Article 24:05 (Special Education):
The effect of the rules will be to amend state rules. Federally the Individuals with Disabilities Education Act (IDEA) has not been reauthorized since 2004, this law is to be reauthorized every five years and states would subsequently update state statute and regulations. Due to the significant delay in federal reauthorization amendments to state regulation are being proposed to reflect changes to policies, practices and procedures that have occurred during this time and are allowed under the IDEA. There are substantive and non-substantive changes.

Summary of non-substantive changes:
1. Adding definitions that are used throughout ARSD’s and defined in IDEA (excess cost, individualized family service plan, native language, school day, services plan, and supplementary aids and services)
2. Updating as amended dates for federal regulations
3. Changing school district, district, school, to local education agency (LEA) to align with IDEA
4. Citing correct state department/office/board (Department of Education, Office of Special Education Programs, Board of Education Standards….)
5. Consistently referring to the IDEA, Part B of the IDEA, and Part C of the IDEA
6. Consistently referring to a FAPE
7. Consistently referring to IEP and IEP team (individual education, individualized education, individual educational…)
8. Update ESEA references to ESSA where amended by federal law
9. General revisions to align language within ARSDs to be consistent or to clarify meaning (ex: through 21 to completion of fiscal year turns 21)
10. Change onsite monitoring and visits to monitoring
11. In suspension and expulsion:
   a. Referring to conduct instead of behavior.
   b. Referring to LEA policy instead of code of conduct, misconduct, and insubordination.

Summary of substantive changes:
1. 24:05:23:01. & 24:05:23:02. - Updating the requirements for educational evaluator and psychological evaluator to ensure those administering evaluations are qualified and trained on the evaluations being administered. Eliminating a school psych examiner from administering psychological evaluations.
2. 24:05:24:01:16 & 24:05:24:01:17 - Renaming Emotional Disturbance to Emotional Behavioral Disability and revising the eligibility criteria to follow best practices used in identification and eliminate external factors impacting evaluation such as not being able to obtain or identify a second area and ensuring students that are making progress because of
the services and supports are not exited based on evaluation results if they would not be successful without the services and supports in place.

3. 24:05:24.01:09. - Increasing the age of developmental delay eligibility from 3 through 5 to 3 to 9 which will give students services and supports they need early instead of possibly exiting and later demonstrating more significant delays and requalifying in another category.

4. 24:05:14:14.01.; 24:05:22:04.01.; & 24:05:27:12.; 24:05:27:12.1. - Clarifying the awarding of a regular high school diploma and the termination of services as a result of receiving a diploma can only occur if a student has met the state graduation requirements. Separating out the summary of performance requirement.

The reason for adopting the proposed rules is ensure federal and state rule reference and language aligns. Provide clarity in rules that may not have been implemented as intended. Improve services to students with developmental delays and emotional behavioral disabilities.