

COMMITTEE ON EDUCATION
HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2375
(Reference to printed bill)

Amendment instruction key:

[GREEN UNDERLINING IN BRACKETS] indicates text added to statute or previously enacted session law.

[Green underlining in brackets] indicates text added to new session law or text restoring existing law.

[~~GREEN STRIKEOUT IN BRACKETS~~] indicates new text removed from statute or previously enacted session law.

[~~Green strikeout in brackets~~] indicates text removed from existing statute, previously enacted session law or new session law.

<<Green carets>> indicate a section added to the bill.

<<~~Green strikeout in carets~~>> indicates a section removed from the bill.

1 The bill as proposed to be amended is reprinted as follows:

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

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

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

10 B. Before a child who is suspected of having a disability is placed
11 in a special education program, an evaluation shall be made in accordance
12 with the individuals with disabilities education act (20 United States
13 Code section 1414) to determine whether ~~a~~ THE child is a child with a
14 disability. A school district or charter school shall specify explicitly
15 in the official notification to any parent that an initial evaluation may
16 be conducted AND that the parent has the option to consent TO or refuse
17 the initial evaluation in accordance with the individuals with
18 disabilities education act (20 United States Code sections 615 and 1414).
19 This evaluation shall be conducted within sixty days after receiving
20 parental consent for the evaluation. A reevaluation shall be conducted
21 not more than once each year, unless the parent and the public ~~education~~
22 EDUCATIONAL agency otherwise agree, and at least every three years if the
23 public educational agency determines that the educational or related
24 services needs of the child warrant a reevaluation, or if the child's
25 parents or teacher requests a reevaluation, unless the parent and the
26 public ~~education~~ EDUCATIONAL agency agree that a reevaluation is
27 unnecessary. IF THE PARENT SUBMITS A WRITTEN REQUEST ON OR AFTER MAY 1
28 AND BEFORE [~~SEPTEMBER 1~~] [AUGUST 15] TO THE HOME SCHOOL DISTRICT OF THE

1 PARENT'S CHILD FOR AN EVALUATION IN ACCORDANCE WITH THE INDIVIDUALS WITH
2 DISABILITIES EDUCATION ACT, THE HOME SCHOOL DISTRICT MUST EITHER BEGIN THE
3 EVALUATION OR PROVIDE TO THE PARENT WRITTEN NOTICE OF THE HOME SCHOOL
4 DISTRICT'S REFUSAL TO CONDUCT THE REQUESTED EVALUATION NOT LATER THAN
5 FIFTEEN CALENDAR DAYS AFTER RECEIPT OF THE REQUEST.

6 C. Any evaluation components that are appropriate to consider under
7 the specific circumstances may be shared by and among state agencies for
8 the purpose of expediting completion of the evaluation and placement
9 process.

10 D. The chief administrative official of the school district or
11 county or the person officially designated as responsible for special
12 education shall place the child, based ~~upon~~ ON the consensus
13 recommendation of the individualized education program team and subject to
14 due process pursuant to 20 United States Code section 1415, except that a
15 child shall not be placed in a special education program without the
16 written consent of the child's parent or guardian.

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

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

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

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

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

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

1 F. The public educational agency shall pay all costs incurred by
2 the office of administrative hearings associated with any hearing
3 conducted pursuant to this section and the public educational agency or a
4 public agency pool operated pursuant to section 11-952.01 in which the
5 public educational agency participates shall contract with the office of
6 administrative hearings for this purpose.

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

10 Enroll and engross to conform

11 Amend title to conform

And, as so amended, it do pass

MATT GRESS
CHAIRMAN

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