

POLICY SERVICES

ADVISORY

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

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

Legal References/Cross References

Policy DJE, Bidding / Purchasing Procedures, add legal reference 35-393.01, which states the following:

35-393.01. Contracting; procurement; investment; prohibitions

A. A public entity may not enter into a contract with a company to acquire or dispose of services, supplies, information technology or construction unless the contract includes a written certification that the company is not currently engaged in, and agrees for the duration of the contract to not engage in, a boycott of Israel.

B. A public entity may not adopt a procurement, investment or other policy that has the effect of inducing or requiring a person or company to boycott Israel.

Policy GBEAA, Staff Conflict of Interest, add legal reference Attorney General Arizona Agency Handbook, Appendix 8.1, Conflict of Interest Disclosure Memorandum.

Policy GCMF, Professional Staff Duties and Responsibilities, add legal reference 15-342. Remove legal reference 15-521.

Policy IHA, Basic Instructional Program, remove legal reference 15-718.

Policy IHB, Indian Education, the regulation, and exhibits will include the following subtitle, centered in parentheses:

(Native American / Indian Education)

Policy IIB, Class Size, add legal reference 15-901.

Policy JIH, Student Interrogations, Searches, and Arrests, add legal reference 1-215.

Policy JLIB, Student Dismissal Precautions, add legal reference 1-215.

Policy Services is deleting Legal Reference 15-521 and replacing this with 15-341 where appropriate.

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Alerts – Information

ICE Agents/Police Officers - The following information is in response to questions pertaining to whether or not Immigration and Customs Enforcement (ICE) Agents are police officers.

A.R.S. 1-215, Definitions, includes the following:

"Peace officers" means sheriffs of counties, constables, marshals, policemen of cities and towns, commissioned personnel of the department of public safety, personnel who are employed by the state department of corrections and the department of juvenile corrections and who have received a certificate from the Arizona peace officer standards and training board, peace officers who are appointed by a multicounty water conservation district and who have received a certificate from the Arizona peace officer standards and training board, police officers who are appointed by community college district governing boards and who have received a certificate from the Arizona peace officer standards and training board, police officers who are appointed by the Arizona board of regents and who have received a certificate from the Arizona peace officer standards and training board, police officers who are appointed by the governing body of a public airport pursuant to section 28-8426 and who have received a certificate from the Arizona peace officer standards and training board, peace officers who are appointed by a private postsecondary institution pursuant to section 15-1897 and who have received a certificate from the Arizona peace officer standards and training board and special agents from the office of the attorney general, or of a county attorney, and who have received a certificate from the Arizona peace officer standards and training board.

ICE agents are not included as peace officers in the statutory definition; therefore, specific questions pertaining to ICE Agents on campus and responses to their requests should be referred to the school district legal counsel.

Student Dismissal – We've recently been asked questions pertaining to whether or not a student may be released to a transportation provider or a similar service based on a note or phone call from a parent.

Follow your policy – JLIB, Student Dismissal Precautions. Consider - How would you verify who is calling, who signed the note, etc.? Plan for this type of situation at the district level before it happens.

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POLICY ADVISORY DISCUSSION

Policy Advisory No. 602 Policy DKA — Payroll Procedures/Schedules

Policy DKA has been updated to reflect current statutory language pertaining to paydays of employees and payment of wages due to discharged employees.

Policy Advisory No. 603 Exhibit GBEAA-E— Staff Conflict of Interest (CONFLICT OF INTEREST DISCLOSURE PURSUANT TO A.R.S. §§ 38-501 to -511)

Language has been added to GBEAA-E, Staff Conflict of Interest, to more closely reflect the Conflict of Interest Disclosure Memorandum in Appendix 8.1 of the Attorney General Arizona Agency Handbook

Policy Advisory No. 604 Regulation GCCG-RA, -RB — Professional Staff Voluntary Transfer of Accrued Sick Leave

Both PA 604 and PA 606 have modified language as A.R.S. 23-373(I) states *an employer may not require that documentation under subsection G explain the nature of the health condition or the details of the domestic violence, sexual violence, abuse or stalking.*

Policy Advisory No. 605 Regulation GCCH — Professional / Support Staff Bereavement Leave

The term “family member” is substituted for “family” to maintain consistency with changes made last year in Policy GCCA, Professional/Support Staff Sick Leave.

Policy Advisory No. 606 Regulation GDCG-R — Support Staff Voluntary Transfer of Accrued Sick Leave

Both PA 604 and PA 606 have modified language as A.R.S. 23-373(I) states *an employer may not require that documentation under subsection G explain the nature of the health condition or the details of the domestic violence, sexual violence, abuse or stalking.*

Policy Advisory No. 607 Exhibit IHA-E — Basic Instructional Program

A.R.S. 15-718 relating to skin cancer prevention instruction was repealed by the state legislature. Related language has been removed from this exhibit.

Policy Advisory No. 608 Regulation — IHB-J-R, Indian Education (Native American / Indian Education)

Language has been closely replicated from the Indians Policies & Procedures Toolkit to replace IHB-J-R in its entirety. The “Examples” provided after each “procedure” in the IPP Toolkit have been removed.

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The current ASBA regulation is a patchwork of the information contained in the IPP Toolkit. The district may wish to compare the new IHBJ-R document with the current IHBJ-R:

- Section A in the new document corresponds to paragraph 3 of the current IHBJ-R.
- Section B in the new document corresponds to paragraph 1 of the current IHBJ-R.
- Section C in the new document corresponds to paragraph 2 of the current IHBJ-R.
- Section D in the new document corresponds to paragraph 4 of the current IHBJ-R.
- Section E in the new document corresponds to paragraph 5 of the current IHBJ-R. Added with PA 575.
- Section F in the new document corresponds to paragraph 6 of the current IHBJ-R.

Policy Advisory No. 609
Education)

Regulation IIB -R — Class Size (Special

The word retardation in two headings has been replaced by intellectual disability to conform to the wording used in A.R.S. 15-901 for Group A and Group B students.

Policy Advisory No. 610

Policy IKAB — Report Cards/Progress Reports

This policy has been modified to place emphasis on each student's progress in achieving goals as stated in the student's individualized education program (IEP) for students qualified for services under the Individuals with Disabilities Education Act (IDEA).

Policy Advisory No. 611

Policy JFAA — Admission of Resident Students

Statutory language is added to JFAA to clarify that when 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 enrolls in a District, a parent shall provide proof of residence to the local education agency within ten days after the arrival date provided on official documentation.

Policy Advisory No. 612

Policy JFABD — Admission of Homeless Students

Policy JFABD, Admission of Homeless Students, add cross reference to JFABDA, Admission of Students in Foster Care. Districts may delete the last sentence, *Enrollment preference may be given to children who are in foster care*, as this is covered in Policy JFABDA.

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**Policy Advisory No. 613 Policy JFABDA — Admission of Students in
Foster Care
JFABDA-R, JFABD-EA, JFABD-EB**

The Every Student Succeeds Act (ESSA) amended section 725 of the McKinney-Vento Homeless Assistance Act (McKinney-Vento Act), removing children “awaiting foster care placement” from the definition of “homeless children and youths” for purposes of the Education for Homeless Children and Youths (EHCY) program.

This new policy reflects these statutory changes and an additional provision that each year, when an LEA (local education agency) applies for the ESEA Consolidated Grant (which includes Title I funds), the LEA must upload a document of assurances which includes the foster care provisions laid out in ESSA.

Policy Advisory No. 614 Exhibit JK-EA — Student Discipline

The wording “placement in workroom” has been deleted as this accounting should be covered in the following:

F. Confinement with implementation of mandatory provisions.

Policy Advisory No. 615 Policy JKD — Student Suspension

Statutory language has been added (A.R.S. 15-843) as indicated.

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

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

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**DKA ©
PAYROLL PROCEDURES / SCHEDULES**

The District will establish two (2) or more days in each month, not more than sixteen (16) days apart, as fixed paydays for payment of wages in accord with Arizona Statute. Employees may choose to have their salaries paid in full upon the last pay date following completion of their assignments or may annualize their pay. Employees who choose to receive payment of wages beyond the period in which the wages were earned (deferred payment) will be subject to Internal Revenue Service (IRS) penalties unless they provide a written election of such deferral prior to the first duty day of the year of deferral. Forms for such deferral shall be made available. Any change to the election must be made prior to the first duty day of the fiscal year of the deferment.

An employee who quits the service of the District shall be paid all wages due on the regular payday for the pay period during which termination occurs. Such wages may be paid by mail if requested.

An employee who is discharged from service of the District shall be paid all wages due within ten (10) calendar days from the date of discharge.

Adopted: date of Manual adoption

LEGAL REF.:

A.R.S.

15-502

23-351

23-353

CROSS REF.:

GCQF - Discipline, Suspension, and Dismissal of Professional Staff Members

GDQD - Discipline, Suspension, and Dismissal of Support Staff Members

GBEAA-E ©

EXHIBIT

STAFF CONFLICT OF INTEREST
(CONFLICT OF INTEREST DISCLOSURE
PURSUANT TO A.R.S. §§ 38-501 to -511)

I, _____, do hereby indicate:

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

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

Identify the decision, investigation, or other matter in which you or your relative
may have a "substantial interest" under A.R.S. §§ 38-501 to -511. (Use as much
space as necessary)

Describe the "substantial interest" referred to above. (Use as much space as
necessary)

3. That I shall refrain from participating in any manner in my capacity as an
employee or officer of _____

School District in such contract, sale, purchase, service to, or decision by the
Governing Board unless specifically permitted to do so by law.

To avoid any possible conflict of interest under A.R.S. §§ 38-501 to -511, I will
refrain from participating in any manner in the matter identified above.

Date

Signature

~~Description of Conflict:~~

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

GCCG-RA ©

REGULATION

**PROFESSIONAL STAFF VOLUNTARY
TRANSFER OF ACCRUED SICK LEAVE**

(Application)

The application must be in writing.

The application must be supported by documentation from a health care professional confirming a physician's letter confirming the need conditions required for receipt of sick-leave bank assistance related to health needs. In cases of domestic violence, sexual violence, abuse or stalking, documentation from the employee, as defined in A.R.S. 23-373, shall be considered reasonable documentation.

Data in the application shall include ~~the nature of the illness, diagnosis, and prognosis~~ an expected date for return to duty.

The application shall be received by the District office within ten (10) days following the applicant beginning unpaid leave status.

GCCG-RB ©

REGULATION

**PROFESSIONAL STAFF VOLUNTARY
TRANSFER OF ACCRUED SICK LEAVE**

(Application Screening Committee)

A committee consisting of one (1) staff member from each building and one (1) from the central staff selected by the staff and an administrator appointed by the Superintendent shall review each application and submit a recommendation to the Superintendent. The applications are to be reviewed in accord with the guidelines found in policy and as presented below:

- A. The application must be in writing.
- B. The application must be supported by ~~a physician's letter confirming the conditions required for receipt of sick leave bank assistance.~~ the appropriate documentation as defined in A.R.S. 23-373.
- C. Data in the application shall include the ~~nature of the illness, diagnosis, and prognosis~~ expected date for return to duty.
- D. The application shall be received by the District office within ten (10) days following the beginning of the applicant's unpaid-leave status.

For approval, the applicant shall:

- A. Be a full-time employee.
- B. Have a non-job-related need, as defined in A.R.S. 23-373, for sick leave ~~serious incapacitation, and extended illness or injury.~~
- C. Be presently on unpaid-leave status with the District.
- D. Not be eligible for disability benefits, including but not limited to Social Security, provided at District expense.
- E. Be one whose return to duty is projected to occur within a period no longer than six (6) months.
- F. Submit an application, which shall be received by the District office within ten (10) days following the beginning of the applicant's unpaid-leave status.

**GCCH ©
PROFESSIONAL / SUPPORT STAFF
BEREAVEMENT LEAVE**

An employee may be granted, upon request to the Superintendent, up to five (5) days of leave per year, with pay, to be used in the event of death of an ~~in the~~ employee's family member as defined in Policy GCCA.

Extensions of bereavement leave may be granted upon personal request to the Superintendent. If approved, all such extensions of bereavement leave shall be deducted from the employee's accrued sick leave.

In the absence of any accumulated sick leave, and upon request, the Superintendent may approve an unpaid leave of absence for each day of extended bereavement leave used.

Adopted: date of Manual adoption

LEGAL REF.:

A.R.S.

15-502

GDCG-R ©

REGULATION

**SUPPORT STAFF VOLUNTARY
TRANSFER OF ACCRUED SICK LEAVE**

(Application Screening Committee)

A committee consisting of one (1) staff member from each building and one (1) from the central staff selected by the staff and an administrator appointed by the Superintendent shall review each application and submit a recommendation to the Superintendent. The applications are to be reviewed in accord with the guidelines found in policy and as presented below:

- A. The application must be in writing.
- B. The application must be supported by ~~a physician's letter confirming the conditions required for receipt of sick leave bank assistance.~~ the appropriate documentation as defined in A.R.S. 23-373.
- C. Data in the application shall include the ~~nature of the illness, diagnosis, and prognosis~~ expected date for return to duty.
- D. The application shall be received by the District office within ten (10) days following the beginning of the applicant's unpaid-leave status.

For approval, the applicant shall:

- A. Be a full-time employee.
- B. Have a non-job-related need, as defined in A.R.S. 23-373, for sick leave ~~serious incapacitation, and extended illness or injury.~~
- C. Be presently on unpaid-leave status with the District.
- D. Not be eligible for disability benefits, including but not limited to Social Security, provided at District expense.
- E. Be one whose return to duty is projected to occur within a period no longer than six (6) months.
- F. Submit an application, which shall be received by the District office within ten (10) days following the beginning of the applicant's unpaid-leave status.

IHA-E ©

EXHIBIT

BASIC INSTRUCTIONAL PROGRAM

Reading

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

- A. select and administer screening, ongoing diagnostic and classroom based instructional reading assessments, including motivational assessments, as defined by the State Board of Education;
- B. conduct a curriculum evaluation;
- C. adopt a scientifically based reading curriculum including the essentials of reading instruction;
- D. provide ongoing teacher training based on scientifically based reading research;
- E. devote reasonable amounts of time to explicit instruction and independent reading;
- F. provide intensive reading instruction as defined by the State Board of Education to each student who does not meet or exceed the Arizona standards; and
- G. review its reading program and take corrective action as specified by the State Board of Education whenever more than twenty percent (20%) of the third grade students do not meet the Arizona standards.

~~Skin Cancer Prevention~~

~~For students in the grades kindergarten (K) through eight (8) a comprehensive skin cancer prevention program shall be provided.~~

~~Instruction shall be in an age appropriate manner and include the following components:~~

- ~~A. Basic facts about skin cancer;~~
- ~~B. The negative impact of human exposure to ultraviolet radiation obtained through sunburns and tanning;~~
- ~~C. Strategies and behaviors to reduce the risk of contracting skin cancer.~~

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IHBJ-R ©

REGULATION

INDIAN EDUCATION

~~Tribal officials and parents of Indian students shall have the opportunity to comment on the participation of Indian students pursuant to Policies ABA, AC, AD, BEDBA, and BEDH. Further, the District will schedule at least three (3) meetings each year for the specific purpose of receiving input on issues relating to provisions of the Special Impact Aid Act, in order to better serve the needs of the students affected by this act. The meetings will be held in one (1) of the schools or the central administration building, normally beginning at 7:00 – 7:30 p.m. Minutes will be taken and assessed in order to modify policies and procedures as appropriate, based on input received at these meetings, such that the students are better served.~~

~~The District will also assess the extent to which Indian students participate on an equal basis in the District and will, if needed, modify its educational program to allow Indian students to participate on an equal basis.~~

~~The District will disseminate evaluations of educational programs assisted with funds provided under the act, including any program plans that the District intends to initiate or eliminate.~~

~~The District will annually review Policy IHBJ to ensure that it meets all minimum standards and continues to provide for an adequate level of Indian participation. If needed, the District will amend or modify policies and procedures to conform with appropriate requirements.~~

~~The District will respond annually in writing to comments and recommendations made by tribal officials and parents of Indian children, and disseminate the response prior to the submission of Indian Policies and Procedures.~~

~~Any amended policies or procedures shall be provided to the secretary and to the affected tribe(s).~~

IHBJ-R ©

REGULATION

INDIAN EDUCATION

(Native American/Indian Education)

It is the intent of the _____ School District that all Indian children of school age have equal access to all programs, services and activities offered within the School District. To this end, the _____ School District will consult with local tribal officials and parents of Indian children in the planning and development of Indian Policies and Procedures (IPPs), general education programs, and activities. These policies and procedures will be reviewed annually and revisions will be made within ninety (90) days of the determination that requirements are not being adequately met.

The _____ School District attests that it has established Indian Policies and Procedures (IPPs) as required in section 7004 of the Impact Aid law for any children claimed who reside on eligible Indian lands. The IPPs have been adequately disseminated to the tribes and parents of children residing on eligible Indian lands. A copy of the current policies and procedures was attached to the FY _____ Impact Aid application.

The _____ School District attests that it has provided a copy of written responses to comments, concerns and recommendations received from tribal leaders and parents of Indian children through the Indian policies and procedures consultation process and disseminated these responses to tribal leaders and parents of Indian children prior to the submission of their FY _____ Impact Aid application.

- A. The District will disseminate relevant applications, evaluations, program plans and information related to the District's education program and activities with sufficient advance notice to allow tribes and parents of Indian children the opportunity to review and make recommendations. [34 C.F.R. 222.94(a)(1)]
- B. The District will provide an opportunity for the _____ Tribe and parents of Indian children to provide their views on the District's educational program and activities, including recommendations on the needs of their children and on how the District may help those children realize the benefits of the educational programs and activities. [34 C.F.R. 222 .94(a)(2)]
 - 1. Notify tribes and the parents of Indian children of the opportunity to submit comments and recommendations, considering the tribe's preference for method of communication, and
 - 2. Modify the method of and time for soliciting Indian views, if necessary, to ensure the maximum participation of tribes and parents of Indian children.

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- C. The District will annually assess the extent to which Indian children participate on an equal basis with non-Indian children in the District's education program and activities. [34 C.F.R. 222.94(a)(3)]
1. Share relevant information related to Indian children's participation in the local education agencies (LEA's) education program and activities with tribes and parents of Indian children; and
 2. Allow tribes and parents of Indian children the opportunity and time to review and comment on whether Indian children participate on an equal basis with non-Indian children.
- D. The District will modify the IPPs if necessary, based upon the results of any assessment or input described in this document. [34 C.F.R. 222.94(a)(4)]
- E. The District will respond at least annually in writing to comments and recommendations made by tribes or parents of Indian children, and disseminate the responses to the tribe and parents of Indian children prior to the submission of the IPPs by the LEA. [34 C.F.R. 222.94(a)(5)]
- F. The District will provide a copy of the IPPs annually to the affected tribe or tribes. [34 C.F.R. 222.94 (a)(6)]

IIB-R ©

REGULATION

CLASS SIZE

(Special Education)

**Teacher-Student Ratios and
Staff- Student Ratios**

It is the intent of the District to maintain a special education teacher-student ratio that will allow the teacher to work effectively and efficiently toward the individualized education program (IEP) objectives of each student with a disability and to work with classroom teachers to prevent learning problems whenever possible.

The goals for teacher-student ratios shall be as follows:

CATEGORY	GOAL
<i>Resource</i>	
1.0 FTE teacher (average)	12 - 15 students with disabilities
<i>Speech / language resource</i>	
1.0 FTE teacher (average)	40 - 50 direct service students (approximately 75% students with disabilities and 25% remedial)
<i>Resource itinerant for sensory, hearing, and vision impaired students</i>	
(average)	5 - 12 students
<i>Mild to moderate retardation</i> <u>Mild intellectual disability</u>	
1.0 FTE teacher and 1.0 fte aide (average)	7 - 9 students
<i>Severe mental retardation</i> <u>Severe intellectual disability</u>	
1.0 FTE teacher and 1.0 fte aide (average)	2 - 4 students

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If the number of students exceeds the goal for a class, acceptable alternatives may include, but are not limited to:

- A. Addition of a teacher's aide.
- B. Increasing an aide's hours.
- C. Reassigning students to a different teacher.
- D. Adding a teacher.
- E. Other adjustments acceptable to the Superintendent and the Board.

The administrator for special education shall make student assignments within the resources available, based upon the goals listed above.

CROSS REF.:

IHB - Special Instructional Programs

IKAB ©
REPORT CARDS / PROGRESS REPORTS

School Report Cards

Each school must distribute copies of an annual report card, on the standard form provided by the State Department of Education, containing the descriptions and information required by statute.

The annual report cards will be distributed to parents of pupils enrolled in the school no later than the last day of school of each fiscal year, and a summary of the contents shall be presented at an annual public meeting held at the school. Notice shall be given at least two (2) weeks prior to the public meeting, clearly stating the purposes, time, and place.

Student Progress Reports

It is essential that students' progress in school be fully communicated to their parents.

Each school will report students' progress to the students and to their parents or guardians as appropriate. The reports will be clear, concise, and accurate, and will provide a basis of understanding among teachers, parents, and students for the benefit of the individual students. The Superintendent will develop progress report forms or cards in accordance with this policy.

The following specific requirements are established:

- A. Parents will be informed regularly, and at least four (4) times a year, as to the progress their children are making in school.
- B. Parents will be alerted and conferred with as soon as possible when a student's performance or attitude becomes unsatisfactory or shows marked or sudden deterioration.
- C. Insofar as possible, distinctions will be made between a student's attitude and academic performance.
- D. At comparable levels, the school will strive for consistency in grading and reporting except as this is inappropriate for certain classes or certain students.
- E. When grades are given, school staff members will take particular care to explain to parents the meaning of marks and symbols as they apply to student achievement.

F. When no grades are given but evaluation is made informally in terms of the student's own progress, such evaluation will be a realistic appraisal of the skills developed by the student.

G. Reports of progress for students qualified for services under the Individuals with Disabilities Education Act (I.D.E.A.) shall be based on ~~their~~ each student's progress in the general curriculum and shall address whether the progress is sufficient to enable the student to achieve achieving the goals stated in the student's individualized education program (IEP) by the end of the school year. Such progress reports shall be provided as directed in the individualized education program (IEP).

Adopted: date of Manual adoption

LEGAL REF.:

A.R.S.

15-709

15-746

15-767

**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 parent shall provide proof of residency in the District to the local education agency within ten (10) days after the arrival date provided on official documentation.

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.

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
- 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.)

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

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

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.

JFABD ©
ADMISSION OF HOMELESS STUDENTS

This policy is intended to direct compliance with Arizona State Laws and Arizona Administrative Code and the McKinney-Vento Homeless Education Assistance Improvements Act of 2001, as amended by the Every Student Succeeds Act (ESSA) of 2015, and should be read as consistent with those documents.

The implementation of this policy shall assure that:

- A. homeless students are not stigmatized or segregated on the basis of their status as homeless;
- B. homeless students are immediately enrolled in their school of origin or school of residence;
- C. transportation is provided to and from the school of origin for the homeless student as applicable and found in the law and Policy JFAA.

Definitions

The term "homeless students" means individuals who lack a fixed, regular, and adequate nighttime residence and includes:

- A. students who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations; are living in emergency or transitional shelters; are abandoned in hospitals;
- B. students who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings;
- C. students who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and
- D. migratory students who qualify as homeless because the children are living in circumstances described above.

The term "school of origin" means the school that the student attended when permanently housed or the school in which the student was last enrolled, including preschool.

The term "unaccompanied youth" includes a homeless child or youth not in the physical custody of a parent or guardian.

<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>

Liaison for Homeless Students

The Superintendent will designate an appropriate staff person of authority as liaison for homeless students who will carry out duties as assigned. Among those duties will be the responsibility to coordinate activities and programs in the best interest of homeless students that will include, but not be limited to, establishment of procedures to:

- A. continue the student's education in the school of origin for the duration of homelessness:
 - 1. in any case in which a family becomes homeless between academic years or during an academic year; or
 - 2. for the remainder of the academic year, if the student becomes permanently housed during an academic year; or
- B. Enroll the student in any public school that nonhomeless students who live in the attendance area in which the student is actually living are eligible to attend.

Best Interest of the Homeless Student

In determining the best interest of the homeless student, the school shall:

- A. To the extent feasible, keep a homeless student in the school of origin, except when doing so is contrary to the wishes of the student's parent or guardian;
- B. Provide a written explanation, including a statement regarding the right to appeal, to the homeless student's parent or guardian, if the homeless student is sent to a school other than the school of origin or a school requested by the parent or guardian; and
- C. In the case of an unaccompanied youth, the liaison for homeless students shall assist in placement or enrollment decisions, considering the views of such unaccompanied youth, and providing notice to such student of the right to appeal.

Other Relevant Policies and Procedures

Implementation of the McKinney-Vento Act requires the coordination with a number of policies and procedures. These policies and procedures are listed below as cross referenced and are incorporated in this policy and these procedures by such reference.

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

Adopted: 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.

15-816 through 15-816.07

15-821

15-823 through 15-825

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

CROSS REF.:

EEAA - Walkers and Riders

IKEB - Acceleration

JF - Student Admissions

JFAA - Admission of Resident Students

JFAB - Admission of Nonresident Students

JFABDA - Admission of Students in Foster Care

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

JFABDA ©
ADMISSION OF STUDENTS
IN FOSTER CARE

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

The implementation of this policy shall assure that:

A. children in foster care are not stigmatized or segregated on the basis of their status as foster children;

B. children in foster care are immediately enrolled in their school of origin, unless a determination is made that it is not in such child's best interest to attend the school of origin, which decision shall be based on all factors relating to the child's best interest, including consideration of the appropriateness of the current educational setting and the proximity to the school in which the child is enrolled at the time of placement;

C. when a determination is made that it is not in such child's best interest to remain in the school of origin, the child is immediately enrolled in a new school, even if the child is unable to produce records normally required for enrollment;

D. the enrolling school shall immediately contact the school last attended by any such child to obtain relevant academic and other records;

E. transportation is provided to and from the school of origin or school of placement for the foster child as applicable and found in the law and Policy JFAA; and

F. the school/District (LEA) will work with the Department of Child Safety (or tribal agency) to ensure that the provisions of ESSA relating to foster children are implemented.

Definitions

The term "children in foster care " means children who are under twenty-four (24) hour substitute care while placed away from their parents or guardians and for whom the Child Welfare Agency (DCS or tribal) has placement and care responsibility.

The term "school of origin" means the school that the student attended when permanently housed or the school in which the student was last enrolled, including preschool.

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

**Liaison or Point of Contact (POC)
for Children in Foster Care**

The Superintendent will designate an appropriate staff person of authority as Liaison or Point of Contact (POC) for children in foster care who will carry out duties as assigned. Among those duties will be the responsibility to coordinate activities and programs in the best interest of foster children that will include, but not be limited to, establishment of procedures to:

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

**Other Relevant Policies
and Procedures**

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

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

Adopted: date of Manual adoption

LEGAL REF.:

A.R.S.

15-816 through 15-816.07

15-821

15-823 through 15-825

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

CROSS REF.:

EEAA - Walkers and Riders

IKEB - Acceleration

JF - Student Admissions

JFAA - Admission of Resident Students

JFAB - Admission of Nonresident Students

JFABD – Admission of Homeless Students

JFB - Open Enrollment

JG - Assignment of Students to Classes and Grade Levels

JLCB - Immunizations of Students

JLH - Missing Students

JR - Student Records

JRCA - Request for Transfer of Records

JFABDA-R ©

REGULATION

**ADMISSION OF STUDENTS
IN FOSTER CARE**

Admission

The school selected by the child in foster care shall immediately admit the child, even if the student is unable to produce records normally required for enrollment, such as previous academic records, medical records, proof of residency, or other documentation.

The enrolling school shall immediately contact the school last attended by the student to obtain relevant academic and other records.

If the student needs to obtain immunizations, or immunization or medical records, the enrolling school shall immediately refer the Child Welfare Agency Point of Contact to the District Liaison/Point of Contact (POC) for children in foster care, who shall assist in obtaining necessary immunizations, or immunization or medical records.

Admission Disputes

If a dispute arises over school selection or enrollment in a school:

A. The student shall be immediately admitted to the school in which enrollment is sought, pending resolution of the dispute;

B. the Child Welfare Agency Point of Contact shall be provided with a written explanation of the school's decision regarding school selection or enrollment, including the rights of appeal;

C. the Child Welfare Agency Point of Contact and student shall be referred to the liaison for children in foster care, who shall carry out the dispute resolution process as expeditiously as possible after receiving notice of the dispute; an

Enrollment Decision

The decision regarding enrollment shall be made regardless of whether the student lives with the foster parents or has been temporarily placed elsewhere.

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

JFABDA-EA ©

EXHIBIT

**ADMISSION OF STUDENTS
IN FOSTER CARE**

Liaison Position

The District shall designate a Liaison/Point of Contact (POC) for children in foster care and, in conjunction with the state coordinator, shall inform school personnel, service providers, and advocates working with foster families of the duties of the District liaison.

The District liaison for children in foster care shall ensure that:

A. children in foster care are identified by school personnel and through coordination activities with other entities and agencies;

B. children in foster care enroll in, and have full and equal opportunity to succeed in, the District's schools;

C. foster families and children in foster care receive educational services for which such families and children are eligible, including:

1. Head Start and Even Start programs and preschool programs administered by the District, and

2. referrals to health care and immunization services, dental services, mental health services, and other appropriate services;

D. the Child Welfare Agency and parents or guardians of children in foster care are informed of the educational and related opportunities available to their children and are provided with meaningful opportunities to participate in the education of their children;

E. public notice of the educational rights of children in foster care is disseminated where such students receive services;

F. disputes over school selection or enrollment in a school are mediated in a manner that

1. immediately admits the student to the school in which enrollment is sought, pending resolution of the dispute,

2. provides the child welfare agency and parent or guardian of the student with a written explanation of the school's decision regarding the school selection or enrollment, and informs the child welfare agency, parent, guardian, and student of the rights to appeal the decision,

3. expeditiously carries out the dispute resolution process after receiving notice of the dispute, and

G. the Child Welfare Agency and parent or guardian of a foster child are fully informed of all transportation services, including arrangements for transportation to the school of origin;

H. the Child Welfare Agency and parent or guardian of a foster child are assisted in accessing transportation to the selected school.

As a part of the duties, the District liaison for children in foster care will coordinate and collaborate with state coordinators and community and school personnel responsible for the provision of education and related services to children in foster care.

JFABDA-EB ©

EXHIBIT

**ADMISSION OF STUDENTS
IN FOSTER CARE**

NOTICE

In accordance with the McKinney-Vento Homeless Assistance Act of 2001, 722 (e)(3)(C), as amended by the Every Student Succeeds Act (ESSA) of 2015 (Foster Care provisions), the Child Welfare Agency and parent or guardian of the student is to receive and acknowledge notice of the rights set forth below.

The parent or guardian of a child in foster care has the right to:

A. Continue the student's education in the school of origin for the duration of placement

B. Enroll the student in any public school that students who live in the attendance area in which the student is actually living are eligible to attend.

C. Appeal if the child in foster care is sent to a school other than the school of origin or a school requested by the parent or guardian;

D. Enroll in, and have full and equal opportunity to succeed in school without being segregated from the general student population;

E. Receive educational services for which such families and students are eligible, including:

1. Transportation services;

2. Meals programs;

3. Head Start and Even Start programs and preschool programs administered by the School; and

4. Referrals to health care and immunization services, dental services, mental health services, and other appropriate services.

F. Identification or service without being stigmatized as foster by school personnel;

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A parent or guardian (student if unaccompanied) may contact the State Coordinator for Education of Foster Children and Youths at;

The Arizona Department of Education
1535 W Jefferson
Phoenix, AZ 85007
Telephone: (602) 542-4963

A parent or guardian may contact the District Liaison/Point of Contact (POC) for Foster Children and Youths at;

Telephone: _____
E-mail: _____

The District Liaison/Point of Contact (POC) for children in foster care shall ensure that the parent or guardian of a child in foster care, is:

- A. assisted in accessing transportation to the selected school;
- B. provided assistance in exercise of the right to attend the school of choice and other necessary services; and
- C. provided the above information in a manner and form understandable to the recipient and if necessary and to the extent feasible, in the native language of the recipient.

The signature below indicates that the signatory has received and understands this information on rights.

Signature of Parent, Legal Guardian
(or unaccompanied student)

Date

One (1) copy to signatory and one (1) to the liaison officer file.

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

JK-EA ©

EXHIBIT

STUDENT DISCIPLINE

Each principal shall establish and retain complete records of student disciplinary actions and procedures. Records regarding student disciplinary actions shall be retained for at least two (2) years after last attendance date.

The accounting for students subject to disciplinary action on discipline record card shall contain an entry of:

- A. The full name of the student.
- B. The racial/ethnic and sex designations of the student.
- C. The time, place, and date of the offense or offenses, or observed behavior.
- D. Descriptions and dates of other offenses or observed behaviors if not previously reported.
- E. The names of witnesses or others involved.
- F. Specific measures taken by person or persons reporting the offense or offenses to affect an adjustment, including the specialized help secured before referral, such as conferences with parents, conferences with the principal, and conferences with other school personnel.
- G. The name and title of the person or persons reporting the offense or offenses.
- H. The alternatives, if any, that were considered prior to the imposition of the disciplinary action taken by the principal.
- I. The final disposition of the case.
- J. The name and title of the person or persons imposing the action or actions.

The kinds of disciplinary actions for which an accounting should be kept shall include, but not be limited to:

- A. Suspensions and/or expulsion.
- B. Corporal punishment.
- C. ~~Placement in work room or d~~ Detention (for disciplinary reasons).

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- D. Transfer to another class (for disciplinary reasons).
- E. Transfer to another school (for disciplinary reasons).
- F. Confinement with implementation of mandatory provisions.
- G. Referrals of cases to police and juvenile authorities.
- H. Others as required.

The school principal shall have the responsibility of maintaining the necessary discipline records to include:

- A. Discipline record card (each reported incident). Student discipline list (cumulative).
- B. Log of corporal punishments (each incident).
- C. Summary of corporal punishments: monthly report, retained by the principal; yearly summary, copy to the District office.
- D. Log of suspensions (cumulative).
- E. Summary of suspensions: monthly report, retained by the principal; yearly summary, copy to the District office.
- F. Log of confinement with implementation of mandatory provisions.
- G. Summary of confinement with implementation of mandatory provisions: monthly report, retained by the principal; yearly summary, copy to the District office.
- H. Log of expulsions and referrals to courts (cumulative).
- I. Log of Governing Board expulsions (each incident).
- J. Summary of expulsions: monthly report, retained by the principal; yearly summary, copy to the District office.
- K. Log of student withdrawals (cumulative).
- L. Summary of withdrawals: monthly report, retained by the principal; yearly summary, copy to the District office.
- M. Log of dropouts (cumulative): use only W5's as dropouts; use of this form is optional.

All monthly summary forms shall be completed at the close of each attendance month.

**JKD ©
STUDENT SUSPENSION**

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

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

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

The Superintendent may designate a hearing officer for suspension hearings.

Regular Education Students

Suspension for ten days or less:

A. *Step 1:* The student will receive notice, written or oral, of the reason for suspension and the evidence the school authorities have of the alleged misconduct.

1. After having received notice, the student will be asked for an explanation of the situation.
2. The authorized District personnel shall make reasonable efforts to verify facts and statements prior to making a judgment.

B. *Step 2:* Following Step 1:

1. Provided that a written record of the action taken is kept on file, authorized District personnel may:
 - a. Suspend the student for up to ten (10) days.
 - b. Choose other disciplinary alternatives.
 - c. Exonerate the student.

<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. Suspend the student for ten (10) days pending a recommendation that the student be given a long-term suspension or expulsion or both.

2. When suspension is involved:

a. A parent must be notified before the student is allowed to leave campus. If no parent contact can be made, the student may be isolated until dismissal time and then given a written message to the parents.

b. A letter to the parents will be written within a reasonable time to explain the terms (including the possibility that a long-term suspension and/or expulsion is being recommended) and reasons for the suspension and to request a meeting to solicit their help.

3. No appeal is available from a short-term suspension.

Suspension for over ten days:

A. *Step 3:* If the offense is one that could result in a suspension of over ten (10) days, in addition to Step 1 and Step 2 a formal hearing will be arranged and conducted by a hearing officer or by the Superintendent.

B. *Step 4:* A formal letter to the responsible parent or guardian will be mailed by certified mail with return receipt requested or delivered by hand (with an adult witness present) at least five (5) working days prior to the formal hearing. A copy of this letter will remain on file, and the letter should contain the following information:

1. The charges and the rule or regulation violated.
2. The extent of the punishment to be considered.
3. The date, time, and place of the formal hearing.
4. A designation of the District's witnesses.
5. That the student may present witnesses.
6. That the student may be represented by counsel at student's expense.
7. If a hearing officer has been designated, the name of the hearing officer.

C. *Step 5*: A formal hearing will be held, during which the student will be informed of the following:

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

D. *Step 6*: The decision and appeal procedure, if applicable, upon the conclusion of the hearing will be as follows:

1. Upon the conclusion of a hearing by a hearing officer in which a decision of long-term suspension is made, the decision may be appealed to the Board. To arrange such an appeal, the parent(s) of the suspended student or the student must deliver to the Superintendent a letter directed to the Board within five (5) days after receiving written notice of the long-term suspension. The letter must describe in detail any objections to the hearing or the decision rendered.
2. The appeal to the Board will be on the record of the hearing held by the hearing officer. If the Board determines that the student was not afforded due process rights or that this policy was not followed in all substantive respects, the student shall be given another hearing. If the Board determines that the punishment was not reasonable, they may modify the punishment.
3. The decision of the Board is final.

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

Special Education Students

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

A. *Step 1:* The student will receive notice, written or oral, of the reason for suspension and the evidence the school authorities have of the alleged misconduct.

1. After having received notice, the student will be asked for an explanation of the situation.

2. The authorized District personnel involved shall make reasonable efforts to verify facts and statements prior to making a judgment.

B. *Step 2:* Following Step 1:

1. Provided that a written record of the action taken is kept on file, authorized District personnel may:

a. Suspend the student for up to ten (10) days.

b. Choose other disciplinary alternatives.

c. Exonerate the student.

d. Suspend the student for ten (10) days pending a recommendation that the student be given a long-term suspension or expulsion or both.

2. When suspension is involved:

a. A parent must be notified before the student is allowed to leave campus. If no parent contact can be made, the student may be isolated until dismissal time and then given a written message to the parents.

b. A letter to the parents will be written within a reasonable time to explain the terms (including the possibility that a long-term suspension and/or expulsion is being recommended) and reasons for the suspension and to request a meeting to solicit their help.

3. No appeal is available from a short-term suspension.

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

Suspension for over ten days

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

A. *Step 3:* A recommended suspension of a special education student for more than ten (10) consecutive days, or a series of suspensions totaling more than ten (10) days, may constitute a change of placement and shall require a manifestation determination conference. Such a conference shall be for the purpose of determining whether or not the offense is a manifestation of the student's disability.

B. *Step 4:* If the offense is not a manifestation of the disability of the student, the student may be suspended by following the District policies for students in general, provided that educational services are continued during the period of disciplinary removal for a student with a disability qualified under the Individuals with Disabilities Education Act (IDEA). A student with a disability qualified for educational services under the Americans with Disabilities Act or Section 504 of the Rehabilitation Act of 1973, and not qualified under IDEA, may be suspended or expelled from school, and educational services may be ceased, if nondisabled students in similar circumstances do not continue to receive educational services.

C. *Step 5:* If the behaviors are a manifestation of the disability of the student, the District may not extend the suspension of the student beyond the initial ten (10) school days.

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

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

Alternative to Suspension

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

A. Suspension from school has been determined as the punishment for an offense and any appeal has been denied.

B. The immediate suspension was not due to:

1. Fighting or engaging in violent behavior
2. Threatening an educational institution
3. Selling, using or possessing weapons, firearms, explosives, or dangerous instruments
4. Making a bomb threat
5. Engaging in arson

C. The student has not served more than one (1) short-term suspension or alternative to suspension of ten (10) days or less during the current academic year.

D. The student has admitted to or taken responsibility for the act upon which suspension was imposed in a written statement signed by the student and attested to by the student's parent or guardian.

E. The student and parent or guardian has received a written admonition that the suspension as originally determined will be imposed summarily and in its entirety, should the student violate the conditions or requirements of the Alternative to Suspension Program. (*Note: Follow appropriate dismissal procedures.*)

F. Parent(s) or guardian(s) shall agree to participate by:

1. Providing transportation as necessary to and from the program location.
2. Furnishing meals prepackaged or purchasing same for the student.
3. Establishing and monitoring in consultation with the school a supervisory routine limiting the student's contact to that which is necessary with other students and friends during the program.

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

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

A. Students will be isolated from others by means of barriers or distance at a location determined by the District. No participation in any school sponsored activity will be permitted during the program.

B. Communication by students with others will be limited to adult District staff or as directed by the adult supervisor on duty.

C. Ordered study time will be established for each student consistent with the number of classes in which the student is enrolled, divided proportionately through the academic day.

D. Students are confined to their assigned areas and seats except as designated by the supervisor. All personal maintenance will be planned and approved by the supervisor.

E. Students are to bring all books, workbooks, paper and necessary instruments for each class in which they are enrolled to the program daily and take the same material home each day of the program.

F. Protocols for implementation of the Alternative to Suspension Program following the requirements above may be established by the administrator at each location.

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

Early readmission procedures

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

A. A written request must be submitted to the Superintendent on behalf of the student by the student's parent or guardian asking for readmission and requesting a meeting to determine any requirements.

B. Accompanying the written request shall be a summary of the student's activities and accomplishments during the suspension period written and signed by the student and signed and attested to by the parent or guardian. (Parents of elementary grade students may prepare the summary.)

C. The request shall include a signed statement from local law enforcement officials that there have been no infractions of local or state codes for which the student could have been charged during the period of the suspension.

D. At the time of the meeting to review the request the student may be required to explain the incident or incidents leading up to the suspension.

E. The determination to allow readmission may be based on, but not limited to, the following elements:

1. The age of the student.
2. The frequency, type, and relative magnitude of previous misbehavior by the student.
3. The relative severity of the event(s).
4. Whether the student's behavior violated civil or criminal laws.
5. The degree to which the incident(s) interfered with the educational process.
6. The extent to which the event created endangerment to the student, others or property.
7. Special intellectual, psychological, emotional, environmental and physical characteristics of the student.
8. The student's attitude concerning the event(s).
9. The expressed intent concerning the student's future behavior.

F. Should early readmission be granted, the student, with parent or guardian affirmation, shall agree to the following conditions:

1. Regular attendance—no unexcused absences.
2. No violation of school rules or policies.

3. Attendance at after school events for the remaining term of suspension only with prior approval of the administration.
4. Completion of all class tasks in timely fashion, as directed.
5. Student will receive supervision before and after school by parental arrangement, travel directly to school and from school, and report immediately to a supervisor for the balance of the term of the suspension.

G. The student and parent or guardian shall receive a written admonition that failure in the conditions required for early readmission will mean summary imposition of the remainder of the suspension, and additional punishment if indicated by the disciplinary policies and procedures of the District.

Adopted: date of Manual adoption

LEGAL REF.:

A.R.S.

15-342

15-766

15-767

15-841

15-842

15-843

A.A.C.

R7-2-401

R7-2-405

A.G.O.

I78-103

I78-218

I80-055

I84-036

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

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

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

CROSS REF.:

IHB - Special Instructional Programs

JR - Student Records