

***Owens-Whitney Elementary School District #6***

**Free Appropriate Public Education (FAPE)**

**POLICY**

A free appropriate public education (FAPE) will be available to all children within the boundaries of responsibility of ***Owens-Whitney Elementary School District #6***, including children with disabilities who have been suspended or expelled from school as provided for in §300.530(d) of the IDEA regulations.

**PROCEDURES**

**§300.306 Determination of Eligibility, 300.308 Additional Group Members**

***Owens-Whitney Elementary School District #6*** will make the determination that a child is eligible for special education and related services on an individual basis by a properly constituted team.

**§300.101 Free Appropriate Public Education**

**For Preschool Children (3 to 5)**

***Owens-Whitney Elementary School District #6*** will:

Refer any children who are suspected of having a disability to the appropriate unified district or elementary district for evaluation and, if appropriate, for services.

**For School-Aged Children (5 to 21)**

***Owens-Whitney Elementary School District #6*** will:

Refer any children who are suspected of having a disability to the appropriate unified district or elementary district for evaluation and, if appropriate, for services. ***Owens-Whitney Elementary School District #6*** will make FAPE available to any enrolled child who needs special education and related services, even though the child has not failed or been retained in a course or grade, and is advancing from grade to grade.

**ARS 15-764 Powers of the School District Governing Board or County School Superintendent**

- 1) The governing board of *Owens-Whitney Elementary School District #6* shall establish policy with regard to allowable pupil-teacher and procedures with regard to allowable pupil-teacher ratios within *Owens-Whitney Elementary School District #6* for provision of special education services.

**ARS 15-764B Powers of the School District Governing Board or County School Superintendent**

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

**§300.105 Assistive Technology**

- 1) *Owens-Whitney Elementary School District #6* will ensure that assistive technology devices or services or both will be available to a child with a disability, if required, as a part of:
  - a) Special education,
  - b) Related services, and
  - c) Supplementary aids and services.
- 2) On a case-by-case basis, *Owens-Whitney Elementary School District #6* will ensure the use of school-purchased assistive technology devices in a child's home or other setting if the child's IEP Team determines that the child needs access to those devices in order to receive FAPE.

**§300.106 Extended School Year Services (ESY)**

- 1) *Owens-Whitney Elementary School District #6* will make extended school year services available as necessary to provide FAPE to children with disabilities.
  - a) ESY services will be provided only if a child's IEP team determines, in accordance with §§300.320-300.324, that the services are necessary for the provision of FAPE.
  - b) Services will not be:
    - i) Limited to a particular category of disability; or
    - ii) Unilaterally limited to the type, amount or duration of services.

- 2) The ESY services that are provided to a child with a disability will:
  - a) Be provided beyond the normal school year of ***Owens-Whitney Elementary School District #6***;
  - b) Be provided in accordance with the child's IEP;
  - c) Be provided at no cost to the parents of the child; and
  - d) Meet the standards of the State.

### **§300.107 Nonacademic Services**

- 1) ***Owens-Whitney Elementary School District #6*** will afford children with disabilities an equal opportunity for participation in nonacademic and extracurricular services and activities including, as determined appropriate and necessary by the child's IEP team, the provision of supplementary aids and services.
- 2) Nonacademic and extracurricular services and activities may include counseling services, athletics, transportation, health services, recreational activities, special interest groups or clubs sponsored by ***Owens-Whitney Elementary School District #6***, referrals to agencies that provide assistance to individuals with disabilities, and employment of students, including both employment by ***Owens-Whitney Elementary School District #6*** and assistance in making outside employment available.

### **§300.108 Physical Education**

- 1) ***Owens-Whitney Elementary School District #6*** will make regular physical education services available to children with disabilities to the same extent that ***Owens-Whitney Elementary School District #6*** provides those services to children without disabilities, unless:
  - a) The child is enrolled full time in a separate facility; or
  - b) The child needs specially designed physical education as prescribed in the child's IEP.
- 2) If a child is enrolled in a separate facility, ***Owens-Whitney Elementary School District #6*** will ensure that the child receives appropriate physical education services.
- 3) If special physical education is prescribed in a child's IEP, ***Owens-Whitney Elementary School District #6*** will provide for those services either directly or through other public or private programs.

### **§300.110 Program Options**

***Owens-Whitney Elementary School District #6*** will ensure that children with disabilities have available to them the variety of educational programs and services that are available to nondisabled children, including art, music, industrial arts, consumer and homemaking education, and vocational education.

### **§300.113 Routine Checking of Hearing Aids and External Components of Surgically Implanted Medical Devices**

- 1) ***Owens-Whitney Elementary School District #6*** will ensure that the hearing aids worn in school by children with hearing impairments are functioning properly; and
- 2) The external components of surgically implanted medical devices (e.g., cochlear implants) are functioning properly, except that ***Owens-Whitney Elementary School District #6*** will not be responsible for any post-surgical maintenance programming, or replacement of any component external or internal, of the medical device.

### **§300.154 Methods of Ensuring Services**

- 1) ***Owens-Whitney Elementary School District #6*** may use the Medicaid or other public benefits or insurance programs in which a child participates to provide or pay for services required under IDEA, as permitted under the public benefits or insurance program, except that ***Owens-Whitney Elementary School District #6***:
  - a) May not require parents to sign up for or enroll in public benefits or insurance programs to receive FAPE;
  - b) May not require parents to incur out-of-pocket expenses such as payment of a deductible or co-pay for services required by IDEA, but may pay the cost that parents otherwise would be required to pay;
  - c) May not use a child's public benefit if that use would:
    - i) Decrease lifetime benefits;
    - ii) Result in the family paying for non-school services that would otherwise be paid for by public benefits;
    - iii) Increase premiums or lead to discontinuation of benefits; or
    - iv) Risk loss of eligibility.

- 2) ***Owens-Whitney Elementary School District #6*** must notify parents that their refusal to allow access to their public benefits does not relieve ***Owens-Whitney Elementary School District #6*** of its responsibility to provide all required IDEA services.
- 3) ***Owens-Whitney Elementary School District #6*** must obtain a one-time written consent from the parent, after providing written notification and before accessing the child's or the parent's public benefits for the first time. The consent must specify:
  - a) The personally identifiable information that may be disclosed;
  - b) The purpose of the disclosure; and
  - c) The agency to which the disclosure may be made.
- 4) ***Owens-Whitney Elementary School District #6*** must provide a written notification to the child's parents before accessing the child's or parent's public benefits or insurance for the first time and prior to obtaining the one-time parental consent and annually thereafter.

#### **AAC R7-2-401.F Parental Consent**

- 1) ***Owens-Whitney Elementary School District #6*** shall obtain informed written consent from the parent of the child with a disability before the initial provision of special education and related services to the child.
- 2) If the parent of a child fails to respond to a request for, or refuses to consent to, the initial provision of special education and related services, ***Owens-Whitney Elementary School District #6*** may not use mediation or due process procedures in order to obtain agreement or a ruling that the services may be provided to the child.
- 3) If the parent of the child refuses to consent to the initial provision of special education and related services, or the parent fails to respond to a request to provide consent for the initial provision of special education and related services, ***Owens-Whitney Elementary School District #6:***
  - a) Will not be considered to be in violation of the requirement to make available FAPE to the child because of the failure to provide the child with the special education and related services for which the parent refuses to or fails to provide consent, and
  - b) Is not required to convene an IEP team meeting or develop an IEP in accordance with these rules.
- 4) If, at any time after the initial provision of special education and related services, the parent of a child revokes consent in writing for the continued

provision of special education and related services, ***Owens-Whitney Elementary School District #6:***

- a) May not continue to provide special education and related services to the child, but shall provide prior written notice before ceasing the provision of special education and related services;
  - b) May not use the mediation procedures or the due process procedures in order to obtain agreement or a ruling that the services may be provided to the child;
  - c) Will not be considered to be in violation of the requirement to make FAPE available to the child because of the failure to provide the child with further special education and related services; and
  - d) Is not required to convene an IEP team meeting or develop an IEP for the child for further provision of special education and related services.
- 5) If a parent revokes consent in writing for the child's receipt of special education services after the child is initially provided special education and related services, ***Owens-Whitney Elementary School District #6*** is not required to amend the child's education records to remove any references to the child's receipt of special education and related services because of the revocation of consent.

#### **AAC R7-2-401.K Preschool Program**

***Owens-Whitney Elementary School District #6*** is responsible for serving preschool children with disabilities. ***Owens-Whitney Elementary School District #6*** shall establish, implement, and make available to its personnel and parents, written procedures for:

- 1) The operation of the preschool program, in accordance with federal statute and regulations and the state statutes, that provides a continuum of placements for students;
- 2) The smooth and effective transition from the Arizona Early Intervention Program to ***Owens-Whitney Elementary School District #6*** preschool program in accordance with the agreement between the Department of Economic Security and the Department; and
- 3) The provision of a minimum of 360 minutes per week of instruction in a program that meets at least 216 hours over the minimum number of days.

#### **AAC R7-2-401.L Children in Private Schools**

***Owens-Whitney Elementary School District #6*** shall establish, implement, and make available to its personnel and parents written procedures regarding the access to special education services to students enrolled in private schools by their parents as identified by the IDEA and its regulations, state statutes, and State Board of Education rules.

