



# Exceptional Student Services

## Private Special Education Schools Guidance Manual

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ARIZONA DEPARTMENT OF  
**EDUCATION**

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## Introduction and General Requirements

Private special education schools are approved under A.A.C. R7-2-402 by the Arizona Department of Education (ADE) to provide special education and/or related services to students with disabilities placed by a public education agency (PEA). Students placed within an approved private special education school qualify for state funds issued to the PEA. Students placed in such programs may present with significant emotional, behavioral, and/or educational needs that school districts are unable to serve in other less restrictive placements. The placement of students must be based on the student's individual needs as outlined in the individualized education program (IEP). Requirements for private school approval by ADE are outlined in [A.A.C. R7-2-402](#). ADE approval allows private schools to take district placements for special education students as long as the private school continues to meet the criteria and standards set forth by ADE. PEAs can only place students eligible for special education in private schools approved by ADE. **General education students and students with 504 plans are not eligible to be placed in private schools by PEAs.** To be approved for public placements, ADE/ESS requires potential private schools to submit a formal application including the following:

- administration information
- point of contact(s)
- staff certifications
- building/location information
- the ages and needs of students they plan to teach
- documentation of special education policies and procedures as it pertains to the implementation of specially designed instruction based on the specific needs of district-placed students while maintaining compliance with the IDEA and state statutes
- current fire inspection report
- proof of liability insurance

The application must be submitted before the beginning of each fiscal year and mid-year to ensure all requirements continue to be met.

Private schools must be actively engaging with public schools to accept students. Private schools that have not had publicly placed students enrolled for two or more years will be considered inactive and will not be added to the approved private special education school list. This does not prohibit PEAs from contacting private schools. When new publicly enrolled student placement discussions occur, the Special Education Program Specialist will work with the private school to reapply for approval.

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# Definitions

## Glossary of Acronyms & Terms

**Emotional Disabilities Public/Private (ED-P) Program:** A funding weight to provide services to students with Emotional Disabilities who demonstrate behaviors to the extent that their needs cannot be met in traditional resource or self-contained special education classes. The program can be located at a public or private school site.

**Non-Public Organization Organizations (NPO):** Organizations that can do business with educational entities in their day-to-day operation. These entities are not considered as bearing a primary responsibility to the public and operate in a variety of capacities such as private businesses, private schools, educational support programs, and miscellaneous entities.

**Restraint:** Any method or device that immobilizes or reduces the ability of a pupil to move the pupil's torso, arms, legs or head freely, including physical force or mechanical devices. Restraint does not include any of the following:

- (a) Methods or devices implemented by trained school personnel or used by a pupil for the specific and approved therapeutic or safety purposes for which the method or device is designed and, if applicable, prescribed.
- (b) The temporary touching or holding of the hand, wrist, arm, shoulder or back for the purpose of inducing a pupil to comply with a reasonable request or to go to a safe location.
- (c) The brief holding of a pupil by one adult for the purpose of calming or comforting the pupil.
- (d) Physical force used to take a weapon away from a pupil or to separate and remove a pupil from another person when the pupil is engaged in a physical assault on another person.

**Seclusion:** The involuntary confinement of a pupil alone in a room from which egress is prevented. Seclusion does not include the use of a voluntary behavior management technique, including a timeout location, as part of a pupil's education plan, individual safety plan, behavioral plan or individualized education program that involves the pupil's separation from a larger group for purposes of calming. [A.R.S. § 15-105]

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## Areas of Approval

Private special education schools must have ADE approval for each specific eligibility category they plan to service. Every school site must have teachers with the appropriate certification to teach students with the specific areas of eligibility as outlined in the [Certification Matrix](#). For example, if a school site wants to service a student with MDSSI, the school site must have a teacher with a moderate/severe certification in the student's classroom.

If a PEA refers a student with an area of eligibility to a private special education school that is not approved in that area, the private special education school may not accept that student. Similarly, if a

PEA refers a student with a related service need that the private special education school is unable to provide, the private special education school **may not accept that student unless the PEA sends a qualified individual to provide those services to the student**. The PEA must request approval from the ADE before enrolling in the private special education school.

Please inform your Special Education Program Specialist if the PEA is not sending a provider to meet the needs of the publicly placed students.

**Any changes to areas of approval must be communicated to the PEA and ADE within 10 business days.**

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## Special Education Program

The intent of private special education schools is to provide instructional programs for students with disabilities that exceed those provided by PEAs and that meet the requirements of IDEA.

Instructional services must be consistent with the curriculum that is aligned with Arizona state standards, including the administration of state assessments.

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## Communication

**Private special education schools must inform PEAs within 10 business days of the following:**

- **Intent to discontinue, suspend or terminate a student's services for longer than 10 days**
- **Intent to close a site**
- **Change in disability category or grades areas of approval for which PEA's place students**
- **Change in staffing that affects students placed by the PEA**

Additionally, private special education schools must provide PEAs attendance data, goal progress data, and student documents including exit criteria data as required in a timely manner.

**Private special education schools must inform ADE within 10 days of the following:**

- **Intent to close a site**
- **Change in disability category or grades areas of approval for which PEAs place students**
- **Change in staffing that affects students placed by the PEA**

## Certification and Staffing

### Teachers

Private special education schools must provide appropriately certificated (alternative or standard) special education teachers in each classroom that serves publicly placed students to implement the IEPs.

The number of classrooms serving publicly placed students must be equal to or less than the number of certified teachers.

School administrators cannot be counted as classroom teachers.

All changes to personnel staff must be communicated to ADE within 10 business days. If the private school no longer has a certified teacher who provides services for a specific disability category and/or classroom with a publicly placed student, they must notify the PEA and ADE within 10 days. The private school will be given 30 days to find a replacement. ADE will continue to follow up with the private school and PEA. If not found, the school will no longer be approved for the disability categories, site, and/or classroom. PEAs will need to find a new placement if the private school can no longer meet the needs of the student.

Long-term substitutes may be utilized in situations where teachers are on leave and have a documented anticipated date of return.

### Administration

The private special education school will provide administrative personnel, such as a lead/master teacher, principal, **or** other administrator certificated in an administrative area **or** experienced and certificated in the appropriate area of special education.

### Requirements for SID Approval

Teachers providing services to publicly placed students with SID eligibility must be certified in Moderate/Severe Disabilities or Intellectual Disabilities.

### Requirements for MDSSI Approval

Teachers providing services to publicly placed students with MDSSI eligibility must be certified in Moderate/Severe Disabilities. VI and/or HI services must be provided by a certified VI or HI teacher.

### Paraprofessionals

Paraprofessionals must have cardiopulmonary resuscitation (CPR) and first aid training in addition to at least ten (10) hours of intensive training in behavior strategies and non-aversive physical management.

## Fingerprint Clearance Card

**All employees of the private special education school** must have undergone a background check and have a current Identity Verified Prints (IVP) Level One Fingerprint Clearance Card.

## Recommended Student to Staff Ratio

- 6:1 student to staff member ratio
- Maximum of 12 students with a teacher and a full-time paraprofessional
- Third staff member available for crisis intervention and behavior management

## Certification Resources

- [Public Educator Lookup](#)
- [Certification Requirements](#)
- [Certification Matrix](#)

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## Requirements for Emotional Disabilities Private Program Approval

Additional requirements must be met for a private school to be approved for an Emotional Disabilities Private (ED-P) Program. Reporting information can be found in the [Reporting Guidance for Emotional Disabilities – Private/Public Programs](#).

### Teacher Certification

Teachers providing services to publicly placed students with ED-P eligibility must be certified in:

- Emotional Disabilities
- Mild/Moderate Disabilities
- Moderate/Severe Disabilities, or
- Cross-Categorical certified with 20 hours of additional professional development in teaching students with Emotional Disabilities

[R7-2-402\(C\)\(3\)](#)

## Mental Health Professionals

Counseling or mental health services are recommended for all students publicly placed in private schools. It is required to be approved for ED-P and counselling services must be provided to students with ED and any student as determined by the IEP team.

Services may be provided by an on-site provider, district provider, or provider contracted through a third party.

## Restraint and Seclusion

For private special education schools seeking ED-P approval, documentation of staff trained in non-aversive physical management is required. ADE recommends that all staff be trained and requires that staff interacting with students with emotional disabilities (ED-P programs) be appropriately trained. Private special education schools are expected to adhere to the recommendations set forth by their non-aversive physical management program (i.e. renewal or refresher training; number of trained staff recommended to safely perform a restraint).

Private special education schools are expected to adhere to [A.R.S. 15-105](#). Parents or guardians must be notified of incidents of restraint or seclusion as noted in statute. PEAs must be informed of incidents of restraint of seclusion as agreed upon in the contract between the PEA and private special education school.

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## Site Visits

Each approved private special education site will be visited at a minimum of one time per year by the assigned Special Education Program Specialist and planned with advance notice. Special Education Program Specialist can visit sites if an urgent need arises without notice.

During the visit:

- Students must be present and in session for the annual visit.
- Special Education Program Specialists will:
  - meet with leadership teams to review needs and available resources
  - review IEPs (and other documents as requested)
  - tour the site
  - observe classrooms to ensure that all criteria are met using the [Approved Private Special Education School Criteria](#)
  - provide a written report of the findings after the visit.

If corrective action is required, the necessary actions and timeframe will be included in the report. Special Education Program Specialists will follow up as needed to ensure all corrective actions have been taken. If they have not, enforcement actions may take place.

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## Reporting

The private special education school is required to

- maintain an accounting system that is available to review upon request that includes the costs of operation, maintenance, transportation, per-pupil spending, and capital outlay.
- maintain an attendance reporting system that provides PEAs and the Arizona Department of Education with required information on a consistent and predictable basis.

[R7-2-402\(C\)\(12\)](#)

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## Emergency and Evaluation Placements

Extraneous cases for placement must be approved by ADE, and arrangements must be made between ADE and the PEA. ADE will provide instructions to the PEA for each child to ensure they pass an audit and all other data reporting and funding requirements.

**\*\*Private special education schools found enrolling publicly enrolled children without an IEP or without written approval from ADE will risk losing their approval status for not aligning with Arizona Rules and Statutes.**

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## Reintegration Data

Private special education schools will work with the placing districts to ensure that all publicly placed students have appropriate exit criteria in their IEP. Private special education schools will track progress toward exit criteria and inform the IEP Team when exit criteria are met to determine the next steps for the student.

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## Private Schools Located on Public Sites

Private organizations operating special education programs in public schools providing services to only students in the public school's PEA will be considered in agreement with that PEA as vendor and will not fall under the purview of ADE. These schools will not be required to apply for approval or be

published on the approved list of private special education schools. Students will be reported through the public school site.

Private special education schools operating on a PEA site and providing services to more than one PEA will continue to be recognized by ADE as an approved private special education school and must follow procedures to gain and maintain status as an approved private special education school. The District of Residence will report students as attending the private special education school.

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## Site Changes

### Adding a New Site

The entity will complete the application in ADEConnect (see [Private Special Education School Application Instruction Manual](#)). The entity will be contacted by a Special Education Program Specialist to schedule a site visit prior to approval. Once approved, the site will be added to the approved list and districts may place students at the site. An Special Education Program Specialist will visit the site again once students are in attendance.

### Closing a Site

The entity will inform the Special Education Program Specialist and PEA of intent to close and the closing date via email as soon as possible. The private special education school must give PEAs a 10-day notice. The Special Education Program Specialist will inactivate the site and remove it from the approved list.

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## Ungraded Elementary

Ungraded Elementary (UE) Students with disabilities receiving group B services must be at least 5 years old but less than 6 by September 1 and have an IEP that supports a group B need and the necessity for a full-time instructional program of 712 hours per year.

Private special education schools can be approved for UE if the following are met:

- Student must have a need, have an IEP, and be enrolled in a full-time program of 712 hours per year.
- The IEP must include the need for full-day and recognize the student as not being in kindergarten.
- The private school site must provide a separate class for UE students.

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