

# POLICY SERVICES

## ADVISORY

Volume 30, Number 2

June 2018

Policy Advisory No. 616	<i><b>NEW</b></i>	Policy DICA — Budget Format
Policy Advisory No. 617		Policy DIE — Audits/Financial Monitoring
Policy Advisory No. 618		Policy DJ — Purchasing
Policy Advisory No. 619		Policy DJE — Bidding/Purchasing Procedures
Policy Advisory No. 620		Policy FEA — Educational Specifications for Construction
Policy Advisory No. 621		Policy GBEEA — Staff Conflict of Interest Exhibit — GBEEA-E
Policy Advisory No. 622		Regulation IHBA-RB — Special Instructional Programs and Accommodations for Disabled Students
Policy Advisory No. 623		Policy JFABB — Admission of Exchange and Foreign Students
Policy Advisory No. 624		Policy JL — Student Wellness Regulations JL — RA and JL — RB

### Alert – Future PAs on Special Education

Various concerns have been expressed to ASBA Policy Services regarding special education monitoring information regarding updated SPED Policies and Procedures required by September 1, 2018, by Exceptional Student Services at the Arizona Department of Education.

Policy Services will be releasing updates to IHB, Special Instructional Programs IHB-R, Special Instructional Programs (Identification and Placement of Exceptional Students), and IHB-E, Special Instructional Programs (Procedural Safeguards Notice) and any other affected documents as applicable as soon as these are available.

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

## Manual Updates

### Policy GBP — Prohibited Personnel Practices

Cross references DJ - Purchasing and DJE – Bidding/Purchasing Procedures have been added.

## POLICY ADVISORY DISCUSSION

PAs Number 616 through 624 in this Policy Advisories series, Volume 30, Number 2, are written primarily in response to the recently passed House Bill 2663, Chapter 285, of the Fifty-third Legislature, 2<sup>nd</sup> Regular Session, and subsequent statutory requirements for Arizona School Districts.

### **Policy Advisory No 616            NEW            Policy DICA — Budget Format**

Policy DICA is new, reflecting current statutory language in A.R.S. 15-903 which requires the school district budget format to include a variety of information and to prominently display on the school district website specific information pertaining to teacher salaries.

### **Policy Advisory No. 617            Policy DIE — Audits/Financial Monitoring**

Policy DIE is revised due to changes in A.R.S. 41-1279.03 to require each school district to prominently post on its website home page a copy of its profile pages that displays the percentage of every dollar spent in the classroom by that school district from the most recent status report issued by the auditor general.

### **Policy Advisory No 618            Policy DJ — Purchasing**

Substantial additional language from A.R.S. 15-213 pertaining to purchasing, supervision of financial transactions, personal gifts and benefits, and reprisal against an employee for disclosure of public information is included in this policy.

### **Policy Advisory No 619            Policy DJE — Bidding/Purchasing Procedures**

Policy DJE has been modified by the addition of a paragraph under “Public Inspection and Rationale for Awarding a Contract” found in A.R.S. 15-213.

### **Policy Advisory No 620            Policy FEA — Educational Specifications for Construction**

A.R.S. 15-341 has added language which allows the Governing Board to delegate authority to the superintendent to submit plans for new school facilities to the School Facilities Board to obtain certification that the plans meet minimum adequacy guidelines as prescribed in A.R.S. 15-2011. This language is replicated in the policy.

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**Policy Advisory No 621**

**Policy GBEEA — Staff Conflict of Interest  
Exhibit GBEEA-E**

Language has been added to this policy to clarify conflict of interest and to offer ASBA recommendations pertaining to annual employee training to ensure district conflict of interest policies are communicated to employees and acknowledged as received and understood by each employee.

In February 2018 Policy Advisory No. 603 added language to GBEEA-E, Staff Conflict of Interest, updating this exhibit to more closely reflect the Conflict of Interest Disclosure Memorandum in Appendix 8.1 of the Attorney General Arizona Agency Handbook. Given the changes in HB 2663 on procurement and the focus on conflicts of interest in purchasing, Policy Services strongly recommends adoption of PA 621 with the additional language provided in GBEEA-E.

**Policy Advisory No 622**

**Regulation IHBA-RA — Special Instructional  
Programs and Accommodations for  
Disabled Students**

Legally incorrect language in this regulation was recently brought to our attention and is changed to clarify that a due process hearing is required only as it relates to the identification, evaluation, or educational placement of a Section 504 qualified student with a disability.

**Policy Advisory No 623**

**Policy JFABB — Admission of Exchange and  
Foreign Students**

Language is adjusted to better reflect the requirements of A.R.S. 15-823.

**Policy Advisory No 624**

**Policy JL — Student Wellness  
Regulations JL — RA and JL — RB**

SB1083 added A.R.S. 15-118 to Title 15, Education, by defining recess and requiring mandatory recess periods for specific grade levels as described in the policy. These requirements are included in Policy JL and the corresponding regulations.

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If you have any questions, call Policy Services at (602) 254-1100. Ask for Chris Thomas, General Counsel/Associate Executive Director; Dr. Terry Rowles, Assistant Director; Steve Highlen, Senior Policy Consultant; or David DeCabooter, Policy Consultant. Our e-mail addresses are, respectively, [cthomas@azsba.org], [trowles@azsba.org], [shighlen@azsba.org] and [ddcabooter@azsba.org]. You may also fax information to (602) 254-1177.

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## **DICA © BUDGET FORMAT**

The District shall utilize the budget format prepared and prescribed by the Superintendent of Public Instruction in conjunction with the auditor general. The budget format is designed to allow school districts to plan and provide in detail for the use of available funds.

The budget format, in addition to other requirements specified in statute, shall also contain the following information. The School District shall prominently post on its website home page, separately from its budget, Items A through F below:

A. A statement identifying proposed pupil-teacher ratios and pupil-staff ratios relating to the provision of special education services for the budget year.

B. A statement identifying the number of full-time equivalent certificated employees.

C. The prominent display of the average salary of all teachers employed by the School district for the current year.

D. The prominent display of the average salary of all teachers employed by the School District for the previous year.

E. The prominent display of the dollar increase in the average salary of all teachers employed by the School District for the current year.

F. The prominent display of the percentage increase in the average salary of all teachers employed by the School District for the current year.

Adopted: date of Manual adoption

LEGAL REF.:

A.R.S.

A.R.S.

15-271

15-302

15-903

15-977

15-991

CROSS REF.:

CM - School District Annual Report

DBC-R – Budget Planning, Preparation and Schedules

DIC – Financial Reports and Statements

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**DIE ©**  
**AUDITS / FINANCIAL MONITORING**

The Governing Board directs the Superintendent to implement procedures that assure District compliance with all state and federal requirements for financial monitoring and audits. Contingent upon prescribed qualifying criteria, such requirements may include, but are not limited to, procedural reviews by the Office of the Auditor General and the federal Single Audit Act Amendments and Office of Management and Budget (OMB) Compliance Supplement June 2016.

The procurement of the necessary services shall be consistent with the District's policy on bidding and purchasing procedures. Any allocation of costs for the services shall conform to the requirements of the Uniform System of Financial Records (USFR).

A final report of each separate fiscal management review shall be presented to the Board for examination and discussion. After a report has been presented to the Board, it will become a matter of public record, and its distribution will not be limited. Copies of a final report shall be filed with appropriate state and other authorities.

The District shall prominently post on its website home page a copy of its profile pages that displays the percentage of every dollar spent in the classroom by that school district from the most recent status report issued by the auditor general.

Adopted: date of Manual adoption

LEGAL REF.:

A.R.S.

15-239

15-914

15-2111

41-1279.03

41-1279.04

41-1279.05

41-1279.07

41-1279.21

41-1279.22

A.A.C.

R7-2-902

USFR - Audit Requirements

2 CFR Part 200 Appendix XI, Compliance Supplement

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**DJ ©**  
**PURCHASING**  
**(Purchasing Ethics Policy)**

The District's Governing Board members and employees shall not use their offices or positions to receive any valuable things or benefits that would not ordinarily accrue to them in the performance of duties if the things or benefits are of such value or character as to manifest a substantial and improper influence upon the performance of their duties.

A District employee who supervises or participates in contracts, purchases, payments, claims or other financial transactions, or a person who supervises or participates in the planning, recommending, selecting or contracting for materials, services, goods, construction, or construction services for the District, shall not accept or agree to accept any personal gift or benefit from a person or vendor that has secured or has taken steps to secure a contract, purchase, payment, claim or financial transaction with the District.

A District employee that has secured or has taken steps to secure a contract, purchase, payment, claim or financial transaction with the District shall not offer, confer or agree to confer any personal gift or benefit to a person who supervises or participates in contract, purchases, payments, claims or other financial transactions, or on construction services of the District.

For the purpose of this policy a “gift or benefit” means a payment, distribution, expenditure, advance, deposit or monies, any intangible personal property, or any kind of tangible personal or real property. A “gift or benefit” does not include food or beverage, expenses or sponsorships related to a special event or function related to individuals identified in this policy, nor does this include an item of nominal value such as a greeting card, T-shirt, mug or pen.

A District employee who has control over personnel actions may not take reprisal against a District employee or that employee’s disclosure of information that is a matter of public concern, including a violation of district policy or laws/regulations governing the District.

Adopted: date of Manual adoption

LEGAL.REF.:

A.R.S.

15-213

15-323

38-503

38-504

CROSS Ref .:

DJE – Bidding/Purchasing Procedures

GBEAA – Staff Conflict of Interest

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**DJE ©**  
**BIDDING / PURCHASING PROCEDURES**

The Superintendent shall be responsible for all purchasing, contracting, competitive bidding, and receiving and processing of all bid protests, in accordance with the Arizona school district procurement rules, including A.A.C. R7-2-1141 *et seq.* A contract shall not be awarded to an entity that does not verify employment eligibility of each employee through the E-verify program in compliance with A.R.S. 23-214 subsection A. Each contract shall contain the warranties required by A.R.S. 41-4401 relative to the E-verify requirements.

The Superintendent shall ensure that all aspects of bidding and purchasing procedures conform to federal and state laws, rules and regulations. Administrative regulations shall be established to assure the District is in full compliance, including contracting with small and minority businesses, women's business enterprises, and labor surplus area firms. (2 C.F.R. 200.321).

**Purchases Not Requiring Bidding**

Purchases of less than ten thousand dollars (\$10,000) may be made at the discretion of the Superintendent. Such procurements are not subject to competitive purchasing requirements, however reasonable judgment should be used to ensure the purchases are advantageous to the District.

Verbal price quotations will be requested from at least three (3) vendors for transactions of at least ten thousand dollars (\$10,000) but less than fifty thousand dollars (\$50,000). The price quotations should be shown on, or attached to, the related requisition form. If three (3) verbal quotations cannot be obtained, documentation showing the vendors contacted that did not offer price quotations, or explaining why price quotations were not obtained, shall be maintained on file in the District office.

Written price quotations will be requested from at least three (3) vendors for transactions of at least fifty thousand dollars (\$50,000) but not more than one hundred thousand dollars (\$100,000). If three (3) written price quotations cannot be obtained, documentation showing the vendors contacted that did not offer written price quotations, or explaining why written price quotations were not obtained, shall be maintained on file in the District office.

The District is not required to engage in competitive bidding in order to place a student in a private school that provides special education services if such placement is prescribed in the student's individualized education program and the private school has been approved by the Department of Education Division of Special Education pursuant to A.R.S. 15-765. The placement is not subject to rules adopted by the State Board of Education before November 24, 2009 pursuant to A.R.S. 15-213.

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The District may, without competitive bidding, purchase or contract for any products, materials and services directly from Arizona Industries for the Blind, certified nonprofit agencies that serve individuals with disabilities and Arizona Correctional Industries if the delivery and quality of the goods, materials or services meet the District's reasonable requirements.

Intergovernmental agreements and contracts between school districts or between the District and other governing bodies as provided in A.R.S. 11-952 are exempt from competitive bidding under the procurement rules adopted by the State Board of Education pursuant to A.R.S. 15-213.

The District is not required to engage in competitive bidding to make a decision to participate in insurance programs authorized by A.R.S. 15-382.

The District is not required to obtain bid security for the construction- manager-at-risk method of project delivery.

Unless otherwise provided by law, contracts for materials or services and contracts for job-order-contracting construction services may be entered into if the duration of the contract and the conditions of renewal or extension, if any, are included in the invitation for bids or the request for proposals and if monies are available for the first fiscal period at the time the contract is executed. The duration of contracts for materials or services and contracts for job-order-contracting construction services shall be limited to no more than five (5) years unless the Board determines that a contract of longer duration would be advantageous to the District. Once determined, the decision should be memorialized in meeting minutes and in the contract/bid file. Payment and performance obligations for succeeding fiscal periods are subject to the availability and appropriation of monies. The maximum dollar amount of an individual job order for a job-order-contracting construction service shall be one million dollars (\$1,000,000) or as determined by the Board.

### **Online Bidding**

Until such time as the State Board of Education adopts rules for the procurement of goods and information services by school districts and charter schools using electronic, online bidding, the District may procure goods and information services pursuant to A.R.S. 41-2671 through 2673 using the rules adopted by the Department of Administration in implementing 41-2671 through 2673.

### **Purchases Requiring Bidding**

Sealed bids and proposals shall be requested for transactions to purchase construction, materials, or services costing more than one hundred thousand dollars (\$100,000). All transactions must comply with the requirements of the Arizona Administrative Code and the Uniform System of Financial Records.

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**Public Inspection and Rationale  
for Awarding a Contract**

The Governing Board shall make available, for public inspection, all information, all bids, proposals and qualifications submitted, and all findings and other information considered in determining whose bid conforms to the District's invitation for bids. Documentation provided will include information regarding the most advantageous, with respect to price, conformity to the specifications, and other factors, or whose proposal for qualifications are to be used to select and award the bid. Included in this information will be the rationale for awarding a contract for any specified professional services, construction, construction service or materials to an entity selected from a qualified select bidders list or through a school purchasing cooperative. The invitation for bids, request for proposals or request for qualifications shall include a notice that all information and bids, proposals and qualifications submitted will be made available for public inspection.

**Registered Sex Offender Prohibition**

All purchase orders, agreements to purchase, and contracts for services to be provided by personnel other than District employees must include the following statement on the document:

***Registered Sex Offender Restriction.** Pursuant to this order, the named vendor agrees by acceptance of this order that no employee or subcontractor of the vendor, who is required to register as a sex offender, pursuant to A.R.S. 13-3821, will perform work on District premises or equipment at any time when District students are, or are reasonably expected to be, present. The vendor further agrees by acceptance of this order that a violation of this condition shall be considered a material breach and may result in a cancellation of the order at the District's discretion.*

Adopted: date of Manual adoption

LEGAL REF.:

- A.R.S.
- 11-952
- 15-213
- 15-213.01
- 15-213.02
- 15-239
- 15-323
- 15-342
- 15-382
- 15-765
- 15-910.02

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23-214  
34-101 *et seq.*  
35-391 *et seq.*  
35-393 *et seq.*  
38-503  
38-511  
39-121  
41-2632  
41-2636  
41-4401  
A.A.C.  
R7-2-1001 *et seq.*  
A.G.O.  
I83-136  
I87-035  
I06-002  
USFR: VI-G-8 *et seq.*  
2 C.F.R. 200.321

CROSS REF.:

BCB - Board Member Conflict of Interest

DJ – Purchasing

DJG - Vendor/Contractor Relations

GBEAA - Staff Conflict of Interest

JLIF - Sex Offender Notification

**FEA ©  
EDUCATIONAL SPECIFICATIONS  
FOR CONSTRUCTION**

The Governing Board may delegate authority in writing to the Superintendent to submit plans for new school facilities to the School Facilities Board for the purpose of certifying that the plans meet the minimum school facility adequacy guidelines prescribed in A.R.S. 15-2011.

In the construction of new or remodeled educational facilities, the Board requires the Superintendent to develop a set of comprehensive educational specifications. In conferences with the architect, the following specifications and statutory references shall be discussed for design inclusion:

- A. Information concerning the plan of school organization and estimated enrollment in the proposed building.
- B. A description of the proposed curriculum and the teaching methods and techniques to be employed.
- C. A schedule of space requirements, including an indication of relative locations of various spaces.
- D. A desired layout of special areas and the equipment needed for such areas.
- E. An outline of mechanical features and special finishes desired.
- F. Standards established by the School Facilities Board.

Adopted: date of Manual adoption

LEGAL REF.:

A.R.S.

15-341

15-2001 *et seq.*

15-2011

34-461

41-1492 *et seq.*

~~41-2163~~

20 U.S.C. 1400 *et seq.*, Individuals with Disabilities Education Act

29 U.S.C. 794, Rehabilitation Act, (Section 504)

42 U.S.C. 12101 *et seq.*, The Americans with Disabilities Act

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## **GBEAA © STAFF CONFLICT OF INTEREST**

### **Employment of Close Relatives**

No person employed by the District may be directly supervised by a close relative (father, mother, son, daughter, sister, brother, or spouse). This policy will apply for summer or part-time work as well as for full-time employment.

A dependent of a Board member (a person more than half of whose support is obtained from a Board member) cannot be hired in the District except by consent of the Board. The spouse of a Board member cannot be employed by the District.

### **Business Relations**

Any employee who has, or whose relative has, a substantial interest in any decision of the District shall make known this interest in the official records of the District, and shall refrain from participating in any manner as an employee in such a decision.

“Refrain from participating in any manner” means more than just refraining from making a final decision. It means participating in any way in the process leading up to a decision. An employee with a conflict of interest must not make recommendations, give advice, or otherwise communicate in any manner with anyone involved in the decision-making process.

### **Vendor Relations**

No employee of the District will accept ~~gifts~~ a gift or benefit from any person, group, or entity doing, or desiring to do, business with the District as described in Policy DJ, Purchasing (Purchasing Ethics Policy). ~~The acceptance of any business-related gratuity is specifically prohibited, except for widely distributed, advertising items of nominal value.~~

~~This policy should not be construed to deem unacceptable inexpensive novelty advertising items of general distribution. Acceptance of business meals and holiday gifts for general consumption are acceptable under this policy.~~

### **District Purchases from Employees**

The District must comply with competitive purchasing rules for any acquisition of goods or services from District employees regardless of the dollar amount. The District may acquire equipment, material, supplies, or services from its employees only under an award or contract let after public competitive bidding [A.R.S. 38-503; A.G.O. I06-002]. The requirement applies to any purchase using District monies, including extracurricular activities fees, tax credit contributions, and monies held in trust by the District such as student activities monies, when a District employee acts as the vendor. Oral and written quotations do not satisfy the public competitive bidding requirements.

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**Employee Training and Acknowledgement  
of Understanding**

The Governing Board may require annual employee training to ensure District conflict of interest policies are communicated to employees and acknowledged as received and understood. Each employee shall complete and sign the conflict of interest form, GBAAA-E, as determined by the District.

The District will investigate allegations of inadequate disclosure of substantial interests and/or inappropriate participation when a substantial interest may exist.

Adopted: date of Manual adoption

LEGAL REF.:

A.R.S.

15-323

15-421

15-502

38-481

38-501 *et seq.*

38-502

38-503

A.G.O.

I83-111

103-005

I06-002

Attorney General Arizona Agency Handbook, Appendix 8.1,  
Conflict of Interest Disclosure Memorandum

CROSS REF.:

BCB - Board Member Conflict of Interest

DJ – Purchasing

DJE - Bidding/Purchasing Procedures

GBP – Prohibited Personnel Practices

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GBEAA-E ©

EXHIBIT

**STAFF CONFLICT OF INTEREST**

**CONFLICT OF INTEREST DISCLOSURE**

**PURSUANT TO A.R.S. §§ 38-501 to 511**

**(Instructions)**

1. Employees must file a Conflict of Interest Disclosure within five (5) calendar days after commencing work and at least annually thereafter, either identifying any conflict the employee or the employee's relative has or stating that the employee or the employee's relative has no conflict.

2. All Conflict of Interest Disclosures shall be kept on file at \_\_\_\_\_ [name District location].

3. It is the employee's responsibility to update and submit to both District Legal and Human Resources Departments within fifteen (15) calendar days of any new conflict arising after the date of the most recent Disclosure.

**STATEMENT OF CONFLICT**

I, \_\_\_\_\_, do hereby indicate:

1. That I am presently an ~~officer~~/employee of the \_\_\_\_\_  
\_\_\_\_\_ School District;

2. That I (or my relative[s]: \_\_\_\_\_  
\_\_\_\_\_) have a substantial interest in the contract, sale, purchase, ~~or service to~~ ~~or decision~~, investigation, or other matter by the \_\_\_\_\_ Governing Board as described below.

Identify the contract, sale, purchase, service, decision, investigation, or other matter in which you or your relative may have a "substantial interest" under A.R.S. §§ 38-501 to 511. (Use as much space as necessary)

Describe the "substantial interest" referred to above. (Use as much space as necessary)

~~3. That I shall refrain from participating in any manner in my capacity as an employee or officer of \_\_\_\_\_~~

~~School District in such contract, sale, purchase, service to, or decision by the Board unless specifically permitted to do so by law.~~

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**STATEMENT OF DISQUALIFICATION**

***To be completed if you have a conflict as identified above.***

To avoid any possible conflict of interest under A.R.S. §§ 38-501 to 511, I will refrain from participating in any manner in the matter identified above.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

**STATEMENT OF NO CONFLICT**

***To be completed only if you do not or your relative does not have a conflict of interest.***

I, \_\_\_\_\_, do hereby indicate that I do not have, and none of my relatives has, a substantial interest in any contract, sale, purchase, service, decision, investigation, or other matter of the \_\_\_\_\_ School District;

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

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IHBA-RB ©

REGULATION

**SPECIAL INSTRUCTIONAL PROGRAMS  
AND ACCOMMODATIONS FOR  
DISABLED STUDENTS**

**(Section 504 of the Rehabilitation Act of 1973)**

**Section 504 Due Process  
Hearing Procedures**

An impartial due process hearing will be utilized to resolve differences involving the identification, evaluation, or educational placement ~~education~~ of a Section 504 qualified student with a disability when such differences cannot be resolved by means of a less formal procedure. In this instance, *due process* is defined as an opportunity to present objections and reasons for the objections to the decision and/or procedures of the committee regarding application of Section 504. A Section 504 due process hearing may be called at the request of the District or a parent, guardian, or surrogate of an affected student. The proceedings will be presided over and decided by an impartial hearing officer. *Impartial hearing officer* means a person selected to preside at a due process hearing to assure that proper procedures are followed and to assure the protection of the rights of both parties.

In all related hearing matters the following definitions shall apply:

- A. *Days* means calendar days.
- B. *Placement plan* means the program by which the decision concerning the educational placement of the student is decided.
- C. *Parents* means parents, guardian, or surrogate parent.

Parents or the District may initiate a due process hearing on a matter related to ~~1) eligibility and related procedures, 2) procedural safeguards, or 3) provision of a free and appropriate public education to the student.~~ the identification, evaluation, or educational placement of a Section 504 qualified student with a disability.

Requests for a due process hearing must be submitted in writing to the Superintendent. Hearing notifications to the parents shall be given at least twenty (20) days prior to the date set for the hearing. The notice shall contain:

- A. A statement of time, place, and nature of the hearing.

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- B. A statement of the legal authority and jurisdiction under which the hearing is being held.
- C. A reference to the particular section of the statutes and rules involved.
- D. A statement of the availability of relevant records for examination.
- E. A short and plain statement of the matters asserted.
- F. A statement of the right to be represented by counsel.

All written correspondence shall be provided in English and/or interpreted in the primary language.

### **Hearing Procedures**

The hearing officer shall preside at the hearing and shall conduct the proceedings in an impartial manner to the end that all parties involved have an opportunity to:

- A. Present their evidence.
- B. Produce outside expert testimony and be represented by legal counsel and by individuals with knowledge or training with respect to problems of students with disabilities.

Parents involved in the hearing will be given the right to:

- A. Have the student present at the hearing.
- B. Open the hearing to the public.

In cases where there are language differences, an interpreter shall be provided.

The hearing officer shall review all relevant facts concerning the identification, evaluation, or educational placement of the Section 504 student.

- ~~A. The hearing officer shall determine, subject to appeal by judicial review, whether the District has met all procedural aspects of the education accommodation plan.~~
- ~~B. The hearing officer shall render a decision, subject to judicial review, that is binding on all parties, except that in all cases any action taken must comply with current Arizona Revised Statutes and federal court decisions.~~
- ~~C. The hearing officer shall ascertain that:
  - ~~1. The procedures utilized in determining the student's needs have been appropriate in nature and degree.~~~~

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~~2. The student's rights have been fully observed.~~

~~3. The provision of aids, services, or programs to the student may afford a free and appropriate education.~~

~~D.~~

B. If the parents' primary language is other than English, then the hearing officer shall appoint an interpreter.

### **Decision of the Hearing Officer**

A copy of the hearing officer's decision shall be delivered to the District and the parent, guardian, or surrogate within ten (10) days following completion of the hearing, which in no event shall be later than forty-five (45) days after receipt of the request for a hearing.

Notification will include a statement that either party may appeal the decision.

The decision of the hearing officer is binding on all parties concerned; it is subject only to judicial review.

### **Record of Hearing**

A written or electronic verbatim recording of the Section 504 due process hearing shall be on file at the District office and will be available for review upon request to the parents and/or any of the involved parties. Parents may have a copy of the proceedings, in English and in the primary language of the home.

~~LEGAL REF.:~~

~~A.A.C.~~

~~R7-2-405~~

**JFABB ©  
ADMISSION OF EXCHANGE  
AND FOREIGN STUDENTS**

**(Foreign Exchange Students)**

The Governing Board may admit nonresident foreign students without payment of tuition or as it may otherwise prescribe.

The Governing Board may admit the same number of nonresident foreign students who are in exchange programs and who are recipients of a J-1 visa pursuant to federal law, that is equal to the number of resident students enrolled in that local education agency who are currently participating in a foreign exchange program, as determined by the Department of Education, without the payment of tuition.

~~The number of foreign exchange students shall not exceed one (1) foreign exchange student for each \_\_\_\_\_ (\_\_\_\_\_) to \_\_\_\_\_ (\_\_\_\_\_) students enrolled in the school. Exceptions may be made by the Superintendent. In addition, students admitted under this policy must meet the conditions as outlined in A.R.S. 15-823.~~

The principal will review requests, and a decision will be made to allow or disallow admittance under this policy. The decision shall be final.

Exchange students who do not meet the conditions, pursuant to A.R.S. 15-823 and as outlined above, may be admitted on a tuition basis, following approval by the principal.

Adopted: date of Manual adoption

LEGAL REF.:

A.R.S.

15-823

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**JL ©**  
**STUDENT WELLNESS**

The School District strives to make a significant contribution to the general well-being, mental and physical capacity, and learning ability of each student while affording them the opportunity to fully participate in the educational process.

The District is committed to providing school environments that promote and protect children's health, well-being, and ability to learn by supporting healthy eating and physical activity. Healthy eating is demonstrably linked to reduced risk for mortality and development of many chronic diseases as adults.

To ensure the health and well-being of all students, the Board shall promote and monitor student wellness in a manner that the Board determines is appropriate in the following areas:

A. *Nutrition Guidelines*: All foods available in each school during the day will have as a primary goal the promotion of student health and the reduction of childhood obesity. All guidelines for reimbursable school meals shall not be less restrictive than regulations and guidance issued by the Secretary of Agriculture, as those regulations and guidance apply to schools.

B. *Nutrition Education*: The goal is to influence students' eating behaviors by providing nutrition education that is appropriate for students' ages; reflects students' cultures; is integrated into health education or core curricula; and provides opportunities for students to practice skills and have fun.

C. *Physical Activity/Recess*: The goals for physical activity are to provide opportunities for every student to develop the knowledge and skills for specific physical activities, to maintain students' physical fitness, to ensure students' regular participation in physical activity, and to teach students the short- and long-term benefits of a physically active and healthful lifestyle.

1. The District shall provide at least two (2) recess periods during the school day for pupils in kindergarten programs and grades one (1) through three (3). From and after August 1, 2019, the District shall provide at least two (2) recess periods during the school day for pupils in kindergarten programs and grades one (1) through five (5).

2. A school that offers a half-day kindergarten program is required to provide at least one (1) recess period during the school day for pupils in that kindergarten program.

3. The school District may count a pupil's participation in a physical education course during a school day as one (1) of that day's recess periods.

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4. The District is not required to extend the school day to meet this recess requirement.

5. This recess requirement does not apply to middle schools, junior high schools, high schools, Arizona online instruction or schools in which the lowest grade of instruction offered is grade five (5).

D. *Sunscreen*: The goal is to emphasize skin health and promote the application of sunscreen products and to inform students that a student who attends school in this District may possess and use a topical sunscreen product while on school property or at a school-sponsored event without a note or prescription from a licensed health care professional.

E. *Other School-Based Activities*: The goal is to create a total school environment that is conducive to healthy eating and physical activity.

F. *Evaluation/Implementation*: A primary goal will be to regularly (at least annually) evaluate the effectiveness of this policy in promoting healthy eating and changing the program as appropriate to increase its effectiveness. Such evaluation will be measurable. The results of each evaluation, including the extent to which schools are in compliance with District policy, the extent to which the District policy complies with federal regulations, and a description/summary of the progress made in attaining the goals of the District, shall be made available to the public. Physical education teachers and school health professionals shall have an opportunity to participate in the evaluation and implementation of this policy.

G. *Parent, Community and Staff Involvement*: A primary goal will be to engage family members, students, and representatives of the school food authority, the Governing Board, school administrators, and the public in development and regular review of this school policy.

The Superintendent is directed to develop administrative regulations to implement this policy, including such provisions as may be necessary to address all food and beverages sold and/or served to students at school (i.e., competitive foods, snacks and beverages sold from vending machines, school stores, after-school programs, and funding-raising activities and refreshments that are made available at school parties, celebrations and meetings), including provisions for staff development, family and community involvement and program evaluation. The Superintendent shall institute and clearly communicate a meal charge policy to all District households and District staff responsible for policy enforcement that is consistent with aspects of the Healthy Hunger-Free Kids Act of 2010 applicable to the District.

Regulations and exhibits created for the purpose of implementing this policy shall be considered, in effect, to be an extension of this policy subject to Governing Board review.

Adopted: date of Manual adoption

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LEGAL REF.:

A.R.S.

15-158

15-242

42 U. S. C. 1751 *et seq.* (National School Lunch Act)

42 U. S. C. 1771 *et seq.* (Child Nutrition Act)

CROSS REF.:

ABA - Community Involvement in Education

ABAA - Parental Involvement

BBA - Board Powers and Responsibilities

EF - Food Services

EFDA - Collection of Money/Food Tickets

EFE - Competitive Food Sales/Vending Machines

IA - Instructional Goals and Objectives

**JL-RA ©**

**REGULATION**

**STUDENT WELLNESS**

An annual report shall be made to the Board on the District's compliance with law and policies related to student wellness. The report may include but not be limited to:

- A. Evaluation of the food services program.
- B. Recommendations for policy and/or program revisions.
- C. Review of all foods and beverages sold in schools for compliance with established nutrition guidelines.
- D. Assessment of school environment regarding student wellness issues.
- E. Listing activities and programs conducted to promote nutrition and physical activity.
- F. Providing feedback received from District staff, students, parents/guardians, and community members.

In accordance with the National School Lunch Act (42 U. S. C. 1751 *et seq.*) and the Child Nutrition Act (42 U.S.C. 1771 *et seq.*), as amended, an assurance that District guidelines for reimbursable meals are not less restrictive than regulations and guidelines issued for schools in accordance with federal law shall be provided annually. The Superintendent shall receive assurances from all appropriate administrators and supervisors prior to making the annual Board report.

**Nutrition Education**

Nutrition education shall focus on students' eating behaviors, be based on theories and methods proven effective by research and be consistent with state and local District health education standards. Nutrition education at all levels of the curriculum shall include, but not be limited to, the following essential components designed to help students learn:

- A. Age-appropriate nutritional knowledge, including the benefits of healthy eating, essential nutrients, nutritional deficiencies, principles of healthy weight management, the use and misuse of dietary supplements, safe food preparation, handling and storage and cultural diversity related to food and eating;

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B. Age-appropriate nutrition-related skills, including, but not limited to, planning a healthy meal, understanding and using food labels and critically evaluating nutrition information, misinformation and commercial food advertising; and

C. How to assess one's personal eating habits, set goals for improvement and achieve those goals.

In order to reinforce and support nutrition education efforts, the guidelines will ensure that:

A. Nutrition instruction provides sequential, comprehensive health education in accordance with the Arizona Department of Education curriculum regulations and academic standards;

B. Cooperation with agencies and community organizations is encouraged to provide opportunities for appropriate student projects related to nutrition;

C. Consistent nutrition messages are disseminated from the District throughout the schools, communities, homes and media; and

D. Nutrition education is extended beyond the school environment by engaging and involving families and community.

### **Nutrition Guidelines and Food Services Operations**

All foods and beverages made available on a school campus serving any configuration of prekindergarten (PK) through eighth (8th) grade during the normal school day are to be consistent with the Arizona Nutrition Standards. Guidelines for reimbursable school meals shall not be less restrictive than regulations and guidance issued by the Secretary of Agriculture pursuant to law. The District will create procedures that address all foods (including Foods of Minimal Nutritional Value and Competitive Food Sales) available to students throughout the school day in the following areas:

A. National School Lunch Program and School Breakfast Program Meals.

B. À la carte offerings in the food service program.

C. Vending machines and school stores.

D. Classroom parties, celebrations, fund-raisers, rewards and school events.

E. Snacks served in after-school programs.

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In keeping with the District's nutrition program goals, only food prepared or obtained by the District's food services program should be served. This includes classroom reward or incentive programs involving food items as well as foods and beverages offered or sold at school-sponsored events during the regular school day. Approval is required to ensure that the foods served meet the requirements of the District's nutrition policy and regulation (i.e., all foods served fit in a healthy diet and contribute to the development of lifelong healthy eating habits for the District's students).

A.R.S. 36-136 provides an exemption from rules promulgated by the Director of the Department of Health Services for a whole fruit or vegetable grown in a public school garden that is washed and cut on-site for immediate consumption.

### **Physical Activity/Recess**

District schools shall strive to provide opportunities for developmentally appropriate physical activity during the school day for all students.

Recess shall be required and provided as described in Policy JL and in Regulation JL-RB:

### **Other School-Based Activities**

The goal for other school-based activities is to ensure whole-school integration with the wellness program. The District will achieve the goal by addressing elements that include, but are not limited to, school meal times, dining environment, food as an incentive, marketing and advertising, skin cancer prevention and sun safety, staff wellness, and staff development and training.

### **Program Evaluation**

In each school, the principal will ensure compliance with established District-wide student wellness goals and will report on the school's compliance to the Superintendent.

The District, and individual schools within the District, will, as necessary, revise the policy and develop action plans to facilitate their implementation.

**JL-RB ©**

REGULATION

**STUDENT WELLNESS**

**Physical Activity Goals**

The primary goal for the District's physical activity component is to provide opportunities for every student to develop the knowledge and skills for specific physical activities, maintain physical fitness, regularly participate in physical activity, and understand the short- and long-term benefits of a physically active and healthy lifestyle.

A comprehensive physical activity program encompasses a variety of opportunities for students to be physically active, including physical education, recess, walk-to-school programs, after-school physical activity programs, health education that includes physical activity as a main component, and physical activity breaks within regular classrooms.

***Physical education (high school graduation requirements):*** Students must, at the least, satisfy the state and District's physical education credit requirement.

***Physical activity (time, frequency, and/or intensity):*** Schools will ensure that students are moderately to vigorously active at least fifty percent (50%) of the time while participating in physical education classes.

***Physical activity outside of physical education/Recess:*** Schools may offer after-school intramural programs and/or physical activity clubs that meet the needs and interests of all students, including those who are not athletically involved or those with special health care needs.

Recess shall be required and provided as follows:

A. Two (2) recess periods during the school day for pupils in kindergarten (K) and grades one (1) through three (3).

B. On August 1, 2019, this recess requirement of two (2) recess periods during the school day is extended to grades four (4) and five (5).

C. Half-day kindergarten pupils are to receive one (1) recess period during the school day.

D. Participation in a physical education course during a school day may count as one of the day's recess periods.

E. Extension of the school day is not required to meet the recess requirement.

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F. This recess requirement does not apply to middle schools, junior high schools, high schools, Arizona online instruction or schools in which the lowest grade of instruction offered is grade five (5).

~~Recess to promote physical activity: Grades kindergarten (K) through six (6) will have recess or physical education classes daily.~~

~~A. Each student in a kindergarten program and grades one (1) through five (5) shall have at least thirty (30) minutes of recess consisting of structured physical activity each day.~~

- ~~1. The structured physical activity may take place outside or inside the classroom.~~
- ~~2. Physical education classes may satisfy the recess requirement.~~
- ~~3. Unstructured recess time occurring immediately after lunch periods does not satisfy the recess requirement.~~

***Walking or biking to school to promote physical activity:*** The District shall annually review safe routes for students who walk or bike to school.

***Prohibition of use of punishment:*** The District will discourage the use of physical activity as punishment, the withholding of participation in physical education class as punishment, or the use of physical education class time to complete assignments from other classes.

***After-school programs:*** The District shall encourage after-school programs to provide developmentally appropriate physical activity for participating children and reduce or eliminate the time spent in sedentary activities such as watching television or videos.

***Community use:*** The District shall encourage community access to, and student and community use of, the school's physical activity facilities outside the normal school day.