

POLICY SERVICES

ADVISORY

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July 2015

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Note: This material is written for informational purposes only, and not as legal advice. You may wish to consult an attorney for further explanation.

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POLICY ADVISORY DISCUSSION

Many of the advisories that follow recommend policy document revisions based on Arizona laws modified by the Fifty-second Legislature, First Regular Session, 2015. Where appropriate this series will present each applicable bill identification number related to a policy or regulation and a brief statement of content explanation.

The documents should be considered by the Governing Board for adoption as a policy or by the Superintendent for implementation as a regulation or exhibit.

**Policy Advisory No. 519 Exhibits BEC-EB, BEC-EC, BEC-ED—
Executive Sessions/Open Meeting**

**Policy Advisory No. 520 Exhibits BEDA-EA, BEDA-EB, BEDA-EC, BEDA-ED,
BEDA-EE, BEDA-EF, BEDA-EG — Notification of Board Meetings**

Policy Advisory No. 521 Exhibit BEDB-E — Agenda

This exhibit, BEDB-E, is specific to the Arizona Commission on The Environment, and is included as an example of the detail recommended for an appropriately prepared public meeting agenda. The ASBA template depicted in Policy BEDB remains our suggested format for public schools.

Policy Advisory No. 522 Exhibits BEDG-EA, BEDG-EB — Minutes

Agency Handbook Forms. Policy Advisories 519, 520, 521, and 522 present sample documents from the Attorney General Agency Handbook which are provided as optional exhibits to the Policy Manual for each school district. Each form is replicated with a code applicable to the content for placement and reference and may be found at

<https://www.azag.gov/sites/default/files/sites/all/docs/agency-handbook/ch07-2013.pdf>

The forms are listed below:

Form 7.1 Disclosure Statement: BEDA-EA

Form 7.2 Notice of Public Meeting of a Public Body: BEDA-EB

Form 7.3 Notice of Public Meeting of a Subcommittee or Advisory Committee of a Public Body: BEDA-EC

Note: This material is written for informational purposes only, and not as legal advice. You may wish to consult an attorney for further explanation.

Form 7.4 Notice of Regular Meetings of a Public Body: BEDA-ED

Form 7.5 Notice of Meeting and Possible Executive Session of a Public Body: BEC-EB

Form 7.6 Notice of Combined Public Meeting and Executive Session: BEC-EC

Form 7.7 Sample Notice and Agenda of Public Meeting and Executive Session: BEDB-E

Form 7.8 Certification of Posting of Notice: BEDA-EE

Form 7.9 Special Notice of Emergency Meeting: BEDA-EF

Form 7.10 Minutes of Public Meeting: BEDG-EA

Form 7.11 Minutes of Executive Session: BEDG-EB

Form 7.12 Notice of Action to be Ratified: BEDA-EG

Form 7.13 Employee Notice of Executive Session: BEC-ED

Policy Advisory No. 523 Policy FCB—Retirement of Facilities

Senate Bill 1074 amended A.R.S. 15-189, Charter schools; vacant buildings; list; used equipment. School districts are to sell or lease a vacant and unused building or portion of a building to charter schools in the same manner as other potential buyers or lessees while attempting to obtain the highest possible value.

Policy Advisory No. 524 Policy GBI— Staff Participation in Political Activities

The legislature amended A.R.S. 15-511 in House Bill 2613 which added language related to prohibitions on the use of public resources to influence elections while defining “routine school district communications.”

Policy Advisory No. 525 GDQA— Support Staff Reduction in Force.

Policy language has been modified for clarity in reference to reduction in force which may be necessitated during the school year in addition to the provision for reductions occurring prior to an up-coming school year.

Policy Advisory No. 526 Regulation IKE-RB — Promotion and Retention of Students

Senate Bill 1461 adds A.R.S. 15-219 (Dyslexia and reading disability screening, intervention, accommodation and technology) and modifies A.R.S. 15-701 (Common School; promotions; requirements). The applicable language has been inserted into Regulation IKE-RB to provide a student who is in the process of a special education referral or evaluation for placement or a pupil who has been diagnosed as having a significant reading impairment, including dyslexia or another disability as defined in A.R.S. 15-761, with additional mandatory considerations prior to the determination of a promotion/retention decision.

Note: This material is written for informational purposes only, and not as legal advice. You may wish to consult an attorney for further explanation.

Policy Advisory No. 527 Policy IKF— Graduation Requirements

Policy IKF is presented with several additions based on revisions to A.R.S. 15-763 (Plan for providing special education; definition) and A.R.S. 15-701.01 (High school; graduation; requirements) included in House Bill 2064 and Senate Bill 1093. The policy language addresses pupil transfer of credit from a charter school, school district, or Arizona online instruction; the designation of such credit as core credit; and examination if the core credit designation is denied.

Another addition is the social studies graduation requirement which becomes effective in the 2016-2017 school year pertaining to students obtaining a minimum score of sixty (60) out of one hundred (100) on a test that is identical to the civics portion of the naturalization test used by the United States Citizenship and Immigration Services. The Governing Board determines the details of the method and manner in which to administer the test. Unlimited student re-testing is allowed.

Finally, IKF includes protections for special education students regarding passing scores on the Arizona Instrument to Measure Standards (AIMS) or the test that is identical to the civics portion of the naturalization test under section 15-701.01 with additional considerations as stated in the law and policy language.

Policy Advisory No. 528 Policy JFAB — Tuition/Admission of Nonresident Students

House Bill 2479 relating to student tuition added language referencing the eligibility of children who are residents of the United States but non-residents of Arizona for enrollment without payment of tuition if certain conditions are met. These conditions are detailed in the modified Policy JFAB.

Policy Advisory No. 529 Policy JFABC — Admission of Transfer Students

House Bill 2530 modifies A.R.S. 15 701.01, including language which prohibits requiring proof of payment as a condition of a school district or charter school accepting credits earned from an online course provider for online classes taken between May 1 and July 31.

Language added to Policy IKF in Senate Bill 1093, addressing pupil transfer of credit from a charter school, school district, or Arizona online instruction; the designation of such credit as core credit or elective credit; and examination if the core credit designation is denied, is duplicated in this policy.

Senate Bill 1093 modified A.R.S. 15-808 (Arizona online instruction) specifying that school districts or charter schools may not charge a fee to a pupil who takes an examination in a particular course to obtain academic credit, pursuant to section 15-701.01. The appropriate change has been made to policy.

Note: This material is written for informational purposes only, and not as legal advice. You may wish to consult an attorney for further explanation.

Policy Advisory No. 530 Policy JK and Regulation JK-RB— Student Discipline

Policy Advisory No. 371, February 2010, was the result of SB 1197 which established a task force on best practices in special education and behavior management with directions to examine, evaluate and make recommendations concerning best practices for managing the behavior and discipline of pupils with disabilities including prohibited disciplinary actions, training for special education teachers, and parental notice requirements. Document JK-RB, Student Discipline, was the final document, focusing primarily on restraint and seclusion.

The Arizona Legislature passed HB 2476 in 2013. This bill amended A.R.S. 15-843(B)(9), relating to pupil discipline and is applicable to all students. As a result Policy Services released Policy Advisory No. 472, May 2013, focusing on the confinement of pupils left alone in an enclosed space. Information pertaining to confinement was placed both in Policy JK and in Regulation JK-RB.

The current legislature passed SB 1459, adding A.R.S. 15-105 (Use of restraint and seclusion techniques; requirements; definition) to Title 15. As a result, language pertaining to restraint and seclusion applicable to all students has been added to document JK, Student Discipline. In addition, the Governor released a letter dated April 13, 2015, expressing his recommendation that the legislature consider “protections to well-intentioned individuals acting in good faith in emergency situations” during the next legislative session.

Policy Advisory No. 531 JLF-EB – Reporting Child Abuse/Child Protection

This language was included in *POLICY SERVICES ADVISORY, Volume 26, Number 3, August 2014*:

Child Protective Services

Child Protective Services (CPS) has changed its name to Department of Child Safety (DCS). The former name occurs throughout the Manual in policies, regulations, and exhibits, including the ones distributed in PA 503 (JLF-EB through JLF-ED), March 2014. The Manual will be altered; however, the forms distributed by the agency and the Department of Child Safety (DCS) website still include the older name. These will be updated as the agency releases new publications. The District may alter the name as it develops or changes policies or other documents or substitute the new name as deemed necessary.

Policy Services will not duplicate all pertinent DCS forms as exhibits in the Manual. Nevertheless, the JLF-EB exhibit pertaining to interviews at school has been replicated with new DCS language.

Exhibits JLF-EC and JLF-ED have been removed from the model. As they become available, updated forms related to information/records access, removal, custody and related issues should be available from DCS Representatives as they make local school contacts. The school district attorney should be contacted if legal questions or concerns arise. Various DCS forms may be accessed at the following address: <https://www.azdes.gov/appforms.aspx>.

Note: This material is written for informational purposes only, and not as legal advice. You may wish to consult an attorney for further explanation.

Policy Advisory No. 532 JLIA – Supervision of Students

Some optional language in Policy JLIA has been modified for clarity in response to input from The Arizona School Risk Retention Trust, Inc.

Policy Advisory No. 533 Regulation JQ-R, Exhibit JQ-EB – Student Fees, Fines, and Charges

Regulation JQ-R is updated and incorporates a modification of A.R.S. 43-1089.01 made by House Bill 2483. The deadline for tax credit donations moves from December 31 to April 15. Any donations made after December 31 and on or before April 15 may be applied to either the current or the preceding taxable year.

In addition a link to the AZDOR document *GUIDELINES FOR THE PUBLIC SCHOOL EXTRACURRICULAR ACTIVITY (ECA) TAX CREDIT* is provided at the bottom of the regulation. The document that contains the rubric (on page 4) is added as exhibit JQ-EB. Exhibit JQ-E should now be recoded as JQ-EA.

AZDOR link: <http://www.azdor.gov/LinkClick.aspx?fileticket=7tg5M2-Lvpw%3D&tabid=>

Policy Advisory No. 534 Regulation JRCA-R – Request for Transfer of Records

House Bill 2530 extended A.R.S. 15-701.01 by adding Section 2 temporarily until June 30, 2018 or as extended by the legislature. Thus, the changes in this regulation are temporary. The thrust is to make students' records accessible to online course providers in the same manner as to districts and charter schools. Records must be released within ten (10) days after a valid request to release the pupil's transcript is received.

Penalties may be attached for non-compliance; however, the Governor's Letter of March 30, 2015, iterates his concerns pertaining to "ambiguities which should be addressed by the Arizona Department of Education – how and to whom the alleged violation would be reported, who investigates, from whom would a final ruling be made, and appeal."

Policy Advisory No. 535 Regulation KDB-R – Public's Right to Know/Freedom of Information

Policy Services has received questions pertaining to the cost a district may charge for providing documents related to a request for public records found in Policy KDB and Regulation KDB-R titled *Public Right to Know / Freedom of Information*.

Regulation KDB-R provides districts the opportunity to specifically address the cost of materials requested related to board minutes, agendas, financial records, contracts, course of study and statistical summaries. Additionally the regulation provides opportunities to address the cost of other materials that are not referenced. The cost for providing these materials is to be determined by each district.

Note: This material is written for informational purposes only, and not as legal advice. You may wish to consult an attorney for further explanation.

Arizona Revised Statute 39-121.03(A)(2) states that “a reasonable fee for the cost of time, materials, equipment, and personnel in producing such reproduction,” may be assessed. Statute does not address what “a reasonable fee” is so it remains the responsibility of each public body to make that determination.

Policy Services researched current practice by school districts and other public bodies in the state. Our research found that the cost for the reproduction of documents ranges from \$.10 per page up to \$2.00 per page. Most districts and public bodies we researched fall in the \$.50+/- range per page. Policy Services suggests a fee range between \$.35 and \$.50 per page.

Policy Services does not believe statute provides for an additional personnel fee. We suggest that the ASBA language provided in KDB-R be utilized by districts as provided without the inclusion of additional fees.

Additionally, each district should periodically review its charges for materials reproduction related to a request for information to determine if such fees meet the “reasonable fee” language stated in statute. Should it be determined that adjustment is necessary please remember to advise Policy Services so your on-line document is changed to reflect the adjustment.

A.G.O. I13-012 (R13-018) should be added to Legal Refs. in Policy KDB.

BEC-EB ©

EXHIBIT

EXECUTIVE SESSIONS / OPEN MEETINGS

Form 7.5

Notice of Meeting and Possible Executive Session of a Public Body

Sections 7.6.8 and 7.10.1

**NOTICE OF MEETING AND POSSIBLE EXECUTIVE SESSION OF THE
[NAME OF PUBLIC BODY]**

Pursuant to A. R.S. § 38-431.02, notice is hereby given to the members of the [name of public body] and to the general public that the [name of public body] will hold a meeting open to the public on [date, time, and exact location] for the purpose of deciding whether to go into executive session. If authorized by a majority vote of the [name of public body], the executive session will be held immediately after the vote and will not be open to the public.

The agenda for the meeting is as follows:

[Include a general description of the matters to be discussed or considered, but exclude information that would defeat the purpose of the executive session. See Form 7.7 (Sample Notice and Agenda)]

[OR]

A copy of the agenda for the meeting will be available at [location where the agenda will be available] at least twenty-four hours in advance of the meeting.

This executive session is authorized under A.R.S. § 38-431.03, Subsection (A), paragraph [list applicable provision].

Dated this _____ day of _____, 20_____.

[name of public body]

By _____
[authorized signature]

Persons with a disability may request a reasonable accommodation, such as a sign language interpreter, by contacting [name, telephone number, TDD telephone number]. Requests should be made as early as possible to arrange the accommodation.

Note: This material is written for informational purposes only, and not as legal advice. You may wish to consult an attorney for further explanation.

BEC-EC ©

EXHIBIT

EXECUTIVE SESSIONS / OPEN MEETINGS

**Form 7.6
Notice of Combined Public Meeting and Executive Session**

**Sections 7.6.8, 7.7.4, and 7.10.1
NOTICE OF COMBINED PUBLIC MEETING AND EXECUTIVE SESSION OF
[NAME OF PUBLIC BODY]**

Pursuant to A. R.S. § 38-431.02, notice is hereby given to the members of the [name of public body] and to the general public that the [name of public body] will hold a meeting open to the public on [date, time, and exact location]. As indicated in the agenda, pursuant to A.R.S. § 38-431.03(A) [specific paragraph that justifies the executive session]. The [name of public body] may vote to go into executive session, which will not be open to the public, to discuss certain matters.

The agenda for the meeting is as follows:

[List the specific matter to be discussed, considered, or decided. See Form 7.7 (Sample Notice and Agenda). Identify those matters that may be discussed or considered in executive session and identify the paragraph of A.R.S. § 38431.03(A) authorizing the executive session, but exclude information that would defeat the purpose of the executive session.]

[OR]

A copy of the agenda for the meeting will be available at [location where the agenda will be available] at least twenty-four hours in advance of the meeting.

Dated this _____ day of _____, 20____.

[name of public body]

By _____
[authorized signature]

Persons with a disability may request a reasonable accommodation, such as a sign language interpreter, by contacting [name, telephone number, TDD telephone number]. Requests should be made as early as possible to arrange the accommodation.

Note: This material is written for informational purposes only, and not as legal advice. You may wish to consult an attorney for further explanation.

BEC-ED ©

EXHIBIT

EXECUTIVE SESSIONS / OPEN MEETINGS

**Form 7.13
Employee Notice of Executive Session**

Section 7.9.4

[DATE]

[Name and Address of Officer or Employee
who is the subject of discussion at the
executive session]

Dear [Name of employee]:

This is to advise you that the [name of public body] will meet in executive session at its next meeting on [date, time, and exact location] to discuss [describe nature of matters to be discussed or considered]. You may request that the discussion take place during the [name of public body's] public meeting rather than in executive session, by contacting the undersigned not later than [date and time by which notification must be given*].

Any person with a disability may request a reasonable accommodation, such as a sign language interpreter, by contacting [name, telephone number, TDD telephone number]. Requests should be made as early as possible to arrange the accommodation.

Very truly yours,

[authorized signature]

* Since the public body must post its notice of either a public meeting or an executive session at least twenty-four hours before the meeting, the deadline for the employee to exercise his or her right to demand a public meeting must be more than twenty-four hours before the meeting.

Note: This material is written for informational purposes only, and not as legal advice. You may wish to consult an attorney for further explanation.

BEDA-EA ©

EXHIBIT

NOTIFICATION OF BOARD MEETINGS

**Form 7.1
Disclosure Statement**

**Section 7.6.3.1
STATEMENT OF LOCATIONS WHERE ALL NOTICES OF THE MEETINGS
OF THE [NAME OF PUBLIC BODY] WILL BE POSTED**

Pursuant to A.R.S. § 38-431.02, the [name of public body] hereby states that all notices of the meetings of the [name of public body] and any of its committees and subcommittees will be posted [identify the location where notices will be posted and include the hours during which such locations are open to the public, for example, "in the lobby of the State Capitol located at 1700 West Washington, Phoenix, Arizona, and at the press room of the State Senate Building, 1700 West Washington, Phoenix, Arizona. Both locations are open to the public Monday through Friday from 8:00 a.m. to 5:00 p.m. except legal holidays."] Such notices will indicate the date, time, and place of the meeting and will include an agenda or information concerning the manner in which the public may obtain an agenda for the meeting.

Dated this _____ day of _____, 20____.

[name of public body]

By _____
[authorized signature]

Note: This material is written for informational purposes only, and not as legal advice. You may wish to consult an attorney for further explanation.

BEDA-EB ©

EXHIBIT

NOTIFICATION OF BOARD MEETINGS

**Form 7.2
Notice of Public Meeting of a Public Body**

**Sections 7.6.3, 7.7.4, 7.10.1
NOTICE OF PUBLIC MEETING OF THE
[NAME OF PUBLIC BODY]**

Pursuant to A.R.S. § 38-431.02, notice is hereby given to the members of the [name of public body] and to the general public that the [name of public body] will hold a meeting open to the public on [date, time, and exact location].

The agenda for the meeting is as follows:

[List the specific matters to be discussed, considered, or decided. See Form 7.7 (Sample Notice and Agenda)]

[OR]

A copy of the agenda for the meeting will be available at [location where the agenda will be available] at least twenty-four hours in advance of the meeting.

Dated this _____ day of _____, 20_____.

[name of public body]

By _____
[authorized signature]

Persons with a disability may request a reasonable accommodation, such as a sign language interpreter, by contacting [name, telephone number, TDD telephone number]. Requests should be made as early as possible to arrange the accommodation.

Note: This material is written for informational purposes only, and not as legal advice. You may wish to consult an attorney for further explanation.

BEDA-EC ©

EXHIBIT

NOTIFICATION OF BOARD MEETINGS

Form 7.3

Notice of Public Meeting of a Subcommittee or Advisory Committee of a Public Body

Sections 7.6.3, 7.10.1

NOTICE OF MEETING OF THE [NAME OF SUBCOMMITTEE OR ADVISORY COMMITTEE] OF THE [NAME OF PUBLIC BODY]

Pursuant to A. R.S. § 38-431.02, notice is hereby given to the members of the [name of committee] of the [name of public body] and to the general public that the [name of committee] of the [name of public body] will hold a meeting open to the public on the [date, time, and exact location].

The agenda for the meeting is as follows:

[List the specific matters to be discussed, considered or decided. See Form 7.7 (Sample Notice and Agenda)]

[OR]

A copy of the agenda for the meeting will be available at [location where the agenda will be available] at least twenty-four hours in advance of the meeting.

Dated this _____ day of _____, 20____.

[name of public body]

By _____
[authorized signature]

Persons with a disability may request a reasonable accommodation, such as a sign language interpreter, by contacting [name, telephone number, TDD telephone number]. Requests should be made as early as possible to arrange the accommodation.

Note: This material is written for informational purposes only, and not as legal advice. You may wish to consult an attorney for further explanation.

BEDA-ED ©

EXHIBIT

NOTIFICATION OF BOARD MEETINGS

**Form 7.4
Notice of Regular Meetings of a Public Body**

**Sections 7.6.3, 7.6.6, 7.7.4, and 7.10.1
NOTICE OF REGULAR MEETINGS OF THE
[NAME OF PUBLIC BODY]**

Pursuant to A.R.S. § 38-431.02(F), notice is hereby given to the members of the [name of public body] and to the general public that the [name of public body] will hold regular meetings on the [specific day of month] of each month during the year [year]. The meetings will begin at [time] and will be held at [exact location].

A copy of the agenda for the meeting will be available at [location where the agenda will be available] at least twenty-four hours in advance of the meeting.

Dated this _____ day of _____, 20____.

[name of public body]

By _____
[authorized signature]

Persons with a disability may request a reasonable accommodation, such as a sign language interpreter, by contacting [name, telephone number, TDD telephone number]. Requests should be made as early as possible to arrange the accommodation.

Note: This material is written for informational purposes only, and not as legal advice. You may wish to consult an attorney for further explanation.

BEDA-EE ©

EXHIBIT

NOTIFICATION OF BOARD MEETINGS

**Form 7.8
Certification of Posting of Notice**

**Section 7.6.9
CERTIFICATION OF POSTING OF NOTICE**

The undersigned hereby certifies that a copy of the attached notice was duly posted at [place] on [date and time] in accordance with the statement filed by the [name of public body].

Dated this _____ day of _____, 20____.

[name and title of person signing the certification]

Note: This material is written for informational purposes only, and not as legal advice. You may wish to consult an attorney for further explanation.

BEDA-EF ©

EXHIBIT

NOTIFICATION OF BOARD MEETINGS

**Form 7.9
Special Notice of Emergency Meeting**

**Section 7.7.9
SPECIAL NOTICE OF AN EMERGENCY MEETING OF
[NAME OF PUBLIC BODY] HELD [DATE]**

Pursuant to A.R.S. § 38-431.02(D), notice is hereby given that an emergency session of the [name of public body] was held on [date, time, and exact location].

At the emergency session the [name of public body] [describe the specific matters discussed, considered, or decided, or in the case of matters considered in an emergency executive session, a general description of the matters considered, provided that no information is included that would defeat the purpose of the executive session].

Dated this _____ day of _____, 20_____.

[name of public body]

By _____
[authorized signature]

Note: This material is written for informational purposes only, and not as legal advice. You may wish to consult an attorney for further explanation.

BEDA-EG ©

EXHIBIT

NOTIFICATION OF BOARD MEETINGS

**Form 7.12
Notice of Action to be Ratified**

**Sections 7.6.4, 7.10.1, and 7.12.2
NOTICE OF PUBLIC MEETING OF THE [NAME OF PUBLIC BODY]
FOR THE PURPOSE OF RATIFYING PAST ACTION TAKEN
IN VIOLATION OF OPEN MEETING LAW**

Pursuant to A.R.S. § 38-431.05, notice is hereby given to the members of the [name of public body] and to the general public that the [name of public body] will hold a meeting open to the public on [date, time, and exact location].

The purpose of the meeting is to ratify an action of the [name of public body] that may have been taken in violation of the Open Meeting Law. This action involved:

[Describe the action.]

The public may obtain a detailed written description of the action to be ratified, and all deliberations, consultations, and decisions by members of the public body that preceded and relate to this action to be ratified at [identify the location and include hours] at least 72 hours in advance of the meeting.

Dated this _____ day of _____, 20____.

[name of public body]

By _____
[authorized signature]

Persons with a disability may request a reasonable accommodation, such as a sign language interpreter, by contacting [name, telephone number, TDD telephone number]. Requests should be made as early as possible to arrange the accommodation.

Note: This material is written for informational purposes only, and not as legal advice. You may wish to consult an attorney for further explanation.

BEDB-E ©

EXHIBIT

AGENDA

Form 7.7

Sample Notice and Agenda of Public Meeting and Executive Session

Sections 7.6.4, 7.6.8, 7.7.2, 7.7.4, and 7.10.1

**NOTICE AND AGENDA OF MEETING OF THE
ARIZONA COMMISSION ON THE ENVIRONMENT**

Pursuant to A.R.S. § 38-431.02, notice is hereby given to the members of the Arizona Commission on the Environment and to the general public that the Arizona Commission on the Environment will hold a meeting open to the public on January 21, 2000, beginning at 8:30 a.m. in Room 201, Health Building, 1740 West Adams, Phoenix, Arizona. As indicated in the following agenda, the Arizona Commission on the Environment may vote to go into executive session, which will not be open to the public, to discuss certain matters.

The agenda for the meeting is as follows:

- I. Call to Order. (Chairman Smith)
- II. Approval of Minutes of October 19, 1999 Meeting.
- III. Committee Reports. (Oral reports of the following committees and discussion thereon.)
 1. Computer Committee. Report by the chair of the Commission's Advisory Committee on proposals for acquiring a new computer system for the Commission.
- IV. Personnel.
 1. Consideration of applicants for Director of the Commission. The Commission may vote to discuss this matter in executive session pursuant to A. R.S. § 38-431.03(A)(1). The names of the applicants may be obtained by contacting the Commission's Executive Secretary.
 2. Selection of Director of the Commission. The Commission may defer a decision on this matter to a later date.
- V. Litigation.
 1. *State v. Acme Polluters*. Discussion and decision concerning possible settlement. The Commission may vote to discuss this matter with the Commission's attorneys in executive session pursuant to A.R.S. § 38-431.03(A)(3) and (4). The Commission may decide the matter in the public meeting or defer decision to a later date.
 2. Instituting Litigation. Discussion with and instruction to the Commission's attorneys concerning the filing of an enforcement action against The Brown Corporation. The Commission may discuss this matter in executive session pursuant to A.R.S. § 38-431.03(A)(2), (3), and (4). The Commission may decide the matter in the public meeting or defer decision to a later date.

Note: This material is written for informational purposes only, and not as legal advice. You may wish to consult an attorney for further explanation.

VI. Consent Agenda.

Approval of routine warrants, purchase orders, travel claims, employee leave and transfer requests, and employee resignations. (Documentation concerning the matters on the consent agenda may be reviewed at the Commission's office.) Any matter on the Consent Agenda will be removed from the Consent Agenda and discussed as a regular agenda item upon the request of any Commission member.

1. Approval of purchase order numbers 1204, 1205, and 1206 for purchase of computer equipment.
2. Approval of travel claims for employees John Q. Smith and Mary M. McGee.
3. Approval of resignation of Daniel Warren and resolution to thank Daniel Warren for ten years of service.

VII. Call to the Public.

This is the time for the public to comment. Members of the Board may not discuss items that are not on the agenda. Therefore, action taken as a result of public comment will be limited to directing staff to study the matter or scheduling the matter for further consideration and decision at a later date.

VIII. Summary of Current Events.

The chief administrator, presiding officer or a member of the board may present a brief summary of current events pursuant to A.R.S. § 38-431.02(K). The Board will not discuss or take action on any current event summary.

The Board may discuss future dates for meetings and direct staff to place matters on future agendas.

A copy of the agenda background material provided to Commission members (with the exception of material relating to possible executive sessions) is available for public inspection at the Commission's office, Room 402, Health Building, 1740 West Adams, Phoenix, Arizona.

Dated this 7th day of January, 2000.

ARIZONA COMMISSION ON THE ENVIRONMENT

Chris Jones
Executive Secretary

Persons with a disability may request a reasonable accommodation, such as a sign language interpreter, by contacting [name, telephone number, TDD telephone number]. Requests should be made as early as possible to arrange the accommodation.

Note: This material is written for informational purposes only, and not as legal advice. You may wish to consult an attorney for further explanation.

BEDG-EA ©

EXHIBIT

MINUTES

**Form 7.10
Minutes of Public Meeting**

**Sections 7.8.1 and 7.8.2
MINUTES OF PUBLIC MEETING OF THE
[NAME OF PUBLIC BODY] OF MEETING HELD [DATE]**

A public meeting of the [name of public body] was convened on [date, time, and exact location]. Present at the meeting were the following members of the [name of public body]: [names of members present]. Absent were: [names of members absent]. The following matters were discussed, considered, and decided at the meeting:

1. [Generally describe all matters discussed or considered by the public body.]
2. [Describe accurately all legal actions proposed, discussed, or taken and the names of persons who proposed each motion].
3. [Identify each person making statements or presenting material to the public body, making specific reference to the legal action about which they made statements or presented material.]
4. [Other required information. See Section 7.8.2(6), (7), (8).]

Dated this _____ day of _____, 20_____.

[name of public body]

By _____
[authorized signature]

Note: This material is written for informational purposes only, and not as legal advice. You may wish to consult an attorney for further explanation.

BEDG-EB ©

EXHIBIT

MINUTES

**Form 7.11
Minutes of Executive Session**

**Sections 7.8.1, 7.8.3
MINUTES OF EXECUTIVE SESSION OF THE
[NAME OF PUBLIC BODY] HELD [DATE]**

An executive session of the [name of public body] was convened on [date, time, and exact location]. The [name of public body] voted to go into executive session at a public meeting on [date, time, and exact location]. Present at the executive session were the following members of the [name of public body]: [names of members present]. Absent were: [names of members absent]. Also attending the executive session were: [names of those present including the reasons for their presence, for example, attorney for the public body, etc.]

The following matters were discussed and considered at the meeting:

1. [Generally describe the matters discussed or considered by the public body.]
2. [Describe all instructions given to attorneys or designated representatives pursuant to A.R.S. § 38- 431.03(A)(4), (5) and (7).]
3. [If the executive session is held as an emergency session, include the statement of reasons for the emergency consideration. See Section 7.8.2(7).]
4. [Include such other information as the public body deems appropriate, including information necessary to establish that executive session was proper and appropriate. See Section 7.8.3(5).]

Dated this _____ day of _____, 20____.

[name of public body]

By _____
[authorized signature]

Note: This material is written for informational purposes only, and not as legal advice. You may wish to consult an attorney for further explanation.

**FCB ©
RETIREMENT OF FACILITIES**

(Closing a School Facility)

If it is determined the Board needs to consider closing a school facility the Board may consult with the Arizona School Facilities Board (SFB) for technical assistance and for information on the impact of closing a school. The information provided from the SFB shall not require the Board to take or not take any action.

The Board recognizes the impact closing a school has on the community, the students who attend the school being considered, the projected impact on other schools in the District, and the District. In response the Board shall discuss and consider a proposed school closing at a scheduled Board meeting. The Superintendent shall present at a Board meeting demographic data related to present and future school facility needs along with information related to a school closing.

Following a decision to sell or lease a vacant and unused building or a vacant and unused portion of a building, the District may not prohibit a charter school from negotiating to buy or lease the property in the same manner as other potential buyers or lessees. The District shall attempt to obtain the highest possible value under current market conditions for the sale or lease of the vacant and unused building or the vacant and unused portion of a building.

Community members shall be provided an opportunity to address the consideration at the Board meeting.

Adopted: date of Manual adoption

LEGAL REF.:

A.R.S.

15-341

38-431.01

CROSS REF.:

JC - School Attendance Areas

Note: This material is written for informational purposes only, and not as legal advice. You may wish to consult an attorney for further explanation.

GBI © STAFF PARTICIPATION IN POLITICAL ACTIVITIES

The Board recognizes the right of its employees, as citizens, to engage in political activity. However, school time, personnel, equipment, supplies, materials, buildings, or other resources may not be used to influence the outcomes of elections.

A staff member, a person acting on behalf of the District or a person who aids another person acting on behalf of the District shall be guided by the following:

- No employee shall engage in political activities upon property under the jurisdiction of the Board. Employees in their individual capacities may exercise their political liberties on property leased from the school for that purpose.
- The prohibition on the use of public resources to influence the outcome of bond, budget override and other tax-related elections includes the use of School District-focused promotional expenditures that occur after an election is called and through election day. This prohibition does not include routine School District communications which are messages or advertisements that are germane to the functions of the School District and that maintain the frequency, scope and distribution consistent with past practices or are necessary for public safety.
- Campaigning and other election activities must be done in off-duty hours, when not working in an official capacity or representing the District, and without the participation of District employees or students acting in the capacity of District or school representatives.
- Invitations to participate in election activities on a given campus, except when extended by groups leasing or using school facilities, shall be permitted only when such invitations are to all candidates for the office. The rental use of District property by a private person or entity that may lawfully attempt to influence the outcome of an election is permitted if it does not occur at the same time and place as a related District-sponsored forum or debate.
- Political circulars or petitions may not be posted or distributed in school.
- The collection of campaign funds and/or the solicitation of campaign workers is prohibited on school property.
- Students may not be given written materials to influence the outcome of an election or to advocate support for or opposition to pending or proposed legislation.
- Students may not be involved in writing, addressing or distribution of material intended to influence the outcome of an election or to advocate support for or opposition to pending or proposed legislation.

Note: This material is written for informational purposes only, and not as legal advice. You may wish to consult an attorney for further explanation.

Employees of the District may not use the authority of their position to influence the vote or political activities of any subordinate employee.

District employees who hold elective or appointive office are not entitled to time off from their school duties for reasons incident to such offices, except as such time may qualify under the leave policies of the Board.

The discussion and study of politics and political issues, when such discussion and study are appropriate to classroom studies, are not precluded under the provisions of this policy.

District employees shall be permitted time as provided in statute, if required, to vote in the primary or general election.

The District may distribute informational reports on a proposed budget override election as provided in A.R.S. 15-481 and on a proposed bond election as provided in A.R.S. 15-491 if those informational reports present factual information in a neutral manner, except for those arguments allowed under A.R.S. 15-481.

Nothing in this policy shall preclude the District from producing and distributing impartial information on elections other than District budget override elections or reporting on official actions of the Governing Board.

The District shall not make expenditures for literature associated with a campaign conducted by or for a District official.

Adopted: date of Manual adoption

LEGAL REF.:

A.R.S.

15-481

15-511

15-903

16-402

A.G.O.

I15-002

Note: This material is written for informational purposes only, and not as legal advice. You may wish to consult an attorney for further explanation.

**GDQA ©
SUPPORT STAFF
REDUCTION IN FORCE**

~~The number and type of support staff positions required to implement the District's educational program will be determined annually by the Board after recommendation from the Superintendent.~~ In the event the Board decides to implement a reduction in force and to release support staff members, the following guidelines will be in effect:

- Normal attrition due to terminations will be relied upon as the first means of reducing the staff.
- If attrition does not accomplish the required reduction in the staff, the Superintendent shall submit to the Board recommendations for the termination of specific staff members. The criteria used in formulating these recommendations shall include, but shall not be limited to:
 - Qualifications of staff members to accomplish the District's program.
 - Overall experience, training, and ability.
 - Past contributions to the program of the District.
 - All other factors being equal, length of service in the District.

Criteria for selection of staff members to be released will be applied separately to employees within specialty categories.

Personnel to be released ~~for the ensuing school year~~ shall be notified of such release as soon as practical.

Adopted: date of Manual adoption

Note: This material is written for informational purposes only, and not as legal advice. You may wish to consult an attorney for further explanation.

IKE-RB ©

REGULATION

**PROMOTION AND RETENTION
OF STUDENTS**

**Competency Requirements
for Promotion of Students
from Third Grade**

The District shall provide an annual written notification to parents or guardians of students in kindergarten programs and first (1st), second (2nd) and third (3rd) grades that a student who obtains a score on the reading portion of the Arizona Instrument to Measure Standards (AIMS) test, or a successor test, that demonstrates the student is reading far below the third (3rd) grade level or the equivalent as established by the Board will not be promoted from the third (3rd) grade.

If the student's school has determined that the student is substantially deficient in reading before the end of grade three (3), the District shall provide to the parent or guardian of that student a separate written notification of the reading deficiency that includes the following information:

- A description of the current reading services provided to the student.
- A description of the available supplemental instructional services and supporting programs that are designed to remediate reading deficiencies. The District shall offer at least one (1) intervention strategy and at least one (1) remedial strategy for pupils with reading deficiencies. The notification shall list the intervention and remedial strategies offered and shall instruct the parent or guardian to choose the strategy that will be implemented for the student.
- Parental/guardian strategies to assist the student to attain reading proficiency.
- A description of the District policies on midyear promotion to a higher grade.

Competency requirements for the promotion of a student from the third (3rd) grade shall include the following:

- The student shall not be promoted from the third (3rd) grade if the pupil obtains a score on the reading portion of the AIMS test, or a successor test, that demonstrates the student's reading skills fall far below the third (3rd) grade level or the equivalent as established by the Board, unless the student is exempt from mandated retention or the pupil qualifies for an exemption as determined by the Governing Board.

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- The Governing Board may promote a student from the third (3rd) grade if the student obtains a score on the reading portion of the AIMS test, or a successor test, that demonstrates the student's reading skills fall far below the third (3rd) grade level for any of the following:
 - A good cause exemption if the student is an English learner or a limited proficient student as defined in section 15-751 and has had fewer than two (2) years of English language instruction.
 - ~~A student with a disability as defined in section 15-761 if the pupil's individualized education program team and the student's parent or guardian agrees that promotion is appropriate based on the student's individualized education program.~~
 - A pupil who is in the process of a special education referral or evaluation for placement in special education or a pupil who has been diagnosed as having a significant reading impairment, including dyslexia or a pupil who is a child with a disability as defined in section 15-761 if the pupil's individualized education program team and the pupil's parent or guardian agree that promotion is appropriate based on the pupil's individualized education program. "Dyslexia" as defined in section 15-701 means a brain-based learning difference that impairs a person's ability to read and spell, that is independent of intelligence and that typically causes a person to read at levels lower than expected.
- The student has demonstrated reading proficiency on an alternate assessment approved by the State Board of Education (SBE).

A pupil may not be retained if data regarding the pupil's performance on the Arizona Instrument to Measure Standards test, or a successor test, is not available before the start of the following academic year. A pupil who is not retained due to the unavailability of test data must receive intervention and remedial strategies as in the section immediately below if the third grade assessment data subsequently demonstrates that the pupil's reading ability falls far below the third grade level or the equivalent.

Intervention and Remedial Strategies Developed by the State Board of Education (SBE) for Students Who Are Not Promoted from the Third Grade

The Governing Board shall offer at least one (1) of the intervention and remedial strategies developed by the SBE. The parent or guardian of a student not promoted from the third (3rd) grade and the student's teacher(s) and principal may choose the most appropriate intervention and remedial strategies that will be provided to that student. The intervention and remedial strategies developed by the SBE shall include:

- A requirement the student be assigned to a different teacher for reading instruction.
- Summer school reading instruction.

Note: This material is written for informational purposes only, and not as legal advice. You may wish to consult an attorney for further explanation.

- Intensive reading instruction in the next academic year that occurs before, during, or after the regular school day, or any combination of before, during and after the regular school day.
- Online reading instruction.

The intervention and remedial strategies developed by the SBE shall also:

- Provide for universal screening of pupils in preschool programs, kindergarten programs and grades one (1) through three (3) that is designed to identify students who have reading deficiencies in accordance with A.R.S. 15-704.
- Develop interventions and remedial strategies for pupils in kindergarten programs and grades one (1) through three (3) who are identified as having reading deficiencies pursuant to section 15-704.

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IKF ©
GRADUATION REQUIREMENTS

Regular Education

A minimum number of units of credit are required for graduation by the Arizona State Board of Education. Listed below are the units that must be completed before a student may receive a high school diploma. Each student shall demonstrate accomplishment of the standards in reading, writing, science, social studies, and mathematics adopted by the State Board of Education and pass each of the sections of the required competency test. A student not successfully passing the competency test shall graduate with a recognized diploma if the student meets the alternative graduation requirements established by A.R.S. 15-701.02. The Superintendent shall prepare regulations to implement the alternative graduation requirements and appoint a hearing officer for appeals.

Graduation requirements may be met as follows:

- By successful completion of subject area course requirements.
- By mastery of the standards adopted by the State Board of Education and other competency requirements for the subject as determined by the Governing Board in accord with A.A.C. R7-2-302.02 and rules established by the Superintendent.
- By earning credits through correspondence courses (limited to one [1] in each of the four [4] major subject areas) and/or by passing appropriate courses at the college or university level if the courses are determined to meet standards and criteria established by the Board and in accord with A.R.S. 15-701.01.
- By the transfer of credits as described in Policy JFABC.
- An out-of-state transfer student is not required to pass the competency test to graduate if the student has successfully passed a statewide assessment test on state adopted standards that are substantially equivalent to the State Board Adopted Academic Standards.

~~Beginning with the graduation class of 2013, g~~ Graduation requirements as determined by the Arizona State Board of Education (R7-2-302.02) and the District Governing Board are as follows:

<p><i>Note:</i> This material is written for informational purposes only, and not as legal advice. You may wish to consult an attorney for further explanation.</p>

English	4.0 units
Math	4.0 units*
Science	3.0 units**
Social Studies	3.0 units***
American Government and Arizona Government	0.5 unit
American History - including Arizona History	1.0 unit
World History and Geography	1.0 unit
Economics	0.5 unit
Fine Arts or Career, Technical and Vocational Education	1.0 unit
Electives	7.0 units
Total	<u>22.0</u> units

* In lieu of one (1) credit of Algebra II or its equivalent course content a student may request a personal curriculum in mathematics following R7-2-302.03.

* Math courses shall consist of Algebra I, Geometry, Algebra II, (or its equivalent) and an additional course with significant math content as determined by the Governing Board (Governing Body).

Pursuant to the prescribed graduation requirements adopted by the State Board of Education, the Governing Board may approve a rigorous computer science course that would fulfill a mathematics course required for graduation from high school. The Governing Board may only approve a rigorous computer science course if the rigorous computer science course includes significant mathematics content and the Governing Board determines the high school where the rigorous computer science course is offered has sufficient capacity, infrastructure and qualified staff, including competent teachers of computer science.

** Three (3) credits of science in preparation for proficiency at the high school level on the Arizona Instrument to Measure Standards (AIMS) test or successor test.

*** Beginning in the 2016-2017 school year, the competency requirements for social studies shall include a requirement that, in order to graduate from high school or obtain a high school equivalency diploma, a pupil must correctly answer at least sixty of the one hundred questions listed on a test that is identical to the civics portion of the naturalization test used by the United States Citizenship And Immigration Services. The District school shall document on the pupil's transcript that the pupil has passed a test that is identical to the civics portion of the naturalization test used by the United States Citizenship and Immigration Services.

The Governing Board may determine the method and manner in which to administer a test that is identical to the civics portion of the naturalization test used by the United States Citizenship and Immigration Services. A pupil who does not obtain a passing score on the test that is identical to the civics portion of the naturalization test may retake the test until the pupil obtains a passing score.

Note: This material is written for informational purposes only, and not as legal advice. You may wish to consult an attorney for further explanation.

Special Education

Listed above, under "Regular Education," are the requirements that must be completed before a student may receive a high school diploma. Completion of graduation requirements for special education students who do not meet the required units of credit shall be determined on a case-by-case basis in accordance with the special education course of study and the individualized education program of the student. Graduation requirements established by the Governing Board may be met by a student as defined in A.R.S. 15-701.01 and A.A.C. R7-2-302.

Pupils who receive special education shall not be required to achieve passing scores on the Arizona Instrument To Measure Standards test or the test that is identical to the civics portion of the naturalization test under section 15-701.01 in order to graduate from high school unless the pupil is learning at a level appropriate for the pupil's grade level in a specific academic area and unless a passing score on the Arizona Instrument To Measure Standards test or the test that is identical to the civics portion of the naturalization test under section 15-701.01 is specifically required in a specific academic area by the pupil's individualized education program as mutually agreed on by the pupil's parents and the pupil's individualized education program team or the pupil, if the pupil is at least eighteen years of age.

Competency requirements. Any student who is placed in special education classes, grades nine (9) through twelve (12), is eligible to receive a high school diploma without meeting state competency requirements, but reference to special education placement may be placed on the student's transcript or permanent file.

Adopted: date of Manual adoption

LEGAL REF.:

A.R.S.

15-203

15-341

15-701.01

15-701.02

15-763

A.A.C.

R7-2-302.02

R7-2-302.03

R7-2-302.09

CROSS REF.:

IGD - Curriculum Adoption

IGE - Curriculum Guides and Course Outlines

IIE - Student Schedules and Course Loads

IKA - Grading/Assessment Systems

JFABC - Admission of Transfer Students

Note: This material is written for informational purposes only, and not as legal advice. You may wish to consult an attorney for further explanation.

JFAB ©
TUITION / ADMISSION OF
NONRESIDENT STUDENTS

For purposes of open enrollment a "nonresident pupil" means a student who resides in this state and who is enrolled in or is seeking enrollment in a school district other than the school district in which the student resides. A student who is not a resident of the District but is a resident of Arizona who meets the age and other requirements for open enrollment established by state law and District policy shall be admitted to a school without payment of tuition.

A student shall also be admitted to a school *without tuition* payment, if:

- The student is the child of a United States resident who is not a resident of Arizona, if this is in the best interest of the student and the student is placed with a relative per A.R.S. 15-823 and the placement is not to avoid tuition payment.
- The student is a resident of the United States and evidence indicates that because the parents are homeless or the child is abandoned, as defined in A.R.S. 8-201, the child's physical, mental, moral or emotional health is best served by placement with a person who does not have legal custody of the child and who is a resident within the school district, unless it is determined that the placement is solely for the purpose of obtaining an education in this state without payment of tuition.
- The student is a resident of the United States, but a nonresident of this state, and all of the following conditions exist:
 - The child is enrolled in a year-round residential boarding academy located in this state specializing in intensive instruction and skill development in sports, music or acting.
 - The child's parents have executed a current notarized guardianship agreement covering the child while enrolled at the academy, which is a condition of enrollment at the academy and authorizes academy representatives to act on the child's parent's or legal guardian's behalf in making all decisions on a daily basis as to the child's activities and needs for medical, educational and other personal issues.
- The student presents a certificate of educational convenience issued by the County School Superintendent pursuant to A.R.S. 15-825.
- The student is a child of a nonresident teaching or research faculty member of a community college district or state university or a nonresident graduate or undergraduate student of a community college district or state university whose parent's presence at the district or university is of international, national, state, or local benefit.

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The District shall admit the following students, *charging tuition* as prescribed in statute:

- The child of an Arizona resident who is not a resident of the District, if the District provides a high school and the student is a resident of an Arizona common school district that is not in a high school district and that does not offer instruction in the student's grade. Special circumstances may apply in accordance with A.R.S. 15-2041 after three hundred fifty (350) students have been admitted.
- For an Arizona resident who is not a resident of the District, if the district of residence provides only financing for students who are instructed by another school district and for students from a unified district that does not offer instruction in the student's grade.
- A pupil who is issued a certificate of educational convenience to attend school in the School District or adjoining the school district to that in which the pupil is placed by an agency of this state or a state or federal court of competent jurisdiction, as provided in A.R.S. 15-825.

The District shall admit a pupil who is the resident of a school district that has entered into a voluntary agreement with the District, *charging tuition* as agreed to in accordance with A.R.S. 15-824(E)(3).

The District may admit nonresident foreign exchange students without payment of tuition, or as it may otherwise prescribe.

The District shall not include in its student membership count students who are not Arizona residents. Unless authorized by statute, the District is prohibited from obtaining state funding for any student who is not a resident of the state.

"Residence" Defined

The residence of a student is the residence of the person having legal custody of the student, except as provided in A.R.S. 15-823 through A.R.S. 15-825.

Residency of the parent/guardian or surrogate may be determined by showing the individual's presence and intent to remain in the District. Documentation of residency may be determined by using the following verifiable documentation.

Verifiable Documentation

A.R.S. 15-802(B) requires school districts and charter schools to obtain and maintain verifiable documentation of Arizona residency upon enrollment in an Arizona public school.

The documentation required by A.R.S. 15-802 *must be provided each time a student enrolls in a school district or charter school in this state, and reaffirmed during the district or charter's annual registration process via the district or charter's annual registration form. The documentation supporting Arizona residency should be maintained according to the school's records retention schedule.*

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In general, students will fall into one (1) of two (2) groups: 1) those whose parent or legal guardian is able to provide documentation bearing his or her name and address; and 2) those whose parent/legal guardian cannot document his or her own residence because of extenuating circumstances including, but not limited to, that the family's household is multi-generational. Different documentation is required for each circumstance.

Parent(s) or legal guardian(s) that maintains his or her own residence: The parent or legal guardian must complete and sign a form indicating his or her name, the name of the school district, school site, or charter school in which the student is being enrolled, and provide *one (1)* of the following documents, which bear the parent or legal guardian's full name and residential address or physical description of the property where the student resides (no P.O. Boxes):

- Valid Arizona driver's license, Arizona identification card
- Valid Arizona motor vehicle registration
- Valid United States passport
- Property deed
- Mortgage documents
- Property tax bill
- Rental agreement or lease (including Section 8 agreement)
- Utility bill (water, electric, gas, cable, phone)
- Bank or credit card statement
- W-2 wage statement
- Payroll stub
- Certificate of tribal enrollment or other identification issued by a recognized Indian tribe
- Other documentation from a state, tribal, or federal agency (Social Security Administration, Veterans' Administration, Arizona Department of Economic Security, etc.)

Parent(s) or legal guardian(s) that does not maintain his or her own residence: The parent or legal guardian must complete and sign a form indicating his or her name, the name of the school district, school site, or charter school in which the student is being enrolled, and submit a signed, notarized affidavit bearing the name and address of the person who maintains the residence where the student lives attesting to the fact that the student resides at that address, along with a document from the bulleted list above bearing the name and address of the person who maintains the residence.

Note: This material is written for informational purposes only, and not as legal advice. You may wish to consult an attorney for further explanation.

Use of and Retention of Documents by Schools

School officials must *retain a copy* of the attestations or affidavits and copies of any supporting documentation presented for each student (photocopies acceptable) that school officials believe establish validity. Documents presented may be different in each circumstance, and unique to the living situation of the student. Documents retained by the school district or charter school may be used as an indicia of residency; however, documentation is subject to audit by the Arizona Department of Education. Personally identifiable information other than name and address (SSN, account numbers, etc.) should be redacted from the documentation either by the parent/guardian or the school official prior to filing.

Adopted: date of Manual adoption

LEGAL REF.:

A.R.S.

8-201

15-802

15-816 through 15-816.07

15-821

15-823 through 15-825

42 U.S.C. 11301, McKinney-Vento Homeless Assistance Act of 2001

CROSS REF.:

IKEB - Acceleration

JFABD - Admission of Homeless Students

JFB - Open Enrollment

JG - Assignment of Students to Classes and Grade Levels

JLCB - Immunizations of Students

JLH - Missing Students

JR - Student Records

JRCA - Request for Transfer of Records

Note: This material is written for informational purposes only, and not as legal advice. You may wish to consult an attorney for further explanation.

JFABC ©
ADMISSION OF TRANSFER STUDENTS
(Academic Credit Transfer)

Academic credit for students who transfer from private or public schools shall be determined on a uniform and consistent basis.

Elementary

Academic credit for placement in the common school subjects and grades shall be based upon teacher recommendations and previous grade level assignments subject to the determination that the student can meet the standards adopted by the State Board of Education for the grade level assignment.

Credit for Graduation Requirements

Core credit for purposes of this policy shall be the units of credit specifically named as required for graduation by the State Board of Education in R7-2-302.02.

~~Each student who enrolls and requests the transfer of academic credits to fulfill graduation requirements shall be provided with a list specifying the courses for which credit has been accepted as core credit and those for which credit has been accepted as elective by the District. Transferred credit that satisfies any of the following criteria will be acceptable for fulfilling District core credit requirements and other specified courses required for graduation:~~

- ~~• The credit meets descriptors of core credit or other requirements and was from a course taught by a teacher certificated by the Arizona Department of Education in the subject or area of the credit.~~
- ~~• Awarding of the credit was based upon an assessment that included the standards adopted by the State Board of Education and evidence of the student having achieved the standards is provided.~~
- ~~• The credit meets descriptors of core credit or other requirements and was awarded by a school accredited by one (1) of the following accrediting agencies of colleges and schools; North Central Association, Southern Association, Middle States Association, New England Association, Northwestern Association, Western Association.~~

The School District shall provide to a pupil who transfers credit from a charter school, school district or Arizona online instruction a list that indicates which credits have been accepted as either elective or core credits by the School District.

Note: This material is written for informational purposes only, and not as legal advice. You may wish to consult an attorney for further explanation.

Within ten school days after receiving the list, a pupil may request to take an examination in each particular course in which core credit has been denied. The School District shall accept the credit as a core credit for each particular course in which the pupil takes an examination and receives a passing score on a test, aligned to the competency requirements adopted pursuant to this section, designed and evaluated by a teacher in the School District who teaches the subject matter on which the examination is based. When transfer credit is not accepted as a core credit, within ten (10) school days the student may request to take an examination on the course subject matter designed and evaluated by a teacher in the receiving school who is certificated in and teaches the subject matter of the course for which the credit was requested. Upon receiving a satisfactory score as determined by the teacher, course credit will be awarded as core credit.

The School District may not charge a fee to a pupil who takes an examination in a particular course to obtain academic credit, pursuant to section 15-701.01, subsection i, from the School District if the academic credit for a course was previously earned in an Arizona online instruction course or at any public school in this state. Any test administered pursuant to this subsection shall be an assessment that is aligned to the course relevant state academic standards.

If a pupil is enrolled in the School District and that pupil also participates in Arizona online instruction between May 1 and July 31, the School District shall not require proof of payment as a condition of the School District accepting credits earned from the online course provider.

All core credit courses must meet the standards adopted by the State Board of Education where such standards exist. Where standards have not been adopted by the State Board of Education, core credit courses must meet the standards established for the school to which the student has requested a transfer of credit.

Adopted: date of Manual adoption

LEGAL REF.:

A.R.S.

15-189.03

15-701.01

15-745

15-808

A.A.C.

R7-2-302.02

R7-2-302.09

CROSS REF.:

JG - Assignment of Students to Classes

Note: This material is written for informational purposes only, and not as legal advice. You may wish to consult an attorney for further explanation.

JK © STUDENT DISCIPLINE

The Superintendent shall recommend policies and develop procedures for the discipline of students that comply with A.R.S. 15-843. These policies and procedures will apply to all students traveling to, attending, and returning from school, and while visiting another school or at a school-sanctioned activity and may be imposed if the student's behavior affects the school order. When suspension or expulsion is involved, notice, hearing, and appeal procedures shall conform to applicable legal requirements.

The discipline, suspension and expulsion of pupils shall not be based on race, color, religion, sex, national origin or ancestry. A substantial or deliberate failure to comply with the prohibition against race, color, religion, sex, national origin or ancestry may subject the District to the loss of funds imposed by A.R.S. 15-843.

The principal of each District school shall ensure that a copy of all rules pertaining to discipline, suspension, and expulsion and the provisions pertaining to confinement of pupils are distributed to each student's parents at the time the student enrolls in school each year.

Behavior Management and Discipline of Students with Special Needs

The Superintendent shall oversee a collaborative process for the identification, description, and monitoring of best practices for behavioral management and discipline of special needs students. The practices shall include, but not be limited to:

- authorized and prohibited disciplinary methods,
- recommended and required training for special education program teachers and aides, and
- requirements for conveying notice of disciplinary measures taken.

The Superintendent shall, by administrative regulation, prescribe procedures for implementation of the best practices, subject to Governing Board approval.

Temporary Removal

Teachers are authorized to temporarily remove a student from a class. A teacher may temporarily remove a student to the principal, or to a person designated by the school administrator, in accord with:

- Rules established for the referral of students.
- The conditions of A.R.S. 15-841, when applicable.

The Superintendent shall establish such rules as are necessary to implement the temporary removal procedure.

Note: This material is written for informational purposes only, and not as legal advice. You may wish to consult an attorney for further explanation.

Confinement

Under A.R.S. 15-843, the Superintendent shall ensure that disciplinary policies involving the confinement of pupils left alone in an enclosed space shall include the following:

- A process for prior written parental notification that confinement may be used for disciplinary purposes that is included in the pupil's enrollment packet or admission form.
- A process for written parental consent before confinement is allowed for any pupil in the School District. The policies shall provide for an exemption to prior written parental consent if a school principal or teacher determines that the pupil poses imminent physical harm to self or others. The school principal or teacher shall make reasonable attempts to notify the pupil's parent or guardian in writing by the end of the same day that confinement was used.

Restraint and Seclusion

The use of restraint or seclusion is not to be limited, by policy or practice, to students with disabilities.

A school may permit the use of restraint or seclusion techniques on any pupil if both of the following apply:

1. The pupil's behavior presents an imminent danger of bodily harm to the pupil or others.
2. Less restrictive interventions appear insufficient to mitigate the imminent danger of bodily harm.

if a restraint or seclusion technique is used on a pupil:

1. School personnel shall maintain continuous visual observation and monitoring of the pupil while the restraint or seclusion technique is in use.
2. The restraint or seclusion technique shall end when the pupil's behavior no longer presents an imminent danger to the pupil or others.
3. The restraint or seclusion technique shall be used only by school personnel who are trained in the safe and effective use of restraint and seclusion techniques unless an emergency situation does not allow sufficient time to summon trained personnel.
4. The restraint technique employed may not impede the pupil's ability to breathe.
5. The restraint technique may not be out of proportion to the pupil's age or physical condition.

Schools may establish policies and procedures for the use of restraint or seclusion techniques in a school safety or crisis intervention plan if the plan is not specific to any individual pupil.

Note: This material is written for informational purposes only, and not as legal advice. You may wish to consult an attorney for further explanation.

Schools shall establish reporting and documentation procedures to be followed when a restraint or seclusion technique has been used on a pupil. The procedures shall include the following requirements:

1. School personnel shall provide the pupil's parent or guardian with written or oral notice on the same day that the incident occurred, unless circumstances prevent same-day notification. If the notice is not provided on the same day of the incident, notice shall be given within twenty-four hours after the incident.
2. Within a reasonable time following the incident, school personnel shall provide the pupil's parent or guardian with written documentation that includes information about any persons, locations or activities that may have triggered the behavior, if known, and specific information about the behavior and its precursors, the type of restraint or seclusion technique used and the duration of its use.
3. Schools shall review strategies used to address a pupil's dangerous behavior if there has been repeated use of restraint or seclusion techniques for the pupil during a school year. The review shall include a review of the incidents in which restraint or seclusion technique were used and an analysis of how future incidents may be avoided, including whether the pupil requires a functional behavioral assessment.

If a school district or charter school summons law enforcement instead of using a restraint or seclusion technique on a pupil, the school shall comply with the reporting, documentation and review procedures established under the paragraph above. School resource officers are authorized to respond to situations that present the imminent danger of bodily harm according to protocols established by their law enforcement agency.

Schools are not prohibited from adopting policies which include procedures for the reasonable use of physical force by certificated or support staff personnel in self-defense, defense of others and defense of property (A.R.S. 15-843, subsection b, paragraph 3.)

The District authorizes the use of these Definitions which are included in A.R.S. 15-105:

1. "Restraint" means 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.

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2. "School" means a school district, a charter school, a public or private special education school that provides services to pupils placed by a public school, the Arizona State Schools for the Deaf and the Blind and a private school.
3. "Seclusion" means 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.

Threatened an Educational Institution

Threatened an educational institution means to interfere with or disrupt an educational institution as found in A.R.S. 15-841 and 13-2911. A student who is determined to have threatened an educational institution shall be expelled from school for at least one (1) year except that the District may modify this expulsion requirement for a pupil on a case-by-case basis and may reassign a pupil subject to expulsion to an alternative education program if the pupil participates in mediation, community service, restitution or other programs in which the pupil takes responsibility for the results of the threat. The District may require the student's parent(s) to participate in mediation, community service, restitution or other programs with the student as a condition to the reassignment of the pupil to an alternative education program.

Information concerning a student's disciplinary record will be held in the strictest confidence.

Disciplinary actions taken will be recorded in an administrative log, and all types of suspensions or expulsions will be recorded in a separate file for each student.

Adopted: date of Manual adoption

LEGAL REF.:

A.R.S.
13-403 *et seq.*
13-2911
15-341
15-342
15-841
15-842
15-843
15-844

CROSS REF.:

GBEB - Staff Conduct
JIC - Student Conduct
JKA - Corporal Punishment
JKD - Student Suspension
JKE - Expulsion of Students

Note: This material is written for informational purposes only, and not as legal advice. You may wish to consult an attorney for further explanation.

JK-RB ©

REGULATION

STUDENT DISCIPLINE

**(Behavior Management and Discipline
of all Students ~~With Disabilities~~)**

Practices and procedures for the behavior management and discipline of ~~special-needs~~ students shall be determined and applied in accord with the following standards:

**Behavior Management and Discipline
of all Students**

Each school shall implement positive, evidence-based, safe, and timely plans and procedures for all special needs students including those who exhibit behaviors that interfere with learning or who place themselves or others in danger. Administration, staff, parents and students are to be engaged in the development of the plans. The purpose of the plan is to identify practices that are agreed upon and complied with and reinforced by members of the school community, including the Governing Board. An objective of the plan is to provide consistency in the manner in which deviations from appropriate behavior are addressed. The plans are to be submitted to the Superintendent.

- Plans are to be:
 - *Proactive*: Students are to be taught the critical social skills needed for success. Positive behavioral interventions and supports enable the school to set clear expectations for behavior, to acknowledge and reward appropriate behavior, and to implement a consistent continuum of consequences for challenging behavior.
 - *Comprehensive*: Positive behavioral interventions and supports are to be employed uniformly throughout the school, including non-instructional areas such as the cafeteria, hallways, and buses. School personnel are to be trained in positive behavioral interventions and supports, in data reporting, and receive support in implementation of the practices. School personnel are to be trained in areas of crisis intervention such as use of restraints and seclusion.
 - *Data driven*: The school is to rely on data for the development and modification of its positive behavioral interventions and supports approach. The data is to be tracked through office referrals as well as from classroom reports, school-based intervention teams, and crisis intervention documentation. Positive behavioral interventions and support teams are to use the data to design specific interventions to prevent challenging behaviors before they occur and to confirm the effectiveness of interventions.

Note: This material is written for informational purposes only, and not as legal advice. You may wish to consult an attorney for further explanation.

- Plans are to ensure that parents of students enrolled in the school have comprehensive information regarding behavioral expectations within the school and the planned responses should the expectations not be met. Parents are to:
 - have ready access to the school plan, and
 - be informed how to provide input into the plan.

Response to Intervention

The plans are to provide for and the school is to have in place a multi-level approach to teaching students appropriate behaviors that provide progressively intense support for students according to need.

- Interventions shall be consistent with plans for creating and maintaining a positive school climate.
- Provide for small group direct instruction on a regular basis to those students who are experiencing difficulty understanding or abiding by the established standards of behavior. Supports should include such strategies as increased and targeted social skills training, increased monitoring and reinforcement systems, self-management techniques, and family mentoring and involvement programs.
- Provide a range of individualized interventions designed to address the specific behaviors continuing to cause the student difficulty. These may include counseling, more intense direct instruction, behavioral contracts, specific behavioral consequences, alternative educational programming, consideration for a referral for an evaluation for special education, and other strategies agreed upon with the parents. A functional behavioral assessment (FBA) and a behavior intervention plan (BIP) may be included and shall be required for students with disabilities when a manifestation determination is necessary.
 - The FBA must identify the triggers for the challenging behavior and what subsequent responses by staff or other students reinforce the continuation of the challenging behavior.
 - The BIP should be developed from a functional behavioral assessment and prescribe methods the staff will use to prevent, manage, replace, and monitor changes to the behavior. The BIP must be based on evidence-based practices and support the goal of making the challenging behavior irrelevant, ineffective and inefficient. The BIP must be implemented with integrity by staff trained to do so.

Crisis Management

Crisis management in the context of behavior management is defined as the methods used by school personnel to respond to imminent danger to the student, other students or staff. The two (2) most commonly used methods of crisis management are restraint (either physical or mechanical) or seclusion of the student.

Note: This material is written for informational purposes only, and not as legal advice. You may wish to consult an attorney for further explanation.

- **Confinement.** Disciplinary policies involving the confinement of pupils left alone in an enclosed space shall include the following:
 - A process for prior written parental notification that confinement may be used for disciplinary purposes that is included in the pupil's enrollment packet or admission form.
 - A process for written parental consent before confinement is allowed for any pupil in the School District. The policies shall provide for an exemption to prior written parental consent if a school principal or teacher determines that the pupil poses imminent physical harm to self or others. The school principal or teacher shall make reasonable attempts to notify the pupil's parent or guardian in writing by the end of the same day that confinement was used.
- **Use of seclusion.** *Seclusion* for the purpose of the plan is the confinement of a student alone in any space from which the student is physically prevented from leaving.

Seclusion means 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.

~~Seclusion does not mean (a) time out when it is used for a limited or specified time, as a behavior management technique during which the student is placed in an environment where access to positive reinforcement is unavailable and the student's movement is not physically restricted, and (b) student self-imposed voluntary isolation or time out for the purpose of calming him/herself and the student is monitored by a staff member.~~

- The use of seclusion is to be used only in an emergency to protect persons from imminent, serious physical harm.
- Any area used for seclusion must be free of objects that could cause harm, must provide for adequate visual and audio supervision of the student, must provide adequate lighting and ventilation, and must not be locked.
- Any area used for seclusion must comply with the State Fire Code.
- School personnel must observe the student at all times during the seclusion period and reassess the child every thirty (30) minutes. When seclusion continues beyond the second assessment, an administrator or the administrator's designee must review and approve continued seclusion.
- The student must be released from seclusion as soon as the student regains self-control.

Note: This material is written for informational purposes only, and not as legal advice. You may wish to consult an attorney for further explanation.

- If seclusion is necessary, parents and administrators must be notified within the same school day and a written notice that includes the circumstances that preceded the behavior, the behavior, the length of time the student was secluded, the location of the seclusion, and the person who observed the student during the seclusion must follow. When a student has been in seclusion for longer than one (1) hour, parent contact must be initiated immediately.
 - A debriefing with affected staff, parents, and, if appropriate, the student shall be conducted within forty-eight (48) hours. During the debriefing, a determination must be made regarding the need for a functional behavior assessment (FBA).
 - Each incident must be recorded in the student management system.
 - A student who has required crisis management by the school staff more than three (3) times in a semester must have a functional behavior assessment (FBA) and, if appropriate, a behavior intervention plan (BIP) within a reasonable time following the third (3rd) incident.
 - The District and the school must have a strategy in place to support teams in modifying a FBA and BIP when the existing plan is ineffective (e.g., continued instances of the need for crisis intervention).
- ***Prohibited uses of seclusion:***
 - Seclusion is not to be used as punishment for violations of school rules, for repetitive behaviors, or because of teacher anger toward the student.
 - Seclusion is not to be harsh, severe, or out of proportion with the offense committed and the age and physical condition of the student.
 - Seclusion is not to be used to prohibit reasonable access for the care of the student's bodily needs.
 - Seclusion must not deny a free, appropriate public education to students with disabilities through excessive or extensive use.
 - The use of seclusion is not to be limited, by policy or practice, to students with disabilities.
 - ***Use of physical and mechanical restraints:*** Restraint means 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. For the purposes of this regulation physical restraint is defined as the application of physical force by one (1) or more individuals that prevents or significantly restricts a student's movement. Restraint is a last resort emergency safety intervention.

Note: This material is written for informational purposes only, and not as legal advice. You may wish to consult an attorney for further explanation.

~~For the purposes of this regulation *mechanical restraint* is defined as the restriction of movement by devices such as straps, duct tape, cords, or garments. Not to be included in this definition are:~~

Restraints used in schools for the purpose of providing support to students' orthopedic and assistive technology needs in order to permit them to learn and participate in school activities as identified in an individualized education program (IEP).

Restraints, such as weighted vests or blankets, identified by an IEP team as appropriate for a student to enhance participation in learning activities.

Vehicle safety restraints used in accordance with state and federal regulations.

Restraints employed by law enforcement officers in school settings that are used in accord with their policies and appropriate professional standards. *These instances are subject to the same reporting requirements by the school as restraints used by school personnel.*

- ~~Physical restraint is to be a last resort emergency safety measure used only in an emergency situation when a student is imminently dangerous to him/herself or others. Instances where reasonable and appropriate restraint may be used include, but are not limited to:~~

~~⇒ Breaking up a fight;~~

~~⇒ Taking a weapon away from a student;~~

~~⇒ Briefly holding a student to calm and comfort the student;~~

~~⇒ Applying minimum contact necessary to physically escort a student from one area to another;~~

~~⇒ Assisting a student in completing a task or response if the student does not resist or resistance is minimal in intensity or duration;~~

~~⇒ Momentarily holding a student in order to prevent an impulsive behavior that threatens the student's safety, the safety of others, or the destruction of property.~~

- Personnel using the restraint must take extreme care to provide for the safety and comfort of the student during the restraint procedure.

- Personnel authorized to use restraints must have been extensively and repeatedly trained by personnel who have maintained approval by a training program to provide training in:

⇒ Alternatives to restraint (e.g., de-escalation strategies, and problem-solving techniques);

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- ⇒ The proper use of the restraint; and
 - ⇒ Safety precautions and procedures for continuous monitoring of a student by a third party during restraint.
 - The student must be released from the restraint as soon as the student regains self-control.
 - Parents and administrators must be notified as soon as possible within the same school day, followed by a written notice stating the circumstances that preceded the behavior, the behavior, the length of time the student was restrained, the location of the restraint and the person(s) who observed the student during the restraint.
 - A debriefing with affected staff and parents and, if appropriate, the student must be conducted within forty-eight (48) hours. During the debriefing a determination will be made regarding the need for a functional behavioral assessment (FBA).
 - An incident report of the event must be recorded in the student management system.
 - A student who has required crisis management on the part of the school staff more than three (3) times in a semester must have a functional behavioral assessment (FBA) and, if appropriate, a behavior intervention plan (BIP) developed within a reasonable time following the third (3rd) critical incident.
 - The District and the school must have a strategy to support teams in modifying a FBA and BIP when the existing plan is ineffective (e.g., continued instances of the need for crisis intervention).
- ***Prohibited uses of physical and mechanical restraints:***
 - Physical and mechanical restraints, such as prone restraint, that places excess pressure on the chest or back or impedes the ability to breathe or communicate are prohibited.
 - The use of mechanical restraint by a staff member who has not been trained in the use of restraints is prohibited except when the case is one presenting extreme danger to the student or to others, and:
 - ⇒ The restraint is not out of proportion to the danger, the age, and the physical condition of the student;
 - ⇒ The restraint is not used to prohibit reasonable access for the care of the student's bodily needs.
 - Restraints that provide support to a student's orthopedic needs shall not be used as a means of punishment for noncompliant behaviors.
 - No policy or practice shall limit the use of restraints to students with disabilities.

- **Training in uses of seclusion and restraint procedures:**
 - Personnel who use seclusion and restraints procedures must have training in conflict prevention, crisis de-escalation, possible effects of seclusion, and any local or state regulations regarding the seclusion space and its use.
 - The training of personnel must be recurrent with annual updates appropriate to the type of school setting, to the age and developmental level of students. The training must include information about commonly accepted standards for the use of seclusion and restraint in the school setting.
 - The training must include content and skill development on the use of positive, instructional, and preventive methods for addressing student behavior.
 - The training must include information about the effects of medications students may be receiving and how seclusion and restraint procedures might affect the physical well being of the student during seclusion or restraint.
 - The training must include multiple methods for monitoring a student's well-being during a restraint.
 - The training must include certification in First Aid and cardiopulmonary resuscitation (CPR) in the event of an emergency during seclusion.
 - The training must include the requirements for reporting to parents and administration.
- **Corporal punishment:** For the purposes of this regulation *corporal punishment* is defined as the deliberate infliction of pain intended to discipline or reform a person's bad attitude and/or behavior.
 - Corporal punishment is prohibited.

Note: This material is written for informational purposes only, and not as legal advice. You may wish to consult an attorney for further explanation.

JLF-EB ©

EXHIBIT

**REPORTING CHILD ABUSE /
CHILD PROTECTION**

**REQUEST FOR INTERVIEW AT SCHOOL
(~~CPS 10-1047A~~) CSO-1021A)**

Date

Name of School

Address (No., Street, Ste. No., City, State, ZIP)

RE: _____

(Child[ren] 's Name[s])

I am a ~~Child Protective Services Specialist~~ an investigator employed by the Arizona Department of ~~Economic Security~~ Child Safety (DCS). ~~Child Protective Services (CPS)~~ DCS is mandated by law to investigate allegations of child abuse and neglect. ~~Arizona Revised Statutes (A.R.S.) § 8-800 and § 8-802. Title 8, Chapter 4 of the Arizona Revised Statutes (A.R.S.).~~ As part of my investigation, I need to speak with one or more children at this school. Please provide me with immediate access to the above-named child(ren).

I am authorized by ~~A.R.S. § 8-802(C)(4)~~ A.R.S. § 8-802(B), A.R.S. § 8-471(E)(3), and A.A.C. R6-5-5508(C) to interview a child without notice to or consent of the parent, guardian or custodian. See Arizona Attorney General Opinions (AG Opinions) I75-219, I75-234, I88-062, I04-003. Do not contact, directly or indirectly, the parents, guardians or custodians of the above-named child(ren) unless specifically requested or authorized by me, the assigned ~~CPS Specialist~~ DCS investigator.

Because of the sensitive and confidential nature of a ~~CPS~~ DCS investigation, school personnel and others are not permitted to be present during the interview(s) of the child(ren) nor can they be informed of what was discussed. See A.R.S. § 8-807, AG Opinion I98-008.

Note: This material is written for informational purposes only, and not as legal advice. You may wish to consult an attorney for further explanation.

If at any time I determine, pursuant to A.R.S. § 8-821, that temporary custody is clearly necessary to protect the child(ren) from abuse or neglect, I will provide you with a Notice of Removal (PS-058) and provide the parents, guardians, or custodians a Temporary Custody Notice in accordance with A.R.S. § 8-823.

Under state and federal law, any information you have or may obtain during this investigation is confidential, including this form and the fact that the above-named child(ren) have been contacted regarding allegations of abuse or neglect. DO NOT disseminate this information to any person unless specifically authorized by applicable law or court order.

Thank you for your cooperation.

DCS Representative's Signature		
DCS Representative's Name	Address (No., Street, Site Code, City, State, ZIP)	
Phone No.	FAX No.	Email Address

EOE/ADA/LEP/GINA Disclosures

Equal Opportunity Employer/Program • Under Titles VI and VII of the Civil Rights Act of 1964 (Title VI & VII), and the Americans with Disabilities Act of 1990 (ADA), Section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, and Title II of the Genetic Information Nondiscrimination Act (GINA) of 2008; the Department prohibits discrimination in admissions, programs, services, activities, or employment based on race, color, religion, sex, national origin, age, disability, genetics and retaliation. The Department must make a reasonable accommodation to allow a person with a disability to take part in a program, service or activity. For example, this means if necessary, the Department must provide sign language interpreters for people who are deaf, a wheelchair accessible location, or enlarged print materials. It also means that the Department will take any other reasonable action that allows you to take part in and understand a program or activity, including making reasonable changes to an activity. If you believe that you will not be able to understand or take part in a program or activity because of your disability, please let us know of your disability needs in advance if at all possible. To request this document in alternative format or for further information about this policy, contact your local office; TTY/TDD Services: 7-1-1. • Free language assistance for DES services is available upon request.

Note: This material is written for informational purposes only, and not as legal advice. You may wish to consult an attorney for further explanation.

JLF-EC ©

EXHIBIT

**~~REPORTING CHILD ABUSE /
CHILD PROTECTION~~**

**~~REQUEST FOR RELEASE OF EDUCATION RECORDS
(Use only for CPS Investigations – CPS 1048A)~~**

Date

To: _____

Fax No.: _____

Address: _____

(No., Street, City, State, ZIP)

RE: _____

Child[ren]'s Names and DOB[s]

~~I am a Child Protective Services (CPS) Specialist employed by the Arizona Department of Economic Security (DES) as a case worker/investigator for Child Protective Services (CPS). CPS is mandated by law to investigate allegations of child abuse and neglect. See Arizona Revised Statutes (A.R.S.) § 8-800 and § 8-802. As part of my investigation, I need to review and/or have copies of the education records of the above named child(ren). Please provide me with immediate access to the records requested below. If a portion of the records are not immediately available, please provide me with all available records and provide the remaining records to me as soon as possible.~~

~~Title 34 of the Code of Federal Regulations (C.F.R.) § 99.31(a)(10) provides that a school may disclose personally identifiable information from an education record of a student without the consent of the parent, guardian or custodian if "[t]he disclosure is in connection with a health or safety emergency, under the conditions described in § 99.36." 34 C.F.R. § 99.36(a) provides that an educational agency or institution may disclose personally identifiable information from an education record to appropriate parties in connection with an emergency if knowledge of the information is necessary to protect the health or safety of the student or other individuals.~~

~~Pursuant to 34 C.F.R. § 99.31 and § 99.36, please provide me the education records of the above named child(ren).~~

Note: This material is written for informational purposes only, and not as legal advice. You may wish to consult an attorney for further explanation.

~~This request is being made to protect this child/others from possible imminent danger.~~

~~Under state and federal law, any information you have or may obtain during this investigation of allegations of abuse and neglect, including the fact that the above-named child(ren) may have been contacted or that this Request for Education Records is being made is CONFIDENTIAL. DO NOT inform anyone of this request or otherwise disseminate confidential information regarding this matter to any person, including the parent, guardian or custodian, unless specifically authorized by applicable law or court order.~~

Please provide the records to me as soon as possible by:

~~Mailing them to me at: _____~~

~~Calling me at: _____ to pick them up when they are ready. Please specify the hours you are open when you leave a message.~~

~~Other: _____~~

~~Thank you for your cooperation.~~

CPS Specialist's Name (Print or Type) CPS Specialist's Signature

EOE/ADA/LEP/GINA Disclosures

~~Equal Opportunity Employer/Program • Under Titles VI and VII of the Civil Rights Act of 1964 (Title VI & VII), and the Americans with Disabilities Act of 1990 (ADA), Section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, and Title II of the Genetic Information Nondiscrimination Act (GINA) of 2008; the Department prohibits discrimination in admissions, programs, services, activities, or employment based on race, color, religion, sex, national origin, age, disability, genetics and retaliation. The Department must make a reasonable accommodation to allow a person with a disability to take part in a program, service or activity. For example, this means if necessary, the Department must provide sign language interpreters for people who are deaf, a wheelchair accessible location, or enlarged print materials. It also means that the Department will take any other reasonable action that allows you to take part in and understand a program or activity, including making reasonable changes to an activity. If you believe that you will not be able to understand or take part in a program or activity because of your disability, please let us know of your disability needs in advance if at all possible. To request this document in alternative format or for further information about this policy, contact your local office; TTY/TDD Services: 7 1 1. • Free language assistance for DES services is available upon request.~~

Note: This material is written for informational purposes only, and not as legal advice. You may wish to consult an attorney for further explanation.

JLF-ED ©

EXHIBIT

**~~REPORTING CHILD ABUSE /
CHILD PROTECTION~~**

**~~REQUEST FOR RELEASE OF EDUCATION RECORDS
(Child/Youth is a ward of the Court in the legal care, custody
and control of the Arizona Department of
Economic Security – CPS 1061A)~~**

Date

To: _____

~~(School or the Arizona Early Intervention Program Provider (DES/AZEIP, DES/DDD,
or ASDB, and their contractors))~~

Fax No.: _____

Address: _____

~~(No., Street, City, State, ZIP)~~

RE: _____

~~Child(ren)'s Names and DOB(s)~~

~~I am a Child Protective Services (CPS) Specialist or a Unit Supervisor employed by the Arizona Department of Economic Security (DES) and am an assigned CPS representative for the above named child(ren) whom DES is legally responsible to care for and protect under Title 8 of A.R.S., including § 8-806 and § 8-825.~~

~~Pursuant to amendments made to the Family Educational Rights and Privacy Act (FERPA) in 2013 (20 U.S.C. § 1232g (b)(1)(L)), I am entitled to receive copies of education records in your possession or control for the above named child(ren). Records sought include: special education (includes early intervention evaluations, IFSPs, service logs, and comparable IDEA Part B records), discipline, attendance, assessments, medical, speech language, academic, state or district mandated testing, immunization, birth certificate, Section 504 plans, social, psychological, and achievement records. Records you provide will not be disclosed by DES except to an authorized individual or entity engaged in addressing the child(ren)'s educational needs, or as directed by a court.~~

Note: This material is written for informational purposes only, and not as legal advice. You may wish to consult an attorney for further explanation.

~~Under state and federal law, any information you have or may obtain from CPS, including the fact that the above-named child(ren) may have been contacted or that this Request for Education Records is being made is CONFIDENTIAL. DO NOT inform anyone without a need to know of this request or otherwise disseminate confidential information regarding this matter to any person, including the parent, guardian or custodian, unless specifically authorized by applicable law or court order.~~

~~Please provide the records to me as soon as possible by:~~

~~Mailing them to me at: _____~~

~~Calling me at: _____ to pick them up when they are ready. Please specify the hours you are open when you leave a message.~~

~~Other: _____~~

~~Thank you for your cooperation.~~

CPS Specialist's Name (*Print or Type*) CPS Specialist's Signature

~~EOE/ADA/LEP/GINA Disclosures~~

~~Equal Opportunity Employer/Program • Under Titles VI and VII of the Civil Rights Act of 1964 (Title VI & VII), and the Americans with Disabilities Act of 1990 (ADA), Section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, and Title II of the Genetic Information Nondiscrimination Act (GINA) of 2008; the Department prohibits discrimination in admissions, programs, services, activities, or employment based on race, color, religion, sex, national origin, age, disability, genetics and retaliation. The Department must make a reasonable accommodation to allow a person with a disability to take part in a program, service or activity. For example, this means if necessary, the Department must provide sign language interpreters for people who are deaf, a wheelchair accessible location, or enlarged print materials. It also means that the Department will take any other reasonable action that allows you to take part in and understand a program or activity, including making reasonable changes to an activity. If you believe that you will not be able to understand or take part in a program or activity because of your disability, please let us know of your disability needs in advance if at all possible. To request this document in alternative format or for further information about this policy, contact your local office; TTY/TDD Services: 7-1-1. • Free language assistance for DES services is available upon request.~~

Note: This material is written for informational purposes only, and not as legal advice. You may wish to consult an attorney for further explanation.

**JLIA ©
SUPERVISION OF STUDENTS**

When students are in school, engaging in school-sponsored activities, or traveling to and from school on school buses, they are ~~responsible to the school and the school is responsible for them.~~ expected to obey all school rules. The district is required to provide reasonable supervision over all students engaged in school-sponsored activities.

Supervision shall include being within ~~the physical presence and, whenever possible, within a line of vision of the students so that school personnel will have a reasonable opportunity to control the behavior of and assist the students if necessary.~~ a reasonable proximity of the students. Teachers shall exercise supervision as appropriate from the commencement of the school day, before classes begin, during class sessions, during lunch periods, between classes, and at any other time when performing teaching or related duties on behalf of the school.

~~If it should be necessary in an emergency situation for a teacher~~ must ~~to leave the physical presence~~ proximity of the students, then the teacher shall make a reasonable good faith effort to obtain a school employee to supervise the students ~~during the teacher's absence.~~ In no case shall the teacher leave students unsupervised if there is a reasonable possibility that harm to students or property will result from the students being left unattended.

School administrators, teachers, and other staff members will ensure that anyone who wishes to contact a student during the school day is doing so for proper reasons.

Adopted: date of Manual adoption

LEGAL REF.:
A.R.S.
15-341
15-502
15-521

Note: This material is written for informational purposes only, and not as legal advice. You may wish to consult an attorney for further explanation.

JQ-R ©

REGULATION

STUDENT FEES, FINES, AND CHARGES

(Tax Credit Contributions)

Pursuant to A.R.S. 43-1089.01, a taxpayer is allowed a credit for the amount of any fees or cash contributions made to a public school for the support of extracurricular activities or character education programs. Donations are limited to the amounts of two hundred dollars for a single individual or a head of household and four hundred dollars for a married couple filing a joint return. A contribution for which a credit is claimed and that is made on or before April 15 following the taxable year may be applied to either the preceding taxable year or to the current year.

“Extracurricular activities,” as defined in A.R.S. 15-342 and A.R.S. 43-1089.01, are any optional, noncredit, educational, or recreational activities that supplement the education program of the school, whether offered before, during, or after regular school hours. They are school-sponsored activities that require enrolled students to pay a fee in order to participate. At least some monetary amount must be levied to participate in an extracurricular activity in order for the tax credit to be available. A blanket waiver of all activity fees would make the activity ineligible for the tax credit. Examples of extracurricular activities include paying fees for band uniforms, equipment or uniforms for varsity athletic activities, scientific laboratory materials, and in-state or out-of-state trips that are solely for competitive events. Extracurricular activities do not include any senior trips or events that are recreational, amusement, or tourist activities.

“Character education programs,” as defined in A.R.S. 15-719, must include instruction in the definition and application of at least six of the following character traits: truthfulness, responsibility, compassion, diligence, sincerity, trustworthiness, respect, attentiveness, obedience, orderliness, forgiveness, virtue, fairness, caring, citizenship, and integrity. The course of study for each grade, kindergarten through twelfth, may be developed by the district. Activities, discussions, and visual media and literary presentations should be used to illustrate and reinforce the application of the character traits, and presentations should be made by teachers or mentors who demonstrate the character traits.

Using forms prescribed by the Arizona Department of Revenue, a recipient school of any contribution must provide the following information to the Department by February 28 of each year:

- The total number of fee and cash contribution payments received during the previous calendar year.
- The total dollar amount of fees and contributions received during the previous calendar year.
- The total dollar amount of fees and contributions spent by the school during the previous calendar year, categorized by specific extracurricular activity or character education program.

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In addition to this report to the Department, schools should issue a receipt to the taxpayer for any fees or cash contributions received. The receipt should include the public school name, school district name and number, taxpayer name and address, fees paid or amount contributed, date paid or contributed, and a description of the activity being supported.

The use of contributions that are not designated for a specific purpose shall be determined by the site council of the public school that receives the contributions. In the absence of a site council, the principal, director, or chief administrator of the school shall make the determination. If, at the end of a fiscal year, there remain any unspent contributions that were previously designated for a specific purpose or program, and that purpose or program has been discontinued or has not been used for two consecutive fiscal years, these contributions shall be considered undesignated in the following fiscal year.

~~The receipt and expenditure of fees or cash contributions may be for "Extracurricular activities" as indicated in A.R.S. 43-1089.01 and 15-342 with contributions also used for "character education programs" as described in A.R.S. 15-719.~~

~~To comply with the requirements of A.R.S. 43-1089.01 concerning the receipt and expenditure of fees or cash contributions from taxpayers during the previous calendar year for support of extracurricular activities and character education programs of the District, annually not later than February 28 each school in the District shall provide the following information on forms prescribed by the Arizona Department of Revenue:~~

- ~~• Total number of fees and contribution payments received.~~
- ~~• Total dollar amount received.~~
- ~~• Total dollar amount spent, categorized specifically by:
 - ~~▪ Extracurricular activity.~~
 - ~~▪ Character education program.~~~~
- ~~• Total number of student participants, categorized specifically by:
 - ~~▪ Extracurricular activity.~~
 - ~~▪ Character education program.~~~~

~~When a school has a school council, the school council shall determine how contributions not designated for a specific purpose are to be used at the school. When a school does not have a school council, the principal shall make the determination.~~

~~If at the end of a fiscal year a public school has unspent contributions that were previously designated for a specific purpose or program and that purpose or program has been discontinued or has not been used for two (2) consecutive fiscal years, these contributions shall be considered undesignated in the following fiscal year for the purposes of this subsection.~~

GUIDELINES FOR THE PUBLIC SCHOOL EXTRACURRICULAR ACTIVITY (ECA) TAX CREDIT -
AZDOR Link:

Note: This material is written for informational purposes only, and not as legal advice. You may wish to consult an attorney for further explanation.

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EXHIBIT

STUDENT FEES, FINES, AND CHARGES

TAX CREDIT CONTRIBUTIONS

IS THIS A TAX CREDIT ELIGIBLE EXTRACURRICULAR ACTIVITY?

In accordance with A.R.S. § 15-342(24) and § 43-1089.01(G)(2):

-
1. Is the activity sponsored by the District/school? Yes No
 2. Is the activity for enrolled students? Yes No
 3. Is the activity optional? Yes No
 4. Is the activity non-credit? Yes No
 5. Does the activity supplement the District/school's educational program? Yes No
 6. Does the District/school charge a fee for participation in the activity? Yes No
 7. Is the activity fee paid directly to the District/school? Yes No
 8. Was the fee for this activity adopted by the Governing Board at a public meeting after notice to all parents of enrolled students? Yes No
 9. Has the Governing Board authorized the principal to waive all or part of the activity fee if it creates an economic hardship for a student? Yes No
-

If you answered NO to any of these questions, then the activity is not tax credit eligible. If you are not certain how to answer any of the above questions, you should consult the school's attorney before offering tax credits for the activity.

Frequently Asked Questions

1. **How must extracurricular activity fees be adopted?** To be eligible for tax credits, extracurricular activity fees must be adopted by the Governing Board at a public meeting after notice to all parents of students enrolled in the district. See A.R.S. § 15-342(24). Districts typically adopt a fee schedule near the beginning of the school year and may later publish supplementary fee schedules. Best practice is for any extracurricular activity fees, including fees for field trips, to be included on the district's published fee schedules. Activity fees that have not been properly noticed or adopted by the Governing Board are not tax credit eligible.
-

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2. **Can the fees be paid directly to a third-party that is coordinating the activity?** Extracurricular activity fees must be paid directly to the district or school. Fees paid to third-parties do not qualify for tax credits. See Arizona Attorney General Opinions 103-008 and 198-007.

3. **Must the district waive all or part of an activity fee if it creates an economic hardship for a student?** The Governing Board must authorize a principal to waive all or part of an activity fee if it creates an economic hardship for a student. See A.R.S. § 15-342(24) and Arizona Attorney General Opinion 199-021. If a student does not raise enough money through tax credit donations and cannot otherwise afford to participate in an extracurricular activity, the student's principal must be authorized to waive all or part of the fee. In practice, this means the principal must find another funding source to pay for the student's activity fee. For example, the school's site council may choose to use undesignated tax credit donations to pay for the activity fees of students for whom payment would represent an economic hardship. See A.R.S. § 43-1089.01(E). Best practice is for a site council, at the beginning of the school year, to identify which activity fees it will cover and in what amounts. If a school or district is unable to waive part or all of an activity fee for a student for whom the fee creates an economic hardship, then no fees may be charged for the activity and the activity would no longer be tax credit eligible. See A.R.S. § 15-342(24).

Any fees charged must be no more than the actual costs of the activity. See A.R.S. § 15-342(24).

Arizona Department of Revenue, Office of Economic Research and Analysis, December 2014 Page 4

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JRCA-R ©

REGULATION

**REQUEST FOR TRANSFER
OF RECORDS**

**Requesting Records of
Transfer Students**

Upon enrollment of a transfer student from a private school or from a public school in another district, the principal shall request that the student's parent or guardian (or an emancipated student) authorize consent for the request for the student's education records on form JR-ED.

Within five (5) school days after enrolling a transfer student from a private school or from a public school in another district, the principal shall request, directly from the student's previous school, a certified copy of the student's record.

**Responding to Requests
for Student Records**

Upon receiving a request for the records of a student who has withdrawn from school, the principal shall comply and forward the record within ten (10) days after receipt of the request, unless:

- The record has been flagged pursuant to A.R.S. 15-829, in which case the record shall not be forwarded and law enforcement officials shall be notified.
- The request does not conform to the requirements related to proper release of records by an emancipated student or parent.

Until June 30, 2018 or extension by the Arizona legislature, if a pupil is enrolled in a school district and that pupil also participates in Arizona online instruction, the pupil's school shall release a copy of the pupil's transcript to the online course provider within ten days after a valid request to release the pupil's transcript. If the online course provider does not receive the pupil's transcript, after ten days the online course provider shall notify the pupil's School District that the online course provider has not received the transcript and the pupil's transcript shall be released to the online course provider within ten days. Non-compliance may result in a penalty assessed for each day of violation per ARS 15-701.01.

The penalty prescribed immediately above does not apply to requests that would violate the family educational rights and privacy act of 1974 (20 United States Code section 1232g).

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KDB-R ©

REGULATION

**PUBLIC'S RIGHT TO KNOW/
FREEDOM OF INFORMATION**

Public records of the District will be open for inspection by any person as provided by law.

Public record means any recorded information that is made, maintained, or kept by, or is in the possession of, the District. Such records include minutes of the Governing Board, agendas, financial records, contracts, and statistical summaries.

The office of the Superintendent will be open to receive requests for records inspection or copying during normal business hours on Monday through Friday.

Requests for access to records shall be directed to the office of the Superintendent.

All persons requesting inspection and/or copying of public records must attest that they have not requested the public records of the District for a commercial purpose. If the records are requested for a commercial purpose, the requester must provide a statement, verified by the requester, setting forth the commercial purpose for which the materials will be used.

The above declaration will be made and signed on the official form provided by the District for requesting inspection and/or copying of public records.

The Superintendent may permit access to, or provide for the copying of, the records requested within a reasonable period of time following the request or will provide an explanation of a cause for further delay and will give notification of the time the records will be available, or, if access is denied, the Superintendent will provide a written statement of the grounds for denial.

Requirements of access and inspection apply only to existing records and do not require creation of new records. Public inspection of a document that otherwise would be a public record may be denied by the Superintendent if 1) the record is made confidential by statute, 2) the record involves the privacy interests of persons, or 3) disclosure would be detrimental to the best interests of the District. If a public record contains material that is not subject to disclosure, the District will delete such material and make available to the requester such material in the record as is subject to disclosure.

Records contained on a computer will be provided only in the form in which the information can be made available using existing computer programs.

Copies of radio or recording tapes of discs, video or films, pictures, slides, graphics, illustrations, or similar audio or visual items or devices will not be furnished unless such items or devices have been shown or played at a public meeting of the Governing Board.

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A fee shall be levied on each request to cover the cost of making copies, ~~staff time, computer time, et cetera~~. The fees will be collected prior to releasing material.

The fees will be based upon the following:

_____ ~~40¢~~ per copy for materials indicated as Board minutes, agendas, financial records, contracts, courses of study, or statistical summaries.

_____ ~~35¢~~ per copy for materials not listed above.

Actual cost, if available, will be assessed.

Free copies shall be furnished if they are to be used in claims against the United States.

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POLICY SERVICES

ALERTS

Volume 2015, Number 1

July 2015

Temporary Moratorium - Standardized Tests for High School Graduation

Retroactive Effect - Pupil's Score on an Assessment and Letter Grades

Policies BDB, Meeting Procedures/Bylaws and BEDBA, Agenda Preparation and Dissemination

Policy GCO, Evaluation of Professional Staff Members

POLICY ALERTS

Temporary Moratorium - Standardized Tests for High School Graduation

Senate Bill 1191 provides for a temporary moratorium on the requirement of obtaining a passing score on a standardized test in order to graduate from high school. This has been enacted as an emergency measure and is effective for the 2014-2015, 2015-2016, 2016-2017, and 2017-2018 school years. The civics portion of the naturalization test under section 15-701.01, Arizona Revised Statutes, is not included in the moratorium. This has not been codified in Arizona Revised Statutes.

Retroactive Effect - Pupil's Score on an Assessment and Letter Grades

Senate Bill 1289 prescribes a transition process to revise the school and school district accountability system. The bill states "Notwithstanding any other law, a pupil's score on an assessment selected pursuant to section 15-741, Arizona Revised Statutes, may not be used as a factor in determining a pupil's letter grade in any particular course in school years 2014-2015 and 2015-2016" and "is effective retroactively to from and after June 30, 2014." This has not been codified in Arizona Revised Statutes.

The Governor's Letter of March 27, 2015, expresses among other concerns that "the Arizona Board of Education should look to best practices in other states . . . and replicate what works in these states." Further, the State Board of Education and Arizona Department of Education should encourage public engagement and input.

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Policies BDB, Meeting Procedures / Bylaws and BEDBA, Agenda Preparation and Dissemination

A significant responsibility of the Superintendent is the development of the Governing Board meeting agenda in a manner which facilitates the day to day operations of the district, appropriate communication and planning, and required reporting (attendance, finance, student testing, health/immunizations data, etc.) to the state and other entities.

Changes to the manner in which agenda preparation is accomplished, including the listing of items, may be made by the Governing Board following adopted policy and the requirements of the Open Meeting Law.

Policy Advisories 505 and 507, August 2014, have generated questions pertaining to the role of each Governing Board member in placing items on the Governing Board agenda. Each member has equal stature in the agenda-making process. This is a discretionary function reserved to the Governing Board. Placement of agenda items by the Superintendent is a ministerial function and is accomplished at the direction of the Board, most often by the Board president. However, the Governing Board may decide that each member will give items to the Superintendent for placement without reservation or editing or that the Governing Board President will forward agenda items to the Superintendent for placement.

The Governing Board under ARS 15-321(D) “shall prescribe rules for its own government” thus the specifics of the process are under the control of each Governing Board. The Board may place the language specified in the Policy Advisory document models in policies BDB and BEDBA or the Governing Board may choose to retain the prior language or a modified version which meets the needs of the district.

Policy GCO, Evaluation of Professional Staff Members. Policy Advisory 462, issued in January 2013, included notification that by school year 2015-2016 the District teacher evaluation will address the following items:

Item 1

The Board shall describe performance improvement plans for teachers designated in the lowest performance classification and dismissal or nonrenewal procedures pursuant to section 15-536 or 15-539 for teachers who continue to be designated in the lowest performance classification.

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Item 2

The Board's dismissal or nonrenewal procedures shall require that the District issue the preliminary notice of inadequacy of classroom performance no later than the second consecutive year that the teacher is designated in one (1) of the two (2) lowest performance classifications unless the teacher is in the first or second year of employment with the District or has been reassigned to teach a new subject or grade level for the preceding or current school year.

Districts should review Policy GCO to ensure that appropriate language has been adopted by the Governing Board to address the above requirements.

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