

POLICY SERVICES ADVISORY

Volume 33, Number 4

October 2021

Policy Advisory No. 712..... GBGB-R — Staff Personal Security and Safety

Policy Advisory No. 713..... Policy GCH — Professional / Support Staff
Orientation and Training

Policy Advisory No. 714 Policy IMB – Teaching About Controversial /
Sensitive Issues

Policy Advisory No. 715..... Policy JLCB — Immunizations of Students
Regulation JLCB-R — Immunizations of Students

POLICY ADVISORY DISCUSSION

These Policy Advisories are released in response to a recent ruling by Maricopa County Superior Court Judge Katherine Cooper that parts of House Bill 2898 are unconstitutional and void. Although this ruling came from a Maricopa County judge, it is legally effective throughout the state.

Policy Services has determined that Districts and Charter Schools may rescind Policy Advisory 700 if adopted or, if not yet adopted, eliminate this PA from Governing Board or Governing Body consideration. Additionally, there is language in Policy Advisories 687, 690, and 708 that came from HB2898 that should be rescinded or eliminated from consideration as appropriate for the same reasons. Please note that while PA 700 should be rescinded or eliminated in its entirety, PAs 687, 690, and 708 are only changed in part, as described herein.

The Policy Alert included in Policy Advisories Volume 33, Number 3, July 2021 addressed a change made to A.R.S. 35-212 and included a reference to A.R.S. 15-717.02. This language is from sections of HB2898 that were ruled unconstitutional and can be disregarded.

Should there be additional court action in the future that reinstates these laws, Policy Services will re-issue these Policy Advisories under new numbers to avoid further confusion.

The Policy Advisories in Volume 33, Number 3, July 2021 that were affected by HB2898 are as follows:

Policy Advisory No. 687	GBGB-R — Staff Personal Security and Safety
Policy Advisory No. 690	Policy GCH — Professional / Support Staff Orientation and Training
Policy Advisory No. 700	Policy IMB – Teaching About Controversial / Sensitive Issues
Policy Advisory No. 708	Policy JLCB — Immunizations of Students Regulation JLCB-R — Immunizations of Students Exhibit JLCB-E — Immunizations of Students*

The Policy Advisory Discussions and the policies to be modified are replicated from the original Policy Advisories in Volume 33, Number 3, below. Language from the parts of HB2898 that were ruled unconstitutional and should not be adopted are in red.

Policy Advisory No. 712

**Regulation GBGB-R — Staff Personal
Security and Safety**

This Policy Advisory updates Policy Advisory 687.

House Bill 2898 enacted a new statute, A.R.S. 15-342.05, which prohibits school districts and charter schools from requiring face coverings for students and staff during school hours and on school property.

Additionally, the statute provides that a school district or charter school may not require a student or teacher to receive a vaccine for Covid-19 or to wear a face covering to participate in in-person instruction.

GBGB-R, JICA-RB and KI-RB, PAs 687, 704, and 711, respectively, are regulations which may be revised/deleted by the Superintendent and communicated to the Governing Board. These regulations were first changed and added in Policy Advisory Volume 32, Number 2, released in July 2020 in response to the Governor’s Executive Order on July 23, 2020 (EO 2020-51). PA 672, GBGB-R, was a revision. PAs 674 and 676, JICA-RB and KI-RB, were new documents and should be deleted. Take care revising GBGB-R, as this document has other necessary language that should be retained.

The language added to A.R.S. 15-342.05 by HB2898 is now removed from GBGB-R. The language that was removed in PAs 687 (GBGB-R), 704 (JICA-RB), and 711 (KI-RB) addressing face masks was a result of the rescission of Executive Order 2020-51 by Executive Order 2021-10; this language is still removed from Model Policy.

Policy Advisory No. 713

**Policy GCH — Professional / Support Staff
Orientation and Training**

This Policy Advisory updates Policy Advisory 690.

House Bill 2906 has added statute A.R.S. 41-1494 which states, in part, that a political subdivision, including school districts and charter schools, may not require an employee to engage in and shall not use public monies for training, orientation or therapy that presents any form of blame or judgment on the basis of race, ethnicity, or sex. This does not preclude any training on sexual harassment.

Blame or judgment on the basis of race, ethnicity or sex is defined in the statute by seven (7) concepts.

The statutory reference to A.R.S. 15-717.02 in the Policy is replaced by a reference to A.R.S. 41-1494. The last paragraph of the Policy is removed, as the statutory language upon which it is based has been ruled unconstitutional.

Policy Advisory No. 714

**Policy IMB – Teaching About Controversial /
Sensitive Issues**

This Policy Advisory updates Policy Advisory 700.

House Bill 2898 added A.R.S. 15-717.02, which states that a teacher, administrator or other employee of a school district, charter school or state agency who is involved with students and teachers in grades preschool through twelve may not use public monies for instruction that presents any form of blame or judgment on the basis of race, ethnicity or sex. This language is added to Policy IMB.

The Arizona Department of Education issued a release on “Understanding A.R.S. 15-717.02 regarding ‘prohibited instruction’ and its impact on teaching the History and Social Studies Standards” in July 2021. This may be accessed at the following site:

<https://www.azed.gov/sites/default/files/2021/07/Teacher%20Guidance%20for%20ARS%2015-717.02-%207.22.21%20.pdf>

All language that was added to Policy IMB from A.R.S. 15-717.02 is now removed, as HB2898 has been ruled unconstitutional.

Policy Advisory No. 715

**Policy JLCB— Immunization of Students
Regulation JLCB-R— Immunization of Students**

This Policy Advisory updates Policy Advisory 708.

House Bill 2898 enacted a new statute, A.R.S. 15-342.05, which prohibits school districts and charter schools from requiring face coverings for students and staff during school hours and on school property and provides that a school district or charter school may not require a student or teacher to receive a vaccine for Covid-19 or to wear a face covering to participate in in-person instruction. Appropriate changes have been made in Policy JLCB and Regulation JLCB-R. Exhibit JLCB-E has been updated to include the 2021-2022 requirements.

The language added to JLCB and JLCB-R that was based on A.R.S. 15-342.05 is now removed. The recommended changes to JLCB-E made in PA 708 are not affected by the court ruling, and they remain. JLCB-E was updated to include the 2021-2022 requirements as indicated in the Arizona Guide to Immunizations Required for Entry and as stated in Arizona Administrative Code, R9-6-702, Table 7.1 (B) and Table 7.2.

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If you have any questions, call Policy Services at (602) 254-1100. Ask for Chris Thomas, General Counsel/Associate Executive Director; Dr. Terry Rowles, Assistant Director; Steve Highlen, Senior Policy Consultant; or David DeCabooter, Policy Consultant/Staff Attorney. Our e-mail addresses are, respectively, [cthomas@azsba.org], [trowles@azsba.org], [shighlen@azsba.org] and [ddcabooter@azsba.org]. You may also fax information to (602) 254-1177.

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

GBGB-R ©

REGULATION

**STAFF PERSONAL SECURITY
AND SAFETY**

Threats

Any employee who is threatened with harm by an individual or a group while carrying out assigned duties shall immediately notify the school principal or supervisor. The principal or supervisor shall then immediately notify the Superintendent's office of the threat and together they shall take immediate steps in cooperation with the employee to provide every reasonable precaution for the employee's safety. Precautionary steps, including any advisable legal action, shall be reported to the Superintendent's office at the earliest possible time.

Eye Protective Devices

Every student, teacher, and visitor in public schools shall wear appropriate eye protective ware while participating in or when observing vocational, technical, industrial arts, art, or laboratory science activities involving exposure to:

- A. Molten metals or other molten materials.
- B. Cutting, shaping, and grinding of materials.
- C. Heat treatment, tempering, or kiln firing of any metal or other materials.
- D. Welding fabrication processes.
- E. Explosive materials.
- F. Caustic solutions.
- G. Radiation materials.

The Board shall equip the schools with eye protective ware.

Schools may receive and expend federal, state, and local monies to provide eye protective devices.

For purposes of this procedure, *eye protective ware* means devices meeting the standards of the U.S.A. Standard Safety Code for head, eye, and respiratory protection, Z21-1959, and subsequent revisions thereof, approved by the United States of America Standards Institute, Inc.

Cloth Face Coverings / Covid-19 Vaccine

~~As stipulated in A.R.S. 15-342.05, a school district or charter school may not require a student or teacher to receive a vaccine for Covid-19 or to wear a face covering to participate in in-person instruction.~~

**GCH ©
PROFESSIONAL / SUPPORT STAFF
ORIENTATION AND TRAINING**

The Superintendent will establish a program to provide orientation for all new District employees. At a minimum, this program will cover the following items:

- A. Goals, objectives, and programs of the District.
- B. Personnel policies.
- C. Sexual harassment.
- D. Terms of employment.
- E. General disciplinary rules and procedures.
- F. Salary and fringe-benefit plans.
- G. Self-improvement opportunities.
- H. The evaluation program and name(s) of evaluator(s).
- I. Handling of body fluids.
- J. Child abuse reporting responsibilities.

School districts and charter schools may not require an employee to engage in and shall not use public monies for training, orientation or therapy that presents any form of blame or judgment on the basis of race, ethnicity, or sex. This does not preclude any training on sexual harassment or lessons on recognizing and reporting abuse.

"Blame or judgment on the basis of race, ethnicity or sex" is defined in A.R.S. ~~15-717.02~~ [41-1494](#) by seven (7) concepts.

~~For each violation of A.R.S. 15-717.02, including subsequent or continued violations, a court may impose a civil penalty not to exceed five thousand dollars (\$5,000) per school district, charter school or state agency where the violation occurs.~~

Adopted: <-- z2AdoptionDate -->

LEGAL REF.:

A.R.S.
15-153
15-341
41-1494

CROSS REF.:

IHAMD - Instruction and Training in Suicide Prevention

**IMB ©
TEACHING ABOUT
CONTROVERSIAL / SENSITIVE ISSUES**

Democratic tradition often involves dealing with controversial issues. Knowledge and understanding of such issues are an indispensable part of education.

The teacher holds a position of authority and respect in the classroom and community, and by virtue of that position has great influence in the formation of the values of all students. It must be clear that personal views are not a part of the instructional program and must be tempered by the responsibility to maintain professionalism.

To ensure that controversial issues are dealt with fairly and objectively, and with instruction as their goal, such issues may be a part of the curriculum as long as the following policies are observed:

- A. Teachers should instruct students in the principles and techniques of the scientific method and provide opportunities for practice in applying established facts to specific problems.
- B. Teachers should seek to develop in students the ideals of truth and honesty.
- C. All personnel should seek to create an atmosphere in which difference of opinion can be voiced without fear and hostility and with mutual respect for all viewpoints.
- D. Constitutional guarantees of due process and freedom of speech will continue to be observed as to students and teachers alike when they are involved in a controversial issue.
- E. Teachers should encourage the suspension of judgment and conclusions until all relevant and significant facts have been assembled, critically examined, and checked for accuracy.
- F. Teachers should seek to develop in students a sense of responsibility for their beliefs, opinions, attitudes, and actions.
- G. Teachers should place major emphasis upon "why" and "how" to think rather than "what" to think.

~~A teacher, administrator or other employee of a school district or charter school who is involved with students and teachers in grades preschool through the twelfth grade (PK-12) may not use public monies for instruction that presents any form of blame or judgment on the basis of race, ethnicity, or sex.~~

~~A teacher, administrator or other employee of a school district or charter school who is involved with students and teachers in grades preschool through the twelfth grade (PK-12) may not allow instruction or make part of a course the following concepts:~~

~~A. One race, ethnic group or sex is inherently morally or intellectually superior to another race, ethnic group or sex.~~

~~B. An individual, by virtue of the individual's race, ethnicity or sex, is inherently racist, sexist or oppressive, whether consciously or unconsciously.~~

~~C. An individual should be invidiously discriminated against or receive adverse treatment solely or partly because of the individual's race, ethnicity or sex.~~

~~D. An individual's moral character is determined by the individual's race, ethnicity or sex.~~

~~E. An individual, by virtue of the individual's race, ethnicity or sex, bears responsibility for actions committed by other members of the same race, ethnic group or sex.~~

~~F. An individual should feel discomfort, guilt, anguish or any other form of psychological distress because of the individual's race, ethnicity or sex.~~

~~G. Meritocracy or traits such as a hard work ethic are racist or sexist or were created by members of a particular race, ethnic group or sex to oppress members of another race, ethnic group or sex.~~

Adopted: <-- z2AdoptionDate -->

**JLCB ©
IMMUNIZATIONS OF STUDENTS**

Subject to the exemptions as provided by law, immunization against diphtheria, tetanus, pertussis, poliomyelitis, rubeola (measles), mumps, rubella (German measles), hepatitis B, haemophilus influenzae b (Hib), and varicella is required for attendance of a student in a District school. A student's immunization record must be submitted prior to attendance, although a student may be conditionally enrolled provided that necessary immunizations have been initiated and a schedule has been established for completion of the required immunizations. The school administrator shall review the school immunization record at least twice each school year until the pupil receives all of the required immunizations. A student shall not be allowed to attend school without submitting documentary proof of compliance to the school administrator unless the student is exempted from immunization. On enrollment, the school administrator shall suspend that student if the administrator does not have documentary proof of compliance and the student is not exempted from immunization. A student who fails to comply with the immunization schedule shall be suspended from school attendance until documentary proof of compliance is provided to the school administrator, except that a homeless student shall not be suspended from attendance until the fifth (5th) calendar day after enrollment.

Any student with serologic confirmation of the presence of specific antibodies against a vaccine-preventable disease shall not be subject to immunization against that disease as a condition for attending school.

~~As stipulated in A.R.S. 15-342.05, a school district or charter school may not require a student or teacher to receive a vaccine for Covid 19 or to wear a face covering to participate in in-person instruction.~~

The District will cooperate with county and state health departments in programs of immunization. Parents' permission must be secured before a student may participate in such immunization projects.

Adopted: <-- z2AdoptionDate -->

LEGAL REF.:

A.R.S.

15-342.05

15-871

15-872

15-873

15-874

A.A.C.

R9-6-203

R9-6-313
R9-6-350
R9-6-353
R9-6-356
R9-6-365
R9-6-368
R9-6-372
R9-6-388
R9-6-701 through 707

JLCB-R ©

REGULATION

IMMUNIZATIONS OF STUDENTS

Subject to the exemptions in A.R.S. 15-873, immunization against each of the following diseases is required for attendance of a child in any school:

- A. Diphtheria;
- B. Tetanus;
- C. Hepatitis B;
- D. Pertussis;
- E. Poliomyelitis;
- F. Measles (rubeola);
- G. Mumps;
- H. Rubella (German measles);
- I. *Haemophilus influenzae* type b (Hib);
- J. Varicella; and
- K. Meningococcal.

- L. Hepatitis A, for a child one (1) through five (5) years of age in a day care program in Maricopa County.

Unless exempt in accord with R9-6-706, the schedule for compliance with the requirement for immunization against varicella is:

Grade student entering	as of September 1,
Kindergarten (K) through grade four (4) and grades seven (7) through ten (10)	2008
Kindergarten (K) through grade five (5) and grades seven (7) through eleven (11)	2009
Kindergarten (K) through grade twelve (12)	2010

Unless exempt in accord with R9-6-706, the schedule for compliance for a student eleven (11) years or older who has not previously received the meningococcal vaccine is:

Grade student entering	as of September 1,
Grade six (6)	2008
Grades six (6) and seven (7)	2009
Grades six (6) through eight (8)	2010
Grades six (6) through nine (9)	2011
Grades six (6) through ten (10)	2012
Grades six (6) through eleven (11)	2013
Grades six (6) through twelve (12)	2014

The preceding schedules will remain in effect unless the school is notified by the Arizona Department of Health Services of a modification to one (1) or both of the schedules.

A child is in compliance with the requirements if the child has met the criteria of the appropriate immunization schedule as recommended by the Department of Health Services or is actively in the process of meeting such criteria as evidenced by having received one (1) dose of each of the required immunizations and has established a schedule for completion of the required immunizations.

A child shall not be allowed to attend school without submitting documentary proof to the school administrator unless the child is exempted from immunization pursuant to section 15-873. Upon enrollment, schools shall forbid attendance or (suspend) a student not meeting the requirements for immunization or exemption from immunization. Homeless students shall be referred to the liaison for homeless students and shall not be required to comply with the immunization requirements until the fifth (5th) calendar day after enrollment.

The admitting official shall deem the student to be in compliance with the requirements of this regulation if:

- A. The student's immunization record complies with the documentary proof required pursuant to A.A.C. R9-6-704, and the student has received or is in the process of receiving all required age-specific vaccine doses according to Exhibit JLCB-E; or
- B. An exemption from immunization is submitted in accordance with the procedures set forth in R9-6-706.

When the student's immunization record is not available at the time of enrollment, the school shall provide the responsible person with the following:

- A. Notification of the lack of compliance with the immunization requirements;
- B. A written notice that specifies when the required doses shall be completed, notes the availability of exemptions to immunization, and refers the student to a physician or local health department for review of the student's immunization history and provision of immunizations as needed; and
- C. Notification that the student is suspended in accordance with 15-872 until an acceptable immunization record that meets the standards of documentary proof is presented to the school.

When immunization records are presented that do not comply with the standards for documentary proof, the school shall:

- A. Notify the responsible person of the lack of compliance with the immunization requirements; and
- B. Obtain a review and verification of the student's immunization record by or in consultation with a certificated school nurse, a public health nurse, a licensed physician, or an authorized representative of a local health department.

If the admitting official is unable to verify the accuracy of the student's immunization record pursuant to the preceding paragraph, the school shall provide to the responsible person:

- A. A written referral to a physician or local health department for further review of the student's immunization history and provision of immunizations as needed; and
- B. Notification that the student is suspended until an immunization record that meets the standards of documentary proof is presented to the school.

Each school shall maintain a current list of students without evidence of immunization or immunity to the diseases listed in R9-6-702, which shall include the names of all students with incomplete immunization histories or exemptions for personal or medical reasons where evidence of immunity has not been provided.

Schools shall forbid attendance by a student lacking proof of immunization or immunity against any of the immunization-preventable diseases as determined by the State Department of Health Services or local health department during periods of outbreaks of the diseases for which immunity is lacking. The announcement of an outbreak of disease and the length of the period of communicability shall be as declared by the state or local health department.

Standards for Documentary Proof

Proof of immunity to the diseases listed in R9-6-702 shall be documented in accordance with R9-6-704.

Immunization records or statements of immunity shall be signed by a physician or authorized representative of a health agency.

Exemptions to Immunizations

~~As stipulated in A.R.S. 15-342.05, a school district or charter school may not require a student or teacher to receive a vaccine for Covid 19 or to wear a face covering to participate in in-person instruction.~~

Students who have reached their fifth (5th) birthday shall be exempt from the Hib immunization requirement.

Students who have reached their seventh (7th) birthday shall be exempt from the pertussis immunization requirement.

Any student with laboratory evidence of immunity shall not be subject to immunization against that disease as a condition for attending school, provided that such evidence is submitted to the school.

In accordance with A.R.S. 15-873, documentary proof is not required for a student to be admitted to school if one (1) of the following occurs:

A. The parent or guardian of the student submits a signed statement to the school administrator stating that the parent or guardian has received information about immunizations provided by the Department of Health Services, understands the risks and benefits of immunizations and the potential risks of nonimmunization, and that, due to personal beliefs, the parent or guardian does not consent to the immunization of the student.

B. The school administrator receives written certification, signed by the parent or guardian and by a physician, that states that one (1) or more of the required immunizations may be detrimental to the student's health and indicates the specific nature and probable duration of the medical condition or circumstance that precludes immunization.

An exemption pursuant to the preceding subparagraph is valid only during the duration of the circumstance or condition that precludes immunization.

If a medical exemption is granted in accordance with A.R.S. 15-873, it shall be defined by the grantor as either permanent or temporary.

- A. A permanent medical exemption may be provided for one (1) or more vaccines.
- B. A temporary medical exemption shall specify the date of its termination. A student with a temporary medical exemption shall be allowed to attend school on the condition that the required immunizations are obtained at the termination of the exemption. The responsible person shall be notified of the date by which the student shall complete all required immunizations.

Any exemption granted in accordance with A.R.S. 15-873 shall be recorded on the school immunization record in the student's permanent file.

Students who lack documentary proof of immunization shall not attend school during outbreak periods of communicable immunization-preventable diseases as determined by the Department of Health Services or local health department. The Department of Health Services or local health department shall transmit notice of this determination to the school administrator responsible for the exclusion of the students.

Reporting Communicable Diseases

The administrator of a school shall submit by telephone a report to the local health department any case, suspected case, or outbreak of a communicable disease as follows:

- A. Within twenty-four (24) hours after detecting a case or suspected case of:
 - 1. Cryptosporidiosis
 - 2. Enterohemorrhagic Escherichia coli
 - 3. Haemophilus influenzae: invasive disease
 - 4. Hepatitis A
 - 5. Measles
 - 6. Meningococcal invasive disease
 - 7. Mumps
 - 8. Pertussis (whooping cough)
 - 9. Rubella (German measles)
 - 10. Salmonellosis
 - 11. Shigellosis
- B. Within twenty-four (24) hours after detecting an outbreak of:
 - 1. Conjunctivitis: acute
 - 2. Diarrhea, nausea, or vomiting

3. Scabies

4. Streptococcal Group A infection

C. Within five (5) working days after detecting a case or a suspected case of:

1. Campylobacteriosis

2. Varicella (chicken pox)

The report shall include:

A. The name and address of the school

B. The number of individuals having the disease, infestation, or symptoms

C. The date and time the disease or infestation was detected, or the symptoms began

D. The number of rooms, grades, or classes affected and the name of each

E. Information about each affected individual to include:

1. Name,

2. Date of birth or age,

3. Residential address and telephone number,

4. Whether the individual is a staff member, student, child in care, or a resident,

F. The number of individuals attending or residing in the school, and

G. The name, address, and telephone number of the person making the report.

Other Required Reports

By November 15 of each year, the Superintendent shall submit a report on the immunization status of students to the state or local health department on a form provided by the Department.

Each Superintendent of a school whose nurses are authorized to administer vaccines or immunizing agents shall submit monthly reports to the county health department in accordance with the procedures set forth in R9-6-707. Reports are due by the fifth (5th) day of the following month.

An immunization record shall be maintained for each student in the school. Each immunization record shall include the following information:

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

- A. Name of the student;
- B. Date of birth;
- C. The date of the student's admission to the school;
- D. The month and year in which each vaccine was received, except for measles, mumps, and rubella, for which the day, month, and year are required;
- E. The type of immunizing agents administered to the student;
- F. The date each dose of immunizing agent is administered to the student; and
- G. The established schedule for completion of immunizations if the student is admitted to or allowed to continue to attend a school pursuant to section 15-872, subsection E.

By November 15 of each year, each administrator of a public-school-based day care program or preschool shall submit a report to the state or local health department on a form provided by the Department.

A school shall transfer an immunization record and signed requests for provision of immunizations, including any revocations thereof, with the mandatory permanent student record and provide at no charge, on request, a copy of the immunization record to the parent or guardian of the pupil.