



Governing Board Agenda Item

Meeting Date: June 12, 2025

From: Kristin Reidy, Assistant Superintendent

Subject: Policy Considerations

Priority: To provide rigorous, relevant, and innovative academics

Consent ☐ Action ☒ Discussion ☐

Background:

The following policies are being revised based on the recommendation of the Arizona School Boards Association. The changes are a result of alignment to current practices, legal reference updates, and alignment with statutory language.

Policy AC, Nondiscrimination/Equal Opportunity

Policy ACA, Sexual Harassment

Policy ACAA, Title IX Sex Discrimination

Policy GBK, Staff Grievances

Policy JII, Student Concerns, Complaints, and Grievances

These policies are being updated to include the Title IX updates from 20 U.S.C. 1681, Education Amendments of 1972, Title IX. Language in the policies was updated to include Title IX revisions based on the rescinded 2024 Title IX Final Rule.

Policy IHA, Basic Instructional Program

Policy IHA has been revised to reflect the emergency measure, approved by the governor in March of 2025, that amended A.R.S. 15-710.02 regarding 9/11 Education Day by specifying relevant grade levels.

Recommended Motion:

I move that the Governing Board approve the recommended revisions to Policy AC, Nondiscrimination/Equal Opportunity, Policy ACA, Sexual Harassment, Policy ACAA, Title IX Sex Discrimination, Policy GBK, Staff Grievances, Policy IHA, Basic Instructional Program, and Policy JII, Student Concerns, Complaints, and Grievances, as presented.

Approved for transmittal to the Governing Board:

A handwritten signature in black ink, appearing to read 'D. Streeter', written over a horizontal line.

Dr. Daniel Streeter, Superintendent

Questions should be directed to: Kristin Reidy, Assistant Superintendent
Phone: (520) 682-4757

AC ©
NONDISCRIMINATION / EQUAL OPPORTUNITY

The Board is committed to a policy of nondiscrimination in relation to race, color, religion, sex, age, national origin, ~~and~~ disability **or any other basis prohibited by law**. This policy will prevail in all matters concerning staff members, students, the public, educational programs and services, and individuals with whom the Board does business.

Adopted: ~~date of Manual adoption~~ June 12, 2025

LEGAL REF.:

A.R.S.

[23-341](#)

[41-1463](#)

Arizona Constitution, Ordinance Art. XX, Par. Seventh

20 U.S.C. 1400 *et seq.*, Individuals with Disabilities Education Act

20 U.S.C. 1681, Education Amendments of 1972, Title IX

20 U.S.C. 1703, Equal Employment Opportunity Act of 1972

29 U.S.C. 794, Rehabilitation Act of 1973, (Section 504)

42 U.S.C. 2000, Civil Rights Act of 1964, Titles VI and VII

42 U.S.C. 12101 *et seq.*, Americans with Disabilities Act

CROSS REF.:

[ACA](#) - Sexual Harassment

[ACAA](#) - Title IX Sex Discrimination

[GBA](#) - Equal Employment Opportunity

[GCQF](#) - Discipline, Suspension, and Dismissal of Professional Staff Members

[GDQD](#) - Discipline, Suspension, and Dismissal of Support Staff Members

[IHBA](#) - Special Instructional Programs and Accommodations for
Disabled Students

[JB](#) - Equal Educational Opportunities

[JII](#) - Student Concerns, Complaints and Grievances

[JK](#) - Student Discipline

[KED](#) - Public Concerns/Complaints about Facilities or Services

AC-R ©

REGULATION

NONDISCRIMINATION / EQUAL OPPORTUNITY

Compliance Officer

The Superintendent shall be the compliance officer. Any person who feels unlawfully discriminated against or ~~to have~~ who has been the victim of unlawful discrimination by an agent or employee of the District or who knows of such discrimination against another person should file a complaint with the Superintendent. If the Superintendent is the one alleged to have unlawfully discriminated, the complaint shall be filed with the President of the Board.

Complaint ~~Procedure~~ Process

Investigation

The District is committed to investigating each complaint and to taking appropriate action on all confirmed violations of policy. The Superintendent shall investigate and document complaints filed pursuant to this regulation as soon as reasonable, within the established timelines. In investigating the complaint, the Superintendent will maintain confidentiality to the extent reasonably possible. The Superintendent shall also investigate incidents of policy violation that are raised by the Governing Board, even though no complaint has been made.

If after the initial investigation the Superintendent has reason to believe that a violation of policy has occurred, the Superintendent shall determine whether or not to hold an administrative hearing and/or to recommend bringing the matter before the Board.

If the person alleged to have violated policy is a teacher or an administrator, the due process provisions of the District's Policy GCQF shall apply, except that the supervising administrator may be assigned to conduct the hearing. In cases of serious misconduct, dismissal or suspension proceedings in accordance with A.R.S. [15-539](#) *et seq.*, may be initiated.

If the person alleged to have violated policy is a support staff employee, the Superintendent may follow due process and impose discipline under Policy GDQD if the evidence so warrants. The Superintendent also may recommend a suspension without pay, recommend dismissal, or impose other appropriate discipline.

If the person alleged to have violated policy is a student, the Superintendent may impose discipline in accordance with Policies JK, JKD and JKE.

Dismissal of Complaint

If the Superintendent's investigation reveals no reasonable cause to believe policy has been violated, the Superintendent shall so inform the complaining party in writing.

Timelines

The complaint must be filed within thirty (30) calendar days after the complaining party knew or should have known that there were grounds for a complaint/grievance.

Once the written complaint has been filed using the forms provided by the District, the Superintendent shall require the immediate supervisor or site administrator to investigate and respond in writing to the complaining party within five (5) working days.

If the immediate supervisor or site administrator does not respond, the Superintendent will have ten (10) additional working days to respond in writing to the complaining party.

If the Superintendent does not respond within the established time, then the complaining party may request in writing that the issue be brought before the Board. The Board will then review the record of the investigation and have thirty (30) ~~calendar~~ days to respond to the complaining party in writing.

**ACA ©
SEXUAL HARASSMENT**

All individuals associated with this District, including, but not necessarily limited to, the Governing Board, the administration, the staff, and students, are expected to conduct themselves at all times so as to provide an atmosphere free from sexual harassment.

Sexual harassment is a form of sex discrimination that violates Title VII of the Civil Rights Act of 1964 ~~and Title IX of the Education Amendments of 1972.~~

The Equal Employment Opportunity Commission defines "sexual harassment" as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

- A. Submission to such conduct is either explicitly or implicitly made a term or condition of an individual's employment; or
- B. Submission to or rejection of such conduct is used as a basis for employment decisions affecting such individual; or
- C. Such conduct has the purpose or effect of substantially interfering with an individual's work performance, or creating an intimidating, hostile, or offensive work environment.

Sexual harassment may include, but is not limited to:

- A. Suggestive or obscene letters, notes, invitations, derogatory comments, slurs, jokes, epithets, assault, touching, impeding or blocking movement, leering, gestures, or display of sexually suggestive objects, pictures, or cartoons.
- B. Continuing to express sexual interest after being informed that the interest is unwelcome. (Reciprocal attraction between peers is not considered sexual harassment.)
- C. Implying or withholding support for an appointment, promotion, or change of assignment; suggesting that a poor performance report will be prepared; suggesting that probation will be failed.
- D. Coercive sexual behavior used to control, influence, or affect the career, salary, and/or work environment of another employee.
- E. Offering or granting favors or employment benefits, such as promotions, favorable performance evaluations, favorable assignments, favorable duties or shifts, recommendations, reclassifications, et cetera, in exchange for sexual favors.

Anyone who is subject to sexual harassment, or who knows of the occurrence of such conduct, should inform the compliance officer, as provided in ACA-R.

A substantiated charge against a staff member in the District shall subject such staff member to disciplinary action.

All matters involving sexual harassment complaints will remain confidential to the extent practicable and allowable by law.

Adopted: ~~←z2AdoptionDate→~~ June 12, 2025

LEGAL REF.:

A.R.S.

[41-1461](#) *et seq.*

20 U.S.C. 1681, Education Amendments of 1972, Title IX;

~~—as amended in 2024, Title IX~~

20 U.S.C. 1703, Equal Employment Opportunity Act of 1972

42 U.S.C. 2000, Civil Rights Act of 1964 as amended, Title VII

CROSS REF.:

[AC](#) - Nondiscrimination/Equal Opportunity

[GBA](#) - Equal Employment Opportunity

[GCQF](#) - Discipline, Suspension, and Dismissal of Professional Staff Members

[GDQD](#) - Discipline, Suspension, and Dismissal of Support Staff Members

[KED](#) - Public Concerns/Complaints about Facilities or Services

[KFA](#) - Public Conduct on School Property

ACA-R ©
REGULATION
SEXUAL HARASSMENT

Compliance Officer

The Superintendent shall be the compliance officer. Any person who feels unlawfully discriminated against or who has been the victim of unlawful discrimination by an agent or employee of the District or who knows of such discrimination against another person should file a complaint with the Superintendent. If the Superintendent is the one alleged to have unlawfully discriminated, the complaint shall be filed with the President of the Board.

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If after the initial investigation the Superintendent has reason to believe that a violation of policy has occurred, the Superintendent shall determine whether or not to hold an administrative hearing and/or to recommend bringing the matter before the Board.

If the person alleged to have violated policy is a teacher or an administrator, the due process provisions of the District's Policy GCQF shall apply, except that the supervising administrator may be assigned to conduct the hearing. In cases of serious misconduct, dismissal or suspension proceedings in accordance with A.R.S. [15-539](#) *et seq.*, may be initiated.

If the person alleged to have violated policy is a support staff employee, the Superintendent may follow due process and impose discipline under Policy GDQD if the evidence so warrants. The Superintendent also may recommend a suspension without pay, recommend dismissal, or impose other appropriate discipline.

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If the Superintendent does not respond within the established time, then the complaining party may request in writing that the issue be brought before the Board. The Board will then review the record of the investigation and have thirty (30) days to respond to the complaining party in writing.

ACAA © TITLE IX SEX DISCRIMINATION

Purpose

Title IX of the Federal Education Amendments Act protects people from discrimination based on sex in education programs or activities that receive Federal financial assistance. The District does not discriminate based on ~~the basis of~~ sex and ~~is required by Title IX not to discriminate in such a manner. The District~~ adheres to all conditions established by Title IX by recognizing the right of every student who attends school in the District and every employee who works in the District to do so without the fear of sex discrimination, ~~to include~~ including unlawful sexual harassment.

Definitions

Sexual Harassment

The District accepts and shall employ the definition of sexual harassment as established by the Title IX regulations. Sexual harassment means conduct on the basis of sex that satisfies one (1) or more of the following:

- A. An employee of the District conditioning the provision of an aid, benefit, or service of the District on an individual's participation in unwelcome sexual conduct;
- B. Unwelcome conduct determined by a reasonable person to be so severe ~~or~~, pervasive, and objectively offensive that it effectively denies a person equal access to the District's education program or activity; ~~or~~
- C. "Sexual assault" as defined in [20 U.S.C. 1092](#)(f)(6)(A)(v), "dating violence" as defined in [34 U.S.C. 12291](#)(a)(10), "domestic violence" as defined in [34 U.S.C. 12291](#)(a)(8), or "stalking" as defined in [34 U.S.C. 12291](#)(a)(30).

~~D. Hostile Environment Harassment.~~

Complainant

~~The District also accepts and shall employ the definition of a complainant as~~

A complainant means an individual who is alleged to be the victim of conduct that could constitute sexual harassment, ~~and a respondent as~~.

Respondent

A respondent means an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.

Title IX Coordinator

The District shall designate and authorize an employee as the "Title IX Coordinator" to comply with its responsibilities pertaining to sexual harassment under Title IX. Inquiries about the application of Title IX may be referred to the District's Title IX Coordinator.

Reporting

Any person may report sex discrimination, including sexual harassment, regardless of whether the person reporting is the person alleged to be the victim of the reported conduct or not. A report may be made in person, by mail, by telephone, or by electronic mail, using the contact information listed for the Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report. Such a report may be made at any time (including during non-business hours) by using the telephone number or electronic mail address, or by mail to the office address listed for the Title IX Coordinator.

The District shall notify students, parents or legal guardians of students, employees, applicants for employment, and all unions or professional organizations holding collective bargaining or professional agreements with the District, of the name or title, office address, electronic mail address, and telephone number of the Title IX Coordinator.

District Response Process

The District will respond promptly when any school employee has notice of sex discrimination, including of sexual harassment. Upon receipt of notice of sexual harassment, the District shall notify students, parents or legal guardians of students, employees, applicants for employment, and all unions or professional organizations holding collective bargaining or professional agreements with the District, of the District's grievance procedures and grievance process, including how to report or file a complaint of sex discrimination, how to report or file a [formal](#) complaint of sexual harassment, and how the District shall respond. The District is committed to investigating each [formal](#) complaint submitted and to taking appropriate action on all confirmed violations of policy. The District shall follow grievance procedures that provide for the prompt and equitable resolution of complaints from students and employees alleging sexual harassment.

Confidentiality

The District will make reasonable efforts to keep confidential the identity of any individual who has made a report or filed a [formal](#) complaint of sexual harassment, any [complainant](#), [any](#) individual who has been reported to be the perpetrator of sex discrimination, any respondent, and any witness, except as is necessary to carry out the grievance process and as may otherwise be permitted by law.

Mandatory Reporting

Title IX sex discrimination complaints, including sexual harassment complaints, may include violations covered by Arizona's mandatory reporting statute, A.R.S. §[13-3620](#). Any abuses classified by statute as "reportable offenses" must be reported as such to the authorities because not reporting a reportable offense is classified as a Class 6 Felony.

Retaliation Prohibited

Neither the District nor any person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX, or because the individual has in good faith made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing. Intimidation, threats, coercion, or discrimination, including charges against an individual for violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination or [a report or formal complaint of](#) sexual harassment, for the purpose of interfering with any right or privilege secured by Title IX, constitutes retaliation.

Adopted: ~~←z2AdoptionDate→~~ [June 12, 2025](#)

LEGAL REF.:

A.R.S.

[13-3620](#)

20 U.S.C. 1092

20 U.S.C. 1681, Education Amendments of 1972, Title IX,

~~—as amended in 2024, Title IX~~

34 U.S.C. 12291

CROSS REF.:

[AC](#) - Nondiscrimination/Equal Opportunity

[JB](#) - Equal Educational Opportunities

ACAA-R ©

REGULATION

TITLE IX SEX DISCRIMINATION

Title IX Coordinator

The Superintendent shall appoint an employee as the "Title IX Coordinator." ~~If~~ If the Title IX Coordinator is the respondent, the complaint shall be filed with the Superintendent.

Title IX Coordinator - Student Complaints:

Name/Title: Kristin Reidy, Assistant Superintendent

Address: 11290 W. Grier Road, Suite 121
Marana, AZ 85653

E-mail: K.L.Reidy@maranausd.org

Telephone: (520) 682-4757

Title IX Coordinator - Employee Complaints:

Name/Title: Denise Linsalata, Assistant Superintendent

Address: 11290 W. Grier Road, Suite 121
Marana, AZ 85653

E-mail: D.L.Linsalata@maranausd.org

Telephone: (520) 682-4757

~~Response to Sex Discrimination~~ Complaint Process

~~A recipient with knowledge of conduct that reasonably may constitute sex discrimination in its education program or activity must respond promptly and effectively.~~

When the District has actual knowledge of sexual harassment in an education program or activity of the District against a person in the United States, it shall respond promptly in a manner that is not deliberately indifferent.

A. "Actual knowledge" means notice of sexual harassment or allegations of sexual harassment to a District's Title IX Coordinator or to any employee.

B. An "education program or activity" includes locations, events, or circumstances over which the District exercised substantial control over both the respondent and the context in which the ~~sex discrimination~~ sexual harassment occurs, and also includes any building owned or controlled by a student organization that is officially recognized by the District.

C. A District is "deliberately indifferent" only if its response to sexual harassment is clearly unreasonable in light of the known circumstances.

Supportive Measures

The District's initial response to any report of sex discrimination must treat complainants and respondents equally by offering supportive measures to both and must follow the established grievance process before disciplining a respondent.

~~The Title IX Coordinator shall promptly:~~

~~A. Contact the complainant to discuss the availability of supportive measures;~~

~~B. Consider the complainant's wishes with respect to supportive measures;~~

~~C. Inform the complainant of the availability of supportive measures; and~~

~~D. Explain to the complainant the process for filing a complaint.~~

Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint ~~Such or where no formal complaint has been filed.~~ Such measures are designed to restore or preserve equal access to the District's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the District's educational environment, or deter ~~sex discrimination~~ sexual harassment. Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, and other similar measures. ~~The District shall maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would~~ Supportive measures provided shall remain confidential, if possible. This confidentiality must not impair the District's ability ~~of the District~~ to provide the supportive measures. ~~The support, limit its ability to carry out the complaint process, including as otherwise may be permitted by law.~~

The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures.

Even if no formal complaint has been filed, the Title IX Coordinator shall promptly:

A. Contact the complainant to discuss the availability of supportive measures;

- B. Consider the complainant's wishes with respect to supportive measures;
- C. Inform the complainant of the availability of supportive measures; with or without the filing of a formal complaint; and
- D. Explain to the complainant the process for filing a complaint.

Removal of Respondent

The District may remove a respondent from the District's education program or activity on an emergency basis, provided that the District undertakes an individualized safety and risk analysis, determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of ~~sex discrimination~~ sexual harassment justifies removal, and provides the respondent with notice and an opportunity to challenge the decision immediately following the removal. This provision may not be construed to modify any rights under the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act of 1973, or the Americans with Disabilities Act.

~~Response to a Notification~~

~~of Conduct~~

~~The Title IX Coordinator must take the following actions upon being notified of conduct that reasonably may constitute sex discrimination:~~

- ~~A. Treat the complainant and respondent equitably. (§ 106.44(f)(1)(i)).~~
- ~~B. Offer and coordinate supportive measures, as appropriate, for the complainant. If the recipient has initiated grievance procedures or offered an informal resolution process to the respondent, offer and coordinate supportive measures as appropriate, for the respondent. (§ 106.44(f)(1)(ii)).~~
- ~~C. Notify the complainant, or if the complainant is unknown, the individual who reported the conduct, of the grievance procedures and the informal resolution process, if available and appropriate. (§ 106.44(f)(1)(iii)(A)).~~
- ~~D. If a complaint is made, notify the respondent of the grievance procedures and the informal resolution process, if available and appropriate. (§ 106.44(f)(1)(iii)(B)).~~
- ~~E. In response to a complaint, initiate the recipient's grievance procedures or informal resolution process, if available and appropriate. (§ 106.44(f)(1)(iv)).~~
- ~~F. In the absence of a complaint or the withdrawal of any or all of the allegations in a complaint, and in the absence or termination of an informal resolution process, make a fact-specific determination by considering, at a minimum, eight (8) listed factors, and determining whether the conduct as alleged presents an imminent and serious threat to the~~

~~health or safety of a complainant or other person or prevents the recipient from ensuring equal access based on sex to its education program or activity such that the Title IX Coordinator may initiate a complaint. (§ 106.44(f)(1)(v)).~~

~~G. If the Title IX Coordinator initiates a complaint, notify the complainant prior to doing so and appropriately address reasonable concerns about the complainant's safety or the safety of others. (§ 106.44(f)(1)(vi)).~~

~~H. Regardless of whether a complaint is initiated, take other appropriate prompt and effective steps to ensure that sex discrimination does not continue or recur within the recipient's education program or activity, in addition to providing remedies to an individual complainant. (§ 106.44(f)(1)(vii)).~~

~~If the conduct alleged does not meet the Title IX definition of sex discrimination as established in Governing Board policy, did not occur in the District's education program or activity, or did not occur against a person in the United States, then the District shall dismiss the allegations for purposes of Title IX but may still address the allegations in any manner the District deems appropriate under other District policies.~~

~~The District may dismiss a complaint or any allegations therein, if at any time:~~

~~A. The complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the complaint or any allegations therein;~~

~~B. The respondent is no longer enrolled or employed by the District; or~~

~~C. Specific circumstances prevent the District from gathering evidence sufficient to reach a determination as to the complaint or allegations therein.~~

~~Upon dismissal of a complaint or any allegations therein, the District shall promptly send written notice of the dismissal, including the reasons for the dismissal, simultaneously to the parties.~~

~~When investigating a formal complaint and throughout the grievance~~

Response to a Formal Complaint

"Formal complaint" means a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the District investigate the allegation of sexual harassment. At the time of filing a formal complaint, a complainant must be participating in or attempting to participate in the education program or activity of the District with which the formal complaint is filed. A formal complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information listed above, and by any additional method designated by the District that results in the Title IX Coordinator receiving the complaint.

The District may place a non-student employee respondent on administrative leave during the pendency of a grievance process in response to a formal complaint. This provision may not be construed to modify any rights under Section 504 of the Rehabilitation Act of 1973 or the Americans with Disabilities Act.

For the purpose of addressing formal complaints of sexual harassment, this grievance process shall comply with the following basic elements:

A. Provide written notice to all parties upon receipt of complaint, which must include:

1. Notice of the District's formal grievance process, including any informal resolution process;
2. Notice of the allegations, including sufficient details to allow respondent to prepare a response (such as the identities of the parties involved in the incident, if known, the conduct allegedly constituting sexual harassment, and the date and location of the alleged incident);
3. A statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process;
4. Notice that the parties may have an advisor of their choice, who may be, but is not required to be, an attorney, and may inspect and review evidence; and
5. Notice of any provision in the District's code of conduct that prohibits knowingly making false statements or providing false information in the grievance process.

B. Treat complainants and respondents equitably;

C. Require an objective evaluation of all relevant evidence;

D. Require that the Title IX Coordinator, investigator, decision-maker, or any person designated by the District to facilitate an informal resolution process, be properly trained and not have a conflict of interest against complainants and respondents generally or against the particular complainant and respondent;

E. Include a presumption that the respondent is not responsible for the alleged conduct until a determination has been made at the conclusion of the grievance process;

F. Include reasonably prompt timeframes for the conclusion of the grievance process;

G. Describe or list the possible disciplinary sanctions and remedies that may be implemented following a determination of responsibility;

H. State that the District uses a preponderance of the evidence standard or the clear and convincing evidence standard to determine responsibility;

I. Include the procedures and permissible reasons for appeal by a respondent or a complainant;

- J. Describe the range of supportive measures available to complainants and respondents; and
- K. Not require, allow, or use evidence or questions that constitute or seek legally privileged information, unless the privilege is waived.

Investigation

When investigating a formal complaint and throughout the complaint process, the District shall:

- A. Ensure that the burden of proof and the burden of gathering evidence rests on the District and not on the parties, except that certain treatment records cannot be obtained without voluntary, written consent of a party;
- B. Provide an equal opportunity for the parties to present witnesses and evidence;
- C. Not restrict the ability of either party to discuss the allegations or to gather and present evidence;
- D. Provide the parties with the same opportunities to have others present during any meeting or grievance proceeding;
- E. Provide, to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of any meeting or grievance proceeding, with sufficient time for the party to prepare to participate;
- F. Provide both parties an equal opportunity to inspect and review any evidence so that each party can meaningfully respond to the evidence prior to the conclusion of the investigation (prior to completion of the investigative report, the investigator will send to each party and the party's advisor, if any, a copy of all evidence gathered during the investigation and will allow the parties at least ten (10) days to submit a written response to any of the evidence); and
- G. Create an investigative report that fairly summarizes relevant evidence and, at least ten (10) days prior to a determination of responsibility, send to each party and the party's advisor, if any, the investigative report in an electronic format or hard copy, for their review and written response.

Informal Resolution Process

At any time prior to reaching a determination regarding responsibility during a formal complaint process, the District may facilitate an informal resolution process, such as mediation, that does not involve a full investigation and adjudication, provided that the District:

- A. Provides to the parties a written notice disclosing:
 - 1. The allegations;

2. The requirements of the informal resolution process, including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations, provided, however, that at any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint; and

3. Any consequences resulting from participating in the informal resolution process, including the records that shall be maintained or could be shared;

B. Obtains the parties' voluntary, written consent to the informal resolution process; and

C. Does not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student.

Dismissal of Complaint

If the conduct alleged in a formal complaint does not meet the Title IX definition of sex discrimination as established in Governing Board policy, did not occur in the District's education program or activity, or did not occur against a person in the United States, then the District shall dismiss the allegations for purposes of Title IX but may still address the allegations in any manner the District deems appropriate under other District policies.

The District may dismiss a formal complaint or any allegations therein, if at any time:

A. The complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint or any allegations therein.

B. The respondent is no longer enrolled or employed by the District; or

C. Specific circumstances prevent the District from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

Upon dismissal of a formal complaint or any allegations therein, the District shall promptly send written notice of the dismissal, including the reasons for the dismissal, simultaneously to the parties.

Decision-Maker

After the District has sent the investigative report to the parties and before reaching a determination regarding responsibility, the decision-maker(s) shall afford each party the opportunity to submit written, relevant questions that a party wants asked of any party or witness, provide each party with the answers, and allow for additional, limited follow-up questions from each party. Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence are offered to prove consent.

~~Decision-maker(s) must not have bias or conflict of interest. A decision-maker may be the Title IX Coordinator or investigator as long as there is no bias or conflict of interest.~~

The decision-maker(s), who cannot be the same person(s) as the Title IX Coordinator or the investigator(s), shall apply the District's established standard of evidence and shall issue a written determination regarding responsibility that includes:

- A. Identification of the allegations potentially constituting ~~sex discrimination~~ sexual harassment;
- B. A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
- C. Findings of fact supporting the determination;
- D. Conclusions regarding the application of the District's code of conduct to the facts;
- E. A statement of and rationale for the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the District imposes on the respondent, and whether remedies designed to restore or preserve equal access to the District's education program or activity shall be provided by the District to the complainant; and
- F. The District's procedures and permissible bases for the complainant and respondent to appeal.

Determination and Appeal Process

The District shall provide the written determination to the parties simultaneously. The Title IX Coordinator is responsible for effective implementation of any remedies.

The District shall offer both parties the right to appeal from a determination regarding responsibility and from a dismissal of a formal complaint or any allegations therein, on the following bases:

- A. Procedural irregularity that affected the outcome of the matter;
- B. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and
- C. The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affect the outcome of the matter.

As to all appeals, the District shall:

- A. Notify the other party in writing when an appeal is filed and implement appeal procedures equally for both parties;
- B. Ensure that the decision-maker(s) for the appeal is not the same person as the decision-maker(s) that reached the determination regarding responsibility or dismissal, the investigator(s), or the Title IX Coordinator;
- C. Ensure that the decision-maker(s) for the appeal does not have a conflict of interest or bias ~~for or against complainants or respondents generally or an individual complainant or respondent~~;
- D. Give both parties a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome;
- E. Issue a written decision describing the result of the appeal and the rationale for the result; and
- F. Provide the written decision simultaneously to both parties.

The District may not require as a condition of enrollment or continuing enrollment, or employment or continuing employment, or enjoyment of any other right, waiver of the right to an investigation and adjudication of ~~formal~~ complaints of ~~sex discrimination sexual harassment~~. ~~However, at any time prior to reaching a determination regarding responsibility during a complaint process, Similarly, the District may facilitate an informal resolution process, such as mediation, that does not involve a full investigation and adjudication, provided that the District:~~ not require the parties to participate in an informal resolution process and may not offer an informal resolution process unless a formal complaint is filed.

~~A. Provides to the parties a written notice disclosing:~~

~~1. The allegations;~~

~~2. The requirements of the informal resolution process, provided that at any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process; and~~

~~3. Any consequences resulting from participating in the informal resolution process, including the records that shall be maintained or could be shared;~~

~~B. Obtains the parties' voluntary, written consent to the informal resolution process; and~~

~~C. Does not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student.~~

Records

The District shall maintain for a period of seven (7) years records of:

A. Each sex discrimination investigation including:

1. Any determination regarding responsibility;
2. Any disciplinary sanctions imposed on the respondent; and
3. Any remedies provided to the complainant designed to restore or preserve equal access to the District's education program or activity.

B. Any appeal and the result therefrom;

C. Any informal resolution and the result therefrom; and

D. All materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process. The District shall make these training materials publicly available on its website, or if the District does not maintain a website the District shall make these materials available upon request for inspection by members of the public.

The District shall create and maintain for a period of seven (7) years, records of any actions, including supportive measures taken **or not taken** in response to a report or **formal** complaint of sex discrimination. In each instance, the District shall document the basis for its conclusion that its response was not deliberately indifferent, and document that it has taken measures designed to restore or preserve equal access to the District's education program or activity.

If a **District-recipient** does not provide a complainant with supportive measures, then the **District** ~~shall~~**-recipient must** document the reasons why such a response was not clearly unreasonable in light of the known circumstances. The documentation of certain bases or measures does not limit the District in the future from providing additional explanations or detailing additional measures taken.

GBK STAFF GRIEVANCES

This policy does not apply to any administrative recommendation or Governing Board action, discussion, or consideration involving termination of employment. [This policy also does not apply to any grievance alleging sexual harassment, which will be addressed in accordance with Policy ACA and/or Policy ACAA, as appropriate.](#)

All days referred to in this policy are school days.

Certificated Staff Members

Grievance Procedure

The major assets of any educational organization are the quality of all personnel employed, the staff relationships that exist throughout the organization, the procedures for policy formation and adoption, and the plans for enhancing educational opportunities for students. This policy is intended to encourage unobstructed communications for all staff members and is designed to improve the morale, responsibility, and staff relations within the District. Reprisals shall not be taken against any teacher or any other participant in the grievance procedure by reason of such participation.

A grievance/problem is a claim by a teacher, or a group of teachers, or the Marana Education Association that there has been a violation, misinterpretation, or failure to apply the provisions of the agreement, Board policies, customary District-level practices, or inequitable treatment of teachers. A grievance may also include any problems or concerns brought by the teacher to an appropriate administrator. Any grievance that involves multiple teachers, filing as a single unit, shall be treated as a "class-action grievance." In a class-action grievance that involves more than one (1) supervisor, the Level 0 conference will be assigned to the lowest level administrator who supervises all members of the group filing the grievance. In a class-action grievance that involves only one (1) supervisor, the Level 0 conference will be with that supervisor.

A grievant may be any teacher or group of teachers or the Marana Education Association.

The term *day*, when used in this policy, shall mean days when teachers are in attendance, except as otherwise noted.

Appropriate administrator refers to the administrator whose action or failure of action or other circumstance is most directly related to the complaint. In the case of a class action this will be the administrator who is most directly related to the complaints, if only one (1) is involved, or the supervisor at first subsequent level who supervises all grievants, if more than one (1) supervisor is involved.

Other representative refers to any certificated employee of the grievant's choosing.

The purpose of this policy is to secure, at the lowest possible level, equitable solutions to problems that may, from time to time, arise. With the permission of the grievant, the Association shall have the opportunity to be present and to state its views at the formal procedure Levels 1 and 2. If the Association is not present and the grievance is not resolved, the Association may request and then receive recorded transcripts of the proceedings or a complete and detailed written summary of events and issues. The Association shall, if requested, be present and have the opportunity to state its views at a formal procedure, Levels 3 and 4.

A grievance may not change throughout the process from the initial grievance statement.

A grievance may not be based on a statement or group of statements made at another grievance unless the statement made is false or creates misrepresentation of the facts either through omission or distortion, and the person who made the statement knew it was false or acted in a reckless disregard as to its truth or falsity. If a statement is made that fits these restrictions or limitations, the person making the statement may be subject to discipline imposed by the District.

The staff grievance policy does not apply to the Performance Based Pay Plan. Any challenges to the decisions made by the Performance Based Pay Plan design team will be submitted to their own appeals review committee. Their decision will be final, and not subject to the District grievance policy.

Level 0. Problem solving:

- A. It is understood that from time to time a problem may arise that may be resolved prior to initiation of a Level 1 grievance.
- B. The teacher and the appropriate administrator should meet to discuss the problem. If no satisfactory solution is reached at Level 0 then the formal Level 1 procedure can be instituted.

Level 1. Initial formal procedure - administrator:

- A. In an effort to resolve a grievance on a formal plane, the grievant or the grievant's representative must, within ten (10) working days of the alleged violation being made known to the employee or the employee's representative, make a written request for an appointment with the appropriate administrator for the purpose of discussing the situation, prior to taking steps for formally filing a grievance. The grievant shall be granted the right to attend the meeting with a representative. Resolution must be reached within five (5) days of the Level 1 meeting. If no resolution can be reached, written notice shall be filed with the administrator and the central administration indicating that Level 2 is being requested. This notification will be filed after a minimum of two (2) days and a maximum of seven (7) days.
- B. If the two (2) to seven (7) days occur on the last contract dates with the teacher, the Marana Education Association agrees to continue the grievance process so that a solution to the problem shall be expedited.

Level 2. Formal procedure - administrator:

A. The formal written grievance shall clearly state the nature of the complaint and the relief sought. Information copies are to be sent to the Superintendent, the Association, and the Governing Board. If mutually agreed to, this grievance may be postponed until the following year.

B. The grievant or administrator may request a conference with the other prior to the time a decision is rendered. The teacher may discuss the grievance personally or may request permission to be accompanied by an Association representative or other representative. The administrator may also ask to be accompanied by a representative.

C. Within five (5) days of the receipt of the written grievance or the conference, whichever is later, the administrator shall render a written decision to the grievant, with a copy to the Association.

Level 3. Formal procedure - Superintendent:

A. If the grievant is not satisfied with the disposition of the grievance at Level 2, or if no decision has been rendered, the grievant may, within five (5) days of the decision, refer the grievance in writing to the Superintendent.

B. The Superintendent shall then schedule a meeting to take place within (10) days after receipt of the request for Level 3. Persons who may participate in this meeting shall be the Superintendent, the grievant, one Marana Education Association representative or other representative of the grievant's choice, and the appropriate administrator, and the administrator's representative who was involved at Level 2. These persons shall be given five (5) days written notice of the time and place of the meeting. The Superintendent shall, within five (5) days after the meeting, render a written decision to the grievant, with a copy to the Association.

Level 4. Formal procedure - Governing Board:

A. If the grievant is not satisfied with the Superintendent's decision, the matter may be appealed to the Board. The aggrieved shall file a request with the Board within five (5) days of the Superintendent's decision.

B. The Board will consider a request for a hearing at the next regular Board meeting. The Board will set a time and place for the hearing at the next regularly scheduled Board meeting and will notify all interested parties. The date of the hearing may, with consent by the Board or aggrieved parties, be postponed by mutual agreement.

C. All interested parties shall have the right to be represented by counsel of their own choosing to present such witnesses and documentary evidence as may be pertinent.

D. All parties shall be afforded opportunity for reasonable oral argument and shall be permitted to file typewritten, duplicated, or printed briefs. Copies of all briefs, notices, and requests shall be furnished to the opposing parties.

E. Upon request by either party, the Board shall cause testimony presented on such hearings to be reduced to writing, but, as a condition to compliance with the request, may require the requesting party to pay the actual cost of preparing such written record for evidence.

F. The Board shall, within twenty (20) days, or no longer than the next regularly scheduled Board meeting after the hearing is completed, render a decision in writing.

G. Except for the actual cost of preparing written record for evidence, as provided above, no costs shall be assessed against any party to said hearing.

Level 5. Arbitration:

A. If not satisfied with the disposition of the grievance at Level 4, the aggrieved person may, within five (5) days after the decision is rendered, request in writing to the Association that the grievance be submitted to arbitration.

B. The Association may, within five (5) days after the receipt of the request, submit the grievance to arbitration, by so notifying the Governing Board in writing.

C. The Board, or its designee, and the Association, within five (5) days after written notice is received by the Board, will jointly select an arbitrator. To do this the parties shall first jointly request a panel of seven (7) arbitrators from the Federal Mediation and Conciliation Service, 2100 "K" Street N.W., Washington, DC 20427.

D. Upon receipt of the list, the parties shall meet within five (5) working days to jointly select an arbitrator to hear the case. If the parties are unable to agree on one (1) member of the panel, the arbitrator shall be selected in the following manner:

The moving party shall cross one (1) name from the list. The other party shall strike one (1) name. This process shall continue until only one (1) name remains; that being the name of the arbitrator.

E. If the above procedure is restrictive because of the time required, the parties agree that they may jointly request that the American Arbitration Association appoint an arbitrator.

F. The arbitrator shall have the authority to hold hearings and make procedural rules as deemed proper as long as time is kept to a minimum.

G. The arbitrator's decision shall be submitted in writing to the Board and to the Association.

H. All costs and expenses for the services of arbitration shall be shared equally by the Board and the Association up to an amount of one thousand dollars (\$1,000) for each party, per year, after which full costs will be paid by the party requesting arbitration.

Level 6. Failure:

Failure to file a request for the next-level hearing within the time limitations set forth in this policy shall mean that the aggrieved does not wish to pursue the matter further, and the case shall be closed, unless a waiver of the time line is mutually agreed to within the specified time line.

Effective communication between District employees, the administrative staff, and the Board is essential for proper operation of the schools. The Governing Board, therefore, authorizes the Superintendent to establish a grievance procedure for employees as the prescribed means of resolving grievances at the earliest date and the lowest possible administrative level. ~~In cases of alleged sex discrimination, this grievance procedure should provide supportive measures to complainants and respondents affected by the alleged sex discrimination conduct, must require adequate notice, must provide an equal opportunity to present and access evidence, and provide a reasonable opportunity for response by each party.~~

Such procedure shall provide for an appeal to the Board review of any grievance that cannot be resolved at the administrative level. In such instances, the request shall be in writing and shall contain the basis for the appeal, including the act or acts out of which the grievance arose, identification of the Board policies and/or administrative regulations involved, and the remedy sought. Within five (5) working days following notification of the Superintendent's decision, any written request for appeal shall be submitted to the Superintendent for transmittal to the Board. The Governing Board, at a time of its choosing, shall review the grievance and issue a response within fifteen (15) working days following such review.

The decision of the Governing Board is final.

Adopted: ~~September 12, 2024~~ June 12, 2025

LEGAL REF.:

A.R.S.

[38-532](#)

**JII ©
STUDENT CONCERNS, COMPLAINTS,
AND GRIEVANCES**

The Superintendent is directed to establish procedures whereby students with sufficient concern may present a complaint or grievance regarding a violation of their constitutional rights, equal access to programs, discrimination, or personal safety provided that:

- A. The topic is not the subject of disciplinary or other proceedings under other policies and regulations of the District, and
- B. The procedure shall not apply to any matter for which the method of review is prescribed by law, or the Governing Board is without authority to act.

A complaint or grievance may be raised regarding any of the following:

- A. Violation of the student's constitutional rights.
- B. Denial of an equal opportunity to participate in any program or activity for which the student qualifies, not related to the student's individual capabilities.
- C. Discriminatory treatment on the basis of race, color, religion, sex, age, national origin, or disability-, or any other basis considered by law.

~~In cases of alleged sex discrimination, this grievance procedure should provide supportive measures to complainants and respondents affected by the alleged sex discrimination conduct, must require adequate notice, must provide an equal opportunity to present and access evidence, and provide a reasonable opportunity for response by each party~~

- D. Concern for the student's personal safety.

Refer to Board Policy JICK for procedures applying to a complaint or grievance that alleges incidences of student violence, harassment, intimidation, or bullying.

The complaint or grievance must be made within thirty (30) calendar days of the time the student knew or should have known that there were grounds for the complaint or grievance. The initial complaint or grievance should be made using form JII-EA; however, a verbal complaint or grievance may be made to any school staff member. The receiving staff member shall immediately inform an administrator of the complaint or grievance.

When the initial complaint or grievance is submitted in a manner other than on the prescribed form, the administrator shall obtain from the student the particulars of the accusation and complete form JII-EA immediately thereafter. The administrator shall especially note all student-provided particulars determined by the Superintendent to be necessary for the complaint or grievance to be investigated. Any question concerning whether a complaint or grievance falls within this policy shall be determined by the Superintendent.

If the receiving school administrator is included in the allegation, the complaint or grievance shall be transmitted to the next higher administrative supervisor. Failure by the staff member to timely inform a school administrator or next higher administrative supervisor of a student's allegation may subject the staff member to disciplinary action. The staff member shall preserve the confidentiality of the subject, disclosing it only to the appropriate school administrator or next higher administrative supervisor or as otherwise required by law.

A student or student's parent or guardian may initiate the complaint process by completing Exhibit JII-EA.

A complaint or grievance may be withdrawn at any time. Once withdrawn, the process cannot be reopened if the resubmission is longer than thirty (30) calendar days from the date of the occurrence of the alleged incident.

Retaliatory or intimidating acts against any student who has made a complaint under this policy and its corresponding regulations, or against a student who has testified, assisted or participated in any manner in an investigation relating to a complaint or grievance, are specifically prohibited and constitute grounds for a separate complaint.

To assure that students and staff are aware of its content and intent, a notice of this policy and procedure shall be posted conspicuously in each school building and shall be made a part of the rights and responsibilities section of the student handbook. Forms for submitting complaints are to be available to students, staff and parents or guardians in the school offices.

Disposition of all complaints or grievances shall be reported to the Superintendent and the compliance officer for discrimination if other than the Superintendent. The Superintendent will determine if the policies of the District have been appropriately implemented and will make such reports and/or referrals to the Board as may be necessary.

The Superintendent shall develop procedures for the maintenance and confidentiality of documentation related to the receipt of a student's complaint or grievance, findings of the investigation, and disposition of the matter. The documentation shall not be used to impose disciplinary action unless the appropriate school official has investigated and determined there was an actual occurrence of the alleged incident.

Knowingly submitting a false report under this policy shall subject the student to discipline up to and including suspension or expulsion. Where disciplinary action is necessary pursuant to any part of this policy, relevant District policies shall be followed.

When District officials have a reasonable belief or an investigation reveals that a reported incident may constitute an unlawful act, law enforcement authorities will be informed.

Adopted: ~~2025~~ Adoption Date June 12, 2025

LEGAL REF.:
A.R.S.

[15-341](#)

20 U.S.C. 1681, Education Amendments of 1972, Title IX, ~~as amended in 2024, Title IX~~

CROSS REF.:

[AC](#) - Nondiscrimination/Equal Opportunity

[ACA](#) - Sexual Harassment

[GBEB](#) - Staff Conduct

[JB](#) - Equal Educational Opportunities

[JIC](#) - Student Conduct

[JICEA](#) - Hazing

[JICK](#) - Student Bullying/Harassment/Intimidation

[JK](#) - Student Discipline

[JKD](#) - Student Suspension

[JKE](#) - Expulsion of Students

[KE](#) - Public Concerns and Complaints

IHA ©
BASIC INSTRUCTIONAL PROGRAM

The various instructional programs will be developed to maintain a balanced, integrated, and sequential curriculum that will serve the educational needs of all school-aged children in the District. The curriculum will be broad in scope and provide for a wide range in rate, readiness, and potential for learning.

The instructional program shall reflect the importance of language acquisition/reading-skill development as the basic element in each student's education. The first priority of the instructional program will be language acquisition through a planned sequence of reading skills and language experiences beginning in the kindergarten program. The improvement of specific reading skills of students should be continuous throughout their education. Each school educating students in kindergarten and grades one (1) through three (3) shall have a reading program as required by A.R.S. [15-704](#) and applicable State Board of Education rules.

The second priority of the instructional program will be mastery of the fundamentals of mathematics, beginning in the kindergarten program.

The instructional program will ensure that on or before July 1, 2022, at least one (1) kindergarten through third (K-3) grade teacher, literacy coach or literacy specialist in each school has received training related to dyslexia that complies with the requirements prescribed in A.R.S. [15-219](#) and A.R.S. [15-501.01](#) which includes enabling teachers to understand and recognize dyslexia and to implement structured literacy instruction that is systematic, explicit, multisensory and evidence-based to meet the educational needs of students with dyslexia.

Attention to the above-listed priorities shall not result in neglect of other areas of the curriculum.

**Minimum Course of Study
for Students in the
Common Schools**

Students shall demonstrate competency as defined by the State Board-adopted academic standards, at the grade levels specified, in the following required subject areas:

- A. English language arts (ELA);
- B. Mathematics;
- C. Social studies; including:
 - 1. Civics; and

2. Instruction on the Holocaust and other genocides for at least three (3) class periods, or the equivalent, on at least two (2) separate occasions during any of grades seven through twelve (7-12).

3. Instruction in the Constitutions of the United States and Arizona, American institutions and ideals and in the history of Arizona, including the history of Native Americans in Arizona for a total of one (1) year during kindergarten (K) through eighth (8th) grades.

D. Science;

E. Two (2) or more of the following:

1. Visual Arts

2. Dance

3. Theatre

4. Music

5. Media Arts

F. Health/Physical education, including mental health. Mental health instruction may be included as part of other subject areas and shall comply with A.R.S. § [15-701.03](#).

Minimum Course of Study for Graduation from High School

See Policy IKF.

Observance Days

September 11, in each year shall be observed as 9/11 Education Day. On 9/11 Education Day, each public school ~~shall dedicate a portion of the school day to age-appropriate education that~~ provides instruction to students in any of grades seven (7) through twelve (12) shall provide age-appropriate instruction to students in each of grades seven (7) through (12) twelve on the terrorist attacks of September 11, 2001.

September 25, in each year, shall be observed as Sandra Day O'Connor Civics Celebration Day. On Sandra Day O'Connor Civics Celebration Day, each public school in this state shall dedicate the majority of the school day to civics education.

If Sandra Day O'Connor Civics Celebration Day or 9/11 Education Day falls on a Saturday, Sunday or other day when a public school is not in session, the preceding or following school day shall be observed in the public school as the holiday.

The Superintendent is directed to emphasize the use of the resources developed by the State Board of Education relating to civics education which align with the academic standards in social studies pursuant to A.R.S. [15-701](#) and [15-701.01](#).

Adopted: ~~z2AdoptionDate~~ June 12, 2025

LEGAL REF.:

A.R.S.

[1-319](#)

[1-321](#)

[15-203](#)

[15-211](#)

[15-219](#)

[15-341](#)

[15-501.01](#)

[15-701](#)

[15-701.01](#)

[15-701.03](#)

[15-704](#)

[15-710](#)

[15-710.02](#)

[15-741.01](#)

[15-802](#)

A.A.C.

[R7-2-301](#) *et seq.*

CROSS REF.:

[IJNDB](#) - Use of Technology Resources in Instruction

[IKF](#) - Graduation Requirements