CERTIFIED/ADMIN.
BOARD POLICY EXHIBITS
18-19 School Year

"Preparing Every Student for Success
in College, Career and Life"
EXHIBIT #1
Please fill in all blanks and return to Assistant to the Principal.

I hereby acknowledge receipt of the Governing Board Regulation GCQF-R Discipline, Suspension and Dismissal of Professional Staff Members (Handbook). This handbook replaces any previous Employee Conduct/Discipline Handbook and is still in effect through the 2018-2019 school year.

PRINT NAME: ____________________________ (Please print clearly/legibly) ____________________________ (School/Unit)

ADMINISTRATOR CERTIFIED

(Please circle one)

SIGNATURE: ____________________________ (Date)
CERTIFIED STAFF
DISCIPLINE HANDBOOK
(Regulation GCQF-R)

PHOENIX UNION
HIGH SCHOOL DISTRICT

“Preparing Every Student for Success in College, Career and Life”
This document addresses corrective action, discipline and termination of all certified employees. The Governing Board of the Phoenix Union High School District recognizes that all District employees should have the opportunity for success in the performance of their duties during the course of their employment. To achieve this success, it is the obligation of all employees to follow acceptable patterns of behavior and conduct that will result in accomplishing the primary objective of the Phoenix Union High School District, providing students the best possible educational program.

It is the intent of the District that all the legal citations referenced in this document shall apply equally to all certified employees.

This regulation establishes or summarizes the applicable procedure for certain types of corrective action and discipline that may be taken against an employee. This regulation is not intended to restrict or eliminate the broad discretion traditionally afforded to supervising administrators to determine whether corrective action or discipline is appropriate. Pursuant to Board policy not all administrative actions regarding a certified employee are considered "discipline," even though they may involve alleged or possible violations by the certified employee. This regulation only addresses specific corrective action and discipline and has no application to any of the following:

- The certified employee evaluation procedure or the resulting evaluations as they pertain to the adequacy of the certified employee's job performance.
- Letters or memorandums directed to a certified employee containing directives or instructions for future conduct, including letters of direction, non-renewal, and civil and/or criminal sanctions.
- Counseling of a certified employee concerning expectations of future conduct, including informal consultations and counseling.
- The discretion of the Superintendent to placing certified employees on administrative leave with pay or reassignments during investigation.

This regulation is intended to be implemented in conjunction and consistent with Board policy GCQF (G-6100). In the event of any conflict between this regulation and Board policy or Arizona Revised Statutes, the Board policy or Statute will govern.

Negotiated Resolution

The authorized disciplining authority and certified employee (the "parties") are encouraged to work toward a negotiated resolution of any potential, proposed or anticipated disciplinary action. Resolutions of proposed suspensions or terminations will be negotiated between the Director of Certified Personnel or Assistant Superintendent and certified employee. The negotiation will be conducted in good faith and without undue delay. No party is required to negotiate and either party to the negotiations may chose to stop negotiations, refuse to negotiate and/or reinitiate negotiations. An employee shall have three (3) days to accept or decline a negotiated resolution from the date it is offered. If the employee does not accept the offered resolution within the three (3) days, the applicable procedures as set forth in this regulation, Arizona Revised Statutes, or Board policy will proceed. Unless a violation of policy has occurred, such as no representation or false statements of evidence come to light a negotiated resolution is binding upon both parties and may not be reopened for further discussion.

Purpose:

- Establish the just cause standard for any disciplinary action taken against an employee by the District.
- Identify the types of disciplinary actions allowed under the procedure.
- Establish that discipline arising from the same employee actions will be progressive.
- Establish the specific procedures that must be followed in disciplining an employee.
- Establish that disciplinary action be appealed through the levels of appeal in this document.
• Establish the condition that must be present for a dispute to be resolved through the appeal grievance procedure that may arise due to the use of this document.

Compliance with Rules, Regulations, Policies, Procedures and Statutes

It is both the employee's and the District's responsibility to be aware of and comply with the District's rules, regulations, policies, procedures, and state and federal statutes and regulations promulgated by Federal and State agencies which apply to their respective assignments.

Administrators are responsible for notifying all concerned of current rules, regulations, policies, procedures, and statutes and changes therein that pertain to the employee's assignment. Failure to abide by said rules, regulations, policies, procedures, and statutes will result in corrective action or discipline being administered to the employee.

Authorization to Discipline

Certified Employees

The Superintendent, Assistant Superintendent for Human Resources, Director of Certified Personnel, and principals have authority to take corrective action, discipline or recommend discipline. Otherwise known in this document as "authorized disciplining authority."

Due Process

Just Cause

No disciplinary action may be taken against an employee unless just cause for discipline has been established through the process described in Policy GCQF and this regulation. In the event that discipline is administered due to inadequate work performance, just cause must also be established through the process described in the employee evaluation process.

Representation

The employee subject to discipline shall have the right to have a representative of their choice at all meetings, hearings, and proceedings concerning disciplinary action against the employee.

An employee may bring a representative to a meeting with anyone in a supervisory role with the exception of instances where federal and state law may be violated.

Violation of Procedure

A claim may be made by an employee or the employee organization that there has been a violation of this discipline procedure. Any dispute arising from such claim may be resolved through the appeal procedure.

Corrective Action and Progressive Discipline

This regulation provides specific types of disciplinary action:

• Oral warning.
• Written Notice.
• Written Letter of Reprimand.
• Suspension without pay.
• Administrative leave of absence with pay.
• Dismissal.

Discipline administered in a progressive and constructive manner means that the action taken against an employee will depend on the type and seriousness of the violation and the number of occurrences of the same violation. Discipline will also be administered with the intention of correcting behavior.

The administration may initiate disciplinary action at any step in the section above "Compliance with Rules, Regulations, Policies, Procedures and Statutes" that is appropriate to the employee's action.
Conduct and acts of an employee which negatively impact the health, safety, and welfare of students, employees, or the public, or which cause substantial public concern will result in more severe disciplinary action up to and including immediate removal from the employee’s assignment, pending action.

In the event that the charges that led to discipline are not substantiated, he/she shall receive full restoration of any contractual compensation and benefits lost as a result of the administered discipline. All references to the matter shall be removed from the employee’s personnel file, unless otherwise provided by law as it relates to tort claims involving minor’s rights.

Materials of derogatory or disciplinary nature which document an incident(s) other than the annual evaluation, matters regarding inappropriate conduct involving students, or a minor’s tort claim(s) shall be removed from the employee’s personnel file after three (3) years without a reoccurrence of the incident, and the incident shall be deemed rectified.

No disciplinary action shall be taken against an employee predicated upon lawful, nonemployment related personal activities which have no impact on the employee’s effectiveness as an employee.

Definitions

Administrative Leave Of Absence/Suspension With Pay
Temporary removal of an employee from contractual assignment(s) pending the outcome of an investigation of a specific act or violation of a rule, procedures, regulations, policy, or statute which could warrant suspension without pay or termination. Compensation continues when on Administrative Leave of Absence until such time that suspension without pay/termination is warranted. A written notice for this action will be given to the employee within three (3) days of the leave explaining the reasons for this action.

Days
In this procedure “days” referred to are “work days.” The parties can agree to an extension of any of the deadlines in this document by mutual consent.

Emergency Interim Leave With Pay (EILP)
This leave may be used for actions which negatively impact health, safety, and welfare of students, employees, or public or which cause substantial public concern.

In cases where immediate action is necessary, the Assistant Superintendent for Human Resources may make use of EILP pending results of an investigation.

A written notice for this action will be given to the employee within three (3) days of the leave explaining the reasons for this action.

Just Cause
Protection from arbitrary or unfair termination and any other forms of inappropriate workplace discipline.

No employee shall be disciplined, reprimanded, reduced in rank or compensation, or deprived of any professional rights and privileges without just cause established through due process.

Oral Warning
A discussion held between an employee and an authorized administrator in which the administrator informs the employee of an alleged violation of rule(s), procedure(s), policy(ies), or statute(s) by the employee, which requires corrective behavior.

"SIR"
Superintendent Initiated Reassignment.

Statement of Charges and Notice of Intent to Suspend/Termination Certified Employee
A Statement of Charges is a written statement containing charges and evidence to be brought against employee as stated in Arizona Revised Statutes.
Notice of Intent is notification of intended disciplinary action as stated in Arizona Revised Statutes.

**Suspension Without Pay**

Removal of the employee from his/her contractual assignment(s) due to a violation of a specific rule, procedure, regulation, policy, or statute for a period of time not to exceed ten (10) work days or a period of time greater than ten (10) work days for which the employee receives no compensation.

**Dismissal**

Termination from District service.

**Written Notice**

Written notice to employee from an authorized disciplining authority informing the employee of violations of a specific rule, procedures, regulation, policy, or statute and delineation of expected conduct for compliance for which an oral warning may have been previously given.

**Written Letter of Reprimand**

Written letter of reprimand to an employee from the authorized disciplining authority informing the employee that he/she has violated a specific rule, procedures, regulation, policy, or statute for which an oral warning or a written notice may have been previously given.

**Communication**

Any employee involved in an investigation or on leave may request reasonable periodic progress reports.

**Procedures**

**General Procedure for all Disciplinary Action**

Upon receiving information of an alleged violation and misconduct regarding an employee, an investigation will be conducted. The authorized disciplining authority or designee shall conduct an informal investigation.

If it is determined that corrective or disciplinary action is warranted, the authorized disciplining authority shall determine what level of corrective or progressive discipline is warranted. A meeting to discuss the alleged violation or misconduct will be held with the employee within ten (10) days of the determination that corrective or progressive discipline is warranted. At the conclusion of the meeting one (1) of the following procedures will take place.

**Oral Warning**

If it is determined that an oral warning is warranted, an oral warning will be issued.

- Record of the oral warning will not be placed in the employee's official personnel file.
- The employee will receive receipt of the oral warning.
- The oral warning will expire within one (1) calendar year of date of issuance.
- The decision of the authorized disciplining authority may not be appealed.
- Employee may submit a written rebuttal within five (5) days.

**Written Notice**

If it is determined that a written notice is warranted, a written notice will be issued.

- Record of the written notice will not be placed in the employee's official personnel file.
- The employee will receive receipt of the written notice.
- The written notice will expire within two (2) calendar years of date of issuance.
- The decision of the authorized disciplining authority may not be appealed.
- Employee may submit a written rebuttal within five (5) days.
**Written Letter of Reprimand**

If it is determined a Letter of Reprimand is warranted, a written Letter of Reprimand will be issued.

- Record of the written Letter of Reprimand will be placed in the employee's official personnel file.
- The employee will receive a copy of the Letter of Reprimand.
- The written Letter of Reprimand will remain in the employee's personnel file for a period of three (3) years from the date of issuance.
- The decision of the authorized disciplining authority may be appealed in writing within five (5) days after notice of the decision. The decision may be appealed to the next organizational level which will be final. The appeal shall contain a brief statement of the reasons the certified employee believes the decision is incorrect.
- Employee may submit a written rebuttal within in five (5) days.

**Suspension Without Pay (Ten [10] Days Or Less)**

Upon the authorized disciplining authority's determination of the existence of just cause to impose discipline of a suspension without pay for ten (10) days or less, the authorized disciplining authority shall notify the Assistant Superintendent for Human Resources or the Director of Certified Personnel.

If the Assistant Superintendent for Human Resources or Director of Certified Personnel determines that a suspension without pay for ten (10) work days or less is warranted, the certified employee shall be notified of intent to impose discipline. The notice shall be in writing and shall be delivered in person or by certified return receipt requested mail. The notice shall include the following:

- The conduct or omission on the part of the certified employee that constitutes the reason for discipline.
- A scheduled meeting time between the Assistant Superintendent for Human Resources or Director of Certified Personnel and the certified employee. Such meeting shall be schedule not more than ten (10) workdays after the date the certified employee received the notice.
- A statement of the disciplinary action the Assistant Superintendent for Human Resources or Director of Certified Personnel intends to impose, including, if applicable, the number of days of suspension without pay.
- Copies of any available relevant documentation, at the discretion of the Assistant Superintendent or Director of Certified Personnel.

The Assistant Superintendent for Human Resources or Director of Certified Personnel shall discuss with the certified employee the conduct that warrants disciplinary action and shall provide the certified employee with any appropriate evidence and a copy of relevant documentation if not previously provided. In addition, the parties may discuss the potential for negotiated resolution and/or make an offer for negotiated resolution.

The Assistant Superintendent for Human Resources or Director of Certified Personnel shall conduct the meeting in an informal manner, without adherence to the rules of evidence and procedure required in judicial proceedings.

At the meeting, or within ten (10) working days following the meeting, the Assistant Superintendent for Human Resources or Director of Certified Personnel shall, in writing, inform the certified employee of the decision. If the decision is to seek to impose discipline, written notice of the discipline shall be enclosed. The written notice of the decision shall state that a copy of the notice, decision and a record of the disciplinary action shall be placed in the certified employee's personnel file and shall specify the date the discipline shall be imposed unless the certified employee files a written request for appeal within five (5) working days after the decision is delivered to the certified employee. If the certified employee requests an appeal of the decision, the imposition of any discipline shall be suspended pending the outcome of the appeal.

Discipline imposed may be appealed at the next organizational level, in writing, to the appropriate Assistant Superintendent or the Superintendent. Only when the discipline is determined by the Superintendent shall the appeal be to the Board, which, at its discretion, may appoint a hearing officer. The appeal shall contain a brief statement of the reasons why the certified employee believes the administrator's decision is incorrect. Appeal is limited to one (1) organizational level above the level of the authorized disciplining authority who imposed the discipline.

The appeal shall specifically describe the part of the determination with which the certified employee disagrees:

- Determination was founded upon error or construction or application of any pertinent regulations or policies.
- Determination was unsupported by any evidence as disclosed by the entire record.
- Determination was materially affected by unlawful procedure.
- Determination was based on violation of any statutory or constitutional right.
- Determination was arbitrary and capricious.
- The penalty was excessive.

The Director of Certified Personnel, the Assistant Superintendent, the Superintendent, or, when appropriate, the Board or the Board-appointed hearing officer may, at the conclusion of the appeal, uphold the discipline, modify the decision, or refer the matter back to the level from which it was appealed for rehearing and additional information. Such decision, along with specific direction as to the effective date of any discipline, shall be communicated to the certified employee within a reasonable amount of time following the appeal, not to exceed seven (7) working days.

**Dismissal and Suspension Without Pay for More than Ten (10) Days Pursuant to A.R.S. §§ 15-539 - 15-542**

Upon production of evidence that an employee continues to engage in misconduct or fails to engage in expected conduct after lesser disciplinary action or the development of evidence that the employee is engaged in one (1) or more acts of serious misconduct, the Superintendent or the Superintendent's designee will prepare and present to the Board a written statement of charges demonstrating that cause exists for the suspension without pay for a period greater than ten (10) days or dismissal of the certified employee. The Assistant Superintendent for Human Resources or Director of Certified Employees may gather the information and recommend suspension or dismissal to the Superintendent.

Any written statement of charges shall specify instances of behavior and the acts or omissions constituting the charge.

The charge shall, if applicable, state the statutes, rules, or written objectives of the Board that the certified employee is alleged to have violated and shall set forth the facts relevant to each occasion of alleged unprofessional conduct and/or conduct in violation of the rules or policies of the Board.

The Board shall give notice to the employee of its intention to suspend the employee without pay or dismiss the employee at the expiration of ten (10) days from the date of the service of the notice.

The notice shall be in writing and shall be served upon the certificated employee personally or by United States registered or certified mail addressed to the employee at the employee's last-known address.

The certificated employee who receives notice that cause exists for dismissal or suspension without pay shall have the right to a hearing if the employee files a written request with the Board within ten (10) days of service of notice.

The filing of a timely request shall suspend the imposition of a suspension without pay or a dismissal pending completion of the hearing.

Upon adoption of the charges by the Board, the Board may immediately place the employee on administrative leave of absence with pay and give the employee notice of the administrative leave of absence.

The notice of administrative leave of absence shall be in writing and shall be served upon the employee personally or by United States registered or certified mail addressed to the employee at the employee's last-known address.

The hearing for a suspension without pay for longer than ten (10) days or dismissal shall be conducted in accordance with the provisions of Article 3, Chapter 5 of Title 15 of the Arizona Revised Statutes.

A certified employee who has not been employed by the District for more than the major portion of three (3) consecutive school years, otherwise known as a non-continuing teacher, shall not have the right to a hearing.
EXHIBIT #2
I HEREBY ACKNOWLEDGE THAT I WAS IN ATTENDANCE AT AN IN-SERVICE ON ____________, 2018, FOR THE 2018-2019 SCHOOL YEAR, AT WHICH TIME THE FOLLOWING DOCUMENTS WERE EXPLAINED AND DISCUSSED.

*Governing Board Manual documents are grouped by Exhibit & arranged alphanumerically by policy, regulation, exhibit, & operating procedure.

**Exhibit 2. Professionalism of Staff**

<table>
<thead>
<tr>
<th>Exhibit</th>
<th>Description</th>
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<tbody>
<tr>
<td>ARS § 15-539</td>
<td>Dismissal of Certificated Teacher</td>
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<td>ARS § 15-541</td>
<td>Hearing on Dismissal</td>
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<td>ARS § 23-1502</td>
<td>Constructive Discharge - Notice</td>
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<td>ARS 541-1758.03</td>
<td>Fingerprint Clearance Cards; Issuance; Immunity</td>
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<td>GBEA</td>
<td>Bus Driver Requirements, Training, and Responsibilities</td>
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<td>Staff Ethics</td>
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<td>Staff Conflict of Interest</td>
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<td>Staff Conduct</td>
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<td>Staff Conduct/Reporting the Threat to Use, or Use of, Physical Force on a Student</td>
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<td>Professional/Support Staff Leaves of Absence Without Pay</td>
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<td>Professional Staff Duties &amp; Responsibilities (Duties of Teachers; Failure to Comply Is Unprofessional Conduct; Penalty)</td>
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**Exhibit 3: Drug-Free Workplace**

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<tr>
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<td>Drug - Free Workplace</td>
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<td>Non-Medical Use or Abuse of Drugs or Alcohol</td>
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### Phoenix Union High School District
### Talent Division

**ACKNOWLEDGEMENT OF IN-SERVICE TRAINING**

**EXHIBIT 2**

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<td>ARS § 13-3620</td>
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**PLEASE COMPLETE, SIGN & DATE ON PAGE 3**
Phoenix Union High School District  
Talent Division  
ACKNOWLEDGEMENT OF IN-SERVICE TRAINING  
EXHIBIT 2

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I UNDERSTAND THE POLICIES, REGULATIONS, AND LAWS AS THEY APPLY TO THE RESPONSIBILITIES OF MY POSITION. I ACKNOWLEDGE PARTICIPATING IN THE IN-SERVICE ON THIS DATE. I AM ALSO AWARE THAT THE POLICIES AND REGULATIONS ARE AVAILABLE ON THE PUHSD WEBSITE (http://www.phxhs.k12.az.us) UNDER THE "STAFF" TAB.

Please provide the information below, printing clearly and legibly. Return this acknowledgement to your supervisor or unit administrator.

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<th>Printed Name</th>
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A. On a written statement of charges presented by the superintendent, charging that there exists cause for the suspension without pay for a period of time greater than ten school days or dismissal of a certificated teacher of the district, the governing board, except as otherwise provided in this article, shall give notice to the teacher of its intention to suspend without pay or dismiss the teacher at the expiration of ten days from the date of the service of the notice.

B. Whenever the superintendent presents a statement of charges wherein the alleged cause for dismissal constitutes immoral or unprofessional conduct, the governing board may adopt a resolution that a complaint be filed with the department of education. Pending disciplinary action by the state board of education, the certificated teacher may be reassigned by the superintendent or placed on administrative leave by the governing board pursuant to section 15-540.

C. Except as provided in section 15-536, the governing board shall give a certificated teacher written preliminary notice of inadequacy of classroom performance pursuant to section 15-538 if its intention to dismiss is based on charges of inadequacy of classroom performance. If within the time specified in the written preliminary notice of inadequacy of classroom performance the teacher does not demonstrate adequate classroom performance, the governing board shall dismiss the teacher either within ten days of the service of a subsequent notice of intention to dismiss or by the end of the contract year in which the subsequent notice of intention to dismiss is served unless the teacher has requested a hearing as provided in subsection F of this section. If the teacher demonstrates adequate classroom performance during the period allowed to correct such deficiencies as specified in the written preliminary notice of inadequacy of classroom performance, the governing board may not dismiss the teacher for the reasons specified in the written preliminary notice of inadequacy of classroom performance. If the governing board of a school district has received approval to budget for a career ladder program, the governing board may define inadequacy of classroom performance by establishing a single level of performance that is required of all teachers or by establishing more than one required level of performance. If more than one 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.

D. Any written statement of charges alleging unprofessional conduct, conduct in violation of the rules or policies of the governing board or inadequacy of classroom performance shall specify instances of behavior and the acts or omissions constituting the charge so that the certificated teacher will be able to prepare a defense. If applicable, it shall state the statutes, rules or written objectives of the governing board that the certificated teacher is alleged to have violated and set forth the facts relevant to each occasion of alleged unprofessional conduct, conduct in violation of the rules or policies of the governing board or inadequacy of classroom performance.

E. The notice shall be in writing and shall be served on the certificated teacher personally or by United States registered or certified mail addressed to the teacher's last known address. A copy of the charges, together with a copy of this section and sections 15-501, 15-538.01, 15-540, 15-541, 15-542, 15-544, 15-545, 15-546 and 15-547, shall be attached to the notice.

F. The certificated teacher who receives notice that there exists cause for dismissal or suspension without pay shall have the right to a hearing if the teacher files a written request with the governing board within ten days of service of notice. The filing of a timely request shall suspend the imposition of a suspension without pay or a dismissal pending completion of the hearing.
A. The governing board shall decide whether to hold a hearing on the dismissal or suspension without pay for a period of time longer than ten days of a certificated teacher as provided in this article. If the governing board decides not to hold a hearing, the governing board shall designate a hearing officer to hold the hearing, hear the evidence, prepare a record and issue a recommendation to the governing board for action. The governing board may provide by policy or vote at its annual organizational meeting that all hearings conducted pursuant to this section shall be conducted before a hearing officer. The hearing officer shall be mutually agreed upon by the parties to the hearing. If the parties cannot mutually agree on a hearing officer, a hearing officer shall be selected by the governing board from a list provided by the department of education or the American arbitration association. The hearing shall be held not less than fifteen nor more than thirty days after the request is filed unless all parties to the hearing mutually agree to a different hearing date, and notice of the time and place of the hearing shall be given to the teacher not less than three days before the date of the hearing. The teacher may request that the hearing be conducted in public or private. At the hearing the teacher may appear in person and by counsel, if desired, and may present any testimony, evidence or statements, either oral or in writing, in the teacher's behalf. The governing board or the hearing officer shall prepare an official record of the hearing, including all testimony recorded manually or by mechanical device, and exhibits. The teacher who is the subject of the hearing may not request that the testimony be transcribed unless the teacher agrees in writing to pay the actual cost of the transcription. Within ten days after a hearing conducted by the governing board, the board shall determine whether there existed good and just cause for the notice of dismissal or suspension and shall render its decision accordingly, either affirming or withdrawing the notice of dismissal or suspension. Within ten days after a hearing conducted by a hearing officer, the hearing officer shall deliver a written recommendation to the governing board that includes findings of fact and conclusions. Parties to the hearing have the right to object to the findings of the hearing officer and present oral and written arguments to the governing board.

B. A hearing held pursuant to this section may not be conducted by any hearing officer having a personal interest which would conflict with the hearing officer's objectivity in the hearing. The governing board has an additional ten days to determine whether good and just cause existed for the notice of dismissal or suspension and shall render its decision accordingly, either affirming or withdrawing the notice of suspension or dismissal. Good and just cause does not include religious or political beliefs or affiliations unless they are in violation of the oath of the teacher.
23-1502. Constructive discharge

A. In any action under the statutes of this state or under common law, constructive discharge may only be established by either of the following:

1. Evidence of objectively difficult or unpleasant working conditions to the extent that a reasonable employee would feel compelled to resign, if the employer has been given at least fifteen days' notice by the employee that the employee intends to resign because of these conditions and the employer fails to respond to the employee's concerns.

2. Evidence of outrageous conduct by the employer or a managing agent of the employer, including sexual assault, threats of violence directed at the employee, a continuous pattern of discriminatory harassment by the employer or by a managing agent of the employer or other similar kinds of conduct, if the conduct would cause a reasonable employee to feel compelled to resign.

B. As a precondition to the right of an employee to bring a constructive discharge claim against an employer pursuant to subsection A, paragraph 1 of this section, the employee shall take each of the following actions before deciding whether to resign:

1. Notify an appropriate representative of the employer, in writing, that a working condition exists that the employee believes is objectively so difficult or unpleasant that the employee feels compelled to resign or intends to resign.

2. Allow the employer fifteen calendar days to respond in writing to the matters presented in the employee's written communication under paragraph 1 of this subsection.

3. Read and consider the employer's response to the employee's written communication under paragraph 1 of this subsection.

C. If an employee reasonably believes that the employee cannot continue to work during the period for the employer to respond to the employee's written communication regarding the conditions allegedly constituting constructive discharge, the employee is entitled to a paid or unpaid leave of up to fifteen calendar days or until the time when the employer has responded in writing to the employee's written communication, whichever occurs first.

D. Any communications or actions by an employer in response to an employee's communications about the employee's working conditions shall not be deemed an admission by the employer that it has committed any action that gives rise to any claim or cause of action by the employee against the employer.

E. An employer shall be deemed to have waived the right to notice under subsection A, paragraph 1 if the employer fails to provide written notice to its employees of the requirements of this section as follows:

1. Notice by the employer under this section shall be provided by the posting of a notice, substantially in the form set forth in paragraph 2 of this subsection, in conspicuous places on the employer's premises where notices to employees are customarily posted, by including substantially similar language in an employment handbook or policy manual that is distributed to employees or by including the notice in a written communication that is provided to employees.

2. A notice that is substantially in the following form satisfies the notice requirements of this section:

Notice

An Employee is encouraged to communicate to the employer whenever the employee believes working conditions may become intolerable to the employee and may cause the employee to resign. Under section 23-1502, Arizona Revised Statutes, an employee may be required to notify an appropriate representative of the employer in writing that a working condition exists that the employee believes is intolerable, that will compel the employee to resign or that constitutes a constructive discharge, if the employee wants to preserve the right to bring a claim against the employer alleging that the working condition forced the employee to resign.

Under the law, an employee may be required to wait for fifteen calendar days after providing written notice before the employee may resign if the employee desires to preserve the right to bring a constructive discharge claim against the employer. An employee may be entitled to paid or unpaid leave of absence of up to fifteen calendar days while waiting for the employer to respond to the employee's written communication about the employee's working condition.

F. Notwithstanding any other requirements of this section, an employee may bring a constructive discharge claim without prior written notice in the event of outrageous conduct by the employer or by a managing agent of the employer including sexual assault, threats of violence directed at the employee, a continuous pattern of discriminatory harassment by the employer or by a managing agent of the employer or other conduct if the conduct would cause a reasonable employee to feel compelled to resign.

https://www.azleg.gov/ars/23/01502.htm 6/14/2018
A. The governing board at any time may employ and fix the salaries and benefits of employees necessary for the succeeding year. The contracts of all certificated employees shall be in writing, and all employees shall be employed subject to section 38-481. The governing board may transmit and receive contracts of certificated employees in an electronic format and may accept electronic signatures on those contracts. If a contract has not been transmitted to the certificated employee by the end of the current school year, the transmittal of an electronic contract to that certificated employee prior to the start of the next school year shall be submitted to both the certificated employee's school district e-mail as well as the certificated employee's personal e-mail in order to notify them of the offer of contract. Each certificated employee shall be responsible for submitting his or her personal e-mail to human resources personnel at the school district for this purpose. Documents transmitted in an electronic format pursuant to this subsection shall be considered written documents for the purposes of sections 15-536 and 15-538.01. The governing board may adopt requirements that require electronic signatures to be followed by original signatures within a specified time period. A governing board that accepts an electronic signature for a certificated employee's contract shall provide validation to the certificated employee that the contract has been transmitted. The governing board may obtain the services of any employee, including teachers, substitute teachers and administrators, by contracting with a private entity that employs personnel required by the school district.

B. A teacher shall not be employed if the teacher has not received a certificate for teaching granted by the proper authorities. If a teacher has filed an application and completed all of the requirements for a certificate but time does not allow a teacher to receive a certificate before the commencement of employment, the conditional certificate shall serve as a certificate for the payment of wages, provided that the teacher files the conditional certificate with the county school superintendent and the certificate is issued within three months of the date of commencing employment. In order to be paid wages beyond the three-month period prescribed in this subsection, the teacher shall file the certificate with the county school superintendent. Any contract issued to a teacher who has completed certificate requirements but has not received a certificate shall be specifically contingent on receipt of such a certificate. The governing board of a school district that is subject to section 15-914.01 shall adhere to the duties described in section 15-302, subsection A, paragraph 9 for purposes of this subsection.

C. No dependent, as defined in section 43-1001, of a governing board member may be employed in the school district in which the person to whom such dependent is so related is a governing board member, except by consent of the board.

D. The governing board may employ certificated teachers under contract as part-time classroom teachers. Notwithstanding any other statute, a certificated teacher who has been employed by the school district for more than the major portion of three consecutive school years does not lose the entitlement to the procedures prescribed in sections 15-538.01, 15-539 through 15-544 and 15-547 if the teacher is employed under contract on a part-time basis for at least forty per cent time. For the purposes of this subsection, "forty per cent time" means employed for at least forty per cent of the school day required of full-time teachers of the same grade level or for at least forty per cent of the class load assigned to full-time teachers of the same grade level, as determined by the governing board.

E. The governing board may employ a business manager who has expertise in finance. For the purposes of this subsection, "expertise in finance" means one or more of the following:

1. A baccalaureate degree in accounting, finance, school finance or public finance.

2. A graduate degree in accounting, finance, school finance or public finance.

3. Other finance training or finance experience that the governing board determines is sufficient to qualify the person to administer the business operations of the school district.

F. Notwithstanding sections 23-351 and 23-353, if an employee is discharged from the service of a school district, the school district shall pay the wages due to the employee within ten calendar days from the date of discharge.

G. Each school district shall establish policies and procedures to provide teachers with personal liability insurance.

H. Notwithstanding any other law, a school district shall not adopt policies that provide employment retention priority for teachers based on tenure or seniority.
A. A teacher who has been convicted of a dangerous crime against children as defined in section 13-705 or has been convicted of a violation of section 13-1404 or 13-1406 in which the victim was a minor or section 13-1405 or an act committed in another state or territory that if committed in this state would have been a dangerous crime against children or a violation of section 13-1404 or 13-1406 in which the victim was a minor or a violation of section 13-1405 is guilty of unprofessional conduct and the teacher's certificate shall be revoked permanently immediately on notification of conviction by the clerk of the court or the magistrate.

B. A teacher who has been convicted of a preparatory offense as prescribed in section 13-1001 of any of the offenses prescribed in subsection A of this section or any crime that requires the teacher to register as a sex offender is guilty of unprofessional conduct and the teacher's certificate shall be permanently revoked on notification of the conviction by a court of competent jurisdiction.

C. A person who is employed by a school district or who is an applicant for employment with a school district, 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 person's supervisor or potential employer is guilty of unprofessional conduct and the person shall be immediately dismissed from employment with the school district or immediately excluded from potential employment with the school district. This subsection does not entitle a person dismissed pursuant to this subsection to a right to a hearing pursuant to section 15-539, subsection F.

D. A person who is employed by a school district and who is convicted of any nonappealable offense listed in section 41-1758.03, subsection B or is convicted of any nonappealable offense that amounts to unprofessional conduct under this section shall immediately do all of the following:

1. Surrender any certificates issued by the department of education.

2. Notify the person's employer or potential employer of the conviction.

3. Notify the department of public safety of the conviction.

4. Surrender the person's fingerprint clearance card.

https://www.azleg.gov/ars/15/00550.htm
41-1758.03. **Fingerprint clearance cards: issuance; immunity**

A. On receiving the state and federal criminal history record of a person, the division shall compare the record with the list of criminal offenses that preclude the person from receiving a fingerprint clearance card. If the person's criminal history record does not contain any of the offenses listed in subsections B and C of this section, the division shall issue the person a fingerprint clearance card.

B. A person who is subject to registration as a sex offender in this state or any other jurisdiction or who is awaiting trial on or who has been convicted of committing or attempting, soliciting, facilitating or conspiring to commit one or more of the following offenses in this state or the same or similar offenses in another state or jurisdiction is precluded from receiving a fingerprint clearance card pursuant to this section:

1. Sexual abuse of a vulnerable adult.
2. Incest.
3. First or second degree murder.
4. Sexual assault.
5. Sexual exploitation of a minor.
7. Commercial sexual exploitation of a minor.
11. Abuse of a vulnerable adult.
12. Sexual conduct with a minor.
13. Molestation of a child.
15. A dangerous crime against children as defined in section 13-705.
17. Taking a child for the purpose of prostitution as prescribed in section 13-3206.
18. Neglect or abuse of a vulnerable adult.
20. Sexual abuse.
21. Production, publication, sale, possession and presentation of obscene items as prescribed in section 13-3502.
22. Furnishing harmful items to minors as prescribed in section 13-3506.
23. Furnishing harmful items to minors by internet activity as prescribed in section 13-3506.01.
24. Obscene or indecent telephone communications to minors for commercial purposes as prescribed in section 13-3512.
25. Luring a minor for sexual exploitation.
27. Procurement by false pretenses of person for purposes of prostitution.
28. Procuring or placing persons in a house of prostitution.
29. Receiving earnings of a prostitute.
30. Causing one's spouse to become a prostitute.
31. Detention of persons in a house of prostitution for debt.
32. Keeping or residing in a house of prostitution or employment in prostitution.
33. Pandering.
34. Transporting persons for the purpose of prostitution, polygamy and concubinage.
35. Portraying adult as a minor as prescribed in section 13-3555.

36. Admitting minors to public displays of sexual conduct as prescribed in section 13-3558.

37. Unlawful sale or purchase of children.

38. Child bigamy.

39. Trafficking of persons for forced labor or services.

C. A person who is awaiting trial on or who has been convicted of committing or attempting, soliciting, facilitating or conspiring to commit one or more of the following offenses in this state or the same or similar offenses in another state or jurisdiction is precluded from receiving a fingerprint clearance card, except that the person may petition the board of fingerprinting for a good cause exception pursuant to section 41-619.55:

1. Manslaughter.

2. Endangerment.

3. Threatening or intimidating.

4. Assault.

5. Unlawfully administering intoxicating liquors, narcotic drugs or dangerous drugs.

6. Assault by vicious animals.

7. Drive by shooting.

8. Assaults on officers or fire fighters.

9. Discharging a firearm at a structure.

10. Indecent exposure.


12. Aggravated criminal damage.

13. Theft.

14. Theft by extortion.

15. Shoplifting.

16. Forgery.

17. Criminal possession of a forgery device.

18. Obtaining a signature by deception.


20. Theft of a credit card or obtaining a credit card by fraudulent means.

21. Receipt of anything of value obtained by fraudulent use of a credit card.

22. Forgery of a credit card.

23. Fraudulent use of a credit card.

24. Possession of any machinery, plate or other contrivance or incomplete credit card.

25. False statement as to financial condition or identity to obtain a credit card.

26. Fraud by persons authorized to provide goods or services.

27. Credit card transaction record theft.

28. Misconduct involving weapons.

29. Misconduct involving explosives.

30. Depositing explosives.

31. Misconduct involving simulated explosive devices.

32. Concealed weapon violation.

33. Possession and sale of peyote.
34. Possession and sale of a vapor-releasing substance containing a toxic substance.
35. Sale of precursor chemicals.
36. Possession, use or sale of marijuana, dangerous drugs or narcotic drugs.
37. Manufacture or distribution of an imitation controlled substance.
38. Manufacture or distribution of an imitation prescription-only drug.
39. Manufacture or distribution of an imitation over-the-counter drug.
40. Possession or possession with intent to use an imitation controlled substance.
41. Possession or possession with intent to use an imitation prescription-only drug.
42. Possession or possession with intent to use an imitation over-the-counter drug.
43. Manufacture of certain substances and drugs by certain means.
44. Adding poison or other harmful substance to food, drink or medicine.
45. A criminal offense involving criminal trespass under title 13, chapter 15.
46. A criminal offense involving burglary under title 13, chapter 15.
47. A criminal offense under title 13, chapter 23.
49. Misdemeanor offenses involving contributing to the delinquency of a minor.
50. Offenses involving domestic violence.
51. Arson.
52. Kidnapping.
53. Felony offenses involving sale, distribution or transportation of, offer to sell, transport or distribute or conspiracy to sell, transport or distribute marijuana, dangerous drugs or narcotic drugs.
54. Robbery.
55. Aggravated assault.
56. Felony offenses involving contributing to the delinquency of a minor.
57. Negligent homicide.
58. Criminal damage.
59. Misappropriation of charter school monies as prescribed in section 13-1818.
60. Taking identity of another person or entity.
61. Aggravated taking identity of another person or entity.
62. Trafficking in the identity of another person or entity.
63. Cruelty to animals.
64. Prostitution.
65. Sale or distribution of material harmful to minors through vending machines as prescribed in section 13-3513.
66. Welfare fraud.

D. A person who is awaiting trial on or who has been convicted of committing or attempting to commit a misdemeanor or felony violation of section 28-1381, 28-1382 or 28-1383 in this state or the same or similar offense in another state or jurisdiction within five years from the date of applying for a fingerprint clearance card is precluded from driving any vehicle to transport employees or clients of the employing agency as part of the person's employment. The division shall place a notation on the fingerprint clearance card that indicates this driving restriction. This subsection does not preclude a person from driving a vehicle alone as part of the person's employment. This subsection does not apply to a person who is licensed pursuant to title 32, chapter 20, except if the person is employed by an agency as defined in section 41-1758.

E. Notwithstanding subsection C of this section, on receiving written notice from the board of fingerprinting that a good cause exception was granted pursuant to section 41-619.55, the division shall issue a fingerprint clearance card to the person.
F. If the division denies a person's application for a fingerprint clearance card pursuant to subsection C of this section and a good cause exception is requested pursuant to section 41-619.55, the division shall release, on request by the board of fingerprinting, the person's criminal history record to the board of fingerprinting.

G. A person shall be granted a fingerprint clearance card if either of the following applies:

1. An agency granted a good cause exception before August 16, 1999 and no new precluding offense is identified. The fingerprint clearance card shall specify only the program that granted the good cause exception. On the request of the applicant, the agency that granted the prior good cause exception shall notify the division in writing of the date on which the prior good cause exception was granted and the date of the conviction and the name of the offense for which the good cause exception was granted.

2. The board granted a good cause exception and no new precluding offense is identified.

H. The licensee or contract provider shall assume the costs of fingerprint checks and may charge these costs to persons who are required to be fingerprinted.

I. A person who is under eighteen years of age or who is at least ninety-nine years of age is exempt from the fingerprint clearance card requirements of this section. At all times the person shall be under the direct visual supervision of personnel who have valid fingerprint clearance cards.

J. The division shall conduct periodic state criminal history records checks and may conduct federal criminal history records checks when authorized pursuant to federal law for the purpose of updating the clearance status of current fingerprint clearance card holders and may notify the board of fingerprinting and the agency employing the person of the results of the records check.

K. The division shall revoke a person's fingerprint clearance card on receipt of a written request for revocation from the board of fingerprinting pursuant to section 41-619.55.

L. If a person's criminal history record contains an offense listed in subsection B or C of this section and the final disposition is not recorded on the record, the division shall conduct research to obtain the disposition within thirty business days after receipt of the record. If the division cannot determine, within thirty business days after receipt of the person's state and federal criminal history record information, whether the person is awaiting trial on or has been convicted of committing or attempting, soliciting, facilitating or conspiring to commit any of the offenses listed in subsection B or C of this section in this state or the same or a similar offense in another state or jurisdiction, the division shall not issue a fingerprint clearance card to the person. If the division is unable to make the determination required by this section and does not issue a fingerprint clearance card to a person, the person may request a good cause exception pursuant to section 41-619.55.

M. Except as provided in subsection N of this section, if after conducting a state and federal criminal history records check the division determines that it is not authorized to issue a fingerprint clearance card to a person, the division shall notify the agency that licenses or employs the person that the division is not authorized to issue a fingerprint clearance card. This notice shall include the criminal history information on which the denial was based. This criminal history information is subject to dissemination restrictions pursuant to section 41-1750 and Public Law 92-544.

N. If, after conducting a state and federal criminal history records check on a person who requests a fingerprint clearance card pursuant to section 15-1881, the division determines that it is not authorized to issue a fingerprint clearance card to the person, the division shall not notify the agency. The division shall notify the person who requested the card that the division is not authorized to issue a fingerprint clearance card. The notice shall include the criminal history information on which the denial was based. This criminal history information is subject to dissemination restrictions pursuant to section 41-1750 and Public Law 92-544.

O. The division is not liable for damages resulting from:

1. The issuance of a fingerprint clearance card to a person who is later found to have been ineligible to receive a fingerprint clearance card at the time the card was issued.

2. The denial of a fingerprint clearance card to a person who is later found to have been eligible to receive a fingerprint clearance card at the time issuance of the card was denied.

P. The issuance of a fingerprint clearance card does not entitle a person to employment.

Q. Notwithstanding any law to the contrary, a person may apply for and receive a level I fingerprint clearance card pursuant to section 41-1758.07 to satisfy a requirement that the person have a valid fingerprint clearance card issued pursuant to this section.
EEAEA ©
BUS DRIVER REQUIREMENTS, TRAINING, AND RESPONSIBILITIES

Bus drivers employed by the District or employed by contractors who provide transportation services to the District shall comply with applicable provisions of the Commercial Motor Vehicle Safety Act of 1986 and all applicable requirements of the state of Arizona.

Bus drivers shall submit an Identity Verified Fingerprint Card as described in A.R.S. 15-106 that the Department of Public Safety shall use to process the fingerprint clearance card as outlined in A.R.S. 15-106. A person who is issued a school bus driver certificate shall maintain a valid Identity Verified Fingerprint Clearance Card for the duration of any school bus driver certification period.

The District will assume the cost of required physical examinations, and the drivers will assume the cost of obtaining valid commercial driver's licenses as required by law.

Adopted: February 1, 2018

LEGAL REF.:
A.R.S.
15-106
28-857
28-3228
A.A.C.
R17-4-508 et seq.

CROSS REF.:
GDFA - Support Staff Qualifications and Requirements
(fingerprinting requirements)
GBEA ©
STAFF ETHICS

(Statement of Ethics for School Employees)

All employees of the District are expected to maintain high standards in their school relationships. These standards must be idealistic and at the same time practical, so that they can apply reasonably to all staff members. The employees acknowledge that the schools belong to the public they serve for the purpose of providing educational opportunities to all. However, every employee assumes responsibility for providing leadership in the school and community. This responsibility requires the employee to maintain standards of exemplary conduct. It must be recognized that the employee's actions will be viewed and appraised by the community, associates, and students. To these ends, the Board adopts the following statements of standards.

The school employee:

- Makes the well-being of students the fundamental value of all decision making and actions.
- Maintains just, courteous, and proper relationships with students, parents, staff members, and others.
- Strives for the maintenance of efficiency and knowledge of developments in the employee's field of work.
- Fulfills job responsibilities with honesty and integrity.
- Directs any criticism of other staff members or of any department of the school system toward improving the District. Such constructive criticism is to be made directly to the school administrator who has the responsibility for improving the situation.
- Supports the principle of due process and protects the civil and human rights of all individuals.
- Obeys local, state, and national laws and does not knowingly join or support organizations that advocate, directly or indirectly, the overthrow of the government.
- Implements the Governing Board's policies and administrative rules and regulations.
- Refrains from using school contacts and privileges to promote partisan politics, sectarian religious views, or selfish propaganda of any kind.
- Pursues appropriate measures to correct any laws, policies, or regulations that are not consistent with sound educational goals.
- Avoids using position for personal gain through political, social, religious, economic, or other influence.
- Maintains the standards and seeks to improve the effectiveness of the profession through research and continuing professional development.
- Stresses the proper use and protection of all school properties, equipment, and materials.
- Honors all contracts until fulfillment or release.

In the performance of duties, employees shall keep in confidence such information as they may secure unless disclosure serves District purposes or is required by law.

Adopted: date of manual adoption

LEGAL REF.:
A.A.C.
R7-2-205

http://policy.azsba.org/asba/PrintViewer.jsp?printCollection=0

6/14/2018
GBEAA ©
STAFF CONFLICT OF INTEREST

Employment of Close Relatives

No person employed by the District may be directly supervised by a close relative (father, mother, son, daughter, sister, brother, or spouse). This policy will apply for summer or part-time work as well as for full-time employment.

A dependent of a Board member (a person more than half of whose support is obtained from a Board member) cannot be hired in the District except by consent of the Board. The spouse of a Board member cannot be employed by the District.

Business Relations

Any employee who has, or whose relative has, a substantial interest in any decision of the District shall make known this interest in the official records of the District, and shall refrain from participating in any manner as an employee in such a decision.

Vendor Relations

No employee of the District will accept gifts from any person, group, or entity doing, or desiring to do, business with the District. The acceptance of any business-related gratuity is specifically prohibited, except for widely distributed, advertising items of nominal value.

This policy should not be construed to deem unacceptable inexpensive novelty advertising items of general distribution. Acceptance of business meals and holiday gifts for general consumption are acceptable under this policy.

District Purchases from Employees

The District is required to follow the school district procurement rules for all purchases of goods or services from District employees regardless of dollar amount. The District may acquire equipment, material, supplies, or services from its employees only under an award or contract let after public competitive bidding [A.R.S. 38-503; A.G.O. 106-002]. The requirement applies to any purchase using District monies, including extracurricular activities fees, tax credit contributions, and monies held in trust by the District such as student activities monies, when a District employee acts as the vendor. Oral and written quotations do not satisfy the public competitive bidding requirements.

Adopted: December 2, 2010

LEGAL REF.:
A.R.S.
15-323
15-421
15-502
38-481
38-501 et seq.
38-503
A.G.O.
106-002

CROSS REF.:
BCB - Board Member Conflict of Interest
DJE - Bidding/Purchasing Procedures
STAFF CONFLICT OF INTEREST

I, ________________________, do hereby indicate:

1. That I am presently an officer/employee of the __________________________
   School District;

2. That I (or my relative[s]: __________________________) have a substantial interest in the contract,
   sale, purchase, or service to or decision by the __________________________ Governing Board as described
   below.

3. That I shall refrain from participating in any manner in my capacity as an employee or officer of
   __________________________ School District in such contract, sale, purchase, service to, or decision by the Governing Board unless specifically permitted to do so by law.

   __________________________   __________________________
   Date                  Signature

Description of Conflict:
GBEB
STAFF CONDUCT

All employees of the District are expected to conduct themselves in a manner consistent with effective and orderly education and to protect students and District property. No employee shall, by action or inaction, interfere with or disrupt any District activity or encourage any such disruption. No employee, other than one who has obtained authorization from the appropriate school administrator, shall carry or possess a weapon on school grounds. All employees shall at all times attempt to maintain order, abide by the policies, rules, and regulations of the District, and carry out all applicable orders issued by the Superintendent.

Potential consequences to employees of the District who violate these rules may include, but are not limited to:

- Removal from school grounds.
- Both civil and criminal sanctions, which may include, but are not limited to, criminal proceedings under Title 13, Chapter 29, Arizona Revised Statutes.
- Warning.
- Reprimand.
- Suspension.
- Dismissal.

Reporting Suspected Crimes or Incidents

Staff members are to report any suspected crime against a person or property that is a serious offense, involves a deadly weapon or dangerous instrument or that could pose a threat of death or serious injury to employees, students or others on school property. All such reports shall be communicated to the Superintendent who shall be responsible for reporting to local law enforcement.

Use of Physical Force by Supervisory Personnel

Any administrator, teacher, or other school employee entrusted with the care and supervision of a minor may use reasonable and appropriate physical force upon the minor to the extent reasonably necessary and appropriate to maintain order. Similar physical force will be appropriate in self-defense, in the defense of other students and school personnel, and to prevent or terminate the commission of theft or criminal damage to the property of the District or the property of persons lawfully on the premises of the District.

The threat or use of physical force is not justified as a response to verbal provocation alone, nor when the degree of physical force used is disproportionate to the circumstances or exceeds that necessary to avoid injury to oneself or to others or to preserve property at risk.

Adopted: date of manual adoption

LEGAL REF.:  
A.R.S.  
13-2911  
13-3102  
13-3111  
13-3411  
15-341  
15-342  
15-507  
15-509  
15-514  
15-521  
38-531  
38-532  
41-770  
A.A.C.  
R7-2-205

CROSS REF.:  
GCF - Professional Staff Hiring  
JIC - Student Conduct  
JK - Student Discipline  
KFA - Public Conduct on School Property

http://policy.azsba.org/asba/PrintViewer.jsp?printCollection=0  
6/14/2018
Each employee is expected to comply with the rules, regulations, procedures, policies, and statutes that apply to his respective assignment. It is the employee’s responsibility, during the probationary period of employment, to learn the existing rules, regulations, procedures, policies, and statutes that apply to the his respective assignment.

No employee, while on or using school property, otherwise acting as an agent, or working in an official capacity for the District shall engage in:

- Physical or verbal abuse of, or threat of harm to, anyone.
- Causing damage, or threat of damage, to property of the District or property of a member of the community or a visitor to the school when the property is located on premises controlled by the District.
- Forceful or unauthorized entry to or occupation of District facilities, including buildings and grounds.
- Use, possession, distribution, or sale of alcohol or of drugs or other illegal substances.
- Use of profane or abusive language, symbols, or conduct.
- Failure to comply with lawful direction of District officials, security officers, or any other law-enforcement officer, or failure to identify oneself to such officials or officers when lawfully requested to do so.
- The carrying or possession of a weapon on school grounds without authorization from the appropriate school administrator.
- A violation of District policies and regulations.
- Any conduct violating federal, state, or applicable municipal law or regulation.
- Any other conduct that may obstruct, disrupt, or interfere with teaching, research, service, administrative, or disciplinary functions of the District, or any other activity sponsored or approved by the Board.

In addition to the foregoing, all staff members are expected to:

- Thoroughly acquaint themselves with the rules, regulations, and other information applicable to them contained within the policies of the Board.
- Conduct themselves in a manner consistent with effective and orderly education and to protect the students and the District property.
- Maintain order in a manner consistent with District policies and regulations.
- Comply promptly with all orders of the Superintendent and the administrator who is their immediate supervisor.
- Dress and maintain a general appearance that reflects their position and does not detract from the educational program of the school.
- Comply with the requirement of A.R.S. 15-515 by immediately reporting to the Superintendent or the administrator who is their immediate supervisor:
  - A violation of A.R.S. 13-3102 [possession of a deadly weapon on school grounds].
  - A violation of A.R.S. 13-3111 [possession of a firearm by a minor without authorization (in Maricopa and Pima Counties and where otherwise adopted by local ordinance)].
  - A violation of A.R.S. 13-3411 [possession, use, or intent to sell marijuana, peyote, or dangerous or narcotic drugs, or intent to sell prescription-only drugs in a drug-free school zone (i.e., school grounds and the area within three hundred [300] feet and public property within one thousand [1,000] feet of school grounds, the area at a school bus stop, and a school bus)].
Any administrator receiving a report of a violation of A.R.S. 13-3102, 13-3111, or 13-3411 shall immediately report such violation to a peace officer in compliance with A.R.S. 15-515.

Employees of the District who violate these rules are subject to disciplinary action.
Board policy GBEB authorizes an employee entrusted with the care and supervision of a minor to use reasonable and appropriate physical force upon the student to the extent necessary to maintain order, in self-defense, in the defense of other students and PUHSD employees, and to prevent or terminate the commission of theft or criminal damage to the property of the PUHSD or the property of persons lawfully on PUHSD premises.

"Physical force" means an act of force used upon or directed toward the body of another person, but does not include deadly physical force. To the extent possible, an employee shall use non-aversive behavior techniques.

An employee who threatens to use or uses physical force shall notify the principal/unit administrator of the threat or use as soon as possible after it occurs. The employee shall report the following to the principal/unit administrator or person in charge of campus security.

1. the nature of the physical force that the employee threatened to use or used,
2. the employee's rationale for the threat or use of the physical force, and
3. any verbal order given by the employee to the student to stop or leave the area.

At the request of the principal/unit administrator, the employee shall submit a written report of the incident.

The principal/unit administrator shall immediately notify the Superintendent's office of incident. The principal/unit administrator or Superintendent's office shall contact the local law enforcement officials, if the principal/unit administrator has reason to believe the student committed a criminal act and the PUHSD had not previously contacted the local law enforcement officials.

In accordance with PUHSD standards and training, an employee working with a special education (SPED) student may use physical restraint as a behavior management technique when the student's Individualized Education Program (IEP) allows it.
STAFF CONDUCT WITH STUDENTS

Employees are expected to exercise general supervision over the conduct of students, not only while in the schoolroom, but also before and after school and during recess. At all times teachers and other staff members will accord students the dignity and respect that they deserve, and avoid embarrassing any student unnecessarily.

Students are expected to regard all school employees as individuals who are employed to provide direct or indirect contributions to learning. While students are to have considerable latitude in making choices for themselves, they shall be required to respect the rights of all school employees and other students, and interference with those rights will not be tolerated.

Students shall not have the right to interfere with the efforts of instructional staff members to coordinate or assist in learning, to disseminate information for purposes of learning, or to otherwise implement a learning program. Nor shall a student have the right to interfere with the motivation to learn or the learning activities and efforts of other students. No student shall have the right to interfere with or disrupt any employee's work activities.

All personnel employed by the District are expected to relate to students of the District in a manner that maintains social and moral patterns of behavior consistent with community standards and acceptable professional conduct.

Relationships between staff members and students that include "dating," "courtship," or "romantic involvement" are prohibited. These behaviors deviate from ethical or professional standards and shall be deemed unacceptable and contrary to the expectations of District governance.

Staff/student relationships shall reflect mutual respect between staff members and students and shall support the dignity of the entire profession and educational process.

Violations of the above shall be considered serious and may result in severe disciplinary action.

Adopted: date of manual adoption

LEGAL REF.:  
A.R.S.  
15-321  
15-341  
15-514

CROSS REF.:  
JIC - Student Conduct
GBEBB-R

REGULATION

STAFF CONDUCT WITH STUDENTS

Inappropriate relationships and/or conduct between staff members and students are prohibited. Examples of inappropriate staff-student relationships and/or conduct include, but are not limited to: dating, granting of inappropriate discipline, public or private displays of romantic affection whether initiated or reciprocated by the staff member; harmful or offensive contact; actions intended to cause imminent apprehension of a harmful or offensive contact; physical conduct of a sexual nature; other physical conduct intended to harass or offend; verbal conduct or innuendo of a sexual nature; verbal conduct intended to harass or offend; and other profane, vulgar or foul verbal conduct. These, and similar behaviors, deviate from ethical or professional standards and shall be deemed unacceptable.

Ordinary and customary contacts and/or conduct shall not be considered inappropriate. Factors that tend to indicate whether contacts and/or conduct are ordinary and customary include, but are not necessarily limited to, the time, place, and circumstances between the staff member and student. Staff-student relationships shall support the dignity of the entire educational profession and process.

Violation of this regulation shall in addition be considered insubordination and unprofessional conduct, and subject the employee to disciplinary action as provided under State Statutes and/or District policy.
GBED ©
SMOKING BY STAFF MEMBERS

The possession or use of tobacco products, tobacco substitutes, electronic cigarettes, other chemical inhalation devices, or vapor products is prohibited in the following locations:

- School grounds.
- School buildings.
- School parking lots.
- School playing fields.
- School buses and other District vehicles.
- Off-campus school-sponsored events.

Under the provisions of A.R.S. 36-798.03, a person who violates the prohibition is guilty of committing a petty offense.

The prohibitions do not apply to an adult when possession or use of the tobacco products are for demonstration purposes as a necessary instructional component of a tobacco prevention or cessation program that is:

- Approved by the school.
- Established in accord with Arizona Revised Statute 15-712.

Adopted: June 24, 2014

LEGAL REF.:  
A.R.S.  
13-3622  
15-341  
15-712  
36-798.03  
20 U.S.C. 6083

CROSS REF.:  
JICG - Tobacco Use by Students
The District recognizes that on occasion extenuating circumstances arise that may necessitate absence from duty that is not covered by other specific leave provisions of the District. To address such situations, a leave of absence, without pay, may be granted a member of the certificated or support staff for not longer than one (1) year.

Leave of absence may be requested for, but not limited to, the following purposes:

- For additional education that relates to the employee's primary assignment. A plan of contemplated course work must be presented.
- To provide for an unpaid leave in a situation where the employee will be absent from work because of 1) a reason that conforms to a policy currently in effect but the maximum number of days provided for in that policy will be exceeded, or 2) failure to report to work without prior notification to the Superintendent.
- For a leave of absence that benefits or is in the best interest of the District, as determined by the Board upon review of the application.
- For leave under the Family and Medical Leave Act.

A leave of absence requested pursuant to this policy may be:

- Approved by the Superintendent if the leave period does not exceed twelve (12) weeks; or
- Recommended by the Superintendent and approved by the Governing Board if the leave period exceeds twelve (12) weeks.

A request for leave of absence shall not be denied by the District if the employee is entitled to the leave under the Family and Medical Leave Act. All other applications for leave of absence may be granted or denied by the District, in its sole discretion.

Each request for such a leave of absence shall be in a written application stating the purpose, starting date, and duration of the leave of absence, the reasons for its necessity or desirability, and any other information the applicant deems relevant to the request.

The leave of absence shall be only for the purpose and duration approved and may not be extended without written approval by the District.

All rights of continuing status (certificated teachers only), retirement, salary increments, and other benefits shall be restored at the level earned when the leave was granted. All accrued sick, vacation, personal, and other paid leave shall be applied to the leave period unless otherwise agreed to by the District or prohibited by the Family and Medical Leave Act.

Family and Medical Leave Act (FMLA)

The District shall fully comply with the Family and Medical Leave Act and all interim and final regulations interpreting the FMLA issued by the U.S. Department of Labor. Accordingly, all portions of this policy that pertain to the FMLA shall be interpreted in a manner consistent with the FMLA and its regulations. Subject to the conditions set forth herein, any eligible employee of the District may take up to twelve (12) weeks of leave (FMLA leave) measured backward for each employee from the first time such employee uses leave under FMLA without pay, for any one (1) or more of the following reasons:

- Because of the birth of a child of the employee and in order to care for such child.
- Because of the placement of a child with the employee for adoption or foster care.
- In order to care for the spouse or a son, daughter, or parent of the employee, if such person has a serious health condition.
- Because of a serious health condition that makes the employee unable to perform the functions of the position of such employee.
An eligible employee is one who has been employed by the District at least twelve (12) months and who has completed at least one thousand two hundred fifty (1,250) hours of service immediately prior to the time the FMLA leave is to commence.

Serious health condition means an illness, injury, impairment, or physical condition that involves inpatient care in a hospital, hospice, or residential medical facility, or outpatient care with continuing medical treatment by a licensed physician. Any employee who has been employed by the District at least twelve (12) months and who has completed at least one thousand two hundred fifty (1,250) hours of service immediately prior to the time the leave is to commence shall be eligible for FMLA leave.

Special conditions applicable to FMLA. Entitlement to leave for the birth of a child or the placement of a child for adoption or foster care ends at the expiration of a twelve (12)-month period, beginning on the date of the event. An eligible employee who is the spouse, son, daughter, parent, or next of kin of a covered servicemember shall be entitled to a total of twenty-six (26) workweeks of leave during a twelve (12)-month period to care for the servicemember. The leave described to care for a covered servicemember shall only be available during one (1) single twelve (12)-month period.

A husband and wife working for the District may be limited to a total of twelve (12) weeks of leave during each applicable twelve (12)-month period for leave for the birth of a child or the placement of a child for adoption or foster care and to care for an employee's parent with a serious health condition. The aggregate number of workweeks of leave to which both the husband and wife may be entitled under covered servicemember family leave combined with leave as described in the previous sentence shall be limited to twenty-six (26) workweeks during one (1) single twelve (12)-month period.

The District shall not require an employee to substitute accrued sick leave for FMLA leave used by reason of a birth, adoption, or foster placement. An employee shall substitute accrued vacation or personal leave for FMLA leave used by reason of a birth, adoption, or foster placement, to the extent available by policy, unless otherwise agreed to by the District. In any other circumstance, an employee's accrued sick, vacation, personal, or other applicable leave shall be substituted for FMLA leave, to the extent available by policy, unless otherwise agreed to by the District.

Notice. An employee must provide at least thirty (30) days notice before the FMLA leave is to begin if the need for the leave is foreseeable based on an expected birth, placement for adoption, or foster care, planned medical treatment for a serious health condition, or military service leave of the employee or family member. If thirty (30) days notice is not practicable, notice must be given as soon as practicable. The notice shall be in the form of a request for leave of absence as specified in this policy. The District may deny FMLA leave to any eligible employee until such time as the employee has provided the required notice.

Certification. All FMLA leave shall be supported by medical certificate provided by the employee's health provider in the form of the exhibit accompanying this policy. In any instance where the FMLA leave must be preceded by thirty (30) days notice, the medical certificate should accompany the request for leave of absence. In any other instance, the medical certificate should be provided within fifteen (15) days after the FMLA leave commences.

Certification of active military duty or call to active duty in support of a contingency operation for purpose of receiving family leave shall be required under the same conditions as FMLA certification for leave indicated above.

The employee may be requested (at the District's expense) to provide recertification of medical conditions in support of leave if the District feels that the circumstances so warrant and notice is given. Recertification shall not be required for intervals shorter than thirty (30) days.

Whenever a medical certification or recertification is required of an employee, notice describing such requirement and providing the form of such certification shall be provided to the employee. An employee shall not be denied FMLA leave or other rights under the FMLA unless a notice required by FMLA in such situation has first been provided to the employee.

In the case of continuation, recurrence, or onset of a serious health condition to the employee, covered family of the employee (including a servicemember being cared for by an employee) and the employee is unable to return to work, certification issued by the health care provider of the entity with the serious health condition shall be required to support the inability of the employee to return to work.

Intermittent or reduced time (IRT) leave. FMLA leave may be taken intermittently or on a reduced leave schedule under the following circumstances:
• If medically necessary to care for a family member or for the employee’s own serious health condition;
• Because of any qualifying exigency the spouse, or a son, daughter, or parent, of the employee is on active duty, or notified of an impending call or order to active duty in support of a contingency operation; or
• If approved by the District.

The District may, for the term of the leave, transfer the employee to an alternative position with equivalent pay and benefits.

If the IRT leave is for an instructional employee (one whose principal function is to instruct students in a class, small group, or as individuals), the District can require the employee either to take leave for a period or periods of a particular duration not greater than the duration of the planned treatment or to transfer temporarily to an available alternative position with equivalent pay and benefits that provides better accommodation of recurring periods of leave, provided the leave is:

• Requested to care for a qualifying family member or as a result of the employee’s serious health condition preventing job performance;
• Foreseeable, based upon planned medical treatment; and
• For more than twenty percent (20%) of the working days in the leave period.

The employee may be granted leave under these circumstances, subject to reasonable efforts to schedule treatment so as not to unduly disrupt the educational program.

Special end-of-semester circumstances for instructional employees. Under each of the following conditions, leave for an instructional employee may be required to continue to the end of the academic semester:

• Leave begins more than five (5) weeks before the end of the semester, leave is for at least three (3) weeks, and return to employment would occur during the last three (3) weeks of the semester.
• Leave other than for the employee’s serious health condition begins within the last five (5) weeks of the semester, leave is for greater than two (2) weeks duration, and return to employment would occur during the last two (2) weeks of the semester.
• Leave other than for the employee’s serious health condition begins within the last three (3) weeks of the semester and leave exceeds five (5) working days.

Employee notification. With each request for FMLA leave, the employee shall be notified:

• About FMLA by provision of the FMLA fact sheet (Exhibit EE).
• As appropriate concerning the expectations, obligations, and consequences of taking FMLA leave per 29 C.F.R. 825.301 of FMLA.
• That FMLA leave may be withheld until a requested notice is provided or the time frame is met.
• That if leave is granted to an employee who is unable to perform the work required, restoration may be denied until the employee has complied with the request to provide medical certification of ability to return to work.

The District will post notices in conspicuous places on the District premises that provide a summary of FMLA and information on how to file a charge for an FMLA violation.

Health care continuation. An employee taking FMLA leave shall be entitled to have the health care plan in which the employee is participating continue under the same terms and conditions applicable to actively working employees. The District shall require the repayment of any health care premiums paid by the District for continuing coverage during the period of the FMLA leave if the employee fails to return to work after the FMLA leave expires and the failure to return is not due to circumstances beyond the employee’s control.

Position restoration. Upon return from FMLA leave, an employee shall be restored to the same position held before the FMLA leave commenced or to an equivalent position with equivalent pay, benefits, and working conditions. The District requires an employee to provide a medical certificate from a health care provider that the employee is able to resume work before returning from FMLA leave for a serious personal health condition. The District may delay the return of an instructional employee from FMLA leave at the end of a semester, in accordance with Section 825.602 of FMLA rules. The District may deny restoration of position to any
key employee (i.e., one who is among the highest-paid ten percent [10%] of all employees of the District), in accordance with Section 825.218 of FMLA rules.

Adopted: August 11, 2011

LEGAL REF.: 
A.R.S. 15-510
Family and Medical Leave Act of 1993
29 C.F.R. Part 825
PROFESSIONAL / SUPPORT STAFF
LEAVES OF ABSENCE WITHOUT PAY

CERTIFICATION OF HEALTH CARE PROVIDER
(Family and Medical Leave Act of 1993)

When completed, this form goes to the employee.

1. Employee’s Name ____________________________

2. Patient’s Name (If different from employee) ______________________________

3. A definition of “serious health condition” under the Family and Medical Leave Act is provided near the end of this form. Does the patient’s condition qualify under any of the categories described? If so, please check the applicable category.

   (1) (2) (3) (4) (5) (6), or None of the above ____________

4. Describe the medical facts which support the patient’s certification, including a brief statement as to how the medical facts meet the criteria of the category checked above:

5. a. State the approximate date the condition commenced, and the probable duration of the condition (and also the probable duration of the patient’s present incapacity if different):

   b. Will it be necessary for the employee to take work only intermittently or to work on a less than full schedule as a result of the condition (including for treatment described in Item 6 below)?

      If yes, give the probable duration:

   c. If the condition is a chronic condition (condition 4) or pregnancy, state whether the patient is presently incapacitated and the likely duration and frequency of episodes of incapacity:

6. a. If additional treatments will be required for the condition, provide an estimate of the probable number of such treatments.

      If the patient will be absent from work or other daily activities because of treatment on an intermittent or part-time basis, also provide an estimate of the probable number of and interval between such treatments, actual or estimated dates of treatment if known, and period required for recovery if any:

   b. If any of these treatments will be provided by another provider of health services (e.g., physical therapist), please state the nature of the treatments:

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6/14/2018
c. **If a regimen of continuing treatment** by the patient is required under your supervision, provide a general description of such regimen (e.g., prescription drugs, physical therapy requiring special equipment):

7. a. If medical leave is required for the employee's **absence from work** because of the employee's **own condition** (including absences due to pregnancy or a chronic condition), is the employee **unable to perform work** of any kind?

b. If able to perform some work, is the employee **unable to perform any one (1) or one (1) or more of the essential functions of the employee's job** (the employee or the employer should supply you with information about the essential job functions)? If yes, please list the essential functions the employee is unable to perform:

c. If neither a. nor b. above applies, is it necessary for the employee to be **absent from work for treatment?**

8. a. If leave is required to **care for a family member** of the employee with a serious health condition, **does the patient require assistance** for basic medical or personal needs or safety, or for transportation?

b. If no, would the employee's presence to provide **psychological comfort** be beneficial to the patient or assist in the patient's recovery?

c. If the patient will need care only **intermittently** or on a part-time basis, please indicate the probable **duration** of this need:

<table>
<thead>
<tr>
<th>Signature of Health Care Provider</th>
<th>Type of Practice</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>Address</td>
<td>Telephone Number</td>
</tr>
<tr>
<td></td>
<td>Date</td>
</tr>
</tbody>
</table>

**To be completed by the employee needing family leave to care for a family member:**

State the care you will provide and an estimate of the period during which care will be provided, including a schedule if leave is to be taken intermittently or if it will be necessary for you to work less than a full schedule:

<table>
<thead>
<tr>
<th>Employee Signature</th>
<th>Date</th>
</tr>
</thead>
</table>

**Definitions**

A "**Serious Health Condition**" means an illness, injury impairment, or physical or mental condition that involves one (1) of the following:

1. Hospital Care

   **Inpatient care** (i.e., an overnight stay) in a hospital, hospice, or residential medical care facility, including any period of incapacity or subsequent treatment in connection with or consequent to such inpatient care.

2. Absence Plus Treatment
(a) A period of incapacity of more than three (3) consecutive calendar days (including any subsequent treatment or period of incapacity relating to the same condition), that also involves:

(1) Treatment two (2) or more times by a health care provider, by a nurse or physician’s assistant under direct supervision of a health care provider, or by a provider of health care services (e.g., physical therapist) under orders of, or on referral by, a health care provider; or

(2) Treatment by a health care provider on at least one (1) occasion which results in a regimen of continuing treatment under the supervision of the health care provider.

3. Pregnancy

Any period of incapacity due to pregnancy, or for prenatal care.

4. Chronic Conditions Requiring Treatments

A chronic condition which:

(1) Requires periodic visits for treatment by a health care provider, or by a nurse or physician’s assistant under direct supervision of a health care provider;

(2) Continues over an extended period of time (including recurring episodes of a single underlying condition); and

(3) May cause episodic rather than a continuing period of incapacity (e.g., asthma, diabetes, epilepsy, etc.).

5. Permanent/Long-term Conditions Requiring Supervision

A period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective. The employee or family member must be under the continuing supervision of, but need not be receiving active treatment by, a health care provider. Examples include Alzheimer’s, a severe stroke, or the terminal stages of a disease.

6. Multiple Treatments (Non-Chronic Conditions)

Any period of absence to receive multiple treatments (including any period of recovery therefrom) by a health care provider or by a provider of health care services under orders of, or on referral by, a health care provider, either for restorative surgery after an accident or other injury, or for a condition that would likely result in a period of incapacity of more than three (3) consecutive calendar days in the absence of medical intervention or treatment, such as cancer (chemotherapy, radiation, etc.), severe arthritis (physical therapy), and kidney disease (dialysis).

This optional form may be used by employees to satisfy a mandatory requirement to furnish a medical certification (when requested) from a health care provider, including second or third opinions and recertification (29 C.F.R. 825.306).

* Treatment includes examinations to determine if a serious health condition exists and evaluations of the condition. Treatment does not include routine physical examinations, eye examinations, or dental examinations.

* A regimen of continuing treatment includes, for example, a course of prescription medication (e.g., an antibiotic) or therapy requiring special equipment to resolve or alleviate the health condition. A regimen of treatment does not include the taking of over-the-counter medications such as aspirin, antihistamines, or salves; or bed-rest, drinking fluids, exercise, and other similar activities that can be initiated without a visit to a health care provider.
PROFESSIONAL / SUPPORT STAFF
LEAVES OF ABSENCE WITHOUT PAY

EMPLOYER RESPONSE TO EMPLOYEE REQUEST
FOR FAMILY OR MEDICAL LEAVE
(Family and Medical Leave Act of 1993
Optional Use Form - See 29 C.F.R. § 825.300)

Date: ____________________

To: ________________________
(Employee's Name)

From: _______________________
(Name of Appropriate Employer Representative)

Subject: REQUEST FOR FAMILY/MEDICAL LEAVE

On __________ , you notified us of your need to take family/medical
leave due to:

A serious health condition that makes you unable to perform the essential
functions for your job; or

A serious health condition affecting your spouse, child, parent, for
which you are needed to provide care; or

A qualifying exigency (as the Secretary shall, by regulation, determine) arising
out of the fact that the spouse, or a son, daughter, or parent of the employee is
on active duty (or has been notified of an impending call or order to active duty)
in the Armed Forces in support of a contingency operation.

You notified us that you need this leave beginning on __________
(Date)
and that you expect leave to continue until on or about ____________
(Date).

Except as explained below, you have a right under the FMLA for up to twelve (12) weeks of unpaid leave in a twelve (12) month period for the reasons listed above. Also, your health benefits must be maintained during any period of unpaid leave under the same conditions as if you continued to work, and you must be reinstated to the same or an equivalent job with the same pay, benefits, and terms and conditions of employment on your return from leave. If you do not return to work following FMLA leave for a reason other than: 1) the continuation, recurrence, or onset of a serious health condition which would entitle you to FMLA leave; or 2) other circumstances beyond your control, you may be required to reimburse us for our share of health insurance premiums paid on your behalf during your FMLA leave.

This is to inform you that: (check appropriate boxes: explain where indicated)

1. You are eligible / not eligible for leave under the FMLA.

2. The requested leave will / will not be counted against your annual FMLA
leave entitlement.

3. You will / will not be required to furnish medical certification of a serious
health condition. If required, you must furnish certification by ____________
(insert date; must be at least fifteen [15] days after you are notified of this require-
4. You may elect to substitute accrued paid leave for unpaid FMLA leave. We will not require that you substitute accrued paid leave for unpaid FMLA leave. If paid leave will be used, the following conditions will apply: (Explain)

5. (a) If you normally pay a portion of the premiums for your health insurance, these payments will continue during the period of FMLA leave. Arrangements for payment have been discussed with you, and it is agreed that you will make premium payments as follows: (Set forth dates, e.g., the tenth [10th] of each month, or pay periods, etc., that specifically cover the agreement with the employee.)

(b) You have a minimum thirty (30)-day (or, indicate longer period, if applicable) grace period in which to make premium payments. If payment is not made timely, your group health insurance may be cancelled, provided we notify you in writing at least fifteen (15) days before the date that your health coverage will lapse, or, at our option, we may pay your share of the premiums during FMLA leave, and recover these payments from you upon your return to work. We will not pay your share of health insurance premiums while you are on leave.

(c) We will not do the same with other benefits (e.g., life insurance, disability insurance, etc.) while you are on FMLA leave. If we do pay your premiums for other benefits, when you return from leave you will not be expected to reimburse us for the payments made on your behalf.

6. You will not be required to present a fitness-for-duty certificate prior to being restored to employment. If such certification is required but not received, your return to work may be delayed until certification is provided.

7. (a) You are not a "key employee" as described in § 825.217 of the FMLA regulations. If you are a "key employee:" restoration to employment may be denied following FMLA leave on the grounds that such restoration will cause substantial and grievous economic injury to the District as discussed in § 825.218.

(b) We have not determined that restoring you to employment at the conclusion of FMLA leave will cause substantial and grievous economic harm to us. ([a] and/or [b] may be explained if requested. See §825.219 of the FMLA regulations.)

8. While on leave, you will not be required to furnish us with periodic reports every __________________________ (indicate interval of periodic reports, as appropriate for the particular leave situation) of your status and intent to return to work (see § 825.309 of the FMLA regulations). If the circumstances of your leave change and you are able to return to work earlier than the date indicated on the reverse side of this form, you will not be required to notify us at least two (2) work days prior to the date you intend to report to work.

9. You will not be required to furnish recertification relating to a serious health condition. (Explain below, if necessary, including the interval between certifications as prescribed in §825.308 of the FMLA regulations.)

This optional use form may be used to satisfy mandatory employer requirements to provide employees taking FMLA leave with written notice detailing specific expectations and obligations of the employee and explaining any consequences of a failure to meet these obligations. (29 C.F.R. 825.300(b).)
The Family and Medical Leave Act of 1993 (FMLA) requires covered employers to provide up to twelve (12) weeks of unpaid, job-protected leave to "eligible" employees for certain family and medical reasons. Employees are eligible if they have worked for their employer for at least one (1) year, and for one thousand two hundred fifty (1,250) hours over the previous twelve (12) months, and if there are at least fifty (50) employees within seventy-five (75) miles. The FMLA permits employees to take leave on an intermittent basis or to work a reduced schedule under certain circumstances.

**Reasons for Taking Leave**

Unpaid leave must be granted for any of the following reasons:

- To care for the employee's child after birth, or placement for adoption or foster care;
- To care for the employee's spouse, son or daughter, or parent who has a serious health condition; or
- For a serious health condition that makes the employee unable to perform the employee's job.

At the employee's or employer's option, certain kinds of paid leave may be substituted for unpaid leave.

**Advance Notice and Medical Certification**

The employee may be required to provide advance leave notice and medical certification. Taking of leave may be denied if requirements are not met.

- The employee ordinarily must provide thirty (30) days advance notice when the leave is "foreseeable."
- An employer may require medical certification to support a request for leave because of a serious health condition, and may require second or third opinions (at the employer's expense) and a fitness for duty report to return to work.

**Job Benefits and Protection:**

- For the duration of FMLA leave, the employer must maintain the employee's health coverage under any "group health plan."
- Upon return from FMLA leave, most employees must be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms.
- The use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee's leave.

**Unlawful Acts by Employers**

FMLA makes it unlawful for any employer to:

- interfere with, restrain, or deny the exercise of any right provided under FMLA.
- discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA.

**Enforcement:**

- The U.S. Department of Labor is authorized to investigate and resolve complaints of violations.
- An eligible employee may bring a civil action against an employer for violations.

http://policy.azsba.org/asba/PrintViewer.jsp?printCollection=0
FMLA does not affect any federal or state law prohibiting discrimination, or supersede any state or local law or collective bargaining agreement which provides greater family or medical leave rights.

For Additional Information

If you have access to the Internet visit the FMLA website: http://www.dol.gov/esa/whd/fmla. To locate your nearest Wage-Hour Office, telephone the Wage-Hour toll-free information and help line at 1-866-4USWAGE (1-866-487-9243): a customer service representative is available to assist you with referral information from 8am to 5pm in your time zone; or log onto the following at http://www.wagehour.dol.gov.

A Spanish translation of this form may be downloaded at http://www.dol.gov/whd/fmla/index.htm
On January 28, 2008, President Bush signed into law the National Defense Authorization Act for FY 2008 (NDAA), Public Law 110-181. Section 585(a) of the NDAA amended the Family and Medical Leave Act of 1993 (FMLA) to provide eligible employees working for covered employers two (2) important new leave rights related to military service:

(1) New Qualifying Reason for Leave. Eligible employees are entitled to up to twelve (12) weeks of leave because of "any qualifying exigency" arising out of the fact that the spouse, son, daughter, or parent of the employee is on active duty, or has been notified of an impending call to active duty status, in support of a contingency operation. By the terms of the statute, this provision requires the Secretary of Labor to issue regulations defining "any qualifying exigency." In the interim, employers are encouraged to provide this type of leave to qualifying employees.

(2) New Leave Entitlement. An eligible employee who is the spouse, son, daughter, parent, or next of kin of a covered servicemember who is recovering from a serious illness or injury sustained in the line of duty on active duty is entitled to up to twenty-six (26) weeks of leave in a single twelve (12)-month period to care for the servicemember. This provision became effective immediately upon enactment. This military caregiver leave is available during "a single twelve (12)-month period" during which an eligible employee is entitled to a combined total of twenty-six (26) weeks of all types of FMLA leave.

Additional information on the amendments and a version of Title I of the FMLA with the new statutory language incorporated are available on the FMLA amendments Web site at http://www.dol.gov/esa/whd/fmla/NDAA_fmla.htm.

A Spanish translation of this form may be downloaded at http://www.dol.gov/whd/fmla/index.htm
PROFESSIONAL / SUPPORT STAFF
LEAVES OF ABSENCE WITHOUT PAY

FACT SHEET NO. 28:
THE FAMILY AND MEDICAL LEAVE ACT OF 1993

The U.S. Department of Labor's Employment Standards Administration, Wage and Hour Division, administers and enforces the Family and Medical Leave Act (FMLA) for all private, state and local government employees, and some federal employees. Most federal and certain congressional employees are also covered by the law and are subject to the jurisdiction of the U.S. Office of Personnel Management or the Congress.

The FMLA became effective on August 5, 1993 for most employers and entitles eligible employees to take up to twelve (12) weeks of unpaid, job-protected leave in a twelve (12)-month period for specified family and medical reasons. Amendments to the FMLA by the National Defense Authorization Act for FY 2008 (NDAA). Public Law 110-181, expanded the FMLA to allow eligible employees to take up to twelve (12) weeks of job-protected leave in the applicable twelve (12)-month period for any "qualifying exigency" arising out of the fact that a covered military member is on active duty, or has been notified of an impending call or order to active duty, in support of a contingency operation. The NDAA also amended the FMLA to allow eligible employees to take up to twenty-six (26) weeks of job-protected leave in a "single twelve (12)-month period" to care for a covered servicemember with a serious injury or illness.

Employer Coverage

FMLA applies to all public agencies, including state, local and federal employers, local education agencies (schools), and private-sector employers who employed fifty (50) or more employees in twenty (20) or more workweeks in the current or preceding calendar year, including joint employers and successors of covered employers.

Employee Eligibility

To be eligible for FMLA benefits, an employee must:

- work for a covered employer;
- have worked for the employer for a total of twelve (12) months;
- have worked at least one thousand two hundred fifty (1,250) hours over the previous twelve (12) months; and
- work at a location in the United States or in any territory or possession of the United States where at least fifty (50) employees are employed by the employer within seventy-five (75) miles.

While the twelve (12) months of employment need not be consecutive, employment periods prior to a break in service of seven (7) years or more need not be counted unless the break is occasioned by the employee's fulfillment of his or her National Guard or Reserve military obligation (as protected under the Uniformed Services Employment and Reemployment Rights Act (USERRA)), or a written agreement, including a collective bargaining agreement, exists concerning the employer's intention to rehire the employee after the break in service. See, special rules for returning reservists under USERRA.

Leave Entitlement

A covered employer must grant an eligible employee up to a total of twelve (12) workweeks of unpaid leave during any twelve (12)-month period for one (1) or more of the following reasons:

- For the birth and care of a newborn child of the employee;
- For placement with the employee of a son or daughter for adoption or foster care;
- To care for a spouse, son, daughter, or parent with a serious health condition;
- To take medical leave when the employee is unable to work because of a serious health condition; or
• For qualifying exigencies arising out of the fact that the employee's spouse, son, daughter, or parent is on active duty or call to active duty status as a member of the National Guard or Reserves in support of a contingency operation.

A covered employer also must grant an eligible employee who is a spouse, son, daughter, parent, or next of kin of a current member of the Armed Forces, including a member of the National Guard or Reserves, with a serious injury or illness up to a total of twenty-six (26) workweeks of unpaid leave during a "single twelve (12)-month period" to care for the servicemember.

Spouses employed by the same employer are limited in the amount of family leave they may take for the birth and care of a newborn child, placement of a child for adoption or foster care, or to care for a parent who has a serious health condition to a combined total of twelve (12) weeks (or twenty-six [26] weeks if leave to care for a covered servicemember with a serious injury or illness is also used). Leave for birth and care, or placement for adoption or foster care, must conclude within twelve (12) months of the birth or placement.

Under some circumstances, employees may take FMLA leave intermittently - taking leave in separate blocks of time for a single qualifying reason - or on a reduced leave schedule - reducing the employee's usual weekly or daily work schedule. When leave is needed for planned medical treatment, the employee must make a reasonable effort to schedule treatment so as not to unduly disrupt the employer's operation. If FMLA leave is for birth and care, or placement for adoption or foster care, use of intermittent leave is subject to the employer's approval.

Under certain conditions, employees or employers may choose to "substitute" (run concurrently) accrued paid leave (such as sick or vacation leave) to cover some or all of the FMLA leave. An employee's ability to substitute accrued paid leave is determined by the terms and conditions of the employer's normal leave policy.

"Serious health condition" means an illness, injury, impairment, or physical or mental condition that involves either:

• Inpatient care (i.e., an overnight stay) in a hospital, hospice, or residential medical-care facility, including any period of incapacity (i.e., inability to work, attend school, or perform other regular daily activities) or subsequent treatment in connection with such inpatient care; or

• Continuing treatment by a health care provider, which includes:

  ■ A period of incapacity lasting more than three (3) consecutive, full calendar days, and any subsequent treatment or period of incapacity relating to the same condition, that also includes:

    ⇒ treatment two (2) or more times by or under the supervision of a health care provider (i.e., in-person visits, the first within seven (7) days and both within thirty (30) days of the first day of incapacity); or

    ⇒ one (1) treatment by a health care provider (i.e., an in-person visit within seven (7) days of the first day of incapacity) with a continuing regimen of treatment (e.g., prescription medication, physical therapy); or

  ■ Any period of incapacity related to pregnancy or for prenatal care. A visit to the health care provider is not necessary for each absence; or

  ■ Any period of incapacity or treatment for a chronic serious health condition which continues over an extended period of time, requires periodic visits (at least twice a year) to a health care provider, and may involve occasional episodes of incapacity. A visit to a health care provider is not necessary for each absence; or

  ■ A period of incapacity that is permanent or long-term due to a condition for which treatment may not be effective. Only supervision by a health care provider is required, rather than active treatment; or

  ■ Any absences to receive multiple treatments for restorative surgery or for a condition that would likely result in a period of incapacity of more than three (3) days if not treated.

Maintenance of Health Benefits

A covered employer is required to maintain group health insurance coverage for an employee on FMLA leave whenever such insurance was provided before the leave was taken and on the same terms as if the employee had continued to work. If applicable, arrangements will need to be made for employees to pay their share of health insurance premiums while on leave. In some instances, the employer may recover premiums it paid to maintain health coverage for an employee who fails to return to work from FMLA leave.

Job Restoration

http://policy.azsba.org/asba/PrintViewer.jsp?printCollection=0

6/14/2018
Upon return from FMLA leave, an employee must be restored to the employee's original job, or to an equivalent job with equivalent pay, benefits, and other terms and conditions of employment. An employee's use of FMLA leave cannot result in the loss of any employment benefit that the employee earned or was entitled to before using FMLA leave, nor be counted against the employee under a "no fault" attendance policy. If a bonus or other payment, however, is based on the achievement of a specified goal such as hours worked, products sold, or perfect attendance, and the employee has not met the goal due to FMLA leave, payment may be denied unless it is paid to an employee on equivalent leave status for a reason that does not qualify as FMLA leave.

An employee has no greater right to restoration or to other benefits and conditions of employment than if the employee had been continuously employed.

Notice and Certification

Employee Notice

Employees seeking to use FMLA leave are required to provide thirty (30)-day advance notice of the need to take FMLA leave when the need is foreseeable and such notice is practicable. If leave is foreseeable less than thirty (30) days in advance, the employee must provide notice as soon as practicable - generally, either the same or next business day. When the need for leave is not foreseeable, the employee must provide notice to the employer as soon as practicable under the facts and circumstances of the particular case. Absent unusual circumstances, employees must comply with the employer's usual and customary notice and procedural requirements for requesting leave.

Employees must provide sufficient information for an employer reasonably to determine whether the FMLA may apply to the leave request. Depending on the situation, such information may include that the employee is incapacitated due to pregnancy, has been hospitalized overnight, is unable to perform the functions of the job, and/or that the employee or employee's qualifying family member is under the continuing care of a health care provider.

When an employee seeks leave for a FMLA-qualifying reason for the first time, the employee need not expressly assert FMLA rights or even mention the FMLA. When an employee seeks leave, however, due to a FMLA-qualifying reason for which the employer has previously provided the employee FMLA-protected leave, the employee must specifically reference either the qualifying reason for leave or the need for FMLA leave.

Employer Notice

Covered employers must post a notice approved by the Secretary of Labor explaining rights and responsibilities under FMLA. An employer that willfully violates this posting requirement may be subject to a fine of up to one hundred ten dollars ($110) for each separate offense. Additionally, employers must either include this general notice in employee handbooks or other written guidance to employees concerning benefits, or must distribute a copy of the notice to each new employee upon hiring.

When an employee requests FMLA leave or the employer acquires knowledge that leave may be for a FMLA purpose, the employer must notify the employee of his or her eligibility to take leave, and inform the employee of his/her rights and responsibilities under FMLA. When the employer has enough information to determine that leave is being taken for a FMLA-qualifying reason, the employer must notify the employee that the leave is designated and will be counted as FMLA leave.

Certification

Employers may require that an employee's request for leave due to a serious health condition affecting the employee or a covered family member be supported by a certification from a health care provider. An employer may require second or third medical opinions (at the employer's expense) and periodic recertification of a serious health condition. An employer may use a health care provider, a human resource professional, a leave administrator, or a management official - but not the employee's direct supervisor - to authenticate or clarify a medical certification of a serious health condition. An employer may have a uniformly-applied policy requiring employees returning from leave for their own serious health condition to submit a certification that they are able to resume work. If reasonable safety concerns exist, an employer may, under certain circumstances, require such a certification for employees returning from intermittent FMLA leave.

Unlawful Acts

It is unlawful for any employer to interfere with, restrain, or deny the exercise of any right provided by FMLA. It is also unlawful for an employer to discharge or discriminate against any individual for opposing any practice, or because of involvement in any proceeding, related to FMLA.

Enforcement
The Wage and Hour Division investigates complaints. If violations cannot be satisfactorily resolved, the U.S. Department of Labor may bring action in court to compel compliance. Individuals may also be able to bring a private civil action against an employer for violations.

Other Provisions

Special rules apply to employees of local education agencies. Generally, these rules apply to intermittent leave or when leave is required near the end of a school term.

Salaried executive, administrative, and professional employees of covered employers who meet the Fair Labor Standards Act (FLSA) criteria for exemption from minimum wage and overtime under Regulations, 29 C.F.R. Part 541, do not lose their FLSA-exempt status by using any unpaid FMLA leave. This special exception to the "salary basis" requirements for FLSA's exemption extends only to an "eligible" employee's use of leave required by FMLA.

For additional information, visit the Wage and Hour Division Website: http://www.wagehour.dol.gov and/or call the toll-free information and helpline, available 8 a.m. to 5 p.m. in your time zone, 1-866-4USWAGE (1-866-487-9243).
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PROFESSIONAL / SUPPORT STAFF
SCHEDULES AND CALENDARS

All professional staff members shall report to their duty stations on time each workday and shall, as scheduled, be available there until the designated time(s) they are scheduled to leave. The Superintendent may alter or extend the school day for meetings, special events, and activities.

Adopted: date of manual adoption

LEGAL REF.:
A.R.S.
15-521

CROSS REF.:
GDL - Support Staff Work Load
Professional Workday and Work Week for Teachers

The professional workday and work week include many professional activities in which the teacher is involved other than direct student contact in a classroom. However, the main focus of this professional assignment is the classroom, which represents the portion of the teacher's assignment where the greatest amount of time is spent. The teacher must be in the classroom during the periods that are assigned as teaching periods, unless other arrangements have been specifically made with the principal/supervisor or designee. Also, the teacher will perform those professional responsibilities necessary to meet the needs of students, and those professional duties necessary to be effective in the classroom. The teacher will conduct activities to retain potential dropouts as defined by the Keep Kids in School Program (KKIS).

The usual workday for teachers shall be from 7:30 A.M. to 3:30 P.M., or an equivalent period of time depending on the particular campus schedule and the beginning of the teacher's workday. Though variations to an eight (8) hour schedule are permitted, no teacher will be required to have a work schedule which ends later than 4:00 P.M. unless the teacher agrees to such a schedule. If a school has more than seven (7) class periods scheduled per day, a teacher's individual assignment will be within a consecutive seven (7) periods unless the teacher volunteers otherwise. Teachers who find it necessary to leave campus prior to the end of the workday shall notify the principal/designee.

The professional work week for classroom teachers shall include one thousand three hundred seventy-five (1375) minutes for teaching or campus supervision assignment(s) and up to one hundred (100) minutes for a Sustained Silent Reading (SSR) Program if SSR is approved by the Campus Committee as described below. Should a campus have an overriding need for minor modifications to these guidelines, the principal may petition the Assistant Superintendent for Instruction and Accountability for a one (1) year variance. These numbers can then be reduced or increased if agreed to by the Assistant Superintendent for Instruction and Accountability and the CTA President. Time described may be averaged within a three-week, six-week, nine-week or eighteen-week semester. Normally work experience coordinators may have a weekly schedule which includes eight hundred twenty-five (825) minutes of teaching periods and five hundred fifty (550) minutes of student supervision on the job.

The principal/designee shall seek input before the adoption of a schedule that changes the length or arrangement of periods in the work week from five (5), fifty-five (55) minute periods per day. Such input shall consist of, but not be limited to department chairs as a group, the Campus Committee, and ultimately the entire faculty. This process shall be completed by March 1 of the school year prior to adoption of the schedule. Schedules must provide for every class to meet a minimum of two hundred seventy-five (275) minutes per week, and for every class to meet a minimum of four thousand (4000) minutes per half-credit grading term during the normal school year. Should a campus have an overriding need for minor modifications to these guidelines, the principal may petition the Assistant Superintendent for Instruction and Accountability for a one (1) year variance. These numbers can then be reduced or increased if agreed to by the Assistant Superintendent for Instruction and Accountability and the CTA President. Schedules must be in compliance with the Professional Agreement and must be submitted, prior to implementation, to the Assistant Superintendent for Instruction and Accountability, who shall examine them for compliance.

The Instructional Cabinet, or department chairs as a group, shall recommend to the Campus Committee a plan for requiring up to eight (8) hours per year of duties for teachers outside of the professional day. These duties could include:

- Extended staff meetings or teacher training activities to occur no more than once per month,
- Extra open houses during the year,
- Scheduled times for parent conference days, or
- Team-building activities.

The Campus Committee shall reach consensus on the Instructional Cabinet's plan or modify it to reach consensus. If consensus cannot be reached, the plan along with suggestions from the Campus Committee shall be returned to the Instructional Cabinet who shall consider the Campus Committee suggestions and then shall make the final decision.

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The Campus Committee must reach consensus on any activity that extends the professional workday beyond 4:30 P.M. and for any activity which is not included in the list above. An exception shall be made if the Instructional Cabinet, or department chairs as a group, recommend one (1) additional open house or parent conference day during the year. An additional open house or parent conference day may be scheduled whether or not the Campus Committee concurs.

The Principal and the Campus Committee will concur on the adopted bell schedule each year and any changes to it. The Principal will inform the Campus Committee of any program changes occurring on campus. The District may call for a shortened day for teacher training. The Campus Committee may also be asked to concur with a campus request for a shortened day for teacher training. No more than one (1) day per month may be shortened to provide for teacher training, and whenever a day is shortened for this purpose, teachers shall be required to attend. If training activities are provided outside of the professional day or outside of the campus plan for eight (8) hours of potential additional professional duties, teachers are encouraged to participate and will be paid their hourly rate of pay or given professional growth credit.

If a campus CTA member, a member of a campus group working on school improvement, or any member of the Campus Committee would like the campus to create or eliminate an SSR program which exceeds the one thousand three hundred seventy-five (1375) teaching minutes, he/she should request consideration of such by the Campus Committee. The Campus Committee shall coordinate a plan for teachers to have time to understand and discuss the issue. The CTA Unit Chair shall then coordinate an election to allow all campus CTA members the opportunity to vote on such request. The ballot shall include a statement detailing the maximum number of minutes in excess of one thousand three hundred seventy-five (1375) which the SSR Program would require. Following the vote, if at least fifty (50) percent of campus CTA members voted and if a minimum of two-thirds (2/3) of the votes were cast in support of the request, the Campus Committee will create a bell schedule pursuant to the vote. The new bell schedule will be operational no later than the beginning of the following school year and as early as the beginning of the next semester if all Campus Committee members agree. After a school's schedule is established for the year, no more than one (1) change to create or eliminate an SSR program in addition to one thousand three hundred seventy-five (1375) teaching minutes may be considered for the remainder of the academic year. If the Campus decides to create an SSR program within the one thousand three hundred seventy-five (1375) minutes of teaching time, a campus vote is not required. Once an SSR program is established in addition to the one thousand three hundred seventy-five (1375) teaching minutes, it shall continue as a program within the number of additional minutes per vote unless another vote is passed.

The teacher is to be present during the hours when the teacher has an assigned responsibility with pupils while school is in session, unless provision for a substitute has been made, with approval of the principal/designee.

Classroom teachers shall be provided at least two hundred seventy-five (275) minutes for preparation per week. These preparation periods are to provide time for preparation by the classroom teacher to carry out his/her responsibility to pupils and for the necessary administrative work related to his/her assignment. The teacher shall utilize preparation time in a professional manner.

The professional workday and work week for certificated personnel, other than classroom teachers, shall be equivalent in time to that of classroom teachers but the time frame may be modified to achieve a schedule that will meet student and parent needs. The principal, after taking campus and student needs into consideration, shall work out an appropriate assignment schedule with the service personnel concerned.

All teachers shall be scheduled with a duty-free lunch period. Lunch periods shall be at least forty (40) minutes exclusive of passing periods at every comprehensive campus and Metro Tech. Any exceptions to this length, due to emergency situations, shall be approved on a temporary basis by the Campus Committee.

An abbreviated class schedule ending no later than noon shall be provided on the final Friday of each established grading term that does not end a semester to allow teachers adequate time for student evaluation and grade preparation. No department or faculty meetings will be scheduled on these days. Teachers shall submit grades to the registration office no later than 8:00 A.M. on the following Tuesday or by 4:00 P.M. on that day if that day precedes a Board-declared holiday or recess day. This will ensure that students will receive their grade reports in a timely manner.

A testing schedule, which includes parameters for addressing state directives, will be disseminated from the District for every day which includes state-mandated testing. The principal and the Campus Committee, while working within the District parameters, will concur on the schedule for the day. Such a schedule may require a teacher to supervise students for more than one thousand three hundred seventy-five (1375) minutes during the week but will ensure a reasonable workload for teachers. The Campus Committee will approve a plan for proctoring of such tests to ensure that the proctoring will be shared by all certificated staff and will allow for adequate breaks for staff.

The last day of each semester shall be designated as a teacher workday for grade preparation and/or teacher planning. No meetings shall be scheduled on this day. Teachers will submit grades to the registration office no later

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6/14/2018
than 4:00 P.M. on the last day of the semester except for the first semester ending before the winter holiday break. In that case, teachers are encouraged to turn grades in as soon as possible but no later than 1:00 P.M. on the last work day prior to winter break. If that is a scheduled pay day, teachers will be allowed to receive their paychecks on the last day of the semester after turning in their grades.

Instructional time should be free from outside interruption. The administrator shall call the teacher from class without previous notice only in those emergency situations that he/she deems to require immediate attention.

Dead Week

Five (5) school days prior to semester examinations and the last three (3) school days of all other grading periods shall be activity-free. Generally, there shall be no school/teacher-planned assemblies, activities, competitions, or brownslipping of students during the school day. However, the Campus Committee may approve school activities and programs in recognition of Human and Civil Rights. Other exceptions shall be allowed for events which are scheduled outside campus and/or District control. Any other exceptions to this policy must be approved by the Campus Committee.

Work Year for Teachers

The work year for teachers shall be determined by the official school calendar. Teachers shall be paid additional compensation for employment prior to or after the date scheduled on the official school calendar, except as otherwise provided in the educational policies or their contracts.
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PROFESSIONAL STAFF MEETINGS

The Superintendent will arrange for and hold staff meetings as the need may arise. This authority may be delegated to the building principals, who may hold such building meetings on a regularly scheduled basis or as they may arise.

All teachers are required to attend any such meetings unless officially excused by the principal or the Superintendent prior to the meeting.

Adopted: date of manual adoption

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

CROSS REF.:
IKACA - Parent Conferences
Every teacher shall:

- Hold students to strict account for disorderly conduct.
- Exercise supervision over students on the playgrounds and during recess if assigned to such duty.
- Keep a school register, which the Governing Board shall carefully preserve as one of the records of the school.
- 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 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.

Adopted: date of manual adoption

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

CROSS REF.:
GBEB - Staff Conduct
Categories of Misconduct

Certificated staff members may be disciplined for infractions that include, but are not limited to, the following categories:

A. Engaging in unprofessional conduct.
B. Committing fraud in securing appointment.
C. Exhibiting incompetency in their work.
D. Exhibiting inefficiency in their work.
E. Exhibiting improper attitudes or behaviors that negatively impact work climate or productivity of staff or others.
F. Neglecting their duties.
G. Engaging in acts of insubordination.
H. Engaging in acts of child abuse or child molestation.
I. Engaging in acts of dishonesty.
J. Being under the influence of alcohol while on duty.
K. Engaging in the illicit use of narcotics or habit-forming drugs.
L. Being absent without authorized leave.
M. Engaging in discourteous treatment of the public.
N. Engaging in improper political activity.
O. Engaging in willful disobedience.
P. Being involved in misuse or unauthorized use of school property.
Q. Being involved in excessive absenteeism.
R. Carrying or possessing a weapon on school grounds unless they are peace officers or have obtained specific authorization from the appropriate school administrator.

Statutory Requirements

Certificated staff members disciplined under A.R.S. 15-341, A.R.S. 15-539, or other applicable statutes:

A. May not be suspended with or without pay for a period exceeding ten (10) school days under A.R.S. 15-341.
B. May be suspended without pay for a period of time greater than ten (10) school days or dismissed under A.R.S. 15-539.
C. Shall be disciplined under procedures that provide for notice, hearing, and appeal, subject to the requirements of A.R.S. 15-341 or A.R.S. 15-539, whichever is appropriate.
D. Shall, if disciplined under A.R.S. 15-539 or other applicable statutes, excluding A.R.S. 15-341, receive notice in writing served upon the certificated staff member personally or by United States registered or certified mail addressed to the employee's last-known address. A copy of charges specifying instances of behavior and the acts of omissions constituting the charge(s), together with a copy of all applicable statutes, shall be attached to the notice.
E. Shall have the right to a hearing in accordance with the following:
1. **Suspension under A.R.S. 15-341.** The supervising administrator will schedule a meeting not less than two (2) days nor more than ten (10) days after the date the certificated staff member receives the notice.

2. **Dismissal or dismissal with suspension included under A.R.S. 15-539.** A certificated staff member's written request for a hearing shall be filed with the Board within ten (10) days after service of notice. The filing of a timely request shall suspend the imposition of a suspension without pay or a dismissal pending completion of the hearing.

**General Provisions for Discipline Under A.R.S. 15-341**

General provisions for discipline are as follows:

A. **Informal consultation.** Nothing contained herein will limit a supervising administrator's prerogative to engage in informal consultation with a certificated employee to discuss matters of concern related to the employee's performance, conduct, et cetera; however, when it is apparent that disciplinary action toward a certificated employee is likely to become a part of the certificated staff member's personnel record as permitted by A.R.S. 15-341, the procedures outlined herein shall be followed.

B. **Persons authorized to impose discipline.** Any supervising administrator who is the immediate or primary supervisor of a certificated staff member is authorized to impose a penalty or penalties, short of dismissal. Only the Board may dismiss a certificated staff member.

C. **Notice.** Any person who is required by this policy to give written notice to any other person affected by this policy may do so by any means reasonably calculated to give the recipient actual knowledge of the notice within a reasonable amount of time. When time is calculated from the date a notice is received, the notice is deemed to be received on the date it is hand delivered or three (3) calendar days after it is placed in the mail.

D. **Administrative discretion.** In adopting these policies and procedures, it is the intention of the District that they be interpreted and applied in a reasonable fashion. The policies and regulations are not intended to restrict or eliminate the discretion traditionally afforded to supervising administrators to determine whether discipline is appropriate. Supervising administrators are therefore directed to continue to use reasonable discretion in determining whether a particular alleged violation merits discipline.

E. **Right not to impose discipline.** The District reserves the right not to discipline a certificated staff member for conduct that violates this policy.

F. **Definition of work days.** For the purposes of this policy, a work day is any day that the District's central administrative office is open for business.

G. **Additional reasons for discipline.** A certificated staff member may be disciplined for conduct that has occurred but that, at or near the time of misconduct, was not the subject of or identified as a reason for a specific proceeding under this policy.

**Procedure for Discipline Under A.R.S. 15-341**

The following procedures will be used to impose any discipline that 1) shall become a part of the certificated staff member's personnel record and 2) is permitted under A.R.S. 15-341:

**Step 1 - Notice:**

A. Upon the supervising administrator's determination of the existence of cause to impose discipline, the supervising administrator shall notify the certificated staff member of intent to impose discipline. The notice shall be in writing and shall be delivered in person or by first-class mail. The notice shall include the following:

1. The conduct or omission on the part of the certificated staff member that constitutes the reason for discipline.

2. A scheduled meeting time between the supervising administrator and the certificated staff member. Such meeting shall be scheduled not more than ten (10) working days after the date the certificated staff member receives the notice.
3. A statement of the disciplinary action the supervising administrator intends to impose, including, if applicable, the number of days of suspension with or without pay.

4. Copies of any available relevant documentation, at the discretion of the supervising administrator.

**Step 2 - Discipline Hearing:**

A. At the hearing, the supervising administrator shall discuss with the certificated staff member the conduct that warrants disciplinary action and shall provide the certificated staff member with any appropriate evidence and a copy of relevant documentation if not previously provided.

B. The supervising administrator shall conduct the hearing in an informal manner, without adherence to the rules of evidence and procedure required in judicial proceedings.

**Step 3 - Decision (in writing):**

At the hearing, or within ten (10) working days following the hearing, the supervising administrator shall, in writing, inform the certificated staff member of the decision. If the decision is to impose discipline, written notice of the discipline shall be enclosed. The written notice of the decision shall state that a copy of the notice, decision, and a record of the disciplinary action shall be placed in the certificated staff member's personnel file and shall specify the date the discipline shall be imposed unless the certificated staff member files a written request for appeal within five (5) working days after the decision is delivered to the certificated staff member. If the certificated staff member requests an appeal of the decision, the imposition of any discipline shall be suspended pending the outcome of the appeal.

**Step 4 - Appeal:**

Discipline imposed may be appealed at the next organizational level, in writing, to the appropriate assistant superintendent or the Superintendent. Only when the discipline is determined by the Superintendent shall the appeal be to the Board, which, at its discretion, may appoint a hearing officer. The appeal shall contain a brief statement of the reasons why the certificated staff member believes the administrator's decision is incorrect. Appeal is limited to one (1) organizational level above the level of the supervising administrator who imposed the discipline.

The appeal shall specifically describe the part of the determination with which the certificated staff member disagrees:

A. Determination was founded upon error of construction or application of any pertinent regulations or policies.

B. Determination was unsupported by any evidence as disclosed by the entire record.

C. Determination was materially affected by unlawful procedure.

D. Determination was based on violation of any statutory or constitutional right.

E. Determination was arbitrary and capricious.

F. The penalty was excessive.

The supervising administrator, the Superintendent, or, when appropriate, the Board or the Board-appointed hearing officer may, at the conclusion of the appeal, uphold the discipline, modify the decision, or refer the matter back to the level from which it was appealed for rehearing and additional information. Such decision, along with specific direction as to the effective date of any discipline, shall be communicated to the certificated staff member within a reasonable amount of time following the appeal, not to exceed seven (7) working days.

The assigned hearing officer shall, by use of a mechanical device, make a record of the appeal hearing.

This policy, under A.R.S. 15-341, does not apply to dismissal of a certificated staff member except to the extent that the Board may find, subsequent to dismissal proceedings, that a lesser form of discipline as set forth in this policy should be imposed.

Not all administrative actions regarding a certificated staff member are considered "discipline," even though they may involve alleged or possible violations by the certificated staff member. This policy addresses only discipline and has no application to any of the following:

A. The certificated staff member evaluation procedure or the resulting evaluations as they pertain to the adequacy of the certificated staff member's classroom performance.
B. Letters or memorandums directed to a certificated staff member containing directives or instructions for future conduct.

C. Counseling of a certificated staff member concerning expectations of future conduct.

D. Nonrenewal of a contract of a certificated staff member employed by the District for less than the major portion of three (3) consecutive school years (noncontinuing certificated staff member).

General Provisions for Suspension Without Pay or Dismissal Under A.R.S. 15-539

Step 1 - Notice:

A. The Governing Board, except as otherwise provided by A.R.S. 15-539, shall upon receipt of a written statement of charges from the Superintendent that cause exists for the suspension of a certificated teacher without pay for a period longer than ten (10) school days or dismissal, shall give notice to the teacher of the Board's intention to suspend without pay or dismiss the teacher at the expiration of ten (10) days from the date of service of the notice.

1. If charges presented to the Board for dismissal of a certificated person allege immoral conduct, the charge or a resignation involving such charges shall be reported to the Department of Education.

2. Whenever the statement of charges by the Superintendent allege immoral or unprofessional conduct as the cause for dismissal, the Board may adopt a resolution to file a complaint with the State Department of Education. Pending disciplinary action by the State Board, the certificated teacher may be reassigned by the Superintendent or the Governing Board may place the teacher on administrative leave and give notice to the teacher of the administrative leave of absence pursuant to A.R.S. 15-540.

3. As used in this policy, immoral conduct means any conduct that is contrary to the moral standards of the community and that reflects an unfitness to perform the duties assigned to the certificated staff member.

B. The Governing Board, upon adoption of a written statement charging a certificated teacher with cause for suspension without pay or dismissal, may immediately place the teacher on administrative leave of absence and give the teacher notice of the administrative leave of absence.

C. Written notice of the administrative leave of absence shall be served on the teacher personally or by United States registered mail addressed to the teacher at the teacher's last known address.

Step 2 – Hearing for Suspension Without Pay or Dismissal:

A. The Governing Board shall decide whether to hold a hearing on the dismissal or suspension of a certificated teacher without pay for a period of time longer than ten (10) days as provided in A.R.S. 15-541.

The Governing Board provides, by policy, that all hearings conducted pursuant to this section shall be conducted before a hearing officer.

B. The Board shall designate a hearing officer to:

1. hold the hearing,
2. hear the evidence,
3. prepare a record of the hearing, and
4. issue a recommendation to the Board for action.

C. If the parties cannot mutually agree on a hearing officer, a hearing officer shall be selected by the Governing Board from a list provided by the State Department of Education or the American Arbitration Association.

D. A hearing held pursuant to A.R.S. 15-541 may not be conducted by any hearing officer having a personal interest which would conflict with the hearing officer's objectivity in the hearing.

E. The hearing shall be held:

http://policy.azsba.org/asba/PrintViewer.jsp?printCollection=0
1. not less than fifteen (15) days, nor
2. not more than thirty (30) days.
3. after the request is filed, unless all parties to the hearing mutually agree to a different hearing date.

F. Notice of the time and place of the hearing shall be given to the teacher not less than three (3) days before the date of the hearing.

G. The teacher may request that the hearing be conducted in public or private.

H. The Governing Board shall provide any officer, appointee, or employee to be considered or discussed at a meeting with written notice of the executive session as is appropriate but not less than twenty-four (24) hours for the officer, appointee, or employee to determine whether the discussion or consideration should occur at a public meeting.

I. At the hearing the teacher may appear in person and by counsel, if desired, and may present any testimony, evidence or statements, either oral or in writing, in the teacher’s behalf.

J. An official record of the hearing, including all testimony recorded manually or by mechanical device, and exhibits shall be prepared by the Governing Board or the hearing officer.

K. The teacher who is the subject of the hearing may not request that the testimony be transcribed unless the teacher agrees in writing to pay the actual cost of the transcription.

L. Within ten (10) days after a hearing conducted by a hearing officer, the hearing officer shall deliver a written recommendation to the Governing Board that includes findings of fact and conclusions.

M. Parties to the hearing have the right to object to the findings of the hearing officer and present oral and written arguments to the Governing Board.

N. The Governing Board has an additional ten (10) days to determine whether good and just cause existed for the notice of dismissal or suspension and shall render its decision accordingly, either affirming or withdrawing the notice of suspension or dismissal.

Good and just cause does not include religious or political beliefs or affiliations unless they are in violation of the oath of the teacher.

Additional Provisions and Conditions

During the pendency of a hearing, neither the certificated staff member nor the supervising administrator shall contact the Superintendent or a Board member to discuss the merits of the supervising administrator’s recommendation or charges and proposed discipline except as provided by this policy. No attempt shall be made during such period to discuss the merits of the charges with the person designated to act as hearing officer.

The Governing Board shall keep confidential the name of a student involved in a hearing for dismissal, discipline, or action on a teacher’s certificate, with exceptions as noted in A.R.S. 15-551.

Amendments. The District reserves the right to amend this policy in any way at any time. Any amendment shall have prospective application only.

Severability. If any provision of this policy is held to be invalid for any reason, such action shall not invalidate the remainder of this policy. If any provision of this policy conflicts with any provisions in any other policies adopted by the District, the provisions of this policy shall prevail.

Teachers Working Under a Short-Term Certification

A teacher who holds a teaching intern certificate, an emergency teaching certificate or another type of nonstandard certificate, that is valid for one (1) year or less, may be dismissed by the Board effective ten (10) days after delivery of the notice of dismissal to the teacher without complying with the requirements of A.R.S. conditions found in 15-537, 15-538, or 15-541. Notice of the Board’s authority to dismiss pursuant to this shall be included in each teacher’s contract.

Adopted: April 5, 2018
LEGAL REF.
A.R.S.
13-2911
15-203
15-341
15-342
15-350
15-503
15-507
15-508
15-514
15-536
15-538
15-538.01
15-538.02
15-539
15-540
15-541
15-542
15-543
15-549
15-551
41-770

CROSS REF.:  
DKA - Payroll Procedures/Schedules  
GCJ - Professional Staff Noncontinuing and Continuing Status  
GCO - Evaluation of Professional Staff Members
Employees may be dismissed for disciplinary reasons, for unsatisfactory job performance, and for economic reasons.

Procedures for discipline of a support staff member are important to correcting inappropriate behavior as an option to dismissing the employee. An employee who fails to respond to such attempts to correct inappropriate behavior may be dismissed.

The discipline procedures may be found in the handbook.

Categories of Misconduct

Support staff members may be disciplined for infractions that fall into, but are not limited to, the following categories:

- Committing fraud in securing appointment.
- Exhibiting incompetency in their work.
- Exhibiting inefficiency in their work.
- Exhibiting improper attitudes.
- Neglecting their duties.
- Engaging in acts of insubordination.
- Engaging in acts of child abuse or child molestation.
- Engaging in acts of dishonesty.
- Being under the influence of alcohol while on duty.
- Engaging in the use of narcotics or habit-forming drugs.
- Being absent without leave.
- Engaging in discourteous treatment of the public.
- Engaging in improper political activity.
- Engaging in willful disobedience.
- Being involved in misuse or unauthorized use of school property.
- Being involved in excessive absenteeism.
- Carrying or possessing a weapon on school grounds unless they are peace officers or have obtained specific authorization from the appropriate school administrator.

Additional Provisions and Conditions

Not all administrative actions regarding a support staff member are considered "discipline," even though they may involve alleged or possible violations by the support staff member. This policy addresses only discipline and has no application to any of the following:

- The support staff member evaluation procedure or the resulting evaluations as they pertain to the adequacy of the support staff member's job performance.
- Letters or memorandums directed to a support staff member containing directives or instructions for future conduct.
- Counseling of a support staff member concerning expectations of future conduct.
- The discretion of the Superintendent in placing support staff members on administrative leave with pay.

LEGAL REF.:
A.R.S.
13-2911
15-341
15-502
41-770

CROSS REF.:
DKA - Payroll Procedures/Schedules
All newly hired noncertificated District personnel - and personnel who are not paid employees of the District and who are not either the parents or the guardians of students who attend school in the District but who are required or allowed to provide services directly to students without the supervision of a certificated employee - shall be fingerprinted as a condition of employment, except for the following:

A. Personnel who are required as a condition of licensing to be fingerprinted if the license is required for employment.

B. Personnel who were previously employed by the District and who reestablished employment with the District within one (1) year after the date that the employee terminated employment with the District.

The School District may require noncertificated personnel and personnel who are not paid employees of the School District and who are not either the parent or the guardian of a pupil who attends school in the School District but who are required or allowed to provide services directly to pupils without the supervision of a certificated employee to obtain a fingerprint clearance card as a condition of employment.

For the purposes of this policy, supervision means under the direction of and, except for brief periods of time during a school day or a school activity, within sight of a certificated employee when providing direct services to students.

If the School District does not require a fingerprint clearance card as a condition of employment, noncertificated personnel and personnel who are not paid employees of the School District and who are not either the parent or the guardian of a pupil who attends school in the School District but who are required or allowed to provide services directly to pupils without the supervision of a certificated employee may apply for a fingerprint clearance card. A school district may release the results of a background check or communicate whether the person has been issued or denied a fingerprint clearance card to another school district for employment purposes.

The District may fingerprint or require any other employee of the District to obtain a fingerprint clearance card, whether paid or not, or any other applicant for employment with the School District not otherwise required by law. The District may not charge the costs of the fingerprint check or fingerprint clearance card to the fingerprinted applicant or nonpaid employee.

The candidate's fingerprints shall be submitted, along with the form prescribed in GDFA-E, within twenty (20) days after being selected. The form shall be considered a part of the application for employment. The District may terminate an employee if the information on the affidavit required by A.R.S. 15-512 is inconsistent with information received from the fingerprint check or the information received in connection with a fingerprint clearance card application.

School Bus Drivers – An applicant shall submit an Identity Verified Fingerprint Card as described in A.R.S. 15-106 that the Department of Public Safety shall use to process the fingerprint clearance card as outlined in A.R.S. 15-106. A person who is issued a school bus driver certificate shall maintain a valid Identity Verified Fingerprint Clearance Card for the duration of any school bus driver certification period.

The District will assume the cost of fingerprint checks or fingerprint clearance card applications but will assess the employee for charges incurred. Personnel who are not paid employees will not be charged for fingerprint costs.

Individuals shall certify on the prescribed notarized forms whether they are awaiting trial on or have ever been convicted of or admitted in open court or pursuant to a plea agreement committing any of the following criminal offenses in Arizona or similar offenses in any other jurisdiction:

A. Sexual abuse of a minor.

B. Incest.

C. First- or second-degree murder.

D. Kidnapping.

E. Arson.
F. Sexual assault.

G. Sexual exploitation of a minor.

H. Felony offenses involving contributing to the delinquency of a minor.

I. Commercial sexual exploitation of a minor.

J. Felony offenses involving sale, distribution, or transportation of, offer to sell, transport, or distribute, or conspiracy to sell, transport, or distribute marijuana or dangerous or narcotic drugs.

K. Felony offenses involving the possession or use of marijuana, dangerous drugs, or narcotic drugs.

L. Misdemeanor offenses involving the possession or use of marijuana or dangerous drugs.

M. Burglary in the first degree.

N. Burglary in the second or third degree.

O. Aggravated or armed robbery.

P. Robbery.

Q. A dangerous crime against children as defined in A.R.S. 13-705.

R. Child abuse.

S. Sexual conduct with a minor.

T. Molestation of a child.

U. Manslaughter.

V. Aggravated assault.

W. Assault.

X. Exploitation of minors involving drug offenses.

A person who makes a false statement, representation, or certification in any application for employment with the School District is guilty of a class 3 misdemeanor.

The District may refuse to hire or may review or terminate personnel who have been convicted of or admitted committing any of the criminal offenses above or a similar offense in another jurisdiction. In conducting a review, the Governing Board shall utilize the guidelines, including the list of offenses that are not subject to review, as prescribed by the State Board of Education pursuant to A.R.S. 15-534. In considering whether to hire or terminate the employment of a person, the Governing Board shall take into account the factors listed in A.R.S. 15-512.

When considering termination of an employee pursuant to A.R.S. 15-512, a hearing shall be held to determine whether a person already employed shall be terminated.

The Superintendent shall develop and implement procedures that include the following in the employment process:

A. Provide for fingerprinting of employees covered under this policy and A.R.S. 15-512.

B. Provide for fingerprint checks pursuant to A.R.S. 41-1750.

C. Provide for properly assessing employees for fingerprint checks and depositing said funds with the county treasurer.

Adopted: January 11, 2018

LEGAL REF.:
A.R.S.
15-106
15-512
23-1361
41-1750

http://policy.azsba.org/asba/PrintViewer.jsp?printCollection=0 6/14/2018
CROSS REF.:  
EEAEA – Bus Driver Requirements, Training, and Responsibilities  
GDF - Support Staff Hiring  
GDG - Part-Time and Substitute Support Staff Employment  
JLIA - Supervision of Students
RESTRAINT AND SECLUSION

Restraint and seclusion are not to be used as disciplinary consequences.

A school may permit the use of restraint or seclusion techniques on any pupil if both of the following apply:

A. The pupil's behavior presents an imminent danger of bodily harm to the pupil or others.

B. Less restrictive interventions appear insufficient to mitigate the imminent danger of bodily harm.

If a restraint or seclusion technique is used on a pupil:

A. School personnel shall maintain continuous visual observation and monitoring of the pupil while the restraint or seclusion technique is in use.

B. The restraint or seclusion technique shall end when the pupil's behavior no longer presents an imminent danger to the pupil or others.

C. The restraint or seclusion technique shall be used only by school personnel who are trained in the safe and effective use of restraint and seclusion techniques unless an emergency situation does not allow sufficient time to summon trained personnel.

D. The restraint technique employed may not impede the pupil's ability to breathe.

E. The restraint technique may not be out of proportion to the pupil's age or physical condition.

Schools may establish policies and procedures for the use of restraint or seclusion techniques in a school safety or crisis intervention plan if the plan is not specific to any individual pupil.

Schools shall establish reporting and documentation procedures to be followed when a restraint or seclusion technique has been used on a pupil. The procedures shall include the following requirements:

A. School personnel shall provide the pupil's parent or guardian with written or oral notice on the same day that the incident occurred, unless circumstances prevent same-day notification. If the notice is not provided on the same day of the incident, notice shall be given within twenty-four (24) hours after the incident.

B. Within a reasonable time following the incident, school personnel shall provide the pupil's parent or guardian with written documentation that includes information about any persons, locations or activities that may have triggered the behavior, if known, and specific information about the behavior and its precursors, the type of restraint or seclusion technique used and the duration of its use.

C. Schools shall review strategies used to address a pupil's dangerous behavior if there has been repeated use of restraint or seclusion techniques for the pupil during a school year. The review shall include a review of the incidents in which restraint or seclusion technique were used and an analysis of how future incidents may be avoided, including whether the pupil requires a functional behavioral assessment.

If a school district or charter school summons law enforcement instead of using a restraint or seclusion technique on a pupil, the school shall comply with the reporting, documentation and review procedures established under the paragraph above. School resource officers are authorized to respond to situations that present the imminent danger of bodily harm according to protocols established by their law enforcement agency.

Schools are not prohibited from adopting policies which include procedures for the reasonable use of physical force by certificated or support staff personnel in self-defense, defense of others and defense of property (A.R.S. 15-843, subsection b, paragraph 3.)

The District authorizes the use of these definitions which are included in A.R.S. 15-105:

A. "Restraint" means any method or device that immobilizes or reduces the ability of a pupil to move the pupil's torso, arms, legs or head freely, including physical force or mechanical devices. Restraint does not include any of the following:

1. Methods or devices implemented by trained school personnel or used by a pupil for the specific and approved therapeutic or safety purposes for which the method or device is designed and, if applicable, prescribed.
2. The temporary touching or holding of the hand, wrist, arm, shoulder or back for the purpose of inducing a pupil to comply with a reasonable request or to go to a safe location.

3. The brief holding of a pupil by one adult for the purpose of calming or comforting the pupil.

4. Physical force used to take a weapon away from a pupil or to separate and remove a pupil from another person when the pupil is engaged in a physical assault on another person.

B. "School" means a school district, a charter school, a public or private special education school that provides services to pupils placed by a public school, the Arizona State Schools for the Deaf and the Blind and a private school.

C. "Seclusion" means the involuntary confinement of a pupil alone in a room from which egress is prevented. Seclusion does not include the use of a voluntary behavior management technique, including a timeout location, as part of a pupil's education plan, individual safety plan, behavioral plan or individualized education program that involves the pupil's separation from a larger group for purposes of calming.

Adopted: March 2, 2017

LEGAL REF.:  
A.R.S.  
13-403 et seq.  
13-2911  
15-105  
15-341  
15-342  
15-841  
15-842  
15-843  
15-844  

CROSS REF.:  
GBEB - Staff Conduct  
JIC - Student Conduct  
JK - Student Discipline  
JKA - Corporal Punishment  
JKD - Student Suspension  
JKE - Expulsion of Students
This form must be completed when school personnel have used a restraint or seclusion technique with a student.

Referral to Law Enforcement: School personnel are required to comply with the reporting, documentation and review procedures required by A.R.S. 15-105 if the school district summoned law enforcement instead of using a restraint or seclusion technique on the student.

Applicable Definitions: For purposes of determining whether this form must be completed, the following definitions apply:

Restraint means any method or device that immobilizes or reduces the ability of a student to move the student's torso, arms, legs or head freely, including physical force or mechanical devices.

Restraint does not include any of the following:

1. Methods or devices implemented by trained school personnel or used by a student for the specific and approved therapeutic or safety purposes for which the method or device is designed and, if applicable, prescribed.

2. The temporary touching or holding of the hand, wrist, arm, shoulder or back for the purpose of inducing a student to comply with a reasonable request or to go to a safe location.

3. The brief holding of a student by one adult for the purpose of calming or comforting the student.

4. Physical force used to take a weapon away from a student or to separate and remove a student from another person when the student is engaged in a physical assault on another person.

Seclusion means the involuntary confinement of a student alone in a room from which egress is prevented.

Seclusion does not include the use of a voluntary behavior management technique, including a timeout location, as part of a student's education plan, individual safety plan, behavioral plan or individualized education program (IEP) that involves the student's separation from a larger group for purposes of calming.

Notification to Parents: Check the appropriate box.

☐ School personnel provided the student's parent/guardian with written or oral notice on the same day the incident occurred; or

☐ Circumstances prevented same day notification to the student's parent/guardian of the incident. Notice will provided within twenty-four (24) hours after the incident.

Student: __________________________________________ Student ID: __________
First    Middle    Last
REstraint/Seclusion documentation

Student: ___________________________ Student ID: ____________
Grade: ____ Age: ____ DOB: ________ School: _________________
Parent(s): _____________________________________________
Address: _______________________________________________
Phone: (w) __________ (h) __________ (c) __________
Date of Incident: __________ Location: ____________________
Month/Day/Year

School personnel were permitted to use the restraint or seclusion technique because both of the following applied (check boxes to confirm that both conditions were met):

☐ The student's behavior presented an imminent danger of bodily harm to the student or others;

☐ Less restrictive interventions appeared insufficient to mitigate the imminent danger of bodily harm.

Description of the student's behavior that presented an imminent danger of bodily harm to the student or others:

________________________________________________________________________________________

________________________________________________________________________________________

Description of the less restrictive interventions that appeared insufficient to mitigate the danger of imminent danger of bodily harm:

________________________________________________________________________________________

________________________________________________________________________________________

School personnel involved in the incident must check the boxes below and provide other information as needed. If a box is not checked "True," school personnel must explain why the particular condition was not met.

1. School personnel maintained continuous visual observation and monitoring of the student while the restraint or seclusion technique was used. True ☐ Not True ☐

   Personnel who observed and monitored the student:

   ______________________________________________________________________________________

2. The restraint or seclusion ended when the student's behavior no longer presented an imminent danger to the student or others. True ☐ Not True ☐

3. The restraint or seclusion technique was used only by school personnel who are trained in the safe and effective use of restraint and seclusion techniques, unless an emergency situation did not allow sufficient time to summon trained personnel. True ☐ Not True ☐

4. If an emergency existed that did not allow sufficient time to summon trained personnel, explain the emergency:

   ______________________________________________________________________________________
5. The restraint technique used did not impede the student's ability to breathe. True □ Not True □

6. The restraint technique was not out of proportion to the student’s age or physical condition. True □ Not True □

Information (if known) about any persons, locations or activities that may have triggered the student's behavior:

____________________________________________________________________________________

____________________________________________________________________________________

Specific information about the behavior and its precursors:

____________________________________________________________________________________

____________________________________________________________________________________

Type of restraint or seclusion technique used:

____________________________________________________________________________________

____________________________________________________________________________________

Duration of restraint or seclusion technique used: __________ minutes

A review meeting is needed: Yes □ No □ A review meeting to review strategies used to address a student's dangerous behavior must be scheduled if there has been repeated use of restraint or seclusion for the student during the school year. If a review meeting is needed, it will be scheduled and separate documentation will be completed.

Person(s) Responsible for Completing Form:

_________________________________________ Date: __________

_________________________________________ Date: __________
RESTRANT AND SECLUSION

RESTRANT/SECLUSION DOCUMENTATION
(Same Day Oral/Written Notification to Parent/Guardian)
or within twenty-four (24) hours if
circumstances prevented same day notice

Date provided: _____/____/____
Time: ______:____m.

Method of Delivery:

☐ Oral
☐ Written

Hand-delivery (signature required) __________________________

Mailed: ☐ 1st Class Mail-Certificate of Mailing and/or ☐ Certified Mail-Return Receipt Requested

E-mailed using address: __________________________; maintain proof of electronic delivery

Name of Parent/Guardian Receiving Notice: __________________________

Person Providing Notice: __________________________

Confirmation that a copy of this completed documentation was provided to the Parent/Guardian (provided within a reasonable time following the incident):

Date provided: _____/____/____
Time: ______:____m.

Method of Delivery:

☐ Oral
☐ Written

Hand-delivery (signature required) __________________________

Mailed: ☐ 1st Class Mail-Certificate of Mailing and/or ☐ Certified Mail-Return Receipt Requested

E-mailed using address: __________________________; maintain proof of electronic delivery

Name of Parent/Guardian Receiving Notice: __________________________

Person Providing Notice: __________________________
A review meeting to review strategies used to address a student's dangerous behavior must be scheduled if there has been repeated use of restraint or seclusion for the student during the school year, A.R.S. 15-105.

Student: ________________________  Student ID: __________
Grade: ___  Age: ___  DOB: ________  School: _________________
Parent(s): __________________________________________
Address: ___________________________________________________________________
Phone: (w) ____________  (h) ____________  (c) ______________
Date of Incident: _______________  Location: _______________________
Month/Day/Year

Review current and previous incidents in which physical restraint/seclusion techniques were used:
________________________________________________________________________
________________________________________________________________________

Review strategies used to address the student's dangerous behavior:
________________________________________________________________________
________________________________________________________________________

Analyze how future incidents may be avoided:
________________________________________________________________________
________________________________________________________________________

The Team recommends a Functional Behavioral Assessment:  Yes □  No □
Name: ____________  Signature: ____________  Date: ____
Name: ____________  Signature: ____________  Date: ____
Name: ____________  Signature: ____________  Date: ____
Name: ____________  Signature: ____________  Date: ____
Name: ____________  Signature: ____________  Date: ____
Name: ____________  Signature: ____________  Date: ____

If parent(s) did not attend the meeting, explain other methods to ensure parent participation and/or child as appropriate (e.g., conference call, videoconference, home visit): ________________________________
Teachers will be responsible for their classes at all times. At no time are students to be left unsupervised. Students are not to be sent on errands from the school premises.

Teachers have the authority to prohibit the use of and/or to confiscate any article that is a hazard to a student or that may damage school property. In the case of an emergency, the teacher will seek help from the principal.

Every student, teacher, and visitor shall wear appropriate protective eyewear while participating in or when observing vocational, technical, industrial arts, art, or laboratory science activities involving exposure to items as listed in A.R.S. 15-151.

In addition, school buildings, playgrounds, and equipment will be regularly inspected for health, fire, and safety hazards.

In accordance with the 1997 (Fire) Life Safety Code, the District has designated specific areas on each campus to be used as "areas of refuge" in the event of a need to evacuate a person with severe mobility impairments from a multistory building. These areas are for temporary use as a staging area to provide safe egress from the immediately threatened area until safe evacuation from the building can be provided. Areas of refuge in all multistory buildings should be noted in the Crisis Management (Evacuation) Plan for each campus.

- Whenever there is need for evacuation of a wheelchair or other physically disabled person from a multistory building, a supervising adult should take the individual(s) to the area of refuge and wait for further assistance.
  - The areas of refuge shall have a sign outside the door designating them as such and have an emergency phone in each area for use of the evacuees in an emergency. If the area is to be kept locked, a key will be assigned as is done for those needing to use the elevator. Instructions should be posted in the safe refuge room listing the following:
    - Directions to find other means of egress, and
    - Advice that persons able to use exit stairs do so as soon as possible unless they are assisting others, and
    - Information on planned availability of assistance in the use of stairs and how to summon assistance, and
    - Directions for the use of the emergency communications system (i.e., phone).

The campus Emergency Coordinator (typically the Principal) should direct the Fire, Paramedics, and other responders to these areas on campus to prioritize their evacuation in the event of a life threatening emergency (especially affecting that building).

Every student, teacher, and visitor shall wear appropriate protective eyewear while participating in or when observing vocational, technical, art, or laboratory science activities involving exposure to items as listed in A.R.S. 15-151.

All students and staff affected by this policy shall have the proper training.

School buildings, grounds, and equipment will be regularly inspected for health, fire, and safety hazards.

Adopted: date of manual adoption

LEGAL REF.:
A.R.S.
15-151
15-341
SUPERVISION OF STUDENTS

When students are in school, engaging in school-sponsored activities, or traveling to and from school on school buses, they are expected to obey all school rules. The District is required to provide reasonable supervision over all students engaged in school-sponsored activities.

Supervision shall include being within a reasonable proximity of the students. Teachers shall exercise supervision as appropriate from the commencement of the school day, before classes begin, during class sessions, during lunch periods, between classes, and at any other time when performing teaching or related duties on behalf of the school.

If a teacher must leave the proximity of the students, then the teacher shall make a good faith effort to obtain a school employee to supervise the students. In no case shall the teacher leave students unsupervised if there is a reasonable possibility that harm to students or property will result from the students being left unattended.

School administrators, teachers, and other staff members will ensure that anyone who wishes to contact a student during the school day is doing so for proper reasons.

Adopted: June 2, 2016

LEGAL REF.: A.R.S.
15-341
15-502
15-521
JLIB ©  
STUDENT DISMISSAL PRECAUTIONS

No student will be removed from the school grounds, from any school building, or from any school function during school hours except by a person authorized to do so by the student's parent or by a person who has legal custody of the student, except as A.R.S. 8-303, 8-304, and 8-802 shall apply. Before a student is removed, the person seeking to remove the student must present, to the satisfaction of the Superintendent, evidence of proper authority to remove the student. If any police or court official requests the dismissal of a student during school hours, parents should be notified as soon as possible.

For purposes of the Arizona Medical Marijuana Act, no person may be denied custody of or visitation or parenting time with a minor, and there is no presumption of neglect or child endangerment for conduct allowed under the Act, unless the person's behavior creates an unreasonable danger to the safety of the minor as established by clear and convincing evidence.

Adopted: September 6, 2012

LEGAL REF.:  
A.R.S.  
8-303  
8-304  
8-802  
13-1302  
36-2813

CROSS REF.:  
JIH - Student Interrogations, Searches, and Arrests
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.

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

http://policy.azsba.org/asba/PrintViewer.jsp?printCollection=0
The definition of *general public* is anyone who does not come under the definition of student, faculty member, staff member, or employee.

- 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 a school bus, or
  - on the grounds of any preschool, elementary or secondary school.

Adopted: December 8, 2011

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
DG ©
BANKING SERVICES

The Board, by majority vote, shall designate one (1) or more banks as depository for the safeguarding of school auxiliary and revolving funds.

Each designated depository shall furnish proper security for such deposits in the amount designated by the Board and in accordance with law.

Each designated depository shall be advised not to cash checks payable to the District but to deposit checks only to the District auxiliary accounts.

Adopted: date of manual adoption

LEGAL REF.:
A.R.S.
15-341
15-1128
The following guidelines regarding bank accounts will be followed:

- Schools may not set up their own bank accounts.
- All checks made out to a school must be deposited with the bookstore.
- All student vending machine revenues must be deposited with the bookstore.
- Revenues from “faculty” vending machines (totally secluded from student use) may be deposited in special faculty accounts following specific procedures.
- Bookstore funds should not be used to cash personal checks.
CASH IN SCHOOL BUILDINGS

Monies collected by school employees and by student treasurers shall be handled in accordance with prudent business procedures as outlined by the U.S.F.R. All monies collected shall be receipted, accounted for, and directed without delay to the proper location of deposit.

In no case shall money be left overnight in school buildings, except in safes provided for safekeeping of valuables.

Adopted: date of manual adoption

LEGAL REF.: A.R.S. 15-341
The PUHSD is not responsible for the loss of money before it is deposited with a bookstore.

The PUHSD makes a disbursement only against an invoice received in response to properly executed purchase order.

A PUHSD employee or student with access to cash (e.g., from gate receipts, admissions, or income) received by a club or other student organization:

- must deposit it with the bookstore on a daily basis.
- may not accumulated it and turn it in later.
- may not make disbursements from cash receipts under any circumstances.
EXHIBIT #3
GBAB
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,
- on any District property,

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.

Any employee who engages in the following duties, during the course and scope of their employment, is deemed to work in a safety sensitive position and therefore, may not use medical marijuana:

- Any and all transportation employees, including any employee who during the course and scope of their duties operates a District vehicle.
- Any and all food service workers.
- Any and all medical service providers.
- Any and all security personnel.
- Any and all equipment operators.
Any and all equipment repair personnel.

If a District employee works in a safety sensitive position as listed above and medically requires the legal use of a drug that may pose any safety risk the employee is directed to consult Human Resources to begin the interactive process and discuss reasonable accommodations.

**Legal Drugs/Medications**

Any employee who has reason to believe that the legal use of drugs, such as a prescribed medication, may pose a safety risk to the employee, any other person or interfere with the employee's performance of his or her job, must report such legal drug use to his or her supervisor. The District shall then determine whether any work restriction or limitation is required. Failure to report the legal use of a drug that may pose a safety risk could result in disciplinary action.

Adopted: December 8, 2011

**LEGAL REF.:**
A.R.S.
13-3401
13-3405
13-3411
15-342
15-512
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
GBEC ©
DRUG - FREE WORKPLACE

No employee shall violate the law or District policy in the manufacture, distribution, dispensing, possession, or use, on or in the workplace, of alcohol or any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, or any other controlled substance, as defined in schedules I through V of section 202 of the Controlled Substances Act (21 U.S.C. 812) and as further defined by regulation at 21 C.F.R. 1308.11 through 1308.15.

Workplace includes any school building or any school premises and any school-owned vehicle or any other school-approved vehicle used to transport staff members or students to and from school or school activities or on school business. Off school property, the workplace includes any school-sponsored or school-approved activity, event, or function where students or staff members are under the jurisdiction of the District. In addition, the workplace shall include all property owned, leased, or used by the District for any educational or District business purpose.

Any employee who has been convicted under any criminal drug statute for a violation occurring in the workplace, as defined above, shall notify the supervisor within five (5) days thereof that such conviction has occurred.

As a condition of employment, each employee shall abide by the terms of the District policy respecting a drug-free workplace.

Any employee who violates this policy in any manner is subject to discipline, which may include, but is not limited to, dismissal.

Adopted: date of manual adoption

LEGAL REF.:  
A.R.S.  
13-2911  
13-3401 et seq.  
15-341  
41 U.S.C. 702, Drug-free workplace requirements for Federal grant recipients.  
21 C.F.R. 1308.11 et seq.  
34 C.F.R. Part 85  

CROSS REF.:  
EEAEAA - Drug and Alcohol Testing of Transportation Employees
NOTICE TO EMPLOYEES

YOU ARE HEREBY NOTIFIED that it is a violation of Policy GBEC for any employee to violate the law or District policy in the manufacture, distribution, dispensing, possession, or use, on or in the workplace, of alcohol or any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, or any other controlled substance, as defined in schedules I through V of section 202 of the Controlled Substances Act (21 U.S.C. 812) and as further defined by regulation at 21 C.F.R. 1308.11 through 1308.15.

Workplace includes any school building or any school premises and any school-owned vehicle or any other school-approved vehicle used to transport staff members or students to and from school or school activities or on school business. Off school property, the workplace includes any school-sponsored or school-approved activity, event, or function where students or staff members are under the jurisdiction of the District. In addition, the workplace shall include all property owned, leased, or used by the District for any educational or District business purpose.

YOU ARE FURTHER NOTIFIED that it is a condition of your employment that you will comply with Policy GBEC, and will notify your supervisor of your conviction under any criminal drug statute for a violation occurring in the workplace, not later than five (5) days after such conviction.

Any employee who violates the terms of the District’s drug-free workplace policy in any manner is subject to discipline, which may include, but is not limited to, dismissal and/or referral for prosecution.

I have been provided with two (2) copies of this Notice to Employees for my review and signature. I understand that a signed copy will be placed in my personnel file.

Signature ____________________________________________ Date ____________________

http://policy.azsba.org/asba/PrintViewer.jsp?printCollection=0
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.

Employee Drug Use or Abuse

The nonmedical possession or use or abuse of drugs and/or use of alcohol is forbidden on school property or at school-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 principal or other person in charge. The Superintendent shall be notified immediately.

The Superintendent will conduct an investigation in consultation with legal counsel as necessary. 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.

Adopted: date of manual adoption

LEGAL REF.:
A.R.S.
13-2911
13-3401 et seq.
15-341
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
GBPD - Drug and Alcohol Testing of Employees

http://policy.azsba.org/asba/PrintViewer.jsp?printCollection=0 6/14/2018
EXHIBIT #4
GBPD
DRUG AND ALCOHOL TESTING
OF EMPLOYEES

Under this policy, any employee of the District must submit to drug and alcohol testing if any supervisory employee has reason to believe that the employee's job performance has been impaired by the use of alcohol or a drug.

In addition to the above, an employee shall voluntarily submit to drug and alcohol testing:

- After being involved in an accident involving a school vehicle; or
- After an accident involving equipment used in the performance of the employee's duties; and
- When, based on knowledge of the events and circumstances of an accident, the supervisor has reason to believe that the employee's involvement in the accident was influenced by the use of alcohol or a drug. When possible, the reason shall be documented by an affidavit signed by the supervisor.

The Superintendent shall develop procedures for drug and alcohol testing of employees subject to the following:

- The District shall assume the costs of the drug and alcohol testing of employees.
- An employee who refuses to submit to drug and alcohol testing may be terminated from employment.
- An employee who is to be terminated as a result of test findings shall be granted an appeal, upon request, under Policies GCQF and GDQD, as appropriate, as well as relevant provisions of Arizona law.

Adopted: date of manual adoption

CROSS REF.:
EEAEAA - Drug and Alcohol Testing of Transportation Employees
GBEC - Drug-Free Workplace
GBECA - Nonmedical Use or Abuse of Drugs or Alcohol

http://policy.azsba.org/asba/PrintViewer.jsp?printCollection=0

6/14/2018
The District is committed to the establishment of a drug and alcohol misuse prevention program that meets or exceeds all applicable requirements of Arizona Revised Statutes 15-513 as well as the Omnibus Transportation Employee Testing Act of 1991 (Omnibus Act).

The District shall inform all employees subject to this regulation of the drug and alcohol testing policies and regulations. Staff members who have supervisory and training responsibilities, as well as staff members with supervisory responsibility for employees subject to this regulation, shall receive training for detection of alcohol misuse and drug use, and in procedures for enforcing this regulation.

Employees covered by A.R.S. 15-513 include:

- District employees transporting any student in any vehicle for any District-related purpose.
- Transportation staff members involved in dispatching and supervision.
- Employees involved in the maintenance and service of vehicles used to transport students who are required to have a Commercial Driver’s License (CDL) for performance of job functions.

Failure to fully cooperate with any aspect of this regulation shall be considered insubordination and is cause for disciplinary action, including termination. The District recognizes the employee’s right not to incriminate self.

All information obtained in the course of testing is confidential and shall be kept in a secure location with controlled access.

Required Drug and Alcohol Testing

Reasonable Suspicion

Testing shall be required whenever an individual charged with enforcing this regulation has reasonable suspicion that an employee who is subject to this regulation has used drug(s) and/or alcohol on District property, while on the job, or within such time prior to reporting to the job that any effect or evidence of such use remains and/or can be detected. The person making the reasonable suspicion determination shall seek confirmation by a second person, generally a supervisor, provided that the second supervisor is immediately available. The determination that reasonable suspicion exists shall be documented by an affidavit signed by the person who observed the behavior and the supervisor of the employee or the supervisor’s designee who shall be an employee with authority corresponding to that of the supervisor. The employee shall be given a copy of the affidavit in a timely manner.

Reasonable suspicion exists where the facts and circumstances within one’s knowledge and of which one has reasonably trustworthy information are sufficient to warrant the belief that the employee has used drug(s) and/or alcohol during a period of time when such consumption or use could affect job performance. The source of such facts may include but is not limited to:

- Direct observation of on-the-job consumption or use;
- Direct observation of the employee's appearance, behavior, speech, or body/breath odor, including such factors as slurred speech, incoherence, inability to carry on a rational conversation, red eyes, dilated pupils, unsteadiness on feet, increased carelessness, inability to perform requested tasks or activities, and erratic behavior.
- Evidence of possession;
- A pattern of abnormal conduct or erratic behavior that is likely to be attributable to drug and/or alcohol use by the employee;
- Documented deterioration in the employee's job performance that is likely to be attributable to drug and/or alcohol use by the employee;
- Frequent absenteeism or tardiness;
- A work-related accident;
- Information from any law enforcement agency, provided that the information relates to recent use as defined herein; and
- Information from an employee or a citizen, if provided by reliable and credible source or independently corroborated, provided that the reported information relates to recent use as defined herein.

When an employee has reasonable suspicion that his/her immediate supervisor has used drug(s) or consumed alcohol on District property, while on the job, or within such time prior to reporting to the job that any effect or evidence of such remains and/or can be detected, the employee shall report such reasonable suspicion to the next-level supervisor. The next-level supervisor shall begin the
procedures for testing, provided that the information comes from a reliable and credible source, or the next-level supervisor has independently corroborated the information.

Testing shall be required whenever the supervisor of the employee or the supervisor's designee has, based on observation of the employee, reasonable suspicion that the employee's job performance has been impaired by the use of drugs and/or alcohol. The determination that reasonable suspicion exists shall be documented by an affidavit signed by the person who observed the behavior and the supervisor of the employee or the supervisor's designee. The employee shall receive a copy of the affidavit in a timely manner.

Post-Accident Test

Post-accident testing shall be required in any accident involving a vehicle used to transport students and/or any accident involving equipment used in performance of the employee's duties if the supervisor of the employee involved in the accident or the supervisor's designee has reasonable suspicion based on knowledge of the events and circumstances of the accident that the employee's involvement in the accident was influenced by the use of drug(s) and/or alcohol. The determination that reasonable suspicion existed shall be documented by an affidavit signed by the supervisor of the employee or the supervisor's designee. The employee shall receive a copy of the affidavit in a timely manner. In any significant accident, testing may be required if the District official investigating the accident on the scene determines such testing is necessary. A significant accident is defined as an accident that results in:

- a fatality; or
- bodily injury to a person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; or
- one (1) or more motor vehicles incurring disabling damage as a result of the accident, requiring the vehicle to be transported away from the scene by a tow truck or other vehicle.

Procedures for Testing:

- Medical facilities shall be selected by the District to provide the testing. Any testing facility selected shall be licensed or certified by the appropriate governmental and/or medical agency.
- When there is reasonable suspicion that an employee has used a drug(s) and/or consumed alcohol in any situation where testing is required, the supervisor shall tell the employee the reasons the employee is being sent for testing and give the employee an opportunity to provide written alternative explanation for the facts and circumstances giving rise to reasonable suspicion. The supervisor shall inform the employee as to the right not to incriminate self. After considering the employee's explanation, if the supervisor still has reasonable suspicion that the employee has violated this policy, the employee shall then be immediately transported to an approved medical facility by a member of the staff designated by the supervisor.
- Depending on the circumstances, the employee or applicant may be asked to give samples/specimens of urine, breath, and/or blood. Any blood sample/specimen shall be used exclusively for the purpose of drug and/or alcohol testing as provided under this regulation. If required by the testing facility, the employee shall produce a second sample/specimen.
- Any employee or applicant producing samples/specimens for testing shall complete a form stating whether any medication, prescription or over-the-counter, has been taken or any poppy seeds eaten during the preceding thirty (30) days, and listing any medications taken and indicating amount and frequency of use.
- In the event an employee who has been injured in an accident is required to submit to drug and alcohol testing, the sample will be gathered after the employee has received appropriate medical care. In this event, the sample may be gathered at the point where medical services were rendered so long as appropriate safeguards are taken.
- If the determination is made that reasonable suspicion exists, the employee shall not be allowed to drive the employee's own vehicle from District premises. The District shall assist the employee in finding safe transportation to his/her destination. If an employee insists on driving from the premises, local law enforcement authorities shall be notified.
- An employee shall not be allowed to perform normal job responsibilities until test results are known. (The District shall pay the employee for the test day and the time off while awaiting the results.)
- Upon receipt of the test results, the District shall deliver them to the employee in a timely manner.
- An employee showing a positive test shall be suspended beginning the day test results are made known to the District.
- If test results are negative, the sample/specimen shall be destroyed.
- Positive test results shall be maintained for at least six (6) months.

Appeal of Test Results

An employee who tests positive may secure a second confirming test on the split specimen at the employee's expense.

If the test results of the second confirming test are positive, the employee will be given an opportunity to appeal these test results, within two (2) working days after receipt of a positive drug/alcohol test report, by submitting new information to the Division Manager of Operations/Transportation to explain the test results. If the explanation is acceptable, the test report will be treated as if it had been negative. If the explanation is not acceptable, disciplinary action will be taken which may result in termination according to the Employee Discipline/Conduct Handbook.

Penalties for Violating this Regulation
An employee's refusal to immediately submit and fully cooperate with testing as required at the time of reasonable suspicion shall be considered an act of insubordination and is cause for disciplinary action, including termination.

The District shall deem a refusal to submit if the employee refuses to be transported to testing facility, refuses to give sample/specimen of urine, breath, and/or blood, or refuses to complete paper work as required in connection with the testing.

An adulterated sample will constitute a refusal to submit to testing and is cause for disciplinary action, including termination.

Any employee having a positive test shall be subject to disciplinary action, including termination.

An employee recommended for termination shall be advised of his/her due process rights.

Any staff member with the responsibility of enforcing this regulation who has reasonable suspicion that an employee has used drug(s) and/or alcohol in any situation where testing is required, who does not act according to the guidelines and procedures of this regulation, shall have violated District regulations. Such violation is cause for disciplinary action, including termination. An employee who knowingly makes false accusations that another employee has violated this policy/regulation is subject to disciplinary action, including termination.

If an employee is recommended for termination, that employee may request a hearing in the manner District policy provides for in the Employee Conduct/Discipline Handbook.

Note: Special consideration shall be given employees using prescription or over-the-counter drugs who have complied with the section below on Use of Prescription and/or Over-the-Counter Drugs, and who test positive only for the drug voluntarily disclosed.

Uses of Prescription and/or Over-the-Counter Drugs

Employees subject to this regulation shall report to their immediate supervisor use of prescription drugs which may impair job performance and/or affect the safety of themselves and others.

Before allowing the employee to continue on the job, the unit administrator may require that the employee submit a written statement from a medical doctor that, in the doctor's opinion, the employee is able to perform job functions and that use of the medication does not create a safety risk to the employee or others. The department retains the right to request a second medical opinion at District expense.

An employee reporting use of prescription drugs which may impair job performance may be assigned other duties if this option is available, or may be required to take vacation, sick leave, or if necessary, leave until use is discontinued.

The following is applicable to any employee whose medical condition requires ongoing use of medication that may impair job performance, thereby creating a continuous risk of impairment:

- The employee shall be considered unable to perform employment duties in the position for which the employee was hired.
- If reassignment to a position reasonably related to the position for which the employee was hired is not possible either because no such position is available or because the continuous risk of impairment would render the employee unable to perform the employment duties of such position, the employment relationship with the District shall be terminated.

Documentation related to use of prescription drugs and written authorization from a doctor shall be confidential.

Any employee who fails to comply with this reporting requirement shall be subject to disciplinary action, including termination.

Employees are expected to act responsibly with regard to use of over-the-counter drugs. It is the employee's responsibility to request reassignment or take sick leave if use of over-the-counter drugs impairs job performance and/or affects the safety of themselves or others.

Charge or Conviction of Drug and/or Alcohol-Related Criminal Offense

Any employee charged with a drug- and/or alcohol-related criminal offense shall notify the immediate supervisor no later than forty-eight (48) hours after being charged. Upon review, the District may require the employee to enter and successfully complete a rehabilitation program. Depending on the circumstances, the employee may be subject to disciplinary action, including termination.

Any employee convicted under a criminal drug statute for violation occurring in the workplace shall notify the supervisor not later than five (5) days after such conviction.

Any employee charged with or convicted under any such offense who fails to notify the immediate supervisor or fails to satisfy any rehabilitation requirement shall be subject to disciplinary action, including termination.

All convictions, when known by the District, involving employees engaged in the performance of a grant from the United States government shall be processed by the District as follows:

- Within ten (10) days of receiving any notice of conviction, the District shall notify the U.S. Department of Education of such notice.
- Within thirty (30) days of receiving any notice of conviction, the District shall: (1) take appropriate disciplinary action against the employee, which may include termination, or (2) require the employee to participate satisfactorily in an approved drug abuse assistance or rehabilitation program.

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6/14/2018
Employee Assistance Program

Employees who have drug, alcohol, or controlled substance problems are encouraged to seek assistance. A staff member who requests assistance prior to the detection of a problem shall be directed to an appropriate employee assistance program. A staff member who requests assistance prior to detection and is referred to the employee assistance program may be placed on a type of medical leave until the district receives a medical and/or professional certification of the ability to resume responsibilities.

Confidentiality

Confidential medical information relating to this drug and/or alcohol testing program and documentation referring to such information shall be handled in a confidential manner.

Confidential medical information relating to any testing incident shall be officially communicated within the District only on a need-to-know basis. Employees who violate this provision shall be subject to disciplinary action.

Employee records pertaining to this regulation shall be subject to normal District procedures relating to confidential medical records and state law; however, individual records of reports of prescription/over-the-counter drugs use shall not be maintained beyond one (1) year. Any report of negative or canceled test shall be maintained for a minimum of one (1) year.

Supervisor Training

Persons designated to determine whether reasonable suspicion exists for requiring a covered employee to undergo reasonable suspicion testing shall receive at least sixty (60) minutes of training on alcohol misuse and at least an additional sixty (60) minutes of training on drug use. The training shall cover the physical, behavioral, speech, and performance indicators of probable alcohol misuse and use of drugs, including indications of chronic and withdrawal effects of drugs.
GBPD-RB
REGULATION

DRUG AND ALCOHOL TESTING
OF EMPLOYEES

(Employees Not Covered by the Omnibus
Transportation Act or A.R.S. 15-513)

General Guidelines

The District shall inform all employees subject to this regulation of the drug and alcohol testing policy and regulation. Staff members who have supervisory and training responsibilities shall receive training for detection of alcohol misuse and drug use, and in procedures for enforcing this regulation.

Failure to fully cooperate with any aspect of this regulation shall be considered insubordination and is cause for disciplinary action, including termination. The District recognizes the employee's right not to incriminate self.

All information obtained in the course of testing is confidential and shall be kept in a secure location with controlled access.

Drug and Alcohol Testing

Testing shall be required whenever the supervisor of the employee or the supervisor's designee has reasonable suspicion that an employee who is subject to this regulation has used a drug(s) and/or alcohol on District property, while on the job, or within such time prior to reporting to the job that any effect or evidence of such use remains and/or can be detected. The person making the reasonable suspicion determination shall seek confirmation by a second person, generally a supervisor, provided that the second supervisor is immediately available. The determination that reasonable suspicion exists shall be documented in writing and signed by the person who observed the behavior and the supervisor of the employee or the supervisor's designee who shall be an employee with authority corresponding to that of the supervisor. The employee shall be given a copy of the documentation in a timely manner.

The determination that reasonable suspicion exists must be based on specific, contemporaneous, articulable observations concerning the behavior, speech, body/breath odor, or appearance of a covered employee, while on duty, including indications of the chronic and withdrawal effects of drugs. The indication of drug and/or alcohol use must be observed by a supervisor or District official trained in the detection of probable drug and/or alcohol use.

Reasonable suspicion may also be based on:

- information from any law enforcement agency, provided that the information relates to recent use as defined herein; or
- information from an employee or a citizen, if provided by reliable and credible source or independently corroborated, provided that the reported information relates to recent use as defined herein.

Testing shall be required whenever the supervisor of the employee or the supervisor's designee has, based on observation of the employee, reasonable suspicion that the employee's job performance has been impaired by the use of drugs and/or alcohol. The determination that reasonable suspicion exists shall be documented in writing, signed by the supervisor of the employee or the supervisor's designee. The employee shall receive a copy of the affidavit in a timely manner.

When an employee has reasonable suspicion that his/her immediate supervisor has used drug(s) or consumed alcohol on District property, while on the job, or within such time prior to reporting to the job that any effect or evidence of such remains and/or can be detected, the employee shall report such reasonable suspicion to the next-level supervisor. The next-level supervisor shall begin the procedures for testing, provided that the information comes from a reliable and credible source or the next-level supervisor has independently corroborated the information.

Post-accident testing shall be required whenever the supervisor of the employee involved in the accident, or the supervisor's designee, has reasonable suspicion based on the knowledge of the events and circumstances of the accident that the employee's involvement in the accident was influenced by the use of drug(s) and/or alcohol. The determination that reasonable suspicion existed shall be documented in writing, signed by the supervisor of the employee or the supervisor's designee. The employee shall receive a copy of the documentation in a timely manner.

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6/14/2018
In any significant accident, testing may be required if the District official investigating the accident on the scene determines such testing is necessary. A significant accident is defined as an accident that results in:

- a fatality; or
- bodily injury to a person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; or
- one (1) or more motor vehicles incurring disabling damage as a result of the accident, requiring the vehicle to be transported away from the scene by a tow truck or other vehicle.

**Procedures for Testing:**

- Medical facilities shall be selected by the District to provide the testing. Any testing facility selected shall be licenses or certified by the appropriate governmental and/or medical agency.

- When there is reasonable suspicion that an employee has used a drug(s) and/or consumed alcohol in any situation where testing is required, the supervisor shall tell the employee the reasons the employee is being sent for testing and give the employee an opportunity to provide written alternative explanation for the facts and circumstances giving rise to reasonable suspicion. The supervisor shall inform the employee as to the right not to incriminate self. After considering the employee's explanation, if the supervisor still has reasonable suspicion that the employee has violated this policy, the employee shall then be immediately transported to an approved medical facility by a member of the staff designated by the supervisor.

- Depending on the circumstances, the employee or applicant may be asked to give samples/specimens of urine, breath, and/or blood. Any blood sample/specimen shall be used exclusively for the purpose of drug and/or alcohol testing as provided under this regulation. If required by the testing facility, the employee shall produce a second sample/specimen.

- Any employee or applicant producing samples/specimens for testing shall complete a form stating whether any medication, prescription or over-the-counter, has been taken or any poppy seeds eaten during the preceding thirty (30) days, and listing any medications taken and indicating amount and frequency of use. The request for a sample/specimen and the production of the sample/specimen shall be made in a reasonable time frame.

- In the event an employee who has been injured in an accident is required to submit to drug and alcohol testing, the sample will be gathered after the employee has received appropriate medical care. In this event, the sample may be gathered at the point where medical services were rendered so long as appropriate safeguards are taken.

- If the determination is made that reasonable suspicion exists, the employee shall not be allowed to drive the employee’s own vehicle from District premises. The District shall assist the employee in finding safe transportation to his/her destination. If an employee insists on driving from the premises, local law enforcement authorities shall be notified.

- An employee shall not be allowed to perform normal job responsibilities until test results are known. The District shall pay the employee for the test day and the time off while awaiting the results.

- Upon receipt of the test results, the District shall deliver them to the employee in a timely manner.

- An employee showing a positive test shall be suspended beginning the day test results are made known to the District. Suspension shall continue until final disposition of the matter.

- If test results are negative, the sample/specimen shall be destroyed.

- Positive test results shall be maintained for at least six (6) months.

- The employee shall be informed of the right to a second testing of the reserved sample/specimen at a certified laboratory of the employee's choice at the employee's own expense. Any employee who appeals the accuracy of test results shall have the sample/specimen retested.

**Penalties for Violating this Regulation**

An employee's refusal to immediately submit and fully cooperate with testing as required at the time of reasonable suspicion shall be considered an act of insubordination and is cause of disciplinary action, including termination.
An adulterated sample will constitute a refusal to submit to testing and is cause for disciplinary action, including termination.

Any employee having a positive test shall be subject to disciplinary action, including termination.

Any staff member with the responsibility of enforcing this regulation who has reasonable suspicion to believe that an employee has used drug(s) and/or alcohol in any situation where testing is required, who does not act according to the guidelines and procedures of this regulation, shall have violated District regulations. Such violation is cause for disciplinary action, including termination. An employee who knowingly makes false accusations that another employee has violated this policy/regulation is subject to disciplinary action, including termination.

If an employee is recommended for termination, that employee may request a hearing in the manner District policy provides for in the Employee Conduct/Discipline Handbook.

Note: Special consideration shall be given employees using prescription or over-the-counter drugs who have complied with the section below on Use of Prescription and/or Over-the-Counter Drugs, and who test positive only for the drug voluntarily disclosed.

Use of Prescription and/or Over-the-Counter Drugs

Employees subject to this regulation shall report to their immediate supervisor use of prescription drugs which may impair job performance and/or affect the safety of themselves and others.

Before allowing the employee to continue on the job, the unit administrator may require that the employee submit a written statement from a medical doctor that, in the doctor's opinion, the employee is able to perform job functions and that use of the medication does not create a safety risk to the employee or others. The District retains the right to request a second medical opinion at District expense.

An employee reporting use of prescription drugs which may impair job performance may be assigned other duties if this option is available, or may be required to take vacation, sick leave, or if necessary, leave until use is discontinued.

The following is applicable to any employee whose medical condition requires ongoing use of medication that may impair job performance, thereby creating a continuous risk of impairment:

- The employee shall be considered unable to perform employment duties in the position for which the employee was hired.
- If reassignment to a position reasonably related to the position for which the employee was hired is not possible either because no such position is available or because the continuous risk of impairment would render the employee unable to perform the employment duties of such position, the employment relationship with the District shall be terminated.

Documentation related to use of prescription drugs and written authorization from a doctor shall be confidential.

Any employee who fails to comply with this reporting requirement shall be subject to disciplinary action, including termination.

Employees are expected to act responsibly with regard to use of over-the-counter drugs. It is the employee's responsibility to request reassignment or take sick leave if use of over-the-counter drugs impairs job performance and/or affects the safety of themselves or others.

Charge or Conviction of Drug- and/or Alcohol-Related Criminal Offense

Any employee charged with a drug- and/or alcohol-related criminal offense shall notify the immediate supervisor no later than forty-eight (48) hours after being charged. Upon review, the District may require the employee to enter and successfully complete a rehabilitation program. Depending on the circumstances, the employee may be subject to disciplinary action, including termination.

Any employee convicted under a criminal drug statute for violation occurring in the workplace shall notify the supervisor not later than five (5) days after such conviction.

Any employee charged with or convicted of any such offense who fails to notify the immediate supervisor or fails to satisfy any rehabilitation requirement shall be subject to disciplinary action, including termination.

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6/14/2018
All convictions, when known by the District, involving employees engaged in the performance of a grant from the United States Government shall be processed by the District as follows:

- Within ten (10) days of receiving any notice of conviction, the District shall notify the U.S. Department of Education of such notice.
- Within thirty (30) days of receiving any notice of conviction, the District shall: (1) take appropriate disciplinary action against the employee, including termination, or (2) require the employee to participate satisfactorily in an approved drug abuse assistance or rehabilitation program.

Employee Assistance Program

Employees who have drug, alcohol, or controlled substance problems are encouraged to seek assistance. A staff member who requests assistance prior to the detection of a problem shall be directed to an appropriate employee assistance program. A staff member who requests assistance prior to detection and is referred to the employee assistance program may be placed on some category of leave until the district receives a medical and/or professional certification of the ability to resume responsibilities.

Confidentiality

Confidential medical information relating to this drug and/or alcohol testing program and documentation referring to such information shall be handled in a confidential manner.

Confidential medical information relating to any testing incident shall be officially communicated within the District only on a need-to-know basis. Employees who violate this provision shall be subject to disciplinary action.

Employee records pertaining to this regulation shall be subject to normal District procedures and State law relating to confidential medical records and state law; however, individual records of reports of prescription/over-the-counter drugs use shall not be maintained beyond one (1) year. Any report of negative or canceled test shall be maintained for a minimum of one (1) year.

Supervisor Training

Persons designated to determine whether reasonable suspicion exists for requiring a covered employee to undergo reasonable suspicion testing shall receive at least sixty (60) minutes of training on alcohol misuse and at least an additional sixty (60) minutes of training on drug use. The training shall cover the physical, behavioral, speech, and performance indicators of probable alcohol misuse and use of drugs, including indications of chronic and withdrawal effects of drugs.
GCR ©
NON-SCHOOL EMPLOYMENT BY
PROFESSIONAL STAFF MEMBERS

A regular, full-time employee’s position in the District shall be given precedence over any type of outside work or self-employment. Employees are free to carry on individual work or self-employment projects as long as no District facilities, equipment, or school(s) are used, except as provided by policy, and the outside work or self-employment does not interfere with the employees’ performance of District-assigned duties.

The outside work or self-employment by a staff member is of concern to the Board insofar as it may:

- Prevent the employee from performing assigned responsibilities in an effective manner.
- Be prejudicial to proper effectiveness in the position or compromise the District.
- Raise a question of conflict of interest - for example, where the employee's position in the District permits access to information or other advantage useful to the outside employer.

Therefore, an employee may not perform any duties related to outside work or self-employment during regular District working hours or during the additional time that is needed to fulfill the responsibilities of the District position. Employees who violate this policy are subject to reprimand, suspension, or termination.

Adopted: date of manual adoption

LEGAL REF.:
A.R.S.
15-321
15-341

CROSS REF.:
EDB - Maintenance and Control of Materials and Equipment
KF - Community Use of School Facilities
GCRD©
TUTORING FOR PAY

Except by prior written authorization from the Superintendent:

- School buildings are not to be used for private tutoring or classes for which students pay a fee to a staff member unless a rental contract has been entered into with the District.

- A staff member is not permitted to provide tutoring for pay to any student who attends or is registered in any of the staff member's own classes.

Any person contracted by the state or District to provide tutoring services directly to pupils shall be required to obtain a fingerprint clearance card prior to such services being provided.

Adopted: October 2, 2008

LEGAL REF.:
A.R.S.
15-534
A.G.O.
R97-023

CROSS REF:
GCF - Professional Staff Hiring
KF - Community Use of School Facilities
LDA - Student Teaching and Internships
A regular, full-time employee's position in the District shall be given precedence over any type of outside work or self-employment. Employees are free to carry on outside work or self-employment projects as long as no District facilities, equipment, or school(s) are used, except as provided by policy, and the outside work or self-employment does not interfere with the employees' performance of District-assigned duties.

The outside work or self-employment by a staff member is of concern to the Board insofar as it may:

- Prevent the employee from performing assigned responsibilities in an effective manner.
- Be prejudicial to proper effectiveness in the position or compromise the District.
- Raise a question of conflict of interest - for example, where the employee's position in the District permits access to information or other advantage useful to the outside employer.

Therefore, an employee may not perform any duties related to outside work or self-employment during regular District working hours or during the additional time that is needed to fulfill the responsibilities of the District position. Employees who violate this policy are subject to reprimand, suspension, or termination.

Adopted: date of manual adoption

LEGAL REF.:
A.R.S.
15-321
15-341

CROSS REF.:
EDB - Maintenance and Control of Materials and Equipment
KF - Community Use of School Facilities
EXHIBIT #7
13-3620. Duty to report abuse, physical injury, neglect and denial or deprivation of medical or surgical care or nourishment of minors; medical records; exception; violation; classification; definitions

A. Any person who reasonably believes that a minor is or has been the victim of physical injury, abuse, child abuse, a reportable offense or neglect that appears to have been inflicted on the minor by other than accidental means or that is not explained by the available medical history as being accidental in nature or who reasonably believes there has been a denial or deprivation of necessary medical treatment or surgical care or nourishment with the intent to cause or allow the death of an infant who is protected under section 36-2281 shall immediately report or cause reports to be made of this information to a peace officer, to the department of child safety or to a tribal law enforcement or social services agency for any Indian minor who resides on an Indian reservation, except if the report concerns a person who does not have care, custody or control of the minor, the report shall be made to a peace officer only. A member of the clergy, a Christian Science practitioner or a priest who has received a confidential communication or a confession in that person’s role as a member of the clergy, as a Christian Science practitioner or as a priest in the course of the discipline enjoined by the church to which the member of the clergy, the Christian Science practitioner or the priest belongs may withhold reporting of the communication or confession if the member of the clergy, the Christian Science practitioner or the priest determines that it is reasonable and necessary within the concepts of the religion. This exemption applies only to the communication or confession and not to personal observations the member of the clergy, the Christian Science practitioner or the priest may otherwise make of the minor. For the purposes of this subsection, "person" means:

1. Any physician, physician’s assistant, optometrist, dentist, osteopath, chiropractor, podiatrist, behavioral health professional, nurse, psychologist, counselor or social worker who develops the reasonable belief in the course of treating a patient.

2. Any peace officer, child welfare investigator, child safety worker, member of the clergy, priest or Christian Science practitioner.

3. The parent, stepparent or guardian of the minor.

4. School personnel, domestic violence victim advocates or sexual assault victim advocates who develop the reasonable belief in the course of their employment.

5. Any other person who has responsibility for the care or treatment of the minor.

B. A report is not required under this section either:

1. For conduct prescribed by sections 13-1404 and 13-1405 if the conduct involves only minors who are fourteen, fifteen, sixteen or seventeen years of age and there is nothing to indicate that the conduct is other than consensual.

2. If a minor is of elementary school age, the physical injury occurs accidentally in the course of typical playground activity during a school day, occurs on the premises of the school that the minor attends and is reported to the legal parent or guardian of the minor and the school maintains a written record of the incident.

C. If a physician, psychologist or behavioral health professional receives a statement from a person other than a parent, stepparent, guardian or custodian of the minor during the course of providing sex offender treatment that is not court ordered or that does not occur while the offender is incarcerated in the state department of corrections or the department of juvenile corrections, the physician, psychologist or behavioral health professional may withhold the reporting of that statement if the physician, psychologist or behavioral health professional determines it is reasonable and necessary to accomplish the purposes of the treatment.

D. Reports shall be made immediately either electronically or by telephone. The reports shall contain the following information, if known:

1. The names and addresses of the minor and the minor’s parents or the person or persons having custody of the minor.

2. The minor’s age and the nature and extent of the minor’s abuse, child abuse, physical injury or neglect, including any evidence of previous abuse, child abuse, physical injury or neglect.

3. Any other information that the person believes might be helpful in establishing the cause of the abuse, child abuse, physical injury or neglect.

E. A health care professional who is regulated pursuant to title 32 and who, after a routine newborn physical assessment of a newborn infant’s health status or following notification of positive toxicology screens of a newborn infant, reasonably believes that the newborn infant may be affected by the presence of alcohol or a drug listed in section 13-3401 shall immediately report this information, or cause a report to be made, to the department of child safety. For the purposes of this subsection, "newborn infant" means a newborn infant who is under thirty days of age.

F. Any person other than one required to report or cause reports to be made under subsection A of this section who reasonably believes that a minor is or has been a victim of abuse, child abuse, physical injury, a reportable offense or neglect may report the information to a peace officer or to the department of child safety, except if the report concerns a person who does not have care, custody or control of the minor, the report shall be made to a peace officer only.
G. A person who has custody or control of medical records of a minor for whom a report is required or authorized under this section shall make the records, or a copy of the records, available to a peace officer, child welfare investigator or child safety worker investigating the minor's neglect, child abuse, physical injury or abuse on written request for the records signed by the peace officer, child welfare investigator or child safety worker. Records disclosed pursuant to this subsection are confidential and may be used only in a judicial or administrative proceeding or investigation resulting from a report required or authorized under this section.

H. When reports are received by a peace officer, the officer shall immediately notify the department of child safety. Notwithstanding any other statute, when the department receives these reports, it shall immediately notify a peace officer in the appropriate jurisdiction.

I. Any person who is required to receive reports pursuant to subsection A of this section may take or cause to be taken photographs of the minor and the vicinity involved. Medical examinations of the involved minor may be performed.

J. A person who furnishes a report, information or records required or authorized under this section, or a person who participates in a judicial or administrative proceeding or investigation resulting from a report, information or records required or authorized under this section, is immune from any civil or criminal liability by reason of that action unless the person acted with malice or unless the person has been charged with or is suspected of abusing or neglecting the child or children in question.

K. Except for the attorney client privilege or the privilege under subsection L of this section, no privilege applies to any:

1. Civil or criminal litigation or administrative proceeding in which a minor's neglect, dependency, abuse, child abuse, physical injury or abandonment is an issue.

2. Judicial or administrative proceeding resulting from a report, information or records submitted pursuant to this section.

3. Investigation of a minor's child abuse, physical injury, neglect or abuse conducted by a peace officer or the department of child safety.

L. In any civil or criminal litigation in which a child's neglect, dependency, physical injury, abuse, child abuse or abandonment is an issue, a member of the clergy, a Christian Science practitioner or a priest shall not, without his consent, be examined as a witness concerning any confession made to him in his role as a member of the clergy, a Christian Science practitioner or a priest in the course of the discipline enjoined by the church to which he belongs. This subsection does not discharge a member of the clergy, a Christian Science practitioner or a priest from the duty to report pursuant to subsection A of this section.

M. If psychiatric records are requested pursuant to subsection G of this section, the custodian of the records shall notify the attending psychiatrist, who may excise from the records, before they are made available:

1. Personal information about individuals other than the patient.

2. Information regarding specific diagnosis or treatment of a psychiatric condition, if the attending psychiatrist certifies in writing that release of the information would be detrimental to the patient's health or treatment.

N. If any portion of a psychiatric record is excised pursuant to subsection M of this section, a court, on application of a peace officer, child welfare investigator or child safety worker, may order that the entire record or any portion of the record that contains information relevant to the reported abuse, child abuse, physical injury or neglect be made available to the peace officer, child welfare investigator or child safety worker investigating the abuse, child abuse, physical injury or neglect.

O. A person who violates this section is guilty of a class 1 misdemeanor, except if the failure to report involves a reportable offense, the person is guilty of a class 6 felony.

P. For the purposes of this section:

1. "Abuse" has the same meaning prescribed in section 8-201.


3. "Neglect" has the same meaning prescribed in section 8-201.

4. "Reportable offense" means any of the following:

(a) Any offense listed in chapters 14 and 35.1 of this title or section 13-3506.01.

(b) Surreptitious photographing, videotaping, filming or digitally recording or viewing a minor pursuant to section 13-3019.

(c) Child sex trafficking pursuant to section 13-3212.

(d) Incest pursuant to section 13-3608.

(e) Unlawful mutilation pursuant to section 13-1214.
ACA ©
SEXUAL HARASSMENT

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

Sexual harassment includes unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when made by a member of the school staff to a student or to another staff member, or when made by a student to another student where:

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

Sexual harassment may include, but is not limited to:

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

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

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

A substantiated charge against a student in the District shall subject that student to disciplinary action, which may include suspension or expulsion.

All matters involving sexual harassment complaints will remain confidential to the extent possible.

Adopted: date of manual adoption

LEGAL REF.:
A.R.S.
41-1461 et seq.
20 U.S.C. 1681, Education Amendments of 1972, Title IX

CROSS REF.:
AC - Nondiscrimination/Equal Opportunity
GBA - Equal Employment Opportunity
IHBA - Special Instructional Programs and Accommodations for Disabled Students
JB - Equal Educational Opportunities

http://policy.azsba.org/asba/PrintViewer.jsp?printCollection=0
ACRA-R
REGULATION

SEXUAL HARASSMENT

(Title IX)

Compliance Officer

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

Complaint Procedure

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

Upon receipt of the Title IX/sexual harassment complaint (ACA-E), the Superintendent or the Superintendent's designee will notify the complaining party of receipt of the complaint.

The District shall complete an investigation of the allegations in the complaint within ninety (90) days after receipt of the complaint unless it has good cause for extending the deadline for completion, but, in no event shall the investigation be completed later than one hundred eighty (180) days after the receipt of the complaint.

After the investigation is completed, the District will provide the complainant with written notification of the outcome of the investigation. Such notification shall be as specific as possible, but the District shall not be required to disclose information that is 1) confidential by law, 2) exempt from applicable public records laws, 3) confidential because of individual due process or privacy rights, or 4) of such a nature that disclosure would be contrary to the best interest of the public.

The complainant may appeal the District's findings and outcome to the District. Such appeal shall be in writing, shall state the specific grounds for appeal and shall be received by the Superintendent no later than fifteen (15) days from the date of written notification of the outcome of the investigation. In the event a timely appeal is filed, the Superintendent shall appoint an impartial decision-maker who shall review the facts previously obtained in the District's investigation and the Superintendent's proposed outcome of the investigation and shall submit recommendations to the Superintendent for any modifications or amendments to the investigation or the proposed outcome of the investigation. Such review shall be completed within sixty (60) days of the appointment of the impartial decision-maker. The Superintendent may adopt all, some or none of the recommendations of the impartial decision-maker.

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

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

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

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

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

Title IX prohibits retaliation against any individual who files a complaint under Title IX.

http://policy.azsba.org/asba/PrintViewer.jsp?printCollection=0

6/14/2018
SEXUAL HARASSMENT

COMPLAINT FORM
(To be filed with the compliance officer as provided in ACA-R)

Please print:

Name _______________________________ Date ______________

Address ____________________________________________

Telephone _______ Another phone where you can be reached _________

During the hours of ____________________________

E-mail address ______________________________________

I wish to complain against:

Name of person, school (department), program, or activity __________

____________________________________________________

____________________________________________________

____________________________________________________

Address ______________________________________________

Specify your complaint by stating the problem as you see it. Describe the incident, the participants, the background to the incident, and any attempts you have made to solve the problem. Be sure to note relevant dates, times, and places.

_________________________________________________________________

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If there is anyone who could provide more information regarding this, please list name(s), address(es), and telephone number(s).

Name __________________ Address __________________ Telephone Number __________________

____________________________________________________

____________________________________________________

____________________________________________________

The projected solution

http://policy.azsba.org/asba/PrintViewer.jsp?printCollection=0 6/14/2018
Indicate what you think can and should be done to solve the problem. Be as specific as possible.

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I certify that this information is correct to the best of my knowledge.

_______________________________
Signature of Complainant

The compliance officer, as designated in ACA-R, shall give one (1) copy to the complainant and shall retain one (1) copy for the file.
The Governing Board is committed to maintaining a school campus environment that is safe and secure for all students. Dating abuse will not be tolerated by the District. Students who become targets of dating abuse are entitled to certain rights that shall be respected and protected by all school employees. It is the responsibility of all District employees to respond to any incident of dating abuse they become aware of in a manner consistent with District training.

The Superintendent shall provide for procedures to ensure appropriate steps are taken to establish and maintain safe and secure schools. These shall include but not be limited to:

- an ongoing effort to enhance employee training and campus safety planning,
- establishing reporting procedures, and
- making accommodations for victims.

The Superintendent shall establish an age-appropriate dating abuse curriculum for students in grades seven (7) through twelve (12). That curriculum shall include the following components:

- A definition of dating abuse.
- The recognition of dating abuse warning signs.
- The characteristics of healthy relationships.

**Dating Abuse Definition**

Dating abuse is a pattern of behavior in which one person uses or threatens to use physical, sexual, verbal, or emotional abuse to control the person's former or present dating partner. Behaviors used may include but are not limited to:

- **Physical Abuse:** Any intentional, unwanted physical contact by either the abuser or an object within the abuser's control, regardless of whether such contact caused pain or injuries to the former or present dating partner.

- **Emotional Abuse:** The intentional infliction of mental or emotional distress by threat, coercion, stalking, humiliation, destruction of self esteem, or other unwanted, hurtful verbal or nonverbal conduct toward the former or present dating partner.

- **Sexual Abuse:** Any sexual behavior or physical contact toward the former or present dating partner that is unwanted and/or interferes with the ability of the former or present dating partner to consent or control the circumstances of sexual interaction.

- **Threats:** The threat of any of the aforementioned forms of abuse, threat of disclosing private information to parents, peers, or teachers, or any other threat made with the intent of forcing the former or present dating partner to change his or her behavior.

**Student Rights Relating to Dating Abuse:**

- All students have the right to be free from sex discrimination and sexual harassment at school. Dating abuse is a form of sexual harassment.

- A student who reports dating abuse shall be treated with respect and dignity.

- Schools personnel shall take affirmative steps to prevent and respond to dating abuse that occurs both on and off campus.

- To the extent possible victims and abusers shall be separated on campus. The school shall make every reasonable effort possible to ensure the victim does not come into contact with the abuser. Any burden of change of adjusting an individual's schedule or participation in a school activity is placed on the abuser.
• A victim of dating abuse has the right to transfer to another school. A victim’s decision to transfer to another school must be informed and voluntary. Should an alternative school placement be determined in the best interest of the victim all transportation needs will be accommodated by the student’s parent or guardian.

• A victim has the right to be treated with respect and dignity, and not be subjected to pressure to minimize the severity of acts that occurred or to suggestions that he or she contributed to his or her own victimization.

• Students who have experienced dating abuse have the right to full cooperation from school personnel in obtaining information necessary to achieve resolution.

Students are encouraged to report all known or suspected instances of dating abuse involving themselves or other students. Although initial reports of abuse may be made verbally or in writing, verbal reports must be converted to written records on District-provided forms and confirmed by the victim for accuracy.

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

Adopted: June 28, 2011

LEGAL REF.:  
A.R.S.  
13-1401  
13-1403  
13-1404  
13-1405  
13-1406  
15-342.02  
15-712.01

CROSS REF.:  
ACA - Sexual Harassment  
JII - Student Concerns, Complaints and Grievances  
JK - Student Discipline  
JKD - Student Suspension  
JKE - Expulsion of Students  
JR - Student Records  
KB - Parental Involvement in Education
Complaint Procedure

The District is committed to investigating each substantiated complaint and to taking appropriate action on all confirmed violations of policy. The principal shall investigate and document complaints filed pursuant to this regulation. In investigating the complaint, the principal will maintain confidentiality to the extent reasonably possible. The principal shall also investigate incidents of policy violation that are raised by employees, community members or students even though no written complaint has been made. It is the responsibility of all District employees to respond to any alleged or known incident of dating abuse in a manner that is consistent with District training.

If after the initial investigation the principal has reason to believe a violation of policy has occurred, the principal shall determine the appropriate response. The principal shall impose discipline on students who violate this policy in accordance with Policies JK, JKD and JKE.

If the principal's investigation reveals no reasonable cause to believe policy has been violated, the principal shall so inform the complaining student.

Students have the responsibility to file a complaint as soon as possible but within thirty (30) days of the alleged incident. A staff member who becomes aware of a suspected or known dating abuse situation shall make a report to the principal immediately. The principal's investigation will be concluded within five (5) days of the receipt of the complaint.

Staff Training

School principals shall coordinate annual training as part of required professional development for all staff members. Components of this training will be provided to the principal by the District. The Superintendent will oversee the development of the staff training. The training shall include but not be limited to:

- Review of Governing Board policy.
- Responsibilities of school employees.
- Characteristics and identification of dating abuse.
- Accommodation of victim needs.
- Crisis intervention and safety planning.
- Reporting procedures.
- Legal considerations.

Student Curriculum

An age-appropriate dating abuse curriculum established by the District will be presented to students in grades seven (7) through twelve (12). The curriculum shall include the following components:

- A definition of dating abuse.
- The recognition of dating abuse warning signs.
- The characteristics of healthy relationships.

The Superintendent will oversee the initial and ongoing development of the curriculum. School principals shall oversee the presentation of the curriculum and work with instructional staff to ensure delivery of the curriculum meets District standards.

Documentation

Each school administrator shall maintain documentation of each case of dating abuse that is addressed. The documentation will be kept for a period of time in accordance with the records retention requirements established by

http://policy.azsba.org/asba/PrintViewer.jsp?printCollection=0
the Arizona State Library, Archives and Public Records. Access to student files is governed by state and federal law. In accordance with the Family Education Rights and Privacy Act (FERPA), parents and legal guardians have a right to access their children's school records until the child turns eighteen (18), including files that involve dating abuse.

**Reporting**

Students are encouraged to report all known or suspected instances of dating abuse involving themselves or other students.

When District officials have a reasonable belief or an investigation reveals that a reported incident may constitute an unlawful act, law enforcement authorities will be informed.
Please print:
Name ___________________________ Date _____________
Address ___________________________
Telephone ___________ Another phone where you can be reached ___________
During the hours of ________________________________
E-mail address ________________________________

I wish to complain against:
Name of person ________________________________

Specify your complaint by stating the problem as you see it. Describe the incident, the participants, the background to the incident, and any attempts you have made to solve the problem. Be sure to note relevant dates, times, and places. Additional pages may be attached if necessary.

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______________________________________________________________________________

If there is anyone who could provide more information regarding this complaint, please list name(s), address(es), and telephone number(s).

Name Address Telephone Number
______________________________________________________________________________
______________________________________________________________________________
______________________________________________________________________________
______________________________________________________________________________
______________________________________________________________________________

Other comments or information (Be as specific as possible):
______________________________________________________________________________

http://policy.azsba.org/asba/PrintViewer.jsp?printCollection=0
I certify this information is correct to the best of my knowledge.

Signature of Complainant ____________________________ Date ____________

Document received by ____________________________ Date ____________

Investigating administrator ____________________________ Date ____________
The Governing Board believes it is the right of every student to be educated in a positive, safe, caring, and respectful learning environment. The Board further believes a school environment inclusive of these traits maximizes student achievement, fosters student personal growth, and helps students build a sense of community that promotes positive participation as members of society.

The District, in partnership with parents, guardians, and students, shall establish and maintain a school environment based on these beliefs. The District shall identify and implement age-appropriate programs designed to instill in students the values of positive interpersonal relationships, mutual respect, and appropriate conflict resolution.

To assist in achieving a school environment based on the beliefs of the Governing Board, bullying, harassment or intimidation as defined by this policy will not be tolerated.

Definitions

Bullying: Bullying may occur when a student or group of students engages in any form of behavior that includes such acts as intimidation and/or harassment that

- has the effect of physically harming a student, damaging a student's property, or placing a student in reasonable fear of harm or damage to property,
- is sufficiently severe, persistent or pervasive that the action, behavior, or threat creates an intimidating, threatening, or abusive environment in the form of physical or emotional harm,
- occurs when there is a real or perceived imbalance of power or strength, or
- may constitute a violation of law.

Bullying of a student or group of students can be manifested through written, verbal, physical, or emotional means and may occur in a variety of forms including, but not limited to

- verbal, written/printed or graphic exposure to derogatory comments, extortion, exploitation, name calling, or rumor spreading either directly through another person or group or through cyberbullying,
- exposure to social exclusion or ostracism,
- physical contact including but not limited to pushing, hitting, kicking, shoving, or spitting, and
- damage to or theft of personal property.

Cyberbullying: Cyberbullying is, but not limited to, any act of bullying committed by use of electronic technology or electronic communication devices, including telephonic devices, social networking and other Internet communications, on school computers, networks, forums and mailing lists, or other District-owned property, and by means of an individual's personal electronic media and equipment.

Harassment: Harassment is intentional behavior by a student or group of students that is disturbing or threatening to another student or group of students. Intentional behaviors that characterize harassment include, but are not limited to, stalking, hazing, social exclusion, name calling, unwanted physical contact and unwelcome verbal or written comments, photographs and graphics. Harassment may be related, but not limited to, race, religious orientation, sexual orientation, gender identity, gender expression, cultural background, economic status, size or personal appearance. Harassing behaviors can be direct or indirect and by use of social media.

Intimidation: Intimidation is intentional behavior by a student or group of students that places another student or group of students in fear of harm of person or property. Intimidation can be manifested emotionally or physically, either directly or indirectly, and by use of social media.

Prohibitions and Discipline

Students are prohibited from bullying on school grounds, school property, school buses, at school bus stops, at school sponsored events and activities, and through the use of electronic technology or electronic communication equipment on school computers, networks, forums, or mailing lists.
Disciplinary action may result for bullying which occurs outside of the school and the school day when such bullying results in a substantial physical, mental, or emotional negative effect on the victim while on school grounds, school property, school buses, at school bus stops, or at school sponsored events and activities, or when such act(s) interfere with the authority of the school system to maintain order. All suspected violations of law will be reported to local law enforcement.

Reporting Incidents of Bullying

A student who is experiencing bullying, or believes another student is experiencing bullying, is to report the situation to the principal or another school employee. A school employee who becomes aware of or suspects a student is being bullied shall immediately notify the school administrator. School personnel shall maintain confidentiality of the reported information.

The initial notification of an alleged incident may be provided verbally. A detailed written description of the incident and any other relevant information must be provided on form(s) made available by the school and submitted to the principal within one (1) school day of the verbal report. Should the principal be the employee who observes, is informed of, or suspects a student is experiencing bullying the principal shall document the incident or concern in writing. Failure by an employee to report a suspected case of bullying may result in disciplinary action up to suspension without pay or dismissal pursuant to Board Policies GCQF and GDQD.

Reprisal by any student or staff member directed toward a student or employee related to the reporting of a case of bullying or a suspected case of bullying shall not be tolerated, and the individual(s) will be subject to the disciplines set out in applicable District policies and administrative regulations.

At the time a student reports alleged bullying the principal shall provide to the student who has allegedly been bullied a written copy of student rights, protections and support services available to the student and shall notify the student’s parent(s) of the report.

The principal shall investigate all reports of bullying. If the principal determines that bullying has occurred, discipline will be administered pursuant to Board Policies JK, JKD, and JKE. Regardless of the outcome of the investigation the principal will meet with the involved students to review the findings of the investigation. Subject to the restrictions of the Family Educational Rights and Privacy Act (FERPA) set out in Policy JR, the parent(s) or guardian(s) of the involved students shall also be informed of the findings of the investigation.

Documentation related to reported bullying and subsequent investigation shall be maintained by the District for not less than six (6) years. In the event the District reports incidents to persons other than school officials or law enforcement all individually identifiable information shall be redacted. Restrictions established by FERPA on disclosure of personally identifiable student information must be observed at all times.

The Superintendent shall establish procedures for the dissemination of information to students, parents and guardians. The information will include, but not be limited to, Governing Board policies, incident reporting, support services (proactive and reactive) and student’s rights. The dissemination of this information shall

- occur during the first (1st) week of each school year,
- be provided to each incoming student during the school year at the time of the student’s registration,
- be posted in each classroom and in common areas of the school, and
- be summarized in the student handbook and on the District website, and

the Superintendent shall establish procedures for the dissemination of information to District employees including, but not limited to

- Governing Board policy,
- preventive measures,
- incident reporting procedures,
- available support services for students (both proactive and reactive), and
- student rights.

Information will be provided to staff members at the beginning of each instructional year and on the first day of employment for new employees.
The Superintendent shall establish procedures designed to protect the health and safety of students who are physically harmed as the result of bullying. These will include, when appropriate, procedures for contacting emergency medical services, law enforcement agencies, or both.

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

Law enforcement authorities shall be notified any time District officials have a reasonable belief that an incidence of bullying is a violation of the law.

Adopted: June 21, 2016

LEGAL REF.:
A.R.S.
13-1202
13-1203
13-1204
13-2321
13-2916
13-2921
13-3506.01
15-341
A.A.C.
R7-2-1308

CROSS REF.:
JNDB - Use of Technology Resources in Instruction
Jl - Student Rights and Responsibilities
JC - Student Conduct
JJl - Student Concerns, Complaints and Grievances
JK - Student Discipline
JKD - Student Suspension
JKDA - Removal of Students from School-Sponsored Activities
JKE - Expulsion of Students
JR - Student Records
The District does not tolerate bullying in any form. Further, the District shall investigate each complaint of bullying and will take appropriate, timely, and responsive action.

Bullying: Bullying may occur when a student or group of students engages in any form of behavior that includes such acts as intimidation and/or harassment that

- has the effect of physically harming a student, damaging a student's property, or placing a student in reasonable fear of harm or damage to property,
- is sufficiently severe, persistent or pervasive that the action, behavior, or threat creates an intimidating, threatening, or abusive environment in the form of physical or emotional harm,
- occurs when there is a real or perceived imbalance of power or strength, or
- may constitute a violation of law.

Any student who feels he or she has been the victim of bullying or suspects other students of being bullied should file a complaint with the principal or the principal's designee or other school employee. The student's report may be provided verbally or in writing. A student's verbal report will be documented in writing by the employee receiving the report.

Any staff member who becomes aware of or suspects that a student is experiencing bullying shall immediately notify the principal or the principal's designee. Employees may initially give verbal notice to the principal or the principal's designee, but shall submit a written report to the principal or the principal's designee within one (1) school day of the verbal report.

Reprisal directed toward a student or employee for the reporting of a case of bullying or a suspected case of bullying will not be tolerated. Students involved directly or indirectly in reprisal will be disciplined pursuant to Board Policies JK, JKD, and JKE. Any suspected violation of the law will be reported to law enforcement authorities.

Investigation of submitted complaints shall be initiated by the principal or the principal's designee as soon as is feasible, but not later than two (2) school days after the initial report. Each investigation will be comprehensive to the extent determined appropriate by the principal or the principal's designee. In investigating the complaint, the principal or the principal's designee will maintain confidentiality to the extent reasonably possible, subject to the restrictions pertaining to disclosure of personally identifiable student information established in the Family Educational Rights and Privacy Act (FERPA).

Each investigation will be documented by the principal or the principal's designee. Documentation will be maintained by the District for at least six (6) years. In the event the District must report incidents to persons other than school officials or law enforcement, all individually identifiable information shall be redacted.

Should the principal or the principal's designee determine that bullying has occurred discipline will be administered pursuant to Board Policies JK, JKD, and JKE. Regardless of the outcome of the investigation the principal or the principal's designee will meet with the student who reported or was reported as being bullied to review the findings of the investigation. Additionally, the parent(s) or guardian(s) of the involved students will be informed of the findings of the investigation.

The Superintendent is responsible for determining the methods of information delivery to employees and students. The Superintendent shall provide to the school principals, supervisors and all other District employees the information necessary to comply with Governing Board Policy JICK. The information related to bullying is to include but not be limited to preventive measures, incident reporting, related support services available (proactive and reactive), student rights, employee responsibilities, and the ramifications of not reporting a bullying incident or suspicion of bullying. The information shall be disseminated to District personnel at the beginning of each year and as the Superintendent otherwise determines to be appropriate.

The principal or the principal's designee is responsible to ensure information related to bullying is disseminated to students, and parents and guardians. The information shall include but not be limited to Governing Board policy.
incident reporting, support services (proactive and reactive) and student's rights. The dissemination of this information will

- occur during the first (1st) week of each school year,
- be posted in each classroom and in common areas of the school,
- be summarized in the student handbook and on the District website, and
- be provided to each incoming student during the school year at the time of registration.

The principal or the principal's designee is also responsible to ensure information is disseminated to all students who report bullying, including, at the time the incident is reported, a written copy of student rights, protections and support services available to the student; a copy of the report shall also be given to the student's parent(s)/guardian(s).

The principal or the principal's designee is responsible for the maintenance of documentation related to bullying.
STUDENT VIOLENCE / HARASSMENT / INTIMIDATION / BULLYING

COMPLAINT FORM
(To be filed with any School District employee who will forward this document to the principal or the principal's designee)

Please print:
Name ________________________________ Date ______________
Address __________________________________________________
Telephone ___________ Another phone where you can be reached _____________
During the hours of __________________________________________
E-mail address _______________________________________________

I wish to complain against:
Name of person(s) ____________________________________________

Specify your complaint by stating the problem as you see it. Describe the incident, the participants, the background to the incident, and any attempts you have made to solve the problem. Be sure to include all relevant dates, times, and places. Additional pages may be attached if necessary.

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If there is anyone who could provide more information regarding this complaint, please list name(s), address(es), and telephone number(s).

Name ___________________________ Address ___________________________ Telephone Number ___________________________

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__________________________________________________________________

The projected solution:

Indicate what you think can and should be done to solve the problem. Be as specific as possible.
I certify this information is correct to the best of my knowledge.

Signature of Complainant ___________________________ Date ________

Document received by ___________________________ Date ________

Investigating official ___________________________ Date ________
The Governing Board of the Phoenix Union High School District believes it is the right of every student to be educated in a positive, safe, caring, and respectful learning environment. The Governing Board further believes a school environment that is inclusive of these traits maximizes student achievement, fosters student personal growth, and helps a student build a sense of community that promotes positive participation as citizens in society.

To assist in achieving a school environment based on the beliefs of the Governing Board, bullying in any form will not be tolerated.

**Bullying:** Bullying may occur when a student or group of students engages in any form of behavior that includes such acts as intimidation and/or harassment that

- has the effect of physically harming a student, damaging a student's property, or placing a student in reasonable fear of harm or damage to property,
- is sufficiently severe, persistent or pervasive that the action, behavior, or threat creates an intimidating, threatening, or abusive environment in the form of physical or emotional harm,
- occurs when there is a real or perceived imbalance of power or strength, or
- may constitute a violation of law.

Bullying of a student or group of students can be manifested through written, verbal, physical, or emotional means and may occur in a variety of forms including, but not limited to

- verbal, written/printed or graphic exposure to derogatory comments, extortion, exploitation, name calling, or rumor spreading either directly though another person or group or through cyberbullying,
- exposure to social exclusion or ostracism,
- physical contact including but not limited to pushing, hitting, kicking, shoving, or spitting, and
- damage to or theft of personal property.

**Cyberbullying:** Cyberbullying is, but not limited to, any act of bullying committed by use of electronic technology or electronic communication devices, including telephonic devices, social networking and other Internet communications, on school computers, networks, forums and mailing lists, or other District-owned property, and by means of an individual's personal electronic media and equipment.

**Harassment:** Harassment is intentional behavior by a student or group of students that is disturbing or threatening to another student or group of students. Intentional behaviors that characterize harassment include, but are not limited to, stalking, hazing, social exclusion, name calling, unwanted physical contact and unwelcome verbal or written comments, photographs and graphics. Harassment may be related, but not limited to, race, religious orientation, sexual orientation, gender identity, gender expression, cultural background, economic status, size or personal appearance. Harassing behaviors can be direct or indirect and by use of social media.

**Intimidation:** Intimidation is intentional behavior by a student or group of students that places another student or group of students in fear of harm of person or property. Intimidation can be manifested emotionally or physically, either directly or indirectly, and by use of social media.

Students are prohibited from bullying on school grounds, school property, school buses, at school bus stops, at school sponsored events and activities, and through the use of electronic technology or electronic communication equipment on school computers, networks, forums, or mailing lists.
Disciplinary action may result for bullying which occurs outside of the school and the school day when such acts result in a substantial physical, mental, or emotional negative effect on the victim, while on school grounds, school property, school buses, at school bus stops, or at school sponsored events and activities, or when such act(s) interfere with the authority of the school system to maintain order. All suspected violations of law will be reported to local law enforcement.

Students who believe they are experiencing being bullied or suspect another student is bullied should report their concern to any staff member of the School District. School personnel are to maintain appropriate confidentiality of the reported information.

Reprisal by any student directed toward a student or employee related to the reporting of a case or a suspected case of bullying shall not be tolerated, and the individual(s) will be subject to the disciplines set out in applicable District policies and administrative regulations.

Students found to be bullying others will be disciplined up to and including suspension or expulsion from school.

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

Law enforcement authorities shall be notified any time District officials have a reasonable belief that an incidence of bullying is a violation of the law.
STUDENT CONCERNS, COMPLAINTS, AND GRIEVANCES

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

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

A complaint or grievance may be raised regarding one (1) or more of the following:

- Violation of the student's constitutional rights.
- Denial of an equal opportunity to participate in any program or activity for which the student qualifies not related to the student's individual capabilities.
- Discriminatory treatment on the basis of race, color, religion, sex, age, sexual orientation, gender identity, gender expression, national origin, or disability.
- Concern for the student's personal safety.

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

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

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

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

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

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

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

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

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

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

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

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

Adopted: June 21, 2016

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

CROSS REF.:  
AC - Nondiscrimination/Equal Opportunity  
ACA - Sexual Harassment  
GBEB - Staff Conduct  
JB - Equal Educational Opportunities  
JIC - Student Conduct  
JICFA - Hazing  
JICK - Student Violence, Harassment, Intimidation or Bullying  
JK - Student Discipline  
JKD - Student Suspension  
JKE - Expulsion of Students  
KE - Public Concerns and Complaints
A student who complains or grieves regarding constitutional rights, equal access to programs, discrimination, or personal safety issues may complain directly to a school administrator, or to a school staff member within thirty (30) days of an alleged occurrence. The initial complaint or grievance should be made using form JII-EA, however, a verbal complaint or grievance may be made. When a school staff member receives the information, the staff member will immediately inform a school administrator. If the complaint or grievance involves a school administrator the staff member shall forward the complaint or grievance to the next administrative level.

Complaints and grievances related to student violence, harassment, intimidation or bullying are to be filed in accordance with Governing Board Policy JICK.

At a minimum the complaint or grievance shall contain the identifying information on the complainant and such specificity of names, places and times as to permit an investigation to be carried out. The written complaint or grievance should contain a requested solution and the submission should be signed and attested to by the complainant. However, an unsigned form will be processed in the same manner as a signed form.

The complaint or grievance will be investigated by a school administrator, a supervising administrator, or another person approved by the Superintendent. The student shall be contacted not later than the school day following the date the school administrator or the administrator’s immediate supervisor receives the information. The procedures to be followed are:

- An investigation of the reported incident or activity shall be made within ten (10) school days when school is in session or within fifteen (15) days during which the school offices are open for business when school is not in session. Extension of the time line may only be by necessity as determined by the Superintendent.

- The investigator shall meet with the student who submitted the complaint or grievance at or before the end of the time period and shall discuss the conclusions and actions to be taken as a result of the investigation. Confidentiality of records and student information shall be observed in the process of making such a report.

- The investigator shall prepare a written report of the findings and a copy of the report shall be provided to the principal and/or the Superintendent as circumstances warrant.

- A confidential record of each complaint and grievance made pursuant to Policy JII shall be maintained at the District office. The record shall include a copy of the complaint or grievance filed by a student, findings of the investigation, and the disposition of the matter.

- Unless a determination has been made by the appropriate investigating official that the reported incident actually occurred, the record shall not be used for the imposition of discipline.

Where disciplinary action is necessary, District policies shall be followed.

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

COMPLAINT FORM

(To be filed with a school administrator or the administrator's immediate supervisor, or a school staff member who will forward this form to the school administrator or the administrator's immediate supervisor)

Additional pages may be attached if more space is needed.

Please print:

Name ____________________________ Date __________

Address ____________________________

Telephone ___________ Another phone where you can be reached __________

During the hours of__________________________

E-mail address ____________________________

I wish to complain against:

Name of person, school (department), program, or activity ____________________________

Address ____________________________

Specify your complaint by stating the problem as you see it. Describe the incident, the participants, the background to the incident, and any attempts you have made to solve the problem. Be sure to note all relevant dates, times, and places.

________________________________________________

________________________________________________

________________________________________________

________________________________________________

________________________________________________

________________________________________________

If there is anyone who could provide more information regarding this, please list name(s), address(es), and telephone number(s).

Name __________________ Address __________________ Telephone Number __________________

________________________________________________

________________________________________________

________________________________________________

________________________________________________

________________________________________________

http://policy.azsba.org/asba/PrintViewer.jsp?printCollection=0
The projected solution
Indicate what you think can and should be done to solve the problem. Be as specific as possible.

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

I certify that this information is correct to the best of my knowledge.

Signature of Complainant                Date Signed

Administrator or professional staff member receiving initial complaint                Date initial complaint received

The investigator shall give one (1) copy to the complainant and retain one (1) copy for the file.
Students may present a complaint or grievance regarding one (1) or more of the following:

- Violation of the student's constitutional rights.
- Denial of an equal opportunity to participate in any program or activity for which the student qualifies not related to the student's individual capabilities.
- Discriminatory treatment on the basis of race, color, religion, sex, age, sexual orientation, gender identity, gender expression, national origin, or disability.
- Concern for the student's personal safety.

Complaints and grievances related to allegations of student violence, harassment, intimidation or bullying are to be filed in accordance with Board Policy JICK.

Provided that:

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

The guidelines to be followed are:

- The accusation must be made within thirty (30) calendar days of the time the student knew or should have known that there were grounds for the complaint/grievance.
- The complaint/grievance shall be made only to a school administrator or a school staff member.
- The person receiving the complaint will gather information for the complaint form.
- All allegations shall be reported on forms with the necessary particulars as determined by the Superintendent. Forms are available in the school office.
- The person receiving the complaint shall preserve the confidentiality of the subject, disclosing it only to the appropriate school administrator or next higher administrative supervisor or as otherwise required by law.

Any question concerning whether the complaint or grievance falls within this policy shall be determined by the Superintendent.

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

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

Retaliatory or intimidating acts against any student who has made a complaint under the District policy and its corresponding regulations, or against a student who has testified, assisted or participated in any manner in an investigation relating to a complaint or grievance, are specifically prohibited and constitute grounds for a separate complaint.
Knowingly submitting a false report under this policy shall subject the student to discipline up to and including suspension or expulsion. Where disciplinary action is necessary pursuant to any part of this policy, relevant District policies shall be followed.

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

Any school personnel or any other person who has responsibility for the care or treatment of a minor and who reasonably believes that a minor is or has been the victim of physical injury, abuse, child abuse, a reportable offense or neglect that appears to have been inflicted upon the minor by other than accidental means or that is not explained by the available medical history as being accidental in nature or who reasonably believes there has been a denial or deprivation of necessary medical treatment or surgical care or nourishment with the intent to cause or allow the death of an infant who is protected under A.R.S. 36-2281 shall immediately report or cause reports to be made of such information to a peace officer or to the Arizona Department of Child Safety (DCS) of the Department of Economic Security, except if the report concerns a person who does not have care, custody, or control of the minor, the report shall be made to a peace officer only. Such reports shall be made immediately or either electronically or by telephone.

The Arizona Department of Economic Security, Division of Children, Youth and Families, has determined that all mandated reporters may now electronically submit non-emergency reports via a secure online reporting website. Non-emergency reports are those in which a child is not at immediate risk of abuse or neglect that could result in serious harm. Mandated reporters will be able to submit non-emergency reports 24 hours a day without wait times.

All reports made via the online website will require the person making the report (reporting source) to provide contact information. A representative from the Child Abuse Hotline may contact the source for additional information, if necessary. This process will make it more convenient to meet the mandated reporting requirements and help ensure child safety.

All emergency situations where a child faces an immediate risk of abuse or neglect that could result in serious harm must still be reported by calling 911 or 1-888-SOS-CHILD (1-888-767-2445). If a reporting source is unsure as to whether or not the report is an emergency situation, the reporting source should call the Child Abuse Hotline to make a report.

Any concerns for the safety of the child due to abuse, neglect or abandonment, must be reported, by:

- Calling 1-888-SOS-CHILD (1-888-767-2445)
- TDD: 602-530-1831 (1-800-530-1831), or

Pursuant to A.R.S. 13-3620, such reports shall contain:

- The names and addresses of the minor, the parents, or the person or persons having custody of such minor, if known.
- The minor's age and the nature and extent of the minor's abuse, child abuse, or physical injury or neglect, including any evidence of previous abuse, child abuse, physical injury or neglect.
- Any other information that such person believes might be helpful in establishing the cause of the abuse, child abuse, physical injury or neglect.

A person who furnishes a report, information, or records required or authorized under Arizona Revised Statutes or a person who participates in a judicial or administrative proceeding or investigation resulting from a report, information or records required or authorized under Arizona Revised Statutes is immune from any civil or criminal liability by reason of that action unless such person has acted with malice or unless such person has been charged with or is suspected of abusing or neglecting the child or children in question.

A report is not required under A.R.S. 13-3620 for conduct prescribed by A.R.S. 13-1404 and 13-1405 if the conduct involves only minors who are fourteen (14), fifteen (15), sixteen (16) or seventeen (17) years of age and there is nothing to indicate that the conduct is other than consensual.

A report is not required if a minor is of elementary school age, the physical injury occurs accidentally in the course of typical playground activity during a school day, occurs on the premises of the school that the minor attends and is reported to the legal parent or guardian of the minor and the school maintains a written record of the incident. The school will maintain a written record of the physical injury as part of the student's health file as required by Arizona State Library, Archives and Public Records (ASLAPR).
A person who fails to report abuse as provided in A.R.S. 13-3620 is guilty of a class 1 misdemeanor, except if the failure to report involves a reportable offense, the person is guilty of a class 6 felony.

Any certificated person or Governing Board member who reasonably suspects or receives a reasonable allegation that a person certificated by the Department of Education has engaged in conduct involving minors that would be subject to the reporting requirements of A.R.S. 13-3620 shall report or cause reports to be made to the Department of Education in writing as soon as is reasonably practicable but not later than three (3) business days after the person first suspects or receives an allegation of the conduct.

Any school employee who has orally reported to DCS or a peace officer a reasonable belief of an offense to a minor must provide written notification to the principal of the oral report not later than the next workday following the making of the report.

When Child Abuse or Abandonment of a Student is Alleged:

If a Department of Child Safety (DCS) worker or peace officer enters the campus requesting to interview, to obtain educational records, or to remove a student attending the school, the school administrator shall be notified. The DCS worker or peace officer shall be requested to establish proper identification and provide the appropriate DCS form(s).

Access to the interview shall be granted when the child to be interviewed is the subject of or is the sibling of or is living with the child who is the subject of an abuse or abandonment investigation. Ther personnel of the District shall cooperate with the investigating DCS worker or peace officer.

Adopted: May 7, 2015

LEGAL REF.:
A.R.S.
8-201
13-1404 et seq.
13-1410
13-3019
13-3212
13-3506
13-3506.01
13-3552
13-3553
13-3608
13-3619
13-3620
13-3623
15-514
46-451
46-454

CROSS REF.:
GBEB - Staff Conduct
GBEBB - Staff Conduct With Students
JKA - Corporal Punishment
Abuse means the infliction or allowing of physical injury, impairment of bodily function, or disfigurement, or the infliction of or allowing another person to cause serious emotional damage as evidenced by severe anxiety, depression, withdrawal, or untoward aggressive behavior, and which emotional damage is diagnosed by a medical doctor or psychologist pursuant to A.R.S. 8-821, and which is caused by the acts or omissions of an individual having care, custody, and control of a child. Abuse shall include inflicting or allowing sexual abuse pursuant to A.R.S. 13-1404, sexual conduct with a minor pursuant to A.R.S. 13-1405, sexual assault pursuant to A.R.S. 13-1406, molestation of a child pursuant to A.R.S. 13-1410, commercial sexual exploitation of a minor pursuant to A.R.S. 13-3552, sexual exploitation of a minor pursuant to A.R.S. 13-3553, incest pursuant to A.R.S. 13-3608, or child prostitution pursuant to A.R.S. 13-3212.

Child, youth, or juvenile means an individual who is under the age of eighteen (18) years.

Abuses classified by statute as "reportable offenses" are:

- Indecent exposure [A.R.S. 13-1402]
- Public sexual indecency to a minor [A.R.S. 13-1403]
- Sexual abuse [A.R.S. 13-1404]
- Sexual conduct with a minor [A.R.S. 13-1405]
- Sexual assault [A.R.S. 13-1406]
- Molestation of a child [A.R.S. 13-1410]
- Furnishing items that are harmful to a minor via the Internet [A.R.S. 13-3506.01]
- Surreptitious photographing, videotaping, filming, or digitally recording or viewing of a minor [A.R.S. 13-3019]
- Incest [A.R.S. 13-3608]
- Child prostitution [A.R.S. 13-3212]
- Commercial sexual exploitation of a minor [A.R.S. 13-3552]
- Sexual exploitation of a minor (concerning visual depiction of a minor engaged in exploitive exhibition or other sexual conduct) [A.R.S. 13-3553]
- Luring a minor for sexual exploitation [A.R.S. 13-3554]
- Admitting a minor to public displays of sexual conduct [A.R.S. 13-3558]
REPORTING CHILD ABUSE / CHILD PROTECTION

SUSPECTED ABUSE, PHYSICAL INJURY, CHILD ABUSE, REPORTABLE OFFENSE OR NEGLECT

To: Child Protective Services, D.E.S. (or law enforcement agency)

Student's name _________________________________ date __ Sex __

Address ____________________________________________

Names of parents/guardians ______________________________

E-mail address ____________________________________________________________________________________

School ___________________________ Grade ____ Teacher _______________

Description of suspected present or prior abuse, child abuse, physical injury, or neglect (use additional page if necessary) __________________________________________________________

______________________________________________________________________________________________

Symbols:

A = Abrasion
B = Blisters
Bu = Burn
Br = Bruise
La = Laceration
Le = Lesions
S = Scar
R = Rash
V = Vermin
O = Other (describe)

Severity:

(1) = Mild
(2) = Moderate
(3) = Severe

Signature and Title of Person Making the Report __________________________ Date _______________

Oral Report to: Name ____________________________________________________________________________

Agency __________________________ Position __________________________

Date __________________________ Time __________________________

Written report to __________________________ Date _______________

Copy filed in school nurse's office

http://policy.azsba.org/asba/PrintViewer.jsp?printCollection=0

6/14/2018
EXHIBIT #8
A long-range plan will be the basis for providing special education services for students with exceptional needs and education requirements. These services may include specialized programs, personnel, facilities, materials, and equipment needed to promote the individual physical, social, intellectual, and emotional growth of exceptional students.

The Superintendent shall develop procedures that provide educational opportunities for individuals with disabilities and that accomplish District compliance with federal laws including the Individuals with Disabilities Education Act (IDEA), the Arizona revised statutes, and the lawful regulations of the State Board of Education. Such procedures shall include, but not be limited to, the following provisions:

- All children with disabilities aged birth (0) through twenty-one (21) years within the District’s jurisdiction are to be identified, located, and evaluated including children attending religious or private schools who are in need of special education and related services.

- A free appropriate public education (FAPE) shall be available to all children with disabilities aged three (3) through twenty-one (21) years within the District’s jurisdiction, including children advancing from grade to grade, those who have been suspended or expelled from school in accordance with the applicable IDEA rules and regulations, and any child with a disability the District has placed in or referred to a private school or facility. The District may refer to and contract with approved public or private agencies as necessary to ensure the provision of FAPE for children with disabilities. FAPE for an eligible student with a disability shall extend through conclusion of the instructional year during which the student attains the age of twenty-two (22).

- A full individual evaluation encompassing existing and additional data shall be conducted for each child to determine if the child is a child with a disability and the educational needs of the child before the initial provision of special education and related services. A reevaluation of each child shall be conducted at least every third year.

- An individualized education program (IEP) shall be developed and implemented for each eligible child served by the District and for each eligible child the District places in or refers to a private school or facility. An IEP or an individualized family service plan (IFSP) will be in place for each child with a disability prior to the provision of FAPE.

- To the maximum extent appropriate, opportunities for the least restrictive setting, inclusion in educational exercises with regular program students, and for interaction with the total school environment will be provided to exceptional students, the exception to be only when the student’s condition, with supplementary aids and services, make such regular class education unsatisfactory.

- All required procedural safeguards must be guaranteed to the exceptional students and their parents. The parents will be provided with notices of procedural safeguards in each specified instance and all due process conditions will be satisfied with respect to the provision of a free appropriate public education.

- The District shall follow the established state and federal standards to protect the confidentiality of personally identifiable information at the collection, storage, disclosure, and destruction stages.

- To the extent essential to provide FAPE to children with disabilities aged three (3) through twenty-one (21), extended school year (ESY) services shall be made available and implemented as necessary.

- Criteria for the graduation of exceptional students, including accomplishment in reading, writing, and mathematics, shall be as specified in the District policy on graduation requirements. Such standards shall be equivalent to or greater than those established by the State Board of Education.

- Not later than March 1 of each year conduct a review of the reasonable and acceptable ratio of students per teacher for each disability category. The applicable ratios shall be specified in a regulation accompanying the District policy on class size.

- The discipline of exceptional students, and unevaluated students suspected of having a qualifying disability, is to be conducted in such a manner as to comply with FAPE and requirements of the IDEA.

For the purpose of this policy as it relates to a child with a disability, home school district means the school district in which the person resides who has legal custody of the child as provided in A.R.S. 15-824. If the child is a ward of the state and a specific person does not have legal custody of the child or is a ward of this state and the child is enrolled in an accommodation school pursuant to A.R.S. 15-913, the home school district is the district the child last attended.
or, if the child has not previously attended a public school in this state, the school district within which the child currently resides.

The Superintendent is authorized and directed to establish procedures for the development and administration of the necessary programs, and to document District compliance with the law and this policy. Such procedures will be made available to staff members and to parents as necessary to enhance compliance.

Adopted: September 1, 2011

LEGAL REF.:
A.R.S.
15-761
15-761.01
15-763
15-763.01
15-764
15-765 to 15-769
15-771
15-773
15-881
15-1181 to 15-1185
15-1201 to 15-1205
36-555
A.A.C.
R7-2-401
R7-2-402
R7-2-403
R7-2-405
R7-2-601
R7-2-602
R7-2-603
20 U.S.C. 1400 et seq., Individuals with Disabilities Education Act
29 U.S.C. 794, Rehabilitation Act of 1973, (Section 504)

CROSS REF.:
IIB - Class Size
IKF - Graduation Requirements
JKD - Student Suspension
JKE - Expulsion of Students
JR - Student Records
This detailed administrative regulation is issued to:

- Accomplish the requirements of the Governing Board set out in policy IHB - Special Instructional Programs.
- Assure District compliance with the requirements of applicable federal and state laws and the lawful regulations of the State Board of Education.
- Aid District personnel in fulfilling their duties relating to the topic by presenting the procedural information in a format that aligns with the Arizona Department of Education/Exceptional Student Services (ADE/ESS) compliance checklists.

Citations from the following sources are annotated to the material to assist in conducting research and for clarification:

- Arizona Revised Statutes (A.R.S.)
- Arizona Administrative Code (A.A.C.) Title 7, Chapter 2, State Board of Education Rules
- Regulations to the Individuals with Disabilities Education Act (IDEA) as published in Title 34 of the C.F.R., Part 300.

Whenever the term "District" is used in this regulation, it is to be interpreted contextually to mean the School District, the respective local school site, a representative of the District or a representative of the local school site, as is applicable to the circumstance.

Applicability

To accommodate the necessity to present procedural information in a format that aligns with the Arizona Department of Education/Exceptional Student Services (ADE/ESS) compliance checklists, this generic regulation contains procedural requirements for covered individuals of all ages. However, any statement in this regulation that addresses a provision that is not applicable to the grade levels and age ranges included in the student membership of the District is to be considered for the purposes of compliance to be not applicable.

Child Find

The District will identify, locate, and evaluate all children with disabilities within its geographic boundaries who are in need of special education and related services including, but not limited to, children who are:

- Homeless;
- Highly mobile, including migrant children;
- Wards of the state; and,
- Attending private schools or who are homeschooled.

In its identification process the District will include children who are suspected of being a child with a disability and in need of special education, even though a student is:

- Advancing from grade to grade
- Highly mobile, including a migrant student. [34 C.F.R. 300.111]

The District will inform the general public and parents within its boundaries of the responsibility for special education services for high school-aged students or twenty-one (21) years, and how those services may be accessed including information regarding early intervention services for children aged birth through two (2) years. Services for an eligible student with a disability shall extend through conclusion of the instructional year during which the student attains the age of twenty-two (22), as determined appropriate by the Individual Education Plan (IEP) team. [A.A.C. R7-2-401. C]

The District will require all school-based staff members to review the written procedures related to child identification and referral on an annual basis, and maintain documentation of the staff review. [A.A.C. R7-2-401. D]

Identification screening for possible disabilities shall be completed within forty-five (45) calendar days after:

- Entry of each preschool or kindergarten student and any student enrolling without appropriate records or screening, evaluation, and progress in school or
• Parent notification of developmental or educational concerns.

Screening procedures shall include vision and hearing status and consideration of the following areas:
• Cognitive or academic;
• Communication;
• Motor;
• Social or behavioral; and
• Adaptive development.

For a student transferring into a school, the District shall review enrollment data and educational performance in the prior school. If there is a history of special education for a student not currently eligible for special education or poor progress, the name of the student shall be submitted to the administrator for consideration of the need for a referral for a full and individual evaluation or other services. [A.A.C. R7-2-401.D]

If a concern about a student is identified through screening procedures or review of records, the parents of the student shall be notified within ten (10) school days and informed of the District's procedures to follow-up on the student's needs. [A.A.C. R7-2-401.D]

The District shall maintain documentation of the identification procedures utilized, the dates of entry into school, notification by parents of a concern and the dates of screening. The dates shall be maintained in the student's permanent records. [A.A.C. R7-2-401.D]

If the screening indicates a possible disability, the name of the student shall be submitted to the administrator for consideration of the need for a referral for a full and individual evaluation or other services. A parent or a student may request an evaluation of the student. [A.A.C. R7-2-401.D]

If, after consultation with the parent, the District determines that a full and individual evaluation is not warranted, the District shall provide prior written notice and procedural safeguards notice to the parent in a timely manner. [A.A.C. R7-2-401.D]

Confidentiality

The District will permit parents to inspect and review any education records relating to their children that are collected, maintained or used by the District under Individuals with Disabilities Education Act (IDEA). The District will comply with a request without unnecessary delay and in no case more than forty-five (45) days after the request has been made, and before:
• Any individualized education program (IEP) meeting;
• Any hearing involving a due process complaint or disciplinary hearing;
• Any resolution session. [34 C.F.R. 300.613]

The right to inspect and review education records includes:
• The right to a response from the District to reasonable requests for explanations and interpretations of the records;
• The right to request that the District provide copies of the records if failure to provide those copies would effectively prevent the parent from exercising the right to inspect and review the records; and
• The right to have a representative of the parent inspect and review the records. [34 C.F.R. 300.613]

The District may presume that the parent has authority to inspect and review records relating to his or her child unless the District has been advised to the contrary by legal proceeding involving guardianship, separation and divorce. [34 C.F.R. 300.613]

The District will provide parents on request a list of the types and locations of education records collected, maintained or used under IDEA (except access by parents and authorized employees of the District), including:
• The name of the party;
• The date access was given; and
• The purpose for which the party is authorized to use the records. [C.F.R 300.614]

If any education record includes information on more than one (1) child, the parents of those children have the right to inspect and review only the information relating to their child. [C.F.R 300.615]

The District will provide parents on request a list of the types and locations of education records collected, maintained or used by the District. [C.F.R 300.616]

The District may charge a fee for copies of records that are made for parents if the fee does not effectively prevent the parents from exercising their right to inspect and review records. [C.F.R 300.617]

The District will not charge a fee to search for or to retrieve information. [C.F.R 300.615]
A parent who believes that information in the education records collected, maintained or used by the District is inaccurate or misleading or violates the privacy or other rights of the child, may request the District to amend the information. [C.F.R 300.618]

The District will decide whether to amend the information in accordance with the request in a reasonable period of time of receipt of the request. [C.F.R 300.618]

If the District refuses to amend the information in accordance with the request, it will inform the parent of the refusal and advise the parent of the right to a hearing under C.F.R 300.619. [C.F.R 300.618]

The District will, on request, provide an opportunity for a hearing to challenge information in education records to ensure that it is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the child. [C.F.R 300.618]

If, as a result of a hearing, the District decides that the information is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the child, it will do so accordingly and so inform the parent in writing. [C.F.R 300.618]

If, as a result of a hearing, the District decides to amend information determined inaccurate, misleading, or otherwise in violation of the privacy or other rights of the child, it will do so accordingly and so inform the parent in writing. [C.F.R 300.618]

Parental consent will be obtained before personally identifiable information is disclosed to parties other than participating agencies, unless the information is contained in education records and the disclosure is authorized without parent consent under Family Educational Rights and Privacy Act (FERPA). [C.F.R 300.622]

Parental consent will be obtained before personally identifiable information is released to officials of participating agencies providing or paying for transition services in accordance with §300.321. [C.F.R 300.622]

If a child is enrolled, or is going to enroll in a private school that is not located in the boundaries of the district of the parent's residence, parental consent will be obtained before any personally identifiable information about the child is released between officials in the district where the private school is located and officials in the district of the parent's residence. [C.F.R 300.622]

The District will protect the confidentiality of personally identifiable information at collection, storage, disclosure, and destruction stages. [C.F.R 300.623]

One (1) official at the District will assume responsibility for ensuring the confidentiality of any personally identifiable information.

All persons collecting or using personally identifiable information will receive training or instruction regarding the State's policies and procedures under 300.123 and FERPA (34 C.F.R. part 99). [C.F.R 300.623]

The District will maintain, for public inspection, a current listing of the names and positions of its employees who may have access to personally identifiable information. [C.F.R 300.623]

The District will inform parents when personally identifiable information collected, maintained, or used for IDEA purposes is no longer needed to provide educational services to the child. [C.F.R 300.624]

The information will be destroyed at the request of the parents. However, a permanent record of a student's name, address, and phone number, his or her grades, attendance record, classes attended, grade level completed, and year completed may be maintained without time limitation. [C.F.R 300.624]

The rights of the parents regarding educational records are transferred to the student at age eighteen (18) under FERPA. [C.F.R 300.625]

If the rights of the parents regarding educational records are transferred to the student at age eighteen (18) under the IDEA, the District will provide any notice required under the procedural safeguards provisions. [C.F.R 300.625]

Discipline

On a case-by-case basis and in consideration of any unique circumstances, school personnel may remove a child with a disability who violates a student code of conduct from his or her current placement to an appropriate interim alternative educational setting, another setting, or suspension, for not more than ten (10) consecutive school days (to the extent those alternatives are applied to children without disabilities), and for additional removals of not more than ten (10) consecutive school days in that same school year for separate incidents of misconduct, as long as those removals do not constitute a change of placement under §300.536. [34 C.F.R. 300.530]

After a child with a disability has been removed from his or her current placement for ten (10) school days in the same school year, during any subsequent days of removal the District will provide services to the extent required to:

- Enable the child to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting his/her IEP goals; and
- Receive, as appropriate, a functional behavioral assessment, behavioral intervention services and modifications that are designed to address the behavior violation so that it does not recur. [34 C.F.R. 300.530]

The District is only required to provide services during periods of removal to a child with a disability who has been removed from his or her current placement for the (10) days or less in that school year, if it provides services to non-disabled children similarly removed. [34 C.F.R. 300.530]

After a child with a disability has been removed from his or her current placement for ten (10) school days, and the current removal is for not more than ten (10) consecutive school days and not a change of placement, school personnel, in consultation with at least one of
the child’s teachers, determine the extent to which services are needed, so as to enable the child to continue to participate in the general education curriculum and to progress toward meeting the individualized education program (IEP) goals. [34 C.F.R. 300.530]

If the removal is a change in placement, the child’s IEP team determines the appropriate services. [34 C.F.R. 300.530]

Within ten (10) school days of any decision to change the placement of a child with a disability because of a violation of a code of student conduct, the District, parent, and relevant members of the IEP team will review all relevant information in the student’s file, the IEP, teacher observations, and any relevant information to determine:

- If the conduct was caused by, or had a direct and substantial relationship to, the child’s disability; or
- If the conduct in question was the direct result of the District’s failure to implement the IEP. [34 C.F.R. 300.530]

The conduct will be determined to be a manifestation of the disability if either of the above-named conditions occurred, and, if the IEP was not implemented, the District will take immediate steps to remedy that deficiency. [34 C.F.R. 300.530]

If the District, parent, and relevant members of the IEP team determine that the conduct was a manifestation of the child’s disability, the child will be returned to the placement from which the child was removed, unless the parent and District agree to a change of placement. The IEP team will either:

- Conduct a functional behavioral assessment, unless already done, and implement a behavioral intervention plan; or
- If a behavioral intervention plan has already been developed, review the plan and modify it, as necessary, to address the behavior. [34 C.F.R. 300.530]

School personnel may remove a student to an interim alternative educational setting for not more than forty-five (45) school days without regard to manifestation of disability if the child:

- Carries a weapon to or possesses a weapon at school, on school premises, or at a school function under the jurisdiction of the state or the District;
- Knowingly possesses or uses illegal drugs, or sells or solicits the sale of a controlled substance, while at school, on school premises, or at a school function under the jurisdiction of the state or the District; or
- Has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of the state or the District. [34 C.F.R. 300.530]

The District will notify parents and provide notice of procedural safeguards on the day the District determines the student has violated the code of conduct, and the violation constitutes a change in placement (i.e., interim alternative education setting). [34 C.F.R. 300.530]

The child’s IEP team determines the interim alternative educational setting for services. [34 C.F.R. 300.531]

The parent of a child with a disability who disagrees with any decision regarding placement under §§300.530 and 300.531 or the manifestation determination may appeal the decision by requesting an expedited due process hearing in conformance with §§300.310 through 300.314 and A.A.C. R7-2-405.1. [34 C.F.R. 300.532]

When the District believes that maintaining the current placement of the child is substantially likely to cause injury to the child or others the District may appeal the decision by requesting an expedited due process hearing in conformance with §§300.310 through 300.314 and A.A.C. R7-2-405.1. [34 C.F.R. 300.532]

The student will remain in the interim alternative educational setting pending the decision of the hearing officer or expiration of the interim setting, whichever comes first, unless the parent and District agree otherwise. [34 C.F.R. 300.532]

A non-eligible student who engaged in a behavior that violated a code of student conduct may assert protections if the District had knowledge that the child was a child with a disability before the behavior that precipitated the disciplinary action occurred. The District will be deemed to have such knowledge if:

- The parent of the child expressed concern in writing to supervisory or administrative personnel of the District, or a teacher of the child, that the child is in need of special education and related services;
- The parent of the child requested an evaluation of the child pursuant to §§300.300 through 300.311; or
- The teacher of the child, or other personnel of the District, expressed specific concerns about a pattern of behavior demonstrated by the child directly to the director of special education or to other supervisory personnel of the District. [34 C.F.R. 300.534]

The District will not be deemed to have knowledge if the parent of the child:

- Has not allowed an IDEA evaluation of the child;
- Has refused special education services for the child; or
- The child has been evaluated and determined to not be a child with a disability under IDEA. [34 C.F.R. 300.534]

When the District does not have knowledge that a child is a child with a disability prior to taking disciplinary measures against the child, the child may be disciplined as other children without disabilities who engage in comparable behaviors.
If an evaluation is requested during the time in which a child is subjected to disciplinary measures, the evaluation will be conducted in an expedited manner.

- Until the evaluation is completed, the child remains in the educational placement determined by the District, which can include suspension or expulsion without educational services.
- If the child is determined to be a child with a disability, the District will provide special education and related services in accordance with this part, including the requirements of §§300.530 through 300.536. [34 C.F.R. 300.534]

The District may report a crime committed by a child with a disability to appropriate authorities to enable them to exercise their responsibilities. 34 C.F.R. 300.535

When reporting a crime committed by a child with a disability the District ensures that copies of the special education and disciplinary records of the child are transmitted for consideration by the appropriate authorities to whom the District reports the crime, but only to the extent permitted by FERPA. [34 C.F.R. 300.535]

A change of placement occurs if:

- The removal is for more than ten (10) consecutive school days; or
- The child has been subjected to a series of removals that constitute a pattern:
  - because the series of removals total more than ten (10) school days in a school year;
  - because the child's behavior is substantially similar to the behavior in previous incidents that resulted in a series of removals; and
  - because of such additional factors as the length of each removal, the total amount of time the child has been removed, and the proximity of the removals to one another. [34 C.F.R. 300.536]

The District will determine on a case-by-case basis whether a pattern of removals constitutes a change of placement, and such determinations are subject to review through due process and judicial proceedings. [34 C.F.R. 300.536]

**Evaluation and Eligibility**

The District, when proposing to conduct an initial evaluation to determine if a child qualifies as a child with a disability, and after reviewing existing data with the parents and providing prior written notice, will obtain informed consent from the parent of the child before collecting any additional data.

- Parental consent for initial evaluation will not be construed as consent for initial provision of special education and related services.
- The District will make reasonable efforts to obtain the informed consent from the parent for an initial evaluation. [34 C.F.R. 300.300]

For initial evaluations only, if the child is a ward of the state, is not residing with the child's parent, the District is not required to obtain consent from the parent if:

- Despite reasonable efforts to do so, the District cannot discover the whereabouts of the parents of the child;
- The rights of the parents of the child have been terminated by the court;
- The rights of the parent to make educational decisions have been subrogated by a judge and consent for an initial evaluation has been given by an individual appointed by the judge to represent the child. [34 C.F.R. 300.536]

The District may, but is not required to seek informed consent through due process procedures if the parent of a child who is enrolled or seeking to enroll in the District refuses consent for an initial evaluation. [34 C.F.R. 300.300]

The District will obtain informed consent from the parent of the child before the initial provision of special education and related services to the child, and will make reasonable efforts to obtain that consent. [34 C.F.R. 300.300]

If a parent refuses consent for the initial provision of special education and related services, the District will not seek consent through due process hearing procedures. The District:

- Will not be considered to be in violation to provide a Free Appropriate Public Education (FAPE);
- Is not required to convene a IEP team meeting or develop an IEP for the child. [34 C.F.R. 300.300]

The District will obtain informed consent prior to conducting any reevaluation of a child with a disability.

- If the parent refuses consent, the District may utilize due process hearing procedures to seek consent, but does not violate its obligation if it declines to pursue the evaluation or reevaluation.
- The informed parental consent for reevaluation need not be obtained if the District can demonstrate that:
  - it made reasonable efforts to obtain such consent and has documented those attempts;
  - the child's parent has failed to respond. [34 C.F.R. 300.300]
Parental consent is not required before:

- Reviewing existing data as part of an evaluation or reevaluation; or
- Administering a test or other evaluation that is administered to all children unless consent is required of parents of all children prior to administration. [34 C.F.R. 300.300]

The District will not use a parent's refusal to consent to one service or activity under this section to deny the parent or child any other service, benefit, or activity of the District, except as required by this part. [34 C.F.R. 300.300]

If a parent of a child who is home-schooled or placed in a private school by the parents at their own expense does not provide consent for the initial evaluation or the reevaluation, or the parent fails to respond to a request to provide consent, the District will not utilize due process hearing procedures to seek consent. [34 C.F.R. 300.300]

Consistent with consent requirements of §300.300, either a parent of a child or the District may initiate a request for an initial evaluation to determine if a child is a child with a disability. [34 C.F.R. 300.301]

The initial evaluation will:

- Be completed within sixty (60) days of receiving parental consent for the evaluation, unless:
  - the parents and the District agree that it is in the best interest of the child to extend the timeline to complete the evaluation for an additional thirty (30) days; or,
  - the child enrolls in the District following the child's departure from a previous district after the parent has provided consent and before the determination of eligibility by the child's previous district. In that event, the District ensures prompt completion of the evaluation.
  - the parent of a child with a disability repeatedly fails or refuses to produce the child for the evaluation.
- Consist of procedures to determine if the child is a child with a disability and to determine the educational needs of the child. [34 C.F.R. 300.301]

The District will conduct a reevaluation of a child with a disability if:

- The District determines that the educational or related service needs, including improved academic achievement and functional performance, of the child warrant a reevaluation; or
- If the child's parents or teacher requests a reevaluation; except
- The District will not conduct a reevaluation more than once a year unless the parent and District agree otherwise. [34 C.F.R. 300.303]

The District will conduct a reevaluation at least once every three (3) years, unless the parent and the District agree that a reevaluation is unnecessary. [34 C.F.R. 300.303]

The District will provide prior written notice to the parents of a child who has, or who is suspected of having, a disability, that describes the evaluation procedures that the District proposes to conduct. [34 C.F.R. 300.304]

In conducting an evaluation or reevaluation, the District will:

- Use a variety of assessment tools and strategies to gather relevant functional, developmental, and academic information about the child, including information provided by the parent in order to determine;
  - whether the child is a child with a disability; and
  - if the child is a child with a disability, information related to enabling the child to be involved in and progress in the general education curriculum (or for a preschool child, to participate in appropriate activities).
- Not use any single measure or assessment as the sole criterion for determining whether a child is a child with a disability and for determining an appropriate educational program for the child; and
- Use technically sound instruments that may assess the relative contribution of cognitive and behavioral factors, in addition to physical or developmental factors. [34 C.F.R. 300.304]

The District ensures that evaluation materials and strategies:

- Are selected and administered so as not to be discriminatory on a racial or cultural basis;
- Are administered in the child's native language or other mode of communication and in the form most likely to yield accurate information on what the child knows and can do academically, developmentally, and functionally, unless it is clearly not feasible to do so;
- Are used for the purposes for which the assessment(s) or measure(s) are valid and reliable;
- Are administered by trained and knowledgeable personnel;
- Are administered in accordance with the instructions provided by the assessment publisher;
• Are selected and administered so as to ensure that if administered to a child with impaired sensory, manual, or speaking skills, the assessment results accurately reflect the child’s aptitude or achievement level or whatever other factors the test purports to measure rather than reflecting the child’s impairments (unless those skills are the factors being measured).

• Assess the child in all areas related to the suspected disability, including, if appropriate, health, vision, hearing, social and emotional status, general intelligence, academic performance, adaptive behavior, communicative status, and motor abilities; and

• Are sufficiently comprehensive to identify all of the child’s special education and related services needs, whether or not those needs are commonly associated with the child’s disability.

• Provide relevant information that directly assists in determining the educational needs of the child. [34 C.F.R. 300.304]

Evaluations of children who transfer to or from another District in the same school year are coordinated with the prior and subsequent schools, in order to expedite the completion of a full evaluation. [34 C.F.R. 300.304]

As part of an initial evaluation (if appropriate), and as part of any reevaluation, the IEP team and other qualified professionals, as appropriate, will:

• Review existing evaluation data on the child including:
  ■ evaluations and information provided by the parents;
  ■ current classroom-based, local and state-wide assessments, and classroom-based observations;
  ■ observations by teachers, and related services providers.

• On the basis of that review, and input from the child’s parents, identify what additional data, if any, are needed to determine whether:
  ■ the child is or continues to be a child with a disability, and, if so, the educational needs of the child;
  ■ the present levels of academic achievement and related developmental needs of the child;
  ■ whether the child needs special education and related services to enable the child to meet measurable annual IEP goals and to participate, as appropriate, in the general education curriculum.

• The IEP team may conduct the review without a meeting. [34 C.F.R. 300.305]

If additional data are needed, the District will administer the assessments required to obtain the additional data. [34 C.F.R. 300.305]

If additional data are not needed to determine whether the child continues to be a child with a disability, and to determine the child’s educational needs, the District will notify the parents of:

• The determination and the reasons for the determination; and

• The right of the parents to request an assessment to determine whether the child continues to be a child with a disability and to determine the child’s educational needs. [34 C.F.R. 300.305]

The District will evaluate a child before determining that the child is no longer a child with a disability except when the termination is due to graduation with a regular high school diploma or at the conclusion of the instructional year during which the child attained the age of twenty-two (22).

• When the child’s eligibility terminates because of graduation or at the conclusion of the instructional year during which the child attained the age of twenty-two (22), the District will provide a summary of the child’s academic achievement and functional performance that includes recommendations on how to assist the child in meeting the child’s postsecondary goals. [34 C.F.R. 300.305]

Upon completion of the evaluation process, the District ensures that:

• A group of qualified professionals and the parent of the child determine:
  ■ if the child is a child with a disability under the Individuals with Disabilities Education Act and the Arizona State Statutes; and
  ■ if so, the educational needs of the child.

• The parents are provided, at no cost, a copy of the evaluation report and eligibility determination. [34 C.F.R. 300.306]

A child will not be determined to be a child with a disability if the primary factor for the determination is:

• Lack of appropriate instruction in reading, including the essential components of reading instruction (as defined in 1208(3) of the Elementary and Secondary Education Act (ESEA));

• Lack of appropriate instruction in math; or

• Limited English proficiency. [34 C.F.R. 300.306]
The eligibility determination, including education needs, will be based on all of the information sources used in the evaluation process, and if deemed eligible and in need of special education and related services, an IEP will be developed in accordance with §300.320 through 300.324. [34 C.F.R. 300.306]

Additional procedures for identifying children with specific learning disabilities:

- **Option 1:**
  - The District will use the state-adopted criteria for determining whether a child has a specific learning disability through a process based on the child’s response to scientific, research-based intervention in conformity with IDEA Regulations §300.307-311. [34 C.F.R. 300.307]

- **Option 2:**
  - The District will use criteria for determining whether a child has a specific learning disability through the identification of a severe discrepancy between intellectual ability and achievement in conformity with IDEA Regulations §300.307-311. [34 C.F.R. 300.307]

- **Option 3:**
  - The District will determine, on an individual child basis, the criteria for determining whether a child has a specific learning disability using one of the following criteria in conformity with IDEA Regulations §300.307-311:
    - The state-adopted criteria based on a child’s response to scientific, research-based intervention;
    - The identification of a severe discrepancy between intellectual ability and achievement. [34 C.F.R. 300.307]

The determination of whether a child suspected of having a specific learning disability is a child with a disability will be made by the child’s parents and a team of qualified professionals which will include:

- The child’s regular education teacher; or
- If the child does not have a regular education teacher, then a regular education teacher qualified to teach children of that age;
- For a child of less than school age, an individual qualified by the state to teach children of his/her age;
- At least one (1) person qualified to conduct individual diagnostic evaluations of children, such as a school psychologist, speech-language pathologist, or remedial reading teacher. [34 C.F.R. 300.308]

A child may be determined to have a specific learning disability if:

- The child does not achieve adequately for the child’s age or to meet state–approved grade level standards in one (1) or more of the following areas, when provided with learning experiences and instruction appropriate for the child’s age or meet state–approved grade level standards:
  - oral expression
  - listening comprehension
  - written expression
  - basic reading skill
  - reading fluency skills
  - reading comprehension
  - mathematics calculation
  - mathematics problem solving

- The child does not make sufficient progress to meet age or state–approved grade level standards in one (1) or more of the areas in listed immediately above when using a process based on the child’s response to scientific, research-based intervention; or

- The child exhibits a pattern of strengths and weaknesses in performance, achievement, or both, relative to age, state–approved grade level standards, or intellectual development, that is determined by the group to be relevant to the identification of a specific learning disability, using appropriate assessments. [34 C.F.R. 300.309]

The findings of this section are not primarily the result of:

- A visual, hearing or motor disability;
- intellectual disability;
- Emotional disturbance;
- Cultural factors;
• Environmental or economic disadvantage; or
• Limited English proficiency. [34 C.F.R. 300.309]

The group ensures that the underachievement is not due to a lack of appropriate instruction in reading or math and consider:
• Data that demonstrate that prior to, or as part of, the referral process, the child was provided appropriate instruction in regular education settings, delivered by qualified personnel; and
• Data-based documentation of repeated assessments of achievement at reasonable intervals, reflecting formal assessment of student progress during instruction, which was provided to the child's parents. [34 C.F.R. 300.309]

The District will promptly request parent consent to evaluate if, prior to referral, the child has not made adequate progress after an appropriate period of time when provided instruction described in the two (2) immediately preceding bullets. [34 C.F.R. 300.309]

The District ensures that the child is observed in his/her learning environment, including the regular classroom setting, to document the child's academic performance and behavior in the areas of difficulty. [34 C.F.R. 300.310]

In the case of a child less than school age or out of school, a group member will observe the child in an environment appropriate for a child that age. [34 C.F.R. 300.310]

For a child suspected of having a specific learning disability, the eligibility determination will contain a statement of:
• Whether the child has a specific learning disability;
• The basis for making the determination, including an assurance the determination was made in accordance with the Individuals with Disabilities Education Act;
• The relevant behavior, if any, noted during the observation and the relationship of that behavior to the child's academic functioning;
• The educationally relevant medical findings, if any;
• Whether the child does not achieve adequately for his/her age or to meet state-approved grade level standards consistent with whether the child has a specific learning disability, and does not make sufficient progress to meet age or state-approved grade level standards consistent with the basis of a determination in accordance with IDEA; or
• The child exhibits a pattern of strengths and weaknesses in performance, achievement, or both, relative to age, state-approved grade level standards or intellectual development consistent with the observation of relevant behavior.
• The determination of the group concerning the effects of a visual, hearing, or motor disability; intellectual disability; emotional disturbance; cultural factors; environmental or economic disadvantage; or limited English proficiency of the child's achievement level. [34 C.F.R. 300.311]

If the child participated in a process that assessed the child's response to scientific, research-based intervention:
• The instructional strategies used and the student-centered data collected; and
• The documentation that the child's parents were notified about the state's policies regarding the amount and nature of student performance that would be collected and the general education services that would be provided;
• Strategies for increasing the rate of learning; and
• The parent's right to request an evaluation. [34 C.F.R. 300.311]

Each group member will certify in writing whether the report reflects the member's conclusion. If it does not, the group member will submit a separate statement presenting the member's conclusions. [34 C.F.R. 300.311]

Free Appropriate Public Education

The determination that a child is eligible for special education and related services will be made on an individual basis by a properly constituted District team. [34 C.F.R. 300.306 and, if applicable, 300.308]

For preschool children (age three [3] to five [5]):
• The District will:
  • Refer any children who are suspected of having a disability to the appropriate Unified District or Elementary District for evaluation and, if appropriate, for services.

For high school-aged children (age five [5] through twenty-one [21]):
• The District will make FAPE available to any child who needs special education and related services, even though the child has not failed or been retained in a course or grade, and is advancing from grade to grade. Services for an eligible student with a disability shall extend through conclusion of the instructional year during which the student attains the age of twenty-two (22), as determined appropriate by the IEP team.
The District will establish policy and procedures with regard to allowable pupil-teacher ratios and pupil-staff ratios within the District or county for provision of special education services. [A.R.S. 15-764]

The special education programs and services provided shall be conducted only in a school facility which houses regular education classes or in other facilities approved by the division of special education. [A.R.S. 15-764]

The District ensures that assistive technology devices or services or both will be available to a child with a disability, if required, as a part of:

- special education;
- related services;
- supplementary aids and service. [34 C.F.R. 300.105]

On a case-by-case basis, the District ensures the use of school-purchased assistive technology devices in a child's home or other setting if the child's IEP team determines that the child needs access to those devices in order to receive FAPE. [34 C.F.R. 300.105]

The District will make extended school year services available as necessary to provide FAPE to children with disabilities.

- Extended school year (ESY) services will be provided only if a child's IEP team determines, in accordance with §§300.320-300.324, that the services are necessary for the provision of FAPE.
- Services will not be:
  - limited to a particular category of disability; or,
  - unilaterally limited to the type, amount, or duration of services. [34 C.F.R. 300.106]

The ESY services that are provided to a child with a disability will:

- Be provided beyond the normal school year of the District;
- Be provided in accordance with the child's IEP;
- Be provided at no cost to the parents of the child; and
- Meet the standards of the state. [34 C.F.R. 300.106]

The District will afford children with disabilities an equal opportunity for participation in nonacademic and extracurricular services and activities including, as determined appropriate and necessary by the child's IEP team, the provision of supplementary aids and services. [34 C.F.R. 300.107]

Nonacademic and extracurricular services and activities may include counseling services, athletics, transportation, health services, recreational activities, special interest groups or clubs sponsored by the District, referrals to agencies that provide assistance to individuals with disabilities, and employment of students, including both employment by the District and assistance in making outside employment available. [34 C.F.R. 300.107]

The District will make regular physical education services available to children with disabilities to the same extent that the District provides those services to children without disabilities, unless:

- The child is enrolled full time in a separate facility; or
- The child needs specially designed physical education as prescribed in the child's IEP. [34 C.F.R. 300.108]

If a child is enrolled in a separate facility, the District ensures that the child receives appropriate physical education services. [34 C.F.R. 300.108]

If special physical education is prescribed in a child's IEP, the District will provide for those services, either directly or through other public or private programs. [34 C.F.R. 300.108]

The District ensures that children with disabilities have available to them the variety of education programs and services that are available to nondisabled children, including art, music, and career and technical education courses. [34 C.F.R. 300.110]

When serving children wearing hearing aids or surgically implanted medical devices, the District ensures that:

- The hearing aids worn in school by children with hearing impairments are functioning properly; and
- The external components of surgically implanted medical devices (e.g., cochlear implants) are functioning properly, except that the District will not be responsible for any post-surgical maintenance, programming or replacement of any component, external or internal, of the medical device. [34 C.F.R. 300.113]

The District may use the Medicaid or other public benefits or insurance programs in which a child participates to provide or pay for services required under IDEA, as permitted under the public benefits or insurance program, except that the District:

- Will not require parents to sign up for or enroll in public benefits or insurance programs to receive FAPE;
- Will not require parents to incur out-of-pocket expenses such as payment of a deductible or co-pay for services required by IDEA, but may pay the cost that parents otherwise would be required to pay;
- Will not use a child’s public benefit if that use would:
  - decrease lifetime benefits;
  - result in the family paying for non-school services that would otherwise be paid for by public benefits;
  - increase premiums or lead to discontinuation of benefits; or
  - risk loss of eligibility. [34 C.F.R. 300.154]

The District will notify parents that their refusal to allow access to their public benefits does not relieve the District of its responsibility to provide all required IDEA services. [34 C.F.R. 300.154]

The District will obtain parent consent prior to accessing a child’s or parent’s public benefits or insurance for the first time.

The District will provide a written notification to the child’s parents before accessing the child’s or parent’s public benefits or insurance for the first time and prior to obtaining the one-time parental consent and annually thereafter.

**Graduation**

The District ensures that the Governing Board shall prescribe graduation criteria for students with disabilities from its high schools, which shall include access to and progress within the academic standards in at least reading, writing, mathematics, science and social studies, as determined by District assessment, and data through the IEP team for progress on annual goals and objectives. [A.R.S. 15-701(B) and A.A.C. R7-2-301(D)(1)]

The District ensures that the Governing Board shall develop a course of study and graduation requirements for all students placed in special education programs in accordance with R7-2-401 et seq. [A.R.S. 15-701(B) and A.A.C. R7-2-301(D)(1)]

The District will not be obligated to provide FAPE to students with disabilities who have graduated from high school with a regular high school diploma. [34 C.F.R. 300.102]

The exception does not apply to children who have graduated from high school but have not been awarded a regular high school diploma. [34 C.F.R. 300.102]

Graduation from high school with a regular high school diploma constitutes a change of placement requiring prior written notice in accordance with §300.503. [34 C.F.R. 300.102]

An evaluation is not required before the termination of a child’s eligibility due to graduation from secondary school with a regular diploma or due to conclusion of the instructional year during which the student attains the age of twenty-two (22). [34 C.F.R. 300.305]

For a child no longer eligible due to graduation or exceeding the age of eligibility, the District will provide the child with a summary of the child’s academic achievement and functional performance, which shall include recommendations on how to assist the child in meeting the child’s post secondary goals. [34 C.F.R. 300.305]

Pupils with disabilities as defined in A.R.S. 15-761 or children who receive special education as defined in 15-763, shall not be required to achieve passing scores on state-mandated assessments in order to graduate from high school unless the pupil is learning at a level appropriate for the pupil’s grade level in a specific academic area and unless a passing score on a competency test is specifically required in a specific academic area by the pupil’s IEP as mutually agreed on by the pupil’s parents (or eighteen [18] year old student) and IEP team. [A.R.S. 15-701.01(3)]

**Individualized Education Program**

The contents of each individualized education program (IEP) will include a statement of:
- The child’s present levels of academic achievement and functional performance, including:
  - how the child’s disability affects the child’s involvement and progress in the general curriculum; or
- Measurable annual goals, including academic and functional goals designed to:
  - meet the child’s needs that result from the child’s disability to enable the child to be involved in and make progress in the general education curriculum; and
  - meet each of the child’s other educational needs that result from the child’s disability;
- for children with disabilities who take state-approved alternate assessments aligned to and derived from the state’s content standards, a description of benchmarks or short-term objectives;
- How the child’s progress toward meeting the IEP goals will be measured and when periodic reports on the child’s progress toward the goals will be provided;
- The special education and related services to be provided to the child, the supplementary aids and services to be provided to the child or on behalf of the child, the program modifications or supports for school personnel that will be provided to enable the child.
to advance appropriately toward attaining the annual goals;

- to be involved in and progress in the general education curriculum and to participate in extracurricular and other nonacademic activities with other children with disabilities and nondisabled children.

- The extent, if any, to which the child will not participate with nondisabled children in the regular class and in extracurricular and other nonacademic activities;

- Any individual accommodations that are needed to measure the academic achievement and functional performance of the child on state and District-wide assessments;

- If the IEP team determines that the child must take an alternate assessment instead of a particular regular state or District-wide assessment of student achievement, a statement of why:
  - the child cannot participate in the regular assessment; and
  - the particular alternate assessment selected is appropriate for the child;

- The projected date for the beginning of the services and modifications and the anticipated frequency, location, and duration of those services and modifications. [34 C.F.R. 300.320]

Beginning the first school year the student enrolls in the District and updated annually, the IEP will also include a statement of:

- appropriate measurable postsecondary goals based upon age appropriate transition assessments related to training, education, employment, and, where appropriate independent living skills;

- transition services (including courses of study) needed to assist the child in reaching those goals. [34 C.F.R. 300.320]

Beginning not later than one (1) year before a student reaches the age of eighteen (18), the IEP will include a statement that the parents and the student have been informed of the rights under Part B, if any, that will transfer to the student on reaching the age of eighteen (18). [34 C.F.R. 300.320]

The IEP team for each child with a disability will include:

- The parents of the child;

- Not less than one (1) regular education teacher of the child (if the child is, or may be, participating in the regular education environment);

- Not less than one (1) special education teacher of the child, or where appropriate, not less than one special education provider of the child;

- A representative of the District who:
  - is qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of children with disabilities;
  - is knowledgeable about the general education curriculum; and
  - is knowledgeable about the availability of resources of the District;

- may be a District team member described in the IEP team described above, with the exception of the parents, if the above criteria are met.

- An individual who can interpret the instructional implications of evaluation results, who may be a member of the team described in the IEP team described above, with the exception of the parents.

- At the discretion of the parent or the District, other individuals who have knowledge or special expertise regarding the child, including related services personnel as appropriate; and

- Whenever appropriate, the child with a disability.

- A child of any age if the purpose of the meeting is to consider postsecondary goals and transition services needed to assist the child in reaching the IEP goals;

- If the student does not attend the IEP meeting, the District will take other steps to ensure that the student's preferences and interests are considered.

- To the extent appropriate and with consent of the parents or the adult child;

  - the District will invite a representative of any participating agency that is likely to be responsible for providing or paying for transition services.

A member of the District IEP team described above, and including a person who can interpret the results, is not required to attend the IEP meeting if the parent and the school agree in writing prior to the meeting that attendance is not necessary because the member's area of curriculum or related services is not being modified or discussed in the meeting. [34 C.F.R. 300.321]
A member of the District IEP team described above, and including a person who can interpret the results, may be excused from attending the IEP meeting in whole or part when the meeting involves a modification to or discussion of the member's area of the curriculum or related services if the parent, in writing and the District consent to the excusal, and the member submits, in writing to the IEP team, input into the development of the IEP prior to the meeting. [34 C.F.R. 300.321]

The District will take steps to ensure parent(s) of a child with a disability are present at each IEP meeting or are afforded the opportunity to participate by:

- Notifying parents of the meeting early enough to ensure that they will have an opportunity to attend; and
- Scheduling the meeting at a mutually agreed on time and place. [34 C.F.R. 300.322]

The meeting notice will:

- Indicate the purpose, time, and location of the meeting and who will be in attendance; and
- Inform the parents of the provisions relating to the participation of other individuals who have knowledge or special expertise about the child. [34 C.F.R. 300.322]

Beginning the first school year the student enrolls in the District, the notice will also:

- Indicate that a purpose of the meeting will be the consideration of postsecondary goals and transition services;
- Indicate that the District will invite the student
- Identify any other agency that will be invited to send a representative. [34 C.F.R. 300.322]

If neither parent can attend, the District will use other methods to ensure parent participation, including individual or conference telephone calls. [34 C.F.R. 300.322]

A meeting may be conducted without a parent in attendance if the District is unable to convince the parents that they should attend. In this case, the District will maintain a record of its attempts to arrange a mutually agreed on time and place, such as:

- Detailed records of telephone calls made or attempted and the results of those calls;
- Copies of correspondence sent to the parents' and any responses received; and
- Detailed records of visits made to the parent's home or place of employment and the results of those visits. [34 C.F.R. 300.322]

The District will take whatever action is necessary to help the parent understand the proceedings at the IEP meeting, including arranging for an interpreter for parents with deafness or whose native language is other than English. [34 C.F.R. 300.322]

The District will give the parent a copy of the child's IEP at no cost to the parent. [34 C.F.R. 300.322]

At the beginning of each school year, the District will have in effect for each child with a disability in its jurisdiction, an IEP as defined in 300.320. [34 C.F.R. 300.323]

The District ensures that:

- A meeting to develop an IEP for an eligible child is conducted within thirty (30) days of a determination of eligibility for special education and related services.
- As soon as possible following the development of the IEP, the services indicated in the IEP are made available to the child. An IEP will be in effect at the beginning of each school year. [34 C.F.R. 300.323]

The District ensures that each child's IEP is accessible to each regular education teacher, special education teacher, related service provider and any other service provider who is responsible for implementing the IEP.

- Each teacher and related service provider will be informed of his or her specific responsibilities in implementing the IEP; and
- The specific accommodations, modifications, and supports that will be provided for the child in accordance with the IEP. [34 C.F.R. 300.323]

For a child with an IEP who transfers into the District from another school system in Arizona, the District, in consultation with the parents, will provide a free appropriate public education (including services comparable to the services described in the existing IEP) until the District:

- Reviews and adopts the child's IEP from the previous District, or
- Develops, adopts, and implements a new IEP. [34 C.F.R. 300.323]

For a child with an IEP who transfers into the District from another state, the District, in consultation with the parents, will provide a free appropriate public education (including services comparable to the services described in the existing IEP) until the District:

- Conducts an evaluation for eligibility for special education in Arizona, or determines that such an evaluation is unnecessary; and
- Develops, adopts, and implements a new IEP, if appropriate. [34 C.F.R. 300.323]

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6/14/2018
To facilitate the transition of a child enrolling from another school system, either from within or from outside of Arizona, the District will take reasonable steps to promptly obtain the child's education records, including all records pertaining to special education, from the previous school system in which the child was enrolled. [34 C.F.R. 300.323]

When a records request is received from another District, from either within or outside of Arizona, the District will promptly respond to the request. [34 C.F.R. 300.323]

In developing each child's IEP, the IEP team will consider:

- The strengths of the child and the concerns of the parents for enhancing the education of their child;
- The results of the initial or most recent evaluation of the child; and
- The academic, developmental, and functional needs of the child. [34 C.F.R. 300.324]

In consideration of special factors, the IEP team will:

- In the case of a child whose behavior impedes his or her learning or that of others, consider the use of positive behavioral interventions and supports, and other strategies to address that behavior;
- In the case of a child with limited English proficiency, consider the language needs of the child as those needs relate to the child's IEP;
- In the case of a child who is blind or visually impaired, provide for instruction in Braille and the use of Braille unless the IEP team determines, after an evaluation of the child's reading and writing skills, needs, and appropriate reading and writing media (including an evaluation of the child's future needs for instruction in Braille or the use of Braille) that instruction in Braille or the use of Braille is not appropriate for the child;
- Consider the communication needs of the child, and in the case of a child who is deaf or hard of hearing, consider the child's language and communication needs, opportunities for direct communication with peers and professional personnel in the child's language and communication mode, academic level and full range of needs, including opportunities for direct instruction in the child's language and communication mode;
- Consider whether the child requires assistive technology devices and services. [34 C.F.R. 300.324]

The regular education teacher of a child with a disability, as a member of the IEP team, will, to the extent appropriate, participate in the development, review, and revision of the child's IEP, including the determination of:

- Appropriate positive behavioral interventions and strategies for the child; and
- Supplementary aids and services, program modifications, and/or supports for school personnel that will be provided for the child, consistent with §300.320(a)(4). [34 C.F.R. 300.324]

In making changes to the IEP after the annual IEP meeting, the parent and the District may agree to amend the IEP without a meeting for the purpose of making those changes and, instead, develop a written document to amend or modify the child's current IEP. The District will:

- Inform all members of the child's IEP team of those changes, and
- Upon request, provide the parents with the revised copy of the IEP. [34 C.F.R. 300.324]

To the extent possible, the District will encourage the consolidation of evaluation, reevaluation and IEP meetings for a child. [34 C.F.R. 300.324]

The District ensures that the IEP team reviews the child's IEP periodically, but not less than annually, to determine if goals are being achieved, and revise the IEP, when appropriate, to address:

- any lack of expected progress toward the annual goals and in the general education curriculum, if appropriate;
- the results of any reevaluation;
- information about the child provided to, or by the parents;
- the child's anticipated needs, or other matters. [34 C.F.R. 300.324]

If a participating agency other than the District fails to provide the transition services in an IEP, the District will reconvene the IEP team to identify alternative strategies to meet the child’s transition outcomes. [34 C.F.R. 300.324]

Before the District places a child with a disability in a private school or facility, the District will initiate and conduct a meeting to develop an IEP for the child and ensure that a representative of the private school or facility attends the meeting in person or by conference call. [34 C.F.R. 300.325]

Subsequent IEP reviews may be initiated and conducted by the private school at the discretion of the District. However, the District ensures that:

- The parents and District representative are involved in any decisions about the child's IEP; and
• Agree to any proposed changes in the IEP before those changes are implemented. [34 C.F.R. 300.325]

The District remains responsible to ensure FAPE to a child placed by the District in a private school or facility. [34 C.F.R. 300.325]

The District ensures that the parents of a child with a disability are members of any group that makes decisions on the educational placement of their child. [34 C.F.R. 300.327]

Least Restrictive Environment

The District ensures that special classes, separate schooling, or other removal of children with disabilities from the regular educational environment occurs only if the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily. [34 C.F.R 300.114]

The District will make available a continuum of alternative placements to meet the needs of children with disabilities for special education and related services. [34 C.F.R 300.115]

The continuum of alternative placements will include:

• Instruction in regular classes, special classes, special schools, home instruction, and instruction in hospital and institutions;
• Supplementary services, such as a resource room or itinerant instruction, to be provided in conjunction with regular class placement.

The placement decision for each child will be:

• Made by a group that includes the parents and other persons knowledgeable about the child, the meaning of the evaluation data, and the placement options;
• In conformity with the least restrictive environment (LRE) provisions of the IDEA regulations;
• Determined at least annually;
• Based on the child's IEP; and,
• As close as possible to the child's home. [34 C.F.R 300.115]

Unless the IEP of a child requires some other arrangement, the child will be educated in the school that he or she would attend if not disabled. [34 C.F.R 300.115]

In selecting the LRE, consideration will be given to any potential harmful effect on the child or on the quality of services that she/he needs. [34 C.F.R 300.115]

A child with a disability will not be removed from age-appropriate regular classrooms solely because of needed modifications in the general education curriculum. [34 C.F.R 300.115]

In providing or arranging for the provision of nonacademic and extracurricular services and activities, including meals, recess periods, and other nonacademic activities, the District ensures that each child with a disability participates with nondisabled children in the extracurricular services and activities to the maximum extent appropriate to the needs of that child. [34 C.F.R 300.117]

The District ensures that the supplementary aids and services determined by the IEP team to be appropriate and necessary are provided to allow the child to participate in nonacademic settings. [34 C.F.R 300.115]

The District will establish, maintain, and implement procedural safeguards that meet the requirements of §300.500 through 300.536 of the IDEA Regulations.

Procedural Safeguards

The District ensures that the parents of a child with a disability shall be given an opportunity to inspect and review all education records with respect to the identification, evaluation, educational placement, and the provision of FAPE to the child. [34 C.F.R. 300.501]

The District ensures that the parents of a child with a disability shall:

• be given an opportunity to participate in meetings with respect to the identification, evaluation, educational placement and the provision of FAPE to the child.
• be provided notice consistent with §300.322 to ensure they have opportunity to participate in meetings.
• be members of any group that makes decisions on the educational placement of their child. [34 C.F.R. 300.501]

If neither parent can participate in a meeting in which a decision is to be made relating to the educational placement of their child, the District must use other methods to ensure their participation, including individual or conference telephone calls, or video conferencing. [34 C.F.R 300.501]

A placement decision may be made by a group without the involvement of the parent, if the District is unable to obtain the parent's participation and has maintained a record of its attempts to ensure their involvement. [34 C.F.R. 300.501]

The parents of a child with a disability have the right to obtain an independent educational evaluation of their child. The District must provide to parents, upon request for an independent educational evaluation.
• Information about where an independent educational evaluation may be obtained; and

• The District criteria applicable for independent educational evaluations. District criteria for the independent educational evaluation must be the same as the criteria the District uses when it conducts an evaluation, to the extent consistent with the parent's right to an evaluation. [34 C.F.R. 300.502]

A parent has the right to an independent educational evaluation at public expense if the parent disagrees with an evaluation obtained by the District. If a parent requests an independent educational evaluation at public expense, the District must, without unnecessary delay, either:

• File for a due process hearing to show that its evaluation is appropriate; or

• Ensure that an independent educational evaluation is provided at public expense, unless the District demonstrates in a hearing that the evaluation obtained by the parent did not meet District criteria. [34 C.F.R. 300.502]

If a due process hearing decision is that the District's evaluation is appropriate, the parent still has the right to an independent educational evaluation, but not at public expense. [34 C.F.R. 300.502]

If a parent requests an independent educational evaluation, the District may ask for the parent's reasons for the objections, but may not require the parent to provide an explanation and may not unreasonably delay either providing the independent educational evaluation at public expense or filing a request for due process to defend its evaluation. [34 C.F.R. 300.502]

A parent is entitled to only one (1) independent educational evaluation at public expense each time the District conducts an evaluation with which the parent disagrees. [34 C.F.R. 300.502]

The results of any independent educational evaluation which is obtained by or provided to the District:

• must be considered by the District, if it meets District criteria, in any decision with respect to the provision of FAPE to the child; and

• may be presented by any party as evidence in a due process hearing. [34 C.F.R. 300.502]

If a hearing officer requests an independent educational evaluation as part of a due process hearing, the cost of the evaluation must be at public expense.

Written notice must be given to the parents of a child with a disability a reasonable time before the District:

• Proposes to initiate or change the identification, evaluation or educational placement of the child or the provision of FAPE to the child; or

• Refuses to initiate or change the identification, evaluation or educational placement of the child or the provision of FAPE to the child. [34 C.F.R. 300.503]

The notice must include:

• A description of the action proposed or refused by the District;

• An explanation of why the District proposes or refuses to take the action;

• A description of each evaluation procedure, assessment, record or report the District used as a basis for the proposed or refused action;

• A statement that the parents of a child with a disability have protection under the procedural safeguards of this part and, if this notice is not an initial referral for evaluation, the means by which a copy of a description of the procedural safeguards can be obtained;

• Sources for parents to contact to obtain assistance in understanding the provisions of this part;

• A description of other options that the IEP team considered and the reasons why those options were rejected;

• A description of other factors that are relevant to the District's proposal or refusal. [34 C.F.R. 300.503]

The notice must be written in language understandable to the general public, provided in the native language or other mode of communication used by the parent. [34 C.F.R. 300.503]

If the native language or other mode of communication used by the parent is not a written language, the District ensures:

• the notice is translated orally or by other means to the parent in his or her native language or other mode of communication;

• That the parent understands the content of the notice;

• That there is written evidence of these requirements. [34 C.F.R. 300.503]

A copy of the procedural safeguards available to the parent of a child with a disability must be given to the parents only one (1) time a school year, except that a copy also must be given to the parents:

• Upon initial referral or parent request for evaluation;
Upon receipt of a first complaint to the state or first request for a due process hearing in a school year;
When a disciplinary change of placement/removal has been initiated;
Upon request by a parent. [34 C.F.R. 300.504]

The procedural safeguards notice must include a full explanation of all the procedural safeguards available under §300.148, §§300.151 through 300.153, §300.300, §§300.502 through 300.503, §§300.505 through 300.515, §300.520, §§300.530 through 536, and §§300.610 through 300.625 relating to:

- Independent educational evaluations;
- Prior written notice;
- Parental consent;
- Access to education records;
- Opportunity to present and resolve complaints through the due process hearing and state complaint procedures, including;
  - The time period in which to file a complaint;
  - The opportunity for the District to resolve the complaint;
  - The difference between due process hearing and state complaint procedures, jurisdictions, issues that may be raised, timelines, and relevant procedures.
- The availability of mediation;
- The child's placement during the due process hearing;
- Procedures for students subject to placement in an interim alternative educational setting
- Requirements for unilateral placements by parents of children in private schools at public expense;
- Due process hearings including requirements for disclosure of evaluation results and recommendations;
- Civil actions, including timelines;
- Attorney fees. [34 C.F.R. 300.504]

This notice must meet the same requirements for understandable language as for the written prior notice described in §300.503. [34 C.F.R. 300.504]

The parent of a child with a disability may elect to receive required notices by an electronic mail communication if the District makes that option available. [34 C.F.R. 300.505]

The District will establish procedures to allow parties to disputes, including those matters arising prior to a request for a due process hearing, to resolve disputes through mediation. Procedures will ensure that the mediation process:

- Is voluntary on the part of the parties;
- Is not used to deny or delay a parent's right to a due process hearing or any other right under the IDEA;
- Is conducted by a qualified and impartial mediator who is trained in effective mediation techniques. [34 C.F.R. 300.506]

The District may establish procedures to offer to parents and schools that choose not to use mediation an opportunity to meet, at a time and location convenient to the parties, with a disinterested party:

- Who is under contract with an appropriate alternative dispute resolution entity, or a parent training and information center, or community parent resource center;
- Who would explain the benefits of, and encourage the mediation process to the parents. [34 C.F.R. 300.506]

A parent or District may file a request for a due process hearing relating to the identification, evaluation or educational placement of a child with a disability. [34 C.F.R. 300.507]

The request for a due process hearing must allege a violation that occurred not more than two (2) years before the date the parent or District knew or should have known about the alleged violation. [34 C.F.R. 300.507]

The District must inform the parent of any free or low cost legal and other relevant services available in the area upon parent request. [34 C.F.R. 300.507]

The District will have procedures that require either party, or the attorney representing a party, to provide to the other party a confidential due process complaint. [34 C.F.R. 300.508]

The party filing the notice for a hearing must forward a copy of the request to the state. [34 C.F.R. 300.508]
The due process hearing complaint must include the following in order for the complaint to be heard:

- The name of the child;
- The residential address of the child;
- The school of attendance;
- A description of the nature of the problem of the child relating to the proposed or refused initiation or change, including facts relating to the problem; and
- A proposed resolution of the problem to the extent known and available to the party at the time. [34 C.F.R. 300.508]

The due process complaint will be deemed sufficient unless the party receiving the complaint notifies the hearing officer and the other party in writing, within fifteen (15) days of receipt of the complaint, that it believes the complaint does not meet the content requirements. [34 C.F.R. 300.508]

Within five (5) days of receipt of notice, the hearing officer must determine whether the complaint meets the requirements and notify the parties, in writing, of that determination. [34 C.F.R. 300.508]

A party may amend its due process complaint only if:

- The other party consents in writing and is given an opportunity to resolve the complaint through the resolution process; or
- The hearing officer grants permission, but in no case later than five (5) days before the due process hearing begins. [34 C.F.R. 300.508]

If a party files an amended complaint, the relevant timelines begin again. [34 C.F.R. 300.508]

If the District has not sent a prior written notice to the parent regarding the subject matter contained in the due process complaint, it must do so within ten (10) days of receiving the complaint. [34 C.F.R. 300.508]

Within ten (10) days of receiving the complaint, the receiving party will send to the other party a response that specifically addresses the issues raised in the due process complaint. [34 C.F.R. 300.508]

Within fifteen (15) days of receiving the notice of the parent's due process complaint, and prior to the initiation of a due process hearing, the District must convene a meeting with the parent and the relevant members of the IEP team who have specific knowledge of the facts identified in the complaint that:

- Includes a representative of the District who has District decision-making authority;
- May not include an attorney of the District unless the parent is accompanied by an attorney. [34 C.F.R. 300.510]

The purpose of the meeting is for the parent of the child to discuss the due process complaint, and the factual basis of the complaint, so the District has the opportunity to resolve the dispute. [34 C.F.R. 300.510]

The resolution meeting need not be held if:

- The parent and District agree in writing to waive the meeting; or
- The parent and District agree to use the mediation process. [34 C.F.R. 300.510]

The parent and the District determine the relevant IEP team members to attend the meeting. [34 C.F.R. 300.510]

If the District has not resolved the complaint to the satisfaction of the parent within thirty (30) days of the receipt of the complaint, the due process hearing may occur. The timeline for issuing a final decision begins at the end of this thirty (30) day period. [34 C.F.R. 300.510]

The failure of the parent to participate in the resolution meeting that has not been mutually agreed to be waived, will delay the timelines for the resolution process and due process hearing until the meeting is held. [34 C.F.R. 300.510]

If the District is unable to obtain the participation of the parent after reasonable efforts have been made and documented, the District may, at the conclusion of the thirty (30) day period, request the hearing officer dismiss the parent's due process complaint. [34 C.F.R. 300.510]

If the District fails to hold the resolution meeting within fifteen (15) days of receiving the complaint or fails to participate in the meeting, the parent may request that the hearing officer begin the hearing timeline. [34 C.F.R. 300.510]

The forty-five (45) day timeline for the due process hearing starts the day after:

- Both parties agree in writing to waive the resolution meeting; or
- After either the mediation or resolution meeting starts but before the end of the thirty (30) day resolution period, the parties agree in writing that no agreement is possible; or
- If both parties agree in writing to continue the mediation at the end of the thirty (30) day resolution period, but later, one (1) party withdraws from the mediation process. [34 C.F.R. 300.510]

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6/14/2018
If a resolution is reached at the meeting, the parties must execute a legally binding agreement that is:

- Signed by both the parent and District representative who has authority to legally bind the District; and
- Enforceable in any state court of competent jurisdiction or in a district court of the United States. [34 C.F.R. 300.510]

Either party may void the agreement within three (3) business days of the agreement’s execution. [34 C.F.R. 300.510]

The child involved in the due process hearing complaint must remain in his or her current educational placement:

- Unless a discipline appeal has been filed as provided in §300.533;
- During the pendency of any administrative or judicial proceeding regarding a due process complaint notice requesting a due process hearing under §300.507; or
- Unless the District and parents of the child agree otherwise. [34 C.F.R. 300.518]

If the complaint involves an application for initial admission to public school, the child, with the consent if the parents, must be placed in the public school until the completion of all the proceedings. [34 C.F.R. 300.518]

The District ensures that the rights of a child are protected by assigning an individual to act as a surrogate for the parents when:

- No parent can be identified;
- After reasonable efforts are made, no parent can be located;
- The child is a ward of the state (with no foster parent);
- The child is an unaccompanied homeless youth as defined by the McKinney-Vento Homeless Assistance Act. [34 C.F.R. 300.519]

The District will have a method for determining when a surrogate parent is needed and for making surrogate parent assignments. [34 C.F.R. 300.519]

The District ensures that a person selected as a surrogate parent:

- Is not an employee of the state, the District, or any other agency that is involved in the education or care of the child;
- Has no personal or professional interest that conflicts with the interest of the child the surrogate parent represents; and
- Has knowledge and skills that ensure adequate representation of the child. [34 C.F.R. 300.519]

In the case of an unaccompanied homeless youth, appropriate staff of emergency shelters, transitional shelters, independent living programs, and street outreach programs may be appointed as temporary surrogate parents until a surrogate parent can be appointed that meets all the requirements of this section. [34 C.F.R. 300.519]

When a child with a disability reaches age eighteen (18), unless that child has been determined to be incompetent:

- The District will provide any notice required by the IDEA regulations to both the child and the parents; and
- All rights accorded to parents under Part B of the Act transfer to the child. [34 C.F.R. 300.520]

When the rights are transferred, the District will provide notice to the child and parent of the transfer of rights. [34 C.F.R. 300.520]
A sample of the procedural safeguards notice is available from the Arizona Department of Education. It is titled "SPECIAL EDUCATION RIGHTS OF PARENTS AND CHILDREN UNDER THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT (IDEA AMENDED 2004)." If the District chooses to modify these sample procedures it is suggested that a comparison to the citations in the information below be reviewed.

The Federal Regulations at 34 C.F.R. 300.504 on Procedural safeguards notice read as follows:

"Sec. 300.504 Procedural safeguards notice.

(a) General. A copy of the procedural safeguards available to the parents of a child with a disability must be given to the parents, at a minimum--

(1) Upon initial referral for evaluation;

(2) Upon each notification of an IEP meeting;

(3) Upon reevaluation of the child; and

(4) Upon receipt of a request for due process under Sec. 300.507.

(b) Contents. The procedural safeguards notice must include a full explanation of all of the procedural safeguards available under Secs. 300.403, 300.500-300.529, and 300.560-300.577, and the State complaint procedures available under Secs. 300.660-300.662 relating to--

(1) Independent educational evaluation;

(2) Prior written notice;

(3) Parental consent;

(4) Access to educational records;

(5) Opportunity to present complaints to initiate due process hearings;

(6) The child's placement during pendency of due process proceedings;

(7) Procedures for students who are subject to placement in an interim alternative educational setting;

(8) Requirements for unilateral placement by parents of children in private schools at public expense;

(9) Mediation;

(10) Due process hearings, including requirements for disclosure of evaluation results and recommendations;

(11) State-level appeals (if applicable in that State);

(12) Civil actions;

(13) Attorneys' fees; and

(14) The State complaint procedures under Secs. 300.660-300.662, including a description of how to file a complaint and the timelines under those procedures.
(c) Notice in understandable language. The notice required under paragraph (a) of this section must meet the requirements of Sec. 300.503(c).”

The following is a summary of sources for procedures that may be found in law, regulation and District policy other than the A.D.E. sample:

- An opportunity for parent of a child with a disability to examine all records § 34 C.F.R. 300.501, Policy JR and Regulation JR-R (Student Records).

- Procedures to protect the rights of the child whenever the parents of the child are not known § 34 CFR 300.501 and A.R.S. 15-763.01.

- Prior written notice to the parents is to be provided upon specific instances § 34 C.F.R. 300.503.

- Procedures designed to ensure the prior written notice is in the native language of the parents, unless it clearly is not feasible to do so. If the district is unable after making an effort, to provide the notice in the native language of the parent, then the A.D.E. should be contacted for assistance. See § 34 C.F.R. 300.503.

- Procedures for mediation shall be provided. Contact the A.D.E. for a list of mediators. See § 34 C.F.R. 300.507 et seq. and A.A.C. R7-2-401.

- An explanation of the State complaint procedure shall be provided § 34 C.F.R. 300.660 et seq. and A.A.C. R7-2-405.

- Due process procedures are to be included § 34 C.F.R. 300.507 and A.A.C. R7-2-405.

- Procedures that require the parent of a child with a disability, or the attorney representing the child, to provide notice within certain guidelines (it shall remain confidential) § 34 C.F.R. 300.507.

- Discipline procedures should be explained § 34 C.F.R. 300.507, and Policy JKD (Student Suspension).
SPECIAL INSTRUCTIONAL PROGRAMS
AND ACCOMMODATIONS FOR
DISABLED STUDENTS

(Section 504 of the Rehabilitation Act of 1973)

It is the responsibility of the District to identify and evaluate students who, within the intent of Section 504 of the Rehabilitation Act of 1973, need special services or programs in order that such students may receive the required free appropriate education.

For this policy, a student who may need special services or programs within the intent of Section 504 is one who:

- Has a physical or mental impairment that substantially limits one (1) or more major life activities, including learning; or
- Has a record of such impairment; or
- Is regarded as having such impairment.

Students may be eligible for services under the provisions of Section 504 even though they do not require services pursuant to the Individuals with Disabilities in Education Act (IDEA). Students who are identified as individuals with exceptional needs, according to IDEA criteria, are not addressed under this policy. The needs of such students are provided for under Policy IHB and its regulations and under state and federal laws and regulations.

Adopted: date of manual adoption

LEGAL REF.:
A.R.S.
15-708
29 U.S.C. 706
29 U.S.C. 794

CROSS REF.:
KED - Public Concerns/Complaints about Facilities and Services
SPECIAL INSTRUCTIONAL PROGRAMS AND ACCOMMODATIONS FOR DISABLED STUDENTS

(Section 504 of the Rehabilitation Act of 1973)

Each qualified student within the District who is eligible to receive regular or special education or related aids or services, regardless of the nature or severity of the condition necessitating such programs or services, shall receive free appropriate education in the District.

Identification and referral procedures:

- Any student who needs or is believed to need special education or related services not available through existing programs in order to receive a free appropriate public education may be referred by a parent, teacher, or other certificated school employee for identification and evaluation of the student's individual education needs.

- The identification and evaluation will be completed by persons knowledgeable about the student, the student's school history, the student's individual needs, the meaning of evaluation data, and the placement options. The Superintendent will monitor the identification and evaluation to ensure that qualified personnel participate.

- The District will consider the referral and, based upon a review of the student's existing records, including academic, social, and behavioral records, make a decision as to whether an evaluation under this procedure is appropriate. If a request for evaluation is denied, the District will inform the parents or guardian of this decision and of their procedural rights.

Evaluation. Evaluation of the student and formulation of a plan of services will be carried out by the District according to the following procedures:

- The District will evaluate the nature of the student's disability and the impact of the disability upon the student's education. This evaluation will include consideration of any behaviors that interfere with regular participation of a student who otherwise meets the criteria (such as age) for participation in the educational program and/or activities.

- No final determination of whether the student will or will not be identified as a student with a disability within the meaning of Section 504 will be made by the District without first inviting the parent or guardian of the student to participate in a meeting concerning such determination.

- A final decision will be made by the District in writing, and the parents or guardian of the student shall be notified of the Section 504 procedural safeguards available to them, including the right to an impartial hearing and review.

Plan for services:

- For a student who has been identified as having a disability within the meaning of Section 504 and in need of special education or related aids and services, the District shall be responsible for determining what special services are needed.

- In making such determination, the District shall consider all available relevant information, drawing upon a variety of sources, including, but not limited to, comprehensive assessments conducted by the District's professional staff.

- The parents or guardian shall be invited to participate in District meetings where services for the student will be determined, and shall be given an opportunity to examine all relevant records.

- The District will develop a written plan describing the disability and the special education or related services needed. The plan will specify how the regular or special education and related aids and services will be provided, and by whom.
The District may also determine that no special education or related services are appropriate. If so, the record of the District proceedings will reflect the identification of the student as a person with a disability and will state the basis for the decision that no special services are presently needed.

A student with a disability shall be placed in the regular educational environment of the District, with the use of the supplementary aids and services, unless the District demonstrates that such placement cannot be achieved satisfactorily. The student with a disability shall be educated with those who are not disabled to the maximum extent appropriate to the individual needs of the student.

The District shall notify the parents or guardian in writing of its final decision concerning the services to be provided.

If a plan for providing related services is developed, all school personnel who work with the student shall be informed of the plan.

**Review of the student's progress.** The District will monitor the progress of the student with a disability and the effectiveness of the student's education plan annually to determine whether special education or related services are appropriate and necessary, and that the student's needs are being met as adequately as the needs of a nondisabled student.

Prior to any subsequent significant change in placement, a comprehensive reevaluation of the student's needs will be conducted.

**Procedural safeguards:**

- The parents or guardian shall be notified in writing of all District decisions concerning the identification, evaluation, or educational placement of students made under this policy.
- The parents or guardian shall be notified that they may examine relevant records.
- As to such decisions by the District, the parents or guardian shall have the right to an impartial hearing ("Section 504 due process hearing"), with opportunity for participation by the parents or guardian and their counsel. In the notification of any District decision concerning identification, evaluation, or placement, the parents or guardian will be advised that:
  - A request for a Section 504 due process hearing should be made within thirty-five (35) days of notice of right to file (but not less than thirty [30] days).
  - The request shall be made to:
    - Name: Director, Exceptional Student Services
    - Address: 4502 N Central Avenue
      Phoenix, AZ 85012
    - Phone: 602-764-1009
  - The hearing will be held in accord with Regulation IHBA-RB. The decision may be appealed only to a federal court of competent jurisdiction.
  - Attorneys' fees are available only as authorized by law.

If a state due process hearing has been or will be held under the IDEA concerning issues relevant to the Section 504 proceeding, a hearing officer qualified as to IDEA and Section 504 proceedings may preside in a joint hearing. The issues for either IDEA or Section 504 determination shall be clearly defined at the outset, and determinations by the hearing officer will be separate and distinct.

If both the parents or guardian and the District agree that the student is not eligible for special education under the IDEA, neither party is required to exhaust administrative proceedings under the IDEA prior to the holding of a Section 504 due process hearing.

The hearing officer shall render a decision. The parents or guardian shall be notified in writing of the decision. Either party may seek review of the decision of the Section 504 hearing officer by a federal court of competent jurisdiction.

The parties shall abide by the decision of the Section 504 hearing officer unless the decision is appealed to a federal court of competent jurisdiction and the decision is stayed by the court.
SPECIAL INSTRUCTIONAL PROGRAMS
AND ACCOMMODATIONS FOR
DISABLED STUDENTS

(Section 504 of the Rehabilitation Act of 1973)

Section 504 Due-Process Hearing Procedures

An impartial due process hearing will be utilized to resolve differences involving the education of a Section 504 qualified student with a disability when such differences cannot be resolved by means of a less formal procedure. In this instance, due process is defined as an opportunity to present objections and reasons for the objections to the decision and/or procedures of the committee regarding application of Section 504. A Section 504 due process hearing may be called at the request of the District or a parent, guardian, or surrogate of an affected student. The proceedings will be presided over and decided by an impartial hearing officer. Impartial hearing officer means a person selected to preside at a due process hearing to assure that proper procedures are followed and to assure the protection of the rights of both parties.

In all related hearing matters the following definitions shall apply:

- Days means calendar days.
- Placement plan means the program by which the decision concerning the educational placement of the student is decided.
- Parents means parents, guardian, or surrogate parent.

Parents or the District may initiate a due process hearing on a matter related to (1) eligibility and related procedures, (2) procedural safeguards, or (3) provision of a free and appropriate public education to the student.

Requests for a due process hearing must be submitted in writing to the Superintendent. Hearing notifications to the parents shall be given at least twenty (20) days prior to the date set for the hearing. The notice shall contain:

- A statement of time, place, and nature of the hearing.
- A statement of the legal authority and jurisdiction under which the hearing is being held.
- A reference to the particular section of the statutes and rules involved.
- A statement of the availability of relevant records for examination.
- A short and plain statement of the matters asserted.
- A statement of the right to be represented by counsel.

All written correspondence shall be provided in English and/or interpreted in the primary language.

Hearing Procedures

The hearing officer shall preside at the hearing and shall conduct the proceedings in an impartial manner to the end that all parties involved have an opportunity to:

- Present their evidence.
- Produce outside expert testimony and be represented by legal counsel and by individuals with knowledge or training with respect to problems of students with disabilities.

Parents involved in the hearing will be given the right to:

- Have the student present at the hearing.
- Open the hearing to the public.
In cases where there are language differences, an interpreter shall be provided.

The hearing officer shall review all relevant facts concerning the education placement.

- The hearing officer shall determine, subject to appeal by judicial review, whether the District has met all procedural aspects of the education accommodation plan.

- The hearing officer shall render a decision, subject to judicial review, that is binding on all parties, except that in all cases any action taken must comply with current Arizona Revised Statutes and federal court decisions.

- The hearing officer shall ascertain that:
  - The procedures utilized in determining the student's needs have been appropriate in nature and degree.
  - The student's rights have been fully observed.
  - The provision of aids, services, or programs to the student may afford a free and appropriate education.

- If the parents' primary language is other than English, then the hearing officer shall appoint an interpreter.

Decision of the Hearing Officer

A copy of the hearing officer's decision shall be delivered to the District and the parent, guardian, or surrogate within ten (10) days following completion of the hearing, which in no event shall be later than forty-five (45) days after receipt of the request for a hearing.

- Notification will include a statement that either party may appeal the decision.

The decision of the hearing officer is binding on all parties concerned; it is subject only to judicial review.

Record of Hearing

A written or electronic verbatim recording of the Section 504 due process hearing shall be on file at the District office and will be available for review upon request to the parents and/or any of the involved parties. Parents may have a copy of the proceedings, in English and in the primary language of the home.

LEGAL REF.:
A.A.C.
R7-2-405
TO: Staff
FROM:


This memorandum is to clarify certain responsibilities of the District under Section 504 of the Rehabilitation Act of 1973.

Section 504 prohibits discrimination against persons with disabilities, including both students and staff members, by school districts receiving federal financial assistance. Included in the U.S. Department of Education regulations for Section 504 is the requirement that students with disabilities be provided with free appropriate public education (FAPE). The regulations pertaining to FAPE are published at 34 Code of Federal Regulations, Part 104, Subpart D.) These regulations require identification, evaluation, the provision of appropriate services, and procedural safeguards.

With respect to most students with disabilities, many aspects of the Section 504 regulations concerning FAPE parallel the requirements of the Individuals with Disabilities Education Act (IDEA) (formerly the Education of the Handicapped Act) and Arizona law. In those areas, by fulfilling our responsibilities under the IDEA and state law we are also meeting the standards of the Section 504 regulations.

However, in some other respects the requirements of the laws are different. There are some students who are not eligible for IDEA services but who nevertheless are eligible under Section 504, and to whom the District may therefore have responsibilities.

The IDEA defines as eligible only students who have certain specified types of impairments and who, because of one (1) of those conditions, need special education. Section 504, on the other hand, protects all students with disabilities, defined as those having any physical or mental impairment that substantially limits one (1) or more major life activities (including learning). Section 504 covers all students who meet this definition, even if they do not fall within the IDEA enumerated categories and even if they do not need to be in a special education program.

An example of a student who is protected by Section 504 but who may not be covered by the IDEA is one who has juvenile arthritis but who has no mental impairments. Such a student has a health impairment but may not be covered by the IDEA if the student does not need placement in a special education program. However, the student is disabled for purposes of Section 504. A similar example might be a student with acquired immune deficiency syndrome (AIDS). Students with attention deficit/hyperactivity (ADD/H) or emotional disorders are another example. Such students may not meet the criteria for IDEA categories such as learning disabled or severely emotionally disturbed. However, if their disorders or conditions substantially limit their ability to function at school, they are disabled within the meaning of Section 504.

If the District has reason to believe that, because of a disability as defined under Section 504, a student needs either special education and related services or related services in the regular setting in order to participate in the school program, the District must evaluate the student; if the student is determined to be disabled under Section 504, the District must develop and implement a plan for the delivery of any needed services. Again, these steps must be taken even though the student is not covered by IDEA special education provisions and procedures.

What is required for the Section 504 evaluation and placement process is determined by the type of disability believed to be present, and the type of services the student may need. The evaluation must be sufficient to accurately and completely assess the nature and extent of the disability, and the recommended services. Evaluations more limited than a full special education evaluation may be adequate in some circumstances. For example, in the case of the student with juvenile arthritis, the evaluation might consist of the school nurse meeting with the parent and reviewing
the student's current medical records. In the cases of ADD/H students, current psychoeducational evaluations may be used if such evaluations assessed the ADD/H issue. In other cases, additional testing may be necessary.

The determination of what services are needed must be made by a group of persons knowledgeable about the student. The group should review the nature of the disability, how it affects the student’s education, whether special services are needed, and if so what those services are. The decisions about Section 504 eligibility and services must be documented in the student's file and reviewed periodically.

For the juvenile arthritic student, Section 504 services might be the provision of a typing course and use of a typewriter/word processor to improve writing speed or to provide a less painful means of writing. For the AIDS student, Section 504 services might be the administration and monitoring of medication, or a class schedule modified to address the student's stamina. For an ADD/H student, services might include modifications in the regular classroom, special assistance from an aide, a behavior plan, counseling, and/or the monitoring of medication.

It should also be noted that, under Section 504, the parents or guardian must be provided with notice of actions affecting the identification, evaluation, or placement of the student and are entitled to an impartial hearing if they disagree with District decisions in these areas. For disabilities covered only by Section 504 and not the IDEA, a Section 504 hearing will have to be made available that is separate from the IDEA hearing process. The District is exploring different frameworks for the adoption of procedures for conducting Section 504 hearings in the District, should the need arise.

In summary, it is important to keep in mind that some students who have physical or mental conditions that limit their ability to participate in the education program are entitled to rights under Section 504 even though they may not fall into IDEA categories and may not be covered by that law.
The Board requires that expanded academic course offerings or advanced supplemental services, or both, be provided to gifted pupils identified in accord with relevant statutes. Procedures for the identification of gifted pupils and development of curriculum modifications for the receipt of gifted education shall be prepared and submitted in a form required by the Department of Education for approval by July 1 if any changes were made the previous year.

The framework for said programs shall encompass the following objectives:

- Expansion of academic attainments and intellectual skills.
- Stimulation of intellectual curiosity, independence, and responsibility.
- Development of originality and creativity.
- Development of positive attitude toward self and others.
- Development of desirable social and leadership skills.
- Career exploration and awareness.

LEGAL REF.:
A.R.S.
15-203
15-779 et seq.
A.A.C.
R7-2-406
GIFTED AND TALENTED EDUCATION

The Board requires that expanded academic course offerings or advanced supplemental services, or both, be provided to gifted pupils identified in accord with relevant statutes. Procedures for the identification of gifted pupils and development of curriculum modifications for the receipt of gifted education shall be prepared and submitted in a form required by the Department of Education for approval by July 1 if any changes were made the previous year.

The framework for said programs shall encompass the following objectives:

- Expansion of academic attainments and intellectual skills.
- Stimulation of intellectual curiosity, independence, and responsibility.
- Development of originality and creativity.
- Development of positive attitude toward self and others.
- Development of desirable social and leadership skills.
- Career exploration and awareness.

Adopted: date of manual adoption

LEGAL REF.:
A.R.S.
15-203
15-779 et seq.
A.A.C.
R7-2-406
EXHIBIT #9
GBEF
STAFF USE OF DIGITAL COMMUNICATIONS
AND ELECTRONIC DEVICES

Social media is the use of web-based and mobile technologies to communicate through interactive dialogue. Social media technologies include but are not limited, to blogs, picture-sharing, vlogs, wall-postings, e-mail, instant messaging, music-sharing, crowdsourcing, Facebook, LinkedIn, My Space, Twitter, You Tube, and any successor protocol to transmit information. Mobile technologies are any devices that: transmit sounds, images, texts, messages, videos, or electronic information; electronically records, plays, or stores information; or accesses the Internet, or private communication or information networks. Current examples are Smartphones such as BlackBerry, Android, iPhone, and other such mobile technologies and subsequent generations of these and related devices.

The Governing Board recognizes how web-based and mobile technologies are fundamentally changing opportunities to communicate with individuals or groups and how their use can empower the user and enhance discourse. The Board equally recognizes that the misuse of such technologies can be potentially damaging to the District, employees, students and the community. Accordingly, the Governing Board requires all employees to adhere to adopted policies and to utilize digital communications and electronic devices in a professional manner at all times.

Nothing in this policy shall be interpreted to interfere with employee speech rights established under the United States Constitution, the Arizona Constitution, or applicable legal precedent.

The Board establishes the following parameters:

District employees

• shall adhere to all Governing Board policies related to technologies including but not limited to the use of District technology, copyright laws, student rights, parent rights, the Family Educational Rights and Privacy Act (FERPA), staff ethics, and staff-student relations;
• shall only use District controlled or approved technologies when communicating with students or parents;
• shall allow the District access to any technologies used to communicate with students and District staff;
• shall not use District owned or provided technologies to endorse or promote a product, a cause or a political position or candidate;
• in all instances must be aware of his/her association with the District and ensure the related content of any posting is consistent with how they wish to present themselves to colleagues, community members, parents and students;
• shall not use District logos or District intellectual property without the written approval of the Superintendent;
• shall use technologies to enhance and add value to communications with District students, parents and staff and be respectful of those with whom they communicate;
• shall immediately report all misuse or suspected misuse of technology to their direct supervisor/administrator who in turn will immediately report to the Superintendent;
• shall comply with all applicable records management parameters established by Arizona State Library, Archives and Public Records.

The Superintendent shall communicate the above to all employees of the District at the beginning of each school year and to newly hired employees as part of the hiring process.

The Superintendent shall establish which technologies are approved for use by employees to communicate with parents and students. Approved technologies shall be communicated to the Board and employees prior to the start of every school year, to newly elected Board members prior to taking office, and to newly hired employees as part of the hiring process.

The Superintendent shall determine which records retention and management guidelines as established by the Arizona State Library, Archives and Public Records are applicable to this Board policy and communicate these guidelines to the Board and employees prior to the start of every school year, to newly elected Board members prior to taking office, and newly hired employees as part of the hiring process.

Violations of this policy may result in disciplinary action up to and including termination and may constitute a violation of federal or state law in which case appropriate law enforcement shall be notified. The Superintendent shall report
violations of this policy to the Board and shall make reports to the appropriate law enforcement agency when determined necessary.

Adopted: October 10, 2013

LEGAL REF.:
A.R.S.
15-341
15-514

CROSS REF.:
GBEA - Staff Ethics
GBEB - Staff Conduct
GBEBB - Staff Conduct With Students
GBI - Staff Participation in Political Activities
GCOF - Discipline, Suspension, and Dismissal of Professional Staff Members
GDQD - Discipline, Suspension, and Dismissal of Support Staff Members
JIC - Student Conduct
GBEF-R
REGULATION

STAFF USE OF DIGITAL COMMUNICATIONS
AND ELECTRONIC DEVICES

Expectations for Communicating Electronically

Phoenix Union High School District No. 210 (the "District") recognizes that digital forms of communication are widely used for daily interactions with friends, family, and larger social networks. Educational organizations, too, can use e-mail, websites, blogs, text messaging, and social media websites such as Twitter, Facebook, and others to communicate with similar groups. These forms of communications are dynamic, mobile, and quickly reach their audience through technologies that have become an integral part of online life. However, in many circumstances they may not meet the public and professional standards for communicating with students that the District expects of its staff members.

The expectations outlined in this document are designed to:

- Protect the District, its students and staff.
- Raise awareness of socially and ethically acceptable ways to use digital communication tools.
- Raise awareness of the consequences that may result in using these digital tools.
- Define acceptable use of electronic communication.

The following is a set of expectations that all staff members and representatives of the District are expected to follow when communicating electronically.

**Does the communication pass the Transparent, Accessible, and Professional (TAP) Test?**

Digital communication must be transparent, accessible and professional as defined below:

- **Transparent**: All digital communication from District staff must be transparent. As a public school district, the District is expected to maintain openness, visibility, and accountability regarding all communications.

- **Accessible**: All digital communication to and from District staff are a public record and become part of the District archives. It is accessible by others and outlined in Policy IJNDB.

- **Professional**: All digital communication from District staff should be written as a professional representing the District. This includes word choices, tone, grammar, and subject matter that model social and ethical standards and preserve the integrity of staff. Choice of words should be courteous, thoughtful, and mirror professional communication standards.

If the communication meets all three (3) of the criteria above, then it is likely that the chosen methods of communication are appropriate.

**Acceptable Communications Methods**651

Communication methods are deemed "acceptable" because they are monitored by the District and conform to District set parameters, filters, and firewalls. Messages and information using these tools can be monitored by the District, are retrievable, and may be produced as documentation if required.

- **Synergy** is an effective tool for direct communication with students and parents/guardians regarding real-time grades, attendance, comments about behaviors that promote learning, assignments, etc. Synergy also encompasses ParentVue, StudentVue, and TeacherVue.

- **District e-mail** is always an appropriate way to communicate directly with students and parents/guardians. District e-mail provides the staff member with a record of the communication. For this reason, only the District-provided e-mail system (username@phoenixunion.org) should be used.

- **School/District Website**: The use of this District-provided tool is strongly encouraged. The accessibility is widely available and the content is highly transparent. With the District website, staff can provide some of the
same types of communication that commercial social media websites provide while also providing access to their curriculum beyond classroom walls. All of the content is backed up and directly accessible. Unlike social media, the District website meets all three (3) of the TAP criteria detailed above.

- **Pre-Approved Social Media.** Social media is increasingly becoming a part of everyday life and it is important to be able to reach students, parents/guardians and the community using methods of communication in which they are comfortable and able to access. Social media is the use of web-based and mobile technologies to communicate through interactive dialogue including but not limited to, Facebook, Twitter, YouTube, etc. It is imperative to keep all social media communication public and professional by using the TAP test. *District Exhibit GBEF-EA defines procedures that must be followed in order to receive preapproval for the use of social media.* These procedures are necessary to protect and inform District staff, students, and parents.

**Less Acceptable Communications Methods:**

- **Mobile Telephone Calls.** Nearly every staff member and student has a cell phone today and contacting individuals by cell phone is often the most direct means of reaching and communicating with the individual. As with all other forms of communication, it is imperative to keep telephone calls with students and parents professional by using the TAP test. *If District staff plans to use personal cell phones to contact District students, the staff member must make parents/guardians and his/her immediate supervisor aware at the beginning of the school year or season that the staff member may call a student/parent, the typical subject matter of such calls, and the telephone number that would be used to initiate the contact.*

- **Text Messaging.** Nearly every student has a cell phone today and use of text messaging is rising sharply. This form of communication is typically between one (1) or more individuals and is often highly personal in nature. Since texting is such a quick and convenient way of communication, a simple message may lead to an extended texting conversation that can get "off topic." *District staff should be aware that text messaging from a staff member to another staff member or a student could be misinterpreted and should only be used for official business.* If a staff member (teacher/coach/sponsor) plans to use texting for immediate and urgent contact with students/team members, the staff member must be transparent about such use. The staff member must make parents/guardians and his/her immediate supervisor aware at the beginning of the school year or season that the staff member may use texting and the specific purpose of texting, using the official District form titled Digital Communication Informed Consent and Release (GBEF-EB). If a District staff member puts it in writing, it is considered a public record.

**Unacceptable Communications Methods:**

- **Non-District E-mail Accounts.** District staff should never use personal e-mail accounts to communicate with students. Coaches not employed by the District during the school day must copy all e-mail communication to the designated site administrator. District e-mail accounts are accessible remotely and staff members who find themselves in need of communicating while absent from the school site should use their remote access to District e-mail for communication.

- **Online Games and Related Activities.** While many people enjoy a variety of gaming systems (Wii, Xbox, etc.) and recreational websites that allow them to interact with others through the Internet, this is not an acceptable activity for staff members to engage in with students.

- **Unapproved Social Media.** Any social media not preapproved for use as prescribed by Policy GBEF and Exhibit GBEF-EA is unacceptable.

**Guidelines for Using Social Media Communication for Official School Business**

**General Requirements.** A staff member who wants to establish social media interaction with a student must obtain prior parental/guardian permission through the official District form titled Digital Communication Informed Consent and Release (GBEF-EB). The principal shall maintain this form as a record of the request and its approval. Only District-approved social media sites will be permitted. Since not every student has a Facebook page or even access to a computer, this must be taken into consideration. *The District and its staff shall not require students to have social media accounts, as this should be a family decision.* Therefore, a staff member shall make any information posted on social media accessible by alternate means. *As with any media request, those that come via social media should be referred to the Community Relations Office.*

**Student Privacy Information.** In accordance with the Family Educational Rights and Privacy Act (FERPA), the District must take care to protect a student's identifying information, which includes photos. If parents have not completed the opt-out form in the Student Procedures Handbook, the District may use a student's photo. If a
student/parent has opted out of revealing directory information, it is noted in the student's account in Synergy, and use of the student's photo is prohibited.

Confidential or privileged information (grades, attendance records, or other student/staff member record information) about students or staff members shall not be shared.

**Process for Social Media Approval.** The official District form titled Social Media Account Application (GBEF-EA) must be completed and submitted to the principal.

Completing and submitting the form does not constitute approval. Approval is given by the principal and will be communicated to the applicant.

**Facebook.** A Facebook Fan Page (business page), not a Facebook Group or Personal page, can be appropriate as a supplemental method of communicating electronically with students, parents/guardians, and the community when it is set up correctly. A Fan Page does not allow the Facebook account administrator to be "friends" with any of the users, instead the users "like" or subscribe to updates from the page. This is a more transparent social media presence. FERPA and District guidelines must be adhered to for publishing content to any website. Prior parental/guardian permission is required if pictures of students are going to be posted (refer to Student Privacy Information). Staff members should use their "username@phoenixunion.org" e-mail address to register as the contact for the page so that any feedback or comments on the page are sent to the District, not to any personal e-mail addresses.

Upon administrative approval, the District shall establish the Fan Page. The staff member shall then notify parents/guardians, in writing, that the staff member will be using this site in addition to other methods (websites, e-mail, formal letters, etc.) to communicate information and that the Fan Pages may contain commercial advertising that the District does not endorse.

**Guidelines for Using Facebook with Students**

Staff members, including coaches, and club sponsors, shall follow the guidelines below when setting up and administering an official Facebook Fan Page:

- **Establish goals for the page and request approval.** Prior to setting up a Fan Page, the staff member shall determine goals for the page and ensure that the proposed social media is the best medium for the staff member's purposes. If so, the staff member shall obtain prior approval using the Social Media Account Application.

- **Make the page official.** The staff member shall use school logos and publish appropriate titles that clearly identify the page as the official source of news and information for the department, group, or club. (Official logos are available at www.phoenixunion.org/logos). A school e-mail address and school contact information shall be used when setting up a public profile. A staff member shall not provide personal information on the page and shall not use a personal e-mail account for contact purposes.

- **Notify the parent/guardian** that Facebook is being used to share information, using the official District form titled Digital Communication Informed Consent and Release (GBEF-EB).

- **Posting of comments.** The ability of the subscriber to post comments on the page will depend on the goals for the page. If the goal is simply to share relevant, current information to stakeholders, then prohibiting new posts to the wall is encouraged. This option keeps the page uncluttered and emphasizes only relevant District/school information. If the goals are to provide an environment that promotes an exchange of information and encourages students and parents/guardians to ask questions, then allowing posts may be appropriate. This option will require a District staff member to monitor the page more frequently by removing comments, links or images that are not relevant or are inappropriate. The use of digital communication constitutes a public record; it must be transparent to all stakeholders, and always contain content reflective of a District professional. Inappropriate comments, language, or links on a page for which the staff member is responsible could bring the staff member's professionalism into question.

- **The Facebook Fan Page should never be used as a medium for personal conversations.** If a student or parent posts a comment that is of a personal or confidential nature, the comment should be removed. Communication should then be established using a more appropriate method such as the District e-mail system or a phone call.

- **Facebook Fan Pages should not be the primary means by which a District staff member communicates with students.** Rather, it should supplement other communication sources (class or team
websites, e-mail, or letters home). Not every student may have a Facebook account and the staff member should always respect family decisions in this regard.

Important Reminders and Guidelines for Staff members who use Facebook, Twitter, or other Social Media Sites for Personal Purposes

Personal social network accounts shall remain separate from work related accounts.

A staff member should never "friend" students or accept such a student's "friend request."

**Note:** Privacy settings may bring a false sense of security. Contrary to what some people think social media sites are very public places. Remember that anything posted on the Internet can live virtually forever.
STAFF USE OF DIGITAL COMMUNICATIONS
AND ELECTRONIC DEVICES

SOCIAL MEDIA ACCOUNT APPLICATION

Any Phoenix Union High School District (the "District") staff member wishing to start and maintain an official social media site, must first obtain approval using this form, per GBEF-R. If the account is approved, it will be officially recognized and may be listed in the District Social Media Directory. Prior approval is required for all social media sites.

Read the Social Media Guidelines, incorporated herein, prior to completing the application.

Applicant Information

Name: _________________________ Title: _________________________
School/Site: ____________________ Phone No.: ____________________
E-mail Address: ________________________________

Name of school department/group/program/etc., for which the social media account will be created:

________________________________________________

Social Media Platform (List only one [1] per application. e.g. Facebook, Twitter, blog, etc.): ________________________________

Site Title (How it is listed to the public. Refer to Guideline No. 4.): __________________________

Purpose/Goals of Site (What do you hope to achieve using this platform of social media?): ________________________________

Who is the primary audience for this site?

- Students
- Parents
- Community
- Staff
- Other

Give some examples of content you plan to share: ____________________________________________

How often will posts be done? ____________________________________________

Contact Information to be listed for site (e-mail, phone no. - Refer to Guideline No. 6.):

Contact information to be listed for site (e-mail, phone no. - Refer to Guideline No. 6.): ________________________________

Does this department/group/program/etc. have an updated page/section on the District website? (Refer to Guideline No. 2). (If no, we encourage you to set up a website prior to requesting Social Media Account approval. Contact your school website manager or administration for assistance.)

- Yes
- No

District Website URL: ________________________________
List social media account administrators/managers, in order of primary, secondary, etc.: (There should be at least two (2) in most cases to ensure longevity of the account. Refer to Guideline No. 6.)

1. Name: __________________ Title: ________ School/Site: __________

2. Name: __________________ Title: ________ School/Site: __________

3. Name: __________________ Title: ________ School/Site: __________

4. Name: __________________ Title: ________ School/Site: __________

I have read the guidelines listed and agree to follow them. I will notify the school administration if the goals, scope, name or social media account administrators of this site change, or if the account is deleted.

Signature: ______________________ Date: ________________

Complete and return this form to the Principal of your School. You will be notified if your application is approved.

For Official Use Only: Date Received: ________________

Approved? o Yes o No

School/Site Administrator
Signature: ______________________ Date: ________________

Upon receipt, the Principal will review the request and approve or deny Facebook sites will be created by the District office. A copy of the form will be filed at the school level, a copy will be sent to the applicant and a copy will be sent to the Community Relations Office.

The applicant agrees to abide by the following guidelines in the proper setup and use of the social media account.

Social Media Guidelines:

1. Never share your password with anyone that is not a site administrator, or do anything to jeopardize security of the site.

2. Social media presence is secondary to a website presence on the official District website. Website updates must be done regularly in addition to the social media presence, as the District cannot require students to access social media sites for information.

3. A social media presence should have a specific purpose and all content should be relevant to the District's mission.

4. Social media is designed for regular interaction. Social media site administrators must be prepared to designate time regularly to maintaining the site. If a site administrator leaves the District, it is their responsibility to transfer administrative rights to another staff member prior to leaving.

5. Your site title should include the full name of the school when technically possible. If the platform has title character limits, you should use the shortened name of the school (i.e., Alhambra, Trevor Browne, etc.) or initials. This will make it easier for followers to find the page. See Guidelines No. 10 and 11 for specifics on Facebook and Twitter accounts.

6. An official @phoenixunion.org District e-mail account must be listed in association with an official social media site. Personal e-mail accounts are not permitted for use with an official social media site.

7. For platforms that allow multiple administrators/managers (i.e., Facebook), there should be at least two (2) administrators assigned editing privileges. A student may be one of the administrators of a site (with parental permission per GBEF-EB), however, a staff member is expected to more closely oversee activity in this instance.

8. The presence must be clearly identified as "official" and include a link to the official District website and school website using the following statement: "This is the official site of _____________. For more information about Phoenix Union High School District or _________________ High School, visit www.PhoenixUnion.org." The word "official" does not need to appear in the site name.

9. All accounts, when possible, should follow, or "like" the District and applicable main school pages on the same platform.
10. Facebook specifics:

- Pages must be categorized as a Fan Page (business page), not a Personal Page or Group.
- Basic information must mention both the District and the school the site is associated with.
- A means of contact outside of Facebook such as a phone number or e-mail address as well as a listing to an official page on the www.phoenixunion.org website must be included.
- One (1) mandatory administrator that must be assigned is publicrelations@phoenixunion.org. This account can be included in your count of administrators. This administrator will not participate in day-to-day account activity, and is only there for emergency access should an incident occur that requires immediate attention.
- Your account should "like" the District (www.facebook.com/phoenixunion) and school's (if applicable) main account and should also feature it/them as a "featured like."

11. Twitter specifics:

- The "username" and "name" are two (2) separate items and are both character-limited. For example, "PUHSD" is the "name" and "phoenixunionhs" is the "username." When selecting a "username," include either the shortened school name or initials and a descriptor (e.g., TGBstugo). When selecting a "name," the full or shortened name of the school should be included.
- Bio must mention both the District and the school the site is associated with.
- Website listed in your profile must be an official page on the www.phoenixunion.org website.
- Your account should "follow" the District (www.twitter.com/PhoenixUnionHS) and school's (if applicable) main account.

12. All postings must be accurate, respectful and transparent, and contain correct grammar and a professional voice. Remember that anything posted on the Internet lives virtually forever.

13. It is the responsibility of the site administrator to regularly monitor site activity and comments and to remove, report or ban users when necessary. Comments that are obscene, defamatory, profane, libelous, threatening, harassing, abusive, hateful or embarrassing to another person or any other person or entity are not approved.

14. When possible, the posting guidelines below should be included in the account information (i.e., "About" section on Facebook). This defines the rules for people interacting on the site.

- While this is an open forum, it's also a family friendly one, so please keep your comments and posts appropriate.
- You participate at your own risk, taking personal responsibility for your comments, your username and any information provided.
- Posts will be removed and users may be banned permanently if they violate any of the guidelines listed below.
- Do not post graphic, obscene, explicit or racial comments. We also do not allow comments that are abusive, hateful, vindictive or intended to defame anyone or any organization.
- Do not post any solicitations (ex: asking users to "like" your Facebook page, visit your website, sign a petition).
- Do not post advertisements, prize contests or giveaways. This includes promotion or endorsement of any financial, commercial or non-governmental agency. Similarly, we do not allow attempts to defame or defraud any financial, commercial or non-governmental agency.
- Apparent "spamming" or "trolling" will be removed and may cause the author(s) to be blocked from the page without notice.
- Do not post copyrighted or trademarked images or graphics. Imagery posted on the Facebook wall should be owned by the user.
- Do not post comments, photos or videos that suggest or encourage illegal activity.
• Do not post political propaganda.

15. Only official school or District logos/mascots (www.phoenixunion.org/logos) are authorized for use on the site.

16. All postings must adhere to Policy GBEF. This includes the prohibition of political statements on any official social media site.

17. All sites and postings must adhere to the Family Educational Rights and Privacy Act (FERPA) guidelines.

18. If an account is geared to communicating with students, a written notice must be provided to parents of students that are in that specific club/group/etc., per GBEF-R. This is done using the official District form titled Digital Communication Informed Consent and Release for approval of the students to participate in a social media forum (GBEF-EB).

19. If a communication issue arises that you are unsure of how to handle, you think the subject may be controversial, or you observe ongoing communication that is harmful to the District and may require notifying others, contact the Community Relations Office for assistance.
Facebook, and others to communicate with similar groups. Digital communication must be Transparent, Accessible and Professional (TAP).

This form is to notify parents/guardians of the digital communication methods used by the staff member listed below.

School Name: ________________________________________________

Name of Club/Group/etc.: ________________________________________

Supervising Staff Member: ______________________________________

Communication Method:  
- Social Media Platform (see URL below): _________
- Texting - Originating Phone No: _____________
- Other: _________________________________________

URL (if applicable): ____________________________________________________________________________

Purpose/Goals of Communication: ________________________________________________________________
______________________________________________________________________________________________
______________________________________________________________________________________________

If student interaction is not approved, all pertinent information and communication is still available through alternate means.

Alternative communication method(s): ______________________________________________________________
______________________________________________________________________________________________
______________________________________________________________________________________________

Note: Social media sites may contain commercial advertising that the District does not control or endorse. If you have questions, please contact the applicable staff member at: ___________________________.

Parent/Guardian may retain the top portion for his/her records.

-------------------------------------------------------------------------------------------------------

Student/Parent/Guardian Permission for Use of Digital Communication

Digital Communication Request Information

School Name: _________________________________________________________________________________

http://policy.azsba.org/asba/PrintViewer.jsp?printCollection=0

6/14/2018
Name of Club/Group/etc.: __________________________

Supervising Staff Member: __________________________

Communication Method:  
  o Social Media Platform (see URL below): ______
  o Texting-Originating Phone No: ______
  o Other: __________________________

Student Acknowledgement

I agree to participate in a safe and appropriate manner in accordance with Governing Board Policy regarding student conduct.

Last Name: ______________ First Name: ___________ Student No.: ______

Student Signature    Date

Parent/Guardian Permission

  o I GIVE PERMISSION for my student to participate, and have read the Digital Communication Informed Consent and Release.

  o I DO NOT GIVE PERMISSION for my student to participate.

Parent/Guardian Name    Parent/Guardian Signature    Date

Complete and return the bottom portion of this form to the Supervising Staff Member listed above.
USE OF TECHNOLOGY RESOURCES IN INSTRUCTION

Appropriate use of Electronic Information Services

The District may provide electronic information services (EIS) to qualified students, teachers, and other personnel who attend or who are employed by the District. Electronic information services include networks (e.g., LAN, WAN, Internet), databases, and any computer-accessible source of information, whether from hard drives, tapes, compact disks (CDs), floppy disks, or other electronic sources. The use of the services shall be in support of education, research, and the educational goals of the District. To assure that the EIS is used in an appropriate manner and for the educational purposes intended, the District will require anyone who uses the EIS to follow its guidelines and procedures for appropriate use. Anyone who misuses, abuses, or chooses not to follow the EIS guidelines and procedures will be denied access to the District's EIS and may be subject to disciplinary and/or legal action.

The Superintendent shall determine steps, including the use of an Internet filtering mechanism, that must be taken to promote the safety and security of the use of the District's online computer network when using electronic mail, chat rooms, instant messaging, and other forms of direct electronic communications. Technology protection measures shall protect against Internet access by both adults and minors to visual depictions that are obscene, child pornography or, with respect to use of computers by minors, harmful to minors. Safety and security mechanisms shall include online monitoring activities.

As required by the Children's Internet Protection Act, the prevention of inappropriate network usage includes unauthorized access, including "hacking," and other unlawful activities; unauthorized disclosure, use and dissemination of personal identification information regarding minors.

It is the policy of the Board to:

• prevent user access over the District's computer network, or transmissions of, inappropriate material via Internet, electronic mail, or other forms of direct electronic communications;

• prevent unauthorized access and other unlawful online activity;

• prevent unauthorized online disclosure, use, or dissemination of personal identification information of minors; and

• comply with the Children's Internet Protection Act [P.L. No. 106-554 and 47USC 254(h)].

Each user will be required to sign an EIS user's agreement. The District may log the use of all systems and monitor all system utilization. Accounts may be closed and files may be deleted at any time. The District is not responsible for any service interruptions, changes, or consequences. The District reserves the right to establish rules and regulations as necessary for the efficient operation of the electronic information services.

The District does not assume liability for information retrieved via EIS, nor does it assume any liability for any information lost, damaged, or unavailable due to technical or other difficulties.

Filtering and Internet Safety

As required by the Children's Internet Protection Act, the District shall provide for technology protection measures that protect against Internet access by both adults and minors to visual depictions that are obscene, child pornography, or, with respect to use of the computers by students, harmful to students. The protective measures shall also include monitoring the online activities of students.

Limits, controls, and prohibitions shall be placed on student:

• Access to inappropriate matter.

• Safety and security in direct electronic communications.

• Unauthorized online access or activities.

• Unauthorized disclosure, use and dissemination of personal information.

Education, Supervision and Monitoring
It shall be the responsibility of all District employees to be knowledgeable of the Board’s policies and administrative guidelines and procedures. Further, it shall be the responsibility of all employees, to the extent prudent to an individual’s assignment to educate, supervise, and monitor appropriate usage of the online computer network and access to the Internet in accordance with this policy, the Children’s Internet Protection Act, and the Protecting Children in the 21st Century Act.

The Superintendent shall provide for appropriate training for District employees and for students who use the District’s computer network and have access to the Internet. Training provided shall be designed to promote the District’s commitment to:

- the standards and acceptable use of the District’s network and Internet services as set forth in District policy;
- student safety in regards to use of the Internet, appropriate behavior while using, but not limited to, such things as social networking Web sites, online opportunities and chat rooms; and cyberbullying awareness and response; and compliance with E-rate requirements of the Children’s Internet Protection Act.

While training will be subsequently provided to employees under this policy, the requirements of the policy are effective immediately. Employees will be held to strict compliance with the requirements of the policy and the accompanying regulation, regardless of whether training has been given.

The Superintendent is responsible for the implementation of this policy and for establishing and enforcing the District’s electronic information services guidelines and procedures for appropriate technology protection measures (filters), monitoring, and use.

Adopted: June 27, 2012

LEGAL REF.:
A.R.S.
13-2316
13-3506.01
13-3509
15-341
34-501
34-502
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)
USE OF TECHNOLOGY RESOURCES IN INSTRUCTION

(Safety and use of Electronic Information Services)

Use of the electronic information services (EIS) requires that the use of the resources be in accordance with the following guidelines and support the education, research, and educational goals of the District. Filtering, monitoring, and access controls shall be established to:

- Limit access by minors to inappropriate matter on the Internet and World Wide Web.
- Monitor the safety and security of minors when using electronic mail, chat rooms, and other forms of direct electronic communications.
- Monitor for unauthorized access, including so-called "hacking," and other unlawful activities by minors online.
- Restrict access by minors to materials harmful to minors.

Content Filtering

A content filtering program or similar technology shall be used on the networked electronic information services (EIS) as well as on standalone computers capable of District authorized access to the Internet. The technology shall at a minimum limit access to obscene, profane, sexually oriented, harmful, or illegal materials. Should a District adult employee have a legitimate need to obtain information from an access-limited site, the Superintendent may authorize, on a limited basis, access for the necessary purpose specified by the employee's request to be granted access.

Education, Supervision, and Monitoring

It is the responsibility of all District employees to be knowledgeable of the Board's policy and administrative regulations and procedures related to the use of technology resources. Employees are further responsible, to the extent prudent to an individual's assignment, to educate, supervise, and monitor student use of the District's online computer network use. District, department, and school administrators shall provide employees with appropriate inserviceing and assist employees with the implementation of Policy IJNDB.

As a means of providing safety and security in direct electronic communications and to prevent abuses to the appropriate use of electronic equipment, all computer access to the Internet through the District electronic information services (EIS) or standalone connection shall be monitored periodically or randomly through in-use monitoring or review of usage logs.

Access Control

Individual access to the EIS shall be by authorization only. Designated personnel may provide authorization to students and staff who have completed and returned an electronic information services user agreement. The Superintendent may give authorization to other persons to use the EIS.

Acceptable Use

Each user of the EIS shall:

- Use the EIS to support personal educational objectives consistent with the educational goals and objectives of the School District.
- Agree not to submit, publish, display, or retrieve any defamatory, inaccurate, abusive, obscene, profane, sexually oriented, threatening, racially offensive, or illegal material.
- Abide by all copyright and trademark laws and regulations.
• Not reveal home addresses, personal phone numbers or personally identifiable data unless authorized to do so by designated school authorities.

• Understand that electronic mail or direct electronic communication is not private and may be read and monitored by school employed persons.

• Not use the network in any way that would disrupt the use of the network by others.

• Not use the EIS for commercial purposes.

• Follow the District's code of conduct.

• Not attempt to harm, modify, add, or destroy software or hardware nor interfere with system security.

• Understand that inappropriate use may result in cancellation of permission to use the electronic information services (EIS) and appropriate disciplinary action up to and including expulsion for students.

In addition, acceptable use for District employees is extended to include requirements to:

• Maintain supervision of students using the EIS.

• Agree to directly log on and supervise the account activity when allowing others to use District accounts.

• Take responsibility for assigned personal and District accounts, including password protection.

• Take all responsible precautions, including password maintenance and file and directory protection measures, to prevent the use of personal and District accounts and files by unauthorized persons.

Each user will be required to sign an EIS user agreement. A user who violates the provisions of the agreement will be denied access to the information services and may be subject to disciplinary action. Accounts may be closed and files may be deleted at any time. The District is not responsible for any service interruptions, changes, or consequences.

Details of the user agreement shall be discussed with each potential user of the electronic information services. When the signed agreement is returned to the school, the user may be permitted use of EIS resources through school equipment.
Details of the user agreement shall be discussed with each potential user of the electronic information services (EIS). When the signed agreement is returned to the school, the user may be permitted use of EIS resources.

Terms and Conditions

Acceptable use. Each user must:

- Use the EIS to support personal educational objectives consistent with the educational goals and objectives of the School District.
- Agree not to submit, publish, display, or retrieve any defamatory, inaccurate, abusive, obscene, profane, sexually oriented, threatening, racially offensive, or illegal material.
- Abide by all copyright and trademark laws and regulations.
- Not reveal home addresses, personal phone numbers or personally identifiable data unless authorized to do so by designated school authorities.
- Understand that electronic mail or direct electronic communication is not private and may be read and monitored by school employed persons.
- Not use the network in any way that would disrupt the use of the network by others.
- Not use the EIS for commercial purposes.
- Follow the District's code of conduct.
- Not attempt to harm, modify, add/or destroy software or hardware nor interfere with system security.
- Understand that inappropriate use may result in cancellation of permission to use the educational information services (EIS) and appropriate disciplinary action up to and including expulsion for students.

In addition, acceptable use for District employees is extended to include requirements to:

- Maintain supervision of students using the EIS.
- Agree to directly log on and supervise the account activity when allowing others to use District accounts.
- Take responsibility for assigned personal and District accounts, including password protection.
- Take all responsible precautions, including password maintenance and file and directory protection measures, to prevent the use of personal and District accounts and files by unauthorized persons.

Personal responsibility. I will report any misuse of the EIS to the administration or system administrator, as is appropriate.

I understand that many services and products are available for a fee and acknowledge my personal responsibility for any expenses incurred without District authorization.

Network etiquette. I am expected to abide by the generally acceptable rules of network etiquette. Therefore, I will:

- Be polite and use appropriate language. I will not send, or encourage others to send, abusive messages.
• **Respect privacy.** I will not reveal any home addresses or personal phone numbers or personally identifiable information.

• **Avoid disruptions.** I will not use the network in any way that would disrupt use of the systems by others.

• **Observe the following considerations:**
  - Be brief.
  - Strive to use correct spelling and make messages easy to understand.
  - Use short and descriptive titles for articles.
  - Post only to known groups or persons.

**Services**

The School District specifically denies any responsibility for the accuracy of information. While the District will make an effort to ensure access to proper materials, the user has the ultimate responsibility for how the electronic information services (EIS) is used and bears the risk of reliance on the information obtained.

I have read and agree to abide by the School District policy and regulations on appropriate use of the electronic information system, as incorporated herein by reference.

I understand and will abide by the provisions and conditions indicated. I understand that any violations of the above terms and conditions may result in disciplinary action and the revocation of my use of information services.

Name ________________________________________________________________

Signature __________________________ Date ________________

(Student or employee)

School __________________________________________ Grade (if a student) ___

**Note that this agreement applies to both students and employees.**

The user agreement of a student who is a minor must also have the signature of a parent or guardian who has read and will uphold this agreement.

**Parent or Guardian Cosigner**

As the parent or guardian of the above named student, I have read this agreement and understand it. I understand that it is impossible for the School District to restrict access to all controversial materials, and I will not hold the District responsible for materials acquired by use of the electronic information services (EIS). I also agree to report any misuse of the EIS to a School District administrator. (Misuse may come in many forms but can be viewed as any messages sent or received that indicate or suggest pornography, unethical or illegal solicitation, racism, sexism, inappropriate language, or other issues described in the agreement.)

I accept full responsibility for supervision if, and when, my child’s use of the EIS is not in a school setting. I hereby give my permission to have my child use the electronic information services.

Parent or Guardian Name (print) __________________________________________

Signature __________________________ Date ________________

Parent or Guardian Name (print) __________________________________________

Signature __________________________ Date ________________
EXHIBIT #10
Employees may be required by the Superintendent, for purposes of employment or retention, to submit to such tests or examinations as a licensed physician deems appropriate.

When, in the opinion of the immediate supervisor and/or the Superintendent, the employee's physical or emotional condition warrants, the District may require a complete examination, at District expense, by a licensed physician selected by the District.

The Superintendent shall have procedures for complying with the requirements of the Occupational Safety and Health Administration (OSHA), including an exposure-control plan, methods of compliance, work-practice controls, postexposure evaluation and follow-up, and administering vaccine to employees exposed to Hepatitis B virus.

All employees who as a result of their employment have had significant exposure to bloodborne pathogens (Hepatitis B/Human Immunodeficiency Virus) are required to report the details of the exposure in writing to the District and are required to follow postexposure evaluation and follow-up activities in accordance with Arizona and federal laws. An employee who chooses not to complete these reporting requirements will be at risk of losing any claim to rights.

Adopted: date of manual adoption

LEGAL REF.:
A.R.S.
15-505
23-901
23-902
23-906
23-908
23-961
23-962

CROSS REF.:
EBBB - Accident Reports
GBGD - Workers’ Compensation
GBGC-E ©

EXHIBIT

EMPLOYEE ASSISTANCE

(Bloodborne Pathogen Requirements)

Exposure Control Plan

Employee(s) with occupational exposure to human blood, human blood components, products made from human blood, or pathogenic microorganisms, including but not limited to Hepatitis B virus or HIV, shall comply with this Exposure Control Plan designed to eliminate or minimize employee exposure.

This Exposure Control Plan contains the following elements:

- The exposure determination outlined below.
- The schedule and method of implementation.
- The procedure for the evaluation of circumstances surrounding exposure.

A copy of this Exposure Control Plan shall be accessible to employees.

This Exposure Control Plan shall be reviewed and updated at least annually and whenever necessary to reflect new or modified tasks and procedures that affect occupational exposure, and to reflect new or revised employee positions with occupational exposure.

This Exposure Control Plan shall be made available to the Assistant Secretary of Labor and the Director of the Occupational Safety and Health Administration upon request for examination and copying.

Exposure Determination

The District has determined that employee positions may involve the following levels of exposure to bloodborne pathogens as a collateral function to the primary job description:

- **High risk** - Coaches, physical education instructors, custodians, certain special education program personnel, playground duty personnel, health services personnel, and security personnel.
- **Moderate risk** - Regular instructional program personnel, other special education program personnel, school level office personnel, maintenance personnel, food services personnel, and special assignment personnel (e.g., counselors, librarians).
- **Low risk** - District level office personnel.

Methods of Compliance

**General.** Universal precautions shall be observed by all District employees to prevent contact with blood or other potentially infectious materials. Under circumstances in which differentiation between body fluid types is difficult or impossible, all body fluids shall be considered potentially infectious materials.

**Engineering and work practice controls:**

- Engineering and work practice controls shall be used to eliminate or minimize employee exposure. If occupational exposure remains after institution of these controls, personal protective equipment shall also be used.
- Engineering controls shall be examined and maintained or replaced on a regular schedule to ensure their effectiveness.
- The District shall provide hand-washing facilities that are readily accessible to employees.
- When provision of hand-washing facilities is not feasible, the District shall provide either an appropriate antiseptic hand cleanser in conjunction with clean cloth/paper towels or antiseptic towelettes. When antiseptic hand cleansers or towelettes are used, hands shall be washed with soap and running water as soon as feasible.
• The District requires that employees wash their hands immediately or as soon as feasible after removal of
gloves or other personal protective equipment. Supervisory personnel shall ensure compliance.

• The District requires that employees wash hands and any other skin with soap and water, or flush mucous
membranes with water immediately or as soon as feasible following contact of such body areas with blood or
other potentially infectious materials. Supervisory personnel shall ensure compliance.

• Contaminated needles and other contaminated sharps shall not be bent, recapped, or removed except as
noted below. Shearing or breaking of contaminated needles is prohibited.
  ■ Contaminated needles and other contaminated sharps shall not be recapped or removed unless no
other alternative is feasible or such action is required by a specific medical procedure as determined by a
competent medical professional qualified to make such determination.
  ■ Such recapping or needle removal must be accomplished through the use of a mechanical device or a
one-handed technique.

• Immediately or as soon as possible after use, contaminated reusable sharps shall be placed in appropriate
containers until properly reprocessed.

• Eating, drinking, smoking, applying cosmetics or lip balm, and handling contact lenses are prohibited in work
areas where there is a reasonable likelihood of occupational exposure.

• Food and drink shall not be kept in refrigerators, freezers, shelves, or cabinets, or on countertops or
benchtops where blood or other potentially infectious materials are present.

• All procedures involving blood or other potentially infectious materials shall be performed in such a manner as
to minimize splashing, spraying, spattering, and generation of droplets of these substances.

• Mouth pipetting/suctioning of blood or other potentially infectious materials is prohibited.

• Specimens of blood or other potentially infectious materials shall be placed in a container that prevents
leakage during collection, handling, processing, storage, transport, or shipping.
  ■ The container for storage, transport, or shipping shall be labeled or color coded according to law and
closed prior to being stored, transported, or shipped. When a facility utilizes "universal precautions" in the
handling of all specimens, the labeling/color coding of specimens is not necessary, provided containers
are recognizable as containing specimens. This exemption applies only while such specimens/containers
remain with the facility. Labeling or color coding is required when such specimens/containers leave the
facility.
  ■ If outside contamination of the primary container occurs, the primary container shall be placed within a
second container that prevents leakage during handling, processing, storage, transport, or shipping and is
labeled or color coded according to the requirements of this standard.
  ■ If the specimen could puncture the primary container, the primary container shall be placed within a
secondary container that is puncture resistant in addition to the above characteristics.

• Equipment that may become contaminated with blood or other potentially infectious materials shall be
examined prior to servicing or shipping and shall be decontaminated as necessary, unless the decontamination
of such equipment or portions of such equipment is not feasible as determined by a supervisory employee
assigned to make such determination.
  ■ A readily observable label in accordance with law shall be attached to the equipment stating which
portions remain contaminated.
  ■ This information shall be conveyed to all affected employees, the servicing representative, and/or the
manufacturer, as appropriate, prior to handling, servicing, or shipping so that appropriate precautions will
be taken.

Personal protective equipment:

• Provision. When occupational exposure occurs, the District shall provide, at no cost to the employee,
appropriate personal protective equipment such as, but not limited to, gloves, gowns, laboratory coats, face
shields or masks and eye protection, and mouthpieces, resuscitation bags, pocket masks, or other ventilation
devices. Personal protective equipment will be considered "appropriate" only if it does not permit blood or other
potentially infectious materials to pass through to or reach the employee's work clothes, street clothes,
undergarments, skin, eyes, mouth, or other mucous membranes under normal conditions of use and for the duration of time that the protective equipment will be used.

- **Use.** The District requires that all exposed employees use appropriate personal protective equipment unless the District documents that a specific employee temporarily and briefly declined to use personal protective equipment when, under rare and extraordinary circumstances, it was such employee's professional judgment that in the specific instance its use would have prevented the delivery of health care or public safety services or would have posed an increased hazard to the safety of the worker or co-worker. When the employee makes this judgment, the circumstances shall be reported by the employee and investigated and documented by the District in order to determine whether changes can be instituted to prevent such occurrences in the future.

- **Accessibility.** Appropriate personal protective equipment in the appropriate sizes must be readily accessible at the work site or issued to employees. Hypoallergenic gloves, glove liners, powderless gloves, or other similar alternatives shall be readily accessible to employees who are allergic to the gloves normally provided.

- **Cleaning, laundering, and disposal.** The District shall clean, launder, and dispose of personal protective equipment required in this standard, at no cost to the employee.

- **Repair and replacement.** The District shall repair or replace personal protective equipment as needed to maintain its effectiveness, at no cost to the employee.

- Any garment(s) penetrated by blood or other potentially infectious materials shall be removed immediately or as soon as feasible.

- All personal protective equipment shall be removed prior to leaving the work area.

- When personal protective equipment is removed it shall be placed in an appropriately designated area or container for storage, washing, decontamination, or disposal.

- **Gloves.** Gloves shall be worn when it can be reasonably anticipated that the employee may have hand contact with blood, other potentially infectious materials, mucous membranes, and nonintact skin; when performing vascular access procedures; and when handling or touching contaminated items or surfaces.

  - Disposable (single-use) gloves, such as surgical or examination gloves, shall be replaced as soon as practical when contaminated or as soon as feasible if they are torn, punctured, or their ability to function as a barrier is compromised.

  - Disposable (single-use) gloves shall not be washed or decontaminated for reuse.

  - Utility gloves may be decontaminated for reuse if the integrity of the gloves is not compromised. However, they must be discarded if they are cracked, peeling, torn, punctured, or exhibit other signs of deterioration or when their ability to function as a barrier is compromised.

**Housekeeping:**

- **General.** The work site must be maintained in a clean and sanitary condition. The District shall establish, attach hereto, and implement an appropriate written schedule for cleaning and the method of decontamination based upon the location within the facility, type of surface to be cleaned, type of soil present, and tasks or procedures being performed in the area.

  - All school activity areas are cleaned daily.

  - In cleaning operations involving human blood, a cleaning solution consisting of ten to one (10:1) ratio of water and bleach will be used.

  - All equipment and environmental and working surfaces shall be cleaned and decontaminated after contact with blood or other potentially infectious materials.

    - Contaminated work surfaces shall be decontaminated with an appropriate disinfectant after completion of procedures, immediately or as soon as feasible when surfaces are overtly contaminated or after any spill of blood or other potentially infectious materials, and at the end of the work shift if the surface may have become contaminated since the last cleaning.

    - Protective coverings - such as plastic wrap, aluminum foil, or imperviously backed absorbent paper used to cover equipment and environmental surfaces - shall be removed and replaced as soon as feasible when they become overtly contaminated or at the end of the work shift if they may have become contaminated during the shift.
• All bins, pails, cans, and similar receptacles intended for reuse that have a reasonable likelihood of becoming contaminated with blood or other potentially infectious materials shall be inspected and decontaminated on a regularly scheduled basis and cleaned and decontaminated immediately or as soon as feasible upon visible contamination.

• Broken glassware that may be contaminated shall not be picked up directly with the hands. It shall be cleaned up using mechanical means such as a brush and dust pan, tongs, or forceps.

• Reusable sharps that are contaminated with blood or other potentially infectious materials shall not be stored or processed in a manner that requires employees to reach by hand into the containers where these sharps have been placed.

• Regulated waste:

  • Contaminated sharps discarding and containment:

    ⇒ Contaminated sharps shall be discarded immediately or as soon as feasible in containers that are:

    ♦ Closable.
    ♦ Puncture resistant.
    ♦ Leakproof on sides and bottom.
    ♦ Labeled or color coded.

    ⇒ During use, containers for contaminated sharps shall be:

    ♦ Easily accessible to personnel and located as close as is feasible to the immediate area where sharps are used or can be reasonably anticipated to be found (e.g., laundries).
    ♦ Maintained upright throughout use.
    ♦ Replaced routinely and not be allowed to overfill.

    ⇒ When moving containers of contaminated sharps from the area of use, the containers shall be:

    ♦ Closed immediately prior to removal or replacement to prevent spillage or protrusion of contents during handling, storage, transport, or shipping.
    ♦ Placed in a secondary container if leakage is possible. The second container shall be:

        ◆ Closable.
        ◆ Constructed to contain all contents and prevent leakage during handling, storage, transport, or shipping.
        ◆ Labeled or color coded.

    ⇒ Reusable containers shall not be opened, emptied, or cleaned manually or in any other manner that would expose employees to the risk of percutaneous injury.

  • Other regulated waste containment:

    ⇒ Regulated waste shall be placed in containers that are:

    ♦ Closable.
    ♦ Constructed to contain all contents and prevent leakage of fluids during handling, storage, transport, or shipping.
    ♦ Labeled or color coded.
    ♦ Closed prior to removal to prevent spillage or protrusion of contents during handling, storage, transport, or shipping.
If outside contamination of the regulated waste container occurs, it shall be placed in a second container. The second container shall be:

- Closable.
- Constructed to contain all contents and prevent leakage of fluids during handling, storage, transport, or shipping.
- Labeled or color coded.
- Closed prior to removal to prevent spillage or protrusion of contents during handling, storage, transport, or shipping.

Disposal of all regulated waste shall be in accordance with applicable regulations of the United States, states, territories, and political subdivisions of states and territories.

- Laundry:
  - Contaminated laundry shall be handled as little as possible, with a minimum of agitation.

  - Contaminated laundry shall be bagged or containerized at the location where it was used and shall not be sorted or rinsed in the location of use.

  - Contaminated laundry shall be placed and transported in bags or containers labeled or color coded. When a facility utilizes universal precautions in the handling of all soiled laundry, alternative labeling or color coding is sufficient if it permits all employees to recognize the containers as requiring compliance with universal precautions.

  - Whenever contaminated laundry is wet and presents a reasonable likelihood of soak-through of or leakage from the bag or container, the laundry shall be placed and transported in bags or containers that prevent soaking-through and/or leakage of fluids to the exterior.

  - Employees who have contact with contaminated laundry must wear protective gloves and other appropriate personal protective equipment.

  - When a facility ships contaminated laundry off-site to a second facility, which does not utilize universal precautions in the handling of all laundry, the facility generating the contaminated laundry must place such laundry in bags or containers that are labeled or color-coded.

**Hepatitis B Vaccination and Postexposure Evaluation and Follow-up**

**General:**

- The District shall make available the hepatitis B vaccine and vaccination series to all employees who have occupational exposure, and postexposure evaluation and follow-up to all employees who have had an exposure incident.

- The District requires that all medical evaluations and procedures, including the hepatitis B vaccine, and vaccination series and postexposure evaluation and follow-up, including prophylaxis, are:

  - Made available at no cost to the employee.
  - Made available to the employee at a reasonable time and place.
  - Performed by or under the supervision of a licensed physician or by or under the supervision of another licensed health care professional.
  - Provided according to recommendations of the U.S. Public Health Service current at the time these evaluations and procedures take place, except as specified in this section on hepatitis B vaccination and postexposure evaluation and follow-up.

- The District requires that all laboratory tests be conducted by an accredited laboratory at no cost to the employee.

**Hepatitis B vaccination:**
• Hepatitis B vaccination shall be made available after the employee has received the training required and within ten (10) working days of initial assignment to all employees who have occupational exposure unless the employee has previously received the complete hepatitis B vaccination series, antibody testing has revealed that the employee is immune, or the vaccine is contraindicated for medical reasons.

• The District shall not make participation in a prescreening program a prerequisite for receiving hepatitis B vaccination.

• If the employee initially declines hepatitis B vaccination but at a later date while still covered under the standard decides to accept the vaccination, the District shall make available hepatitis B vaccination at that time.

• The District requires all employees who decline to accept hepatitis B vaccination that is offered to sign the following statement:

I understand that due to my occupational exposure to blood or other potentially infectious materials I may be at risk of acquiring hepatitis B virus (HBV) infection. I have been given the opportunity to be vaccinated with hepatitis B vaccine, at no charge to myself. However, I decline hepatitis B vaccination at this time. I understand that by declining this vaccine, I continue to be at risk of acquiring hepatitis B, a serious disease. If in the future I continue to have occupational exposure to blood or other potentially infectious materials and I want to be vaccinated with hepatitis B vaccine, I can receive the vaccination series at no charge to me.

• If a routine booster dose(s) of hepatitis B vaccine is recommended by the U.S. Public Health Service at a future date, such booster dose(s) shall be made available.

Postexposure evaluation and follow-up. Following a report of an exposure incident, the District shall make immediately available to the exposed employee a confidential medical evaluation and follow-up, including at least the following elements:

• Documentation of the route(s) of exposure, and the circumstances under which the exposure incident occurred.

• Identification and documentation of the source individual, unless the District can establish that identification is infeasible or prohibited by state or local law.
  - The source individual's blood shall be tested as soon as feasible, and after consent is obtained, in order to determine HBV and HIV infectivity. If consent is not obtained, the District shall establish that legally required consent cannot be obtained. When the source individual's consent is not required by law, the source individual's blood, if available, shall be tested and the result documented.
  - When the source individual is already known to be infected with HBV or HIV, testing for the source individual's known HBV or HIV status need not be repeated.
  - Results of the source individual's testing shall be made available to the exposed employee, and the employee shall be informed of applicable laws and regulations concerning disclosure of the identity and infectious status of the source individual.

• Collection and testing of blood for HBV and HIV serological status:
  - The exposed employee's blood shall be collected as soon as feasible and tested after consent is obtained.
  - If the employee consents to base-line blood collection, but does not give consent at that time for HIV serologic testing, the sample shall be preserved for at least ninety (90) days. If within ninety (90) days of the exposure incident the employee elects to have the base-line sample tested, such testing shall be done as soon as feasible.

• Postexposure prophylaxis, when medically indicated, as recommended by the U.S. Public Health Service.

• Counseling.

• Evaluation of reported illnesses.

Information provided to the health care professional:

• The health care professional responsible for the employee's hepatitis B vaccination shall be provided a copy of this document.
The health care professional evaluating an employee after an exposure incident shall be provided the following information:

- A copy of this document.
- A description of the exposed employee's duties as they relate to the exposure incident.
- Documentation of the route(s) of exposure and circumstances under which exposure occurred.
- Results of the source individual's blood testing, if available.
- All medical records relevant to the appropriate treatment of the employee, including vaccination status, that are the District's responsibility to maintain.

**Health care professional's written opinion.** The District shall obtain and provide the employee with a copy of the evaluating health care professional's written opinion within fifteen (15) days of the completion of the evaluation.

- The health care professional's written opinion for hepatitis B vaccination shall be limited to whether hepatitis B vaccination is indicated for an employee and whether the employee has received such vaccination.
- The health care professional's written opinion for postexposure evaluation and follow-up shall be limited to the following information:
  - That the employee has been informed of the results of the evaluation.
  - That the employee has been told about any medical conditions resulting from exposure to blood or other potentially infectious materials that require further evaluation or treatment.
- All other findings or diagnoses shall remain confidential and shall not be included in the written report.

**Medical record keeping.** Medical records required by this standard shall be maintained.

**Communication of Hazards to Employees**

**Labels:**

- Warning labels shall be affixed to containers of regulated waste, refrigerators and freezers containing blood or other potentially infectious material, and other containers used to store, transport, or ship blood or other potentially infectious materials, except as provided in law.
- These labels shall contain the "biohazard" label.
- These labels shall be fluorescent orange or orange-red or predominantly so, with lettering or symbols in a contrasting color.
- Labels are required to be affixed as close as feasible to the container by string, wire, adhesive, or other method that prevents their loss or unintentional removal.
- Red bags or red containers may be substituted for labels.
- Containers of blood, blood components, or blood products that are labeled as to their contents and have been released for transfusion or other clinical use are exempted from the labeling requirements of this section on communication of hazards to employees.
- Individual containers of blood or other potentially infectious materials that are placed in a labeled container during storage, transport, shipment, or disposal are exempted from the labeling requirements.
- Labels required for contaminated equipment shall be in accordance with this section and shall also state which portions of the equipment remain contaminated.
- Regulated waste that has been decontaminated need not be labeled or color coded.

**Information and training:**

- All employees with occupational exposure shall participate in a training program, which must be provided at no cost to the employees and during working hours.
• Training shall be provided as follows:
  ■ At the time of initial assignment to tasks where occupational exposure may take place.
  ■ Within ninety (90) days after the effective date of the standard.
  ■ At least annually thereafter.
• For employees who have received training on bloodborne pathogens in the year preceding the effective date of the standard, only training with respect to the provisions of the standard that were not included need be provided.
• Annual training for all employees shall be provided within one (1) year of their previous training.
• The District shall provide additional training when changes such as modification of tasks or procedures or institution of new tasks or procedures affects the employee's occupational exposure. The additional training may be limited to addressing the new exposures created.
• Material appropriate in content and vocabulary to educational level, literacy, and language of employees shall be used.
• The training program shall contain at a minimum the following elements:
  ■ An accessible copy of the regulatory text of this standard and an explanation of its contents.
  ■ A general explanation of the epidemiology and symptoms of bloodborne diseases.
  ■ An explanation of the modes of transmission of bloodborne pathogens.
  ■ An explanation of the District's Exposure Control Plan and the means by which the employee can obtain a copy of the written plan.
  ■ An explanation of the appropriate methods for recognizing tasks and other activities that may involve exposure to blood and other potentially infectious materials.
  ■ An explanation of the use and limitations of methods that will prevent or reduce exposure, including appropriate engineering controls, work practices, and personal protective equipment.
  ■ Information on the types, proper use, location, removal, handling, decontamination, and disposal of personal protective equipment.
  ■ An explanation of the basis for selection of personal protective equipment.
  ■ Information on the hepatitis B vaccine, including information on its efficacy, safety, method of administration, the benefits of being vaccinated, and that the vaccine and vaccination will be offered free of charge.
  ■ Information on the appropriate actions to take and persons to contact in an emergency involving blood or other potentially infectious materials.
  ■ An explanation of the procedure to follow if an exposure incident occurs, including the method of reporting the incident and the medical follow-up that will be made available.
  ■ Information on the postexposure evaluation and follow-up that the District is required to provide for the employee following an exposure incident.
  ■ An explanation of the labels and/or color coding required.
  ■ An opportunity for interactive questions and answers with the person conducting the training session.
• The person conducting the training shall be knowledgeable in the subject matter covered by the elements contained in the training program as it relates to the workplace that the training will address.

Record Keeping

Medical records:
• The District shall establish and maintain an accurate record for each employee with occupational exposure as defined herein.

• This record shall include:
  
  ■ The name and Social Security number of the employee.
  
  ■ A copy of the employee’s hepatitis B vaccination status, including the dates of all hepatitis B vaccinations and any medical records relative to the employee’s ability to receive vaccination.
  
  ■ A copy of all results of examinations, medical testing, and follow-up procedures.
  
  ■ The District’s copy of the health care professional’s written opinion.
  
  ■ A copy of the information provided to the health care professional.

• **Confidentiality.** The District shall ensure that employee medical records required by law are:
  
  ■ Kept confidential.
  
  ■ Not disclosed or reported, without the employee’s express written consent, to any person within or outside the workplace, except as required by law.

• The District shall maintain the records required by law for at least the duration of employment plus thirty (30) years.

**Training records:**

• Training records shall include the following information:
  
  ■ The dates of the training sessions.
  
  ■ The contents or a summary of the training sessions.
  
  ■ The names and qualifications of persons conducting the training.
  
  ■ The names and job titles of all persons attending the training sessions.

• Training records shall be maintained for three (3) years from the date on which the training occurred.

**Availability:**

• The District shall ensure that all records required to be maintained shall be made available, upon request, to the Assistant Secretary of Labor and the Director of the Occupational Safety and Health Administration for examination and copying.

• Employee training records required by law shall be provided upon request for examination and copying to employees, to employee representatives, to the Director of the Occupational Safety and Health Administration, and to the Assistant Secretary of Labor.

• Employee medical records required by law shall be provided upon request, for examination and copying, to the subject employee, to anyone having written consent of the subject employee, to the Director of the Occupational Safety and Health Administration, and to the Assistant Secretary of Labor.

**Transfer of records:**

• The District shall comply with the legal requirements involving transfer of records.

• If the District ceases to do business and there is no successor district to receive and retain the records for the prescribed period, the District shall notify the Director of the Occupational Safety and Health Administration, at least three (3) months prior to their disposal, and transmit them to the Director of the Occupational Safety and Health Administration, if required by the Director of the Occupational Safety and Health Administration to do so, within that three (3) month period.
1. The PUHSD establishes this Exposure Control Plan (ECP) in compliance with Occupational Safety and Health Administration Standard Number 1910.1030 (OSHA 1910.1030) para. (c)(1)(i). This implements the Federal Occupational Safety and Health Act of 1970 to eliminate or minimize employee exposure to Bloodborne Pathogens (BBPs).

A. In accordance with the Needlestick Safety and Prevention Act (Pub. L. 106-430) and OSHA 1910.1030 para. (c)(1)(iv)(A), the PUHSD will, at least annually and whenever necessary, review and update the ECP to reflect:
   i. new or modified tasks and procedures that affect occupational exposure and
   ii. new or revised employee positions with occupational exposure (e.g., safer needles).

B. The PUHSD Human Resources (HR), Instruction and Accountability, and Operations (through the Safety Department) Divisions coordinate the PUHSD's compliance with OSHA 1910.1030.

C. The list below includes job classifications that the PUHSD reasonably expects to have occupational exposure to bloodborne pathogens; others may exist. See OSHA 1910.1030 para. (b).

### APPLICABLE JOB CLASSIFICATIONS IN THE PUHSD

| Assistant Principal for Student Opportunities | Lead Child Care Aide |
| Athletic Trainer                             | Lead Custodian       |
| Behavioral Intervention Specialist           | Lead Security Aide   |
| Building Maintenance Worker                  | Nurse                |
| Bus Aide                                     | PE/Athletics Aide    |
| Bus Driver                                   | Personal Assistant   |
| Bus Service Worker                           | Plumber              |
| Cafeteria Worker                             | School Health Center Clerk |
| Campus Operations Worker                     | School Resource Officer (SRO) |
| Campus Plant Supervisor                      | Security Aide        |
| Child Care Aide                              | Social Worker        |
| Coach, Athletics                             | Teacher: Alternative/SPED Programs |
| Coach, Athletics, volunteer                  | (Community Skills, ED-P, ED/SC, |
| Custodian                                    | Homebound, Multiply Disabled), Art, Career |
| ESP Facilitator                              | & Technical Education, Physical Education, |
| Groundskeeper                                | Science              |
| Instructional Aide (SPED Programs:           | Transportation Dispatcher |
| Community Skills, ED-P, ED/SC)               | Transportation Supervisor |
| Lead Building Maintenance Worker             |                      |

### Cross References

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<tr>
<th>GBGC-E</th>
<th>Employee Assistance (Bloodborne Pathogens Requirements)</th>
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### Legal References

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<tr>
<th>A.R.S. §23-403</th>
<th>OSHA Standard Number 1910.1030</th>
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<tr>
<td>Occupational Safety and Health Act (OSHA)</td>
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<td>OSHA Needlestick Safety and Prevention Act, 2001</td>
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### Originating Division(s)

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<th>Human Resources Instruction and Accountability Operations</th>
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A. An employee occupying one of these job classifications is expected to give first aid or cardiopulmonary resuscitation (CPR), or is noted in OSHA 1910.1030 as occupying an at-risk job classification, and/or may be exposed to blood or body fluids in the course of the employee's primary job duties. A temporary or substitute PUHSO employee must receive orientation to the PUHSD's BBP Program as directed by HR prior to starting work.

B. The PUHSO requires an independent contractor in its employ to provide an employee of the independent contractor with the essentials required by the BBP Program, in accordance with OSHA 1910.1030 and all other applicable Federal, State, and local laws.

2. The schedule for implementation of the methods of compliance is as follows:

A. AN EMPLOYEE SHALL OBSERVE UNIVERSAL PRECAUTIONS AT ALL TIMES to prevent contact with blood or Other Potentially Infectious Material (OPIM). Where it is difficult to differentiate among body fluid types, an employee shall consider each body fluid as a potentially infectious material.

B. The PUHSO has established the FOLLOWING ENGINEERING AND WORKPLACE CONTROLS to eliminate or minimize exposure. (OSHA 1910.1030 para. (d)(2)(i) through (xiv).)

i. The PUHSO provides hand washing facilities, or antiseptic soap, for immediate use after contamination.

ii. An employee shall wash her or his hands immediately after removing gloves.

iii. An employee shall not bend, recap, or remove a contaminated needle or other sharp except by the use of an appropriate mechanical device or the one-handed technique.

iv. An employee shall place a contaminated sharp in a sharps container meeting the specifications of OSHA 1910.1030 para. (d)(2)(viii). A sharps container should be checked weekly and must not exceed 3/4 capacity full before being designated for disposal.

v. An employee shall avoid risky behavior (e.g., applying cosmetics, applying lip balm, drinking, eating, handling contact lenses, smoking) in a work area where exposure to blood or OPIM may occur.

vi. An employee shall not keep food or drink in any container or on any surface (e.g., bench top, biological/chemical refrigerator, cabinet, counter top, freezer, shelf) where blood or OPIM may be present.

vii. An employee shall perform all procedures involving blood or OPIM in such a manner as to minimize dispersion (e.g., generation of droplets, spattering, splashing, spraying) of these substances.

viii. An employee shall not pipette by mouth.

ix. An employee shall store a specimen of blood or OPIM in a leak-proof container. If an employee finds a container containing blood or OPIM that leaks, the employee shall place the leaky container in a second, nonpermeable container.

x. An employee shall examine equipment, samples, and waste to assure it is not contaminated before the employee allows it to leave the premises as common trash (i.e., unregulated waste). An employee shall label a contaminated material as specified in OSHA 1910.1030 para. (g) as a warning to anyone else who might handle it.
C. The PUHSD shall annually review and update these engineering or work practice controls as new information becomes available or when the PUHSD creates a new employee position with a potential for exposure.

D. PERSONAL PROTECTIVE EQUIPMENT (PPE)

i. The PUHSD shall stock all PPE appropriate to an employee's reasonably anticipated blood or OPIM exposure in the PUHSD Material Management Center (MMC). This shall include disposable aprons, face shields, goggles, or safety glasses with side shields where the PUHSD anticipates that gross contamination may occur, laboratory coats, and protective gloves.

ii. An administrator with responsibility for a site, or a program, shall ensure that an employee uses PPE when the employee is likely to be exposed to BBPs. NOTE: If an employee does not use PPE because in the employee's professional judgment the use of PPE would have prevented the delivery of health care or a public safety service, or would have increased the hazard to the worker or co-worker, the PUHSD shall review the circumstances to decide if the employee's failure to use PPE was justified.

iii. The administrator with operational responsibility for the PUHSD MMC shall maintain an inventory of the appropriate PPE in the proper sizes. A campus/site administrator shall advise the MMC of the needed PPE sizes.

iv. The PUHSD shall clean, launder or dispose of contaminated PPE, as appropriate. The PUHSD shall not charge an employee for these services.

v. An employee shall immediately inform the employee's immediate supervisor when the employee's PPE becomes damaged (e.g., broken, leaky, torn) in any way. The supervisor shall take action to assure that the PUHSD either repairs the damaged PPE, or returns it to its original effectiveness, or replaces it as soon as possible.

vi. If an employee's PPE (e.g., protective garment) becomes saturated or penetrated by blood or OPIM, the employee shall remove the PPE as soon as possible and place it in an appropriate container (e.g., special biohazard bag).

vii. An employee shall remove all PPE prior to leaving a campus/site. The employee shall place PPE in an appropriate area or container for decontamination, disposal, laundering, and/or storage.

viii. An employee shall wear gloves whenever the employee or the PUHSD anticipates that the employee may have contact with blood or OPIM by hand, or mucus membranes, or non-intact skin; when performing vascular access procedures; and when handling or touching a contaminated item or surface.

1. An employee shall replace disposable (single-use) gloves (e.g., surgical or examination gloves) as soon as practical when their ability to function as a barrier is compromised (e.g., because of contamination, puncturing, tearing).

2. An employee shall not wash single-use gloves.

3. An employee shall use utility gloves for handling contaminated waste, during clean-up procedures. Utility gloves shall be washed, disinfected, and allowed to dry before reuse. The PUHSD shall replace utility gloves as soon as their integrity is compromised.
ix. An employee shall use appropriate eye protection and a face shield whenever the PUHSD or the employee anticipates that an activity or procedure may generate a splash, spray, spatter, or droplets of blood or OPIM.

x. An employee shall use protective clothing (e.g., aprons, gowns, and other protective body clothing) appropriate to an anticipated task and degree of exposure.

xi. The PUHSD shall make a proposed list of BBP safety supplies available to employees.

E. HOUSEKEEPING

i. Administrators, supervisors and other employees in a position of similar responsibility (e.g., a coach) shall assure the following occurs.

(1.) All equipment and work surfaces that become contaminated with blood or OPIM are cleaned and disinfected as soon as possible, as well as at the end of a work shift if the surfaces have become contaminated since the last cleaning.

(2.) A fresh solution of one (1) part bleach in ten (10) parts water is used when cleaning and/or decontaminating equipment, materials, and surfaces. Each campus/site department shall maintain a record of such cleaning.

(3.) An employee (e.g., a PE/Athletics Aide) having direct contact with potentially contaminated laundry wears appropriate PPE (e.g., protective gloves) to prevent or reduce exposure to blood or OPIM.

(4.) The PUHSD follows related guidelines and procedures from associated organizations (e.g., the Arizona Athletic Association).

(5.) A protective covering, such as aluminum foil, imperviously-backed absorbent paper, or plastic wrap, that is used to cover equipment and/or surfaces shall be removed and replaced when it becomes overtly contaminated or at the end of a shift.

(6.) A receptacle (e.g., bin, can, pail) intended for reuse is inspected, cleaned, and decontaminated immediately or as soon as possible after becoming visibly contaminated.

(7.) Broken glass is swept up or picked up with tongs, and not handled in any way with unprotected hands.

(8.) A reusable sharp is processed and stored in such a manner that an employee does not have to reach by hand into a container where a reusable sharp has been placed.

(9.) A bag to be used for regulated waste is red or has the biohazard symbol on it; or a placard, sign or tag is affixed to the bag pursuant to OSHA 1910.1030 para. (g)(1)(i)(e).

F. REGULATED WASTE (See definition in OSHA 1910.1030.)

i. Administrators, supervisors and other employees shall assure the following occurs.

(1.) An employee places a contaminated sharp in an appropriately sealed and labeled sharps container.
(2.) A container for used sharps is located as close as possible to the immediate area where it is used. A container is filled to no more than $\frac{3}{4}$ of its total capacity before being designated for disposal.

(3.) Other regulated waste is placed in a leak-proof container that is closable and appropriately labeled or color-coded.

(4.) A regulated medical waste contractor disposes of regulated waste in accordance with applicable City of Phoenix, Maricopa County Health Department, and Arizona State Department of Environmental Quality regulations.

3. VACCINATION AND MEDICAL FOLLOW-UP

A. The Human Relations Division (ext. 41507) shall provide to any interested employee directions to the PUHSD's contract medical monitoring program's physician or clinic where the employee can obtain the series of hepatitis B virus vaccinations. The PUHSD covers the cost of these vaccinations; they are free to an employee. An employee who does not receive these vaccinations when the PUHSD offers them may receive them later. However, an employee who declines these vaccinations when the PUHSD offers them shall be required to sign a DECLINATION form.

B. An employee shall report an exposure incident to the employee's supervisor immediately. The PUHSD shall provide a confidential medical evaluation and follow-up for an employee who has been involved in an exposure incident.

C. The PUHSD shall maintain medical monitoring program forms in an employee's personnel files at the campus/site and in the Human Relations Division.

4. INFORMATION AND TRAINING

A. The PUHSD shall provide an employee with at least the following.

i. An accessible copy of the regulatory text of OSHA 1910.1030 and an explanation of its contents.

ii. A general explanation of the epidemiology and symptoms of bloodborne diseases.

iii. An explanation of the modes of transmission of bloodborne pathogens.

iv. An explanation of the PUHSD's ECP and the means by which an employee can obtain a copy of the written plan.

v. An explanation of the appropriate methods for recognizing tasks and other activities that may involve exposure to blood or OPIM.

vi. An explanation of the use and limitations of methods that will prevent or reduce exposure to blood or OPIM, including appropriate engineering controls, work practices, and (PPE).

vii. Information on the types, proper use, location, removal, handling, decontamination and disposal of PPE.

viii. An explanation of the basis for selection of PPE.
ix. Information on the hepatitis B virus vaccine, including information on its efficacy, safety, method of administration, the benefits of being vaccinated, and that the vaccine and vaccination will be offered free of charge.

x. Information on the appropriate actions to take and persons to contact in an emergency involving blood or other potentially infectious materials.

xi. An explanation of the procedure to follow if an exposure incident occurs, including the method of reporting the incident and the medical follow-up that the PUHSD will make available to an exposed employee.

xii. Information on the post-exposure evaluation and follow-up that the PUHSD is required to provide for an employee following an exposure incident.

xiii. An explanation of the signs and labels and/or color-coding required by OSHA 1910.1030 para. (g)(vii)(1).

xiv. An opportunity for interactive questions and answers with a person conducting the training.

xv. Confirmation that the PUHSD will maintain its Training Program and Forms and training record in an employee's personnel files.

xvi. Confirmation that the PUHSD will follow the procedures of its Hazard Communications Program.

5. RECORDKEEPING

A. The PUHSD shall maintain medical records for an employee covered under OSHA 1910.1030 for the employee’s period of employment plus thirty (30) years. The PUHSD shall treat these records as confidential and shall maintain them in the personnel files stored in the PUHSD’s Human Relations Division.

B. The PUHSD shall maintain training records for an employee covered under OSHA 1910.1030 for at least three (3) years. These records are not confidential.

C. The campus/site administrator shall evaluate every exposure incident as required by OSHA 1910.1030 para. (f)(3)(i). This evaluation shall describe or include the following.

i. The circumstances surrounding the incident.

ii. The PPE the employee was wearing at the time of the incident.

iii. The engineering controls (e.g., used sharps containers) in place at the time of the incident.

iv. The established work practices (e.g., hand washing) being followed at the time of the incident.

v. What, if anything, could have been done to avoid the incident.

vi. Changes recommended to avoid similar future incidents.
vii. Identification and documentation of a source individual, unless the employer can establish that it is not feasible to identify her or him or that state or local law prohibits the identification of the source individual.

viii. Testing of the blood of a source individual as soon as possible for hepatitis B virus (HBV) and human immunodeficiency virus (HIV).

ix. Maintenance of confidentiality over the results of a source individual's testing.

x. The collection and testing of an exposed employee's blood as soon as possible after the exposed employee gives consent.

xi. The offer of counseling to an exposed employee, and an evaluation of any illness reported by an exposed employee.

D. The PUHSD shall maintain an addendum log to OSHA’s Form 300 (Log of Work-Related Injuries and Illnesses) to record any sharps injury to an employee.
STUDENT RECORDS

Required student records (regular and special education) will be prepared in a manner consistent with state and federal laws, the requirements of the Arizona Uniform System of Financial Records (USFR) and those of the Arizona Department of Libraries, Archives and Public Records. Retention periods and disposition of records shall be as specified in the USFR, the Arizona Department of Library Archives and Public Records and relevant federal statutes and regulations.

The District will comply with the provisions of the Family Educational Rights and Privacy Act (FERPA) and the Individuals with Disabilities Education Act (IDEA), the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001 (USA PATRIOT ACT), and the Every Student Succeeds Act of 2015 (ESSA) in the establishment, maintenance, correction, and disposition of student records.

The Board directs the Superintendent to establish procedures for such compliance, including informing parents, students, and the public of the contents. The Superintendent will implement procedures as required by law and will establish procedures for dealing with violations.

If a parent or eligible student believes that the District is violating the FERPA, that person has a right to file a complaint with the U.S. Department of Education. The address is:

The Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202-4605
Telephone number: (202) 260-3887

In adopting this policy it is the intent of the Board that the policy and related procedures be implemented immediately. Copies of the policy and procedures will be available for parent and eligible student review in the District office.

Confidentiality

The right to inspect and review education records and the release of or access to such records, other information, or instructional materials will be consistent with federal law in the Family Educational Rights and Privacy Act, Title 20, United States Code, sections 1232g and 1232h, the USA PATRIOT ACT, ESSA and with federal regulations issued pursuant to such act.

Annual Notification

Within the first three (3) weeks of each school year, the District will publish in a District communication a notice to parents and eligible students of their rights under the FERPA and this procedure. This notice will also be provided to each parent of new students enrolling after school begins [34 C.F.R. 99.7]. The District will arrange to provide translation of the notice to non-English-speaking parents in their native language or mode of communication [34 C.F.R. 300.9]. The notice shall inform the parents of:

A. The right of the parent or an eligible student to inspect and review the student's education records.

B. The intent of the District to limit the disclosure of personally identifiable information contained in a student's education records, including disciplinary records, except by the prior written consent of the parent or eligible student or under certain limited circumstances as permitted by the FERPA, the USA PATRIOT Act or the ESSA.

C. The right of the parent or eligible student to seek to correct parts of the school education records that the student or the parent believes to be inaccurate, misleading, or in violation of student rights. This right includes the right to a hearing to present evidence that the record should be changed if the District decides not to alter it according to the parent's or eligible student's request.

D. The right of the parent or eligible student to file a complaint with the U.S. Department of Education if they believe the District has violated the FERPA.

Parents and eligible students have the following rights under the Family Educational Rights and Privacy Act (FERPA) and this procedure [34 C.F.R. 99.7 and 300.613]. The notice shall also include:

A. The procedure for exercising the right to inspect and review education records.
B. The procedure for requesting amendments of education records that the parent or eligible student believe to be inaccurate, misleading or otherwise a violation of the student's privacy rights.

C. The conditions when prior consent is not required, the criteria for determining who constitutes a school official and what constitutes a legitimate educational interest.

If the School District permits the release of directory information relating to pupils, the information shall be released on or before October 31 of each year. The Superintendent shall develop procedures to communicate to students and their parents in a timely manner information relating to access to the Arizona Department of Education form which is designed to allow pupils to request that directory information not be released pursuant to the Elementary and Secondary Education Act (ESEA) as reauthorized by the Every Student Succeeds Act of 2015 (ESSA).

Adopted: June 20, 2017

LEGAL REF.:  
A.R.S.  
15-141  
15-142  
15-828  
15-829  
25-403.06  
44-1373  
10 U.S.C. 503  
20 U.S.C. 1232  
20 U.S.C. 1400 et seq., Individuals with Disabilities Education Act  
20 U.S.C. 7906  
34 C.F.R. 300

CROSS REF.:  
IHB - Special Instructional Programs  
JE - Student Admissions  
JFAB - Admission of Nonresident Students  
JLH - Missing Students  
JRCA - Request for Transfer of Records
This procedure is designed to meet the provisions of the Family Educational Rights and Privacy Act (FERPA) and the Individuals with Disabilities in Education Act (IDEA). All personnel in the District are expected to fulfill the requirements of policy and the following procedures in order to protect the confidentiality of personally identifiable information at collection, storage, disclosure, and destruction stages [34 C.F.R. 300.612].

The Superintendent has the responsibility for ensuring the confidentiality of any personally identifiable information [34 C.F.R. 300.612].

All rights and protections given parents under the FERPA and this procedure transfer to the student upon reaching age eighteen (18) except where the student continues as a dependent under specified circumstances, or enrolling in a postsecondary school. The student then becomes an "eligible student" [34 C.F.R. 99.5 and 300.625].

Definitions

For the purpose of the procedure, the District has used the following definitions of terms:

A. Student - Any person who attends or has attended a program of instruction sponsored by the District and for whom the District maintains education records.

B. Eligible student - A student who has reached age eighteen (18) or is attending a postsecondary school.

C. Parent - Either the natural parent of a student, unless the parent's rights under the FERPA have been removed by a court order, statute, or other legal document, or a guardian, or an individual acting as a parent or guardian in the absence of the student's parent or guardian. The District may presume that the parent has the authority to inspect and review education records relating to his or her child unless the District has been advised that the parent does not have authority under applicable law.

D. Education records - Any information directly related to a student recorded in any way including, but not limited to, handwriting, print, computer media, video or audio tape, film, microfilm or microfiche, that is maintained by the District, an employee of the District, or any agent of the District except:

1. Personal records kept by an employee of the District that meets the following tests:
   a. It is used only as a personal memory aid.
   b. It is kept in the personal possession of the individual who made it.
   c. It is not accessible and has never been revealed to any other person except the employee's temporary substitute.

2. Medical treatment records maintained for "eligible students."

3. Records collected and maintained by a law enforcement unit of the school.

4. Records containing only information about a person after that individual is no longer a student in the District.

5. An employment record that is used only in relation to a student's employment by the District. (Employment for this purpose does not include activities for which a student receives a grade or credit in a course.)

6. Related alumni records after the student no longer attends classes provided by the District, and the records do not relate to the person as a student.

E. Personally identifiable information - Any data or information that makes the subject of a record known. This includes the student's name, the name(s) of the student's parent(s) or other family member(s), the student's address, the student's Social Security number, a student number, a list of personal characteristics, or other information that would make the student's identity easily traceable.

F. Signed and dated written consent - May include a record and signature in electronic form that:

1. Identifies and authenticates a particular person as the source of the electronic consent.

2. Indicates such person's approval of the information contained in the electronic consent.

Locations of Education Records

A list of types and locations of education records collected, maintained, or used will be provided to the parents on request [34 C.F.R. 300.616]. See Exhibit JR-EA.

Procedure to Inspect

Education Records

Parents of a student, the designated representative of the parents, and an eligible student may inspect and review the student's education records that are collected, maintained, or used by the District [34 C.F.R. 300.501]. In some circumstances it may be mutually
more convenient for the record custodian to provide copies of records. Charges for the copies of records will be costs of copying unless the fee would effectively prevent the parent from exercising rights to inspect and review those records [34 C.F.R. 300.613 and 300.617].

Since a student's records may be maintained in several locations, the school principal will offer to collect copies of records or the records themselves from locations other than a student's school so they may be inspected at one (1) site. However, if parents and eligible students wish to inspect records where they are maintained, the school's principal will make every effort to accommodate their wishes.

Parents, the designated representative of the parents, or the eligible student should submit to the student's school principal a signed and dated written request that identifies as precisely as possible the record or records wanted for inspection. The District will respond to any request without unnecessary delay before any meeting regarding any individual education program or hearing relating to the identification, evaluation, placement of a student, or the provision of a free appropriate public education, and in no case more than forty-five (45) days after the request has been made [34 C.F.R. 300.613 and 99.10]. See Exhibit JR-ED.

The principal, or other education records custodian, will contact the parent of the student or the eligible student to discuss how access will be best arranged (e.g., copies, at the exact location, or records brought to a single site).

Parents have the right, upon reasonable request, for explanations and interpretations of the information contained in the records and a right to request copies of the records containing the information, if not in violation of stated policy of FERPA. Parents have the right to have a representative of the parent to inspect and review the records [34 C.F.R. 300.613 and 99.10].

The principal, or other education records custodian, will make the needed arrangements as promptly as possible and notify the parent or eligible student of the time and place where the records may be inspected. This procedure must be completed in forty-five (45) days or less after receipt of the request for access [34 C.F.R. 300.613].

If for any valid reason, such as working hours, distance between record location sites, or health, the parent or eligible student cannot personally inspect and review a student's education records, the District will arrange for the parent or eligible student to obtain copies of the record. See below for information regarding fees for copies of records [34 C.F.R. 300.613 and 99.10].

When a record contains information about students other than a parent's child or the eligible student, the parent or eligible student may not inspect and review the records of the other students [34 C.F.R. 300.615, 99.5 and 99.12].

Fees for Copies of Records

All records subject to disclosure under this procedure shall be available for inspection free of charge. If copies are desired, they shall be furnished by the District to the parent or eligible student on request and free of charge. Additional copies may be sent to other schools or agencies without charge. However, the District reserves the right to charge up to thirty-five cents (35¢) per page for multiple or excessive requests. Copies of available records shall be produced as promptly as possible upon receipt of the request. No fee will be charged for search and retrieval of records [34 C.F.R. 300.617 and 99.11].

The District will provide copies of records:

A. When the refusal to provide copies effectively denies access to the records by the parent or eligible student [34 C.F.R. 300.617].

B. At the request of the parent or eligible student, when the District has provided the records to third parties by the prior consent of the parent or eligible student.

C. At the request of the parent or eligible student when the District has forwarded the records to another school where the student seeks or intends to enroll.

Directory Information

The District designates the following personally identifiable information contained in a student's education records as "directory information" and may disclose that information without prior written consent [20 U.S.C. 1232g(a)(5)(A)]:

A. The student's name.

B. The student's address.

C. The student's telephone listing.

D. The student's birthdate.

E. The student's electronic mail address.

F. The student's photograph.

G. The student's grade level.

H. The student's major field of study.

I. The student's dates of attendance.

J. The student's enrollment status (e.g., part time or full time).

K. The student's participation in officially recognized activities and sports.
Within the first three (3) weeks of each school year the District will publish in a District communication or send home with each student the above list, or a revised list, of the items of directory information designated as directory information. For a student who enrolls after the notice is published, the list will be given to the parent or eligible student at the time and place of enrollment. See Exhibit JR-EB.

After the parents or eligible student have been notified, they will have two (2) weeks to advise the District in writing (a letter to the Superintendent’s office) of any or all of the items they refuse to permit the District to designate as directory information about that student.

According to state and federal law if the Governing Board permits the release of directory information relating to students to persons or organizations who inform students of educational or occupational opportunities, then the Governing Board shall provide access to directory information on the same basis to military official recruiting representatives for the purpose of informing students of educational and occupational opportunities available to them. Directory information shall be released on or before October 31 of each year unless the parent or eligible student requests in writing to the District (a letter to the Superintendent’s office) within two (2) weeks after notification not to release directory information to any person or organization without prior signed and dated written consent. The District shall distribute a form, separate from any other form, designed and provided to districts by the Arizona Department of Education allowing pupils to request that directory information not be released. If the District distributes materials to pupils through electronic communication or on an internet website, the form may be distributed in the same manner. A person who is wrongfully denied access to directory information or access to school buildings, school grounds or other property may notify the Department of Education, which shall report the alleged violation to the United States Department of Education. If the parent or eligible student refuses to allow the release of directory information without prior signed and dated written consent, then the District will not provide military recruiters, upon request, directory information containing the student’s name, addresses and telephone listings.

At the end of the two (2)-week period, if the parent or eligible student has not returned the form indicating refusal to allow the release of directory information, the District will assume it has their permission to release the above-mentioned information. This designation will remain in effect until it is modified by the prior signed and dated written direction of the parent or eligible student. The student’s records will be appropriately marked by the records custodian to ensure compliance with the parents’ or eligible student’s request.

Use of Student Education Records

To carry out their responsibilities, school officials will have access to student education records for legitimate educational purposes. The District will use the following criteria to determine who are school officials [34 C.F.R. 99.31]:

A. A person duly elected to the Board (under limited circumstances).
B. A person certificated by the state and appointed by the Board to an administrative or supervisory position.
C. A person certificated by the state and under contract to the Board as an instructor.
D. A person employed by the Board as a temporary substitute for administrative, supervisory, or instructional personnel for the period of such performance as a substitute.
E. A person employed by or under contract to the Board to perform a special task, such as a secretary, a clerk, the Board attorney, or auditor, for the period of such performance as an employee or contractor.

District officials who meet the criteria listed above will have access to a student’s records if they have a legitimate educational interest in doing so [34 C.F.R. 99.32]. A "legitimate educational interest" is the person’s need to know in order to:

A. Perform an administrative task required in the school employee’s position description approved by the Board.
B. Perform a supervisory or instructional task directly related to the student’s education.
C. Perform a service or benefit for the student or the student’s family, such as health care, counseling, student job placement, or student financial aid.

Records of students placed in special educational programs will be under the direct supervision of the program administration. All persons collecting or using personally identifiable information in records of students determined to be a student with a disability will receive training or instruction regarding Arizona's policies and procedures for the protection of these records at the collection, storage, disclosure, and destruction stages in accordance with FERPA and IDEA [34 C.F.R. 300.623].

The District will maintain for public inspection a current listing of the names and positions of employees who have access to personally identifiable information maintained on students placed in special education [34 C.F.R. 300.623]. When the information maintained in these records is no longer needed to provide educational services to the student, the District will notify the parents of their right to have the personally identifiable information destroyed [34 C.F.R. 300.624]. However a permanent record of a student's name, address, phone number, grades, attendance record, classes attended, grade level completed, and year completed will be maintained [34 C.F.R. 300.624]. Destruction of records will be accomplished in accordance with the requirements of Arizona law and regulations of the Department of Library, Archives, and Public Records [34 C.F.R. 300.623].

http://policy.azsba.org/asba/PrintViewer.jsp?printCollection=0

6/14/2018
The District will release information from or permit access to a student's education records only with a parent's or eligible student's prior signed and dated written consent, except that the Superintendent or a person designated in writing by the Superintendent may permit disclosure [34 C.F.R. 99.30, 99.31, 99.34, and 99.37]:

A. When a student seeks or intends to enroll in another school district or a postsecondary school the District will not further notify parents or eligible students prior to such a transfer of records. Parents and student have a right to obtain copies of records transferred under this provision. See Exhibit JR-EC.

B. When certain federal and state officials need information in order to audit or enforce legal conditions related to federally supported education programs in the District.

C. To parties who provide or may provide financial aid to a student to:
   1. Establish the student's eligibility for the aid.
   2. Determine the amount of financial aid.
   3. Establish the conditions for the receipt of the financial aid.
   4. Enforce the agreement between the provider and the receiver of financial aid.

D. If a state law adopted before November 19, 1974, required certain specific items of information to be disclosed in personally identifiable form from student records to state or local officials.

E. If a state law adopted before November 19, 1974, required certain specific items of information to be disclosed in personally identifiable form from student records to state or local officials of the juvenile justice system and the officials certify in writing that the information will not be disclosed to any other party, except as provided under state law, without prior signed and dated written consent of the parent or the eligible student.

F. When the District has entered into a written agreement or contract for an organization to conduct studies on the District's behalf to develop tests, administer student aid, or improve instruction.

G. To accrediting organizations to carry out their accrediting functions.

H. To parents of an eligible student if the parents claim the student as a dependent as defined by the Internal Revenue Code of 1954.

I. To comply with a judicial order or lawfully issued subpoena. The District will make a reasonable effort to notify the parent or the eligible student before making a disclosure under this provision unless directed otherwise by a court of competent jurisdiction.

J. To comply with an ex parte order from a court of competent jurisdiction requiring the District to permit the U.S. Attorney General or U.S. Attorney General's designee to collect education records in the possession of the District that are relevant to an authorized investigation or prosecution of an offense listed in 18 U.S.C. 2332b(g)(5)(B) for an act of domestic or international terrorism as defined in 18 U.S.C. 2331. An ex parte order is an order issued by a court of competent jurisdiction without notice to the adverse party. A disclosure pursuant to an ex parte order will not be recorded as a disclosure of information from a student's education records by the District.

K. If the District initiates legal action against a parent or student, the District may disclose to the court, without a court order or subpoena, the education records of the student that are relevant for the District to proceed with the legal action.

L. If a parent or eligible student initiates legal action against the District, the District may, without a court order or subpoena, disclose the student's education records that are relevant for the District to defend itself.

M. To comply with the request of authorized law enforcement officials conducting an investigation of acts of terrorism.

N. The disclosure is in connection with a health or safety emergency. Time is an important and limiting factor in determining whether the disclosure is in connection with a health or safety emergency. The District will permit any school official to make the needed disclosure from student education records in a health or safety emergency if:
   1. The official deems the disclosure is warranted by the seriousness of the threat to the health or safety of the student or other persons.
   2. The information is necessary and needed to address the emergency.
   3. The persons to whom the information is to be disclosed are qualified and in a position to deal with the emergency.

O. The District may release student attendance, disciplinary, and other education records to a law enforcement agency and county attorney pursuant to an intergovernmental agreement between the District, the law enforcement agency, the county attorney, and other state, local, or tribal government agencies to create a local or tribal juvenile justice network for the purpose of:
   1. providing appropriate programs and services to intervene with juveniles currently involved in the juvenile justice system.
   2. providing appropriate programs and services designed to deter at-risk juveniles from dropping out of school or other delinquent behavior.
   3. increasing the safety and security of the community and its children by reducing juvenile crime.
P. Education records provided pursuant to an intergovernmental agreement entered into in accord with the above provisions shall be used solely for the purposes of the agreement and shall not be disclosed to any other party, except as provided by law.

A District school official may release information from a student's education records, other than directory information, to a third party if the parent or the eligible student gives prior signed and dated written consent for the disclosure and the third party agrees that the information will not be disclosed to any other party without the prior consent of the parent or eligible student. The signed and dated written consent must include at least:

A. A specification of the records to be released.
B. The reasons for the disclosure.
C. The person or the organization or the class of persons or organizations to whom the disclosure is to be made.
D. The signature of the parent or eligible student.
E. The date of the consent and, if appropriate, a date when the consent is to be terminated.

The parent or the eligible student may obtain a copy of any records disclosed under this provision, unless otherwise provided.

Records of Requests for Access and Disclosures Made from Education Records

The District will maintain an accurate record of all requests for it to disclose information from or to permit access to a student's education records, and of information it discloses and access it permits, with some exceptions as listed below. This record will be kept with, but will not be a part of, each student's cumulative school records. It will be available only to the record custodian, the eligible student, the parent of the student, or to federal, state, or local officials for the purpose of auditing or enforcing federally supported educational programs [34 C.F.R. 99.32]. See Exhibit JR-EE.

The record will include at least:

A. The name of the person, organization or agency that made the request.
B. The interest the person, organization or agency had in the information.
C. The date the person, organization or agency made the request.
D. Whether the request was granted and, if it was, the date access was permitted or the disclosure was made.

The District will maintain this record as long as it maintains the student's education records. The record will not include requests for access or access granted to:

A. the parent or eligible student,
B. authorized law enforcement officials conducting an investigation of acts of terrorism,
C. school officials who have a legitimate educational interest in the student,
D. requests for or disclosures of information contained in the student's education records if the request is accompanied by or authorized by the prior signed and dated written consent of the parent or eligible student, or
E. for requests for or disclosures of directory information designated for that student.

Procedures to Seek to Correct Education Records [34 C.F.R. 99.20 and 99.21]

Parents of students and eligible students have a right to seek to change any part of the student's record they believe is inaccurate, misleading, or in violation of student rights [34 C.F.R. 300.618 and 99.20]. (Note: Under the FERPA, the District may decline to consider a request to change the grade a teacher assigns for a course.)

For the purpose of outlining the procedure to seek to correct education records, the term incorrect will be used to describe a record that is inaccurate, misleading, or in violation of student rights. The term correct will be used to describe a record that is accurate, not misleading, and not in violation of student rights. Also, in this section, the term requester will be used to describe the parent of a student or the eligible student who is asking the District to correct a record.

To establish an orderly process to review and correct education records for a requester, the District may make a decision to comply with the request for change at several levels in the procedure [34 C.F.R. 300.618 and 99.20].

First-level decision. A parent of a student or an eligible student who finds an item in the student's education records that appears to be inaccurate, misleading, or in violation of student rights should immediately ask the record custodian to correct it. If the record is incorrect because of an obvious error and it is a simple matter to make the record change at this level, the record custodian will make the correction. However, if the record is changed at this level, the method and result must satisfy the requester.

If the custodian cannot change the record to the requester's satisfaction or the record does not appear to be obviously incorrect, the custodian will:
A. Provide the requester a copy of the questioned record at no cost.

B. Ask the requester to initiate a written request for the change.

C. Follow the procedure for a second-level decision.

**Second-level decision.** The written request to correct a student's education records through the procedure at this level should specify the correction the requester wishes the District to make. It should at least identify the item thought to be incorrect and state whether the requester believes the item:

A. Is inaccurate and why.

B. Is misleading and why, or

C. Violates student rights and why.

The request will be dated and signed by the requester.

Within two (2) weeks after receiving a written request, the record custodian will study the request, discuss it with other school officials (the person who made the record or those who may have a professional concern about the District's response to the request), make a decision to comply or decline to comply with the request, and complete the appropriate steps to notify the requester or move the request to the next level for a decision.

If, as a result of this review and discussion, a decision is reached that the record should be corrected, the record custodian will affect the change and notify the requester, in writing, of that action. Each such notice will include an invitation for the requester to inspect and review the student's education records to make certain the record is in order and the correction is satisfactory.

If a decision is reached that the record is correct, the custodian will make a written summary of any discussions with other officials and of the findings in the matter. This summary and a copy of the written request will be transmitted to the Superintendent.

**Third-level decision.** The Superintendent will review the material provided by the record custodian and, if necessary, discuss the matter with other officials such as the school attorney or the Board (in executive session unless otherwise requested by parent(s)). The Superintendent will then make a decision concerning the request and complete the steps at this decision level. Ordinarily, this level of the procedure should be completed within two (2) weeks. If it will take longer, the Superintendent will notify the requester in writing of the reasons for the delay and a date when the decision will be made.

If the Superintendent decides the record is incorrect and should be changed, the record custodian will be advised to make the changes.

If the Superintendent decides the record is correct, a letter to the requester will be prepared that will include [34 C.F.R. 300.619 and 99.20]:

A. The District's decision that the record is correct and the basis for the decision.

B. A notice to the requester explaining the requester's right to ask for a hearing to present evidence that the record is incorrect and that the District will grant such a hearing.

C. Instructions for the requester to contact the Superintendent to discuss acceptable hearing officers, convenient times, and a satisfactory site for the hearing. (The District will not be bound by the requester's positions on these items but will, as far as possible, arrange the hearing as the requester wishes.)

D. Advice that the requester may be represented or assisted in the hearing by other parties, including an attorney, at the requester's expense.

**Fourth-level decision.** After the requester has submitted (orally or in writing) any wishes concerning the hearing officer and the time and place for the hearing, the Superintendent will, within one (1) week, notify the requester when and where the District will hold the hearing and whom it has designated as the hearing officer [34 C.F.R. 300.621, 99.21, 99.22, and 99.34].

At the hearing, the hearing officer will provide the requester a full and reasonable opportunity to present material evidence and testimony to demonstrate that the questioned part of the student's education records is incorrect as shown in the requester's written request for a change in the record (second level).

Within one (1) week after the hearing, the hearing officer will submit to the Superintendent a written summary of the evidence submitted at the hearing. Along with the summary, the hearing officer will submit recommendations, based solely on the evidence presented at the hearing, that the record should be changed or should remain unchanged.

The Superintendent will prepare the District's decision within two (2) weeks after the hearing. That decision will be based on the summary of the evidence presented at the hearing and on the hearing officer's recommendation. However, the District's decision will be based solely on the evidence presented at the hearing. Therefore, the Superintendent may overrule the hearing officer if the hearing officer's recommendation is deemed inconsistent with the evidence presented. As a result of the District's decision, the Superintendent will take one (1) of the following actions:

A. If the decision is that the District will change the record, the Superintendent will instruct the record custodian to correct the record. The record custodian will correct the record and notify the requester as at the second-level decision [34 C.F.R. 300.620 and 99.21].

http://policy.azsba.org/asba/PrintViewer.jsp?printCollection=0 6/14/2018
B. If the decision is that the District will not change the record, the Superintendent will prepare a written notice to the requester that will include [34 C.F.R. 300.620 and 99.21]:

1. The District's decision that the record is correct and will not be changed.
2. A copy of a summary of the evidence presented at the hearing and a written statement of the reasons for the District's decision.
3. Advice to the requester that an explanatory statement may be placed in the student's education records stating the reasons for disagreement with the District's decision and/or the reasons for believing the record to be incorrect.

Final administrative step in the procedure. When the District receives an explanatory statement from a requester after a hearing, it will maintain that statement as part of the student's education records as long as it maintains the questioned part of the record. The statement will be attached to the questioned part of the record and whenever the questioned part of the record is disclosed the explanatory statement will also be disclosed [34 C.F.R. 300.620 and 99.21].

Annual Notification to Parents Regarding Confidentiality of Student Education Records [34 C.F.R. 300.612]

Dear Parent:

The Family Educational Rights and Privacy Act (FERPA) affords parents and students over 18 years of age ("eligible students") certain rights with respect to the student's education records. The Governing Board has established written policies regarding the collection, storage, retrieval, release, use, and transfer of student educational information collected and maintained pertinent to the education of all students to ensure the confidentiality of the information and to guarantee parents' and students' rights to privacy. These policies and procedures are in compliance with:

The Family Education Rights and Privacy Act; Title 20, United States Code, Sections 1232g and 1232h; and the Federal Regulations (34 C.F.R., Part 99) issued pursuant to such act;

Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001 (USA PATRIOT ACT);

Every Student Succeeds Act of 2015 (ESSA);

The Individuals with Disabilities in Education Act; 20 U.S.C. Chapter 33; and the Federal Regulations (34 C.F.R. Part 300); and

Arizona Revised Statutes, Title 15, sections 141 and 142.

Student education records are collected and maintained to help in the instruction, guidance, and educational progress of the student, to provide information to parents and staff members, to provide a basis for the evaluation and improvement of school programs, and for legitimate educational research. The students' records maintained by the District may include - but are not necessarily limited to, identifying data, report cards and transcripts of academic work completed, standardized achievement test scores, attendance data, reports of psychological testing, health data, teacher or counselor observations, and verified reports of serious or recurrent behavior patterns.

These records are maintained in the office of the District under the supervision of the school administrator and are available only to the teachers and staff members working with the student. Upon request, the District discloses education records, including disciplinary records, without consent to officials of another school district in which a student seeks or intends to enroll. Otherwise, records are not released to most agencies, persons or organizations without prior signed and dated written consent of the parent [34 C.F.R. 99.7]. The signed and dated written consent may be in electronic form under certain conditions [34 C.F.R. 99.30].

You shall be informed when personally identifiable information collected, maintained, or used is no longer needed to provide educational services to your child. The information must be maintained for two (2) years after the date your child was last enrolled in this school district.

You have the right to inspect and review any and all records related to your child within forty-five (45) days of the day of receiving a request for access, including a listing of persons or organizations who have reviewed or have received copies of the information [34 C.F.R. 99.7]. Parents who wish to review their children's records should contact the principal for an appointment or submit to the principal a written request that identifies the record(s) you wish to inspect. District personnel will make arrangements for access and notify you of the time and place where the records may be inspected. District personnel will be available to explain the contents of the records to you. Copies of student education records will be made available to parents when it is not practicable for you to inspect and review the records at the school. Charges for the copies of records will be costs of copying unless the fee prevents the parent from exercising rights to inspect and review those records.

You have the right to request that an amendment be made to the student's education records and to add comments of your own if you believe information in the record file is inaccurate or misleading [34 C.F.R. 99.7(a)(1)]. You should write the principal, clearly identify the part of the record you want changed, and specify why it is inaccurate or misleading. If the District decides not to amend the record as requested by you, the District will notify you of the decision and advise you of the right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to you when notified of the right to a hearing.

You have the right to consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent. One exception, which permits disclosure without consent, is disclosure to school officials with legitimate educational interests. A school official is a person employed by the District as an administrator, supervisor, instructor, or support staff member (including health or medical staff and law enforcement unit personnel); a person serving
on the School Board; a person or company with whom the District has contracted to perform a special task (such as an attorney, auditor, medical consultant, or therapist); or a parent or student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks. A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility.

Copies of the District student education records confidentiality policies and procedures may be reviewed in the assigned office in each school [34 C.F.R. 99.7]. You have the right to file a complaint with the Family Educational Rights and Privacy Act Office in Washington, D.C., concerning alleged failures by the District to comply with the requirements of FERPA [34 C.F.R. 99.7]. The name and address of the Office that administers FERPA are:

**Family Policy Compliance Office**  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, DC 20202-4605
# STUDENT RECORDS

## LOCATIONS OF EDUCATION RECORDS

<table>
<thead>
<tr>
<th>Types</th>
<th>Location</th>
<th>Custodian</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cumulative school records</td>
<td>School of Assignment</td>
<td>Principal</td>
</tr>
<tr>
<td>Cumulative school records (former students)</td>
<td>District Office</td>
<td>Assistant Superintendent</td>
</tr>
<tr>
<td>Health records</td>
<td>School of Assignment</td>
<td>Principal</td>
</tr>
<tr>
<td>Speech therapy records</td>
<td>District Office</td>
<td>Special Education Dir.</td>
</tr>
<tr>
<td>Psychological records</td>
<td>District Office</td>
<td>Special Education Dir.</td>
</tr>
<tr>
<td>Special test records</td>
<td>School of Assignment</td>
<td>Principal</td>
</tr>
<tr>
<td>School transportation records</td>
<td>Transportation Office</td>
<td>Director of Transportation</td>
</tr>
<tr>
<td>Occasional records: education records not identified above, such as those in the Superintendent's office, in the school attorney's office, or in the personal possession of teachers (examples: discipline records, Honor awards)</td>
<td>The principal will collect and make available at the student's school</td>
<td></td>
</tr>
</tbody>
</table>
JR-EB
EXHIBIT

STUDENT RECORDS

DIRECTORY INFORMATION
NON-RELEASE REQUEST FORM
(Return the request below to your school office within
two [2] weeks after the student enrolls.)

__________________________________________  __________
Student Name (please print)                  Student No.

Student Directory Information

Directory Information may be released for any purposes at the discretion of the Phoenix Union High School District. Under the provisions of the Family Educational Rights and Privacy Act of 1974 (FERPA), as amended, you have the right to withhold the release of any or all of the following: a) The student's name, b) class designation (grade), c) the student's extracurricular participation, d) the student's achievements, awards or honors, e) the student's height and weight if a member of an athletic team, f) the student's photograph, g) the student's enrollment status, or h) the school or school district the student attended before enrollment in this District. The District may permit access to or the release of directory information to the public unless the parent or eligible student gives written notice to the District that such information should not be made public without prior written consent. Notice must be given to the school within two weeks after the beginning of the school year in the Phoenix Union High School District, or within two weeks after the student enrolls during the school year. Parent(s) or guardian(s) who do not wish to have any or all of the above information released about their children must complete the Directory Information Non-Release Request form below and return it to the school office within two (2) weeks after the student is enrolled. If this form is not received in the school office, it will be assumed that the above information may be released for the remainder of the school year.

☐ I do not wish to have any directory information released on the following student:

__________________________________________  __________
Student's Name (please print)                  Student Number

Parent's Name                                    Signature of Parent/Guardian

__________________________________________  __________
School                                          Student's Grade

Level

Address                                     City            Zip

Date

☐ I do not wish to have the following items released on this student:

(Please list the letter(s) from the paragraph above).

Note: Directory information is also used to compile such publications as newsletters, yearbooks, plays, athletic programs, etc. This non-release request does not apply to those uses. If you do not want your child's name or picture used in newsletters, yearbooks, plays, athletic programs, etc., please check the box here. ☐
One (1) of the provisions of the Elementary and Secondary Education Act, also known as the No Child Left Behind Act of 2001 (sec. 9528) requires that local educational agencies (i.e., school districts) provide secondary school students' names, addresses and telephone listings to military recruiters, when requested. This is the same directory information access provided generally to post-secondary educational institutions or to prospective employers of those students.

A secondary school student or the parent of the student may request that the student's name, address, and telephone listing not be released without prior written consent. Under the statutes parents or eligible students may "opt out" of allowing schools to provide information about their children to the military recruiters.

Parents or guardians or eligible students (eighteen [18] or older) who do not wish to have the student name, address and telephone number released to the Armed Forces must fill out the form below and return it to the school office within two (2) weeks after the student is enrolled. If this form is not received in the school office, it will be assumed that the information may be released for the remainder of the school year.

☐ I request that this student's name, address and telephone number not be released to Armed Forces and Military Recruiters:

Student's Name (please print)  Student Number  School

Parent's Name  Signature of Parent/Guardian  Student's Grade Level

Address  City  Zip

Date

If student is over eighteen (18) years old:

☐ I am eighteen (18) years old and request that my name, address, and telephone number not be released to Armed Forces and Military Recruiters.

Signature of Student

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REQUEST FOR STUDENT EDUCATION RECORDS

Copy to student file

Name of Agency ............................................ Address ............................................

Requester

Name of Authorized Person ................................ Phone ............................................

Requested from

Name of Agency ............................................ Address ............................................

Student

Student Name ............................................ Address ............................................

Parent Name ............................................ Address ............................................

Previous School ............................................ Address ............................................ Dates Attended ............................................

☐ No information available about previous school
☐ Need assistance in understanding complex behavior and needs
☐ Need evaluation information for immediate special education placement

Purpose for request

☐ Need information to help prepare an educational program for the student
☐ Need verification that the student has a disability
☐ Other: ............................................

Permanent record data:

General cumulative data:

Health data:

Specialized student data:

Type of information requested

☐ Basic identifying data, attendance data, and academic data
☐ General administrative data and results of group tests
☐ General medical data and reports
☐ Individualized evaluation records
and specialized reports
(including reports from outside
agencies)

Special education placement records:

Suspension and/or expulsion records:

☐ All records of placement if special education

☐ All records of suspension and/or expulsion

In making this request, the undersigned agrees that the information received will be used only by the professional school staff members who are assigned to work with the student in the educational program and will not be released to any other party without the prior written consent of the parent or eligible student.

Date Requested __________________________
Authorized Signature ________________________

Parental consent

I, ________________________, as the parent of ________________________,
(Parent Name) (Student’s Name)
consent to the release of records listed above to the party named above. I am aware of my rights to review the records and receive a copy at my expense, if I so request.

Signature of Parent ________________________ Date ______________
# STUDENT RECORDS

## RECORD OF ACCESS

*(To be Placed Inside the Student's Record File.)*

<table>
<thead>
<tr>
<th>Requester (Name of Agency)</th>
<th>Date of Request</th>
<th>Date Request Filled</th>
<th>Records Requested</th>
<th>Method of Access (C-Copy, E-Examine, V-Verbal)</th>
<th>Educational Interest or Purpose</th>
<th>Date Parents Notified</th>
</tr>
</thead>
</table>
DESTRUCTION OF INFORMATION

Date _________________

Dear _______ (parent or guardian),

This is to advise you that District schools may destroy special education data and other information on a student who has been in a special education program whenever the student has been withdrawn, transferred, or graduated from the District for at least five (5) years or when the information is no longer needed to provide education services to

_________________________  Student’s Name

However, information contained in these records may be needed for other purposes, such as documentation for eligibility for Social Security benefits.

Before these records are destroyed, you have the right to review the records and obtain copies of any information. Please indicate your desire below and return this form to the School District before

_________________________  Date

Sincerely,

____________________________________________________
Signature and Title of District Official

I  □  Do  □  Do Not wish to review the records of ______________________

_________________________  __________________________
Parent’s or Guardian’s Signature  Date

If you do not complete and return this form within 90 days, records will be destroyed in accordance with established policy.

LEGAL REF.:
20 U.S.C. 1232(f)(a)
34 C.F.R. 80.42
TRANSCRIPT RELEASE

Request for Student Name Identification Number Class/year

Transcripts may be released to those indicated below

☐ Postsecondary Institutions ☐ United States Armed Forces
☐ State Militia (National Guard) ☐ Other: ______________________

In making this request, the undersigned agrees that a transcript requested by a party meeting the description indicated above may be transmitted upon such party's request without further authorization (per A.R.S. 15-142). The parent must sign this request if the student is under 18 years of age. Only the student need sign if over 18 years of age.

Date Requested

Student PRINT NAME Authorized Signature and date

I, ____________________________, as the parent of ____________________________.

(Parent Name) (Student's Name)

Parental consent statement Consent to the release of transcripts to the party named above. I am aware of my rights to review the records and receive a copy at my expense, if I so request ____________________________.

(Date)

Parent authorization PRINT NAME Authorized Signature and date

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JRR ©
STUDENT SURVEYS

Student surveys will be prepared, administered, retained, and communicated to parents and students in a manner consistent with state and federal laws. The requirements of the Arizona Revised Statutes shall be as specified in the relevant statutes and subsequent regulations.

The District will comply with all statutes pertaining to surveys including the requirement that notwithstanding any other law, each school district and charter school shall obtain written informed consent from the parent of a pupil before administering any survey that is retained by a school district, a charter school or the department of education for longer than one (1) year and that solicits personal information about the pupil regarding any of the following which are listed in A.R.S. 15-117.

1. Critical appraisals of another person with whom a pupil has a close relationship.
2. Gun or ammunition ownership.
3. Illegal, antisocial or self-incriminating behavior.
4. Income or other financial information.
5. Legally recognized privileged or analogous relationships, such as relationships with a lawyer, physician or member of the clergy.
6. Medical history or medical information.
7. Mental health history or mental health information.
8. Political affiliations, opinions or beliefs.
10. The quality of home interpersonal relationships.
11. Religious practices, affiliations or beliefs.
12. Self-sufficiency as it pertains to emergency, disaster and essential services interruption planning.
13. Sexual behavior or attitudes.

A parent of a pupil that has a reasonable belief that a school district or charter school has violated this section may file a complaint with the attorney general or the county attorney for the county in which an alleged violation of this section occurred. The attorney general or the county attorney for the county in which an alleged violation of this section occurred may initiate a suit in the superior court in the county in which the school district or charter school is located for the purpose of complying with this section. After receiving written notice of an alleged failure to comply with this section, a school district or charter school that determines that a violation has occurred is not subject to a penalty or cause of action under this section if the school district or charter school cures the violation. For the purposes of this subsection, "cure" means to destroy any information gathered in violation of this section and to provide written instruction to the individual circulating the survey, to be kept on file for one (1) year after receipt of the written notice of the alleged failure to comply.

The District will comply with the provisions of the Family Educational Rights and Privacy Act (FERPA), the Individuals with Disabilities Education Act (IDEA), and the Protection of Pupil Rights Act (PPRA).

If a parent or eligible student believes that the District is violating the FERPA, that person has a right to file a complaint with the U.S. Department of Education. The address is:

The Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202-4605
Telephone number: (202) 260-3887

Annual Notification

http://policy.azsba.org/asba/PrintViewer.jsp?printCollection=0
At the beginning of every school year, every school district and charter school shall obtain written informed consent from the parent of a pupil to participate in any survey pursuant to A.R.S. 15-117 for the entire year. A parent of a pupil may at any time revoke consent for the pupil to participate in any survey pursuant to subsection A of section 15-117. For any pupil who is at least eighteen years of age, the permission or consent that would otherwise be required from the pupil's parent pursuant to this section is required only from the pupil. All surveys conducted pursuant to subsection A of section 15-117 shall be approved and authorized by the school district or charter school. The school district or charter school is subject to the penalties prescribed in subsection L of section 15-117. A teacher or other school employee may not administer any survey pursuant to subsection A of section 15-117 without written authorization from the school district or charter school.

Adopted: June 20, 2017

LEGAL REF.:  
A.R.S.  
15-101  
15-102  
15-104  
15-117  
15-141  
15-142  
15-249  
15-741  
20 U.S.C. 1232g, the Family Educational Rights and Privacy Act  
20 U.S.C. 1232h, the Protection of Pupil Rights Amendment  
20 U.S.C. 1400 et seq., Individuals with Disabilities Education Act  
20 U.S.C. 7908  
34 C.F.R. 98  
34 C.F.R. 300

CROSS REF.:  
J1 - Student Rights and Responsibilities  
JICEC - Freedom of Expression  
JIII - Student Concerns, Complaints, and Grievances  
JR - Student Records  
KB - Parental Involvement in Education

http://policy.azsba.org/asba/PrintViewer.jsp?printCollection=0