



**GOVERNING BOARD AGENDA ITEM
AMPHITHEATER UNIFIED SCHOOL DISTRICT NO. 10**

DATE OF MEETING: September 13, 2022

TITLE: **Study of Governing Board Policy Documents:**
Policy DIA (Accounting System)
Policy EE (Transportation Services)
Policy EEAEA (Bus Driver Requirements, Training, and Responsibilities)
Policy GBGCB (Staff Health and Safety)
Policy IHA (Basic Instructional Program)
Policy IHAMB (Family Life Education)
Policy IJL (Library Materials Selection and Adoption)
Policy IJNC (Resource Centers/Media Centers/School Libraries) and IJNC-E
Policy IKF (Graduation Requirements)
Policy IMB (Teaching about Controversial/Sensitive Issues)
Policy IMD (School Ceremonies and Observances)
Policy JF (Student Admissions)
Policy JICFA (Hazing)
Policy JJIB (Interscholastic Sports)
Policy JLCB (Immunizations of Students)
Policy JLCC (Communicable Infectious Diseases)
Policy JLDA (School Counselors and Psychologists)
Policy JLDAB (Referrals to Other Agencies) (*NEW*)
Policy JRR (Student Surveys)
Policy KB (Parental Involvement in Education) and KB-EB
Policy KI (Visitors to School)

BACKGROUND:

Arizona Governor Ducey signed multiple new laws from the FY22 Legislative Session that affect schools. These laws become effective on September 24, 2022. They were reviewed during Board meetings in May, June and July 2022 as part of the periodic legislative updates.

Multiple school district policies should now be reviewed for compliance with these new laws. This agenda item is provided to permit the Governing Board to review proposed revisions to policy recommended to address the changes in law that will become effective later this month.

The reason for each proposed change to policy is outlined in detail below. In addition, the proposed language change to each policy can be reviewed in the attached draft policy documents with recommended additions set forth in **blue** and recommended deletions are set forth in **red strikethrough**.

Policy DIA (Accounting Responsibility)

HB2179 amended A.R.S. § 15-914.01 which applies to school districts seeking that the State Board of Education (SBE) assume accounting responsibility for their district. The law now requires that the school district file their application with the county school superintendent as well as SBE. The Board's current Policy DIA authorizes administration to apply for the option to seek SBE to assume its accounting responsibility, but administration continues to maintain its own Finance Department instead as permitted by Arizona law. This change to Policy DIA would now require administration to apply for to the Pima County School Superintendent (PCSS) and SBE

if administration pursues having SBE assume accounting responsibilities for the District, as well as apply to the PCSS before January 1 of the fiscal year preceding the fiscal year of implementation to conform with the law.

Policy EE (Transportation Services)

Codified as A.R.S. § 15-923, the changes authorized by the adoption of SB1246 enable school districts to contract for vehicles and other transportation services, including electric vehicles, and to select preapproved contract carriers or private parties to obtain electric school buses, or other electric vehicle services, if the contract carrier or private party is approved by the school bus advisory council established under A.R.S. § 28-3053.

In addition, SB1630 expanded the type of vehicle permissible to transport school children to vehicles described in A.R.S. § 15-925. This expands the Board's authority to utilize non-school bus vehicles. Allowable vehicles are now included in Policy EE.

Policy EEAEA (Bus Driver Requirements, Training, and Responsibilities)

The changes authorized by SB1630 similarly expand the rules regarding transportation drivers and insurance. The proposed revisions to Policy EEAEA require drivers of non-bus vehicles, as defined in A.R.S. §15-925, to be licensed for that type of vehicle. In addition, it permits the District to purchase insurance for those vehicles if necessary. It also requires drivers to have a fingerprint clearance card and DPS certificate to drive school children consistent with the state statute.

Policy GBGCB (Staff Health and Safety)

HB2498 prevents a school district from requiring a resident of this state to receive a vaccination for COVID-19 or any variant of COVID-19. House Bill 2453 prohibits a school district from imposing a mask or face covering requirement anywhere on district premises, except where long-standing workplace safety and infection control measures that are unrelated to COVID-19 may be required. Policy GBGCB is amended to reflect these rules.

Policy IHA (Basic Instructional Program)

HB2325 established 9/11 Education Day and requires that schools dedicate some portion of September 11, or an adjoining non-weekend day, to teaching, in an age-appropriate fashion, about the terrorist attacks of September 11, 2001. This legal requirement has been added to policy IHA. Resources for age-appropriate education will be developed by the Arizona Department of Education before September 11, 2023, which will be the first 9/11 Education Day after HB 2325 becomes effective.

Policy IHAMB (Family Life Education)

HB2495 prohibits school districts and charter schools from referring students to or using any sexually explicit material in any manner, except as part of sex education instruction as permitted by A.R.S. § 15-711. Materials may be exempted from this rule if the materials meet certain statutory definitions such as having serious educational value. The proposed revisions to Policy IHAMB update the policy to prohibit the referral to sexually explicit materials unless part of a Governing Board approved sex education program or as exempted by statute.

Policy IJL (Library Materials Selection and Adoption)

HB2439 instructs school districts and charter school governing boards to adopt procedures that provide parents access to a school's library collection and a list of books and materials their child borrows. This required list is included in IJNC, the policy that applies to libraries, and Policy IJL is updated to address selection and adoption of materials. HB2439 does not become effective until January 1, 2023, but the proposed changes are recommended now so that District personnel have time to prepare for and implement the procedures required by the new law. Consistent with the HB2439, the proposed changes will require that books and materials purchased after January 1, 2023 undergo a public review period and that administration notify parents at least seven (7) days before the public review period begins and ends. The law also requires the Superintendent to place new

books and materials on the websites for a minimum of sixty (60) days. This does not apply to replace lost or damaged books or materials.

Policy IJNC (Resource Centers/Media Centers/School Libraries)

HB2439 instructs school districts and charter school governing boards to adopt procedures that provide parents access to a school's library collection and a list of books and materials their child borrows. This is not required by law until January 1, 2023, but as explained above, the proposed changes are introduced now to permit administration time to implement the new requirements of the law to be ready when it becomes effective January 1, 2023.

Policy IKF (Graduation Requirements)

HB2632 increases the number of questions a student must correctly answer on the required civics test identical to the civics portion of the naturalization test to 70, from 60, beginning with the graduating class of 2026. Schools must document the test as pass or fail on the pupil's transcript. Changes also permit a 7th or 8th grade pupil to take the test, and it requires school districts and charter schools to report the factors in A.R.S. § 15-701.01(L) to the Department of Education. Policy IKF is updated to reflect these changes.

Policy IMB (Teaching About Controversial/Sensitive Issues)

HB2161's private cause of action enables parents to sue "governmental entities" for usurping the fundamental right of parents to direct the upbringing, education, health care and mental health of their children. Policy IMB, is amended to reflect that teachers have a great responsibility to educate students, but that parents ultimately direct the upbringing, education, health care and mental health of their children.

Policy IMD (School Ceremonies and Observances)

School districts and charter schools must now set aside 1 to 2 minutes at the beginning of each day for silence. Teachers may not tell the children what to meditate on. Teachers must encourage parents to discuss with their children how to use the moment of silence.

Policy JF (Student Admissions)

SB1361 modifies eligibility, application and reporting requirements for a certificate of educational convenience. A certificate of educational convenience is a pupil's ability to apply to attend a district outside of their home district if they are precluded from attending the home district because of distance, lack of adequate transportation facilities or a parent's or guardian's employment. The bill requires school districts that receive an application to attend pursuant to A.R.S. § 15-825 to submit the completed application to the county school superintendent. Policy JF was amended to add this language because it is mandatory for the district if an application is received.

Policy JICFA (Hazing)

HB2322 criminalized hazing. Effective September 24, 2022, hazing is a class 1 misdemeanor unless the victim dies and then it is a class 4 felony. Policy JICFA has been redefined to conform to the definition in the new statute.

Policy JJIB (Interscholastic Sports)

SB1165 requires school districts to designate their interscholastic or intramural sports based on the biological sex of the students who participate on the team or in the sport. The permissible categories are the following: (i) males, men or boys; (ii) females, women or girls; or, (iii) coed or mixed. The law outlines that a student that is harmed by the school's knowing violation of A.R.S. § 15-120.02 may bring a private cause of action for injunctive relief, damages, or any other relief available under law. Policy JJIB is amended to conform to statute.

Policy JLCB (Immunization of Students)

HB2086 states that immunization for COVID-19 or any variant of COVID-19 is not required for school attendance. The law goes on to state that an immunization must be prescribed by rule adopted pursuant to A.R.S. § 36-672(A) before it may be required for school attendance. Moreover, HB2371 states that no governmental entity may require a person under 18 years of age to receive a COVID-19 vaccine or any variant of COVID-19 without parental or guardian consent. The recommended changes to Policy JLCB address these new laws.

Policy JLCC (Communicable Infectious Diseases)

HB2616 states that school districts and charter schools may not require a minor to wear a mask or face covering without parental or guardian consent. Policy JLCC is amended to reflect this change.

Policy JLDA (School Counselors and Psychologists)

HB2178 excludes a school psychologist who is certified by ADE to use that title and who is either employed by or contracted to provide services in an educational institution setting that services pupils in prekindergarten or kindergarten programs or the 1st-12th grades from licensure requirements prescribed by the Board of Psychologist Examiners if the services are a part of that person's contract with the educational institution setting. Policy JLDA is updated to reflect this change.

Policy JLDAB (Referrals to Other Agencies)

In 2020, the Arizona legislature passed “Jake’s Law” which created a fund that provides uninsured and underinsured children access to behavioral health services when they are referred through an educational institution—otherwise known as “school-based referrals.” This law gives school districts the option to adopt a policy to permit school-based referrals for uninsured and underinsured children. If school districts elect to pursue this option, the school district must have a policy that includes: (1) an opt-in process for parents; (2) a survey to parents whose children utilize school-based referrals; (3) a list of service providers published on the district website; and (4) an annual report to the Arizona Health Care Cost Containment System (AHCCCS). Administration is presenting this policy solely to permit the Governing Board an option to discuss whether or not to offer such school-based referrals. This policy is not required by law and does not need to be approved or adopted by the Governing Board at this time.

Policy JRR (Student Surveys)

HB2161 amended A.R.S. §15-117 which governs school administration of student surveys relating to the categories defined in § 15-117(A). As a result, schools must now provide parents a copy of any survey that meets the requirements of § 15-117(A) and obtain informed consent from the parent at least seven (7) days before administering the survey. The previous statute limited this requirement to surveys that would be retained for longer than a year and listed that consent could be obtained at the beginning of the school year.

Policy KI (Visitors to Schools)

HB2025 requires school district governing boards to develop and adopt policies to allow for visits, tours and observations of the schools in the school district. The requirement pertains to parents of enrolled students and to parents of students that may enroll in the school district. Visits, tours and observations that threaten the health and safety of pupils and staff are not required. In the Amphitheater District, this practice existed in Policy KI before HB2025 came into being. However, revisions to Policy KI are still needed to conform to the changes in HB2025. In addition, the proposed revisions address the changes required by HB2453 that preclude schools from requiring individuals to wear a mask or face covering when on school property (unless under a long-standing safety rule not related to COVID-19).

Policy KB (Parental Involvement in Education Regulation)


HB2161 amended A.R.S. § 15-102 to require school districts to create procedures enabling parents to request access to school district and employee electronic records that relate to their child. Policy KB is revised to include this requirement. Also, HB2161 amended the Parent’s Bill of Rights, A.R.S. § 1-602, and the changes to that law are included verbatim in Exhibit KB-EB, which administration recommends the Governing Board approve in unison with the recommended revisions to Policy KB.

Moreover, HB2161 created a parent’s cause of action that enables parents to bring a lawsuit and seek damages and other remedies if the parent’s rights are violated. Policy KB is amended to reflect the required policy addition requiring schools to provide access to parents to the school’s library collection of available books and materials and parents may receive a list of books and materials borrowed from the library by their children.

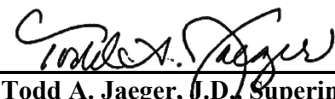
RECOMMENDATION:

This item is presented for the Board’s study at this time. The Board may direct further revisions as it feels are appropriate. Administration recommends these changes be reviewed by the Governing Board at this meeting and considered for approval at the September 27, 2022 Board meeting.

INITIATED BY:


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

Date: September 6, 2022


Todd A. Jaeger, J.D., Superintendent