



OFFICE OF THE
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 Phoenix, Arizona 85007

(R75-207)
 BRUCE E. BABBITT
 ATTORNEY GENERAL
 75-58

March 27, 1975

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 ARIZONA ATTORNEY GENERAL

The Honorable Carolyn Warner
 Superintendent of Public Instruction
 1535 West Jefferson
 Phoenix, Arizona 85007

Attention: Mr. G. W. Harrell

Dear Gus:

In response to your correspondence to this office dated October 29, 1974, inquiring as to whose responsibility it is (a school district via certificates of educational convenience or institutions of placement) to educate special education/handicapped children placed in state rehabilitation or correctional institutions, D.E.S. licensed foster child care homes and Department of Corrections facilities, we advise that it is the responsibility of both, depending upon circumstances surrounding each case.

Pursuant to A.R.S. § 15-1015.C, which provides as follows,

C. For the purposes of this section, handicapped children being furnished special education in rehabilitation, corrective or other state and county supported institutions shall be the responsibility of that institution or facility. Special education programs at such institution or facility shall conform to the conditions and standards prescribed by the director of the division of special education.

the institutions of placement are responsible for the special education of their wards where such institutions furnish special education programs which conform to the conditions and standards prescribed by the Director of the Division of Special Education.

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Where no such program is provided the institutions must by necessity send their wards to public schools where, pursuant to legislative mandate, the public schools by September 1976 must provide special education for all children displaying such a need. Under this alternative circumstance, A.R.S. § 15-304.B comes into force and effect:

B. The county school superintendent of any county in which a pupil is placed as described in paragraph 1, 2 or 3 of this subsection shall issue a certificate of educational convenience for the pupil to attend school in the school district or adjoining school district to that in which the pupil is placed in one of the following:

1. A state rehabilitation or corrective institution.
2. A foster home or child care agency or institution which is licensed and supervised by the state department of economic security.
3. Under the supervision of the department of corrections in a residence pursuant to the Interstate Compact on Juveniles.

If we can be of further assistance to you in this matter, please do not hesitate to call upon us.

Sincerely,

BRUCE E. BABBITT
Attorney General

C. HENRY WIDENMANN, JR.
Assistant Attorney General

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