



Memorandum

To: Special Education Directors and Private Day School Administrators
From: Exceptional Student Services Operations Unit
Date: May 3, 2023
Re: Special Education Program Approvals application will open on May 8, 2023 for the 2023–2024 school year

The opening of the ESS Special Education Program Approval System for the 2023–2024 school year will occur on May 8, 2023. ESS plans to have all private day and ED-P programs that wish to operate for fiscal year 2023 to 2024 reviewed and approved by the end of June. Failure to apply to the application may cause integrity failures for public education agencies (PEAs) toward the end of the upcoming school year, which may affect state payments.

The Arizona Department of Education grants approvals for private school special education programs that seek to provide specially designed instruction to students placed by a public education agency and that meet the criteria as outlined in A.A.C. R7-2-402. PEAs can only place students with disabilities into approved private day schools in this process. Approval by the Arizona Department of Education does not make the Department a guarantor or insurer for services or programs provided to individual students.

For ED-P programs, under A.R.S. § 15-765(D), no contractual arrangements or payments can be made with other entities for ED-P funding unless the conditions and standards prescribed by the division of special education have been met and if unable to provide satisfactory education and services through its facilities and personnel. Such restrictions are supported under A.R.S. § 15-765(D)(2):

“If the child is placed in a special program that provides intensive services within a school district, the chief administrative official of the school district or county or other person as designated by the school district or county as responsible for special education shall verify that the pupil placed in such a program is diagnosed with an emotional disability as defined in section 15-761 and that appropriate services cannot be provided in traditional resource and self-contained special education classes.”

When submitting the application, PEAs should be describing how its program is above and beyond what is currently offered in traditional resource and self-contained special education classrooms (generally classified as LRE codes of A, B, and C).

If you have any questions, please [email the Private Day & ED-P Program Specialist](#).