



GOVERNING BOARD AGENDA ITEM AMPHITHEATER UNIFIED SCHOOL DISTRICT NO. 10

DATE OF MEETING: November 9, 2021

TITLE: Study of Governing Board Policy Documents:
Policy JFB (Open Enrollment)
Policy JK (Student Discipline)
Policy JKD (Student Suspension)
Policy JKE (Student Expulsion)
Policy JLF (Reporting Child Abuse/Child Protection)
Policy KB (Parental Involvement in Education)

BACKGROUND:

Administration periodically reviews policies and recommends revisions for purposes of clarity and/or compliance with changes to the Arizona state laws and regulations. Administration conducted such a review recently and recommends the proposed policy changes being presented through this agenda item. A discussion for the reasons for the proposed revisions to each policy is set forth below.

Policy JFB (Open Enrollment)

The proposed changes to Policy JFB (Open Enrollment) were initially presented to the Governing Board on September 14, 2021. Administration explained then that the recommended revisions were being presented due to changes to A.R.S. § 15-816.01 made this year through HB 2989. However, on September 27, 2021, Administration withdrew these proposed policy revisions from consideration at the Board's September 28, 2021 meeting as a precautionary measure after the Maricopa County Superior Court issued a "Ruling Re: Declaratory Judgment" ("Ruling") in the matter of *Arizona School Boards Association, Inc., et. al v. State of Arizona, et. al*, Case No. CV2021012741, which declared portions of HB 2898 void and unenforceable. The Arizona Supreme Court affirmed the Ruling on November 2, 2021. Administration has now confirmed that the Ruling does not affect the changes to the A.R.S. § 15-816.01 concerning open enrollment. It is now appropriate for the Board to consider the proposed revisions to Policy JFB.

Policies JK (Student Discipline), JKD (Student Suspension), and JKE (Student Expulsion)

The suggestions for the above 3 policies stem from changes to A.R.S. §§ 15-841 and 15-842 regarding suspension and expulsion of students in kindergarten through fourth grade made this year through HB 2123. The revisions are proposed so the Board's student discipline policies follow the corresponding state statutes.

In addition, the proposed language in Policy JK concerning off-campus student speech is suggested based on the recent Supreme Court decision in *Mahanoy Area School District v. B.L.*, 594 U.S. ____ (2021). It is well established that school districts may regulate on-campus speech that "materially disrupts classwork or involves substantial disorder or invasion of the rights of others." See *Tinker v. Des Moines School Dist.*, 393 U.S. 503 (1969). However, in *Mahanoy*, the Court also writes that district "regulatory interests remain significant in some off-campus circumstances" and so the proposed changes are suggested to account for this ruling.

Policy JLF (Reporting Child Abuse/Child Protection)

These suggestions stem from changes this year through SB 1114, which added a new law codified as A.R.S. § 15-160.01. The new law requires school districts to post specific information related to suspected abuse and neglect of children, including instructions to call 911, and directions for accessing

the website of the Department of Child Safety for information on reporting child abuse, child neglect and the exploitation of children.

Policy KB (Parental Involvement in Education)

The suggested revisions to Policy KB (Parental Involvement in Education) are proposed both for purposes of clarity and compliance with the law. While the proposed revisions to Policy KB appear numerous, with multiple words showing in ~~red strikethrough~~, some are only formatting suggestions to make the policy easier to reference. As an example, the revisions to remove bullet points and, instead, delineate paragraphs by letters, and subparagraphs by numbers, are suggested for easier reference to specific portions of the policy. These formatting changes sometimes strikethrough the first word of the paragraph together with the bullet point, and then re-insert that same word in blue behind the added letter or number at the beginning of the paragraph. Good examples of this are seen through the proposed changes to paragraphs A-K, which eliminates bullet points and add letters at the beginning of each paragraph. Similarly, the same thing occurs with the subparagraphs under paragraph K, but numbers are added instead.

However, there are also suggested revisions that include substantive language additions seen in blue. These additions are recommended to ensure that the rights recognized for parents and guardians in the Amphitheater District mirror, at a minimum, the rights permitted them by statute. As an example, the proposed language added as a final sentence in paragraph A of “*The plan shall provide for the administration of a parent-teacher satisfaction survey,*” mirrors the language of A.R.S. § 15-102(A)(1). Likewise, the proposal to add paragraphs D and E to Policy KB stems from efforts to bring the policy current with recent additions approved by the Arizona Governor to A.R.S. § 15-105 related to parental rights related to curriculum.

It is important to note that the proposed policy revisions do not eliminate parental rights permitted by federal or Arizona state law. On the contrary, the revisions are proposed to bring these policies current with recent changes to Arizona state statutes.

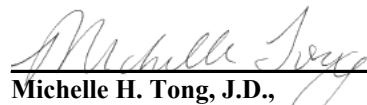
The Governing Board follows a 2-meeting policy review and approval process that is set forth in Policy BGB (Policy Adoption). For compliance with Policy BGB, Administration recommends that these changes be studied by the Governing Board at this meeting and considered again for approval on December 7, 2021.

Recommended additions are set forth in blue and recommended deletions are set forth in ~~red strikethrough~~.

RECOMMENDATION:

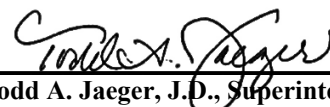
This item is presented for the Board’s study at this time. The Board may direct further revisions as it feels are appropriate. The revised Policy and Regulation will be brought back at a later date for the Board’s approval.

INITIATED BY:



Michelle H. Tong, J.D.,
Associate to the Superintendent and General Counsel

Date: November 3, 2021



Todd A. Jaeger, J.D., Superintendent