



# Exceptional Student Services

## Frequently Asked Questions Vouchers

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### *Parent Revoked Consent*

The student was receiving special education services until the parents revoked their consent for services. Would the HSD choose non-special education (NSE)?

- Choose NSE and include the old MET, the document that revoked consent, and the prior written notice when the parent revoked consent.

### *Can the review of existing data be done without parent consent?*

- Yes—parental consent is not required before a review of existing data as part of an evaluation or reevaluation. “the public agency is not required to obtain parental consent before reviewing existing data as part of an evaluation or a reevaluation.” [34 CFR §300.300(d)(1)(i)]
- If after the review of existing data, the team determines that more data is needed, THEN consent would be required for the team to proceed.
- The public agency must make reasonable efforts to obtain the informed consent from the parent for an initial evaluation to determine whether the child is a child with a disability.

### *If the parent cannot be located, do I need to apply for a surrogate parent?*

- Yes, for complete multidisciplinary evaluations. No, for review of existing data only.
- For initial evaluations only, if the child is a ward of the State and is not residing with the child’s parents, the public agency is not required to obtain informed consent from the parent for an initial evaluation to determine whether the child is a child with a disability if—
  - Despite reasonable efforts to do so, the public agency cannot discover the whereabouts of the parent of the child.
  - The rights of the parents of the child have been terminated in accordance with State law; or
  - The rights of the parent to make educational decisions have been subrogated by a judge in accordance with State law, and consent for an initial evaluation has been given by an individual appointed by the judge to represent the child.
  - Surrogate parent information is located at the [Surrogate Parent Webpage](#).

### *Review of existing data (RED)*

If a student EXITS the residential treatment center (RTC) after the Initial/Extension periods of enrollment but before a RED is started, is the home school district (HSD) still responsible for further review or completing an HSD packet?

- Yes. The law is very clear as to what documentation is required for ADE to approve and then pay the educational portion of a residential placement, and a prior written notice (PWN) will not suffice. The HSD must still conduct a full review of existing data (RED) with the required MET team. If the team decides that it has enough data to determine whether the student is a student with a disability, then the team does not need to conduct a full psychological evaluation. If the team requests additional data, then the team must gather the additional data; if the student is identified as a student with a

disability, then the team also needs to develop an individualized education program (IEP) with an accompanying PWN. Minimally, the team must include the RED with an eligibility statement, the required participants' names, and a PWN.

### *Promotion to high school*

When a student is promoted to high school, the RTC must exit the student and use the flowchart to determine the correct age-appropriate HSD.

- The elementary or middle school will send a copy of the certificate to the RTC and the new HSD. Once the new HSD receives the certificate, the school can complete the HSD packet. **It is the responsibility of the elementary school district to forward all documents to the new HSD.**

### *Who is responsible for issuing promotion certificates and high school diplomas for students in residential treatment?*

- The home school district has the responsibility of issuing promotion certificates, as well as high school diplomas, for students enrolled at an RTC.

### *Who should be on the team for the review of existing data (RED)?*

- As part of an initial evaluation, the group of people who would comprise a child's individualized education program (IEP) team and other qualified professionals (as appropriate) should review all relevant existing information about a child. 34 CFR §300.308
  - The child's regular teacher; or
  - If the child does not have a regular teacher, a regular classroom teacher qualified to teach a child of his or her age; or
  - For a child of less than school age, an individual qualified by the State to teach a child of his or her age; and
  - At least one person qualified to conduct individual diagnostic examinations of children, such as a school psychologist, speech-language pathologist, or remedial reading teacher.

### *Is the RTC representative a part of the MET team? Should the representative write a section of the integrated report?*

- Yes, the RTC representative is part of the team and needs to provide input into the evaluation as per A.R.S. §15-765.
- Although an RTC representative must provide information for the MET report either in person or by phone, writing a section of the report is not required.

### *The school district's concern is that the student's evaluation is due, and the team needs to hold a MET meeting. Is the school district allowed to submit the paperwork without the RTC's attending the MET meeting?*

- Yes, document the requested meetings and if the student qualifies for special education, make sure the PWN states that the IEP will be implemented at the RTC. Use statements

such as “The multidisciplinary evaluation team (MET), which includes the residential treatment center representative, . . .” The school district is ultimately responsible for completing the MET report on time, so the school should do so with any information available despite the RTC’s delay in participation.

### *Why do I have to do an evaluation?*

- A.R.S. §15-765(E) - “When a state placing agency initially places a pupil in a private residential facility, the home school district must conduct an evaluation pursuant to §15-766 or review the educational placement of a pupil who has previously been determined eligible for special education services.”
- A.R.S. §15-1183(C) - “A voucher may not be issued pursuant to this article and a residential special education placement may not be made in a private residential placement facility unless the requirements of section 15-765(G) have been met.”
- A.R.S. §15-1183(B) - “If a state placing agency places a child in a private residential facility for care, safety, or treatment reasons, the state placing agency is responsible for requesting an initial residential education voucher and notifying the home school district of the placement. The home school district is responsible for completing screening or other identification procedures for determining if the child is a child with a disability as defined in section 15-761 and for reviewing the placement of a child with a disability to determine whether a residential special education placement is necessary.”

### *Why do I have to pay if I do not complete the necessary paperwork, including the review of existing data?*

- A.R.S. §15-1183(C) - “If an extension is denied or a home district fails to complete the requirements for a continuing residential education voucher, the home school district is responsible for payment of educational costs until the requirements of subsection B of this section (regarding screening, identification procedures, and review of placement) have been met.”

### *A student was found ineligible for IDEA but eligible for a 504 plan. What is required?*

- Include the evaluation documents that found the student ineligible for special education but eligible for the 504 plan. Include a copy of the 504 plan, all prior written notices (PWNs) involved in the process, and the ineligibility determination statement.
- Most schools do not do a formal review of data or eligibility determination for 504 plans. Although it is best practice, the same review is not required under section 504 as under IDEA. Sometimes the 504 plan is written after a child does not qualify for special education. So, in many cases, the school will have done a review of existing data (RED) and held a MET meeting. If the school was only preparing a 504 plan instead, they may not have done a review of existing data. But for vouchers, ADE needs documentation of what the team did and why the team decided upon the 504 plan. If it is a 504 plan, it will have a plan of accommodations and the RTC will need to follow that plan just like it was an IEP.

*A student has obtained his or her GED. Does the HSD have educational obligations?*

- Students with a general educational development (GED) diploma but not a high school diploma may attend and be funded. A.R.S. §15-821 states, “all schools shall admit children who are between the ages of six and twenty-one years who reside in the school district and who meet the requirements for enrollment in one of the grades or programs offered in the school. A school may refuse to admit a child who has graduated from a high school with a recognized diploma.” A GED is not considered a recognized high school diploma. If a student with a GED wants to continue his or her education at the RTC, the student is eligible for funding.

*A student’s IEP includes that the student should be receiving speech services for 30 minutes per week, but the RTC does not offer speech services. What is the requirement for this?*

- A.A.C. R7-2-402(C)(4): “In order for a private special education school to be approved by the Department for the purpose of contracting with a public education agency, the private facility shall . . . provide related services to meet the needs of the students as indicated on their IEPs.” A.R.S. §15-101 (definitions) states, “‘Private school’ means a nonpublic institution where instruction is imparted.” RTCs are not public institutions, and they impart instruction, so the RTC must establish some means of providing speech services.

*Who is responsible for monitoring the educational services while a student is in a residential facility?*

- A.R.S. §15-1183. Placement; voucher application requirements (B): “Responsibility for monitoring the educational services during the time a child is placed in the residential facility and for planning for transition from the private residential facility to a public school remains with the home school district.”
- A.R.S. §15-1185. School district responsibility; integration into a school (A): “For a child who is placed in a private residential facility pursuant to this article, the home school district is responsible for reviewing the child’s educational progress and planning for integrating the child into a public school when it is educationally appropriate.” (B): “The private residential facility and the state placing agency shall work with the home school district for purposes of integrating the child into a public school when it is educationally appropriate.”
- A.A.C. §R7-2-404(6)(a). The home school district (HSD) shall regularly monitor the progress of students, ensure the annual review and revision of IEPs, and complete three-year reevaluations as applicable.

*What if I have a student identified with traumatic brain injury (TBI)?*

- TBI is not a state funded disability, a voucher would need to recognize another disability for a student which is funded in the state funding rates.

*Transfer to another RTC*

- When a student exits from one RTC and enters another RTC on the same day, the exit date for transfer will be the day before the new entry date at the new facility.

*How do PEAs align their calendars with the RTC's calendars?*

- RTCs submit their calendars to ESS at the beginning of each fiscal year. The RTC calendars will be posted on the [ADE Exceptional Student Services website](#). PEAs can download these calendars from the ESS website to enter into their (SIS) Student Information System and align with the RTC.

Contact [essvouchers@azed.gov](mailto:essvouchers@azed.gov) for questions.