

# **POLICY SERVICES ADVISORY**

Volume 24, Number 3

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Policy Advisory No. 441 .....	DGD — Credit Cards DGD-R — Credit Cards DGD-E — Credit Cards
Policy Advisory No. 442 .....	DJE — Bidding/Purchasing Procedures
Policy Advisory No. 443 .....	EF-R — Food Services (Addendum A)
Policy Advisory No. 444 .....	GB — General Personnel Policies
Policy Advisory No. 445 .....	GCCD — Professional/Support Staff Military/Legal Leave
Policy Advisory No. 446 .....	GCK — Professional Staff Assignments and Transfers
Policy Advisory No. 447 .....	GCMF — Professional Staff Duties and Responsibilities
Policy Advisory No. 448 .....	GCO — Evaluation of Professional Staff Members GCO-RA—Evaluation of Professional Staff Members (Addendum B)
Policy Advisory No. 449 .....	IHAL—Teaching About Religion
Policy Advisory No. 450 .....	IHAMB—Family Life Education
Policy Advisory No. 451 .....	IHBCA — Programs for Pregnant/Parenting Students

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- Policy Advisory No. 452 .....IHBE – Bilingual Instruction/Native Language Instruction
- Policy Advisory No. 453 .....IHBHD—Online/Concurrent/Correspondence Courses
- Policy Advisory No. 454 ..... IKE-RB— Promotion and Retention of Students
- Policy Advisory No. 455 .....IJM—Special – Interest Materials Selection and Adoption
- Policy Advisory No. 456 ..... KD—Public Information and Communication
- Policy Advisory No. 457 .....KHC—Distribution/Posting of Promotional Materials
- Policy Advisory No. 458 ..... GBAB—Medical Marijuana Standards and Conditions for Employees
- Policy Advisory No. 459 ..... GBECA — Nonmedical Use or Abuse of Drugs or Alcohol
- Policy Advisory No. 460 ..... JICH — Drugs and Alcohol Use by Students
- Policy Advisory No. 461 .....KFA — Public Conduct on School Property

**Policy Advisory Discussion**

***Policy Advisory No. 441. Policy DGD, DGD-R, DGD-E — Credit Cards.***

Policy Advisory 441 is in response to USFR Memorandum No. 253. The Advisory addresses Policy DGD which will need to be considered by the board. The regulation (DGD-R) and the exhibit (DGD-E) need the attention of the superintendent; board action is not necessary. Memorandum No. 253 addresses the need for more definitive language related to the use, security, control limits, issuance, purchasing limitations, purchasing documentation, payment processing, rebates/incentives, and staff training. Language adjustments to regulation DGD-R provide the necessary language.

Exhibit DGD-E has additional language that documents that the person signing the exhibit has been advised of purchasing limitations and has been provided the opportunity to ask questions related to Policy DGD and Regulation DGD-R. It is recommended by ASBA that each district maintain appropriate training records including the signed exhibit for each employee who is approved to use a district credit/procurement card.

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***Policy Advisory No. 442. Policy DJE – Bidding/Purchasing Procedures.***

Senate Bill 1060 adds section L to A.R.S. 15-213 which states that the maximum limit amount of an individual job order for job-order-contracting construction services shall be one million dollars or a higher or lower amount prescribed by the governing board. Policy language provides the opportunity to determine the maximum amount the board will prescribe as appropriate for the district. Board action on this Policy Advisory must include that amount and subsequently be transmitted to ASBA for inclusion in the document.

***Policy Advisory No. 443. Regulation EF-R – Food Services.***

EF-R is an administrative regulation needing the attention of the superintendent; board action is not necessary. Policy Advisory 443 is in response to a USDA memorandum related to section 205 of the Healthy, Hunger-Free Kids Act of 2010 (Public Law 111-296). Provisions require school food authorities participating in the National School Lunch Program to ensure that schools are providing the same level of support for lunches served to students who are not eligible for free or reduced price lunches as they are for lunches served to students eligible for free lunches. Food service managers or the person charged with the food service program should refer to the USDA memorandum dated March 2, 2011, Equity in School Lunch Pricing Fact Sheet for greater detail (a copy has been attached to this communication as Addendum A).

***Policy Advisory No. 444. Policy GB – General Personnel Policies***

Policy Advisory No. 444 revises Policy GB, General Personnel Policies, to remove the last sentence in the second paragraph. This policy was inserted into the Policy Manual as Policy Advisory 368, Volume 22, Number 1 in February 2010, and included an expansive conclusion in the second paragraph which stated “The policies, regulations, exhibits, and other documents in the Policy Manual do not form any part of any employment contract or employment agreement between the School District and any individual employee.” This has been deleted since some case law supports the principle that policies relating to employment are deemed to be part of the contract; because of this, Policy Services thought it best to take a cautious approach in its model language in this area.

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***Policy Advisory No. 445. Policy GCCD — Professional/Support Staff Military/Legal Leave***

Policy Advisory No. 445 revises Policy GCCD, to remove the second paragraph, consisting of one sentence. This has been deleted since it may be inconsistent with USERRA, Uniformed Services Employment and Reemployment Rights Act of 1994, which is briefly summarized in GCCD-E with a reference to [http:// www.dol.gov/vets/](http://www.dol.gov/vets/). Any legal questions pertaining to challenges or substantive issues should be referred to legal counsel.

***Policy Advisory No. 446. Policy GCK —Professional Staff Assignments and Transfers.***

HB 2823 adds substantive changes to A.R.S. 15-537 referencing teacher transfers and the performance classifications adopted by the State Board of Education pursuant to A.R.S. 15-203(A)(38).

***Policy Advisory No. 447. Policy GCMF — Professional Staff Duties and Responsibilities.***

This policy has two additions which are based on a change to A.R.S. 15-521 found in HB 2823 and the necessity of qualifying a portion of Policy GCMF due to the addition of Policy IHAL, Teaching About Religion.

***Policy Advisory No. 448. Policy GCO and GCO-RA — Evaluation of Professional Staff Members.***

Policy Advisory No. 448 revises Policy GCO, Evaluation of Professional Staff Members, and regulation GCO-RA to address the provisions of HB 2823, Fiftieth Legislature, Second Regular Session 2012, amending Arizona Revised Statutes Sections 15-203, 15-341, 15-503, 15-521, 15-536, 15-537, 15-538.01, 15-539, and 15-977. HB 2823 also added Arizona Revised Statute Section 15-537.01 to Arizona Revised Statutes Title 15, Education, Chapter 5, Article 3. The Session Laws, Section 11 and Section 12, which are not chaptered, contain two specific dates of significance and information related to teacher and principal evaluations. A brief summary of salient parts of the above statutes and session laws follow. Pertinent dates of significance in this summary of the provisions of HB 2823 are attached to this communication as Addendum B.

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A.R.S. 15-203(A)(38) delineates the responsibility of the State Board of Education, on or before **December 1, 2012**, to adopt and maintain a model framework for a teacher and principal evaluation instrument that includes quantitative data on student academic progress that accounts for between thirty-three per cent and fifty per cent of the evaluation outcomes. Such model framework shall include four performance classifications, designated as **highly effective, effective, developing, and ineffective**, and guidelines for school districts and charter schools to use in their evaluation instruments.

The State Board of Education is further directed to adopt best practices for professional development and evaluator training and is given the authority to periodically make adjustments to align the model framework for teacher and principal evaluations with assessment or data changes at the state level.

School districts and charter schools shall, in a public meeting, by **school year 2013-2014**, adopt definitions for the performance classifications adopted by the State Board of Education. The performance classifications are to be applied to the evaluation instruments in a manner designed to improve principal and teacher performance. At least annually, the school district governing board shall discuss at a public meeting its aggregate performance classifications of principals and teachers.

A.R.S. 15-341(A)(42) requires the school district governing board to adopt in a public meeting and implement by **school year 2013-2014** policies for principal evaluations. Prior to adoption, the governing board shall provide opportunities for public discussion on the proposed policies which shall describe the following:

- The principal evaluation instrument, including the four performance classifications adopted by the governing board pursuant to ARS 15-203(A)(38).
- Alignment of professional development opportunities to the principal evaluations.
- Incentives for principals in one of the two highest performance classifications referenced above, which may include
  - Multiyear contracts as authorized in A.R.S. 15-503 with the restriction that if the principal's contract is for multiple years the school district shall not offer to extend or negotiate the contract until May of the year preceding the final year of the contract.

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- Incentives to work at schools assigned a letter grade of “D” or “F” pursuant to A.R.S. 15-241.
- Transfer and contract processes for principals designated in the lowest performance classification pursuant to A.R.S. 15-203(A)(38).

A.R.S. 15-503(C) provides the following:

- That the term of employment of principals may be for any period not exceeding three years pursuant to A.R.S. 15-341(A)(42) except that if the principal’s contract with the school district is for multiple years the school district shall not offer to extend or negotiate the contract until May of the year preceding the final year of the contract.
- That the governing board shall establish systems for the evaluation of the performance of principals that meet the requirements prescribed in A.R.S. 15-203(A)(38).
- That the board makes available the evaluation and performance classification pursuant to A.R.S. 15-203(A)(38) of each principal in the school district to school districts and charter schools that are inquiring about the performance of the principal for hiring purposes.

A.R.S. 15-521, Duties of Teachers, contains a provision which requires the modification of Policy GCMF, Professional Staff Duties and Responsibilities, to add the requirement that every teacher shall make student learning the primary focus of the teacher’s professional time. This policy will also be updated to delete an older provision which is no longer part of the statute.

A.R.S. 15-536, Offer of Contract to Certificated Teacher Who Has Not Been Employed More Than Three Consecutive School Years, extends the application of this statute to include each teacher who is beginning the teacher’s fourth year of employment and who has been designated in one of the two lowest performance classifications pursuant to A.R.S. 15-203(A)(38) and who is under a contract of employment with the school district for the current school year. Teachers covered under this statute shall not have the right to a hearing pursuant to ARS 15-539(G).

A.R.S. 15-537, Performance of Certificated Teachers; Evaluation System; Definition, directs the governing board to establish a system for the evaluation of the performance of certificated teachers in the school district that meets the requirements prescribed in A.R.S. 15-203(A)(38), to adopt teacher evaluation policies in a public meeting by school year 2013-2014. Prior to adoption, the governing board shall provide opportunities for public discussion on the proposed policies which shall describe the following:

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- Incentives for teachers in the highest performance classification, including multiyear contracts not to exceed three years. A teacher may accept or decline a multiyear contract. The teacher is not excluded from the application of A.R.S. 15-538.01, 15-540, 15-541 or 15-549.
- Incentives for teachers in the two highest performance classifications to work at schools that are assigned a letter grade of *D* or *F* pursuant to A.R.S. 15-241.
- Protection for teachers who are transferred to schools that are assigned a letter grade of *D* or *F* pursuant to A.R.S. 15-241.
- Protection for teachers if the principal of the school is designated in the lowest performance classification.

Beginning in school year **2015-2016**, the policies prescribed in the four bullets above shall describe the following:

- Support and consequences for teachers designated in the lowest performance classification.
- An intervention option for teachers designated in the lowest performance classification that includes the use of a performance improvement plan for those teachers pursuant to A.R.S. 15-539. This intervention must be limited in policy to being used only once for each teacher.
- Dismissal policies pursuant to A.R.S. 15-539 for teachers who continue to be designated in the lowest performance classification following use of the intervention option.
- Dismissal policies pursuant to A.R.S. 15-539 for teachers who are not provided an intervention option. The policies shall require that the school district governing board initiate the notice of inadequacy of classroom performance process pursuant to A.R.S. 15-539 no later than the second consecutive year that the teacher is designated in the lowest performance classification.

A teacher who has been employed by the school district for the major portion of three or more consecutive school years and who is designated in the lowest performance classification for two consecutive school years shall not be transferred as a teacher to another school in that school district unless the district has issued a notice of inadequacy of classroom performance and approved a performance improvement plan for the teacher pursuant to A.R.S. 15-539 and the governing board has approved the new placement as in the best interests of the pupils in the school. A teacher shall not be transferred more than once pursuant to this statute.

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A.R.S. 15-537 also provides that the governing board shall prescribe specific procedures for the teacher performance evaluation system pursuant to ARS 15-203(A)(38) which shall include at least two actual classroom observations of the certificated teacher demonstrating teaching skills in a complete and uninterrupted lesson by the person observing the teacher. There shall be at least sixty calendar days between the first and last observations. Within ten business days after each observation, the person observing the teacher shall provide written feedback to the teacher.

Copies of the evaluation report and performance classification of a certificated teacher retained by the governing board and the department of education are confidential, do not constitute a public record and shall not be released to any person except to those stipulated in the statute with the recent addition of allowing release to school districts and charter schools that inquire about the performance of the teacher for employment purposes.

There is an additional admonition in A.R.S. 15-537 that any school district policy pertaining to the transfer of teachers from one school to another school within the school district shall take into consideration the needs of the pupils in the school district and the current distribution of teachers across all of the four performance classifications adopted by the state board of education pursuant to A.R.S. 203(A)(38).

A.R.S. 15-537.01 is a new statute which addresses the posting of best practices for teacher and principal evaluation systems. This statute requires that by **September 15, 2012**, the Department of Education shall identify and prominently post on the website maintained by the Department the best practices for the implementation and assessment of principal and teacher evaluation systems. The best practices which are posted are to be derived from at least the following Arizona public schools:

- One large school district located in a county with a population of at least eight hundred thousand persons.
- One small school district located in a county with a population of at least eight hundred thousand persons.
- One school district located in a county with a population of fewer than eight hundred thousand persons.
- One charter school.

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The best practices posted by the Department of Education pursuant to the above shall include detailed information on

- The implementation process for teacher and principal evaluation systems.
- The evaluation weightings.
- The types of qualitative and quantitative elements used.
- The methods in which the evaluations guide professional development.
- The types of decisions for which the evaluations are used.

A.R.S. 15-538.01, provides, subject to statutory references, that the governing board shall offer to each certificated teacher who has been employed more than the major portion of three consecutive years and who is under contract of employment with the school district for the current year a contract renewal for the next ensuing school year unless the teacher has been given notice of the board's intent not to offer a contract and to dismiss the teacher as provided in section ARS 15-539. The legislature added that the governing board shall offer a contract to each certificated teacher who is not designated in the lowest performance classification pursuant to A.R.S. 15-203(A)(38) and was offered a contract in the prior year pursuant to A.R.S. 15-536 unless the teacher has been given notice of the board's intent not to offer a contract and to dismiss the teacher as provided in section A.R.S. 15-539.

A.R.S. 15-539 references the exception provided in A.R.S. 15-536 for a certificated teacher who is beginning the teacher's fourth year of employment and who has been designated in one of the two lowest performance classifications pursuant to A.R.S. 15-203(A)(38) and who is under a contract of employment with the school district for the current school year.

This statute now adds to the governing board's responsibility to develop a definition of inadequacy of classroom performance the requirement to ensure that the definition aligns with the performance classifications adopted by the State Board of Education pursuant to A.R.S. 15-203(A)(38).

A.R.S. 15-977, Classroom Site Fund; Definitions, directs that beginning in school year 2014-2015, individual teacher performance as measured by the teacher's performance classification pursuant to A.R.S. 15-203(A)(38) shall be a component of the school district's portion of the forty per cent allocation for teacher compensation based on performance and employment related expenses and that the individual teacher performance component shall account for thirty-three per cent of the forty per cent allocation for such compensation.

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Session Laws, Section 11, which is not chaptered, contains two specific dates of significance and information related to teacher and principal evaluations as follows:

Notwithstanding A.R.S. 15-203(A)(38), a school district governing board or a charter school governing body may elect to postpone the full implementation of the required teacher and principal evaluation **until the 2013-2014 school year** if a majority of the governing board or a majority of the governing body votes to postpone the evaluation implementation at a public meeting and adopts a plan at the public meeting that includes

- All of the following, which shall be adopted before **September 30, 2012**:
  - A timeline for the evaluation to be implemented by the beginning of the 2013-2014 school year.
  - A plan for engaging teachers and other interested stakeholders.
  - A plan to determine how the evaluations will guide professional development.
- All of the following, which shall be adopted before **December 31, 2012**:
  - An instrument or instruments considered for the evaluation.
  - The percentage of the outcome of the evaluation in accordance with the framework adopted by the State Board of Education pursuant to A.R.S. 15-203(A)(38), as amended.

Session Laws, Section 12, which also is not chaptered, addresses a pilot evaluation instrument that complies with the framework adopted by the State Board of Education pursuant to A.R.S. 15-203(A)(38), as amended, for school districts and charter schools. The pilot evaluation instrument may be developed by the State Department of Education and may be pilot tested in the school districts and charter schools that choose to participate in the pilot program in school year 2012-2013.

Refer to Addendum B for the dates of significance from HB 2823.

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***Policy Advisory No. 449. Policy IHAL – Teaching About Religion.***

Policy IHAL is presented as a new ASBA policy document; it is response to House Bill 2563 with subsequent language established in A.R.S. 15-717.01. The language establishes that the State Board of Education “shall include in history or English arts standards, or both”, specific concepts related to the history and literature of the Old Testament and the New Testament. Language is clear that this does not require pupils who do not enroll in the elective course prescribed in the bill to receive instruction on the historical study of biblical text.

The bill states that a school district or charter school “may” offer an elective course pertaining to how the Bible has influenced western culture for pupils in grades nine through twelve. A district may offer this as an online course. Subsequently, ASBA sees this as an optional policy for those districts who determine it appropriate to offer an elective class that addresses the State Board’s standards. Also, since the course is specific to grades nine through twelve consideration of this policy should be by unified districts, union high school districts, and charter schools who serve grades nine through twelve.

Language in the bill establishes that a district or charter school may develop a new curriculum or use an existing curriculum that includes teacher guides and that is currently used in public schools in Arizona or other states. However, an existing curriculum shall meet the prescribed standards and guidelines. Language is specific that prior to such a course offering a legal review shall be conducted to ensure that the course complies with the First Amendment of the United States Constitution. This is a responsibility for each individual district that determines that such a course will be offered.

Due to the nature of this bill and subsequent statute it is strongly recommended that the administration and the board carefully review A.R.S. 15-717.01 and that if offered as a course those entrusted with instructing students in the course are fully advised of the parameters of the law and related expectations of the district.

***Policy Advisory No. 450. Policy IHAMB – Family Life Education.***

Senate Bill 1009 establishes ARS 15-108. Language directs that a district shall not endorse or provide financial or instructional program support that does not present childbirth and adoption as preferred option to elective abortion.

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***Policy Advisory No. 451. Policy IHBCA – Programs for Pregnant/Parenting Students***

Policy IHBCA is presented with a deletion of the requirement for pregnant students to notify school authorities of their status. This is a decision of choice to be made by the student of majority or the minor student and custodial parents who have legal decision-making authority.

***Policy Advisory No. 452. Policy IHBE — Bilingual Instruction/Native Language Instruction***

Policy IHBE contains the addition of “full description” to the second bullet under “Prerequisites for Waiver Requests.” This mirrors the language in A.R.S. 15-753, Parental waivers, which allows the parent to request a waiver from the application of A.R.S. 15-752, English language education, with prior written informed consent.

A.R.S. 15-753 stipulates that one aspect of informed consent requires that the parent be provided a full description of the educational materials to be used in the different educational program choices.

***Policy Advisory No. 453. Policy IHBHD — Online/Concurrent/Correspondence Courses***

Policy IHBHD contains the substitution of “and” for “or” in the section of the policy listing the requirements for a student to participate in Arizona online instruction. The wording, as changed here, is included in the source document, A.R.S.15-808, Arizona online instruction, which states that “If a pupil fails to comply with the testing requirements and the school administers the tests pursuant to this subsection to less than ninety-five per cent of the pupils in Arizona online instruction, the pupil shall not be allowed to participate in Arizona online instruction.”

***Policy Advisory No. 454. Regulation IKE-RB – Promotion and Retention of Students.***

IKE-RB is an administrative regulation needing the attention of the superintendent; board action is not necessary. Senate bill 1258 provides adjusted language for A.R.S. 15-701. Language has been added to the regulation that states the district shall offer at least one intervention strategy and at least one remedial strategy for pupils with reading deficiencies. The language also provides for parent notification and the opportunity to choose the strategy to be implemented. Language adjustments also address competency requirements for graduation.

The language adjustment that begins directly under the side heading *Competency Requirements for Promotion...* has been adjusted for clarity.

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**Policy Advisory No. 455. Policy IJM — Special - Interest Materials Selection and Adoption**

**Policy Advisory No. 456. Policy KD — Public Information and Communication**

**Policy Advisory No. 457. Policy KHC — Distribution/Posting of Promotional Materials.**

Policy Advisories No. 455, 456, and 457 are submitted for consideration due to a re-examination of legal precedent in these areas and a number of related inquiries by school districts. While there are no statutes requiring a governing board to adopt these policy changes, there is substantial case law to suggest that governing boards may expose themselves to additional legal liability should they choose not to adopt these changes. In addition, the district should develop procedures to monitor and document staff implementation to ensure compliance. Due to the numerous opportunities for such monitoring to occur, Policy Services is not recommending specific means to address implementation.

The thrust of each of the presented policy modifications is to focus the district's selection of special-interest materials, release of public information and communications, and distribution/posting of promotional materials on the educational program, including instruction, curriculum and practices which promote the mission and objectives of the school

Policy KHC specifically delineates a limited open forum for the distribution/posting of promotional materials which fall within the parameters determined by the governing board. School personnel shall not use the viewpoint expressed in the promotional materials, by the requestor, or by the organization represented as justification for disallowing the authorization for distribution and posting. The authorization decision will be viewpoint neutral at each level of review. Specifically, school personnel should not deny religious groups from distributing/posting their material if it is consistent with material allowed to be distributed/posted by other outside non-religious groups of a similar nature (where only the viewpoint is different, i.e., religious vs. non-religious). *Based on binding legal precedent, schools must treat all groups wishing to distribute outside material equally. The recommended policy model is a restrictive approach to allowing outside material. If the district desires an approach that is more accommodating, ASBA can provide a model upon request that is more open in nature (while still adhering to the constraints of the law.*

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Any challenge to a denial to distribute/post promotional materials shall utilize a simplified Alternative Dispute Resolution process as referenced in ARS 15-110(G) which stipulates that a student or a student's parent shall not initiate legal action to enforce this section unless the student or the student's parent has done the following:

- The student or the student's parent shall submit a complaint in writing with the specific facts of the alleged violation to the principal of the school. The principal shall investigate the complaint and respond in writing, including a description of any action taken to resolve the complaint, within fifteen days of receiving the written complaint.
- If the complaint is not resolved, the written complaint specifying the facts of the alleged violation may be submitted by the parent or student to the Superintendent or designated administrator, who shall investigate the complaint and respond in writing, including a description of any action taken to resolve the complaint, within twenty-five days of receiving the written complaint.

School district legal counsel should be consulted at any time there is a substantive question or dilemma resulting from a request related to any of the above policies. Challenges originating from a source alleging viewpoint-based denial of authorization should be referred immediately.

(For a more detailed discussion of the implementation of Policies KD and KHC, see Policy Advisories No. 235 and 236 in Volume 16, Number 3, July 2004.)

***Policy Advisory No. 458. Policy GBAB - Medical Marijuana Standards and Conditions for Employees.***

***Policy Advisory No. 459. Policy GBECA – Nonmedical Use or Abuse of Drugs or Alcohol.***

***Policy Advisory No. 460. Policy JICH – Drugs and Alcohol Use by Students.***

***Policy Advisory No. 461. Policy KFA – Public Conduct on School Property.***

Adjustments to the above noted policy documents were prompted by House Bill 2349. In review of the current ASBA documents related to Medical Marijuana it has been determined that the elimination of Policy GBAB and the language adjustments presented in the remaining three documents noted above will better serve the best interest of the district.

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

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## CREDIT CARDS

### (Credit Cards and/or Procurement Cards)

#### Use of Credit Cards/ Procurement Cards

The Governing Board acknowledges that instances may occur when ready payment for goods or services is in the District's best interest. The Superintendent is responsible for the implementation of all aspects of the District credit/procurement card program. Therefore, † The Board authorizes the Superintendent to secure and assign controlled-limit credit/procurement cards to designated personnel. District-assigned credit/ procurement cards may not be used for personal expenditures.

The use of credit/procurement cards is to be closely monitored and payment of statements for authorized purchases are to be made as promptly as possible to avoid fees and charges for the use of such cards.

The Superintendent is directed to develop regulations for the use of District-assigned credit/procurement cards. Such regulations are subject to Board review and approval.

The Board reserves the right to revise or rescind this policy at its sole discretion.

#### Definition of Credit/ Procurement Card

The District defines "credit card" and "procurement card" as a form of payment in lieu of cash, purchase order, or check. The credit/procurement card must bear the ~~applicable Visa, Master Card, Discover, American Express or petroleum~~ company logo.

*Adopted:* date of Manual adoption

LEGAL REF.: A.R.S. 15-342  
38-621  
38-622  
38-623  
38-624  
38-625

Uniform System of Financial Records

CROSS REF.: DKC - Expense Authorization/Reimbursement

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## CREDIT CARDS

### (Credit Cards and/or Procurement Cards)

#### **Purposes, Conditions, and Limits**

The issuance and use of a credit/procurement card is to provide an alternative purchasing mechanism when traditional payment/procurement methods are not feasible. Cards shall be issued in the District's name and if applicable, the user's name. The employee issuing cards shall maintain a complete list of designated card users. Physical security of cards shall be maintained at all times. The District shall cancel or inactivate cards, or recover the cards if possible, upon loss, theft, or misuse; when a card is no longer needed; and upon the card holder's separation from the District's employment when the card is in the user's name. For cards issued in the District's name a specific employee shall be designated by the Superintendent to track who has the cards and account for all card transactions.

A credit/procurement card may be used to facilitate the payment of travel expenses such as hotels, meals and registrations for training and education while conducting District business, including fuel for District-owned vehicles.

Purchasing control limits shall be based on single transaction limits and monthly purchase limits for each card holder. Purchase limits shall be established based on the types of transactions for which the card is being used. Personnel issued credit/procurement cards shall be determined by the Superintendent to have a legitimate need and whose use of the card is necessary for effective purchasing. Personnel designated to use credit/procurement cards shall be advised by the Superintendent of their purchasing control limits.

#### **Authorized Card Holders**

Persons designated as authorized credit/procurement card holders must agree to abide by the procedures described in this regulation.

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The holders will be held liable for any unauthorized use of a District-assigned credit/procurement card, which may result in disciplinary action up to and including the loss of employment and other actions provided by law. All card users, including users of cards issued only in the District's name, shall sign a user agreement acknowledging receipt and understanding of the District's policies and regulations for the cards use. The agreement shall authorize the District to withhold wages for the amount of any improper purchase; pursuant to the Fair Labor Standards Act. To the extent permitted by law card users shall be held personally liable for card transactions that are contrary to laws, rules, policies and regulations, including applicable penalties and interest. The user agreement shall contain a statement expressing possible disciplinary actions for the misuse of a District credit/procurement card.

Except for business department personnel performing authorized office duties, no person other than a designated holder is to have access to or use of a District-assigned credit/procurement card.

Authorized card holders shall receive training on the use of the card that addresses purchase limitations, advanced purchasing approval, necessary purchase documentation, and the District's payment process regiment.

## **Scope**

The credit/procurement card is to be used only when the items and/or services to be purchased are for the official use of the District. *No personal use of a credit/procurement card is allowed.*

District-assigned credit/procurement cards may be used only when one (1) of the following conditions exists:

- When a vendor will not accept a purchase order or offer billing terms.
- When the purchase must be made during an "emergency." For the purpose of this regulation, *emergency* means payment for a purchase must be made before the next accounts payable check run. A memo bearing the Superintendent's signature of approval must be presented explaining the circumstances and nature of the emergency.
- When certain purchases could be made more efficiently and cost effective.
- When a revolving fund check cannot be used.

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## **Credit/Procurement Card Purchasing Limitations**

District-established credit/procurement card purchasing limitations shall be established by the Superintendent. The Superintendent shall establish card user and single transaction limits and monthly purchase limits for each card. Such limits shall be established based on the type of transactions for which the card is to be used.

- ~~A single purchase may not exceed a maximum of \_\_\_\_\_ dollars (\$xxx).~~
- ~~Cumulative purchases by a card holder may not exceed \_\_\_\_\_ dollars (\$x,xxx) during a statement month.~~

A purchase made using a District-assigned credit/procurement card may not violate any District purchasing policy or regulation. All purchases must be appropriate and in the best interest of the District. Violation may result in termination of the employee's credit/procurement card privileges.

## **Credit/Procurement Card Transaction Requirements for Physical, Verbal, and Internet Orders**

When a District-assigned credit/procurement card is required for a physical, verbal or internet purchase, the following steps must be taken:

- Prior to use of the credit/procurement card, the card holder is to submit a purchase order requisition form to the District business office accompanied by the following:
  - A detailed description of the items and/or services to be purchased using the credit/procurement card.
  - The date the purchase will be made.
  - The actual amount of the purchase. If the actual amount is not known an estimate may be stated, but *the amount of the purchase cannot exceed the stated amount.*
  - Proper account coding information.
  - Signatures of the requester and the approving authority.
- The holder must verify that a purchase order has been created and approved *before* a credit/procurement card transaction occurs.

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- When a credit/procurement card is used the card holder must promptly submit all receipts and other related documentation to the business office. The documentation should clearly indicate the employee making the purchase and the specific school purpose for the expenditure. Receipts for fuel or vehicle repairs are to include the vehicle license number.

### **Supporting Purchase Documentation**

Employees using cards shall submit all supporting documentation to the District monthly. Supporting documentation shall include:

- Purchasing requisition, purchase order, invoice, packing slip, receiving report, and transaction receipt, as applicable. If original receipts are not available because they are lost or illegible, the card user shall request a copy of the receipt from the vendor or complete an affidavit detailing the purchase date, vendor, product, cost, tax and other charges, and reason the receipt is not available.
- A description of the item(s) purchased and the specific District purpose for the expenditure.
- The card user's signature and date the document was submitted to the District.
- Documentation of the purchase of fuel or vehicle repair, the license number of the vehicle, and odometer reading of the vehicle.
- Transactions, such as Internet, phone, and fax transactions may result in card charges before goods or services are received. Such transactions are allowed purchases that are normally prepaid in order to procure the item or to receive a discounted price. In such instances the District shall ensure that all relevant aspects of USFR VI-G are adhered to for each purchase.

Credit/Procurement card statements must be addressed directly to the business office and not to the card holder. All purchase transaction receipts must be reconciled to the monthly credit/procurement card statements prior to entry on an expense voucher. As credit/procurement card companies may charge fees and interest, payments must be made in a timely manner to avoid finance charges.

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## **Use of a Credit/Procurement Card for Travel**

Reservations must be made through the purchasing office. A completed professional leave form must be submitted along with the necessary information. The business office will provide the credit/procurement card information to the selected vendor.

### **Payment Process Regimen**

The Superintendent shall ensure that approval, verification, and payment duties are separate among different employees. A copy of the billing statement shall be sent directly to the District. Electronic statements may be accepted if provided to card users by the financial institution or the District. Upon receipt of the billing statement the card user should complete the transaction log and submit the log, billing statement, and all other supporting documentation for review and approval. The reviewer shall:

- Confirm that all supporting documentation is complete and was submitted in a timely manner.
- Verify that each purchase transaction appearing on the card user's billing statement is an appropriate, legitimate District purchase that was approved, and within the individual's authorized purchase limits.
- For travel expenses, verify the expenses do not exceed allowable reimbursement amounts as prescribed by USFR and are supported by a properly approved travel claim.
- Initial and date the reconciliation document for review.
- Submit reconciled statements and supporting documentation.

All receipts shall be reconciled and reviewed monthly and if possible, prior to payment of the monthly bill. Payments shall be made in a timely manner to avoid late fees and finance charges. Card balances shall be paid in full each billing cycle. Should the reconciliation or review identify any items that were not a valid purchase, it shall be reported to the Superintendent and disputed.

### **Periodic Review**

The District shall periodically compare budget and actual expenditures to ensure purchases remain within budget limits, or available cash balance, as applicable and shall monitor the types of purchases and vendor usage to ensure compliance with District procurement policies and regulations, and USFR purchasing guidelines.

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The review process shall include strategies that are employed to detect improper or fraudulent transactions.

### **Rebates and Incentives**

Credit cards or procurement cards may contain provisions for the District to receive cash rebates or incentives in the form of rebates. Should this occur the District shall treat rebates as miscellaneous revenue or as a deduction of expenditures.

Should a rebate be received in the same fiscal year as the original expenditure, including the encumbrance period, the rebate may be recorded as a reduction of the original expenditure. Otherwise, the District shall record the rebate as miscellaneous revenue in the original expenditure or in the Auxiliary Operations Fund.

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### CREDIT CARDS

#### DISTRICT-ASSIGNED CREDIT/PROCUREMENT CARD HOLDER AGREEMENT

By my signature I hereby acknowledge that I have read and understand the \_\_\_\_\_ School District's credit/procurement card policy and regulations, and that I have been provided sufficient opportunity to ask questions related to the District's credit/procurement card policy and regulation. Furthermore, I affirm that I will not use the credit/ procurement card for personal reasons and that I have been advised of the purchase limitations associated with the use of the card. I understand that a violation of this agreement may result in disciplinary action up to and including termination, and possible legal action.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Position

\_\_\_\_\_  
Printed name

\_\_\_\_\_  
Date signed

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## BIDDING / PURCHASING PROCEDURES

The Superintendent shall be responsible for all purchasing, contracting, competitive bidding, and receiving and processing of all bid protests, in accordance with the Arizona school district procurement rules, including A.A.C. R7-2-1141 *et seq.* A contract shall not be awarded to an entity that does not verify employment eligibility of each employee through the E-verify program in compliance with A.R.S. 23-214 subsection A. Each contract shall contain the warranties required by A.R.S. 41-4401 relative to the E-verify requirements.

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

### Purchases Not Requiring Bidding

Purchases of five thousand dollars (\$5,000) or less may be made at the discretion of the Superintendent. Such procurements are not subject to competitive purchasing requirements, however reasonable judgment should be used to ensure the purchases are advantageous to the District.

Verbal price quotations will be requested from at least three (3) vendors for a transaction in excess of five thousand dollars (\$5,000) but less than twenty-five thousand dollars (\$25,000). The price quotations should be shown on, or attached to, the related requisition form. If three (3) verbal quotations cannot be obtained, documentation showing the vendors contacted that did not offer price quotations, or explaining why price quotations were not obtained, shall be maintained on file in the District office.

Written price quotations will be requested from at least three (3) vendors for transactions of at least twenty-five thousand dollars (\$25,000) but not more than fifty thousand dollars (\$50,000). If three (3) written price quotations cannot be obtained, documentation showing the vendors contacted that did not offer written price quotations, or explaining why written price quotations were not obtained, shall be maintained on file in the District office.

The District is not required to engage in competitive bidding in order to place a student in a private school that provides special education services if such placement is prescribed in the student's individualized education program and the private school has been approved by the Department of Education Division of Special Education pursuant to A.R.S. 15-765. The placement is not subject to rules adopted by the State Board of Education before November 24, 2009 pursuant to A.R.S. 15-213.

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The District may, without competitive bidding, purchase or contract for any products, materials and services directly from Arizona Industries for the Blind, certified nonprofit agencies that serve individuals with disabilities and Arizona Correctional Industries if the delivery and quality of the goods, materials or services meet the District's reasonable requirements.

Intergovernmental agreements and contracts between school districts or between the District and other governing bodies as provided in A.R.S. 11-952 are exempt from competitive bidding under the procurement rules adopted by the State Board of Education pursuant to A.R.S. 15-213.

The District is not required to engage in competitive bidding to make a decision to participate in insurance programs authorized by A.R.S. 15-382.

The District is not required to obtain bid security for the construction-manager-at-risk method of project delivery.

Unless otherwise provided by law, contracts for materials or services and contracts for job-order-contracting construction services may be entered into if the duration of the contract and the conditions of renewal or extension, if any, are included in the invitation for bids or the request for proposals and if monies are available for the first fiscal period at the time the contract is executed. The duration of contracts for materials or services and contracts for job-order-contracting construction services shall be limited to no more than five (5) years unless the Board determines that a contract of longer duration would be advantageous to the District. Once determined, the decision should be memorialized in meeting minutes and in the contract/bid file. Payment and performance obligations for succeeding fiscal periods are subject to the availability and appropriation of monies. The maximum dollar amount of an individual job order for a job-order-contracting construction service shall be one million dollars (\$1,000,000) or as determined by the Board.

### **Online Bidding**

Until such time as the State Board of Education adopts rules for the procurement of goods and information services by school districts and charter schools using electronic, online bidding, the District may procure goods and information services pursuant to A.R.S. 41-2671 through 2673 using the rules adopted by the Department of Administration in implementing 41-2671 through 2673.

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## **Purchases Requiring Bidding**

Sealed bids and proposals shall be requested for transactions to purchase construction, materials, or services costing more than fifty thousand dollars (\$50,000). All transactions must comply with the requirements of the Arizona Administrative Code and the Uniform System of Financial Records.

## **Registered Sex Offender Prohibition**

All purchase orders, agreements to purchase, and contracts for services to be provided by personnel other than District employees must include the following statement on the document:

***Registered Sex Offender Restriction.** Pursuant to this order, the named vendor agrees by acceptance of this order that no employee of the vendor or a subcontractor of the vendor, who has been adjudicated to be a registered sex offender, will perform work on District premises or equipment at any time when District students are, or are reasonably expected to be, present. The vendor further agrees by acceptance of this order that a violation of this condition shall be considered a material breach and may result in a cancellation of the order at the District's discretion.*

## **Required Scrutinized Business Operations Clause**

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

The District through the Superintendent shall:

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

*Adopted:* date of Manual adoption

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

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

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

<p><i>Note:</i> This material is written for informational purposes only, and not as legal advice. You may wish to consult an attorney for further explanation.</p>
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**REGULATION****FOOD SERVICES**

District and school administrators will work together to provide a safe, accessible and compliant food service program and shall observe the following directives in operating the food services programs.

***Meals in schools.*** Each school shall:

- Provide meals at a reasonable price and accordingly shall use state allocated food services funds to supplement federal funds as a means of keeping prices within reach of paying students.
- Encourage students to participate in each school's meal program while still allowing meals to be brought from home.
- Provide modified meals, upon a physician's written request, for students with food allergies or other special food needs. (The allergies would be of a life threatening or severe reaction nature.)

***Menu.***

Each school that includes grades kindergarten (K) through eight (8) shall:

- Ensure that nutritious foods are available as an affordable option whenever food is sold or served and that Foods of Minimal Nutritional Value (FMNV) as defined by United States Department of Agriculture (USDA) and the Arizona Department of Education (ADE) are prohibited. This includes all food and beverages sold and/or served to students at school during the normal school day exclusive of school parties.

Each school that includes grades nine (9) through twelve (12) are:

- Prohibited from the sale of FMNV in the dining, serving, and kitchens areas during breakfast and lunch periods.

Each school, (kindergarten [K] through twelve [12]) shall inform families, upon request, about the ingredients and nutritional value of the foods served.

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***Competitive foods.*** Competitive foods mean any foods sold in competition with the National School Breakfast and Lunch Program to students during the meal periods. The principal may approve the sale of competitive foods if:

- All income from the sale of such foods accrue to the benefit of:
  - The nonprofit school food service; or
  - The school or student organizations approved by the District.
- They are sold in locations other than the dining, serving, and kitchen areas.
- The school promotes an overall school environment that encourages students to make healthy food choices.
- The competitive foods meet the state nutrition standards.

***Pricing, posting, and expenses.*** The school meal program must be nonprofit. Pricing for student meals shall be established considering market share, creation and loss of revenue and shall be reviewed and adjusted periodically as necessary. The District in compliance with Section 205 of the Healthy, Hunger-Free Kids Act of 2010, shall provide the same level of support for lunches served to students who are not eligible for free or reduced price lunches as they are for lunches served to students eligible for free lunches. Revenue generation should not take precedence over the nutritional needs of students. Prices for adult meals and catering shall be reviewed periodically and shall reflect direct cost of operations. Revenues received are to be used only for the operation or improvement of the program.

Schools shall ensure that:

- The sale price of any food items sold including a reimbursable meal shall be posted in the dining area.
- School meal program facilities used by outside organizations or individuals must have approval from the school principal or food service supervisor.
- If outside organizations or individuals use the food service facilities, a qualified staff member must be on duty.
- All food items and/or consumable supplies purchased through the food service program and all labor used for a special meal function must be reported. The sponsoring agency must be billed for the food, labor and other costs of the special function. All special meal functions must operate on a self-sustaining basis.

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- Each person who eats a school meal must pay the regular price for the meal with two (2) exceptions:
  - Students who have an approved free or reduced-price income application on file for the current school year.
  - Food service employees who are paid from school lunch funds.
- No person is permitted to take food or garbage from the food service program for personal use.

**Training.** The school meal program director/supervisor will develop ongoing in-service and staff development training opportunities for staff in the area of food safety, nutrition, and customer service.

**Eligibility.** Principals will ensure that families are aware of need-based programs for free or reduced price meals and encourage eligible families to apply. The confidentiality of students and families applying for or receiving free or reduced priced meals shall be maintained.

**Dining environment.** Principals shall ensure that students and staff have adequate space to eat meals in pleasant surroundings and shall have adequate time to eat, relax, and socialize. Safe drinking water and convenient access to facilities for hand washing and oral hygiene shall be available.

**Student workers.** Students shall be allowed to assist with meal preparation and service if mutually agreeable between the parent, teacher, and food service staff. Student workers must receive documented food safety and sanitation training.

**Denial of meals as disciplinary action.** School personnel shall not withhold food from students as punishment. Disciplinary action, which indirectly results in the loss of meals, is allowable (such as suspension from school). Any student attending school, who is not allowed to eat in the cafeteria for disciplinary reasons, shall have a reimbursable meal made available to them.

**Feeding Senior Citizens.** The District may enter into an agreement to provide meals for persons sixty (60) years of age or older and their spouses, or any group of such persons.

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***Student, Parent, Teacher and Community Involvement.*** The District shall promote activities to involve student and parents in the food/nutrition program. Activities may include menu planning, enhancement of the eating environment, program promotion and related student-community support activities. Schools are encouraged to use the school meal program to teach students about good nutrition practices. School faculties and the general community should be involved in activities to improve the overall acceptability of the food service program. Each school should welcome and encourage parents to eat with students.

***Recordkeeping.*** The District must keep complete and accurate records of the school meal program to serve as a basis for claims for reimbursement and for audit and review purposes. All records and tickets must be kept in accordance with the National School Lunch Program and School Breakfast Program State Guidance Manual.

***Safety inspections.*** The District is required to obtain a minimum of two (2) food safety inspections each school year.

***Other food sales.*** Food sales by student or adult entities or organizations shall be permitted provided these sales ensure optimum student participation in the school meals program and are in compliance with state and federal regulations.

When meals or snacks are offered to students in organized after-school education or enrichment programs, they should be provided by the food services program.

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**United States  
Department of  
Agriculture**

Food and  
Nutrition  
Service

3101 Park  
Center Drive  
Alexandria, VA  
22302-1500

DATE: March 2, 2011

SUBJECT: Equity in School Lunch Pricing Fact Sheet

TO: Regional Directors  
Special Nutrition Programs  
All Regions

State Directors  
Child Nutrition Programs  
All States

This memorandum provides information relating to section 205 of the Healthy, Hunger-Free Kids Act of 2010 (Public Law 111-296). This provision requires school food authorities (SFAs) participating in the National School Lunch Program to ensure that schools are providing the same level of support for lunches served to students who are not eligible for free or reduced price lunches (i.e., paid lunches) as they are for lunches served to students eligible for free lunches. This provision is effective July 1, 2011.

An implementation memorandum will not be issued for this provision; the Food and Nutrition Service (FNS) expects to publish an interim rule by the provision's effective date. The public will have an opportunity to comment on the rule, and we anticipate issuing further guidance in conjunction with publication of the rule. The attached Equity in School Lunch Pricing Fact Sheet is meant to provide information to States and SFAs as they await the publication of the rule. We request that State agencies (SAs) provide the fact sheet to all SFAs as soon as possible.

SAs should direct any questions concerning this information to the appropriate FNS Regional Office. Regional Offices with questions should contact the Child Nutrition Division.

**Original Signed**

Cynthia Long  
Director  
Child Nutrition Division

Attachment





## 1. What is the “Equity in School Lunch Pricing” Provision?

- Effective July 1, 2011, section 205 of the Healthy, Hunger-Free Kids Act of 2010 requires school food authorities (SFAs) participating in the National School Lunch Program to provide the same level of support for lunches served to students who are not eligible for free or reduced price lunches (i.e., paid lunches) as they are for lunches served to students eligible for free lunches. The Act directs SFAs to:
  1. Compare the average price charged for lunches served to students not eligible for free or reduced price lunches (i.e., students receiving “paid lunches”) to the difference between the higher Federal reimbursement provided for free lunches and the lower Federal reimbursement provided for paid lunches.
  2. If the average paid lunch price is *less than* the difference, an SFA must either gradually adjust average prices or provide non-Federal funding to cover the difference.

## 2. Why is this provision important?

- Historically, there have been three main sources of funds provided to nonprofit school food service accounts: Federal reimbursements, paid meal revenues, and State and local funding. The Federal reimbursement for paid meals was designed to be minimal in relation to these other sources and has always been substantially less than the reimbursement for free and reduced price meals.
- Research indicates that average prices charged for paid lunches in some SFAs are less than the cost of producing those lunches.
- Pricing paid lunches below the cost of production effectively increases Federal subsidies for higher income children because Federal funds intended for free and reduced price lunches are being used to help fill in the gap between what a paid lunch costs and what the school receives for it. Children across all income levels are negatively affected by limiting the funds available to provide nutritious meals.
- This provision will help ensure that schools have funding available to support serving nutritious meals to all students.

### **3. Which SFAs will be affected by this provision?**

- Not all SFAs will be required to adjust prices or find alternative sources of funding for paid lunches. Applying this provision using current Federal reimbursement rates, SFAs in the continental U.S. now charging, on average, \$2.46 or more for a paid lunch would not be required to adjust prices in school year 2011-12.
- An SFA in the continental U.S. currently charging, on average, less than \$2.46 for a paid lunch may be required to either gradually increase prices or provide additional non-Federal support for its lunches. To determine how much, these SFAs must calculate an adjusted average paid lunch price.
  - For school year 2011-2012, the adjusted average price is the average price charged in school year 2010-2011 increased by a factor equal to two percentage points above the inflation rate and may be rounded down to the nearest 5 cents. For school year 2011-2012, the inflation factor is 1.14 percent. Combined with the required annual 2 percentage point increase, the total adjustment required is 3.14 percent.
  - This year's relatively low food price inflation, combined with the ability to round down, means that for this coming school year, SFAs in the continental U.S. with lunch prices below \$2.46 in School Year 2010-11 would have to increase lunch prices by only five cents or not at all.
- In general, when the adjusted average price is more than the current price, an SFA would have to either increase its average paid lunch price to the adjusted average price or provide additional non-Federal support for its paid lunches. The law caps the required increase in the average paid lunch price at 10 cents in any year. Therefore, an SFA with a significant gap between its price and the required level will have several years to make adjustments to its prices and/or provide other funding to the SFA account in order to meet this requirement.

**4. Will SFAs have control over establishing paid lunch prices?**

- SFAs maintain significant local control in establishing the prices for paid lunches. SFAs may maintain low paid lunch prices if they ensure that sufficient funding from non-Federal sources is added to the school food service account to cover the required revenue. SFAs also may vary paid lunch prices by school (for example, charging lower prices in schools located in lower-income areas or charging different prices in elementary and secondary schools), as long as the average revenue requirement is met across the SFA.

**5. Will families with incomes slightly above the threshold for free and reduced price meals be disproportionately impacted by this provision?**

- This provision does not require that additional revenue be secured through paid lunch price increases. Revenue can be generated from any non-Federal source.
- By limiting the maximum required annual average price increase to 10 cents, the Act allows for a gradual increase in paid lunch prices, thereby minimizing the impact on families with incomes just above the level eligible for reduced price meals.
- SFAs can also choose to vary the price of paid lunches by school as long as the average paid lunch price across the district meets the requirement. Therefore, SFAs could choose to keep lunch prices lower in schools with higher concentrations of low-income students.
- USDA's analysis suggests that the effect on participation of a 5 or 10 cent increase in the price of a paid lunch is very small – less than a 5 percent difference even after many years of implementation. However, USDA will carefully monitor the implementation of this provision and any impact on participation.

## GENERAL PERSONNEL POLICIES

Personnel policies adopted by the Governing Board are to serve as guidelines for the efficient and successful functioning of the District.

The policies are framed and intended to be interpreted within the context of applicable laws and regulations. Changes in the laws and agency rules, as well as in the needs, conditions, purposes, and objectives of the District may result in revisions, deletions, and additions to the policies. Therefore, to the extent permitted or required by law, District personnel policies may be modified, amended, or repealed at any time as the Board determines to be in the best interest of the District. No person shall be deemed to have a vested right to continuing employment or benefits associated with District employment except as may be required by law and provided in the respective employee's written contract or employment agreement. ~~The policies, regulations, exhibits, and other documents in this Policy Manual do not form any part of any employment contract or employment agreement between the School District and any individual employee.~~

Wherever inconsistencies of interpretation arise, the law and regulations prevail.

*Adopted:* date of Manual adoption

LEGAL REF.: A.R.S. 15-341  
15-342  
15-546

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## **PROFESSIONAL / SUPPORT STAFF MILITARY / LEGAL LEAVE**

The Board recognizes the fact that its employees have citizenship responsibilities, and, in order to make it possible for said employees to carry out their responsibilities to the city, county, state, or nation, the Board will grant leaves, in addition to jury duty, when an employee is called to attend field training services for the Military Reserve or National Guard and when an employee is a victim of a juvenile or adult crime exercising a right to be present at a proceeding as defined in statute.

~~Such leave will not count as experience to advance on the salary schedule.~~

When an employee receives notice that requires leave as delineated above, it is the responsibility of the employee to notify the Superintendent or principal.

### **Jury Duty**

It is recognized by the Board that no employee is exempt from jury duty and that leaves of absence for such duty must be granted.

- Only the regular salary may be received by an employee on jury duty.
  - It is the responsibility of the employee to reimburse the District for jury duty pay when such payment is made directly to the employee. Failure to reimburse the District at the completion of the jury duty service will result in a full deduction equal to the number of contract days missed.
  - An employee excused from jury duty after being summoned shall report for regular duty as soon as possible. Failure to report for duty will result in a deduction equal to that portion of a contract day missed [A.R.S. 21-236].

### **Victim Leave**

Statute provides that an employer who has fifty (50) or more employees shall permit an employee leave if the employee is the victim of juvenile or adult crime and is exercising a right to be present at a proceeding as defined in A.R.S. 8-420 or 13-4439. Compensation may be provided if the employee has available vacation or to the extent other leave may be available by policy.

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- An employee's accrued vacation, personal, sick or other applicable leave shall be used to the extent available by policy.
- If paid leave is unavailable, the employee must request an unpaid leave of absence in accord with policy.
- Before an employee may leave work for this purpose, the employee shall provide the employer with a copy of the form provided by law enforcement and if applicable a copy of the information the law enforcement agency provides the employee pursuant to either A.R.S. 8-386 or 13-4405.
- Leave for this purpose may be limited if the leave creates an undue hardship to the employer's business.

### **Military Leave**

- An employee who is a member of the Military Reserve or National Guard shall be entitled to leave of absence without loss of pay, time, or efficiency rating when engaged in field training [A.R.S. 26-168 and 38-610].
- An employee who is a member of the uniformed service may use any vacation leave or other accumulated paid time off during their service, or may take unpaid leave of absence.
- The District must reemploy uniformed service members, as defined in 38 U.S.C. 4303, returning from a period of service, if the service member:
  - Was employed by the District.
  - Gave the District notice that he or she was leaving the job for service in the uniformed services, unless giving notice was precluded by military necessity or otherwise impossible or unreasonable.
  - Has a cumulative period of service in the uniformed services not exceeding five (5) years.
  - Was not released from service under dishonorable or other punitive conditions.
  - Has reported back to the District in a timely manner or has submitted a timely application for reemployment in accordance with the Uniformed Services Employment and Reemployment Rights Act.

*Adopted:* date of Manual adoption

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LEGAL REF.: A.R.S. 8-386 16-402  
8-420 21-236  
13-4405 26-168  
15-502  
38 U.S.C. 4301 et seq., Uniformed Services Employment and  
Reemployment Rights Act  
A.G.O. I80-177 38-610

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## PROFESSIONAL STAFF ASSIGNMENTS AND TRANSFERS

### Assignments

The Superintendent will determine all professional staff assignments. Such assignments shall be based on the needs of the District. In addition, no right to school, grade, or subject assignment shall be inferred from the standard teacher's contract.

### Transfers

A teacher who has been employed by the school district for the major portion of three or more consecutive school years and who is designated in the lowest performance classification for two consecutive school years shall not be transferred as a teacher to another school in that school district unless the district has issued a notice of inadequacy of classroom performance and approved a performance improvement plan for the teacher pursuant to A.R.S. 15-539 and the governing board has approved the new placement as in the best interests of the pupils in the school. A teacher shall not be transferred more than once pursuant to A.R.S. 15-537.

There is an additional admonition in A.R.S. 15-537 that any school district policy pertaining to the transfer of teachers from one school to another school within the school district shall take into consideration the needs of the pupils in the school district and the current distribution of teachers across all of the four performance classifications adopted by the state board of education pursuant to A.R.S. 203(A)(38).

The procedure for assignment and transfer of professional staff members will be based on the needs of the instructional program. Assignments may be changed to serve the best interests of the District and students.

Professional staff members may apply for transfer or reassignment, whether or not a vacancy exists. Generally, transfers will not be approved during the school year unless the needs of the District dictate such approval.

It shall be the policy of the Board that professional personnel be assigned on the basis of their qualifications, the needs of the District, and their expressed desires. When it is not possible to meet all three (3) conditions, personnel shall be assigned first in accordance with the needs of the District, second where the Superintendent determines the employee is most qualified to serve, and third as to expressed preference of the employees.

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In the case of vacancies in new or existing positions, first consideration will be given to qualified applicants among current employees.

The Superintendent shall have the responsibility for the assignment of all personnel throughout the District.

The resolution of any conflicts over the need for a transfer shall be based on what is best for the instructional program, the needs of the students, and the overall needs of the District as defined by the Superintendent.

*Adopted:* date of Manual adoption

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## PROFESSIONAL STAFF DUTIES AND RESPONSIBILITIES

### (Duties of Teachers; Failure to Comply is Unprofessional Conduct; Penalty)

#### *Every teacher shall:*

- Make student learning the primary focus of the teacher's professional time.
- Hold students to strict account for disorderly conduct.
- Exercise supervision over students on the playgrounds and during recess if assigned to such duty.
- Take and maintain daily classroom attendance.
- Make the decision to promote or retain a student in grade in a common school or to pass or fail a student in a course in high school. Such decisions may be overturned only as provided in A.R.S. 15-342.
- Comply with all rules, regulations, and policies of the Governing Board that relate to the duties as prescribed.

A teacher shall not use sectarian or denominational books or teach any sectarian doctrines or conduct religious exercises.

A teacher who instructs a course offered under Policy IHAL, Teaching About Religion, in its appropriate historical context and in good faith shall be immune from civil liability and disciplinary action pursuant to section A.R.S. 15-535.

A teacher who fails to comply with the above is guilty of unprofessional conduct and may be subject to disciplinary action by the Governing Board and by the State Board of Education.

A teacher who is arrested for or charged with any nonappealable offense listed in section 41-1758.03, subsection B and who does not immediately report the arrest or charge to the teacher's supervisor is guilty of unprofessional conduct and shall be immediately dismissed from employment with the School District.

*Adopted:* date of Manual adoption

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LEGAL REF.: A.R.S. 15-203  
15-341  
15-521  
15-535  
15-539  
15-550  
41-1758.03

CROSS REF.: GBEB - Staff Conduct  
GCO – Evaluation of Professional Staff Members

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## EVALUATION OF PROFESSIONAL STAFF MEMBERS

The process of evaluation for certificated professional staff members shall lead to improvement of the quality of instruction and the strengthening of the abilities of the professional staff.

Certain elements in an effective evaluation process shall be emphasized:

- Evaluation shall be a cooperative endeavor between evaluator and evaluatee.
- Open communication shall be considered essential.
- The agreed-upon purpose of evaluation shall be to work toward common goals for the improvement of education. This shall include attention to student and staff success, which shall include all certificated staff members.
- Evaluation shall be continuous, flexible, and sensitive to need for revision.
- The result of evaluation(s) shall be courses of action for the improvement of instruction. These courses of action shall be set in motion by specific recommendations mutually reviewed by the evaluator and the evaluatee.
- Evaluation shall be considered one aspect of effective management, rather than a discrete entity.
- Effective evaluation depends on accurate information; therefore, input from all appropriate sources shall be used.
- Evaluation(s) shall be based on, but not limited to, the following:
  - Student learning is the primary focus of the teacher's professional time.
  - Job expectations within the District.
  - Instruments for assessment.
  - Personal observation.

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## **Evaluation of Classroom Teachers and Other Certificated Non- administrative Staff Members**

The District evaluation instrument will utilize the required elements of the model framework for a teacher and principal evaluation instrument adopted by the State Board of Education on or before December 31, 2012, that includes quantitative data on student academic progress that accounts for between thirty-three percent (33%) and fifty percent (50%) of the evaluation outcomes. The model framework shall include four (4) performance classifications, designated as highly effective, effective, developing, and ineffective. The model framework includes guidelines for school districts and charter schools to use in their evaluation instruments.

Definitions for the above performance classifications adopted by the State Board of Education shall be adopted by the School District in a public meeting by school year 2013-2014. The performance classifications are to be applied to the evaluation instruments in a manner designed to improve principal and teacher performance. At least annually, the School District Governing Board shall discuss at a public meeting its aggregate performance classifications of principals and teachers.

In accordance with state law, the District shall involve its certificated teachers in the development and periodic evaluation of the teacher performance evaluation system. The following elements will be a part of the evaluation system:

- A copy of the evaluation system shall be given to each teacher in the District.
- The Board shall receive from the Superintendent recommendations for qualified evaluators prior to naming evaluators.
- The best practices for professional development and evaluator training adopted by the State Board of Education.
- The Board will designate qualified evaluators by name or position at a Board meeting each year.

### **Inadequacy of Classroom Performance**

A teacher's classroom performance is inadequate if the teacher receives a rating of *unsatisfactory* *ineffective* in one (1) or more of the ~~[use either] components [or] indicator statements~~ performance classifications pursuant to A.R.S. 15-203 and set forth in the District's teacher evaluation system. A teacher's classroom performance is also inadequate if the teacher receives a rating of *needs improvement* *developing* in three (3) or more of the performance classifications pursuant to A.R.S. 15-203 and ~~[use either] components [or] indicator statements~~ set forth in the District's teacher evaluation system.

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If the District receives approval to budget for a career ladder program, more than one (1) evaluation system may be developed as authorized in A.R.S. 15-539. If more than one (1) level is established, the same level of performance for minimum adequacy shall be required of all teachers who have completed the same number of years of teaching in the District.

Prior approval by the Board is not required for each notice of inadequacy. The **(title(s) of authorized officials,)**, is **(are)** authorized to issue notices of inadequacy of classroom performance, subject to approval by the Superintendent. When a notice is issued without prior Board approval, the Board shall be notified within five (5) days of such issuance.

### **Evaluation of Administrators and Psychologists**

The District shall establish a system for the evaluation of the performance of principals, other school administrators, and psychologists. The District will seek advice from District administrators and psychologists in the development of this performance evaluation system.

The Board shall make available the evaluation and performance classification pursuant to A.R.S. 15-203 of each principal in the School District to school districts and charter schools that are inquiring about the performance of the principal for hiring purposes.

*Adopted:* date of Manual adoption

LEGAL REF.:	A.R.S. <u>15-203</u>	<u>15-538.01</u>
	<u>15-502</u>	15-539 <i>et seq.</i>
	15-503	15-544
	15-536	15-549
	15-537	15-918.02
	<u>15-537.01</u>	<u>15-977</u>
	15-538	
	A.A.C. R7-2-605	

CROSS REF: GCF - Professional Staff Hiring  
GCJ - Professional Staff Noncontinuing and Continuing Status  
GCK - Professional Staff Assignments and Transfers  
GCMF - Professional Staff Duties and Responsibilities  
GCQF - Discipline, Suspension, and Dismissal of Professional Staff Members  
GDO - Evaluation of Support Staff Members

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## EVALUATION OF PROFESSIONAL STAFF MEMBERS

### Purpose

A formal process of evaluating all certificated personnel will be implemented. The purpose of evaluation shall be the improvement of the quality of instruction. Such a process, to achieve the greater measure of success, shall be predicated on the assumption that the evaluation will be a cooperative procedure, with the evaluator and the evaluatee having full knowledge of the criteria, process, and results.

The following statements give more specific purposes for evaluation:

- Evaluations document the extent to which the teacher makes student learning the primary focus of the teacher's professional time.
- Evaluations determine how well the objectives held by the school are being carried out. The success of the educational program is dependent upon the quality of classroom instruction, supervision, and administration.
- Evaluations provide the basis for motivation and for self-improvement, permitting personnel to be aware of their strengths and weaknesses in order to improve.
- Evaluations provide a basis for planning in-service training and supervisory activities. Such activities can be most effective when they are based upon clear evidence of need as shown by evaluation studies.
- Evaluations provide the basis for administrative decisions. Such decisions may include the employment of personnel, their assignment, the granting of continuing status, promotion, demotion, or termination.

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- Evaluations aid in determining the adequacy or inadequacy of classroom performance.

## Definitions

When used in this regulation:

- *Instructional day* will mean a day in which pupils are scheduled to attend school for instructional time.
- *Performance classifications* means the four (4) performance classifications, designated as highly effective, effective, ~~developing~~, and ineffective, included in the model framework for a teacher and principal evaluation instrument adopted by the State Board of Education pursuant to A.R.S. 15-203. The performance classifications are to be applied to the evaluation instruments in a manner designed to improve principal and teacher performance. At least annually, the School District Governing Board shall discuss at a public meeting its aggregate performance classifications of principals and teachers.

## Teacher Evaluation

Teacher evaluation shall include all classroom teachers and other certificated nonadministrative staff members. Such evaluation shall be based on Policy GCO and the procedures outlined in the following.

***Evaluators.*** Qualified evaluators shall be designated by the Board. The evaluator shall be responsible for the final written and official statement of evaluation, which shall be in writing, and a copy shall be transmitted to the certificated teacher within five (5) days after completion of the evaluation. [A.R.S. 15-537]

The administration is responsible for an in-service training program for evaluators. This program shall incorporate a philosophy, procedure, and techniques that ensure effective implementation of the evaluation plan.

The best practices for professional development and evaluator training adopted by the State Board of Education should be referenced as the State Board has the authority to periodically make adjustments to align with the model framework for teacher and principal evaluations with assessment data changes at the state level.

***Classroom visitations Observations by Evaluator.*** ~~Formal observations shall be spaced and of sufficient duration (minimum of thirty [30] uninterrupted minutes) so as to ensure that the evaluators have an~~

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~~opportunity to grasp an overall concept of a person's performance over a full schedule.~~

~~Formal observations may sometimes be prearranged through initiation by either the observer or the teacher. Formal observations shall be defined as those that are written and provide an opportunity for a follow-up conference.~~

The Governing Board prescribes that the teacher performance evaluation system pursuant to A.R.S. 15-203(A)(38) shall include at least two (2) actual classroom observations of the certificated teacher demonstrating teaching skills in a complete and uninterrupted lesson by the person observing the teacher. There shall be at least sixty (60) calendar days between the first and last observations.

Informal observations may be made at the discretion of the administrator.

***Procedural steps in the process of evaluation:***

- At the beginning of the school year, the principal shall meet with the school's faculty for the purpose of orienting the teachers to the total evaluation plan. This shall include whether the evaluation is used as a criterion for establishing a teacher's compensation.
- Self-evaluation for the teacher shall be urged.
- As described above an observation(s) in the classroom shall be completed.
- An opportunity for a conference shall follow each formal observation-visititation.
- A written record shall be made of each formal observation, with a copy to the observed.
- ~~The official evaluation shall be reduced to writing and signed by both the teacher and the evaluator. The teacher's signature shall not mean concurrence. The teacher shall be allowed ten (10) days to write and submit any comments, which shall be attached to the evaluation.~~
- A copy of the written evaluation shall be transmitted to the teacher within five (5) days after completion of the evaluation, Within ten (10) business days after each observation, the person observing the teacher shall provide written feedback to the teacher and a copy shall be retained for the principal's file. A third copy shall be placed in the

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teacher's personnel file and made available to authorized District officers and employees.

- The official evaluation shall be reduced to writing and signed by both the teacher and the evaluator. The teacher's signature shall not mean concurrence. The teacher shall be allowed ten (10) days to write and submit any comments, which shall be attached to the evaluation.
- ~~Teacher evaluations are confidential, do not constitute a public record, and shall not be released or shown to any person except for the explicit purposes set out in A.R.S. 15-537.~~ Copies of the evaluation report and performance classification of a certificated teacher retained by the Governing Board and the Department of Education are confidential, do not constitute a public record and shall not be released to any person except to those stipulated in the statute which allows release to school districts and charter schools that inquire about the performance of the teacher for employment purposes.

***Evaluation program.*** The specific format for the teacher evaluation system will be developed in compliance with Policy GCO and this regulation under the leadership of the Superintendent.

***Inadequate classroom performance.*** All teachers whose classroom performance is inadequate will be notified in accordance with the law and the contents of Policy GCO.

***Frequency of written evaluations.*** Evaluations shall be made at least two (2) times per year for noncontinuing teachers, and at least once per year for continuing teachers.

***Evaluation schedule (also see Policy GCJ):***

*Noncontinuing teachers (employed by the School District for less than the major portion of three [3] consecutive school years):*

**[FOR NONCONTINUING TEACHERS - OPTION 1]**

- During the week of orientation, evaluation procedures shall be reviewed at each school. Any teacher who is hired after orientation week shall be individually oriented by the evaluator.
- The first evaluation, including observation, written report, and conference shall be completed sufficiently early in the instructional year to schedule a second (2nd) evaluation and give written preliminary notice of inadequacy of classroom performance no later than January 15.

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- A second evaluation shall be completed sufficiently early in the instructional year to give written preliminary notice of inadequacy of classroom performance no later than January 15.
- Not later than January 15, a noncontinuing teacher whose classroom performance is inadequate shall be given a written preliminary notice of inadequacy of classroom performance. This notice will provide the noncontinuing teacher at least ninety (90) days in which to overcome the inadequacy(ies). The notice shall specify the nature of the inadequacy(ies) with such particularity as to furnish the teacher an opportunity to correct the inadequacy(ies) and overcome the grounds for the charge. If the notice is issued without prior Board approval, the Board shall be notified within five (5) days of such issuance.
- Prior to the *intended date* to provide notice of nonreemployment, and subsequent to the ninety (90) day period during which a teacher was provided the opportunity to overcome any noticed inadequacies of classroom performance, a third evaluation shall be made.
- The Board shall authorize, as necessary, and send notice to noncontinuing teachers who will not be reemployed for the ensuing school year.
- Subject to sections 15-539, 15-540, 15-541, 15-544 and 15-549, the Governing Board shall offer a teaching contract for the next ensuing school year to each certificated noncontinuing teacher who is under a contract of employment with the School District for the current school year, unless the Governing Board, a member of the Board acting on behalf of the Board, or the Superintendent gives notice to the teacher of the Board's intention not to offer a teaching contract or unless such teacher has been dismissed pursuant to A.R.S. 15-538, 15-539, 15-541, or 15-544. Notice of the Board's intention not to reemploy the teacher shall be by delivering it personally to the teacher or by sending it by registered or certified mail to the teacher at the teacher's place of residence, as recorded in the District's records. The notice shall incorporate a statement of reasons for not reemploying the teacher. If the reasons are charges of inadequacy of classroom performance as defined by the Governing Board pursuant to section 15-539, subsection D, the Board or its authorized representative, at least ninety (90) days prior to such notice, shall give the teacher written preliminary notice of inadequacy, specifying the nature of the inadequacy with such particularity as

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to furnish the teacher an opportunity to correct the inadequacies and overcome the grounds for such charge. The written notice of intention not to reemploy shall include a copy of any evaluation pertinent to the charges made and filed with the Board.

- A.R.S. 15-536 is applicable to each teacher who is beginning the teacher's fourth year of employment and who has been designated in one (1) of the two (2) lowest performance classifications pursuant to A.R.S. 15-203(A)(38) and who is under a contract of employment with the School District for the current school year. Teachers covered under this statute shall not have the right to a hearing pursuant to A.R.S. 15-539(G).
- None of the above statements shall be construed to give the noncontinuing teacher the right to a hearing pursuant to 15-536 and 15-539.

**[FOR NONCONTINUING TEACHERS - OPTION 2]**

- During the week of orientation, evaluation procedures shall be reviewed at each school. Any teacher who is hired after orientation week shall be individually oriented by the evaluator.
- Prior to January 10, an evaluation, including observation, written report, and conference shall be completed.
- Not later than January 15, a teacher whose classroom performance has been evaluated as being inadequate shall be given a preliminary notice of inadequacy of classroom performance. The notice will provide the noncontinuing teacher at least ninety (90) days in which to overcome the inadequacies and shall specify the nature of the inadequacy with such particularity as to furnish the teacher an opportunity to correct the inadequacies and overcome the grounds for the charge. If the notice is issued without prior Board approval, the Board shall be notified within five (5) days of such issuance.
- Prior to the *intended date* to provide notice of nonreemployment, and subsequent to the ninety (90) day period during which a teacher was provided the opportunity to overcome any noticed inadequacy(ies) of classroom performance, a second evaluation shall be made.

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- The Board shall authorize, as necessary, and send notice to noncontinuing teachers who will not be reemployed for the ensuing school year.
  - Subject to sections 15-539, 15-540, 15-541, 15-544 and 15-549, the Governing Board shall offer a teaching contract for the next ensuing school year to each certificated noncontinuing teacher who is under a contract of employment with the School District for the current school year, unless the Governing Board, a member of the Board acting on behalf of the Board or the Superintendent gives notice to the teacher of the Board's intention not to offer a teaching contract or unless such teacher has been dismissed pursuant to section 15-538, 15-539, 15-541, or 15-544. Notice of the Board's intention not to reemploy the teacher shall be by delivering it personally to the teacher or by sending it by registered or certified mail to the teacher at the teacher's place of residence, as recorded in the District's records. The notice shall incorporate a statement of reasons for not reemploying the teacher. If the reasons are charges of inadequacy of classroom performance as defined by the Governing Board pursuant to section 15-539, subsection D, the Board or its authorized representative, at least ninety (90) days prior to such notice, shall give the teacher written preliminary notice of inadequacy, specifying the nature of the inadequacy with such particularity as to furnish the teacher an opportunity to correct the inadequacies and overcome the grounds for such charge. The written notice of intention not to reemploy shall include a copy of any evaluation pertinent to the charges made and filed with the Board.
  - A.R.S. 15-536 is applicable to each teacher who is beginning the teacher's fourth year of employment and who has been designated in one (1) of the two (2) lowest performance classifications pursuant to A.R.S. 15-203(A)(38) and who is under a contract of employment with the School District for the current school year. Teachers covered under this statute shall not have the right to a hearing pursuant to A.R.S. 15-539(G).
  - None of the above statements shall be construed to give the noncontinuing teacher the right to a hearing pursuant to 15-536 and 15-539.
- *Continuing teachers (employed by the School District for more than the major portion of three [3] consecutive school years):*

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- Continuing teachers shall be evaluated at least once each year. If the evaluation is used as the basis of a preliminary notice of inadequacy of classroom performance, the evaluation:
  - ▲ May not be conducted within two (2) instructional days of any school break of one (1) week or more.
  - ▲ Must be conducted in accord with District procedure.
  - ▲ Must be completed in time to be included in the written preliminary notice of inadequacy of classroom performance, which may be issued by the Governing Board or its authorized representative or delegated employee at least ten (10) instructional days before the start of the statutory period of time the teacher is to be given to correct the inadequacy and overcome the grounds for the charge. In all cases in which an employee of the Governing Board issues a notice of inadequacy of classroom performance without prior approval by the Board, the employee shall report such issuance to the Governing Board within five (5) school days.
  - ▲ The written preliminary notice of inadequacy of classroom performance shall specify the nature of the inadequacy of classroom performance with such particularity as to furnish the teacher an opportunity to correct the teacher's inadequacies and overcome the grounds for the charge. The written preliminary notice of inadequacy of classroom performance shall be based on a valid evaluation according to District procedure, shall include a copy of any evaluation pertinent to the charges made and shall state the date, not less than sixty (60) instructional days, by which the teacher has to correct the inadequacy and overcome the grounds for the charge. If the teacher does not demonstrate adequate classroom performance within the allotted time the Board shall dismiss the teacher either within ten (10) days of service of a subsequent notice of intention to dismiss or by the end of the contract year in which the notice is served unless the teacher requests a hearing as provided by A.R.S. 15-539.

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- All provisions of A.R.S. 15-538.01, A.R.S. 15-539, and other applicable Arizona Revised Statutes shall be complied with in the dismissal of continuing teachers.
- Pursuant to A.R.S. 15-538.01, the Governing Board shall offer to each certificated teacher who has been employed more than the major portion of three (3) consecutive years and who is under contract of employment with the School District for the current year a contract renewal for the next ensuing school year unless the teacher has been given notice of the Board's intent not to offer a contract and to dismiss the teacher as provided in section A.R.S. 15-539. The Governing Board shall offer a contract to each certificated teacher who is not designated in the lowest performance classification pursuant to A.R.S. 15-203(A)(38) and was offered a contract in the prior year pursuant to A.R.S. 15-536 unless the teacher has been given notice of the Board's intent not to offer a contract and to dismiss the teacher as provided in section A.R.S. 15-539.
- A.R.S. 15-539 references the exception provided in A.R.S. 15-536 for a certificated teacher who is beginning the teacher's fourth year of employment and who has been designated in one (1) of the two (2) lowest performance classifications pursuant to A.R.S. 15-203(A)(38) and who is under a contract of employment with the School District for the current school year.
- Subject to A.R.S. 15-538.01, 15-539, 15-540, 15-541, 15-544, and 15-549, the Governing Board shall offer to each continuing teacher under contract of employment with the District for the current year a contract renewal for the next ensuing school year unless the Governing Board, a member of the Board acting on behalf of the Board, or the Superintendent gives notice to the continuing teacher of the Board's intent not to offer a contract and to dismiss the teacher as provided in A.R.S. 15-539.

***Teacher Acceptance of Contract.*** The teacher's acceptance of the contract must be indicated within fifteen (15) business days from the date of the teacher's receipt of the written contract or the offer of a contract is revoked.

Receipt is considered to have occurred when the written contract is:

- personally delivered,
- placed in the teacher's school-provided mailbox, including electronic mail, or

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- two (2) days after being placed in a United States Postal Service mail box.

The teacher accepts the contract by signing the contract and returning it to the Governing Board or by making a written instrument which accepts the terms of the contract and delivering it to the Governing Board. If the written instrument includes terms in addition to the terms of the contract offered by the Board, the teacher fails to accept the contract.

## **Administrators and Psychologists**

The systems developed for the evaluation of the performance of principals shall meet the requirements prescribed in A.R.S. 15-203(A)(38) and in Policy GCO.

The Board shall make available the evaluation and performance classification pursuant to A.R.S. 15-203(A)(38) of each principal in the School District to school districts and charter schools that are inquiring about the performance of the principal for hiring purposes.

Continuous evaluation of all aspects of the total educational program, including student progress, personnel, curriculum, and facilities, will include a formal process of evaluating all certificated administrators and psychologists. The purpose of this evaluation shall be the improvement of the quality of the educational program in the District. The evaluation will be a cooperative procedure, with the evaluator and the evaluatee having full knowledge of the criteria, process, and results.

The following statements give more specific purposes for evaluation:

- Evaluations determine how well the objectives held by the school and District are being carried out. The success of the educational program is dependent upon many factors, which include the quality of classroom instruction, student evaluation, supervision, and administration.
- Evaluations provide the basis for motivation and for self-improvement, permitting administrative personnel to be aware of strengths and weaknesses in order to improve the operation of the District's programs.

The specific format for the evaluation system for certificated administrators and psychologists will be developed under the leadership of the Superintendent.

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## **Administrator/Psychologist Contract Renewal**

If the administrator's contract with the School District is for more than one (1) year, but not exceeding three (3) years, on or before May 15 of the last year of the contract, the Board shall offer a contract for the next school year to the administrator unless on or before April 15 the Board gives notice to the administrator of the Board's intention not to offer a new administrative contract.

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

LEGAL REF.:	A.R.S. 15-503	15-539
	15-536	15-540
	15-537	15-541
	15-538	15-544
	15-538.01	15-549

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**DATES OF SIGNIFICANCE**

**ADDENDUM B**

<b>DATE</b>	<b>TOPIC</b>	<b>ACTION REQUIRED/SUGGESTED</b>	<b>ACTION BY</b>
9/15/2012	Best Practices	Posting of Best Practices for teacher and principal evaluation systems on the website maintained by the Department. Will address the implementation and assessment of principal and teacher evaluation systems.	Arizona Department of Education
9/30/2012	Delay of the Implementation of this evaluation system to 20113/2014	A school district governing board or a charter school governing body may elect to postpone the full implementation of the required teacher and principal evaluation until the 2013/2014 school year if a majority of the governing board or a majority of the governing body votes to postpone the evaluation implementation at a public meeting and adopts a plan at the public meeting that includes the following: <ol style="list-style-type: none"> <li>1. a timeline for the evaluation implementation,</li> <li>2. a plan for engaging teachers and other interested stakeholders, and</li> <li>3. a plan to determine how the evaluations will guide professional development.</li> </ol> And, the governing board/governing body must adopt before 12/31/12 the two items listed under that date below.	Governing Board Governing Body
12/1/2012	Model Framework	On or before 12/1/12, the State Board of Education shall adopt a model framework for a teacher and principal evaluation instrument that includes quantitative data on student academic progress that accounts for between thirty-three per cent and fifty per cent of the evaluation outcomes. Such model framework shall include the four performance classifications, designated as highly effective, effective, developing, and ineffective, and guidelines for school districts and charter schools to use in their evaluation instruments.	Arizona State Board of Education
12/31/2012 (12/15/12)	Delay of the Implementation of this evaluation system to 20113/2014	Prior to 12/31/12, the governing board/governing body shall adopt the following: <ol style="list-style-type: none"> <li>1. an instrument or instruments considered for the evaluation and</li> <li>2. the percentage of the outcome of the evaluation in accordance with</li> </ol>	Governing Board Governing Body

Evaluation Instrument/ the framework adopted by the State Board of Education pursuant to Percentage Outcomes ARS 15-203(A)(38), as amended.

By School Year	Definitions of Performance Classifications/ Public Input	School districts and charter schools shall, in a public meeting, by school year 2013-2014, adopt definitions for the performance classifications adopted by the State Board of Education. The performance classifications are to be applied to the evaluation instruments in a manner designed to improve principal and teacher performance. Prior to adoption of policies for teacher and principal evaluations for implementation by school year 2013/2014, the governing board shall provide opportunities for public discussion on the proposed policies which shall describe these items pertaining to principals: <ol style="list-style-type: none"><li>1. the evaluation instrument, including performance classifications,</li><li>2. the alignment of professional development to the evaluations,</li><li>3. incentives for principals in one to the two highest performance classifications which may include multiyear contracts, as authorized in ARS 15-503, and incentives to work at schools assigned letter grades of "D" or "F" pursuant to ARS 15-241, and</li><li>4. transfer and contract processes for principals in the lowest performance classifications pursuant to 15-203(A)(38).</li></ol> And, these items pertaining to teachers: <ol style="list-style-type: none"><li>1. incentives for teachers in the highest performance classification, including multiyear contracts,</li><li>2. incentives for teachers in the two highest performance classifications to work at schools that are assigned a letter grade of D or F pursuant to ARS 15-241,</li><li>3. protection for teachers who are transferred to schools that are assigned a letter grade of D or F pursuant to ARS 15-241, and</li><li>4. protection for teachers if the principal of the school is designated in the lowest performance classification.</li></ol>	Governing Board Governing Body
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Beginnin in School Year	Evaluation Polices Shall Include	The policies prescribed in the four bullets immediately preceding are to describe the following:	Governing Board Governing Body
2014/2015		<ol style="list-style-type: none"> <li>1. support and consequences for teachers designated in the lowest performance classification,</li> <li>2. an intervention option for such teachers that includes the use of a performance improvement plan which may be used only once for each teacher,</li> <li>3. dismissal policies pursuant to ARS 15-539 for teachers who continue to designated in the lowest performance classification following use of the intervention option, and</li> <li>4. dismissal policies pursuant to ARS 15-539 for teachers who are not provided an intervention ooption, requiring the school district governing board to initiate the notice of inadequacy of classroom performance process no later than the second consecutive year that the teacher is designated in the lowest performance classification.</li> </ol>	

## TEACHING ABOUT RELIGION

Standards pertaining to instruction on the historical study of biblical text may be found in the State Board of Education Standards in history or English arts, or both, as concepts that include the history and literature of the Old Testament era and the history and literature of the New Testament era. The standards do not require that pupils who do not enroll in the elective course prescribed in this section receive instruction on the historical study of biblical text.

The instructional program of the District may include content in an elective course pertaining to how the Bible has influenced western culture for pupils in grades nine (9) through twelve (12). A school may offer this course as an online course. The School District may develop a new curriculum or use an existing curriculum that includes teacher's guides and that is currently in use in public schools in this state or in other states. An existing curriculum that is used by a school district shall meet the standards and guidelines prescribed in this section as indicated below:

- Before a school offers a course under this section, a legal review shall be conducted to ensure that the course complies with the First Amendment to the United States Constitution.
- A course offered under this section shall be designed to:
  - Familiarize pupils with the contents, characters, poetry and narratives that are prerequisites to understanding society and culture, including literature, art, music, mores, oratory and public policy.
  - Familiarize pupils with the following:
    - ▲ The contents of the Old Testament and the New Testament.
    - ▲ The history recorded by the Old Testament and the New Testament.
    - ▲ The literary style and structure of the Old Testament and the New Testament.
    - ▲ The influence of the Old Testament and the New Testament on laws, history, government, literature, art, music, customs, morals, values and culture.

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- A course offered under this section shall follow applicable law and all federal and state guidelines in maintaining religious neutrality and accommodating the diverse religious or nonreligious views, traditions and perspectives of pupils. This section is not intended to violate any provision of the United States Constitution, the constitution of Arizona or state law or any rules, guidelines or regulations adopted by the United States Department of Education, the State Board of Education or the Arizona Department of Education.
- A pupil shall not be required to use a specific translation as the sole text of the Old Testament or the New Testament and may use as the basic textbook a different translation of the Old Testament or the New Testament from that chosen by the School District Governing Board or the pupil's teacher.
- Personnel shall not be assigned to teach a course offered under this section based on a religious or nonreligious test, a profession of faith or lack of faith, or prior or current religious affiliation or a lack of religious affiliation.
- A teacher who instructs a course offered under this section in its appropriate historical context and in good faith shall be immune from civil liability and disciplinary action pursuant to section 15-535.

This program will conform to all applicable Arizona Revised Statutes and Arizona Administrative Codes. The program, materials used in the elective course, and the act of sectarian instruction as referenced in statute are not prohibited under A.R.S. 15-341(a)(2), A.R.S. 15-362(a)(2), or A.R.S. 15-535 as each are authorized under A.R.S. 15-717.01, Bible influence; elective course; requirements; immunity.

Adopted: date of Manual adoption

LEGAL REF.: A.R.S. 15-341  
15-362  
15-535  
15-717.01

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

## FAMILY LIFE EDUCATION

### Instruction in Sex Education

#### *Grades K - 8:*

- Instruction in sex education may be offered in the District in conformity with the requirements of Arizona law.
- Prior to offering sex education, the Board shall establish an *ad hoc* advisory committee with membership representative of the District's size and the racial and ethnic composition of the community to assist in the development of lessons and advise the Board on an ongoing basis.
- The Board shall review the total instructional materials for lessons presented for approval.
- The Board shall publicize and hold at least two (2) public hearings for the purpose of receiving public input at least one (1) week prior to the Board meeting at which sex education lessons will be considered for approval.
- The Board shall maintain for viewing by the public the total instructional materials to be used in approved sex education lessons within the District.
- The Superintendent shall, before recommending the offering of instruction in sex education, develop and implement regulations that meet the requirements of Arizona regulatory and statutory law.
- If sex education is offered in grades seven (7) and eight (8) the curricula shall include instruction on the laws relating to sexual conduct with a minor.

#### *Grades 9-12:*

- Instruction in sex education may be offered in the District in conformity with the requirements of Arizona law.
- The Governing Board shall review the total instructional materials and approve all lessons in the course of study to be offered in sex education.

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- The Board shall maintain for viewing by the public the total instructional materials to be used in all high school sex education courses to be offered.
- If sex education is offered, the curricula shall include instruction on the laws relating to sexual conduct with a minor.

### **Certification of Compliance**

The District shall certify, under the notarized signatures of both the Governing Board President and the Superintendent, compliance with A.A.C. R7-2-303. Acknowledgment of receipt of the compliance certification from the State Board of Education is required as a prerequisite to the initiation of instruction. Certification of compliance shall be in a format and with such particulars as shall be specified by the Department of Education.

### **Instruction on Acquired Immune Deficiency Syndrome and Human Immunodeficiency Virus**

The District may provide instruction in kindergarten (K) through grade twelve (12) on acquired immune deficiency syndrome and the human immunodeficiency virus as authorized by Arizona law.

If instruction is to be offered at one (1) or more grade levels, the Superintendent shall develop and implement regulations on such instruction that conform to Arizona law.

### **Promotion of Childbirth**

The District shall not endorse or provide financial or instructional program support to any program that does not present childbirth and adoption as preferred options to elective abortion.

The District shall not allow any presentation during instructional time or furnish any materials to pupils as part of any instruction that does not give preference, encouragement and support to childbirth and adoption as preferred options to elective abortion.

*Adopted:* date of Manual adoption

LEGAL REF.: A.R.S. 15-108  
 15-341  
 15-716  
 15-720  
 A.A.C. R7-2-303

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## PROGRAMS FOR PREGNANT/ PARENTING STUDENTS

Pregnant students should have the same educational opportunities as their peers. Such students may also need additional counseling and health services that are available through the public schools.

Pregnant students may elect to remain in the regular school program and shall not be involuntarily excluded from any part of the school program, provided, however, that reasonable safeguards are maintained both for the school's and the student's best interests.

~~Pregnant students shall notify school authorities of their status as soon as it is ascertained.~~ The Superintendent will establish procedures as necessary to implement this policy.

*Adopted:* date of Manual adoption

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

CROSS REF.: AD - Educational Philosophy/School District Mission  
IHBF - Homebound Instruction  
JHD - Exclusions and Exemptions from School Attendance

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

## **BILINGUAL INSTRUCTION / NATIVE LANGUAGE INSTRUCTION**

Individual schools in which twenty (20) or more students of a given grade level receive parental exception waivers in accord with A.R.S. 15-753 shall offer classes teaching English and other subjects through bilingual education techniques or other generally recognized educational methodologies permitted by law. Where these programs are not available students receiving parental exception waivers shall be permitted to transfer to a public school in which such a class is offered.

### **Prerequisites for Waiver Requests**

With prior written informed consent, provided on an annual basis, a student's parents or legal guardian may request a waiver from the application of A.R.S. 15-752 - being placed in an English language classroom. In order to apply for a waiver the parents or guardian must:

- Visit the school to apply for the waiver, and while at the school,
  - Be provided a full description of the educational materials to be used in the different educational program choices, and
  - Be provided all the educational opportunities available to the child.

### **Parental Exception Waiver**

A parental exception waiver may be applied for if the above prerequisites have been met and at least one (1) of the following applies:

- The student already possesses good English language skills, as measured by:
  - Oral evaluation or standardized tests of English vocabulary comprehension, reading, and writing, in which the student scores:
    - ▲ Approximately at or above the state average for the student's grade level, or
    - ▲ At or above the fifth (5th) grade average, whichever is lower

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- The student is age ten (10) or older, and:
  - It is the informed belief of the school principal and educational staff that an alternate course of educational study would be better suited to the student's overall educational progress and rapid acquisition of basic English language skills.
- The student has special individual needs (physical and psychological needs above and beyond the lack of English proficiency).
  - Any decision to issue a waiver based on special individual need is to be made subject to the examination, approval and authorizing signature of the Superintendent within, but not limited to, the following guidelines:
    - ▲ The student has already been placed in an English language classroom for not less than thirty (30) calendar days during that school year.
    - ▲ It is subsequently the informed belief of the school principal and educational staff that the child has such special and individual physical or psychological needs, above and beyond the lack of English proficiency, and an alternate course of educational study would be better suited to the student's overall educational development and rapid acquisition of English.
      - ◆ A written description of not less than two hundred fifty (250) words documenting these special individual needs for the specific student must be provided and permanently added to the student's official school record after.
      - ◆ A special needs review has been completed by persons knowledgeable about the student, the student's school history, the student's special individual needs, the meaning of evaluation data, and the placement options. The review shall be based upon the student's existing records, including academic, social, and behavioral records.
      - ◆ The waiver application must contain the original authorizing signature of the school principal.

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- ▲ If the student has been determined to be a student with a disability under the Individuals with Disabilities Education Act then all procedural safeguards including those relative to evaluation and the provision of free appropriate public education must be followed.
- ▲ If the student has been determined to be a student with a disability under Section 504 of the Rehabilitation Act of 1973, evaluation and such accommodations as are necessary to provide a free appropriate public education shall be provided in accord with the act.
  - Teachers and local school districts may reject waiver requests without explanation or legal consequence. The existence of such special individual needs shall not compel issuance of a waiver.
  - The parents shall be fully informed of their right to refuse to agree to a waiver for special individual needs.

The Superintendent shall develop procedures as necessary for implementation of this policy.

*Adopted:* date of Manual adoption

LEGAL REF.: A.R.S. 15-744  
 15-751  
 15-752  
 15-753  
 15-754  
 15-755  
 A.A.C. R7-2-310

CROSS REF.: IHAA - English Instruction  
 IHB - Special Instructional Programs  
 IHBA - Special Instructional Programs and Accommodations  
 for Disabled Students

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## ONLINE / CONCURRENT / CORRESPONDENCE COURSES

### Arizona Online Instruction

Arizona online instruction (AOI) is a learning option for meeting the needs of students in the information age. The District Governing Board may authorize student enrollment in AOI courses for credit to fulfill the academic requirements of the Governing Board and the State Board of Education (SBE). The course(s) must be provided by an online course provider or an online school selected and approved by the SBE as defined by and in accordance with the criteria established in A.R.S. 15-808.

To satisfy District class and course standards, the course offerings and content must:

meet District and SBE academic standards for the identified student population,

provide at least the minimum course of study and competency requirements for graduation from high school, based on the current cohort year requirements, and

prepare students for post-secondary success in the world of work, technical school, or college.

To receive credit towards promotion or graduation, a student participating in Arizona online instruction shall:

satisfactorily complete the course requirements,

participate in the testing requirements prescribed by A.R.S. 15-741 *et seq.*, and

not be allowed to participate in AOI if the student fails to comply with the testing requirements ~~or~~ and the online instruction provider fails to administer the tests to at least ninety-five percent (95%) of the students participating in the provider school's AOI.

Upon the student's enrollment in AOI, the student's parents or guardians shall be notified of the state testing requirements.

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The District shall coordinate with the AOI provider the gathering, recording, maintenance and reporting of applicable information to the student's parents or guardians, District officials, and the appropriate agencies.

If a student's academic achievement declines while the student is participating in AOI, the student's parents or guardians, teachers and instructors, and the school's administrator shall confer to evaluate whether the student's continued participation in AOI should be allowed.

A student may participate in AOI as either a part-time or full-time student for membership and attendance purposes as prescribed by A.R.S. 15-808. When the student is concurrently enrolled part-time in the District and participating part-time in AOI, daily attendance and membership of the student shall be recorded and reporting for funding apportionment purposes as specified by A.R.S. 15-808 and the Uniform System of Financial Records (USFR).

Whenever a student becomes ineligible for continuation in an AOI course or program, for whatever reason, the student shall be enrolled in a District course or courses appropriate to the student's academic qualifications.

The District may make application to the Arizona State Board of Education to become a provider of Arizona Online Instruction.

*Adopted:* date of Manual adoption

LEGAL REF.:	A.R.S. 15-203	15-741
	15-341	15-802
	15-701	15-808
	15-701.01	15-901
	A.A.C. R7-2-301	R7-2-302.02
	R7-2-302	R7-2-302.03
	R7-2-302.01	R7-2-302.04

USFR Memorandum No. 244

CROSS REF.: DI - Fiscal Accounting and Reporting  
IHA - Basic Instructional Program  
IHB - Special Instructional Programs  
IJNDB - Use of Technology Resources in Instruction  
IKE - Promotion, Retention, and Acceleration of Students  
IKF - Graduation Requirements  
JE - Student Attendance  
JR - Student Records

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**REGULATION****REGULATION**

## **PROMOTION AND RETENTION OF STUDENTS**

### **Competency Requirements for Promotion of Students from Third Grade for School Years 2010-2011, 2011-2012 and 2012-2013**

The District shall provide an annual written notification to parents or guardians of students in kindergarten programs and first (1st), second (2nd) and third (3rd) grades that a student who obtains a score on the reading portion of the Arizona Instrument to Measure Standards (AIMS) test, or a successor test, that demonstrates the student is reading far below the third (3rd) grade level will not be promoted from the third (3rd) grade. If the student's school has determined that the student is substantially deficient in reading before the end of grade three (3), the District shall provide to the parent or guardian of that student a separate written notification of the reading deficiency that includes the following information:

- A description of the current reading services provided to the student.
- A description of the available supplemental instructional services and supporting programs that are designed to remediate reading deficiencies. The District shall offer at least one (1) intervention strategy and at least one (1) remedial strategy for pupils with reading deficiencies. The notification shall list the intervention and remedial strategies offered and shall instruct the parent or guardian to choose the strategy that will be implemented for the student.
- Parental/guardian strategies to assist the student to attain reading proficiency.
- A description of the District policies on midyear promotion to a higher grade.

### **Competency Requirements for Promotion of Students from Third Grade for School Years 2013-2014 and Thereafter**

In addition to competency requirements for school years 2010 through 2012 beginning with the 2013-2014 school year The competency requirements for the promotion of a student from the third (3rd) grade shall include the following:

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- The student shall not be promoted from the third (3rd) grade if the pupil obtains a score on the reading portion of the AIMS test, or a successor test, that demonstrates the students reading skills fall far below the third (3rd) grade level, unless the student is exempt from mandated retention or the pupil qualifies for an exemption as determined by the Governing Board.
- The Governing Board may promote a student from the third (3rd) grade if the student obtains a score on the reading portion of the AIMS test, or a successor test, that demonstrates the student's reading skills fall far below the third (3rd) grade level for any of the following good cause exemptions:
  - A good cause exemption if the student is an English learner or a limited proficient student as defined in section 15-751 and has had fewer than two (2) years of English language instruction.
  - A student with a disability as defined in section 15-761 if the pupil's individualized education program team and the student's parent or guardian agrees that promotion is appropriate based on the student's individualized education program.
  - ~~The student is a child with a disability as defined in A.R.S. 15-761, and did not take the AIMS test or a successor test.~~
  - ~~The student is a child with a disability as defined in A.R.S. 15-761, has taken the AIMS test, or a successor test, and has previously been retained in a grade.~~
  - ~~The student is English language learner or a limited English proficient student as defined in A.R.S. 15-751 and has had fewer than two (2) years of English language instruction.~~
  - The student has demonstrated reading proficiency on an alternate assessment approved by the State Board of Education (SBE).
  - ~~The Governing Board accepts a parent's or guardian's request for an exemption for a student who does not meet any of the good cause exemptions prescribed above. Within thirty (30) days after receipt of notification the student will not be promoted from the third (3rd) grade, a parent or guardian may submit a written request to the Governing Board for an exemption in accordance with this item. The written request shall include documentation showing that promotion of the student is appropriate based on the student's academic record and shall include:~~

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- ~~★ Academic progress reports.~~
- ~~★ Student's Individualized Education Program.~~
- ~~★ Letters from the student's teacher(s) and the principal of the school recommending the pupil be promoted from the third (3rd) grade.~~
  - ~~◆ The Governing Board shall issue a written acceptance or rejection of the parent's or guardian's exemption request within thirty (30) days after receipt of the parent's or guardian's request.~~

***Intervention and Remedial Strategies Developed by the State Board of Education (SBE) for Students Who Are Not Promoted from the Third Grade***

~~Intervention and remedial strategies developed by the State Board of Education (SBE) for students who are not promoted from the third (3rd) grade. The Governing Board shall offer at least one (1) of the intervention and remedial strategies developed by the SBE. The parent or guardian of a student not promoted from the (3rd) grade and the student's teacher(s) and principal may choose the most appropriate intervention and remedial strategies that will be provided to that student. The intervention and remedial strategies developed by the SBE shall include:~~

- ~~• A requirement the student be assigned to a different teacher for reading instruction.~~
- ~~• Summer school reading instruction.~~
- ~~• Intensive reading instruction in the next academic year that occurs before, during, or after the regular school day, or any combination of before, during and after the regular school day.~~
- ~~• Online reading instruction.~~

~~The intervention and remedial strategies developed by the SBE shall also:~~

- ~~• Provide for universal screening of pupils in preschool programs, kindergarten programs and grades one (1) through three (3) that is designed to identify students who have reading deficiencies in accordance with A.R.S. 15-704.~~
- ~~• Develop interventions and remedial strategies for pupils in kindergarten programs and grades one (1) through three (3) who are identified as having reading deficiencies pursuant to section 15-704.~~

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## SPECIAL - INTEREST MATERIALS SELECTION AND ADOPTION

Commercial organizations offer a variety of materials for use by teachers in the classroom. Many of these materials are of high educational value, with little or no advertising emphasis. Other materials are primarily advertising and have only limited educational value.

In general, supplementary materials (printed materials, models, films, slides, pictures, charts, exhibits for educational purposes, et cetera) from ~~commercial, political, religious, or other~~ nonschool sources should have approval by the principal. This approval may be given to materials that are of obvious educational quality, supplement and enrich text and reference book materials, are timely and up to date, and promote American democratic ideals and moral values.

Students may not be used as the agents for distributing nonschool materials to the homes. The Superintendent shall be the final judge of whether or not such materials shall be utilized with students and will establish necessary procedures for their evaluation, approval, and use.

*Adopted:* date of Manual adoption

LEGAL REF.: A.R.S. 15-341  
15-535

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## PUBLIC INFORMATION AND COMMUNICATIONS

The Superintendent has the responsibility of keeping the public informed as to the purpose, goals, methods, and progress of the educational program. Accuracy, reliability, and leadership in this area will develop confidence and understanding, creating better relationships between the District and the community. All school personnel are responsible for good public relations.

All written notices, bulletins, newsletters, and matters pertaining to students are to be approved prior to release. Matters that pertain to an individual school are to be approved by the principal prior to release. Matters that pertain to the District are to be submitted for approval to the Superintendent prior to release.

Non-school-originated material ~~of a commercial, political, or religious nature~~ shall not be released through the students without the approval of the principal.

This policy is not intended to interfere with the responsibility of District personnel to communicate directly with the parents or legal guardians of a particular student in areas affecting that student's progress at school. It is intended to ensure that prompt, reliable, and accurate information is released to the parents and patrons of the District.

*Adopted:* date of Manual adoption

CROSS REF.: KHC - Distribution/Posting of Promotional Materials

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

## DISTRIBUTION / POSTING OF PROMOTIONAL MATERIALS

Non-school promotional material literature is that material not under the control of the school which ~~is on or~~ may be in a variety of mediums. Without exhaustion this may include but is not limited to pictures, flyers, items with a visual or printed message, electronic representations, and other visual and auditory representations.

Non-school promotional material other than that which provides financial benefit to the educational program as determined by the Board, literature soliciting for or promoting participation in commercial offerings, politics or religion will not be allowed on school property during school sessions. ~~Excepted from the category of commercial offerings are approved equipment, naming conventions and legal advertisement that provide financial benefit to the educational program as determined by the Board.~~

Nonprofit organizations providing activities and instruction and practice for school age students ~~in the areas of instruction listed below~~ shall be permitted limited display or posting of promotional material literature for those activities at an individual school site within the guidelines indicated. Authorization shall be premised upon a written assurance and confirming material literature received by the distributing/posting school at least two (2) weeks prior to the instruction/ activity that the organization will:

- Agree that any charges for the instruction/activities will be based on and not exceed the cost of providing the instruction/activities;
- Not use fighting words, obscenities, defamatory speech or encourage disruption of the educational environment;
- Not provide representations or visuals that are inappropriate as described in The Children's Internet Protection Act;
- Label all material with the name of the organization;
- Display the name, address and telephone number of the local representative for the organization prominently on the promotional material; and
- Have an authorized representative of the organization sign the written assurances.

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The promotional material literature shall be provided to the school office at the same time as the assurance form to evidence compliance. School personnel shall not use the viewpoint expressed in the material literature as justification for disallowing the authorization.

**~~Areas of instruction and practice for which promotional literature is permitted to be displayed.~~**

- ~~Language arts~~
- ~~Literature~~
- ~~Mathematics~~
- ~~Science~~
- ~~Social Studies~~
- ~~Music~~
- ~~Visual Arts~~
- ~~Health~~
- ~~Physical Education~~
- ~~Foreign or Native American Language (includes modern and classical)~~
- ~~Career and Technical (vocational) Education~~

***Manner of Display/Posting or Stacking***

The manner of communication elected by each school shall be either:

- display of a representative item (posting on a bulletin board like structure); or
- stacking flyers or representative materials on a flat surface.

The material shall be located in an area on the school campus generally accessible to students. Display/posting or stacking will be on a space-available basis.

From a list of signed and dated assurance forms maintained in the school office, the school administrator shall determine the items to be granted permission for posting/displaying or stacking during a prescribed time period, limited to the available space designated for such purposes.

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Materials permitted for display/posting or stacking must be delivered to the approving school office by a person properly authorized to represent the entity providing the materials. The material shall not be larger than a standard eight and one-half by eleven inch (8 1/2" x 11") sheet of paper. Where stacking of materials for pick up is permitted, the quantity of materials stacked at the designated location shall not exceed one hundred (100) copies at any given time.

***Times and places for display/posting or stacking.*** Display/posting or stacking of non-school promotional materials is prohibited in any school location except the designated area or surface for such materials. Materials shall be removed on a date certain not more than one (1) month after it has been posted/stacked or five (5) days after the activity begins, whichever is earlier.

The display/posting and/or stacking location shall be available every day without regard to weather, to students who are in attendance. A description and a map of this location will be posted at the administrative office of each school and made available in the District administrative offices.

Any challenge to a denial to distribute/post promotional materials shall utilize a simplified Alternative Dispute Resolution process as referenced in A.R.S. 15-110(G), Rights of students at public educational institutions; limitations; definition, which stipulates that a student or a student's parent shall not initiate legal action to enforce this section unless the student or the student's parent has done the following:

- The student or the student's parent shall submit a complaint in writing with the specific facts of the alleged violation to the principal of the school. The principal shall investigate the complaint and respond in writing, including a description of any action taken to resolve the complaint, within fifteen (15) days of receiving the written complaint.
- If the complaint is not resolved, the written complaint specifying the facts of the alleged violation may be submitted by the parent or student to the Superintendent or designated administrator, who shall investigate the complaint and respond in writing, including a description of any action taken to resolve the complaint, within twenty-five (25) days of receiving the written complaint.

School District legal counsel shall be consulted at any time there is a substantive question or dilemma resulting from a request related to this policy. Challenges originating from a source alleging viewpoint-based denial of authorization shall be referred immediately.

*Adopted:* date of Manual adoption

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

LEGAL REF.: A.R.S 15-110  
20 U.S.C. 9134, The Children's Internet Protection Act  
47 U.S.C. 254, Communications Act of 1934 (The Children's  
Internet Protection Act)

CROSS REF.: KD - Public Information and Communications

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## ~~MEDICAL MARIJUANA STANDARDS AND CONDITIONS FOR EMPLOYEES~~

~~For the purpose of this policy, pursuant to Arizona Revised Statutes (A.R.S.) 36-2801, a *qualified medical marijuana cardholder* means:~~

- ~~• A qualifying patient,~~
- ~~• A designated caregiver, or~~
- ~~• A nonprofit medical marijuana dispensary agent~~

~~who has an identification card issued by the Arizona Department of Health Services related to the medical use of marijuana to treat or alleviate an individual's debilitating medical condition or symptoms associated with the debilitating medical condition.~~

~~Unless the District would lose a monetary or licensing related benefit under federal law or regulations, the School District may not discriminate against a person in hiring, termination or imposing any term or condition of employment or otherwise penalize a person solely:~~

- ~~• on the basis of the person's status as a medical marijuana cardholder, or~~
- ~~• for a positive test for marijuana components or metabolites,
 
  - ~~▪ unless the person used, possessed or was impaired by marijuana on the premises of the place of employment or during the hours of employment.~~~~

~~The District shall not be penalized or denied any benefit under state law for employing a registered qualifying patient or a registered designated caregiver. [A.R.S. 36-2811]~~

~~Subject to A.R.S. 36-2802, no person is authorized to engage in:~~

- ~~• undertaking any task under the influence of marijuana that would constitute negligence or professional malpractice,~~
- ~~• possessing or engaging in the medical use of marijuana,
 
  - ~~▪ on a school bus,~~
  - ~~▪ on the grounds of any preschool, elementary school or secondary school,~~~~

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- ~~smoking marijuana,~~
  - ~~on any form of public transportation, or~~
  - ~~in any public place.~~
- ~~operating, navigating or being in actual physical control of any motor vehicle, aircraft or motorboat while under the influence of marijuana,~~
  - ~~except that a registered qualifying patient shall not be considered to be under the influence of marijuana solely because of the presence of metabolites or components of marijuana that appear in insufficient concentration to cause impairment.~~
- ~~using marijuana in any manner not authorized by Chapter 28.1 of Arizona Revised Statutes Title 36.~~

The District does not allow the ingestion of marijuana in any workplace,

- ~~except that a registered qualifying patient shall not be considered to be under the influence of marijuana solely because of the presence of metabolites or components of marijuana that appear in insufficient concentration to cause impairment.~~

While performing any duty in the capacity of District employee, an employee may be disciplined, up to and including suspension or termination, for ingesting marijuana in the workplace or working under the influence of marijuana.

Wherever inconsistencies of interpretation arise, the law and regulations prevail.

When District officials have a reasonable belief an employee may be under the influence, in possession of or distributing marijuana in a manner not authorized by the medical marijuana statutes law enforcement authorities will be informed.

*Adopted:* ~~date of Manual adoption~~

LEGAL REF.: A.R.S. 13-3401 \_\_\_\_\_ 15-342  
 \_\_\_\_\_ 13-3405 \_\_\_\_\_ 15-512  
 \_\_\_\_\_ 13-3411 \_\_\_\_\_ 15-546  
 \_\_\_\_\_ 36-2801 *et seq.*, Arizona Medical Marijuana Act

CROSS REF.: ~~EEAEAA - Drug and Alcohol Testing of Transportation~~  
 \_\_\_\_\_ ~~Employees~~  
 \_\_\_\_\_ ~~GBEB - Staff Conduct~~  
 \_\_\_\_\_ ~~GBEC - Drug-Free Workplace~~  
 \_\_\_\_\_ ~~GBECA - Nonmedical Use or Abuse of Drugs or Alcohol~~

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## NONMEDICAL USE OR ABUSE OF DRUGS OR ALCOHOL

~~The District's posture in dealing with employees who engage in the nonmedical use of drugs and/or the abuse of alcohol is to be one of constructive confrontation in a supportive environment and supportive relationship. This approach is based on the following premises:~~

- ~~• Each employee is responsible for the employee's own actions.~~
- ~~• Each employee is a role model for students.~~
- ~~• Each employee who seeks help is to be given the opportunity to do so in a supportive environment.~~
- ~~• The District shall not ignore employee problems.~~
- ~~• Constructive confrontation will be utilized to make employees aware of opportunities and choices for help.~~
- ~~• Efforts to maintain confidentiality will be made by the District.~~
- ~~• Outside referrals to nonschool personnel will be provided, at employee expense, to employees who indicate an interest.~~
- ~~• Employees will be required to provide information on progress in dealing with problems.~~
- ~~• Supervisory staff members will receive orientation on methods of constructive confrontation.~~
- ~~• Opportunities for self-referral will be provided.~~
- ~~• As recommended by outside professional sources, the District will consider support to an employee during reentry into the workplace.~~
- ~~• The District's right to intervene is based on 1) a basic concern for the health and welfare of the persons whom it employs and 2) the right to expect quality job performance.~~
- ~~• School employees are human and should not be considered any less vulnerable or immune to human stress than any other person.~~
- ~~• In spite of the above, school employees whose nonmedical use of drugs or use of alcohol endangers the health and safety of students or other employees may of necessity be dealt with summarily.~~

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## **Employee Drug Use, or Abuse, or Possession**

The nonmedical ~~possession or use or abuse~~ use, abuse, or possession of drugs and/or ~~use or possession~~ of alcohol is forbidden on ~~school~~ District property or at ~~school-District sponsored activities.~~ away from ~~school~~ property. Employees determined to be in possession of, using, or abusing drugs or ~~using~~ alcohol shall be reported immediately to the ~~employee's principal or other person in charge~~ supervisor. The Superintendent shall be notified immediately.

The Superintendent ~~will~~ shall conduct an investigation in consultation with legal counsel as necessary. Employees that violate this policy may be disciplined up to and including termination. If the investigation shows sufficient evidence to suggest that the employee was involved with distribution or otherwise in violation of the law, law enforcement authorities shall be notified. ~~If the results of the investigation show that the employee's actions endangered the health and/or safety of students or other employees, the Superintendent shall take disciplinary action or recommend disciplinary action to the Board in accordance with existing policies and statutes. If the results of the investigation suggest that the employee be provided options under the provisions of this policy, the Superintendent shall so direct the immediate supervisor of the employee.~~

## **Medical Marijuana**

The District recognizes Arizona's medical marijuana law and ~~may~~ shall not discriminate against a person in hiring, termination or imposition of any term or condition of employment or otherwise penalize a person on the basis of the person's status as an eligible medical marijuana cardholder, or as a registered qualifying patient, having a positive drug test for marijuana components or metabolites, unless the person used, possessed or was impaired by marijuana on District property, at a District event, or during the hours of the persons regular or extended hours of employment, or as prescribed by law.

- ~~• the person's status as an eligible medical marijuana cardholder, or~~
- ~~• as a registered qualifying patient, having a positive drug test for marijuana components or metabolites, unless the person used, possessed or was impaired by marijuana on District premises or during the person's hours of employment with the District,~~

~~unless a failure to do so would cause the District to lose a monetary or licensing related benefit under federal law or regulations.~~

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~~The Arizona Medical Marijuana Act does not authorize any person to engage in the following conduct:~~

- ~~• Undertaking any task under the influence of marijuana that would constitute negligence or professional malpractice.~~
- ~~• Possessing or engaging in the medical use of marijuana:
  - ~~▪ On a school bus.~~
  - ~~▪ On the grounds of any preschool or primary or secondary school.~~~~
- ~~• Smoking marijuana:
  - ~~▪ On any form of public transportation.~~
  - ~~▪ In any public place.~~~~
- ~~• Operating, navigating or being in actual physical control of any motor vehicle, aircraft or motorboat while under the influence of marijuana, except that a registered qualifying patient shall not be considered to be under the influence of marijuana solely because of the presence of metabolites or components of marijuana that appear in insufficient concentration to cause impairment~~
- ~~• Using marijuana in any manner other than as authorized by the Arizona Medical Marijuana Act.~~

*Adopted:* date of Manual adoption

LEGAL REF.: A.R.S. 13-2911  
13-3401 *et seq.*  
15-341  
23-493  
23-493.03  
36-2801 *et seq.*  
41 U.S.C. 702, Drug-free workplace requirements for Federal grant recipients.  
34 C.F.R. Part 85

CROSS REF.: EEAEAA - Drug and Alcohol Testing of Transportation Employees  
GBAB - Medical Marijuana Standards and Conditions for Employees

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## DRUG AND ALCOHOL USE BY STUDENTS

Students on school property or at school events shall not knowingly breathe, inhale or drink a vapor-releasing substance containing a toxic substance, nor shall a student sell, transfer or offer to sell or transfer a vapor-releasing substance containing a toxic substance to a person under eighteen (18) years of age.

The nonmedical use, possession, distribution or sale of

- alcohol,
- drugs,
- synthetic drugs,
- counterfeit drugs, or
- imitation drugs,

on school property or at school events is prohibited. *Nonmedical* is defined as "a purpose other than the prevention, treatment, or cure of an illness or disabling condition" consistent with accepted practices of the medical profession.

Students in violation of the provisions of the above paragraph shall be subject to removal from school property and shall be subject to prosecution in accordance with the provisions of the law.

Students attending school in the District who are in violation of the provisions of this policy shall be subject to disciplinary actions in accordance with the provisions of school rules and/or regulations.

For purposes of this policy, "drugs" shall include, but not be limited to:

- All dangerous controlled substances prohibited by law.
- All alcoholic beverages.
- Any prescription or over-the-counter drug, except those for which permission to use in school has been granted pursuant to Board policy.

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- Hallucinogenic substances.
- Inhalants.
- Synthetic, counterfeit or imitation drugs.
  - A compound or substance, regardless of its contents, compound or substance, that produces in the user an experience, effect and/or display of effects that mimic the experience, effect and/or display of effects produced by substances controlled or prohibited by law, or that is represented as producing in the user such experiences or effects.

## **Medical Marijuana**

The conditions which follow are applicable to a District student who holds an identification as a medical marijuana cardholder issued by the Arizona Department of Health Services for the medical use of marijuana as set out in the Arizona Revised Statutes (A.R.S.).

The District will not refuse to enroll a student or otherwise penalize a student for being a medical marijuana cardholder unless failure to do so would cause the school to lose a monetary or licensing benefit under federal law or regulations.

A student medical marijuana cardholder shall not possess or engage in the use of marijuana on District property, in a District vehicle, or at a District-sponsored event.

A student medical marijuana cardholder is subject to, without bias, the same code of conduct and disciplinary standards applicable to all District students attending the school.

~~A student medical marijuana cardholder shall not:~~

- ~~• undertake any task under the influence of marijuana that would constitute negligence.~~
- ~~• possess or engage in the medical use of marijuana,~~
  - ~~▪ on a school bus,~~
  - ~~▪ on the grounds of any preschool, elementary school or secondary school.~~

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- ~~smoke marijuana,~~
  - ~~on any form of public transportation, or~~
  - ~~in any public place.~~
- ~~operate, navigate, or be in actual physical control of any motor vehicle, aircraft or motorboat while under the influence of marijuana,~~
  - ~~except that a registered qualifying student cardholder shall not be considered to be under the influence of marijuana solely because of the presence of metabolites or components of marijuana that appear in insufficient concentration to cause impairment.~~
- ~~use marijuana in any manner not authorized by Title 36, Chapter 28.1 of the Arizona Revised Statutes, or~~
- ~~offer to give, sell, or dispense medical marijuana to another student or other individual on school property, in school provided vehicles, at school events, or when functioning as a representative the school.~~

If District officials have a reasonable belief a student may be under the influence, in possession of or distributing medical marijuana in a manner not authorized by the medical marijuana statutes law enforcement authorities will be informed.

~~A student who violates any portion of this policy may be subject to warning, reprimand, probation, suspension, or expulsion, in addition to applicable civil and criminal prosecution.~~

*Adopted:* date of Manual adoption

LEGAL REF.: A.R.S. 4-101  
 4-241  
 4-244  
 13-3401 through 13-3461  
 15-345  
 36-2801 *et seq.*, Arizona Medical Marijuana Act  
 20 U.S.C. 7101 *et seq.*, Safe and Drug-Free Schools and Communities Act

CROSS REF.: JLC - Student Health Services and Requirements  
 JLCD - Administering Medicines to Students

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## PUBLIC CONDUCT ON SCHOOL PROPERTY

No person shall engage in conduct that may cause interference with or disruption of an educational institution. Interference with or disruption of an educational institution includes any act that might reasonably lead to the evacuation or closure of any property of the educational institution or the postponement, cancellation or suspension of any class or other school activity. For the purposes of this policy, an actual evacuation, closure, postponement, cancellation or suspension is not required for the act to be considered interference or disruption.

A person commits interference with or disruption of an educational institution by doing any of the following:

- Intentionally, knowingly or recklessly interfering with or disruption of the normal operations of an educational institution by either:
  - Threatening to cause physical injury to any employee or student of an educational institution or any person on the property of an educational institution.
  - Threatening to cause damage to the District, the property of the District, or the property of any person attending the District.
- Intentionally or knowingly entering or remaining on the property of an educational institution for the purpose of interfering with or denying lawful use of the property to others.
- Intentionally or knowingly refusing to obey a lawful order given by the Superintendent or a person designated to maintain order.

The above identified acts need not be directed at a specific individual, the District, or specific property of the District to constitute a violation of this policy.

Restitution for any financial loss caused by a violation of the policy may be required. Furthermore, an individual who interferes with or disrupts an educational institution is subject to misdemeanor or felony charges as provided in A.R.S. 13-2911.

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A person may also interfere with or disrupt the District function by committing any of the following:

- Any conduct intended to obstruct, disrupt, or interfere with teaching, research, service, administrative, or disciplinary functions or any activity sponsored or approved by the Board.
- Physical or verbal abuse or threat of harm to any person on property owned or controlled by the District or at supervised functions sponsored by the District.
- Forceful or unauthorized entry to or occupation of District facilities, including both buildings and grounds.
- Illicit use, possession, distribution, or sale of tobacco, alcohol, or drugs, other controlled substances, or other illegal contraband on District property or at school-sponsored functions.
- Use of speech or language that is offensive or inappropriate to the limited forum of the public school educational environment.
- Failure to comply with the lawful directions of District officials or of District security officers or other law enforcement officers acting in performance of their duties, and failure to identify oneself to such officials or officers when lawfully requested to do so.
- Knowing violation of a District rule and regulation. Proof that an alleged violator has a reasonable opportunity to become aware of such rules and regulations shall be sufficient proof that the violation was done knowingly.
- Any conduct constituting an infraction of any federal, state, or city law or policy or regulation of the Board.
- Carrying or possessing a weapon on school grounds unless the individual is a peace officer or has obtained specific authorization from the appropriate school administrator.

### **Additional Requirements of the General Public**

The definition of *general public* is anyone who does not come under the definition of student, faculty member, staff member, or employee.

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- No person shall visit or audit a classroom or other school activity, nor shall any person come upon or remain upon school premises, without approval by the principal or the principal's authorized representative. Nor shall any person conduct or attempt to conduct any activity on school premises without prior approval by the Superintendent or the Superintendent's authorized representative.
- Any member of the general public considered by the Superintendent, or a person authorized by the Superintendent, to be in violation of these rules shall be instructed to leave the property of the District. Failure to obey the instruction may subject the person to criminal proceedings pursuant to A.R.S. 13-2911 and to any other applicable civil or criminal proceedings, or to tribal ordinance.
- Persons attending special functions shall confine themselves to the specific part of the facility assigned in the permit.
- Persons who engage in disorderly conduct of any kind may be subject to removal and exclusion from the facility.
- The use of facilities shall be granted only for legitimate purposes. Therefore, the permit holder shall assume full responsibility for any unlawful act committed during the exercise of the permit.
- No person shall possess or engage in the use of medical marijuana on District property, at a District event, or in a District vehicle. ~~except as authorized by A.R.S. 36-2801 et seq.:-~~
  - ~~possess or engage in the use of medical marijuana,~~
    - ★ ~~on a school bus, or~~
    - ★ ~~on the grounds of any preschool, elementary or secondary school.~~
  - ~~smoke marijuana,~~
    - ★ ~~on any form of public transportation, or~~
    - ★ ~~in any public place.~~
  - ~~operate, navigate or be in actual physical control of any motor vehicle, aircraft or motorboat while under the influence of marijuana,~~

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~~★ except that a registered qualifying patient shall not be considered to be under the influence of marijuana solely because of the presence of metabolites or components of marijuana that appear in insufficient concentration to cause impairment.~~

*Adopted:* date of Manual adoption

LEGAL REF.: A.R.S. 13-2905  
13-2911  
13-3102  
15-341  
15-507  
36-2801 *et seq.*  
36-2802

CROSS REF.: GBEB - Staff Conduct  
GCQF - Discipline, Suspension, and Dismissal of  
Professional Staff Members  
GDQD - Discipline, Suspension, and Dismissal of  
Support Staff Members  
JIC - Student Conduct  
JK - Student Discipline  
KFAA - Smoking on School Premises at Public Functions

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