

Arizona Supreme Court No. R-23-0009

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TO:

Rule 28 Distribution

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ATTACHMENT¹

RULES OF THE SUPREME COURT OF ARIZONA

Rule 31.3. Exceptions to Rule 31.2

(a)–(d) [No change]

(e) [No change]

(1) *Children With Disabilities.* A person may represent a party in the following situations if the person has special knowledge or training with respect to the problems of children with disabilities and the person is not charging a fee for representing the party (other than receiving reimbursement for costs): ~~In any administrative proceeding under 20 U.S.C. §§ 1415(f) or (k) regarding any matter relating to the identification, evaluation, educational placement, or the provision of a free appropriate public education for a child with a disability or suspected disability, a person may represent a party if:~~

(A) in any informal conflict resolution method, such as school-based meetings or mediation, regarding matters relating to the identification, evaluation, educational placement, or the provision of a free appropriate public education for a child with a disability or suspected disability; and/or the hearing officer determines that the person has special knowledge or training with respect to the problems of children with disabilities; and

(B) in any administrative proceeding under 20 U.S.C. §§ 1415(f) or (k) regarding any matter relating to the identification, evaluation, educational placement, or the provision of a free appropriate public education for a child with a disability or suspected disability a person may represent a party. ~~the person is not charging a fee for representing the party (other than receiving reimbursement for costs).~~

Despite these provisions, the hearing officer may order the party to appear only through counsel or in some other manner if he or she determines that the person representing the party is interfering with the proceeding's orderly progress or imposing undue burdens on other parties.

(2)–(8) [No change]

¹ Additions to the text of the rule are shown by underscoring and deletions of text are shown by ~~strike through~~.