

POLICY SERVICES ADVISORIES

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CONTENTS

Policy Advisory No. 341	BBBB – Board Member Oath of Office
Policy Advisory No. 342	BIE – Board Member Insurance/Liability
Policy Advisory No. 343	CBA – Qualifications and Duties of the Superintendent
Policy Advisory No. 344	CBI – Evaluation of the Superintendent
Policy Advisory No. 345	DBF – Budget Hearings and Review/Adoption Process
Policy Advisory No. 346	DBJ – Budget Transfers
Policy Advisory No. 347	DFE – Income from School Sales and Services
Policy Advisory No. 348	DIA – Accounting System
Policy Advisory No. 349	DIE-R – Audits/Financial Monitoring
Policy Advisory No. 350	DJE-R – Bidding/Purchasing Procedures
Policy Advisory No. 351	GCB – Professional Staff Compensation and Contracts
Policy Advisory No. 352	GCBA – Professional Staff Salary Schedules
Policy Advisory No. 353	GCCE – Professional/Support Staff Conferences/Visitations/Workshops
Policy Advisory No. 354	GCF – Professional Staff Hiring

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Policy Advisory No. 355 GCMF – Professional Staff Duties
and Responsibilities

Policy Advisory No. 356 GCO – Evaluation of Professional
Staff Members
GCO-RA – Evaluation of Professional
Staff Members

Policy Advisory No. 357 GCQA – Professional Staff Reduction in Force

Policy Advisory No. 358 GCQF – Discipline, Suspension, and Dismissal
of Professional Staff Members

Policy Advisory No. 359 IKFA – Early Graduation

Policy Advisory No. 360 JEB – Entrance Age Requirements

Policy Advisory No. 361 JII – Student Concerns, Complaints
and Grievances
..... JII-R – Student Concerns, Complaints
and Grievances
..... JII-EB – Student Concerns, Complaints
and Grievances

Policy Advisory No. 362 JK – Student Discipline

Policy Advisory No. 363 JKE – Expulsion of Students

Policy Advisory No. 364 JLCD – Medicines/Administering
Medicines to Students
..... JLCD-R – Medicines/Administering
Medicines to Students

Policy Advisory No. 365 KHB – Advertising in Schools

Preface

At Policy Services our mission must continue to be, to the best of our ability, the development of recommended policies, regulations, and exhibits that provide models for equipping every school system client with accurate templates and consultation founded on the literal language as written in the laws and rules. For us to do otherwise will critically diminish our credibility and your trust in the work we perform for benefit of our Policy Services subscribers.

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We have heard the frustrations expressed by persons who have contacted Policy Services team members and other Association personnel to inquire about, challenge, cheer, and curse respective legislative measures. Our personal feelings about specific alterations to the state's laws and rules can also range from applause to disdain, but we have to displace personal inclinations with objective analysis and careful attention to present the laws and rules as they are written, not as we might prefer them to have been enacted. Even a disconnect between an item in the ASBA legislative agenda and enactment of a law contrary to the desired outcome cannot detract from the duty of Policy Services to precisely present a law or rule as established.

ASBA Policy Services is fully aware of the anxiety and distress that likely will be generated by some of the information presented within this set of Advisories. At times our responses have to include the plea, "Please don't shoot the messengers."

Policy Advisory Discussion

The third special session of the Forty-ninth Arizona Legislature yielded enactment of twelve additional bills to accompany the array of changes made to the Arizona Revised Statutes (A.R.S.) during the first general, first special, and second special legislative sessions. Most of the third special session bills deal with fiscal matters including appropriations, reconciliation of budgets and projected revenues, and computational formulas for determining revenue and expenditure limits. However, one bill, House Bill (HB) 2011, incorporates a number of changes that will collectively have a sweeping impact on public education and educators in the state.

Generally speaking, provisions in legislation may be described as mandatory, restrictive, or permissive. They are usually expressed by terms of direction such as '**shall**,' '**shall not**,' '**must**,' '**cannot**,' and '**may**'. Sometimes more than one directive or qualifier type is given in a single statute or rule. To assist the reader in distinguishing the nature of the legislative directives applicable to the documents recommended in the Advisories, a new strategy of **bolding** the qualifying words in these discussions is being introduced to emphasize the nature of the conditions applied by respective legislation and rules.

Unless otherwise stated in the Advisory discussion about a particular document, the **effective date of the revised statutes** cited in the document models is **November 24, 2009**.

The timing of the legislative action and the ninety day period from the date of the Governor's signature until nonemergency legislation becomes effective has created a wide array of complications in the process of determining the

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effects of the effective date stated above. Districts have historically been required to retain a copy of each board policy and successive policies. The Administration/Management section of the General Retention Schedule for All School Districts and Charter Schools issued by director of the Arizona State Library, Archives and Public Records defines board policies as permanent records. A.R.S. 39-101 describes the manner in which permanent records are to be preserved and the penalty for failure to properly preserve the records. Policy Services retains digital backups of superseded policy manual documents of subscriber districts for a period of time in the event a district discovers a need to validate or request prior versions of documents the district may have modified more recently.

The policies in place when offers of employment for the current fiscal year were made to school district personnel form part of the conditions of employment in place at the time employees were making a decision to accept employment with the district, especially persons employed under contract. Circumstances caused by the effective date on which many of the statues affecting the employment and compensation of school district personnel dramatically highlight the commanding necessity to weigh personnel policies and regulations in place preceding the referenced legislation November 24 effective date of and the date district policies are adopted and administrative regulations are revised to be of effect on or after that date. Consult with the school district's attorney when issues arise that relate to contracts entered into prior to the effective date of the new laws and revised policy adoption.

Policy Advisory 341 BBBB — Board Member Oath of Office.

Previously, A.R.S. 38-232 required at least one day between the date an elected or appointed official took the oath of office and the date the official could commence the term of office. HB 2011 removed the one day requirement with the result that an official **can** take the oath of office and immediately commence the term of office. The member **must** take the oath, however, before the member can commence the term and perform any official act. Signing the oath of office is the official taking of the oath; a ceremony may be held, if desired, but it does not constitute the official oath. 38-232 still **requires** the signed oath of office taken by a governing board member to be filed of record in the school district office. County School Superintendents may also request a copy of a board member's oath.

Policy Advisory 342 BIE — Board Member Insurance/Liability.

HB 2011 slightly revised A.R.S. 15-341(A)(31) and recodified it as 15-341(A)(29). The revised language has the effect of directing that the

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governing board **shall** ensure the identified insurance coverage is secured. The statement is added in BIE to clearly state the board's directive for district compliance with the statutory requirement.

Policy Advisory 343 CBA — Qualifications and Duties of the Superintendent.

Policy Services document model GCFC – Professional Staff Certification and Credentialing Requirements (Fingerprinting Requirements) already **requires** all certificated District personnel, which includes the superintendent, to be fingerprinted as a condition of employment. The legislature in HB 2011 expanded A.R.S. 15-503(A)(1), to state a board **may** hire a superintendent, or principal, or both, and directed that **if** the board employs a superintendent the board **shall** require the superintendent to have a valid fingerprint clearance card issued in accordance with Arizona statutes. Although redundant, but as a precautionary measure to avoid allegations that a Board did not adequately emphasize the specific requirement, language to that effect is added to document model CBA.

15-503(A)(1), as revised by HB 2011, also specifies that **if** a governing board employs a superintendent, the board **shall** determine the qualifications for the superintendent by action taken at a public meeting. Local boards have the prerogative of determining the qualifications required of a candidate for the position of superintendent. Those requirements are typically listed in the respective district's policy CBA. Presumably a Board could affirm at a public meeting the qualifications in its policy CBA to satisfy the new requirement of 15-503(A)(1), or it could choose to add to or delete from those requirements. However, if a board restates the qualifications of the superintendent it is imperative that corresponding revisions be made to the district's Policies CBA and CBI. Regardless of the evaluation instrument chosen by the board for evaluating the superintendent's performance, care must be taken to assure that points of inquiry and information contained in the instrument correlate with the qualifications and duties described in district policies CBA and CBI.

Policy Advisory 344 CBI — Evaluation of the Superintendent.

Continuing in A.R.S. 15-503(D), HB 2011 inserted the phrase 'each year' to qualify that on or before May 15 of each year, unless prior legal notice to the contrary has been given by April 15, the board shall offer a contract for the next year to each administrator and school psychologist whose contract is in its last year.

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15-503(B) still specifies that **only** superintendents or principals **may** be hired (contracted) for multiple years, **not** to exceed three years. Statute retains the condition that the Board **may not** offer to extend or renegotiate a multiple year contract until May of the year preceding the final year of the contract. Therefore, the condition in 15-503(D), when read in conjunction with the other subsections of 15-503, appears to apply only to psychologists and administrators who are other than a superintendent or principal, or to a superintendent or a principal who is contracted on an annual basis.

The inclusion of the term 'each year' into the statute doesn't appear to accomplish anything more than what is already in effect. However, considering the uncertainty of the current political and financial climates, a board **may choose** to retain the several notice and contract options in policy to be prepared for unanticipated eventualities.

Policy Advisory 345 DBF — Budget Hearings and Review/Adoption Process.

A.R.S. 15-905(E) was revised by HB 2011 to direct that a governing board that receives notice from the Superintendent of Public Instruction of categorical budgets in excess of allowable limits **shall** adopt a revised categorical budget or budgets in the manner and for the purposes set out in 15-905(E)(1) and (E2). Policy model BDF adds a paragraph setting out the duty for revision under the specified circumstances. The computational limit requiring budget revisions is not included as 15-905(E)(1) and (E2) are they are susceptible to further modification by the legislature and school business officials are alerted to adjustments in computational criteria by the Auditor General's office. Directions for compliance should accompany a notice of the requirement to revise any of the budgets.

Policy Advisory 346 DBJ — Budget Transfers.

HB 2011 deletes from language in A.R.S. 15-905(G) a provision, valid until June 30, 1999, that authorized expending monies in excess of the capital outlay section of the budget only by action taken at a public meeting of the governing board and if monies were available in the reserve. Policy Services had inadvertently left the provision in DBJ. Striking of the language from 15-905 brought the oversight to our attention, and the paragraph has been removed from policy model DBJ.

Policy Advisory 347 DFF — Income from School Sales and Services.

A.R.S. 15-342(27) was revised to include, in addition to the authority to sell advertising space on school buses, a provision that school districts **may** sell advertising space at athletic facilities. 15-342(27)(c) directs that a school

district that sells advertising on school buses and athletic facilities **shall** establish an advertisement fund composed of revenues from those sales. It further states that the advertisement fund is not subject to reversion, meaning that unexpended balances remain in the fund in perpetuity.

Further authorization at 15-342(34) adds that school districts **may** sell advertising on school district websites and websites maintained by schools in the school district. 15-342(34)(b) directs that a website advertisement fund **shall** be established for revenues from the sale of website advertising, and the monies in the website advertising fund are not subject to reversion. The governing board **may** use website advertising funds for any pupil related costs as the board determines.

School business officials will be notified of revisions to the Uniform System of Financial Reporting (USFR) requirements for coding and accounts for the funds. Although a school system may not presently have plans to sell advertising space as now authorized by law, Policy Services suggests updating policy model DFF in the event of a future decision to sell advertising space. Providing in policy for the eventuality does no harm when a provision is not in effect, but is evidence of proactive planning by a district.

Policy Advisory 348 DIA — Accounting System.

Previously A.R.S. 15-914.01(A) granted statutory authority for a school district with a student count of at least four thousand students to apply for State Board of Education (SBE) approval to assume accounting authority for the district in place of accounting authority residing with the county school superintendent. HB 2011 revised 15-914.01(A) to remove the student count requirement. Standards have been added at 15-914(D) by which any qualifying school district may seek approval by the SBE to assume accounting responsibility. The authority to submit an accounting responsibility plan to the SBE, and the requirement, upon approval of that plan, compelling the district to contract with an independent certified public accountant for an annual financial and compliance audit have been written into policy model DIA. (*See DIE-R below*)

Policy Advisory 349 DIE-R — Audits/Financial Monitoring.

The standards to qualify for approval of an accounting responsibility plan, *as described above in the discussion for Policy Advisory 348*, are set out in regulation model DIE-R for ready reference by district officials.

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Policy Advisory 350 DJE-R — Bidding/Purchasing Procedures.

A.R.S. 15-342(13) was amended in HB 2011 to **exempt** intergovernmental agreements and contracts between school districts or between a school district and other governing bodies established pursuant to A.R.S. 11-952 from the competitive bidding requirements of the State Board of Education procurement rules. The Cooperative Purchasing Agreements section of regulation model DJE-R has been revised accordingly.

Policy Advisory 351 GCB — Professional Staff Compensation and Contracts.

HB 2011 contains significant revisions to A.R.S. 15-544. Much of the language in 15-544(A) and (B) has been struck. Eliminated is the condition that prohibited the salary reduction of a continuing (more than three consecutive school years in district) teacher unless there is a general salary reduction in the district and the reduction must be applied equitably to all such teachers. Furthermore, the date certain of May 15 as the deadline for notice of a general salary reduction has been deleted, as well as the reduction-in-force provision that granted to teachers a three-year preferred right to reappointment in the order of original employment. The requirement to give notice of a general salary reduction to each affected teacher remains in the statute. The statutes now allow for some or all teachers to be notified of a general salary reduction at any time. Districts are alerted that combined limitations may apply. *(See the discussion for Advisory 357)*

Policy Advisory 352 GCBA — Professional Staff Salary Schedules.

Although a given school district's actual policy may vary from the Policy Services document model, the important points are the two inserted and underlined paragraphs. Section 15-504 was added to the Arizona Revised Statutes by HB 2011. The language says school district employment contracts **shall not** include compensation for professional association activities. The language is paraphrased in GCBA. Policy Services also recommends adding a definition stating professional association activities do not include in-service training in the certificated employee's assigned area of employment. *(See Advisory discussion for GCCE)*

Although not included in the policy document models at the time of its enactment, Policy Services has inserted into GCBA the directives in A.R.S. 15-187 stating a district **shall** provide for the rights of a former teacher of the school district who desires to return to teaching in the school district when the teacher is or has been teaching at a charter school. The teacher must submit an application to the district for employment within three years after

leaving the district's employment, and is subject to the availability of a suitable position being available at the district. Insertion of the statutory language into district policies is suggested to alert districts to the existence of the law dictating the considerations to be afforded a teacher applying to return to a district after teaching in a charter school.

Policy Advisory 353 GCCE — Professional/Support Staff Conferences/Visitations/Workshops.

As described above in the discussion for Policy GCBA, the legislation in HB 2011 writes into the law that school district employment contracts **shall not** include compensated days for professional association activities. The language in A.R.S. 15-504 does denote that professional activities do not include conduct during a field trip for students, and does not prohibit individual school district employees from taking compensated leave time for any personal purpose, any professional purpose, or any other lawful purpose. Policy Services believes it was not the legislative intent to prevent certificated school employees from attending in-service training in the employee's assigned area of employment and includes that clarification in policy model GCCE. The test for determining if the type of leave taken is prohibited under the new law is whether the leave is for the purpose of furthering the professional's expertise in the area of their work assignment or whether the leave is for the principal purpose of furthering the organization that is offering the training or reason for the leave.

Even though not driven by any recent legislation, the language in GCCE, relative to providing for certain employee expenses associated with attendance at meetings and conferences and while participating in certain student activities, has been restated to direct school personnel to applicable companion district policies that provide further information.

Policy Advisory 354 GCF — Professional Staff Hiring.

HB 2011 modified A.R.S. 15-536 to remove certain dates for which notices of intent not to reemploy and offers of contracts were to be given. *See the discussion on Policy GCO and Regulation GCO-RA at Policy Advisory 356 for a more complete disclosure on the effects of changes to 15-536.*

The statutory language in A.R.S. 15-536 and 538.01 designating the conditions for a teacher's appropriate response to a contract offer was not altered. However, as increased confusion has developed concerning the granting of contracts, Policy Services is recommending that the requirements for correct acceptance of a contract, as stated in law, are added to policy

model GCF as the board's affirmation of the requirements and to provide ready reference to the information.

Policy Advisory 355 GCMF — Professional Staff Duties and Responsibilities.

Policy Services unintentionally left a revision to A.R.S. 15-521, enacted in Senate Bill 1196, out of the immediately preceding set of Policy Advisories. 15-521(2) deleted the statement that every teacher shall "Keep a school register, which the governing board shall carefully preserve as one of the records of the school." 15-512(2) now reads that every teacher **shall**, "Take and maintain daily classroom attendance. The registers recording student membership and attendance are typically maintained on computer systems. Student attendance reports are submitted by teacher for recording in the system, the data is stored on electronic media, and transmitted digitally to the Arizona Department of Education. Therefore, the duty of a teacher has shifted from keeping a school register to taking and maintaining daily classroom attendance, and forwarding that information to the district employee(s) responsible for student records.

Policy Advisory 356 GCO and GCO-RA — Evaluation of Professional Staff Members.

The statement in 15-536 **permitting** a board to delegate to district employees the general authority to issue preliminary notice to a teacher of inadequacy of classroom performance, and for that action to be reported to the board within five (5) days in the absence of prior approval by the board, is retained in statute. The language to the effect has historically been declared in regulation GCO-RA. Policy Services is recommending that board delegation of the general authority and the employee(s) to whom it is delegated be established in policy. A board **can** choose whomever it desires to give notice authority, such as the superintendent, principals, human resources officer, et cetera. For districts with an approved career ladder program, an additional paragraph is recommended in policy document model GCO relative to statutory permission for more than one evaluation system to be developed and applied.

HB 2011 modified A.R.S. 15-536 to remove the March 15 to May 15 time period during which a governing board is to offer a contract for the following year to a noncontinuing teacher (less than three [3] consecutive full years in district) under contract during the current year, unless the teacher was given notice by the governing board or a representative legally authorized by the governing board, or the teacher has been dismissed under the provisions of A.R.S. 15-538, 15-539, 15-541, 15-550. Also eliminated by the bill was the April 15 date certain by which the notice of intent to not reemploy is to be

provided. The manner by which a teacher is to be noticed of the board's intention not to reemploy the teacher has not changed. The determination of dates for making contract offers and for notifying teachers that a contract will not be offered are now left to each respective local school district governing board.

Even though a specific date by which a board has to notify a teacher of its intent not to reemploy the teacher was removed from statute, the January 15 deadline to give a ninety (90) day preliminary notice of inadequacy of classroom performance to a noncontinuing teacher remains in A.R.S. 15-538. That creates the possibility of different notification dates depending on the date set by a governing board for giving notices of intention not to reemploy and the date set by which contract offers will be made. If a date prior to April 15 is chosen for giving notice of intention not to reemploy, a district **must** revise the deadline date for giving preliminary notice of inadequacy of classroom performance to a date that will be not less than ninety (90) days prior to the date of notice of intent not to reemploy. Alternately, if a date later than April 15 is selected for notice of intent to not reemploy, the notice and ninety (90) period for the teacher to overcome the noticed inadequacies of classroom performance **still must** begin **no later than** January 15.

For continuing teachers (more than three [3] consecutive full years in district), when there is an assumption the board will take action to dismiss the teacher unless there is improvement in the teacher's adequacy of classroom performance, the teacher **must** be given preliminary notice of the inadequacy(ies) **not less than** ten instructional (10) days notice before the beginning of the statutory period the teacher will have to overcome the grounds for the charge of inadequacy. A copy of any evaluation pertinent to the charge(s) of inadequacy **must** be given to the teacher along with the specific date by which the teacher must overcome the grounds for the charge. HB 2011 reduced from eighty-five (85) instructional days to sixty (60) instructional days as the period of time the teacher has to overcome the grounds for the charge(s). Policy model GCO-RA has been modified to reflect the revisions of the law.

Modifications in GCO-RA for the contract renewal provisions for administrators and psychologists have also been made to assure compliance with revisions in A.R.S. 15-503.

Attention is brought to A.R.S. 15-546 which reads, "The provisions of this article may be modified, amended or repealed at any time and no person shall be deemed to have acquired any vested right to continuing employment under or by virtue of any provision of this article." The article referenced is Title 15, Article 3, Certification and Employment of Teachers. Lawyers have different opinions as to the breadth and application of the statute. Boards and

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administrators are encouraged to consult the district's attorney for guidance in making decisions on teacher contract and employment matters.

Policy Advisory 357 GCQA — Professional Staff Reduction in Force.

Policy document model GCQA has been significantly modified by HB 2011 to align with alterations made by adding subsection H to A.R.S. 15-502. 15-502(H) states, "Notwithstanding any other law, a school district **shall not** adopt policies that provide employment retention priority for teachers based on tenure or seniority." All such references have been removed from GCQA.

Policy Advisory 358 GCQF and GFQF-E — Discipline, Suspension and Dismissal of Professional Staff Members.

The completion of revisions of GCQF and GCQF-E are still in process and not available for issuance with this set of Advisories. *Readers are directed to the comments in the placeholder document for GCQF.*

Policy Advisory 359 IKFA — Early Graduation.

HB 2011 revised A.R.S. 15-105(B) to revise the directions to a school district where a student who applied for participation in the early graduation program attends. The district **must** notify the Arizona Department of Education and the Commission for Postsecondary Education if the student graduates at least one (1) *year* before the student's graduation date. Previously the statute specified notification was required if the student graduated at least one (1) *semester* before the student's graduation date.

To qualify for consideration for the early graduation scholarship program a student now **must** have graduated *one (1) year* earlier than would have normally been expected. Ironically, Section 63 of Arizona Laws 2009 (HB 2011) directs that the Arizona Department of Education shall not transmit any monies for fiscal year 2009-2010 to the Commission for Postsecondary Education for the early graduation scholarship program. Furthermore, a student who was not admitted to the program before July 1, 2009 will not be allowed to participate in the program in FY 2009-2010. However, that being said, Section 83, Arizona Laws 2009, HB 2011, made the new participation date retroactive to September 26, 2008, but holds harmless any student who has already completed a semester by November 24, 1009. Private and other source funding may be used to provide continuing support for the early graduation scholarship program. A revision is added to policy model IKFA as an **option** for consideration by union high school and unified school districts that might have future early graduate students desiring to apply for the program.

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Policy Advisory 358 JEB — Entrance Age Requirements.

A.R.S. 15-703(B), revised by HB 2011, expanded the existing requirement that a district that establishes a full-day kindergarten **shall** allow the parent of a kindergarten student to choose either half-day or full-day kindergarten instruction by adding that the district, "...**shall** provide the option of academically meaningful half-day kindergarten instruction in every school in the school district that has enough students to fill a half-day kindergarten class at a class size that is approximately equal to the average kindergarten class size for the school district as a whole."

Section 78 of Arizona Laws 2009 (HB 2011) states that a school district (or charter school) **may** charge tuition for full-day kindergarten in fiscal year 2009-2010 if the school district (or charter school) decides not to provide free full-day kindergarten instruction during FY 2009-2010 due to funding restrictions prescribed in HB 2011. No mention is made about charging for half-day kindergarten instruction. This provision will expire at the close of FY 2009-2010 unless extended by the legislature.

HB 2002 adds language to 15-821(C) that reads, "If a child who has not reached the age of five before September 1 of the current school year is admitted to kindergarten and is then readmitted to kindergarten the following school year, a school district (or charter school) **is not eligible** to receive basic state aid on behalf of that child during the child's second year of kindergarten. A school district (or charter school) may charge tuition for any child who is ineligible for basic state aid pursuant to this subsection." In a nutshell, if the district decides to admit a child early to kindergarten, and the child is not ready for first grade the following year, the child **can** be enrolled in kindergarten for a second year but the district **will not** receive basic state. The district **may** opt to charge tuition for the student to attend.

Policy Advisory 361 JII — Student Concerns, Complaints, and Grievances.

A.R.S 15-341, that lists the actions a governing board **must** take, **requires** in recodified and revised subsection 37(b) that the district have a formal process for documenting reported incidents of harassment, intimidation, or bullying as well as providing for the confidentiality, maintenance, and disposition of the documentation. If the school maintains documentation of the reported incidents the school **shall not** use the documentation for imposing discipline unless an appropriate school official has investigated and determined that the reported incidents did occur. The requirements have been written into policy JII, regulation JII-R for implementing the policy, and

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exhibit JII-EB, the exhibit **required** to be posted in all school buildings and included in student handbooks.

Policy GBEB – Staff Conduct has a board **directive** for staff members to report any suspected crime against a person or property that is a serious offense, involves a deadly weapon or dangerous instrument, or that could pose a threat of death or serious injury to employees, students, or others on school property. In keeping with that policy, language is included in JII, JII-R, and JII-EB to disclose that law enforcement authorities **will** be informed when district officials have a reasonable belief or an investigation reveals that a reported incident may constitute an unlawful act.

Policy Advisory 362 JK — Student Discipline.

Although the language in A.R.S. 15-843(L) was revised slightly by HB 2011, analyzing the statute alerted Policy Services to the fact its exact language says the *school principal shall* ensure that a copy of all rules pertaining to discipline, suspension, and expulsion of students is to be distributed to the parents of each student at the time the student is enrolled in school. Even through the practice is fairly universal in the schools, the command was placed in policy model JK to serve as a reminder of the duty to be performed and to inform parents that the law requires a copy of the rules is to be distributed to them. The principal has authority to delegate actual performance of the task to another district employee.

Policy Advisory 363 JKE — Expulsion of Students.

HB 2011 does include a modification to A.R.S. 15-183 that governing boards and school administrators have long been discussing and requesting. 15-183(F)(2)(B) has added an option whereby a governing board, by policy or by vote at its annual organizational meeting, **may** determine that all hearings concerning the expulsion of a student pursuant to 15-183 will be conducted before a hearing officer selected from a list of hearing officers approved by the governing board. The language in 15-183(F)2(A) is retained declaring the board **may** decide, in executive session, whether to hold a hearing or designate one or more hearing officers to hold a hearing officer to hear the evidence, prepare a record and bring a recommendation to the board for action, and to decide whether the hearing shall be held in executive session. Boards **may** now **choose (A)** to determine in executive session on a case-by-case basis whether to hold the hearing themselves or to designate a hearing before a hearing officer, and decide whether the hearing will be held in executive session, or **(B)** vote to have a hearing officer conduct all expulsion hearings and send a recommendation to the board for final action. Policy model JKE is presented with Option **A** and Option **B** from which the board can select its choice to be communicated to Policy Services for production of

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the district's revised policy. **If** the Board desires to exercise Option **B** by vote at its annual organizational meeting rather than by policy, to comply with statute the item **must** be placed on the board's organizational meeting agenda.

***Note:** A.R.S. 15-321(A) states, "The governing board shall meet between January 1 and January 15 next following the election." As a board is required by statute to hold an organizational meeting only biennially after a board member election, Policy Services is unsure whether the word 'annual' was included in the language of 15-183(F)(2)(B) due to a presumption of an annual organizational meeting or if there is intent to require an annual organizational meeting. Clarification of the conflict in law is the responsibility of the legislature.*

An opportunity is also presented in the document model at *step 2* under the side heading *Regular Education Students* whereby a selection by the Superintendent **may** be made from either administrative Option **A** or Option **B**, whichever is consistent with the Board's choice from Option **A** or Option **B** for the conduct of expulsion hearings.

Policy Advisory 364 JLCD and JLCD-R — Medicines/Administering Medicines to Students.

A.R.S. 15-344.01 was adopted by the legislature during its 2008 session to address a question of schools being authorized to develop a policy and procedure to address the needs of students who have a prescribed diabetes medical management plan. Inclusion of the provisions of 15-344.01 was not included in Policy Advisories in 2008. However, due to the growing incidence of students who have diabetes, Policy Services is including in this Advisory a revision of policy model JLCD that presents language that a board **may chose** to add diabetes management to its policy on medicines and administration of medicines.

Document model JLCD-R sets out the specific conditions for student self-administration and the criteria required for and service by volunteer diabetes care assistants.

Before you ask the question, Policy Services does not know the reasoning behind the statute stating a district may authorize two or more volunteer diabetes care assistants. Nor do we know if it means a school cannot have only one volunteer assistant if not more than one employee volunteers. If the situation arises, seek guidance from the district's attorney.

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Policy Advisory 365 KHB — Advertising in Schools.

As described in the preceding discussion for policy document DFF, A.R.S. 15-342(27)(c) **enables** school systems to sell advertising space at athletic facilities and A.R.S. 15-342(34) extends the authority to sell space on the district website and websites maintained by district schools. Document model KHB is revised to suggest language a board **may** adopt concerning the enlarged parameters for advertising sales to benefit the district. The determination to sell or not sell one or more types of advertising space is the governing board’s prerogative.

**Documents not included in the discussion
that have revisions to only the legal
references and cross references**

Document Code	Document Title	Added Legal Reference	Cross References Added
DI	Fiscal Accounting and Reporting	15-239	
DIE	Audits/Financial Monitoring	15-239	
DJE	Bidding/Purchasing Procedures	11-952	
DJE	Bidding/Purchasing Procedures	15-239	
DJE	Bidding/Purchasing Procedures	15-342	
DN	School Properties Disposition		BCB Board Member Conflicts
DN	School Properties Disposition		GBEAA Staff Conflicts
EF	Food Services	15-239	
GCBD	Professional Staff Fringe Benefits	15-187	GCBA Prof Salary Schedules
GCCA	Prof/Support Staff Sick Leave	15-187	GCBA Prof Salary Schedules
JE	Student Attendance	15-239	
JE	Student Attendance	15-901	

**Important Information Not In
Manual Document Models**

Statutory language was adopted concerning the qualifications of a business manager. The qualifications of each of the personnel positions in a district are administrative, not policy matters. The superintendent should assure, when necessary, that the board is aware of the new language in law.

The adjustment for rapid decline in student count was repealed.

The calendar for apportionments of state aid to schools was amended by A.R.S. 15-973(B) to be twelve monthly payments to be made on the first of

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each month during the fiscal year with the exception of the July payment which is to be made June 30.

A.R.S. 41-1232.04, concerning registration of lobbyists, lists capacities in which persons are acting for which they do not have to file as lobbyists. Subsection (8) was revised to read, "A person who contacts a state officer, state employee, school district governing board member or school district employee in connection with the procurement or attempted procurements of, or fulfillment of the contracts for, materials, services, or construction, for the purposes of the paragraph, including bonding services." A person might have to be registered as a lobbyist for other reasons, but not for the reasons stated in the revised statute.

Section 62, Arizona Laws 2009, HB 2011, prohibits the School Facilities Board (SFB) from authorizing or awarding funding for the design or construction of any new school facility and it shall not authorize or award funding for school site acquisitions.

Section 68, Arizona Laws 2009, HB 2011, directs that the Department of Education shall not conduct a cost study of special education programs in fiscal years 2009-2010 and 2010-2011.

Section 70, Arizona Laws 2009, HB 2011, established a task force on assessments to measure college and career readiness, which act will expire on September 15, 2010.

Section 72, Arizona Laws 2009, HB 2011, established special override election procedures for fiscal year 2009-2010. Attorneys and financial officials are unsure as to whether or not a given district can act to hold such an election or the timelines to be met when a district desires to conduct the one-time special override election. Any district contemplating a special override election are encouraged to promptly confer with the district's attorney for guidance.

Section 75, Arizona Laws 2009, HB 2011, authorizes the SFB to enter into lease-to-own transactions for qualified school construction bonds authorized under the American Reinvestment and Recovery Act of 2009.

Section 76, Arizona Laws 2009, HB 2011, limits base level increase for school district with a career ladder program, and limits the career ladder to only teachers that participated in the program in the prior fiscal year.

On the Horizon

In prior years the legislature would have adjourned *sine die* by May, or at least June; Policy Services analysts would have worked through July searching through and dissecting enactments from the legislative session to disseminate by August Policy Advisory recommendations for amending school district policy manual documents reflecting the legislative actions; governing boards and school administrators would sort through the Advisories, make determinations about which Advisories applied to their district, which documents should be accepted as recommended, and what customizations to documents were necessary to meet local needs; Policy Services would be receiving and processing communications from the districts describing the results of their board and administrative decisions, and everyone would settle down to education the state's youth. But, much of that process has been reordered this season as a new paradigm of normal seems to be evolving.

A number of the statutory changes encompassed in the legislative bills that impact the state's education system are such that they do not translate into board policies and administrative regulations. They alter the mechanisms, financial and political, occurring in the background that will affect the schools.

In a few weeks the legislature will reconvene in special session to deliberate how to deal with continuing challenges facing the state, especially how to manage the revenue shortfalls. In spite of all the ideas being proposed only time will reveal what further adjustments must be made.

Following are some known aspects of factors that will play out in the days to come.

- A.R.S. 15-203(14), on the powers and duties of the State Board of Education (SBE), is revised to direct that SBE certification rules shall require the superintendent of a school district to obtain certification from the SBE. Local boards can decide whether they want the district's chief executive officer to hold a superintendent's certificate. If not, editing and revising district policy manuals will be necessary, and questions will have to be answered about differentials in the authority of a superintendent compared to those of a non-certificated chief executive officer.
- A.R.S. 15-213(A)(1) is amended to state that the SBE must make rules that include provisions specifying that school districts are not required to engage in competitive bidding in order to place a student in a private school that provides special education services if the placement is prescribed in the student's individualized

education Program (IEP) and the school has been approved by the Arizona Department of Education (ADE) special education division. Although the language in statute is very prescriptive, the SBE will have to revise its procurement rules before districts can proceed to avail themselves of the change to the competitive bidding requirement. The date by which the SBE will amend its rules is unknown.

- A.R.S. 15-213(A)(3) directs that the SBE shall adopt rules for districts and charter schools to procure goods and information services using electronic online bidding and including the use of reverse auctions. The SBE is directed to modify provisions and rules of A.R.S. 41-2671 and 2672 it determines are not appropriate for school district and charter schools. The schools are authorized to procure goods and information services pursuant to 41-2671 and 2762 until the state board adopts its rules. The SBE was originally directed by the state to accomplish the identified rules on or before December 31, 2004, but that deadline was removed from 15-213(A)(3). It is yet unknown when the SBE will adopt the rules changes, and how the rules may deviate from the provisions of 41-2671 and 2762.
- The SBE is directed in A.R.S. 15-741(A)(2) that its rules for the Arizona instrument to measure standards (AIMS) test shall not require a student to meet or exceed the standards measured by AIMS test in any subject areas other than reading, writing and mathematics to be graduated from high school. Furthermore, students shall not be required to meet or exceed AIMS standards for social studies and science in order to be graduated from high school. The date the SBE will publish the rules change is unknown. The SBE was directed in 15-741(D) that any additional assessments for high school students shall be designed to measure the student's college and career readiness.

An additional, but smaller, set of Advisories will be issued in December, including documents for districts to use when making determinations about revising policy and regulations relative to the Task Force Recommendation of Best Practices in Special Education and Behavior Management.

Also, unless a special session of the legislature results in actions that necessitate a last minute adjustment of the dates certain events are to occur, the 2010 Calendar of Required and Recommended Dates will be issued by late December.

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The link to House Bill 2011 on the Arizona Legislature website is:

<http://www.azleg.gov/FormatDocument.asp?inDoc=/legtext/49leg/3S/laws/0012.htm>

If you have questions, contact Policy Services at (602) 254-1100 or fax inquiries to (602) 254-1177. Ask for Jim Deaton, Director of Policy Services, Dr. Terry Rowles, Policy Analyst, or Steve Highlen, Policy Analyst. Their respective e-mail addresses are, jdeaton@azsba.org, trowles@azsba.org, and shighlen@azsba.org.

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