

POLICY SERVICES ADVISORY

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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.

Policy Advisory No. 490	JLF — Reporting Child Abuse/ Child Protection
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Policy Advisory No. 492	GBED — Smoking by Staff Members
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Policy Advisory Discussion

Policy Advisory No. 476. Policy BEDB – Agenda. A change is suggested in BEDB which is a template for board agendas. This change separates current event summaries which are statutorily authorized under 38-431.02K and substantive reports which are normally given by the superintendent or a member or his or her staff. These substantive reports must contain such information on that agenda as to inform the public of the matters to be discussed. These reports are to be contrasted with the current event summaries authorized by statute which allow the chief administrator or a board member to give a summary of current events so long as 1) the summary is on the agenda and 2) there is no board discussion or action taken regarding any matter not listed on the agenda.

Policy Advisory No. 477. Policy CBCA — Delegated Authority. Policy CBCA is adjusted to account for the passage of HB2500 in the 2013 Legislative Session. In the recent adjustments to GCO and GCO-RA, this cross-referenced was missed. This is a critical change since, without the change, an internal conflict with GCO-RA would exist.

Policy Advisory No. 478. Policy CBI — Evaluation of Superintendent. Policy CBI is adjusted following the passage of HB2611 (Laws 2013, Chapter 191) which addresses renegotiation of superintendent's contract and when this may occur. The new language is intended to deal with the superintendent that does not begin work for the district on July 1.

Policy Advisory No. 479. Policy CM — School District Annual Report. HB2496 (Laws 2013, Chapter 148) gives school districts that are assigned letter a letter grade of A in at least two of the last three years under the state's accountability system, the opportunity to petition the State Board of Education for exemption of applicability of state statutes and rules (these are not specified in the law). Policy Advisory No. 478 accounts for this change.

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Policy Advisory No. 480. Policy DJE, DJE-R and DJE-E – Bidding/Purchasing Procedures. Statutory requirements relating to ensuring that districts not contract with businesses with scrutinized operations in Sudan/Iran (found in A.R.S. 35-397 and created by Laws 2008, Chapter 235) expired and therefore references have been removed in Policy DJE and Exhibit DJE-E. In Policy DJE and Regulation DJE-R the state bidding limit has been changed from \$50,000 to \$100,000. The Auditor General's Office will be publishing related procurement information in the near future.

Policy Advisory No. 481. Policy EBAA — Reporting of Hazards/Warning Systems. SB1290 (Laws 2013, Chapter 125) made several changes to the Office of Pest Control within Arizona State Government. While the legislation did not make a substantive change for schools, passage of the law made it clearer that applicators of pest control products in schools must be certified (previously the term was "licensed"). EBAA is revised to reflect this.

Policy Advisory No. 482. Policy EBBB — Accident Reports. EBBB is recommended for change simply for clarification; it is not a substantive change.

Policy Advisory No. 483. Policy EBC — Emergencies. SB 1324 (Laws 2013, Chapter 69) specifically exempts and makes confidential emergency response plans (ERP) as they are part of "critical infrastructure information." The ERP is exempted from public records requests. However, plans developed by the Superintendent will be presented annually to the Board.

Policy Advisory No. 484. Policy GBI – Staff Participation in Political Activities. HB2156 (Laws 2013, Chapter 88) revises A.R.S. 15-511 to prohibit the rental of school facilities by a private person or group with the intent of influencing the outcome of an election during the same time and at the same place as a district sponsored forum on candidates or issues. **Please note: the penalties for violation of 15-511 have gone from \$500 fine per violation (plus reimbursement of the value of the school resource expended) to \$5000 fine per violation (plus reimbursement of the value of the school resource expended) in this legislation.** Districts are strongly advised to get training for its employees on 15-511 restrictions prior to the beginning of a school district bond or override campaign.

Policy Advisory No. 485. Policy GCFC — Professional Staff Certification and Credentialing Requirements. HB2317 (Laws 2013, Chapter 7) was passed to clarify that an expired fingerprint clearance card could be used to satisfy statutory requirements for an applicant if an affidavit has been signed by the applicant stating both that the applicant:

- a) has submitted a completed application to DPS for a new card within 90 days before the expiration date of the current card; and
- b) is not awaiting trial on and has not been convicted of a criminal offense that would make him or her ineligible for a card.

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Policy Advisory No. 486. Regulation IHB-R — Special Instructional Programs. The Arizona Department of Education provided a special education alert regarding changes to IDEA. The changes governed the use of public benefits or insurance (Medicaid) in 34 CFR §300.154 and the parental consent needed to access such benefits.

Policy Advisory No. 487. Policy IMG — Animals in Schools. The changes to IMG reflect the passage of HB2401 (Laws 2013, Chapter 59) defining “service animal” for the purposes of exempting service animals to policies prohibiting animals in certain school settings. These changes to statute mirror requirements under the federal Americans with Disabilities Act of 2010 and regulations implementing this law.

Policy Advisory No. 488 JLCB-E — Immunization of Students. The exhibit has been revised to incorporate the 2013-2014 changes provided by the Arizona Immunization Program Office.

Policy Advisory No. 489. Policy JLCD and JLCD-R — Medicines/ Administering Medicines to Students. SB1421 (Laws 2013, Chapter 243) requires school districts and charter schools to stock two juvenile doses and two adult doses of auto-injectable epinephrine at each school if the Legislature appropriates sufficient funding and establishes policies, procedures and training requirements for auto-injectable epinephrine in schools. The training requirements also are optional in years where the Legislature has not appropriated sufficient funds for the doses of epinephrine required by law. The new law also provides that a school district or charter school employee, who is properly trained to administer or assist in administering auto-injectable epinephrine, to administer such medicine to a student or adult whom the employee believes in good faith is showing signs of anaphylactic shock while at school or a school-sponsored activity.

In addition, HB2042 (Laws 2013, Chapter 83) requires, if a school district or charter school governing board has adopted policies and procedures relating to diabetes management, the policies and procedures must include a requirement that any medication administration services specified in the child’s diabetes medical management plan must be provided. Nurses are added to the health professionals that can train voluntary diabetes care assistants. Other provisions include:

- Voluntary diabetes care assistants are allowed to administer insulin in addition, to glucagon, assist the pupil with self-administration of insulin in an emergency situation or perform any combination of these actions under certain conditions.
- Voluntary diabetes care assistants are authorized to either administer glucagon or insulin the parent or guardian must provide the glucagon or insulin along with all equipment and supplies necessary for insulin administration.

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- Training by specified licensed health care professionals related to diabetes management must include the symptoms and treatment of hyperglycemia and techniques for determining the proper dose of insulin in a specific situation.

Policy Advisory No. 490. Policy JLF and Regulation JLF-R — Reporting Child Abuse/Child Protection. Statute requires a mandatory reporter who reasonably believes a minor is or has been the victim of certain instances of child abuse, such as a reportable offence, to immediately report or cause reports of the information to be made to a peace officer or to Child Protective Services. An individual who does not have care, custody or control of the minor is required to report the information to a peace officer. This has resulted in reporting of all incidents in which a student shows signs of an injury – even if that injury was created by student to student contact of either an intentional or unintentional nature. SB1291 (Laws 2013, Chapter 182) creates an exception to the law that is useful to schools. A.R.S. 13-3620(B) was revised to exempt certain incidents with minors on the playground from duty to report abuse requirements. Under the revised law and JLF, a mandatory reporter is not required to report or cause reports to be made if all of the following apply:

- The minor is of elementary school age;
- The physical injury occurs in the course of typical playground activity during a school day on the premises of the school that the minor attends;
- The physical injury is reported to the legal guardian of the minor; and
- The school maintains a written record of the incident.

Policy Advisory No. 491. Policy KHA – Public Solicitations in Schools. A prohibition on sending text messages for solicitation purposes was added to A.R.S. 13-2919.

Policy Advisory No. 492. Policy GBED – Smoking By Staff Members; Policy JICG – Tobacco Use By Students; Policy KFAA – Smoking On School Premises At Public Functions. Three policies are adjusted because of concerns that vaporizing tobacco devices, or “e-cigarettes” are not covered under existing policies and law. Policy Services believes that such devices are prohibited under current law but amends our policy models in this area to make such prohibition clear.

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If you have any questions, call Policy Services at (602) 254-1100. Ask for Chris Thomas, Director of Legal/Policy Services; Dr. Terry Rowles, Assistant Director; Steve Highlen, Senior Policy Consultant; or Nick Buzan, Policy Consultant. Our E-mail addresses are, respectively, [cthomas@azsba.org], [trowles@azsba.org], [shighlen@azsba.org] and [nbuzan@azsba.org]. You may also fax information to (602) 254-1177.

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AGENDA

The agenda shall list the specific matters to be discussed, considered or decided at the meeting. The Governing Board may discuss, consider or make decisions only on matters listed on the agenda and other matters related thereto. (*Subject to A.R.S. 38-431.02*)

Unless changed by a majority vote of Board members present at a meeting, the order of business shall be as follows:

Regular meetings:

- Call to order
- Adoption of the agenda (*discussion of items is not in order*)
- Pledge of allegiance
- Board Meeting minutes not previously approved
- Information only items (*Items to be heard only; the Board will not propose, discuss, or take legal action during the meeting unless the specific matter is properly noticed for legal action.*)
 - Summary of current events
 - ▲ Superintendent
 - ◆ Celebrations and recognitions
 - ▲ Governing Board members
 - Reports (*Notice must be specific as to type of report that will be given, subject matter and whom will be making the report*)
- Public comments (*Members of the Governing Board shall not discuss or take legal action on matters raised during an open call to the public unless the matters are properly noticed for discussion and legal action.*)
- Action items (*Matters on which the Governing Board may take legal action during the meeting.*)
 - Consent agenda items (*When so presented, should fully describe the matters on the agenda and inform the public where more information can be obtained.*)
 - Specific items of District business (*As listed for consideration, may include various categorical areas as the business of the District necessitates Board discussion, deliberation, and action.*)

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- Information and Discussion items (*Matters about which the Board may engage in discussion but will take no action during the meeting.*)
- Information items (*The Board will not propose, discuss, or take legal action during the meeting.*)
 - Requests for future agenda items
- Adjournment

Special meetings:

- Call to order
- Items for which the special meeting was called (*May include timely action, discussion, and information items as conditioned for regular meetings.*)
- Announcements
- Adjournment

Executive sessions:

- An executive session may be scheduled, as necessary, during either a regular or special meeting. (*See Arizona Attorney General Agency Handbook Section 7.6.7*)
 - When an executive session is to be held, the notice must state the specific provision of law authorizing the executive session.
 - The Board may vote to hold an executive session for the purpose of obtaining legal advice from the Board's attorney on any matter listed on the agenda pursuant to A.R.S. 38-431.03(A)(3).

Emergency meetings

In the case of an actual emergency, the Governing Board, after giving such notice as is appropriate to the circumstances, may act on an emergency matter or call an emergency meeting in accordance with the requirements set out in A.R.S. 38-431.02. The emergency meeting shall follow the order of business for a special meeting. An emergency meeting shall be subsequently followed by the posting of a public notice within twenty-four (24) hours declaring that an emergency session has been held and setting forth the information specified by 38-431.02. Chapter 7 of the Arizona Agency Handbook shall be consulted for guidance when an emergency action or meeting is being considered.

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Accommodations for the Disabled

Persons with a disability may request a reasonable accommodation, such as a sign language interpreter, by contacting [*name of designated agency contact person*] at [*telephone number and TDD telephone number*]. Requests should be made as early as possible to allow time to arrange the accommodation.

Adopted: date of Manual adoption

LEGAL REF.: A.R.S. 38-431
38-431.01
38-431.02
38-431.03

CROSS REF.: BDB - Board Officers
BEC - Executive Sessions/Open Meetings

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DELEGATED AUTHORITY

The Governing Board delegates to the Superintendent, among other powers, the authority to perform the following acts:

- To give notice to teachers, pursuant to A.R.S. 15-536, of the Board's intention not to offer a teaching contract.
- To give notice to teachers, pursuant to A.R.S. 15-538.01, of the Board's intention not to offer a teaching contract and to dismiss the teacher.
- To give notice to an administrator or certificated school psychologist, pursuant to A.R.S. 15-503, of the Board's intention not to offer a new contract.
- To issue to teachers, pursuant to A.R.S. 15-536, 15-538, and 15-539, written preliminary notices of inadequacy of classroom performance, reporting such issuance to the Governing Board within ~~five (5)~~ ten (10) school days.

Adopted: date of Manual adoption

LEGAL REF.: A.R.S. 15-503
15-536
15-538
15-538.01
15-539

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EVALUATION OF SUPERINTENDENT

The Governing Board shall evaluate the Superintendent at least once each year.

The evaluation(s) shall relate to the Superintendent's duties, responsibilities, and progress toward established goals.

The Superintendent shall provide each member of the Board a copy of the evaluation instrument not later than November 10. The Board President shall schedule a meeting not later than December 18, when the Board will devote an executive session to the evaluation of the Superintendent's performance, to discuss working relationships between the Superintendent and the Board, and to review the Superintendent's contract (with the Superintendent present). If the Superintendent's contract is in its first year, this initial evaluation will not be a comprehensive evaluation, but will be used to allow the Board to communicate its perspective on the Superintendent's performance to date and to allow the Board and the Superintendent to communicate on performance matters. Additional first-year evaluations may be completed by the Board at the Board's discretion or upon invitation by the Superintendent; however, the first fully comprehensive evaluation will be that which occurs in November of the Superintendent's second year.

Any meetings of the Board to compile evaluations, or meetings to discuss the evaluations with the Superintendent, shall be held in executive session unless the Superintendent requests that any such meeting be held in open session. Board members shall have the opportunity to discuss with the Superintendent any item(s) on which the Board member fails to achieve consensus.

A copy of any written evaluation shall be given to the Superintendent. If in disagreement with such evaluation, the Superintendent may respond in writing to the Governing Board.

Upon the conclusion of the evaluation, the Governing Board may determine whether any changes in the compensation and benefits or contract term of the Superintendent are warranted, subject to the following:

If the Superintendent's contract with the School District is for multiple years, the School District shall not offer to extend or renegotiate the contract until May of the year preceding the final year of the contract.

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If the Superintendent's contract with the School District is for more than one (1) year, but not exceeding three (3) years, ~~on or before May 15 of the last year of the contract~~ no earlier than fifteen (15) months before the expiration of the contract, the Board shall offer a contract for the next school year to the Superintendent unless on or before April 15 the Board gives notice to the Superintendent of the Board's intention not to offer a new administrative contract.

If the Superintendent's contract with the School District is for a single year, on or before May 15 of each year the Board shall offer a contract for the next school year to the Superintendent unless on or before April 15 the Board gives notice to the Superintendent of the Board's intention not to offer a new administrative contract.

The evaluation and any comments by the Superintendent shall become a part of the Superintendent's personnel file.

Adopted: date of Manual adoption

LEGAL REF.: A.R.S. 15-503

CROSS REF.: CBA - Qualifications and Duties of Superintendent

SCHOOL DISTRICT ANNUAL REPORT

The Board shall make an annual report to the County School Superintendent on or before October 1 each year in the manner and form and on the forms prescribed by the Superintendent of Public Instruction or County School Superintendent. The Board shall also make reports directly to the County School Superintendent or the Superintendent of Public Instruction whenever required.

If the District has been assigned a letter grade of A pursuant to A.R.S. 15-241 during at least two (2) out of the last three (3) consecutive years and has not been assigned a letter grade of C, D, or F during the same three (3) years the District may receive exemptions from statutes and rules prescribed in statute. Should the District believe it qualifies for an exemption the District may submit a request for exemption to the Arizona State Board of Education. The State Board of Education shall review and may approve the exemption submitted by the District. The State Board of Education will not approve exemptions that directly apply to specific areas as noted in A.R.S. 15-215.

Guaranteed Energy Cost Saving Contract Annual Reports

The District shall report to the School Facilities Board annually, not later than October 15, actual energy and cost savings pursuant to a guaranteed energy cost savings contract.

The District shall also report for any guaranteed energy cost savings contract to the Department of Commerce Energy Office and the School Facilities Board:

- The name of the project
- The qualified provider
- The total cost of the project
- The expected energy and cost savings

The District shall retain savings achieved by a guaranteed energy cost saving contract, which may be used to pay for contract and project implementation.

Adopted: date of Manual adoption

LEGAL REF.: A.R.S. 15-213.01

15-215

15-341

15-904

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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 prepare regulations to assure the District conforms to proper procedures and practices.

Purchases Not Requiring Bidding

Purchases of five thousand dollars (\$5,000) or less 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 a transaction in excess of five thousand dollars (\$5,000) but less than twenty-five thousand dollars (\$25,000). 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 twenty-five thousand dollars (\$25,000) but not more than fifty one hundred thousand dollars (\$5100,000). 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 ~~fifty~~ one hundred thousand dollars (\$5100,000). All transactions must comply with the requirements of the Arizona Administrative Code and the Uniform System of Financial Records.

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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 of the vendor or a subcontractor of the vendor, who has been adjudicated to be a registered sex offender, 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.*

~~Required Scrutinized Business Operations Clause~~

~~All contracts for District purchase of goods or services shall include a clause requiring the contractor offering the goods or services to certify that the contractor does not have scrutinized business services in Sudan nor in Iran.~~

~~The District through the Superintendent shall:~~

- ~~• Verify that the offeror does not appear on the most recent list prepared by the Arizona Central Procurement Officer of parties excluded from Arizona contracts.~~
- ~~• Notify the State Central Procurement Officer of any contractor the District suspects has submitted a false certification.~~

Adopted: date of Manual adoption

LEGAL REF.: A.R.S. 11-952	15-382	38-503
15-213	15-765	38-511
15-213.01	15-910.02	39-121
15-213.02	23-214	41-2632
15-239	34-101 <i>et seq.</i>	41-2636
15-323	35-391 <i>et seq.</i>	41-4401
15-342	35-393 <i>et seq.</i>	
A.G.O. I83-136	I87-035	I06-002
A.A.C. R7-2-1001 <i>et seq.</i>		
USFR VI-G-8 <i>et seq.</i>		

CROSS REF.: BCB - Board Member Conflict of Interest
DJG - Vendor/Contractor Relations
GBEAA - Staff Conflict of Interest
JLIF - Sex Offender Notification

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REGULATION**REGULATION****BIDDING / PURCHASING PROCEDURES**

All District purchases shall be in accordance with the relevant sections of the Arizona Revised Statutes (including, but not limited to 15-213, 15-323, and 38-503), the Arizona school district procurement rules set out in A.A.C. R7-2-1001 through 1195, and with the following.

Requesting Quotations

Requests for price quotations are to include adequate details and be issued with sufficient lead time to enable vendors to effectively respond. When a contract is to be awarded on the basis of price and additional factors those factors are to be included in the request for quotations. Such factors should include, but are not limited to, the following:

- Submittal requirements including:
 - Date and time due;
 - Type and manner by which quotations may be received (e.g., telephone, written, fax, e-mail, prepared form);
 - Physical or digital address to which quotations are to be delivered.
- Specific information the quotation must include.
- Whether or not negotiations may be held.
- Options that may be made pursuant to a purchase contract, i.e., extensions and renewals.
- Contracts for job-order-contracting 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 and has provided for such duration as a part of bid documents and conditions of renewal or extension within contract language. Such determination should be memorialized in writing and kept in the meeting minutes and contract/bid file.
- Uniform terms and conditions included in the request by text or reference.
- Such additional terms, conditions, and instructions as are applicable to the purchase under consideration.

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All requests for written quotations shall be at the direction of the Superintendent or a person designated by the Superintendent.

When a vendor is selected on the basis of factors other than lowest price, the reasons shall be documented and filed with the price quotations. Documentation of the quotations process and details including vendor names, persons contacted, telephone numbers and identification of other communication procedures, price results, and determinations are to be documented and retained by the District in a procurement file that includes the pertinent requisition form and purchase order.

A written contract or purchase order must be approved prior to a purchase being made.

Cumulative and Like Item Purchases

An analysis shall be performed annually to determine the extent of the District need to purchase like items. Prior year purchases and applicable demographic, program, and planning data are to be utilized for projecting quantity and cost of like items to fulfill the anticipated need. The outcomes of calculating the projected quantity and cost factors to acquire like items shall inform the determinations as to the appropriate procurement processes to be applied. The proper competitive purchasing strategies must be applied to assure District compliance with the procurement laws and rules. Splitting of orders or other purchasing practices devised to circumvent allowable procurement practices are prohibited. The cumulative costs of purchasing like items by any and all means of acquisition are to be tracked to assure that no purchases are permitted that will result in violation of Governing Board policies and lawful procurement practices.

Multiple Year Purchases Totaling Less Than Fifty One Hundred Thousand Dollars

The District may enter into contracts of less than fifty one hundred thousand dollars (\$5100,000) for a period up to five (5) years, as follows:

- When the terms and conditions of renewal or extension are included in the solicitation for bids;
- When monies are available for the first fiscal year at the time of contracting;
- When the competitive purchasing method is appropriate to the projected cumulative cost over the term of the multiple year contract.

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**Multiple Year Purchases Totaling
More Than Fifty One Hundred
Thousand Dollars**

The District may enter into contracts for more than fifty one hundred thousand dollars (\$5100,000) for a period up to five (5) years, as follows:

- The Governing Board has determined in writing that:
 - The estimated requirements cover the contract period and are reasonable and continuing;
 - A multi-term contract will serve the District's best interest by encouraging competition or promoting economies in procurement;
 - If monies are not appropriated or available in future years the contract will be cancelled.

If multiple-year quotations are used, the District shall:

- Document the time period that the pricing is valid;
- Determine the vendor will honor the pricing for the multi-year period;
- Secure and maintain written affirmation with the vendor that, although it is the District's intent to purchase certain quantities, all purchases are subject to the availability of funds.

**Multiple Awards to More
Than One Contractor**

Generally, the District should not use multiple awards allowing more than one (1) vendor to supply the same goods or service. However, there are instances in which the District may make multiple awards. If that instance arises, the request for proposals or invitation for bids should clearly state whether multiple awards may be used so bidders can consider that information when pricing their proposals or bids.

A multiple award to more than one (1) vendor should be made only when the District has determined and documented in writing that a single award is not advantageous to the District. The award should also be limited to the least number of suppliers necessary to meet the District's requirements.

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Bidding Methods

Sealed bids or proposals will be requested when an award is to be made for a transaction to purchase construction, materials, or services costing more than fifty one hundred thousand dollars (\$5100,000). The Superintendent must review the expenditure and make a recommendation to the Board for final action. The Board reserves the right to waive any informality in, or reject, any or all bids or any part of any bid. Any bid may be withdrawn prior to the scheduled time for the opening of bids.

The bidder to whom the award is made may be required to enter into a written contract with the District.

Pursuant to the procurement code, contracts can be let for a period not to exceed five (5) years.

Definitions

The definition of a term used in this regulation shall be interpreted as being synonymous with the definition of that term listed at R7-2-1001.

Prospective Bidders' Lists

The District shall compile and maintain a prospective bidders' list. Inclusion of the name of a person shall not indicate whether the person is responsible concerning a particular procurement or otherwise capable of successfully performing a District contract.

Persons desiring to be included on the prospective bidders' list shall notify the District. Upon notification, the District shall mail or otherwise provide the person with the District procedures for inclusion on the bidders' list. Within thirty (30) days after receiving the required information, the District shall add the person to the prospective bidders' list unless the District makes a determination that inclusion is not advantageous to the District.

Persons who fail to respond to invitations for bids for two (2) consecutive procurements of similar items may be removed from the applicable bidders' list after mailing a notice to the person. This notice shall not be required if the two (2) invitations for bids which were not responded to both contained the notice that bidders' names may be removed from the bidders' list if they fail to respond to invitations for bids for two (2) consecutive procurements of similar items. Persons may be reinstated upon request.

Prospective bidders lists shall be available for public inspection, unless the District makes a written determination that it is in the best interest of the District that they should be confidential or private and should not be open for inspection pursuant to A.R.S. 39-121.

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Competitive Sealed Bidding

If the intended procurement is for construction to cost less than one hundred fifty thousand dollars (\$150,000), the rules established for the simplified school construction procurement program described at R7-2-1033 may be followed. In all other cases, adequate public notice of the invitation for bids shall be given as provided in R7-2-1022 or as provided in R7-2-1024, which are outlined below, and shall indicate that any bid protest shall be filed with the District representative, who shall be named therein.

If notice is given pursuant to R7-2-1024, notice also may be given as provided in R7-2-1022. If fewer than five (5) prospective bidders are included on the bidders list, the notice must also be given as provided in R7-2-1022. When the invitation for bids is for the procurement of services other than those described in R7-2-1061 through R7-2-1068 and R7-2-1117 through R7-2-1123, Specified Professional Services, notice also shall be given as provided in R7-2-1022.

R7-2-1022:

In the event there are four (4) or less prospective bidders on the bidders' list, the notice shall include publication in the official newspaper of the county within which the school district is located for two (2) publications which are not less than six (6) nor more than ten (10) days apart. The second publication shall not be less than two (2) weeks before bid opening. The time of publication may be altered if deemed necessary pursuant to R7-2-1024.A.

R7-2-1024:

Invitation for bids shall be issued at least fourteen (14) days before the time and date set for bid opening in the invitation for bids unless a shorter time is deemed necessary for a particular procurement as determined by the school district.

The school district shall mail or otherwise furnish invitation for bids or notices of the availability of invitation for bids to all prospective bidders registered with the school district for the specific material, service or construction being bid.

The time and date at which a bid is called due shall be during regular working hours at a regular place of school business or during a public meeting of the Governing Board at its regular meeting place.

Invitations to bid will be sent to all vendors who have requested to bid or who have applied to be placed on a bid list appropriate to the items being sought.

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A bid call relating to "construction projects" must describe the nature of the work to be performed and where complete plans, if necessary, may be obtained. Deposits may be required for plans and specifications in good order. A certified check, cashier's check, or surety bond for ten percent (10%) of the bid must accompany each bid, but will be returned to unsuccessful bidders. The successful bidder must present performance and payment bonds for one hundred percent (100%) of the bid within five (5) working days after notification of the award.

Each sealed bid must be submitted in a sealed envelope, addressed to the District, clearly marked on the outside of the envelope, "Sealed Bid for _____." The bids shall be opened publicly and read aloud at the time and place stated in the invitation. Awards shall be made with reasonable promptness to the lowest responsible, qualified vendor, taking into consideration all factors set forth in policy. Price shall not be the sole factor in making the bid award. When out-of-state bidders are not to pay sales/use tax, the amount of such tax shall not be a consideration in determining the low bidder. All proposed contracts for outside professional services in excess of the amount calculated by the State Board of Education and made applicable for the year in which the transaction will occur, may be reviewed by the attorney for the District prior to entering into the contract. The policies relating to outside professional services apply only to services required by law to be placed on bid, and even those policies may be set aside if a state of emergency is declared. If a state of emergency is declared, a memorandum will be issued justifying such a declaration, which will be filed in the District's records.

The use of bidding, contracting, or purchasing specifications that are in any way proprietary to one (1) supplier, distributor, or manufacturer is prohibited unless no other resource is practical for the protection of the public interest.

The Board reserves the right to reject any or all bids and to accept the bid that appears to be in the best interest of the District. The Board reserves the right to waive informalities in any bid or to reject any bid, all bids, or any part of any bid. Any bids may be withdrawn prior to the scheduled time for the opening of the bids. Any bids received after the opening begins shall not be accepted. Opening of bids shall not be delayed to accommodate late bid responses. Submitted bids shall be honored for at least thirty (30) days or as otherwise stated in the invitation. All information relating to a bid shall be retained and made available for public inspection after the bids are awarded, and prospective bidders shall be notified of this in the invitation or specifications relating to the bid call.

Multistep Sealed Bidding

The multistep sealed bidding method may be used if the Governing Board determines that:

- Available specifications or purchase descriptions are not sufficiently complete to permit full competition without technical evaluations and discussions to ensure mutual understanding between each bidder and the District;

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- Definite criteria exist for evaluation of technical offers;
- More than one (1) technically qualified source is expected to be available; and
- A fixed-price contract will be used.

The District may hold a conference with bidders before submission or at any time during the evaluation of the unpriced technical offers.

The multistep sealed bidding method may not be used for construction contracts.

When the multistep sealed bidding method is determined to be advantageous to the District, the procedures set out in R7-2-1036 and 1037 shall be followed.

Competitive Sealed Proposals

If, pursuant to R7-2-1041, the Governing Board determines in writing that the use of competitive sealed bidding is either not practicable or not advantageous to the District, a contract may be entered into by competitive sealed proposals. The Governing Board may make a class determination that it is either not practicable or not advantageous to the District to procure specified types of materials or services by competitive sealed bidding. The competitive sealed proposal method may not be used for construction contracts. The Governing Board may modify or revoke a class determination at any time.

If competitive sealed bidding is neither practicable or advantageous, competitive sealed proposals may be used if it is necessary to:

- Use a contract other than a fixed-price type;
- Conduct oral or written discussions with offerors concerning technical and price aspects of their proposals;
- Afford offerors an opportunity to revise their proposals;
- Compare the different price, quality, and contractual factors of the proposals submitted; or
- Award a contract in which price is not the determining factor.

Procedures to be applied subsequent to the issuance of an invitation for bids are to be consistent with the requirements set out in R7-2-1025 through 1032.

Competitive sealed proposals shall be solicited through a request for proposals. The request for proposals shall set forth those factors listed above for competitive sealed bids that are applicable and shall also state:

- The type of services required and a description of the work involved;
- The type of contract to be used;

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- An estimate of the duration the service will be required;
- That cost or pricing data is required;
- That offerors may designate as proprietary portions of the proposals;
- That discussions may be conducted with offerors who submit proposals determined to be reasonably susceptible of being selected for award;
- The minimum information that the proposal shall contain;
- The closing date and time of receipt of proposals; and
- The relative importance of price and other evaluation factors.

Procurement of information systems and telecommunications systems shall include, as criteria in the request for proposal, evaluation factors of the total life cycle cost and application benefits of the information systems or telecommunication systems.

Procurement of earth-moving, material-handling, road maintenance and construction equipment shall include, as criteria in the request for proposal, evaluation factors of the total life cycle cost including residual value of the earth-moving, material-handling, road maintenance and construction equipment.

A request for proposals shall be issued at least fourteen (14) days before the closing date and time for receipt of proposals unless a shorter time is determined necessary by the District.

Notice of the request for proposals shall be issued in accordance with R7-2-1022.

Before submission of initial proposals, amendments to requests for proposals shall be made in accordance with R7-2-1026. After submission of proposals, amendments may be made in accordance with R7-2-1036(C).

Specified Professional Services and Construction Services

When the procurement of construction services or services to be provided by certain professionals are under consideration, designated District personnel shall become fully familiar with and informed on the requirements established in Arizona Revised Statutes Title 34. The assigned District personnel are to seek assistance from qualified consultants, attorneys, and bond counsel as is necessary and applicable to the projects being considered, including but not limited to determinations of the training, qualifications, experience, fitness, licensure, prior performance, and bonding of potential providers. Procurement activities, including securing the services of persons to assist District personnel as referenced above shall be in accordance with all relevant requirements prescribed by federal and state law and the rules of federal, state, county, and municipal agencies for the acquisition, performance and reporting of the services being sought and acquired.

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Procurement of Services by Certain Other Classes of Providers

The purchase of services to be provided by clergy, certified public accountants, physicians, dentists, and legal counsel shall be as specified in R7-2-1061 through R7-2-1068. The procurement of services by an architect, engineer, land surveyor, assayer, geologist, or landscape architect is to be accomplished in compliance with R7-2-1117 and 1118. Procurement procedures related to purchasing services from the professional providers are to conform to R7-2-1119 through 1122.

Contract Requirements

Care is to be exercised to assure the District's procurement practices conform to the general contract requirements set out at R7-2-1068 through 1086 and the accompanying conditions described in R7-2-1091 through 1093.

Preparation of Specifications

Specifications for goods, services, and construction items are to be prepared in the manner prescribed by rules R7-2-1101 through 1105.

Construction Procurement Procedures

Preparation for inviting bids for construction and the steps to be followed in the construction procurement process shall be guided by and consistent with R7-2-1109 through 1116.

Emergency Purchases

An exception to the above procedures for price competition may be made in the event of an emergency involving the health, safety, or welfare of school personnel or students. In such an emergency, declared by the Superintendent, emergency purchase action may be taken without price competition, if necessary. Even under emergency conditions, price competition should be sought if it will not unacceptably delay the correction of the condition requiring emergency procedures. If emergency purchases are made without price competition, a complete written description of the circumstances pursuant to A.A.C. R7-2-1057 shall be included in the procurement file and maintained in the District office.

Sole-Source Procurements

A contract may be awarded for a material, service, or construction item without competition if the Governing Board determines in writing that there is only one (1) source for the required material, service, or construction item. The District may require the submission of cost or pricing data in connection with an award pursuant to A.A.C. R7-2-1053. Sole-source procurement shall be avoided, except when no reasonable alternative source exists. A copy of the written evidence and determination of the basis for the sole-source procurement shall be retained in the procurement file by the District.

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The District shall, to the extent practicable, negotiate with the single supplier a contract advantageous to the District.

Cooperative Purchasing Agreements

Procurements in accordance with intergovernmental agreements and contracts between the District and other governing bodies as authorized by A.R.S. 15-952 are exempt from competitive bidding requirements under A.R.S. 15-213. Inspection of and payment for materials and services acquired under a cooperative purchasing agreement are the obligation of the District.

Due Diligence

The District is responsible for ensuring that all procurements are done in accordance with school district procurement rules whether the procurement is done independently or through a cooperative purchasing agreement. The District shall develop and follow a clear plan prescribing the purchasing practices to be followed. The plan will describe the elements of internal control and auditing to assure the District's procedures are sufficient to confirm the adequacy of the procurements practices and that the accountability of all personnel engaged in procurement practices is regularly evaluated and corrective measures taken when necessary. The due diligence activities shall include the use of the applicable sections of the Uniform System of Financial Records (USFR) Compliance Questionnaire for school districts when assessing the quality of the procurements procedures and the competence of the persons performing the procedures. Day-to-day and periodic formal checks of due diligence performance are to be documented and retained in a procurement file.

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EXHIBIT**EXHIBIT****BIDDING / PURCHASING PROCEDURES****~~Required Contract Content~~**

~~Each contract for the procurement of goods or services shall include a clause requiring the Contractor to certify that the contractor does not have scrutinized business operations in Sudan nor scrutinized business operations in Iran.~~

The following language is suggested:

- ~~• In accordance with A.R.S. Sections 35-391 et seq. and 35-393 et seq., the offeror hereby certifies that the offeror does not have scrutinized business operations in Sudan nor scrutinized business operations in Iran. (Added to Offer/Acceptance Form Certification)~~

Cancellation of Contracts

Within three (3) years after the execution of any contract made by the District, the District may cancel such contract if any person significantly involved in initiating, negotiating, securing, drafting, or creating the contract on behalf of the District is, at any time while the contract or any extension of the contract is in effect, an employee or agent of any other party to the contract in any capacity or a consultant to any other party of the contract with respect to the subject matter of the contract.

Such cancellation by the District shall be effective when written notice from the Board is received by all other parties to the contract unless the notice specifies a later time.

In addition to the right to cancel a contract, as provided above, the District may recoup any fee or commission paid or due any person significantly involved in initiating, negotiating, securing, drafting, or creating the contract on behalf of the District from any other party to the contract arising as the result of the contract.

Notice of this provision shall be included in every contract to which the District is a party. Such notice could read:

In accordance with A.R.S. 38-511, if a person significantly involved in a District contract becomes an employee, agent, or consultant to any other party of the contract with respect to the subject matter of the contract, the District may cancel the contract within three (3) years of execution and recoup any fee or commission paid to such person.

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REPORTING OF HAZARDS / WARNING SYSTEMS

(Pesticide Application Notice)

The intent of this policy is to ensure that students, employees, and parents/guardians receive adequate notice prior to pesticide application.

In accord with A.R.S. 15-152, the District shall:

- Provide notice of pesticide application during a regular school session to students, employees, and parents/guardians, given in a form reasonably calculated to provide a warning at least forty-eight (48) hours prior to such application.
- Provide continuing instruction for students absenting themselves.
- Post the areas scheduled to receive pesticide application.
- Maintain written records of pesticide application.

Pest-control applicator(s) employed by the District shall provide the school contact person with notice at least seventy-two (72) hours prior to the date and time the application of pesticides is to occur, including in such notice the brand name, concentration, rate of application, pesticide label, material safety data sheet, the area or areas where the pesticide is to be applied, and any use restrictions required by the pesticide label. Prior to the application, the applicator shall provide the school contact person with a written preapplication notification containing the following information:

- The brand name, concentration, rate of application, and any use restrictions required by the label of the herbicide or specific pesticide.
- The area or areas where the pesticide is to be applied.
- The date and time the application is to occur.
- The pesticide label and the material safety data sheet.

In case of pesticide applications performed for or by public health agencies or emergency applications because of immediate threat to the public health, the licensed applicator shall give the school office oral and, if possible, written notice, with posting of the area to be treated in accord with A.R.S. 32-2307.

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The Superintendent may require the pest-control applicator to fill out and make all required postings in accord with statute and with District policy and regulation. The name and telephone number of the applicator shall be attached to any posting.

Only a certified applicator may apply pesticides at a school.

The Superintendent shall prepare regulations for the implementation of this policy.

Adopted: date of Manual adoption

LEGAL REF.: A.R.S. 15-152
32-2301
32-2307
32-2311.01

CROSS REF.: IKEA - Make Up Opportunities

ACCIDENT REPORTS

Adequate and prompt accident reporting is essential if similar accidents are to be prevented. If there are injuries or property damage, prompt reports are also vital in assuring the District of insurance coverage.

Reports will be filed on accidents that take place on school property or that involve school vehicles, students, or staff members on school-sponsored trips, including staff members on authorized school business trips. Such reports are required whether or not there are any immediately evident injuries or damage to property.

Any employee of the District who suffers a job-related injury/accident must file a report with the District business office within five (5) days after the date of occurrence. Should circumstances render the individual unable to submit such a report within five (5) days, the time limit may be extended.

Injury accidents should be promptly reported to the District's liability carrier determined by the conditions established with the carrier. ~~The meaning of promptly is defined in the District's insurance policy with the carrier.~~

The administration shall establish procedures for filing accident reports, and shall make sure reports include details that 1) might be helpful in preventing similar accidents in the future, 2) are needed for filing insurance claims, and 3) might be important in case of litigation.

Adopted: date of Manual adoption

LEGAL REF.: A.R.S. 23-427
23-904

CROSS REF.: GBGC - Employee Assistance
GBGD - Workers' Compensation

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EMERGENCIES

The Superintendent will develop and maintain District emergency plans for each school, department, and other facilities in the District and will coordinate such plans with the local law enforcement, fire, medical and hospital authorities as necessary. Training components for staff and students shall be included in the Superintendent's emergency plans.

"Emergency response plans are confidential and exempt from public disclosure."
The District shall not release emergency response plans to the public as part of a public records request. [A.R.S. 41-1803(G)]

The plans will be in accordance with minimum standards developed jointly by the Department of Education and the Division of Emergency Management within the Department of Emergency and Military Affairs. The plans will designate specific emergency drills to be conducted. Local responders shall periodically be invited to review the plan(s).

Emergency plans developed by the Superintendent will be presented annually to the Board.

Adopted: date of Manual adoption

LEGAL REF.: A.R.S. 15-341
41-1803

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.
- 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.

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

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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

PROFESSIONAL STAFF CERTIFICATION AND CREDENTIALING REQUIREMENTS

(Fingerprinting Requirements)

New Hires

All certificated personnel to be hired by the District shall be fingerprinted as a condition of employment, except for personnel who, as a condition of certification are required to have a valid fingerprint clearance card.

The candidate's fingerprints shall be submitted, along with the form presented as an exhibit to this policy, immediately upon being notified of possible employment. The form shall be considered a part of the application for employment.

An expired fingerprint clearance card may be used to satisfy the fingerprint requirements of section 15-183, 15-503, 15-512, 15-534, 15-782.02, 15-1330 or 15-1881 if the person signs an affidavit stating both of the following:

- The person submitted a completed application to the Finger Printing Division of the Department of Public Safety for a new fingerprint clearance card within ninety (90) days before the expiration date on the person's current fingerprint clearance card.
- The person is not awaiting trial on and has not been convicted of a criminal offense that would make the person ineligible for a fingerprint clearance card.

This does not apply to a fingerprint clearance card that has been denied, suspended or revoked or to a person who has requested a good cause exception hearing.

Candidates shall certify on the prescribed notarized forms whether they are awaiting trial on or have ever been convicted of or admitted in open court or pursuant to a plea agreement committing any of the following criminal offenses in Arizona or similar offenses in any other jurisdiction:

- Sexual abuse of a minor.
- Incest.
- First- or second-degree murder.
- Kidnapping.
- Arson.
- Sexual assault.

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- Sexual exploitation of a minor.
- Felony offenses involving contributing to the delinquency of a minor.
- Commercial sexual exploitation of a minor.
- Felony offenses involving sale, distribution, or transportation of, offer to sell, transport, or distribute, or conspiracy to sell, transport, or distribute marijuana or dangerous or narcotic drugs.
- Felony offenses involving the possession or use of marijuana, dangerous drugs, or narcotic drugs.
- Misdemeanor offenses involving the possession or use of marijuana or dangerous drugs.
- Burglary in the first degree.
- Burglary in the second or third degree.
- Aggravated or armed robbery.
- Robbery.
- A dangerous crime against children as defined in A.R.S. 13-705.
- Child abuse.
- Sexual conduct with a minor.
- Molestation of a child.
- Manslaughter.
- Aggravated assault.
- Assault.
- Exploitation of minors involving drug offenses.

A person who makes a false statement, representation, or certification in any application for employment with the School District is guilty of a class 3 misdemeanor.

The District may refuse to hire or may review or terminate personnel who have been convicted of or admitted committing any of the criminal offenses above or a similar offense in another jurisdiction. In conducting a review, the Governing Board shall utilize the guidelines, including the list of offenses that are not subject to review, as prescribed by the State Board of Education pursuant to A.R.S. 15-534.

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In considering whether to hire or terminate the employment of a person, the Governing Board shall take into account the factors listed in A.R.S. 15-512.

When considering termination of an employee pursuant to A.R.S. 15-512, a hearing shall be held to determine whether a person already employed shall be terminated.

The Superintendent shall develop and implement procedures that include the following in the employment process:

- Provide for fingerprinting of employees covered under this policy and A.R.S. 15-512.
- Provide for fingerprint checks pursuant to A.R.S. 41-1750.

Adopted: date of Manual adoption

LEGAL REF.: A.R.S. 15-512
15-534
41-1750
41-1758.07

CROSS REF.: GCF - Professional Staff Hiring
GCG - Part-Time and Substitute Professional Staff
Employment
IJOC - School Volunteers

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REGULATION**REGULATION****SPECIAL INSTRUCTIONAL PROGRAMS****(Identification and Placement
of Exceptional Students)**

This detailed administrative regulation is issued to:

- Accomplish the requirements of the Governing Board set out in policy IHB—Special Instructional Programs.
- Assure District compliance with the requirements of applicable federal and state laws and the lawful regulations of the State Board of Education.
- Aid District personnel in fulfilling their duties relating to the topic by presenting the procedural information in a format that aligns with the Arizona Department of Education/Exceptional Student Services (ADE/ESS) compliance checklists.

Citations from the following sources are annotated to the material to assist in conducting research and for clarification:

- Arizona Revised Statutes (A.R.S.)
- Arizona Administrative Code (A.A.C.) Title 7, Chapter 2, State Board of Education Rules
- Regulations of the Family Educational Rights and Privacy Act as published in Part 99 of Title 34 of the Code of Federal Regulations (C.F.R.)
- Regulations to the Individuals with Disabilities Education Act (IDEA) as published in Title 34 of the C.F.R., Part 300.

Whenever the term "District" is used in this regulation, it is to be interpreted contextually to mean the School District, the respective local school site, a representative of the District or a representative of the local school site, as is applicable to the circumstance.

Applicability

To accommodate the necessity to present procedural information in a format that aligns with the Arizona Department of Education/Exceptional Student Services (ADE/ESS) compliance checklists, this generic regulation contains procedural requirements for covered individuals of all ages. However, any statement in this regulation that addresses a provision that is not applicable to the grade levels and age ranges included in the student membership of the District is to be considered for the purposes of compliance to be not applicable.

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Child Find

The District will identify, locate, and evaluate all children with disabilities within its geographic boundaries who are in need of special education and related services including, but not limited to, children who are:

- Homeless;
- Highly mobile, including migrant children;
- Wards of the state; and,
- Attending private schools or who are homeschooled.

In its identification process the District will include children who are suspected of being a child with a disability and in need of special education, even though a student is:

- Advancing from grade to grade
- Highly mobile, including a migrant student. [34 C.F.R. 300.111]

The District will inform the general public and parents within its boundaries of the responsibility for special education services for students aged three (3) through twenty-one (21) years, and how those services may be accessed including information regarding early intervention services for children aged birth through two (2) years. Services for an eligible student with a disability shall extend through conclusion of the instructional year during which the student attains the age of twenty-two (22). [A.A.C. R7-2-401.C]

The District will require all school-based staff members to review the written procedures related to child identification and referral on an annual basis, and maintain documentation of the staff review. [A.A.C. R7-2-401.D]

Identification screening for possible disabilities shall be completed within forty-five (45) calendar days after:

- Entry of each preschool or kindergarten student and any student enrolling without appropriate records or screening, evaluation, and progress in school; or
- Parent notification of developmental or educational concerns.

Screening procedures shall include vision and hearing status and consideration of the following areas:

- Cognitive or academic;
- Communication;

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- Motor;
- Social or behavioral; and
- Adaptive development.

For a student transferring into a school, the District shall review enrollment data and educational performance in the prior school. If there is a history of special education for a student not currently eligible for special education or poor progress, the name of the student shall be submitted to the administrator for consideration of the need for a referral for a full and individual evaluation or other services. [A.A.C. R7-2-401.D]

If a concern about a student is identified through screening procedures or review of records, the parents of the student shall be notified of the concern within ten (10) school days and informed of the District's procedures to follow-up on the student's needs. [A.A.C. R7-2-401.D]

The District shall maintain documentation of the identification procedures utilized, the dates of entry into school, notification by parents of a concern and the dates of screening. The dates shall be maintained in the student's permanent records. [A.A.C. R7-2-401.D]

If the screening indicates a possible disability, the name of the student shall be submitted to the administrator for consideration of the need for a referral for a full and individual evaluation or other services. A parent or a student may request an evaluation of the student. [A.A.C. R7-2-401.D]

If, after consultation with the parent, the District determines that a full and individual evaluation is not warranted, the District shall provide prior written notice and procedural safeguards notice to the parent in a timely manner. [A.A.C. R7-2-401.D]

Confidentiality

The District will permit parents to inspect and review any education records relating to their children that are collected, maintained or used by the District under Individuals with Disabilities Education Act (IDEA). The District will comply with a request without unnecessary delay and in no case more than forty-five (45) days after the request has been made, and before:

- Any individualized education program (IEP) meeting;
- Any hearing involving a due process complaint or disciplinary hearing;
- Any resolution session. [34 C.F.R. 300.613]

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The right to inspect and review education records includes:

- The right to a response from the District to reasonable requests for explanations and interpretations of the records;
- The right to request that the District provide copies of the records if failure to provide those copies would effectively prevent the parent from exercising the right to inspect and review the records; and
- The right to have a representative of the parent inspect and review the records. [34 C.F.R. 300.613]

The District may presume that the parent has authority to inspect and review records relating to his or her child unless the District has been advised to the contrary by legal proceeding involving guardianship, separation and divorce. [34 C.F.R. 300.613]

The District will keep a record of parties obtaining access to education records collected, maintained or used under IDEA (except access by parents and authorized employees of the District), including:

- The name of the party;
- The date access was given; and
- The purpose for which the party is authorized to use the records. [C.F.R. 300.614]

If any education record includes information on more than one (1) child, the parents of those children have the right to inspect and review only the information relating to their child. [C.F.R. 300.615]

The District will provide parents on request a list of the types and locations of education records collected, maintained or used by the District. [C.F.R. 300.616]

The District may charge a fee for copies of records that are made for parents if the fee does not effectively prevent the parents from exercising their right to inspect and review records. [C.F.R. 300.617]

The District will not charge a fee to search for or to retrieve information. [C.F.R. 300.615]

A parent who believes that information in the education records collected, maintained or used by the District is inaccurate or misleading or violates the privacy or other rights of the child, may request the District to amend the information. [C.F.R. 300.618]

The District will decide whether to amend the information in accordance with the request in a reasonable period of time of receipt of the request. [C.F.R. 300.618]

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If the District refuses to amend the information in accordance with the request, it will inform the parent of the refusal and advise the parent of the right to a hearing under C.F.R 300.619. [C.F.R 300.618]

The District will, on request, provide an opportunity for a hearing to challenge information in education records to ensure that it is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the child. [C.F.R 300.618]

If, as a result of a hearing, the District decides to amend information determined inaccurate, misleading, or otherwise in violation of the privacy or other rights of the child, it will do so accordingly and so inform the parent in writing. [C.F.R 300.618]

If, as a result of a hearing, the District decides that the information is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the child, the District will inform the parent of the parent's right to place in the maintained records a statement commenting on the information or setting forth any reasons for disagreeing with the District's decision. [C.F.R 300.618]

Parental consent will be obtained before personally identifiable information is disclosed to parties other than participating agencies, unless the information is contained in education records and the disclosure is authorized without parent consent under Family Educational Rights and Privacy Act (FERPA). [C.F.R 300.622]

Parental consent will be obtained before personally identifiable information is released to officials of participating agencies providing or paying for transition services in accordance with §300.321. [C.F.R 300.622]

If a child is enrolled, or is going to enroll in a private school that is not located in the boundaries of the district of the parent's residence, parental consent will be obtained before any personally identifiable information about the child is released between officials in the district where the private school is located and officials in the district of the parent's residence. [C.F.R 300.622]

The District will protect the confidentiality of personally identifiable information at collection, storage, disclosure, and destruction stages. [C.F.R 300.623]

One (1) official at the District will assume responsibility for ensuring the confidentiality of any personally identifiable information.

All persons collecting or using personally identifiable information will receive training or instruction regarding the State's policies and procedures under 300.123 and FERPA (34 C.F.R. part 99). [C.F.R 300.623]

The District will maintain, for public inspection, a current listing of the names and positions of its employees who may have access to personally identifiable information. [C.F.R 300.623]

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The District will inform parents when personally identifiable information collected, maintained, or used for IDEA purposes is no longer needed to provide educational services to the child. [C.F.R 300.624]

The information will be destroyed at the request of the parents. However, a permanent record of a student's name, address, and phone number, his or her grades, attendance record, classes attended, grade level completed, and year completed may be maintained without time limitation. [C.F.R 300.624]

The rights of the parents regarding educational records are transferred to the student at age eighteen (18) under FERPA unless the student has been declared legally incompetent, or the student has executed a delegation of rights to make educational decisions pursuant to A.R.S. 15-773. [C.F.R 300.625]

If the rights of the parents regarding educational records are transferred to the student at age eighteen (18) under the IDEA, the District will provide any notice required under the procedural safeguards provisions. [C.F.R 300.625]

Discipline

On a case-by-case basis and in consideration of any unique circumstances, school personnel may remove a child with a disability who violates a student code of conduct from his or her current placement to an appropriate interim alternative educational setting, another setting, or suspension, for not more than ten (10) consecutive school days (to the extent those alternatives are applied to children without disabilities), and for additional removals of not more than ten (10) consecutive school days in that same school year for separate incidents of misconduct, as long as those removals do not constitute a change of placement under §300.536. [34 C.F.R. 300.530]

After a child with a disability has been removed from his or her current placement for ten (10) school days in the same school year, during any subsequent days of removal the District will provide services to the extent required to:

- Enable the child to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting his/her IEP goals; and
- Receive, as appropriate, a functional behavioral assessment, behavioral intervention services and modifications that are designed to address the behavior violation so that it does not recur. [34 C.F.R. 300.530]

The District is only required to provide services during periods of removal to a child with a disability who has been removed from his or her current placement for the (10) days or less in that school year, if it provides services to non-disabled children similarly removed. [34 C.F.R. 300.530]

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After a child with a disability has been removed from his or her current placement for ten (10) school days, and the current removal is for not more than ten (10) consecutive school days and not a change of placement, school personnel, in consultation with at least one of the child's teachers, determine the extent to which services are needed, so as to enable the child to continue to participate in the general education curriculum and to progress toward meeting the individualized education program (IEP) goals. [34 C.F.R. 300.530]

If the removal is a change in placement, the child's IEP team determines the appropriate services. [34 C.F.R. 300.530]

Within ten (10) school days of any decision to change the placement of a child with a disability because of a violation of a code of student conduct, the District, parent, and relevant members of the IEP team will review all relevant information in the student's file, the IEP, teacher observations, and any relevant information to determine:

- If the conduct was caused by, or had a direct and substantial relationship to, the child's disability; or
- If the conduct in question was the direct result of the District's failure to implement the IEP. [34 C.F.R. 300.530]

The conduct will be determined to be a manifestation of the disability if either of the above-named conditions occurred, and, if the IEP was not implemented, the District will take immediate steps to remedy that deficiency. [34 C.F.R. 300.530]

If the District, parent, and relevant members of the IEP team determine that the conduct was a manifestation of the child's disability, the child will be returned to the placement from which the child was removed, unless the parent and District agree to a change of placement. The IEP team will either:

- Conduct a functional behavioral assessment, unless already done, and implement a behavioral intervention plan; or
- If a behavioral intervention plan has already been developed, review the plan and modify it, as necessary, to address the behavior. [34 C.F.R. 300.530]

School personnel may remove a student to an interim alternative educational setting for not more than forty-five (45) school days without regard to manifestation of disability if the child:

- Carries a weapon to or possesses a weapon at school, on school premises, to or at a school function under the jurisdiction of the state or the District;
- Knowingly possesses or uses illegal drugs, or sells or solicits the sale of a controlled substance, while at school, on school premises, or at a school function under the jurisdiction of the state or the District; or

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- Has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of the state or the District. [34 C.F.R. 300.530]

The District will notify parents and provide notice of procedural safeguards on the day the District determines the student has violated the code of conduct, and the violation constitutes a change in placement (i.e., interim alternative education setting). [34 C.F.R. 300.530]

The child's IEP team determines the interim alternative educational setting for services. [34 C.F.R. 300.531]

The parent of a child with a disability who disagrees with any decision regarding placement under §§300.530 and 300.531 or the manifestation determination may appeal the decision by requesting an expedited due process hearing in conformance with §§300.310 through 300.314 and A.A.C. R7-2-405.I. [34 C.F.R. 300.532]

When the District believes that maintaining the current placement of the child is substantially likely to cause injury to the child or others the District may appeal the decision by requesting an expedited due process hearing in conformance with §§300.310 through 300.314 and A.A.C. R7-2-405.I. [34 C.F.R. 300.532]

The student will remain in the interim alternative educational setting pending the decision of the hearing officer or expiration of the interim setting, whichever comes first, unless the parent and District agree otherwise. [34 C.F.R. 300.532]

A non-eligible student who engaged in a behavior that violated a code of student conduct may assert protections if the District had knowledge that the child was a child with a disability before the behavior that precipitated the disciplinary action occurred. The District will be deemed to have such knowledge if:

- The parent of the child expressed concern in writing to supervisory or administrative personnel of the District, or a teacher of the child, that the child is in need of special education and related services;
- The parent of the child requested an evaluation of the child pursuant to §§300.300 through 300.311; or
- The teacher of the child, or other personnel of the District, expressed specific concerns about a pattern of behavior demonstrated by the child directly to the director of special education or to other supervisory personnel of the District. [34 C.F.R. 300.534]

The District will not be deemed to have knowledge if the parent of the child:

- Has not allowed an IDEA evaluation of the child;

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- Has refused special education services for the child; or
- The child has been evaluated and determined to not be a child with a disability under IDEA. [34 C.F.R. 300.534]

When the District does not have knowledge that a child is a child with a disability prior to taking disciplinary measures against the child, the child may be disciplined as other children without disabilities who engage in comparable behaviors.

If an evaluation is requested during the time in which a child is subjected to disciplinary measures, the evaluation will be conducted in an expedited manner.

- Until the evaluation is completed, the child remains in the educational placement determined by the District, which can include suspension or expulsion without educational services.
- If the child is determined to be a child with a disability, the District will provide special education and related services in accordance with this part, including the requirements of §§300.530 through 300.536. [34 C.F.R. 300.534]

The District may report a crime committed by a child with a disability to appropriate authorities to enable them to exercise their responsibilities. 34 C.F.R. 300.535]

When reporting a crime committed by a child with a disability the District ensures that copies of the special education and disciplinary records of the child are transmitted for consideration by the appropriate authorities to whom the District reports the crime, but only to the extent permitted by FERPA. [34 C.F.R. 300.535]

A change of placement occurs if:

- The removal is for more than ten (10) consecutive school days; or
- The child has been subjected to a series of removals that constitute a pattern:
 - because the series of removals total more than ten (10) school days in a school year;
 - because the child's behavior is substantially similar to the behavior in previous incidents that resulted in a series of removals; and
 - because of such additional factors as the length of each removal, the total amount of time the child has been removed, and the proximity of the removals to one another. [34 C.F.R. 300.536]

The District will determine on a case-by-case basis whether a pattern of removals constitutes a change of placement, and such determinations are subject to review through due process and judicial proceedings. [34 C.F.R. 300.536]

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Evaluation and Eligibility

The District, when proposing to conduct an initial evaluation to determine if a child qualifies as a child with a disability, and after reviewing existing data with the parents and providing prior written notice, will obtain informed consent from the parent of the child before collecting any additional data.

- Parental consent for initial evaluation will not be construed as consent for initial provision of special education and related services.
- The District will make reasonable efforts to obtain the informed consent from the parent for an initial evaluation. [34 C.F.R. 300.300]

For initial evaluations only, if the child is a ward of the state, is not residing with the child's parent, the District is not required to obtain consent from the parent if:

- Despite reasonable efforts to do so, the District cannot discover the whereabouts of the parents of the child;
- The rights of the parents of the child have been terminated by the court;
- The rights of the parent to make educational decisions have been subrogated by a judge and consent for an initial evaluation has been given by an individual appointed by the judge to represent the child. [34 C.F.R. 300.536]

The District may, but is not required to seek informed consent through due process procedures if the parent of a child who is enrolled or seeking to enroll in the District refuses consent for an initial evaluation. [34 C.F.R. 300.300]

The District will obtain informed consent from the parent of the child before the initial provision of special education and related services to the child, and will make reasonable efforts to obtain that consent. [34 C.F.R. 300.300]

If a parent refuses consent for the initial provision of special education and related services, the District will not seek consent through due process hearing procedures. The District:

- Will not be considered to be in violation to provide a Free Appropriate Public Education (FAPE);
- Is not required to convene a IEP team meeting or develop an IEP for the child. [34 C.F.R. 300.300]

If, at any time subsequent to the initial provision of special education and related services, the parent of a child revokes consent in writing for the continued provision of special education and related services, the District:

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- May not continue to provide special education and related services to the child, but shall provide prior written notice before ceasing the provision of special education and related services;
- May not use the mediation procedures or the due process procedures in order to obtain agreement or a ruling that the services may be provided to the child;
- Will not be considered in violation of the requirement to make FAPE available to the child because of the failure to provide the child with further special education and related services; and
- Is not required to convene an IEP Team meeting or develop an IEP for the child for further provision of special education and related services.

The District will obtain informed consent prior to conducting any reevaluation of a child with a disability.

- If the parent refuses consent, the District may utilize due process hearing procedures to seek consent, but does not violate its obligation if it declines to pursue the evaluation or reevaluation.
- The informed parental consent for reevaluation need not be obtained if the District can demonstrate that:
 - it made reasonable efforts to obtain such consent and has documented those attempts;
 - the child's parent has failed to respond. [34 C.F.R. 300.300]

Parental consent is not required before:

- Reviewing existing data as part of an evaluation or reevaluation; or
- Administering a test or other evaluation that is administered to all children unless consent is required of parents of all children prior to administration. [34 C.F.R. 300.300]

The District will not use a parent's refusal to consent to one service or activity under this section to deny the parent or child any other service, benefit, or activity of the District, except as required by this part. [34 C.F.R. 300.300]

If a parent of a child who is home-schooled or placed in a private school by the parents at their own expense does not provide consent for the initial evaluation or the reevaluation, or the parent fails to respond to a request to provide consent, the District will not utilize due process hearing procedures to seek consent. [34 C.F.R. 300.300]

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Consistent with consent requirements of §300.300, either a parent of a child or the District may initiate a request for an initial evaluation to determine if a child is a child with a disability. [34 C.F.R. 300.301]

The initial evaluation will:

- Be completed within sixty (60) days of receiving parental consent for the evaluation, unless:
 - the parents and the District agree that it is in the best interest of the child to extend the timeline to complete the evaluation for an additional thirty (30) days; or;
 - the child enrolls in the District following the child's departure from a previous district after the parent has provided consent and before the determination of eligibility by the child's previous district. In that event, the District ensures prompt completion of the evaluation.
 - the parent of a child with a disability repeatedly fails or refuses to produce the child for the evaluation.
- Consist of procedures to determine if the child is a child with a disability and to determine the educational needs of the child. [34 C.F.R. 300.301]

The District will conduct a reevaluation of a child with a disability if:

- The District determines that the educational or related service needs, including improved academic achievement and functional performance, of the child warrant a reevaluation; or
- If the child's parents or teacher requests a reevaluation; except
- The District will not conduct a reevaluation more than once a year unless the parent and District agree otherwise. [34 C.F.R. 300.303]

The District will conduct a reevaluation at least once every three (3) years, unless the parent and the District agree that a reevaluation is unnecessary. [34 C.F.R. 300.303]

The District will provide prior written notice to the parents of a child who has, or who is suspected of having, a disability, that describes the evaluation procedures that the District proposes to conduct. [34 C.F.R. 300.304]

In conducting an evaluation or reevaluation, the District will:

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- Use a variety of assessment tools and strategies to gather relevant functional, developmental, and academic information about the child, including information provided by the parent in order to determine;
 - whether the child is a child with a disability; and
 - if the child is a child with a disability, information related to enabling the child to be involved in and progress in the general education curriculum (or for a preschool child, to participate in appropriate activities).
- Not use any single measure or assessment as the sole criterion for determining whether a child is a child with a disability and for determining an appropriate educational program for the child; and
- Use technically sound instruments that may assess the relative contribution of cognitive and behavioral factors, in addition to physical or developmental factors. [34 C.F.R. 300.304]

The District ensures that evaluation materials and strategies:

- Are selected and administered so as not to be discriminatory on a racial or cultural basis;
- Are administered in the child's native language or other mode of communication and in the form most likely to yield accurate information on what the child knows and can do academically, developmentally, and functionally, unless it is clearly not feasible to do so;
- Are used for the purposes for which the assessment(s) or measure(s) are valid and reliable;
- Are administered by trained and knowledgeable personnel;
- Are administered in accordance with the instructions provided by the assessment publisher;
- Are selected and administered so as to ensure that if administered to a child with impaired sensory, manual, or speaking skills, the assessment results accurately reflect the child's aptitude or achievement level or whatever other factors the test purports to measure rather than reflecting the child's impairments (unless those skills are the factors being measured).

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- Assess the child in all areas related to the suspected disability, including, if appropriate, health, vision, hearing, social and emotional status, general intelligence, academic performance, adaptive behavior, communicative status, and motor abilities; and
- Are sufficiently comprehensive to identify all of the child's special education and related services needs, whether or not those needs are commonly associated with the child's disability.
- Provide relevant information that directly assists in determining the educational needs of the child. [34 C.F.R. 300.304]

Evaluations of children who transfer to or from another District in the same school year are coordinated with the prior and subsequent schools, in order to expedite the completion of a full evaluation. [34 C.F.R. 300.304]

As part of an initial evaluation (if appropriate), and as part of any reevaluation, the IEP team and other qualified professionals, as appropriate, will:

- Review existing evaluation data on the child including:
 - evaluations and information provided by the parents;
 - current classroom-based, local and state-wide assessments, and classroom-based observations;
 - observations by teachers, and related services providers.
- On the basis of that review, and input from the child's parents, identify what additional data, if any, are needed to determine whether:
 - the child is or continues to be a child with a disability, and, if so, the educational needs of the child;
 - the present levels of academic achievement and related developmental needs of the child;
 - whether the child needs special education and related services to enable the child to meet measurable annual IEP goals and to participate, as appropriate, in the general education curriculum.
- The IEP team may conduct the review without a meeting. [34 C.F.R. 300.305]

If additional data are needed, the District will administer the assessments required to obtain the additional data. [34 C.F.R. 300.305]

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If additional data are not needed to determine whether the child continues to be a child with a disability, and to determine the child's educational needs, the District will notify the parents of:

- The determination and the reasons for the determination; and
- The right of the parents to request an assessment to determine whether the child continues to be a child with a disability and to determine the child's educational needs. [34 C.F.R. 300.305]

The District will evaluate a child before determining that the child is no longer a child with a disability except when the termination is due to graduation with a regular high school diploma or at the conclusion of the instructional year during which the child attained the age of twenty-two (22).

- When the child's eligibility terminates because of graduation or at the conclusion of the instructional year during which the child attained the age of twenty-two (22), the District will provide a summary of the child's academic achievement and functional performance that includes recommendations on how to assist the child in meeting the child's postsecondary goals. [34 C.F.R. 300.305]

Upon completion of the evaluation process, the District ensures that:

- A group of qualified professionals and the parent of the child determine:
 - if the child is a child with a disability under the Individuals with Disabilities Education Act and the Arizona State Statutes; and
 - if so, the educational needs of the child.
- The parents are provided, at no cost, a copy of the evaluation report and eligibility determination. [34 C.F.R. 300.306]

A child will not be determined to be a child with a disability if the primary factor for the determination is:

- Lack of appropriate instruction in reading, including the essential components of reading instruction (as defined in 1208(3) of the Elementary and Secondary Education Act [ESEA]);
- Lack of appropriate instruction in math; or
- Limited English proficiency. [34 C.F.R. 300.306]

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The eligibility determination, including education needs, will be based on all of the information sources used in the evaluation process, and if deemed eligible and in need of special education and related services, an IEP will be developed in accordance with §300.320 through 300.324. [34 C.F.R. 300.306]

Additional procedures for identifying children with specific learning disabilities:

- Option 1:
 - The District will use the state-adopted criteria for determining whether a child has a specific learning disability through a process based on the child's response to scientific, research-based intervention in conformity with IDEA Regulations §300.307-311. [34 C.F.R. 300.307]
- Option 2:
 - The District will use a criteria for determining whether a child has a specific learning disability through the identification of a severe discrepancy between intellectual ability and achievement in conformity with IDEA Regulations §300.307-311. [34 C.F.R. 300.307]
- Option 3:
 - The District will determine, on an individual child basis, the criteria for determining whether a child has a specific learning disability using one of the following criteria in conformity with IDEA Regulations §300.307-311:
 - ▲ The state-adopted criteria based on a child's response to scientific, research-based intervention;
 - ▲ The identification of a severe discrepancy between intellectual ability and achievement. [34 C.F.R. 300.307]

The determination of whether a child suspected of having a specific learning disability is a child with a disability will be made by the child's parents and a team of qualified professionals which will include:

- The child's regular education teacher; or
- If the child does not have a regular education teacher, then a regular education teacher qualified to teach children of that age;
- For a child of less than school age, an individual qualified by the state to teach children of his/her age;
- At least one (1) person qualified to conduct individual diagnostic evaluations of children, such as a school psychologist, speech-language pathologist, or remedial reading teacher. [34 C.F.R. 300.308]

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A child may be determined to have a specific learning disability if:

- The child does not achieve adequately for the child's age or to meet state-approved grade level standards in one (1) or more of the following areas, when provided with learning experiences and instruction appropriate for the child's age or meet state-approved grade level standards:
 - oral expression
 - listening comprehension
 - written expression
 - basic reading skill
 - reading fluency skills
 - reading comprehension
 - mathematics calculation
 - mathematics problem solving
- The child does not make sufficient progress to meet age or state-approved grade level standards in one (1) or more of the areas in listed immediately above when using a process based on the child's response to scientific, research-based intervention; or
- The child exhibits a pattern of strengths and weaknesses in performance, achievement, or both, relative to age, state-approved grade level standards, or intellectual development, that is determined by the group to be relevant to the identification of a specific learning disability, through one (1) of the following methods:
 - a discrepancy between achievement and ability;
 - the child's response to scientific, research-based interventions, or
 - other alternative research-based procedures,using appropriate assessments. [34 C.F.R. 300.309]

The findings of this section are not primarily the result of:

- A visual, hearing or motor disability;
- Mental retardation;
- Emotional disturbance;
- Cultural factors;

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- Environmental or economic disadvantage; or
- Limited English proficiency. [34 C.F.R. 300.309]

The group ensures that the underachievement is not due to a lack of appropriate instruction in reading or math and consider:

- Data that demonstrate that prior to, or as part of, the referral process, the child was provided appropriate instruction in regular education settings, delivered by qualified personnel; and
- Data-based documentation of repeated assessments of achievement at reasonable intervals, reflecting formal assessment of student progress during instruction, which was provided to the child's parents. [34 C.F.R. 300.309]

The District will promptly request parent consent to evaluate if, prior to referral, the child has not made adequate progress after an appropriate period of time when provided instruction described in the two (2) immediately preceding bullets. [34 C.F.R. 300.309]

The District ensures that the child is observed in his/her learning environment, including the regular classroom setting, to document the child's academic performance and behavior in the areas of difficulty. [34 C.F.R. 300.310]

In the case of a child less than school age or out of school, a group member will observe the child in an environment appropriate for a child that age. [34 C.F.R. 300.310]

For a child suspected of having a specific learning disability, the eligibility determination will contain a statement of:

- Whether the child has a specific learning disability;
- The basis for making the determination, including an assurance the determination was made in accordance with the Individuals with Disabilities Education Act;
- The relevant behavior, if any, noted during the observation and the relationship of that behavior to the child's academic functioning;
- The educationally relevant medical findings, if any;
- Whether the child does not achieve adequately for his/her age or to meet state-approved grade level standards consistent with whether the child has a specific learning disability; and does not make sufficient progress to meet age or state-approved grade level standards consistent with the basis of a determination in accordance with IDEA; or

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- The child exhibits a pattern of strengths and weaknesses in performance, achievement, or both, relative to age, state-approved grade level standards or intellectual development consistent with the observation of relevant behavior.
- The determination of the group concerning the effects of a visual, hearing, or motor disability; mental retardation; emotional disturbance; cultural factors; environmental or economic disadvantage; or limited English proficiency of the child's achievement level. [34 C.F.R. 300.311]

If the child participated in a process that assessed the child's response to scientific, research-based intervention:

- The instructional strategies used and the student-centered data collected; and
- The documentation that the child's parents were notified about the state's policies regarding the amount and nature of student performance that would be collected and the general education services that would be provided;
- Strategies for increasing the rate of learning; and
- The parent's right to request an evaluation. [34 C.F.R. 300.311]

Each group member will certify in writing whether the report reflects the member's conclusion. If it does not, the group member will submit a separate statement presenting the member's conclusions. [34 C.F.R. 300.311]

Free Appropriate Public Education

The determination that a child is eligible for special education and related services will be made on an individual basis by a properly constituted District team. [34 C.F.R. 300.306 and, if applicable, 300.308]

For preschool children (age three [3] to five [5]):

- The School will:
 - Make FAPE available no later than the child's third birthday;
 - Ensure that an IEP or an Individualized Family Service Plan (IFSP) is in effect for each child by that date;
 - Ensure that a child's IEP team determines the date when services under the IEP or IFSP will begin if a child's third birthday occurs during the summer.

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For school-aged children (age five [5] through twenty-one [21]):

- The District will make FAPE available to any child who needs special education and related services, even though the child has not failed or been retained in a course or grade, and is advancing from grade to grade. Services for an eligible student with a disability shall extend through conclusion of the instructional year during which the student attains the age of twenty-two (22).

The District will establish policy and procedures with regard to allowable pupil-teacher ratios and pupil-staff ratios within the District or county for provision of special education services. [A.R.S. 15-764]

The special education programs and services provided shall be conducted only in a school facility which houses regular education classes or in other facilities approved by the division of special education. [A.R.S. 15-764]

The District ensures that assistive technology devices or services or both will be available to a child with a disability, if required, as a part of:

- special education;
- related services;
- supplementary aids and service. [34 C.F.R. 300.105]

On a case-by-case basis, the District ensures the use of school-purchased assistive technology devices in a child's home or other setting if the child's IEP team determines that the child needs access to those devices in order to receive FAPE. [34 C.F.R. 300.105]

The District will make extended school year services available as necessary to provide FAPE to children with disabilities.

- Extended school year (ESY) services will be provided only if a child's IEP team determines, in accordance with §§300.320-300.324, that the services are necessary for the provision of FAPE.
- Services will not be:
 - limited to a particular category of disability; or,
 - unilaterally limited to the type, amount, or duration of services. [34 C.F.R. 300.106]

The ESY services that are provided to a child with a disability will:

- Be provided beyond the normal school year of the District;
- Be provided in accordance with the child's IEP;

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- Be provided at no cost to the parents of the child; and
- Meet the standards of the state. [34 C.F.R. 300.106]

The District will afford children with disabilities an equal opportunity for participation in nonacademic and extracurricular services and activities including, as determined appropriate and necessary by the child's IEP team, the provision of supplementary aids and services. [34 C.F.R. 300.107]

Nonacademic and extracurricular services and activities may include counseling services, athletics, transportation, health services, recreational activities, special interest groups or clubs sponsored by the District, referrals to agencies that provide assistance to individuals with disabilities, and employment of students, including both employment by the District and assistance in making outside employment available. [34 C.F.R. 300.107]

The District will make regular physical education services available to children with disabilities to the same extent that the District provides those services to children without disabilities, unless:

- The child is enrolled full time in a separate facility; or
- The child needs specially designed physical education as prescribed in the child's IEP. [34 C.F.R. 300.108]

If a child is enrolled in a separate facility, the District ensures that the child receives appropriate physical education services. [34 C.F.R. 300.108]

If special physical education is prescribed in a child's IEP, the District will provide for those services, either directly or through other public or private programs. [34 C.F.R. 300.108]

The District ensures that children with disabilities have available to them the variety of education programs and services that are available to nondisabled children, including art, music, industrial arts, consumer and homemaking education, and vocational education. [34 C.F.R. 300.110]

When serving children wearing hearing aids or surgically implanted medical devices, the District ensures that:

- The hearing aids worn in school by children with hearing impairments are functioning properly; and
- The external components of surgically implanted medical devices (e.g., cochlear implants) are functioning properly, except that the District will not be responsible for any post-surgical maintenance, programming or replacement of any component, external or internal, of the medical device. [34 C.F.R. 300.113]

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The District may use the Medicaid or other public benefits or insurance programs in which a child participates to provide or pay for services required under IDEA, as permitted under the public benefits or insurance program, except that the District:

- Will not require parents to sign up for or enroll in public benefits or insurance programs to receive FAPE;
- Will not require parents to incur out-of-pocket expenses such as payment of a deductible or co-pay for services required by IDEA, but may pay the cost that parents otherwise would be required to pay;
- Will not use a child's public benefit if that use would:
 - decrease lifetime benefits;
 - result in the family paying for non-school services that would otherwise be paid for by public benefits;
 - increase premiums or lead to discontinuation of benefits; or
 - risk loss of eligibility. [34 C.F.R. 300.154]

The District will notify parents that their refusal to allow access to their public benefits does not relieve the District of its responsibility to provide all required IDEA services. [34 C.F.R. 300.154]

The District will obtain parent consent ~~consistent with \$300.09 each time that access to public benefits are sought. [34 C.F.R. 300.154]~~ prior to accessing a child's or parent's public benefits or insurance for the first time.

The District will provide a written notification to the child's parents before accessing the child's or parent's public benefits or insurance for the first time and prior to obtaining the one-time parental consent and annually thereafter.

Graduation

The District ensures that the Governing Board shall prescribe graduation criteria for students with disabilities from its high schools, which shall include accomplishment of the academic standards in at least reading, writing, mathematics, science and social studies, as determined by District assessment. [A.R.S. 15-701(B) and A.A.C. R7-2-301(D)(1)]

The District ensures that the Governing Board shall develop a course of study and graduation and promotion requirements for all students placed in special education programs in accordance with R7-2-401 *et seq.* [A.R.S. 15-701(B) and A.A.C. R7-2-301(D)(1)]

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The District will not be obligated to provide FAPE to students with disabilities who have graduated from high school with a regular high school diploma. [34 C.F.R. 300.102]

The exception does not apply to children who have graduated from high school but have not been awarded a regular high school diploma. [34 C.F.R. 300.102]

Graduation from high school with a regular high school diploma constitutes a change of placement requiring prior written notice in accordance with §300.503. [34 C.F.R. 300.102]

An evaluation is not required before the termination of a child's eligibility due to graduation from secondary school with a regular diploma or due to conclusion of the instructional year during which the student attains the age of twenty-two (22). [34 C.F.R. 300.305]

For a child no longer eligible due to graduation or exceeding the age of eligibility, the District will provide the child with a summary of the child's academic achievement and functional performance, which shall include recommendations on how to assist the child in meeting the child's post secondary goals. [34 C.F.R. 300.305]

Pupils with disabilities as defined in A.R.S. 15-761 or children who receive special education as defined in 15-763, shall not be required to achieve passing scores on competency tests (AIMS) 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 a competency test is specifically required in a specific academic area by the pupil's IEP as mutually agreed on by the pupil's parents (or eighteen [18] year old student) and IEP team. [A.R.S. 15-701.01(3)]

Individualized Education Program

The contents of each individualized education program (IEP) will include a statement of:

- The child's present levels of academic achievement and functional performance, including:
 - how the child's disability affects the child's involvement and progress in the general curriculum; or
 - for preschool children, as appropriate, how the disability affects the child's participation in appropriate activities;
- Measurable annual goals, including academic and functional goals designed to:

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- meet the child's needs that result from the child's disability to enable the child to be involved in and make progress in the general education curriculum; and
- meet each of the child's other educational needs that result from the child's disability;
- for children with disabilities who take alternate assessments (AIMS A) aligned to alternate achievement standards, a description of benchmarks or short-term objectives;
- How the child's progress toward meeting the IEP goals will be measured and when periodic reports on the child's progress toward the goals will be provided;
- The special education and related services to be provided to the child, the supplementary aids and services to be provided to the child or on behalf of the child, the program modifications or supports for school personnel that will be provided to enable the child:
 - to advance appropriately toward attaining the annual goals;
 - to be involved in and progress in the general education curriculum and to participate in extracurricular and other nonacademic activities with other children with disabilities and nondisabled children.
- The extent, if any, to which the child will not participate with nondisabled children in the regular class and in extracurricular and other nonacademic activities;
- Any individual accommodations that are needed to measure the academic achievement and functional performance of the child on state and District-wide assessments;
- If the IEP team determines that the child must take an alternate assessment instead of a particular regular state or District-wide assessment of student achievement, a statement of why:
 - the child cannot participate in the regular assessment; and
 - the particular alternate assessment selected is appropriate for the child;
- The projected date for the beginning of the services and modifications and the anticipated frequency, location, and duration of those services and modifications. [34 C.F.R. 300.320]

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Beginning not later than the first IEP to be in effect when the child turns sixteen (16), or younger if determined appropriate by the IEP team, and updated annually, the IEP will also include a statement of:

- appropriate measurable postsecondary goals based upon age appropriate transition assessments related to training, education, employment, and, where appropriate independent living skills;
- transition services (including courses of study) needed to assist the child in reaching those goals. [34 C.F.R. 300.320]

Beginning not later than one (1) year before a student reaches the age of eighteen (18), the IEP will include a statement that the parents and the student have been informed of the rights under Part B, if any, that will transfer to the student on reaching the age of eighteen (18). [34 C.F.R. 300.320]

The IEP team for each child with a disability will include:

- The parents of the child;
- Not less than one (1) regular education teacher of the child (if the child is, or may be, participating in the regular education environment);
- Not less than one (1) special education teacher of the child, or where appropriate, not less than one special education provider of the child;
- A representative of the District who:
 - is qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of children with disabilities;
 - is knowledgeable about the general education curriculum; and
 - is knowledgeable about the availability of resources of the District;
 - may be a District team member described in the IEP team described above, with the exception of the parents, if the above criteria are met.
- An individual who can interpret the instructional implications of evaluation results, who may be a member of the team described in the IEP team described above, with the exception of the parents.
- At the discretion of the parent or the District, other individuals who have knowledge or special expertise regarding the child, including related services personnel as appropriate; and
- Whenever appropriate, the child with a disability.

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- A child of any age if the purpose of the meeting is to consider postsecondary goals and transition services needed to assist the child in reaching the IEP goals;
- If the student does not attend the IEP meeting, the District will take other steps to ensure that the student's preferences and interests are considered.
- To the extent appropriate and with consent of the parents or the adult child;
 - the District will invite a representative of any participating agency that is likely to be responsible for providing or paying for transition services.
 - for a child who is transitioning from the Arizona Early Intervention Program (AzEIP), representatives from AzEIP will be invited to the initial IEP if the parent requests. [34 C.F.R. 300.321]

A member of the District IEP team described above, and including a person who can interpret the results, is not required to attend the IEP meeting if the parent and the school agree in writing prior to the meeting that attendance is not necessary because the member's area of curriculum or related services is not being modified or discussed in the meeting. [34 C.F.R. 300.321]

A member of the District IEP team described above, and including a person who can interpret the results, may be excused from attending the IEP meeting in whole or part when the meeting involves a modification to or discussion of the member's area of the curriculum or related services if the parent, in writing and the District consent to the excusal, and the member submits, in writing to the IEP team, input into the development of the IEP prior to the meeting. [34 C.F.R. 300.321]

In the case of a child previously served by AzEIP, an invitation to the initial IEP team meeting will, at the request of the parent, be sent to the AzEIP service coordinator to assist with the smooth transition of services. [34 C.F.R. 300.321]

The District will take steps to ensure parent(s) of a child with a disability are present at each IEP meeting or are afforded the opportunity to participate by:

- Notifying parents of the meeting early enough to ensure that they will have an opportunity to attend; and
- Scheduling the meeting at a mutually agreed on time and place. [34 C.F.R. 300.322]

The meeting notice will:

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- Indicate the purpose, time, and location of the meeting and who will be in attendance; and
- Inform the parents of the provisions relating to the participation of other individuals who have knowledge or special expertise about the child and of representatives of the AzEIP if the meeting is for an initial IEP of a child transitioning from AzEIP. [34 C.F.R. 300.322]

Beginning not later than the first IEP to be in effect when the child turns sixteen (16), the notice will also:

- Indicate that a purpose of the meeting will be the consideration of postsecondary goals and transition services;
- Indicate that the District will invite the student
- Identify any other agency that will be invited to send a representative. [34 C.F.R. 300.322]

If neither parent can attend, the District will use other methods to ensure parent participation, including individual or conference telephone calls. [34 C.F.R. 300.322]

A meeting may be conducted without a parent in attendance if the District is unable to convince the parents that they should attend. In this case, the District will maintain a record of its attempts to arrange a mutually agreed on time and place, such as:

- Detailed records of telephone calls made or attempted and the results of those calls;
- Copies of correspondence sent to the parents and any responses received; and
- Detailed records of visits made to the parent's home or place of employment and the results of those visits. [34 C.F.R. 300.322]

The District will take whatever action is necessary to help the parent understand the proceedings at the IEP meeting, including arranging for an interpreter for parents with deafness or whose native language is other than English. [34 C.F.R. 300.322]

The District will give the parent a copy of the child's IEP at no cost to the parent. [34 C.F.R. 300.322]

At the beginning of each school year, the District will have in effect for each child with a disability in its jurisdiction, an IEP as defined in 300.320. [34 C.F.R. 300.323]

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The District ensures that:

- A meeting to develop an IEP for an eligible child is conducted within thirty (30) days of a determination of eligibility for special education and related services.
- As soon as possible following the development of the IEP, the services indicated in the IEP are made available to the child. An IEP will be in effect at the beginning of each school year. [34 C.F.R. 300.323]

For a child aged two (2) years nine (9) months to five (5) years previously served by AzEIP, the IEP team will consider the contents of the child's Individualized Family Service Plan (IFSP). An IFSP may serve as the IEP of the child if:

- The District has provided the parents with a detailed explanation of the differences between an IEP and an IFSP;
- The parent and the District agree in writing to the use of an IFSP;
- The IFSP contains an educational component that promotes school readiness and includes pre-literacy, language and numeric skills; and
- The IFSP is developed in accordance with IEP procedures. [34 C.F.R. 300.323]

The District ensures that each child's IEP is accessible to each regular education teacher, special education teacher, related service provider and any other service provider who is responsible for implementing the IEP.

- Each teacher and related service provider will be informed of his or her specific responsibilities in implementing the IEP; and
- The specific accommodations, modifications, and supports that will be provided for the child in accordance with the IEP. [34 C.F.R. 300.323]

For a child with an IEP who transfers into the District from another school system in Arizona, the District, in consultation with the parents, will provide a free appropriate public education (including services comparable to the services described in the existing IEP) until the District:

- Reviews and adopts the child's IEP from the previous District, or
- Develops, adopts, and implements a new IEP. [34 C.F.R. 300.323]

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For a child with an IEP who transfers into the District from another state, the District, in consultation with the parents, will provide a free appropriate public education (including services comparable to the services described in the existing IEP) until the District:

- Conducts an evaluation for eligibility for special education in Arizona, or determines that such an evaluation is unnecessary; and
- Develops, adopts, and implements a new IEP, if appropriate. [34 C.F.R. 300.323]

To facilitate the transition of a child enrolling from another school system, either from within or from outside of Arizona, the District will take reasonable steps to promptly obtain the child's education records, including all records pertaining to special education, from the previous school system in which the child was enrolled. [34 C.F.R. 300.323]

When a records request is received from another District, from either within or outside of Arizona, the District will promptly respond to the request. [34 C.F.R. 300.323]

In developing each child's IEP, the IEP team will consider:

- The strengths of the child and the concerns of the parents for enhancing the education of their child;
- The results of the initial or most recent evaluation of the child; and
- The academic, developmental, and functional needs of the child. [34 C.F.R. 300.324]

In consideration of special factors, the IEP team will:

- In the case of a child whose behavior impedes his or her learning or that of others, consider the use of positive behavioral interventions and supports, and other strategies to address that behavior;
- In the case of a child with limited English proficiency, consider the language needs of the child as those needs relate to the child's IEP;
- In the case of a child who is blind or visually impaired, provide for instruction in Braille and the use of Braille unless the IEP team determines, after an evaluation of the child's reading and writing skills, needs, and appropriate reading and writing media (including an evaluation of the child's future needs for instruction in Braille or the use of Braille) that instruction in Braille or the use of Braille is not appropriate for the child;

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- Consider the communication needs of the child, and in the case of a child who is deaf or hard of hearing, consider the child's language and communication needs, opportunities for direct communication with peers and professional personnel in the child's language and communication mode, academic level and full range of needs, including opportunities for direct instruction in the child's language and communication mode;
- Consider whether the child requires assistive technology devices and services. [34 C.F.R. 300.324]

The regular education teacher of a child with a disability, as a member of the IEP team, will, to the extent appropriate, participate in the development, review, and revision of the child's IEP, including the determination of:

- Appropriate positive behavioral interventions and strategies for the child; and
- Supplementary aids and services, program modifications, and/or supports for school personnel that will be provided for the child, consistent with §300.320(a)(4). [34 C.F.R. 300.324]

In making changes to the IEP after the annual IEP meeting, the parent and the District may agree to amend the IEP without a meeting for the purpose of making those changes and, instead, develop a written document to amend or modify the child's current IEP. The District will:

- Inform all members of the child's IEP team of those changes, and
- Upon request, provide the parents with the revised copy of the IEP. [34 C.F.R. 300.324]

To the extent possible, the District will encourage the consolidation of evaluation, reevaluation and IEP meetings for a child. [34 C.F.R. 300.324]

The District ensures that the IEP team reviews the child's IEP periodically, but not less than annually, to determine if goals are being achieved, and revise the IEP, when appropriate, to address:

- any lack of expected progress toward the annual goals and in the general education curriculum, if appropriate;
- the results of any reevaluation;
- information about the child provided to, or by the parents;
- the child's anticipated needs, or other matters. [34 C.F.R. 300.324]

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If a participating agency other than the District fails to provide the transition services in an IEP, the District will reconvene the IEP team to identify alternative strategies to meet the child's transition outcomes. [34 C.F.R. 300.324]

Before the District places a child with a disability in a private school or facility, the District will initiate and conduct a meeting to develop an IEP for the child and ensure that a representative of the private school or facility attends the meeting in person or by conference call. [34 C.F.R. 300.325]

Subsequent IEP reviews may be initiated and conducted by the private school at the discretion of the District. However, the District ensures that:

- The parents and District representative are involved in any decisions about the child's IEP; and
- Agree to any proposed changes in the IEP before those changes are implemented. [34 C.F.R. 300.325]

The District remains responsible to ensure FAPE to a child placed by the District in a private school or facility. [34 C.F.R. 300.325]

The District ensures that the parents of a child with a disability are members of any group that makes decisions on the educational placement of their child. [34 C.F.R. 300.327]

Least Restrictive Environment

The District ensures that special classes, separate schooling, or other removal of children with disabilities from the regular educational environment occurs only if the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily. [34 C.F.R. 300.114]

The District will make available a continuum of alternative placements to meet the needs of children with disabilities for special education and related services. [34 C.F.R. 300.115]

The continuum of alternative placements will include:

- Instruction in regular classes, special classes, special schools, home instruction, and instruction in hospital and institutions;
- Supplementary services, such as a resource room or itinerant instruction, to be provided in conjunction with regular class placement.

The placement decision for each child will be:

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- Made by a group that includes the parents and other persons knowledgeable about the child, the meaning of the evaluation data, and the placement options;
- In conformity with the least restrictive environment (LRE) provisions of the IDEA regulations;
- Determined at least annually;
- Based on the child's IEP; and,
- As close as possible to the child's home. [34 C.F.R 300.115]

Unless the IEP of a child requires some other arrangement, the child will be educated in the school that he or she would attend if not disabled. [34 C.F.R 300.115]

In selecting the LRE, consideration will be given to any potential harmful effect on the child or on the quality of services that she/he needs. [34 C.F.R 300.115]

A child with a disability will not be removed from age-appropriate regular classrooms solely because of needed modifications in the general education curriculum. [34 C.F.R 300.115]

In providing or arranging for the provision of nonacademic and extracurricular services and activities, including meals, recess periods, and other nonacademic activities, the District ensures that each child with a disability participates with nondisabled children in the extracurricular services and activities to the maximum extent appropriate to the needs of that child. [34 C.F.R 300.117]

The District ensures that the supplementary aides and services determined by the IEP team to be appropriate and necessary are provided to allow the child to participate in nonacademic settings. [34 C.F.R 300.115]

The District will establish, maintain, and implement procedural safeguards that meet the requirements of §300.500 through 300.536 of the IDEA Regulations.

Procedural Safeguards

The District ensures that the parents of a child with a disability shall be given an opportunity to inspect and review all education records with respect to the identification, evaluation, educational placement, and the provision of FAPE to the child. [34 C.F.R. 300.501]

The District ensures that the parents of a child with a disability shall:

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- be given an opportunity to participate in meetings with respect to the identification, evaluation, educational placement and the provision of FAPE to the child.
- be provided notice consistent with §300.322 to ensure they have opportunity to participate in meetings.
- be members of any group that makes decisions on the educational placement of their child. [34 C.F.R. 300.501]

If neither parent can participate in a meeting in which a decision is to be made relating to the educational placement of their child, the District must use other methods to ensure their participation, including individual or conference telephone calls, or video conferencing. [34 C.F.R. 300.501]

A placement decision may be made by a group without the involvement of the parent, if the District is unable to obtain the parent's participation and has maintained a record of its attempts to ensure their involvement. [34 C.F.R. 300.501]

The parents of a child with a disability have the right to obtain an independent educational evaluation of their child. The District must provide to parents, upon request for an independent educational evaluation:

- Information about where an independent educational evaluation may be obtained; and
- The District criteria applicable for independent educational evaluations. District criteria for the independent educational evaluation must be the same as the criteria the District uses when it conducts an evaluation, to the extent consistent with the parent's right to an evaluation. [34 C.F.R. 300.502]

A parent has the right to an independent educational evaluation at public expense if the parent disagrees with an evaluation obtained by the District. If a parent requests an independent educational evaluation at public expense, the District must, without unnecessary delay, either:

- File for a due process hearing to show that its evaluation is appropriate; or
- Ensure that an independent educational evaluation is provided at public expense, unless the District demonstrates in a hearing that the evaluation obtained by the parent did not meet District criteria. [34 C.F.R. 300.502]

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If a due process hearing decision is that the District's evaluation is appropriate, the parent still has the right to an independent educational evaluation, but not at public expense. [34 C.F.R. 300.502]

If a parent requests an independent educational evaluation, the District may ask for the parent's reasons for the objections, but may not require the parent to provide an explanation and may not unreasonably delay either providing the independent educational evaluation at public expense or filing a request for due process to defend its evaluation. [34 C.F.R. 300.502]

A parent is entitled to only one (1) independent educational evaluation at public expense each time the District conducts an evaluation with which the parent disagrees. [34 C.F.R. 300.502]

The results of any independent educational evaluation which is obtained by or provided to the District:

- must be considered by the District, if it meets District criteria, in any decision with respect to the provision of FAPE to the child; and
- may be presented by any party as evidence in a due process hearing. [34 C.F.R. 300.502]

If a hearing officer requests an independent educational evaluation as part of a due process hearing, the cost of the evaluation must be at public expense.

Written notice must be given to the parents of a child with a disability a reasonable time before the District:

- Proposes to initiate or change the identification, evaluation or educational placement of the child or the provision of FAPE to the child; or
- Refuses to initiate or change the identification, evaluation or educational placement of the child or the provision of FAPE to the child. [34 C.F.R. 300.503]

The notice must include:

- A description of the action proposed or refused by the District;
- An explanation of why the District proposes or refuses to take the action;
- A description of each evaluation procedure, assessment, record or report the District used as a basis for the proposed or refused action;

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- A statement that the parents of a child with a disability have protection under the procedural safeguards of this part and, if this notice is not an initial referral for evaluation, the means by which a copy of a description of the procedural safeguards can be obtained;
- Sources for parents to contact to obtain assistance in understanding the provisions of this part;
- A description of other options that the IEP team considered and the reasons why those options were rejected;
- A description of other factors that are relevant to the District's proposal or refusal. [34 C.F.R. 300.503]

The notice must be written in language understandable to the general public, provided in the native language or other mode of communication used by the parent. [34 C.F.R. 300.503]

If the native language or other mode of communication used by the parent is not a written language, the District ensures:

- the notice is translated orally or by other means to the parent in his or her native language or other mode of communication;
- That the parent understands the content of the notice;
- That there is written evidence of these requirements. [34 C.F.R. 300.503]

A copy of the procedural safeguards available to the parent of a child with a disability must be given to the parents only one (1) time a school year, except that a copy also must be given to the parents:

- Upon initial referral or parent request for evaluation;
- Upon receipt of a first complaint to the state or first request for a due process hearing in a school year;
- When a disciplinary change of placement /removal has been initiated;
- Upon request by a parent. [34 C.F.R. 300.504]

The procedural safeguards notice must include a full explanation of all the procedural safeguards available under §300.148, §§300.151 through 300.153, §300.300, §§300.502 through 300.503, §§300.505 through 300.515, §300.520, §§300.530 through 536, and §§300.610 through 300.625 relating to:

- Independent educational evaluations;

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- Prior written notice;
- Parental consent;
- Access to education records;
- Opportunity to present and resolve complaints through the due process hearing and state complaint procedures, including;
 - The time period in which to file a complaint;
 - The opportunity for the District to resolve the complaint;
 - The difference between due process hearing and state complaint procedures, jurisdictions, issues that may be raised, timelines, and relevant procedures.
- The availability of mediation;
- The child's placement during the due process hearing;
- Procedures for students subject to placement in an interim alternative educational setting;
- Requirements for unilateral placements by parents of children in private schools at public expense;
- Due process hearings including requirements for disclosure of evaluation results and recommendations;
- Civil actions, including timelines;
- Attorney fees. [34 C.F.R. 300.504]

This notice must meet the same requirements for understandable language as for the written prior notice described in §300.503. [34 C.F.R. 300.504]

The parent of a child with a disability may elect to receive required notices by an electronic mail communication if the District makes that option available. [34 C.F.R. 300.505]

The District will establish procedures to allow parties to disputes, including those matters arising prior to a request for a due process hearing, to resolve disputes through mediation. Procedures will ensure that the mediation process:

- Is voluntary on the part of the parties;
- Is not used to deny or delay a parent's right to a due process hearing or any other right under the IDEA;

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- Is conducted by a qualified and impartial mediator who is trained in effective mediation techniques. [34 C.F.R. 300.506]

The District may establish procedures to offer to parents and schools that choose not to use mediation an opportunity to meet, at a time and location convenient to the parties, with a disinterested party:

- Who is under contract with an appropriate alternative dispute resolution entity, or a parent training and information center, or community parent resource center;
- Who would explain the benefits of, and encourage the mediation process to the parents. [34 C.F.R. 300.506]

A parent or District may file a request for a due process hearing relating to the identification, evaluation or educational placement of a child with a disability. [34 C.F.R. 300.507]

The request for a due process hearing must allege a violation that occurred not more than two (2) years before the date the parent or District knew or should have known about the alleged violation. [34 C.F.R. 300.507]

The District must inform the parent of any free or low cost legal and other relevant services available in the area upon parent request. [34 C.F.R. 300.507]

The District will have procedures that require either party, or the attorney representing a party, to provide to the other party a confidential due process complaint. [34 C.F.R. 300.508]

The party filing the notice for a hearing must forward a copy of the request to the state. [34 C.F.R. 300.508]

The due process hearing complaint must include the following in order for the complaint to be heard:

- The name of the child;
- The residential address of the child;
- The school of attendance;
- A description of the nature of the problem of the child relating to the proposed or refused initiation or change, including facts relating to the problem; and
- A proposed resolution of the problem to the extent known and available to the party at the time. [34 C.F.R. 300.508]

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The due process complaint will be deemed sufficient unless the party receiving the complaint notifies the hearing officer and the other party in writing, within fifteen (15) days of receipt of the complaint, that it believes the complaint does not meet the content requirements. [34 C.F.R. 300.508]

Within five (5) days of receipt of notice, the hearing officer must determine whether the complaint meets the requirements and notify the parties, in writing, of that determination. [34 C.F.R. 300.508]

A party may amend its due process complaint only if:

- The other party consents in writing and is given an opportunity to resolve the complaint through the resolution process; or
- The hearing officer grants permission, but in no case later than five (5) days before the due process hearing begins. [34 C.F.R. 300.508]

If a party files an amended complaint, the relevant timelines begin again. [34 C.F.R. 300.508]

If the District has not sent a prior written notice to the parent regarding the subject matter contained in the due process complaint, it must do so within ten (10) days of receiving the complaint. [34 C.F.R. 300.508]

Within ten (10) days of receiving the complaint, the receiving party will send to the other party a response that specifically addresses the issues raised in the due process complaint. [34 C.F.R. 300.508]

Within fifteen (15) days of receiving the notice of the parent's due process complaint, and prior to the initiation of a due process hearing, the District must convene a meeting with the parent and the relevant members of the IEP team who have specific knowledge of the facts identified in the complaint that:

- Includes a representative of the District who has District decision-making authority;
- May not include an attorney of the District unless the parent is accompanied by an attorney. [34 C.F.R. 300.510]

The purpose of the meeting is for the parent of the child to discuss the due process complaint, and the factual basis of the complaint, so the District has the opportunity to resolve the dispute. [34 C.F.R. 300.510]

The resolution meeting need not be held if:

- The parent and District agree in writing to waive the meeting; or

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- The parent and District agree to use the mediation process. [34 C.F.R. 300.510]

The parent and the District determine the relevant IEP team members to attend the meeting. [34 C.F.R. 300.510]

If the District has not resolved the complaint to the satisfaction of the parent within thirty (30) days of the receipt of the complaint, the due process hearing may occur. The timeline for issuing a final decision begins at the end of this thirty (30) day period. [34 C.F.R. 300.510]

The failure of the parent to participate in the resolution meeting that has not been mutually agreed to be waived, will delay the timelines for the resolution process and due process hearing until the meeting is held. [34 C.F.R. 300.510]

If the District is unable to obtain the participation of the parent after reasonable efforts have been made and documented, the District may, at the conclusion of the thirty (30) day period, request the hearing officer dismiss the parent's due process complaint. [34 C.F.R. 300.510]

If the District fails to hold the resolution meeting within fifteen (15) days of receiving the complaint or fails to participate in the meeting, the parent may request that the hearing officer begin the hearing timeline. [34 C.F.R. 300.510]

The forty-five (45) day timeline for the due process hearing starts the day after:

- Both parties agree in writing to waive the resolution meeting; *or*
- After either the mediation or resolution meeting starts but before the end of the thirty (30) day resolution period, the parties agree in writing that no agreement is possible; *or*
- If both parties agree in writing to continue the mediation at the end of the thirty (30) day resolution period, but later, one (1) party withdraws from the mediation process. [34 C.F.R. 300.510]

If a resolution is reached at the meeting, the parties must execute a legally binding agreement that is:

- Signed by both the parent and District representative who has authority to legally bind the District; and
- Enforceable in any state court of competent jurisdiction or in a district court of the United States. [34 C.F.R. 300.510]

Either party may void the agreement within three (3) business days of the agreement's execution. [34 C.F.R. 300.510]

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The child involved in the due process hearing complaint must remain in his or her current educational placement:

- Unless a discipline appeal has been filed as provided in §300.533;
- During the pendency of any administrative or judicial proceeding regarding a due process complaint notice requesting a due process hearing under §300.507; or
- Unless the District and parents of the child agree otherwise. [34 C.F.R. 300.518]

If the complaint involves an application for initial admission to public school, the child, with the consent of the parents, must be placed in the public school until the completion of all the proceedings. [34 C.F.R. 300.518]

If the complaint involves an application for initial services for a child who has turned three (3) and transitioning from Part C to Part B, the District is not required to provide the Part C services the child had been receiving. If the child is found eligible for special education and related services under Part B, and the parent consents to the initial provision of services under §300.300(b), then the District must provide those services that are not in dispute. [34 C.F.R. 300.518]

If the hearing officer agrees with the child's parents that a change of placement is appropriate, that placement must be treated as an agreement between the state and parent for the purposes of (1)(c) of this section. [34 C.F.R. 300.518]

The District ensures that the rights of a child are protected by assigning an individual to act as a surrogate for the parents when:

- No parent can be identified;
- After reasonable efforts are made, no parent can be located;
- The child is a ward of the state (with no foster parent);
- The child is an unaccompanied homeless youth as defined by the McKinney-Vento Homeless Assistance Act. [34 C.F.R. 300.519]

The District will have a method for determining when a surrogate parent is needed and for making surrogate parent assignments. [34 C.F.R. 300.519]

The District ensures that a person selected as a surrogate parent:

- Is not an employee of the state, the District, or any other agency that is involved in the education or care of the child;
- Has no personal or professional interest that conflicts with the interest of the child the surrogate parent represents; and

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- Has knowledge and skills that ensure adequate representation of the child.
[34 C.F.R. 300.519]

In the case of an unaccompanied homeless youth, appropriate staff of emergency shelters, transitional shelters, independent living programs, and street outreach programs may be appointed as temporary surrogate parents until a surrogate parent can be appointed that meets all the requirements of this section. [34 C.F.R. 300.519]

When a child with a disability reaches age eighteen (18), unless that child has been determined to be incompetent:

- The District will provide any notice required by the IDEA regulations to both the child and the parents; and
- All rights accorded to parents under Part B of the Act transfer to the child.
[34 C.F.R. 300.520]

When the rights are transferred, the District will provide notice to the child and parent of the transfer of rights. [34 C.F.R. 300.520]

ANIMALS IN SCHOOLS

The Superintendent may establish procedures for appropriately and humanely bringing live animals into a classroom. Such procedures shall forbid the transporting of live animals that are not service animals on school buses.

~~Seeing eye and service dogs are permitted on school buses and in classrooms to perform the functions for which they are trained. A dog's laminated identification card may be requested for verification.~~

~~Pets and other animals are not permitted on District property, or in District vehicles, unless the animal is a service animal or is present for an educational purpose by written approval from the Superintendent or school principal.~~

Service animal means any dog or miniature horse that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual or other mental disability. Service animal does not include other species of animals, whether wild or domestic or trained or untrained.

Any person or entity that operates a public place shall not discriminate against individuals with disabilities who use service animals if the work or tasks performed by the service animal are directly related to the individual's disability. Work or tasks include assisting individuals who are blind or have low vision with navigation and other tasks, alerting individuals who are deaf or hard of hearing to the presence of people or sounds, providing nonviolent protection or rescue work, pulling a wheelchair, assisting an individual during a seizure, alerting individuals to the presence of allergens, retrieving items such as medicine or the telephone, providing physical support and assistance with balance and stability to individuals with mobility disabilities and helping individuals with psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behaviors. The crime deterrent effects of an animal's presence and the provision of emotional support, well-being, comfort or companionship do not constitute work or tasks.

Adopted: date of Manual adoption

LEGAL REF.: A.R.S. 11-1024
A.A.C. R17-9-102

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

EXHIBIT**EXHIBIT****IMMUNIZATION OF STUDENTS****20123-20134 ARIZONA SCHOOL
IMMUNIZATION REQUIREMENTS**

Age	Under Age Seven (7)	Seven (7) through ten (10) years	Eleven (11) years and older	Eleven (11) years and older
Grade	Kindergarten (K) and above	Kindergarten (K) through fifth (5th) grades	Sixth (6th) through tenth eleventh (1011)th grades only	Eleventh (11th) and Twelfth (12th) grades
Vaccines				
DTaP / DTP / DT (Diphtheria, tetanus, acellular pertussis)	Four (4) to five (5)* doses. At least one (1) dose at four (4) years of age or older is required. *A sixth (6th) dose is required if five (5) doses have been given before four (4) years of age.	History of four (4) DTaP or a total of three (3) tetanus and diphtheria doses given after twelve (12) months of age.	One (1) Tdap dose is required when five (5) years have passed since their last DTaP, DTP, DT, or Td. Students starting or finishing the first three (3) tetanus and diphtheria doses of their lifetime must receive <u>only</u> one (1) Tdap as part of the three (3) dose series.	Students who have not already received Tdap are required to receive one (1) Tdap dose when ten (10) years have passed since the last DTaP, DTP, DT, or Td. Students starting or finishing the first three (3) tetanus and diphtheria doses of their lifetime must receive one <u>only</u> (1) Tdap as part of the three (3) dose series.
Td				
Tdap		Not required for eleven plus (11+) year olds in these grades		

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Meningococcal		<u>Not required for eleven plus (11+) year olds in these grades</u>	One (1) dose	One (1) dose recommended, but not required for eleventh (11th) and twelfth (12th) graders in the <u>20123-20134</u> school year
Polio	Three (3) to Four (4) doses Three (3) doses meet the requirement if the third (3rd) dose was given at <u>age four (4) years or older.</u> Four (4) doses meet the requirement even if all four (4) doses were given in the first (1st) year of life.			
MMR (Measles, mumps, rubella)	Two (2) doses A third (3rd) dose will be required if dose number one (1) was given before more than four (4) days before the child's 1st birthday.			
Hepatitis B	Three (3) doses A fourth (4th) dose will be required if the third (3rd) dose was given before twenty-four (24) weeks of age.			
Varicella (Chickenpox)	One (1) dose is required if the first (1st) dose was given before thirteen (13) years of age. Two (2) doses are required if the first (1st) dose was given at thirteen (13) years of age or later. Students attending school or preschool in Arizona prior to 9/1/2011 with parental recall of chicken pox disease are allowed to continue attendance with parental recall of disease. Students enrolling in an Arizona preschool or school for the first time after 9/1/11 are required to present proof of varicella immunization or a valid exemption for medical reasons, laboratory evidence of immunity or personal beliefs.			

Exceptions and Additions to the Rules

Parents whose religious beliefs do not allow immunization must sign a *religious exemption* form. A *medical exemption* form must be signed by the child's doctor if there is lab evidence of immunity or a medical reason why the child cannot receive shots. A copy of the lab results must be kept on file to prove the child's immunity.

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1. Students must have proof of all required immunizations, or valid exemption, in order to attend school. Arizona law allows exemptions for medical reasons, lab evidence of immunity and personal beliefs. Exemption forms are available from schools and at www.azdhs.gov/phs/immun/idr forms. Homeless students are allowed a five (5)-day grace period.
2. The immunization record for each vaccine dose must include the date and name of doctor or clinic.
3. The statutes and rules governing school immunization requirements are: Arizona Revised Statutes 15-871 - 874; Arizona Administrative Code, R9-6-701 - 708.

Source: Arizona Immunization Program Office

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MEDICINES / ADMINISTERING MEDICINES TO STUDENTS

Under certain circumstances, when it is necessary for a student to take medicine during school hours, the District will cooperate with the family physician and the parents if the following requirements are met:

- There must be a written order from the physician stating the name of the medicine, the dosage, and the time it is to be given.
- There must be written permission from the parent to allow the school or the student to administer the medicine. Appropriate forms are available from the school office.
- The medicine must come to the school office in the prescription container or, if it is over-the-counter medication, in the original container with all warnings and directions intact.

The Governing Board directs the Superintendent to prescribe and enforce regulations and procedures for the emergency administration of auto-injectable epinephrine by a trained employee of the School District pursuant to section A.R.S. 15-157 and subsequent to the adoption of rules by the State Board of Education on or before January 1, 2014 pertaining to annual training in the administration of auto-injectable epinephrine, recognition of anaphylactic shock symptoms and the procedures to follow when anaphylactic shock occurs and the requirements of A.R.S. 15-203(A)(40).

The Governing Board recognizes that the prescribed annual training is optional during any fiscal year in which sufficient monies are not appropriated by the legislature during that fiscal year to provide for the purchase of two (2) juvenile doses and two (2) adult doses of auto-injectable epinephrine at each public school in this state and if the school does not stock two (2) juvenile doses and two (2) adult doses of auto-injectable epinephrine at the school during that fiscal year.

Exceptions:

- Students who have been diagnosed with anaphylaxis may carry and self-administer emergency medications including auto-injectable epinephrine provided the pupil's name is on the prescription label, on the medication container, or device and annual written documentation from the pupil's parent or guardian is provided that authorizes possession and self-administration. The student shall notify the school office secretary as soon as practicable following the use of the medication;

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- For breathing disorders, handheld inhaler devices may be carried for self administration provided the pupil's name is on the prescription label, on the medication container, or on the handheld inhaler device and annual written documentation from the pupil's parent or guardian is provided that authorizes possession and self-administration.
- Students with diabetes who have a diabetes medical management plan provided by the student's parent or guardian, signed by a licensed health professional or nurse practitioner as specified by A.R.S. 15-344.01, may carry appropriate medications and monitoring equipment and self-administer the medication.

District employees may volunteer to be a student's diabetes care assistant, subject to approval by the student's parent or guardian, in an emergency situation as described in 15-344.01. The Superintendent may develop regulations for implementing this provision.

The District reserves the right, in accordance with procedures established by the Superintendent, to circumscribe or disallow the use or administration of any medication on school premises if the threat of abuse or misuse of the medicine may pose a risk of harm to a member or members of the student population.

This policy and any related policies or amendments to such policies shall be forwarded to the District liability insurance carrier for review.

Adopted: date of Manual adoption

LEGAL REF.: A.R.S. 15-341
 15-344
 15-344.01
 32-1601
 32-1901

CROSS REF.: ~~EBC RC Emergencies (First Aid)~~

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REGULATION**REGULATION****MEDICINES / ADMINISTERING
MEDICINES TO STUDENTS****(Medication Procedures)****Prescription Drugs**

For occasions when it is necessary for a student to receive a prescription drug during the school day, the following procedure has been established to ensure the protection of the school and the student and to assure compliance with existing rules and regulations:

Administration by school personnel:

- The medication must be prescribed by a physician.
- The parent or guardian must provide written permission to administer the medicine to the student. Appropriate forms are available from the school office.
- The medication must come to the school office in the prescription container as put up by the pharmacist. Written directions from the physician or pharmacist must state the name of the patient, the name of the medicine, the dosage, and the time it is to be given.
- An administrator may designate a school employee to administer the medication.
- Any medication administration services specified in the child's diabetes medical management plan shall be provided.
- Two (2) or more school employees, subject to final approval by the student's parent or guardian, may volunteer to serve as diabetes care assistants ~~in an emergency as follows:~~ Voluntary diabetes care assistants are allowed to administer insulin, assist the pupil with self-administration of insulin, administer glucagon in an emergency situation to a pupil or perform any combination of these actions if all of the following conditions exist:
 - A school nurse or another health professional who is licensed pursuant to statute or a nurse practitioner who is licensed pursuant to statute is not immediately available to attend to the pupil at the time of the emergency.

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- If the voluntary diabetes care assistant is authorized to administer glucagon, the parent or guardian must provide to the school an unexpired glucagon kit prescribed for the student by an appropriately licensed health care professional or nurse practitioner.
- The volunteer diabetes care assistant has provided to the school a written statement signed by an appropriately licensed health professional that the voluntary diabetes care assistant has received proper training in the administration of glucagon, including the training specified in A.R.S. 15-344.01.
- If the voluntary diabetes care assistant is authorized to administer insulin, the parent or guardian of the pupil has provided insulin and all equipment and supplies that are necessary for insulin administration by voluntary diabetes care assistants.
- The training provided by an appropriately licensed health professional must include all of the following:
 - ▲ An overview of all types of diabetes.
 - ▲ The symptoms and treatment of hyperglycemia and hypoglycemia.
 - ▲ Techniques for determining the proper dose of insulin in a specific situation based on instructions provided in the orders submitted by the pupil's physician.
 - ▲ Techniques for recognizing the symptoms that require the administration of glucagon.
 - ▲ Techniques on administering glucagon.
- A District employee shall not be subject to any penalty or disciplinary action for refusing to serve as a voluntary diabetes care assistant.
- The District, employees of the District, and properly licensed volunteer health professionals and nurse practitioners are immune from civil liability for the consequences of the good faith adoption and implementation of policies and procedures pursuant to District policy and this regulation.
- Each administration of prescription drugs must be documented, making a record of the student having received the medication.
- Drugs must be kept in their original containers in a locked medicine cabinet.

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Self-administration:

- When the physician feels it is necessary for the student to carry and self-administer the medication, the physician shall provide written recommendations, to be attached to the signed parent permission form except in the case of medication for diagnosed anaphylaxis and breathing disorders requiring handheld inhaler devices. In these cases the student's name on the prescription label is sufficient for the physician's recommendation.
- The student's diabetes medical management plan provided by the parent or guardian shall be signed by the appropriately licensed health professional or nurse practitioner and shall state that the student is capable of self-monitoring blood glucose and shall list the medications, monitoring equipment, and nutritional needs that are medically appropriate for the pupil to self-administer and that have been prescribed or authorized for that student. The student must be able to practice proper safety precautions for the handling and disposal of the equipment and medications that the student is authorized to use under these provisions. The pupil's diabetes medical management plan shall specify a method to dispose of equipment and medications in a manner agreed on by the parent or guardian and the school.
- The parent or guardian must provide written permission for the student to self-administer and carry the medication. Appropriate forms are available from the school office.
- The medication must come in the prescription container as put up by the pharmacist.

Over-the-Counter Medication

When it is necessary for a student to receive a medicine that does not require a prescription order but is sold, offered, promoted, and advertised to the general public, the following procedure has been established to ensure the protection of the school and the student:

Administration by school personnel:

- Written permission must be provided by the parent or guardian for the administration of specific over-the-counter drugs.
- Any over-the-counter drug or medicine sent by the parent to be administered to a student must come to the school office in the original manufacturer's packaging with all directions, dosages, compound contents, and proportions clearly marked.
- An administrator may designate a school employee to administer a specific over-the-counter drug.

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- Each instance of administration of an over-the-counter drug must be documented in the daily log.
- Over-the-counter drugs must be kept in their original containers in a locked medicine cabinet.

Self-administration:

- Written permission must be provided by the parent or guardian for the administration of specific over-the-counter drugs by the student.
- Over-the-counter drugs or medicine sent by the parent to be administered by the student must be kept by the student in the original manufacturer's packaging, with all directions, dosages, compound contents, and proportions clearly marked.
- *Necessity* for self-administration of an over-the-counter drug or medicine shall be determined by the student's physician and must be verified by a signed physician's statement attached to the parent or guardian permission form, indicating the specific drug or medicine.

Protection of Students

Use or administration of medication on school premises may be disallowed or strictly limited if it is determined by the Superintendent, in consultation with medical personnel, that a threat of abuse or misuse of the medicine may pose a risk of harm to a member of the student population.

The student shall take extraordinary precautions to keep secure any medication or drug, and under no circumstances shall make available, provide, or give the item to another person. The student shall immediately report the loss or theft of any medication brought onto school campus. Violation of this regulation may subject the student to disciplinary action.

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REPORTING CHILD ABUSE / CHILD PROTECTION

Any school personnel or any other person who has responsibility for the care or treatment of a minor and who reasonably believes that a minor is or has been the victim of physical injury, abuse, child abuse, a reportable offense or neglect that appears to have been inflicted upon the minor by other than accidental means or that is not explained by the available medical history as being accidental in nature or who reasonably believes there has been a denial or deprivation of necessary medical treatment or surgical care or nourishment with the intent to cause or allow the death of an infant who is protected under A.R.S. 36-2281 shall immediately report or cause reports to be made of such information to a peace officer or to the Child Protective Services (CPS) of the Department of Economic Security, except if the report concerns a person who does not have care, custody, or control of the minor, the report shall be made to a peace officer only. Such reports shall be made immediately by telephone or in person and shall be followed by a written report within seventy-two (72) hours. Pursuant to A.R.S. 13-3620, such reports shall contain:

- The names and addresses of the minor, the parents, or the person or persons having custody of such minor, if known.
- The minor's age and the nature and extent of the minor's abuse, child abuse, or physical injuries or neglect, including any evidence of previous abuse, child abuse, physical injury or neglect.
- Any other information that such person believes might be helpful in establishing the cause of the abuse, child abuse, physical injury or neglect.

A person who furnishes a report, information, or records required or authorized under Arizona Revised Statutes or a person who participates in a judicial or administrative proceeding or investigation resulting from a report, information or records required or authorized under Arizona Revised Statutes is immune from any civil or criminal liability by reason of that action unless such person has acted with malice or unless such person has been charged with or is suspected of abusing or neglecting the child or children in question.

A report is not required under A.R.S. 13-3620 for conduct prescribed by A.R.S. 13-1404 and 13-1405 if the conduct involves only minors who are fourteen (14), fifteen (15), sixteen (16) or seventeen (17) years of age and there is nothing to indicate that the conduct is other than consensual.

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A report is not required if a minor is of elementary school age, the physical injury occurs accidentally in the course of typical playground activity during a school day, occurs on the premises of the school that the minor attends and is reported to the legal parent or guardian of the minor and the school maintains a written record of the incident. The school will maintain a written record of the physical injury as part of the student's health file as required by Arizona State Library, Archives and Public Records (ASLAPR).

A person who fails to report abuse as provided in A.R.S. 13-3620 is guilty of a class 1 misdemeanor, except if the failure to report involves a reportable offense, the person is guilty of a class 6 felony.

Any certificated person or Governing Board member who reasonably suspects or receives a reasonable allegation that a person certificated by the Department of Education has engaged in conduct involving minors that would be subject to the reporting requirements of A.R.S. 13-3620 shall report or cause reports to be made to the Department of Education in writing as soon as is reasonably practicable but not later than three (3) business days after the person first suspects or receives an allegation of the conduct.

Any school employee who has orally reported to CPS or a peace officer a reasonable belief of an offense to a minor must provide written notification to the principal of the oral report not later than the next workday following the making of the report.

Adopted: date of Manual adoption

LEGAL REF.: A.R.S. 8-201	13-3553
13-1404 <i>et seq.</i>	13-3608
13-1410	13-3619
13-3019	13-3620
13-3212	13-3623
13-3506	15-514
13-3506.01	46-451
13-3552	46-454

CROSS REF.: GBEB - Staff Conduct
GBEBB - Staff Conduct With Students
JKA - Corporal Punishment

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

REGULATION**REGULATION****REPORTING CHILD ABUSE /
CHILD PROTECTION**

Abuse means the infliction or allowing of physical injury, impairment of bodily function, or disfigurement, or the infliction of or allowing another person to cause serious emotional damage as evidenced by severe anxiety, depression, withdrawal, or untoward aggressive behavior, and which emotional damage is diagnosed by a medical doctor or psychologist pursuant to A.R.S. 8-821, and which is caused by the acts or omissions of an individual having care, custody, and control of a child. *Abuse* shall include inflicting or allowing sexual abuse pursuant to A.R.S. 13-1404, sexual conduct with a minor pursuant to A.R.S. 13-1405, sexual assault pursuant to A.R.S. 13-1406, molestation of a child pursuant to A.R.S. 13-1410, commercial sexual exploitation of a minor pursuant to A.R.S. 13-3552, sexual exploitation of a minor pursuant to A.R.S. 13-3553, incest pursuant to A.R.S. 13-3608, or child prostitution pursuant to A.R.S. 13-3212.

Child, youth, or juvenile means an individual who is under the age of eighteen (18) years.

Abuses classified by statute as "reportable offenses" are:

- Indecent exposure [A.R.S. 13-1402]
- Public sexual indecency to a minor [A.R.S. 13-1403]
- Sexual abuse [A.R.S. 13-1404]
- Sexual conduct with a minor [A.R.S. 13-1405]
- Sexual assault [A.R.S. 13-1406]
- Molestation of a child [A.R.S. 13-1410]
- Furnishing items that are harmful to a minor via the Internet [A.R.S. 13-3506.01]
- Surreptitious photographing, videotaping, filming, or digitally recording or viewing of a minor [A.R.S. 13-3019]
- Incest [A.R.S. 13-3608]
- Child prostitution [A.R.S. 13-3212]
- Commercial sexual exploitation of a minor [A.R.S. 13-3552]
- Sexual exploitation of a minor (concerning visual depiction of a minor engaged in exploitive exhibition or other sexual conduct) [A.R.S. 13-3553]
- Luring a minor for sexual exploitation [A.R.S. 13-3554]
- Admitting a minor to public displays of sexual conduct [A.R.S. 13-3558]

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PUBLIC SOLICITATIONS IN SCHOOLS

A school employee's position in the District shall not be used to influence parents or students to purchase books or other merchandise, except for materials approved by the Superintendent for use in the classroom.

Solicitation of employees and/or students by any profit, nonprofit, or charitable groups, institutions, or organizations must have the approval of the Superintendent in advance.

Districts shall not use an automated system that plays recorded messages or sends text messages to solicit persons to purchase goods or services or requests survey information if the results are to be used directly for the purpose of soliciting persons to purchase goods or services unless the message was sent with prior express invitation or permission by the recipient or the recipient has an existing business relationship with the sender.

The District shall strive to safeguard the students and their parents from money-raising plans of outside organizations, commercial enterprises, and individuals. This policy shall apply particularly to ticket sales and sales of articles or services except those directly sponsored by school authorities or school organizations.

Adopted: date of Manual adoption

LEGAL REF.: A.R.S. 13-2919

SMOKING BY STAFF MEMBERS

The possession or use of tobacco products, tobacco substitutes, electronic cigarettes, other chemical inhalation devices, or vapor products is prohibited in the following locations:

- School grounds.
- School buildings.
- School parking lots.
- School playing fields.
- School buses and other District vehicles.
- Off-campus school-sponsored events.

Under the provisions of A.R.S. 36-798.03, a person who violates the prohibition is guilty of committing a petty offense.

The prohibitions do not apply to an adult when possession or use of the tobacco products are for demonstration purposes as a necessary instructional component of a tobacco prevention or cessation program that is:

- Approved by the school.
- Established in accord with Arizona Revised Statute 15-712.

Adopted: date of Manual adoption

LEGAL REF.: A.R.S. 13-3622
15-341
15-712
36-798.03
20 U.S.C. 6083

CROSS REF.: JICG - Tobacco Use by Students
KFAA - Smoking on School Premises at Public Functions

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TOBACCO USE BY STUDENTS

The possession or use of tobacco products, tobacco substitutes, electronic cigarettes, other chemical inhalation devices, or vapor products is prohibited in the following locations:

- School grounds.
- School buildings.
- School parking lots.
- School playing fields.
- School buses and other District vehicles.
- Off-campus school-sponsored events.

The Superintendent may establish procedures necessary to implement this policy. Disciplinary penalties for the possession or use of tobacco or similar products (including any inhaled tobacco substitute) may include, but are not limited to, suspension of the student from school or a recommendation for expulsion when there is evidence of repeated and continuous violation of this policy.

Under the provisions of A.R.S. 36-798.03, a person who violates the prohibition is guilty of committing a petty offense.

Adopted: date of Manual adoption

LEGAL REF.: A.R.S. 13-3622
15-341
36-798.03
20 U.S.C. 6083

CROSS REF.: GBED - Smoking by Staff Members
KFAA - Smoking on School Premises at Public Functions

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

SMOKING ON SCHOOL PREMISES AT PUBLIC FUNCTIONS

The possession or use of tobacco products, tobacco substitutes, electronic cigarettes, other chemical inhalation devices, or vapor products is prohibited in the following locations:

- School grounds.
- School buildings.
- School parking lots.
- School playing fields.
- School buses and other District vehicles.
- Off-campus school-sponsored events.

Under the provisions of A.R.S. 36-798.03, a person who violates the prohibition is guilty of committing a petty offense.

The prohibitions do not apply to an adult when possession or use of the tobacco products are for demonstration purposes as a necessary instructional component of a tobacco prevention or cessation program that is:

- Approved by the school.
- Established in accord with Arizona Revised Statute 15-712.

No person shall smoke marijuana in any public place.

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LEGAL REF.: A.R.S. 13-3622
15-341
15-712
36-798.03
36-2802
20 U.S.C. 6083
20 U.S.C. 7181
20 U.S.C. 7183

CROSS REF.: GBED - Smoking by Staff Members
JICG - Tobacco Use by Students
KFA - Public Conduct on School Property

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