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REFERENCE TITLE: **extended school year; criteria**

State of Arizona
House of Representatives
Forty-seventh Legislature
First Regular Session
2005

HB 2432

Introduced by
Representative Anderson

AN ACT

AMENDING SECTION 15-881, ARIZONA REVISED STATUTES; RELATING TO EXTENDED SCHOOL YEAR FOR PUPILS WITH DISABILITIES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 15-881, Arizona Revised Statutes, is amended to
3 read:

4 15-881. Extended school year programs for pupils with
5 disabilities; eligibility and program structure;
6 definition

7 A. Each school district shall make an extended school year program
8 available to all pupils with disabilities for whom such a program is
9 necessary. ~~in order to either~~ AN EXTENDED SCHOOL YEAR IS NECESSARY IF EITHER
10 OF THE FOLLOWING APPLIES:

11 ~~1. Prevent irreparable harm to the pupil's ability to maintain~~
12 ~~identified skills or behavior.~~

13 ~~2. Accommodate critical learning periods for pupils who are unlikely~~
14 ~~to receive another opportunity to learn or generalize targeted skills or~~
15 ~~behavior.~~

16 ~~B. The state board of education shall prescribe rules for use by~~
17 ~~school districts in determining the eligibility of pupils with disabilities~~
18 ~~for an extended school year program. The rules adopted by the state board~~
19 ~~pursuant to this subsection shall include the following criteria for~~
20 ~~determining the eligibility of pupils with disabilities in an extended school~~
21 ~~year program:~~

22 ~~1. Regression-recoupment factors.~~

23 ~~2. Critical learning stages.~~

24 ~~3. Least restrictive environment considerations.~~

25 ~~4. Teacher and parent interviews and recommendations.~~

26 ~~5. Data based observations of the pupil.~~

27 ~~6. Considerations of the pupil's previous history.~~

28 ~~7. Parental skills and abilities.~~

29 ~~8. Factors that are inappropriate considerations for eligibility.~~

30 ~~9. Any other considerations deemed necessary and appropriate by the~~
31 ~~state board of education.~~

32 1. THE BENEFITS THAT THE PUPIL GAINED DURING THE REGULAR SCHOOL YEAR
33 WOULD BE SIGNIFICANTLY JEOPARDIZED IF THE PUPIL IS NOT PROVIDED AN
34 EDUCATIONAL PROGRAM DURING THE SUMMER MONTHS.

35 2. THE PUPIL WOULD EXPERIENCE SEVERE OR SUBSTANTIAL REGRESSION IF THE
36 PUPIL IS NOT PROVIDED AN EDUCATIONAL PROGRAM DURING THE SUMMER MONTHS AND THE
37 REGRESSION WOULD RESULT IN SUBSTANTIAL SKILL LOSS OF A DEGREE AND DURATION
38 THAT WOULD SERIOUSLY IMPEDE THE PUPIL'S PROGRESS TOWARD EDUCATIONAL GOALS.

39 B. THE DETERMINATION OF WHETHER A PUPIL IS ELIGIBLE FOR EXTENDED
40 SCHOOL YEAR SERVICES SHALL TAKE INTO ACCOUNT THE LEAST RESTRICTIVE
41 ENVIRONMENTAL CONSIDERATIONS AND SHALL BE DETERMINED BY A MULTIFACETED
42 INQUIRY BASED ON THE FOLLOWING CRITERIA:

43 1. RETROSPECTIVE DATA, SUCH AS PAST REGRESSION AND THE RATE OF
44 RECOUPMENT.

45 2. PREDICTIVE DATA, BASED ON THE OPINION OF PROFESSIONALS IN
46 CONSULTATION WITH THE PUPIL'S PARENTS.

1 C. THE STATE BOARD OF EDUCATION SHALL PRESCRIBE RULES TO CARRY OUT THE
2 PURPOSES OF THIS SECTION.

3 ~~C.~~ D. Rules that are adopted pursuant to subsection ~~B~~ C of this
4 section shall clarify that attendance in the program is not compulsory, that
5 the program is not required for all pupils with disabilities and that
6 eligibility for participation in the program is not based on need or desire
7 for any of the following:

8 1. A day care or respite care service for pupils with disabilities.

9 2. A program to maximize the academic potential of pupils with
10 disabilities.

11 3. A summer recreation program for pupils with disabilities.

12 ~~D.~~ E. For THE purposes of this section, "extended school year" means
13 additional special education and related services for pupils with
14 disabilities to supplement the normal school year which are provided as part
15 of a free and appropriate public education as defined in ~~P.L.~~ PUBLIC LAW
16 94-142.