) by April 7, 2025, 45 calendar days before the District's last day of school, May 22, 2025, in accordance with the Individuals with Disabilities Education Act (IDEA) and Arizona Administrative Code's (A.A.C.) procedural requirements?

FINDINGS OF FACT

1. The Student's February 24, 2025, IEP was in effect on April 7, 2025.
2. The Student's February 24, 2025, IEP included, among other things, the following statements regarding the Student's eligibility for extended school year (ESY).

IEP Team Consideration for Extended School Year

Consideration for eligibility: IEP team considered ESY eligibility in the areas of regression and recoupment factors and essential skills at a critical stage of development. IEP team rejected ESY eligibility in regression/recoupment factor because This is an initial IEP. ESY data will be collected, and the team will meet before the end of the school year to determine ESY eligibility. IEP team rejected ESY eligibility in essential skills at a critical stage of development because This is an initial IEP. ESY data will be collected, and the team will meet before the end of the school year to determine ESY eligibility.

Eligible for ESY: Decision not made at this time, The IEP Team to meet on or before: 5/30/2023.

Written explanation as to why ESY is or is not needed:

This is an initial IEP. ESY data will be collected, and the team will meet before the end of the school year to determine ESY eligibility.

3. The last day of the 2024-2025 school year for the District was May 22, 2025, according to the academic calendar posted on the District's website.
4. A written statement dated August 24, 2025, emailed to the complaint investigator from the District's Attorney, included, among other things, the following statement:
 - The District does not have a record that the Student's eligibility for ESY was determined by April 7, 2025.

CONCLUSIONS AND FINDINGS

Under Arizona law, ESY is necessary if "the benefits that the pupil gained during the regular school year would be significantly jeopardized if the pupil is not provided educational services [,and if] the pupil would experience severe or substantial regression if the pupil is not provided educational services during recesses or the summer months and the regression would result in substantial skill loss of a degree and duration that would seriously impede the pupil's progress toward educational goals."⁶³ Furthermore, the IEP Team determines ESY eligibility each time a student's IEP is reviewed or revised. If the need for ESY services is not known at the time of the IEP meeting, the team identifies the date it will reconvene to determine ESY (no later than 45 calendar days from the end of the school year).⁶⁴ The purpose of ESY is to prevent regression and recoupment problems, rather than advance the educational goals outlined in the student's IEP.⁶⁵ Arizona law further explains that ESY is not based on the need or desire for daycare or respite care services, a program to maximize the academic potential of pupils with disabilities, or a summer recreation program for pupils with

⁶² The District is reminded to submit only official documents for ADE's perusal and not drafts.

⁶³ A.R.S. § 15-881(A)

⁶⁴ A.R.S. § 15-881

⁶⁵ *Letter to Myers*, 16 EHLR 290 (OSEP 1989)

disabilities.⁶⁶ The analysis of factors considered by an IEP team to determine ESY eligibility is a state matter,⁶⁷ and Arizona has established a range of factors that an IEP team needs to consider in order to determine eligibility for ESY services.

Although this issue was not included in the original submitted State complaint, the Complainant's Attorney included the allegation during the Complainant's interview on August 8, 2025. According to the IDEA and A.A.C. regulations, the District was required to determine the Student's eligibility for ESY services at least 45 days prior to the last day of the regular school year. In this case, by April 7, 2025. As noted in the findings of fact, the District acknowledges, and documentation confirms, that the Student's ESY eligibility was not determined by April 7, 2025, as required by the regulations. As such, ADE/ESS finds that the District did not determine the Student's eligibility for extended school year services (ESY) by April 7, 2025, 45 calendar days before the District's last day of school, May 22, 2025, in accordance with the Arizona Administrative Code's procedural requirements and is, therefore, in noncompliance regarding this issue.

OTHER AREAS OF CONCERN

1. The Complainants allege that the District backdated the permission to evaluate signed by the Parent on May 22, 2025.

As explained to the Complainant by the complaint investigator during an interview on August 8, 2025, the regulations that implement the IDEA state that "[a] parent who believes that information in the education records collected, maintained, or used under [the IDEA] is inaccurate or misleading or violates the privacy or other rights of the child may request the participating agency that maintains the information to amend the information. The agency must decide whether to amend the information in accordance with the request within a reasonable period of time of receipt of the request. If the agency decides to refuse to amend the information in accordance with the request, it must inform the parent of the refusal and advise the parent of the right to a hearing under § 300.619."⁶⁸ "If, as a result of the hearing, the agency decides that the information is inaccurate, misleading or otherwise in violation of privacy or other rights of the child, it must amend the information accordingly and so inform the parent in writing. If, as a result of the hearing, the agency decides that the information is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the child, it must inform the parent of the parent's right to place in the record the agency maintains of the child a statement commenting on the information setting forth any reasons for disagreeing with the decision of the agency." Because the IDEA spells out a remedy for addressing this concern, this office cannot interject itself to short-circuit the established procedure.⁶⁹

2. The Complainants stated in an email dated August 7, 2025, which is after the filing of the complaint on July 18, 2025, that the District has not provided the following records after several requests:

- **The first Permission to Evaluate form that [REDACTED] asserts the Complainant signed at the first RED/MET-1 meeting that took place on April 8, 2025.**
The District is not able to locate this record. It was addressed in framed issue #7 above.
- **Updated discipline records, removing the Student's expulsion.**
This was requested as part of the records request made February 15, 2025, and was addressed in framed issue #3 above.
- **The 2/24/25, 4/8/25, and 5/21/25 IEPs included in the document titled "IEPs" had never previously been produced to parent or [Student's] legal representation, despite multiple requests.**

⁶⁶ A.R.S. § 15-881(D)

⁶⁷ 34 C.F.R. Part 300, Analysis of Comments and Changes, Subpart B-State Eligibility, *Federal Register*, Vol. 71, No. 156, p. 46582 (August 2006)

⁶⁸ 34 C.F.R. § 300.618

⁶⁹ 34 C.F.R. § 300.620 (a)-(b)

The Attorney for the Complainants acknowledges in this statement that these IEPs have been received. The District asserts that the April 8, 2025, and May 21, 2025, IEPs were drafts prepared prior to the meetings on those respective dates, and that these IEPs were not implemented by the District.

3. The Complainants assert that the District's records are inaccurate (IEPs dated April 8, 2025, May 21, 2025, and July 23, 2025).

As explained to the Complainant by the complaint investigator during an interview on August 8, 2025, the regulations that implement the IDEA state that "[a] parent who believes that information in the education records collected, maintained, or used under [the IDEA] is inaccurate or misleading or violates the privacy or other rights of the child may request the participating agency that maintains the information to amend the information. The agency must decide whether to amend the information in accordance with the request within a reasonable period of time of receipt of the request. If the agency decides to refuse to amend the information in accordance with the request, it must inform the parent of the refusal and advise the parent of the right to a hearing under § 300.619."⁷⁰ If, as a result of the hearing, the agency decides that the information is inaccurate, misleading or otherwise in violation of privacy or other rights of the child, it must amend the information accordingly and so inform the parent in writing. If, as a result of the hearing, the agency decides that the information is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the child, it must inform the parent of the parent's right to place in the record the agency maintains of the child a statement commenting on the information setting forth any reasons for disagreeing with the decision of the agency." Because the IDEA spells out a remedy for addressing this concern, this office cannot interject itself to short-circuit the established procedure.⁷¹

4. The Complainants allege that the Student's July 23, 2025, IEP does not include the agreed-upon services, does not include an ESY eligibility determination, the participant list is inaccurate, goals are not comprehensible, accommodations are not clear, state testing accommodations are not applicable to the Student's disability, and a counseling goal has not been included.

As explained to the Complainant by the investigator during the interview on August 8, 2025, the regulations that implement the IDEA require that a formal complaint brought against a school must "allege a violation that occurred not more than one year prior to the date that the complaint is received."⁷² Therefore, the timeframe of the complaint is July 18, 2024, through July 18, 2025. Because the alleged violation occurred after the filing of this State complaint on July 18, 2025, the Arizona Department of Education/Dispute Resolution lacks the authority to investigate or make a finding on this issue.

Additionally, the IDEA gives responsibility for determining the amount, duration and frequency of special education and related services for a child with a disability to the child's IEP team, which is a group of individuals comprised of certain school personnel and at least one of the child's parents as described in 34 C.F.R. § 300.321. If the Complainant wishes to have the IEP team reconvene to review the IEP and possibly revise it, the Arizona State Board of Education rules provide a remedy. According to these special education rules, a parent or school "may request in writing a review of the IEP and shall identify the basis for requesting [the] review. Such review shall take place within 45 school days of the receipt of the request at a mutually agreed upon date and time."⁷³ However, this office lacks the authority to substitute its judgment for that of the IEP team in determining a child's eligibility or whether or not the special education and related services are appropriate for the child. Therefore, the Arizona Department of Education/Dispute Resolution lacks the authority to investigate or make a finding on this issue.

Further, the regulations that implement the IDEA state that "[a] parent who believes that information in the education records collected, maintained, or used under [the IDEA] is inaccurate or misleading or violates the privacy or other rights of the child may request the participating agency that maintains the information to amend the information. The agency must decide whether to amend the information in accordance with the request within a reasonable period of time of receipt of the request. If the agency decides to refuse to amend the

⁷⁰ 34 C.F.R. § 300.618

⁷¹ 34 C.F.R. § 300.620 (a)-(b)

⁷² 34 C.F.R. § 300.153(c)

⁷³ A.A.C. R7-2-401 (G)(7)

information in accordance with the request, it must inform the parent of the refusal and advise the parent of the right to a hearing under § 300.619.”⁷⁴ “If, as a result of the hearing, the agency decides that the information is inaccurate, misleading or otherwise in violation of privacy or other rights of the child, it must amend the information accordingly and so inform the parent in writing. If, as a result of the hearing, the agency decides that the information is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the child, it must inform the parent of the parent’s right to place in the record the agency maintains of the child a statement commenting on the information setting forth any reasons for disagreeing with the decision of the agency.” Because the IDEA spells out a remedy for addressing this concern, this office cannot interject itself to short-circuit the established procedure.⁷⁵

5. The Complainants allege that multiple prior written notices sent by the District are undated.

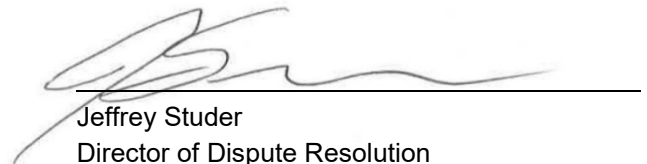
As explained to the Complainant by the complaint investigator during an interview on August 8, 2025, the regulations that implement the IDEA state that “[a] parent who believes that information in the education records collected, maintained, or used under [the IDEA] is inaccurate or misleading or violates the privacy or other rights of the child may request the participating agency that maintains the information to amend the information. The agency must decide whether to amend the information in accordance with the request within a reasonable period of time of receipt of the request. If the agency decides to refuse to amend the information in accordance with the request, it must inform the parent of the refusal and advise the parent of the right to a hearing under § 300.619.”⁷⁶ “If, as a result of the hearing, the agency decides that the information is inaccurate, misleading or otherwise in violation of privacy or other rights of the child, it must amend the information accordingly and so inform the parent in writing. If, as a result of the hearing, the agency decides that the information is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the child, it must inform the parent of the parent’s right to place in the record the agency maintains of the child a statement commenting on the information setting forth any reasons for disagreeing with the decision of the agency.” Because the IDEA spells out a remedy for addressing this concern, this office cannot interject itself to short-circuit the established procedure.⁷⁷

As stated in the federal regulations, the State Educational Agency (SEA) has the responsibility to “Issue a written decision to the complainant that addresses each allegation in the complaint and contains: (i) Findings of fact and conclusions; and (ii) The reasons for the SEA’s final decision.” [34 C.F.R. § 300.152(a)(5)] This Investigative Report constitutes the SEA’s final decision in this matter.

Done this 11th day of September 2025.



Janice Rakoczy
ADE/Dispute Resolution Complaint Investigator



Jeffrey Studer
Director of Dispute Resolution

The U.S. Department of Education has explained, “[i]f after the SEA’s final decision is issued, a party who has the right to request a due process hearing and who disagrees with the SEA’s decision may initiate a due process hearing, provided that the subject of the State complaint involves an issue about which a due process hearing can be filed and the two-year statute of limitations for due process hearings (or other time limit imposed by State law) has not expired.” [34 C.F.R. Part 300, Analysis of Comments and Changes, Subpart B – State Eligibility, *Federal Register*, Vol. 71, No. 156, p. 46607 (August 2006)]

This report is a confidential student record. Any disclosure must meet the requirements described in the regulations that implement the Family Educational Rights and Privacy Act at 34 C.F.R. §§ 99.30 through 99.39.

For consultation and support, parents of children with disabilities can contact Encircle Families (formerly Raising Special Kids), a nonprofit agency in Arizona that partners with the Arizona Department of Education. Encircle Families has family support specialists who are knowledgeable about special education and who are also the parents of a child with a disability, meaning they have sat on both sides of the table and can, therefore, provide a sounding board, information, and advocacy. They can be reached by phone at their toll-free number 800.237.3007. Their website is located at <https://encirclefamilies.org/>

⁷⁴ 34 C.F.R. § 300.618

⁷⁵ 34 C.F.R. § 300.620 (a)-(b)

⁷⁶ 34 C.F.R. § 300.618

⁷⁷ 34 C.F.R. § 300.620 (a)-(b)



Arizona Department of Education
Exceptional Student Services

LETTER OF CORRECTIVE ACTION

September 11, 2025

[REDACTED], Superintendent
[REDACTED] District

RE: [REDACTED] District: Reference Number: 3638

Dear Superintendent [REDACTED]

On July 18, 2025, our office received a formal state administrative complaint from [REDACTED] (Complainants), alleging that the [REDACTED] District (District) is in noncompliance in special education matters relating to [REDACTED] (Student). This letter is to outline actions the Public Education Agency (PEA) must undertake to correct noncompliance identified during the investigation, as explained in the Investigative Report sent to you on September 11, 2025. In accordance with the federal regulations that implement the Individuals with Disabilities Education Act (IDEA), when the State Educational Agency (SEA) identifies noncompliance on the part of a PEA, the SEA is responsible for ensuring that the noncompliance is corrected as soon as possible and in no case later than one year after the identification of noncompliance. [34 C.F.R. § 300.600(e)]

The SEA is responsible for ensuring that all public agencies within its jurisdiction meet the requirements of the Act and its implementing regulations. In light of the SEA's general supervisory authority and responsibility under sections 612(a)(11) and 616 of the Act, we believe the SEA should have broad flexibility to determine the appropriate remedy or corrective action necessary to resolve a complaint in which the SEA has found that the public agency has failed to provide appropriate services to children with disabilities...[34 C.F.R. Part 300, Analysis of Comments and Changes, Subpart D-Evaluation, Eligibility, IEP, Educational Placement, *Federal Register*, Vol.71, No. 156, p. 46685 (August 2006)]

Following is the corrective action required and the associated due dates:

Compensatory Educational Services

1. The District must submit a copy of the compensatory service plan that was developed in consultation with the Complainant and agreed upon on February 24, 2025, in the areas of basic reading skills, reading comprehension, reading fluency, written expression, math calculation, and math problem solving for the timeframe of November 4, 2024, until February 24, 2025. The plan must include the following information: (1) the types and amounts of special education services that were/will be made available to the Student; (2) the names and qualifications of the provider(s); (3) the start date of the services; (4) an outline of how the services were/will be provided; (5) the date or an estimated date of when the compensatory services were/will be completed and; (6) an explanation of how the District, in consultation with the Complainant, determined the amount of compensatory special education services to be made available. The plan must be submitted to the ESS DRCA email address listed below by the end of business day on **October 1, 2025**.

It is important to note that regarding compensatory education services, "[t]here is no obligation to provide a day-for-day compensation for time missed."⁷⁸ Furthermore, the term consultation is defined as communication between the District and Complainant in an effort to reach an agreement and does not mandate that the Student's individualized education program (IEP) team reconvenes.

⁷⁸ *Parents of Student W. v. Puyallup Sch. Dist.*, 31 F.3d 1489, 1496-97 (9th Cir. 1994)

2. The District's special education director must submit a letter to the ESS DRCA email address listed below, giving the District's assurance that all agreed-upon services were completed in accordance with the plan, no later than the end of business day **December 19, 2025**. A copy of this letter must be signed by the District's special education director.

Records Request

3. The District must provide documentation to the ESS DRCA inbox no later than **September 30, 2025**, that the District provided the Complainant with the requested education records under Part B, which it is obligated to do per the regulations that implement the IDEA. The letter, signed by the special education director, must list the records that the Complainant was provided in accordance with the regulations that implement the IDEA.
4. See training requirements in section #16.

Evaluation

5. The District must conduct a review of its evaluation policies, procedures, and systems with a specific focus on the following areas: (1) obtaining and maintaining a parent's informed written consent, (2) assessing in all areas of suspected disability, and (3) evaluation timelines, including procedures for utilizing the 30-day extension to the evaluation's 60-day timeline.
6. The District must submit to the DRCA email address listed below the results of this policy, procedure, and systems review documenting any changes that were made by **October 10, 2025**, to ensure that special education evaluations are conducted in accordance with the IDEA and the Arizona Administrative Code.
7. See training requirements below in section #16.

IEP Documentation

The IDEA is silent as to the time frame in which the copy of the IEP must be made available to the parents. In the discussion section of the regulations that accompany the regulations, the United States Department of Education writes that "the specific timeframe in which the public agency provides a copy of the IEP to the parent is best left to the public agency to determine."⁷⁹ In this instance, the District was unable to provide documentation that the IEP was provided until after the complaint was filed, raising the question of how it ensures special education documentation is provided to parents.

8. The District's Director of Special Education and relevant District staff must conduct a review of its policies, procedures, and practices, focusing on when special education documentation must be provided to parents, how the documentation is to be shared, and how District personnel will verify that documentation was provided to the parents.
9. The District must submit to the DRCA email address listed below the results of this policy, procedure, and practice review, identifying any changes that were made to ensure that special education documentation is provided to parents in a timely manner, noting how delivery of the documentation will be verified by **October 10, 2025**.

⁷⁹ 34 C.F.R. Part 300, Analysis of Comments and Changes, Subpart D - Evaluations, Eligibility, IEPs, and Educational Placement, *Federal Register*, Vol. 71, No. 156, p. 46687 (August 2006)

10. The District's special education director must compose a memo to special education teachers, special education case managers, related services personnel, and other relevant members of staff (whether employed by or contracted with the District) responsible for providing parents with copies of special education documentation, including current evaluations and IEPs. The memo must include: (1) timelines for the provision of copies of current evaluations and IEPs to the parent; (2) how the documentation will be provided; (3) how the provision of the documentation will be tracked.
11. Documentation that the memo was distributed to the above-mentioned personnel must be submitted to the DRCA email address listed below by the end of the business day, **October 31, 2025**. If the memo was provided to District personnel via email, cc:ing the DRCA inbox in the email will fulfill the documentation requirement.

IEP Implementation

12. The District's Director of Special Education and relevant District staff must conduct a review of its policies, procedures, and practices associated with the implementation of IEPs. The review should focus on ensuring that student IEPs, including the student's placement/least restrictive environment (LRE), are implemented on the student's first day of attendance. The review should also address whether processes include the provision of like services until the transfer-in IEP is adopted, or an IEP team reviews and revises the transfer-in IEP.
13. In order to ensure that District personnel working with students who qualify for special education and related services implement students' IEPs as written, whether it is a one-time occurrence or consistently, the District's special education director must compose a memo to special education teachers, general education teachers, special education case managers, related services personnel and other relevant members of staff (whether employed by or contracted with the District). The memo must include: (1) before working with a student, special education teachers, general education teachers, special education case managers, related services personnel and other relevant members of staff (whether employed by or contracted with the District) must confirm whether or not the student qualifies for special education and related services and, therefore, has an IEP; (2) if the student is a student who qualifies for special education and related services, special education teachers, general education teachers, special education case managers, related services personnel and other relevant members of staff (whether employed by or contracted with the District) must thoroughly review the student's IEP and ensure that it is implemented as written including Least Restrictive Environment; (3) information about whom personnel can contact at the campus or District level to receive additional technical assistance. The draft memo must be submitted for approval to the DRCA inbox email address listed below by the end of business day, **October 10, 2025**.
14. The approved memo must be distributed to special education teachers, general education teachers, special education case managers, related services personnel, and other relevant members of staff (whether employed by or contracted with the District) by the end of business day **October 31, 2025**.
15. Documentation that the approved memo was distributed to District personnel must be submitted to the DRCA inbox email address listed below by the end of business day, **October 31, 2025**. If the approved memo was provided to District personnel via email, cc:ing the DRCA inbox in the email will fulfill the documentation requirement.

Training

16. The District's Director of Special Education and relevant District staff must provide training to all personnel (whether employed by or contracted by the District) responsible for providing students a free, appropriate public education (FAPE), to include, but need not be limited to: general education teachers, special education teachers, related service providers, and paraprofessionals.⁸⁰ If the District would like to include the attorney for the District in the training, it may do so. The training may

⁸⁰ 34 C.F.R. § 300.17

be conducted individually, in a series of training sessions, or simultaneously. Topics of the training must include, but need not be limited to the following:

Evaluation

- Use the [AZ-TAS Evaluation](#) document located on the Arizona Department of Education's Exceptional Student Services webpage to develop the training.
- An evaluation must be completed within 60 days of the date the school received informed written consent from the parent or within the timeframe established by the State.⁸¹
- Arizona State Board of Education rules clarify that if the evaluation or reevaluation is initiated by the school, it must be conducted within 60 days from the date the school received informed written parental consent.⁸²
- The 60-day evaluation period shall commence upon the [school's] receipt of the parent's informed written consent.⁸³
- The 60-day evaluation period shall conclude with the date of the Multidisciplinary Evaluation Team (MET) determination of eligibility.⁸⁴
- The 60-day evaluation period may be extended for an additional 30 calendar days, provided it is *in the best interest of the child*, and the parent and Public Education Agency agree in writing to such an extension.
- Neither the 60-day evaluation period nor any extension shall cause a reevaluation to exceed the timelines for a reevaluation within three years of the previous evaluation.
- The PEA must provide documentation in the form of an attendance/verification sheet that all personnel responsible for and involved in student evaluations or reevaluations, and who serve as members of the IEP team or Multidisciplinary Evaluation Team participated in the required training documented above. Documentation should be sent to the DRCA email address listed below by the end of the business day, **January 30, 2026**.

The above-mentioned attendance/verification sheet must include: (1) the name(s) and role(s) of those in attendance; and (2) confirmation by those in attendance that they understand the evaluation or reevaluation timelines associated with the receipt of the parent's informed written consent, and the rules for extending the evaluation period.

Extended School Year Services (ESY)

- Use the [AZ-TAS Guidelines for Extended School Year Services](#) document located on the Arizona Department of Education's Exceptional Student Services webpage to develop the training.
- FAPE, or free appropriate public education, may include ESY
- ESY Services means special education and related services that are provided to a child with a disability beyond the normal school year, are in accordance with a child's IEP, are provided at no cost to the parents, and meet the standards of the state education agency (SEA). [34 C.F.R. § 300.106(b)]
- Under Arizona law, ESY is necessary if "the benefits that the pupil gained during the regular school year would be significantly jeopardized if the pupil is not provided educational services [, and if] the pupil would experience severe or substantial regression if the pupil is not provided educational services during recesses or the summer months and the regression would result in substantial skill loss of a degree and duration that would seriously impede the pupil's progress toward educational goals." [A.R.S. § 15-881(A)]
- The purpose of ESY is to prevent regression and recoupment problems, rather than advance the educational goals outlined in the student's IEP. [*Letter to Myers*, 16 EHRLR 290 (OSEP 1989)]

⁸¹ 34 C.F.R. § 300.301(c)(1)

⁸² A.A.C. R7-2-401(E)(3)

⁸³ *Id.* at (E)(4)

⁸⁴ *Id.* at (E)(3)

- If the need for ESY services is not known at the time of the IEP meeting, the team identifies the date it will reconvene to determine ESY (no later than 45 calendar days from the end of the school year).⁸⁵
- The PEA must provide documentation in the form of an attendance/verification sheet that all personnel responsible for making decisions related to ESY participated in the required training documented above. Documentation should be sent to the DRCA email address listed below by the end of the business day, **January 30, 2026**.

The above-mentioned attendance/verification sheet must include: (1) the name(s) and role(s) of those in attendance; and (2) confirmation by those in attendance that they understand the purpose of and the required timelines for making ESY decisions.

Records Requests

- In accordance with the regulations that implement the IDEA, schools must permit parents to inspect and review any education records relating to their child that are collected, maintained, or used by the school.
- Schools must comply with such a request before any IEP meeting, due process hearing, or resolution session, and in no case later than 45 days from the date of the request. [34 C.F.R. § 300.613(a)]
- The parents' right to inspect and review records includes the right to a reasonable explanation of the records and the right to request that the school provide copies of the records if failure to do so would prevent parents from exercising their right to inspect and review records. [*Id.* at subsection (b)]
- "Education record" is a term defined under FERPA and incorporated into the IDEA by reference. FERPA defines education records as records that are directly related to a student and that are maintained by an educational agency. [20 U.S.C. § 1232g(d); 34 C.F.R. § 99.3] The regulations that implement the IDEA further delineate and narrow the FERPA definition to mean education records relating to eligible students that are collected, maintained, or used by the school under Part B of the IDEA. [34 C.F.R. § 300.613.(a)] Therefore, a "special education record" (relating to the identification, evaluation, educational placement, or the provisions of free appropriate public education to a child) under the IDEA is a smaller subset of the term "education record" as defined under FERPA.
- Education records do not include records that are kept in the sole possession of the maker of the records, are used only as a personal memory aid, and are not accessible or revealed to any other person except a temporary substitute for the maker of the records. [20 U.S.C. § 1232g(d); 34 C.F.R. § 99.3]
- The PEA must provide documentation in the form of an attendance/verification sheet that all personnel responsible for fulfilling record requests participated in the required training documented above. Documentation should be sent to the DRCA email address listed below by the end of the business day, **January 30, 2026**.

The above-mentioned attendance/verification sheet must include: (1) the name(s) and role(s) of those in attendance; and (2) confirmation by those in attendance that they understand the responsibilities of, and timelines associated with fulfilling a records request.

Prior Written Notice

- Use the [PWN training](#) and the [AZ-TAS PWN](#) located on the Arizona Department of Education's Exceptional Student Services webpage to develop the training, noting:
- the required times to provide parents/guardians/adult students with PWN,
- PWNs are provided after decisions are made and before the decisions are implemented.

⁸⁵ A.R.S. § 15-881

- The PEA must provide documentation in the form of an attendance/verification sheet that all personnel responsible for providing PWNs participated in the required training documented above. Documentation should be sent to the DRCA email address listed below by the end of the business day, **January 30, 2026**.

The above-mentioned attendance/verification sheet must include: (1) the name(s) and role(s) of those in attendance; and (2) confirmation by those in attendance that they understand the responsibilities of and required instances of when to provide PWN notifications.

FAPE

- The District's Director of Special Education must submit its FAPE training materials to the DRCA email listed below prior to conducting the training or no later than **November 26, 2025**.
- FAPE is a legal right granted to students with disabilities under the Individuals with Disabilities Education Act (IDEA).
- Under the Individuals with Disabilities Education Act, public education agencies must make FAPE, or free appropriate public education, available to all eligible children aged 3 to 21.
- Public education agencies are responsible for providing a special education program that is reasonably calculated to enable a student to make progress appropriate in light of his circumstances, according to *Endrew F. v. Douglas County School District RE-1*, 69 IDELR 174 (U.S. 2017), and provides an educational benefit, per *Board of Education of Hendrick Hudson Central School District v. Rowley*, 553 IDELR 656 (U.S.1982).
- Public education agencies are responsible for ensuring that individualized special education and related services are provided to all children without regard to the severity of their disability in the least restrictive environment, are provided at no cost to the parents, and are in alignment with the standards set by the state education agency (SEA).
- The Individuals with Disabilities Education Act (IDEA) and its implementing regulations obligate schools to make a free appropriate public education (FAPE) available to students with disabilities, which means that the eligible student is entitled to special education and related services that are provided **in conformity with an IEP**. [20 U.S.C. § 1401(9); 34 C.F.R. § 300.17].
- A public education agency denies a student with a disability a FAPE when it deprives the student of an educational benefit, and/or materially fails to implement essential elements of a student's IEP.
- FAPE provision when a student is subject to a disciplinary change of placement on the eleventh consecutive or cumulative day of removal from the student's least restrictive environment documented in the student's IEP.


17. The PEA must provide documentation in the form of an attendance/verification sheet that all personnel responsible for providing students a free appropriate public education (FAPE) participated in the required training(s) documented above. Documentation should be sent to the DRCA email address listed below by the end of the business day, **January 30, 2026**.

The above-mentioned attendance/verification sheet must include: (1) the name(s) and role(s) of those in attendance; and (2) confirmation by those in attendance that they understand the responsibilities of making FAPE available to all eligible children.

Please submit corrective action documentation to Dispute Resolution via email to DRCA@azed.gov.

We appreciate your cooperation and that of your staff as you work to correct the identified noncompliance and thereby ensure that the District is in compliance with federal and state special education requirements.

Done this 11th day of September 2025.



Jeffrey Studer
Director of Dispute Resolution

ec: ██████████, Complainant
██████████, Complainant
██████████, Attorney for the Complainants
██████████, Director of Special Education for ██████████ District
██████████, Attorney for the District
██████████, Program Support and Monitoring Specialist, Exceptional Student Services, ADE
ADE File