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Greenlee County School Superintendent Special Education Procedures for Inmates

MISSION STATEMENT

We are committed to provide individualized education to inmates through a safe learning environment, by instilling values, learning ambitions and academic goals, resulting in successful community reintegration. We strive to collaborate with educational agencies to help students obtain their High School Diploma. Therefore, giving our inmates a second chance in life.

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EXPECTED PRACTICES -----

The Greenlee County School Superintendent's (county superintendent) office along with the staff at the Greenlee County Jail shall comply with the Arizona Department of Education (ADE) Secure Care Special Education Policies and Procedures adapted by ADE/ESS Secure Care Specialists. Policies shall align with the checklist requirements issued by the Arizona Department of Education Exceptional Student Services (ADE/ESS) and comply with the applicable Arizona Revised Statutes (ARS), Arizona State Board of Education rules (7 A.A.C. 2) and Code of Federal Regulations for the Individuals with Disabilities Education Act (I.D.E.A 2004).

PURPOSE -----

This policy manual establishes the procedures that the county superintendent office in conjunction with the Greenlee County Jail will use to take appropriate steps to ensure compliance with state and federal special education laws.

APPLICABILITY -----

The procedures contained in this manual applies to all inmates eligible for special education services and education staff at the Greenlee County Jail.

RESPONSIBILITY -----

The county superintendent shall establish and maintain a written, formal plan of operation for the special education services available to inmates and ensure state and federal special education guidelines are followed at all times.

CHILD FIND -----

The county superintendent will ensure that all children with disabilities within its boundaries, 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.

Procedures for Child Find Requirements, the county superintendent will identify, locate, and evaluate all children with disabilities who enroll and attend and are in need of special education and related services including, but not limited to, children who are: ● Homeless; ● Highly mobile, including migrant children; ● Wards of the state; and, In its identification

process the county superintendent will include children who are suspected of being a child with a disability and in need of special education, even though a student is: ● Advancing from grade to grade ● Highly mobile, including a migrant student. [34 C.F.R. 300.111] the county superintendent will maintain a record of children who are receiving special education and related services.

Public Awareness

The county superintendent will inform all inmates of the Greenlee County Jail of the availability of special education services for students aged three (3) through twenty-one (21) years, and how those services may be accessed including information regarding early intervention services for children aged birth through two (2) years. Services 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). [A.A.C. R7-2-401.C]

The county superintendent will post Arizona Early Intervention Program (AZEIP) Child Find posters in the front office of the courthouse. Front desk personnel will be trained to answer questions related to Child Find referrals for enrolled students and non-enrolled students. All staff will receive training annually related to Child Find and the provision of special education services to enrolled, eligible students within the school.

Child Identification and Referral

The county superintendent will establish, implement, and make available (either in writing or electronically) to its school-based personnel and all parents of enrolled students written procedures for the identification and referral of all children with disabilities aged through 21, including children with disabilities attending private schools and home schools, regardless of the severity of their disability. Written procedures may be found here. The county superintendent will require all school-based staff members to review the written procedures related to child identification and referral on an annual basis, and maintain documentation of the staff review. [A.A.C. R7-2-401.D] Training will occur annually during pre-service. All procedures for child identification and referral shall meet the requirements of the IDEA and its regulations, ARS Title 15, Chapter 7, and the State Board of Education rules R7-2-401.

Non-Enrolled Children Aged Two Years, 10.5 Months & Older

The county superintendent will refer non-enrolled students to the public school district in which the student resides. When a parent or community member shares a statement of concern about a child who is not enrolled in the school and who is at least two years and ten and a half months old, the school will refer the child to the district of residence. The principal or a designee will complete the Child Find Referral Form, found here, but published by the Arizona Department of Education. Within two business days of hearing the statement of concern, the form will be confidentially faxed to the district of residence in order to initiate a Child Find referral. The school will maintain a copy of the faxed form for recordkeeping purposes.

Non-Enrolled Children Aged Birth to Two Years, 10.5 Months

When a parent or community member shares a statement of concern about a child who is not enrolled in the school and who is less than two years and ten and a half months old, the school will refer the child to the Arizona Early Intervention Program (AZEIP). The principal or a designee will complete the online AZEIP referral form, found here. Within two business days of

hearing the statement of concern, the form will be electronically sent to AZEIP in order to initiate a Child Find referral. The school will print and maintain a copy of the form for recordkeeping purposes.

The following link will connect you to the Arizona Department of Education's Child Find information

[Early Childhood Special Education Child Find | Arizona Department of Education \(azed.gov\)](http://www.azed.gov/EarlyChildhoodSpecialEducationChildFind)

EVALUATION AND ELIGIBILITY DETERMINATION -----

The county superintendent shall ensure that all inmates with disabilities through the age of 21 years, within the jurisdiction of the Greenlee County Jail, regardless of the severity of their disability, and who are in need of special education and related services are identified, located, and evaluated. The county superintendent and jail education teacher shall identify, locate, enroll, and evaluate all inmates under the age of 22 in accordance with the Federal Child Find requirements. The county superintendent responsibilities under Child Find shall be applicable to: children who are homeless, wards of the state, attending private school, home schools or who are Highly mobile inmates with a disability under 34 Code of Federal Regulations (CFR)§300.8, Child with a Disability. In addition the jail education teacher will conduct a training once a year for the jail staff responsible for intake on the Child Find requirements.

Inmates with a disability shall be evaluated to determine their eligibility and specific educational needs prior to receiving special education and related services.

- A full and individual evaluation shall be conducted by the county superintendent before the initial provision of special education and related services to a child/eligible student with a disability in accordance with 34 CFR §300.300 – §300.311 of the Individuals with Disabilities Education Act (IDEA) regulations. A reevaluation of each child/eligible student with a disability shall be conducted by the YCSO in accordance with §300.300 – §300.311 of the IDEA regulations.
 1. Proper procedures for conducting evaluations shall be maintained in accordance with state and federal requirements.
 2. An inmate's Multidisciplinary Evaluation Team/Individual Education Program (MET/IEP) Team and other qualified professionals shall review existing evaluation data and collect additional data, if necessary, to determine an inmate's eligibility category and special education and related services requirements.
 3. An eligible inmate shall be reevaluated at least every three years when the MET/IEP Team determines the educational or related services needs of the inmate warrant a reevaluation; or the adult inmate/parent or teacher requests a reevaluation, unless the adult inmate/parent and the public education agency agree a reevaluation is unnecessary.
- Children Birth to 2 years 10.5 months–Referral will be made from the Greenlee County Jail Education Teacher to AzEIP. If the jail education teacher receives a statement of concern from a parent about the development of their child aged birth to 2 years 10.5 months, the following process will take place within two (2) business days of the date of the parental referral.
 - a. The Jail education teacher will submit an online referral at www.azed.gov/AzEIP and print a copy for verification purposes. Should the online application malfunction, the PEA will immediately contact AzEIP for technical assistance.
 - b. This date is considered the initial referral to AzEIP.
- Children 2 years 10.5 months to Five–Referral from AzEIP, to the District of Residence. When an AzEIP Early Intervention Program (EIP) (the jail) receives a statement of concern from a parent about the development of their child between the ages of 2 years and 10.5 months and older, or a request for an evaluation, the

following process will take place within two (2) business days of the date of the parental referral. The jail education teacher will track this request on a form that is attached.

- c. The AzEIP Central Referral System or the local AzEIP EIP will assist the family to (1) make a referral to the District of Residence using the Child Find Referral Form, after obtaining written consent or (2) provide the parent with district contact information, should the parent choose not to provide written consent.
- d. Union high school districts and charter schools will complete the Child Find Referral Form, fax the form with a cover sheet marked 'confidential' to the District of Residence, and maintain a copy of the form for verification purposes.
- e. The date the District of Residence receives the referral begins the timeline requirement for eligibility determination (45 calendar days to screen and 60 calendar days to evaluate).

FREE AND APPROPRIATE PUBLIC EDUCATION (FAPE) -----

A Free Appropriate Public Education (FAPE) shall be available to all eligible inmates with disabilities through the age of 21 years, within the Greenlee County Jail's jurisdiction, including inmates advancing from grade to grade, those who have been suspended or expelled from school in accordance with the applicable IDEA rules and regulations. FAPE for an eligible inmate with a disability will extend through the conclusion of the instructional year during which the inmate attains the age of 22.

- The county superintendent shall, in accordance with the federal IDEA, provide eligible inmates a FAPE, including general or individualized special education and related services designed to meet inmates' unique needs to progress in the general curriculum.
- Inmates shall remain eligible for special education and related services until one of the following:
 - a. Graduation from secondary school with a high school diploma - A High School Equivalency (HSE) shall not be considered a regular high school diploma.
 - b. The inmate receiving special education turns 22 years old.
- Inmates with 8th grade literacy standard exemptions, shall not be exempt from participation in FAPE.
- The Instructional Specialist shall screen all inmates qualified for FAPE within 45 calendar days of their enrollment in any adult education program utilizing the Child Find Screening/Primary or Home Language Other Than English (PHLOTE) Report, Form 920-1. Further screening shall only be required if inmates self-identify on a voluntary basis a physical or mental impairment which substantially limits their learning.
- The Instructional Specialist or designee shall, when inmates transfer from another school district and enroll in special education, request their education records in pursuant to Arizona Revised Statute (A.R.S.) §15-828.

LEAST RESTRICTIVE ENVIRONMENT (LRE) -----

To the maximum extent appropriate, opportunities for the least restrictive environment, inclusion in educational exercises with regular program inmates, and interaction with the total school environment shall be provided to exceptional student inmates in accordance with 34 CFR §300.114 – §300.117 of the IDEA regulations.

- In accordance with the United States (U.S.) Department of Education’s 2005 regulations IDEA, the county superintendent and Greenlee County Jail staff shall ensure, to the maximum extent appropriate, that eligible inmates with a disability are educated in the LRE with inmates not considered disabled. Changes to an inmate’s LRE may occur due to a bona fide security or compelling penological interest. The IEP Team shall review placement and document any changes.
- Special classes, separate schooling, or other removals of inmates with a disability from the regular educational environment may only occur when the nature or severity of the disability is such that education in the regular educational environment cannot be achieved satisfactorily using supplementary aids and services.
- Custody level shall be part of determining an inmate’s LRE

INDIVIDUALIZED EDUCATION PROGRAMS (IEP) -----

The county superintendent shall ensure that an Individualized Education Program (IEP) is developed and implemented for each eligible inmate served by the Greenlee County Jail in accordance with 34 CFR §300.320 – §300.325 of the IDEA regulations. An IEP shall be in place for each inmate with a disability prior to the provision of FAPE.

- Meetings shall be initiated and conducted to develop, review, and revise the IEP of each eligible inmate with a disability in need of special education and related services.
 - a. Evaluation data shall be utilized for the development, review and revision of each individualized IEP.
 - b. IEPs shall be in effect for each eligible inmate at the beginning of each school year.
 - c. The IEP Team shall review the inmate’s IEP periodically, but not less than annually
- Inmates with a disability may attend IEP meetings and participate in IEP development.
- An IEP may be modified by the IEP Team if the county superintendent demonstrates a bona fide security or compelling interest which otherwise cannot be accommodated. Any modifications shall be documented on the inmate’s IEP.

PROCEDURAL SAFEGUARDS -----

The county superintendent shall establish, maintain, and implement procedural safeguards that meet the requirements of 34 CFR §300.300 – §300.311 of the IDEA regulations. The child/eligible student shall 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 FAPE.

- The county superintendent shall ensure inmates with a disability are guaranteed procedural safeguards with respect to the provision of FAPE.
- Inmates with a disability may inspect and review their educational records with respect to the identification, evaluation, educational placement, provision of FAPE, and have the right to amend records if requested.
- The county superintendent shall ensure inmates with a disability are invited to participate as members of any group making educational placement decisions.
- Inmates with a disability shall have the right to obtain independent educational evaluations.

- The county superintendent shall provide the Procedural Safeguards Notice for the State of Arizona, available in English and Spanish on the Arizona Department of Education (ADE) website www.azed.gov, to child/eligible student with a disability and the parents/guardians of minor inmates with a disability:
 - a. At least once per year
 - b. Upon initial evaluation referral
 - c. Upon evaluation request
 - d. Upon receipt of a due process request in accordance with 34 CFR §300.507
 - e. In accordance with discipline procedures resulting in a placement change in accordance with 34 CFR §300.530(h)
 - f. Upon request

Eligible inmates shall provide written consent when it is determined additional data is needed for an initial evaluation, reevaluation or prior to beginning the provisions of special education and related services.

- Parent/eligible student, or the YCSO may initiate a Due Process Hearing on any matters described in 34 CFR §300.503(a)(1) and relating to the identification, evaluation, educational placement of an inmate with a disability, and provision of FAPE.

DISCIPLINE -----

Inmates with a disability may be disciplined for a violation that may include removal from his or her current placement to an appropriate interim alternative educational setting, another setting, suspension, or expulsion in accordance with 34 CFR §300.530 – §300.536 of the IDEA regulations.

- When inmates with a disability have an educational placement change resulting from disciplinary removal, the county superintendent shall provide services to the extent necessary to enable them to appropriately progress in the general curriculum and appropriately advance toward achieving their IEP goals.
- Though guaranteed certain protections under IDEA, inmates with a disability shall be subject to the same consequences or punishments as non-disabled inmates.
- When inmates with a disability are removed from their current educational placement while continuing services outlined in their IEP, a change of placement may occur if:
 - a. The removal is for longer than 10 consecutive school days: or
 - b. The series of removals constitute a pattern if they cumulate to more than 10 school days in a school year.
 - c. When the removal of an inmate with a disability constitutes a change of placement, a review of the placement shall be conducted regarding the relationship between the inmate’s disability and the disciplined behavior.

CONFIDENTIALITY OF INFORMATION -----

The inspection and review of educational records collected, maintained, or used by the county superintendent shall be in accordance with IDEA, and the Family Educational Rights and Privacy Act (FERPA).

To access public benefits information (if required), the county superintendent shall ensure inmates with a disability are informed of all legal protections when a public agency seeks access to their public benefits or insurance to pay for services. This is a onetime consent that indicates understanding that the public agency may access their public benefits or insurance to pay for services under IDEA.

GRADUATION -----

Criteria for the graduation of exceptional students, including accomplishment in reading, writing, and mathematics, shall be equivalent to or greater than those established by the State Board of Education.

EXTENDED SCHOOL YEAR SERVICES -----

Though the county superintendent provides educational services year-round, Extended School Year services shall be determined on an individualized basis.

ARIZONA HB 2866 – AMENDED SECTION 15-913.01 -----

15.913.01 Education program; county jails

A. Each county that operates a county jail shall offer an education program to serve all prisoners who are twenty-one years of age or younger, who do not have a high school diploma or a general equivalency diploma and who are confined in the county jail. The county school superintendent and the sheriff in each county shall agree on the method of delivery of the education program.

B. The county school superintendent shall develop policies and procedures to transfer the educational records of any prisoner confined in a county jail who has been transferred from a juvenile detention center or from any other public agency that has provided educational services to that prisoner.

IMPLEMENTATION -----

The county superintendent shall update and maintain this Manual.



Child Find Tracking Log for Ages 2 Years 10 1/2 Months to 5 Years of Age

*The ADE does not require the use of any of this form. It is a sample of a best practice document to be used at the discretion of the local educational agency.

Demographics					Screening for Possible Disabilities				Referral		Disability
Student Name	DOB/Age	Notification of possible disability date	District of Residence	Date referral to District of Residence	Person(s) completing the screening	Date of screening review	Screening reviewed by	Disposition of screening	Referred by	Date and method of parent notification	

Child Find Tracking Log for Ages 2 Years 10 1/2 Months to 5 Years of Age

Demographics					Screening for Possible Disabilities						
Student Name	DOB/ Age	Notification of possible disability date	District of Residence	Date referral to District of Residence	Person(s) completing the screening	Date of screening review	Screening reviewed by	Disposition of screening	Referred by	Date and method of parent notification	

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