

POLICY SERVICES

ADVISORY

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MANUAL UPDATES - AIMS references deleted; other legal references updated; testing requirements/transitioning; civics test; required standardized testing/parent(s) may not opt out children (A.G.O. I15-008).

Policy Advisory No. 536	.....BEC—Executive Sessions/Open Meetings
Policy Advisory No. 537	..... BEDA—Notification of Board Meetings
Policy Advisory No. 538	..... BEDH— Public Participation at Board Meetings
Policy Advisory No. 539	..... EBBB-E— Accident Reports
Policy Advisory No. 540	.....GBEB-R—Staff Conduct
Policy Advisory No. 541	.....GCCC-ED — Professional/Support Staff Leaves of Absence Without Pay
Policy Advisory No. 542	..... GCQF—Discipline, Suspension and Dismissal of Professional Staff Member
Policy Advisory No. 543	..... IKE—Promotion and Retention of Students
Policy Advisory No. 544	..... IKF — Graduation Requirements IKF-RB IKF-EA, IKF-EB
Policy Advisory No. 545	..... JFAB—Tuition/Admission of Nonresident Students
Policy Advisory No. 546	..... JK—Student Discipline JK-RB—Student Discipline
Policy Advisory No. 547	.....KDB-R—Public’s Right to Know/Freedom of Information

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

Manual Updates

The following updates are being made to the appropriate Policy Manual models.

Removal of references to Arizona Instrument to Measure Standards (AIMS). This includes documents IHA-E, IHB-R, IKE-RB, IKF, IKF-EA, IKF-RB and any local documents.

Removal of references to A.R.S. 15-701.02 (Alternative High School Graduation Requirements), R7-2-204 (repealed), and R7-2-302.09 (AIMS, Additional Credit, Augmentation).

For guidance see <http://www.azed.gov/hsgraduation/> which states, in part:

Testing Requirements

AIMS

As of February 20, 2015, passing AIMS Reading, Writing and Mathematics is no longer required for graduation from high school.

Transitioning to AzMERIT

Beginning in Spring 2015, students will take a new state exam, AzMERIT. Passing AzMERIT is not a state requirement for graduation. However, local schools may choose to develop their own academic requirements related to the AzMERIT assessment.

Civics Test

In 2015, the Arizona legislature passed the American Civics Act (House Bill 2064). This bill will require students, beginning with the graduating class of 2017, to pass a civics test based on the United States Immigration and Naturalization civics questions. Students will be required to score 60% or higher in order to graduate from high school or obtain a high school equivalency certificate. As a courtesy, the Arizona Department of Education, with help from the Maricopa County Education Service Agency and Arizona educators, has developed a mostly multiple choice version of the required test.

Other Standardized Tests

Please note that this change **does not affect** AzMERIT, NCSC, AIMS Science, AIMS A Science, or AZELLA. All of these tests will still be administered as previously scheduled.

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Required Standardized Testing/ Parent(s) May Not Opt Out Children

A.G.O. I15-008, Whether Parents Can Opt Their Children Out of Statewide School assessment Tests. In part, the attorney general stated the following:

Importantly, while a parent’s right to direct the education of a minor child allows a parent to choose whether to send a child to a public district or charter school, a private sectarian or secular school, or to choose homeschooling, it does not allow a parent who sends a child to a public school to prescribe the details of that child’s education. As the Ninth Circuit Court of Appeals noted, citing to the Sixth Circuit with favor,

While parents may have a fundamental right to decide whether to send their child to a public school, they do not have a fundamental right generally to direct how a public school teaches their child. Whether it is the school curriculum, the hours of the school day, school discipline, the timing and content of examinations, the individuals hired to teach at the school, the extracurricular activities offered at the school or, as here, a dress code, these issues of public education are generally “committed to the control of state and local authorities.”

*The opinion concludes, School districts are required to “administer the tests” prescribed by the State Board of Education. A.R.S. § 15-741(C). **Given this requirement, and because there is no right to opt out of statewide assessments, children who attend school during the testing windows are required to take assessments as scheduled.***

POLICY ADVISORY DISCUSSION

Policy Advisory No. 536 BEC—Executive Sessions/Open Meetings

A brief addition to policies BEC, BEDA, and GCQF provides districts with more clarity and direction in the posting of notices and eliminates some potential confusion in the timeline allowed for an employee to request an open hearing.

Policy Advisory No. 537 BEDA—Notification of Board Meetings

A brief addition to policies BEC, BEDA, and GCQF provides districts with more clarity and direction in the posting of notices and eliminates some potential confusion in the timeline allowed for an employee to request an open hearing.

Policy Advisory No. 538 BEDH—Public Participation at Board Meetings

This policy is modified to insure compliance with A.R.S. 38-431.01(H) pertaining to Open Meeting Law.

Policy Advisory No. 539 EBBB-E—Accident Reports

The exhibit has been altered by adding several items to the report.

Policy Advisory No. 540 GBEB-R—Staff Conduct

An addition to this regulation emphasizes the admonition pertaining to employees of engaging in any activity to influence the outcome of an election while working in an official capacity for the district. A.R.S. 15-511 should be added to the legal references in Policy GBEB.

Policy Advisory No. 541 GCCC-ED — Professional/Support Staff Leaves of Absence Without Pay

The first sentence has been deleted and some language in the first paragraph has been modified for clarity.

Policy Advisory No. 542 GCQF—Discipline, Suspension and Dismissal of Professional Staff Member

A brief addition to policies BEC, BEDA, and GCQF provides districts with more clarity and direction in the posting of notices and eliminates some potential confusion in the timeline allowed for an employee to request an open hearing.

Policy Advisory No. 543 IKE — Promotion and Retention of Students

A student's high school grade classification may be determined by each district as the definition included in the policy is neither in statute nor in the State Board of Education rules.

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In response to district inquiries, Policy Services has explained that student promotion to a higher grade at midyear is permissible and is referenced in regulation IKE-RB. The Attorney General has opined in I84-016 the following: "A student may be promoted to more than one grade higher than his present grade. A teacher may promote a student at any time during the academic year." Therefore, a district may determine the specific procedure(s) to document and standardize a mid-year/early promotion action.

Policy IKEB, Acceleration, is added as a cross reference to policy IKE.

Policy Advisory No. 544

IKF — Graduation Requirements

IKF-RB

IKF-EA, IKF-EB

Several updates are necessary in Policy IKF, a regulation, and two exhibits due to the repeal of A.R.S. 15-701.02 (Alternative High School Graduation Requirements) and the removal of references to this statute and R7-2-302.09 (AIMS, Additional Credit, Augmentation) from the Manual.

Regulation IKF-RA is now IKF-R.

Regulation IKF-RB and exhibits IKF-EA and IKF-EB are deleted from the Manual.

Districts should review the Policy Alert of July 2015 which is reproduced in part below:

Temporary Moratorium - Standardized Tests for High School Graduation

Senate Bill 1191 provides for a temporary moratorium on the requirement of obtaining a passing score on a standardized test in order to graduate from high school. This has been enacted as an emergency measure and is effective for the 2014-2015, 2015-2016, 2016-2017, and 2017-2018 school years. The civics portion of the naturalization test under section 15-701.01, Arizona Revised Statutes, is not included in the moratorium. This has not been codified in Arizona Revised Statutes.

Retroactive Effect - Pupil's Score on an Assessment and Letter Grades

Senate Bill 1289 prescribes a transition process to revise the school and school district accountability system. The bill states "Notwithstanding any other law, a pupil's score on an assessment selected pursuant to section 15-741, Arizona Revised Statutes, may not be used as a factor in determining a pupil's letter grade in any particular course in school years 2014-2015 and 2015-2016" and "is effective retroactively to from and after June 30, 2014." This has not been codified in Arizona Revised Statutes.

Required Standardized Testing/ Parent(s) May Not Opt Out Children, A.G.O. I15-008, *Whether Parents Can Opt Their Children Out of Statewide School Assessment Tests*. See the discussion above under **Manual Updates**.

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Policy Advisory No. 545

**JFAB—Tuition/Admission of
Nonresident Student**

A paragraph pertaining to the admission of students who are United States residents but nonresidents of the state has been moved and designated as a discretionary, not mandatory, action of the Governing Board.

Policy Advisory No. 546

**JK — Student Discipline
JK-RB**

Policy JK has been altered by moving some language and modifying a heading title in order to eliminate the assumption that everything that follows in this document pertains to special needs students.

Clarification has been added to communicate the rules pertaining to discipline, suspension, expulsion, and the provisions pertaining to confinement of pupils to students at the beginning of each school year, and to transfer students at the time of their enrollment in school.

The sub-title and one paragraph heading in JK-RB, are modified to “students with special needs/disabilities” to agree with the remainder of the document.

Language pertaining to restraint and seclusion applicable to all students was added to document JK, Student Discipline, in Policy Advisory 530. This has generated some discussion and questions among educators pertaining to the practical application of the policy in a variety of situations, including confrontations with students; however, it may be instructive for districts to be aware of the Governor’s letter dated April 13, 2015, expressing his recommendation that the legislature consider “*protections to well-intentioned individuals acting in good faith in emergency situations*” during the next legislative session.

Additionally, the statute pertaining to restraint and seclusion, ARS 15-105, includes this language in subsection F: *This section does not prohibit schools from adopting policies pursuant to section 15-843, subsection B, paragraph 3.*

Therefore, Policy Services has retained this paragraph in Policy JK: *Schools are not prohibited from adopting policies which include procedures for the reasonable use of physical force by certificated or support staff personnel in self-defense, defense of others and defense of property (A.R.S. 15-843, subsection B, paragraph 3.)*

The remainder of Policy Advisory 530 pertaining to document JK-RB is unchanged and has been included in the document model.

Policy Advisory No. 546

**KDB-R—Public’s Right to Know/Freedom
of Information**

This regulation is updated with information related to charges for records to be used for a commercial purpose and with changes to a superintendent’s response for making records available promptly without the necessity of a written statement of denial of access.

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Arizona Attorney General Opinion, **A.G.O. I13-012**, *Charging Copying Fees Under Arizona's Public Records Law*, provides more specifics on the issue of charging fees for noncommercial purposes. The basic questions and answers included in the opinion are these:

Questions:

1. *May a public body charge a copying fee for a public records request if the requesting party has not specifically asked for a copy of the record but the public body must make a copy to allow for inspection?*
2. *May a public body charge a copying fee when a requesting party copies public records using a personal device, provided that the copying is not disruptive to public business?*

Answers:

1. *No. Pursuant to Arizona's public records law, a member of the public is entitled to inspect public records at all times during a public body's office hours. Although a public body may charge a fee to copy and mail public records when that action is requested, the statute does not expressly permit charging a fee when the requesting party wants merely to inspect public records. If, for whatever reason, the public body must make a copy of a public record to properly provide the record to the requesting party for inspection, then charging a copying fee is not appropriate.*
2. *No. A public body may charge copying fees under Arizona's public records law only if the public body itself makes the copies using public resources and furnishes them to the requesting party. In the event that a member of the public seeks to inspect public records and make copies using his or her own personal device, Arizona's public records law does not allow a public body to charge a fee.*

The attorney general concluded that *Arizona's public records law allows a public body to impose copying fees in response to public records requests for noncommercial purposes. Under that law, a public body can impose copying fees to offset copying costs only when a requesting party asks the public body to furnish copies of records. A public body should not impose copying fees on a party making a public records request when the requesting party asks only to inspect records or uses a personal device to make his or her own copies.*

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

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BEC ©
EXECUTIVE SESSIONS / OPEN MEETINGS

The Board may enter into executive session after the following requirements have been met:

A. A notice of the executive session has been provided to the Board members and the general public stating the provision of law authorizing the executive session in accordance with Board Policy BEDA.

B. The Board has first been convened in open meeting, for which notice, stating the specific provision of law authorizing the executive session, has been given.

C. The Board President has identified the section or sections of A.R.S. 38-431.03 that authorize the holding of the executive session and has stated the language of the section(s) and a general description of the matters to be considered.

D. The executive session is authorized by a vote in open session, either during the current Governing Board meeting or at a prior meeting of the Board designating the time and the date of the future executive session.

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.

No final action, decision, or vote shall be taken while the Board is in executive session, except as provided by law.

The Board shall reconvene the open meeting after an executive session prior to adjourning the meeting.

During the executive session, all persons present in the executive session will be read the admonition on the confidentiality of the executive session minutes and deliberations.

Adopted: date of Manual adoption

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LEGAL REF.:

A.R.S.

15-843

38-431.01

38-431.02

38-431.03

A.G.O.

I79-45

I79-49

I79-126

I79-136

I80-118

I80-146

I81-058

I81-060

I81-090

CROSS REF.:

BBBB - Board Member Oath of Office

BEDA - Notification of Board Meetings

BEDG - Minutes

JKD - Student Suspension

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.

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: date of Manual adoption

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

BEDH ©
PUBLIC PARTICIPATION AT
BOARD MEETINGS

All regular and special meetings of the Board shall be open to the public.

The Board invites the viewpoints of citizens throughout the District, and considers the responsible presentation of these viewpoints vital to the efficient operation of the District. The Board also recognizes its responsibility for the proper governance of the schools and therefore the need to conduct its business in an orderly and efficient manner.

The Board therefore establishes the following procedures to receive input from citizens of the District:

A. Any individual desiring to address the Board shall complete a form (Request to Address Board) and give this form to the Superintendent prior to the start of the Board meeting.

B. The Board President shall be responsible for recognizing speakers, maintaining proper order, and adhering to any time limit set. ~~Questions of fact asked by the public shall, when appropriate, be answered by the President or referred to the Superintendent for reply.~~ Questions requiring investigation shall be referred to the Superintendent for later report to the Board. Questions or comments on matters that are currently under legal review will not receive a response.

C. If considered necessary, the President shall set a time limit on the length of the comment period. In order to ensure that each individual has an opportunity to address the Board, the President may also set a time limit for individual speakers.

~~D. Members of the public may be recognized by the President to assist the Board with information for the conduct of its official business.~~

D. Personal attacks upon Board members, staff personnel, or other persons in attendance or absent by individuals who address the Board are discouraged. Presenters are cautioned that statements or representations concerning others that convey an unjustly unfavorable impression may subject the presenter to civil action for defamation. Policies KE, KEB, KEC, and KED are provided by the Board for disposition of legitimate complaints, including those involving individuals. Upon conclusion of the open call to the public, individual members of the Board may respond to any criticism made by an individual who has addressed the Board.

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The Superintendent shall ensure that a copy of this policy is posted at the entrance to the Board meeting room, and that an adequate supply of forms is available.

Adopted: date of Manual adoption

LEGAL REF.:

A.R.S.

38-431.01

CROSS REF.:

BDB - Board Officers

BHC - Board Communications with Staff Members

BHD - Board Communications with the Public

KEB - Public Concerns/Complaints about Personnel

EBBB-E ©

EXHIBIT

ACCIDENT REPORTS

STUDENT ACCIDENT REPORT

School _____ Date of report _____

School address: _____

Name _____

Sex: Male Female Grade _____ Date of Birth _____

Age _____ Home address _____

Home address _____

Phone _____ Teacher _____

E-mail address _____

Time of accident: Hour _____ " a.m. " p.m. Date _____

Place of accident: School building School grounds To or from school
 Interscholastic athletics

Witness:

Name _____ Address _____

Phone Number _____ Title/Position _____

Description of Accident:

~~How did the accident happen?~~ What occurred and how did it occur? Using quotation marks appropriately, what did the student state? (Use quotes.) Where was the student? ~~Describe first aid given.~~

Signature of person reporting

Was the parent or other individual notified? No Yes When? _____

Name of individual notified _____ How? _____

By whom? _____

First aid treatment _____ By whom? _____

Called 911; Sent to: Home Physician Class _____ Hospital

How was student transported? _____

District office notified. Time _____ By whom? _____

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Location Athletic field Playground Classroom Corridor
of Cafeteria Dressing room Gymnasium Home ec.
accident: Bus Science lab Rest room School grounds Shop
 Showers Stairs Bus stop Other _____

Follow-up:

Report to law enforcement agency or fire department? Yes No

Agency/Dept. _____ Date of Report: _____

Officer ID Number _____ D.R./I.R. # _____

Agency/Dept. Response _____

Other _____

Total number of days absent: _____ Nature of injury: Abrasion

Amputation Animal bite Avulsed tooth Fracture

Human bite Laceration Puncture Scratches Sprain

Strain Other _____

Part of body injured: Ankle Arm Back Clavicle Elbow

Eye Face Finger Foot Hand Head Knee Leg

Nose Scalp Toe Tooth Wrist Other _____

Superintendent's signature

Date

H/A or Nurse Signature

Date

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GBEB-R ©

REGULATION

STAFF CONDUCT

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

- A. Physical or verbal abuse of, or threat of harm to, anyone.
- B. Causing damage, or threat of damage, to property of the District or property of a member of the community or a visitor to the school when the property is located on premises controlled by the District.
- C. Forceful or unauthorized entry to or occupation of District facilities, including buildings and grounds.
- D. Use, possession, distribution, or sale of alcohol or of drugs or other illegal substances.
- E. Use of profane or abusive language, symbols, or conduct.
- F. Failure to comply with lawful direction of District officials, security officers, or any other law-enforcement officer, or failure to identify oneself to such officials or officers when lawfully requested to do so.
- G. The carrying or possession of a weapon on school grounds without authorization from the appropriate school administrator.
- H. A violation of District policies and regulations.
- I. Any conduct violating federal, state, or applicable municipal law or regulation.
- J. Any other conduct that may obstruct, disrupt, or interfere with teaching, research, service, administrative, or disciplinary functions of the District, or any other activity sponsored or approved by the Board.
- K. The use of District resources, as defined in A.R.S. 15-511 and District Policy GBI, Staff Participation in Political Activities, to influence the outcome of an election.

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

A. Thoroughly acquaint themselves with the rules, regulations, and other information applicable to them contained within the policies of the Board.

B. Conduct themselves in a manner consistent with effective and orderly education and to protect the students and the District property.

C. Maintain order in a manner consistent with District policies and regulations.

D. Comply promptly with all orders of the Superintendent and the administrator who is their immediate supervisor.

E. Dress and maintain a general appearance that reflects their position and does not detract from the educational program of the school.

F. Comply with the requirement of A.R.S. 15-515 by immediately reporting to the Superintendent or the administrator who is their immediate supervisor:

1. A violation of A.R.S. 13-3102 [possession of a deadly weapon on school grounds].

2. A violation of A.R.S. 13-3111 [possession of a firearm by a minor without authorization (in Maricopa and Pima Counties and where otherwise adopted by local ordinance)].

3. A violation of A.R.S. 13-3411 [possession, use, or intent to sell marijuana, peyote, or dangerous or narcotic drugs, or intent to sell prescription-only drugs in a drug-free school zone (i.e., school grounds and the area within three hundred [300] feet and public property within one thousand [1,000] feet of school grounds, the area at a school bus stop, and a school bus)].

Any administrator receiving a report of a violation of A.R.S. 13-3102, 13-3111, or 13-3411 shall immediately report such violation to a peace officer in compliance with A.R.S. 15-515.

Employees of the District who violate these rules are subject to disciplinary action.

EXHIBIT

**PROFESSIONAL / SUPPORT STAFF
LEAVES OF ABSENCE WITHOUT PAY**

MILITARY FAMILY LEAVE

On January 28, 2008, President Bush signed into law the

The National Defense Authorization Act for FY 2008 (NDAA), Public Law 110-181, Section 585(a), of the NDAA amended the Family and Medical Leave Act of 1993 (FMLA) to provide eligible employees working for covered employers two (2) important new leave rights related to military service:

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

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

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

***A Spanish translation of this form may be downloaded
at <http://www.dol.gov/whd/fmla/index.htm>***

GCQF ©
DISCIPLINE, SUSPENSION, AND
DISMISSAL OF
PROFESSIONAL STAFF MEMBERS

Categories of Misconduct

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

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

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Statutory Requirements

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

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

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

General provisions for discipline are as follows:

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

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

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

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

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

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

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

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

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

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

Step 1 - Notice:

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

1. The conduct or omission on the part of the certificated staff member that constitutes the reason for discipline.
2. A scheduled meeting time between the supervising administrator and the certificated staff member. Such meeting shall be scheduled not more than ten (10) working days after the date the certificated staff member receives the notice.
3. A statement of the disciplinary action the supervising administrator intends to impose, including, if applicable, the number of days of suspension with or without pay.
4. Copies of any available relevant documentation, at the discretion of the supervising administrator.

Step 2 - Discipline Hearing:

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

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

Step 3 - Decision (in writing):

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

Step 4 - Appeal:

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

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

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

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

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

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

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

- A. The certificated staff member evaluation procedure or the resulting evaluations as they pertain to the adequacy of the certificated staff member's classroom performance.
- B. Letters or memorandums directed to a certificated staff member containing directives or instructions for future conduct.
- C. Counseling of a certificated staff member concerning expectations of future conduct.
- D. Nonrenewal of a contract of a certificated staff member employed by the District for less than the major portion of three (3) consecutive school years (noncontinuing certificated staff member).

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

Step 1 - Notice:

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

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

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

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

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

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

Step 2 – Hearing for Suspension Without Pay or Dismissal:

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

OPTIONS - The Governing Board may provide, (A) *by policy* or (B) *vote* at its annual organizational meeting, that all hearings conducted pursuant to this section shall be conducted before a hearing officer.

B. If the Governing Board decides not to hold a hearing, the Board shall designate a hearing officer to:

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

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

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

E. The hearing shall be held:

1. not less than fifteen (15) days, nor
2. not more than thirty (30) days.
3. after the request is filed, unless all parties to the hearing mutually agree to a different hearing date.

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

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

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

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

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

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

~~K~~ L. Within ten (10) days after a hearing conducted by the Governing Board the Board shall:

1. determine whether there existed good and just cause for the notice of dismissal or suspension, and
2. affirm or withdraw the notice of dismissal or suspension.

~~L~~ M. Within ten (10) days after a hearing conducted by a hearing officer, the hearing officer shall:

deliver a written recommendation to the Governing Board that includes findings of fact and conclusions.

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

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

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

Additional Provisions and Conditions

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

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

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

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

Adopted: date of Manual adoption

LEGAL REF.:

A.R.S.

13-2911

15-203

15-341

15-342

15-350

15-503

15-507

15-508

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

15-514
15-536
15-538
15-538.01
15-539
15-540
15-541
15-542
15-543
15-549
15-551
41-770

CROSS REF.:

DKA - Payroll Procedures/Schedules

GCJ - Professional Staff Noncontinuing and Continuing Status

GCO - Evaluation of Professional Staff Members

**IKE ©
PROMOTION AND RETENTION
OF STUDENTS**

**(Promotion or Retention of Elementary Students;
High School Course Pass or Fail)**

Regular Education

The District is dedicated to the continuous development of each student.

Year to year promotion of a student in grades one (1) through eight (8) will be based upon standards for each basic subject area as identified in the course of study. The District may conduct a ceremony to honor pupils who have been promoted from the eighth (8th) grade.

The District standards that students must achieve shall include accomplishment of the standards in reading, written communication, mathematics, science, and social studies adopted by the State Board of Education.

The promotion of a student from grade three (3) shall be conditioned on the satisfaction of the applicable competency requirements prescribed by A.R.S. [15-701](#) and depicted in Administrative Regulation IKE-RB.

In addition to these standards, test scores, grades, teacher-principal recommendations, and other pertinent data will be used to determine promotion.

Retention of students is a process that is followed when the professional staff, in consultation with the parent, determines it to be in the best interests of the student. Though primary grades are suggested as the most appropriate time, retention may be considered at any grade level.

When circumstances indicate that retention is in the best interest of the student, the student will have individual consideration, and decisions will be made only after a careful study of facts relating to all phases of the student's growth and development. The student's academic achievement level and mental ability are important, but physical and social characteristics are also important factors. A decision should be based on sufficient data, collected over a period of time and motivated by a desire to place students in school programs where they will be the most successful.

The earning of credit for a high school course is based on the student's satisfactory completion of the course academic requirements as demonstrated by the student's course grade. Periodic grade reports shall inform the student and the student's parent(s)/guardian(s) of the student's progress in a course. The teacher should further inform and confer with the student's parent(s)/guardian(s) whenever the student's lack of satisfactory progress in the course indicates a trend toward the student receiving a failing course grade. No course credit is granted for a failing grade.

~~A student's high school grade classification (i.e., freshman – ninth [9th]; sophomore – tenth [10th]; junior – eleventh [11th]; or senior – twelfth [12th]) is determined by the number of units of credit the student has earned relative to the respective minimum number of credits to attain each successive classification.~~ A student must achieve passing grades in the number of required and elective course credits prescribed by the Governing Board and the State Board of Education to be granted a high school diploma.

In addition to the above, such decisions, when applied to students enrolled in special education, shall be on a case-by-case basis, consistent with the individualized education program and in accordance with A.A.C.R7-2-301 and R7-2-401.

Special Education

Students who do not meet regular promotion requirements must meet the course of study and promotion requirements for special education under the guidance of A.A.C. R7-2-401. The programs for such students may include adaptations.

Any student unable to meet regular academic requirements for promotion must meet the requirements of an alternative curriculum derived from the regular curriculum, which will be developed by an individualized educational program (IEP) team on an individual basis. Students placed in special education will complete the course of study as prescribed in their individual promotion plans and implemented through their individual education programs. Course work will be presented at a level commensurate with the student's ability. The student's permanent file shall identify the courses completed through special education; however, the student will receive the standard certificate of promotion.

Adopted: date of Manual adoption

LEGAL REF.:

A.R.S.

15-203

15-341

15-342

15-521

15-701

15-701.01

15-715

15-802

A.A.C.

R7-2-301

R7-2-309

R7-2-401

A.G.O.

I84 - 016

CROSS REF.:

IHA - Basic Instructional Program

IKEB - Acceleration

IKF - Graduation Requirements

**IKF ©
GRADUATION REQUIREMENTS**

Regular Education

A minimum number of units of credit are required for graduation by the Arizona State Board of Education. Listed below are the units that must be completed before a student may receive a high school diploma. ~~Each student shall demonstrate accomplishment of the standards in reading, writing, science, social studies, and mathematics adopted by the State Board of Education and pass each of the sections of the required competency test. A student not successfully passing the competency test shall graduate with a recognized diploma if the student meets the alternative graduation requirements established by A.R.S. 15-701.02. The Superintendent shall prepare regulations to implement the alternative graduation requirements and appoint a hearing officer for appeals.~~

Graduation requirements may be met as follows:

- A. By successful completion of subject area course requirements.
- B. By mastery of the standards adopted by the State Board of Education and other competency requirements for the subject as determined by the Governing Board in accord with A.A.C. R7-2-302.02 and rules established by the Superintendent.
- C. By earning credits through correspondence courses (limited to one [1] in each of the four [4] major subject areas) and/or by passing appropriate courses at the college or university level if the courses are determined to meet standards and criteria established by the Board and in accord with A.R.S. 15-701.01.
- D. By the transfer of credits as described in Policy JFABC.
- E. An out-of-state transfer student is not required to pass the competency test to graduate if the student has successfully passed a statewide assessment test on state adopted standards that are substantially equivalent to the State Board Adopted Academic Standards.

Graduation requirements as determined by the Arizona State Board of Education (R7-2-302.02) and the District Governing Board are as follows:

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English	4.0 units
Math	4.0 units*
Science	3.0 units**
Social Studies	3.0 units***
American Government and Arizona Government	0.5 unit
American History - including Arizona History	1.0 unit
World History and Geography	1.0 unit
Economics	0.5 unit
Fine Arts or Career, Technical and Vocational Education	1.0 unit
Electives	<u>7.0</u> units
Total	<u>22.0</u> units

* In lieu of one (1) credit of Algebra II or its equivalent course content a student may request a personal curriculum in mathematics following R7-2-302.03.

* Math courses shall consist of Algebra I, Geometry, Algebra II, (or its equivalent) and an additional course with significant math content as determined by the Governing Board (Governing Body).

Pursuant to the prescribed graduation requirements adopted by the State Board of Education, the Governing Board may approve a rigorous computer science course that would fulfill a mathematics course required for graduation from high school. The Governing Board may only approve a rigorous computer science course if the rigorous computer science course includes significant mathematics content and the Governing Board determines the high school where the rigorous computer science course is offered has sufficient capacity, infrastructure and qualified staff, including competent teachers of computer science.

** Three (3) credits of science in preparation for proficiency at the high school level on ~~the Arizona Instrument to Measure Standards (AIMS) test or successor test.~~ a state required test.

*** Beginning in the 2016-2017 school year, the competency requirements for social studies shall include a requirement that, in order to graduate from high school or obtain a high school equivalency diploma, a pupil must correctly answer at least sixty (60) of the one hundred (100) questions listed on a test that is identical to the civics portion of the naturalization test used by the United States Citizenship And Immigration Services. The District school shall document on the pupil's transcript that the pupil has passed a test that is identical to the civics portion of the naturalization test used by the United States Citizenship and Immigration Services.

The Governing Board may determine the method and manner in which to administer a test that is identical to the civics portion of the naturalization test used by the United States Citizenship and Immigration Services. A pupil who does not obtain a passing score on the test that is identical to the civics portion of the naturalization test may retake the test until the pupil obtains a passing score.

Special Education

Listed above, under "Regular Education," are the requirements that must be completed before a student may receive a high school diploma. Completion of graduation requirements for special education students who do not meet the required units of credit shall be determined on a case-by-case basis in accordance with the special education course of study and the individualized education program of the student. Graduation requirements established by the Governing Board may be met by a student as defined in A.R.S. 15-701.01 and A.A.C. R7-2-302.

Pupils who receive special education shall not be required to achieve passing scores on ~~the Arizona Instrument To Measure Standards test~~ or the test that is identical to the civics portion of the naturalization test under section 15-701.01 in order to graduate from high school unless the pupil is learning at a level appropriate for the pupil's grade level in a specific academic area and unless a passing score on ~~the Arizona Instrument To Measure Standards test~~ or the test that is identical to the civics portion of the naturalization test under section 15-701.01 is specifically required in a specific academic area by the pupil's individualized education program as mutually agreed on by the pupil's parents and the pupil's individualized education program team or the pupil, if the pupil is at least eighteen (18) years of age.

Competency requirements. Any student who is placed in special education classes, grades nine (9) through twelve (12), is eligible to receive a high school diploma without meeting state competency requirements, ~~but reference to special education placement may be placed on the student's transcript or permanent file.~~

Adopted: date of Manual adoption

LEGAL REF.:

A.R.S.

15-203

15-341

15-701.01

~~15-701.02~~

15-763

A.A.C.

R7-2-302.02

R7-2-302.03

~~R7-2-302.09~~

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CROSS REF.:

IGD - Curriculum Adoption

IGE - Curriculum Guides and Course Outlines

IIE - Student Schedules and Course Loads

IKA - Grading/Assessment Systems

JFABC - Admission of Transfer Students

REGULATION

GRADUATION REQUIREMENTS

(Alternative Graduation Requirement)

~~Pursuant to A.R.S. 15-701.02 and A.A.C. R7-2-302.09, a pupil who fails to achieve a passing score on the State Board required competency test in reading, writing, and mathematics assessment for high school graduation may graduate if the student meets the alternative graduation requirements. Using the state approved formula, this process allows a pupil to augment their State Board required competency test scores with additional points derived from classroom performance. The pupil must meet the eligibility requirements described below to be eligible to receive augmentation points. Points are calculated using grades of C or better in the state specified credits of required coursework.~~

~~*A. Threshold determination:*~~

- ~~1. If a student's augmented assessment scores would not meet or exceed the "Meets the Standard" threshold if augmented by five percent (5%), no additional credit shall be calculated per A.R.S. 15-701.02(C).~~

~~*B. Eligibility requirements for augmentation:*~~

- ~~1. The student must have completed with a passing grade all coursework and credits prescribed for the graduation of pupils from high school by the governing board of the student's school district or charter school.~~
- ~~2. The student must have taken the State Board standards assessment at every administration when the pupil was eligible to take the test.~~
- ~~3. The student must have participated in any academic remediation program available in the student's school in those subject areas where the student failed to achieve a passing score on the State Board competency test.~~

~~*C. Failure to meet eligibility requirements - Appeal:*~~

~~1. If a student is not eligible for the standards assessment score augmentation due to failure to:~~

~~a. Have taken the State Board competency test at every administration when the pupil was eligible to take the test. An appeal, following the procedures indicated below, may be requested in which the student or parent shall have the burden of demonstrating what circumstances prevented compliance with this requirement. An appeal should be granted only upon presentation of credible evidence that extreme circumstances made the student ineligible for each State Board competency test administration the student did not attend.~~

~~b. Have participated in any academic remediation program available in the student's school in those subject areas where the student failed to achieve a passing score on the State Board competency test. An appeal, following the procedures indicated below, may be requested in which the student or parent shall have the burden of demonstrating what circumstances prevented compliance with this requirement. An appeal should be granted only upon presentation of credible evidence that the student participated in at least one (1) state or school sanctioned remediation program in those subject areas where that student failed to achieve a passing score on the State Board competency test.~~

~~D. Appeal procedure:~~

~~1. If a senior student fails a subject matter competency test, that student may request an appeal by submitting a petition form prepared by the District to the high school principal within ten (10) days of being notified of failure to achieve "Meets the Standard" on any section of the State Board competency test. The principal shall be the hearing authority for all appeals.~~

~~2. School officials shall provide adequate notice to the pupil and the pupil's parents or guardians regarding the date, time, and place of the appeal. A pupil or a pupil's representative may participate in the appeal either personally, by telephone, or by providing written documentation.~~

~~3. The student or parent shall have the burden of demonstrating what circumstances prevented compliance with the requirements.~~

~~4. An appeal shall be granted only (see Suggested Basis for Appeal below):~~

~~a. Upon presentation of credible evidence that extreme circumstances made the student ineligible for each State Board competency test administration the student did not attend.~~

~~b. Upon presentation of credible evidence that the student participated in at least one (1) state or school sanctioned remediation program in those subject areas where that student failed to achieve a passing score on the State Board competency test.~~

~~5. The response to the appeal shall be in writing within five (5) days of the appeal hearing.~~

~~6. The decision of the principal is final.~~

~~Suggested Basis for Appeal~~

~~A student who has not satisfied the requisites of A.A.C. R7-2-302.09(C)(2) and/or (3) to qualify for the alternative graduation requirement may appeal the determination to the Governing Board when one (1) or more of the conditions listed below exist:~~

~~A. The student was precluded from taking all available administrations of the AIMS assessment, or has not fully participated in the school's academic remediation program, due to a bona fide emergency. For the purpose of this regulation a bona fide emergency is defined as a circumstance beyond the student's or the student's family's control. Examples of a bona fide emergency may include, but are not limited to the following:~~

~~1. The student's sudden serious illness or injury simultaneously with the assessment or remediation program offering as attested as affirmed by a licensed medical practitioner.~~

~~2. The sudden serious illness, injury, or death of an immediate member of the student's family, as defined in Board Policy GCCA, when such circumstance prevented the student's attendance for an assessment or a remediation program offering, and when affirmed by a licensed medical practitioner.~~

~~3. Weather or road conditions that interfered with the student's attendance at the assessment or remediation program offering when the condition was declared by or has been verified with appropriate public authorities.~~

~~4. A religious event of the student's and/or the student's family's faith when the student and/or the student's family have historically and consistently participated in the religious event in lieu of any other event occurring at the same time.~~

~~The school principal must have received from the student's parent(s) written, dated, and signed notification within twenty four (24) hours, or as soon thereafter as is practicable, of any event that prevented the student from participating in the assessment or the remediation program offering. Notification by telephone or other means may temporarily suffice, but must be validated by a written, dated, and signed notification not less than fourteen (14) calendar days from the date of the event.~~

~~Other extreme and extraordinary circumstances may be considered for appeal by the Board when credible evidence is provided affirming actual occurrence of the extreme and extraordinary circumstance.~~

EXHIBIT

~~GRADUATION REQUIREMENTS~~

~~ALTERNATIVE GRADUATION REQUIREMENTS
APPEAL FORM~~

~~Appeal procedure:~~

~~A. The student may request an appeal by submitting a request on a petition form prepared by the District to the high school principal within ten (10) days of being notified of failure to achieve "Meets the Standard" on any section of the State Board competency test. The principal shall be the hearing authority for all appeals.~~

~~B. School officials shall provide adequate notice to the pupil and the pupil's parents or guardians regarding the date, time, and place of the appeal. A pupil or a pupil's representative may participate in the appeal either personally, by telephone, or by providing written documentation.~~

~~C. The student or parent shall have the burden of demonstrating what circumstances prevented compliance with the requirements.~~

~~D. An appeal shall be granted only:~~

~~1. Upon presentation of credible evidence that extreme circumstances made the student ineligible for each State Board competency test administration the student did not attend.~~

~~2. Upon presentation of credible evidence that the student participated in at least one (1) state or school sanctioned remediation program in those subject areas where that student failed to achieve a passing score on the State Board competency test.~~

~~E. The response to the appeal shall be in writing within five (5) days of the appeal hearing.~~

~~F. The decision of the principal is final.~~

Date: _____

Student Name: _____ Grade: _____

Projected Graduation Date: _____

Parent/Guardian Name: _____

Requirement(s) being appealed: (check one [1] or both boxes if applicable)

~~Has not taken the AIMS assessment each time the test was offered.~~

~~Has not participated in at least one (1) available academic remediation program as described.~~

~~Based on the box(es) checked above, provide evidence to support your appeal. Evidence must demonstrate "extreme circumstances" causing an inability to meet the augmentation requirements.~~

Signature

Date

EXHIBIT

GRADUATION REQUIREMENTS

AUGMENTATION POINTS CALCULATIONS

Threshold Determination

Multiply "Meets the Standard" for each section of the State Board competency test by the factor .95 to determine the score that must be met at a minimum before the augmentation procedure may be completed.

Calculation of Augmentation points to be used for each competency test section failed when the threshold is met.

Only classes that satisfy the specifically required subject matter credits by the State Board for graduation shall be included in the calculation of the augmentation score. Use the highest grades earned or if advanced placement/honors courses the grade credited with the most points per R7-2-302.09(E)(b & c).

Credits

	Course Name	Grades (1)(2)	Additional Points
1)	English or ESL		
1)	English or ESL		
1)	English or ESL		
1)	English or ESL		
1)	US and AZ History		
.5)	US and AZ Government		
.5)	Economics		
1)	World History/Geography		

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1) _____
_____ Mathematics

1) _____
_____ Mathematics

1) _____
_____ Mathematics

1) _____
_____ Mathematics

1) _____
_____ Science

1) _____
_____ Science

1) _____
_____ Science

1) _____
_____ Fine Arts or Vocational Education

TOTAL of * credits _____ Total added points (_____)

Total added points *divided by* * *equals*

Average Additional Points per Credit _____

Average Additional _____ (Pupil's Original _____ Augmentation
Points per Credit *times* Score, by Section) *equals* Points
_____ 100

~~Augmentation points may be added to the highest score on each section of the State Board competency test that the student may have taken.~~

~~If the augmented score of the student exceeds the passing score on the competency test, the student shall be considered to have passed the competency test in that area for graduation purposes.~~

~~(1) Advanced Placement or Honors~~

~~A equals twenty five (25) times credits equals points~~

~~B equals twenty (20) times credits equals points~~

~~C equals fifteen (15) times credits equals points~~

~~D or F equals zero (0)~~

~~(2) Other eligible grades~~

~~A equals twenty (20) times credits equals points~~

~~B equals fifteen (15) times credits equals points~~

~~C equals twelve (12) times credits equals points~~

~~D or F equals zero (0)~~

~~* See R7-2-302.09(E)(b and c).~~

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

JFAB ©
TUITION / ADMISSION OF
NONRESIDENT STUDENTS

For purposes of open enrollment a "nonresident pupil" means a student who resides in this state and who is enrolled in or is seeking enrollment in a school district other than the school district in which the student resides. A student who is not a resident of the District but is a resident of Arizona who meets the age and other requirements for open enrollment established by state law and District policy shall be admitted to a school without payment of tuition.

A student shall also be admitted to a school *without tuition* payment, if:

A. The student is the child of a United States resident who is not a resident of Arizona, if this is in the best interest of the student and the student is placed with a relative per A.R.S. 15-823 and the placement is not to avoid tuition payment.

B. The student is a resident of the United States and evidence indicates that because the parents are homeless or the child is abandoned, as defined in A.R.S. 8-201, the child's physical, mental, moral or emotional health is best served by placement with a person who does not have legal custody of the child and who is a resident within the school district, unless it is determined that the placement is solely for the purpose of obtaining an education in this state without payment of tuition.

~~C. The student is a resident of the United States, but a nonresident of this state, and all of the following conditions exist:~~

~~1. The child is enrolled in a year-round residential boarding academy located in this state specializing in intensive instruction and skill development in sports, music or acting.~~

~~2. The child's parents have executed a current notarized guardianship agreement covering the child while enrolled at the academy, which is a condition of enrollment at the academy and authorizes academy representatives to act on the child's parent's or legal guardian's behalf in making all decisions on a daily basis as to the child's activities and needs for medical, educational and other personal issues.~~

C. The student presents a certificate of educational convenience issued by the County School Superintendent pursuant to A.R.S. 15-825.

D. The student is a child of a nonresident teaching or research faculty member of a community college district or state university or a nonresident graduate or undergraduate student of a community college district or state university whose parent's presence at the district or university is of international, national, state, or local benefit.

The District shall admit the following students, *charging tuition* as prescribed in statute:

A. The child of an Arizona resident who is not a resident of the District, if the District provides a high school and the student is a resident of an Arizona common school district that is not in a high school district and that does not offer instruction in the student's grade. Special circumstances may apply in accordance with A.R.S. 15-2041 after three hundred fifty (350) students have been admitted.

B. For an Arizona resident who is not a resident of the District, if the district of residence provides only financing for students who are instructed by another school district and for students from a unified district that does not offer instruction in the student's grade.

C. A pupil who is issued a certificate of educational convenience to attend school in the School District or adjoining the school district to that in which the pupil is placed by an agency of this state or a state or federal court of competent jurisdiction, as provided in A.R.S. 15-825.

The District shall admit a pupil who is the resident of a school district that has entered into a voluntary agreement with the District, *charging tuition* as agreed to in accordance with A.R.S. 15-824(E)(3).

The Governing Board may admit children who are residents of the United States, but who are nonresidents of this state, without payment of tuition if all of the following conditions exist:

A. The child is enrolled in a year-round residential boarding academy located in this state specializing in intensive instruction and skill development in sports, music or acting.

B. The child's parents have executed a current notarized guardianship agreement covering the child while enrolled at the academy, which is a condition of enrollment at the academy and authorizes academy representatives to act on the child's parent's or legal guardian's behalf in making all decisions on a daily basis as to the child's activities and needs for medical, educational and other personal issues.

The District may admit nonresident foreign exchange students without payment of tuition, or as it may otherwise prescribe.

The District shall not include in its student membership count students who are not Arizona residents. Unless authorized by statute, the District is prohibited from obtaining state funding for any student who is not a resident of the state.

"Residence" Defined

The residence of a student is the residence of the person having legal custody of the student, except as provided in A.R.S. 15-823 through A.R.S. 15-825.

Residency of the parent/guardian or surrogate may be determined by showing the individual's presence and intent to remain in the District. Documentation of residency may be determined by using the following verifiable documentation.

Verifiable Documentation

A.R.S. 15-802(B) requires school districts and charter schools to obtain and maintain verifiable documentation of Arizona residency upon enrollment in an Arizona public school.

The documentation required by A.R.S. 15-802 must be provided each time a student enrolls in a school district or charter school in this state, and reaffirmed during the district or charter's annual registration process via the district or charter's annual registration form. The documentation supporting Arizona residency should be maintained according to the school's records retention schedule.

In general, students will fall into one (1) of two (2) groups: 1) those whose parent or legal guardian is able to provide documentation bearing his or her name and address; and 2) those whose parent/legal guardian cannot document his or her own residence because of extenuating circumstances including, but not limited to, that the family's household is multi-generational. Different documentation is required for each circumstance.

Parent(s) or legal guardian(s) that maintains his or her own residence: The parent or legal guardian must complete and sign a form indicating his or her name, the name of the school district, school site, or charter school in which the student is being enrolled, and provide *one (1)* of the following documents, which bear the parent or legal guardian's full name and residential address or physical description of the property where the student resides (no P.O. Boxes):

- A. Valid Arizona driver's license, Arizona identification card
- B. Valid Arizona motor vehicle registration
- C. Valid United States passport

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

- D. Property deed
- E. Mortgage documents
- F. Property tax bill
- G. Rental agreement or lease (including Section 8 agreement)
- H. Utility bill (water, electric, gas, cable, phone)
- I. Bank or credit card statement
- J. W-2 wage statement
- K. Payroll stub
- L. Certificate of tribal enrollment or other identification issued by a recognized Indian tribe
- M. Other documentation from a state, tribal, or federal agency (Social Security Administration, Veterans' Administration, Arizona Department of Economic Security, etc.)

Parent(s) or legal guardian(s) that does not maintain his or her own residence: The parent or legal guardian must complete and sign a form indicating his or her name, the name of the school district, school site, or charter school in which the student is being enrolled, and submit a signed, notarized affidavit bearing the name and address of the person who maintains the residence where the student lives attesting to the fact that the student resides at that address, along with a document from the bulleted list above bearing the name and address of the person who maintains the residence.

Use of and Retention of Documents by Schools

School officials must *retain a copy* of the attestations or affidavits and copies of any supporting documentation presented for each student (photocopies acceptable) that school officials believe establish validity. Documents presented may be different in each circumstance, and unique to the living situation of the student. Documents retained by the school district or charter school may be used as an indicia of residency; however, documentation is subject to audit by the Arizona Department of Education. Personally identifiable information other than name and address (SSN, account numbers, etc.) should be redacted from the documentation either by the parent/guardian or the school official prior to filing.

Adopted: date of Manual adoption

LEGAL REF.:

A.R.S.

8-201

15-802

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

CROSS REF.:

IKEB - Acceleration

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 and may be imposed if the student's behavior affects the school order. 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, national origin or ancestry. A substantial or deliberate failure to comply with the prohibition against race, color, religion, sex, national origin or ancestry may subject the District to the loss of funds imposed by A.R.S. 15-843.

The principal of each ~~District~~ school shall ensure that a copy of all rules pertaining to discipline, suspension, ~~and~~ expulsion, and the provisions pertaining to confinement of pupils are distributed to ~~each student's parents~~ the parents of each pupil at the time the ~~student enrolls in school each year.~~ pupil is enrolled in school.

The principal of each school shall ensure that all rules pertaining to the discipline, suspension, expulsion, and the provisions pertaining to confinement 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.

**~~Behavior Management and Discipline
of Students with Special Needs~~**

~~The Superintendent shall oversee a collaborative process for the identification, description, and monitoring of best practices for behavioral management and discipline of special needs students. The practices shall include, but not be limited to:~~

~~A. authorized and prohibited disciplinary methods,~~

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

~~B. recommended and required training for special education program teachers and aides, and~~

~~C. requirements for conveying notice of disciplinary measures taken.~~

~~The Superintendent shall, by administrative regulation, prescribe procedures for implementation of the best practices, subject to Governing Board approval.~~

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

Under 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.

Restraint and Seclusion

The use of restraint or seclusion is not to be limited, by policy or practice, to students with disabilities.

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

- A. The pupil's behavior presents an imminent danger of bodily harm to the pupil or others.
- B. Less restrictive interventions appear insufficient to mitigate the imminent danger of bodily harm.

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

- A. School personnel shall maintain continuous visual observation and monitoring of the pupil while the restraint or seclusion technique is in use.
- B. The restraint or seclusion technique shall end when the pupil's behavior no longer presents an imminent danger to the pupil or others.
- C. The restraint or seclusion technique shall be used only by school personnel who are trained in the safe and effective use of restraint and seclusion techniques unless an emergency situation does not allow sufficient time to summon trained personnel.
- D. The restraint technique employed may not impede the pupil's ability to breathe.
- E. The restraint technique may not be out of proportion to the pupil's age or physical condition.

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

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

- A. School personnel shall provide the pupil's parent or guardian with written or oral notice on the same day that the incident occurred, unless circumstances prevent same-day notification. If the notice is not provided on the same day of the incident, notice shall be given within twenty-four (24) hours after the incident.
- B. Within a reasonable time following the incident, school personnel shall provide the pupil's parent or guardian with written documentation that includes information about any persons, locations or activities that may have triggered the behavior, if known, and specific information about the behavior and its precursors, the type of restraint or seclusion technique used and the duration of its use.

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

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

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

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

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

1. Methods or devices implemented by trained school personnel or used by a pupil for the specific and approved therapeutic or safety purposes for which the method or device is designed and, if applicable, prescribed.
2. The temporary touching or holding of the hand, wrist, arm, shoulder or back for the purpose of inducing a pupil to comply with a reasonable request or to go to a safe location.
3. The brief holding of a pupil by one adult for the purpose of calming or comforting the pupil.
4. Physical force used to take a weapon away from a pupil or to separate and remove a pupil from another person when the pupil is engaged in a physical assault on another person.

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

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

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.

~~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.~~

Behavior Management and Discipline of Students with Special Needs/Disabilities

The Superintendent shall oversee a collaborative process for the identification, description, and monitoring of best practices for behavior management and discipline of students with special needs/ students disabilities. The practices shall include, but not be limited to:

- A. authorized and prohibited disciplinary methods,
- B. recommended and required training for special education program teachers and aides, and
- C. requirements for conveying notice of disciplinary measures taken.

~~The Superintendent shall, by administrative regulation, prescribe procedures for implementation of the best practices, subject to Governing Board approval.~~

Adopted: date of Manual adoption

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

LEGAL REF.:

A.R.S.

13-403 *et seq.*

13-2911

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 Student

REGULATION

STUDENT DISCIPLINE

**(Behavior Management and Discipline
of ~~all~~ Students With Special Needs/Disabilities)**

~~Practices and procedures for the behavior management and discipline of students shall be determined and applied in accord with the following standards:~~

**Behavior Management and
Discipline of ~~all~~ Students With Special Needs/Disabilities**

Each school shall implement positive, evidence-based, safe, and timely plans and procedures for all special needs students including those who exhibit behaviors that interfere with learning or who place themselves or others in danger. Administration, staff, parents and students are to be engaged in the development of the plans. The purpose of the plan is to identify practices that are agreed upon and complied with and reinforced by members of the school community, including the Governing Board. An objective of the plan is to provide consistency in the manner in which deviations from appropriate behavior are addressed. The plans are to be submitted to the Superintendent.

A. Plans are to be:

1. *Proactive*: Students are to be taught the critical social skills needed for success. Positive behavioral interventions and supports enable the school to set clear expectations for behavior, to acknowledge and reward appropriate behavior, and to implement a consistent continuum of consequences for challenging behavior.
2. *Comprehensive*: Positive behavioral interventions and supports are to be employed uniformly throughout the school, including non-instructional areas such as the cafeteria, hallways, and buses. School personnel are to be trained in positive behavioral interventions and supports, in data reporting, and receive support in implementation of the practices. School personnel are to be trained in areas of crisis intervention such as use of restraints and seclusion.

3. *Data driven:* The school is to rely on data for the development and modification of its positive behavioral interventions and supports approach. The data is to be tracked through office referrals as well as from classroom reports, school-based intervention teams, and crisis intervention documentation. Positive behavioral interventions and support teams are to use the data to design specific interventions to prevent challenging behaviors before they occur and to confirm the effectiveness of interventions.

A. Plans are to ensure that parents of students enrolled in the school have comprehensive information regarding behavioral expectations within the school and the planned responses should the expectations not be met. Parents are to:

1. have ready access to the school plan, and
2. be informed how to provide input into the plan.

Response to Intervention

The plans are to provide for and the school is to have in place a multi-level approach to teaching students appropriate behaviors that provide progressively intense support for students according to need.

A. Interventions shall be consistent with plans for creating and maintaining a positive school climate.

B. Provide for small group direct instruction on a regular basis to those students who are experiencing difficulty understanding or abiding by the established standards of behavior. Supports should include such strategies as increased and targeted social skills training, increased monitoring and reinforcement systems, self-management techniques, and family mentoring and involvement programs.

C. Provide a range of individualized interventions designed to address the specific behaviors continuing to cause the student difficulty. These may include counseling, more intense direct instruction, behavioral contracts, specific behavioral consequences, alternative educational programming, consideration for a referral for an evaluation for special education, and other strategies agreed upon with the parents. A functional behavioral assessment (FBA) and a behavior intervention plan (BIP) may be included and shall be required for students with disabilities when a manifestation determination is necessary.

1. The FBA must identify the triggers for the challenging behavior and what subsequent responses by staff or other students reinforce the continuation of the challenging behavior.

2. The BIP should be developed from a functional behavioral assessment and prescribe methods the staff will use to prevent, manage, replace, and monitor changes to the behavior. The BIP must be based on evidence-based practices and support the goal of making the challenging behavior irrelevant, ineffective and inefficient. The BIP must be implemented with integrity by staff trained to do so.

Crisis Management

Crisis management in the context of behavior management is defined as the methods used by school personnel to respond to imminent danger to the student, other students or staff. The two (2) most commonly used methods of crisis management are restraint (either physical or mechanical) or seclusion of the student.

A. ***Confinement.*** Disciplinary policies involving the confinement of pupils left alone in an enclosed space shall include the following:

1. 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.
2. 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.

B. ***Use of seclusion.*** *Seclusion* for the purpose of the plan is the confinement of a student alone in any space from which the student is physically prevented from leaving.

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

1. The use of seclusion is to be used only in an emergency to protect persons from imminent, serious physical harm.

2. Any area used for seclusion must be free of objects that could cause harm, must provide for adequate visual and audio supervision of the student, must provide adequate lighting and ventilation, and must not be locked.
3. Any area used for seclusion must comply with the State Fire Code.
4. School personnel must observe the student at all times during the seclusion period and reassess the child every thirty (30) minutes. When seclusion continues beyond the second assessment, an administrator or the administrator's designee must review and approve continued seclusion.
5. The student must be released from seclusion as soon as the student regains self-control.
6. If seclusion is necessary, parents and administrators must be notified within the same school day and a written notice that includes the circumstances that preceded the behavior, the behavior, the length of time the student was secluded, the location of the seclusion, and the person who observed the student during the seclusion must follow. When a student has been in seclusion for longer than one (1) hour, parent contact must be initiated immediately.
7. A debriefing with affected staff, parents, and, if appropriate, the student shall be conducted within forty-eight (48) hours. During the debriefing, a determination must be made regarding the need for a functional behavior assessment (FBA).
8. Each incident must be recorded in the student management system.
9. A student who has required crisis management by the school staff more than three (3) times in a semester must have a functional behavior assessment (FBA) and, if appropriate, a behavior intervention plan (BIP) within a reasonable time following the third (3rd) incident.
10. The District and the school must have a strategy in place to support teams in modifying a FBA and BIP when the existing plan is ineffective (e.g., continued instances of the need for crisis intervention).

C. *Prohibited uses of seclusion:*

1. Seclusion is not to be used as punishment for violations of school rules, for repetitive behaviors, or because of teacher anger toward the student.
2. Seclusion is not to be harsh, severe, or out of proportion with the offense committed and the age and physical condition of the student.
3. Seclusion is not to be used to prohibit reasonable access for the care of the student's bodily needs.
4. Seclusion must not deny a free, appropriate public education to students with disabilities through excessive or extensive use.
5. The use of seclusion is not to be limited, by policy or practice, to students with disabilities.

D. *Use of physical and mechanical restraints:* Restraint means any method or device that immobilizes or reduces the ability of a pupil to move the pupil's torso, arms, legs or head freely, including physical force or mechanical devices.

Not to be included in this definition are:

Restraints used in schools for the purpose of providing support to students' orthopedic and assistive technology needs in order to permit them to learn and participate in school activities as identified in an individualized education program (IEP).

Restraints, such as weighted vests or blankets, identified by an IEP team as appropriate for a student to enhance participation in learning activities.

Vehicle safety restraints used in accordance with state and federal regulations.

Restraints employed by law enforcement officers in school settings that are used in accord with their policies and appropriate professional standards. These instances are subject to the same reporting requirements by the school as restraints used by school personnel.

1. Physical restraint is to be a last resort emergency safety measure used only in an emergency situation when a student is imminently dangerous to him/herself or others.
2. Personnel using the restraint must take extreme care to provide for the safety and comfort of the student during the restraint procedure.

3. Personnel authorized to use restraints must have been extensively and repeatedly trained by personnel who have maintained approval by a training program to provide training in:
 - a. Alternatives to restraint (e.g., de-escalation strategies, and problem- solving techniques);
 - b. The proper use of the restraint; and
 - c. Safety precautions and procedures for continuous monitoring of a student by a third party during restraint.
4. The student must be released from the restraint as soon as the student regains self- control.
5. Parents and administrators must be notified as soon as possible within the same school day, followed by a written notice stating the circumstances that preceded the behavior, the behavior, the length of time the student was restrained, the location of the restraint and the person(s) who observed the student during the restraint.
6. A debriefing with affected staff and parents and, if appropriate, the student must be conducted within forty-eight (48) hours. During the debriefing a determination will be made regarding the need for a functional behavioral assessment (FBA).
7. An incident report of the event must be recorded in the student management system.
8. A student who has required crisis management on the part of the school staff more than three (3) times in a semester must have a functional behavioral assessment (FBA) and, if appropriate, a behavior intervention plan (BIP) developed within a reasonable time following the third (3rd) critical incident.
9. The District and the school must have a strategy to support teams in modifying a FBA and BIP when the existing plan is ineffective (e.g., continued instances of the need for crisis intervention).

E. Prohibited uses of physical and mechanical restraints:

1. Physical and mechanical restraints, such as prone restraint, that places excess pressure on the chest or back or impedes the ability to breathe or communicate are prohibited.

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

2. The use of mechanical restraint by a staff member who has not been trained in the use of restraints is prohibited except when the case is one presenting extreme danger to the student or to others, and:
 - a. The restraint is not out of proportion to the danger, the age, and the physical condition of the student;
 - b. The restraint is not used to prohibit reasonable access for the care of the student's bodily needs.
3. Restraints that provide support to a student's orthopedic needs shall not be used as a means of punishment for noncompliant behaviors.
4. No policy or practice shall limit the use of restraints to students with disabilities.

F. *Training in uses of seclusion and restraint procedures:*

1. Personnel who use seclusion and restraints procedures must have training in conflict prevention, crisis de-escalation, possible effects of seclusion, and any local or state regulations regarding the seclusion space and its use.
2. The training of personnel must be recurrent with annual updates appropriate to the type of school setting, to the age and developmental level of students. The training must include information about commonly accepted standards for the use of seclusion and restraint in the school setting.
3. The training must include content and skill development on the use of positive, instructional, and preventive methods for addressing student behavior.
4. The training must include information about the effects of medications students may be receiving and how seclusion and restraint procedures might affect the physical well being of the student during seclusion or restraint.
5. The training must include multiple methods for monitoring a student's well-being during a restraint.
6. The training must include certification in First Aid and cardiopulmonary resuscitation (CPR) in the event of an emergency during seclusion.
7. The training must include the requirements for reporting to parents and administration.

G. ***Corporal punishment:*** For the purposes of this regulation *corporal punishment* is defined as the deliberate infliction of pain intended to discipline or reform a person's bad attitude and/or behavior. Corporal punishment is prohibited.

KDB-R ©

REGULATION

PUBLIC'S RIGHT TO KNOW / FREEDOM OF INFORMATION

Public records of the District will be open for inspection by any person as provided by law.

Public record means any recorded information that is made, maintained, or kept by, or is in the possession of, the District. Such records include minutes of the Governing Board, agendas, financial records, contracts, and statistical summaries.

The office of the Superintendent will be open to receive requests for records inspection or copying during normal business hours on Monday through Friday.

Requests for access to records shall be directed to the office of the Superintendent.

All persons requesting inspection and/or copying of public records must attest that they have not requested the public records of the District for a commercial purpose. If the records are requested for a commercial purpose, the requester must provide a statement, verified by the requester, setting forth the commercial purpose for which the materials will be used.

The above declaration will be made and signed on the official form provided by the District for requesting inspection and/or copying of public records.

The Superintendent ~~may~~ shall permit access to, or provide for the copying of, the records requested ~~within a reasonable period of time~~ promptly following the request or will provide an explanation of a cause for further delay and will give notification of the time the records will be available, ~~or, if access is denied, the Superintendent will provide a written statement of the grounds for denial.~~

Requirements of access and inspection apply only to existing records and do not require creation of new records. Public inspection of a document that otherwise would be a public record may be denied by the Superintendent if 1) the record is made confidential by statute, 2) the record involves the privacy interests of persons, or 3) disclosure would be detrimental to the best interests of the District. If a public record contains material that is not subject to disclosure, the District will delete such material and make available to the requester such material in the record as is subject to disclosure.

Records contained on a computer will be provided only in the form in which the information can be made available using existing computer programs.

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Copies of radio or recording tapes of discs, video or films, pictures, slides, graphics, illustrations, or similar audio or visual items or devices will not be furnished unless such items or devices have been shown or played at a public meeting of the Governing Board.

A fee shall be levied on each request to cover the cost of making copies. The fee will be collected prior to releasing material.

The fees will be based upon the following:

- A. _____ (____) per copy for materials indicated as Board minutes, agendas, financial records, contracts, courses of study, or statistical summaries.
- B. _____ (____) per copy for materials not listed above.
- C. Actual cost, if available, will be assessed.
- D. Free copies shall be furnished if they are to be used in claims against the United States.

Commercial Purpose

When a person requests copies, printouts or photographs of public records for a commercial purpose, the person shall provide a statement setting forth the commercial purpose for which the copies, printouts or photographs will be used. Upon being furnished the statement the Superintendent may furnish reproductions of the such requested records. The charge for such records shall include the following:

- A. A portion of the cost for the District to obtaining the original or copies of the documents, printouts or photographs requested.
- B. A reasonable fee for the cost of time, materials, equipment and personnel in producing such reproduction.
- C. The value of the reproduction on the commercial market as best determined by the Superintendent.

If the Superintendent determines that the intended commercial use is a misuse of the requested public records or is an abuse of the right to receive public records, the Superintendent may apply to the Governor requesting that the Governor, by executive order, prohibit the furnishing of copies, printouts or photographs for such commercial purpose. If the Governor determines that such public record shall not be provided for commercial purpose the Governor shall issue an executive order prohibiting the providing of the requested records for such commercial purpose. If no order is issued within thirty days (30) of the date of application, the Superintendent shall provide reproductions of requested copies, printouts or photographs upon being paid the fee determined pursuant to this regulation.

The Superintendent shall advise the Board when District records are requested for commercial purposes.

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