

POLICY SERVICES *ADVISORY*

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POLICY ADVISORY DISCUSSION

Summary

Most of the following policy advisories are derived from enactments of the 56th Legislature, First Regular Session, 2023. These are indicated by references to the bills and/or statutes which have either been newly created or altered by the Legislature.

Exhibit CBI-EB; Evaluation of Superintendent, has been added to provide Districts with two (2) options for use.

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

Policy Advisory Discussion

Policy Advisory No. 748

Policy BCB — Board Member Conflict of Interest

A school district is allowed to employ, including through a third-party contractor that provides services to the school district, any person who served as a member of the school district governing board during the preceding two years only in a position in which the person will provide services directly to students. School districts are authorized to increase the time period for this restriction to be more than two years.

Policy Advisory No. 749

Policy BDA — Board Organizational Meeting

A school district governing board is required to meet in January following an election, instead of between January 1 and January 15 following the election.

Policy Advisory No. 750

Policy BE — School Board Meetings

Schools, school boards, executive boards, and municipalities are required to provide for an amount of seating sufficient to accommodate the reasonably anticipated attendance of all persons desiring to attend the deliberations and proceedings, when feasible. Does not require a public body to relocate a meeting outside of the largest regular meeting room. Except for a meeting through technological devices, the agenda for a public meeting is required to include notice of the time that the public will have physical access to the meeting place.

Policy Advisory No. 751

Policy BEDA — Notification of Board Meetings

Policy Advisory No. 752

Policy BEDB — Agenda

Schools, school boards, executive boards, and municipalities are required to provide for an amount of seating sufficient to accommodate the reasonably anticipated attendance of all persons desiring to attend the deliberations and proceedings, when feasible. Does not require a public body to relocate a meeting outside of the largest regular meeting room. Except for a meeting through technological devices, the agenda for a public meeting is required to include notice of the time that the public will have physical access to the meeting place.

Policy Advisory No. 753

Policy CBI — Evaluation of Superintendent

***NEW* - Exhibit CBI-EB — Evaluation of Superintendent**

Policy CBI was revised updating the timelines associated with the evaluation.

ASBA and ASA, in collaboration with superintendents and board members from across Arizona, developed and piloted this evaluation tool (CBI-EB) which is reflective of the collective, diverse voice of superintendents and board members. Once an evaluation instrument is chosen, it will be recodified as CBI-E.

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

Policy Advisory No. 754

Policy EBC — Emergencies

Emergency response plans developed by school district governing boards are required to address how the school and emergency responders will communicate with and provide assistance to students with disabilities.

Policy Advisory No. 755..... Policy GCG — Part-Time and Substitute Professional Staff Employment

A "small school district" (defined in A.R.S. 15-901) is allowed to employ a substitute teacher who is related to a member of the governing board as the member's spouse or immediate family and who has had the same household of residence within the preceding four years. If a small school district employs a substitute teacher in these circumstances, the member of the governing board who is related to the substitute teacher must be recused from voting on any matter relating to substitute teachers.

Policy Advisory No. 756..... Policy IHA — Basic Instructional Program Exhibit IHA-E — Basic Instructional Program

Per HB2060, A.R.S. 15-211(C) adds a literacy coach or literacy specialist at each school to the list of employees that may satisfy the dyslexia training requirements at each K-3 school in a district.

Policy Advisory No. 757

Policy JFABDA — Admission of Students in Foster Care

Within five days after a child enters foster care or if a child's placement changes, the child (if appropriate), the child's caseworker, the child's parent, guardian, custodian, caregiver, or foster parent, and representatives from the child's school of origin are required to determine if it is in the child's best interest to remain in the child's school of origin. The Department of Child Safety (DCS) and educational agency are required to jointly ensure that a child receives transportation to the educational institution determined to be in the child's best interest, including a charter school or educational institution located outside of the child's current school district. DCS is authorized to coordinate with the Arizona Department of Education (ADE) and local education agencies and enter into necessary information sharing and financial agreements to ensure the child receives transportation, and school districts are authorized to cross district boundaries when transporting a student in these circumstances. DCS and ADE are required to adopt a clear, written arbitration process for resolution of disputes between DCS, local educational agencies, and ADE regarding the arrangement for and funding of a child's transportation. The DCS semiannual report is required to include specified information regarding the educational placement of foster children.

Policy Advisory No. 758

Policy Advisory No. 759

Policy Advisory No. 760

Policy JK — Student Discipline

Policy JKD — Student Suspension

Policy JKE — Expulsion of Students

Statutory requirements that must be met in order to suspend or expel a student in kindergarten through fourth grade do not apply to an expulsion required due to a student bringing a firearm to school or to a suspension for two or fewer days when the aggregate suspensions for that student do not exceed ten days within the school year.

Policy Advisory No. 761

Policy JLH — Missing Students

Policy Advisory No. 762

**Regulation JRCA-R — Request for Transfer
of Records**

Per HB2060, A.R.S. 15-828 increases the window to request records from a transferring pupil's prior school from five to ten days.

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If you have any questions, call Policy Services at (602) 254-1100. Ask for Renae Watson, Director of Policy Services; Dr. Charlotte Patterson, Policy Analyst; or Lynne Bondi, Policy Analyst. Our e-mail addresses are, respectively, [rwatson@azsba.org], [cpatterson@azsba.org], and [lbondi@azsba.org]. You may also fax information to (602) 254-1177.

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**BCB ©
BOARD MEMBER CONFLICT
OF INTEREST**

Voting Restrictions

Notwithstanding any other provision of law, a Governing Board member shall be eligible to vote on any budgetary, personnel, or other question that comes before the Board, except that it shall be unlawful for a member to vote on a specific item that concerns the appointment, employment, or remuneration of such member or any person related to such member as a dependent as defined in A.R.S. 43-1001. [LEGAL REF.: A.R.S. 15-323]

Employment Limitation

No dependent, as defined in Section 43-1001, of a Governing Board member may be employed in the District, except by consent of the Board. [LEGAL REF.: A.R.S. 15-502]

No employee of the District or the spouse of such employee may hold membership on the Governing Board of the District. [LEGAL REF.: A.R.S. 15-421]

The District is allowed to employ, including through a third (3rd)-party contractor that provides services to the District, any person who served as a member of the School District Governing Board during the preceding two (2) years only in a position in which the person will provide services directly to students. Pursuant to A.R. S. 15-421, the District is authorized to increase the time period for this restriction to be more than two (2) years.

Conflict of Interest

Any Board member or employee of the District who has, or whose relative has, a substantial interest in any contract, sale, purchase, or service to the District shall make known that interest in the official records of the District and shall refrain from voting upon or otherwise participating in any manner as a Board member or employee in such contract, sale, or purchase. [LEGAL REF.: A.R.S. 38-503]

Any Board member or employee who has, or whose relative has, a substantial interest in any decision of the District shall make known such interest in the official records of the District and shall refrain from participating in any manner as a Board member or employee in such a decision. [LEGAL REF.: A.R.S. 38-503]

"Refrain from participating in any manner" means more than just refraining from making a final decision. It means participating in any way in the process leading up to a decision. An employee with a conflict of interest must not make recommendations, give advice, or otherwise communicate in any manner with anyone involved in the decision-making process.

**Purchases from Governing Board
Members for Districts with
3,000 or More Students**

School district procurement rules are required for all purchases of service from Governing Board members, regardless of the dollar amount. Purchases for services may only be made after public competitive bidding. Purchases of supplies, materials, and equipment from Board members are subject to the following:

- A. Purchases for supplies, materials, and equipment are limited to three hundred dollars (\$300) per transaction;
- B. Total purchases within any twelve (12) month period are limited to one thousand dollars (\$1,000);
- C. The purchases comply with the Uniform System of Financial Records (USFR) guidelines for oral and written quotations.
- D. The Board has, by majority vote, adopted or reconfirmed a policy authorizing such purchases within the preceding twelve (12) month period.

[LEGAL REF.: A.R.S. 38-503; 15-323; A.G.O. I84-012; I06-002]

**Purchases from Governing Board
Members for Districts with
Fewer than 3,000 Students**

School district procurement rules are required for all purchases of service from Governing Board members, regardless of the dollar amount. Purchases for services may only be made after public competitive bidding. Purchases of supplies, materials, and equipment from Board members are subject to the following:

- A. Purchases less than one hundred thousand dollars (\$100,000) comply with the Uniform System of Financial Records (USFR) guidelines for oral and written quotations;
- B. Purchases of one hundred thousand dollars (\$100,000) and above comply with the school district procurement rules for public competitive bidding;
- C. Each purchase is approved by the Governing Board;
- D. The amount of the purchase is included in the Board's meeting minutes.

[LEGAL REF.: A.R.S. 15-323; A.G.O. I06-002]

Filing of Disclosures

The District shall maintain for public inspection in a special file all documents necessary to memorialize all disclosures of substantial interest made known pursuant to the statutory conflict-of-interest provisions. [LEGAL REF.: A.R.S. 38-509]

Adopted: _____

LEGAL REF.:

A.R.S.

15-213

15-323

15-421

15-502

38-481

38-503

38-509

43-1001

A.G.O.

I84-012

I87-035

I88-013

I06-002

CROSS REF.:

BBBA - Board Member Qualifications

DJE - Bidding/Purchasing Procedures

**BDA ©
BOARD ORGANIZATIONAL MEETING**

For the purpose of organizing ~~organization~~ of the Governing Board, the Board ~~shall must~~ meet in January following the election at the most convenient public facility in the District. (If a public facility is not available within the District, the Board may meet at any available public facility convenient to all Board members, regardless of the county or school district in which the facility is located.) ~~Such meeting shall be held between January 1 and January 15 next following the election.~~

The meeting ~~shall~~ must be called to order by the President of the Board ~~for~~ from the ~~preceding~~ prior year. If that person is ~~not~~ no longer a member of the Board, a temporary president ~~shall~~ must be elected and to call the meeting shall be called to order and preside until a successor is chosen ~~by the temporary president. The person calling the meeting to order shall preside until a successor is chosen.~~

The new President of the Board shall take office upon election.

~~Whenever~~ If there is a vacancy in the office of President, the Board shall elect a new officer to fill the vacancy ~~during the unexpired term of office. However In addition to the organizational meeting described in this policy,~~ the Board may elect a Board President at any time, for any reason, providing that the matter ~~has been properly placed and noticed on the Board agenda~~ is handled in a way that is consistent with the open meeting law and adopted by the Board.

Adopted: _____

LEGAL REF.:

A.R.S.

15-321

38-431 et seq.

CROSS REF.:

BDB - Board Officers

BE - School Board Meetings

BEC - Executive Sessions/Open Meetings

BEDA - Notification of Board Meetings

BE © SCHOOL BOARD MEETINGS

The Board shall transact all business at official meetings of the Board. These may be either regular or special meetings, defined as follows:

- A. Regular meeting - the usual official legal-action meeting, scheduled and held regularly.
- B. Special meeting - an official legal-action meeting called between scheduled regular meetings to consider only specifically identified topics.

Every meeting of the Board, regular or special, shall be open to the public except for an executive session that is held in accordance with state law. A "meeting" is defined as the gathering, in person or through technological devices, of a quorum of members of a public body to discuss, propose or take legal action, including any deliberations with respect to such action, that has been properly noticed, pursuant to Arizona Revised Statutes.

The Board must provide sufficient seating to accommodate the reasonably anticipated number of desiring attendees when feasible. However, this does not require a public body to relocate a meeting outside of the largest regular meeting room.

A meeting includes a one-way electronic communication by one member of a public body that is sent to a quorum of the members of a public body and that proposes legal action.

A meeting also includes an exchange of electronic communications among a quorum of the members of a public body that involves a discussion, deliberation or the taking of legal action by the public body concerning a matter likely to come before the public body for action.

Notice of all Governing Board meetings, regular and special, shall be posted in compliance with the requirements prescribed by A.R.S. 38-431.02 and described in Board Policy BEDA.

Notice must include an agenda of the matters to be discussed or decided at the meeting or information on how the public may obtain a copy of such agenda. Except for a meeting through technological devices, the agenda shall also include notice of the time that the public will have physical access to the meeting place.

Regular Board Meetings

The Governing Board shall hold a regular meeting at least once each month during the regular school year and may hold other meetings as often as called. If action has been taken and documents approved at a meeting, they may be signed subsequently by individual Board members.

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Choose this:

The _____ and _____ of each month during the regular school year are designated as the regular Board meeting dates. The Board may hold other meetings as often as called.

Or choose this:

The _____ of each month during the regular school year is designated as the regular Board meeting date. The Board may hold other meetings as often as called.

A regular meeting may be rescheduled or canceled:

- A. By majority vote of the Board when noticed as a meeting agenda item.
- B. By declaration of the Board President, or if the President is unavailable another member of the Board, in consultation with the Superintendent, when a significant event beyond the Board's control renders attendance at the meeting unsafe or unreasonable in light of the circumstance, such as:
 - 1. Significantly inclement weather conditions, or
 - 2. A local, state, or national emergency of a magnitude it intervenes to the extent that convening of the meeting is inadvisable.
- C. When the absence of a quorum of the Board will render the meeting impermissible.

Every regular meeting of the Board shall be open to the public, and the Board shall meet at the most convenient public facility in the District. If a public facility is not available within the District, the Board may meet at any available public facility convenient to all Board members, regardless of the county or school district in which the facility is located.

Special Board Meetings

Special meetings may be called whenever deemed necessary. Written or telephoned notice of all special meetings shall be given to the members of the Board at least twenty-four (24) hours prior to the time stated for the meeting to convene. Said notice shall indicate the purpose of the special meeting. No business other than the matters specified in the notice shall be transacted at such meeting.

Adopted: _____

LEGAL REF.:

A.R.S.

15-321

15-843

38-431 et seq.

38-431.01

38-431.02

A.G.O.

I79-45

CROSS REF.:

BEC - Executive Sessions/Open Meetings

BEDA - Notification of Board Meetings

BEDB - Agenda

BEDC - Quorum

BEDF - Voting Method

BEDG – Minutes

**BEDA ©
NOTIFICATION OF BOARD MEETINGS**

A statement shall be conspicuously posted on the District's website specifying where all notices of the Governing Board meetings are posted, including the physical and electronic locations, and give additional public notice as is reasonable and practicable as to all meetings. Except for a meeting through technological devices, the agenda and notice shall also include the time that the public will have physical access to the meeting place.

The District shall post all Governing Board public meeting notices on its website and give additional public notice as is reasonable and practicable as to all meetings. When the District has complied with all other public notice requirements of A.R.S. 38-431.02, the Board is not precluded from holding a meeting for which notice was posted when a technological problem or failure either:

- A. prevents the posting of public notice on the District website, or
- B. temporarily or permanently prevents use of all or part of the District's website.

When an executive session of the Board is scheduled a notice of the executive session stating the provision of law authorizing the executive session and including a general description of the matters to be considered shall be provided to:

- A. the members of the Governing Board, and
- B. the general public.

At least twenty-four (24) hours prior to the meeting notice shall be given to the members of the Governing Board and to the general public by posting in the designated public place(s) the time and place, and the meeting agenda or any change in the meeting agenda. The notice shall include an agenda of the matters to be discussed, considered or decided at the meeting, or include information on how the public may obtain a copy of the agenda.

The twenty-four (24) hour notice period:

- A. May include Saturday when, in addition to any website posting, the public has twenty-four (24) hour access to the physical posting location.
- B. Does not include Sundays and other holidays prescribed in A.R.S. 1-301.

A twenty-four (24) hour meeting notice is not required in the case of an actual emergency, however, notice shall be given and procedures followed in accordance with the requirements of 38-431.02 as are appropriate to the circumstances.

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.

A meeting may be recessed and resumed with less than twenty-four (24) hours notice when proper initial meeting notice was given and, before recessing, public notice is given specifying the time and place the meeting will be resumed or identifying the method by which such notice shall be publicly given.

When the Governing Board intends to meet at a regular place and time on a regular day, date or event for a specified calendar period, the District may post notice of the beginning of the applicable calendar period and the period for which the notification is valid.

Adopted: _____

LEGAL REF.:

A.R.S.

1-301

15-321

15-341

38-431.01

38-431.02

A.G.O.

I79-45

CROSS REF.:

BE - School Board Meetings

BEC - Executive Sessions/Open Meetings

BEDB – Agenda

**BEDB ©
AGENDA**

The agenda shall list the specific matters to be discussed, considered or decided at the meeting. Except for a meeting through technological devices, the agenda and notice shall also include the time that the public will have physical access to the meeting place. The Governing Board may discuss, consider or make decisions only on matters listed on the agenda and other matters related thereto. (*Subject to A.R.S. 38-431.02*)

Unless changed by a majority vote of Board members present at a meeting, the order of business shall be as follows:

Regular meetings:

- A. Call to order
- B. Adoption of the agenda (*Discussion of items is not in order.*)
- C. Pledge of allegiance
- D. Board Meeting minutes not previously approved
- E. Information only items (*Items to be heard only; the Board will not propose, discuss, or take legal action during the meeting unless the specific matter is properly noticed for legal action.*)
 - 1. Summary of current events
 - a. Superintendent
 - Celebrations and recognitions
 - b. Governing Board members
 - 2. Reports (*Notice must be specific as to type of report that will be given, subject matter and whom will be making the report.*)
- F. Public comments (*Members of the Governing Board shall not discuss or take legal action on matters raised during an open call to the public unless the matters are properly noticed for discussion and legal action.*)
- G. Action items (*Matters on which the Governing Board may take legal action during the meeting.*)
 - 1. Consent agenda items (*When so presented, should fully describe the matters on the agenda and inform the public where more information can be obtained.*)

2. Specific items of District business (*As listed for consideration, may include various categorical areas as the business of the District necessitates Board discussion, deliberation, and action.*)
- H. Information and Discussion items (*Matters about which the Board may engage in discussion but will take no action during the meeting.*)
- I. Information items (*The Board will not propose, discuss, or take legal action during the meeting.*)

Requests for future agenda items
- J. Adjournment

Special meetings:

- A. Call to order
- B. Items for which the special meeting was called (*May include timely action, discussion, and information items as conditioned for regular meetings.*)
- C. Announcements
- D. Adjournment

Executive sessions:

An executive session may be scheduled, as necessary, during either a regular or special meeting. (*See Arizona Attorney General Agency Handbook Section 7.6.7.*)

1. When an executive session is to be held, the notice must state the specific provision of law authorizing the executive session.
2. The Board may vote to hold an executive session for the purpose of obtaining legal advice from the Board's attorney on any matter listed on the agenda pursuant to A.R.S. 38-431.03(A)(3).

Emergency meetings

In the case of an actual emergency, the Governing Board, after giving such notice as is appropriate to the circumstances, may act on an emergency matter or call an emergency meeting in accordance with the requirements set out in A.R.S. 38-431.02. The emergency meeting shall follow the order of business for a special meeting. An emergency meeting shall be subsequently followed by the posting of a public notice within twenty-four (24) hours declaring that an emergency session has been held and setting forth the information specified by 38-431.02. Chapter 7 of the Arizona Agency Handbook shall be consulted for guidance when an emergency action or meeting is being considered.

Accommodations for the Disabled

Persons with a disability may request a reasonable accommodation, such as a sign language interpreter, by contacting [*name of designated agency contact person*] at [*telephone number and TDD telephone number*]. Requests should be made as early as possible to allow time to arrange the accommodation.

Adopted: _____

LEGAL REF.:

A.R.S.

38-431

38-431.01

38-431.02

38-431.03

CROSS REF.:

BDB - Board Officers

BEC - Executive Sessions/Open Meeting

**CBI ©
EVALUATION OF SUPERINTENDENT**

The Governing Board shall evaluate the Superintendent at least once each year.

Prior to the academic year, the Board and Superintendent will meet to agree on an evaluation instrument. The evaluation(s) shall relate to the Superintendent's duties, responsibilities, and progress toward established goals. The Superintendent shall provide each member of the Board a copy of the agreed upon evaluation instrument not later than September 1 ~~November 10~~.

The Board President shall schedule a meeting not later than March 30 ~~December 18~~, when the Board will devote an executive session to the evaluation of the Superintendent's performance, to discuss working relationships between the Superintendent and the Board, and to review the Superintendent's contract (with the Superintendent present). ~~If the Superintendent's contract is in its first year, this initial evaluation will not be a comprehensive evaluation, but will be used to allow the Board to communicate its perspective on the Superintendent's performance to date and to allow the Board and the Superintendent to communicate on performance matters. Additional first year evaluations may be completed by the Board at the Board's discretion or upon invitation by the Superintendent; however, the first fully comprehensive evaluation will be that which occurs in November of the Superintendent's second year.~~

Any meetings of the Board to compile evaluations, or meetings to discuss the evaluations with the Superintendent, shall be held in executive session unless the Superintendent requests that any such meeting be held in open session. Board members shall have the opportunity to discuss with the Superintendent any item(s) on which the Board member fails to achieve consensus.

A copy of any written evaluation shall be given to the Superintendent. If in disagreement with such evaluation, the Superintendent may respond in writing to the Governing Board.

Upon the conclusion of the evaluation, the Governing Board may determine whether any changes in the compensation and benefits or contract term of the Superintendent are warranted, subject to the following:

If the Superintendent's contract with the School District is for multiple years, the School District shall not offer to extend or renegotiate the contract until no earlier than fifteen (15) months before the expiration of the contract.

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

The evaluation and any comments by the Superintendent shall become a part of the Superintendent's personnel file.

Adopted: _____

LEGAL REF.:

A.R.S.

15-503

15-341

CROSS REF.:

CBA - Qualifications and Duties of the Superintendent

CBI-EB ©

EXHIBIT

EVALUATION OF SUPERINTENDENT

To view/access the District's Superintendent Evaluation Tool created by ASA/ASBA, [click here](#).

EBC © EMERGENCIES

The Superintendent will develop and maintain District emergency plans for each school, department, and other facilities in the District and will coordinate such plans with the local law enforcement, fire, medical and hospital authorities as necessary. Training components for staff and students shall be included in the Superintendent's emergency plans.

Emergency response plans are confidential and exempt from public disclosure. The District shall not release emergency response plans to the public as part of a public records request. [A.R.S. 41-1803(G)]

The plans will be in accordance with minimum standards developed jointly by the Department of Education and the Division of Emergency Management within the Department of Emergency and Military Affairs. The plans will designate specific emergency drills to be conducted. Local responders shall periodically be invited to review the plan(s).

Emergency response plans developed by the Governing Board are required to address how the school and emergency responders will communicate with and provide assistance to students with disabilities.

Emergency plans developed by the Superintendent will be presented annually to the Board.

Adopted: _____

LEGAL REF.:

A.R.S.

15-341

41-1803

GCG ©
PART - TIME AND SUBSTITUTE
PROFESSIONAL STAFF EMPLOYMENT

Substitute Teachers

The Board will establish the daily pay rate for substitute teachers.

The Superintendent will screen all applicants for substitute positions and recommend substitute teachers to the Board for approval. The Superintendent will establish regulations to ensure that all substitutes used in the schools are on the Board-approved substitute list.

Substitute Professional Staff Members

The Superintendent may employ, when conditions warrant, temporary or part-time personnel on a per diem or time card basis. This authority is subject to the following conditions:

- A. Continued employment of any such person shall be subject to confirmation and approval by the Board at its next official meeting.
- B. The employee shall be hired on a per diem basis and shall be compensated in accordance with the requirements and limitations of existing contracts that cover similar positions or employees.
- C. In addition to the conditions set forth above, the temporary assignment of a person to a supervisory or administrative position shall be preceded by notification to the Board. The Superintendent will detail the circumstances that created the need for the part-time employment.

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Optional language: The following outlined item (to the next double line) is available for inclusion in whole or in part at the discretion of school districts having only one (1) school or fewer than 600 students as determined by the local Governing Board.

Small School Districts; Substitute Teachers

A small school district, as defined in A.R.S. 15-901, is allowed to employ a substitute teacher who is related to a member of the Governing Board as the member's spouse or immediate family and who has had the same household of residence within the preceding four (4) years. If a small school district employs a substitute teacher in these circumstances, the member of the Governing Board who is related to the substitute teacher must recuse themselves from voting on any matter relating to substitute teachers.

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Adopted: _____

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LEGAL REF.:

A.R.S.

15-421

15-502

15-503

A.A.C.

R7-2-603

IHA © BASIC INSTRUCTIONAL PROGRAM

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

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

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

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

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

The instructional program will include planned sequences in:

- A. Language arts - reading, spelling, handwriting, English grammar, composition, literature, and study skills.
- B. Mathematics experiences.
- C. Social studies - history including Native American history, geography, civics, economics, world cultures, political science, and other social science disciplines.
- D. Science experiences.
- E. Fine and practical arts experience - art education, vocal and instrumental music, and vocational/business education.
- F. Technology skills.
- G. Health and safety education.

H. Physical education.

I. Foreign or Native American language.

The planned program for all students shall also include library instruction, individual study, guidance, other appropriate instructional activities, and all instruction required under state law and State Board of Education regulations.

Observance Days

September 11, in each year shall be observed as 9/11 Education Day. On 9/11 Education Day, each public school shall dedicate a portion of the school day to age-appropriate education on the terrorist attacks of September 11, 2001.

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

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

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

Adopted: _____

LEGAL REF.:

A.R.S.

1-319

1-321

15-203

15-211

15-219

15-341

15-501.01

15-701

15-701.01

15-704

15-710

15-710.02

15-741.01

15-802

A.A.C.

R7-2-301 *et seq.*

CROSS REF.:

IJNDB - Use of Technology Resources in Instruction

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

IHA-E ©

EXHIBIT

BASIC INSTRUCTIONAL PROGRAM

Reading

For students in kindergarten (K) and grades one (1) through three (3), the District shall:

- A. select and administer screening, ongoing diagnostic and classroom based instructional reading assessments, including motivational assessments, as defined by the State Board of Education;
- B. conduct a curriculum evaluation;
- C. adopt a scientifically based reading curriculum including the essentials of reading instruction;
- D. provide ongoing teacher training based on scientifically based reading research;
- E. devote reasonable amounts of time to explicit instruction and independent reading;
- F. provide intensive reading instruction as defined by the State Board of Education to each student who does not meet or exceed the Arizona standards; and
- G. review its reading program and take corrective action as specified by the State Board of Education whenever more than twenty percent (20%) of the third (3rd) grade students do not meet the Arizona standards.
- H. ensure that on or before July 1, 2022, at least one (1) kindergarten through third (K-3) grade teacher, literacy coach or literacy specialist in each school has received training related to dyslexia that complies with the requirements prescribed in A.R.S. 15-219 and A.R.S. 15-501.01 which includes enabling teachers to understand and recognize dyslexia and to implement structured literacy instruction that is systematic, explicit, multisensory and evidence-based to meet the educational needs of students with dyslexia.
- I. ensure that, within forty-five (45) calendar days after the beginning of each school year or within forty-five (45) calendar days after a student enrollment occurs after the first (1st) day of school, every student who is enrolled in a kindergarten program or grade one in a public school in this state is screened for indicators of dyslexia, using the Department of Education (D.O.E.) dyslexia screening plan (the screening for indicators of dyslexia may be integrated with reading proficiency screenings as prescribed by the D.O.E.);

- J. provide notifications to parents of students who are identified as having indicators of dyslexia based on a screening for indicators; and
- K. ensure that screening for indicators of dyslexia includes phonological and phonemic awareness, rapid naming skills, correspondence between sounds and letters, nonsense word repetition, and sound symbol recognition.

**JFABDA ©
ADMISSION OF STUDENTS
IN FOSTER CARE**

This policy is intended to direct compliance with Arizona State Laws, Arizona Administrative Code, and the Every Student Succeeds Act (ESSA) Foster Care provisions.

Purpose Statement

The implementation of this policy shall assure that:

- A. Within five (5) days after a child enters foster care or if a child's placement changes, the child, if appropriate, the child's caseworker, the child's parent, guardian, custodian, caregiver, or foster parent and representative from the local education agency or the child's school of origin shall determine if it is in the child's best interest to remain in the child's school of origin;
- B. Children in foster care remain enrolled in their school of origin for the duration of their time in care, unless a determination is made that it is not in such child's best interest to remain in their school of origin, which decision shall be based on all factors relating to the child's best interest, including consideration of the appropriateness of the current educational setting and the proximity to the school in which the child is enrolled at the time of placement, among other factors listed in law (See list in JFABDA-R);
- C. If a determination is made that it is not in such child's best interest to remain in the school of origin, the child shall be immediately enrolled in a new school, even if the child is unable to produce records normally required for enrollment or owes any outstanding fines or fees to the school of origin; however, the student may be required to provide their Notice to Providers document;
- D. The enrolling school shall immediately contact the school last attended by any such child to obtain relevant academic and other records; Upon request for records for any such child from another school, every effort shall be made to provide records within two (2) business days.
- E. In collaboration with the state or local Child Welfare Agency transportation is provided to and from the school of origin or school of placement for the foster child as applicable and found in the law and Policy JFAA; and—In ensuring a child receives transportation to the educational institution determined to be in the child's best interest, the Department of Child Safety may coordinate with the Department of Education and local education agencies and enter into necessary information sharing, data sharing and financial agreements.
- F. The District will work with the Department of Child Safety (or tribal agency) to ensure that the provisions of ESSA relating to foster children are implemented, including assigning a District employee to serve as a Point of Contact (POC) to work in collaboration with the applicable child welfare agency and notify the Arizona Department of Education of the assigned POC.

Definitions

The term "children in foster care" means children who are under twenty-four (24) hour substitute care while placed away from their parents or guardians and for whom the Child Welfare Agency (Department of Child Safety [DCS] or tribal) has placement and care responsibility. This includes, but is not limited to, placements in foster family homes, foster homes of relatives, group homes, emergency shelters, residential facilities, childcare institutions, and pre-adoptive homes. A child is in foster care in accordance with this definition regardless of whether the foster care facility is licensed, and payments are made by the state, tribal or local agency for the care of the child, whether adoption subsidy payments are being made prior to the finalization of an adoption, or whether there is federal matching of any payments that are made. (45 C.F.R. § 1355.20(a)) In Arizona, if DCS has received placement care and responsibility, then the child is in "foster care" even if the parent or guardian is permitted to live in the home of placement, such as a kinship home.

The term "school of origin" means the school in which a child is enrolled at the time of placement in foster care, including preschool. If a child's foster care placement changes, the school of origin would then be considered the school in which the child is enrolled at the time of the placement change.

Point of Contact (POC) for Children in Foster Care - Responsibilities

The Superintendent will designate an appropriate staff person of authority as Point of Contact (POC) for children in foster care who will carry out duties as assigned and notify Arizona Department of Education's (ADE's) Statewide Foster Care Education Coordinator of the designated POC. Among those duties will be the responsibility to coordinate activities and programs to work in collaboration with the respective child welfare agency (either DCS or tribal), in the best interest of foster children that will include procedures to:

- A. Continue the student's education in the school of origin or placement;
- B. Collaborate with the Child Welfare Agency to implement the educational stability plan;
- C. Ensure the best interest is determined regarding school enrollment;
- D. Ensure necessary transportation is provided, funded, and arranged in collaboration with the Child Welfare Agency;
- E. Ensure immediate enrollment and transfer of records occurs when the student moves schools; and
- F. Ensure school staff are trained on the provisions and educational needs of children in foster care.

Other Relevant Policies and Procedures

Implementation of the Every Student Succeeds Act (ESSA) Foster Care provisions requires the coordination with a number of policies and procedures. These policies and procedures are listed below as cross references and are incorporated in this policy and these procedures by such reference.

Enrollment preference may be given to children who are in foster care.

Adopted: _____

LEGAL REF.:

A.R.S.

8-530.04

15-816 through 15-816.07

15-821

15-823 through 15-825

42 U.S.C. 11301, McKinney-Vento Homeless Assistance Act of 2001,
as amended by the Every Student Succeeds Act (ESSA) of 2015
(Foster Care Provisions)

CROSS REF.:

EEAA - Walkers and Riders

IKEB - Acceleration

JF - Student Admissions

JFAA - Admission of Resident Students

JFAB - Admission of Nonresident Students

JFABD - Admission of Homeless Students

JFB - Open Enrollment

JG - Assignment of Students to Classes and Grade Levels

JLCB - Immunizations of Students

JLH - Missing Students

JR - Student Records

JRCA - Request for Transfer of Records

**JK ©
STUDENT DISCIPLINE**

The Superintendent shall recommend policies and develop procedures for the discipline of students that comply with A.R.S. 15-843. These policies and procedures will apply to all students traveling to, attending, and returning from school, and while visiting another school or at a school-sanctioned activity, or in any other situation in which the District may lawfully exercise its authority to discipline a student. When suspension or expulsion is involved, notice, hearing, and appeal procedures shall conform to applicable legal requirements.

The discipline, suspension and expulsion of pupils shall not be based on race, color, religion, sex, disability, national origin, ancestry or any other unlawful reason. A substantial or deliberate failure to comply with the prohibition against race, color, religion, sex, disability, national origin, ancestry or any other unlawful reason may subject the District to the loss of funds imposed by A.R.S. 15-843.

Unless required by A.R.S. 15-841(G), bringing a firearm to school, which may be modified on a case-by-case basis, a school district or charter school may out-of-school suspend or expel a pupil who is enrolled in kindergarten through fourth grade (K-4) only if all of the following apply:

- A. The pupil is seven (7) years of age or older.
- B. The pupil engaged in conduct on school grounds that meets one (1) of the following criteria:
 - 1. Involves the possession of a dangerous weapon without authorization from the school.
 - 2. Involves the possession, use or sale of a dangerous drug as defined in A.R.S. 13-3401 or a narcotic drug as defined in A.R.S. 13-3401 or a violation of A.R.S. 13-3411.
 - 3. Immediately endangers the health or safety of others.
 - 4. The pupil's behavior is determined by the School District Governing Board or Charter School Governing Body to qualify as aggravating circumstances and that all of the following apply:
 - a. The pupil is engaged in persistent behavior that has been documented by the school and that prevents other pupils from learning or prevents the teacher from maintaining control of the classroom environment.
 - b. The pupil's ongoing behavior is unresponsive to targeted interventions as documented through an established intervention process that includes consultation with a school counselor, school psychologist or other mental health professional or social worker if available within the School District or Charter School or through a state sponsored program.

- c. The pupil's parent or guardian was notified and consulted about the ongoing behavior.
 - d. Before a long-term suspension or expulsion, the school provides the pupil with a disability screening and the screening finds that the behavioral issues were not the result of a disability.
- C. Failing to remove the pupil from the school building would create a safety threat that cannot otherwise reasonably be addressed or qualifies as "aggravating circumstances."
- D. Before suspending or expelling the pupil, the School District or Charter School considers and, if feasible while maintaining the health and safety of others, in consultation with the pupil's parent or guardian to the extent possible, employs alternative behavioral and disciplinary interventions that are available to the School District or Charter School, that are appropriate to the circumstances and that are considerate of health and safety. The School District or Charter School shall document the alternative behavioral and disciplinary interventions it considers and employs.
- E. The School District or Charter School, by policy, provides for both:
 - 1. A readmission procedure for pupils who are in kindergarten through fourth grade (K-4) and who have served at least five (5) school days of a suspension from the school that exceeds ten (10) school days to be considered for readmission on appeal of the pupil's parent or guardian.
 - 2. A readmission procedure for pupils who are in kindergarten through fourth grade (K-4) and who are expelled from or subject to alternative reassignment at the school to be considered for readmission on appeal of the pupil's parent or guardian at least twenty (20) school days after the effective date of the expulsion or alternative reassignment.

A school district or charter school is exempt from having to meet the prescribed criteria for the suspension of a student in kindergarten (K) or the first through fourth (1st – 4th) grades if either:

- A. Expulsion is required pursuant to A.R.S. 15-841(G) due to a student's possession of a firearm at school.
- B. The suspension does not exceed two (2) days and the aggregate suspensions for the pupil do not exceed ten (10) days within a school year.

"Aggravating circumstances" means the pupil is engaged in persistent behavior that:

- A. Has been documented by the school.

- B. Prevents other students from learning or prevents the teacher from maintaining control of the classroom environment.
- C. Is unresponsive to targeted interventions as documented through an established intervention process.

The principal of each school shall ensure that a copy of all rules pertaining to discipline, suspension, and expulsion of pupils are distributed to the parents of each pupil at the time the pupil is enrolled in school.

The principal of each school shall ensure that all rules pertaining to the discipline, suspension, and expulsion of pupils are communicated to students at the beginning of each school year, and to transfer students at the time of their enrollment in the school.

Information concerning a student's disciplinary record will be held in the strictest confidence.

Disciplinary actions taken will be recorded in an administrative log, and all types of suspensions or expulsions will be recorded in a separate file for each student.

Temporary Removal

Teachers are authorized to temporarily remove a student from a class. A teacher may temporarily remove a student to the principal, or to a person designated by the school administrator, in accord with:

- A. Rules established for the referral of students.
- B. The conditions of A.R.S. 15-841, when applicable.

The Superintendent shall establish such rules as are necessary to implement the temporary removal procedure.

Confinement

If confinement is authorized by the Governing Board, in accordance with A.R.S. 15-843, the Superintendent shall ensure that disciplinary policies involving the confinement of pupils left alone in an enclosed space shall include the following:

- A. A process for prior written parental notification that confinement may be used for disciplinary purposes that is included in the pupil's enrollment packet or admission form.
- B. A process for written parental consent before confinement is allowed for any pupil in the School District. The policies shall provide for an exemption to prior written parental consent if a school principal or teacher determines that the pupil poses imminent physical harm to self or others. The school principal or teacher shall make reasonable attempts to notify the pupil's parent or guardian in writing by the end of the same day that confinement was used.

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.)

Threatened an Educational Institution

Threatened an educational institution means to interfere with or disrupt an educational institution as found in A.R.S. 15-841 and 13-2911. A student who is determined to have threatened an educational institution shall be expelled from school for at least one (1) year except that the District may modify this expulsion requirement for a pupil on a case-by-case basis and may reassign a pupil subject to expulsion to an alternative education program if the pupil participates in mediation, community service, restitution or other programs in which the pupil takes responsibility for the results of the threat. The District may require the student's parent(s) to participate in mediation, community service, restitution or other programs with the student as a condition to the reassignment of the pupil to an alternative education program.

Regulating Off-Campus Speech

While the District may regulate certain types of off-campus student speech, it must be mindful of student rights of expression under the First Amendment.

Circumstances that may implicate the District's off-campus regulatory interests include, but are not limited to:

- A. Serious or severe bullying or harassment targeting particular individuals.
- B. Threats aimed at teachers or other students.
- C. The failure to follow rules concerning:
 - 1. Lessons.
 - 2. The writing of papers.
 - 3. The use of computers.
 - 4. Participation in other online school activities.
- D. Breaches of school security devices.

The District may take affirmative steps to work with the student, short of discipline, to engage in future respectful and accountable digital citizenship.

Adopted: _____

LEGAL REF.:

A.R.S.

13-403 *et seq.*

13-2911

13-3401

13-3411

15-105

15-341

15-342

15-841

15-842

15-843

15-844

CROSS REF.:

GBEB - Staff Conduct

JIC - Student Conduct

JKA - Corporal Punishment

JKD - Student Suspension

JKE - Expulsion of Students

JLDB - Restraint and Seclusion

**JKD ©
STUDENT SUSPENSION**

A student may be removed from contact with other students as a temporary measure.

The authority to suspend a student for up to ten (10) days, after an informal hearing is held, rests with the Superintendent, principal, or other school officials granted this power by the Governing Board of the School District. If a danger to students or staff members is present, the Superintendent may immediately remove the student from school, with prior contact with the parents and with a notice and hearing following as soon as practicable. Each suspension shall be reported to the Governing Board, within five (5) days, by the person imposing it. [A.R.S. 15-843]

In all cases, except summary suspension where a clear and present danger is evident, the student shall remain in school until applicable due process procedures are instituted. In *no* instance shall students be released early from school unless parents have been notified.

Suspension of pupils in a kindergarten program and grades one (1) through four (4) must comply with A.R.S. 15-843(K), as follows:

Unless required by A.R.S. 15-841(G), bringing a firearm to school, which may be modified on a case-by-case basis, a school district or charter school may out-of-school suspend or expel a pupil who is enrolled in kindergarten through fourth grade (K-4) only if all of the following apply:

- A. The pupil is seven (7) years of age or older.
- B. The pupil engaged in conduct on school grounds that meets one (1) of the following criteria:
 - 1. Involves the possession of a dangerous weapon without authorization from the school.
 - 2. Involves the possession, use or sale of a dangerous drug as defined in A.R.S. 13-3401 or a narcotic drug as defined in A.R.S. 13-3401 or a violation of A.R.S. 13-3411.
 - 3. Immediately endangers the health or safety of others.
 - 4. The pupil's behavior is determined by the School District Governing Board or Charter School Governing Body to qualify as aggravating circumstances and that all of the following apply:
 - a. The pupil is engaged in persistent behavior that has been documented by the school and that prevents other pupils from learning or prevents the teacher from maintaining control of the classroom environment.

- b. The pupil's ongoing behavior is unresponsive to targeted interventions as documented through an established intervention process that includes consultation with a school counselor, school psychologist or other mental health professional or social worker if available within the School District or Charter School or through a state sponsored program.
 - c. The pupil's parent or guardian was notified and consulted about the ongoing behavior.
 - d. Before a long-term suspension or expulsion, the school provides the pupil with a disability screening and the screening finds that the behavioral issues were not the result of a disability.
- C. Failing to remove the pupil from the school building would create a safety threat that cannot otherwise reasonably be addressed or qualifies as "aggravating circumstances."
- D. Before suspending or expelling the pupil, the School District or Charter School considers and, if feasible while maintaining the health and safety of others, in consultation with the pupil's parent or guardian to the extent possible, employs alternative behavioral and disciplinary interventions that are available to the School District or Charter School, that are appropriate to the circumstances and that are considerate of health and safety. The School District or Charter School shall document the alternative behavioral and disciplinary interventions it considers and employs.
- E. The School District or Charter School, by policy, provides for both:
- 1. A readmission procedure for pupils who are in kindergarten through fourth grade (K-4) and who have served at least five (5) school days of a suspension from the school that exceeds ten (10) school days to be considered for readmission on appeal of the pupil's parent or guardian.
 - 2. A readmission procedure for pupils who are in kindergarten through fourth grade (K-4) and who are expelled from or subject to alternative reassignment at the school to be considered for readmission on appeal of the pupil's parent or guardian at least twenty (20) school days after the effective date of the expulsion or alternative reassignment.

A school district or charter school is exempt from having to meet the prescribed criteria for the suspension of a student in kindergarten (K) or the first through fourth (1st – 4th) grades if either:

- A. Expulsion is required pursuant to A.R.S. 15-841(G) due to a student's possession of a firearm at school.
- B. The suspension does not exceed two (2) days and the aggregate suspensions for the pupil do not exceed ten (10) days within a school year.

"Aggravating circumstances" means the pupil is engaged in persistent behavior that:

- A. Has been documented by the school.
- B. Prevents other students from learning or prevents the teacher from maintaining control of the classroom environment.
- C. Is unresponsive to targeted interventions as documented through an established intervention process.

The Superintendent may designate a hearing officer for suspension hearings.

Regular Education Students

Suspension for ten days or less:

- A. *Step 1:* The student will receive notice, written or oral, of the reason for suspension and the evidence the school authorities have of the alleged misconduct.
 - 1. After having received notice, the student will be asked for an explanation of the situation.
 - 2. The authorized District personnel shall make reasonable efforts to verify facts and statements prior to making a judgment.
- B. *Step 2:* Following Step 1:
 - 1. Provided that a written record of the action taken is kept on file, authorized District personnel may:
 - a. Suspend the student for up to ten (10) days.
 - b. Choose other disciplinary alternatives.
 - c. Exonerate the student.
 - d. Suspend the student for ten (10) days pending a recommendation that the student be given a long-term suspension or expulsion or both.
 - 2. When suspension is involved:
 - a. A parent must be notified before the student is allowed to leave campus. If no parent contact can be made, the student may be isolated until dismissal time and then given a written message to the parents.
 - b. A letter to the parents will be written within a reasonable time to explain the terms (including the possibility that a long-term suspension and/or expulsion is being recommended) and reasons for the suspension and to request a meeting to solicit their help.
 - 3. No appeal is available from a short-term suspension.

Suspension for over ten days:

- A. *Step 3:* If the offense is one that could result in a suspension of over ten (10) days, in addition to Step 1 and Step 2 a formal hearing will be arranged and conducted by a hearing officer or by the Superintendent.
- B. *Step 4:* A formal letter to the responsible parent or guardian will be mailed by certified mail with return receipt requested or delivered by hand (with an adult witness present) at least five (5) working days prior to the formal hearing. A copy of this letter will remain on file, and the letter should contain the following information:
 - 1. The charges and the rule or regulation violated.
 - 2. The extent of the punishment to be considered.
 - 3. The date, time, and place of the formal hearing.
 - 4. A designation of the District's witnesses.
 - 5. That the student may present witnesses.
 - 6. That the student may be represented by counsel at student's expense.
 - 7. If a hearing officer has been designated, the name of the hearing officer.
- C. *Step 5:* A formal hearing will be held, during which the student will be informed of the following:
 - 1. Nothing in these procedures shall be construed to prevent the students who are subject to the action and their parents or legal guardians and legal counsel from attending any executive (closed) session pertaining to the proposed disciplinary action, or from having access to the minutes and testimony of such session or from recording such a session at the parent's or legal guardian's expense.
 - 2. The student is entitled to a statement of the charges and the rule or regulation violated.
 - 3. The student may be represented by counsel, without bias to the student.
 - 4. The student may present witnesses.
 - 5. The student or counsel may cross-examine witnesses presented by the District.
 - 6. The burden of proof of the offense lies with the District.

7. Either the hearing must be recorded on tape or an official record must be kept in some other appropriate manner. In addition, parents are to be allowed to tape-record the hearing at their own expense.
 8. The District has the right to cross-examine witnesses, and may be represented by an attorney.
- D. *Step 6:* The decision and appeal procedure, if applicable, upon the conclusion of the hearing will be as follows:
1. Upon the conclusion of a hearing by a hearing officer in which a decision of long-term suspension is made, the decision may be appealed to the Board. To arrange such an appeal, the parent(s) of the suspended student or the student must deliver to the Superintendent a letter directed to the Board within five (5) days after receiving written notice of the long-term suspension. The letter must describe in detail any objections to the hearing or the decision rendered.
 2. The appeal to the Board will be on the record of the hearing held by the hearing officer. If the Board determines that the student was not afforded due process rights or that this policy was not followed in all substantive respects, the student shall be given another hearing. If the Board determines that the punishment was not reasonable, they may modify the punishment.
 3. The decision of the Board is final.

Special Education Students

Suspension for ten days or less. Short-term suspension (ten [10] days or less) may be used for special education students for disciplinary reasons on the same basis as for a regular education student. (It is not considered a change of placement.)

- A. *Step 1:* The student will receive notice, written or oral, of the reason for suspension and the evidence the school authorities have of the alleged misconduct.
1. After having received notice, the student will be asked for an explanation of the situation.
 2. The authorized District personnel involved shall make reasonable efforts to verify facts and statements prior to making a judgment.
- B. *Step 2:* Following Step 1:
1. Provided that a written record of the action taken is kept on file, authorized District personnel may:
 - a. Suspend the student for up to ten (10) days.

- b. Choose other disciplinary alternatives.
 - c. Exonerate the student.
 - d. Suspend the student for ten (10) days pending a recommendation that the student be given a long-term suspension or expulsion or both.
2. When suspension is involved:
- a. A parent must be notified before the student is allowed to leave campus. If no parent contact can be made, the student may be isolated until dismissal time and then given a written message to the parents.
 - b. A letter to the parents will be written within a reasonable time to explain the terms (including the possibility that a long-term suspension and/or expulsion is being recommended) and reasons for the suspension and to request a meeting to solicit their help.
3. No appeal is available from a short-term suspension.

Suspension for over ten days

If a special education student is recommended for a suspension of more than ten (10) days during the school year (a possible change in placement), a manifestation determination conference must be held.

- A. *Step 3:* A recommended suspension of a special education student for more than ten (10) consecutive days, or a series of suspensions totaling more than ten (10) days, may constitute a change of placement and shall require a manifestation determination conference. Such a conference shall be for the purpose of determining whether or not the offense is a manifestation of the student's disability.
- B. *Step 4:* If the offense is not a manifestation of the disability of the student, the student may be suspended by following the District policies for students in general, provided that educational services are continued during the period of disciplinary removal for a student with a disability qualified under the Individuals with Disabilities Education Act (IDEA). A student with a disability qualified for educational services under the Americans with Disabilities Act or Section 504 of the Rehabilitation Act of 1973, and not qualified under IDEA, may be suspended or expelled from school, and educational services may be ceased, if nondisabled students in similar circumstances do not continue to receive educational services.
- C. *Step 5:* If the behaviors are a manifestation of the disability of the student, the District may not extend the suspension of the student beyond the initial ten (10) school days.

An exception to the above allows for an IDEA qualified student to be given a change in placement to an interim alternative educational setting for not more than forty-five (45) days, in accord with federal law and regulation, if the removal is for IDEA defined drug or weapons offenses or is based upon a due process hearing officer's determination that injury to the child or another is substantially likely if current placement is maintained.

Any interim alternative educational setting must be selected so as to enable the child to continue to progress in the general curriculum, although in another setting, and to continue to receive those services and modifications, including those described in the child's current IEP; and include services and modifications which are designed to prevent the behaviors for which the placement was made from recurring. (*Caution:* refer to IDEA statutes and regulations before implementing the exception.)

Alternative to Suspension

Students meeting the following requirements may participate in an alternative to suspension program described below at the determination of the Superintendent:

- A. Suspension from school has been determined as the punishment for an offense and any appeal has been denied.
- B. The immediate suspension was not due to:
 - 1. Fighting or engaging in violent behavior
 - 2. Threatening an educational institution
 - 3. Selling, using or possessing weapons, firearms, explosives, or dangerous instruments
 - 4. Making a bomb threat
 - 5. Engaging in arson
- C. The student has not served more than one (1) short-term suspension or alternative to suspension of ten (10) days or less during the current academic year.
- D. The student has admitted to or taken responsibility for the act upon which suspension was imposed in a written statement signed by the student and attested to by the student's parent or guardian.
- E. The student and parent or guardian has received a written admonition that the suspension as originally determined will be imposed summarily and in its entirety should the student violate the conditions or requirements of the Alternative to Suspension Program. (*Note:* Follow appropriate dismissal procedures.)

- F. Parent(s) or guardian(s) shall agree to participate by:
1. Providing transportation as necessary to and from the program location.
 2. Furnishing meals prepackaged or purchasing same for the student.
 3. Establishing and monitoring in consultation with the school a supervisory routine limiting the student's contact to that which is necessary with other students and friends during the program.

The Alternative to Suspension Program is to be one of social isolation. It shall be discipline intensive, requiring academic work and as determined may involve community service, groundskeeping, and litter control. Parents will participate by providing support and supervision.

- A. Students will be isolated from others by means of barriers or distance at a location determined by the District. No participation in any school sponsored activity will be permitted during the program.
- B. Communication by students with others will be limited to adult District staff or as directed by the adult supervisor on duty.
- C. Ordered study time will be established for each student consistent with the number of classes in which the student is enrolled, divided proportionately through the academic day.
- D. Students are confined to their assigned areas and seats except as designated by the supervisor. All personal maintenance will be planned and approved by the supervisor.
- E. Students are to bring all books, workbooks, paper and necessary instruments for each class in which they are enrolled to the program daily and take the same material home each day of the program.
- F. Protocols for implementation of the Alternative to Suspension Program following the requirements above may be established by the administrator at each location.

Procedures and Conditions for Readmission of Students Suspended for More Than Ten Days

Early readmission procedures

The Superintendent may authorize early readmission of a student suspended for more than ten (10) days. The student shall be considered for readmission only upon completion of the major portion of the suspension (usually one [1] day more than half [1/2] with consideration for the grading period or academic division as necessary). The following conditions must be met:

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

- A. A written request must be submitted to the Superintendent on behalf of the student by the student's parent or guardian asking for readmission and requesting a meeting to determine any requirements.
- B. Accompanying the written request shall be a summary of the student's activities and accomplishments during the suspension period written and signed by the student and signed and attested to by the parent or guardian. (Parents of elementary grade students may prepare the summary.)
- C. The request shall include a signed statement from local law enforcement officials that there have been no infractions of local or state codes for which the student could have been charged during the period of the suspension.
- D. At the time of the meeting to review the request the student may be required to explain the incident or incidents leading up to the suspension.
- E. The determination to allow readmission may be based on, but not limited to, the following elements:
 - 1. The age of the student.
 - 2. The frequency, type, and relative magnitude of previous misbehavior by the student.
 - 3. The relative severity of the event(s).
 - 4. Whether the student's behavior violated civil or criminal laws.
 - 5. The degree to which the incident(s) interfered with the educational process.
 - 6. The extent to which the event created endangerment to the student, others or property.
 - 7. Special intellectual, psychological, emotional, environmental and physical characteristics of the student.
 - 8. The student's attitude concerning the event(s).
 - 9. The expressed intent concerning the student's future behavior.
- F. Should early readmission be granted, the student, with parent or guardian affirmation, shall agree to the following conditions:
 - 1. Regular attendance—no unexcused absences.
 - 2. No violation of school rules or policies.

- 3 Attendance at after school events for the remaining term of suspension only with prior approval of the administration.
 4. Completion of all class tasks in timely fashion, as directed.
 5. Student will receive supervision before and after school by parental arrangement, travel directly to school and from school, and report immediately to a supervisor for the balance of the term of the suspension.
- G. The student and parent or guardian shall receive a written admonition that failure in the conditions required for early readmission will mean summary imposition of the remainder of the suspension, and additional punishment if indicated by the disciplinary policies and procedures of the District.

Adopted: _____

LEGAL REF.:

A.R.S.

13-3401

13-3411

15-342

15-766

15-767

15-841

15-842

15-843

A.A.C.

R7-2-401

R7-2-405

A.G.O.

I78-103

I78-218

I80-055

I84-036

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

20 U.S.C. 7151 et seq., The Gun-Free School Act of 1990

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

CROSS REF.:

IHB - Special Instructional Programs

JK - Student Discipline

JR - Student Records

**JKE ©
EXPULSION OF STUDENTS**

A recommendation to expel shall be by the Superintendent. The authority to expel rests only with the Board. All expulsions requested shall have supporting data indicating the required due process procedure provided at the time of recommendation.

Expulsion of pupils in a kindergarten program and grades one (1) through four (4) must comply with A.R.S. 15-843(K), as follows:

Unless required by A.R.S. 15-841(G), bringing a firearm to school, which may be modified on a case-by-case basis, a school district or charter school may out-of-school suspend or expel a pupil who is enrolled in kindergarten through fourth grade (K-4) only if all of the following apply:

- A. The pupil is seven (7) years of age or older.
- B. The pupil engaged in conduct on school grounds that meets one (1) of the following criteria:
 - 1. Involves the possession of a dangerous weapon without authorization from the school.
 - 2. Involves the possession, use or sale of a dangerous drug as defined in A.R.S. 13-3401 or a narcotic drug as defined in A.R.S. 13-3401 or a violation of A.R.S. 13-3411.
 - 3. Immediately endangers the health or safety of others.
 - 4. The pupil's behavior is determined by the School District Governing Board or Charter School Governing Body to qualify as aggravating circumstances and that all of the following apply:
 - a. The pupil is engaged in persistent behavior that has been documented by the school and that prevents other pupils from learning or prevents the teacher from maintaining control of the classroom environment.
 - b. The pupil's ongoing behavior is unresponsive to targeted interventions as documented through an established intervention process that includes consultation with a school counselor, school psychologist or other mental health professional or social worker if available within the School District or Charter School or through a state sponsored program.
 - c. The pupil's parent or guardian was notified and consulted about the ongoing behavior.

- d. Before a long-term suspension or expulsion, the school provides the pupil with a disability screening and the screening finds that the behavioral issues were not the result of a disability.
- C. Failing to remove the pupil from the school building would create a safety threat that cannot otherwise reasonably be addressed or qualifies as “aggravating circumstances.”
- D. Before suspending or expelling the pupil, the School District or Charter School considers and, if feasible while maintaining the health and safety of others, in consultation with the pupil’s parent or guardian to the extent possible, employs alternative behavioral and disciplinary interventions that are available to the School District or Charter School, that are appropriate to the circumstances and that are considerate of health and safety. The School District or Charter School shall document the alternative behavioral and disciplinary interventions it considers and employs.
- E. The School District or Charter School, by policy, provides for both:
 - 1. A readmission procedure for pupils who are in kindergarten through fourth grade (K-4) and who have served at least five (5) school days of a suspension from the school that exceeds ten (10) school days to be considered for readmission on appeal of the pupil's parent or guardian.
 - 2. A readmission procedure for pupils who are in kindergarten through fourth grade (K-4) and who are expelled from or subject to alternative reassignment at the school to be considered for readmission on appeal of the pupil's parent or guardian at least twenty (20) school days after the effective date of the expulsion or alternative reassignment.

A school district or charter school is exempt from having to meet the prescribed criteria for the suspension of a student in kindergarten (K) or the first through fourth (1st – 4th) grades if either:

- A. Expulsion is required pursuant to A.R.S. 15-841(G) due to a student’s possession of a firearm at school.
- B. The suspension does not exceed two (2) days and the aggregate suspensions for the pupil do not exceed ten (10) days within a school year.

"Aggravating circumstances" means the pupil is engaged in persistent behavior that:

- A. has been documented by the school.
- B. prevents other students from learning or prevents the teacher from maintaining control of the classroom environment.
- C. is unresponsive to targeted interventions as documented through an established intervention process.

The Governing Board (**Option A:** will decide in executive session whether the Board will conduct an expulsion hearing or designate one (1) or more hearing officers to hear the evidence) **OR** (**Option B:** directs all expulsions hearings to be conducted by a hearing officer selected from a list of hearing officers approved by the Board).

Expulsion

Regular Education Students

Expulsion is the permanent exclusion of a student from school and school activities, unless the Governing Board reinstates the student's privileges to attend school.

- A. *Step 1:* Each recommendation for expulsion shall be delivered to the Superintendent. A recommendation for expulsion may be made before, after or in conjunction with a long-term suspension hearing, if one is to be held.
- B. *Step 2:* If the Superintendent concurs with the recommendation, the Superintendent shall (**Option A:** present the recommendation to the Governing Board) **OR** (**Option B:** present the recommendation for expulsion to a hearing officer selected from a list of hearing officers approved by the Board).
- C. *Step 3:* In each case in which a recommendation for expulsion receives approval by the Superintendent, (*and the Board has not determined that all expulsion hearings are to be conducted by a hearing officer*), the Governing Board will meet in executive session:
 - 1. to determine whether the nature of the accusations against the student justify an expulsion hearing,
 - 2. to determine whether the hearing will be held before the Governing Board or before a hearing officer,
 - 3. to designate a hearing officer if one will be used, and
 - 4. if the hearing will be conducted by the Governing Board to determine whether the hearing will be conducted in executive session. Under normal circumstances, the Governing Board will not review any documents or other pertinent evidence during the initial executive session.
- D. *Step 4:* The expulsion hearing should be scheduled so it may be resolved, if reasonably possible, during the period of any suspension.

E. *Step 5:* A formal letter to the responsible parent or guardian will be mailed by certified mail with return receipt requested or delivered by hand (with an adult witness present) at least five (5) working days prior to the formal hearing. A copy of this letter will remain on file, and the letter should contain:

1. A statement of the charges and the rule or regulation violated.
2. The extent of the punishment to be considered.
3. The date, time, and place of the formal hearing.
4. A designation of the District's witnesses.
5. That the student may present witnesses.
6. That the student may be represented by counsel at the student's expense.
7. If a hearing officer has been appointed, the name of the hearing officer and how the hearing officer may be contacted, or a statement that the Governing Board will preside at the hearing.
8. Copies of this policy and A.R.S. 15-840 and 15-843 unless previously provided in connection with the same infraction.

F. *Step 6:* The parent, guardian or emancipated student shall be informed of the following:

1. Nothing in these procedures shall be construed to prevent the students who are subject to the action and their parents or legal guardians and legal counsel from attending any executive (closed) session pertaining to the proposed disciplinary action, or from having access to the minutes and testimony of such session or from recording such a session at the parent's or legal guardian's expense.
2. The student is entitled to a statement of the charges and the rule or regulation violated.
3. The student may be represented by counsel, without bias to the student.
4. The student may present witnesses.
5. The student or counsel may cross-examine witnesses presented by the District.
6. The burden of proof of the offense lies with the District.
7. Either the hearing must be recorded on tape or an official record must be kept in some other appropriate manner. In addition, parents are to be allowed to tape-record the hearing at their own expense.
8. The District has the right to cross-examine witnesses, and may be represented by an attorney.

9. If the hearing is held before a hearing officer, the hearing will be conducted in private with the attendance of only the hearing officer, administrative representatives, the student and parent(s), counsel for the parties, and witnesses necessary to the proceedings, unless the parent(s), guardian(s) or emancipated student requests in writing that the hearing be open to public attendance.
10. If the hearing is held before the Governing Board the Board will conduct the hearing in executive session with the attendance of only the hearing officer, administrative representatives, the student and parent(s), counsel for the parties, and witnesses necessary to the proceedings, unless the parent(s), guardian(s) or emancipated student requests in writing that the hearing be open to public attendance.

G. *Step 7:* A formal hearing will be held:

When a parent or legal guardian has disagreed that the hearing should be held in executive (closed) session, it shall be held in an open meeting unless:

- a. If only one (1) student is subject to the proposed action, and disagreement exists between that student's parents or legal guardians, then the Board (hearing officer), after consultation with the student's parents or legal guardians, shall decide in executive (closed) session whether the hearing will be in executive (closed) session.
- b. If more than one (1) student is subject to the proposed action and disagreement exists between the parents of different students, then separate hearings shall be held subject to the provisions of A.R.S. 15-843.

H. *Step 8:* The decision and appeal procedure, if applicable, upon the conclusion of the hearing will be as follows:

1. Upon conclusion of a hearing conducted by a hearing officer, if a recommendation for expulsion is made, the decision may be appealed to the Board at the time the Board considers the recommendation. A formal letter to the responsible parent or guardian will be mailed by certified mail with return receipt requested or delivered by hand (with an adult witness present) indicating the recommendation that will be made to the Board. A copy of this letter will remain on file, and the letter should explain:
 - a. The time and place of the Board meeting at which the recommendation will be made.

- b. That the recommendation may be appealed at the time the recommendation is made to the Board.
 - c. That the appeal shall be in writing delivered to the Superintendent prior to the time of the Board meeting.
 - d. That the written appeal shall indicate a spokesperson on behalf of the student.
 - e. That the spokesperson will be given time to speak to the Board on appeal.
 - f. The Board may accept the hearing officer's recommendation or reject the recommendation and impose a different disciplinary action including assignment to an alternative educational program. The Board may grant a new hearing, take the matter under advisement, or take any further action deemed necessary. If the Board decides to expel the student the expulsion shall become effective the day after the Board's decision. The decision of the Board is final.
2. Upon conclusion of a hearing on expulsion conducted by the Board, the decision of the Board is final.

Special Education Students

A student qualified under the Individuals with Disabilities Education Act (IDEA) as revised in 2004 may not be expelled from school, unless as a result of a manifestation determination it has been determined that the student's behavior is unrelated to the child's disability. The manifestation determination must be held 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. In compliance with federal law and regulation, the student may be given a change in placement in lieu of expulsion. Expulsion may not result in termination of educational services for a student qualified under the Individuals with Disabilities Education Act. The individualized education program (IEP) team generally determines a change in placement of an IDEA qualified student. During any change in placement the school must provide services to the extent necessary to enable the child to appropriately progress in the general curriculum and appropriately advance toward achieving the goals set out in the child's individualized education programs.

A student with a disability qualified under the Americans with Disabilities Act or Section 504 of the Rehabilitation Act of 1973 and not qualified under the Individuals with Disabilities Education Act as revised in 2004, may be suspended or expelled from school and education services may be ceased, if nondisabled students in similar circumstances do not continue to receive education services.

Readmittance procedure:

- A. A student expelled from the District may request readmittance by making a written application to the Board. Readmission is at the discretion of the Governing Board. In addition, it is the prerogative of the Board to stipulate appropriate conditions for readmittance. The application for readmittance shall occur no less than nine (9) months after the date of the expulsion; however, the student may not be readmitted until at least two (2) complete semesters have passed (the remainder of the semester in which the violation has occurred and two [2] additional semesters). The application must:
1. Be written and be directed to the attention of the Governing Board.
 2. Contain all information that the student and parent(s) consider relevant to the Governing Board's determination as to whether or not to readmit the student. This should include information indicating:
 - a. An appreciation by the student of the severity and inappropriateness of the student's prior misconduct.
 - b. That such misconduct or similar misconduct will not be repeated.
 - c. A description of the student's activities since the expulsion.
 - d. Support of the student's application for readmission.
 3. Be filed in the Superintendent's office.
- B. The Governing Board shall meet in executive session to consider an initial application for readmission. The student and parents have the right to be present in the executive session but do not have the right to make a presentation or address the Governing Board unless they are asked to do so by the Governing Board. For this reason, it is important that the application for readmission contain all information that the Governing Board may deem important in determining whether to readmit the student. The Governing Board, in its sole discretion, shall determine whether the student should be readmitted, and, if so, under what restrictions and conditions. The burden is on the student and parent(s) to convince the Governing Board that readmission is appropriate considering the interests of the expelled student, the District, and the interests of the other students and staff members. The Governing Board's decision is final.
- C A student may file more than one (1) application for readmission. Applications subsequent to an initial application, however, may not be filed more frequently than every ninety (90) days, and the Governing Board shall meet to discuss and consider the application only if at least two (2) members of the Governing Board ask that the matter be placed on an agenda for discussion in executive session.

Readmittance conditions

As a condition for readmission from an expulsion, the student, with parent(s) or guardian affirmation, shall agree to the following conditions:

- A. Regular attendance – no unexcused absence.
- B. No violation of school rules or policies.
- C. Completion of all classroom tasks in a timely fashion, as directed.
- D. Depending upon the nature of the original violation for which the expulsion was provided, the student may be limited as to attendance or participation in after school activities, school sports, and extracurricular events or activities.

A student allowed readmission following expulsion shall receive a written admonition that the original expulsion will be summarily reinstated should the student commit a violation of the conditions for readmission or a criminal or civil violation reflecting on the school order.

Adopted: _____

LEGAL REF.:

A.R.S.

13-3401

13-3411

15-342

15-766

15-767

15-841

15-842

15-843

A.A.C.

R7-2-401

R7-2-405

A.G.O.

I78-103

I78-218

I80-055

I84-036

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

20 U.S.C. 7151 et seq., The Gun-Free School Act of 1990

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

CROSS REF.:

IHB - Special Instructional Programs

JK - Student Discipline

JR - Student Records

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

JLH © MISSING STUDENTS

Following proper notification, the records of each missing child will be flagged with a red sticker in the upper-right-hand corner of the cumulative folder. When records are requested for missing children, the local law enforcement agency will be notified, and no records will be sent.

The parent or surrogate of each new enrollee in the school, except homeless students, will be asked to produce one (1) of the following proofs:

- A. A certified copy of the child's birth certificate.
- B. Other reliable proof of the student's identity and age, including the student's baptismal certificate, an application for a Social Security number, or original school registration records and an affidavit explaining the inability to provide a copy of the birth certificate.
- C. A letter from the authorized representative of an agency having custody of the student (pursuant to statute) certifying that the student has been placed in the custody of the agency as prescribed by law.

The parent or surrogate will be given thirty (30) days to provide documentation requested as listed above. If documentation is not provided, a second (2nd) letter will be sent to notify the parent or guardian that unless the documentation is provided within ten (10) days, the local law enforcement agency will be notified.

Nothing contained in this policy shall authorize the school to disclose to any person a student's educational record without prior parental consent unless the school makes a determination that disclosure of such records is necessary to protect the health and safety of the student.

Within ~~five (5)~~ ten (10) days after enrolling a transfer student from a public school or from a private school, the school will request, directly from the previous school, a certified copy of the student's record. When records are requested by another school, within ten (10) days the school will comply with the request unless the record has been flagged pursuant to A.R.S. 15-829 or the request does not conform to the requirements related to proper release of records by an emancipated student or a parent or guardian.

For purposes of this policy:

- A. *Flag* means to mark or identify as pertaining to a missing child, or an indication identifying an item as pertaining to a missing child.

- B. *Missing child* means a person who is under the age of eighteen (18) years, whose temporary or permanent residence is in this state or is believed to be in this state, whose location has not been determined, and who has been reported as missing to a law enforcement agency.

Adopted: _____

LEGAL REF.:

A.R.S.

13-3620

15-824

15-828

15-829

32-1472

42 U.S.C. 11301, McKinney-Vento Homeless Assistance Act of 2001,
as amended by the Every Student Succeeds Act (ESSA) of 2015

CROSS REF.:

JF - Student Admissions

JFAB - Admission of Nonresident Students

JR - Student Records

JRCA - Request for Transfer of Records

JRCA-R ©

REGULATION

**REQUEST FOR TRANSFER
OF RECORDS**

**Requesting Records of
Transfer Students**

Upon enrollment of a transfer student from a private school or from another public school, the principal shall request that the student's parent or guardian (or an emancipated student) authorize consent for the request for the student's education records on form JR-ED.

Within ~~five (5)~~ ten (10) school days after enrolling a transfer student from a private school or from another public school, the principal shall request, directly from the student's previous school, a certified copy of the student's record.

**Responding to Requests
for Student Records**

Upon receiving a request for the records of a student who has withdrawn from school, the principal shall comply and forward the record within ten (10) days after receipt of the request, unless:

- A. The record has been flagged pursuant to A.R.S. 15-829, in which case the record shall not be forwarded and law enforcement officials shall be notified.
- B. The request does not conform to the requirements related to proper release of records by an emancipated student or parent.