



Arizona Department of Education
Exceptional Student Services

July 10, 2026

Anenette Reichman, Superintendent
Arizona State School for the Deaf and Blind
P.O. Box 88510
Tucson, AZ, 85754

RE: Arizona State School for the Deaf and Blind: Reference Number: 3815

Dear Superintendent Reichman:

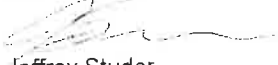
On May 12, 2026, our office received a formal state administrative complaint from Diana Newmark (Complainant), alleging that the Arizona State School for the Deaf and Blind (Public Education Agency) is in noncompliance in special education matters relating to [REDACTED] (Student A), [REDACTED] (Student B), [REDACTED] (Student C), [REDACTED] (Student D), [REDACTED] (Student E), and [REDACTED] (Student F). As required by 34 C.F.R. §§ 300.151-300.153 and the Arizona Administrative Code R7-2-405.01, the Arizona Department of Education/Exceptional Student Services Dispute Resolution Unit (ADE/ESS) conducted an investigation into this matter. This investigation included contact with the following: the Complainant and Elizabeth Norman, Attorney for the PEA. In addition, the Student's records maintained by your PEA were reviewed, as were documents provided by the Complainant.

Enclosed please find our Investigative Report on this matter, which is ADE/ESS's independent determination as to whether the District has violated a requirement of Part B of the Individuals with Disabilities Education Act (IDEA). In accordance with 34 C.F.R. § 300.152(a), this written decision addresses each allegation in the complaint, as clarified by documents/correspondence provided during the investigation, and includes our findings of fact, conclusions of law, and the reasons for ADE/ESS's final decision. A copy of the Investigative Report has also been sent to the Complainant.

As explained in further detail in the attached Investigative Report, noncompliance with one or more requirements of Part B of the IDEA was identified during this investigation. To ensure the timely correction of the identified noncompliance, corrective action has been ordered by ADE/ESS in a separate corrective action letter, which is also enclosed. In order to verify understanding and confirm the timely completion of the assigned corrective action, please email the ESS DRCA inbox DRCA@azed.gov with any questions.

Arizona Department of Education/Exceptional Student Services ADE/ESS appreciated the cooperation of your staff during this process. Please do not hesitate to contact the ADE/ESS Education Program Specialist assigned to your District or me, if ADE/ESS can be of further assistance to you.

Sincerely,


Jeffrey Studer
Director of Dispute Resolution
Exceptional Student Services
Arizona Department of Education
Jeffrey.Studer@azed.gov
Phone: 602-364-4011

cc: Diana Newmark, Complainant
Sarah Barba, Assistant Exc. Director of Exceptional Student Services, ASDB
Elizabeth Norman, Attorney for the District
Scott Dobkovski, Director of Program Implementation, Exceptional Student Services, ADE
ADE File



ARIZONA DEPARTMENT OF
EDUCATION

Dispute Resolution Unit
1535 W. Jefferson St. Bin #24 Phoenix, AZ 85007
(602) 542-3084 www.azed.gov/specialeducation

CONFIDENTIAL STUDENT RECORD

Complainant: Diana Newmark

Public Education Agency: Arizona State School for the Deaf and Blind

Reference Number: 3815

Investigator: Nicole Barnette

Date Issued: July 10, 2026

INVESTIGATIVE REPORT

INTRODUCTION

Student A is [REDACTED] and eligible to receive special education and related services under the eligibility categories of multiple disabilities sever sensory impairment (MDSSI), autism (A) and visual impairment (VI). At the time of the filing of the state complaint, Student A was in the [REDACTED] grade and attended school within the public education agency (PEA).

Student B is [REDACTED] and eligible to receive special education and related services under the eligibility categories of visual impairment (VI), hearing impairment (HI) and developmental disabilities (DD). At the time of the filing of the state complaint, Student B was in the [REDACTED] grade and attended school within the public education agency (PEA).

Student C is [REDACTED] and eligible to receive special education and related services under the eligibility categories of visual impairment (VI), autism (A), moderate intellectual disability (MOID) and multiple disabilities sever sensory impairment (MDSSI). At the time of the filing of the state complaint, Student C was in the [REDACTED] grade and attended school within the public education agency (PEA).

Student D is [REDACTED] and eligible to receive special education and related services under the eligibility categories of visual impairment (VI), mild intellectual disability (MIID) and multiple disabilities (MD). At the time of the filing of the state complaint, Student D was in the [REDACTED] and attended school within the public education agency (PEA).

Student E is [REDACTED] and eligible to receive special education and related services under the eligibility categories of visual impairment (VI). At the time of the filing of the state complaint, Student E was in the [REDACTED] grade and attended school within the public education agency (PEA).

Student F is [REDACTED] and eligible to receive special education and related services under the eligibility categories of visual impairment (VI), autism (A), moderate intellectual disability (MOID), and multiple disabilities sever sensory impairment (MDSSI). At the time of the filing of the state complaint, Student F was in the [REDACTED] grade and attended school within the public education agency (PEA).

Due to the systemic nature of the State Complaint allegations, Students G–L were randomly selected for review as part of the investigative process. The following reviews have been de-identified.

Student G is [REDACTED] old and eligible to receive special education and related services under the eligibility categories of [REDACTED], [REDACTED], and [REDACTED]. At the time of the filing of the state complaint, Student G was in the [REDACTED] grade and attended school within the public education agency (PEA).

Student H is [REDACTED] old and eligible to receive special education and related services under the eligibility categories of [REDACTED], [REDACTED], and [REDACTED]. At the time of the filing of the state complaint, Student H was in the [REDACTED] grade and attended school within the public education agency (PEA).

126. On April 24, 2026, the PEA issued PWN documenting the following among other things regarding Student K's LRE for the 2026-2027 school year:

Description of the action proposed:

- [REDACTED]

Explanation of why the agency proposes to take this action:

- [REDACTED]

Description of any options the agency considered:²⁴

Reasons the above listed were rejected:

- [REDACTED]

Description of any other factors that are relevant to the agency's proposal or refusal:

- [REDACTED]

CONCLUSIONS AND FINDINGS

In accordance with Arizona Revised Statutes (A.R.S.) 15-1302 (A) – (D) "There shall be Arizona state schools for the deaf and the blind which provide schools and regional programs in appropriate locations in this state. The Schools shall be for the education of sensory impaired persons, so that the persons educated there may become self-sustaining and useful citizens. The Schools shall be fully recognized as institutions for educational purposes. The Schools shall be optional resources to school districts, state institutions and other approved educational programs."

²⁴ The PWN did not list any information for this section.

²⁵ It is important to note that any parentally-placed private school student who attends a non-profit private school, even a student who receives ESA funding, is eligible for equitable services under proportionate share funding. 34 C.F.R. § 300.137(a)

A.R.S. 15-1306 (3) states that the Arizona State Schools for the Deaf and the Blind will provide a free and appropriate public education to pupils enrolled in a campus-based model pursuant to the IDEA.

In regard to educational placement of students at ASDB and pursuant to A.R.S. 15-1342 (C)(D)(G) The individualized education program plan of a child continuing in special education placement from the prior school year shall be reviewed annually and revised if necessary. The individualized planning conference shall include a representative of the home school district and a representative of the schools, the child's teacher, the parent, as defined in section 15-761, of the child and, if appropriate, the child. The Arizona state schools for the deaf and the blind shall hold a placement meeting for a child who is enrolled in a campus-based model at least annually to review the child's placement status and shall invite a representative of the child's home school district. If a determination is made that the Arizona state schools for the deaf and the blind is no longer the least restrictive environment, the home school district shall enroll the child. Except as provided in subsection G of this section, a representative for special education of the home school district shall place the child according to the recommendations of the individualized education program team. If the chief administrator of the home school district and the superintendent of the schools determine that the schools cannot provide the appropriate educational programs and services needed by the child, they shall locate or establish a program to meet the child's needs in consultation with the department of education and any other appropriate state agency.

Predetermination refers to a decision made by the school or district members of the IEP team, prior to an IEP meeting, without considering other options, and without input from the parent. A school district violates the IDEA if it predetermines placement for a student before the individualized education program (IEP) is developed or steers the IEP to the predetermined placement.²⁶

Arizona law establishes the Arizona State Schools for the Deaf and the Blind (ASDB) as optional educational resources available to school districts and requires ASDB to provide a free appropriate public education (FAPE) to students enrolled in its campus-based programs. A.R.S. §§ 15-1302(A)-(D), 15-1306(3). Arizona law further requires that annual placement reviews for students enrolled in ASDB's campus-based model include representatives of both ASDB and the student's district of residence and that placement decisions be based on IEP team recommendations. A.R.S. § 15-1342(C), (D), and (G).

The findings of fact demonstrate that, following the January 21, 2026, announcement regarding the closure of the Tucson campus residential program, the PEA developed and communicated a plan that contemplated returning affected students to programs operated by their districts of residence while continuing to offer itinerant support services. Although the PEA convened IEP meetings and included the required participants, the evidence shows that the placement discussions were effectively limited to Level A, Level B, or Level C placements within students' districts of residence. Documentation does not demonstrate that IEP teams meaningfully considered the full continuum of alternative placements, including whether another Level D separate day-school placement, contracted placement, or other specialized setting remained necessary to provide FAPE for individual students.

The IDEA requires public agencies to ensure the availability of a continuum of alternative placements and to make placement decisions based on the individual needs of the child as reflected in the child's IEP.²⁷ Placement decisions may not be based on administrative convenience, program availability, funding considerations, or agency-wide policy determinations. Rather, placement decisions must be made individually and through the IEP process. Moreover, when a public agency predetermines a student's placement before the IEP team has considered the student's unique needs and parental input, the agency denies meaningful participation in the placement process and violates IDEA procedural safeguards.²⁸

While the closure of the Tucson campus may have required the PEA and districts of residence to reconsider students' placements, that administrative decision did not relieve the PEA of its obligation to ensure that each student's placement was determined through an individualized consideration of the full continuum of placements. Additionally, A.R.S. § 15-1342(G) contemplates that when ASDB cannot provide the programs or

²⁶ Individuals with Disabilities Education Act, § 601 et seq., 20 U.S.C.A. § 1400 et seq. *K.D. ex rel C.L. v Department of Education Hawaii*, 665 F.3d 1110 (9th Cir. 2011)

²⁷ 34 C.F.R. §§ 300.115 and 300.116

²⁸ *K.D. ex rel. C.L. v. Department of Education, Hawaii*, 665 F.3d 1110 (9th Cir. 2011).

services needed by a child, the responsible agencies must locate or establish an appropriate program to meet the child's needs. The statute does not authorize limiting placement options solely to programs within the student's district of residence.

As evidenced by the findings of fact, the PEA announced the closure of its Level D campus and simultaneously implemented a process whereby affected students were directed toward placement options within their districts of residence. The IEP teams discussed only Level A, B, or C placements and did not meaningfully consider whether another Level D placement or other placement along the continuum remained necessary based on each student's individual needs. Additionally, prior written notices reviewed similarly lack documentation demonstrating consideration or rejection of alternative separate day-school placements, contracted placements, or other available options. Further, when parents proposed alternative placements, those options were not considered through the IEP process based on individualized student needs, but rather were treated as parental choices outside the options being offered by the PEA following the campus closure.

Therefore, ADE/ESS concludes that the PEA predetermined the placements for Students (A-F) and similarly situated students who are blind, visually impaired, or receiving residential services for the 2026–2027 school year in violation of the regulations that implement the Individuals with Disabilities Education Act (IDEA). Accordingly, ADE/ESS finds the PEA in noncompliance regarding this matter.

OTHER AREAS OF CONCERN

1. The Complainant alleges that the District eliminated two placements, specifically Level D and Level E, on the continuum of services for the 2026–2027 school year. This area of concern is addressed in the framed issue.
2. The Complainant alleges that the District failed to consult with the State Education Agency when determining educational placement for Students for the 2026–2027 school year.

The regulations implementing the Individuals with Disabilities Education Act (IDEA) require that a state administrative complaint include "a statement that a public agency has violated a requirement of Part B of the IDEA." 34 C.F.R. § 300.153(b). The State Education Agency does not have the authority to investigate hypothetical situations or potential future violations of the IDEA. See *Letter to Siegel*, 33 IDELR 275 (OSEP Feb. 10, 2000). Although the District's governing board has announced the closure of the campus for the 2026–2027 school year, the District remains in the 2025–2026 school year and retains the opportunity to address students' educational placements, as well as to consult with the State Education Agency to ensure there is no interruption in the provision of a free appropriate public education (FAPE). Accordingly, the allegations regarding the elimination of educational continuum placements (Levels D and E) and consultation with the State Education Agency to determine educational placement are premature and hypothetical in nature. Therefore, this office makes no finding with respect to these issues.

As stated in the federal regulations, the State Educational Agency (SEA) has the responsibility to "Issue a written decision to the complainant that addresses each allegation in the complaint and contains: (i) Findings of fact and conclusions; and (ii) The reasons for the SEA's final decision." [34 C.F.R. § 300.152(a)(5)] This Investigative Report constitutes the SEA's final decision in this matter.

Done this 10th day of July 2026.


Nicole Barnette
ADE/Dispute Resolution Complaint Investigator


Jeffrey Studer
Director of Dispute Resolution

The U.S. Department of Education has explained, "[i]f after the SEA's final decision is issued, a party who has the right to request a due process hearing and who disagrees with the SEA's decision may initiate a due process hearing, provided that the subject of the State complaint involves an issue about which a due process hearing can be filed and the two-year statute of limitations for due process hearings (or other time limit imposed by State law) has not expired." [34 C.F.R. Part

300, Analysis of Comments and Changes, Subpart B – State Eligibility, *Federal Register*, Vol. 71, No. 156, p. 46607 (August 2006)]

This report is a confidential student record. Any disclosure must meet the requirements described in the regulations that implement the Family Educational Rights and Privacy Act at 34 C.F.R. §§ 99.30 through 99.39.

For consultation and support, parents of children with disabilities can contact Encircle Families (formerly Raising Special Kids), a nonprofit agency in Arizona that partners with the Arizona Department of Education. Encircle Families has family support specialists who are knowledgeable about special education and who are also the parents of a child with a disability, meaning they have sat on both sides of the table and can, therefore, provide a sounding board, information, and advocacy. They can be reached by phone at their toll-free number 800.237.3007. Their website is located at <https://encirclerfamilies.org>



Arizona Department of Education
Exceptional Student Services

LETTER OF CORRECTIVE ACTION

July 10, 2026

Annette Reichman, Superintendent
Arizona State School for the Deaf and Blind
P.O. Box 88510
Tucson, AZ 85754

RE: Arizona State School for the Deaf and Blind: Reference Number: 3815

Dear Superintendent Reichman:

On May 12, 2026, our office received a formal state administrative complaint from Diana Newmark (Complainant), alleging that the Arizona State School for the Deaf and Blind (Public Education Agency) is in noncompliance in special education matters relating to [REDACTED] (Student A), [REDACTED] (Student B), [REDACTED] (Student C), [REDACTED] (Student D), [REDACTED] (Student E), and [REDACTED] (Student F). This letter is to outline actions the Public Education Agency (PEA) must undertake to correct noncompliance identified during the investigation, as explained in the Investigative Report sent to you on July 10, 2026. In accordance with the federal regulations that implement the Individuals with Disabilities Education Act (IDEA), when the State Educational Agency (SEA) identifies noncompliance on the part of a PEA, the SEA is responsible for ensuring that the noncompliance is corrected as soon as possible and in no case later than one year after the identification of noncompliance. [34 C.F.R. § 300.600(e)]

The SEA is responsible for ensuring that all public agencies within its jurisdiction meet the requirements of the Act and its implementing regulations. In light of the SEA's general supervisory authority and responsibility under sections 612(a)(11) and 616 of the Act, we believe the SEA should have broad flexibility to determine the appropriate remedy or corrective action necessary to resolve a complaint in which the SEA has found that the public agency has failed to provide appropriate services to children with disabilities. [34 C.F.R. Part 300, Analysis of Comments and Changes, Subpart D-Evaluation, Eligibility, IEP, Educational Placement, *Federal Register*, Vol. 71, No. 156, p. 46685 (August 2006)]

Following is the corrective action required and the associated due dates:

The PEA shall work with an approved ADE/ESS Special Monitor to oversee implementation of all corrective actions required by this Investigative Report. The Special Monitor shall be responsible for verifying completion of the required record audits, ensuring IEP teams properly consider and document the full continuum of placement options, monitoring the development and implementation of transition plans, and reviewing all documentation prior to submission to ADE/ESS. The Special Monitor shall serve as the primary point of contact for corrective action activities and shall ensure that corrective actions are implemented consistently and in accordance with IDEA requirements and applicable state law.

The purpose of the Special Monitor is to provide independent oversight and quality assurance to ensure that placement decisions are made through individualized IEP team processes, that meaningful parent participation is preserved, and that corrective actions address both the student-specific and systemic noncompliance identified in this investigation. The Special Monitor shall maintain records of monitored activities and provide periodic status reports to ADE/ESS until all corrective actions have been completed and compliance has been verified.

Review of Individualized Education Programs

1. For each Student identified in this investigation (Students A–F), and similarly situated students who are blind, visually impaired, or receiving residential services, the PEA shall audit the Student's special education record to ensure that:
 - a. All required IEP team members were present for the IEP team meeting(s) in which educational placement decisions were discussed;
 - b. All placement options on the continuum of alternative placements were discussed and considered based upon the Student's individualized needs, present levels of performance, and required supports and services;
 - c. Once an educational placement is determined, the PEA and the identified district of attendance for the 2026–2027 school year create a transition plan in consultation with the Student's parent(s);
 - d. If the IEP team cannot determine or agree upon an educational placement option, the chief administrator of the home school district and the superintendent of the PEA shall locate or establish a program to meet the Student's needs in consultation with the Arizona Department of Education and any other appropriate state agency, pursuant to A.R.S. § 15-1342(G).
2. If the outcome of the audit reveals that any of the requirements identified in Benchmark #1 were not met when establishing the Student's placement for the 2026–2027 school year, the PEA shall convene the Student's IEP team and ensure that:
 - a. All required IEP team members are present;
 - b. All placement options on the continuum of alternative placements are discussed and considered based upon the Student's individualized needs and level of supports;
 - c. Once an educational placement is determined, the PEA and identified district of attendance for the 2026–2027 school year create a transition plan in consultation with the Student's parent(s);
 - d. If the IEP team cannot determine or agree upon an educational placement option, the chief administrator of the home school district and the superintendent of the PEA shall locate or establish a program to meet the Student's needs in consultation with the Arizona Department of Education and any other appropriate state agency.
3. If the audit determines that the Student's IEP team does not need to reconvene because the placement determination process sufficiently addressed and documented all requirements identified in Benchmark #1, the PEA shall maintain documentation demonstrating compliance and provide such documentation to ESS DRCA inbox by close of business on **August 28, 2026**.

4. If the audit determines that the Student's IEP team must reconvene, the PEA shall ensure the following:
- a. The Student's IEP team reviews and considers the full continuum of alternative placements, including:
 - i. General education placement with supplementary aids and services;
 - ii. Resource placement;
 - iii. Self-contained placement;
 - iv. Cooperative-site placements;
 - v. Separate day-school placements;
 - vi. Contracted placements;
 - vii. Residential placements, when appropriate; and
 - viii. Any other placement necessary to provide the Student a free appropriate public education (FAPE).
 - b. Meaningful parent participation is ensured throughout the placement discussion and decision-making process;
 - c. The IEP team documents the basis for accepting or rejecting each placement option considered;
 - d. The IEP team develops or revises a transition plan, as appropriate, based upon the educational placement ultimately selected.
5. The Exceptional Student Services Director, or designee, shall submit the following documentation to the ESS DRCA inbox by close of business on **August 28, 2026**.
- a. Documentation of the completed audit for each Student identified in this investigation and any similarly situated students reviewed;
 - b. Meeting notices;
 - c. Attendance sheets;
 - d. Updated IEPs;
 - e. Prior Written Notices (PWNs);
 - f. Transition plans developed or revised by the IEP teams;
 - g. Documentation demonstrating consideration of the full continuum of placement options; and
 - h. Documentation demonstrating completion of any actions required pursuant to A.R.S. § 15-1342(G), when applicable.

Please submit corrective action documentation, identified by both the complaint #3815 and the completed item number, via email to DRCA@azed.gov.

We appreciate your cooperation and that of your staff as you work to correct the identified noncompliance and thereby ensure that the District is in compliance with federal and state special education requirements.

Done this 10th day of July 2026.



Nicole Barnette
Compliance Coordinator



Jeffrey Studer
Director of Dispute Resolution

cc: Diana Newmark, Complainant
Sarah Barba, Assistant Exc. Director of Exceptional Student Services, ASDB
Elizabeth Norman, Attorney for the District
Scott Dobkovski, Director of Program Implementation, Exceptional Student Services, ADE
ADE File