

POLICY SERVICES ADVISORY

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Manual Updates - The following updates are being made to Policy Manual documents. Districts may add the language, citations, etc. as necessary.

Text Changes

OMB is referenced in the Manual. OMB is the Office of Management and Budget at the federal level.

Legal References/Cross References

BBA, Board Powers and Responsibilities

Add Cross Ref: KI, Visitors to Schools

JLCD, Medicines/Administering Medicines to Students

Add Legal Ref.: 15-158 and 15-203.

KI – Visitors to Schools,

Add Legal Ref.: A.G.O. I84-054

Add Cross Ref: BBA, Board Powers and Responsibilities

Alerts – Discretionary Additions

SB 1098 – Relating to Pupil Assessments

This bill makes a number of statutory changes as follows:

Arizona Instrument to Measure Standards (AIMS) is replaced by Statewide Assessment throughout the statutes.

There is a one-year extension for school districts to select an achievement assessment from the State Board of Education adopted menu of locally procured achievement assessments to measure pupil achievement of the state academic standards, instead of the test to measure pupil achievement adopted by the SBE pursuant to A.R.S. 15-741.

The extension for grades nine (9) through (12) is from the 2017 – 2018 school year to the 2018 – 2019 school year.

The extension for grades three (3) through eight (8) is from the 2018 – 2019 school year to the 2019 – 2020 school year.

Local education agencies that adopt a locally procured achievement assessment shall provide the necessary reasonable accommodations for a student who is an English Language Learner and the necessary accommodations and modifications for a student as required by the student’s individualized education program (IEP) team.

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HB 2078 – Average Daily Membership

House Bill 2078 modifies A.R.S. 15-901.07, Concurrent enrollment; calculation of average daily membership; definition. Section E is particularly important as it provides information pertaining to calculating average daily membership (ADM), stating that average daily membership shall be based on the combined hours of enrollment in the school district or charter school and at the community college or university.

Policy IKE – Promotion and Retention of Students

HB 2202, adds A.R.S. 15-249.07, a new statute which allows the ADE, subject to SBE approval to develop and maintain a dyslexia handbook to give guidance to pupils, parents and teachers regarding identification, educational strategies to enhance dyslexic students' academic performance, and descriptions of available resources and services for pupils, parents, and teachers.

This bill also adds language in A.R.S. 15-701, *Common School; promotions*, which defines Dyslexia and includes various complicating characteristics with secondary consequences for the students and challenges for the students, parents, and teachers.

School districts which modify any policy, including Policy IKE, Promotion and Retention of Students, based on the above should carefully check the statutes for applicability.

Policy JLCD – Medicines/Administering Medicines to Students

HB 2208 creates a new statute, A.R.S. 15-158, Administration of Inhalers by Trained Personnel, which allows a school district or charter school employee who is trained in the administration of inhalers to administer or assist in the administration of an inhaler to a student or an adult whom the employee believes in good faith to be exhibiting symptoms of respiratory distress while at school or a school-sponsored activity.

School districts, charter schools and employees of school districts and charter schools are immune from civil liability with respect to all decisions made and actions taken that are based on good faith implementation of the requirements of this section, except in cases of gross negligence, willful misconduct or intentional wrongdoing.

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A school district or charter school may accept monetary donations for or apply for grants for the purchase of inhalers and spacers or holding chambers or may accept donations of inhalers and spacers or holding chambers directly from the product manufacturer.

If a school district or charter school chooses to adopt the provisions of HB 2208, the law includes a number of additional directives pertaining to the administration of an inhaler, including the following:

- A. The employee has been trained.
- B. The employee believes in good faith that the person is exhibiting symptoms of respiratory distress while at school or at a school-sponsored activity.
- C. The administration is pursuant to a standing order issued by the Chief Medical Officer of a County Health Department, a physician licensed pursuant to Title 32, chapter 13 or 17, or a or nurse practitioner licensed pursuant to Title 32, chapter 15.

An addition to A.R.S. 15-203(A)(41) relating to the State Board of Education and the above, A.R.S. 15-158 enumerates various mandatory requirements for school districts and charter schools that elect to administer inhalers including annual training of at least two designated employees, specifics pertaining to the required training on respiratory distress symptoms and procedures to follow, and procedures for notifying a parent once an inhaler has been administered.

A new statute in Title 36, Public Health and Safety, A.R.S. 36-2229, Emergency Administration of Inhalers, provides more information pertaining to training, certificates, and definitions.

Any school district or charter school which adopts these discretionary responsibilities should carefully follow the pertinent directives included in A.R.S. 15-158, A.R.S. 15-203, and A.R.S. 36-2229 prior to the implementation of policy additions focusing on staff administration of inhalers.

POLICY ADVISORY DISCUSSION

Many of the advisories that follow recommend policy document revisions based on Arizona laws modified by the Fifty-third Legislature, First Regular Session, 2017. Where appropriate this series will present each applicable bill identification number related to a policy or regulation and a brief statement of content explanation.

The policy documents should be considered by the Governing Board for adoption as a policy or by the Superintendent for implementation as a regulation or exhibit.

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Policy Advisory No 588 Policy BBBA – Board Member Qualifications

House Bill 2416 makes adjustments to language found in A.R.S. 15-421, related to board member qualifications pertaining to employment with a third-party contractor. Language in Policy BBBA, *Board Member Qualifications*, reflects the new language in statute.

Policy Advisory No 589 Policy EEAEA – Bus Driver Requirements, Training, and Responsibilities

House Bill 2247 has modified the requirements for school bus drivers who must submit an Identity Verified Fingerprint Card as described in A.R.S. 15-106 that the Department of Public Safety (DPS) shall use to process the fingerprint clearance card as outlined in A.R.S. 15-106.

A person who is issued a school bus driver certificate shall maintain a valid Identity Verified Fingerprint Clearance Card for the duration of any school bus driver certification period.

DPS shall suspend a school bus driver certificate if the fingerprint clearance card is invalid, suspended, canceled or revoked.

On or before December 31, 2018, a person certified as a school bus driver must obtain a valid fingerprint clearance card and submit an Identify Verified Fingerprint Clearance Card as prescribed by A.R.S. 28-3228 to maintain certification.

A person who is certified as a school bus driver who holds a valid fingerprint clearance card may use the current valid fingerprint clearance card to satisfy requirements until such fingerprint clearance card expires, whereupon the school bus driver must obtain and maintain a valid Identity Verified Fingerprint Clearance Card for the duration of any school bus driver certification period.

Policy Advisory No 590 Policy GCQF – Discipline, Suspension, and Dismissal of Professional Staff Members

Senate Bill 1206 addresses teachers working conditions when working under a state issued short-term certification. Under the conditions presented by the new language a teacher working under short-term certification may be dismissed effective ten (10) days after delivery of the notice of dismissal. A new section in statute has been established, 15-538.02, to address this legislation. Language in Policy GCQF, *Discipline, Suspension, and Dismissal of Professional Staff Members*, has been adjusted accordingly.

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Policy Advisory No 591 Policy G DFA – Support Staff Qualifications and Requirements (Fingerprinting Requirements)

The fingerprint requirement for school bus drivers was modified in HB 2247 and A.R.S. 28-3228. An applicant shall submit an Identity Verified Fingerprint Card, as described in A.R.S. 15-106, that the department of public safety shall use to process the fingerprint clearance card, as outlined in A.R.S. 15-106.

A person who is issued a school bus driver certificate shall maintain a valid Identity Verified Fingerprint Clearance Card for the duration of any school bus driver certification period.

DPS shall suspend a school bus driver certificate if the fingerprint clearance card is invalid, suspended, canceled or revoked.

Policy Advisory No 592 Policy IE – Organization of Instruction

House Bill 2248 establishes that Joint Technical Education Districts may offer vocational education programs beyond secondary education. Policy IE, *Organization of Instruction*, has been adjusted to reflect language in A.R.S. 15-782.02. Adjusted policy language is for JTED's that offer direct instruction through JTED specific programs.

Policy Advisory No 593 Policy IJJ – Textbook/Supplementary Materials Selection and Adoption

Senate Bill 1204 makes adjustments to A.R.S 15-102, and 15-722 related to high school textbooks. Language adjustments have been made to Policy IJJ Textbook / Supplementary Materials Selection and Adoption, and Policy KB, *Parental Involvement in Education*. Adjustments pertain to the display of high school textbooks for a 60-day period and the posting of related information on the district website. Posting on the website is contingent on the district maintaining a website. These adjustments are for unified districts and high school districts.

Policy Advisory No 594 Policy IJNDB-E – Use of Technology Resources in (Instruction Electronic Information Services User Agreement)

SB 1314 – Student Accountability Information System

This bill adds A.R.S. 15-1046, which requires notifying a parent of policies regarding the use of technology and the Internet while at school and the parent's ability to prohibit the student from the use of technology and the Internet while at school. IJNDB-E is an Electronic Information Services User Agreement that requires a parent or guardian to give permission for a student to use electronic information services. Parents may exclude their children from such use of technology and the Internet by not signing the User Agreement.

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School districts that do not currently include IJNDB-E or an alternative document must do so. This sentence has been added to the Manual exhibit:

A parent may prohibit his or her child from the use of technology and the Internet by not signing the Electronic Information Services User Agreement. The child will be prohibited from the use of any district or school provided electronic information services.

Districts should be aware of the fact that numerous other restrictions in A.R.S 15-1046 are applicable to the internet operator. The school district Internet Technology Supervisor should maintain a working knowledge of the limitations on internet operators and the restrictions addressed in the statute pertaining to the use of technology and the Internet.

Policy Advisory No 595Regulation - IKE-RB – Promotion and Retention of Students

Senate Bill 1131 changes 15-701 related to a student’s promotion from third grade. Regulation IKE-RB, Promotion and Retention of Students, has, therefore, been adjusted.

Policy Advisory No 596Policy JFAA – Admission of Resident Students

Under current law, district and charter schools are required to admit students between the ages of six and twenty-one who are Arizona residents and reside in the district. HB 2107 allows military families to begin the enrollment process prior to physical arrival in the state and expands the definition of resident students to include those whose parent is transferred or is pending transfer to a military installation within this state.

Policy Advisory No 597Policy JFABC – Admission of Transfer Students (Academic Credit Transfer)

House Bill 2389 adds Chapter 7 to A.R.S. 1-701. Language in the chapter establishes that school districts may evaluate the transcripts of transfer students for the assignment of credit pursuant to A.R.S.15-701.1.

Policy Advisory No 598 Policy JFB – Open Enrollment

A.R.S. 15-184(I), Charter schools; admissions requirements, and A.R.S. 15-816.02, Desegregation provisions, have been deleted from the statutes in SB1254. Corresponding deletions have been made in the Charter Handbook and in the Policy Manual. Be aware of the fact that Policy JFB in the Manual has two versions which vary based on enrollment and the Governing Board’s selection of the appropriate policy.

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Policy Advisory No 599 Policy JL – Student Wellness

HB 2134 adds four new and similar statutes, A.R.S. 15-158, A.R.S. 36-894.01, A.R.S. 36-897.13 and A.R.S. 36-3916, which briefly discuss the use of sunscreen in schools, child care facilities, child care group homes, and a children’s camp, respectively

A.R.S. 15-158 stipulates that a pupil who attends any public school in this state may possess and use a topical sunscreen product while on school property or at a school-sponsored event without a note or prescription from a licensed health care professional.

Policy Advisory No 600Policy KB – Parental Involvement in Education

Senate Bill 1204 makes adjustments to A.R.S 15-102, *and* 15-722 related to high school textbooks. Language adjustments have been made to Policy IJJ Textbook / Supplementary Materials Selection and Adoption, and Policy KB, *Parental Involvement in Education*. Adjustments pertain to the display of high school textbooks for a 60-day period and the posting of related information on the district website. Posting on the website is contingent on the district maintaining a website. These adjustments are for unified districts and high school district.

HB 2108 eliminates the provision in A.R.S. 15-102, Parental involvement in the school; definitions, which requires the right of a parent to participate in a parental satisfaction survey pursuant to A.R.S.15-353, which is no longer in statute.

If you have any questions, call Policy Services at (602) 254-1100. Ask for Chris Thomas, ASBA General Counsel/Associate Executive Director; 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 [ddecabooter@azsba.org]. You may also fax information to (602) 254-1177.

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**BBBA ©
BOARD MEMBER QUALIFICATIONS**

(Governing Board Membership)

A person who is a registered voter of this state and has been a resident of the District for one (1) year immediately preceding the day of election is eligible for election to the office of Governing Board member.

No employee of the District, including a person who directly provides certificated or support services to the District as an employee of a third-party contractor, or the spouse of such employee may hold membership on the Governing Board of this District.

A Governing Board member is ineligible to serve simultaneously as a member of any other school district governing board, except that a Governing Board member may be a candidate for nomination or election for any other governing board if serving in the last year of a term of office.

**Five-Member Board Same
Household Limitation**

By legislative restriction applicable to five (5) member Boards, persons related as immediate family and having the same household within four (4) years:

- A. Shall not serve simultaneously on the Governing Board.
- B. Are ineligible to be a candidate for nomination or election to the Governing Board, except when a member is serving in the last year of a term of office.
- C. Are ineligible to be simultaneous candidates for nomination or election to the Governing Board.

A qualified elector residing in the District may bring an action in Superior Court to enforce these restrictions.

For purposes of this policy, the definitions of "immediate family" and "household of residence" set out in A.R.S. 15-421 shall apply.

Adopted: date of Manual adoption

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LEGAL REF.:

A.R.S.

15-421

38-201

38-296.01

Arizona Constitution, Article VII, Section 15

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EEAEA ©
BUS DRIVER REQUIREMENTS, TRAINING,
AND RESPONSIBILITIES

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

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

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

Adopted: date of Manual adoption

LEGAL REF.:

A.R.S.

15-106

28-857

28-3228

A.A.C.

R17-4-508 *et seq.*

G DFA – Support Staff Qualifications and Requirements

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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.

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Q. Being involved in excessive absenteeism.

R. Carrying or possessing a weapon on school grounds unless they are peace officers or have obtained specific authorization from the appropriate school administrator.

Statutory Requirements

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

A. May not be suspended with or without pay for a period exceeding ten (10) school days under A.R.S. 15-341.

B. May be suspended without pay for a period of time greater than ten (10) school days or dismissed under A.R.S. 15-539.

C. Shall be disciplined under procedures that provide for notice, hearing, and appeal, subject to the requirements of A.R.S. 15-341 or A.R.S. 15-539, whichever is appropriate.

D. Shall, if disciplined under A.R.S. 15-539 or other applicable statutes, excluding A.R.S. 15-341, receive notice in writing served upon the certificated staff member personally or by United States registered or certified mail addressed to the employee's last-known address. A copy of charges specifying instances of behavior and the acts of omissions constituting the charge(s), together with a copy of all applicable statutes, shall be attached to the notice.

E. Shall have the right to a hearing in accordance with the following:

1. *Suspension under A.R.S. 15-341.* The supervising administrator will schedule a meeting not less than two (2) days nor more than ten (10) days after the date the certificated staff member receives the notice.

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

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

General provisions for discipline are as follows:

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

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

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

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

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

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

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

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

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

Step 1 - Notice:

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

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

Step 2 - Discipline Hearing:

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

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

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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.

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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).

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**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.

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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.

PLEASE CHOSE OPTION - 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.

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

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

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

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

L. Within ten (10) days after a hearing conducted by 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.

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.

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.

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.

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

Additional Provisions and Conditions

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

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

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

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

Teachers Working Under a Short-Term Certification

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

Adopted: 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.

13-2911

15-203

15-341

15-342

15-350

15-503

15-507

15-508

15-514

15-536

15-538

15-538.01

15-538.02

15-539

15-540

15-541

15-542

15-543

15-549

15-551

41-770

CROSS REF.:

DKA - Payroll Procedures/Schedules

GCJ - Professional Staff Noncontinuing and Continuing Status

GCO - Evaluation of Professional Staff Members

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

G DFA ©
SUPPORT STAFF QUALIFICATIONS
AND REQUIREMENTS

(Fingerprinting Requirements)

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

- A. Personnel who are required as a condition of licensing to be fingerprinted if the license is required for employment.
- B. Personnel who were previously employed by the District and who reestablished employment with the District within one (1) year after the date that the employee terminated employment with the District.

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

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

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

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

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

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

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

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

- A. Sexual abuse of a minor.
- B. Incest.
- C. First- or second-degree murder.
- D. Kidnapping.
- E. Arson.
- F. Sexual assault.
- G. Sexual exploitation of a minor.

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- H. Felony offenses involving contributing to the delinquency of a minor.
- I. Commercial sexual exploitation of a minor.
- J. Felony offenses involving sale, distribution, or transportation of, offer to sell, transport, or distribute, or conspiracy to sell, transport, or distribute marijuana or dangerous or narcotic drugs.
- K. Felony offenses involving the possession or use of marijuana, dangerous drugs, or narcotic drugs.
- L. Misdemeanor offenses involving the possession or use of marijuana or dangerous drugs.
- M. Burglary in the first degree.
- N. Burglary in the second or third degree.
- O. Aggravated or armed robbery.
- P. Robbery.
- Q. A dangerous crime against children as defined in A.R.S. 13-705.
- R. Child abuse.
- S. Sexual conduct with a minor.
- T. Molestation of a child.
- U. Manslaughter.
- V. Aggravated assault.
- W. Assault.
- X. Exploitation of minors involving drug offenses.

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

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

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

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

- A. Provide for fingerprinting of employees covered under this policy and A.R.S. 15-512.
- B. Provide for fingerprint checks pursuant to A.R.S. 41-1750
- C. Provide for properly assessing employees for fingerprint checks and depositing said funds with the county treasurer.

Adopted: date of Manual adoption

LEGAL REF.:

A.R.S.

15-106

15-512

23-1361

41-1750

CROSS REF.:

EEAEA – Bus Driver Requirements, Training, and Responsibilities

GDF - Support Staff Hiring

GDG - Part-Time and Substitute Support Staff Employment

JLIA - Supervision of Students

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

IE ©
ORGANIZATION OF INSTRUCTION

Instructional Program
High School

The instructional program shall be for high school, which shall include grades nine (9) through twelve (12).

The organizational plan shall be subject to change by the Governing Board whenever the needs of the students and/or District warrant such change. The District will coordinate and articulate a grade nine (9) through twelve (12) instructional program.

Instructional Program
Adult Students

The District may offer vocational education programs beyond secondary education to adult students who have either graduated from high school or obtained a general education diploma.

LEGAL REF.:
A.R.S.
15-782.02

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

IJJ ©
TEXTBOOK / SUPPLEMENTARY
MATERIALS
SELECTION AND ADOPTION

The Board will approve and adopt all new textbooks and supplementary books. The Superintendent shall establish textbook selection procedures that shall provide for the appropriate involvement of staff members, students, and community members. These procedures may provide for the establishment of textbook selection committees. Recommendations from textbook selection committees will be forwarded to the Superintendent.

Textbooks and supplementary books for common schools recommended by textbook selection committees will be placed on display in the District office for a period of at least sixty (60) days prior to the meeting at which the Board will consider their adoption.

Textbooks for high schools recommended by textbook selection committees will be placed on display in the District office for a period of at least sixty (60) days prior to the meeting at which the Board will consider their adoption. Information related to high school textbooks, which are proposed for approval, shall be placed on the District website.

In recommending books, the committees will strive for continuity of textbooks throughout the different grades and use the same book series in all classes of the same grade.

Objectives of Selection

It is the responsibility of the school textbook committees to:

- A. Recommend resources that will support and enrich the curriculum, taking into consideration the varied interests, abilities, learning styles, and maturity levels of students served.
- B. Recommend resources that will stimulate growth in factual knowledge, critical analysis of differing sides of issues, literary appreciation, aesthetic values, and recognition of various societal values.
- C. Place principle above personal opinion and reason above prejudice in the recommendation of resources of the highest quality in order to assure a comprehensive collection of resources appropriate for the complete education of all students.

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The Superintendent will establish procedures for the purchase and distribution of all necessary textbooks, supplemental books, and other related instructional materials from the adopted list free of cost to students.

Removal of Textbooks/Supplementary Materials

Textbook selection committees may recommend to the Superintendent that certain previously adopted textbooks or supplementary materials be deleted from the Board-approved list. Textbooks and supplementary materials will not be deleted without the approval of the Board.

Disposal of Learning Materials

The Board authorizes the Superintendent to establish regulations for the disposal of surplus or outdated learning materials when it has been determined that the cost of selling such materials equals or exceeds estimated market value of the learning materials.

Adopted: date of Manual adoption

LEGAL REF.:

A.R.S.
15-203
15-342
15-721
15-722
15-726

CROSS REF.:

DN - School Properties Disposition
IJL - Library Materials Selection and Adoption
KEC - Public Concerns/Complaints about Instructional Resources

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

IJNDB-E ©

EXHIBIT

**USE OF TECHNOLOGY RESOURCES
IN INSTRUCTION**

**ELECTRONIC INFORMATION SERVICES
USER AGREEMENT**

Details of the user agreement shall be discussed with each potential user of the electronic information services (EIS). When the signed agreement is returned to the school, the user may be permitted use of EIS resources.

A parent may prohibit his or her child from the use of technology and the Internet by not signing the Electronic Information Services User Agreement. The child will be prohibited from the use of any District- or school-provided electronic information services.

Terms and Conditions

Acceptable use. Each user must:

- A. Use the EIS to support personal educational objectives consistent with the educational goals and objectives of the School District.
- B. Agree not to submit, publish, display, or retrieve any defamatory, inaccurate, abusive, obscene, profane, sexually oriented, threatening, racially offensive, or illegal material.
- C. Abide by all copyright and trademark laws and regulations.
- D. Not reveal home addresses, personal phone numbers or personally identifiable data unless authorized to do so by designated school authorities.
- E. Understand that electronic mail or direct electronic communication is not private and may be read and monitored by school employed persons.
- F. Not use the network in any way that would disrupt the use of the network by others.
- G. Not use the EIS for commercial purposes.

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- H. Follow the District's code of conduct.
- I. Not attempt to harm, modify, add/or destroy software or hardware nor interfere with system security.
- J. Understand that inappropriate use may result in cancellation of permission to use the educational information services (EIS) and appropriate disciplinary action up to and including expulsion for students.

In addition, acceptable use for District employees is extended to include requirements to:

- A. Maintain supervision of students using the EIS.
- B. Agree to directly log on and supervise the account activity when allowing others to use District accounts.
- C. Take responsibility for assigned personal and District accounts, including password protection.
- D. Take all responsible precautions, including password maintenance and file and directory protection measures, to prevent the use of personal and District accounts and files by unauthorized persons.

Personal responsibility. I will report any misuse of the EIS to the administration or system administrator, as is appropriate.

I understand that many services and products are available for a fee and *acknowledge my personal responsibility for any expenses incurred without District authorization.*

Network etiquette. I am expected to abide by the generally acceptable rules of network etiquette. Therefore, I will:

- A. *Be polite and use appropriate language.* I will not send, or encourage others to send, abusive messages.
- B. *Respect privacy.* I will not reveal any home addresses or personal phone numbers or personally identifiable information.
- C. *Avoid disruptions.* I will not use the network in any way that would disrupt use of the systems by others.

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

D. *Observe the following considerations:*

1. Be brief.
2. Strive to use correct spelling and make messages easy to understand.
3. Use short and descriptive titles for articles.
4. Post only to known groups or persons.

Services

The School District specifically denies any responsibility for the accuracy of information. While the District will make an effort to ensure access to proper materials, the user has the ultimate responsibility for how the electronic information services (EIS) is used and bears the risk of reliance on the information obtained.

I have read and agree to abide by the School District policy and regulations on appropriate use of the electronic information system, as incorporated herein by reference.

I understand and will abide by the provisions and conditions indicated. I understand that any violations of the above terms and conditions may result in disciplinary action and the revocation of my use of information services.

Name _____

Signature _____ Date _____
(Student or employee)

School _____ Grade (if a student) _____

Note that this agreement applies to both students and employees.

The user agreement of a student who is a minor must also have the signature of a parent or guardian who has read and will uphold this agreement.

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Parent or Guardian Cosigner

As the parent or guardian of the above-named student, I have read this agreement and understand it. I understand that it is impossible for the School District to restrict access to all controversial materials, and I will not hold the District responsible for materials acquired by use of the electronic information services (EIS). I also agree to report any misuse of the EIS to a School District administrator. (Misuse may come in many forms but can be viewed as any messages sent or received that indicate or suggest pornography, unethical or illegal solicitation, racism, sexism, inappropriate language, or other issues described in the agreement.)

I accept full responsibility for supervision if, and when, my child's use of the EIS is not in a school setting. I hereby give my permission to have my child use the electronic information services.

Parent or Guardian Name (print) _____

Signature _____ Date _____

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

IKE-RB ©

REGULATION

**PROMOTION AND RETENTION
OF STUDENTS**

**Competency Requirements
for Promotion of Students
from Third Grade**

The District shall identify each student who is at risk of reading below grade level in kindergarten and grades one (1), two (2), and three (3). The District shall provide an annual specific written notification to parents or guardians of students in kindergarten programs and first (1st), second (2nd) and third (3rd) grades that a student who obtains a score on the reading portion of a state required ~~test~~ assessment that demonstrates the student is reading far below the third (3rd) grade level or the equivalent as established by the Board will not be promoted from the third (3rd) grade.

If the student's school has determined that the student is substantially deficient in reading before the end of grade three (3), the District shall provide to the parent or guardian of that student a separate specific written notification of the reading deficiency that includes the following information:

A. A Description of the student's specific individual needs

~~A. B.~~ A description of the current reading services provided to the student.

~~B. C.~~ A description of the available supplemental instructional services and supporting programs that are designed to remediate reading deficiencies. The District shall offer ~~at least~~ more than one (1) evidence-based intervention strategy and ~~at least~~ more than one (1) remedial strategy developed by the State Board of Education for pupils with reading deficiencies. The notification shall list the intervention and remedial strategies offered and shall instruct the parent or guardian to choose, in consultation with the student's teacher, the ~~strategy~~ most appropriate strategies that will be implemented for the student.

~~C. D.~~ Parental/guardian strategies to assist the student to attain reading proficiency.

~~D. E.~~ A description of the District policies on midyear promotion to a higher grade.

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Competency requirements for the promotion of a student from the third (3rd) grade shall include the following:

A. The student shall not be promoted from the third (3rd) grade if the pupil obtains a score on the reading portion of a state required test that demonstrates the student's reading skills fall far below the third (3rd) grade level or the equivalent as established by the Board, unless the student is exempt from mandated retention or the pupil qualifies for an exemption as determined by the Governing Board.

B. The Governing Board may promote a student from the third (3rd) grade if the student obtains a score on the reading portion of a state required test that demonstrates the student's reading skills fall far below the third (3rd) grade level for any of the following:

1. A good cause exemption if the student is an English learner or a limited proficient student as defined in section 15-751 and has had fewer than two (2) years of English language instruction.

2. A pupil who is in the process of a special education referral or evaluation for placement in special education or a pupil who has been diagnosed as having a significant reading impairment, including dyslexia or a pupil who is a child with a disability as defined in section 15-761 if the pupil's individualized education program team and the pupil's parent or guardian agree that promotion is appropriate based on the pupil's individualized education program. "Dyslexia" as defined in section 15-701 means a brain-based learning difference that impairs a person's ability to read and spell, that is independent of intelligence and that typically causes a person to read at levels lower than expected.

3. A pupil who receives intervention and remedial services during the summer or subsequent school year pursuant to those indicated below under "Intervention and Remedial Strategies Developed by the State Board of Education" and demonstrates sufficient progress may be promoted from the third grade based on guidelines issued pursuant to the description of the school district or charter school policies on midyear promotion to a higher grade.

C. The student has demonstrated reading proficiency on an alternate assessment approved by the State Board of Education (SBE).

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A pupil may not be retained if data regarding the pupil's performance on the state required test is not available before the start of the following academic year. A pupil who is not retained due to the unavailability of test data must receive intervention and remedial strategies as in the section immediately below if the third (3rd)-grade assessment data subsequently demonstrates that the pupil's reading ability falls far below the third (3rd)-grade level or the equivalent.

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

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

- A. A requirement the student be assigned to a different teacher, who was designated in that teacher's most recent performance evaluation in one (1) of the top two (2) performance classifications pursuant to section 15-203, for reading instruction.
- B. Summer school reading instruction.
- C. Intensive reading instruction in the next academic year that occurs before, during, or after the regular school day, or any combination of before, during and after the regular school day.
- D. Online reading instruction.

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

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

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

**JFAA ©
ADMISSION OF
RESIDENT STUDENTS**

A student who is a resident of the District and who meets the applicable age requirements established by state law shall be admitted without payment of tuition to the school in the attendance area in which the student resides and may be admitted as a resident transfer student to another school in the District in accordance with the District's open enrollment policy.

The following students are residents of the District:

A. A student who is in the legal custody of a natural or adoptive parent or other person to whom custody has been granted by a court order and who resides with the parent or other person in the District.

B. A student who is an emancipated minor and whose place of residence is in the District. When determining whether a minor is emancipated, the Superintendent will consider such factors as whether the student is married, financially independent, and residing away from the family domicile with parental consent.

C. A student who is eighteen (18) years of age or older and whose place of residence is in the District.

D. A student who is homeless, and who attended a school in the District at the time of becoming homeless.

E. A student who resides with a family member living in the District while awaiting the outcome of a legal guardianship or custody proceeding if the family provides written documentary proof in accord with 15-821(D).

F. A student whose parent is transferred to or is pending transfer to a military installation within this state while on active military duty pursuant to an official military order.

The residency of a student, natural or adoptive parent, or other person to whom custody of the student has been granted by court order shall be based upon evidence of the individual's physical presence and intent to remain in the District. Such evidence of residency may be determined by using the following verifiable documentation.

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

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
- 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

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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.

15-802

15-816 *et seq.*

15-821

15-823

15-823.01

15-824

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

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

CROSS REF.:

IKEB - Acceleration

JFAB - Admission of Nonresident Students

JFABD - Admission of Homeless Students

JFB - Open Enrollment

JG - Assignment of Students to Classes and Grade Levels

JLCB - Immunizations of Students

JLH - Missing Students

JR - Student Records

JRCA - Request for Transfer of Records

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

JFABC ©
ADMISSION OF TRANSFER STUDENTS

(Academic Credit Transfer)

Academic credit for students who transfer from private or public schools shall be determined on a uniform and consistent basis.

Elementary

Academic credit for placement in the common school subjects and grades shall be based upon teacher recommendations and previous grade level assignments subject to the determination that the student can meet the standards adopted by the State Board of Education for the grade level assignment.

Credit for Graduation Requirements

Core credit for purposes of this policy shall be the units of credit specifically named as required for graduation by the State Board of Education in R7-2-302.02.

The District may evaluate the transcripts of transfer students for the assignment of credit pursuant to Section 15-701.01.

The School District shall provide to a pupil who transfers credit from a charter school, school district or Arizona online instruction a list that indicates which credits have been accepted as either elective or core credits by the School District.

Within ten (10) school days after receiving the list, a pupil may request to take an examination in each particular course in which core credit has been denied. The School District shall accept the credit as a core credit for each particular course in which the pupil takes an examination and receives a passing score on a test, aligned to the competency requirements adopted pursuant to this section, designed and evaluated by a teacher in the School District who teaches the subject matter on which the examination is based.

The School District may not charge a fee to a pupil who takes an examination in a particular course to obtain academic credit, pursuant to section 15-701.01, subsection i, from the School District if the academic credit for a course was previously earned in an Arizona online instruction course or at any public school in this state. Any test administered pursuant to this subsection shall be an assessment that is aligned to the course relevant state academic standards.

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

If a pupil is enrolled in the School District and that pupil also participates in Arizona online instruction between May 1 and July 31, the School District shall not require proof of payment as a condition of the School District accepting credits earned from the online course provider.

All core credit courses must meet the standards adopted by the State Board of Education where such standards exist. Where standards have not been adopted by the State Board of Education, core credit courses must meet the standards established for the school to which the student has requested a transfer of credit.

Adopted: date of Manual adoption

LEGAL REF.:

A.R.S.

1-701

15-189.03

15-701.01

15-745

15-808

A.A.C.

R7-2-302.02

CROSS REF.:

JG - Assignment of Students to Class

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

JFB © OPEN ENROLLMENT

The District has an open-enrollment program as set forth in A.R.S. 15-816 *et seq.* The open enrollment program described in this policy shall be placed on the District website and made available to the public on request.

No tuition shall be charged for open enrollment, except as authorized by applicable provisions of A.R.S. 15-764, 15-797, 15-823, 15-824, and 15-825.

Definitions

Resident transfer pupil means a resident pupil who is enrolled in or seeking enrollment in a school that is within the school district - but outside the attendance area - of the pupil's residence.

Nonresident pupil means a pupil who resides in this state and who is seeking enrollment in a school district other than the school district in which the pupil resides.

Enrollment Options

District resident pupils may enroll in another school district or in another school within this District. Resident transfer pupils and nonresident pupils may enroll in schools within this District, subject to the procedures that follow.

Information and Application

The Superintendent shall prepare a written information packet concerning the District's application process, standards for acceptance or rejection, and policies, regulations, and procedures for open enrollment. The packet will be made available to everyone who requests it.

The information packet shall include the enrollment application form and shall advise applicants that they must submit enrollment applications on or before _____ of each year to be considered for enrollment during the following school year.

Capacity

The Superintendent shall annually estimate how much excess capacity may exist to accept transfer pupils. The estimate of excess capacity shall be made for each school and grade level and shall take into consideration:

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- A. District resident pupils in assigned school attendance areas, including those issued certificates of educational convenience and those required to be admitted by statute.
- B. The enrollment of eligible children of persons who are employed by the District.
- C. Resident transfer pupils who were enrolled in the school the previous year.
- D. Nonresident pupils who were enrolled in the school the previous year.

The Governing Board shall make the final determination of excess capacity and may require resident transfer pupils and/or nonresident pupils to be subject to the enrollment priorities and procedures found below. The excess-capacity estimates shall be made available to the public in _____ of each year.

Enrollment Priorities

If the Governing Board has determined that there is excess capacity to enroll additional pupils, such pupils shall be selected on the basis of designated priority categories from the pool of pupils:

- A. Who have properly completed and submitted applications; *and*
- B. Who meet admission standards.

Enrollment priorities and procedures for selection shall be in the order and in accordance with the following:

- A. Enrollment preference shall be given to resident transfer pupils who were enrolled in the school the previous year and any sibling who would be enrolled concurrently with such pupils. If capacity is not sufficient to enroll all of these pupils, they shall be selected through a random selection process adopted by regulation of the Superintendent.
- B. Enrollment preference shall be given to nonresident pupils who were enrolled in the school the previous year and any sibling who would be enrolled concurrently with such pupils. If capacity is not sufficient to enroll all of these pupils, they shall be selected through a random selection process adopted by regulation of the Superintendent.

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C. Enrollment preference shall be given to resident transfer pupils who were not enrolled in the school the previous year. If capacity is not sufficient to enroll all of these pupils, they shall be selected through a random selection process adopted by regulation of the Superintendent.

D. Enrollment preference shall be given to nonresident pupils who were not enrolled in the school the previous year. If capacity is not sufficient to enroll all of these pupils, they shall be selected through a random selection process adopted by regulation of the Superintendent.

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

Admission Standards

A school district may refuse to admit any pupil who has been expelled from another educational institution or who is in the process of being expelled from another educational institution.

~~A school shall not admit a pupil if the admission of the pupil would violate the provisions of a court order of desegregation or agreement by a school or district with the United States Department of Education Office for Civil Rights directed toward remediating alleged or proven racial discrimination.~~

Notification

The District shall notify the emancipated pupil, parent, or legal guardian in writing by _____ whether the applicant has been accepted, placed on a waiting list pending the availability of capacity, or rejected. The District shall also notify the resident school district of an applicant's acceptance or placement on a waiting list. If the applicant is placed on a waiting list, the notification shall inform the emancipated pupil, parent, or legal guardian of the date when it will be determined whether there is capacity for additional enrollment in a school. If the pupil's application is rejected, the reason for the rejection shall be stated in the notification.

As provided by A.R.S. 15-816.07, the District and its employees are immune from civil liability for decisions relative to the acceptance or rejection of the enrollment of a nonresident student when the decisions are based on good faith application of this policy and the applicable statutory requirements and standards.

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Transportation of Students Admitted Through Open Enrollment

A resident transfer student is eligible for District transportation on routes within the attendance boundaries of the school to which the student has been accepted for open enrollment transfer. It is the responsibility of the parents or guardians of the resident transfer student to have the student at a designated pickup point within the receiving school's transportation area. Nonresident open enrollment students are eligible for District transportation from a designated pickup point on a bus route serving the attendance area of the school to which the student has been admitted, or as may be otherwise determined by the District.

The District *may* provide transportation for open enrollment nonresident students who meet the economic eligibility requirements established under the national school lunch and child nutrition acts for free or reduced price lunches:

- A. of not more than twenty (20) miles to and from:
 - 1. the school of attendance, or
 - 2. a pickup point on a regular District transportation route, or
 - 3. for the total miles traveled each day to an adjacent district.

The District *shall* provide transportation for nonresident transfer students with disabilities whose individualized education program (IEP) specifies that transportation is necessary for fulfillment of the program:

- A. of not more than twenty (20) miles to and from:
 - 1. the school of attendance, or
 - 2. a pickup point on a regular District transportation route, or
 - 3. for the total miles traveled each day to an adjacent district.

Exception

Should there be excess capacity remaining for which no applications were submitted by the date established, the Superintendent, upon approval by the Board, shall authorize additional enrollment of nonresident pupils:

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- A. Up to the determined capacity.
- B. On the basis of the order of the completed applications submitted after the notification date established in this policy.
- C. Without regard to enrollment preference.
- D. As long as admission standards are met.
- E. Whose applications are submitted by _____.

Adopted: date of Manual adoption

LEGAL REF.:

A.R.S.

8-371

15-764

15-797

15-816 *et seq.*

15-823

15-824

15-825

15-841

15-922

CROSS REF.:

EEAA - Walkers and Riders

IIB - Class Size

JF - Student Admissions

JFAA - Admission of Resident Students

JFAB - Admission of Nonresident Students

JFABD - Admission of Homeless Students

JG - Assignment of Students to Classes and Grade Levels

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JL ©
STUDENT WELLNESS

The School District strives to make a significant contribution to the general well-being, mental and physical capacity, and learning ability of each student while affording them the opportunity to fully participate in the educational process.

The District is committed to providing school environments that promote and protect children's health, well-being, and ability to learn by supporting healthy eating and physical activity. Healthy eating is demonstrably linked to reduced risk for mortality and development of many chronic diseases as adults.

To ensure the health and well-being of all students, the Board shall promote and monitor student wellness in a manner that the Board determines is appropriate in the following areas:

A. *Nutrition Guidelines*: All foods available in each school during the day will have as a primary goal the promotion of student health and the reduction of childhood obesity. All guidelines for reimbursable school meals shall not be less restrictive than regulations and guidance issued by the Secretary of Agriculture, as those regulations and guidance apply to schools.

B. *Nutrition Education*: The goal is to influence students' eating behaviors by providing nutrition education that is appropriate for students' ages; reflects students' cultures; is integrated into health education or core curricula; and provides opportunities for students to practice skills and have fun.

C. *Physical Activity*: The goals for physical activity are to provide opportunities for every student to develop the knowledge and skills for specific physical activities, to maintain students' physical fitness, to ensure students' regular participation in physical activity, and to teach students the short- and long-term benefits of a physically active and healthful lifestyle.

D. *Sunscreen*: The goal is to emphasize skin health and promote the application of sunscreen products and to inform students that a student who attends school in this District may possess and use a topical sunscreen product while on school property or at a school-sponsored event without a note or prescription from a licensed health care professional.

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~~D.~~ E. *Other School-Based Activities:* The goal is to create a total school environment that is conducive to healthy eating and physical activity.

~~E.~~ F. *Evaluation/Implementation:* A primary goal will be to regularly (at least annually) evaluate the effectiveness of this policy in promoting healthy eating and changing the program as appropriate to increase its effectiveness. Such evaluation will be measurable. The results of each evaluation, including the extent to which schools are in compliance with District policy, the extent to which the District policy complies with federal regulations, and a description/summary of the progress made in attaining the goals of the District, shall be made available to the public. Physical education teachers and school health professionals shall have an opportunity to participate in the evaluation and implementation of this policy.

~~F.~~ G. *Parent, Community and Staff Involvement:* A primary goal will be to engage family members, students, and representatives of the school food authority, the Governing Board, school administrators, and the public in development and regular review of this school policy.

The Superintendent is directed to develop administrative regulations to implement this policy, including such provisions as may be necessary to address all food and beverages sold and/or served to students at school (i.e., competitive foods, snacks and beverages sold from vending machines, school stores, after-school programs, and funding-raising activities and refreshments that are made available at school parties, celebrations and meetings), including provisions for staff development, family and community involvement and program evaluation. The Superintendent shall institute and clearly communicate a meal charge policy to all District households and District staff responsible for policy enforcement that is consistent with aspects of the Healthy Hunger-Free Kids Act of 2010 applicable to the District. Regulations and exhibits created for the purpose of implementing this policy shall be considered, in effect, to be an extension of this policy subject to Governing Board review.

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LEGAL REF.:

A.R.S.

15-158

15-242

42 U. S. C. 1751 *et seq.* (National School Lunch Act)

42 U. S. C. 1771 *et seq.* (Child Nutrition Act)

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CROSS REF.:

ABA - Community Involvement in Education

ABAA - Parental Involvement

BBA - Board Powers and Responsibilities

EF - Food Services

EFDA - Collection of Money/Food Tickets

EFE - Competitive Food Sales/Vending Machines

IA - Instructional Goals and Objectives

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KB ©
PARENTAL INVOLVEMENT
IN EDUCATION

The Superintendent, in consultation with parents, teachers, and administrators, shall develop procedures for parental involvement in the school(s). These shall include:

A. A plan for parent participation in the school designed to improve parent and teacher cooperation in such areas as homework, attendance, and discipline. The plan shall provide for the administration of a parent-teacher satisfaction survey.

B. A method by which parents may learn about the course of study for their children and review learning materials, including the source of any supplemental educational materials.

C. A procedure by which parents who object to any learning material or activity on the basis that it is harmful may withdraw their children from the activity or from the class or program in which the material is used and request an alternative assignment. Objection to a learning material or activity on the basis that it is harmful includes objection to a material or activity because it questions beliefs or practices in sex, morality, or religion or, because of sexual content, violent content, or profane or vulgar language.

D. A procedure by which parents or guardians of students enrolled in the District shall have access in advance to the instructional materials, learning materials and activities currently used by, or being considered for use by, the District.

E. A procedure by which the District shall obtain signed, written consent from a student's parent or guardian before using video, audio or electronic materials that may be inappropriate for the age of the student.

F. Procedures to prohibit the School District from providing sex education instruction to a student unless the student's parent provides written permission for the student to participate in the sex education curricula if the School District offers any sex education curricula pursuant to A.R.S. 15-711 on the requirement to include instruction to student in grades seven (7) through twelve (12) on laws relating to sexual conduct with a minor or 15-716 concerning instruction on immune deficiency syndrome, or pursuant to any rules adopted by the State Board of Education.

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G. Procedures by which parents will be notified in advance of and given the opportunity to withdraw their children from any instruction or presentations regarding sexuality in courses other than formal sex education curricula.

H. Procedures by which parents may learn about the nature and purpose of clubs and activities that are part of the school curriculum, extracurricular clubs, and activities that have been approved by the school.

I. Procedures by which parents may learn about parental rights and responsibilities under the laws of this state, including the following:

1. The right to opt in to a sex education curriculum if one is provided by the District.
2. Open enrollment rights pursuant to A.R.S. 15-816.01, relating to the District policies on open enrollment.
3. The right to opt out of assignments pursuant to A.R.S. 1-601, Parents Bill of Rights. [See Exhibit KB-EB]
4. The right to opt a child out of immunizations as authorized by A.R.S. 15-873, relating to an outbreak of a communicable disease.
5. The promotion requirements prescribed in A.R.S. 15-701 for students in grades one (1) through eight (8).
6. The minimum course of study and competency requirements for graduation from high school prescribed in A.R.S. 15-701.01.
7. The right to opt out of instruction on the acquired immune deficiency syndrome as provided by A.R.S. 15-716.
8. The right to review their child's standardized norm-referenced test results pursuant to A.R.S. 15-743.
9. The right to participate in gifted programs pursuant as prescribed by A.R.S. 15-779.01.
10. The right to access instructional materials as directed by A.R.S. 15-730.
11. The right to receive the school's annual report card pursuant to A.R.S. 15-746.
12. The school attendance and age requirements for children prescribed in A.R.S. 15-802, 15-803 and 15-821.

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13. The right to public review of courses of study and textbooks in the common schools (preschool programs through grade eight [8]), as prescribed in A.R.S. 15-721, and in high schools, prescribed in A.R.S. 15-722
14. The right to be excused from school attendance for religious purposes as described by A.R.S. 15-806.
15. Policies related to parental involvement pursuant to A.R.S. 15-102 and set out herein.
16. The right to seek membership on school councils pursuant to A.R.S. 15-351, describing the purpose, duties, and membership of a school council. [Subject to the exemption of certain school districts exempted as described in A.R.S. 15-352.]
- ~~17. The right to participate in a parental satisfaction survey to be distributed to the parent of every child enrolled at the school, pursuant to A.R.S. 15-353.~~
- ~~18.~~ 17. Information about the student accountability information system (SAIS) as prescribed in section 15-1042.
- ~~19.~~ 18. The right to access the failing schools tutoring fund pursuant to A.R.S. 15-241.

=====

Optional language: The following outlined items (to next double line) setting out the manner in which parents may be made aware of the District's Parental Involvement Policy are optional in whole or in part as determined by the local Governing Board.

The District plan under this policy may also include:

- A. Making parents aware of this District parental involvement policy, including:
 1. Rights under the Family Educational Rights and Privacy Act (FERPA) of 1974, as revised (20 U.S.C. 1232g) relating to access to children's official records.
 2. The parent's right to inspect the District policies and curriculum.
- B. Efforts to encourage the development of parenting skills.

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C. The communication to parents of techniques designed to assist the student's learning experience in the home.

D. Efforts to encourage access to community and support services for children and families.

E. The promotion of communication between the school and parents concerning school programs and the academic progress of the parents' children.

F. Identifying opportunities for parents to participate in and support classroom instruction at the school.

G. Efforts to support, with appropriate training, parents as shared decision makers and to encourage membership on school councils.

H. The recognition of the diversity of parents and the development of guidelines that promote widespread parental participation and involvement in the school at various levels.

I. The development of preparation programs and specialized courses for certificated employees and administrators that promote parental involvement.

J. The development of strategies and programmatic structures at schools to encourage and enable parents to participate actively in their children's education.

K. Provide to parents the information in this policy in an electronic form.

=====

Resumés of all current and former instructional personnel shall be maintained and available for inspection by parents and guardians of pupils enrolled. The resumé shall include individual educational and teaching background and experience in a particular academic content subject area.

For the purposes of this policy *parent* means the natural or adoptive parent or legal guardian of a minor child.

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When a parent submits a written request for information to the Superintendent or a school principal during regular business hours:

A. The Superintendent or principal shall:

1. Deliver the requested information to the parent within ten (10) calendar days, or
2. Provide to the parent a written explanation for denial of the requested information.

B. If the requested information is denied or is not received by the parent within fifteen (15) calendar days:

1. The parent may submit to the Governing Board a request for the requested information, and
2. The Governing Board shall consider the request at the next scheduled meeting of the Board on which the request can be properly noticed. If the request cannot be properly noticed on the next scheduled meeting agenda, the Governing Board shall formally consider the request at the next subsequent public meeting of the Governing Board.

Adopted: date of Manual adoption

LEGAL REF.:

A.R.S.

1-601

1-602

15-101

15-102

15-113

15-117

15-341

15-722

CROSS REF.:

ABA - Community Involvement in Education

IHBD - Compensatory Education

IJ - Instructional Resources and Materials

IJND - Technology Resources

JHD - Exclusions and Exemptions from School Attendance

KDB - Public's Right to Know/Freedom of Information

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