

<p>TUCSON UNIFIED SCHOOL DISTRICT</p> <p>GOVERNING BOARD POLICY</p>	<p>POLICY TITLE:</p> <p>Exceptional Education Instructional Programs</p>
	<p>POLICY CODE: IHB</p>

Scope of Services

A long-range plan will be the basis for providing special education services for students with exceptional needs and education requirements. These services may include specialized programs, personnel, facilities, materials, and equipment needed to promote the individual physical, social, intellectual, and emotional growth of exceptional students.

Compliance with the Law

The Superintendent shall ensure that procedures provide educational opportunities for individuals with disabilities and shall accomplish District compliance with federal laws including the Individuals with Disabilities Education Act (IDEA), the Arizona revised statutes, and the lawful regulations of the State Board of Education. Such procedures shall include, but not be limited to, the following provisions:

- A. The District will ensure that all children with disabilities, between the age of birth (0) through twenty-one (21) years, within the boundaries of the District, including children with disabilities who are homeless or wards of the state, and children with disabilities attending private schools or home schools, regardless of the severity of their disability, and who are in need of special education and related services are identified, located, and evaluated.
- B. A free appropriate public education (FAPE) shall be available to all children with disabilities aged three (3) through twenty-one (21) years within the District's jurisdiction, including children

advancing from grade to grade, those who have been suspended or expelled from school in accordance with the applicable IDEA rules and regulations, and any child with a disability the District has placed in or referred to a private school or facility. The District may refer to and contract with approved public or private agencies as necessary to ensure the provision of FAPE for children with disabilities. FAPE for an eligible student with a disability shall extend through conclusion of the instructional year during which the student attains the age of twenty-two (22).

- C. A full and individual initial evaluation will be conducted by the public education agency before the initial provision of special education and related services to a child with a disability in accordance with [34 C.F.R. 300.300–300.311](#) of the IDEA regulations. A reevaluation of each child with a disability will be conducted by the public education agency in accordance with [34 C.F.R. 300.300–300.311](#) of the IDEA regulations.
- D. Procedures for child identification and referral shall meet the requirements of the IDEA and its regulations, A.R.S. Title 15, chapter 7, and its regulations, and the State Board of Education rules [R7-2-401](#).
- E. The District shall ensure that an individualized education program (IEP) is developed and implemented for each eligible child served by the District and for each eligible child the District places in or referred to a private school or facility by the District in accordance with [34 C.F.R. 300.320 – 300.325](#) of the IDEA regulations. An IEP or an individualized family service plan (IFSP) will be in place for each child with a disability prior to the provision of FAPE.
- F. To the maximum extent appropriate, opportunities for the least restrictive environment, inclusion in educational exercises with regular program students, and for interaction with the total school environment will be provided to exceptional students, the exception to be only when the student's condition, with supplementary aids and services, make such regular class education unsatisfactory in accordance with [34 C.F.R. 300.114 – 300.117](#) of the IDEA regulations.
- G. The District shall establish, maintain, and implement procedural safeguards that meet the requirements of 34 C.F.R. 300.300 – 300.311 of the IDEA regulations. Parents will be provided with

notices of procedural safeguards in each specified instance and all due process conditions will be satisfied with respect to the provision of a free appropriate public education.

- H. The District will ensure that protection of the confidentiality of any personal identifiable data, information, and records collected or maintained by the District will be in accordance with [34 C.F.R. 300.611-300.627](#).
- I. To the extent essential to provide FAPE to children with disabilities aged three (3) through twenty-one (21), extended school year (ESY) services shall be made available and implemented as necessary.
- J. Criteria for the graduation of exceptional students, including accomplishment in reading, writing, and mathematics, shall be as specified in the District policy on graduation requirements. Such standards shall be equivalent to or greater than those established by the State Board of Education.
- K. Not later than March 1 of each year conduct a review of the reasonable and acceptable ratio of students per teacher for each disability category. The applicable ratios shall be specified in a regulation accompanying the District policy on class size.
- L. The discipline of exceptional students, and unevaluated students suspected of having a qualifying disability, is to be conducted in such a manner as to comply with FAPE and requirements of IDEA.

Discipline

A child with a disability may be disciplined for a violation of the student code of conduct, including removal from his or her current placement to an appropriate interim alternative education setting, another setting, suspension, or expulsion in accordance with IDEA Regulations [34 C.F.R. 300.530 through 300.536](#).

Home School District

For the purpose of this policy as it relates to a child with a disability, *home school district* means the school district in which the person resides who has legal custody of the child as provided in A.R.S. [15-824](#). If the child is a ward of the state and a specific person does not have legal custody of the child or is a ward of this state and the child is enrolled in an accommodation school pursuant to A.R.S. [15-913](#), the home school district is the district the child last attended or,

if the child has not previously attended a public school in this state, the school district within which the child currently resides.

Provide Notice of Procedures and Document Compliance The Superintendent is authorized and directed to establish procedures for the development and administration of the necessary programs, and to document District compliance with the law and this policy. Such procedures will be made available to staff members and to parents as necessary to enhance compliance.

Adopted: May 13, 2008 (Replaces TUSD Policy # 6800 – Special Education)

Revised: November 13, 2018

LEGAL REF.:

A.R.S. §

[15-761](#)

[15-761.01](#)

[15-763](#)

[15-763.01](#)

[15-764](#)

[15-765](#) to [15-769](#)

[15-771](#)

[15-773](#)

[15-881](#)

[15-1181](#) to [15-1185](#)

[15-1201](#) to [15-1205](#)

[36-555](#)

A.A.C.

[R7-2-401](#)

[R7-2-402](#)

[R7-2-403](#)

[R7-2-405](#)

[R7-2-601](#)

[R7-2-602](#)

[R7-2-603](#)

[20 U.S.C. 1400 et seq., Individuals with Disabilities Education Act](#)

[29 U.S.C. 794, Rehabilitation Act of 1973, \(Section 504\)](#)

[34 C.F.R. Part 300](#)

CROSS REF.:

[IIB – Class Size](#)

[IKE – Promotion and Retention of Students](#)

[IKF – Graduation Requirements](#)

[JK – Student Discipline](#)

[JR – Student Records](#)