



GOVERNING BOARD AGENDA ITEM AMPHITHEATER UNIFIED SCHOOL DISTRICT NO. 10

DATE OF MEETING: August 12, 2014

TITLE: Study of Proposed Revisions to Governing Board Policies BCB (Board Member Conflict of Interest), BE (School Board Meetings); Study of Proposed Exhibits to Governing Board Policy JLF (Reporting Child Abuse/Child Protection)

BACKGROUND:

The periodic revision of state and federal law often necessitates the corresponding revision of Governing Board policies. This item is presented to permit the Board to review proposed revisions to the following Policies:

Policy BCB (Board Member Conflict of Interest). State law prohibits Board Members from supplying school districts with equipment, material, supplies or services unless pursuant to an award or contract let after public competitive bidding. An exception exists for equipment, material, and supplies under certain dollar amounts. Policy BCB is revised to clarify that the exception for Board Member purchases applies only to equipment, materials, and supplies, and NOT services.

Policy BE (School Board Meetings). Arizona Revised Statute 15-321(D) states, “The board shall prescribe rules for its own government. It shall hold a regular meeting at least once each month during the regular school year and may hold other meetings as often as called. If action has been taken and documents approved at a meeting, they may be signed subsequently by individual board members.” ASBA Policy Services recommends that an adjustment to meet the minimum standards stated in A.R.S. 15-321(D) is appropriate: Governing Boards “may hold other meetings as often as called.” Thus, as our Governing Board schedules regular meetings on a more frequent basis than the minimum of once each month, Policy BE has been revised to reflect this schedule.

Policy Exhibits JLF-EB; JLF-EC; JLF-ED (Reporting Child Abuse/Child Protection). Arizona law permitting CPS access to student records was much narrower in scope than many staff both among school districts and CPS understood – essentially limiting accessible records to those of a medical nature. Recent changes to Arizona’s law has expanded the authority of CPS personnel to obtain educational records, as we broadly understand that term.

The new Department of Child Safety (DCS) (which may continue to operate using the name Child Protective Services for some time to come) has developed new forms that verify their need for access to students and/or their records. These new forms (attached as Policy Exhibits JLF-EB, JLF-EC and JLF-ED) comply with the changes to Arizona and federal law and with DES policy.

(Policy Exhibit JLF-E, which is an unchanged exhibit, now becomes **JLF-EA**.)

JLF-EB is a copy of a letter to be provided by a Child Protective Services Specialist to interview a child at school (Request for Interview at School, CPS-1047A.) Several provisions related to the specialist’s authorization are included for school staff to review, including statutory and rule provisions related to an interview without notice to or consent of the parent, guardian or custodian; limitations on those who may attend the interview and confidentiality; and potential temporary custody determination to protect the

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child(ren) from abuse or neglect. If it is determined that temporary custody is necessary, the specialist will provide a Notice of Removal (PS-058) and a Temporary Custody Notice (CPS-1000A) in accordance with A.R.S. Section 8-823.

Confidentiality is referenced in CPS-1047A (JLF-EB) in this statement: “under state and federal law, any information you have or may obtain during this investigation is confidential, including this form and the fact that the above-named child(ren) have been contacted regarding allegations of abuse or neglect. Do not disseminate this information to any person unless specifically authorized by applicable law or court order.”

JLF-EC and **JLF-ED** are forms generated by the Department of Economic Security (DES), Division of Children, Youth, and Families, Child Protective Services (CPS), for CPS Specialists employed by DES as case workers/investigators for Child Protective Services to obtain access to education records. CPS is mandated by law to investigate allegations of child abuse and neglect.

JLF-EC is a Request for Release of Education Records (Use only for CPS Investigations, CPS-1048A), A.R.S. Sections 8-800 and 8-802. This form references Title 34 of the Code of Federal Regulations (C.F.R.) Section 99.31(a)(10) which provides that a school may disclose personally identifiable information from an education record of a student without the consent of the parent, guardian or custodian if “(t)he disclosure is in connection with a health or safety emergency, under the conditions described in Section 99.36.” Further, “34 C.F.R. Section 99.36(a) provides that an educational agency or institution may disclose personally identifiable information from an education record to appropriate parties in connection with an emergency if knowledge of the information is necessary to protect the health or safety of the student or other individuals.”

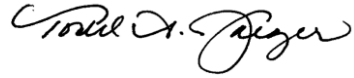
Confidentiality is emphasized in CPS-1048A (JLF-EC): “under state and federal law, any information you have or may obtain during this investigation of allegations of abuse and neglect, including the fact that the above-named children may have been contacted or that this Request for Education Records is being made is confidential. Do not inform anyone of this request or otherwise disseminate confidential information regarding this matter to any person, including the parent, guardian or custodian, unless specifically authorized by applicable law or court order.”

JLF-ED is a Request for Release of Education Records (Child/Youth is a ward of the Court in the legal care, custody and control of the Arizona Department of Economic Security, CPS-1061A). This form is a more comprehensive request from a Child Protective Services (CPS) Specialist or a Unit Supervisor employed by DES and an assigned CPS representative for the named child(ren) whom DES is legally responsible to care for and protect under Title 8 of A.R.S, including Sections 8-806 and 8-825. The use of this form was authorized by the Uninterrupted Scholars Act, an amendment to the Family Educational Rights and Privacy Act (FERPA). It is codified at 20 USC Section 12332g(b)(1)(L).

The confidentiality emphasis in CPS-1061A (JLF-ED) is as follows: “under state and federal law, any information you have or may obtain from CPS, including the fact that the above-named children may have been contacted or that this Request for Education Records is being made is confidential. Do not inform anyone without a need to know of this request or otherwise disseminate confidential information regarding this matter to any person, including the parent, guardian or custodian, unless specifically authorized by applicable law or court order.”

RECOMMENDATION:

This item is presented for the Board's study at this time. The proposed policies and exhibits will be brought back at a later date for the Board's approval.

INITIATED BY:

Todd A. Jaeger, Associate to the Superintendent

Date: August 6, 2014



Patrick Nelson, Superintendent