



Exceptional Student Services

Statement of Assurances

IMPORTANT:

This document is provided for reference to demonstrate the layout of the Statement of Assurances (SOA).

The SOA must be submitted through the ESS Portal.

Under the Individuals with Disabilities Education Act (IDEA), the representative body for special education for Arizona, Exceptional Student Services, is required to obtain assurances from Public Education Agencies (PEAs) to attest that they are meeting the requirements under state and federal statutes for special education in the state of Arizona. It is a requirement for all entities defined as PEAs, regardless of whether they receive federal funds. All PEAs must submit the IDEA Statement of Assurances (SOA) through the Exceptional Student Services Portal of ADEConnect. The SOA must be submitted by your organization's Superintendent, Charter Holder, or Special Education Director before IDEA funding applications are approved in the Grants Management Enterprise system.

Statement of Assurance Questions

* Before Proceeding:

Do you certify that you are the primary Special Education Director, Superintendent, or Charter Holder authorized to complete this Statement of Assurance on behalf of your public educational agency (A.R.S. § 15-761)?

☐ **Yes**



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*Do you make the following assurances that your PEA has policies and procedures in place as required by Part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411- 1419; 34 CFR 300.100-300.14)?

Free Appropriate Public Education

It shall be the policy of this PEA that a free appropriate public education is available to all children with exceptionalities residing in the jurisdiction of this PEA between the ages of 3 and 21, including children with disabilities who have been suspended or expelled from school. It shall be the policy of this PEA that a free appropriate public education be available to any child with exceptionality who needs special education and related services even though the child is advancing from grade to grade.

Child Find

It shall be the policy of this PEA that all children with exceptionalities residing within the jurisdiction of this PEA, including children with disabilities who are homeless or are wards of the state, attending private schools or home schooled, regardless of the severity of their exceptionality, and who are in need of special education and related services, be identified, located, and evaluated. Information shall be provided to the public regarding the process they may take to refer a child suspected of being a child with exceptionality.

Procedural Safeguards

It shall be the policy of the PEA that any child with an exceptionality and his/her parent be provided with safeguards, as required by law, at least one time per year, and upon referral for an evaluation, first request for due process hearing, or disciplinary removal which is a change in placement or upon parent request

Evaluation/Reevaluation



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It shall be the policy of this PEA that evaluation and reevaluation for each child with an exceptionality are provided in the language and form most likely to yield accurate information on what the child knows and can do academically, developmentally, and functionally. This evaluation includes a review of existing data, including evaluations and information provided by the parents and current classroom-based, local or state assessments and classroom observations. It shall also be the policy of this PEA that assessments are used for their validated purposes, children are evaluated in all areas of suspected exceptionality, evaluation is multidisciplinary, assessment materials and procedures are not racially or culturally discriminatory, assessments are administered by trained personnel qualified under all federal regulations and state standards, and assessments are administered in conformance with the instructions provided by the producer.

Individualized Education Program

It shall be the policy of this PEA that an Individualized Education Program (IEP) be developed for each child with an exceptionality that needs special education. The IEP shall be designed to meet the unique needs of the child and shall be developed in a meeting of the IEP Team. Parents of the child shall be strongly encouraged to participate in the IEP meeting. The IEP shall be reviewed and revised as often as necessary, but at minimum annually.

Requirements that Programs be in Effect

Children who participated in Part C Infant-Toddler Programs and are determined to be eligible for the Part B Preschool Program shall have an IEP or IFSP that meets the requirements of Part B in place by their third birthday. The IEP Team shall consider the Part C IFSP when developing the IEP/IFSP at age 3. The PEA will participate in transition planning conferences arranged by the Infant-Toddler Program, and at the request of the parents, an invitation to the initial IEP meeting will be sent to a Part C representative.

For students who transfer into the school district from another Arizona district during the school year, the PEA shall provide a free appropriate public education, including services comparable



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to those described in the previous IEP, in consultation with the parents until the PEA adopts or develops an IEP that is consistent with State and Federal law. Students transferring from districts outside the state will be afforded comparable IEP services until the PEA conducts an evaluation and, if determined necessary by the agency, develops a new IEP.

Least Restrictive Environment

It shall be the policy of this PEA that children with disabilities are educated in the least restrictive environment; special education services be appropriate and designed to meet the unique needs of each child with a disability. To the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, are educated with children who do not have disabilities, and that special classes, separate schooling, or other removals of children with disabilities from the regular educational environment occur only when the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

Facilities

It shall be the policy of this PEA to assure that the special education programs and services established under A.R.S. § 15-764 and 15-765 shall be conducted only in a school facility which houses regular education classes (such as a public school) or in other facilities approved by the division of special education.

☐ **Yes**

*Do you make the following assurances that your PEA has policies and procedures in place as required by Part B of the Individuals with Disabilities Education Act. (20 U.S.C. 1411- 1419; 34 CFR 300.100-300.174)?

Confidentiality



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It shall be the policy of this PEA that the confidentiality of personally identifiable data relating to children with exceptionalities and their families is protected during collection, storage, disclosure, and destruction, and that one official of this PEA is assigned the responsibility for protecting the confidentiality of personally identifiable data. This PEA follows all federal regulations and state standards related to the confidentiality of student records.

Due Process

It shall be the policy of this PEA to utilize procedures that allow for differences of opinion between parents and this PEA or between agencies and this PEA, to be aired and resolved. These procedures shall provide for utilization of mediation; filing of a formal complaint with the State; initiation of impartial due process hearings, including resolution meetings as required; and state-level appeals and appeals to the courts that involve any proposal or refusal by this PEA to initiate or change the identification, evaluation, or educational placement of the child, or the provision of a free appropriate public education to a child.

Educational Advocate

It shall be the policy of this PEA that whenever the parents or guardian of a child with an exceptionality are not known or cannot be located, the agency shall notify the state board or its designee, or when the child is a ward of the state, the agency shall notify the secretary of social and rehabilitation services or the secretary's designee, as appropriate, so that the child's rights are protected through the assignment of an individual (who shall not be an employee of the state education agency or PEA involved in the education of the child) who will serve as the child's educational advocate.

Statewide and Districtwide Assessments

It shall be the policy of this PEA that students with disabilities shall participate in district-wide and statewide assessment programs or be provided an alternate assessment. The IEP Team of the child shall make the determination of which assessment is appropriate. The PEA makes



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available to the public and reports to the public with the same frequency and in the same detail as it reports on the district-wide assessments of non-disabled children.

Personnel Standards

It shall be the policy of this PEA to assure that all personnel providing special education and related services to children with exceptionalities meet the standards set by the State Department of Education (including paraeducators), the State of Arizona, and as required by 34 C.F.R. § 300.156 (related to personnel qualifications) and section 2102(b) of the ESEA.

It shall be the policy of this PEA to have in place a procedure for determining an appropriate class size and caseload that will ensure the provision of a free appropriate public education for each child with an exceptionality.

Timely Correction of Noncompliance and Information Reporting

It shall be the policy of this PEA to correct all findings of noncompliance within the timeline established by the Arizona Department of Education (ADE).

It shall be the policy of this PEA to provide ADE with information necessary to enable ADE to carry out its duties under Part B of IDEA. All information provided to ADE shall be timely, valid, and reliable.

☐ **Yes**

*Please click on the check box to continue.

☐ Accommodation School District

☐ County Secure Care Facility

☐ County Superintendent Office



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☐ Elementary School District

☐ For-Profit Charter District

☐ High School District

☐ Non-Profit Charter District

☐ State Secure Care Facility

☐ Unified School District

☐ Transporting District

☐ State Institution

* Do you make the following assurances that your PEA will be operated in compliance with all applicable state and federal statutes, rules, and regulations, specific to the following items?

34 CFR § 300.201 - Consistency with State Policies

The PEA, in providing for the education of children with disabilities within its jurisdiction, must have in effect policies, procedures, and programs that are consistent with the State policies and procedures established under §§ 300.101 through 300.163, and §§ 300.165 through 300.174.

☐ **Yes**

* Do you make the following assurances that your PEA will be operated in compliance with all applicable state and federal statutes, rules, and regulations, specific to the following items?



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34 CFR § 300.202 - Use of Amounts

(a) General. Amounts provided to the PEA under Part B of the Act

(1) Must be expended in accordance with the applicable provisions of this part

(2) Must be used only to pay the excess costs of providing special education and related services to children with disabilities, consistent with paragraph (b) of this section

(3) Must be used to supplement State, local, and other Federal funds and not to supplant those funds

(b) Excess cost requirement

(1) General

(i) The excess cost requirement prevents a PEA from using funds provided under Part B of the Act to pay for all of the costs directly attributable to the education of a child with a disability, subject to paragraph (b)(1)(ii) of this section.

(ii) The excess cost requirement does not prevent an PEA from using Part B funds to pay for all of the costs directly attributable to the education of a child with a disability in any of the ages 3, 4, 5, 18, 19, 20, or 21, if no local or State funds are available for nondisabled children of these ages. However, the PEA must comply with the non-supplanting and other requirements of this part in providing the education and services for these children.

(2)



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(i) A PEA meets the excess cost requirement if it has spent at least a minimum average amount for the education of its children with disabilities before funds under Part B of the Act are used.

(ii) The amount described in paragraph (b)(2)(i) of this section is determined in accordance with the definition of excess costs in § 300.16. That amount may not include capital outlay or debt service.

(3) If two or more PEAs jointly establish eligibility in accordance with § 300.223, the minimum average amount is the average of the combined minimum average amounts determined in accordance with the definition of excess costs in § 300.16 in those agencies for elementary or secondary school students, as the case may be.

☐ **Yes**

* Do you make the following assurances that your PEA will be operated in compliance with all applicable state and federal statutes, rules, and regulations, specific to the following items?

34 CFR § 300.203 - Maintenance of Effort

(a) Eligibility standard

(1) For purposes of establishing the PEA's eligibility for an award for a fiscal year, the SEA must determine that the PEA budgets, for the education of children with disabilities, at least the same amount, from at least one of the following sources, as the PEA spent for that purpose from the same source for the most recent fiscal year for which information is available.

(i) Local funds only

(ii) The combination of State and local funds

(iii) Local funds only on a per capita basis



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(iv) The combination of State and local funds on a per capita basis.

(2) When determining the amount of funds that the PEA must budget to meet the requirement in paragraph (a)(1) of this section, the PEA may take into consideration, to the extent the information is available, the exceptions and adjustments provided in §§ 300.204 and 300.205 that the PEA:

(i) Took in the intervening year or years between the most recent fiscal year for which information is available and the fiscal year for which the PEA is budgeting

(ii) Reasonably expects to take in the fiscal year for which the PEA is budgeting

(3) Expenditures made from funds provided by the Federal government for which the SEA is required to account to the Federal government or for which the PEA is required to account to the Federal government directly or through the SEA may not be considered in determining whether a PEA meets the standard in paragraph (a)(1) of this section.

(b) Compliance standard

(1) Except as provided in §§ 300.204 and 300.205, funds provided to a PEA under Part B of the Act must not be used to reduce the level of expenditures for the education of children with disabilities made by the PEA from local funds below the level of those expenditures for the preceding fiscal year.

(2) a PEA meets this standard if it does not reduce the level of expenditures for the education of children with disabilities made by the PEA from at least one of the following sources below the level of those expenditures from the same source for the preceding fiscal year, except as provided in §§ 300.204 and 300.205:

(i) Local funds only

(ii) The combination of State and local funds



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(iii) Local funds only on a per capita basis

(iv) The combination of State and local funds on a per capita basis

(3) Expenditures made from funds provided by the Federal government for which the SEA is required to account to the Federal government or for which the PEA is required to account to the Federal government directly or through the SEA may not be considered in determining whether a PEA meets the standard in paragraphs (b)(1) and (2) of this section.

(c) Subsequent years

(1) If, in the fiscal year beginning on July 1, 2013 or July 1, 2014, a PEA fails to meet the requirements of § 300.203 in effect at that time, the level of expenditures required of the PEA for the fiscal year subsequent to the year of the failure is the amount that would have been required in the absence of that failure, not the PEA's reduced level of expenditures.

(2) If, in any fiscal year beginning on or after July 1, 2015, a PEA fails to meet the requirement of paragraph (b)(2)(i) or (iii) of this section and the PEA is relying on local funds only, or local funds only on a per capita basis, to meet the requirements of paragraph (a) or (b) of this section, the level of expenditures required of the PEA for the fiscal year subsequent to the year of the failure is the amount that would have been required under paragraph (b)(2)(i) or (iii) in the absence of that failure, not the PEA's reduced level of expenditures.

(3) If, in any fiscal year beginning on or after July 1, 2015, a PEA fails to meet the requirement of paragraph (b)(2)(ii) or (iv) of this section and the PEA is relying on the combination of State and local funds, or the combination of State and local funds on a per capita basis, to meet the requirements of paragraph (a) or (b) of this section, the level of expenditures required of the PEA for the fiscal year subsequent to the year of the failure is the amount that would have been required under paragraph (b)(2)(ii) or (iv) in the absence of that failure, not the PEA's reduced level of expenditures.



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(d) Consequence of failure to maintain effort. If a PEA fails to maintain its level of expenditures for the education of children with disabilities in accordance with paragraph (b) of this section, the SEA is liable in a recovery action under section 452 of the General Education Provisions Act (20 U.S.C. 1234a) to return to the Department, using non-Federal funds, an amount equal to the amount by which the PEA failed to maintain its level of expenditures in accordance with paragraph (b) of this section in that fiscal year, or the amount of the PEA's Part B subgrant in that fiscal year, whichever is lower.

☐ **Yes**

* Do you make the following assurances that your PEA will be operated in compliance with all applicable state and federal statutes, rules, and regulations, specific to the following items?

34 CFR § 300.204 - Exception to Maintenance of Effort

Notwithstanding the restriction in § 300.203(b), a PEA may reduce the level of expenditures by the PEA under Part B of the Act below the level of those expenditures for the preceding fiscal year if the reduction is attributable to any of the following:

(a) The voluntary departure, by retirement or otherwise, or departure for just cause, of special education or related services personnel

(b) A decrease in the enrollment of children with disabilities

(c) The termination of the obligation of the agency, consistent with this part, to provide a program of special education to a particular child with a disability that is an exceptionally costly program, as determined by the SEA, because the child:

(1) Has left the jurisdiction of the agency



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(2) Has reached the age at which the obligation of the agency to provide FAPE to the child has terminated

(3) No longer needs the program of special education

(d) The termination of costly expenditures for long-term purchases, such as the acquisition of equipment or the construction of school facilities

(e) The assumption of cost by the high-cost fund operated by the SEA under § 300.704(c).

34 CFR § 300.205 - Adjustment to Local Fiscal Efforts in Certain Fiscal Years

(a) Amounts in excess. Notwithstanding § 300.202(a)(2) and (b) and § 300.203(b), and except as provided in paragraph (d) of this section and § 300.230(e)(2), for any fiscal year for which the allocation received by an PEA under § 300.705 exceeds the amount the PEA received for the previous fiscal year, the PEA may reduce the level of expenditures otherwise required by § 300.203(b) by not more than 50 percent of the amount of that excess.

(b) Use of amounts to carry out activities under ESEA. If an PEA exercises the authority under paragraph (a) of this section, the PEA must use an amount of local funds equal to the reduction in expenditures under paragraph (a) of this section to carry out activities that could be supported with funds under the ESEA regardless of whether the PEA is using funds under the ESEA for those activities.

(c) State prohibition. Notwithstanding paragraph (a) of this section, if an SEA determines that an PEA is unable to establish and maintain programs of FAPE that meet the requirements of section 613(a) of the Act and this part or the SEA has taken action against the PEA under section 616 of the Act and subpart F of these regulations, the SEA must prohibit the PEA from reducing the level of expenditures under paragraph (a) of this section for that fiscal year.



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(d) Special rule. The amount of funds expended by a PEA for early intervening services under § 300.226 shall count toward the maximum amount of expenditures that the PEA may reduce under paragraph (a) of this section.

☐ **Yes**

* Thank you for submitting your FY 2027 Statement of Assurance. A print button will be displayed on the next page. Please print this document and retain for your records.

For additional information and assistance, please [contact the Exceptional Student Services Data Management Team](#) at ESSDataMgmt@azed.gov.

☐ **OK**
