



February 5, 2026

**VIA Electronic Mail and U.S. Mail**

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**Re: Arizona State Schools for the Deaf and Blind – Tucson Campus**

Disability Rights Arizona is a non-profit public interest law firm and the designated protection and advocacy system for persons with disabilities in the State of Arizona. DRAZ advocates for the legal rights of persons with disabilities to be free from abuse, neglect, and discrimination, and to gain access to services that maximize independence and achieve equality. DRAZ provides legal representation in special education matters to children with disabilities, including children currently or formerly enrolled at the Arizona State Schools for the Deaf and Blind.

As you may know, Arizona State Schools for the Deaf and Blind (ASDB) Superintendent, Annette Reichman, [announced on January 14, 2026](#), that the current Tucson campus will be closed at the end of

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the 2025-2026 school year. ASDB has announced a plan to sign a five-year lease with the Amphitheater School District on a building that currently houses Copper Creek Elementary School, which will be closing at the end of the 2025-2026 school year.

We write you with concern about the plan to relocate ASDB's Tucson campus. As the plan has been described publicly and to families of ASDB students, ASDB will not serve blind and visually impaired students or any students who live outside of Tucson and reside at ASDB. The intent of this letter is to call attention to how the ASDB school closure may impact these two groups of students and to urge you to ensure that all children currently attending ASDB will continue to have access to the specialized services and school placement options required to meet their individual needs.

### **Factual Background**

On January 16, 2026, Superintendent Reichman announced that the Tucson ASDB campus would relocate at the end of the 2025-2026 school year. As announced to the public and to families, the plan is for some students who are currently attending ASDB to move to the building currently housing Copper Creek Elementary, while other current ASDB students will attend "cluster sites" within local school districts or will return to their home school districts. There is no plan to provide campus housing for students who live outside of Tucson to reside on the new campus or to move the residential students to a separate dormitory or other residence near the new ASDB campus.

As we understand the current plan, the new campus at Copper Creek Elementary will maintain programming and staff support for D/deaf and hearing-impaired students. These students can attend the new ASDB campus, which will operate as a specialized day school.

Local students who are blind or have visual impairments, on the other hand, will be sent to unknown "cluster sites," which will purportedly serve the children in specialized classrooms for a portion of the school day. During the remainder of the school day, these students will be in general classrooms with non-disabled peers. However, it is unclear whether the school districts where cluster sites are proposed to be located have agreed to accept all students, regardless of whether the students are otherwise within the districts' boundaries.

It is unclear where, if at all, ASDB will serve the current residential students.

### **The "Continuum of Placements" Under the Individuals with Disabilities Education Act (IDEA)**

An [opinion from the Arizona Attorney General's Office](#) dated April 2, 2021, as well as [legislation](#) from that same year amending A.R.S. § 15-1306, clarify that ASDB's schools are considered LEAs for purposes of federal education funding; state and federal accountability; provision of a free and appropriate public education (FAPE) "including procedural safeguards, complaint procedures, implementation of individualized education programs and reevaluations"; and graduation criteria and procedures.

Under the Individuals with Disabilities Education Act (IDEA), LEAs are required to provide a full continuum of alternative placements to their students. 34 C.F.R. § 300.115(a). In Arizona, placements are coded using a letter system, based on the percentage of the school day a student will spend with non-disabled peers, as follows:

- Level A: a regular class 80% or more of the day
- Level B: a regular class for not more than 79% of the day and no less than 40% of the day
- Level C: a regular class less than 40% of the day
- Level D: a public or private separate day school for greater than 50% of the school day
- Level E: a public or private residential facility for greater than 50% of the school day

In addition to being considered its own LEA, ASDB's Tucson campus serves as a Level D and Level E placement. Students placed at ASDB for the day program have a Level D placement reflected on their IEPs. Residential students have a Level E placement on their IEPs.

Presumably, the new ASDB Tucson campus at the former Copper Creek Elementary will also be considered a Level D placement because it will remain a separate day school for students with disabilities, and students placed there will continue to have Level D on their IEPs.

However, ASDB has indicated that it will no longer offer a Level D placement for blind and visually impaired students, who will be sent to "cluster sites" in neighboring school districts or will be sent back to their home school district. Nor is ASDB planning to offer a Level E residential placement for any student. In other words, the plan as described to the public and to families removes Level D placement options for students who are blind or visually impaired and removes Level E placement options entirely.

The current ASDB plan fails to provide the full continuum of alternative placements as required by the IDEA and its implementing regulations. ASDB's proposal would violate IDEA by eliminating two placements on the continuum for a discrete population of students.

**Upcoming IEP Changes are Likely to be Predetermined to Reflect Proposed Program Options, rather than Individual Student Needs**

Under the current ASDB plan, blind and visually impaired students, as well as any students who currently rely on ASDB's dormitories to attend ASDB, are facing a forced change in placement.

Although ASDB has stated it plans to hold IEP meetings for each of these students, the indication is that the purpose of these meetings is to change the students' placement level. Without a Level D school to serve the blind and visually impaired students, the outcome of such meetings is inevitable—their placements will be changed from Level D to Level A, B, or C so that they can be moved to a "cluster site" or sent back to their home school district. Regardless of any information presented to the IEP team about a student's individual needs at these meetings, the outcome appears predetermined and made unilaterally because ASDB decided to cease operating a Level D school that can serve the blind and visually impaired.

Likewise, for students who live in communities outside of Tucson or Phoenix, the only way to realistically attend school at ASDB is as a residential student. By not providing residential housing, ASDB appears to be unilaterally changing these students' placements. They will presumably be forced to return to their home school districts, which could not provide these students with FAPE, which is why they were referred to ASDB and left their families and communities behind in the first place.

Holding IEP meetings for these students after having already announced that ASDB will be shutting its doors to blind and visually impaired students and to students who require residential placement is performative, perfunctory and meaningless. ASDB will be denying parents of children with disabilities their procedural and substantive right to meaningfully participate in the development of their child's IEP.

The IDEA requires that LEAs ensure that parents of a disabled child have the opportunity to participate meaningfully in the development of the student's IEP. 34 C.F.R. § 300.327; 34 C.F.R. § 300.501. To avoid a finding that a student's IEP was impermissibly predetermined, the LEA must come to an IEP meeting with an open mind and meaningfully consider the parents' input. *R.L. and S.L. v. Miami-Dade County Sch. Bd.*, 757 F.3d 1173, 1188 (11th Cir. 2014).

The current ASDB plan, as described to families and the public, creates conditions in which IEP placement decisions are likely to be predetermined. Enacting a wrongful change in placement for an individual student may lead to a substantive denial of FAPE for that student. If this is done on a mass scale, it may lead to numerous due process complaints (and has already resulted in one known [lawsuit](#)) against which ASDB will be required to defend, somewhat negating the school's perspective that these steps will be cost-saving for the agency.

The Arizona Department of Education (ADE) should also be concerned, given its general supervisory authority under IDEA, about blanket policy changes that may lead to the denial of FAPE for a class of students.

### **Discrimination Based on Disability Type**

Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 United States Code (U.S.C.) § 794, and its implementing regulations at 34 Code of Federal Regulations (C.F.R.) Part 104, prohibit discrimination on the basis of disability by recipients of federal financial assistance. Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. §§ 12131 *et seq.*, and its implementing regulations at 28 C.F.R. Part 35, prohibit discrimination on the basis of disability by public entities. As a recipient of federal financial assistance from the U.S. Department of Education and a public entity, ASDB must comply with these laws and regulations.

The current ASDB plan treats students differently based on disability type. Copper Creek will welcome D/deaf and hearing impaired students, yet keep its doors closed to students who are blind or visually impaired. This denial of service for blind and visually impaired students may constitute discrimination on the basis of specific disability in violation of Section 504 of the Rehabilitation Act and the ADA.

### **Recommendations**

1. Ensure a full continuum of placements remains available to all students, regardless of disability. This will likely require developing space and programming for the blind and visually impaired at the Copper Creek campus so that a Level D option remains available to current and future Arizona students who may require a Level D placement.
2. Develop and implement a plan to provide a residential option on or near the Copper Creek campus for residential students so that a Level E option remains available to current and future Arizona students. Without ASDB housing, these students will either be denied FAPE in their home school districts, or their families will be forced to relocate to Tucson so their children can attend as day students; ASDB should be prepared to fund the cost of families' relocation.
3. Ensure that all IEP meetings held to discuss the placements of current ASDB Tucson students are not simply performative but include a thorough review of student data and allow for meaningful parent and student participation. All such meetings must include a representative from the student's home school district. Some families may request a reevaluation or independent educational evaluation to gather additional data regarding the student's placement needs; ASDB should be prepared to conduct or fund those evaluations.
4. In the event it is determined that ASDB is no longer the appropriate placement for a student, it must follow A.R.S. § 15-1342(G): "If the chief administrator of the home school district and the superintendent of the schools determine that the schools cannot provide the appropriate educational programs and services needed by the child, they shall locate or establish a program to meet the child's needs in consultation with the department of education and any other appropriate state agency." Therefore, if ASDB is no longer able to provide the educational program needed by an individual student because of the Tucson campus' closure, ASDB must work with the student's home school district, the Arizona Department of Education, and other appropriate state agencies to identify or establish such a program. No current ASDB students should find themselves simply "removed" from ASDB or "placed back at" their home school district—instead, the agencies must work together to either locate or create a program that meets each child's needs.
5. Given the circumstances surrounding the ASDB Tucson campus closure, the Arizona Department of Education should exercise its general supervisory authority to ensure compliance with IDEA during this transition. This might include oversight of all IEP meetings held to discuss changes in the placement of current ASDB students; provision of technical assistance to ASDB regarding its obligation to offer a continuum of placements; collaboration with ASDB and the home school district to locate or create appropriate programs for individual students whose needs cannot be met by ASDB as required by A.R.S. § 15-1342(G); developing a program or directly providing services to ASDB students as needed to ensure the provision of FAPE where ASDB as the LEA has failed to do so.

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We welcome your response to these concerns and intend to continue monitoring this situation closely. We trust the state of Arizona will fulfill its obligations to these students under state and federal law, as well as the Arizona constitution.

Sincerely,

A handwritten signature in black ink, appearing to read "Amanda Glass". The signature is fluid and cursive, with the first name "Amanda" being more prominent than the last name "Glass".

Amanda Glass  
Managing Attorney, Education Team  
Disability Rights Arizona