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IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF ARIZONA

Roy and Josie Fisher, et al.,

Plaintiffs

CV 74-90 TUC DCB
(Lead Case)

v.

ANNUAL REPORT

United States of America,

Plaintiff-Intervenor,

CV 74-204 TUC DCB
(Consolidated Case)

v.

Anita Lohr, et al.,

Defendants,

and

Sidney L. Sutton, et al.,

Defendants-Intervenors,

Maria Mendoza, et al.

Plaintiffs,

United States of America,

Plaintiff-Intervenor,

v.

Tucson Unified School District No. One, et al.

Defendants.

K-12 Unduplicated 100th Day Enrollment Counts

White						Black						Pacific Islander						Hispanic					
	1011	1112	1213	%	1314		1011	1112	1213	%	1314		1011	1112	1213	%	1314		1011	1112	1213	%	1314
A	205	192	209	41%	196	A	19	20	28	7%	33	A	1	1	2	0%	1	A	204	215	220	43%	205
DD	46	73	87	24%	76	DD	19	25	25	7%	23	DD	0	0	0	0%	0	DD	137	227	240	61%	196
ED	180	164	183	37%	154	ED	39	35	34	12%	50	ED	1	0	2	0%	1	ED	146	140	174	41%	170
EDP	23	27	28	47%	28	EDP	8	5	5	10%	6	EDP	0	0	0	2%	1	EDP	15	15	20	30%	18
HI	39	34	34	32%	28	HI	10	9	7	10%	9	HI	0	0	0	0%	0	HI	77	69	52	55%	48
MD	37	30	29	25%	25	MD	9	7	8	8%	8	MD	0	0	0	0%	0	MD	69	63	61	58%	59
MDSSI	10	13	13	35%	9	MDSSI	4	4	4	12%	3	MDSSI	0	0	0	0%	0	MDSSI	13	13	9	46%	12
MIID	87	88	95	23%	85	MIID	29	28	29	8%	28	MIID	0	0	0	0%	0	MIID	209	186	202	56%	204
MOID	28	24	20	13%	17	MOID	11	10	10	8%	10	MOID	0	1	1	1%	1	MOID	94	86	92	71%	90
OHI	275	246	210	36%	199	OHI	61	50	52	9%	48	OHI	3	3	1	0%	2	OHI	308	283	291	47%	264
OI	19	17	12	34%	13	OI	2	2	2	8%	3	OI	0	0	0	0%	0	OI	40	34	22	50%	19
SLD	766	712	693	21%	672	SLD	212	215	236	7%	238	SLD	11	13	10	0%	11	SLD	2003	2020	2016	62%	1970
SLI	336	278	242	23%	214	SLI	49	47	44	4%	33	SLI	4	2	5	0%	4	SLI	831	743	669	64%	592
SID	6	6	11	34%	11	SID	4	3	1	6%	2	SID	0	1	0	3%	1	SID	16	7	15	47%	15
TBI	0	0	0	0%	0	TBI	0	0	0	0%	0	TBI	0	0	0	0%	0	TBI	0	0	0	0%	0
VI	11	12	8	58%	11	VI	1	0	0	0%	0	VI	1	1	1	5%	1	VI	6	4	4	21%	4
Totals	2068	1916	1874	26%	1738	Totals	477	460	485	7%	494	Totals	21	22	22	0.3%	23	Totals	4168	4105	4087	57%	3866

Native American						Asian						Multiracial						Total	
	1011	1112	1213	%	1314		1011	1112	1213	%	1314		1011	1112	1213	%	1314		1314
A	11	8	8	2%	11	A	7	7	10	3%	13	A	12	13	11	4%	17	A	479
DD	5	15	16	4%	14	DD	2	4	2	1%	2	DD	6	13	14	3%	9	DD	319
ED	19	10	16	4%	16	ED	1	1	1	0%	0	ED	15	20	25	5%	22	ED	413
EDP	2	1	1	5%	3	EDP	0	0	0	0%	0	EDP	1	5	4	7%	4	EDP	60
HI	0	1	1	0%	0	HI	2	2	2	1%	1	HI	1	2	1	1%	1	HI	88
MD	5	6	4	4%	4	MD	3	4	3	2%	2	MD	6	6	5	3%	3	MD	102
MDSSI	1	1	0	0%	0	MDSSI	0	0	0	27%	7	MDSSI	0	0	1	8%	2	MDSSI	26
MIID	22	20	27	8%	29	MIID	1	2	4	1%	2	MIID	9	10	8	2%	8	MIID	362
MOID	5	4	5	4%	5	MOID	2	1	2	5%	6	MOID	1	1	3	1%	1	MOID	126
OHI	14	15	16	4%	21	OHI	5	9	10	0%	0	OHI	28	19	20	4%	20	OHI	560
OI	2	1	1	3%	1	OI	0	0	0	0%	0	OI	2	2	2	5%	2	OI	38
SLD	216	202	173	6%	189	SLD	16	14	13	1%	18	SLD	86	79	83	3%	83	SLD	3182
SLI	68	54	50	4%	40	SLI	17	13	11	1%	10	SLI	39	40	34	4%	33	SLI	923
SID	0	0	0	0%	0	SID	2	2	2	6%	2	SID	0	0	1	3%	1	SID	32
TBI	0	0	0	0%	0	TBI	0	0	0	0%	0	TBI	0	0	0	0%	0	TBI	0
VI	2	4	1	11%	2	VI	1	1	1	5%	1	VI	3	2	2	0%	0	VI	19
Totals	372	342	319	5%	335	Totals	59	60	61	1%	64	Totals	209	212	214	3%	206	Total	6729

* % is only for 1314

**TUSD Exceptional Education
K-12 Unduplicated 100th Day Enrollment Counts**

<u>White</u>								
	0607	0708	0809	0910	1011	1112	1213	1314
SpEd Count	2487	2458	2371	2395	2068	1916	1874	1738
SpEd Total % of SpEd	34.3%	34.4%	32.9%	32.2%	28.0%	26.9%	26.5%	25.8%
District Total	18762	17614	16586	15760	13047	12245	11806	11067
District Total %	32.0%	31.0%	29.9%	29.0%	25.0%	24.3%	23.3%	22.5%
% Over/Under	2.4%	3.4%	3.0%	3.2%	3.0%	2.7%	3.3%	3.3%

<u>Native American</u>								
	0607	0708	0809	0910	1011	1112	1213	1314
SpEd Count	397	377	406	423	372	342	319	335
SpEd Total % of SpEd	5.5%	5.3%	5.6%	5.7%	5.0%	4.8%	4.5%	5.0%
District Total	2454	2465	2418	2472	2037	1932	1889	1923
District Total %	4.2%	4.3%	4.4%	4.6%	3.9%	3.8%	3.7%	3.9%
% Over/Under	1.3%	0.9%	1.3%	1.1%	1.1%	1.0%	0.8%	1.1%

<u>Black</u>								
	0607	0708	0809	0910	1011	1112	1213	1314
SpEd Count	589	577	607	613	477	460	485	494
SpEd Total % of SpEd	8.1%	8.1%	8.4%	8.2%	6.5%	6.5%	6.9%	7.3%
District Total	4071	4081	4129	4117	2977	2841	2822	2764
District Total %	6.9%	7.2%	7.4%	7.6%	5.7%	5.6%	5.6%	5.6%
% Over/Under	1.2%	0.9%	1.0%	0.7%	0.8%	0.8%	1.3%	1.7%

<u>Asian/Pacific Islander</u>								
	0607	0708	0809	0910	1011	1112	1213	1314
SpEd Count	105	99	94	94	80	82	83	87
SpEd Total % of SpEd	1.4%	1.4%	1.3%	1.3%	1.1%	1.2%	1.2%	1.3%
District Total	1602	1561	1547	1513	1326	1304	1214	1109
District Total %	2.7%	2.7%	2.8%	2.8%	2.5%	2.6%	2.4%	2.3%
% Over/Under	-1.3%	-1.4%	-1.5%	-1.5%	-1.5%	-1.4%	-1.2%	-1.0%

<u>Hispanic</u>								
	0607	0708	0809	0910	1011	1112	1213	1314
SpEd Count	3665	3641	3718	3907	4168	4105	4087	3866
SpEd Total % of SpEd	50.6%	50.9%	51.7%	52.6%	56.5%	57.7%	57.9%	57.5%
District Total	31788	31169	30781	30417	31498	30861	31623	30831
District Total %	54.2%	54.8%	55.5%	56.0%	60.4%	61.1%	62.3%	62.7%
% Over/Under	-3.6%	-3.9%	-3.8%	-3.5%	-3.9%	-3.5%	-4.4%	-5.2%

<u>Multiracial</u>								
	0607	0708	0809	0910	1011	1112	1213	1314
SpEd Count					209	212	214	206
SpEd Total % of SpEd					2.8%	3.0%	3.0%	3.1%
District Total					1233	1294	1404	1479
District Total %					2.4%	2.6%	2.8%	3.0%
% Over/Under					0.5%	0.4%	0.3%	0.1%

<u>Totals</u>								
	0607	0708	0809	0910	1011	1112	1213	1314
SpEd Count	7243	7152	7196	7432	7374	7117	7062	6726
SpEd Total % of SpEd	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%
District Total	58677	56890	55461	54279	52118	50477	50758	49173
District Total %	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%
% SpEd of District	12.3%	12.6%	13.0%	13.7%	14.1%	14.1%	13.9%	13.7%

**TUSD Exceptional Education
K-12 Unduplicated 100th Day Enrollment Counts
Students Centrally Assigned to Programs by Ex Ed**

Class Program	White	Black	Hispanic	Native American	Asian	Pacific Islander	Multiracial	Total
K-12								
Autism	102	20	127	7		1	3	260
CCI	25	10	32	4			3	74
CCP	29	6	62	5			2	104
DELTA	4	1	12					17
ED	131	41	137	17		1	5	332
HI Co-Enroll	12	5	18				1	36
MD	24	5	60	3		1	1	94
MIMO/ID	80	32	217	21		1	8	359
MIID	5	3	32	4				44
MOID	4	2	27	5				38
SID	1	1	3	1				6
Subtotal	417	126	727	67	0	4	23	1364
%	30.6%	9.2%	53.3%	4.9%	0.0%	0.3%	1.7%	100.0%
Preschool								
ABLE	106	14	259	14			3	396
Explorer	18	1	59	1				79
Headstart	4	2	29	10				45
Partners	32	3	27	1				63
Subtotal	160	20	374	26	0	0	3	583
%	27.4%	3.4%	64.2%	4.5%	0.0%	0.0%	0.5%	100.0%
Transition								
ACT	11		14	1				26
Project FOCUS	5	1	8					14
Project SEARCH	5	1	6	1				13
Subtotal	21	2	28	2	0	0	0	53
%	39.6%	3.8%	52.8%	3.8%	0.0%	0.0%	0.0%	100.0%
Total	598	148	1129	95	0	4	26	2000
%	29.9%	7.4%	56.5%	4.8%	0.0%	0.2%	1.3%	100.0%

**TUSD Exceptional Education
K-12 Unduplicated 100th Day Enrollment Counts**

A	%	1213	%	1314	DD	%	1213	%	1314	**ED	%	1213	%	1314	HI	%	1213	%	1314
White	42.8%	209	40.9%	196	White	22.7%	87	23.8%	76	White	42.8%	211	37.6%	182	White	35.1%	34	31.8%	28
Black	5.7%	28	6.9%	33	Black	6.5%	25	7.2%	23	Black	7.9%	39	11.6%	56	Black	7.2%	7	10.2%	9
Native American	1.6%	8	2.3%	11	Native American	4.2%	16	4.4%	14	Native American	3.4%	17	6.0%	29	Native American	1.0%	1	0.0%	0
Hispanic	45.1%	220	43.4%	208	Hispanic	62.5%	240	61.3%	196	Hispanic	39.4%	194	39.0%	189	Hispanic	53.6%	52	55.7%	49
Asian	2.0%	10	2.7%	13	Asian	0.5%	2	0.6%	2	Asian	0.2%	1	0.0%	0	Asian	2.1%	2	1.1%	1
Pacific Islander	0.4%	2	0.2%	1	Pacific Islander	0.0%	0	0.0%	0	Pacific Islander	0.4%	2	0.4%	2	Pacific Islander	0.0%	0	0.0%	0
Multi	2.3%	11	3.5%	17	Multi	3.6%	14	2.8%	9	Multi	5.9%	29	5.4%	26	Multi	1.0%	1	1.1%	1
Totals		488		479	Totals		384		320	Totals		493		484	Totals		97		88
MD	%	1213	%	1314	MDSSI	%	1213	%	1314	MIID	%	1213	%	1314	MOID	%	1213	%	1314
White	26.4%	29	24.5%	25	White	48.1%	13	34.6%	9	White	26.0%	95	23.5%	85	White	15.0%	20	13.5%	17
Black	7.3%	8	7.8%	8	Black	14.8%	4	11.5%	3	Black	7.9%	29	7.7%	28	Black	7.5%	10	7.9%	10
Native American	3.6%	4	3.9%	4	Native American	0.0%	0	0.0%	0	Native American	7.4%	27	8.0%	29	Native American	3.8%	5	4.0%	5
Hispanic	55.5%	61	57.8%	59	Hispanic	33.3%	9	46.2%	12	Hispanic	55.3%	202	56.6%	205	Hispanic	69.2%	92	71.4%	90
Asian	2.7%	3	2.0%	2	Asian	0.0%	0	0.0%	0	Asian	1.1%	4	1.9%	7	Asian	1.5%	2	1.6%	2
Pacific Islander	0.0%	0	1.0%	1	Pacific Islander	0.0%	0	0.0%	0	Pacific Islander	0.0%	0	0.0%	0	Pacific Islander	0.8%	1	0.8%	1
Multi	4.5%	5	2.9%	3	Multi	3.7%	1	7.7%	2	Multi	2.2%	8	2.2%	8	Multi	2.3%	3	0.8%	1
Totals		110		102	Totals		27		26	Totals		365		362	Totals		133		126
OHI	%	1213	%	1314	OI	%	1213	%	1314	SLD	%	1213	%	1314	**EDP numbers included with ED.				
White	35.0%	210	34.4%	199	White	30.8%	12	33.3%	13	White	21.5%	693	21.2%	675					
Black	8.7%	52	8.3%	48	Black	5.1%	2	5.1%	2	Black	7.3%	236	7.5%	238					
Native American	2.7%	16	6.9%	40	Native American	2.6%	1	2.6%	1	Native American	5.4%	173	5.9%	189					
Hispanic	48.5%	291	45.6%	264	Hispanic	56.4%	22	48.7%	19	Hispanic	62.5%	2016	61.9%	1970					
Asian	1.7%	10	1.0%	6	Asian	0.0%	0	5.1%	2	Asian	0.4%	13	0.6%	18					
Pacific Islander	0.2%	1	0.3%	2	Pacific Islander	0.0%	0	0.0%	0	Pacific Islander	0.3%	10	0.3%	11					
Multi	3.3%	20	3.5%	20	Multi	5.1%	2	5.1%	2	Multi	2.6%	83	3%	83					
Totals		600		579	Totals		39		39	Totals		3224		3184					
SLI	%	1213	%	1314	SID	%	1213	%	1314	VI	%	1213	%	1314					
White	22.9%	242	23.2%	216	White	36.7%	11	34.4%	11	White	47.1%	8	57.9%	11					
Black	4.2%	44	3.5%	33	Black	3.3%	1	6.3%	2	Black	0.0%	0	0.0%	0					
Native American	4.7%	50	4.3%	40	Native American	0.0%	0	0.0%	0	Native American	5.9%	1	10.5%	2					
Hispanic	63.4%	669	63.9%	594	Hispanic	50.0%	15	46.9%	15	Hispanic	23.5%	4	21.1%	4					
Asian	1.0%	11	1.1%	10	Asian	6.7%	2	6.3%	2	Asian	5.9%	1	5.3%	1					
Pacific Islander	0.5%	5	0.4%	4	Pacific Islander	0.0%	0	3.1%	1	Pacific Islander	5.9%	1	5.3%	1					
Multi	3.2%	34	3.5%	33	Multi	3.3%	1	3.1%	1	Multi	11.8%	2	0.0%	0					
Totals		1055		930	Totals		30		32	Totals		17		19					

**TUSD Exceptional Education
K-12 Unduplicated 100th Day Enrollment Counts
Referrals - Overview**

Overview of All Referrals						
Initial Eval K-12	Parent Requests		Eligibility Determination			
	Parent Requests	% of Initials - Parent Requests	Has Disability	Needs Services	Does Not Qualify (DNQ)	Not Determined Yet
1096	217	20%	451	447	202	443
Ethnic - All Referral for Evaluations - Unduplicated						
White	Black	Hispanic	Native American	Asian/ Pacific Islander	Multi-racial	Total
245	74	658	59	17	43	1096
22.4%	6.8%	60.0%	5.4%	1.6%	3.9%	100.0%
Qualification Determination - Overall						
A	DD	ED	HI	MD	MDSSI	MIID
3	15	31	2	1	0	8
0.7%	3.4%	6.9%	0.4%	0.2%	0.0%	1.8%
Reasons for Referral - Duplicated Count						
Academic	Cognitive	Communication	Hearing	Medical	Social-Emotional	Motor
799	445	382	6	50	165	82
72.9%	40.6%	34.9%	0.5%	4.6%	15.1%	7.5%

Additional Referral Information

* Child Study for at risk students is conducted at the individual schools. Every school conducts this process in their own way. A number of interventions occur at the schools that never get to the Exceptional Education Department. The data represented in these charts reflects those cases that are referred for an Exceptional Education evaluation.

* This includes all evaluations marked as Initials, PreK-12; it does not include CDAs - Comprehensive Development

* Doc Status at time of download:

438	Draft
5	Review
653	Final

**TUSD Exceptional Education
K-12 Unduplicated 100th Day Enrollment Counts
Referrals - Ethnic Breakdown**

Evaluation						
White	Black	Hispanic	Native American	Asian/Pacific Islander	Multi-racial	Total
245	74	658	59	17	43	1096
22.4%	6.8%	60.0%	5.4%	1.6%	3.9%	100.0%

Reasons for Referral - Duplicated Count (All Ethnic Groups)									
Ethnicity	Academic	Cognitive	Communication	Hearing	Medical	Social-Emotional	Motor	Self Help	Vision
All	799	445	382	6	50	165	82	23	6
White	190	108	71	1	18	55	18	2	
Black	61	36	22		5	16	5		
Hispanic	458	249	250	5	24	80	50	19	5
Native American	47	25	21		2	5	7	2	1
Asian/Pacific Islander	12	9	5			2	1		
Multi-racial	31	18	13		1	7	1		

Groups				
	Qualify	DNQ	# Determined	% Qualify
All	451	202	653	69%
White	107	47	154	69%
Black	26	11	37	70%
Hispanic	271	115	386	70%
Native American	23	5	28	82%
Asian/ Pacific Islander	5	5	10	50%
Multiracial	19	9	28	68%

	A	DD	ED	HI	MD	MDSSI	MIID	MOID	OHI	OI	PSD	SLD	SID	SLI	TBI	VI	Does Not Qualify (DNQ)	No Determination Yet	Total
All	3	15	31	2	1	0	8	1	35	0	0	211	0	144	0	0	202	443	1096
White	1	3	13				3		11			53		23			52	86	245
Black		1	5						4			9		7			11	37	74
Hispanic	2	10	10	2	1		5	1	14			131		95			120	267	658
Native American		1							5			9		8			5	31	59
Asian/Pacific Islander			1									1		3			5	7	17
Multi-racial			2						1			8		8			9	15	43

**TUSD Exceptional Education
K-12 Unduplicated 100th Day Enrollment Counts
Speech Counseling Referrals**

Speech/Language Services								
	White	Black	Hispanic	Native American	Asian	Pacific Islander	Multi-racial	Total
S/L Primary	272	40	741	53	11	4	45	1166
% of Primary	23.3%	3.4%	63.6%	4.5%	0.9%	0.3%	3.9%	100.0%
S/L Related	619	137	1386	116	36	5	65	2364
% of Related	26.2%	5.8%	58.6%	4.9%	1.5%	0.2%	2.7%	100.0%
S/L Combined*	6	1	10					17
% of S/L Combined	35.3%	5.9%	58.8%	0.0%	0.0%	0.0%	0.0%	100.0%

* students have both primary and related speech/language services

Counseling								
	White	Black	Hispanic	American	Asian	Islander	racial	Total
Counseling	314	71	375	39	6	2	43	850
% of Counseling	36.9%	8.4%	44.1%	4.6%	0.7%	0.2%	5.1%	100.0%

1415_ExEd_Ethnic_ComprehensiveData Key

Key:

A	Autism
DD	Developmental Delay
ED	Emotional Disability
HI	Hearing Impairment
MD	Multiple Disability
MDSSI	Multiple Disability Severe Sensory Impairment
MIID	Intellectual Disability - Mild
MOID	Intellectual Disability - Moderate
OHI	Other Health Impairment
OI	Orthopedic Impairment
PSD	Preschool Severe Delay
SLD	Specific Learning Disability
SID	Intellectual Disability - Severe
SLI	Speech Language Impairment
TBI	Traumatic Brain Injury
VI	Visual Impairment
DNQ/Non-Eligible	Does Not Qualify (DNQ)

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The team determines if the student meets the criteria of a disability and whether the child does or does not need special education services. A student shall not be determined to be a child with a disability if the determinant factor is lack of appropriate instruction in reading, (including the essential components of reading instruction), lack of appropriate instruction in math, or limited English proficiency. Parent is provided with a notice regarding this decision that meets prior written notice requirement under IDEA.

Primary services can be in any of the categories of disability listed below. Related services **must be attached** to a Primary service. They cannot be the only service provided to a child. Related services are supportive services which are required to assist a child with a disability to benefit from their special education services. Related services such as speech-language (can also be a primary service), physical and occupational therapy, and adaptive physical education have eligibility criteria and will have goals in the IEP. Other related services can include: audiology services, interpreting services, transportation, counseling, school health services and school nurse services.

For students with hearing impairment and an additional disability, IEP teams should take into account 1) the type and degree of hearing loss, 2) accessibility and accommodation/modification factors, 3) developmental considerations, 4) amount of related services, and 5) the significance of the additional disability eligibility category when determining primary and secondary labels. Typically, the greatest time of services would indicate the primary disability category. If a change in primary service is determined by the IEP team, a Review of Existing Data must be completed.

The categories of disability are listed below along with specific information for each category of eligibility:

Child with Autism Spectrum Disorder (A)
Determination of Eligibility

The determination of eligibility for special education is based on an evaluation pursuant to the IDEA, A.R.S. 15-766 and the following requirements:

- ☐ The student has a developmental disability that significantly affects verbal and nonverbal communication and social interaction and that adversely affects performance in the educational environment.
- ☐ Characteristics of autism include irregularities and impairments in communication, engagement in repetitive activities and stereotypical movements, resistance to environmental change or changes in daily routines and unusual responses to sensory experiences.
- ☐ Autism does not include children with emotional disabilities as defined in A.R.S.15.761.
- ☐ The student was evaluated in all areas related to the suspected disability.

Child with a Developmental Delay (DD)
Determination of Eligibility

The determination of eligibility for special education is based on an evaluation pursuant Senate Bill 1196 and the following requirements:

- ☐ The child who is at least three years of age but under ten years of age^{*} demonstrates performance on a norm-referenced test that measures at least 1.5 but not more than 3.0 standard deviations below the mean for children of the same age in two or more of the following areas:
 - ☐ Cognitive development
 - ☐ Social and emotional development
 - ☐ Physical development
 - ☐ Adaptive development
 - ☐ Communication development
- ☐ The results of the norm-referenced measure(s) are corroborated by information from other sources including parent input, judgment-based assessments and/or surveys.

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The child was evaluated in all of the areas of development listed above, which, taken together, comprise a comprehensive developmental assessment.

NOTE: According to Arizona Department of Education Developmental Delay should be determined as a last resort for school-aged students. All other eligibility categories **must** be ruled out through the evaluation process (formal testing) prior to considering the Developmental Delay eligibility. It is extremely important to accurately diagnose and use specific categories when appropriate. **Students who are eight years old should not be diagnosed with Development Delay when it is an Initial Placement or Reevaluation.**

Child with an Emotional Disability (ED)

Determination of Eligibility

The determination of eligibility for special education is based on an evaluation pursuant to the IDEA, A.R.S. 15-766 and the following requirements:

- ☐ The student exhibits one or more of the following characteristics over a long period of time and to a marked degree and the behavior adversely affects performance in the educational environment:
 - ☐ An inability to build and maintain satisfactory interpersonal relationships with peers and teachers;
 - ☐ Inappropriate types of behavior or feelings under normal circumstances;
 - ☐ A general and pervasive mood of unhappiness or depression;
 - ☐ A tendency to develop physical symptoms or fears associated with personal or school problems
 - ☐ An inability to learn that cannot be explained by intellectual, sensory, or health factors.

The disability includes children who are schizophrenic but does not include children who are socially maladjusted unless it is determined that they have an emotional disability.
- ☐ The emotional disability has been verified by a psychiatrist, licensed psychologist, or certified school psychologist.
- ☐ The student was evaluated in all areas related to the suspected disability.

Child with a Hearing Impairment (HI)

Determination of Eligibility

The determination of eligibility for special education is based on an evaluation pursuant to the IDEA, A.R.S. 15-766 and the following requirements:

- ☐ The student has a loss of hearing acuity which adversely affects performance in the educational environment.
- ☐ The hearing loss has been verified by an audiologist through an audio logical evaluation.
- ☐ A communication/language proficiency evaluation has been conducted.
- ☐ The student was evaluated in all areas related to the suspected disability

Child with Intellectual Disability - Mild (MIID)

(AZ/Federal category Mild Mental Retardation)

Determination of Eligibility

The determination of eligibility for special education is based on an evaluation pursuant to the IDEA, A.R.S. 15-766 and the following requirements:

- ☐ The student exhibits cognitive impairment that adversely affects performance in the educational environment as evidenced by performance on a standard measure of intellectual functioning that is between two and three standard deviations below the mean for students of the same age.

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- ☐ The student demonstrates adaptive behaviors that are between two and three standard deviations below the mean for students of the same age as evidenced by a standardized adaptive behavior scale.
- ☐ The student was evaluated in all areas related to the suspected disability.

Child with Intellectual Disability - Moderate (MOID)

(AZ/Federal category Moderate Mental Retardation)

Determination of Eligibility

The determination of eligibility for special education is based on an evaluation pursuant to the IDEA, A.R.S. 15-766 and the following requirements:

- ☐ The student exhibits cognitive impairment that adversely affects performance in the educational environment as evidenced by performance on a standard measure of intellectual functioning that is between three and four standard deviations below the mean for students of the same age.
- ☐ The student demonstrates adaptive behaviors that are between three and four standard deviations below the mean for students of the same age as evidenced by a standardized adaptive behavior scale.
- ☐ The student was evaluated in all areas related to the suspected disability.

Child with Intellectual Disability - Severe (SID)

(AZ/Federal category Severe Mental Retardation)

Determination of Eligibility

The determination of eligibility for special education is based on an evaluation pursuant to the IDEA, A.R.S. 15-766 and the following requirements:

- ☐ The student exhibits cognitive impairment that adversely affects performance in the educational environment by performance on a standard measure of intellectual functioning that more than four standard deviations below the mean for students of the same age.
- ☐ The student demonstrates adaptive behaviors that are between at least four standard deviations below the mean for students of the same age as evidenced by a standardized adaptive behavior scale.
- ☐ The student was evaluated in all areas related to the suspected disability

Child with Multiple Disabilities (MD)**Determination of Eligibility**

The determination of eligibility for special education is based on an evaluation pursuant to the IDEA, A.R.S. 15-766 and the following requirements:

- ☐ The student has learning and developmental problems resulting from multiple disabilities that cannot be provided for adequately in a program designed to meet the needs of children with less complex disabilities and that adversely affect performance in the educational environment:
- ☐ The student is a student with a disability with two or more of the following conditions:
 - ☐ A hearing impairment;
 - ☐ An orthopedic impairment;
 - ☐ Moderate cognitive impairment
 - ☐ A visual impairment

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- ☐ One or more of the following disabilities existing concurrently with any of the above – mild cognitive impairment, an emotional disability, or a specific learning disability.
- ☐ The student was evaluated in all areas related to the suspected disability.

Child with Multiple Disabilities with a Severe Sensory Impairment (MDSSI)**Determination of Eligibility**

The determination of eligibility for special education is based on an evaluation pursuant to the IDEA, A.R.S. 15-766 and the following requirements:

- ☐ The student has a severe visual or hearing impairment in combination with one or more of the following disabilities that, taken together, adversely affect performance in the educational environment:
 - ☐ Autism;
 - ☐ Orthopedic impairment;
 - ☐ Moderate or severe cognitive impairment;
 - ☐ Multiple disabilities;
 - ☐ Emotional disability requiring private or public intensive therapeutic placement.
- ☐ The student has a severe visual **and** a severe hearing impairment.
- ☐ The student was evaluated in all areas related to the suspected disability.

Child with an Other Health Impairment (OHI)**Determination of Eligibility**

The determination of eligibility for special education is based on an evaluation pursuant to the IDEA, A.R.S. 15-766 and the following requirements:

The student has a health impairment that limits his/her strength, vitality, or alertness (including a heightened alertness that results in limited alertness with respect to the education environment) that is due to chronic or acute health problems including but not limited to as asthma, attention deficit disorder, diabetes, epilepsy, heart conditions.

The health impairment adversely affects performance in the educational environment.

The other health impairment has been verified by a doctor of medicine or doctor of osteopathy through provision of a written statement. Form can be accessed by a psychologist on TIENET.

The student was evaluated in all other areas related to the suspected disability.

The student requires specialized instruction in order to make progress in the general curriculum.

Additional notes:

Medical Certification typically needs to be updated at least every three years. Medical Certification is required for initial eligibility and subsequently at 3-year re-evaluations. In the event that a parent has difficulty obtaining a medical certificate, the district will work through the TUSD School Health Services Department on a case-by-case basis to provide assistance. Any change in a qualifying condition necessitates a new Medical Certificate upon re-evaluation.

- Students with psychiatric disorders such as anxiety, depression or schizophrenia should be considered under the eligibility of Emotional Disability, not OHI.
- Students with autism should be considered under the eligibility category of Autism, not OHI.
- Students with orthopedic impairment should be considered under the category of OI, not OHI.

Chapter 5: ELIGIBILITY CATEGORIES**Prior to considering OHI, other suspected areas of disability must be evaluated and ruled out.**

The Medical Certification needs to directly address whether the health impairment “limits his/her strength, vitality, or alertness (including a heightened alertness that results in limited alertness with respect to the education environment) that is due to chronic or acute health problem.”

In some cases, Medical Protocols/Health Plans or Section 504 Plans should be developed prior to consideration of OHI. Accommodations are often sufficient for the student with a medical condition to access the general education curriculum and make adequate progress.

School Health Offices can also assist students and families by implementing a Chronic Health Certificate if appropriate. A Chronic Health Certificate may serve as a Medical Certification for OHI **if it addresses the criteria in IDEA cited above.**

Adversely affected educational performance.

Obtaining the medical documentation of a disability is not sufficient alone when considering special education eligibility for the category of OHI. The team must also demonstrate that the student’s educational performance has been adversely affected, and that **the student requires special education services in order to make progress in the general curriculum.** Though every individual situation is different, the standard way to assess educational performance is through a minimum of academic testing and a comprehensive review of educational records. Teams should also consider whether the health condition is managed or treated medically or therapeutically such that the condition does not adversely affect educational performance.

Child with an Orthopedic Impairment (OI)

Determination of Eligibility

The determination of eligibility for special education is based on an evaluation pursuant to the IDEA, A.R.S. 15-766 and the following requirements:

- ☐ The student has one or more severe orthopedic impairments caused by a congenital anomaly, disease or other causes such as amputation, or cerebral palsy that adversely affects performance in the educational environment.
- ☐ The orthopedic impairment has been verified by a doctor of medicine or doctor of osteopathy through provision of a written statement.
- ☐ The student was evaluated in all areas related to the suspected disability.

Additional note:

Medical Certification needs to be updated at least every three years.

Adversely affected educational performance.

When considering special education eligibility for the category of OI, it is not sufficiently comprehensive for the team to simply obtain the medical documentation of the disability. The team must also demonstrate that the student’s educational performance has been adversely affected. Though every individual situation is different, the standard way to assess educational performance is through a minimum of academic testing and a comprehensive review of educational records.

Child with a Specific Learning Disability (SLD)

Determination of Eligibility

The determination of eligibility for special education is based on an evaluation pursuant to the IDEA, A.R.S. 15-766 and the following requirements:

- ☐ The student has a specific learning disability in one or more of the following areas: (check all that apply)

TUSD_ExEd_ProceduresManual

5:5

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- | | | |
|---|--|--|
| <input type="checkbox"/> Oral expression | <input type="checkbox"/> Listening comprehension | <input type="checkbox"/> Mathematics calculation |
| <input type="checkbox"/> Written expression | <input type="checkbox"/> Reading comprehension | <input type="checkbox"/> Math reasoning |
| <input type="checkbox"/> Basic reading skills | <input type="checkbox"/> Reading fluency skills | |

Eligibility was determined by: (check all that apply)

- ☐ Norm-referenced psychometric testing which identified a severe discrepancy between ability and achievement
- ☐ A failure to respond to scientifically based interventions and progress monitoring through the **PEA's State approved** Response to Intervention Plan
- ☐ The student was evaluated in all areas related to the suspected disability.
- ☐ Additional Requirements (document the following):
 - o The child is is not achieving on grade level.
 - o The child is is not making sufficient progress to meet grade level standards.
 - o The child does does not exhibit a pattern of strengths and weaknesses in performance and/or achievement relative to grade level standards or intellectual development.

Team decision regarding the presence of a disability:

- ☐ The student **does** meet the criteria as a child with a specific learning disability.
Team decision regarding the need for special education services
 - ☐ The student **does not** need special education services.
 - ☐ The student **does** need special education services.

Special Rule: The team may not identify a student as having a Specific Learning Disability if the discrepancy between ability and achievement is **primarily** the result of a visual, hearing, or motor impairment, cognitive impairment, emotional disturbance, or environmental, cultural or economic disadvantage.

Certification of Team Conclusion

Position/Relationship	Signature	SLD ¹
Parent		<input type="checkbox"/> Agree <input type="checkbox"/> Not Agree
General Education Teacher		<input type="checkbox"/> Agree <input type="checkbox"/> Not Agree
Special Education Teacher		<input type="checkbox"/> Agree <input type="checkbox"/> Not Agree
Agency Representative		<input type="checkbox"/> Agree <input type="checkbox"/> Not Agree
Interpreter of Evaluation Results		<input type="checkbox"/> Agree <input type="checkbox"/> Not Agree

- ☐ Parent has been provided with a notice regarding this decision that meets the prior written notice requirement under the IDEA.
- ☐ If eligibility was determined through a response to intervention, the parents have been informed of their right to request an evaluation based on norm-referenced psychometric testing.

¹If a team member disagrees with the conclusions of the team report, the team member must submit a separate statement presenting his or her conclusions

Child with a Speech and Language Impairment (SLI)

Determination of Eligibility

The determination of eligibility for special education is based on an evaluation pursuant to the IDEA, A.R.S. 15-766 and the following requirements:

- ☐ The student has a communication disorder such as stuttering, impaired articulation, severe disorders of syntax, semantics or vocabulary, or functional language skills, or voice impairment to the extent that it calls attention to itself and interferes with communication or causes the child to be maladjusted.
- ☐ An evaluation by a certified speech/language pathologist has been conducted.
- ☐ The student was evaluated in all areas related to the suspected disability. However, if the impairment appears to be limited to articulation, voice, or fluency problems the evaluation may be limited to the following:
 - o An audiometric screening within the past calendar year;
 - o A review of academic history and classroom functions;

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- An assessment of the student's functional communication skills

Child with a Traumatic Brain Injury (TBI)
Determination of Eligibility

The determination of eligibility for special education is based on an evaluation pursuant A.R.S. 15-766 and the following requirements:

- ☐ The student has an acquired open or closed injury to the brain that is caused by an external physical force and that has resulted in a total or partial functional disability or psychosocial impairment, or both, that adversely affects performance in the educational environment. Resulting impairments include such areas of disability as cognition, language, memory, attention, reasoning, behaviors, physical function, information processing, and speech.
- ☐ The injury is not congenital or degenerative or induced by birth trauma.
- ☐ The injury has been verified by a doctor of medicine or doctor of osteopathy through a written statement.
- ☐ The student was evaluated in all areas related to the suspected disability.
- ☐ For funding purposes, a student with TBI must be listed in SAIS with another disability. Therefore, the team should identify another disability category that most closely resembles the manifestation of the student's TBI and complete eligibility documentation for that disability to the extent appropriate.

Child with a Visual Impairment (VI)
Determination of Eligibility

The determination of eligibility for special education is based on an evaluation pursuant to the IDEA, A.R.S. 15-766 and the following requirements:

- ☐ The student has a loss of visual acuity or loss of visual field that, even with correction, adversely affects performance in the educational environment. The term includes both partial sight and blindness.
- ☐ The visual impairment has been verified by an ophthalmologist or optometrist through a written statement.
- ☐ Specific Evaluation Considerations:
 - Central visual acuity of 20/70 or less in the better eye after conventional correction
 - Reduced visual field to 50 degrees or less in the better eye
 - Other ocular pathologies that are permanent and irremediable
 - Cortical visual impairment
 - A degenerative condition that is likely to result in a significant loss of vision in the future.
- ☐ The student was evaluated in all areas related to the suspected disability.

Non-Eligible Child
Determination of Eligibility

The determination of eligibility for special education is based on an evaluation pursuant A.R.S. 15-766 and the following requirements:

- ☐ The student was evaluated in all areas related to the suspected disability.
-

Team decision regarding the presence of a disability:

- ☐ The student **does not** meet the criteria as a child with a disability under the IDEA.

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Note: A student shall not be determined to be a child with a disability if the determinant factor is lack of appropriate instruction in reading, (including the essential components of reading instruction), lack of appropriate instruction in math, or limited English proficiency.

- ☐ Parent has been provided with a written notice (PWN) regarding this decision that meets the requirement under the IDEA.

Preschool Categories of Eligibility

- Preschool categories of eligibility are limited to HI, VI, PSD.
-

Child with a Preschool Severe Delay (PSD)

Determination of Eligibility

The determination of eligibility for special education is based on an evaluation pursuant A.R.S. 15-766 and the following requirements:

- ☐ The child demonstrates performance on a norm-referenced test that measures more than 3.0 standard deviations below the mean for children of the same age in one or more of the following areas:
 - ☐ Cognitive development
 - ☐ Social and emotional development
 - ☐ Physical development
 - ☐ Adaptive development
 - ☐ Communication development
- ☐ The results of the norm-referenced measure(s) are corroborated by information from other sources including parent input, judgment-based assessments and/or surveys.
- ☐ The child was evaluated in all of the areas of development listed above, which, taken together, comprise a comprehensive developmental assessment.

A table translating the TUSD special education categories with the State of Arizona special education categories and then to the Federal special education categories can be found at Appendix H.