

East Valley Institute of Technology District No. 401

POLICY MANUAL

and

ADMINISTRATIVE REGULATIONS

(Current as of December 11, 2023)

This manual replaces all earlier policy manuals. It is accessible on the District's Intranet and at www.evit.com. This manual is maintained in electronic format to facilitate ease of access, use, and updating. Policies adopted or revised after the date the manual was adopted will note the adoption or revision date at the end of the policy.

The Governing Board's policies and the Superintendent's regulations guide the East Valley Institute of Technology's operations. The regulations aid in implementing the Board's policies.

The policies are organized into nine chapters: 1) The District, 2) The Board, 3) The Administration, 4) Support Services, 5) Personnel, 6) Instruction, 7) Students, 8) The Community, and 9) Educational Organizations. For convenience, all District forms have been moved to the District's Intranet. Staff should check for an existing form before creating a new form. All new forms have to be approved by administration and branded before being used.

Relevant legal references are listed at the end of each policy. The following abbreviations are used in legal references:

A.A.C.	Arizona Administrative Code
A.G.O. or Att. Gen. Op.	Attorney General Opinion
A.R.S.	Arizona Revised Statutes
C.F.R.	Code of Federal Regulation
P.L.	Public Law (federal law as identified by Congress).
USFR	field Uniform System of Financial Records
U.S.C. U.S.C.	United States Code

Cross references to related policies, if any, are also listed at the end of each policy in the following format: [Chapter]:[Heading]:[Subsection].

The Superintendent may issue regulations without prior Board approval, unless approval is required by statute or the Board has directed otherwise. The Superintendent will inform the Board of all new regulations. The Board has the authority to direct the Superintendent to change regulations.

The District will update this manual at least annually based on new legislation, changes in the State Board of Education regulations, and the District's needs.

If there is a conflict between this Manual and the policies or regulations of one the District's member school districts, these policies and regulations control. The District shall not assume a responsibility for mitigating the conflict or exercising authority over any party to the conflict.

Date of Manual Adoption: June 26, 2023

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CHAPTER 1 - THE DISTRICT

1. MISSION STATEMENT

To change lives by loving our students and serving our communities with a career and college preparatory training experience that produces a qualified workforce, meeting the market-driven needs of business and industry.

2. DISTRICT LEGAL STATUS

School District No. 401 of Maricopa County is the District's legal name. The East Valley Institute of Technology District No.401 is the official name. The following are the member districts and their legal descriptions.

Apache Junction Unified School District No. 43

Beginning at the northeast corner of Township 1 North, Range 10 east, and running south about 12 miles to the southeast corner of Township 1 South, Range 10 East; thence west about 6 miles to the northeast corner of Section 1, Township 2 South, Range 9 East; thence south about 1 mile to the southeast corner of said section; thence west about 1 mile to the southwest corner of said section; thence north about 1 mile to the northwest corner of said section; thence west about 11 miles to the southwest corner of Township 1 South, Range 8 East; thence north about 12 miles to the northwest corner of Township 1 North, Range 8 East; thence east about 18 miles to the northeast corner of Township 1 North, Range 10 East, the place of beginning.

Cave Creek Unified School District No. 93

T5N and 6N, R4E and T5N and 6N, R5E, G&SRB&M, Maricopa County, Arizona.

Chandler Unified School District No. 80

Beginning at the Northwest corner of Section 19, Township 1 South, Range 5 East; thence running South nine miles to the Southwest corner of Section 31, Township 2 South, Range 5 East; thence due East thirteen miles to the Southeast corner of Section 31, Township 2 South, Range 7 East; thence one mile North to the Northeast corner of Section 31, Township 2 South, Range 7 East; thence one-half mile West to the median line of Section 31, Township 2 South, Range 7 East; thence North two miles along the median line of Sections 30 and 19 to the South line of Section 18, Township 2 South, Range 7 East; thence West three and one-half miles to the Northwest corner of Section 22, Township 2 South, Range 6 East; thence North two miles; thence West three miles to the Northeast corner of Section 12, Township 2 South, Range 5 East; thence due North three miles to the Northeast corner of Section 25, Township 1 South, Range 5 East; thence West one mile to the Northwest corner of Section 25, Township 1 South, Range 5 East; thence North one mile to the Northeast corner of Section 23, Township 1 South, Range 5 East; thence due West five miles to the place of beginning.

Fountain Hills Unified School District No. 98

That portion of Sections 4, 5, 6, 7, 8, 9, 10, 11, 14, 15, 16, 17, 20, 21, 22, 23, 26, 27, 28, and 29, Township 3 North, Range 6 East, Gila & Salt River Base and Meridian, more particularly described as follows:

Beginning at the Southwest corner of Section 29, said point of beginning lying also on the Northerly boundary line of the Salt River Indian Reservation; thence Northerly along the West line of said Section 29 to the Southwest corner of Section 20; thence continuing Northerly along the West line of said Section 20 to the West 1/4 corner of Section 20; thence

Easterly along the North line of the South 1/2 of said Section 20 to the center of said section; thence Northerly along the West line of the East 1/2 of said Section 20 to the South line of Section 17; thence Westerly along the South line of Section 17 to the Southwest corner of said Section 17; thence Northerly along the West line of said Section 17 to the Southeast corner of Section 7; thence Westerly along the South line of said Section 7 to the Southwest corner of said Section 7; thence Northerly along the West line of said Section 7 to the Southwest corner of Section 6; thence continuing Northerly along the West line of said Section 6 to the Northwest corner of said Section 6; thence Easterly along the North line of said Section 6 to the Northwest corner of Section 5; thence continuing Easterly along the North line of said Section 5 to the Northwest corner of Section 4; thence continuing Easterly along the North line of said Section 4 to the Northeast corner of said Section 4; thence Southerly along the East line of said Section 4 to the Northwest corner of Section 10; thence Easterly along the North line of said Section 10 to the Northwest corner of Section 11; thence continuing Easterly along the North line of said Section 11 to the Northeast corner of said section; thence Southerly along the Easterly line of the Fort McDowell Indian Reservation; thence Southwesterly along said Fort McDowell Indian Reservation boundary line through Sections 11, 14, 23, and 26 to the intersection of the South line of Section 26, said point of intersection also lying on the Northerly boundary line of the Salt River Indian Reservation; thence Westerly along the South line of said Section 26 to the Southeast corner of Section 27; thence continuing Westerly along the South line of said Section 27 to the Southeast corner of Section 28; thence continuing Westerly along the South line of said Section 28 to the Southeast corner of Section 29; thence continuing Westerly along the South line of said Section 29 to the Southwest corner of said Section 29, said point also being the point of beginning.

Gilbert Unified School District No. 41

Beginning at the Southeast corner of Section 4, Township 2 South, Range 6 East, and running North four miles to the Northeast corner of Section 21, Township 1 South, Range 6 East; thence East nine miles to the county line; thence North three miles to the Northeast corner of Section 1, Township 1 South, Range 7 East; thence West nine miles to the Southeast corner of Section 33, Township 1 North, Range 6 East; thence North one-half mile to the Northeast corner of the Southeast quarter of Section 33, Township 1 North, Range 6 East; thence West five and one-half miles through the center of Sections 33, 32, and 31, Township 1 North, Range 6 East, and Sections 36 and 35, Township 1 North, Range 5 East, continuing to the West line of the Arizona Eastern Railroad, center Section 34, Township 1 North, Range 5 East; thence following the West side of the railroad right-of-way South to the base line; thence West about one-half mile to the Northwest corner of Section 3, Township 1 South, Range 5 East; thence South three miles to the Southwest corner of Section 15; thence East two miles to the Northwest corner of Section 24; thence South one mile to the Southwest corner of Section 24; thence East one mile to the Southwest corner of Section 19; thence South three miles to the Southwest corner of Section 6, Township 2 South, Range 6 East; thence East three miles to the place of beginning.

Higley Elementary School District No. 60

Beginning at the Northwest corner of Section 22, Township 1 South, Range 6 East; running South six miles to the Southwest corner of Section 15, Township 2 South, Range 6 East; thence due East four miles to the Southeast corner of Section 18, Township 2 South, Range 7 East; thence North three miles to the Northeast corner of Section 6, Township 2 South, Range 7 East; thence due West one mile to the Northwest corner of Section 6, Township 2 South, Range 7 East; thence North along Section Line to a point where the R.C.W.D. Cana intersects the West boundary of Section 30,

Township 1 South, Range 7 East; thence in a northeasterly direction following East Line of R.C.W.D. Canal to a point where said Canal intersects the South boundary of Section 19, Township 1 South, Range 7 East; thence East along Section Line to the Southeast corner of Section 19, Township 1 South, Range 7 East; thence North along Section Line to the Northeast corner of Section 19, Township 1 South, Range 7 East; thence due West along Section Line four miles to the point of beginning.

J. O. Combs Elementary School District No. 44

Beginning at the southwest corner of Township 2 South, Range 8 East; thence north about 6 miles to the northwest corner of said Township; thence east about 11 miles to the northeast corner of Section 2, Township 2 South, Range 9 East; thence south about 1 mile to the southeast corner of said section; thence east about 1 mile to the northeast corner of Section 12, Township 2 South, Range 9 East; thence south about 2 miles to the southeast corner of Section 13, Township South, Range 9 East; thence west 1 mile to the northeast corner of Section 23, Township 2 South, Range 9 East; thence south 3 miles to the southeast corner of Section 35, Township 2 South, Range 9 East; thence west about 11 miles to the southwest corner of Township 2 South, Range 8, East, and the place of beginning.

Mesa Unified School District No. 4

Beginning at the NE corner of Section 36, T3N, R7E; thence South 13 miles to the SE corner of Section 36, T1N, R7E; thence West 9 miles to the SW corner of Section 34, T1N, R6E; thence 1/2 mile North to the midsection line of Section 33; thence West along the midsection line of Sections 33, 32, 31, T1N, R6E, and Sections 36, 35, and 34 to the West side of the railroad right-of-way, T1N, R5E; thence following the West side of the railroad right-of-way South to the Township line; thence West 1/2 mile to the SE corner of Section 33, T1N, R5E; thence South 3 miles to the SE corner of Section 16, T1S, R5E; thence West 3 miles to the SW corner of Section 18, T1S, R5E; thence North 5-1/2 miles to the midsection line of Section 19, T1N, R5E; thence East on the midsection line to the point where the Tempe Canal cuts the East and West midsection line of Section 19, T1N, R5E; thence following the canal in a Northeasterly direction to a point where the canal cuts the North and South section line between Sections 17 and 18, T1N, R5E; thence North to the SE corner of Section 7, T1N, R5E; thence West 1 mile to the SW corner of Section 7, T1N, R5E; thence North 4-1/2 miles to the midsection line of Section 19, T2N, R5E; thence East 1 mile to the midsection line of Section 20, T2N, R5E; thence North 1 mile to the midsection line of Section 17, T2N, R5E; thence East 3 miles to the midsection line of Section 15, T2N, R5E; thence South 1/2 mile to the SE corner of Section 15, T2N, R5E; thence East 2 miles to the NE corner of Section 24, T2N, R5E; thence South 1 mile to the SE corner of Section 24, T2N, R5E; thence East 3 miles to the NE corner of Section 28, T2N, R6E; thence North 1 mile to the NW corner of Section 22, T2N, R6E; thence East 1 mile to the NE corner of Section 22, T2N, R6E; thence North 1 mile to the NW corner of Section 14, T2N, R6E; thence East 2 miles to the NW corner of Section 18, T2N, R7E; thence North 3 miles to the NW corner of Section 31, T3N, R7E; thence East 6 miles to the point of beginning.

Queen Creek Unified School District No. 95

Beginning at the Northwest corner of Section 20, Township 1 South, Range 7 East; thence South on the Section Line to the Southwest corner of Section 20, Township 1 South, Range 7 East; thence East one mile to the Southeast corner of Section 20, Township 1 South, Range 7 East; thence South two miles to the Southwest corner of Section 33, Township 1 South, Range 7 East; thence one mile West to the Northwest corner of Section 5, Township 1 South, Range 7 East; thence South along the Section Line to the Southwest corner of Section 17, Township 2 South, Range 7 East; thence due West one-half mile; thence South two miles following the Midsection Line to the Southwest corner of the Southeast quarter of Section 30, Township 2 South, Range 7 East; thence due East one-half mile following the Section Line to the Southeast corner of Section 30, Township 2 South, Range 7 East;

thence one mile South along the Section Line to the Southwest corner of Section 32, Township 2 South, Range 7 East; thence East five miles to the Southeast corner of Section 36, Township 2 South, Range 7 East; thence due North nine miles to the Northeast corner of Section 24, Township 1 South, Range 7 East; thence due West five miles to the point of beginning.

Scottsdale Unified School District No. 48

Beginning at the Southeast corner of Section 1, Township 1 North, Range 4 East; thence running North eight miles to the Southwest corner of Section 30, Township 3 North, Range 5 East; thence East six miles to the Southeast corner of Section 25, Township 3 North, Range 5 East; thence North five miles to the Northeast corner of Section 1, Township 3 North, Range 5 East; thence West six miles to the Northwest corner of Section 6, Township 3 North, Range 5 East; thence South three miles along the Section line to the Northeast corner of Section 24, Township 3 North, Range 4 East; thence West along the Section line six miles to the Northwest corner of Section 19, Township 3 North, Range 4 East; thence south eight miles to the Southwest corner of Section 30, Township 2 North, Range 4 East; thence East three miles along the Section line to the Southwest corner of Section 27, Township 2 North, Range 4 East; thence South two miles to the Southwest corner of Section 3, Township 1 North, range 4 East; thence East three miles to the place of beginning.

Tempe Union High School District No. 213

The Tempe Union High School District consists of the combined physical and political boundaries of the following districts as recorded in the office of the Maricopa County School Superintendent and the Maricopa County Recorder:

i. Tempe Elementary School District No. 3

Beginning at the Northwest corner of Section 9, Township 1 North, Range 4 East, running East 4 miles to the Northeast corner of Section 12, Township 1 North, Range 4 East; thence South 1 mile to the Southeast corner of Section 12; thence East 1 mile to the Northeast corner of Section 18; thence South along the section line to the Tempe Canal; thence Southwest along the Tempe Canal to the point where such canal intersects the East-West midsection line of Section 19, Township 1 North, Range 5 East; thence West along said midsection line to Section 24, Township 1 North, Range 4 East; thence South approximately 3.5 miles to the Southeast corner of Section 1, Township 1 South, Range 4 East; thence West 6 miles to the Southwest corner of Section 6, Township 1 South, Range 4 East; thence North approximately 5 miles to the Northwest corner of Section 18, Township 1 North, Range 4 East; thence East 2 miles to the Northeast corner of Section 17; thence North 1 mile to the Northwest corner of Section 9, the point of beginning.

ii. Kyrene Elementary School District No. 28

Beginning at the Northwest corner of Section 10, Township 1 South, Range 3 East; thence South 1 mile to the Southwest corner of said section; thence West 3 miles to the Northwest corner of Section 18, Township 1 South, Range 3 East; thence South along the Township Line to the South Boundary of Maricopa County; thence Southeasterly and East along the County Line to the Southeast corner of Section 36, Township 2 South, Range 4 East; thence North 11 miles to the Northeast corner of Section 12, Township 1 South, Range 4 East; thence West 6 miles to the Northwest corner of Section 7, Township 1 South, Range 4 East; thence North 1/2 mile; thence West 2 miles; thence South 1/2 mile; thence West 1 mile to the place of beginning.

LEGAL REF.: A.R.S. §§ 15-101, 15-441, 15-442
Ariz. Const., art. XII, §§ 1-4 and art. XX ¶ 7

Arizona Constitution, Ordinance Art. XX, Par. Seventh

iii. *Eliminating Sexual Harassment*

The Board is committed to eliminating sexual harassment in the District. The Board, District staff, and students, shall not engage in sexual harassment.

CHAPTER 2 – THE BOARD

1. BOARD GOALS, ORGANIZATION, AND RESPONSIBILITIES

A. *Board Legal Status*

The Arizona Constitution makes the Arizona legislature responsible for establishing and maintaining public schools and provides for locally elected school boards to maintain, develop, and operate public school districts. The legislature created the State Board of Education to supervise public school districts. Thus, school boards are instruments of the Arizona Legislature and derive their authority from the Arizona Constitution, Arizona statutes, and the regulations of the State Board of Education.

LEGAL REF.: A.R.S. §§ 15-421, 15- 787 *et seq.*
Arizona Constitution, Art. XI, Section 1
Arizona Constitution, Art. XX, Paragraph 7

Board-Member Districts

The Board consists of nine members. Each member represents one of the District's nine board-member districts. To represent a board-member district, a person must have resided in the District for one year prior to taking office and currently reside in the board-member district. Each board-member district represents approximately equal populations. The board-member district boundaries are drawn in compliance with federal and state voting law. Maps of the board-member districts are available at www.evitt.com.

Board Goals

i. *Operational Goals*

The Board is responsible for identifying community attitudes and opinions, District needs, and to take into account the opinions and attitudes of its constituents. The Board will develop short- and long-range strategies responsive to the community's opinions, attitudes, and needs

LEGAL REF.: A.R.S. §§ 15-321, 15-341.

ii. *Non-Discrimination and Equal Opportunity*

The Board does not allow discrimination on the basis of race, color, religion, sex, age, national origin, and disability. This policy applies to staff members, students, the public, educational programs and services, and individuals with whom the Board does business.

LEGAL REF.: A.R.S. §§ 23-341, 41-1463
20 U.S.C. § 1401, Individuals with Disabilities Education Act
20 U.S.C. § 1681, Education Amendments of 1972, Title IX
20 U.S.C. § 1703, Equal Employment Opportunity Act of 1972
29 U.S.C. § 794, Rehabilitation Act of 1973, Section 504
42 U.S.C. § 2000, Civil Rights Act of 1964, Titles VI and VII
42 U.S.C. § 12101 *et seq.*, Americans with Disabilities Act
Arizona Constitution, Ordinance Art. XX, paragraph 7

iii. *Eliminating Sexual Harassment*

The Board is committed to eliminating sexual harassment in the District. The Board, District staff, and students, shall not engage in sexual harassment.

Sexual harassment includes:

- unwelcome sexual advances;
- requests for sexual favors;
- any conduct of sexual nature by a staff member or student directed at a staff member or student including:
 - submission to the conduct is an explicit or implicit term or condition of employment or education;
 - submission to or rejection of the conduct is used as a basis for employment or educational decisions including:
 - implying or withholding support for an appointment, promotion, or change of assignment;
 - suggesting that a poor performance report will be prepared;
 - suggesting that probation will be failed;
 - implying or actually withholding grades earned or deserved; or
 - suggesting that a scholarship recommendation or college application will be denied;
 - the conduct is intended to or substantially interferes with educational or work performance, or creates an intimidating, hostile, or offensive employment or education environment.
- suggestive or obscene letters, notes, invitations;
- derogatory comments, slurs, jokes, or epithets;
- assaulting, touching, impeding or blocking movement, leering, gestures, or display of sexually suggestive objects, pictures, or cartoons;
- continuing to express sexual interest after being informed that the interest is unwelcome (reciprocal attraction between peers is not considered sexual harassment);
- coercive sexual behavior used to control, influence, or affect the career, salary, or work environment of another employee; or
- engaging in coercive sexual behavior to control, influence, or affect the educational opportunities, grades, or learning environment of a student; and
- offering or granting favors or educational or employment benefits, such as grades or promotions, favorable performance evaluations, favorable assignments, favorable duties or shifts, recommendations, reclassifications, etc., in exchange for sexual favors.

Anyone who is subject to sexual harassment, or who knows of the occurrence of such conduct, should inform the compliance officer, as provided in the regulation following this policy.

A substantiated charge against a staff member shall subject the staff member to disciplinary action, which may include termination.

A substantiated charge against a student shall subject that student to disciplinary action, which may include suspension or expulsion.

All matters involving sexual harassment complaints will remain confidential to the extent possible.

LEGAL REF.: A.R.S. § 41-1461 *et seq.*

20 U.S.C. § 1681, Education Amendments of 1972, Title IX 20

U.S.C. § 1703, Equal Employment Opportunity Act of 1972

42 U.S.C. § 2000, Civil Rights Act of 1964 as amended, Title VII

******Regulation****Regulation****Regulation****Regulation****Regulation******

Compliance Officer

The Superintendent shall be the compliance officer. Any person who feels unlawfully discriminated against or to have been the victim of unlawful discrimination by a District agent or employee or who knows of such discrimination against another person should file a complaint with the Superintendent. If the Superintendent is the one alleged to have unlawfully discriminated, the complaint shall be filed with the Board President.

Complaint Procedure

The District is committed to investigating each complaint and to taking appropriate action on all confirmed violations of policy. The Superintendent or a designee shall investigate and document complaints filed pursuant to this regulation as soon as reasonable. The investigator will maintain confidentiality to the extent reasonably possible. The Superintendent or a designee shall also investigate allegations of policy violations raised by the Board, even though no complaint has been made.

If after the initial investigation the investigator has reason to believe this policy been violated, the Superintendent shall determine whether to hold an administrative hearing or to recommend bringing the matter before the Board.

If the person alleged to have violated policy is a high-school instructor, the due-process provisions of the Board's Policy, "Discipline, Suspension, and Dismissal of Staff Members: High-School Instructors," shall apply, except that the supervising administrator may be assigned to conduct the hearing. The District will follow A.R.S. 15-539 *et seq.* if the proposed discipline is a long-term suspension or dismissal.

If the person alleged to have violated policy is a term or at-will employee, the Superintendent may follow due process and impose discipline under Board Policy, "Discipline, Suspension, and Dismissal of Staff Members: Term and At-Will Employees," if the evidence so warrants. The Superintendent may recommend a suspension without pay, dismissal, or impose other appropriate discipline.

If the person alleged to have violated policy is a student, the Superintendent may impose discipline in accordance with Board policy, "Student Discipline: Student Suspension, Expulsion, and Due-Process rights."

If the Superintendent finds no reasonable cause to believe policy has been violated, the Superintendent shall inform the complaining party in writing.

Timelines

A complaint must be made within thirty calendar days after the complaining party knew or should have known that there were grounds for a complaint.

Once the complaint is made it will be documented using the forms available on the District's Intranet. The forms can be completed by the complainant or by the investigator with input from the complainant. Once the forms are completed, the investigator will respond in writing to the complainant within five working days.

If the immediate supervisor or site administrator does not respond, the Superintendent will have ten additional working days to respond in writing to the complainant.

If the Superintendent does not timely respond, then the complainant may request in writing that the issue be brought before the Board. The Board will then review the record of the investigation and have thirty days to respond to the complaining party in writing.

*******End of Regulation*****End of Regulation*****End of Regulation*******

iv. *Reasonable Accommodations*

The District will provide reasonable accommodations to staff and applicants who are qualified individuals with disabilities unless the accommodation would cause an undue hardship.

The District provides reasonable accommodations to ensure:

- equal employment opportunities;
- qualified individuals with disabilities are able to perform essential job duties;
- disabled employees enjoy equal benefits and privileges; and
- a pregnant employee's known limitations related to the pregnancy, childbirth, or related medical conditions are addressed.

The District is not required to provide accommodation that will cause undue hardship to the District.

Requests for Accommodations

Applicants or staff needing a reasonable accommodation in the application process or to perform the essential functions of a job should submit a request to human resources.

Interactive Process

The District shall engage in the interactive process to determine the need for a reasonable accommodation. The interactive process is informal and used to clarify the need for and identify an appropriate reasonable accommodation.

The District may request documentation of a disability and the need for an accommodation, including input from a treating physician for which the District may request a limited release to ask specific questions.

The District may also require an independent medical examination to determine if an individual has a qualified disability and what reasonable accommodations may be available.

Reasonable accommodations include:

- facility access;
- leave;
- job restructuring;
- modified work schedules;
- acquiring or modifying equipment;
- providing qualified readers or interpreters; or
- Reassignment.

The District may choose from available effective accommodations and is not required to provide the individual's preferred accommodation. The District may periodically review the effectiveness of an accommodation and modify it, if necessary.

LEGAL REF: 29 U.S.C. § 701 et seq.
42 U.S.C. § 12101 et seq.
29 C.F.R part 1630
34 C.F.R. part 104
42 U.S.C. § 2000gg to 2000gg-6

ADOPTED: September 25, 2023

v. Support Services Goals and Priority Objectives

The Board establishes these broad goals to provide services that are supportive of the educational program:

- to provide a physical environment for teaching and learning that is safe and pleasant for students, staff members, and the public; and
- to provide services, resources, and assistance responsive to the needs of the educational programs.

LEGAL REF.: § A.R.S. 15-341

CROSS REF.: Personnel: Equal Employment Opportunity
Students: Equal Educational Opportunities
The Community: Public Concerns and Complaints: Public Concerns and Complaint about Facilities or Services
The Community: Public Conduct on District Premises
Students: Title IX Sexual Harassment

vi. Facilities Development Goals and Priority Objectives

Priority in the development of facilities shall be based on identified educational needs and on programs developed to meet those needs.

The Board establishes these broad goals for development:

- integrate facilities planning with other aspects of planning in a comprehensive educational program;
- base educational specifications for district buildings on identifiable learner needs;
- design for sufficient flexibility to permit program modification or the installation of new programs;
- design district buildings as economically as feasible, providing that learner needs are effectively and adequately met by the design;
- involve the community, staff members, available experts, and the latest in related current development and research in building plans and specifications;
- analyze life-cycle costs as they compare with capital expenditures versus a maintenance and operations expense projection;
- analyze the core facility as it relates to future expansion; and
- design district buildings for community use when feasible

LEGAL REF.: A.R.S. §§ 15-341-42

Board Organizational Meeting

The Board shall meet in the District's boardroom January of each year for the purpose of organizing and electing a President and Clerk.

The meeting shall be called to order by the prior year's President, or if that person is no longer a Board member, the prior year's Clerk. If neither is still a Board member, a temporary President shall be elected and the meeting shall be called to order by the temporary President. The person calling the meeting to order shall preside until a successor is chosen.

One member of the Board shall be elected President. Any Board member may nominate themselves or another Board member for Board President. A nominee does not have to accept the nomination. After nominations are completed, the Board members will vote. The candidate receiving a majority of the votes will be the new Board President. If no candidate receives a majority, the candidate with the least votes will be dropped and the process repeated until a candidate receives a majority of the vote. If the candidate field is narrowed to two and the vote is tied, the election will be decided by a coin flip conducted by the Superintendent. A candidate may withdraw from the election at any time.

The new President shall take office upon election. The Board shall then elect a Clerk by the same process.

Board officers' serve one-year terms. No member may serve consecutive terms as President. No member, who has never served on the Board before, may serve as President.

Whenever there is a vacancy in or resignation from the office of President or Clerk, the Board shall elect a new officer to fill the vacancy during the remainder of the one-year term. Filling a vacancy for President will not disqualify a member from serving as President the following year, if the vacancy occurred after October 1.

In addition to the organizational meeting, the Board may elect a Board President or Clerk at any time, for any reason, providing that the matter has been properly placed and noticed on the Board agenda consistent with the open meeting law.

LEGAL REF.: A.R.S. §§ 15-321, 15-393, 38-431 et seq.

CROSS REF.: The Board: Board Goals, Organization, and Responsibilities: Board Officers
The Board: Board Meetings

REVISED: September 25, 2023

Board Officers

i. President

The Board President's duties are as follows:

- preside over all meetings and conduct meetings in accordance with Arizona law and Board policies;
- consult with the Superintendent on all meeting agendas;
- encourage and maintain orderly and democratic participation at meetings;
- limit discussions at meetings to agenda items and relevant facts; and
- allow for exploration of each agenda item.

In the absence of the President, the Clerk shall assume that position temporarily and perform the President's functions.

In the absence of the President and Clerk, Board members shall elect a temporary president, which shall be recorded in the minutes.

ii. Clerk

The duties of the Clerk of the Board are as follows:

- in the absence of the President from a meeting, assume the position temporarily and perform the President's functions;
- sign official documents approved by the Board; and
- discharge such additional duties as are prescribed by the Board.

LEGAL REF.: A.R.S. § 15-321

CROSS REF.: The Board: Board Meetings: Agenda

The Board: Board Meetings: Agenda Preparation and Dissemination

Board Powers and Responsibilities

The Board acts as Arizona's general agent when acting in its official capacity. Arizona law authorizes the Board to adopt policies and regulations to govern, organize, and evaluate the District. The Board performs the following functions:

- *Legislative Function*: adopt and enact Board policies. The Board retains and exercises full legislative authority and control over Board policies and acts directly in the absence of relevant policy;
- *Executive Function*: enforce Board policy. This function may be delegated to the Superintendent; and
- *Evaluative Function*: appraise the efficiency of District operations and evaluates the District's educational programs.

Individual Board members have the following duties and obligations:

- be familiar with Arizona school law, the Arizona Department of Education's regulations, Board Policies, and the Superintendent's regulations;
- have a general knowledge of the District's educational goals and objectives;
- work harmoniously with other Board members, share the workload, and do not dominate the Board;
- in Board meetings, vote and act impartially and in the District's best interest;
- accept the will of the vote of majority and support the resulting decision;
- maintain confidentiality of executive sessions, especially personnel matters and privileged communications and information;
- promote interest in and support for the District; and
- refer public or staff complaints or concerns to the Superintendent and take no individual action.

LEGAL REF.: A.R.S. §§ 15-321, 15-341, 15-342

District-Based Management

Under Arizona law, the District, having only one school or fewer than 600 students, is not required to have a program of school-based management, and the Board elects not to have such a program.

LEGAL REF.: A.R.S. §§ 15-351, 15-352, 15-353

CROSS REF.: The Board: Board Goals, Organization, and Responsibilities: Board Relationship with Superintendent
The Superintendent: Superintendent Duties: Line and Staff Relations

Board Relationship with Superintendent

The Board is responsible for establishing policies. The Superintendent, the District's Chief Executive Officer, is responsible for implementing them. The Superintendent may develop regulations to ensure the District's efficient operation and may delegate necessary authority to other employees to do so.

LEGAL REF.: A.R.S. § 15-503

Board Advisory Committees

The Board's work should be done by the whole Board at properly convened public meetings, but the Board may establish temporary committees for the time needed for a designated purpose. The Board shall not establish standing or permanent committees. Board members cannot comprise any standing or permanent committee.

The Board may, by majority vote, appoint members to advisory committees. The committees cannot take legal action. The committees can make recommendations to the Board based on research and facts. The recommendations are advisory only and not binding on the Board. The committees shall automatically be dissolved upon completion of its assignment.

The Board President shall develop guidelines for each committee, which the Board must approve before the committee's first meeting. The guidelines shall include, at least, the following:

- a specific statement of the purpose of the committee;
- dates for the committee's interim and final reports;
- when the committee will be terminated; and
- the facilities, supplies, equipment, and clerical support available to the committee.

The Superintendent will serve as an *ex-officio* member of all advisory committees and ensure that the committee members are briefed on and follow the Arizona's Open Meeting Law as it applies to Board committees.

LEGAL REF.: A.R.S. § 38-431 *et seq.*

District Attorney

The District may use the services of the County Attorney. The District employs a Director of Legal Services, who acts as the District's general counsel. The District may also have prepaid legal services through an insurer. The Board may retain private counsel and services when in the District's best interest. The scope of the representation and the fees must be determined prior to retaining private counsel.

The Superintendent and the Board President are the District's representatives either of whom may confer with counsel. The District will not be responsible for fees that accrue because of unauthorized individual Board member or staff consultation with private counsel.

Copies of all written requests for opinions and opinions of private counsel shall be furnished by the Superintendent to all Board members. Requests for opinions requiring research or substantial amounts of work on the part of private counsel shall be in writing when practicable. Private counsel should not be utilized for matters pertaining to the District's day-to-day operations.

LEGAL REF.: A.R.S. §§ 11-532, 15-341, 15-343, 38-431.07

Board Consultants

To enhance the District's effectiveness, the Board may employ consultants when specialized expertise outside the scope of District staff is needed or the work needed would place a burden on staff beyond their full-time assignments.

Consultant's services may include, but will not necessarily be limited to, fact-finding, surveys, research, developing policy, and program recommendations. The Superintendent is responsible for budgeting for and employing consultants.

LEGAL REF.: A.R.S. §§ 15-341, 15-343
A.A.C. §§ R7-2-1061 *et seq.*, R7-2-1117 *et seq.*

Naming Facilities

When naming any campus or building, the Board will consider names derived from significant geographic locations, historical events, or events of community significance, and worthy individuals who have made unique contributions to the District and have been deceased for at least ten years.

2. BOARD MEMBERS

A. Board Member Qualifications

An Arizona registered voter who resided in the District for one year immediately preceding election day and currently resides in the governing-board-member district to which the person seeks election, is eligible for election to the office of Board member.

The District's governing-board-member district map is posted on the District's website.

District employees, employees of third-party contractors that directly provide certificated or support services, and the spouses of such employees, cannot be Board members.

A Board member cannot serve simultaneously as a member of any other school district Board.

A Board member in the last year of a term of office may seek nomination or election for another Board.

LEGAL REF.: A.R.S. §§ 15-421, 38-201
Ariz. Const., art. VII, sec. 15

Board Member Oath of Office

i. Oath of Office

Board members shall take and subscribe to the oath prescribed for public officers in A.R.S. § 38-231. The person taking the oath shall file a copy of the acknowledged oath in the District office. The District office shall keep such copy on file as long as the Board member remains on the Board and for a period of five years after last serving on the Board.

ii. Time of Oath

When a different time is not prescribed, the oath of office shall be taken, subscribed, and filed within ten days after the Board member has notice of appointment or, if elected, at any time after receipt of the certificate of election, and at least one day before commencement of the term of office.

iii. Familiarization with Open Meeting Law

Before taking office, a newly elected or appointed Board member shall review Chapter 7 (Open Meetings) of the Arizona Attorney General's Arizona Agency Handbook.

LEGAL REF.: A.R.S. §§ 15-426, 38-231-33, 38-431.01
Attorney General's Arizona Agency Handbook, Chapter 7, Open Meetings

Board Member Authority

Board powers can only be exercised at a properly convened public meeting. A quorum of Board members gathered to take legal action constitutes a "meeting."

Individual Board members have no authority to act on behalf of the Board or the District unless the Board votes to delegate authority to the member at a meeting.

LEGAL REF.: A.R.S. §§ 15-321, 15-342, 15-341, 15-381

CROSS REF.: The Board: Board Goals, Organization, and Responsibilities; Board Powers and Responsibilities
The Board: Board Meetings: Quorum

Board Vacancies

i. Board Member Resignation

A Board member, who wants to resign from the Board must send a resignation letter with an effective resignation date to the Maricopa County School Superintendent and copies to the Secretary of State, the other Board members, and the Superintendent. The letter must be sent prior to the effective resignation date.

LEGAL REF.: A.R.S. §§ 15-302, 38-101, 38-291, 38-294

ii. Board Member Removal from Office

Under A.R.S. § 38-291, a Board member's position may be considered vacant or the Board member may be removed from office for any of the following reasons:

- the Board member's death;
- a judicial determination of the Board member's insanity;
- the Maricopa County School Superintendent accepts the Board member's resignation;

- the voters recalled the Board member;
- the Board member moves out of the board-member district to which the member was elected;
- ceasing to discharge the duties of office for a period of three consecutive months;
- the Board member is convicted of a felony or an offense involving a violation of official duties;
- the Board member fails to timely file an official oath;
- a competent tribunal declares void the election or appointment of the Board member;
- the Board member was not elected or properly appointed; or
- the Board member violated A.R.S. § 38-296.

LEGAL REF.: A.R.S. §§ 19-201, 19-202, 19-202.01, 19-209, 19-216, 38-291, 38-296, 38-431.07

iii. Unexpired Term Fulfillment

The Maricopa County School Superintendent shall appoint a successor to fill any Board vacancy, as defined in A.R.S. § 38-291, to serve during the predecessor's unexpired term. Alternatively, the County School Superintendent may call for an election to fill a vacancy.

When a vacancy occurs, the Board may, within thirty days after notification of the vacancy, submit to the County School Superintendent up to three names to be considered to fill the vacancy. The County Superintendent is not required to choose a successor from the Board's list of names.

LEGAL REF.: A.R.S. §§ 15-302, 38-291
 Ariz. Att. Gen. Opinion I82-111
 Ariz. Const., Art. VII, § 15

Board Member Ethics

Board members will strive to improve public education, by:

- attending all Board meetings when possible, and becoming informed concerning the issues to be considered at those meetings;
- only making decisions after discussion at properly convened public meetings;
- rendering decisions based on available facts and exercise of the member's independent judgment, free of undue influence of outside individuals or special-interest groups;
- encouraging the free exchange of ideas between Board members, and seeking communications from students, staff, and the community;
- establishing effective Board policies and delegating administrative authority to the Superintendent;
- communicating public reaction to Board policies and district programs to other Board members and the Superintendent;
- staying informed about current educational issues through individual study and participation in educational programs;
- supporting the employment of the best-qualified personnel and requiring the regular and impartial evaluation of all personnel;
- avoiding conflicts of interest, and not exploiting their Board position for personal or partisan gain;
- taking no private action that might compromise the Board or administration;
- respecting the confidentiality of information that is privileged under applicable law; and

- always making the District's students' educational welfare the Board member's primary and paramount concern.

LEGAL REF.: A.R.S. § 15-321

Board Member Conflict of Interest

i. Voting Restrictions

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

ii. Employment Limitation

The District cannot employ a Board Member's dependent, as defined in A.R.S. § 43-1001, except by consent of the Board. "Dependent" includes a "qualifying child" or "qualifying relative."

- A "qualifying child" is a child; brother, sister, stepbrother, stepsister, or any of their descendants,
 - who resides in same abode as you for more than half of the year,
 - is under age 19 or age 24, if a student,
 - who provides less than one-half of their own support, and
 - has not filed a joint tax return.
- A "qualifying relative" is a child, brother, sister, stepbrother, stepsister, father, mother, grandparent, nieces, nephew, aunt, uncle, son-in-law, daughter-in-law, father-in-law, mother-in-law, brother-in-law, or sister-in-law,
 - whose gross income is less than \$2,000,
 - for whom you provide over one-half of their support, and
 - who is not another taxpayer's qualifying child.

No District employee or spouse of a District employee may be a Board member.

iii. Conflict of Interest

Any Board member or District employee who has, or whose relative has, a substantial interest in any contract, sale, purchase, or service to the District shall make known that interest in the District's official records and shall refrain from voting upon or otherwise participating in any manner as a Board member or employee in such contract, sale, or purchase.

Any Board member or District employee who has, or whose relative has, a substantial interest in any District decision shall make known such interest in the District's official records and shall refrain from participating in any manner as a Board member or employee in such a decision.

"Refrain from participating in any matter" means more than just refraining from making a final decision. It means participating in any way in the process leading up to a decision.

An employee with a conflict of interest must not make recommendations, give advice, or otherwise communicate in any manner with anyone involved in the decision-making process.

iv. Remote Interests

An interest is a “remote interest” when the relative involved is not a dependent or spouse of the Board member. A “remote interest” is not a “substantial interest.”

v. Purchases from Board Members for Districts with 3,000 or More Students

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

- purchases for supplies, materials, and equipment are limited to \$300 per transaction;
- the total purchases from any Board member by the Board within any twelve-month period do not exceed \$1,000;
- the purchases comply with the Uniform System of Financial Records (“USFR”) guidelines for oral and written quotations; and
- the Board has approved or reapproved a policy authorizing such purchases within the preceding twelve-month period.

vi. Purchases from Board Members for Districts with Fewer than 3,000 Students

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

- purchases less than \$100,000 comply with the USFR guidelines for oral and written quotations;
- purchases of \$100,000 and above comply with the School District Procurement Rules for public competitive bidding;
- each purchase is approved by the Board; and
- the amount of the purchase is included in the Board’s meeting minutes.

vii. Filing of Disclosures

The District shall maintain for public inspection in a special file all documents necessary to memorialize all disclosures of substantial interest made known pursuant to the statutory conflict-of-interest provisions.

LEGAL REF.: A.R.S. §§ 15-213, 15-323, 15-421, 15-502, 15-503, 15-323, 15-421, 38-481, 38-503, 38-509, 42-1001, 43-1001
I.R.C. §§151 and 152
Att. Gen. Op. I06-002, I84-012, I88-013, I87-035

3. BOARD MEETINGS

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

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

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

A. Regular Board Meetings

The second and fourth Monday of each month are designated as the regular Board meeting dates. A regular meeting may be rescheduled or canceled by agreement of a majority of the Board. The second meeting is often cancelled when classes are not in session.

The Board generally meets for regular Board meetings in the Boardroom in Building 3 on the Main campus and on occasion in a meeting space on the Power campus.

Special Board Meetings

The Board may convene special meetings when necessary. Special meetings must follow Arizona’s Open Meeting Law.

LEGAL REF.: A.R.S. §§ 15-321, 15-843, and 38-431 *et seq.*
Atty. Gen. Op. I79-045

CROSS REF.: The Board: Board Meetings

Executive Sessions and Open Meetings

The Board may convene an executive session for any purpose listed in A.R.S. § 38-431.03. An executive session must be convened during a properly convened public meeting. Notice of the executive session stating its purpose must be included in the notice and agenda of the public meeting at which the executive session will be convened. A majority vote of the Board at the public meeting is required to convene an executive session.

At the start of an executive session, the confidentiality admonition will be read to all present.

The Board cannot take legal action in an executive session.

At the conclusion of the executive session, the Board shall reconvene the public meeting.

LEGAL REF.: A.R.S. §§ 15-843, 38-431 *et seq.*
Att. Gen. Op. I79-45, I79-49, I79-126, I79-136, I80-118, I80-146, I81-058, I81-060, I81-090

CROSS REF.: The Board: Board Meetings: Minutes
Students: Student Discipline: Student Suspension, Expulsion, and Due-Process Rights

Notification of Board Meetings

Written notice of the date, hour, place, and agenda for each regular meeting of the Board shall be posted at least twenty-four hours before the meeting at the Main and Power Campuses outside the administration buildings and on the District’s website. The notice will include the agenda, meeting location, and online access. Technological problems with posting on the website will not invalidate the meeting, if the requirements of A.R.S. § 38-431.02 are otherwise met.

The 24-hour notice period may include Saturday, if the public has physical access to a posting location, but cannot include Sundays or holidays listed in A.R.S. § 1-301.

In case of an actual emergency, 24-hours' notice is not required, but other notice requirements of Arizona's Open Meeting Law should be adhered to as closely as possible under the circumstances.

If an executive session includes discussion of an employee, the Board must provide written notice to the employee at least 24 hours before the public meeting. Except for salary discussions, the employee may elect to have the discussion in the public session.

A meeting may be recessed and resume with less than 24-hours' notice if the meeting was properly noticed and before recessing the Board gives the public notice of the time and place at which the meeting will resume or notice of how the public may obtain that information.

If the Board meets regularly at the same location for a specified period, the Board may specify the period and post notice of the meetings at the beginning of the period.

The Board provides sufficient seating at Board meetings to accommodate anticipated attendance.

LEGAL REF.: A.R.S. §§ 1-301, 15-321, 15-341, 38-431.01, 38-431.02
Ariz. Att. Gen. Op. I79-45

CROSS REF.: The Board: Board Meetings

REVISED: September 25, 2023

Agendas

The order of business at a meeting is:

i. Regular meetings:

- Call to order
- Pledge of allegiance to the flag
- Presentation of minutes
- Call to the public (*See Public Participation at Board Meetings*)
- The Board President may limit the subject matter of and time for public comment
- Old business
- New business
- Reports
 - Superintendent
 - Board
 - Other (instruction, employee, financial)
- Adjournment

ii. Special meetings:

- Call to order
- Pledge of allegiance to the flag
- Call to the public (*See Public Participation at Board Meetings*)
 - The Board President may limit the subject matter of and time for public comment
- Items for which special meeting was called

- Adjournment

iii. *Executive sessions:*

Any meeting may include an executive session, the purpose of which must be included in the agenda.

The President may change the order of items unless a majority of the Board members present object.

LEGAL REF.: A.R.S. § 38-431 *et seq.*

CROSS REF.: The Board: Board Meetings

Agenda Preparation and Dissemination

i. *Regular Meetings:*

The Superintendent and the President will prepare Board meeting agendas.

The Superintendent or a Board member may place an item on the agenda by notifying the Superintendent of the item at least five working days before the meeting.

The agenda and supporting materials shall be distributed to the Board members at least 24 hours prior to the meeting.

ii. *Special Meetings:*

Except in the case of an emergency, the procedures for regular meetings will be followed for special meetings. In the case of an emergency, the procedures and the requirements of Arizona's Open Meeting Law will be followed as closely as practical.

LEGAL REF.: A.R.S. § 38-431 *et seq.*

Quorum

A quorum is necessary for the Board to conduct any business. A majority of the Board members (vacant seats are not counted toward the total number of members) constitutes a quorum. If a quorum is not present within 15 minutes of the time scheduled, the meeting may be canceled.

LEGAL REF.: A.R.S. §§ 1-216, 15-321
Ariz. Att. Gen. Op. 184-165

Rules of Order

The rules for Board meetings are as follows:

- the Board will hold a regular meeting at least monthly during the school year;
- an action item requires a motion and a second;
- the President may make or second a motion and vote on all motions;
- a motion to adjourn is in order at any time, does not require a second or discussion, and may be voted on by acclamation;
- a motion to table is in order at any time and requires a second. A motion to table takes priority over the motion to be tabled; and
- by majority vote of the Board at a meeting, these rules may be suspended for that meeting.

LEGAL REF.: A.R.S. §§ 15-321, 15-341

CROSS REF.: The Board: Board Meetings
The Board: Board Policies: Suspension or Repeal of Policy

Voting Method

Votes on all motions and resolutions may be by voice vote (*ayes* and *nays*). On a voice vote, members may request that their own votes be recorded. At the request of any member, the vote may be by a show of hands or a roll call. No secret ballots are permitted.

A majority vote of members present and voting is required to carry a motion. Abstentions do not count towards the number needed for a majority or towards the vote tally.

LEGAL REF.: A.R.S. §§ 1-216, 15-321, 38-431
Att. Gen. Op. I78-237

CROSS REF.: The Board: Board Meetings

Minutes

Written or recorded minutes shall be taken of all regular and special Board meetings, including executive sessions, and shall include the information required by A.R.S. § 38-431.01. The written minutes or recording shall be available for public inspection three working days after the date of the meeting, except for confidential executive session minutes. Written minutes or a recording not yet approved by the Board shall be marked as “draft” or “unapproved.” The minutes or recording shall not be withheld from the public pending approval and must be in a form readily accessible to the public.

Copies of unapproved written minutes, in print or digital form, shall be distributed to all Board members prior to the next meeting. The Board will take action at a subsequent meeting to amend and/or approve the written minutes.

The Superintendent shall oversee the preparation of written or recorded minutes of all executive sessions, as required by A.R.S. § 38-431.01. The Superintendent will provide confidential copies of unapproved written minutes, in print or digital form, to all Board members prior to the next meeting.

The Superintendent shall assure that permanent archival files of all approved Board meeting minutes and related required materials are maintained in accordance with A.R.S. § 39-101 and standards established by Arizona State Library, Archives and Public Records (“ASLAPR”). Regular and special Board meeting minutes shall be filed separately from Board executive session minutes.

LEGAL REF.: A.R.S. §§ 15-843, 38-421, 38-431.01, 38-431.03, 39-101, 39-121-122, 41-1347, 41-1351
Ariz. Att. Gen. Op. I80-198
Attorney General Arizona Agency Handbook, Chapter 7, Open Meetings
ASLAPR General Retention Schedule for School Districts and Charter Schools

Public Participation at Board Meetings

All Board meeting are open to the public. The Board invites public comment at meetings and provides the following rules for public comment at Board meetings.

- At regular board meetings, members of the public may comment on or raise any matter relevant to the District’s or Board’s operation, subject to the limitations below.
- At special board meetings, the Board will only accept comments on agenda items, subject to the limitations below.
- Attending a meeting in person is not necessary to address the Board. Any individual desiring to address the Board shall complete a Request to Address Board form and submit it to the

Board's secretary in person or via email prior to the start of the Board meeting. The Board will telephone members of the public, who are not able to attend in person and wish to speak, at the telephone number on the form.

- The President shall be responsible for recognizing speakers, maintaining proper order, and adhering to any time limits set.
- Questions of fact asked by the public shall, when appropriate, be answered immediately by the President or referred to the Superintendent for reply.
- Questions requiring investigation shall be referred to the Superintendent for later report to the Board.
- Questions or comments on matters that are currently under legal review will not be accepted.
- If considered necessary, the President shall set a time limit on the length of the comment period. In order to ensure that each individual has an opportunity to address the Board, the President may also set a time limit for individual speakers.
- Members of the public may, at the discretion of the President, be recognized while the Board conducts its official business.
- Personal attacks upon Board members, staff personnel, or other persons are discouraged. Presenters are cautioned that statements or representations concerning others that convey an unjustly unfavorable impression may subject the presenter to civil action for defamation.

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

LEGAL REF.: A.R.S. § 38-431.01

CROSS REF.: The Board: Board Goals, Organization, and Responsibilities: Board Officers
The Board: Board Communications
The Community: Public Concerns or Complaints about Personnel

4. BOARD POLICIES

A. Policy Adoption, Review, Revision, Suspension, And Repeal

The Board is responsible for adopting, revising, or repealing Board policies. Board policies are intended to comply with applicable laws and regulations. If there is a conflict between Board policy and federal or state laws or regulations, the laws and regulations prevail.

Policies may require changes in response to new or amended laws or regulations or the District's needs and objectives. The District welcomes suggestions from any interested party policy changes.

The following procedure applies to changes in policy:

- First meeting - the proposal shall be presented for review.
- Second meeting - the proposal shall be presented for discussion and action.

If discussion of a proposed policy results in changes, an additional review is not required, but the Board may choose to do so.

In the case of an emergency, a policy may be changed at a single meeting.

The Board may vote to suspend, reinstate, or repeal any policy not required by law or contractual obligation. Suspension, reinstatement, or repeal does not require the two-meeting process.

The Board directs the Director of Legal Services to annually review and recommend revisions to the policies to conform to changes in the law and in conjunction with the District's functioning as indicated by reactions of District staff, students, and community to provide insight into the effect of the policies it has adopted. The Director of Legal Services is responsible for calling to the Board's attention policies that are out of date or in need of revision.

LEGAL REF.: A.R.S. §§ 15-321, 15-341

CROSS REF.: The Board: Board Policies: Policy Communication and Feedback

Board Review of Regulations

The Superintendent is responsible for creating regulations to carry out Board policies. The Superintendent shall provide a copy of each regulation to the Board prior to implementation. Regulations will be added to Board policies following the policy to which the regulation relates. The Board reserves the right to review all administrative regulations.

LEGAL REF.: A.R.S. § 15-321

Policy Communication and Feedback

The District will post this manual on its Internet website and its Intranet.

The Director of Legal Services will be responsible for maintaining the manual in electronic format, notifying the Director of Information Systems of policy changes and providing an updated version for posting.

LEGAL REF.: A.R.S. § 15-341

5. BOARD COMMUNICATIONS

A. Board Communication with Staff Members

Before employees may communicate with the Board regarding district-related concerns, the employee must first bring the matter to the administration's attention by following the chain of command from supervisor to Superintendent. If the concern is not resolved by the administration, the employee may contact the Board via email. The Board will not consider anonymous communications.

If the employee's concern is unrelated to employment, the employee may raise that concern during a call to the public at a Board meeting.

When appropriate, the Superintendent will convey Board policies, concerns, directives, and messages to employees.

LEGAL REF.: A.R.S. § 15-321, 15-341, 38-431.01, 38-431.02

CROSS REF.: The Board: Board Meetings: Public Participation at Board Meetings

Board Communications with the Public

The public may communicate with Board as follows:

- If a community member's concern is not adequately addressed by the administration, it may be presented to the Board in writing or presented at a call to the public at a board meeting.
- No anonymous communication will be considered by the Board.

- The Superintendent will convey official Board communications to the public.

CROSS REF.: The Board: Board Meetings: Public Participation at Board Meetings

New Board Member Orientation and Handbook

The Board and the administration will make every effort to assist a member-elect to become fully informed about the Board's duties, policies, and procedures. Members-elect will be invited to meetings and events when appropriate and provided a copy of the New Board Member Handbook.

Board members-elect will be encouraged to attend meetings or workshops specifically designed for Board members-elect. The District will reimburse expenses for these meetings and workshops, if permitted by law.

LEGAL REF.: A.R.S. §§ 15-342, 38-431.01

Board Member Development Opportunities

Board members are encouraged to attend in-service training, conventions, conferences, and workshops subject to the following guidelines.

- The Board will decide which events will be beneficial to the District.
- The annual budget will provide funds for these events.
- The Board will decide within the budget which members, if any, should attend an event.
- With the prior approval of the Board, Board members may participate in meetings other than those authorized in the budget.
- Attendees at the events will be expected to share new information and experiences with the full Board and, when appropriate, staff.

No public monies can be used for training, orientation, or therapy that presents any form of blame or judgment on the basis of race, ethnicity, or sex as defined in A.R.S. § 41-1494(D). This does not include any training on sexual harassment.

LEGAL REF.: A.R.S. §§ 15-342, 15-111; 41-1494

Board Member Compensation and Expenses

Board members are not compensated for their services as a Board member.

The District may reimburse a Board member's board-authorized expenses incurred in relation to District business up to the amount authorized by A.R.S. § 38-624.

LEGAL REF.: A.R.S. §§ 15-342, 38-621-25

Board Member Insurance and Liability

i. General

By statute, Board members are immune from personal liability with respect to all acts done and actions taken in good faith within the scope of their authority during duly constituted regular and special meetings. However, the Board may procure insurance or may establish a self-insurance program for the management and administration of a system for direct payment of benefits, losses, or claims, or any combination of insurance and direct payments, including risk-management consultation, to provide payment of any property loss sustained or lawful claim of liability or fortuitous loss made

against the District or its employees or officers, if the employees or officers are acting in the scope of their employment or authority.

ii. Participation in the District's Group Insurance Plans

Board members and their dependents are eligible to participate in health, accident, life, or disability insurance plans made available to District employees if the Board members pay the full premiums associated with such coverage and participation of the members and their dependents does not result in an expenditure of District monies.

Former Board members, their spouses, dependents, and surviving spouses or dependents of Board members or former Board members may continue to participate in the health, accident, life, or disability insurance benefits provided to District employees if the Board member served at least four consecutive years, the participant was covered by the insurance while the member served on the Board, and the member, spouse, or dependents pay the full insurance premium and there is no expenditure of District monies.

LEGAL REF.: A.R.S. § 15-382, 15-387
Att. Gen. Op. 190-038

Board Legislative Program

The Board may participate in legislative programs through conferences with the state and national school boards associations.

The Board authorizes the Superintendent to actively participate in the development of legislation that has a positive effect on the District's educational programs.

Board Memberships

The Board may join school boards associations. The Superintendent will include school boards association membership in budget preparation.

The District shall not join an association that attempts to influence the outcome of an election, as determined by state and federal law.

LEGAL REF.: A.R.S. §§ 15-342, 15-511

Liaison with School Boards Associations

In addition to informational liaison between itself and the various school boards associations, the Board may be officially represented in the associations' affairs through the election and appointment of delegates or observers to the governing bodies of these organizations.

LEGAL REF.: A.R.S. § 15-341

CHAPTER 3 - ADMINISTRATION

1. ADMINISTRATIVE GOALS, PRIORITIES, AND OBJECTIVES

The District administration operates within Board policy and is responsible for fulfilling the District's mission, achieving the Board's goals, and meeting its expectations.

The Board expects the administration to have expertise in:

- decision making and communication;
- planning, organizing, implementing, and evaluating educational programs;
- educational leadership; and
- working relationships and clear communication within the District and the community.

LEGAL REF.: A.R.S. § 15-321

CROSS REF.: The District: Mission Statement

2. THE SUPERINTENDENT

A. *Chief Executive Officer*

The Superintendent is the District's chief executive officer and administers the District within Arizona law, State Board of Education rules, and Board policies and enforce the same. The Superintendent shall have a valid fingerprint card issued pursuant to A.R.S. § 41-1758.03.

Qualifications and Duties

The Superintendent provides leadership for the District and recommends to the Board changes in Board policies and educational programs. The Superintendent may delegate authority for District operations, but remains ultimately responsible for all operations, in particular, the following:

Education:

- administering all aspects of educational programs;
- supervising instruction, supervisors, and administrators;
- staying informed of modern educational practices through study, out-of-district school visits, educational conferences, or other appropriate means; and
- informing the public about modern education practices and trends, and District policies, practices, and problems;

Management:

- ensuring that District activities abide Arizona law, the Board of Education's regulations, and Board policy;
- assuming responsibility for the District's fiscal management and submitting the annual budget overall to the Board for review and approval;
- establishes and maintains efficient procedures and effective controls for all expenditures of District funds within the adopted budget, subject to the Board's direction and approval;
- maintaining adequate District records, including but not limited to:

- financial accounts;
 - business and property records;
 - personnel;
 - District population;
 - student records; and
 - scholastic records.
- providing instructions and regulations for maintaining District properties;
 - providing instructions and regulations for student safety and transportation;
 - assuming responsibility for use of buildings and grounds;
 - recommending:
 - the locations and sizes of new District sites or buildings;
 - additions to existing sites;
 - plans for new District buildings;
 - appropriations for sites and buildings; and
 - building improvements, alterations, and remodeling; and
 - acquisitions, replacements, or upgrades to equipment.
 - overseeing the processing and submission of required reports;
 - interpreting the budget and finances for the community; and
 - remaining current on and implementing new legislation to District's best advantage.

Governing Board:

- attending and participating in all Board meetings including Board committees, except when excused by the Board;
- taking prompt action to implement Board directives;
- advising the Board on the need for new or revised policies;
- provides timely advice to the Board on the implication of changes in statutes or regulations affecting education;
- informs and advises the Board about programs, practices, and District problems, and keeps the Board informed of the activities operating under the Board's authority;
- prepares and submits to the Board recommendations relative to all matters requiring Board action, placing before the Board such facts, objective information, and reports as are needed to ensure the making of informed decisions;
- develops and implements rules and regulations in keeping with Board policy;
- acts as chief public relations agent for the District; and
- acts on own discretion if action is necessary in any matter not covered by Board policy, reports such action to the Board as soon as practicable, and recommends policy guidance in the future.

Personnel:

- recommends to the Board the appointment or dismissal of all District employees;

- ensures that all employees are evaluated in accordance with the schedule established by the Board;
- determines assignments, defines the duties, and coordinates and directs the work of all District employees;
- recommends all promotions, demotions, and salary changes to the Board; and
- communicates to all employees all actions of the Board relating to personnel matters, and receives from employees all communications to be made to the Board.

LEGAL REF.: A.R.S. § 15-503, 38-201, 41-1758
A.A.C. § R7-2-603

Delegated Authority

The Board delegates to the Superintendent, among other powers, the authority to perform the following acts:

- to give notice to high-school instructors, under A.R.S. § 15-536, of the Board's intention not to offer a teaching contract;
- to give notice to high-school instructors, under A.R.S. § 15-538.01, of the Board's intention not to offer a teaching contract and to dismiss the instructor;
- to give notice under A.R.S. § 15-503, to an administrator, whose position requires certification from the Arizona Department of Education, of the Board's intention not to offer a new contract; and
- to issue to high-school instructors, under A.R.S. §§ 15-536, 15-538, and 15-539, written preliminary notices of inadequacy of classroom performance, which shall be reported to the Board at the next regular Board meeting.

LEGAL REF.: A.R.S. §§ 15-503, 15-536, 15-538, 15-538.01, 15-539

Superintendent's Evaluation

The Board shall evaluate the Superintendent at least annually. The evaluations are confidential and shall consider the Superintendent's duties, responsibilities, and progress toward established goals.

The Superintendent shall provide a copy of the evaluation instrument to each Board member not later than the first November Board meeting. The President shall schedule a meeting before the first December Board meeting, at which the Board will evaluate the Superintendent's performance in executive session, unless the Superintendent requests that it be in a public meeting, and to discuss the Board's working relationship with the Superintendent. The Board will also review the Superintendent's contract with the Superintendent. In the Superintendent's first year, the evaluation will not be comprehensive. It will be used to for the Board and the Superintendent to discuss the Superintendent's performance to date. Subsequent evaluations will be comprehensive. The Board will give a copy of any written evaluation to the Superintendent, who may respond in writing if there is any disagreement with the evaluation.

Based on the evaluation, the Board may choose to change the compensation, benefits, or the term of the Superintendent's contract, subject to the following:

- if the Superintendent has multi-year contract, the District shall not offer to extend or renegotiate the contract more than fifteen months before the expiration of the contract; or
- if the Superintendent has a one-year contract, on or before May 15 the Board shall offer a contract for the next school year to the Superintendent unless on or before April 15 the Board

gives notice to the Superintendent of the Board's intention not to offer a new contract. A new contract does not necessarily have to be as Superintendent.

The Superintendent's evaluation and comments shall be part of the Superintendent's confidential personnel file.

LEGAL REF.: A.R.S. § 15-503

Superintendent's Duties

i. Line and Staff Relations

The Superintendent may delegate to an employee any of the powers assigned to the Superintendent, unless prohibited by law, regulation, or Board action. The Superintendent, however, remains responsible for the satisfactory execution of the delegated power and duties. Lines of authority shall be clearly outlined by the Superintendent by means of organization charts, job descriptions, and administrative regulations and directives.

The Superintendent will hold or recommend staff meetings when necessary.

LEGAL REF.: A.R.S. § 15-353

CROSS REF.: Personnel: Staff Meetings

*******Regulation****Regulation****Regulation****Regulation****Regulation*******

The Superintendent has delegated certain responsibilities to Program Directors. Only the Superintendent may delegate duties, authority, or responsibilities to Program Directors. Program Directors will report to their supervising Chief. Program Directors will keep Chiefs informed of the conditions and needs of their programs.

The primary duty of a Program Director is to administer and supervise the instructional program. A Program Director, as the educational leader of the District, will administer and supervise the District in accordance with District policies and administrative regulations. Program Directors also have the following duties:

- responsibility for the operation of the District's educational programs;
- responsibility for the supervision and evaluation of the program staff members;
- maintaining discipline of personnel and students;
- caring for and protecting District facilities, equipment, grounds, and other District property in their program areas;
- maintaining District records and preparing reports;
- responsibility for maintaining a close relationship with the community and should interpret the educational programs for community members;
- remaining well informed relative to modern educational thought and practice; and
- distributing a parental satisfaction survey under A.R.S. § 15-353.

********End of Regulation*****End of Regulation*****End of Regulation********

ii. Administrative Councils, Cabinets, and Committees

The Board authorizes the Superintendent to establish any number of advisory councils, cabinets, and committees when necessary for proper administration of Board policies or for the improvement of the

total educational program. The Superintendent will define the composition and scope of work of any council, cabinet, or committee. The Superintendent's cabinets, councils, and committees shall obtain the best available advice and counsel from the staff, students, and the public.

iii. Staff Recruiting and Hiring

The Superintendent is responsible for recruiting staff and making hiring and salary recommendations to the Board consistent with the criteria in Board Policy. The Superintendent will establish an orientation program for all new employees.

The Superintendent will:

- determine all staff assignments, extra-duty assignments, and transfers;
- make staffing recommendations to the Board;
- fill positions with best available candidates; and
- be responsible for staff reductions in force.

CROSS REF.: Personnel: Staff Hiring
Personnel: Staff Assignments, Transfers, and Promotions
Personnel: Staff Reduction in Force
Personnel: Staff Positions
Personnel: Staff Contracts and Compensation
Personnel: Part-Time and Substitute Support Staff Employment
Personnel: Staff Orientation and Training
Personnel: Evaluation of Staff Members
Instruction: Class Size
Instruction: Instructional Aides

iv. Policy Implementation

The Superintendent is responsible for carrying out the Board's policies through administrative regulations, which shall specify required actions and detail the arrangement under which the District will operate to promote an effective and efficient District system. All employees and students shall comply with Board policies and administrative regulations.

v. Compliance Officer

The Superintendent is the Compliance Officer for the Rehabilitation Act (Section 504 Accommodations), the Individuals with Disabilities Education Act ("IDEA") the Americans with Disabilities Act, Title VII and Title IX complaints.

CROSS REF.: Instruction: Special Instructional Programs
Personnel: Equal Employment Opportunity
Students: Equal Educational Opportunities

vi. Public Information and Communications

The Superintendent is responsible for keeping the public informed of the District's purpose, goals, methods, and results.

CROSS REF.: The Community: Public Information and Communications

vii. Public Use of District Facilities

No organization may use District facilities without the Superintendent's approval.

CROSS REF.: The Community: Community Use of District Facilities

viii. Curriculum Development

The Superintendent is authorized to develop curriculum to meet the District's changing needs and to make curriculum recommendation to the Board for adoption of new or modified curricula.

The Superintendent is responsible for establishing a textbook selection committee.

CROSS REF.: Instruction: Curriculum Development.
Instruction: Curriculum Adoption
Instruction: Textbook and Supplementary Materials Selection and Adoption

ix. Building and Grounds Maintenance

The Superintendent shall develop guidelines for the maintenance and repair of buildings and grounds.

x. Environmental and Safety Program

The Superintendent will establish procedures to protect the safety of all students, employees, visitors, and others present on District property or at District-sponsored events.

LEGAL REF.: A.R.S. § 13-291, 15-151, 15-341, 15-507, 23-403, 23-408

CROSS REF.: Administration: Superintendent Duties: Environmental and Safety Program
Support Services: Environmental and Safety Program

xi. Emergencies

The Superintendent will develop and maintain District emergency plans for fire and other threats and will coordinate such plans with the local police, fire, and hospital authorities as necessary. The plans will specify conditions under which evacuation of District buildings will occur, designate specific emergency drills to be conducted, and address how the District and first responders will communicate with disabled students. The fire department shall be invited to review the plan(s).

LEGAL REF.: A.R.S. § 15-341

REVISED: September 25, 2023

xii. Handbooks and Directives

The Superintendent will approve all curriculum guides, manuals, handbooks, pamphlets, and similar publications before publication and ensure they are consistent with Board policies and administrative regulations. The Superintendent may provide copies to the Board.

LEGAL REF.: A.R.S. § 15-341

xiii. Administration in the Absence of Policy

In the absence of a relevant Board policy, the Superintendent has the authority to act. The Superintendent will inform the Board of his action and the potential need to develop a policy.

LEGAL REF.: A.R.S. § 15-321

xiv. Administrative Consultants

Professional consultants may be used for improving instructional programs. Consultants cannot be invited to the District without the Superintendent's prior approval.

LEGAL REF.: A.R.S. § 15-343

xv. Annual Budget

The Superintendent is responsible for formulating the annual budget focusing on producing the most positive effect on the student's educational opportunities.

The Superintendent is responsible for reviewing budgetary requests, providing guidelines and limitations, and presenting the proposed budgets and documentation necessary for Board study, review, and action.

The Superintendent will inform the Board if the proposed budget might require an increase in the District's primary property tax levy over the preceding year's tax levy.

LEGAL REF.: A.R.S. §§ 15-905, 15-901.01

xvi. Budget Planning, Preparation, and Schedules

Each school year the Superintendent and Chief Financial Officer shall prepare and disseminate a budget preparation schedule to accomplish all required budgetary actions for the following school year. This schedule will, as a minimum, provide specific dates for the accomplishment of all state-mandated actions.

LEGAL REF.: A.R.S. §§ 15-481, 15-904, 15-824, 15-905, 15-952, 15-991

CROSS REF.: Administration: The Business Office: Budget Hearings and Reviews and Adoption Process

xvii. Fiscal Accounting and Reporting

The Superintendent is ultimately responsible for receiving and accounting for all District funds using Arizona's Uniform System of Financial Records.

The Superintendent shall periodically provide financial reports to the Board.

The Superintendent is also be responsible for student accounting and reporting enrollment and attendance as required by the state.

LEGAL REF.: A.R.S. §§ 15-271, 15-272, 15-901

xviii. Audits and Financial Monitoring

The Superintendent shall implement procedures that ensure the District complies with all state and federal requirements for financial monitoring and audits. Contingent upon prescribed qualifying criteria, such requirements may include, but are not limited to, procedural reviews by the Office of the Auditor General and the federal Single Audit Act Amendments of 1996. The Superintendent will present to the Board a final report of each separate fiscal management review. Reports presented to the Board will become a public record. Final reports shall be filed with appropriate state and other authorities. The Board shall publicly accept all audits and compliance questionnaires by roll call vote.

LEGAL REF.: A.R.S. §§ 15-213, 15-239, 15-914, 15-2111, 41-1279.03-1279.05, 41-1279.07, 41-1279.21, 41-1279.22
A.A.C. § R7-2-902
USFR: Audit Requirements

xix. Financial Reports And Statements

Annually, before October 15, the Superintendent shall present the annual financial report for the previous fiscal year to the Board, which shall submit the report to the Arizona Department of Education.

The District will publish the report November 15 either in a newspaper of general circulation within the District, by electronic submission to the Arizona Department of Education for publication on its website, in the official newspaper of the county, or by mailing to each household in the District. If published electronically by the Arizona Department of Education, the District will post a link on the District's website to the Arizona Department of Education's website.

The Superintendent shall also provide a report of expenditures of public funds and student activity funds to the Board on a monthly basis.

LEGAL REF.: A.R.S. §§ 15-271, 15-302, 15-904, 15-919.06, 15-977, 15-991

CROSS REF.: Administration: The Business Office: Budget Planning, Preparation and Schedules

xx. Inventories

The Superintendent shall establish District inventory procedures, which shall include land, buildings, and equipment as required in the USFR.

LEGAL REF.: Uniform System of Financial Records

*******Regulation****Regulation****Regulation****Regulation****Regulation*******

The Chief Financial Officer shall assist the Superintendent in developing inventory procedures and maintain a copy of the complete inventory. A fixed-inventory system of all capital furniture and equipment items that exceed \$1,000 in value shall be tagged and marked. A comprehensive physical inventory of all District property shall be conducted every three years.

Facility administrators shall require any employee who removes an item from one location for use in another to have a written request for such removal signed by the Chief Financial Officer.

Each administrative unit shall assist in completing an annual inventory of all capital furniture and equipment, library media, and textbooks at its location.

Supply records shall be kept, which will show the name of the individual receiving the supplies, the date received, the disposition of the supplies. A perpetual inventory shall be maintained for all supplies warehoused by the District.

********End of Regulation*****End of Regulation*****End of Regulation********

xxi. Insurance Programs and Risk Management

The Superintendent is responsible for administration of insurance programs.

CROSS REF.: Administration: Superintendent Duties: Insurance Programs and Risk Management

xxii. Educational Specifications for Construction

When facilities are being constructed or remodeled, the Superintendent shall develop a set of comprehensive educational specifications. The Superintendent will discuss the following specifications and statutory references related to the design with the architect:

- information concerning the District organizational plan and estimated enrollment in the proposed building;
- a description of the proposed curriculum and the teaching methods and techniques to be employed;

- a schedule of space requirements, including an indication of relative locations of various spaces;
- a desired layout of special areas and the equipment needed for such areas; and
- an outline of mechanical features and special finishes desired.

LEGAL REF.: A.R.S. § 34-461, 41-1492, 41-2163
 20 U.S.C. 1400 Individuals with Disabilities Act
 29 U.S.C. 704, Rehabilitation Act, Section 504
 42 U.S.C. 12101 The Americans with Disabilities Act

xxiii. *Student Teaching And Internships*

The Superintendent is authorized to arrange for and establish procedures for the supervision and training of a reasonable number of student instructors each year.

LEGAL REF.: A.R.S. §§ 15-1640, 15-1651

xxiv. *Preventive Maintenance*

The Superintendent shall establish a preventive-maintenance program that will extend the useful life of District equipment. The Superintendent is authorized to use the services of specialists for such maintenance, and provide for those services in the annual budget.

3. THE BUSINESS OFFICE

A. *Annual Budgets*

The Chief Financial Officer will prepare a schedule of annual budget deadlines for the Superintendent. This schedule will cover all actions necessary for budget preparation for the following school year.

i. *Budget Schedule*

The following items may be included in the recommended budget schedule:

- a specific date for receipt of unit budgets from administrators;
- a date for initial meeting on the budget with appropriate staff members;
- date(s) for student membership and attendance reports;
- date(s) for estimates on the maintenance and operations and capital budgets;
- date for completion of employee compensation consideration(s);
- date for preparing financial projections for all categories and subcategories to be included in the proposed budget(s) for the ensuing fiscal year;
- date for determining if the proposed budget is in excess of the District's truth in taxation base limit:
 - if the base limit will be exceeded, the Board must decide whether to publish the truth in taxation notice separately or in combination with the proposed budget or budget summary;
 - either publication procedure requires publication at least ten days but not more than twenty days prior to the truth in taxation hearing;
 - the truth in taxation hearing may be held in conjunction with the proposed budget hearing;
- a date for a public meeting by July 5 and not less than ten days before the meeting;

- publish or mail to each household in the District a copy of the proposed budget or a summary of the proposed budget for consideration of the District's residents or taxpayers, and a notice of the public hearing and Board meeting;
 - furnish to the Superintendent of Public Instruction and County School Superintendent, in electronic format, the proposed budget and summary of proposed budget for the budget year.
 - submit to the Department of Education the proposed budget which shall prominently display this information about the District on the website maintained by the Department. The District shall post a link to the website of the Department of Education where this information about the District is posted.
- a date not later than July 15 and not less than ten days after posting or mailing the notice of the public hearing and Board meeting:
- conduct the public hearing and present the proposed budget to the persons attending the hearing, and if a truth in taxation hearing is required it must be conducted prior to the budget hearing; and
 - immediately following the public hearing, the President shall call the Board meeting to order for the purpose of adopting the budget.
- a date not later than July 18 for:
- the Board to file the adopted budget with the County School Superintendent, who shall immediately transmit a copy to the Board of Supervisors;
 - to submit the adopted budget electronically to the Superintendent of Public Instruction; and
 - the District to submit the adopted budget to the Department of Education. The Department shall prominently display this information about the District on the Department's website. The District shall post a link to the Department's website the District's is information is posted.
- a date thirty days from the action date to file with the Superintendent of Public Instruction:
- the publisher's affidavit of publication confirming publication of the proposed budget;
 - an affidavit affirming the proposed budget was mailed to each household in the District; or
 - an affidavit noticing that the proposed budget was posted on the Department of Education website.

ii. *Override Election*

- date(s) for override election, if applicable;
- date for budget hearing on the following year's budget;
- at least ninety days before a proposed override election, which will be on federal election day, order an override election to present proposed override budget to electors and prepare alternate budget without override increase in event voters reject the proposed override budget; and
 - at least thirty-five days before override election, mail or distribute to households where qualified electors reside the informational report prepared by the County School Superintendent; and
 - when a determination is made to cancel the override election, the request must be made to the County School Superintendent at least eighty days before the override election date.

iii. Annual Financial Report:

Not later than October 15 of each year the Board shall:

- prepare and distribute the annual financial report for the prior fiscal year;
- electronically submit a copy of the financial report to the County School Superintendent, which the County Superintendent will approve in an electronic procedure prescribed by the Department of Education;
- electronically submit a copy of the financial report to the State Superintendent of Public Instruction; and
- submit a copy of the annual financial report for the prior fiscal year to the Department of Education, which shall prominently display it on its website a link to which will be posted on the District's website.

Not later than November 15 of each year the Board shall publish the annual financial report:

- in a newspaper of general circulation within the District;
- in the official newspaper of the county as defined in A.R.S. § 11-255;
- by mailing a copy to each household in the District; or
- by electronic transmission of the information to the Department of Education for posting on the Department's website, with a link on the District's website to the report on the Department's website.

All forms and technical requirements for each respective form shall be as prescribed in A.R.S. §§ 15-271, 15-302, 15-481, 15-904, 15-905, 15-919.06, 15-977, 15-991.

Budget Hearings, Reviews, and Adoption Process

At least ten days before the budget hearing and not later than July 5, the Board shall publish notice of the budget hearing and subsequent Board meeting to be held no later than July 15 to present the proposed budget for the District's residents' and taxpayers' consideration and shall submit the proposed budget to the Department of Education. The Department shall prominently display the budget information on the website maintained by the Department. The District shall post a link to the website of the Department of Education where this information about the District is posted.

If a truth-in-taxation notice and hearing is required under A.R.S. 1§ 5-905.01, the Board may combine the budget notice and hearing with the truth-in-taxation notice and hearing.

The publishing of the proposed budget and notice of the hearing and meeting shall abide A.R.S. § 15-905. If a truth-in-taxation notice and hearing is necessary, the notice shall abide A.R.S. § 15-905.01. If the Board decides to combine the budget and truth-in-taxation hearings, publication of a combined notice must satisfy the requirements of both A.R.S. §§ 15-905 and 15-905.01.

Immediately following the public hearing, the Board President shall call the Board meeting to order to consider adopting the budget. A Board member may, without creating a conflict of interest, participate in adoption of a final budget even though the member may have substantial interest in specific items included in the budget.

The Board shall adopt the budget and enter the budget as adopted in its minutes.

Not later than July 18, the Board shall submit the adopted budget to the Department of Education. The Department shall prominently display the District budget information on the website maintained

by the Department. The District shall post a link to the website of the Department of Education where this information about the District is posted.

If the Board receives notification that one or more of the District's categorical budgets are in excess of its authorized limit, the Board shall revise the affected budget(s) in accordance with A.R.S. 15-905.

LEGAL REF.: A.R.S. §§ 15-903, 15-905, 15-905.1, 15-911, 15-915, 15-948

CROSS REF.: Administration: The Business Office: Budget Planning, Preparation and Schedules

Budget Implementation

To determine if budgeted expenditures are in line with the adopted budget, a monthly report of expenditures and revenues showing variances within budget categories shall be presented to the Board. Board approval is required for over expenditure in a major subsection of the maintenance and operation budget.

LEGAL REF.: A.R.S. § 15-905

Budget Transfers

The budget will be reconciled to the District's actual expenditures throughout the year.

The Board may authorize expenditures budgeted within the maintenance and operation budget section for any subsection within the section in excess of amounts specified in the adopted budget if the expenditures for all subsections of the section do not exceed the amount budgeted.

If monies are available in the reserve, the Board may authorize the expenditure of monies to exceed the budgeted expenditures of the capital outlay budget section.

LEGAL REF.: A.R.S. § 15-905

Management of Capital Reserves

General Fund Reserve

Introduction

This General Fund Reserve Policy was designed in accordance with guidelines of the Government Finance Officers Association guidelines and all applicable laws.

Purpose: to maintain adequate levels of fund balance to mitigate current and future risks (e.g., revenue shortfalls and unanticipated expenditures), to ensure stable tax rates; and to eliminate the need for seeking bonds to fund campus renovations, expansions, or acquisitions.

Goals: to establish a formal policy on the level of unrestricted fund balance that should be maintained in the General Fund for generally accepted accounting principles ("GAAP") and budgetary purposes.

Definitions

For the sake of clarity, the term GAAP fund balance describes the net position of governmental funds calculated in accordance with GAAP.

Budgetary fund balance describes the net position of governmental funds calculated on a government's budgetary basis. Budgetary fund balance, while it is subject to the same constraints on spending as GAAP fund balance, typically represents simply the total amount accumulated from prior years at a point in time.

GAAP financial statements report up to five separate categories of fund balance based on the type and source of constraints placed on how resources can be spent (presented in descending order from most constraining to least constraining): nonspendable fund balance, restricted fund balance, committed fund balance, assigned fund balance, and unassigned fund balance.

The total of the amounts in these last three categories (where the only constraint on spending, if any, is imposed by the government itself) is termed unrestricted fund balance.

The calculation of GAAP fund balance and budgetary fund balance sometimes is complicated by the use of sub-funds within the General Fund. In such cases, GAAP fund balance includes amounts from all of the sub-funds, whereas budgetary fund balance typically does not.

General Fund

The General Fund accounts for and reports all financial resources of the District except those required to be accounted for and reported in another fund. The District's General Fund for accounting and budgeting purposes may be different from the General Fund for financial statement reporting purposes. These categories are set forth in Governmental Accounting Standards Board ("GASB") Statement No. 54, Fund Balance Reporting and Governmental Fund Type Definitions.

When the District prepares audited financial statements, the General Fund includes the M&O Fund and any other fund used for accounting or budgeting purposes that does not meet the definition of another governmental fund type. The following funds should be included in the General Fund for financial statement reporting purposes:

- Maintenance and Operation
- Indirect Costs
- School Opening

In addition, the District will need to analyze the following funds to determine if they should be included in the General Fund for financial statement reporting purposes: Advertisement, Auxiliary Operations, Condemnation, Energy and Water Savings, Federal Projects, Gifts and Donations, Insurance Proceeds, Litigation Recovery, School Plant, State Projects, Teacherage, and Unrestricted Capital Outlay.

Fund Balance

To meet the growing demand for CTE courses in the southeast area of the District due to the exceptional growth in population, the District anticipates the need to acquire land and build a new campus or construct buildings on existing campuses. The District, therefore, does not place a cap on the balance of funds in its Maintenance and Operations and Unrestricted Capital Outlay account.

Annual Review

The Superintendent or CFO will be involved in the annual review of this policy to ensure compliance. The annual review will occur in conjunction with the filing of the District's annual budget.

Fund Balance Reporting

GASB Statement No. 54 establishes guidelines for the reporting of fund balances. The business office is assigned the authority to assign fund balances for specific purposes. The District's fund balance reporting will also comply with current guidance established by the Arizona Auditor General.

LEGAL REF.: A.R.S. §§ 15-821, 15-905, 15-905.01, 15-910, 15-2201
USFR

ADOPTED: September 25, 2023

Funding Proposals, Grants, and Special Projects

The Superintendent will inform the Board of possible sources of state, federal, and other funds for the support of the District or the enhancement of educational opportunities. The Superintendent will apprise the Board of its eligibility for general or program funds and make recommendations for Board action.

LEGAL REF.: A.R.S. §§ 15-206 to 15-210

Funding Sources Outside the District System

The District may submit proposals to private foundations and other sources of financial aid for subsidizing such activities as innovative projects, feasibility studies, long-range planning, research and development, or other educational needs.

The Board must approve all grant proposals. The Superintendent shall establish administrative guidelines for the processing proposals to the Board for approval.

The Board may receive, hold, or dispose of any gift, grant, or bequest of property or equipment in accordance with state law and the intent of the instrument conferring title.

The Board may also accept gifts, grants, or devises of money. The disposition of unused funds from these sources shall be in accordance with law.

LEGAL REF.: A.R.S. § 15-341

CROSS REF.: The Community: Public Gifts and Donations to the District

Revenues from District-Owned Real Estate

Revenues from sale, rental, or lease of District-owned real estate shall be deposited as allowable under state statutes.

LEGAL REF.: A.R.S. §§ 15-342, 15-1102, 15-1105, 15-1106

Gate Receipts and Admissions

Admission receipts from District events shall be adequately controlled. The Superintendent is responsible for the proper collection, supervision, disbursement, and remittance of these fees.

Entry to District events for which admission is charged ordinarily will be by purchased ticket or special pass for which adequate accounting records will be maintained.

LEGAL REF.: A.R.S. §§ 15-1121 to 15-1126

Income from District Sales and Services

Through certain career and technical student organization activities, students may provide goods and services at a charge to the public through career and technical student organization (“CTSO”) activities or district-approved groups or activities, which are designed for educational purposes, not for profit or to compete with community businesses.

Charges for goods and services through these activities will be kept current.

The District may also earn income from advertising.

Monies collected will be deposited and accounted for in accordance with the USFR.

LEGAL REF.: A.R.S. §§ 15-342, 15-1121

Banking Services

The Board shall designate one or more banks as depositories for the safeguarding of District auxiliary and revolving funds.

Each designated depository shall furnish proper security for such deposits in the amount designated by the Board and in accordance with law.

Each designated depository shall be advised not to cash checks payable to the District but to deposit checks only to the District auxiliary accounts.

LEGAL REF.: A.R.S. §§ 15-341, 15-1126

i. Authorized Signatures

The Board shall approve all authorized signatures for all checking accounts. If the law requires two signatures on an account, the signatories shall be as specified in the statutes.

LEGAL REF.: A.R.S. §§ 15-321, 15-1122, 15-1126

ii. Credit Cards

The Board acknowledges that instances may occur when ready payment for goods or services is in the District's best interest. Therefore, the Board authorizes the Superintendent to secure and assign controlled-limit credit cards to designated personnel. District-assigned credit cards may not be used for personal expenditures.

The use of credit cards will be closely monitored and payment of statements for authorized purchases will be made as promptly as possible to avoid fees and charges for the use of such cards.

The Superintendent is directed to develop regulations for the use of district-assigned credit cards, subject to Board review and approval.

LEGAL REF.: A.R.S. §§ 15-342, 38-621-625
Uniform System of Financial Records

******* Regulation**** Regulation**** Regulation**** Regulation**** Regulation*******

The issuance and use of a credit card is to provide a purchasing mechanism when traditional payment or procurement methods are not feasible. A credit card may be used for payment of travel expenses, *e.g.*, hotels, meals and registrations for training and education while conducting District business, including fuel for District-owned vehicles.

Authorized Card Holders

Persons designated as authorized credit card holders must agree to abide by the procedures described in this regulation.

The holders will be held liable for any unauthorized use of a District-assigned credit card, which may result in disciplinary action up to and including termination of employment and other actions provided by law.

Except for business department personnel performing authorized office duties, no person other than a designated holder is to have access to or use of a District-assigned credit card.

Scope

The credit card is to be used only when the items or services to be purchased are for the District's official use. Personal use of a credit card is prohibited.

District-assigned credit cards may be used only when one of the following conditions exists:

- a vendor will not accept a purchase order or offer billing terms;
- the purchase must be made during an "emergency." (For the purpose of this regulation, emergency means payment for a purchase must be made before the next accounts payable check run. A memo bearing the Superintendent's signature of approval must be presented explaining the circumstances and nature of the emergency.); or
- a revolving fund check cannot be used.

Limitations

Purchases may not exceed the credit limits set by the credit card company. A purchase made using a District-assigned credit card may not violate any Board purchasing policy or regulation. All purchases must be appropriate and in the District's best interest. Violation may result in termination of the employee's credit card privileges.

Credit Card Transaction Requirements

When a District-assigned credit card is required for a physical, oral, or internet purchase, the following steps must be taken:

- prior to use of the credit card, the employee requesting a purchase must submit a purchase order requisition form to the District business office accompanied by the following:
 - a detailed description of the items or services to be purchased using the credit card;
 - the date the purchase will be made;
 - the actual amount of the purchase (if the actual amount is not known an estimate may be stated, but the amount of the purchase cannot exceed the stated amount);
 - proper account coding information; and
 - signatures of the requester and the approving authority.
- the requester must verify that a purchase order has been created and approved before a credit card transaction occurs; and
- the requester must promptly submit all receipts and other related documentation to the business office.
 - The documentation should clearly identify the requester and the specific District purpose for the expenditure.
 - Receipts for fuel or vehicle repairs must include the vehicle license number.

Credit card statements must be addressed directly to the business office and not to the card holder. All purchase transaction receipts must be reconciled to the monthly credit card statements prior to entry on an expense voucher. As credit card companies may charge fees and interest, payments must be made in a timely manner to avoid finance charges.

Use of a Credit Card for Travel

Reservations must be made through the purchasing office. A completed professional leave form must be submitted along with the necessary information. The business office will provide the credit card information to the selected vendor.

*******End of Regulation*****End of Regulation*****End of Regulation*******

Bonded Employees and Officers

The Board requires student activities treasurers and other employees to be bonded to cover fidelity and loss of money. The Board will prescribe the amount of bond, except that no revolving fund shall be established unless the designated custodian is bonded for an amount equal to twice the amount of the fund. When determining the amount and type of other bonds, the Board will consider the amount of money in accounts during the period of time covered by the bond. The District will pay the cost of bonding.

LEGAL REF.: A.R.S. §§ 15-1001, 15-1122, 15-1126

Accounting System

Records of all phases of the business operation shall be kept in strict accordance with the USFR, applicable laws, and Board policies.

LEGAL REF.: A.R.S. §§ 15-271, 15-272

CROSS REF.: Administration: The Superintendent: Superintendent's Duties: Financial Reports and Statements

Types of Funds and Revolving Funds

i. General Purpose Revolving Fund

The District will establish a general-purpose revolving fund under A.R.S. § 15-1101, at a local bank. The account name will be the East Valley Institute of Technology School District No. 401. The employee in charge of the fund or other designee shall sign all drafts drawn on the account. Management of the fund will be as prescribed by the USFR.

The District shall not establish a revolving fund unless the designated employee in charge is bonded for an amount equal to twice the amount of the fund. The District will pay the cost of the bond.

ii. Auxiliary Operations Fund

The auxiliary operations fund shall consist of monies raised with Board approval in connection with all activities of career and technical programs. Management of the fund will be as prescribed by the USFR.

After authorization by the Board, fund monies shall be deposited in a bank account designated as the auxiliary operations fund. The Board shall authorize disbursements from the fund. Disbursements shall be by checks signed by two Board-designated District employees, who shall be bonded. The cost of the bond shall be paid from the fund.

The Board may invest and reinvest auxiliary operations fund monies. All returns on these investments shall be credited to the auxiliary operations fund.

LEGAL REF.: A.R.S. §§ 15-1101, 15-1125, 15-1126

CROSS REF.: Students: Student Activities Funds

Inventories

The Chief Financial Officer is responsible for assisting the Superintendent to develop procedures for maintaining District inventories. The Chief Financial Officer shall maintain a copy of the complete inventory. A fixed-inventory system of all capital furniture and equipment items that exceed \$1,000 in value shall be tagged and marked. A comprehensive physical inventory of all District property shall be conducted every three years.

The Inventory Specialist shall implement procedures, providing reports as requested on the contents of their buildings. No employee may move an inventoried item without permission from the Inventory Specialist. Each program shall assist in completing an annual inventory of all capital furniture and equipment.

Supply records shall be kept, which will show:

- the name of the individual receiving the supplies;
- the date received; and
- the disposition of the supplies.

A perpetual inventory shall be maintained for all supplies warehoused by the District.

Audits and Financial Monitoring

The procurement of necessary services for financial monitoring and audits shall be consistent with the Board's policy on bidding and purchasing procedures. Any allocation of costs for the services shall conform to the USFR.

In addition to necessary special reviews, the District will comply with the following minimum requirements to demonstrate proper management of and accountability for its fiscal resources:

- Whenever the District's expenditure of federal financial assistance is less than even hundred and fifty thousand dollars (\$750,000) during a fiscal year, the District shall be subject to a procedural review conducted by the Office of the Auditor General at times determined by the Auditor General.
- Whenever the District's expenditure of federal financial assistance is seven hundred and fifty thousand dollars (\$750,000) or more during a fiscal year, the District shall contract with an approved independent auditor to conduct an annual financial audit, which shall be performed in accordance with generally accepted auditing standards in compliance with the requirements of the federal Single Audit Act Amendments of 1996 and any implementing regulations of the Office of Management and Budget ("OMB").

The Superintendent shall be promptly informed of any material deficiency that is discovered during a monitoring or auditing process.

Purchasing

Board members and employees shall not use their offices or positions to receive any valuable things or benefits that would not ordinarily accrue to them in the performance of duties if the things or benefits

are of such value or character as to manifest a substantial and improper influence upon the performance of their duties.

The Board may provide food and beverages at District events, including official District functions and trainings, as allowed by the Arizona Constitution and the Department of Education's policies.

A person who supervises or participates in contracts, purchases, payments, claims or other financial transactions, or a person who supervises or participates in the planning, recommending, selecting or contracting for materials, services, goods, construction, or construction services of a school district or school purchasing cooperative is guilty of a Class 6 felony if the person solicits, accepts or agrees to accept any personal gift or benefit with a value of \$300 or more from a person or vendor that has secured or has taken steps to secure a contract, purchase, payment, claim or financial transaction with the school district or school purchasing cooperative. Soliciting, accepting or agreeing to accept any personal gift or benefit with a value of less than \$300 is a Class 1 misdemeanor.

Any person or vendor that has secured or has taken steps to secure a contract, purchase, payment, claim or financial transaction with a school district or school purchasing cooperative that offers, confers or agrees to confer any personal gift or benefit with a value of \$300 or more on a person who supervises or participates in contracts, purchases, payments, claims or other financial transactions, or on a person who supervises or participates in planning, recommending, selecting or contracting for materials, services, goods, construction or construction services of a school district or school purchasing cooperative, is guilty of a Class 6 felony. Offering, conferring or agreeing to confer any personal gift or benefit with a value of less than \$300 is a Class 1 misdemeanor.

For the purpose of this policy a *gift or benefit* means a payment, distribution, expenditure, advance, deposit or monies, any intangible personal property, or any kind of tangible personal or real property. A *gift or benefit* does not include food or beverage, expenses or sponsorships related to a special event or function related to individuals identified in this policy, nor does this include an item of nominal value such as a greeting card, T-shirt, mug or pen.

This policy should not be construed to prohibit Board members or employees from accepting inexpensive novelty advertising items and holiday gifts or occasional business lunches.

LEGAL REF: A.R.S. §§ 15-213, 15-323, 38-503, 38-504
Ariz. Const. Art. IX, § 7

i. Bidding and Purchasing Procedures

All purchases and purchasing activities, including competitive bidding and the resolution of bid protests, will be conducted in accordance with the School District Procurement Code and guidelines established by the Auditor General.

The Superintendent shall be responsible for all purchasing, contracting, competitive bidding, and receiving and processing of all bid protests, in accordance with the Arizona School District Procurement Rules, including A.A.C. § R7-2-1141 *et seq.* A contract shall not be awarded to an entity that does not verify employment eligibility of each employee through the E-verify program in compliance with A.R.S. § 23-214 subsection A. Each contract shall contain the warranties required by A.R.S. § 41-4401 relative to the E-verify requirements.

The Superintendent shall ensure that all aspects of the bidding and purchasing procedures conform to federal and state laws, rules and regulations.

Administrative regulations shall be established to assure the District is in full compliance, including contracting with small and minority businesses, women's business enterprises, and labor surplus area firms. (2 C.F.R. § 200.321).

a. Purchases Not Requiring Bidding

The District is not required to engage in competitive bidding in order to place a student in a private school that provides special education services if such placement is prescribed in the student's individualized education program and the private school has been approved by the Department of Education Division of Special Education pursuant to A.R.S. § 15-765. The placement is not subject to rules adopted by the State Board of Education before November 24, 2009 pursuant to A.R.S. § 15-213.

The District may, without competitive bidding, purchase or contract for any products, materials and services directly from Arizona Industries for the Blind, certified nonprofit agencies that serve individuals with disabilities and Arizona Correctional Industries if the delivery and quality of the goods, materials or services meet the District's reasonable requirements.

Intergovernmental agreements and contracts between school districts or between the District and other governing bodies as provided in A.R.S. §11-952 are exempt from competitive bidding under the procurement rules adopted by the State Board of Education pursuant to A.R.S. § 15-213.

The District is not required to engage in competitive bidding to make a decision to participate in insurance programs authorized by A.R.S. § 15-382.

The District is not required to obtain bid security for the construction-manager-at-risk method of project delivery.

Unless otherwise provided by law, contracts for materials or services and contracts for job-order-contracting construction services may be entered into if the duration of the contract and the conditions of renewal or extension, if any, are included in the invitation for bids or the request for proposals and if monies are available for the first fiscal period at the time the contract is executed. The duration of contracts for materials or services and contracts for job-order-contracting construction services shall be limited to no more than five years unless the Board determines that a contract of longer duration would be advantageous to the District. Once determined, the decision should be memorialized in meeting minutes and in the contract/bid file. Payment and performance obligations for succeeding fiscal periods are subject to the availability and appropriation of monies.

b. Online Bidding

Until the State Board of Education adopts rules for the procurement of goods and information services by school districts and charter schools using electronic, online bidding, the District may procure goods and information services under A.R.S. §§ 41-2671-73 using the rules adopted by the Department of Administration to implement these statutes.

c. Purchases Requiring Bidding

Sealed bids and proposals shall be requested for transactions to purchase construction, materials, or services costing at or above the threshold designated by the Competitive Bidding Threshold established by the State Board of Education.

"Competitive Bidding Threshold" means the minimum amount specified in A.R.S. §15-213, as adjusted by the State Board of Education. All transactions must comply with the requirements of the A.A.C. and the USFR.

d. Registered Sex Offender Prohibition

All purchase orders, agreements to purchase, and contracts for services to be provided by personnel other than District employees must include the following statement on the document:

Registered Sex Offender Restriction. Pursuant to this order, the named vendor agrees by acceptance of this order that no employee of the vendor or a subcontractor of the vendor, who has been adjudicated to be a registered sex offender, will perform work on District premises or equipment at any time when District students are, or are reasonably expected to be, present. The vendor further agrees by acceptance of this order that a violation of this condition shall be considered a material breach and may result in a cancellation of the order at the

LEGAL REF.: A.R.S. §§ 11-952, 15-213, 15-213.01, 15-231.02, 15-239, 15-323, 15-342, 15-382, 15-393 *et seq.*, 15-765, 23-214, 34-101, 38-503, 38-511, 39-121, 41-2623, 41-4401
Att. Gen. Op. I83-136, I87-035, I06-002
A.A.C. § R7-2-1001 *et seq.*
USFR VT-G-8 *et seq.*

CROSS REF.: The Board: Board Members: Board Member Conflict of Interest
Administration: The Business Office: Vendor and Contractor Relations
Personnel: Staff Conflict of Interest
Students: Sex Offender Notification

******Regulation****Regulation****Regulation****Regulation****Regulation******

All District purchases shall abide Arizona Revised Statutes, including, but not limited to A.R.S. §§ 15-213, 15-323, and 38-503, A.A.C. §§ R7-2-1001-1195, and the following:

Requesting Quotations

Requests for price quotations must include adequate details and be issued with sufficient lead time to allow vendors to respond effectively. When a contract will be awarded based on price and additional factors those factors must be included in the request for quotations. Factors should include, but are not limited to, the following:

- submittal requirements including:
 - date and time due;
 - type and manner by which quotations may be received (e.g., telephone, written, fax, e-mail, prepared form); and
 - physical or digital address to which quotations are to be delivered.
- specific information the quotation must include;
- whether negotiations may be held;
- options that may be made pursuant to a purchase contract, *i.e.*, extensions and renewal;
- contracts for job-order-contracting services shall be limited to no more than five years unless the Board determines that a contract of longer duration would be advantageous to the District and has provided for such duration as a part of bid documents and conditions of renewal or extension within contract language. Such determination should be memorialized in writing and kept in the meeting minutes and contract/bid file;
- uniform terms and conditions included in the request by text or reference; and
- such additional terms, conditions, and instructions as are applicable to the purchase under consideration.

The Superintendent or the Superintendent's designee shall direct all requests for written quotations.

When a vendor is selected on the basis of factors other than lowest price, the reasons shall be documented and filed with the price quotations. Documentation of the quotations process and details including vendor names, persons contacted, telephone numbers and identification of other

communication procedures, price results, and determinations are to be documented and retained by the District in a procurement file that includes the pertinent requisition form and purchase order.

A written contract or purchase order must be approved prior to a purchase being made.

Cumulative and Like Item Purchases

An analysis shall be performed annually to determine the extent of the District's need to purchase like items. Prior year purchases and applicable demographic, program, and planning data are to be utilized for projecting quantity and cost of like items to fulfill the anticipated need. The outcomes of calculating the projected quantity and cost factors to acquire like items shall inform the determinations as to the appropriate procurement processes to be applied. The proper competitive purchasing strategies must be applied to assure District compliance with the procurement laws and rules. Splitting of orders or other purchasing practices devised to circumvent allowable procurement practices are prohibited. The cumulative costs of purchasing like items by any and all means of acquisition are to be tracked to assure that no purchases are permitted that will result in violation of Board policies and lawful procurement practices.

Multiple Year Purchases Totaling Less Than The Statutory Limit

"The Statutory Limit" means the aggregate dollar amount set in A.R.S. § 41-2535 and incorporated by reference into A.R.S. § 15-213(A)(1).

The District may enter into contracts of less than the Statutory Limit for a period up to five years, as follows:

- when the terms and conditions of renewal or extension are included in the solicitation for bids;
- when monies are available for the first fiscal year at the time of contracting;
- when the competitive purchasing method is appropriate to the projected cumulative cost over the term of the multiple year contract.

Multiple Year Purchases Totaling More Than the Statutory Limit

The District may enter into contracts for more than the Statutory Limit for a period up to five years, as follows:

- the Board has determined in writing that:
 - the estimated requirements cover the contract period and are reasonable and continuing;
 - a multi-term contract will serve the District's best interest by encouraging competition or promoting economies in procurement; and
 - if monies are not appropriated or available in future years, the contract will be cancelled.
- if multiple-year quotations are used, the District shall:
 - document the time period that the pricing is valid;
 - determine the vendor will honor the pricing for the multi-year period; and
 - obtain written affirmation from the vendor that, although it is the District's intent to purchase certain quantities, all purchases are subject to the availability of funds.

Multiple Awards to More Than One Contractor

Generally, the District should not use multiple awards allowing more than one vendor to supply the same goods or service. However, there are instances in which the District may make multiple awards.

If that instance arises, the request for proposals or invitation for bids should clearly state whether multiple awards may be used so bidders can consider that information when pricing their proposals or bids.

A multiple award to more than one vendor should be made only when the District has determined and documented in writing that a single award is not advantageous to the District. The award should also be limited to the least number of suppliers necessary to meet the District's requirements.

Bidding Methods

Sealed bids or proposals will be requested when an award is to be made for a transaction to purchase construction, materials, or services costing more than The Statutory Limit. The Superintendent must review the expenditure and make a recommendation to the Board for final action. The Board reserves the right to waive any informality in, or reject, any or all bids or any part of any bid. Any bid may be withdrawn prior to the scheduled time for the opening of bids.

The bidder to whom the award is made may be required to enter into a written contract with the District.

Under the procurement code, contracts cannot exceed a five-year period.

Definitions

The definition of a term used in this regulation shall be interpreted as being synonymous with the definition of that term listed at A.A.C. § R7-2-1001.

Prospective Bidders' Lists

The District shall compile and maintain a prospective bidders' list. Being on the list does not indicate whether the person is responsible concerning a particular procurement or otherwise capable of successfully performing a District contract.

Persons desiring to be included on the prospective bidders' list shall notify the District. Upon notification, the District shall mail or otherwise provide the person with the District procedures for inclusion on the bidders' list. Within thirty days after receiving the required information, the District shall add the person to the prospective bidders' list unless the District makes a determination that inclusion is not advantageous to the District.

Persons who fail to respond to invitations for bids for two consecutive procurements of similar items may be removed from the applicable bidders' list after mailing a notice to the person. This notice shall not be required if the two invitations for bids which were not responded to both contained the notice that bidders' names may be removed from the bidders' list if they fail to respond to invitations for bids for two consecutive procurements of similar items. Persons may be reinstated upon request.

Prospective bidders' lists shall be available for public inspection, unless the District makes a written determination that it is in the District's best interest that they should be confidential or private and should not be open for inspection pursuant to A.R.S. § 39-121.

Competitive Sealed Bidding

If the intended procurement is for construction to cost less than the amount stated in A.R.S. § 15-213(A)(2), the rules established for the simplified school construction procurement program described at A.A.C. § R7-2-1033 may be followed. In all other cases, adequate public notice of the invitation for bids shall be given as provided in A.A.C. § R7-2-1022 or as provided in A.A.C. § R7-2-1024, which are

outlined below, and shall indicate that any bid protest shall be filed with the District representative, who shall be named therein.

If notice is given pursuant to A.A.C. § R7-2-1024, notice also may be given as provided in A.A.C. § R7-2-1022. If fewer than five prospective bidders are included on the bidders list, the notice must also be given as provided in A.A.C. § R7-2-1022. When the invitation for bids is for the procurement of services other than those described in A.A.C. §§ R7-2-1061-1068 and 1117-1123, Specified Professional Services, notice also shall be given as provided in A.A.C. § R7-2-1022.

A.A.C. § R7-2-1022:

In the event there are four or less prospective bidders on the bidders' list, the notice shall include publication in the official newspaper of Maricopa county for two publications which are not less than six nor more than ten days apart. The second publication shall not be less than two weeks before bid opening. The time of publication may be altered if deemed necessary pursuant to A.A.C. § R7-2-1024.A.

A.A.C. § R7-2-1024:

Invitation for bids shall be issued at least fourteen days before the time and date set for bid opening in the invitation for bids unless a shorter time is deemed necessary for a particular procurement as determined by the District.

The District shall mail or otherwise furnish invitation for bids or notices of the availability of invitation for bids to all prospective bidders registered with the District for the specific material, service or construction being bid.

The time and date at which a bid is called due shall be during regular working hours at a regular place of District business or during a regular Board meeting.

Invitations to bid will be sent to all vendors who have requested to bid or who have applied to be placed on a bid list appropriate to the items being sought.

A bid call relating to "construction projects" must describe the nature of the work to be performed and where complete plans, if necessary, may be obtained.

Deposits may be required for plans and specifications in good order. A certified check, cashier's check, or surety bond for ten percent of the bid must accompany each bid, but will be returned to unsuccessful bidders. The successful bidder must present performance and payment bonds for one hundred percent of the bid within five working days after notification of the award.

Each sealed bid must be submitted in a sealed envelope, addressed to the District, clearly marked on the outside of the envelope, "Sealed Bid for _____." The bids shall be opened publicly and read aloud at the time and place stated in the invitation. Awards shall be made with reasonable promptness to the lowest responsible, qualified vendor, taking into consideration all factors set forth in policy. Price shall not be the sole factor in making the bid award. When out-of-state bidders are not to pay sales or use tax, the amount of tax shall not be a consideration in determining the low bidder. All proposed contracts for outside professional services in excess of the amount calculated by the State Board of Education and made applicable for the year in which the transaction will occur, may be reviewed by the attorney for the District prior to entering into the contract. The policies relating to outside professional services apply only to services required by law to be placed on bid, and even those policies may be set aside if a state of emergency is declared. If a state of emergency is declared, a memorandum will be issued justifying such a declaration, which will be filed in the District's records.

The use of bidding, contracting, or purchasing specifications that are in any way proprietary to one supplier, distributor, or manufacturer is prohibited unless no other resource is practical for the protection of the public interest.

The Board reserves the right to reject any or all bids and to accept the bid that appears to be in the District's best interest. The Board reserves the right to waive informalities in any bid or to reject any bid, all bids, or any part of any bid. Any bids may be withdrawn prior to the scheduled time for the opening of the bids. Any bids received after the opening begins shall not be accepted.

Opening of bids shall not be delayed to accommodate late bid responses. Submitted bids shall be honored for at least thirty days or as otherwise stated in the invitation.

All information relating to a bid shall be retained and made available for public inspection after the bids are awarded, and prospective bidders shall be notified of this in the invitation or specifications relating to the bid call.

Multistep Sealed Bidding

The multistep sealed bidding method may be used if the Board determines that:

- available specifications or purchase descriptions are not sufficiently complete to permit full competition without technical evaluations and discussions to ensure mutual understanding between each bidder and the District;
- definite criteria exist for evaluation of technical offers;
- more than one technically qualified source is expected to be available; and
- a fixed-price contract will be used.

The District may hold a conference with bidders before submission or at any time during the evaluation of the unpriced technical offers.

The multistep sealed bidding method may not be used for construction contracts.

When the multistep sealed bidding method is determined to be advantageous to the District, the procedures set out in A.A.C. §§ R7-2-1036-1037 shall be followed.

Competitive Sealed Proposals

If, pursuant to A.A.C. § R7-2-1041, the Board determines in writing that the use of competitive sealed bidding is either not practicable or not advantageous to the District, a contract may be entered into by competitive sealed proposals. The Board may make a class determination that it is either not practicable or not advantageous to the District to procure specified types of materials or services by competitive sealed bidding. The competitive sealed proposal method may not be used for construction contracts. The Board may modify or revoke a class determination at any time. If competitive sealed bidding is neither practicable nor advantageous, competitive sealed proposals may be used if it is necessary to:

- use a contract other than a fixed-price type;
- conduct oral or written discussions with offerors concerning technical and price aspects of their proposals;
- afford offerors an opportunity to revise their proposals;
- compare the different price, quality, and contractual factors of the proposals submitted; or
- award a contract in which price is not the determining factor.

Procedures to be applied subsequent to the issuance of an invitation for bids are to be consistent with the requirements of A.A.C. §§ R7-2-1025-1032. Competitive sealed proposals shall be solicited through a request for proposals. The request for proposals shall set forth those factors listed above for competitive sealed bids that are applicable and shall also state:

- the type of services required and a description of the work involved;
- the type of contract to be used;
- an estimate of the duration the service will be required;
- that cost or pricing data is required;
- that offerors may designate as proprietary portions of the proposals;
- that discussions may be conducted with offerors who submit proposals determined to be reasonably susceptible of being selected for award;
- the minimum information that the proposal shall contain;
- the closing date and time of receipt of proposals; and
- the relative importance of price and other evaluation factors.

Procurement of information systems and telecommunications systems shall include, as criteria in the request for proposal, evaluation factors of the total life cycle cost and application benefits of the information systems or telecommunication systems.

Procurement of earth-moving, material-handling, road maintenance and construction equipment shall include, as criteria in the request for proposal, evaluation factors of the total life cycle cost including residual value of the earth-moving, material-handling, road maintenance and construction equipment.

A request for proposals shall be issued at least fourteen days before the closing date and time for receipt of proposals unless a shorter time is determined necessary by the District.

Notice of the request for proposals shall abide A.A.C. § R7-2-1022.

Before submission of initial proposals, amendments to requests for proposals shall abide A.A.C. § R7-2-1026. After submission of proposals, amendments may be under A.A.C. § R7-2-1036(C).

Specified Professional Services and Construction Services

When considering the procurement of construction services or certain professional services, designated District personnel shall become fully familiar with and informed on the requirements established in Arizona Revised Statutes Title 34. The assigned District personnel are to seek assistance from qualified consultants, attorneys, and bond counsel as is necessary and applicable to the projects being considered, including but not limited to determinations of the training, qualifications, experience, fitness, licensure, prior performance, and bonding of potential providers. Procurement activities, including securing the services of persons to assist District personnel as referenced above shall follow all relevant requirements prescribed by federal and state law and the rules of federal, state, county, and municipal agencies for the acquisition, performance and reporting of the services being sought and acquired.

Procurement of Services by Certain Other Classes of Providers

The purchase of services provided by clergy, certified public accountants, physicians, dentists, and legal counsel shall be as specified in A.A.C. §§ R7-2-1061-1068. The procurement of services by an architect, engineer, land surveyor, assayer, geologist, or landscape architect will comply with A.A.C. §§

R7-2-1117-1118. Procurement procedures related to purchasing services from the professional providers will follow A.A.C. §§ R7-2-1119-1122.

Contract Requirements

The District will exercise care to assure the District's procurement practices conform to the general contract requirements set out at A.A.C. §§ R7-2-1068-1086 and the accompanying conditions described in A.A.C. §§ R7-2-1091-1093.

Preparation of Specifications

Specifications for goods, services, and construction items are to be prepared in the manner prescribed in A.A.C. §§ R7-2-1101-1105.

Construction Procurement Procedures

Preparation for inviting bids for construction and the steps to be followed in the construction procurement process shall be guided by and consistent with A.A.C. §§ R7-2-1109-1116.

Emergency Purchases

An exception to the above procedures for price competition may be made in the event of an emergency involving the health, safety, or welfare of staff or students. In such an emergency, declared by the Superintendent, emergency purchase action may be taken without price competition, if necessary. Even under emergency conditions, price competition should be sought if it will not unacceptably delay the correction of the condition requiring emergency procedures. If emergency purchases are made without price competition, a complete written description of the circumstances under A.A.C. § R7-2-1057 shall be included in the procurement file and maintained in the District office.

Sole-Source Procurements

A contract may be awarded for a material, service, or construction item without competition if the Board determines in writing that there is only one source for the required material, service, or construction item. The District may require the submission of cost or pricing data in connection with an award pursuant to A.A.C. § R7-2-1053. Sole-source procurement shall be avoided, except when no reasonable alternative source exists. A copy of the written evidence and determination of the basis for the sole-source procurement shall be retained in the procurement file by the District. The District shall, to the extent practicable, negotiate with the single supplier a contract advantageous to the District.

Cooperative Purchasing Agreements

Procurements in accordance with intergovernmental agreements and contracts between the District and other governing bodies as authorized by A.R.S. § 15-952 are exempt from competitive bidding requirements under A.R.S. § 15-213. Inspection of and payment for materials and services acquired under a cooperative purchasing agreement are the District's obligation.

Due Diligence

The District is responsible for ensuring that all procurements are done in accordance with School District Procurement Rules whether the procurement is done independently or through a cooperative purchasing agreement. The District shall develop and follow a clear plan prescribing the purchasing practices to be followed. The plan will describe the elements of internal control and auditing to assure the District's procedures are sufficient to confirm the adequacy of the procurement practices and that

the accountability of all personnel engaged in procurement practices is regularly evaluated and corrective measures taken when necessary. The due diligence activities shall include the use of the applicable sections of the USFR Compliance Questionnaire for school districts when assessing the quality of the procurement procedures and the competence of the persons performing the procedures. Day-to-day and periodic formal checks of due diligence performance are to be documented and retained in a procurement file.

Cancellation of Contracts

Within three years after the execution of any contract made by the District, the District may cancel such contract if any person significantly involved in initiating, negotiating, securing, drafting, or creating the contract on the District's behalf is, at any time while the contract or any extension of the contract is in effect, an employee or agent of any other party to the contract in any capacity or a consultant to any other party of the contract with respect to the subject matter of the contract.

Cancellation by the District shall be effective when written notice from the Board or Superintendent is received by all other parties to the contract unless the notice specifies a later time.

In addition to the right to cancel a contract, as provided above, the District may recoup any fee or commission paid or due any person significantly involved in initiating, negotiating, securing, drafting, or creating the contract on the District's behalf from any other party to the contract arising as the result of the contract.

Notice of this provision shall be included in every contract to which the District is a party. Such notice could read:

In accordance with A.R.S. § 38-511, if a person significantly involved in a District contract becomes an employee, agent, or consultant to any other party of the contract with respect to the subject matter of the contract, the District may cancel the contract within three years of execution and recoup any fee or commission paid to such person.

******* End of Regulation***** End of Regulation*****End of Regulation*******

Vendor and Contractor Relations

i. Fingerprinting Requirements

A contractor, subcontractor or vendor, or any employee of a contractor, subcontractor or vendor, who is contracted to provide services on a regular basis shall obtain a valid fingerprint clearance card pursuant to A.R.S. § 41-1758 *et seq.* The Superintendent or the Superintendent's delegate, may exempt from the requirement to obtain a fingerprint clearance card a contractor, subcontractor, or vendor whom the Superintendent or delegate has determined is not likely to have independent access or unsupervised contact with District students as part of their normal job duties while performing services for the District. The exemption shall be given in writing and a copy filed in the District office.

The Superintendent shall develop uniform District criterion for making a determination of whether or not an exemption will be granted.

ii. Required Contract Provisions

Each District contract shall contain the provisions of statute paraphrased below and the Superintendent shall implement procedures to randomly verify the records of contractor and subcontractor employees to ensure compliance with these warranties.

The contract or agreement with each contractor shall contain the warranties indicated below.

- Each contractor shall warrant compliance with all federal immigration laws and regulations that relate to their employees and that they have verified employment eligibility of each employee through the E-Verify program. The contractor shall acknowledge that a breach of this warranty shall be deemed a material breach of the contract subject to penalties up to and including termination of the contract.
- The contractor further acknowledges that the District retains the legal right to inspect the papers of any contractor or subcontractor employee who works on the contract to ensure compliance by the contractor or subcontractor.

The contractor shall facilitate this right by notice to his employees and supervisors.

LEGAL REF.: A.R.S. §§ 15-512, 23-214, 41-1758, 41-4401
Public Law 92-544

CROSS REF.: Administration: The Business Office: Budget Hearings, Reviews, and Adoption Process
Administration: The Superintendent: Superintendent's Duties: Financial Reports and Statement
Administration: The Business Office: Bidding and Purchasing Procedures

Sales Calls and Demonstrations

Sales representatives are not permitted to call on any District staff at times that will interfere with educational programs. At all other times, the Superintendent's prior authorization is required.

LEGAL REF.: A.R.S. § 15-341

Payment Procedures

In order to receive appropriate discounts and maintain good vendor relations, the Board directs the prompt payment of salaries and bills, but only after due care has been taken to assure that such amounts represent the District's proper obligations for services or materials received.

The Superintendent will implement procedures for the review of purchase invoices to determine:

- that items or services are among those budgeted;
- itemized goods or services have been satisfactorily supplied, funds are available to cover payment; and
- invoices are in order and for the contracted amounts.

LEGAL REF.: A.R.S. §§ 15-321, 15-906

Payroll Procedures and Schedules

Salary checks will be issued biweekly during the term of contract or agreement with the District.

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

LEGAL REF.: A.R.S. §§ 15-502, 23-351, 23-353

CROSS REF.: Personnel: Discipline, Suspension, and Dismissal of Staff Members

Salary Deductions

The Superintendent shall establish procedures that conform to all requirements of the law and all Board policies, that ensure employees receive paychecks not later than the stated payroll dates, and that ensure all amounts withheld from employee compensation are remitted and reported appropriately, correctly, and timely.

The District shall make no deduction for payment from an employee's paycheck for political purposes unless the employee has provided annually a written or electronic authorization to the District for the deduction.

If the District makes a deduction from an employee's paycheck for multiple purposes the District shall obtain a statement from each entity that indicates the payment is not used for political purposes or a statement that indicates the maximum percentage of the payment that is used for political purposes, consistent with rules for the entity statements adopted by the Attorney General. The District shall not deduct any payment in excess of the amount specified for nonpolitical purposes without the annual written or electronic permission of the employee.

For the purposes of this policy and the law, *political purposes* means supporting or opposing any candidate for public office, political party, referendum, initiative, political issue advocacy, political action committee or other similar group.

If the District knowingly deducts payments without the written or electronic employee permission as set out above or an entity provides an inaccurate statement of the political purposes or the percentage used for political purposes as set out above, the District or the respective entity is subject to a civil penalty of at least \$10,000 for each violation.

The requirements for payroll deductions set out above do not apply to any of the following:

- a single deduction for nonpolitical purposes;
- deductions for savings or charitable contributions;
- deductions for employee health care, retiree or welfare benefits;
- deductions for state, local or federal taxes;
- deductions for contributions to a separate segregated fund pursuant to 2 U.S.C. 441b(b) or 16-920(A)(3); or
- any deduction otherwise required by law.

If an employee has authorized a deduction from the employee's paycheck under this policy and the law and the employee resigns membership in the association or organization for which the deduction was authorized, the employee's authorization for the deduction is rescinded upon the District's receipt from the employee of written notice of the resignation. The District shall have one pay period to process the rescission.

i. Involuntary Deductions (Public Record)

Federal and Arizona income taxes, Social Security (OASI/FICA), and employee contributions to the Arizona State Retirement System (ASRS) will be deducted as mandated by state and federal statutes. All other deductions must be authorized by the Board and the employee unless ordered by a court of competent jurisdiction.

Involuntary deductions are matters of public record.

ii. *Voluntary Deductions and Redirections (Not Public Record)*

The following deductions and redirections have been authorized by the Board:

- insurance premiums for staff members or dependents who are being covered under Board-approved Section 125 cafeteria programs;
- direct deposits of net payroll with financial institutions;
- tax-sheltered annuities for companies approved by the District;
- credit union deposits;
- U.S. Savings Bonds;
- professional dues;
- contributions to qualified charitable organizations;
- contributions to school tuition organizations; and
- contributions to a public school for the support of extracurricular activities or character education programs of the public school.

Voluntary deductions and redirection are not matters of public record.

LEGAL REF.: A.R.S. §§ 15-121, 15-135, 23-352, 23-361.02, 35-146, 35-147, 42-2001, 43-401

Cash In District Buildings

Monies collected by employees and by student treasurers shall be handled in accordance with prudent business procedures as outlined by the USFR. All monies collected shall be receipted, accounted for, and directed without delay to the proper location of deposit.

In no case shall money be left overnight in District buildings, except in safes provided for safekeeping of valuables.

LEGAL REF.: § A.R.S. § 15-341

District Properties Disposition

i. *Sale or Lease of Property*

The Board may sell or lease to the state, a county, a city, another school district or a tribal government agency any District property required for public purpose provided the sale or lease of the property will not affect normal District operations.

ii. *Disposition of Surplus Materials*

The District shall determine the fair market value of excess and surplus property. Except as provided in A.R.S. § 15-342, surplus materials, regardless of value, shall be offered through competitive sealed bids, public auction, established markets, trade-in, posted prices, or state surplus property. If unusual circumstances render the above methods impractical, the District may employ other disposition methods, including appraisal or barter, provided the District makes a determination that such procedure is advantageous to the District.

Only United States Postal Money Orders, certified checks, cashier's checks, or cash shall be accepted for sales of surplus property unless otherwise approved by the District or for sales of less than \$100.

iii. Exceptions for Disposition of Learning Materials and Equipment

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

The Board may sell used equipment to a charter school before attempting to sell or dispose of the equipment by other means

iv. Competitive Sealed Bidding

Notice of the sale bids shall be publicly available from the District at least ten days before the date set for opening bids. Notice of the sale bids shall be mailed to prospective bidders, including those on lists maintained by the District pursuant to A.A.C. § R7-2-1023. The notice of the sale bids shall list the materials offered

for sale; their location; availability for inspection; the terms and conditions of sale; and instructions to bidders, including the place, date, and time set for bid opening. Bids shall be opened publicly pursuant to the requirements of A.A.C. § R7-2-1029.

The award shall be made, in accordance with the provisions of the notice of the sale bids, to the highest responsive and responsible bidder, provided that the price offered by such bidder is acceptable to the District. If the District determines that the bid is not advantageous to the District, the District may reject the bids in whole or in part and may resolicit bids, or the District may negotiate the sale, provided that the negotiated sale price is higher than the highest responsive and responsible bidder's price.

Auctions shall be advertised at least twice prior to the auction date in a newspaper of the county as defined in A.R.S. § 11-255. Advertisements must be at least seven days apart. All of the terms and conditions of any sale shall be available to the public at least twenty-four hours prior to the auction date.

Before surplus materials are disposed of by trade-in to a vendor for credit on an acquisition, the District shall approve such disposal. The District shall base this determination on whether the trade-in value is expected to exceed the value realized through the sale or other disposition of such materials.

A District employee or a Board member shall not directly or indirectly purchase or agree with another person to purchase surplus property if the employee or Board member is, or has been, directly or indirectly involved in the purchase, disposal, maintenance, or preparation for sale of the surplus material.

v. State Surplus Property Manager

Except as provided in A.R.S. § 15-342, the District may enter into an agreement with the State Surplus Property Manager for the disposition of property under A.R.S. § 41- 2601 *et seq.* and related rules.

vi. Donation of Surplus

The Board may donate surplus or outdated learning materials, educational equipment and furnishings to nonprofit community organizations where the Board determines the anticipated cost of selling the learning materials, educational equipment or furnishings equals or exceeds the estimated market value of the materials.

vii. *Offer to Sell*

The Board may offer to sell outdated learning materials, educational equipment or furnishings at a posted price commensurate with the value of the item to pupils who are currently enrolled in the District before those materials are offered for public sale.

LEGAL REF.: A.R.S. §§ 15-189, 15-341
USFR § III-J-5(10); App. B(6)
A.A.C. § R&-2-1131
Att. Gen. Op. I80-036, I80-189

CROSS REF.: The Board: Board Members: Board Member Conflict of Interest
Personnel: Staff Conflict of Interest
Instruction: Textbook and Supplementary Materials Selection and Adoption

CHAPTER 4 – SUPPORT SERVICES

1. ENVIRONMENTAL AND SAFETY PROGRAM

The practice of safety is part of the District's instructional plan through programs in traffic and pedestrian safety, fire prevention, and emergency procedures, appropriate for students. General areas of emphasis shall include, but not be limited to: in-service training; accident record keeping; plant inspection; driver and vehicle safety programs; fire prevention; campus or building site selection; and emergency procedures, and traffic safety problems relevant to students, employees, and the community.

LEGAL REF.: A.R.S. § 13-291, 15-151, 15-341, 15-507, 23-403, 23-408

******Regulation****Regulation****Regulation****Regulation****Regulation******

Chief Operations Officer's Responsibilities:

- maintaining an overall safety program in maintenance and operation of buildings and grounds;
- providing specialized assistance as requested by Program Director;
- scheduling regular inspections;
- posting required state and federal safety regulations and maintaining appropriate safety records;
- arranging for the correction of defects reported to them by employees in the building by requesting assistance from the maintenance department;
- cooperating in the correction of defects reported by the maintenance department or other administrators; and
- maintaining standards for periodic inspection and maintenance of District vehicles.

Other Employees' Responsibilities:

- reporting promptly to the Chief Operations Officer or Program Director any defects in buildings, grounds, or equipment that are a risk to the safety, health, or comfort of students, employees, or other persons; and
- taking reasonable precaution for the safe use of buildings, grounds, and equipment by students.

Students' Responsibilities:

- avoiding the following behaviors:
 - setting off a false alarm;
 - misusing the fire alarm system, fire extinguishers, or other fire protection and safety equipment; and
 - setting a fire in the building or on District premises.
- report promptly to the Chief Operating Officer or other appropriate staff any defects in buildings, grounds, or equipment that might prove injurious to the safety, health, or comfort of employees, students, or other persons.

Community Members' Responsibilities:

- refraining from abusing safety equipment, such as fire extinguishers, alarm systems, et cetera.

- reporting promptly to the Chief Operations Officer, Superintendent, Program Director or other staff any defects in buildings, grounds, or equipment that is a risk to the safety, health, or comfort of students, employees, or other persons.

*******End of Regulation***** End of Regulation*****End of Regulation*******

2. REPORTING OF HAZARDS AND WARNING SYSTEMS

A. *Pesticide Application Notice*

As required by A.R.S. § 15-152, the District shall provide students and employees with at least 48-hours' notice before pesticides are applied on District premises.

Oral and Written Notice

All oral and written notifications shall contain, at a minimum, the date, time, general areas to be treated, and brand name of the pesticide to be applied. During the *regular school session*, and not less than 48 hours prior to pesticide application, the District will provide notice as follows:

- to students and staff by:
 - the public address systems;
 - assembly communications;
 - staff meeting announcements; or
 - any means that will provide reasonable advance notice of pesticide application.
- students' parents or guardians by:
 - special communications;
 - newsletters; or
 - any means that will provide reasonable advance notice of pesticide application.

At least 48 hours before pesticide application, the District will post signs at the main entrance to all buildings that will be treated that identify pesticide application areas. The signs shall include:

- "Warning-Pesticides;"
- the date and time of the application;
- a phone numbers for the campus contact person; and
- the name and phone number of the licensed pesticide applicator.

The signs shall remain in place for at least 48 hours after treatment.

If the District contracts with a third party for pesticide application, the contractor shall provide at least 72-hours' written notice of: the date and time of service; the brand name of the pesticide and its concentration; the application rate; a copy the pesticide label; the material safety data sheet; and the areas to be treated.

If pesticide application is performed for or by public health agencies or an immediate threat to public health requires emergency applications, the licensed applicator shall comply with A.R.S. § 3-3606.

LEGAL REF.: A.R.S. § 15-152, 3-3601

******Regulation****Regulation****Regulation****Regulation****Regulation******

Pesticide Application Notice

The Facilities Director shall be the contact person for providing information regarding pesticide application activities on District premises, including but not limited to giving oral and written notification, supervising the posting of notifications as required, and maintaining records of pesticide-application notifications.

*******End of Regulation*****End of Regulation*****End of Regulation*******

3. ACCIDENT REPORTS

Adequate and prompt accident reporting is necessary to prevent similar accidents and to assure insurance coverage for injuries or property damage.

Reports will be filed on accidents that take place on District premises, during District-approved field or bus trips, or involve District vehicles, students, or staff members. Reports are required even when no injuries or property damage are evident.

Injury accidents must be promptly reported to the District's insurer. The meaning of *promptly* is defined in the District's insurance policy.

LEGAL REF.: A.R.S. § 23-427

CROSS REF. Personnel: Workers' Compensation

******Regulation****Regulation****Regulation****Regulation****Regulation******

Student Accidents

Employees who witness any accident involving a student on District premises or during a District-sponsored trip or activity shall submit an accident report to their supervisor.

An ill student should be given a pass and sent to the campus nurse or an available medical professional, who should be alerted to any special health concerns. A student cannot be sent home without prior notice to a parent or guardian. Only the office can discharge a student to home and will notify the instructor.

The Program Director will make a written report of any accident to the Chief Operations Officer and Superintendent not later than noon of the business day following the incident. The Program Director will also send copies of the report to the Chief Financial Officer, who will notify the insurer. The Chief Operations Officer will maintain a file of accident reports.

Compensation Claims

Any District employee who suffers a job-related injury or accident must file a report with the District business office within five days of the occurrence. The time limit may be extended, if as a result of the occurrence, the individual is unable to submit a report within five days.

If a job-related injury or accident requires medical attention and absence from work, the following apply:

- the treating medical provider will be responsible for reporting the injury to the District, the Industrial Commission, and the District's insurer;

- during the first seven days of absence due to the injury, the employee will use any available sick leave;
- if the absence is longer than seven days, the insurer will handle any claim for lost wages;
- if the insurer pays less than the employee's full wages, the difference may be made up with sick leave, if available, which may include withdrawals from the Medical Leave Bank. *See* Medical Leave Assistance Program; and
- under no circumstances will the combination of the insurer's payment for lost wages and the employee's sick leave exceed employee's regular salary.

An employee who has exhausted all available sick leave, will receive only the amounts paid by the District's insurer.

*******End of Regulation*****End of Regulation*****End of Regulation*******

4. EMERGENCIES

By September of each year, the Chief Operations Officer(s) will develop plans for fires or other emergencies that will provide for:

- inside emergencies, such as a fire, actual or potential explosion, hazardous material spill; and
- outside emergencies, such as a plane crash, active shooter, or windstorm;
- the conditions under which building will be evacuated and evacuation procedures;
- the conduct of specific emergency drills; and
- posting of a diagram of each building's floor plan showing emergency exits to be used.

A. *Evacuation Drills*

Monthly evacuation drills will be scheduled and conducted to train students, under staff direction, to move safely, quickly, and quietly from any indoor location to an assigned outdoor evacuation area.

The following rules and procedures apply:

- evacuation routes will be posted in each room showing the primary and alternate exits and the evacuation area;
- during the first week of the school year, rules for emergency evacuation will be discussed with each class using the room;
- a distinct alarm signal will be used for emergency drills only; another signal will be established by the Chief Operations Officer for return to class;
- no one is to remain in the building during emergency drills;
- everyone should follow posted evacuation routes to their assigned evacuation areas;
- students are responsible for moving quickly, quietly, orderly to the assigned evacuation area; and
- the instructor will be responsible for:
 - closing windows and doors are leaving doors unlocked;
 - turning off electrical equipment and gas jets;
 - maintaining order during the evacuation;

- taking a class roster and checking roll when the class is in the assigned evacuation area; and
- immediately reporting the name of any missing student to the Program Director, who shall promptly notify the Chief Operations Officer and Superintendent.

The Chief Operations Officer will write a report stating the date and time that the drill was conducted and the time required to complete the evacuation.

First Aid

If a student is injured or becomes ill while under District control, any staff member present must render assistance and summon help. First aid procedures shall be based on the following:

- the District is responsible for handling emergencies and sudden illness on District premises;
- the District is not responsible for follow-up treatment;
- during an emergency, the District is responsible for:
 - caring for the student;
 - notifying the student's parents or guardian, as soon as possible without compromising emergency; and following directions given on the student's enrollment card; and
 - in extreme cases, obtaining professional care for the student without parental or guardian consent;
- in the absence of family transportation or ambulance service, a District medical professional, Program Director, or instructor may have to transport the student to the student's home or to a physician's office, urgent care center, or hospital. A student should be accompanied from District premises by two adults. If the destination is the student's home, make sure a responsible person is at home to assume responsibility;
- medication administered by any District personnel shall be in compliance with Policy "Administering Medicines to Students" and the related regulations; and
- the program director will make a written report of an accident to the Superintendent by noon of the next business day.

Bomb Threats

If there is a bomb threat, report the threat to Central Administration, which will decide whether to evacuate the building immediately and whether to notify the police and fire department. If the police or fire department are called, the ranking officer will take charge and no one may return to campus until authorized by the ranking officer.

The person receiving the threat will note the exact time of the threat and, if the threat is oral, try to identify the age, sex, regional dialect, accent, etc. of the person, and if possible, record the threat.

Procedures for Aftermath of Suicide, Suicide Attempt, or Other Tragedy

If the tragedy has occurred on District premises, crisis-intervention procedures should be followed.

i. Notifications

- Anyone who hears about a suicide or other tragedy involving a District student or employee should contact the Superintendent immediately, who shall verify the information by calling local law enforcement. The Superintendent will notify the Chief Operations Officer(s) and Public Information Officer of the nature of the tragedy. No further action should be taken until the information is verified.

- The District will maintain a log of all communications.
- The Superintendent will communicate necessary information to staff as quickly as possible.
- The Board shall be notified of the situation.
- Information must be handled with great care.
- If the tragedy has occurred on a non-instructional day, the instructional staff should be notified as soon as possible.
- If possible, the Superintendent should hold an emergency mandatory meeting of employees to review protocols.
- Appropriate staff members may be assigned to notify individual classes.
- Instructors should inform students about available counseling services.
- The Superintendent will designate a spokesperson to answer press and community inquiries.
 - No confidential information shall be released.
 - “Suicide” should not be mentioned until verified by the proper authorities.
 - No comment should be made to the media until the victim’s family is notified.
- The Superintendent should notify chief administrators of neighboring school districts if appropriate.

ii. *Services*

Drop-in centers. Any student who would like to discuss personal feelings regarding the tragedy should be invited to use this service. Drop-in center locations should be posted in every classroom and office. Counselors and other professionals trained in crisis intervention should be available in the drop-in centers throughout the school day. This service should be available for a reasonable time after the tragedy.

Identification of at-risk students. Students and members of the faculty and staff should submit to the administration names of any students they believe to be especially vulnerable in the aftermath of suicide or other tragedy. This may include friends or relatives of the victim, students with histories of emotional problems or low self-esteem, and other vulnerable students. Any student who is visibly upset should be referred to a drop-in center immediately.

Discussion groups for employees. Affected employees will be given an opportunity to discuss their feelings about the loss; not to discuss specifics about the tragedy.

iii. *Follow-Up*

Condolences. The Superintendent should express the District’s condolences and offer help to the victim’s family.

Recognition of the tragedy. Staff shall not glamorize a student’s suicide. Students who have parental permission to do so may be excused from class to attend the funeral or memorial service. The District will not conduct a special memorial service for or dedication to a suicide victim. The District may consider a memorial for a death that was not a suicide.

The District will maintain normal operations. Counseling services will be available to all students, but instructors will continue to use instruction time for instruction. With parental permission, high-school students may be excused from class to attend the funeral or a memorial service.

5. WEATHER-RELATED AND EMERGENCY CLOSINGS

The Superintendent will decide when to delay the start of or early dismissal of classes and inform the Board President of the decision and of when students have left campuses.

LEGAL REF.: A.R.S. § 15-341

******Regulation****Regulation****Regulation****Regulation****Regulation******

Delayed Opening

When the Superintendent delays opening a campus, the Chief Information Officer will contact the police and local media to assist, if possible, in informing the community.

All staff members will report to their assigned posts to assist in the supervision of students

Campus Closing

When the Superintendent cancels classes, the Chief Information Officer will contact the police and local media to assist, if possible, in informing the community.

Early Dismissal

When the Superintendent decides to dismiss students early, they will only be released after the Program Director confirms parents or guardians have been notified. Program Directors may release staff when they are no longer needed to supervise students.

Program Directors will remain on campus until all students have departed.

*******End of Regulation*****End of Regulation*****End of Regulation*******

6. SECURITY

The Chief Operations Officers will develop plans and procedures for:

- securing District property;
- minimizing fire hazards.
- protecting records and funds;
- detecting and prosecuting vandals, burglars, and trespassers; and
- holding employees responsible for District property assigned to them.

LEGAL REF.: A.R.S. § 13-3715

Off Hours Access to Campus

Employee access to District premises outside of normal contract hours requires permission from the employee's supervisor, except for planned events. Once approved, the employee will create an event on their EVIT Google calendar and send email invitations to security@evit.com and utilities@evit.com. This will alert security to the employee's presence on campus and ensure that heat/AC and lights are turned on, if necessary.

Keys

The following apply to possession of keys:

- the Facilities Director will maintain a log of key assignments and secure unassigned keys;
- no one may not duplicate or loan keys;
- unneeded keys must be surrendered to the Facilities Director;
- lost keys must be immediately reported to the Facilities Director and the employee, who lost the key, may be required to pay for rekeying or replacing all affected locks;
- employees who use of keys for unauthorized purposes must surrender their keys and will be subject to discipline, which may include termination;
- the Superintendent will keep a set of master keys; and
- employees will sign a receipt for keys assigned.

Misuse of keys is a Class 3 misdemeanor. Misuse of a key includes:

- manufacturing or causing the manufacture of a District key;
- duplicating or causing the duplication of a District key;
- unauthorized possession of a District key;
- unauthorized use of a District key; or
- permitting the unauthorized use of a District key.

When employment ends, the employee's final paycheck will be withheld until the employee turns in their keys. Employees who do not turn in their keys will be charged for rekeying all locks for which the employee had keys.

Employees and students who violate this policy are subject to disciplinary action up to and including termination or expulsion.

7. VANDALISM

The Superintendent is authorized to sign criminal complaints and press charges against vandals who damage District property.

Students who commit vandalism, arson, or create a safety hazard on District property, may be referred to law enforcement authorities. Students who are caught vandalizing District property will be disciplined, which may include suspension or expulsion. The student's parents will be contacted. Under Arizona law, custodial parents of minors are liable for the minor's willful destruction of property. The District may file suit against the student or parents to recover the cost of repairs required as a result of vandalism.

LEGAL REF.: A.R.S. §§ 12-661, 15-842

******Regulation****Regulation****Regulation****Regulation****Regulation******

The Chief Operations Officer will establish a system for non-employees to report vandalism or suspected vandalism. Employees shall report suspected vandalism and suspects names, if known, to the Chief Operations Officer or Program Director.

*******End of Regulation*****End of Regulation*****End of Regulation*******

8. PERSONAL PROPERTY ON DISTRICT PREMISES

The District is not responsible for the loss of or damage to personal property stored, installed, or used on District premises.

LEGAL REF.: A.R.S. § 15-341

9. BUILDING AND GROUNDS MAINTENANCE

Adequate maintenance, and when possible preventive maintenance, of buildings, grounds and property is essential to the District's efficient management. A continuous program of inspection and maintenance of District buildings and equipment is, therefore, necessary.

LEGAL REF.: A.R.S. § 15-341

10. MATERIALS AND EQUIPMENT MANAGEMENT

Through the business office, the District provides for the central purchasing, receiving, warehousing, and distribution of supplies, equipment, and materials requisitioned by staff. All needed materials shall be ordered from the warehouse when available.

LEGAL REF.: A.R.S. § 15-213

11. MAINTENANCE AND CONTROL OF MATERIALS AND EQUIPMENT

Employees are responsible for the proper care of all District facilities, equipment, and property in their custody or control. Control of District property shall be through, but not limited to, an accurate fixed inventory system of all District furniture and equipment that exceeds \$1,000 in value. The Program Director shall maintain, by program, a stewardship listing of all items with a purchase price greater than \$50 and less than \$1,000.

When employment ends, the employee's final paycheck will be withheld until the employee turns in all District property issued to the employee. Employees who do not turn in property or return property in a damaged condition, will be charged for replacement or repairs.

LEGAL REF.: A.R.S. §§ 15-341, 15-721 *et seq.*
USFR: III-G-2

CROSS REF.: Administration: The Superintendent: Superintendent's Duties: Inventories
Administration: The Business Office: Inventories

12. MAINTENANCE AND CONTROL OF INSTRUCTIONAL MATERIALS

Students are responsible for loss of or damage to District-provided equipment and resources. Students must pay for replacement or duplicate resources. Fees collected under this policy will supplement the budget for instructional equipment and materials.

LEGAL REF.: A.R.S. § 15-727, 15-729

CROSS REF.: Students: Student Fees, Fines, and Charges

13. AUTHORIZED USE OF DISTRICT-OWNED MATERIALS AND EQUIPMENT

District materials or equipment may be used for any lawful purpose not in conflict with Board policies, subject to the following:

- the District will not incur any expense due to the use of materials or equipment;
- the Superintendent has approved the use;
- the user pays an appropriate rental fee or the Superintendent waives the rental fee;
- the material and equipment are not used to compete with any local businesses; and
- the user assumes liability for repairs or replacement of damaged materials or equipment.

LEGAL REF.: A.R.S. § 15-1105

CROSS REF.: The Community: Community Use of District Facilities

14. SURPLUS EQUIPMENT

Program Directors will notify the Inventory Specialist of any surplus equipment in their program areas. The Inventory Specialist, with the written approval of the Chief Financial Officer, may transfer surplus equipment to another program area or store, sell, or otherwise dispose of the equipment depending on what is in the District's best interest. No property may be transferred within the District without the prior approval of the Chief Financial Officer, Inventory Specialist and the Program Directors over the relevant program areas.

15. TRANSPORTATION

A. Transportation Services

Member Districts are responsible for transporting students to District campuses.

LEGAL REF.: A.R.S. §§ 15-342, 15-764, 15-922-23, 15-945-46, 28-900, 28-901

Bus Purchasing and Maintenance

The District and all transportation contractors shall comply with the Commercial Motor Vehicle Safety Act of 1986 and all Arizona laws that relate to vehicle standards, inspections, and maintenance.

LEGAL REF.: A.R.S. § 28-984
A.A.C. § R17-9-105 *et seq.*

Student Conduct on School Buses

Students are required to conduct themselves in a manner consistent with established standards for classroom behavior prior to boarding the bus, in the bus, and after leaving the bus.

When a student fails to practice proper conduct, the bus driver will inform an administrator of the misconduct, which may then be brought to the parents' attention.

Students who become serious disciplinary problems related to school transportation may have their riding privileges suspended. In such cases, the parents of the students involved become responsible for seeing that their children get to and from campus safely.

Students riding on special-activity buses are under the direct supervision of the bus driver in cooperation with sponsors. Students who do not conduct themselves properly will be denied the privilege of riding on special-activity buses.

LEGAL REF.: A.R.S. § 15-341

CROSS REF.: Students: Student Conduct
Students: Student Discipline

Special Use of Buses

District buses may be used to transport students to District-sponsored educational field trips or for student organization educational activities, if the activities are considered an extension of classroom activities.

The Board delegates to the administration authority to approve use of buses for noncurricular activities, but the organizers must reimburse the District for some or all of the District's costs associated with the bus use.

LEGAL REF.: A.R.S. § 15-1105

Student Transportation in Private Vehicles

Students will use District-provided transportation operated by District-authorized personnel for District-sponsored functions. Alternate transportation cannot be used without the Superintendents express prior approval.

Absent prior authorization from the Superintendent, District employees are forbidden to transport students for District purposes. The Superintendent's authorization may be a limited or standing authorization.

When the Superintendent authorizes a District employee or Board member to use a private vehicle for District purposes, the District will provide written notice to the employee or Board member that their automobile insurance provides primary coverage and the District's insurance provides secondary coverage. The employee or Board member is required to provide proof of insurance to the District.

District employees shall not send students on District errands in any vehicle, regardless of whether the student, an employee, a Board member, or the District owns the vehicle.

The use of a private vehicle for transporting students requires the Superintendent's written permission. Permission may be in the form of a standing permit for employees who use their own vehicles regularly for District purposes. The permit will state the particular purpose, and whether it includes transportation of students.

LEGAL REF.: A.R.S. § 15-341

CROSS REF.: Support Services: Transportation: Business and Personnel Transportation Services

Business and Personnel Transportation Services

The District follows the State of Arizona Accounting Manual requirements for travel. *See* <https://gao.az.gov/publications/saam>, § 50.

Administrative Requirements

Administrators are responsible for ensuring District vehicles are not used without prior approval and that use of District vehicles is not abused. Private vehicles cannot be used for District purposes without the Superintendent's prior approval.

Use of District Vehicles

District vehicles cannot be used for personal business, unless incidental to a District-related use. When space is available and with the Superintendent's approval, an employee's or Board member's family may be included on an out-of-town trip. Only Board members or District employees may drive District vehicles. Unless approved by the Superintendent, a District vehicle shall not be taken to an employee's or Board member's home overnight night.

Use of Private Vehicle

When the Superintendent authorizes use of a private vehicle for District business, the owner will be reimbursed for mileage at the rate set by the District. Mileage for any purely personal use of the vehicle is not reimbursable.

Accident Report

Any accident (no matter how minor) while on District business regardless of vehicle ownership must be immediately reported to Central Administration. The business office shall immediately report the accident to the District's insurer.

LEGAL REF.: A.R.S. §§ 15-341; 38-538
USFR: § VI(I)

CROSS REF.: Transportation: Student Transportation in Private Vehicles

REVISED: September 25, 2023

Business Transportation Records and Reports

The District will maintain all required records and reports necessary to carry out transportation goals and objectives and will be available for authorized inspections.

LEGAL REF.: A.R.S. §§ 15-321, 15-901, 15-903
A.A.C. § R17-4-612

16. COMPETITIVE FOOD SALES AND VENDING MACHINES

Food and beverage vending machines may be located on District premises.

17. OFFICE SERVICES

District offices shall be open from 7:30 a.m. until 4:00 p.m. any day classes are in session. At other times, the Superintendent may set different hours.

LEGAL REF.: Arizona Constitution, Art.18, § 1

18. MAIL AND DELIVERY SERVICES

The District will maintain a mail service system that allows communications to be delivered to intended recipients internally or externally in the most practicable way.

The mail system cannot be used for non-District related communications. The District disclaims liability for lost, opened, or damaged mail, and personal injuries or damages suffered any individual's personal use of the mail system.

19. E-MAIL

Board members and Central Administration are encouraged to participate in Open Meeting Law ("OML") and Public Records Law training.

A. E-Mails are Public Records

E-mails are professional communications and should follow the same standards of professionalism as other District-related communications. E-mails sent or received by Board members or employees, including attachments, related to District business, whether sent or received using a District e-mail address or device or a personal e-mail address or device, are public records subject to public inspection and may be discoverable in litigation as evidence in support of a claim, unless otherwise made confidential by law.

Board member and employees should use their District e-mail accounts and District devices for District-related business. Copies of District related e-mails sent or received on personal accounts or devices must be provided to the District, which may be accomplished by forwarding the e-mails to a District account.

The Information Systems Department will maintain copies of District-related e-mails on its server, in a retrievable and searchable format, which will constitute the official copies and will be maintained as required by Arizona's record retention regulations.

Open Meeting Law

To avoid violations of the OML when using e-mail, the following guidelines must be followed:

- Board members cannot use e-mail as a substitute for deliberations at Board meetings or to poll Board members on matters on which the Board will take legal action;
- e-mail may be used to distribute factual information, agendas, Board packets, suggestions for agenda items, or meeting reminders;
- confidential employee, student, or board-member information shall not be included in e-mails due to the risk of improper disclosure; and
- public meetings conducted via electronic means must not compromise the public's ability to attend the meeting or access information.

Compliance

If a Board member fails to comply with the Board policy, the matter shall be referred to the Board President, who will meet with or discuss the matter with the Board member. The Board President may request that the Board's legal counsel participate in the meeting or discussion.

If a District employee fails to comply with the Board policy, that employee may be subject to disciplinary action, up to and including termination.

LEGAL REF.: A.R.S. §§ 38-431.01 *et seq.*, 39-101, 39-121 *et seq.*, 41-1343, 41-1346
Ariz. Att. Gen. Opinion I05-004
20 U.S.C. 1232g Family Educational Rights and Privacy Act
Records Retention and Disposition for Arizona School Districts (2004) - Records Management Division of
the Department of Library, Archives, and Public Records
General Retention Sched. for All State Agencies and Political Subdivisions for Records Received via E-mail

CROSS REF.: The Board: Board Goals, Organization, and Responsibilities: Board Advisory Committees
The Board: Board Meetings: Public Participation at Board Meetings
The Board: Board Communications: Board Communications with Staff Members
Board Communications: Board Communications with the Public

20. DATA AND RECORDS RETENTION

All required or necessary records will be prepared according to the requirements of the USFR. The District will maintain a Board-approved records management program that complies with the Arizona State Library, Archives and Public Records. Paper and electronic records must be maintained.

The Board is the custodian of copies of all official records. The Superintendent is responsible for protecting the records on behalf of the Board. The Superintendent may designate responsibility for categories of documents to other employees.

LEGAL REF.: A.R.S. §§ 15-271-72, 15-521, 15-341, 23-721, 23-926, 23-962, 38-421, 38-423-24, 39-101, 39-103, 39-121, 44-1346 *et seq.*, 44-1373
A.A.C. § R7-2-803

******Regulation****Regulation****Regulation****Regulation****Regulation****Regulation******

Business and Financial Records.

The Chief Financial Officer is responsible for managing the following records:

- annual District budget;
- audit reports;
- financial statements;
- capital levy plan;
- bids;
- contracts (except employment);
- deeds;
- leases/lease purchases;
- inventory (history records of general fixed assets); and
- records identified in the Uniform System of Financial Records.

Other District Records

The current year's records will be kept in the District administration office. When practical to do so, but no later than during the second immediate past year, all paper records will be grouped, bundled together, and labeled, with the disposal date noted on the label. Records created or maintained in an electronic format will be preserved in a manner approved by the Records Management Division of the Arizona State Library, Archives and Public Records (ASLAPR).

Retention periods noted will refer to the number of years after the end of the fiscal year in which the records were made or superseded, as specified in the *General Retention Schedules for School Districts and Charter Schools*.

All records shall be managed in compliance with the requirements of the Records Management Division of the Arizona State Library, Archives, and Public Records (ASLAPR). Due to the ongoing process by the ASLAPR to revise existing and add new retention schedules for school districts and charter schools, the current point-in-time status of records retention requirements must be confirmed prior to determining disposition of the subject records by accessing the General Retention Schedule for School Districts and the Standards and Guidelines for Electronic Records available on the ASLAPR website at:

<https://azlibrary.gov/arm/retention-schedules>

*******End of Regulation*****End of Regulation*****End of Regulation*******

21. INSURANCE PROGRAMS AND RISK MANAGEMENT

The Board is responsible for maintaining adequate property, casualty, and liability insurance programs to protect:

- District property against fire, vandalism, and theft;
- Board members and employees against general liability that may result in the course of their duties; and
- employees in case of work-related injuries.

The Board may also authorize a voluntary insurance program for students and employees.

The Board delegated insurance program administration to the Superintendent. The Superintendent, with input from staff, will prepare for Board review and approval recommendations for insurance coverage specifications for each program to be placed for competitive bids. The Board will review any recommendations and may take legal action to approve the recommendations. The District shall seek the most economical insurance that meets the specifications.

LEGAL REF.: A.R.S. §§ 15-341, 15-381-84, 15-386-88
Ariz. Att. Gen. Op. I80-216

CHAPTER 5 – PERSONNEL

1. PERSONNEL GOALS AND PRIORITY OBJECTIVES

The Board recognizes that dedicated, dynamic, and efficient staff members are necessary to maintain a constantly improving educational program. The Board is interested in its personnel as individuals, and recognizes its responsibility for promoting the general welfare of the staff members. And, the Board establishes the following personnel service goals:

- recruiting, selecting, and employing the best-qualified personnel;
- having an employee appraisal program that contributes to continuous improvement of staff performance;
- providing professional development and in-service training programs for employees that will improve their rates of performance and retention;
- utilizing available personnel as effectively as economically as possible;
- maintaining human relationships that maximize staff performance and satisfaction; and
- offering compensation sufficient to attract and retain qualified employees while being fiscally responsible.

LEGAL REF.: A.R.S. §§ 15-341, 15-502, 15-503

2. EQUAL EMPLOYMENT OPPORTUNITY

The District does not discriminate based on race, color, religion, sex, national origin, age, disability, marital status, veteran status, or any class or characteristic protected by law. Efforts will be made in recruitment and employment to ensure equal opportunity in employment for all qualified persons.

LEGAL REF.: A.R.S. §§ 13-904, 41-1461, 41-1463, 41-1465

CROSS REF.: Personnel: Equal Employment Opportunities

The Board: Board Goals, Organization, and Responsibilities; Board Goals: Eliminating Sexual Harassment

******Regulation****Regulation****Regulation****Regulation****Regulation******

Compliance Officer

The Superintendent shall be the compliance officer. Any person who has been unlawfully discriminated against or has been the victim of unlawful discrimination by a District agent or employee or who knows of such discrimination against another person should file a complaint with the Superintendent. If the Superintendent is the one alleged to have unlawfully discriminated, the complaint shall be filed with the Board President.

Complaint Procedure

The District is committed to investigating each complaint and to taking appropriate action on all confirmed violations of policy. The Superintendent shall investigate and document complaints as soon as reasonable. In investigating the complaint, the Superintendent will maintain confidentiality to the extent reasonably possible. The Superintendent shall also investigate incidents of policy violations that the Board raises even absent a complaint.

If after the initial investigation the Superintendent has reason to believe that a policy violation occurred, the Superintendent shall determine whether or not to hold an administrative hearing or to bring the matter before the Board.

Any discipline imposed on a staff member will follow Board Policy, “Discipline, Suspension, and Dismissal of Staff Members.”

If the person alleged to have violated policy is a student, the Superintendent may impose discipline in accordance with Board Policy, “Student Discipline” or “Student Suspension, Expulsion, and Due Process Rights.”

If the Superintendent’s investigation reveals no reasonable cause to believe policy has been violated, the Superintendent shall so inform the complaining party in writing.

Timelines

A complaint must be filed within thirty (30) calendar days after the complaining party knew or should have known that there were grounds for a complaint.

Once the written complaint has been filed via the District’s forms, the Superintendent shall require the Program Director or Chief Operations Officer to investigate and provide a written response within five working days.

If Program Director or Chief Operations Officer does not respond, the Superintendent will have ten additional working days to respond in writing to the complaining party.

If the Superintendent does not timely respond, then the complaining party may submit the issue in writing to the Board. The Board will review the record of the investigation and have thirty days to provide a written response.

*******End of Regulation*****End of Regulation*****End of Regulation*******

3. STAFF INVOLVEMENT IN DECISION MAKING

The Board encourages employee participation in District decision making. The Superintendent is authorized to establish committees, as necessary, to recommend policies and administrative regulations that will enhance the District’s operation and, when feasible, may involve affected employees at the planning stage.

The Superintendent shall: establish channels for staff to communicate ideas and feelings about the District’s operation; consider staff input; and share staff input with the Board when proposing policies and administrative regulations.

LEGAL REF.: A.R.S. § 15-321

4. STAFF ETHICS

District facilities exist to provide educational opportunities to the EVIT community. Every employee is responsible for providing leadership in the District and community and shall maintain exemplary conduct and high standards in their District and community relationships. These standards must be idealistic and practical, so they can reasonably apply to all staff. Employee’s actions will be viewed and judged by the community, colleagues, and students. Thus, the following standards apply to District employees.

Every District employee shall:

- make the well-being of students the fundamental value of all decision making and actions;

- maintain just, courteous, and proper relationships with students, parents, staff, and community members;
- maintain knowledge of current developments in the employee's field of work;
- fulfill job responsibilities with honesty and integrity;
- provide constructive criticism of staff, programs, or departments to Program Directors, Chiefs, or the Superintendent;
- support the principle of due process and protect the civil and human rights of all individuals;
- obey local, state, and national laws and not knowingly join or support organizations that advocate, directly or indirectly, the overthrow of the government;
- implement Board policies and administrative rules and regulations;
- refrain from using District contacts and privileges to promote partisan politics, sectarian religious views, or selfish propaganda of any kind;
- pursue appropriate measures to correct any laws, policies, or regulations that are not consistent with sound educational goals;
- avoid using their position for personal gain through political, social, religious, economic, or other influence;
- stress the proper use and protection of all District properties, equipment, and materials; and
- honor all contracts until fulfillment or release.

In the performance of duties, employees shall maintain the confidentiality of any information they obtain unless disclosure serves a District purpose or is required by law.

LEGAL REF.: A.A.C. § R7-2-205

5. STAFF CONFLICT OF INTEREST

A. Employment Of Close Relatives

No District employee may ever be directly evaluated by a close relative (father, mother, son, daughter, sister, brother, or spouse).

The District cannot employ a Board member's spouse. The Board may employ a Board member's dependent (a person more than half of whose support is obtained from a Board member) with the Board's consent.

Business Relations

Any employee who has, or whose relative has, a substantial interest in any District decision shall make the interest known in the District's official records, and shall refrain from participating in any manner as an employee in such a decision.

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

Vendor Relations

District employees who supervise or participate in contracts, purchases, payments, claims, or other financial transactions or supervise or participate in planning, recommending, selecting, or contracting

for materials, services, goods, construction, or constructions services cannot accept a gift or benefit from any person, group, or entity doing, or desiring to do, business with the District.

District Purchases from Employees

The District must comply with competitive purchasing rules for any acquisition of goods or services from District employees regardless of the dollar amount. The District may acquire equipment, material, supplies, or services from its employees only under an award or contract let after public competitive bidding. The requirement applies to any purchase using District monies, including extracurricular activities fees, tax credit contributions, and monies held in trust by the District such as student activities monies, when a District employee acts as the vendor. Oral or written quotations do not satisfy the public competitive bidding requirements.

Employee Training and Acknowledgement of Understanding

The Board may require annual employee training to ensure District conflict of interest policies are communicated to employees and acknowledged as received and understood. Each employee shall complete and sign the District's Conflict of Interest form. *See* Forms: Conflict of Interest.

The District will investigate allegations of inadequate disclosure of substantial interests or inappropriate participation when a substantial interest may exist.

LEGAL REF.: A.R.S. §§ 15-232, 15-421, 15-502, 15-503, 38-481, 38-501 *et seq.*
Att. Gen. Op. I83-111, I03-005, I06-002
Attorney General Arizona Agency Handbook, Appendix 8.1

CROSS REF.: The Board: Board Members: Board Member Conflict of Interest
Administration: The Business Office: Purchasing
Administration: The Business Office: Bidding and Purchasing Procedures
Personnel: Prohibited Personnel Practices

6. STAFF CONDUCT

A. Generally

Staff shall act to: provide effective and orderly education; protect students; and maintain District property. No employee shall, by action or inaction, disrupt or encourage anyone to disrupt any legal District activity. No employee, unless authorized by the Board or a law enforcement agency, shall carry or possess a weapon on District premises. Employees shall always try to maintain order, follow Board policies and administrative rules and regulations, and obey the Superintendent's orders.

Failure to abide these rules may result in discipline, which may include, but is not limited to:

- removal from District premises;
- civil and criminal sanctions, which may include, but are not limited to, criminal proceedings under A.R.S. § 13-2901 *et seq.* [Offenses Against Public Order].
- a warning;
- a reprimand;
- a suspension with or without pay;
- dismissal; and
- considering the failure in determining future salary.

Use of Physical Force by Supervisory Personnel

Any employee entrusted with the care and supervision of minors may use reasonable and appropriate physical force to the extent reasonably necessary and appropriate to maintain order, in self-defense, in defense of others, or to prevent or stop theft or criminal damage to property.

Verbal provocation alone does not justify the threat or use of physical force. The degree of physical force used must be proportionate to the circumstance and shall not exceed that necessary to prevent injury to oneself or to others or to preserve property at risk.

LEGAL REF.: A.R.S. §§ 13-2911, 13-3102, 13-3111, 13-3411, 15-341-42, 15-507, 15-509, 15-514, 15-521, 38-531-32, 41-770
A.A.C. § R7-2-205

CROSS REF.: Personnel: Staff Hiring
Students: Student Discipline

*******Regulation****Regulation****Regulation****Regulation****Regulation*******

When acting as a District employee, employees shall not:

- engage in unprofessional conduct;
- commit fraud in securing employment or promotion;
- exhibit incompetence, inefficiency, or improper attitudes;
- neglect duties;
- be insubordinate or dishonest;
- physically or verbally abuse, or threaten to harm anyone;
- cause damage, or threaten of damage, any property located on District premises;
- enter or occupy District premises facilities by force or without authorization;
- use, possess, distribute, or sell alcohol, drugs, or other illegal substances;
- use profane or abusive language, gestures, or symbols;
- fail to comply with lawful direction of District officials, security officers, or any other law-enforcement officer, or fail to or identify oneself in response to a lawful request;
- carry or possess a weapon on District premises without the Superintendent's authorization;
- violate District policies and regulations;
- violate federal, state, or applicable municipal laws or regulations; or
- engage in any other conduct that may obstruct, disrupt, or interfere with teaching, research, service, administrative, or the District's disciplinary functions, or any other activity sponsored or approved by the Board.

All staff members are expected to:

- thoroughly acquaint themselves with Board policies and administrative regulations;
- conduct themselves in a manner consistent with effective and orderly education;
- protect students and District property;
- maintain order;
- comply promptly with all orders from the Superintendent or supervising administrator;

- dress and maintain a general appearance that reflects their position and does not detract from the District's educational programs;
- comply with A.R.S. § 15-515 by immediately reporting to the Superintendent or Program Director:
 - a violation of A.R.S. § 13-3102 [possession of a deadly weapon on school grounds];
 - a violation of A.R.S. § 13-3111 [possession of a firearm by a minor without authorization]; or
 - a violation of A.R.S. § 13-3411 [possession, use, or intent to sell marijuana, peyote, or dangerous or narcotic drugs, or intent to sell prescription- only drugs in a drug-free school zone (i.e., school grounds and the area within 300 feet and public property within 1,000 feet of school grounds, the area at a school bus stop, and a school bus)].

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

Employees who violate these rules are subject to disciplinary action.

*******End of Regulation*****End of Regulation*****End of Regulation*******

Staff Conduct with Students

Employees shall exercise general supervision over students' conduct, before, during, and after class, and at all District-sponsored events. Employees shall always treat students with the dignity and respect they deserve and will not embarrass any student unnecessarily.

Students shall regard all District employees as individuals employed to contribute to learning. When students have the latitude to make their own choices, they must make choices that respect the rights of employees and other students. The District will not tolerate interference with those rights.

Students do not have the right to interfere in any manner with: instruction or educational programs; other students' desire or efforts to learn; or any employee's job duties.

District employees, when dealing with students, are expected to act professionally and maintain social and moral conduct consistent with community standards. The following conduct is prohibited:

- touching a student on or near genitalia or breasts;
- causing a student to touch the employee's genitalia or breasts;
- showing pornography or any material deemed harmful to minors to a student;
- exposing the employee's genitalia or breasts to a student;
- causing a student to expose the student's genitalia or breasts to the employee;
- having oral sexual contact or sexual intercourse with a student;
- asking questions about a student's sexual activities;
- sexual hugging, caressing, or kissing a student;
- requesting or suggesting that a student engage in any of the above with the employee or other person; and
- any physical contact with a student that makes the student uncomfortable, is unwanted, or may be perceived as a sexual advance or pursuit.

Relationships between employees and students that include “dating,” “courtship,” or “romantic involvement” are unprofessional, unethical, unacceptable and strictly prohibited.

Relationships between employees and students shall reflect mutual respect and dignity.

Violations of the above are serious and may result in disciplinary action up to and including termination. Conduct that violates the law may be referred for criminal prosecution by the District, the student, or the student’s parent or guardian.

LEGAL REF.: A.R.S. §§ 15-321, 15-514, 15-341

CROSS REF.: Students: Student Conduct

7. GIFTS TO AND SOLICITATIONS BY STAFF MEMBERS

A. *Gifts*

District Students, parents, and patrons shall be discouraged from the routine presentation of gifts to employees. This is not intended to discourage acts of generosity in exceptional circumstance. Token gifts of affection or gratitude are acceptable.

Employee gifts to individual students are discouraged. Gifts of nominal value to an entire class or program are acceptable.

Solicitations

A District employee’s position shall not be used to influence parents or students to purchase anything that is not approved by the Board or the Superintendent.

Employees shall not solicit other employees or students on behalf of any non-District entity without the Superintendent’s prior approval. No solicitations shall be made during official duty time.

LEGAL REF.: A.R.S. § 15-321

CROSS REF.: The Community: Public Gifts and Donations to the District

8. ALCOHOL, DRUGS, AND TOBACCO

A. *Alcohol and Drug-Free Workplace*

No one may use, possess, or be under the influence of alcohol, intoxicants, or illegal drugs while on District premises or at District sponsored events.

No employee shall manufacture, distribute, dispense, possess, or use alcohol or any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, or any other controlled substance, as defined in 21 U.S.C. § 812(c) or 21 C.F.R. § 1300.11 to 1300.15, while on District premises, using a District vehicle, attending to District business, or at any District event.

An employee, who appears to be under the influence of alcohol or drugs, will not be allowed on District premises or to participate in District activities. Violators of this policy shall be removed from District premises, prosecuted, and disciplined up to and including dismissal. Any employee convicted for conduct that violates this policy shall notify their supervisor within five business days of the conviction.

LEGAL REF.: A.R.S. §§ 13-2911, 13-3401 *et seq.*, 15-341

Nonmedical Use or Abuse of Drugs or Alcohol

i. Employee Drug Use or Abuse

The nonmedical possession, use, or abuse of drugs or alcohol is prohibited on District premises and at all District-sponsored activities. Employees found possessing, using, or abusing drugs or alcohol shall be immediately reported to the Program Director or other person in charge. The Superintendent shall be notified immediately and will conduct an investigation in consultation with legal counsel as necessary. If the investigation finds probable cause that the employee violated the law, the Superintendent will notify law enforcement. If the investigation shows the employee endangered the health or safety of students or District employees, the employee is subject to disciplinary action.

ii. Medical Marijuana

Under A.R.S. § 36-2801, a *qualified medical marijuana cardholder* means:

- a qualifying patient;
- a designated caregiver;
- a nonprofit medical marijuana dispensary agent, who has been issued and possesses a valid registry identification card; or
- an independent third-party laboratory agent.

Unless the District would lose a monetary or licensing related benefit under federal law or regulations, the District may not discriminate against a person in hiring, termination or imposing any term or condition of employment or otherwise penalize a person solely:

- on the basis of the person's status as a medical marijuana cardholder; or
- for a positive test for marijuana components or metabolites, unless the person used, possessed or was impaired by marijuana on the premises of the place of employment or during the hours of employment.

The District shall not be penalized or denied any benefit under state law for employing a registered qualifying patient or a registered designated caregiver.

No person is authorized to:

- undertake any task under the influence of marijuana that would constitute negligence or professional malpractice;
- possess or engage in the medical use of marijuana,
 - on a school bus,
 - on the grounds of any preschool, elementary school or secondary school;
- smoke or ingest marijuana,
 - on any form of public transportation, or
 - in any public place;
- operate, navigate or be in actual physical control of any motor vehicle, aircraft or motorboat while under the influence of marijuana.

- use marijuana in any manner not authorized by A.R.S. § 36-2801 *et seq.*

A registered qualifying patient shall not be considered to be under the influence of marijuana solely because of the presence of metabolites or components of marijuana that appear in insufficient concentration to cause impairment.

An employee may be disciplined, up to and including suspension or termination, for ingesting marijuana in the workplace or working under the influence of marijuana.

When District officials have a reasonable belief that an employee may be under the influence, in possession of or distributing marijuana in a manner not authorized by the medical marijuana statutes law enforcement authorities will be informed.

LEGAL REF.: A.R.S. §§ 13-2911, 13-3401 *et seq.*, 13-3405, 13-3411, 15-341 15-342, 15-512, 15-546, 23-493, 23-493.03, 36-3801 *et seq.* [Arizona Medical Marijuana Act]
41 U.S.C. § 702, Drug-free workplace requirements for Federal grant recipients
34 C.F.R. Part 85

CROSS REF.: Personnel: Alcohol, Drugs, and Tobacco
Personnel: Staff Conduct

Smoking by Staff Members

The possession or use of tobacco products is prohibited on District premises, in District vehicles, and at District events. Under A.R.S. § 36-798.03, violation of this policy is a petty offense.

LEGAL REF.: A.R.S. §§ 13-3622, 15-341, 36-798.03
20 U.S.C. § 6083

CROSS REF.: Students: Tobacco Use by Students
The Community: Smoking on District Premises at Public Functions

9. STAFF USE OF DIGITAL COMMUNICATIONS AND ELECTRONIC DEVICES

Employees will utilize social media, digital communications, and electronic devices in a courteous, respectful, and professional manner at all times. If there is a conflict between this policy and employees' free speech rights under federal or state law, the law takes precedence.

Employee should communicate with students via District devices, email accounts, social media accounts, or learning management systems. Employees should not use personal devices, email accounts, or social media accounts to communicate with students, but if it is necessary the communication shall only be for a District-related purpose. All communications with students are public records, cannot be deleted or destroyed, and must be made available to the District upon request.

Employees shall not use District devices, email accounts, or social media accounts to promote any product or political candidate or cause. Communications not related to District business shall not bear any indicia of District authorization or approval.

Employees shall immediately report misuse or suspected misuse of technology to their Program Director or supervisor, who will immediately report it to the Superintendent.

The Superintendent shall designate technologies approved for communication with parents and students.

At the start of each school year and as part of the hiring process, the Superintendent or Superintendent's designee shall communicate this policy to all employees. This policy will be communicated to new Board members prior to taking office.

Violations of this policy may constitute criminal conduct and may result in prosecution or disciplinary action up to and including termination. The Superintendent shall report violations to the Board and shall make reports to the appropriate law enforcement agency when determined necessary.

LEGAL REF.: A.R.S. §§ 15-341, 15-514

CROSS REF.: Personnel: Staff Ethics

Personnel: Staff Conduct: Staff Conduct with Students

Personnel: Staff Participation in Political Activities

Personnel: Discipline, Suspension, and Dismissal of Staff Members

Students: Student Conduct

10. STAFF PERSONAL SECURITY AND SAFETY

A. Threats

Any employee who is threatened with harm while carrying out assigned duties shall immediately notify their Program Director or supervisor. The Program Director or supervisor shall immediately notify the Superintendent and together they shall take immediate steps to provide every reasonable precaution for the employee's safety.

Protective Eyewear

The Board shall equip District facilities with protective eyewear so that every student, instructor, and visitor participating in or observing any activity involving exposure to: molten materials; cutting, shaping or grinding of materials; heating, tempering, or firing of any material; welding; explosive materials; caustic solutions, or radiation, will have protective eyewear. The District may use federal, state, and local funds for this purpose.

Protective eyewear means devices meeting the standards of the U.S.A. Standard Safety Code for head, eye, and respiratory protection, Z21-1959, and subsequent revisions thereof, approved by the United States of America Standards Institute, Inc.

LEGAL REF.: A.R.S. §§ 13-1203, 13-1204, 13-2911, 15-151, 15-507

11. WORKERS' COMPENSATION

All employees shall be covered by workers' compensation insurance for any accident while on assignment, including an accident on District premises, at a District sponsored event, or while on District business. Employees must immediately report any accident to their Program Director or supervisor office because an accident report including the time of the accident, persons involved, and how it happened is required.

The Superintendent may require employees as a condition of employment or retention to submit to tests or examinations a licensed physician deems appropriate.

The Program Director or Superintendent may require, at District expense, a complete examination by a licensed physician selected by the District when warranted by the employee's physical or emotional condition.

The Superintendent shall have procedures for complying with the requirements of the Occupational Safety and Health Administration (OSHA), including an exposure-control plan, methods of compliance, work-practice controls, post-exposure evaluation and follow-up, and administering vaccine to employees exposed to Hepatitis B virus.

All employees who, as a result of their employment, have had significant exposure to bloodborne pathogens (Hepatitis B/Human Immunodeficiency Virus) are required to report the details of the exposure in writing to the District and to follow post-exposure evaluation and follow-up activities in accordance with Arizona and federal laws. An employee who chooses not to complete these reporting requirements risks losing any claim to rights.

LEGAL REF.: A.R.S. §§ 15-505, 23-901, 23-902, 23-906, 23-908, 23-961, 23-962

CROSS REF.: Support Services: Accident Reports

******Regulation****Regulation****Regulation****Regulation****Regulation******

Any employee involved in any accident while on duty, no matter how minor, shall notify their supervisor as soon as possible within the first 24 hours. Failure to do so risks loss of workers' compensation benefits. The supervisor shall complete and submit the Report of Industrial Injury to the District office, which shall submit the report to the insurance carrier within ten days of the initial notification.

*******End of Regulation*****End of Regulation*****End of Regulation*******

12. WELLNESS PROGRAMS

A. Measles (Rubeola)

As a condition of employment, unless exempted, all employees, including substitutes, shall present proof of immunity to rubeola (measles) prior to reporting for work.

Evidence of immunity to measles shall consist of:

- a record of immunization against measles with a live virus vaccine given on or after the first birthday; or
- a statement, signed by a licensed physician or a state or local health officer, that affirms serologic evidence of having had measles.

German Measles (Rubella)

Similarly, unless exempted, all employees, including substitutes, shall present proof of immunity to rubella (German measles) prior to reporting for work.

Evidence of immunity to rubella shall consist of:

- a record of immunization against rubella given on or after the first birthday; or
- a statement, signed by a licensed physician or a state or local health officer, that affirms serologic evidence of having had rubella.

General Information

Exempted employees include those with medical contraindications for receiving vaccines and those who refuse immunization for religious reasons.

Non-immune employees, including those who utilize the exemption, shall, in the event of an outbreak of either disease, be put on leave without pay, or they may use accumulated sick leave during the period they are excluded from work due to the outbreak. If a staff member does not have any earned sick leave, a salary deduction of one contract day will be made for each day of authorized leave used.

LEGAL REF.: A.R.S. § 36-624
A.A.C. §§ R9-6-339, R9-6-352, R9-703
Att. Gen. Op. 18-037

13. STAFF HEALTH AND SAFETY

A. Communicable Diseases Generally

The District shall take reasonable and lawful measures to protect students and staff members from the transmission of communicable diseases.

i. Exclusion from Campus

A staff member who has a communicable disease shall be excluded from District premises only if the staff member presents a direct threat to the health or safety of others. The District will follow applicable Department of Health Services' ("DHS") and local health agencies' outbreak control measures and directives regarding exclusion of a staff member with a communicable disease. The communicable diseases specifically addressed by DHS regulations are listed in A.A.C. § R9-6-301 *et seq.*

A staff member who has a chronic communicable disease, such as tuberculosis or HIV/AIDS, shall not be excluded unless a significant risk is presented to the health and safety of others, which cannot be eliminated by reasonable accommodation. The Superintendent shall consult with legal counsel and health professionals, as necessary, to ensure that exclusion of a staff member with a chronic communicable disease will not violate the staff member's rights under the Americans with Disabilities Act or Section 504 of the Rehabilitation Act.

The Superintendent will designate a person to reassess a staff member who is excluded from campus due to a communicable disease before allowing a return to work. A medical release signed by a physician may be required as a condition for return to work.

ii. Reporting and Notification

The District shall report to its local health agency each diagnosed and suspected case of a communicable disease that must be reported under state or local law. Disease outbreaks that the District must report by telephone within 24 hours, pursuant to A.A.C. § R9-6-202(C), are:

- foodborne/waterborne illness;
- giardiasis;
- haemophilus influenzae, type b, invasive disease;
- hepatitis A;
- measles (rubeola);
- meningococcal invasive disease;
- mumps;
- pertussis (whooping cough);
- rubella (German measles);

- scabies; and
- shigellosis.

Under A.A.C. § R9-6-342, outbreaks of pediculosis (lice infestation) also must be reported.

If an outbreak of a communicable disease occurs in a District setting, the Superintendent or the campus nurse shall promptly inform staff members who are known to have special vulnerability to infection. The District does not assume any duty to notify an employee of health risks caused by the presence of a communicable disease in the District setting unless the at-risk employee has notified the District of the conditions when notification is needed.

iii. Confidentiality

The District shall make reasonable efforts to maintain the confidentiality of staff members' medical conditions. All medical information relating to employees is confidential. The identity of a staff member who has a communicable disease or the nature of the communicable disease may be disclosed only to:

- staff members who must have such information to carry out their duties under this policy; or
- staff members or students (or their parents/guardians) who must have such information to protect themselves from direct threat to their health or safety.

Inquiries or concerns by staff members or others regarding communicable diseases or a staff member who is known or believed to have a communicable disease shall be directed to the Superintendent.

iv. Universal Precautions

The District shall follow the "Universal Precautions Standard" set forth in Form "Staff Health and Safety" to protect employees who are at risk of being exposed to blood and body fluids in the course of their work.

v. Food Service Workers

The District shall follow the guidance of the U.S. Department of Health and Human Services concerning infectious and communicable diseases transmitted through the handling of food, and special precautions required for food services workers.

HIV/AIDS

Current medical information indicates that HIV can be transmitted by sexual intercourse with an infected partner, by injection of infected blood products, and by transmission from an infected mother to her child *in utero* or during the birth process. None of the identified cases of HIV infection in the United States are known to have been transmitted in a District setting or through any other casual person-to-person contact. There is no evidence that HIV is spread by sneezing, coughing, shaking hands, hugging, or sharing toilets, food, water, or utensils. According to best medical knowledge and judgments, the use of the "universal precautions" and other procedures that implement this policy are sufficient to protect staff members and students from transmission of HIV on District premises.

LEGAL REF.: A.R.S. §§ 36-621, 36-624

A.A.C. § R9-6-101 *et seq.*

29 U.S.C. § 700 *et seq.* (Sec. 504 of the Rehabilitation Act)

42 U.S.C. § 12101 *et seq.* (Americans with Disabilities Act)

29 C.F.R. § 1630 (ADA guidelines)

29 C.F.R. § 1910.10 (OSHA Universal Precautions Standard)

CROSS REF.: Personnel: Workers' Compensation

14. STAFF PARTICIPATION IN POLITICAL ACTIVITIES

Employees, as citizens, have a right to engage in political activity, but shall not do so while on duty or acting as the District's agent. Staff members who intend to engage in political activities shall be guided by the following:

- employees shall not engage in political activities on District premises or while on-duty;
- no election activities may include District employees or students in their capacity as District representatives;
- the District will not invite participation in District-sponsored election activities, unless all candidates for an office are invited;
- district equipment, supplies, materials, buildings, or other resources cannot be used to influence the outcome of any election;
- political circulars or petitions shall not be posted or distributed on District premises;
- collecting or soliciting campaign contributions or workers on District premises is prohibited;
- students cannot be used to influence the outcome of any election;
- campaign materials cannot be distributed to students on District premises;
- employees shall not use their District position or authority to try to influence the vote or political activities of any subordinate; and
- a District employee holding a non-District public office must use available leave to attend to the duties of that office during work hours.

Discussing or studying politics or political issues is permitted when part of the curriculum and not otherwise prohibited by Board policy.

The District may distribute informational reports on a proposed budget override election as provided in A.R.S. § 15-481.

The District is permitted to produce and distribute impartial information on elections other than District budget override elections or reporting on official Board actions.

District employees shall be permitted time as provided in statute, if required, to vote in the primary or general election.

LEGAL REF.: A.R.S. §§ 15-481, 15-511, 16-402
A.A.C. § R7-2-1201

15. PERSONNEL RECORDS AND FILES

Administrators and instructional staff shall provide current and complete official transcripts of all college credits to Human Resources.

The District will maintain an official personnel file for each current District employee. Employees are permitted to review and comment on all derogatory information placed in their personnel files. The employee may place a written reply in the file, which will be appended to the derogatory information.

Personnel files are confidential. The District may create appropriate subfiles in a personnel file to ensure confidentiality and efficient use of the file. Only authorized District officials and the employee

have shall have access to an employee's personnel file. A Board member may access a personnel file only when authorized by the Board. An employee may review their own personnel file by making a written request to the Superintendent. An employee cannot review confidential information obtained prior to an employee's employment, *e.g.*, recommendations.

Unless otherwise specifically provided by law, the District shall not:

- use an individual's social security number on identification forms; or
- transmit material that contains both an individual's social security number and financial institution account number to another individual. This does not preclude the transmission of documents related to financial services or confirming the accuracy of numbers previously submitted.

The public may review documents in a personnel file only when the document is deemed a public record.

LEGAL REF.: A.R.S. §§ 15-302, 15-502, 15-537, 23-926, 23-1361, 23-1362, 38-233, 39-121 *et seq.*, 41-1482

CROSS REF.: Administration: The Business Office: Payroll Procedures and Schedules
The Community: Public's Right to Know and Freedom of Information

16. STAFF GRIEVANCES

Effective communication between employees, administrative staff, and the Board is essential for proper District operations. A grievance procedure for employees is the prescribed means of resolving grievances at the earliest date and the lowest possible administrative level.

The procedure shall provide for Board review of any grievance that cannot be resolved at the administrative level. In such instances, within ten working days of notice of the Superintendent's decision, the affected individual may submit to the Board a written appeal that contains the facts giving rise to the grievance, reference to relevant Board policies and administrative regulations, the basis for the appeal, and the remedy sought.

The Board shall review the appeal and issue a response within fifteen working days. The Board's decision is final.

LEGAL REF.: A.R.S. § 38-532

******Regulation****Regulation****Regulation****Regulation****Regulation******

Definitions

A *grievance* is a District employee's allegation of a violation or misinterpretation of any Board policy or administrative regulation that directly and specifically governs the employee's terms and conditions of employment. *Grievance* does not include any matter for which the law prescribes a method of review or the Board is without authority to act. Suspension and dismissal is governed by statute and, therefore, not grievable. Assignments, reassignments, and transfers are not grievable beyond the Superintendent, except for reductions in compensation or at the Superintendent's request.

A *grievant* shall be any employee who files a grievance.

Terms and conditions of employment means hours of employment, compensation, fringe benefits, and personnel policies directly affecting the employee. The term does not include the District's educational policies.

A *day* is any day the District conducts business.

The *immediate supervisor* is the lowest-level administrator with supervisory authority over the grievant.

Informal Level

Before filing a formal written grievance, the grievant must meet informally with their immediate supervisor to try resolve the matter. The first informal meeting must be within ten days of when the employee knew, or should have known, of the act or omission giving rise to the grievance. Any subsequent meetings must occur within five days after the initial or any subsequent meeting.

Formal Level

Level I. Within fifteen days after the employee knew, or should have known, of the act or omission giving rise to the grievance, or five days of the last informal meeting, whichever is later, the grievant must present the grievance in writing to their immediate supervisor's supervisor.

The grievance shall be clear and concise and include: the circumstances giving rise to the grievance; reference to the Board policies or administrative regulations that were violated and adversely affected the employee's terms and conditions of employment; the decision rendered at the informal conference; and the specific remedy sought.

The Chief shall communicate a decision to the employee in writing within five days after receiving the grievance during which time the grievant or Chief may request a meeting to attempt to resolve the matter.

Level II. If the grievant is not satisfied at Level I, the grievant may appeal to the Superintendent within ten days after receipt of the Chief's decision.

The appeal shall include a copy of the original grievance, the Chief's decision, and a clear concise statement of the reasons for the appeal. The Superintendent shall communicate a decision within ten days after receiving the appeal, during which time the grievant or the Superintendent may request a meeting to attempt to resolve the matter.

Level III If the grievant is not satisfied at Level II, the grievant may, within ten days, submit a written appeal to the Board via the Superintendent. The appeal shall include, the original grievance, the Chief's and Superintendent's decisions, and a clear concise statement of the reason for appeal. The Board does not have to review the appeal. If the Board reviews the appeal, the Board will render a decision within fifteen days of the review.

General Provisions

Failure to timely initiate the grievance process constitutes a waiver of the grievance. Failure to timely appeal at any level shall be deemed acceptance of the last decision and waiver of the right to further appeal.

The filing or pendency of any grievance does not prevent the Board or the Superintendent from exercising any power or authority.

*****End of Regulation*****End of Regulation*****End of Regulation*****

17. PROHIBITED PERSONNEL PRACTICES

A. *Disclosure Protected*

Any District employee, who has control over personnel actions, shall not take reprisals against another employee who discloses a matter of public concern to a public body when the disclosing employee believes there has been:

- a violation of law,
- mismanagement,
- a gross waste of monies, or
- an abuse of authority.

An employee, or former employee, who believes that an adverse personnel action was taken because of a disclosure of information under A.R.S. § 38-532, shall make a complaint to the Board. The Board shall make a determination pursuant to A.R.S. § 41-785.

Reporting Protected

Neither the Board nor a District employee, who has control over personnel decisions, shall take unlawful reprisal against an employee for good-faith reports about certificated personnel engaged in conduct involving minors that is reportable under A.R.S. § 13-3620 (Reporting Child Abuse).

Unlawful reprisal means Board action that results in:

- disciplinary action,
- transfer or reassignment,
- suspension, demotion, or dismissal,
- an unfavorable performance evaluation, or
- other significant changes in duties or responsibility that are inconsistent with the employee's salary or employment classification.

LEGAL REF.: A.R.S. §§ 15-514, 23-425, 38-532, 41-785

18. STAFF POSITIONS

The Board must approve the creation of staff positions. The District will maintain sufficient positions to accomplish the District's goals and objectives.

Before recommending creation of any new position, the Superintendent will present a job description that specifies the qualifications, job duties, and performance evaluation method for the new position.

The Superintendent will maintain a current comprehensive set of job descriptions for all District positions.

LEGAL REF.: A.R.S. §§ 15-501 to 15-503

CROSS REF.: Administration: The Superintendent: Superintendent's Duties: Line and Staff Relations

19. STAFF HIRING

The District shall employ and retain the best qualified personnel by carefully considering qualifications and providing competitive salaries, adequate facilities, and good working conditions.

Hiring employees is a non-delegable Board duty, but the Superintendent is responsible for recruiting staff and presenting them to the Board for approval. The Superintendent may involve other staff members as needed. The following criteria apply to the hiring process:

- no discrimination in the hiring process due to race, color, religion, sex, national origin, age, disability, marital status, veteran status, or any class or characteristic protected by law;
- instructor candidates must be capable of delivering quality instruction;
- candidates for all positions must have the necessary education, training, or experience to perform the position's job duties;
- candidates must have documentation that they meet state requirements for certification; and
- candidates must agree to a background investigation that includes contact with former employers and verification of education, training, experience, qualification and past job performance.

The Board may consider material misstatements of fact in the application process as grounds for termination.

A. I-9 Form Completion

The Immigration Reform and Control Act of 1986 requires that all new employees establish their eligibility for employment in the United States. This federal law applies to U.S. citizens as well as to foreign nationals. An employment Eligibility Verification (Form I-9), "E-Verify," must be completed within three business days of the employee's hire date. Employees who do not provide the necessary documentation within three business days must be discharged.

B. Fingerprint Clearance Cards

The District will not employ anyone who has unsupervised contact with students without a Level 1, IVP fingerprint clearance card, except the District may employ an instructor with a conditional certificate if the requirements of A.R.S. § 15-534(E) are met.

Applicants shall certify whether they are awaiting trial on or have been convicted of or admitted in open court under a plea agreement of having committed any of the criminal offenses listed in A.R.S. §§15-412 or 41-1758.07(B) or (C) or a similar offense in another jurisdiction. The District may refuse to hire or terminate an employee who has committed one of these offenses.

Applicants and employees bear the cost of obtaining or renewing fingerprint clearance cards.

Reference Check Requirements

Reference checks shall be performed only by a Superintendent's designee. Before contacting anyone, the background investigator shall:

- confirm the applicant has completed the employment application;
- have the applicant explain any gaps in employment history;
- confirm the applicant has listed at least two persons from each past employer who can verify past employment, discuss job performance and the applicant's reason for leaving;

- obtain the applicant's consent and release for the background investigation;
- Investigators shall contact two persons at each past employer or document an exception. When contacting past employers, investigators shall state:
 - their name;
 - that they are calling on behalf of EVIT;
 - who they are investigating;
 - the position for which the applicant applied; and
 - the job duties of the position.

Investigators shall make the inquiries necessary to complete the District's background check form, note their impressions and whether further inquiries are warranted, and provide this information to the Superintendent.

Any person who permits unauthorized access to criminal history record information, releases criminal history record information, or procures the release or uses criminal history record information other than in accord with A.R.S. § 41-1750 is guilty of a class 6 felony.

Fingerprint Clearance Card Must Be Maintained

If a fingerprint clearance card is required for employment, maintaining a Level 1, IVP fingerprint clearance card is a condition of continued employment. A conviction of or guilty plea to any offense listed in A.R.S. §§ 15-512 or 41-1758.07(B) is grounds for immediate termination. An employee charged with one of these offenses will be assigned to home until the outcome of the criminal judicial process.

An employee convicted of or who pled guilty to an offense listed in A.R.S. § 41-1758.07(C) will be assigned to home pending a due process hearing before the Board and will only be permitted contact with students if accompanied by a person with a Level 1, IVP fingerprint clearance card. At the hearing, in considering whether to terminate the employee, the Board shall apply the factors listed in A.R.S. § 15-512.

Employment Eligibility

Anti-Discrimination Notice. It is illegal to discriminate against any individual (other than an alien not authorized to work in the U.S.) in hiring, discharging, or recruiting or referring for a fee because of that individual's national origin or citizenship status. Discrimination against work-eligible individuals is illegal. The refusal to hire an individual because of a future expiration date may also constitute illegal discrimination.

The District shall confirm employment authorization and employment eligibility verification by participating in the E-Verify program of the Department of Homeland Security's ("DHS") U.S. Citizenship and Immigration Services Bureau ("USCIS") and the Social Security Administration ("SSA") and shall have the employee complete the necessary parts of an Employment Eligibility Verification Form I-9 and provide acceptable documents as required within three days of employment. The District will complete the Form I-9 and maintain the form with copies of the documents and documentation of the authorization pending any inquiry. The District *cannot* specify which document(s) they will accept from an employee.

The District shall report to the Superintendent of Public Instruction on June 30 and December 31 the number of applicants hired prior to the completion of a fingerprint check and the number of applicants for whom fingerprint checks have not been received after 120 days and after 175 days of hire.

20. STAFF ASSIGNMENTS, TRANSFERS, AND PROMOTIONS

A. Assignments

The Superintendent will determine all staff assignments based on the District's needs.

Transfers

Transfers will be based on the District's needs. Assignments may be changed to serve the District's best interests. The resolution of any conflicts over the need for a transfer shall be based on what is best for the instructional program, the needs of the students, and the District's overall needs as defined by the Superintendent.

Instructors' contracts do not include the right to work on a particular campus or in a particular program.

Staff members may apply for transfer or reassignment, whether or not a vacancy exists. Generally, transfers will not be approved during the school year unless in the District's best interest.

When a vacancy exists or a new position is created, current qualified employees will be considered first.

Transfers to positions of lower pay require Board approval.

Promotions

The Superintendent will promote the best available candidates from within and from outside the District.

A change in assignment shall be considered a promotion to which the job classification or pay grade is greater and shall require Board approval.

21. PART-TIME AND SUBSTITUTE STAFF EMPLOYMENT

A. Substitute Instructors

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

The Superintendent will screen all applicants for substitute positions and recommend substitutes instructors to the Board for approval. The Superintendent shall ensure that all substitute instructors are on the Board-approved substitute list. Substitute instructors must have CTE or substitute teaching certificate.

The District employs *permanent substitute instructors*, who will substitute for any instructor who will be absent for an extended period.

The District does not issue *per diem* substitute teaching contracts. *Per diem* substitute instructors do not receive fringe benefits, except as required by law. *Per diem* substitute instructors may be employed in half day increments. A half day is any assignment less than four and a half hours.

Instructor are always responsible for arranging for a substitute instructor. When a substitute has not been arranged in advance, instructors must contact their Program Director as soon as possible, but not

later than 7:30 a.m., and provide the name of the substitute. Instructors should inform their Program Directors of their return date as soon as it is known.

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Registration of Substitute Teachers

The following materials are required before a substitute teacher may be employed:

- application for employment;
- loyalty oath;
- withholding tax statement (W-4);
- recorded certificate in the office of the County Superintendent of Schools;
- district interview; and
- Employment Eligibility Verification (form I-9), “E-Verify”.

Payment of Substitute Instructors

The substitute-instructor pay schedule shall be set at the same time the regular instructor salary schedule is adopted. Substitute instructors will be paid according to the substitute-instructor pay schedule, with the following exceptions:

- *Long-term substitute instructors.* A substitute instructor teacher who teaches in one assignment for a regular instructor for more than twenty consecutive instructional days shall receive an increased rate of pay as determined by Board. If extenuating circumstances exist, the Superintendent may recommend to the Board, an additional increased rate of pay or fewer required consecutive working days in order to qualify for an increased rate of pay.
- *Permanent substitute instructors.* A substitute instructor may be designated as a “permanent substitute” by the Human Resources for a long-term replacement for a regular instructor on a leave of absence. The substitute instructor must possess a regular teaching certificate. The Board may authorize an increased rate of pay after twenty consecutive instructional days of substituting.
- *Short-term substitute instructors* receive no fringe benefits, except as required by law, and are at-will employees;
- Substitute pay is calculated by the half day. A half day is four and half hours. If the substitute instructor work more than four and a half hours in a day, the substitute instructor will be paid for a full day.

Professional Responsibility

Substitute instructors are special District faculty members and responsible for:

- assuming normal duties and responsibilities of the classroom instructor;
- reporting to the Program Director upon arrival;
- maintaining high professional standards;
- adhering to rules and regulations that pertain to a specific assignment;
- following the lesson plans provided;
- adhering to the classroom schedule (no late starts or early releases);
- seeking guidance when needed; and

- reporting to the regular instructor, in summary form, daily progress and activities;

The absent instructor shall aid the substitute teacher by:

- maintaining up-to-date lesson plans;
- itemizing relevant classroom information;
- encouraging and guiding the substitute instructor about everyday procedures; and
- developing in the students a proper classroom attitude toward the substitute's role in the educational program;

The administrations responsibilities to the substitute instructor include:

- defining the substitute instructors' role in specific classroom situations;
- establishing professional and personal communication;
- submitting substitute instructor evaluation reports;
- involving the substitute instructor in the District's professional; and
- preparing a detailed list of substitute-instructor duties.

*******End of Regulation*****End of Regulation*****End of Regulation*******

Substitute Staff Members

The Superintendent may employ, when conditions warrant and subject to Board approval at its next meeting, temporary or part-time personnel on a *per diem* or time-card basis subject to the following conditions:

- continued employment of any such person shall be subject to confirmation and approval by the Board at its next official meeting; however, employment shall not be recommended to the Board prior to satisfactory completion of any pending fingerprint check;
- the employee shall be hired on a per diem basis and shall be compensated in accordance with the requirements and limitations of existing contracts that cover similar positions or employees; and
- in addition to the conditions set forth above, the temporary assignment of a person to a supervisory or administrative position shall be preceded by notification to the Board. The Superintendent will detail the circumstances that created the need for the part-time employment.

Compensation shall be commensurate with existing contracts for the same position. The Superintendent shall notify the Board before assigning anyone to a temporary supervisory or administrative position and explain the necessity for the assignment.

LEGAL REF.: A.R.S. §§ 15-502, 15-503
A.A.C. § R7-2-603

22. STAFF CONTRACTS AND COMPENSATION

District salaries will be differentiated based on job duties and responsibilities. The Superintendent will recommend salaries and fringe benefits to the Board each year. The Board will establish the salaries and benefits for all employees annually within the District's budget.

Every fiscal year, the District will provide to each employee a total compensation statement that is broken down by category of benefit or payment that includes the employee's:

- base salary and any additional pay;
- medical benefits and the value of any employer-paid portions of insurance plan premiums;
- retirement benefit plans, including social security;
- legally required benefits;
- any paid leave;
- any other payment made to or on behalf of the employee, and
- any other benefit provided to the employee.

LEGAL REF.: A.R.S. §§ 15-341, 15-502, 15-503, 15-544, 15-952, 15-877

23. STAFF FRINGE BENEFITS

The Board will review staff fringe benefits during the annual budget process and may modify benefits or eligibility for benefits in the District's best interest.

Staff members who work at least thirty hours weekly are eligible for fringe benefits.

New at-will employees will serve a 90-day probationary period during which time the only leave that will accrue is sick leave, but which cannot be used during the probationary period. After successfully completing the probation period, all leaves will accrue and may be utilized according to their respective Board policies.

A. Health Insurance

All full-time personnel are eligible for district-paid health insurance. Unless waived, coverage begins on the first day of the month following the start of employment. Health insurance will continue as long as full-time employment continues. If full-time employment ends, coverage continues until the end of the month in which full-time employment ends, except high-school instructors, who complete their contracts, but do not return will be covered through June 30. Part-time certificated personnel may purchase health insurance at their own expense.

When employment terminates, insurance coverage will cease at the end of the month in which the termination is effective. Employees will be reimbursed for insurance premiums deducted in advance.

Health Insurance Waiver

Health insurance can be waived if an employee has other employer-sponsored minimal essential coverage group health insurance, e.g., through a spouse, Medicare, or Tricare. (AHCCCS and Health Cost Sharing plans, or anything determined not to be a substitute for insurance as defined by the Affordable Care Act are not eligible.)

Dependent Health Insurance

A covered employee may elect dependent health insurance at the time of hiring or during an open enrollment period. The employee pays the entire cost of dependent health insurance.

Personnel who begin service to the District after July 1 will have such dependent insurance cost deducted from their salary on a prorated basis, the payment being such as to cover the remainder of the year to the following July.

Personnel working less than twelve months who desire dependent coverage shall be responsible for the full cost of the dependent coverage on the first of the month immediately following the first day of active service.

LEGAL REF.: A.R.S. § 15-502

CROSS REF.: Administration: The Business Office: Salary Deductions
Personnel: Leaves and Absences: Sick Leave

24. LEAVES AND ABSENCES

A. Absent Without Leave

An employee may be deemed “absent without leave” when absent from work:

- in excess of the days permitted under a Board policy;
- in violation of Board policy; or
- without providing prior notice to their supervisor, unless unusual circumstances prevent prior notice.

When prior notice of an absence is not possible, the employee risks the leave not being approved and the absence being deemed “absent without leave.”

The District will not compensate employees for time when absent without leave.

An employee who is absent without leave is subject to disciplinary action, up to and including dismissal.

LEGAL REF.: A.R.S. § 15-341

Sick Leave

Earned paid sick time (“sick leave”) is a designated amount of compensated leave granted to staff members who, through personal or family illness, injury, or quarantine, are unable to perform the duties assigned.

Full-time staff shall accrue sick leave at the rate of four hours per each full half month worked (the first through the fifteenth and the sixteenth to the end of the month) and may accumulate sick leave without limit.

Part-time staff shall accrue sick leave at the rate of one hour for every thirty hours worked, but cannot accumulate more than forty hours. A part-time employee must work at least fifteen days in a month to earn a day of sick leave.

Earned paid sick time shall begin to accrue at the commencement of employment, but cannot be used during the probationary period.

Substitute employees shall accrue a one hour of earned paid sick time for every thirty hours worked, but employees shall not be entitled to accrue or use more than forty hours of earned paid sick time per year.

An employee may use earned paid sick time as it is accrued, except there is a ninety-day waiting period before new employees may use sick leave.

Sick leave may be granted only for “services performed,” therefore, no sick leave will accrue during a long-term unpaid absence or leave.

When a staff member exhausts all days of accumulated sick leave, a non-paid leave of absence must be requested, pursuant to Board policy.

Upon request, the staff member shall inform their immediate supervisor of the following:

- purpose for which sick leave is being taken;
- expected date of return from sick leave;
- where the staff member may be contacted during the leave.

i. *Use of Earned Paid Sick Time*

Earned paid sick time may be used for:

- an employee's mental or physical illness, injury or health condition; an employee's need for medical diagnosis, care, or treatment of a mental or physical illness, injury or health condition; an employee's need for preventive medical care;
- care of a family member with a mental or physical illness, injury or health condition; care of a family member who needs medical diagnosis, care, or treatment of a mental or physical illness, injury or health condition; care of a family member who needs preventive medical care;
- reasons related to child care, domestic violence, sexual violence, abuse or stalking, and legal services as described in A.R.S. 23-373; or
- any other reason that qualifies for leave under the FMLA.

Earned paid sick time shall be provided upon the request of an employee. Such request must be made through TimeClock Plus®. When possible, the request shall include the expected duration of the absence.

When the use of earned paid sick time is foreseeable, employees shall make a good faith effort to provide notice of the need for such time to the District in advance of the use of the earned paid sick time and shall make a reasonable effort to schedule the use of earned paid sick time in a manner that does not unduly disrupt the District's operations.

The District may not require, as a condition of an employee's taking earned paid sick time, that the employee search for or find a replacement worker to cover the hours during which the employee is using earned paid sick time.

Earned paid sick time may be used in the smaller of hourly increments or the smallest increment that the District's payroll system uses to account for absences or use of other time.

For earned paid sick time of three or more consecutive work days, the District may require reasonable documentation that the earned paid sick time has been used for a qualifying purpose. Documentation signed by a health care professional indicating that earned paid sick time is necessary shall be considered reasonable documentation for purposes of this section.

As defined in A.R.S. § 23-371, "family member" means:

- regardless of age, a biological, adopted or foster child, stepchild or legal ward, a child of a domestic partner, a child to whom the employee stands *in loco parentis*, or an individual to whom the employee stood in loco parentis when the individual was a minor;
- a biological, foster, stepparent or adoptive parent or legal guardian of an employee or an employee's spouse or domestic partner or a person who stood in loco parentis when the employee or employee's spouse or domestic partner was a minor child;

- a person to whom the employee is legally married under the laws of any state, or a domestic partner of an employee as registered under the laws of any state or political subdivision;
- a grandparent, grandchild or sibling (whether of a biological, foster, adoptive or step relationship) of the employee or the employee's spouse or domestic partner; or
- any other individual related by blood or affinity whose close association with the employee is the equivalent of a family relationship.

ii. *Notice:*

The District shall give employees written notice of the following at the commencement of employment or by July 1, 2017, whichever is later: employees are entitled to earned paid sick time and the amount of earned paid sick time, the terms of its use guaranteed in statute, that retaliation against employees who request or use earned paid sick time is prohibited, that each employee has the right to file a complaint if earned paid sick time as required by statute is denied by the District or the employee is subjected to retaliation for requesting or taking earned paid sick time, and the contact information for the commission where questions about rights and responsibilities under can be answered.

iii. *Accrual:*

Employees who are exempt from overtime requirements under the Fair Labor Standards Act of 1938 (29 United States Code section 213(A)(1)) will be assumed to work forty hours in each work week for purposes of earned paid sick time accrual unless their normal work week is less than forty hours, in which case earned paid sick time accrues based upon that normal work week.

When there is a separation from employment and the employee is rehired within nine months of separation previously accrued earned paid time that had not been used shall be reinstated. Further, the employee shall be entitled to use accrued earned paid sick time and accrue additional earned paid sick time at the re-commencement of employment.

iv. *Reimbursement of Unused Sick Leave*

Employees shall be reimbursed for unused sick leave days upon termination or interruption of service to the District by retirement, resignation, death, or reduction in force under the following provisions:

- an employee whose employment terminates by retirement, death, or reduction in force and has at least five years of service with the District at that time shall be reimbursed at one-third their hourly rate;
- an employee whose employment terminates by resignation and has at least five years of service with the District at that time shall be reimbursed at one-sixth their hourly rate;
- an employee whose employment terminates by resignation and who has at least seven years of service with the District at that time shall be reimbursed at one-third their hourly rate.

To retire from the District an employee must be eligible for Social Security retirement benefits or Arizona State Retirement System benefits.

Substitute, student and temporary workers are not eligible for reimbursement of unused sick leave.

Except as set forth in this policy, there is no statutory requirement for financial or other reimbursement for unused accrued sick when employment ends.

v. *Retaliation Prohibited*

It is unlawful for the District, or person or entity to interfere with, restrain, or deny the exercise of, or the attempt to exercise, any right protected in statute.

The District shall not engage in retaliation or discriminate against an employee or former employee because the person has exercised protected rights. Such rights include, but are not limited to the right to:

- request or use earned paid sick time pursuant to the statute;
- file a complaint with the commission or courts or inform any person about any the District's alleged violation; and
- participate in an investigation, hearing or proceeding or cooperate with or assist the commission in its investigations of alleged violations and the right to inform any person of his or her potential rights.

It is unlawful for the District's absence control policy to count earned paid sick time taken as an absence that may lead to or result in discipline, discharge, demotion, suspension, or any other adverse action.

Protections of this section apply to any person who mistakenly but in good faith alleges violations of this policy based on the supporting statutes.

LEGAL REF.: A.R.S. §§ 15-502, 15-187, 23-363, 23-364, 23-371 to 23-375

Medical Leave Assistance Program

The District recognizes the existence of circumstances under which a non-job-related serious health condition may exhaust an employee's accrued leave. To provide some measure of relief in such situations, the District has created a Medical Leave Assistance Program. This program is in the District's best interest and is a positive process that:

- promotes caring and assistance between employees;
- increases employee morale;
- may reduce stresses associated with illness;
- may facilitate the employee's recovery; and
- insures efficient and uninterrupted services to students.

i. Eligibility to Enroll

All employees are automatically enrolled.

ii. Medical Leave Bank

The District will maintain a Medical Leave Bank, which will be funded as follows:

- employees may voluntarily donate accrued sick leave to the bank in one-day increments at the employee's daily rate of pay using the Medical Leave Assistance Program Donation Form;
- donations may be made at any time;
- donations may be directed to a specific employee;
- an employee cannot donate more than five accrued sick leave days in any fiscal year;
- the Medical Leave Bank maximum balance for is \$75,000;
- donations to a specific employee do not count to the maximum balance;

- the District will maintain a time- and date-stamped list of donations offered in excess of the maximum balance, which will be used in the order in which the offers are received to replenish the Medical Leave Bank balance;
- donations to the bank, once credited to the Medical Leave Bank, are irrevocable and remain in the Medical Leave Bank from year to year;
- donation directed to a specific employee will be added to the Medical Leave Bank balance and available to any employee if unused within a year of the donation.

iii. *Qualifying Leave*

The Medical Leave Bank is generally available after three consecutive days of absence for:

- the employee's own non-job-related illness, injury, impairment, or physical condition, that involves inpatient care in a hospital, hospice, or residential medical facility, or outpatient care with continuing medical treatment by a licensed physician; or
- to care for the employee's spouse, child, or parent with an illness, injury, impairment, or physical condition that involves inpatient care in a hospital, hospice, or residential medical facility, or outpatient care with continuing medical treatment by a licensed physician.

The Medical Leave Bank is not available for:

- normal childbirth;
- bereavement;
- injuries or illnesses caused exclusively by pandemics, epidemics, natural disasters, acts of war, or terrorism.

iv. *Eligibility to Participate*

To be eligible to withdraw from the Medical Leave Bank the employee must:

- have a qualifying leave,
- have exhausted all accrued paid leave;
- not be eligible for Workers Compensation;
- not be eligible to receive for short-term or long-term disability benefits; and
- waive privacy rights to the personal or medical information which must be disclosed to withdraw from the Medical Leave Bank.

v. *Medical Leave Assistance Requests*

To make a withdrawal from the Medical Leave Bank the employee must submit to Human Resources a Medical Leave Assistance Request Form and medical certification of the non-job-related medical condition showing that the condition will continue for at least two weeks beyond available accrued paid leave.

Withdrawals from the Medical Leave Bank will be in one-hour increments based on the employee's daily rate of pay. The maximum number of days an employee may withdraw from the Medical Leave Bank for any qualifying leave is thirty days.

Employee will not accrue additional paid leave while utilizing the Medical Leave Assistance Program.

vi. *Relation to FMLA Leave*

This policy does not affect any rights under the FMLA and may be used in conjunction with FMLA leave.

LEGAL REF.: Att. Gen. Op. I91-027

Personal Leave

Program Directors have discretion to grant leave based on departmental needs and may limit leave in a department to no more than ten percent of the department staff. Leave requests will be considered in the order received. Leave may be denied if no suitable substitute is available. Employees on contract extensions cannot take leave.

Personal leave cannot be carried over to the next contract period. Unused personal leave is lost, except employees who have not used any personal leave will accrue one additional day of sick leave.

The District does not pay out unused personal leave when employment ends.

Requests for personal leave must be submitted through TimeClock Plus® at least four working days prior to the first day of leave unless there are extenuating circumstances that prevent the employee from making a timely request. An employee who is unable to provide four working days' notice because of circumstances beyond the employee's control may appeal for personal leave providing the employee notifies their immediate supervisor prior to time of absence and is unable to make other arrangements to appear for work.

i. *Personal Leave for Instructors:*

Instructors may use up to four days of sick leave per year as personal leave for any reason except other employment. To take personal leave, instructors must arrange for a substitute or leave will not be granted. If sick leave is exhausted, instructors cannot take personal leave.

ii. *Personal Leave for Non-Instructional Staff*

Full-time non-instructional staff, including aides, are entitled to use one day of personal leave per semester for a total of two personal days per fiscal year. Non-instructional staff hired mid-semester are not entitled to a personal day for that semester.

LEGAL REF.: A.R.S. § 15-510

REVISED: September 25, 2023

FMLA and Unpaid Leaves of Absence

i. *No Leave Available*

When no other leave is available and circumstances necessitate absence from work, the District, in its sole discretion, may approve leave without pay for up to one year for additional education that relates to the employee's primary assignment. The Superintendent may approve unpaid leave of up to 12 weeks. The Board may approve unpaid leaves in excess of 12 weeks. The District must approve any extension of unpaid leave.

A request for unpaid leave shall be submitted to the employee's Program Director or supervisor before submitting a request in TimeClock Plus®. The Program Director or supervisor will contact the Payroll Specialist to add an unpaid leave to your TimeClock Plus® account.

High-school instructors, who have continuing-instructor status will not lose that status while on unpaid leave and upon return to work, all other benefits will be restored at pre-leave levels.

ii. *Family and Medical Leave Act*

The District complies with the Family and Medical Leave Act (“FMLA”) and all U.S. Department of Labor interim and final regulations interpreting the FMLA.

To be eligible for FMLA leave, an employee must have been employed and worked 1,250 hours in the twelve months period prior to the start of the leave. Any eligible employee may take up to twelve weeks of leave during a “rolling” twelve-month period measured backward from the first date of FMLA leave (the “rolling method”), without pay, for any one or more of the following reasons:

- the birth of the employee’s child and in order to care for such child;
- the placement of a child with the employee for adoption or foster care;
- to care for the employee’s spouse, son, daughter, or parent, who has a serious health condition;
- the employee’s serious health condition that prevents performance of the employee’s job duties; or
- any qualifying exigency (as the U.S. Department of Labor shall, by regulation, determine) due to the employee’s spouse, son, daughter, or parent being on or called to active duty in the Armed Forces in support of a contingency operation.

Serious health condition means an illness, injury, impairment, or physical condition that involves inpatient care in a hospital, hospice, or residential medical facility, or outpatient care with continuing medical treatment by a licensed physician.

Special conditions applicable to FMLA. Entitlement to leave for the birth of a child or the placement of a child for adoption or foster care ends at the expiration of a twelve-month period, beginning on the date of the event.

An eligible employee who is the spouse, son, daughter, parent, or next of kin of a covered service member shall be entitled to a total of twenty-six workweeks of leave during a twelve-month period to care for the service member. The leave described to care for a covered service member shall only be available during a single twelve-month period.

A husband and wife working for the District may be limited to a total of twelve weeks of leave during each twelve-month period for leave for the birth of a child or the placement of a child for adoption or foster care and to care for an employee’s parent with a serious health condition. The aggregate number of work weeks of leave to which both the husband and wife may be entitled under covered service member family leave combined with leave as described in the previous sentence shall be limited to twenty-six workweeks during one twelve-month period.

Employees are not required to use accrued sick leave during an FMLA leave for a birth, adoption, or foster placement. Employees must use accrued vacation and personal leave while on FMLA leave for a birth, adoption, or foster placement. For all other reasons, an employee must use available accrued leave while on FMLA leave.

Notice. When the need for leave is foreseeable, an employee must provide at least thirty-days’ notice before the requested start of FMLA leave. When the need for leave is not foreseeable, notice must be given as soon as practicable. Use the FMLA request form to request leave. The District may deny FMLA leave until the notice is provided.

Certification. All FMLA leave request must be supported by medical certificate provided by the employee's health provider. Human resources will provide the needed forms. When thirty-days' notice is required, submit the medical certification with the FMLA leave request. Otherwise, the medical certificate should be provided within fifteen days of the start of the FMLA leave.

When leave exceeds thirty days, the District, in its discretion, may request recertification of medical conditions in support of the leave.

Whenever the District requires a medical certification or recertification, Human Resources will provide notice and appropriate form to the employee. No FMLA leave or rights shall be denied absent proper notice from the District.

The District may require a healthcare provider's certification to verify an employee's inability to return for work whether it is the employee's own health condition or that of a family member for whom the employee is caring.

Intermittent or reduced time (IRT) leave. FMLA leave may be taken intermittently or on a reduced leave schedule under the following circumstances:

- if medically necessary to care for a family member or for the employee's own serious health condition;
- because of any qualifying exigency the spouse, or a son, daughter, or parent, of the employee is on active duty or notified of an impending call or order to active duty in support of a contingency operation; or
- if approved by the District.

The District may transfer the employee to an alternative position with equivalent pay and benefits.

If the IRT leave is for an instructor, the District can require the instructor to take leave for a period or periods of a particular duration not greater than the duration of the planned treatment or to transfer temporarily to an available alternative position with equivalent pay and benefits that provides better accommodate recurring periods of leave, provided the leave is:

- requested to care for a qualifying family member or as a result of the employee's serious health condition preventing job performance;
- foreseeable, based upon planned medical treatment; and
- for more than 20% of the working days in the leave period.

The employee may be granted leave under these circumstances, subject to reasonable efforts to schedule treatment so as not to unduly disrupt the educational program.

Special end-of-semester circumstances for instructors. Under any of the following conditions, leave for an instructor may be required to continue to the end of the academic semester:

- leave is for at least three weeks beginning more than five weeks before the semesters' end, and return to work would be during the last three weeks of the semester;
- leave is for at least two weeks beginning less than five weeks before the semester's end, is not for the employee's own serious health condition, and return to work would occur during the last two weeks of the semester; or
- leave is for more than five working days for other than for the employee's own serious health condition and begins within the semester's last three weeks.

Employee notification. The District will notify each employee, who requests FMLA leave:

- about FMLA by providing the FMLA fact sheet;
- about the expectations, obligations, and consequences of taking FMLA leave as set forth in 29 C.F.R. § 825.301;
- that FMLA leave may be withheld until a requested notice is provided or the time frame is met; and
- that if leave is granted to an employee, who is unable to perform the work required, the employee will not be allowed to return to work until the employee has provided medical certification of ability to return to work.

The District will post notices in conspicuous places on the District premises that provide a summary of FMLA and information on how to file a charge for an FMLA violation.

Health care continuation. An employee taking FMLA leave is entitled to continued health care coverage under the same terms and conditions applicable to actively working employees. But if the employee fails to return work at the end of the leave for reasons that are within the employee's control, the employee must repay any health care premiums the District paid on the employee's behalf during the FMLA leave.

Position restoration. When returning from FMLA leave, the employee shall be restored to the same position held before the start of FMLA leave or to an equivalent position with equivalent pay, benefits, and working conditions. If the reason for leave was the employee's own serious health condition, the employee must provide medical certification from a health care provider that the employee is able to resume work before returning from FMLA leave. The District may delay an instructor's return to work at the end of a semester, in accordance with 29 C.F.R. § 108(d). Under 29 C.F.R. § 104(b), The District is not required to restore key employees, *i.e.*, employees among the highest - paid 10% of all District employees, to their prior position.

LEGAL REF.: A.R.S. § 15-510
 29 U.S.C. § 2601 *et seq.* [Family and Medical Leave Act]
 29 C.F.R. Part 825

REVISED: September 25, 2023

******Regulation****Regulation****Regulation****Regulation****Regulation******

Procedures for Taking FMLA

When possible, employees must request FMLA leave from their Program Director or immediate supervisor at least thirty days prior to the leave. The Program Director or supervisor will instruct the employee to go to Human Resources to get the appropriate FMLA forms.

Human Resources will report to the Chief Financial Officer who in turn will inform the Superintendent that an FMLA request is pending.

Employees will complete the FMLA forms, including the doctor's statement and signature, if applicable, and return them to the Human Resources. A specific reason is required for FMLA leave. The District will maintain a separate confidential file for FMLA requests.

Human Resources will give the forms to the Chief Financial Officer who verifies that all information is complete and, if completely correctly, takes it to the Superintendent for a signature. If not completed correctly, the Chief Financial Officer will give the forms back to Human Resources which will contact the employee to gather more information or to have the employee complete the form correctly. When completed correctly, Human Resources will return the forms to the Chief Financial Officer verify completion and submit to the Superintendent. Once signed by the Superintendent, the Chief Financial Officer returns the forms to Human Resources for filing.

Human Resources will contact the employee immediately to tell the employee FMLA leave was approved and the start and end dates of the leave.

The United States Department of Labor Wage and Hour Division FMLA forms.

The forms for certifying medical leave under the FMLA are listed below. Copy and paste the web address into your browser to obtain the form.

- Certification of Health Care Provider for Employee's Serious Health Condition:
<https://www.dol.gov/sites/dolgov/files/WHd/legacy/files/WH-380-E.pdf>
- Certification of Health Care Provider for Family Member's Serious Health Condition:
<https://www.dol.gov/sites/dolgov/files/WHd/legacy/files/WH-380-F.pdf>
- Certification for Military Family Leave for Qualifying Exigency:
<https://www.dol.gov/sites/dolgov/files/WHd/legacy/files/WH-384.pdf>
- Certification for Serious Injury or Illness of a Servicemember for Military Caregiver Leave:
<https://www.dol.gov/sites/dolgov/files/WHd/legacy/files/WH-385.pdf>
- Certification for Serious Injury or Illness of a Veteran for Military Caregiver Leave:
<https://www.dol.gov/sites/dolgov/files/WHd/legacy/files/wh-385-V.pdf>

The following forms will be provided by human resources when you request FMLA leave.

- Notice of Eligibility & Rights and Responsibilities:
<https://www.dol.gov/sites/dolgov/files/WHd/legacy/files/WH-381.pdf>
- Designation Notice: <https://www.dol.gov/sites/dolgov/files/WHd/legacy/files/WH-382.pdf>

*******End of Regulation*****End of Regulation*****End of Regulation*******

Other Leaves

When an employee receives notice that requires any of the leaves below, the employee must notify the Program Director or supervisor before submitting a request to TimeClock Plus®. The Program Director or supervisor will contact the Payroll Specialist to add military, court, bereavement, professional, or sabbatical leave to your TimeClock Plus® account.

i. Military Leave

The Board recognizes the fact that its employees have citizenship responsibilities and, in order to make it possible for employees to carry out their responsibilities to the city, county, state, or nation, the Board will grant leaves when an employee is called to attend field training services for the Military Reserve or National Guard.

Members of the Military Reserve or National Guard shall be entitled to leave of absence without loss of time, or efficiency rating upon return from field training [A.R.S. §§ 26-168 and 38-610].

When employed on training duty or to attend camps, maneuvers, formations, or drills under orders of any branch of reserves or armed forces of the United States, members of the uniformed services are entitled to three weeks paid leave each year and up to six weeks paid leave in any two consecutive years. For purposes of this policy, a year is the United States government's fiscal year, October 1 to September 30.

Members of the uniformed service may use any vacation leave or other accumulated paid time off during their service or take an unpaid leave of absence.

The District will reemploy uniformed service members as defined in 38 § U.S.C. 4303, returning from a period of service, if the service member:

- was employed by the District;
- gave the District notice that leave was for service in the uniformed services, unless giving notice was precluded by military necessity or otherwise impossible or unreasonable; and
- has a cumulative period of service of less than five years.

ii. *Leave for Court*

Jury Duty

Leaves of absence will be granted for jury duty. Employees will receive the regular salary while on jury duty, but not additional compensation.

The employee must reimburse the District for jury duty pay if paid directly to the employee. If the employee fails to do so, the District will deduct from future pay a full days' pay for each day of jury duty.

If excused from jury duty, the employee must report to work as soon as possible. The employee's failure to do so, will result in loss of pay for the portion of the day missed.

Jury duty must be verified with documentation provided by the court on the days of jury duty.

Victim Leave

If an employee is a crime victim and wants to exercise the right to be present at a proceeding as defined in A.R.S. §§ 8-420 or 13-4439, the District will grant leave. The employee shall use accrued vacation, personal, or sick leave if available, otherwise, the employee must request an unpaid leave of absence. Employee's seeking this leave, must provide the District with a copy of the form provided by law enforcement and if applicable a copy of the information the law enforcement agency provides the employee pursuant to either A.R.S. §§ 8-386 or 13-4405. Leave may be denied if it causes the District undue hardship.

Witness in court

An employee served with a subpoena requiring the employee's testimony as a witness in court will be given leave, with pay, for the period of required to travel to and appearance in court. A copy of the subpoena must be submitted to EVIT human resources prior to the employee's absence.

iii. *Bereavement Leave*

An employee may use up to five days of sick leave per year in the event of death of an employee's family member as defined in A.R.S. § 23-372. The request must be submitted as sick leave through TimeClock Plus® with "bereavement leave" in the description.

An extensions of bereavement leave may be requested from the employee's Program Director or direct supervisor. If approved, the extension shall be deducted from the employee's accrued sick leave.

If the employee has no accrued sick leave, the employee may request from the Superintendent an unpaid leave of absence.

iv. *Professional Leave*

Paid leave may be granted to attend seminars, conferences, or meetings outside the scope of contractual duties, if the superintendent determines it will improve instruction or the employee's job performance.

Professional leave requests are submitted through TimeClock Plus® to the employee's immediate supervisor and requires the supervisor's and Superintendent's approval. When possible, requests should be submitted three weeks prior to the leave and must provide sufficient information for an informed decision.

Travel and meal expense will be reimbursed, if approved by the Superintendent, and according to Board policy. The forms for submitting expenses are available from the business office.

v. *Sabbatical Leave*

Under A.R.S. § 15-510, the Board may authorize sabbatical leave not to exceed one year to employees who have been employed for at least seven consecutive years prior to the leave and not previously taken a sabbatical. Sabbatical leave must be for continuing professional education. The leave must be reasonable, for good cause, and not detrimental to the District. Leaves applications must state the purpose, necessity or advisability of the leave, and provide sufficient information for the Board to determine whether to grant the leave based. Applications for sabbatical leave must be submitted by March 15.

The Board may authorize continued salary not to exceed one-half of current salary, if the employee returns after the sabbatical for at least one year. An employee who has been paid while on sabbatical and who fails to return for a full year after a sabbatical will be liable to the District for the salary paid while on sabbatical. The Board may authorize a lawsuit to recover the amount owed.

Instructors with continuing instructor status will not lose that status, or any rights related to retirement, accrued paid leave, salary scale, or other benefits required by law.

LEGAL REF.: A.R.S. §§ 15-502, 15-510, 26-168, and 38-610
Att. Gen. Op. I81-053

25. VACATIONS AND HOLIDAYS

A. *Vacations*

i. *Administrators*

Unless contracted for a different amount, twelve-month administrators accrue vacation days at the following rates:

1-2 years of service,	1 day per month
3-4 years of service,	1 ¼ days per month
5 years or more of service	1 ½ days per month

Administrators shall not take more than five vacation days on the days when instructors are required to be on campus. If extenuating circumstances exist, the Superintendent may approve additional vacation days during the school year.

ii. *Non-Administrative employees*

At-will and twelve-month term employees shall accrue paid vacation days at the following rates:

1-5 years of service,	1 day per month
6-10 years of service,	1 ¼ days per month
11-15 years of service,	1 ½ days per month
16 years or more of service	1 ¾ days per month

No more than forty vacation days may accumulate. When accumulated days drop below forty days, vacation days may accumulate again.

Term employees with contracts for less than twelve months shall not accrue vacation days.

iii. *Part-Time Employees*

Part-time employees shall not accrue vacation days.

iv. *Accrued Vacation Days*

Vacation days once accrued remain available even if the employee switches to a position in which the employee does not continue to accrue vacation days.

Vacations must be approved by a Program Director or Central Administration.

v. *Reimbursement of Unused Vacation*

Unused accrued vacation shall be reimbursed at their hourly rate for their remaining vacation hours upon termination of employment.

Holidays

All twelve-month employees shall be entitled to paid time off for legal holidays during the school year as announced by the Superintendent and in conformance with Arizona law. Other holidays shall be established in the District calendar and entitlement to paid time off for those holidays shall be determined by the employees' employment status.

All full-time ten-month employees will be paid for all legal holidays during the contract period.

Legal holidays are:

- New Year's Day
- Martin Luther King, Jr./Civil Rights Day
- President's Day
- Memorial Day
- Independence Day
- Labor Day
- Columbus Day

- Veteran's Day
- Thanksgiving Day
- Christmas Day

LEGAL REF.: A.R.S. §§ 1-301, 15-502, 15-801, 38-608

REVISED: August 31, 2023

26. OFF-SITE MEETINGS AND CONFERENCES

Employees must obtain approval from their Program Director or supervisor and the Superintendent to attend off-site meetings or conferences. When possible, approval should be sought three weeks prior to the event. Approval for release and travel expenses will depend on: 1) the value of the event, 2) available funding, and 3) the availability of a substitute, if required.

Travel and meal expense will be reimbursed, if approved by the Superintendent, and according to Board policy. The forms for submitting expenses are available from the business office.

27. STAFF OATH OF OFFICE

Every employee shall take and subscribe to the oath prescribed for public officers in A.R.S. § 38-231. The person taking the oath shall file a copy of the acknowledged oath in the District office. The District office shall keep such copy on file as long as the employee remains employed by the District and for a period of five years after termination of employment with the District.

LEGAL REF.: A.R.S. § 38-231

28. STAFF ORIENTATION AND TRAINING

All new District employees will be provided orientation and training that includes, at least, the following:

- program goals and objectives;
- personnel policies, including discipline;
- probationary period;
- employment terms, including salary and benefit plans;
- self-improvement opportunities.
- handling of body fluids.

LEGAL REF.: A.R.S. § 15-341

29. STAFF DEVELOPMENT

The Board will provide professional development opportunities in the form of in-service training, workshops, District visitations, conferences, professional library, and assistance from supervisors and consultants. The Board encourages educational research by staff members providing it does not interfere with job duties or District functions.

LEGAL REF.: A.R.S. § 15-342

30. SCHEDULES

A. *Generally*

All staff shall timely report to their duty stations each workday and shall continue until scheduled to leave.

High-School Instructor Schedule

Unless a Program Director authorizes a different schedule, high-school instructors are required to be on campus from 7:30 a.m. to 3:30 p.m., except during the lunch break from 10:35 a.m. to 11:05 p.m. The instructional day may be altered for additional class time, meetings, special events, or activities. The classroom instructional period is vital to the educational process and disruptions shall be kept to a minimum. Staff family members shall not be present during work hours.

The Superintendent and Program Directors may assign to high-school instructors, as regular part of their duties, duties to ensure student safety and campus security or duties other than classroom teaching.

LEGAL REF.: A.R.S. § 15-521

31. NON-INSTRUCTIONAL STAFF WORKLOADS

The normal workweek will not exceed forty hours per week. Typically, the week will be based on five eight-hours work days per week; however, the Superintendent may designate other work week structures to meet varying conditions and the District's needs. Employees will be notified at least one week in advance of any modification to the schedule.

Individual employee work schedules will be based on the position held by the respective employees and on District needs as identified during the employment process.

For the purpose of calculating regular and overtime hours in accordance with wage and hour requirements, the District's designated workweek shall begin at 12:01 a.m. on Sunday and conclude at 12:00 midnight the following Saturday.

32. STAFF MEETINGS

The Superintendent will hold staff meetings on a regular basis or as needed and may delegate this authority to Program Directors or Central Administration.

All staff are required to attend staff meetings unless excused by the Superintendent, a Program Director, or immediate supervisor.

Program area meetings are encouraged as long as they do not interfere with classroom hours.

LEGAL REF.: A.R.S. § 15-341

33. INSTRUCTOR DUTIES AND RESPONSIBILITIES

Every instructor shall:

- present a valid certificate to the County School Superintendent, who shall record it;

- follow the District's curriculum, use District-approved textbooks, and follow the Board's policies and administrative regulations;
- maintain order and hold students accountable for disorderly conduct;
- supervise students whenever and wherever they are engaged in District activities;
- maintain academic records;
- submit reports required by the Superintendent of Public Instruction, County School Superintendent, or Board;
- decide to pass or fail a student;
- comply with all Board rules, administrative regulations, and policies.

Instructors shall not use sectarian or denominational books or teach any sectarian doctrines or conduct religious exercises.

Failure to comply with this is unprofessional conduct, which may subject the instructor to discipline by the District or the State Board of Education.

An instructor arrested for or charged with any non-appealable offense listed in A.R.S. § 41-1758.03(B) must immediately report the arrest or charge to their Program Director. Failure to do so is unprofessional conduct and will result in immediate termination of employment.

LEGAL REF.: A.R.S. §§ 15-153, 15-203, 15-341, 15-521, 15-535, 15-539, 15-550, 41-1758.03

CROSS REF.: Personnel: Staff Conduct
Personnel: Evaluation of Staff Members

34. EVALUATION OF STAFF MEMBERS

A. Instructors

The Board has adopted a formal process for the evaluation of instructors to improve and maintain instructional strengths. The District may use information from evaluation to:

- determine an instructor's effectiveness in the classroom;
- motivate or direct to improvement;
- develop in-service training and supervision levels;
- make personnel decisions;
- evaluate the effectiveness of programs;
- evaluate the administration's leadership and implementation of policies.

i. Orientation to the Instructor Performance Evaluation System

The District shall orient instructors to the performance evaluation system annually. Instructors are expected to review Board Policy, Personnel: Evaluation of Staff Members; High-School Instructors, and evaluation materials to become familiar with the evaluation process.

ii. Qualified Evaluator

Qualified evaluators approved by the Board will evaluate high-school instructor performance. The Superintendent will submit a list of the District's qualified evaluators annually to the Board for approval. All qualified evaluators will be trained on the Board-approved evaluation system.

iii. *High-School Instructor Status*

A high-school instructor is a *probationary instructor* until employed by the District for the major portion of three consecutive years, at which time they attain *continuing instructor* status.

An instructor loses *continuing instructor* status and becomes a *probationary instructor* again, if the previous year's evaluation placed them in the lowest performance classification. The instructor will remain a *probationary instructor* until they receive an evaluation in one of the two highest performance classifications.

iv. *Retention and Confidentiality of Instructor Evaluation Reports and Performance Classifications*

Evaluation Reports and performance classifications are confidential and not public records. They shall not be released or shown to anyone, except:

- the instructor;
- District administrators for personnel matters;
- prospective educational institution employers, which shall use the information solely for employment purposes and shall otherwise maintain confidentiality;
- as evidence in any court action between the Board and the instructor: (a) if the competency of the instructor is at issue; or (b) the evaluation is part of an administrative record; or
- permitted or required by law.

v. *Performance Classifications*

A.R.S. § 15-537 requires four “performance classifications:” 1) highly effective, 2) effective, 3) developing, and 4) ineffective. High-school instructors will be rated according to these classifications.

vi. *Inadequacy of Classroom Performance*

The Board may adopt standards for teaching performance that exceed the standards of the performance classifications. The Board defines “inadequacy of classroom performance” as an overall rating of “ineffective” or three or more “ineffective” or “developing” ratings in the classroom performance domains.

vii. *Evaluation Requirements*

The District will evaluate every high-school instructor at least annually. An evaluation shall include at least two actual classroom observations. The Board may waive the second classroom observation for a continuing instructor who, based on the first observation, was rated “effective” or “highly effective.” The instructor, however, may still request a second observation. The second observation cannot be less than sixty days after the first observation. Observations cannot be conducted within two instructional days of break in instructional time of one week or more. Evaluator shall provide written feedback to the instructor within ten business days of each observation.

The last observation may follow the issuance of a preliminary notice of inadequacy of classroom performance and used to see if the instructor corrected inadequacies and developed adequate classroom performance.

The evaluation results shall be provided to the instructor in electronic format within five days of the evaluation. Each evaluation shall include recommendations as to areas of improvement if the

instructor's performance needs improvement. Instructors may respond to the evaluator in writing within ten business days of receipt of the evaluation.

When a high-school instructor's performance warrants improvement, the evaluator will confer with the instructor and the evaluator or a Board designee will provide a specific and reasonable improvement plan to the instructor. The improvement plan may include professional development opportunities. Any high-school instructor placed on an improvement plan will be reevaluated not less than 45 instructional days after receipt of the plan

viii. Appeal Procedures

High-school instructors who disagree with their performance evaluations may appeal their evaluations as set forth in the evaluation instrument.

Preliminary Notices of Inadequacy of Classroom Performance

The Board has the authority to issue preliminary notices of inadequacy of classroom performance to high-school instructors and delegates that authority to the Superintendent. If the Superintendent does not give the Board prior notice of issuing a preliminary notice of inadequacy of classroom performance, the Superintendent shall notify the Board within ten instructional days.

Evaluation of Administrators

The Superintendent will evaluate Chiefs and Directors annually. The Board will evaluate the Superintendent annually.

Non-Instructional Staff Evaluations

All support personnel shall be evaluated by the appropriate supervisor or administrator. A written evaluation of effectiveness of each support staff member shall be completed during the first year of employment. The first evaluation shall be not later than ninety days after entry on duty. A second first-year evaluation may be scheduled. At least once each year thereafter, an evaluation will be conducted. The evaluation will be used to increase job proficiency.

LEGAL REF.: A.R.S. §§ 15-203, 15-501-503, 15-341, 15-536, 15-537, 15-537.01, 15-538, 15-538.01, 15-539 *et seq.*, 15-544, 15-546, 15-547, 15-549, 15-977, 15-1326
A.A.C. § R7-2-605
Ariz. Att. Gen Opinions: I78-150, I78-286, I80-113, I83-131, I84-048

35. STAFF REDUCTION IN FORCE

The Board will annually determine the number and type of staff required to implement the District's educational programs based on the Superintendent's recommendations. When a reduction in force is necessary, staff will be reduced in the following order:

- normal attrition due to terminations;
- the Superintendent's recommendations to the Board based on applying these criteria in order:
 - retaining the employees best qualified meet the District's goals;
 - overall training, education, and experience;
 - past contributions to attaining the District's goals; and
 - length of service in the District.

If the reduction requires release of high-school instructors, probationary instructors will be released before continuing instructors. High-school instructors will be recalled as provided by law.

The District will notify staff that will be laid off as soon as practical.

LEGAL REF.: A.R.S. §§ 15-502, 15-544
Att. Gen. Op I78-286

36. RESIGNATION OF STAFF MEMBER

Resigning staff members are expected to provide two-weeks' written notice to their Program Director or supervisor specifying the reason for resigning.

Term employees may not resign prior to the end of their contract without prior Board approval. Staff members intending to resign prior to the end of their contract term, must provide notice to the Board two or more weeks prior to the next regular Board meeting to permit the Board to approve the resignation prior to the date of the resignation and to secure a replacement. If the resignation is due to circumstances beyond the staff member's control, notice must be provided as soon as possible after those circumstances arise.

A high-school instructor who resigns contrary to this policy shall be deemed to have committed an unprofessional act and shall be subject to the penalty as provided under Arizona statutes and State Board of Education regulations.

LEGAL REF.: A.R.S. §§ 15-545, 23-353
A.A.C. R7-2-205

37. DISCIPLINE, SUSPENSION, AND DISMISSAL OF STAFF MEMBERS

Employees are either "term" or "at-will" employees. "Term" refers to a fixed period of employment specified in the employment contract. Term employees have a property right in their employment for the term of employment specified in the contract. In addition, high-school instructors who have continuing-teacher status have a property right in continued employment. At-will employment is day-to-day and may be terminated for no reason or for cause. At-will employees have no property right in their employment.

A. High-School Instructors

Discipline of high-school instructors is governed by A.R.S. §§ 15-341 and 15-539 *et seq.* The Superintendent may suspend a high-school instructor for up to nine days with or without pay. Suspension of ten or more days or dismissal requires Board action.

i. General Provisions for Discipline under A.R.S. § 15-341

Informal consultation. A Program Director may engage in informal consultation with a high-school instructor to discuss concern regarding job performance, conduct, etc. But, when a disciplinary action is likely to become part of the high-school instructor's personnel record, the following procedures must be followed:

Persons authorized to impose discipline. The Superintendent, Chiefs, and Directors are authorized to impose discipline, short of a ten-day suspension or dismissal. Only the Board may dismiss a high-school instructor.

Notice. When written notice is required, it may be delivered by any means reasonably calculated to give the recipient actual knowledge of the notice within a reasonable time. Notice is deemed delivered when hand delivered or three calendar days after it was placed in the mail.

Right not to impose discipline. The District reserves the right not to discipline a high-school instructor for violations of Board policy.

Definition of work days. Any day the District Office is open is a work day.

Past conduct. A high-school instructor may be disciplined for past conduct that was not known to the District administration or not identified as a reason for discipline at the time it occurred.

Severability and Conflicts. If any judicial body invalidates any part of this policy, the remainder of this policy will remain valid. If this policy conflicts with any other policy provision, this policy controls.

ii. *Procedure for Discipline under A.R.S. § 15-341*

Step 1 - Notice

The Program Director or Chief will provide written notice by personal delivery or first-class mail to a high-school instructor of the intent to impose discipline. The notice shall include the following:

- the conduct or omission that justifies discipline;
- a hearing time within ten business days;
- the intended disciplinary action; and
- copies of relevant documentation.

Step 2 - Hearing:

The Program Director or Chief shall discuss with the instructor the conduct that warrants discipline and shall provide any additional evidence. The hearing will be informal. The rules of evidence and judicial procedure will not apply.

Step 3 – Written Decision:

At the hearing, or within ten working days, the Program Director or Chief shall inform the high-school instructor of the decision. The written notice shall state that a copy will be placed in the high-school instructor's personnel file. If the decision is to impose discipline, the notice shall state the discipline and the date it shall be imposed. The instructor may request an appeal within five working days, which will delay imposition of the discipline until the appeal is resolved.

Step 4 - Appeal:

APPEALS ARE LIMITED TO ONE ORGANIZATIONAL LEVEL ABOVE THE LEVEL OF THE SUPERVISING AUTHORITY WHO IMPOSED THE DISCIPLINE. Only when the Superintendent imposes the discipline may the high-school instructor appeal to the Board, which may appoint a hearing officer. The appeal shall state the grounds for appeal, which may include the decision was:

- founded on or contained an error of construction or application of any pertinent rules, regulations, or policies;
- unsupported by any evidence as disclosed by the entire record;
- materially affected by unlawful procedure;

- based on violation of any statutory or constitutional right; or
- arbitrary and capricious.

The appeal may also challenge the severity of the discipline as excessive.

The person or entity hearing the appeal, may uphold or modify the decision, or order a rehearing. The decision on appeal along with specific direction as to the effective date of any discipline, shall be communicated to the high-school instructor within seven working days.

Additional Provisions and Conditions

During the pendency of the hearing, neither the high-school instructor nor the supervising administrator shall contact the Superintendent, any Board member, or any designated hearing officer to discuss the disciplinary matter.

The assigned hearing officer shall audio or video record the appeal hearing.

This policy does not apply to dismissal of a high-school instructor except to that Board retains discretion to impose lesser discipline after the dismissal hearing.

Not all administrative actions regarding a high-school instructor 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:

- the high-school instructor evaluation procedure or the evaluations results related to the adequacy of classroom performance;
- letters or direction;
- counseling about future conduct; or
- nonrenewal of a probationary instructor’s contract.

The procedures in A.R.S. § 15-539 apply to dismissal and suspensions of ten or more days.

If charges presented to the Board for dismissal of a high-school instructor allege immoral conduct, the District shall report the charges or a resignation in lieu of charges to the Department of Education.

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.

All Other Staff

i. Minor Disciplinary Action

A support staff member may be disciplined for any conduct that, in the District’s judgment, is inappropriate. Minor disciplinary action includes, without limitation thereto, verbal or written reprimands, suspension with pay, or suspension without pay for a period of five days or less. Minor disciplinary action shall be imposed by the support staff member’s supervisor. A support staff member who wishes to object to a minor disciplinary action shall submit a written complaint to the supervisor’s superior within five work days of receiving notice of the disciplinary action. The supervisor’s superior will review the complaint and may confer with the support staff member, the supervisor, and such other persons as the supervisor’s superior deems necessary. The decision of the supervisor’s superior will be final.

ii. *Suspension without Pay for More than Five Days*

At-will employees. The employment of an at-will employee may be suspended without pay for a period of more than five days by action of the Superintendent for any conduct by the employee that, in the Superintendent's judgment, is inappropriate. Before suspending an at-will employee, the Superintendent will inform the employee of intent to suspend the employee and will give the employee an informal opportunity to explain why, in the employee's opinion, the suspension should not be imposed. The Superintendent's decision will be final.

Term employees. The employment of a term employee may be suspended without pay for a period of more than five days by action of the Superintendent for any conduct that, in the judgment of the Superintendent, is inappropriate. If the Superintendent intends to suspend a term employee without pay for more than five days, the notice and hearing procedures prescribed for the dismissal of term employees shall be followed, except that the hearing officer shall be designated by the Superintendent and the findings of the hearing officer shall be a final decision. At the Superintendent's option, the Superintendent may request that the Board act as the hearing officer. If the hearing officer or the Board finds that there is not cause to suspend the employee without pay for more than five days, the Superintendent may, after reviewing the findings, impose minor disciplinary action.

iii. *Dismissal*

At-will employees. The employment of an at-will employee may be terminated by action of the Board for any reason, or for no reason, with or without advance notice, as the Board desires. If the Superintendent recommends that the Board terminate an at-will employee, the recommendation shall be submitted to the Board in writing and a copy of the recommendation shall be delivered to the employee. The at-will employee may submit to the Board prior to the Board meeting a written response to the recommendation. If the at-will employee chooses to attend the Board meeting when the recommendation is considered, the Board may, in its discretion, permit the employee to address the Board concerning only the recommendation.

Term employees. The employment of a term employee may be terminated for cause by action of the Board at any time prior to the expiration of the term of employment. For the purposes of this provision, *cause* means any conduct that, in the District's judgment, is detrimental to the District's interests or its personnel or students and shall include, without limitation thereto, the following:

- absence without leave;
- abuse of leave;
- alcohol or drug impairment;
- child abuse or molestation;
- discourteous treatment of the public;
- dishonesty;
- excessive absenteeism;
- fraud in securing employment;
- improper attitude;
- incompetence or inefficiency;
- insubordination;
- neglect of duty;
- unauthorized possession of a weapon on District premises;

- unauthorized use of school property;
- unlawful conduct;
- use of illegal drugs;
- violation of a directive of a supervisor; or
- violation of a Board policy or administrative regulation

If the Superintendent recommends termination of a term employee, a copy of the recommendation shall be delivered to the employee. The employee may request a hearing within five work days after receipt of the recommendation. If a hearing is requested, the Superintendent shall deliver a written notice of the time and place of the hearing and a written statement that gives the reasons for the recommendation, a list of persons whom the Superintendent expects to testify in support of the recommendation (together with a brief summary of what each person is expected to say), and a general description of any other evidence that the Superintendent at the time believes may be presented at the hearing in support of the recommendation.

The hearing shall be conducted by the Board or by a person designated by the Board within not less than five work days and not more than thirty calendar days after a request for hearing is submitted by the employee. The date of the hearing may be postponed by stipulation of the employee and the District, or by and in the sole discretion of the Board or the hearing officer, or at the request of the aggrieved employee or the District for such reason or reasons as the Board or hearing officer may deem appropriate.

The employee may be represented at the hearing by counsel, at the employee's expense. The employee shall have the opportunity to present witnesses and to cross-examine any witnesses presented by the District. Formal rules of evidence shall not apply. A record of the hearing shall be made by use of a digital or mechanical device.

If a hearing officer is used, the hearing officer shall prepare a written statement of findings as to whether there is cause for termination of the employee and submit it to the Board within ten work days after the conclusion of the hearing. The Board shall review the written statement and, if desired, the record, and the Board's decision whether to accept the findings and whether to terminate employment or to impose other discipline shall be a final decision.

If the Board conducts the hearing, it shall render a decision within ten days after the conclusion of the hearing.

iv. General Matters

Failure to object to a disciplinary action or take other action within the time limitations set forth in this policy shall mean that the employee does not wish to pursue the matter further. Complaints filed after the expiration of the applicable time limitation will not be considered.

The filing or pendency of a complaint or other form of grievance pursuant to this policy shall in no way limit or delay action taken by the supervisor or the Superintendent authorized by this policy to take such action.

A complaint relating to minor disciplinary action, suspension without pay for more than five days, or dismissal shall not be processed as a grievance.

None of the procedures of this policy shall alter the status of an at-will employee. This policy does not apply to:

- any administrative recommendation or Board action, discussion, or consideration involving the nonrenewal of a term employee;
- ratings, comments, and recommendations made in the course of an evaluation of a support staff member;
- the decision of the Superintendent to place a support staff member on administrative leave; and
- counseling of or directives to a support staff member regarding future conduct.

LEGAL REF.: A.R.S. §§ 13-2911, 15-203, 15-341-42, 15-350, 15-505, 15-507-08, 15-514, 15-536, 15-538, 15-538.01, 15-540, 15-541-43, 15-549, 15-551, 41-770

CROSS REF.: Administration: The Business Office: Payroll Procedures and Schedules

38. STAFF MEMBER'S NON-DISTRICT EMPLOYMENT

A. Use of District Equipment, Premises, and Time Prohibited.

Employees may engage in outside work or self-employment projects, but shall not use District facilities, equipment, or premises except on the terms available to the public and as long as it does not interfere with their District employment. Employees shall not attend to outside work or self-employment during any time the District is compensating the employee.

The outside work or self-employment by a staff member is of concern to the Board if it:

- prevents effectively performing assigned responsibilities;
- is prejudicial to the District;
- raises a question of conflict of interest, *e.g.*, the employee exploits District employment to provide a benefit to the outside employer that the outside employer could not otherwise obtain.

Employees who violate this policy are subject to discipline up to and including dismissal.

Paid Tutoring

Instructors are prohibited from charging any student, who is registered in any of their classes, for tutoring.

Staff who want to provide paid tutoring services on District premises must enter a rental agreement with the District for the use of the space.

LEGAL REF.: A.R.S. § 15-321, 15-341
Att. Gen. Op. R97-023

CROSS REF.: Support Services: Maintenance and Control of Materials and Equipment
The Community: Community Use of School Facilities

39. RESEARCH AND PUBLISHING

The District has proprietary rights to publications, instructional materials, and devices prepared by employees unless prepared by such employees on their own time and without use of District facilities or equipment.

The Board authorizes the Superintendent to review staff-prepared work before copyrighting or patenting or subsequent publication or distribution, and may recommend waiving all or part of the District's interests in the work in favor of the staff member.

If an employee mentions the District in a work for publication, the employee will submit the work to the Superintendent prior to release for publication, even if the work was created on the employee's own time.

LEGAL REF.: A.R.S. § 15-341

CHAPTER 6 – INSTRUCTION

1. INSTRUCTIONAL GOALS AND PRIORITY OBJECTIVES

All parts of the curriculum are interrelated and important to students' physical, emotional, social, aesthetic, and cognitive development within the educational program. The District will provide basic communication and computational skills, an experience-based curriculum, and exploration of different disciplines and decision-making techniques to enable students to choose between alternatives.

The District instructional program will be designed and implemented to provide for development of students':

- communication skills, including reading, writing, speaking, listening, and composition;
- computational skills;
- work appreciation;
- pride of workmanship;
- economic survival skills;
- appreciation of the importance of physical fitness;
- research and problem-solving skills;
- analytical, critical, and independent thinking;
- responsible citizenship;
- understanding and respect for our cultural heritage;
- appreciation for the intrinsic value of education;
- appreciation of the fine arts; and
- technological skills.

CROSS REF.: The District: Mission Statement

2. ACADEMIC FREEDOM

Instructors have the opportunity to create a classroom atmosphere that permit students to freely ask questions dealing with critical issues of the time that are within and related to the curriculum. The classroom environment should be conducive to the study, investigation, presentation, and interpretation of facts. Instructors must exercise good judgment in selecting issue for student discussions. The issues must be tied directly to the curriculum, not take away time from core lessons, and have significant demonstrated relevance to the curriculum. Issues outside of the curriculum or only tangentially related to the program area cannot be addressed.

LEGAL REF.: A.R.S. §§ 15-111, 41-1494(D)

CROSS REF.: Instruction: Teaching About Controversial or Sensitive Issues

3. SCHOOL YEAR

The school year shall be at least 180 instructional days, which may be satisfied by any time model permitted under A.R.S. § 15-901.08.

The Board shall establish the school calendar each year after recommendations from the Superintendent.

LEGAL REF.: A.R.S. §§ 15-341.01, 15-801, 15-854, 15-855, 15-881, 15-901, 15-901.08

4. INSTRUCTIONAL DAYS

Upon the Superintendent's recommendation and when in the District's best interest, the Board may temporarily alter the regular class sessions.

The Superintendent may close, delay opening, or dismiss classes in emergencies or to protect students' and staff's health and safety. The Superintendent shall prepare rules for the proper and timely notification of concerned persons in the event of emergencies and shall inform the Board President as soon as possible.

The Superintendent shall develop guidelines that allow students to enter and leave campuses under exceptional conditions so that variances with the normal class schedule may be accommodated. Such guidelines shall consider inclement weather, family illness, and other similar circumstances.

LEGAL REF.: A.R.S. §§ 15-341, 15-801, 15-861, 15-901

5. CURRICULUM DEVELOPMENT

A systematic, ongoing program of curriculum development and evaluation involving students, parents, instructors, and administrators is needed and valued. The District's continual development and modification of its curriculum to meet changing needs is essential. The Superintendent is responsible for the District's curriculum and may organize curriculum review committees. All major curriculum changes require Board approval.

The Superintendent is responsible developing proposals related to curriculum changes that, in the opinion of staff and consultants, are essential to maintaining of high-quality education programs.

The duties of all instructors, Program Directors, and the Chief Academic Officer include work on curriculum committees.

LEGAL REF.: A.R.S. §§ 15-203, 15-341, 15-701, 15-201.01, 15-722

******Regulation****Regulation****Regulation****Regulation****Regulation******

The following shall be adhered to in making changes in curriculum and instruction:

- an instructor, an administrator, or other interested party, may submit a written request for change;
- the request must address:
 - the need for a change;
 - the expected results;
 - new materials needed;
 - the cost of the change; and
 - a method of evaluations.
- the Superintendent must approve any proposed changes;

- if the requested change is a significant departure from established programs, the Board must also approve the change;
- if approved, the request shall be given to the persons necessary to implement the change; and
- a report of the results shall be submitted to the Superintendent.

*******End of Regulation*****End of Regulation*****End of Regulation*******

6. CURRICULUM ADOPTION

Board approval is required for adding, modifying, or eliminating programs or courses. Staff may present suggestions for changes to the curriculum to the Superintendent, who may make a recommendation to the Board.

LEGAL REF.: A.R.S. §§ 15-721, 15-722

7. CURRICULUM GUIDES AND COURSE OUTLINES

The state requires that the District develop a curriculum that reflects local needs.

A curriculum guide should:

- include a minimum outline for instruction;
- allow for further development;
- assist users to implement the District's mission; and
- suggest a variety of possibilities for instruction, patterns of individualization, variations of approaches, and materials.

LEGAL REF.: A.R.S. §§ 15-341, 15-701, 15-701.01

REVISED: September 25, 2023

******Regulation****Regulation****Regulation****Regulation****Regulation******

Development of Curriculum Guides

Program Directors and instructional staff will develop the curriculum guides for their program areas. The guides shall map the logical sequence of instruction. The completed guide will be presented to the Chief Academic Officer and Superintendent for approval.

Use of Guides

Curriculum guides will serve as a framework for instructors to develop study units, lesson plans, and instructional approaches to serve students' needs. The administration is responsible for optimizing use of available guides. Instructors will adhere to the guides.

*******End of Regulation*****End of Regulation*****End of Regulation*******

8. BASIC INSTRUCTIONAL PROGRAM

Courses and programs will be designed and implemented to prepare students for further education or employment in technical careers. They should include opportunities to develop:

- sufficient technological skills for entry-level positions or higher;

- applied academic and analytic skills for problem solving;
- sufficient social skills for students to contribute to their employment and community;
- life skills for students to become a well-rounded, responsible adults; and
- business, economic, and leadership skills that increase opportunities for successful integration into and success in their field of work.

LEGAL REF.: A.R.S. §§ 15-203, 15-701, 15-701.01, 15-741.01, 15-802
A.A.C. § R7-2-301 et seq.

9. TEACHING ABOUT DRUGS, ALCOHOL, AND TOBACCO

Instructional programs may include lessons on drugs, alcohol, and tobacco to provide students with the facts necessary to make informed choices and hold strong convictions. Lessons may include the nature and harmful effects of alcohol, tobacco, narcotic drugs, marijuana, and other dangerous drugs. Lessons may also include the nature and harmful effects of alcohol, tobacco, narcotic drugs, marijuana, date rape drugs, and other dangerous drugs on a human fetus. The lessons may be integrated into existing health, science, and similar studies and must meet the criteria for chemical abuse prevention education programs. The lessons should also emphasize the therapeutic benefits of prescription drugs prescribed by a healthcare professional.

The lessons will conform to all applicable Arizona Revised Statutes and Arizona Administrative Codes and meet the following objectives:

- create an awareness of the need for drug prevention, education, treatment, rehabilitation, and law enforcement at every level of government;
- teach the harmful physical, mental, social, and emotional consequences of abuse of narcotics, sedatives, hallucinogens, and stimulants;
- encourage an appropriate attitude toward pain, stress, and discomfort;
- understand the need for professional help to maintain physical and mental health; and
- understand the personal, social, and economic effects of abuse of drugs and alcohol.

LEGAL REF.: A.R.S. §§ 13-3401, 15-345, 15-712

CROSS REF.: Students: Tobacco Use by Students
Students: Drug and Alcohol Use by Students

10. FAMILY LIFE EDUCATION

Except as part of some health program curricula, including adult-only program curricula, the District does not offer instruction in sex education. To the extent any program touches on sex education, the District shall not refer students to or use sexually explicit materials in any manner, unless:

- the material possesses serious educational or scientific value;
- minor students obtain parental consent for each material before a student or uses the material; and
- when parental consent is not provided, the student is provided an alternative assignment that does not contain sexually explicit material.

“Sexually explicit materials” includes textual, visual or audio materials or materials accessed via any other medium that depict any of the following:

- *Sexual conduct* means acts of masturbation, sexual intercourse or physical contact with a person's clothed or unclothed genitals, pubic area, buttocks or, if such person is a female, breast.
- *Sexual excitement* means the condition of human male or female genitals when in a state of sexual stimulation or arousal.
- *Ultimate sexual acts* means sexual intercourse, vaginal or anal, fellatio, cunnilingus, bestiality or sodomy. A sexual act is simulated when it depicts explicit sexual activity that gives the appearance of consummation of ultimate sexual acts.

LEGAL REF: A.R.S. § 15-120.03

11. SPECIAL INSTRUCTIONAL PROGRAMS

The District collaborates with the sending districts for educating high-school students with a current 504 Accommodation Plan or current Individualized Education Program ("IEP").

A. *The Americans with Disabilities Act ("ADA")*

"The Americans with Disabilities Act gives civil rights protections to individuals with disabilities that are like those provided to individuals on the basis of race, sex, national origin, and religion. It guarantees equal opportunity for individuals with disabilities in employment, public accommodations, transportation, State and local government services, and telecommunications." (US Department of Education Office of Civil Rights at ed.gov).

The ADA requires postsecondary institutions to provide necessary accommodations to students who disclose a disability. Programs are required to make reasonable adjustment or modifications to practices, policies, and procedures, and to provide auxiliary aids and services to students with disabilities, unless doing so would "fundamentally alter" the nature of the program or impose an "undue burden" on the institution. A Student with a disability must initiate the accommodation process by disclosing the disability to the Program Director and providing written documentation of the disability.

The Rehabilitation Act of 1973 - Section 504 (Section 504)

Section 504 of the Rehabilitation Act is a civil rights statute that prohibits discrimination against individuals with disabilities in any District programs or activities. A student is protected by Section 504 if the student has a physical or mental impairment, which substantially limits a major life activity, is regarded as disabled, or has a record of an impairment. Students protected under Section 504 may have an accommodation plan to enable them to benefit from the educational program.

The Individuals with Disabilities Education Act of 2004 ("IDEA")

The IDEA mandates that all children with disabilities have access to free appropriate public education ("FAPE") that emphasizes special education and related services designed to meet their unique needs and prepare them for further education, employment or independent living. Furthermore, the IDEA requires transition services be addressed for every student with an IEP no later than age sixteen and updated annually. Transition services "means a coordinated set of activities for a child with a disability that is designed to be within a results oriented process, that is focused on improving the academic and functional achievement of the child with a disability to facilitate the child's movement from school to post-school activities, including postsecondary education, vocational education, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community participation; is based on the individual child's needs, taking into account the child's strengths, preferences, and interests; and includes instruction, related services, community experiences, the development of employment and other post-school adult living objectives, and when appropriate, acquisition of daily living skills and functional vocational evaluation." The IEP must include

appropriate measurable postsecondary goals based upon age-appropriate transition assessments related to training, education, employment, and, where appropriate, independent living skills, and the transition services (including courses of study) needed to assist the child in reaching those goals. The IEP must also be made accessible to all general education instructors.

Conclusion

The intent of IDEA is that transition services for students with disabilities be collaborative in nature. The District works with sending districts to ensure FAPE is provided to students, including implementation of IEP and 504 plans. The District has an IGA or MOU with each sending district or charter school to address services for special needs students.

LEGAL REF.: A.R.S. §§ 15-761, 15-761.01, 15-763, 15-763.01, 15-764-71, 15-773, 15-881, 15-1181-85, 15-1201-05, 36-555
A.A.C. §§ R7-2-401-403, R7-2-405 R7-2-601 R7-2-602, R7-2-603
20 U.S.C. § 1400 *et seq.*, Individuals with Disabilities Education Act
29 U.S.C. § 794, Rehabilitation Act of 1973, (Section 504)

CROSS REF.: Instruction: Class Size
Students: Student Suspension and Expulsion of Students
Students: Student Records

*******Regulation****Regulation****Regulation****Regulation****Regulation*******

Definitions

“Student,” unless otherwise noted, means a student with a disability” or “students with disabilities” as defined by Section 504 of the Rehabilitation Act of 1973 (“Section 504”), 29 United States Code (“U.S.C.”) § 705 *et seq.*; Title II of the Americans with Disabilities Act (“ADA”), 42 U.S.C. § 12101 *et seq.*; the Individuals with Disabilities Education Act (“IDEA”), 20 U.S.C. § 1400 *et seq.*; or A.R.S. §§ 15-341, 15-393, and 15-761 *et seq.*

“Eligible Student” means a student, as defined in FERPA (34 C.F.R. § 99.3), who has reached 18 years of age or a student of any age attending a postsecondary institution, except the term shall not include a student whose parent(s) have obtained legal guardianship of the student or a student that has executed a “Delegation of Parental Rights” under A.R.S. § 15-773.

“Program Supports” means specially designed instruction and related services, supplementary aids and services, equipment and/or modifications required in either the Individualized Education Plan (“IEP”) or a plan required under Section 504 (“Section 504 Plan”) or both, for students.

“EVIT-Designated Representative” means one or more persons designated by EVIT to participate in meetings with the Home District’s IEP or Section 504 team.

“Home District” means any Arizona public school district that is an EVIT member district.

Non-Discrimination Policy.

EVIT does not discriminate against prospective students based upon their disability. EVIT shall not unilaterally deny admission or enrollment students because they have taken or are taking special education resource classes or have been in a self-contained classroom.

EVIT’s admissions procedures include objective, non-discriminatory eligibility criteria for determining admission for each of its programs that have been approved by U.S. Department of Education Office for Civil Rights (“OCR”) as required by the resolution agreement between EVIT and OCR dated September 13, 2013.

EVIT's eligibility criteria for admission or enrollment apply to all students, regardless of whether the student has a disability. The eligibility criteria are essential and necessary to admission or participation in EVIT's programs.

Pre-Application or Admission Procedures.

EVIT does not make preadmission inquiries about an applicant's disabilities. EVIT does not request or require an applicant or Home District to disclose the existence of a student's disability, IEP or Section 504 Plan to its personnel prior to the student's admission to EVIT, except:

- Home District may elect to invite EVIT to participate in a Home District student's IEP or Section 504 meeting prior to a student's application or admission to EVIT. In this case, Home District shall seek consent from a parent/guardian or eligible student, in writing or by email, to invite an EVIT- Designated Representative to participate in the student's IEP or Section 504 meeting.
- At the time it seeks consent of the parent/guardian or eligible student to invite an EVIT- Designated Representative to the meeting, Home District shall also provide a statement or letter signed by an EVIT administrator that contains the following content:
 - An EVIT Designated Representative will participate in meetings solely as a resource regarding EVIT's programs and will not attempt to influence the student's decision of whether to apply for admission to or attend EVIT. The EVIT-Designated Representative may provide information about the curriculum, if appropriate, and may provide input about the student's IEP or 504 Plan to the extent that the student may need program supports.
 - The EVIT-Designated Representative will not review student applications for admission to EVIT programs or otherwise participate, directly or indirectly, in review or determination regarding students' applications for admission.
 - Any information obtained by an EVIT-Designated Representative about the student will not be shared with EVIT personnel responsible for making admissions decisions, prior to the admissions decisions being made, and will not affect any decision by EVIT to admit the student to EVIT programs.

Home District shall provide an EVIT-Designated Representative with a reasonable amount of time, and no fewer than four business days' notice, of Home District's request to have an EVIT-Designated Representative participate in a student's IEP or Section 504 meeting.

EVIT shall provide Home District with the names of the EVIT-Designated Representative(s) who may attend an IEP or Section 504 meeting. Only those individuals may attend IEP or Section 504 meetings, unless otherwise agreed by the parties. No more than one EVIT-Designated Representative may participate in a meeting without prior consent from the IEP team.

During and after the student's IEP or Section 504 meeting, the EVIT- Designated Representative(s) shall adhere to the requirements set forth in the letter to the parent/guardian or eligible student described in paragraph a(iii) above.

EVIT's participation, or lack thereof, in such meetings shall not impact the student's admission to EVIT.

EVIT'S Notice to Parent, Guardian, Eligible Student and Home District Regarding Admission Decision; Home District Responsibility to Provide Student Records.

EVIT shall provide the parent, guardian, or eligible student and Home District with its decision regarding a student's admission to EVIT no later than five business days following EVIT's decision.

If EVIT denies a student's application for enrollment, the letter of denial shall include the following information: (i) the objective, non-discriminatory eligibility criteria a student does not meet; and (ii) the appeal process available to the student if the student believes the denial was disability related. The notice shall reference Board Policy. "Nondiscrimination/Equal Opportunity." and related regulations.

Once admitted to EVIT, no student is required to reapply to EVIT in subsequent years, if the student is continuously enrolled, unless:

- the student desires to enroll in different program; and
- the new program has substantially different admission or eligibility criteria; and
- the same requirement for reapplication applies to all students.

Sharing Information After Admission and Enrollment.

Upon notice that a student has been accepted to EVIT, Home Districts provide EVIT with the student's IEP or Section 504 Plan within ten calendar days of receipt of EVIT's notice of acceptance, or at least one week prior to the student's first day of attendance at EVIT, if EVIT provides the notice during the summer months.

EVIT will provide student IEPs or Section 504 Plans to EVIT personnel who will be responsible for implementing applicable portions of the IEP or Section 504 Plan at EVIT. EVIT ensures that the personnel are trained as needed to ensure that each student's IEP or Section 504 Plan is properly and fully implemented.

Home Districts provide EVIT with any updates to a student's IEP or Section 504 Plan which affect Program Supports, if any, while the student is enrolled at EVIT.

EVIT provided Home District with the information and data Home District requires to provide parents, guardians, or eligible students with progress reports and to provide updated present levels of academic and functional performance to IEP team members.

Provision of Program Supports.

- a. EVIT is responsible for providing, at EVIT's expense, each student with the accommodations set forth on each student's IEP or Section 504 Plan set forth in the student's IEP or Section 504 Plan that are commonly provided by a properly certificated and qualified classroom instructor that are required for the student when participating in EVIT courses.
- b. Home Districts are responsible for providing, at Home District's expense, any Program Supports necessary for a Home District student to participate in EVIT courses other than the accommodations described in subsection (a) of this section, unless Home District has contracted with EVIT to provide other Program Supports pursuant to subsection (e) of this section.
- c. If a Home District fails or refuses to provide Program Supports that are included in a student's IEP and required for the student to receive a free appropriate public education at EVIT after receiving at least five days' written notice from EVIT, which may provide those Program Supports to the student and invoice Home District for the same.
- d. Home District and EVIT personnel shall communicate in advance of a Home District student's participation in Central Campus courses to determine that all Program Supports will be provided to ensure compliance with the student's IEP or Section 504 Plan.

- e. Home District and EVIT may opt to contract with each other or a third party to provide a Home District student with required Program Supports while the students are participating in courses at a Central Campus Program.
- f. If requested by a Home District, EVIT provides the Home District's personnel or independent contractor with necessary physical space and Internet access at no cost to Home District, including office space, as needed, for confidential meetings between Home District's staff and students and assuring students are provided appropriate Program Supports.
- g. Home District and EVIT ensure that their personnel, including any independent contractors, are properly trained, qualified, or certified as may be required by state and federal law to provide such Program Supports. Upon request, EVIT shall provide Home District with copies of the certifications or other credentials of its instructional staff.
- h. Home Districts schedule and conduct all evaluations, manifestation determination reviews, and IEP or Section 504 meetings required to serve its students who attend EVIT central campus courses. EVIT will give Home District timely notice whenever a disciplinary incident occurs on the EVIT central campus that may require a manifestation determination or IEP meeting for a student. EVIT and Home District will ensure that their instructors and other staff members participate in such evaluations, manifestation determination reviews, and meetings as needed.

Services and Equipment Expenses.

EVIT and Home District separately bear the cost of Program Supports provided by their employees or independent contractors for the Home School student when attending Central Campus courses.

EVIT and Home District separately bear the cost of their personnel attending any evaluation or IEP or Section 504 meeting or any meeting EVIT personnel have with Home District representatives to discuss the progress of a student or for providing administrative services.

If a student with an IEP requires the use of specialized equipment that is not otherwise required for students in an EVIT Central Campus Program, Home District is responsible for purchasing the equipment, which shall be returned to Home District when the student is no longer enrolled at EVIT or after it is determined that the student no longer needs the equipment.

IEP or Section 504 Meetings While a Student is Attending EVIT.

Upon enrollment or attendance of a student at EVIT, a parent, guardian, eligible student, Home District, or EVIT may request that an IEP or Section 504 meeting be held to review and possibly revise the student's IEP or 504 Plan to ensure that the student is provided a free appropriate public education while attending EVIT.

As an alternative to convening an IEP or Section 504 meeting, and in conformity with the IDEA's requirements set forth in 34 C.F.R. § 300.324(a)(4) for changes to an IEP, the parent, guardian, or eligible student, and Home District and EVIT may agree to revise the student's IEP or Section 504 Plan to include agreed-upon Program Supports necessary due to the student's attendance at EVIT without the need for a meeting. In this case, a copy of the updated IEP or Section 504 Plan shall be provided to the parent/guardian or eligible student and Home District shall ensure that the student's Home District's IEP or Section 504 team is informed of the changes.

EVIT will notify Home District in writing or by email of whether an EVIT-Designated Representative will participate in a Home District's IEP or Section 504 meeting in person or by phone.

All IEP or Section 504 decisions shall be made by the Home District's IEP or Section 504 team as provided by law.

FERPA/ Confidentiality of Records.

EVIT and Home Districts maintain confidentiality of all educational records shared pursuant to this Agreement, as required by the Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g *et seq.* (“FERPA”), IDEA and Section 504. No records provided to the EVIT-Designated Representatives shall be disclosed to any EVIT employee involved in the processing or consideration of, or decision concerning, EVIT admission applications prior to student admission.

Monitoring by Home District.

Home District representatives may visit EVIT campuses at any time to monitor the education of students at EVIT, including, without limitation, the provision of Program Supports to Home District’s students and the progress of students in EVIT programs. Home District representatives shall identify themselves and sign in when visiting EVIT. Home District representatives who have not previously attended an EVIT annual orientation program shall be notified of the program by EVIT and shall be expected to attend.

Investigation of Complaints.

Any complaints from students, parents, guardians, or staff alleging discrimination against students or prospective students of EVIT based on their disability that are received by EVIT or Home District shall be forwarded to the other party within two business days. The complaints shall be processed in accordance with the parties’ respective non-discrimination or non-harassment Board Policies and administrative regulations. The parties shall notify each other of the outcome of the investigation and any corrective or other remedial action that has been taken. The parties shall maintain records of such complaints and the related investigation in accordance with Arizona’s public records laws.

Non-discrimination.

EVIT and Home Districts comply with Executive Order 2009-09 and all other applicable state and federal employment laws, rules, and regulations, mandating that all persons shall have equal access to employment opportunities, and that no person shall be discriminated against due to race, color, religion, sex, national origin, age, veteran’s or military status, or disability. Students shall have equal access to educational opportunities.

GRIEVANCE PROCEDURES

EVIT prohibits discrimination on the basis of disability in its programs or activities, including harassment based on disability or the creation of a hostile environment. Any alleged discriminatory practices within the scope of Section 504 or the ADA may be addressed through this grievance procedure. EVIT has adopted this internal grievance procedure to provide prompt and equitable resolution of complaints alleging any action prohibited by Section 504 or the ADA.

Informal Conference. Individuals must discuss their grievance with their Program Director to determine if the matter can be resolved through informal discussion.

Initial Written Grievance. If the matter cannot be resolved through an informal conference with the Program Director, the grievant can submit a written grievance in the Superintendent, who serves as EVIT’s 504/ADA Compliance Officer. A grievant may reach the Superintendent by phone at 480-461-4102 or through his Executive Assistant at 480-461-4150. The grievance should be submitted within thirty days of the alleged violation using the Special Instructional Program Grievance Form.

The grievance should contain:

- the grievant's name, address, telephone number and relationship to EVIT, *e.g.*, parent, student, or employee;
- the grievant's home high school (if applicable);
- the grievant's immediate supervisor (if applicable);
- date of occurrence being grieved; and
- a statement of the grievance and action or resolution requested.

The 504/ADA Coordinator or designee may schedule a conference with the grievant to review the grievance. The 504/ADA Coordinator or designee shall conduct an adequate, reliable and impartial investigation, including affording interested persons an opportunity to present witnesses and other evidence.

The 504/ADA Coordinator or designee shall issue a written determination to the parties involved regarding the grievance and a proposed resolution, if any, within ten working days after submission of the grievance. Notwithstanding the above, if the 504/ADA Coordinator or designee is unable to render a decision within ten working days, the grievant will be provided a written explanation of the reason for the delay.

EVIT will take steps, when appropriate, to prevent recurrence of discrimination and correct discriminatory effects on grievant and others.

Reconsideration of Grievance. If the grievant is not satisfied with the 504/ADA Coordinator's or designee's determination, the grievant may request reconsideration of the determination by submitting a written request to the Board President. The request shall contain the original grievance and explanation of why grievant is not satisfied with the determination made by the 504/ADA Coordinator or designee. The request must be made within ten working days of receipt of the initial written determination. The Board President may call an executive session with the grievant or request additional information from the grievant, witnesses or other individuals.

A written decision regarding request for reconsideration will be issued and a copy sent to grievant within ten working days after its submittal. Notwithstanding the above, if the Board is unable to render a timely decision, a written explanation of reason for the delay will be provided to the grievant.

Maintenance of Files. The 504/ADA Coordinator or designee is responsible for maintaining files and records relating to Section 504/ADA grievances for at least three years following completion of grievance process.

Remedies and Non-Retaliation. If an investigation results in substantiated findings of disability discrimination, appropriate remedial action will be taken that may include disciplinary action or compensatory services to ameliorate the effects of discrimination. A grievant's right to prompt and equitable resolution of a complaint shall not be impaired by pursuit of other remedies. The grievance process is not a prerequisite to the pursuit of other remedies such as filing of complaint with the U.S. Department of Education's Office of Civil Rights (www.ed.gov/ocr). Retaliation by EVIT employees against a grievant or investigation participant is prohibited.

********End of Regulation*****End of Regulation*****End of Regulation********

12. PROGRAMS FOR PREGNANT OR PARENTING STUDENTS

Pregnant students will be given the same educational opportunities as other students and may need additional available counseling and health services. Pregnant students may elect to remain in their program and will not be involuntarily excluded from any part of the program, but reasonable

safeguards will be maintained to protect the District's and the student's best interests. Students who become pregnant shall notify the District as soon as they know they are pregnant.

LEGAL REF.: A.R.S. § 15-341

******Regulation****Regulation****Regulation****Regulation****Regulation******

Pregnant students have the right to continue participation in EVIT programs. As soon as the pregnancy is medically confirmed, the student shall consult with a counselor or Program Director to plan the educational program, which may include:

- remaining in the present program, with any necessary modifications, until birth is imminent or a healthcare professional determines that continued participation may be detrimental to health; or
- temporarily withdraw from the program at the direction of her physician, if eligible for homebound or chronic illness status under A.R.S. § 15-901, to receive homebound instruction until a healthcare provider certifies the student may return to the program.

The District will make efforts to minimize disruptions to the student's program and ensure that the student receives information on available health and counseling services and instruction. The District encourages the student to return to EVIT after delivery.

*******End of Regulation*****End of Regulation*****End of Regulation*******

13. SUMMER SESSIONS

A summer session may be held if deemed necessary. The Superintendent shall invite suggestions from staff members, students, and the District community to determine what areas of the curriculum shall be included in the summer session. The Board shall determine compensation for summer-session employees.

LEGAL REF.: A.R.S. §§ 15-881, 15-1141, 15-1142, 15-1143

14. CLASS SIZE

The Board is responsible for the student-teaching ratio. Staffing and class assignments shall be flexible to accommodate varied instructional approaches, student needs, curriculum requirements, and fiscal resources. The Superintendent will make staffing recommendations during the annual budget review and preparation process.

LEGAL REF.: A.R.S. §§ 15-341, 15-342, 15-764

CROSS REF.: Instruction: Special Instructional Programs

15. INSTRUCTIONAL RESOURCES AND MATERIALS

The Board shall furnish free required textbooks and related printed subject matter materials for District students.

“Textbook” means printed instructional materials or digital content and related instructional materials, that are created and published primarily for use in school instruction and required by a state or local educational agency for use by pupils in the classroom, including material that require electronic equipment to access as a learning resource.

A student or parent may purchase, at the price paid for the books, such books as are necessary for high-school students. Students and their parents shall be held responsible for proper care of books and District property. Books must be kept clean and unmarked. Parents may be required to pay for any damage to District property.

The Superintendent is authorized to establish a replacement-fee schedule and make it available to students, staff members, and parents. Students and parents will be advised of this replacement-cost policy upon enrollment or at the beginning of each school year.

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.

Access to Instructional Material by Parents and Guardians

District students' parents or guardians have advance access to instructional materials, learning materials and activities currently used by, or being considered for use by, the District in accordance with the terms of this policy. If a parent or guardian objects to any learning material or activity because the material or activity is harmful, has sexual or violent content, or profane or vulgar language, they may request an alternative assignment. The request must be in writing specifying the materials that the parent or guardian wishes to review. Requests must be submitted to the Program Director.

At least one copy of the materials shall be available for review by parents or guardians. Printed materials may be checked out by parents or guardians for up to forty-eight hours. All other materials must be reviewed on District premises. The Program Director will notify parents or guardians about when and where the instructional materials may be picked up or reviewed. Materials will be made available on a first-come, first-served basis.

LEGAL REF.: A.R.S. §§ 15-102, 15-341, 15-113, 15-342, 15-721 to 15-730

CROSS REF.: The Community: Community Involvement in Education
Instruction: Movies, Videos, and Electronic Materials
The Community: Parental Involvement in Education

*******Regulation****Regulation****Regulation****Regulation****Regulation*******

Objections to Learning Materials and Activities

A parent or guardian may object to any learning material or activity that the parent or guardian deems harmful. This may include that the material or activity: questions religious beliefs, sex practices, or morality; or includes sexual or violent content, or profane or vulgar language.

A parent or guardian who objects to any learning material or activity may withdraw their student from the activity or from the class or program in which the material is used, providing:

- the objection is in writing and specifies the objectionable activity or material;
- the objection states the parent or guardian understands:
 - the information and concepts covered may not be covered in any other manner or form; and
 - the student may not have an opportunity to make up the material or activity;
- the student will not be penalized for the withdrawal, but is still responsible for learning the missed information and will be graded based on applicable District policies;

- objections shall be directed to the Program Director, who shall forward a copy of the written objection to the Superintendent, stating whether the student was allowed to withdraw and the reason for the decision;
- the Superintendent will review the objection and the Program Director's decision, may affirm or reverse the decision, and communicate that to the parent or guardian; and
- within ten days after receiving the Superintendent's decision, the parent or guardian may request an appeal to the Board.

*******End of Regulation*****End of Regulation*****End of Regulation*******

16. TEXTBOOKS AND SUPPLEMENTARY MATERIALS SELECTION AND ADOPTION

The Superintendent shall establish textbook selection committees, which may include staff, students, and community members. The selection committees may recommend new textbooks or the removal of existing textbooks. The District will display recommended textbooks in the District office for at least sixty days before the Superintendent recommends that the Board adopt them. All new textbooks and the removal of old textbooks must be approved by the Board. Once approved, the Superintendent will establish procedures for distribution of required textbooks to students at no cost to students.

Outdated learning materials will be sold unless the cost of selling exceeds their market value, in which case they may be disposed.

LEGAL REF.: A.R.S. §§ 15-203, 15-342, 15-721, 15-722, 15-726
A.A.C. § R7-2-204

CROSS REF.: Administration: District Properties Disposition
The Community: Public Concerns and Complaints about Instructional Resources

17. SPECIAL-INTEREST MATERIALS SELECTION AND ADOPTION

Supplementary materials in any medium from non-educational sources must be approved by the Program Director, who may approve current materials of obvious educational quality, that supplement and enrich textbooks and related materials.

Commercial, political, religious, or advertising materials should not be displayed or distributed on District premises without the Superintendent's approval. District employees shall not use students to distribute non-District materials.

LEGAL REF.: A.R.S. §§ 15-341, 15-535

18. COPYRIGHT COMPLIANCE

The District does not condone copyright violations. With limited exceptions, the copyright owner has exclusive rights to reproduce, distribute, perform, or display the copyrighted work, or to authorize such reproduction, distribution, performance, or display by others.

The *fair use doctrine* is an exception to these exclusive rights. The *fair use doctrine* allows use of a copyrighted work for purposes of teaching, scholarship, or research. All of the following factors shall be considered in determining if a use is fair:

- the purpose and character of the use, including whether the use is of a commercial nature or for nonprofit educational purposes;

- the nature of the copyrighted work;
- the amount and importance of the portion used in relation to the copyrighted work as a whole;
- the effect of the use on the potential market for or value of the copyrighted work; and
- whether the work was used in a performance or display of a work by instructors or students in during face-to-face instruction.

Another exception is performance or display of a work by instructors or students in the course of face-to-face teaching activities in a classroom or other similar place devoted to instruction, unless, in the case of a motion picture or other audio-visual work, the performance, or the display of individual images, is given by means of a copy that was not lawfully made, and the person responsible for the performance knew or had reason to believe it was not lawfully made.

LEGAL REF.: P.L. 94-553

19. INSTRUCTIONAL AIDES

Instructional aides will provide activities to reinforce instruction and may relieve instructors from routine tasks to allow the instructor more time for instruction. Program Directors or their designees will supervise and evaluate instructional aides.

LEGAL REF.: A.R.S. § 15-341, 15 502

CROSS REF.: Personnel: Support Staff Positions

20. USE OF TECHNOLOGY IN INSTRUCTION

A. *Electronic Communications Systems*

The District is committed to the development and establishment of a quality, equitable and cost-effective Electronic Communications System (the “Network”) to advance and promote learning and teaching and to provide global communication opportunities for staff and students. The Network includes the District’s technological equipment, databases, websites, software, telephone system, email system, and any related equipment or property.

Violation of the policies and administrative regulations governing the Network’s use may result in suspension or revocation of Network access. Student violations may result in discipline up to and including expulsion. Staff violations may result in discipline up to and including dismissal. Fees, fines, or other charges may also be imposed.

Internet Safety Policy

i. *Purpose*

The District may provide Network access to staff, Board members, students, and guests.

The Network has a limited educational purpose, which includes use for classroom activities, professional development, and limited high-quality personal research activities. All use must comply with the District’s and Internet Service Providers acceptable uses. Users may not use the Network for commercial purposes, which include offering, providing, or purchasing goods or services for personal use. Goods and services purchased for the District’s use must follow procurement procedures.

Except for communicating with the District’s lobbyists, the Network shall not be used for political lobbying, but it may be used to communicate with elected representatives in accordance with state law and District policies.

ii. *Responsibilities*

The Director of Information Systems, or designee, will coordinate and oversee Network operations and work with staff and state organizations, as necessary.

The Director of Information Systems, or designee, will serve as the Network coordinator and will approve district-network activities, provide staff training on this policy and use of the Network. The Director of Information Systems will ensure adequate supervision of students using the system, maintain executed user agreements, and be responsible for interpreting the Acceptable Use Policy (*See infra* §C) at the district level.

The Director of Information Systems is authorized to develop regulations and agreements for Network use that comply with District and Internet Service Provider policies. These regulations can include, but are not limited to:

- acceptable use policies;
- the level of access provided;
- a District web policy;
- user agreements; and
- information for parents.

iii. *Access to the Network*

The Director of Information Systems, or designee, will determine users' level of access to the Network. The Director of Information Systems may approve guest accounts for specific District purposes. Guests' use of the Network must be expressly limited to that purpose. Approved users will be restricted to the use of the school's guest network designated for internet access only.

iv. *Technology Protection Measures*

All computers with Internet access must have technology protection measures, aka Internet filters, to block access to any obscene material, child pornography, or information harmful to minors. Filters for adult staff users may be disabled for bona fide research or other lawful purposes. Staff may request to disable filters by submitting a helpdesk ticket.

v. *District Limitation of Liability and Indemnification*

The District makes no expressed or implied warranties of any kind that Network services or functions will be error and defect free, including but not limited to, loss of data or interruptions of service. The District is not responsible for:

- any damage users suffer;
- the accuracy or quality of information obtained or stored on the Network; or
- financial obligations arising through the unauthorized use of the Network.

Users will indemnify and hold the District harmless from any losses resulting from the user's intentional misuse of the Network. The District will inform all users about this limitation of liability and indemnification.

vi. *Due Process*

The District will cooperate fully with any government investigations concerning or relating to any illegal activities conducted through the Network.

If a student is alleged to have violated the Acceptable Use Policy (*See infra* §C), the student will be provided with notice and opportunity to be heard per Board policies. Discipline will be tailored to the specific violation and to help the student develop the self-discipline for appropriate use of an electronic network. If the alleged violation also involves violations of other policies, those violations will be disciplined according to the applicable Board policies.

Employee violations of the Acceptable Use Policy will be addressed under appropriate Board policy.

The Director of Information Systems or Superintendent may terminate the account privileges of a guest user by providing notice to the guest user. Accounts idle for more than ninety days will be removed without notice, along with the user's files.

vii. Search and Seizure

Users have no privacy expectation in the contents of their personal files or their on-line activity while on the Network. Routine system maintenance and monitoring may uncover that the user violated Board Policy or the law. If an administrator discovers an employee's potential violation, the administrator will notify the Program Director or Director of Information Systems.

The District will conduct a search if there is a reasonable suspicion that a user has violated Board Policy or the law. Any investigation will be limited in scope by the nature of the alleged violation.

Documentation of violations of the District's Acceptable Use Policy will become part of a student's record or employee personnel file.

viii. Copyright

The Superintendent and the Marketing Director will designate a District Web Publisher responsible for maintaining the District's website and monitoring all District web activity. The Web Publisher will develop style and content guidelines and procedures for adding or removing content for official District websites. All materials on District websites must be approved through the District Web Publisher's process.

Acceptable Use Policy

This Acceptable Use Policy contains the District Internet regulations and agreements.

i. Academic Freedom, Free Speech, and Selection of Materials

District Academic Freedom and Free Speech policies govern Internet use.

When using the Internet for class activities, instructors will:

- select materials that are age appropriate and relevant to the course objectives;
- preview materials and sites students are required to access to determine the appropriateness of the materials of the sites;
- provide guidelines and lists of resources to assist students to target and streamline their research; and
- assist students to develop research and analytic skills to find true information, distinguish between fact and opinion, and discuss controversial issues while tolerating and respecting those with divergent views.

ii. *Parental Notification and Responsibility*

The District will notify the parents about policies governing the use of the Network. Parents must sign an agreement to allow their student to have an individual account. Parents may request alternative activities for their child that do not require Internet access. Parents have the right at any time to investigate the contents of their student's e-mail files. Parents have the right to request termination of their student's individual account at any time.

The Acceptable Use Policy restricts access to inappropriate material. Students will be supervised when using the Network. However, the content on the Internet is wide ranging and may not conform with a student's family values and monitoring each student's use based on individual family's value is impossible. Parents must bear primary responsibility for ensuring their student's use conforms to the family's values. Parents are encouraged discuss with their student what Internet content is appropriate for their student.

The District will provide students and parents with guidelines for student safety while using the Internet, but parents are ultimately responsible for monitoring their student's use of the Network, especially when accessing the Network from home.

iii. *Access*

The District provides the following levels of access:

Student Accounts: The District will provide Secondary and Postsecondary students individual network and email accounts, which requires a Student Internet Account Agreement signed by the student and a parent or guardian if the student is a minor. The District monitors unauthorized student access as described below in *Staff Monitoring of Student Internet Access*.

Employee Accounts: The District will provide individual network and email accounts to staff. The use of these accounts is governed by Board Policy.

Guest Accounts: The District may provide to guests working on District premises a temporary Guest network account.

iv. *Unacceptable Uses*

The following uses of the Network are considered unacceptable:

- Personal Safety
 - Users will not post anyone's, including their own, personal contact information, *e.g.*, addresses, telephone numbers, social security number, account passwords, etc.
 - Users will only use their accounts for District-related or instructor-authorized communications.
 - Users will not meet with anyone met on-line without their parent's knowledge and approval.
 - Users will promptly disclose to their instructor or other employee any inappropriate messages received or messages that make them feel uncomfortable.
- Illegal Activities
 - Unauthorized access or attempts to access the Network, going beyond one's authorized use, using or attempting to use another person's login credentials with or without permission, accessing or attempting to access other computer systems without authorization through a District account or device.

- Deliberate attempts to disrupt the Network or alter or destroy data by any means.
 - Facilitating any illegal act, conduct, or enterprise, *e.g.*, arranging for drug sales, the purchase of alcohol, threatening the safety of others, bullying, etc.
- System Security
- Users must take all reasonable steps to prevent others from accessing or using their account. Passwords cannot be shared with anyone.
 - If a user identifies a potential security issue, the user must immediately notify an instructor, Program Director, or the Information Systems Department (support@evit.com). Users shall not actively look for security issues, which will be viewed as illegal attempts to gain unauthorized access and subject the user to discipline or criminal liability.
 - Users must follow the virus protection procedures set forth below in Staff Virus Protection Procedures.
 - Users shall not download software or files of any kind onto District computers without express permission from the Director of Information Systems, or designee.
- Inappropriate Communications
- Users shall not use inappropriate language in any communication or postings on web pages or social media. Language that is obscene, profane, lewd, vulgar, rude, inflammatory, threatening, or disrespectful is inappropriate.
 - Users shall not post information that may induce or incite damage, disruption, violence, or criminal acts.
 - Users shall not engage in personal attacks or any kind.
 - Users shall not harass or bully another person.
 - Users shall not knowingly or recklessly post false or defamatory information about a person or organization.
- Respect for Privacy
- Users shall not re-post or forward a private message without the author's permission.
 - Users shall not post private information about another person.
- Respecting Resources Limits
- Users will only use the Network for educational and professional or career development activities or high-quality research related to a program.
 - Users will not download large files unless absolutely necessary and only when demand on the Network is low. The user shall remove the files from the Network as soon as possible.
 - Users will not send or forward spam.
 - Users shall regularly check their e-mail and delete unwanted messages promptly subject to Arizona' public records law and document retention periods.
 - Users will only subscribe to discussion groups or list serves relevant to their education, program, or professional or career development. Students shall not subscribe to any service without instructor approval and for as long as they are enrolled.
- Plagiarism and Copyright Infringement
- Users shall not plagiarize works found on the Internet. Plagiarism is the practice of taking someone else's work or ideas and passing them off as one's own.
 - Users shall not infringe any copyrights.

- Inappropriate Access to Material
 - Users shall not access material that is: profane or obscene; advocates criminal, dangerous, or violent acts; or promotes or endorses illegal discrimination of any kind.
 - If inappropriate material is inadvertently accessed, to protect themselves against being found in violation of the *Acceptable Use Policy*, users must disclose the access and follow the *Procedures for Inadvertent Access to Inappropriate Internet Site*.

v. *Virus Protection Procedures*

User who receiver virus alerts must do the following:

- if a student, immediately notify their instructor;
- instructors who receive notice from a student and employees who receive alerts will notify the Information Systems Department via email (support@evit.com);

Tips to protect your computer from viruses and hoaxes.

- Do not open e-mail attachments without confirming the source with the sender.
- Never open an attachment that contains any of the following extensions:

- .exe	- .vbs	- .com	- .bat
- .msi	- .scr	- .sys	

If users receive an e-mail from someone instructing them to delete files from their system, immediately forward the e-mail to the Information Systems Department via email (support@evit.com).

vi. *Procedures for Inadvertent Access to Inappropriate Internet Site*

Users who inadvertently access inappropriate material must report it immediately following these procedures:

- students must immediately notify their instructors;
- instructors who receive notice from students and employees who inadvertency access material must immediately notify Information Systems Department via email (support@evit.com).

vii. *Staff Monitoring of Student Internet Access*

Instructors must supervise and monitor student Internet usage. If an instructor learns a student has violated this policy, the violation must be immediately be reported to the Program Director and the Director of Information Systems.

If an employee has a reasonable suspicion that a student is violating this policy, but no staff has witnessed the violation, the employee shall email the student's Program Director and the Information Systems Department (support@evit.com) and request that the student's activity be monitored. The following must be included in the e-mail:

- the student's name;
- the student's program; and
- a detailed reason for the request.

Web Policy

i. District Web Sites

Materials placed on a District website may include information about: the District, District events, campuses, program, courses, student exhibits, and student organizations. Personal information and information unrelated to the District programs or operations are not allowed on District websites.

ii. Web-site Material, Style, and Content Guidelines

Content

The Web Publisher is responsible for approving material displayed or removed from the District's Website and Intranet. The Web Publisher shall coordinate with the Marketing Director and department staff for content placement and removal and consult with the Superintendent, the Public Information Officer, and the Director of Information Systems.

Design

The design and style of the District Website and Intranet will be consistent within each respective site including the use of color, backgrounds, fonts, images, et cetera. Instructor and other staff web pages also will contain consistent design. Staff members may request placements of image files within their content but will not be allowed to use custom backgrounds or fonts.

Changes

To request the addition or removal of content or District web pages, staff must complete and submit the Website Change Form. The email should identify the webpage and the content to be removed or added. If the request includes additional content, the email must include the additional content as a file attachment. The Web Publisher will contact periodically provide updates to the requester until the changes are completed.

Posting Requirements

The District may satisfy any statutory requirement to post, prominently display, make accessible, or otherwise include information, which may be consolidated on a single webpage, on its website by making a link to the information available on the website.

LEGAL REF.: Children's Internet Protection Act, Public Law No. 106-554. § 1721
47 U.S.C. §151 et seq.
A.R.S. § 15-120.04
Neighborhood Children's Internet Protection Act

CROSS REF.: Students: Student Violence, Harassment, Intimidation, and Harassment
Instruction: Copyright Compliance

REVISED: September 25, 2023

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Electronic Communications System

The administrative regulations for the Network will be consistent with Public Law 106-554 § 1721, the Children's Internet Protection Act ("CIPA") and the Neighborhood Children's Internet Protection Act ("NCIPA"), and other District Policies.

General District Responsibilities

The Director of System Information is responsible to ensure Network coordination and maintenance.

The District will train all authorized users on the Network's appropriate use including Board policies and administrative regulations.

The District will cooperate fully with local, state, or federal officials in any investigation relating to misuse of the System.

The District will use only properly licensed software, audio, or video media purchased by the District or approved for use by the District. The District will abide the Copyright Act and any license agreements.

The District retains ownership and control of its computers, hardware, software, and data. The Superintendent or designee will routinely review user files and communications to maintain System integrity, monitor etiquette, and users' compliance with Board policy, administrative regulations, and the law. The District will inform users that: files and information, including e-mail, generated or stored on District servers are not private and subject to review; and e-mail sent or received by a public official or employee in within the scope of their duties or employment are public record and subject to state's document retention guidelines.

The District will determine which users and sites accessible as part of the Network are best meet the District's need and may restrict access, accordingly.

The District will provide access filtering, security software, and virus detection software to ensure the System's appropriate use and protection.

The District will provide e-mail access to Network users consistent with the District's mission and goals.

The District may set quotas for Network disk usage, but may allow users to submit to their Supervisor and the Director of Information Systems written requests stating their need for an increased quota.

All students and non-District Network users must complete and sign an agreement to abide by the District's Electronic Communications Policy and Administrative Regulations, which will be maintained in the District's office.

System Access

The following are authorized to access the Network:

- Board members;
- District employees;
- students with parent or guardian approval and under the direct supervision of instructors or other staff members; and
- volunteers, contractors, or others as authorized by the Superintendent or the Director of Information Systems.

Network use is restricted to the District's management or instructional needs or educational research consistent with the District's mission and goals.

General Use Prohibitions, Guidelines, and Etiquette

Network users must adhere to the following:

➤ Prohibited conduct

- Network use for commercial or personal gain.
- Violations of the Copyright Act and use or license agreements.
- Disrupting, corrupting, or vandalizing District equipment, property, networks, or data.
- Evading, changing, or exceeding quotas.
- Intentionally accessing or downloading any text file or picture or engaging in any conference that includes material which is libelous, obscene, indecent, vulgar, profane, or lewd.
- Advertising any product or service not permitted to minors by law.
- Intentionally accessing insulting or fighting words, which injure or harass others or are likely to cause a material and substantial disruption of District operations, unlawful acts, or violations of Board policies or administrative regulations.
- Accessing any service that imposes an unauthorized cost on the District, in which case the user will be held responsible for the cost.
- posting or publishing personal student contact information, *e.g.*, photo, date of birth, school, home or work addresses or phone numbers without the Director of Information System's and the instructor's authorization.

➤ Guidelines and Etiquette

- Network communications must comply with the same standards as classroom communications, Board policy, and administrative regulations.
- Real-time video or audio conferences must be approved by an instructor, Program Director, or the Director of Information Systems.
- Network users should not download excessively large files, but, if necessary, will minimize time on the System and exit the System as soon as possible.
- District employees using the system will manage and compose effective communications and check spelling and grammar.
- System users will:
 - respect the other's privacy by not accessing or reading their emails or files without permission.
 - *not* plagiarize or violate copyrights and will cite all quotes, references, and sources.
 - maintain password confidentiality and not share passwords with others, unless authorized by a Program Manager or the Director of Information Systems.
 - *not* communicate with anyone not authorized by the District.
 - forgive other's mistakes, share knowledge, and provide mentoring when practical.
 - report security problems to a Program Director the Information Systems Department by e-mailing support@evit.com.

Violations and Consequences

➤ Students

- Violations of general Network user prohibitions are subject to discipline, which may include revocation of Network access, permanent loss of privileges, suspension, or expulsion.
- Violations of law will be reported to law enforcement officials.
- Discipline may be appealed as provided in Board policy.

➤ Staff

- Violations of general Network user prohibitions are subject to discipline up to and including dismissal.
- Criminal conduct will be reported to law enforcement.

➤ Others

- Violations of general Network user prohibitions will result in revocation of Network access, which may include a permanent loss of privileges.
- Criminal conduct will be reported to law enforcement.

Telephone, Membership, or Other Charges

The District is not responsible or liable for a Network user's unauthorized phone, usage, Internet, equipment, or membership charges. Related disputes or problems are strictly between the Network user and the phone company, long-distance service provider, Internet service provider, or vendor assessing the charge.

Information, Content, or Third-Party Supplied Information

Use of the Network may provide access to materials that a student or parent may consider objectionable or are inconsistent with the District's mission and goals. Parents of minors should monitor their student's home use of the Internet.

The District is not responsible for opinions, advice, services, and other information expressed by any person or entity other than the District.

The District is not responsible for Network user's unauthorized purchases of goods or services nor any third-party seller's goods, services, or representation.

The District does not guarantee that the Network will meet a Network user's needs, services will be uninterrupted and error free, or Network defects will be corrected. The Network is provided "as is" and "as available." The District makes no warranties, expressed or implied, regarding the Network's fitness for any purpose, Network services, or information or software on the System.

********End of Regulation*****End of Regulation*****End of Regulation********

21. COMPUTER INSTRUCTION

Computer use shall be productive and clearly related to students' educational needs, emphasizing the computer as an instructional aid and tool to improve writing, calculating, problem solving, and information gathering. Instruction shall provide opportunities to learn programming and computer applications related to the program area, and to develop skills required to be contributing member of the community.

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The District's computer-education goals are to:

- utilize computers as instructional and classroom management tools;
- learn to use computer applications relevant to an information society;
- learn computer's effective capabilities;
- be aware of technological trends and developing computer applications; and
- provide intensive staff training in computer use advance the District's goals.

*******End of Regulation*****End of Regulation*****End of Regulation*******

22. FIELD TRIPS

Field trips must be related to a program's curriculum. A Program Director and the Chief Academic Officer must approve all field trips and may be limited based on local conditions. The Board must approve all overnight events and field trips more than 75 miles from the program's campus. Field trip requests must be made far enough in advance to allow for approval and to make all necessary arrangements. Minor students must have written permission signed by a parent or guardian before being permitted on a field trip. The District will provide transportation in District vehicles operated by authorized personnel or on approved commercial conveyances.

Generally, field trips should occur during normal instructional hours and not more than 75 miles from campus. The Board may approve longer or overnight trips. The District will not sponsor, approve, support, or encourage field trips that do not meet the criteria in this policy, unless the Board gives approval after a presentation justifying the specific need for the exception.

ADOPTED: November 13, 2023

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The District may approve field trips that provide an educational experience directly related to the Board's curriculum goals and objectives. Field trips should complement instruction with opportunities impossible to provide on campus. The District does not encourage field trips that are primarily for recreation or recruitment. Field trips should not be used for activities that can be conducted on District premises.

General Information

Generally, the Board will approve only one out-of-state or overnight (including on-campus overnight events) field trip per group per year and no group should repeat a field trip.

Employees cannot, within the scope of their duties, participate in travel activities organized by non-district individuals or groups. If employees choose to participate on their own time, no District resources or indicia may be used, and employees shall not hold themselves out as a District representative.

Until approved planning, fundraising, and travel commitments must be kept to a minimum.

Travel for participation in competitions will be by invitation, schedule, of success in local competitions.

Graduates, who meet all the requirements of current students, may travel as District representatives to approved activities.

Approval Procedure

Student-travel requests requiring Board approval must be in writing and approved by the appropriate administrators at least five working days before the board meeting preceding the travel date and must include the:

- destination;
- purpose;
- itinerary with dates and times of all activities;
- financial requirements and funding sources;
- student data, including the program, the number of students, sex, and grade level;
- lodging and meal accommodations;
- transportation; and
- substitute-instructor coverage.

Financing

Funding for student travel may include a combination of student-activity, personal, or District monies. Funds raised for student travel cannot exceed a trip's projected cost and must be deposited in a student activities account.

State Board of Education funds may be use under A.R.S. § 15-1241 to support student travel to national academic competitions.

Fundraising activities for student travel must be approved by the Superintendent

Instruction

Instructors who accompany traveling students will minimize the loss of instructional time for students not traveling. Student travel shall not exceed two instructional days, without the Superintendent's approval.

When students must bear more than incidental costs of travel, participation is voluntary. Students who decline to travel must be provided alternative educational experiences, and their course requirements, grades, or eligibility to participate in other activities must not be adversely affected.

Permission for Trips

Minor students cannot travel without a permission slip signed by a parent or guardian. The employee coordinating the activity must maintain a permission-slip file until the activity ends.

Supervision

At least one certificated employee must supervise student travel.

When both male and female students are traveling overnight, male and female chaperons are required, unless the Superintendent approves an exception.

A chaperon to student ratio of 1:10 is desirable.

Spouses, employees, parents, guardians, and other responsible adults may serve as chaperones with a Program Director's approval. The instructor or another certificated employee, if the instructor is not chaperoning, is responsible for directing all other chaperones.

All chaperones shall closely supervise students. Chaperone's conduct must be beyond reproach.

Transportation

Generally, District vehicles shall be used for in-state travel, but not for out-of-state trips. To drive a District vehicle, employees must be at least 21 years old, have a valid unrestricted Arizona operator's license, and not had any criminal convictions related to driving in the last five years.

Commercial transportation may be utilized if requested and approved by the Superintendent.

Requests may be denied if District vehicles are committed to a higher priority.

Students, parents, and guardians are not permitted to provide transportation to or from field trip destinations unless required by an IEP or 504 Plan. Except for a student requiring an accommodation, no student shall travel in a private vehicle. Private vehicles used for this purpose must be driven by their owner with a valid driver's license. The owner must show proof of a liability coverage of at least \$100,000.00/\$300,000.00.

Employees shall not use their own vehicles for field trips.

Vehicle Requests

Employees must submit District vehicle requests via their EVIT Google Calendar. Requests should be made as far in advance as possible to ensure a vehicle will be available. To submit a request:

- login to Google Calendar
- On the top-left corner click on "Create" and select "Event"
- In the window that pops up, click "More options"
- In the "Add Title" field enter "Vehicle Request"
- Enter the date and the length of time the vehicle will be needed
- In the description box provide the purpose for the reservation and the destination
- In the "Guests" field enter warehouse and select "EVIT Warehouse"
- Click on "Rooms," scroll down and to "Main Campus Vehicle," expand the drop-down menu and select an available vehicle.
- Click on "Guests" again (make sure only "see guest list" is checked). The requester/organizer, EVIT Warehouse, and the vehicle should be listed. If correct, click "Save" and "Send"

To cancel a reservation, open the Event, delete it (click on the trash can) and "Send"

Requests for District transportation may be denied if District vehicles are committed to a higher priority.

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23. COMMUNITY RESOURCES

One of the District's greatest resources is community members who have special knowledge or particular talents to contribute to District programs. The use of community resources to enhance District programs is encouraged. Staff should assess District needs and compare them to available community resources to determine if the community resources meet the District's needs. If so, staff should develop and present a plan to use the community resources to a Program Director or Central Administration, who will consider all the merits and consequences of implementing the plan, before giving approval and authorizing procedures to carry out the plan.

24. DISTRICT VOLUNTEERS

The District will seek volunteers who can make many valuable contributions to the Districts' students and programs. The Superintendent shall annually recognize volunteer services.

LEGAL REF.: A.R.S. §§ 13-3716, 15-512, 23-901.06

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General guidelines:

Volunteers shall not displace paid staff nor reduce staffing needs.

Volunteers must work under direct staff supervision at all times.

Volunteers shall not provide curriculum or teaching plans, assess students' needs, evaluate achievement, counsel students, or impose discipline.

Volunteers shall not have access to student records.

Volunteers must complete a screening form and have references checked before being allowed to volunteer. Consideration is given for District-approved volunteer positions.

Human Resources shall:

- help identify, locate, and recruit volunteers as needed;
- provide orientation and in-service training;
- provide information, advice, and assistance to make volunteers feel welcomed;
- report to the Superintendent and Board any problems with volunteers and make recommendations to optimize the use of volunteers; and
- comply with A.R.S. § 15-512.

*******End of Regulation*****End of Regulation*****End of Regulation*******

25. REPORT CARDS/PROGRESS REPORTS

Minor Student Progress Reports

Minor students' progress must be fully reported to their parent or guardian. Every report must be clear, concise, and accurate, and provide a consensus among the instructor, parent or guardian, and student for a plan that will benefit the student. Student progress will be reviewed in the middle of each grading period. Reports to parents will be made at least four times a year. Instructors will explain to a parent or guardian the meaning of grades as a measure of student achievement. In the absence of

grades, evaluations of a student's progress will assess the skills the student has developed. If a student's academic performance or attitude is unsatisfactory or declining, a parent or guardian must be alerted as soon as possible. When possible, academic performance and attitude will be addressed separately.

LEGAL REF.: A.R.S. §§ 15-709, 15-746, 15-767

26. PARENT CONFERENCES

Instructors may schedule parent conferences and parents may request conferences.

LEGAL REF.: A.R.S. § 15-901

CROSS REF.: Instruction: Report Cards and Progress Reports

27. HOMEWORK

Study skills and self-discipline are indispensable in obtaining a quality educational.

Homework should be tailored to the student's maturity, special needs, potential, and achievement level and specifically address the program's objectives. Homework should not be stigmatized as punishment. It should help students become responsible for actively pursuing knowledge without immediate supervision.

All students should understand that homework is necessary because instructional time is insufficient to master required skills. Students should understand appreciate the importance of the ability to learn and develop skills independently.

The purpose of homework is to:

- identify deficient performance and allow intervention to raise performance to satisfactory standards;
- reinforce and master critical skills and concepts with an emphasis on basic skills;
- challenge the student to explore concepts and skills that complement and advance classroom instruction; and
- allow the instructor to provide feedback that corrects and clarifies assignments.

28. EVALUATION OF INSTRUCTIONAL PROGRAMS

The District shall evaluate the effectiveness of existing programs for the following purposes:

- to provide data to improving program content and processes;
- to determine if staff is meeting the expectations prescribed in Arizona law, by the Board of Education, or in Board policies and regulations; and
- to assess whether a program meets expectations.

LEGAL REF.: A.R.S. § 15-321

29. TEACHING METHODS

Written lesson plans are useful tool to ensure continuity of instruction. Instructors will prepare thorough daily lessons plan. Lesson plans should be prepared far enough in advance of the class presentation to allow comparison between the lesson plan and the curriculum guidelines.

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Lesson Plan Guidelines

- Lesson plans shall reflect the curriculum's scope and sequence. The Program Director or Central Administration may approve alternatives.
- Lesson plans may be prepared on a long-term basis, *e.g.*, unit of work, if appropriate.
- Resources used in a lesson, *e.g.*, supplementary materials, audio or video recordings, and PowerPoints, may be an integral part of the plan.
- Lesson plans must include adequate directions for substitutes in order to continue, when feasible, the instructional program or, if not feasible, a meaningful educational alternative related to the program.
- Lesson plans must be available for substitute instructors.

*******End of Regulation*****End of Regulation*****End of Regulation*******

30. TEACHING ABOUT CONTROVERSIAL OR SENSITIVE ISSUES

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

Instructors hold a position of authority and respect in the District and community, which give them great influence on students' formation of values. Instructors' personal views are not a part of the instructional program and should not be introduced in the classroom. Instructors have a responsibility to maintain professionalism.

Instruction on controversial issues is appropriate only when related to the curriculum. Controversial issues must be dealt with fairly and objectively and observe the following:

- instructors should teach and practice the principles and techniques of the scientific method for applying established facts to specific problems;
- instructors should foster the development of students' truthfulness and honesty;
- all staff should create an atmosphere of mutual respect in which anyone can voice an opinion without fear or hostility;
- everyone's right to due process and freedom of speech will be observed when discussing a controversial issue;
- instructors should discourage judgments and conclusions until all relevant and significant facts have been gathered and verified;
- instructors should develop a student's sense of responsibility for their principles, viewpoints, attitudes, and conduct; and
- instructors should emphasize critical thinking without telling students what to think.

No district employee may use public monies for or allow instruction that presents any form of blame or judgment on the basis of race, ethnicity, or sex as defined in A.R.S. § 41- 1494(D).

LEGAL REF.: A.R.S. §§ 41-1494(D) and 15-111

31. FLAG AND BILL OF RIGHTS DISPLAYS

The District shall display the American flag and the Arizona state flag in appropriate locations on or near the outside of District buildings. An American flag, and copies of the Constitution and the Bill of Rights will be displayed in each classroom.

LEGAL REF.: A.R.S. § 15- 506

32. ANIMALS ON CAMPUS

Transporting of live animals that are not service animals on school buses is prohibited, unless the animal is present for an educational purpose approved in writing by the Superintendent.

A “service animal” is a dog or miniature horse that has been trained to do work or perform a task for an individual with a disability that is directly related to the person’s disability. Service animals do not include any other species.

Service animals are permitted on school buses and in classrooms to perform the functions for which they are trained.

The District does not discriminate against individuals who use services animals if the work or tasks performed by the service animal are directly related to the individual’s disability, *e.g.*, assisting the blind, alerting the hearing impaired, providing nonviolent protection, pulling a wheelchair, assisting seizure patients, retrieving medicine or communication devices, assisting with mobility, and monitoring destructive behavior. Crime deterrence, emotional support, comfort, or companionship are not work or tasks related to an individual’s disability. Emotional support animals are not permitted on District premises.

LEGAL REF.: A.R.S. § 11-1024

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If humanely cared for and properly handled, and with the Superintendent’s permission, animals may be brought into the classroom if the presence of the animals will have a direct relationship to the curriculum.

The following guidelines shall apply.

- Prior to seeking permission, instructors should see if any students in the classroom have allergies. If so, the instructor must contact the parent or guardian of the student with allergies for direction.
- Animals, except service animals are prohibited on school buses.
- Instructors are primarily responsible for the treatment of animals in the classroom and should be handled in a manner that minimizes the risk of injury and potential liability.
- Only instructors or their designees, which may include students, are allowed to handle the animals.
- Instructors must arrange for the care and safety of animals left in the classroom on non-instructional days. This includes housing animals in appropriate containers to minimize the potential danger to individuals.
- Anyone bitten by an animal must immediately report it to a Program Director, Chief Operating Officer, and the campus nurse or other medical professional. If the injury requires follow-up medical treatment, the Superintendent should notify public health authorities, who will

determine the appropriate actions to be taken regarding the animal. Any animal involved in a serious injury must be impounded until authorization for release is granted by health authorities.

- District-owned animals will be assigned to an employee, who will be responsible for the animal's use and care.
- When animals are used in classrooms, instructors will inform students and others present how to handle and care for the animals, including restrictions and limitations on handling, and dangers the animal presents.

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33. CLASS INTERRUPTIONS

Class interruptions should be kept to a minimum. Communication devices and classroom visitors that do not contribute the educational program should be avoided.

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Program Directors are responsible for minimizing the clerical duties of classroom instructors to reduce interruptions of classroom programs. Classes should not be interrupted for telephone calls, salespersons, or unexpected visitors. Exceptions may be made for emergencies. The classroom setting shall not be interrupted by the interschool communication system unless authorized by the Program Director.

********End of Regulation*****End of Regulation*****End of Regulation********

CHAPTER 7 – STUDENTS

1. STUDENT POLICIES GOALS AND PRIORITY OBJECTIVES

An environment conducive to each student's best learning achievement will be fostered by meeting the following goals:

- tailor the learning program appropriately for each student;
- protect student's legal rights;
- enhance the students' self-image by making them feel respected and worthy, and providing positive encouragement through the learning environment;
- teach students to take personal and civic responsibility for their actions;
- discipline students in a fair and constructive manner;
- take all reasonable steps to protect the safety, health, and welfare of students; and
- promote regular attendance, a strong work ethic, and quality work.

2. EQUAL EDUCATIONAL OPPORTUNITIES

A student's right to participate fully in an instructional program shall not be abridged or impaired because of race, color, religion, sex, age, national origin, disability, or any other reason unrelated to the student's individual capabilities.

A student's right to participate in extracurricular activities depends only on maintaining the District's minimum academic and behavioral standards and the student's ability in the extracurricular activity.

LEGAL REF.: 20 U.S.C. § 794, Rehabilitation Act of 1973, Section 504
20 U.S.C. § 1401, Individuals with Disabilities Education Act
20 U.S.C. § 1681, Education Amendments of 1972,
Title IX 20 U.S.C. § 1703, Equal Educational Opportunities Act
20 U.S.C. § 2000, Civil Rights Act of 1964, as amended in 1972, Title VI, Title VII
Arizona Constitution, Act XI, Sec. 6

CROSS REF.: Personnel: Equal Employment Opportunity
The Board: Board Goals, Organization, and Responsibilities: Board Goals: Eliminating Sexual Harassment
The Community: Public Concerns and Complaints about Facilities or Services

3. TITLE IX SEXUAL HARASSMENT

Title IX of the Federal Education Amendments Act protects people from discrimination based on sex in education programs or activities that receive federal financial assistance. The District does not discriminate on the basis of sex. The District recognizes the right of every student to an education without the fear of sexual harassment.

The District uses the Title IX regulation's definition of sexual harassment. Sexual harassment means conduct on the basis of sex that satisfies one or more of the following:

- a District employee conditioning the provision of a District aid, benefit, or District service on an individual's participation in unwelcome sexual conduct;
- unwelcome conduct that a reasonable person would find so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the District's education program or activity;

- “sexual assault” as defined in 20 U.S.C. § 1092(f)(6)(A)(v);
- “dating violence” as defined in 34 U.S.C. § 12291(a)(10);
- “domestic violence” as defined in 34 U.S.C. § 12291(a)(8), or
- “stalking” as defined in 34 U.S.C. § 12291(a)(30).

A “complainant” as an alleged victim of sexual harassment. A “respondent” is the person alleged to have sexually harassed the complainant.

Inquiries about Title IX may be referred to the Superintendent, the District’s Title IX Coordinator. The Title IX Coordinator and contact information must be provided to students, parents or legal guardians of minor students, employees, and applicants for employment. It is available on the District’s web page, in the student handbook, and the Faculty Operations and Resource Guide.

Any person, alleged victim, or witness to the conduct, may report sex discrimination or sexual harassment. A report may be to the Superintendent made by any means at any time, including non-business hours.

When a grievance of sexual harassment is submitted, the District shall provide the grievance procedures to affected parties. The District is committed to investigating every grievance and appropriately handling confirmed violations of policy. The District follows the grievance procedures to provide for a prompt and equitable resolution of grievances of sexual harassment.

The District shall, unless necessary to carry out the grievance process or permitted by law, keep the identities of the person reporting sexual harassment, the alleged victim, the respondent, and any witnesses confidential.

Title IX sexual harassment grievances may include violations covered by Arizona’s mandatory reporting statute, A.R.S. § 13-3620. Any failure to report abuses classified by statute as “reportable offenses” is classified as a Class 6 Felony.

No one may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any Title IX rights or privileges, or because the individual made a good-faith report or grievance, testified, assisted, or participated or not in any investigation, proceeding, or hearing. Whenever the intimidation, threats, coercion, or discrimination is for the purpose of interfering with Title IX rights or privileges and arises out of the facts or circumstances in a Title IX grievance, it constitutes retaliation under Title IX.

LEGAL REF.: A.R.S. § 13-3620
 20 U.S.C. §§ 1092 and 1681
 34 U.S.C. § 12291

CROSS REF.: Personnel: Equal Employment Opportunity
 Students: Equal Educational Opportunities

4. STUDENT VIOLENCE, HARASSMENT, INTIMIDATION, AND BULLYING

The District takes all lawful and effective actions to achieve a harassment-free learning environment. If a student believes he or she has been harassed, the student should report the harassment to an instructor, counselor, or administrator.

Under this policy, harassment includes:

A. Bullying:

When student(s)'s conduct is intimidating or harassing and:

- physically harms a student, damages a student's property, or places a student in reasonable fear of physical harm or damage to property;
- is sufficiently severe, persistent or pervasive that it creates an intimidating, threatening, or abusive environment and causes emotional harm;
- there is a real or perceived imbalance of power or strength; or
- constitutes a violation of law.
- Bullying can occur through written, oral, physical, or emotional means including, but not limited to:
 - oral, hand-written, printed or graphic derogatory comments, extortion, exploitation, name calling, or rumor mongering, which may be direct or indirect;
 - social exclusion, shunning, or ostracism;
 - physical contact, *e.g.*, pushing, shoving, smacking, pinching, punching, hitting, kicking, shoving, or spitting; and
 - stealing or damaging personal property.

Cyber-bullying:

Cyber-bullying is bullying via electronic means or devices, including telephones, social networks, social media, smartphone applications, chat groups, text messages, videos, electronic messaging, and other internet communications whether or not the bully owns the technology used. Cyber-bullying may include threats, hate speech, ridicule, or posting false statements designed to harass, intimidate, or humiliate a student.

Harassment:

Harassment is intentional behavior that disturbs, intimidates, or threatens another and includes: stalking, hazing, social exclusion, name calling, and unwanted or unwelcome physical contact, comments, photographs, or graphics.

Harassment may be related, but not limited to, race, religion, color, national origin, sex, disability, gender identity, sexual orientation, cultural background, economic status, size or personal appearance. Harassing behaviors can be direct or indirect.

Intimidation:

Intimidation is intentional behavior that creates fear of physical or emotional harm or damage to property. Intimidation can be by direct or indirect means.

Prohibitions and Discipline

Bullying is prohibited on District premises, on school buses, and at District sponsored events and activities. This includes off-campus conduct that results in a substantial physical, mental, or emotional negative effect on the victim while on District premises, on school buses, or at District-sponsored events and activities or when the conduct interferes with the District's authority to maintain order. Bullying will result in disciplinary action. Bullying that may also violate the law will be reported to local law enforcement.

Reporting Incidents of Bullying

A student who is being bullied, or believes another student is being bullied, should report the bullying to the Program Director or other employee. An employee, who becomes aware of or suspects a student is being bullied, shall immediately notify Central Administration and make a report in writing. District personnel shall maintain confidentiality of reported information.

The initial report of bullying may be oral, but within a day of the oral report, a detailed written description and any other relevant information must be provided to the Program Director. The Program Director will provide the appropriate forms. The grievance Form can also be found in Appendix A of the Catalog. If the Program Director is the employees making the initial report, it must be in writing. An employee's failure to report suspected bullying may result in disciplinary action up to dismissal under Board Policy, "Discipline, Suspension, and Dismissal of Staff Members."

The District does not tolerate staff or student reprisals against anyone for reporting suspected bullying. Anyone taking reprisals will be subject to discipline.

When bullying is reported, the administration shall provide to the alleged victim a written copy of student rights, protections, and available support services and shall, if the student is a minor, notify the student's parent or guardian of the report.

A student who knowingly submits a false bullying report is subject to discipline up to and including suspension or expulsion.

Investigating Incidents of Bullying

The administration shall investigate all reports of bullying. If the Program Director or Dean of Students confirms that bullying has occurred, the bully will be disciplined according to Board Policies. Regardless of the investigation's outcome, the Program Director will meet with the alleged bully to review the findings of the investigation and, notify the bully of the discipline, if any, that will be imposed. The administration will also meet with the alleged victim to review the investigative findings, and if bullying has occurred, notify the victim and the victim's parent or guardian of the action taken, subject to the restrictions of the Family Educational Rights and Privacy Act ("FERPA") set forth in Board Policy, "Student Records."

The District will notify law enforcement whenever the District has a reasonable belief that the bullying violated the law.

The District will retain documentation of all bullying incidents reported under this policy for not less than six years. If the District shares a bullying report with anyone other than District officials or law enforcement, all individually identifiable information shall be redacted as required by FERPA.

Disseminating Information on Bullying

The District will disseminate, at least, the following information about bullying to students, parents, guardians and staff: Board policies; how to report suspected bullying; available support services (proactive and reactive); and student's rights. The information will be set forth in the Course Catalog available on the District's website.

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Compliance Officer

The Superintendent is the compliance officer. Any person who feels unlawfully discriminated against or to have been the victim of unlawful discrimination by an employee or student, or who knows of

such discrimination against another person should file a grievance with the Program Director. If the Program Director is the respondent, the grievance shall be filed with the Chief Operating Officer. If the Chief Operating Officer is the respondent the grievance shall be filed with the Superintendent. The Superintendent is the ultimate decisionmaker, unless the Superintendent is the respondent, then the grievance shall be filed with the Board President.

Bullying and Harassment Grievance Procedure

The District is committed to investigating each grievance and to taking appropriate action on all confirmed violations of policy. The Program Director, Chief Operating Officer, or Superintendent shall investigate and document grievances as soon as reasonable. In investigating the grievance, the District will maintain confidentiality to the extent reasonably possible. The Superintendent investigates incidents of policy violation that the Board raises.

If after the initial investigation, the investigator has reason to believe that bullying has occurred, the Superintendent shall determine whether to hold an administrative hearing or to recommend bringing the matter before the Board.

If a student is alleged to have violated this regulation, the due process provisions of the Board Policy, Students: Student Discipline, shall apply. If a staff member is alleged to have violated this regulation, the due process provisions of the Board Policy, Personnel: Discipline, Suspension, and Dismissal of Staff Members,” shall apply. In cases of serious misconduct, dismissal or suspension proceedings in accordance with A.R.S. § 15-539 *et seq.* may be initiated. The Superintendent also may impose a suspension without pay, or recommend dismissal, or other appropriate discipline.

Timelines

The grievance must be filed within thirty calendar days after the grievant knew or should have known that there were grounds for a grievance.

Once the written grievance has been filed, the Superintendent, the Program Administrator, or Chief Operations Officer shall investigate and respond in writing to the complainant within five working days.

If the Program Administrator or Chief Operations Officer does not respond, the Superintendent will have ten additional working days to respond in writing to the complainant.

If the Superintendent does not timely respond, the complainant may submit a written request to bring the issue to the Board. The Board will then review the investigative record and have thirty days to provide a written response to the complainant.

If an investigation reveals no reasonable cause to believe that this regulation has been violated, the investigator shall inform the complaining party in writing. All decisions may be appealed in writing to the next higher administrative level within five days.

*******End of Regulation*****End of Regulation*****End of Regulation*******

5. STUDENT ATTENDANCE

When a student is required by state law to attend school, the parent or guardian is legally responsible for the student’s consistent attendance. The Superintendent will enforce the laws regarding attendance, with consideration for the variables that affect children and families. The Superintendent will place emphasis on the prevention and correction of the causes of absenteeism.

LEGAL REF.: A.R.S. §§ 15-346, 15-771, 15-802, 15-804 to 15-807, 15-826, 15-843, 15-872, 15-873

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Each time a class meets, the instructor shall check and formally record the attendance of all students assigned to the class. Absent students' names shall be entered in the District's learning management system.

A master list of student absences will be prepared daily.

The instructor and Chief Operations Officer are accountable for assuring that accurate and timely daily records of student membership and attendance are maintained.

*******End of Regulation*****End of Regulation*****End of Regulation*******

6. ENTRANCE AGE REQUIREMENTS

A. Minimum Age Requirement

The District admits to central campus programs sophomores, juniors, and seniors, and students who will reach age sixteen during the school year.

Students Twenty-Two Years of Age or Older

If a program has available capacity and upon satisfactory completion of the admission process, a person over twenty-two years of age may be admitted on a tuition basis subject to the following conditions.

- Submission of a copy of their official high-school transcript and proof of high-school graduation; or a copy of their general education diploma ("GED") or GED transcript; or proof of concurrent enrollment in a GED preparatory program.
- Agreement to a background check of prior residency and criminal activity. Admission may be denied or attendance terminated if an applicant submits false information in the admissions process.
- The applicant meets the established program eligibility prerequisites applied to all students.

Residency Verification

The District requires verifiable documentation of residency in the State of Arizona for pupils who enroll in the District. Under the Intergovernmental Agreements with the member school districts, the member school district verifies residency and maintains the documentation of its students. The District verifies residence of all non-member-school-district students.

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

Residence depends on evidence of presence and intent to remain in the District, which may include, but is not limited to: leases, rent receipts, and receipts for utility payments.

i. Resident Students

District residents under twenty-two years of age who reside within a member District and meet other prerequisites do not have to pay tuition.

District residents include:

- students residing with a parent or court-appointed legal guardian who has legal custody and resides in the District;
- students who are emancipated minors and reside in the District;*
- students eighteen to twenty-one years old who reside in the District; and
- homeless students who attended a school in a member district when they became homeless.

Resident students with Empowerment Scholarship Accounts must pay tuition.

*The District will consider the following in determining if a minor is emancipated: marital status, financial independence, and whether a parent or guardian consented to the student not being domiciled with the parental or guardian.

ii. *Nonresident Students*

A student not residing in the District, but attending a member-district high school within District boundaries does not have to pay tuition.

Nonresident students attending charter schools within District boundaries or with Empowerment Scholarship Accounts must pay tuition.

A person over twenty-two years old who satisfactorily completes the admission process, may be admitted on a tuition basis if classroom seats are available.

LEGAL REF.: A.R.S. §§ 8-201, 15-701, 15-701.01, 15-703, 15-766-67, 15-771, 15-816 *et seq.*, 15-901, 15-901.02,
42 U.S.C. § 11301 McKinney-Vento Homeless Assistance Act of 2001
A.A.C. § R7-2-301

CROSS REF.: Students: Entrance Age Requirements: Student Twenty-Two Years of Age or Older
Students: Withdrawals, Absences, and Dropouts: Attendance and Chronic Health Conditions
Students: Student Health Services and Requirements
Students: Immunizations of Students
Students: Missing Students
Students: Student Records
Students: Request for Transfer of Records

7. TUITION AND FEE REFUNDS

A. *Tuition*

The District will automatically refund tuition to any tuition-paying student for the following reasons at the following rates:

Reason	Refund
Class is cancelled	100%
Student withdraws within 10 calendar days of the start class	100%
Student withdraws after the first half of the course	0%
Student is called to active military duty	100%
Student withdraws due to hardship	Prorated

Failing to attend class does not entitle a student to a refund.

Any amounts student may owe the District will be deducted from the refunded amount.

Procedure

To withdraw for any reason a student must complete a Withdrawal Request Form and submit it to their Program Director with supporting documentation, if necessary. The Withdrawal Request is available from Program Directors and the Executive Assistant to the Program Directors. The Program Director will meet with the student. If after meeting with the student, the student still wants to withdraw, the Program Director will forward the Withdrawal Request Form to the Admissions Office. For high-school students, the Program Director must also complete the State of Arizona Official Notice of Pupil Withdrawal Form. The Admissions Office will notify the Financial Aid Office of the withdrawal. The Financial Aid Office will automatically issue a refund within 45 days of the withdrawal request. Students do not need to request a refund.

Fees

Supply and Uniform fees, less \$100, will only be refunded if the student submits a Request to Withdraw Form before the 10th calendar days of the start of class.

Fees for consumable supplies and books will not be refunded once the student receives them. Registration, parking, and student ID fees are non-refundable.

Hardships

Hardships include:

- a doctor verified serious illness;
- serious illness or death in the family;
- involuntary change in residence or job transfer;
- divorce; or
- unexpected loss of income.

Grievances

A student may appeal any adverse decision by following the District's grievance procedures in Board Policy, Students: Student Concerns, Complaints, and Grievances.

Federal Funding

If a student has received Title IV Federal Financial Aid, the student may have to repay the funding received. The District is required to return unearned federal funding to the U.S. Department of Education. Students will be billed for the portion the District must return.

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Arizona Department of Education GUIDELINES & PROCEDURES

SUBJECT: Pupil Withdrawal & LEA Compliance Audit

I. PURPOSE

The purpose of this guideline is to establish pupil withdrawal and LEA compliance in the Arizona Department of Education (the “Department of Education” or “the department”).

II. GUIDELINE

This guideline applies to any local education agency, school district, charter school, or any other entity in the Department of Education.

- a. Pursuant to A.R.S. § 15-239(A)(1), the Department of Education may monitor school districts to ascertain whether laws applying to school districts are implemented as prescribed by law.
- b. Pursuant to A.R.S. § 15-827(A), (B), a pupil who enters a program shall present to the Program Director a properly executed withdrawal form if such pupil previously attended another school in this state. The withdrawal form shall be prepared and distributed by the office of the superintendent of public instruction.
- c. Pursuant to A.R.S. § 15-1042 (H), student information shall include reasons for the withdrawal if reasons are provided by the withdrawing pupil or the pupil’s parent or guardian.

In order for the Department of Education to ensure that laws applying to schools are implemented as prescribed by law, the Department of Education hereby establishes pupil withdrawal and LEA compliance guidelines and may conduct pupil withdrawal and LEA compliance audits. The audit shall be conducted on-site and/or electronically at any time. Upon request, the Department of Education may copy records, including all paper, electronic and other records relating to pupil withdrawal. All records requested shall be retained in their original form by the LEA.

Any local education agency, school district, charter school, or any other entity within the department shall cooperate with and make its administrators, instructors, staff, facilities and resources available for the purpose of providing data requested by the Department of Education.

DOCUMENTATION OF WITHDRAWAL

An Official Notice of Pupil Withdrawal form must be completed for students who withdraw. To confirm that a student transferred out, a school or LEA must have “official written documentation” that a student has transferred to another school or to an educational program that culminates in the award of a regular high-school diploma (34 C.F.R. §200.19(b)(1)(ii)(B)(1)). Examples of official written documentation include: a request for student records from a receiving public or private high school or an educational program (that culminates in a regular high-school diploma); or a written record of a

response from an official in the receiving school or program acknowledging the student's enrollment. A conversation with a parent or neighbor of a student, for instance, would not be considered official written documentation of a transfer.

A school or LEA must have written confirmation that a student has emigrated to another country (34 C.F.R. §200.19(b)(1)(ii)(B)) but need not obtain official written documentation. For example, if a parent informs a school administrator that the family is leaving the country, the school administrator may document this conversation in writing and include it in the student's file.

Audit Process

To ensure pupil withdrawal data is accurate, complete and consistent, the Arizona Department of Education may audit Pupil Withdrawal and LEA Compliance documentation. The scope of the audit will examine data on the Official Notice of Pupil Withdrawal form, supporting documentation and data submitted to AzEDS by the school. The objective of the audit is to ensure accurate reporting consistent with the Official Notice of Pupil Withdrawal policies and procedures.

Upon a student's withdrawal from a school, the LEA must document the withdrawal of students and maintain the Official Notice of Pupil Withdrawal on file along with supporting documentation in accordance with the LEAs record retention policy. Documentation is required for all Primary Withdrawal Types in section 10a of the Official Notice of Pupil Withdrawal. Documentation supporting use

of a Primary Withdrawal Type must be an accepted form of documentation based on the withdrawal type. The Official Notice of Pupil Withdrawal should be signed by the student or, if the student is a minor, the parent or guardian. Documentation must be signed and dated by an authorized representative of the LEA.

The Department may conduct audits at any time via site visit or desktop review. Upon request, a local education agency, school district, charter school, or any other entity shall provide the Department of Education the authority to examine and copy records, including all paper, electronic and other records relating to pupil withdrawal. All records requested shall be made available in their original form.

Code	Examples of Documentation based on Withdrawal Reason
WD	Student was demoted to the previous grade level during the current school year
WK	Transferred to another calendar track within the same school before scheduled end of school year.
WP	Student was promoted to the next grade level during the current school year.
W1, S1, W21, S21, S99 Transfer	Request for student records from a receiving public or private high school or an educational program (that culminates in a regular high school diploma). Written record of a response from an official in the receiving school or program verifying or acknowledging the student's enrollment. Report from AzEDS indicating other enrollment in an Arizona high school.
W2 Illness	Documentation of illness from a medical provider. Documentation from parent.
W3 Expelled or long-term suspension	School expulsion documentation supporting the expulsion.
W4, S4 Absences or status unknown	Attendance record showing 10 consecutive days of unexcused absence. Notes documenting who they contacted, contact method, phone number or email contacted, and dates attempted

W5, S5 Dropout	Attendance record. If under age 18, parent's signature on pupil withdrawal form. If over age 18, parent's/student's signature on pupil withdrawal form.
W6, S6 Age	Documentation showing student not of school age (under 6 or over 21 years of age). Documentation showing date of birth.
W7, S7 Graduated	Official transcript or diploma.
W8, S8 Deceased	Death certificate. Obituary, other newspaper article. Program from the funeral/memorial service. Written statement from the parent or guardian.
W9, S9 Transfer to be home taught	Written parental statement.
W10, S10 Transfer to detention	Copy of court order. Written notification from a law enforcement agency, the office of the prosecuting attorney, or the jail or penitentiary, that the student is incarcerated.
W11, S11 GED	Copy of the GED certificate. Written documentation from the testing company must include the date of GED completion, location, address, or contact information of the company.
W12 Continuing studies at vocational or technical school	Parent's signature on pupil withdrawal form. Documentation of enrollment in a vocational or technical school.
W14	Student has met all the requirements for the Grand Canyon Diploma but has not been awarded the diploma. Student is continuing in high school.
W15	Student has met all the requirements for the Grand Canyon Diploma and has been awarded the diploma.
W17	Student received the Grand Canyon Diploma but LEA may not count this student: 1. Is no longer enrolled full-time at an AZ public university; or 2. Is no longer enrolled in an AZ public university.
W18	Student received the Grand Canyon Diploma but LEA may not count this student: 1. Is no longer enrolled full-time at an AZ Community College; or 2. Is no longer enrolled in an AZ Community College.
W19, S19	Student was eligible for the Grand Canyon Diploma but LEA may not count this student because student is no longer enrolled in a full-time CTE program.
W20	Student was awarded the Grand Canyon Diploma and the student's post GCD participation is unknown or ineligible.
W22/S22	Parent's written notice that the student will be attending school out of the country, request for records or written record of a response from an official at receiving school
WR1 School identified as federal School improvement	Signed documentation from student/parent indicating reason.
WR2 School identified as persistently dangerous	Signed documentation from student/parent indicating reason.
WR3 Individual transfer option	Signed documentation from student/parent indicating reason.
WR4 Pregnancy/biological parent of child	Signed documentation from student/parent indicating reason.

Home Schooled Students

This code is used for students who withdraw to be taught at home. A.R.S. § 15-802(B)(3) allows a student to be taught at home after certain requirements are met. The parent must file an affidavit with the county school superintendent that the child is attending a regularly organized private or home

school. Official written documentation is required to apply this code. Documentation may include a letter of withdrawal or other written confirmation from the parent or guardian, or the affidavit filed with the county school superintendent.

Summer Withdrawal Codes

Certain S-codes may be submitted when a student fails to attend school as expected by the LEA for the current school year. Beginning in the 2016-2017 school year, only certain withdrawal transactions can use a corresponding summer code. Summer withdrawal codes may be used to update the student's cohort membership in compliance with state and federal laws. If a student assigned a cohort by ADE was enrolled on the last day of the previous school year and was pre-registered for the following school year, the appropriate

summer withdrawal code (S-Code) may be submitted to AZEDS to update the student's cohort membership. The applicable S-code may apply to any date between the end of the last school year the student completed and beginning of the new school year for which the student pre-registered.

EXAMPLE

Jenny, class of 2020, completed her first year of high school with a year-end status of Promoted. She was expected to return as a 10th grade student. Jenny moves out of state, and her new school sends a request for a transcript. Jenny's high school in Arizona must update their cohort membership by submitting a withdrawal code of S21 prior to the start of the new school year and document the transcript request accordingly.

Changes in Withdrawal Codes

The withdrawal codes should be changed retroactively during the school year if additional information becomes available before the Year-End Enrollment Report is filed. Since withdrawal codes are used to calculate dropout and graduation rates, it is to a school's advantage to re-code those students whenever possible. However, ADE may update a student's cohort status based on another qualifying enrollment in another Arizona public school which may award a diploma.

EXAMPLE

Luis was absent for two weeks, and his whereabouts were unknown. He was withdrawn as a W4. A week later, the school received a request from Maui High School in Hawaii for his school records. Luis's withdrawal was reclassified from a W4 (Absence/Status Unknown) to a W1 (Transfer). The Arizona school must have written documentation that Luis re-enrolled in school prior to the end of the fiscal year in which he dropped out in order to change Luis' exit code from a W4 to a W1.

Supplemental Withdrawal Reasons

Supplemental Withdrawal Reasons are only compatible with certain specific Withdrawal Codes.

Withdrawal Code	WR1: school choice: school identified for Federal School Improvement	WR2: school choice: school identified as persistently dangerous	WR3: school choice: individual transfer option	WR4: pregnancy / biological parent of a child
W1 Transfer: other school	yes	yes	yes	yes
W2 Illness				yes
W3 Expelled or long-term suspension				
W4 Absence or status unknown				yes
W5 Dropout				yes
W6 Age				
W7 Graduated				
W8 Deceased				
W9 Transfer: home taught				yes
W10 Transfer: detention				
W11 GED				
W12 Vocational school				
W13 Completed				

Special Education (“SPED”)

If at the time of withdrawal, the student has been identified as eligible for special education (SPED) and related services regardless of an IEP being completed, please select all disability categories for which the student has been identified as eligible.

The disability categories are as follows:

A Autism	OHI Other Health Impairment
DD Developmental Delay	OI Orthopedic Impairment
ED Emotional Disability	PSD Preschool Severe Delay
EDP Emotional Disability – Separate Facility, Private	SID Severe Intellectual Disability
HI Hearing Impairment	SLD Specific Learning Disability
MD Multiple Disabilities	SLI Speech/Language Impairment
MDSSI Multiple Disabilities Severe Sensory Impaired	TBI Traumatic Brain Injury
MIID Mild Intellectual Disability	VI Visual Impairment
MOID Moderate Intellectual Disability	

Per ARS § 15-771(A), the only needs that can be reported for preschool students are: DD, HI, PSD, SLI, and/or VI.

8. WITHDRAWALS, ABSENCES, AND DROPOUTS

A. *Withdrawals*

The Admissions Team will provide a withdrawal form to the parent or legal guardian of a withdrawing student.

Reasons for withdrawal may include:

- transferring to another course;
- personal issues;
- course content was not what was expected;
- family emergency;
- class schedule conflicts with work schedule;
- lack of transportation;
- serious medical issue;
- moving out of district; or
- military, called to active duty.

Under A.R.S. § 15-901(A)(1), if a student is absent for ten consecutive days, not counting excused absences, the District shall withdraw a student for purposes of counting the student in the District's average daily membership. A student who is absent for less than ten consecutive nine or fewer consecutive school days, including the last day of the school year, is not a withdrawal.

Upon withdrawal, the student shall return all books and other District property to their Program Director.

High-School Student Absences and Excuses

The regular school attendance of a child of school age is required by state law. Regular school attendance is essential for success in school; therefore, absences shall be excused only for necessary and important reasons. Such reasons include illness, bereavement, other family emergencies, and observance of major religious holidays of the family's faith.

In the event of a necessary absence known in advance, the parent is expected to inform the District; if the absence is caused by emergency, such as illness, the parent is expected to telephone the campus office.

i. *Reporting Absences*

State law mandates that the District record the reason for any student absence. Thus, when a student is absent the parent must call the District on or before the day of the absence and provide a reason for the absence.

If circumstances prevent a call by the day of absence, the parent must notify the District of the reason for the absence before the student returns to allow the student to obtain an admission slip prior to the start of class. Any absences unverified by a parent or administration is an unexcused absence. The parent should provide notice by phone or, if the parent does not have access to a phone, by note.

Notice must be provided for each day of absence, even if the absence are consecutive and the reason does not change

To avoid absences, staff will ask parents to:

- schedule medical or dental appointments after instructional hours, unless it is an emergency; and
- schedule family vacations during recesses.

The District may require verification from the medical or dental provider when the parent has not notified the District of a medical or dental appointment.

Program Directors may excuse students from class for necessary and justifiable reasons.

LEGAL REF.: A.R.S. §§ 15-346, 15-802, 15-807, 15-843, 15-873, 15-902

COSS REF.: Student Attendance

REVISED: September 25, 2023

ii. *Truancy*

Children between the ages of six and sixteen who fail to attend school during the school hours is truant unless excused pursuant to A.R.S. §§ 15-802, 15- 803, or 15-901.

Truant means an unexcused absence for at least one scheduled class, activity, any after school session, or any mandated disciplinary session.

Habitual Truancy is five or more unexcused absence during a school year. The District will notify parents of habitual truancy. If unexcused absences continue, the student may be suspended and readmitted only with the Superintendent's permission.

iii. *Attendance and Chronic Health Conditions*

The District will provide appropriate educational opportunities for any student identified by a licensed medical doctor as having a chronic health condition that will affect regular attendance. Instructors will make homework available in a timely manner to ensure that affected students may successfully complete assignments and avoid losing credit due to absences for the chronic condition.

LEGAL REF.: A.R.S. §§ 8-201, 15-346, 15-761, 15-802-805, 15-841, 15-843, 15-827 to 15-829, 15-902

CROSS REF.: Students: Entrance Age Requirements: Students Twenty-Two Years of Age and Older

******Regulation****Regulation****Regulation****Regulation****Regulation******

Identification and Referral Process

Staff shall be informed of procedures for serving students with chronic health conditions. Instructors will review registration data and note students with chronic health conditions. Registration forms, enrollment data, and attendance registers will identify certified students with chronic health conditions who are eligible for modified instructional services. Students can be identified or referred at any time during the school year.

The person responsible for collecting attendance data shall be informed of available services and be directed to note whether a student's frequent absences are due to illness, disease, or an accident. Registration, enrollment, and attendance procedures shall indicate eligible students with chronic health

conditions for documenting ADM adjustments with the Arizona Department of Education, School Finance Section.

When a student is identified as possibly having a chronic health condition (via registration, screening procedures, attendance data, or parent referral) requiring special services, a medical certification form with a letter of explanation shall be sent to the parents, to be returned within thirty days. The instructor and parent shall meet within fifteen days following return of the medical certification.

When a student is referred for medical certification, the first-aid employee, if applicable, shall be consulted to include any medical data in the student's health records, *e.g.*, the annual report that identifies types of chronic illnesses monitored.

Eligibility Criteria

The medical certification must include:

- a medical diagnosis;
- a medical prognosis;
- any physical limitations limiting physical education activities or requirements;
- anticipated continued medical care that may interfere with regular school attendance; and
- a medical provider's signature and date signed.

The instructor will recommend appropriate instructional services after consultation with the parent and considering the following:

- given the diagnosis in the medical certification, whether the student has the ability to stay current on instruction during absences;
- the student's academic ability;
- the course-work difficulty level;
- the student's ability to study independently;
- the amount of face-to-face instruction needed to maximize learning outside the regular classroom; and
- the delivery service best suited to integrate the special services with the program.

After the instructor and parent have discussed the student's needs, they will recommend an instructional agreement that includes: the delivery method, how to return homework assignments, and the required face-to-face time required *during absences* to help the student complete assignments. The instructor will forward the agreement with the instructor's recommendation for appropriate instructional services to the Program Director for review and any necessary modifications. Once finalized the parent, instructor, and Superintendent shall sign the instructional agreement.

Once a student with a chronic medical condition has been absent for sixty instructional days, another medical certification is required. The instructor and parent will review the new medical certification and determine if the instructional agreement needs modifications, including whether homebound services are necessary.

The District shall review instructional needs of students with chronic health conditions at least annually, which shall include an updated medical certification review of any prior instructional agreement. Instructional agreements may be reevaluated at any time.

Miscellaneous Provisions

Homework assignments will be provided during absences due a certified chronic health condition and credit will be given for course work timely completed. Anticipated absences and the feasibility of completing required hands-on training will be considered when scheduling students with chronic health conditions.

*******End of Regulation*****End of Regulation*****End of Regulation*******

Adult Students

Regular class attendance is required of all students. Attendance is taken daily in class by the Faculty and recorded. Attendance records are maintained by the Admissions office as part of the student's permanent academic record. Faculty do not have the ability to edit recorded classroom time.

- Military commitments: absences for periods of up to one week will not be counted against the number of absences allowed per semester or session. Students are required to provide appropriate documentation of the specific orders, length of assignment and location. Prior notification must be initiated with each Faculty to discuss make-up work. If the length of the absence will be longer than one week, the Faculty and the student will determine whether there is sufficient opportunity for the student to make up the work. If it is determined that the length of absence for the military commitment provides an undue hardship on students' ability to make up assignments, the affected student(s) will be provided an opportunity to request an incomplete grade or drop the class.
- Adult program attendance details.
 - Only registered students may attend classes.
 - Students are expected to attend one hundred percent of their class time starting with the first scheduled class meeting.
 - Students who fail to attend the first scheduled class meeting, or who fail to contact the faculty member and admissions office regarding the absence before the first scheduled class meeting, will be withdrawn from the program.
 - Each program or course syllabus will outline any additional attendance requirements specific to the program or course. Students are responsible for consulting with instructor regarding absences.
 - Students are responsible for notifying their instructor and an enrollment advisor when withdrawing from a course.
 - A student with recurring absences may be placed on a Student Success plan. Additional progressive intervention measures may be implemented if absences continue.
 - If a student's absences reach 15% of the clock-hours required for a program or course, a grade of F will be issued. The number of required clock-hours vary by program. Students are responsible for knowing the required number of clock-hours.
 - A student absent for ten consecutive days, will be administratively withdrawn from the program or course.
 - When attendance starts to become an issue, the student should be pro-active and request a meeting with the instructor to avoid administrative withdrawal. Students should carefully review all additional attendance requirements related to financial aid, veterans' benefits, scholarships, or third-party funding guidelines.
 - Students must use their student ID badge to clock in and out each class period. A student who does not clock in or out using their ID badge will not be credited clock-hour time for

attendance, and a Student Success plan may be put into place. If a student ID badge is lost, the student can get a replacement badge. The replacement fee is \$5.

- Many programs enforce a stricter attendance policy due to State, Federal or National accreditation and or certification requirements. Confer with your instructor for details.

9. STUDENT RIGHTS AND RESPONSIBILITIES

The law makes the Board responsible to prescribe student conduct, but may not deprive students of any rights protected under federal or state law. Students are responsible for respecting other's protected rights, following Board policies, and obeying District administration. Adult students (eighteen years old or older) bear responsibility for themselves.

LEGAL REF.: A.R.S. §§ 15-341, 15-841 to 15-844

CROSS REF.: Students: Student Discipline: Student Suspension, Expulsion, and Due-Process Rights
Students: Student Safety

******Regulation****Regulation****Regulation****Regulation****Regulation******

Students are entitled to all rights protected under state or federal law. The District fosters mutual respect for each other's rights. Thus, all students and staff must respect the rights of all students and staff, which will enhance educational programs and help reach the District's goals. Staff or students who violate other's rights are subject to appropriate disciplinary.

Students' rights and responsibilities include, but are not limited to the following:

Students have the right to:

- a meaningful education that provides valuable life skills;
- a meaningful curriculum;
- physical safety, secure and sanitary buildings and facilities;
- consult District staff without fear of reprisal;
- know administrative and faculty committee decisions that affect the students;
- know Board policies;
- view or, if a minor, have their legal guardians or authorized representatives view, their educational records;
- grades based primarily on academic performance, but which may be affected by noncompliance with District policies or regulations, *e.g.*, unexcused absences
- be free from unreasonable or excessive punishment; and
- be involved in District activities, provided they meet all eligibility requirements.

Students are responsible to:

- respect the rights of all staff and students;
- abide District policies and regulations;
- maximize educational opportunities and obtain an education that will advance their higher-education and career goals;
- attend all scheduled classes and activities;
- arrive on time with necessary materials prepared for class;

- complete all course assignments to the best of their ability;
- protect all District property used by them in the instructional process; and
- maintain a clean and safe environment.

*******End of Regulation*****End of Regulation*****End of Regulation*******

10. STUDENT COUNCIL

Student council is expected to be student run, organize student activities, and communicate with the administration on behalf of students. Members of the student council are elected democratically. The District will define the rights and responsibilities of the council. The student council must have a faculty advisor.

LEGAL REF.: A.R.S. § 15-341

11. STUDENT CONDUCT

All students must obey all Board policies, administrative regulations, and staff directives.

Students on District premises, attending a District-sanctioned event, or participating in a District activity shall not:

- engage in any conduct intended to obstruct, disrupt, or interfere with any educational program, activity, or District operation;
- physically abuse or threaten harm to any person;
- damage or threaten to damage District property, or anyone's personal property on District premises;
- entry District premises with authorization;
- use, possess, distribute, or sell tobacco, alcohol, or drugs or other illegal contraband on District premises, while engaged in District-sanctioned activities, or District-sponsored events;
- engage in conduct or speech that constitutes slander, bullying, discrimination, harassment, or has no redeeming social value;
- disobey directions from staff or law enforcement officers acting within the scope of their duties,
- refuse a staff member's or law enforcement officer's lawful request to identify themselves;
- knowingly violate Board policies or administrative regulations;**
- engage in any unlawful conduct; or
- carry or possess a weapon on District premises.

Any student who violates these policies and regulations may be subject to discipline up to an including expulsion, and criminal prosecution.

The Superintendent may delegate authority to Program Directors or Central Administration to create rules for their individual areas.

** Proof that the student had access to Board policies and administrative regulations suffices to prove the violation was done knowingly.

LEGAL REF.: A.R.S. §§ 13-2911, 15-341, 15-507, 15-521, 15-841 to 15-843

12. STUDENT DRESS

The Board recognizes that a student's style of dress and grooming reflect personal tastes and individual preferences. The Board will limit students' choices in their appearance only when their choices affect the educational program or the health and safety of others.

The Superintendent has developed a regulation prohibiting student dress or grooming practices that:

- present a hazard to the health or safety of the student or others;
- detract from or undermine class work, create disorder, or disrupt an educational program;
- damage District property;
- interfere with other students' education or rights;
- represent gang membership; or
- include: obscene language or symbols; depictions of sex; or promote illegal drug or alcohol use.

LEGAL REF.: A.R.S. § 15-341

CROSS REF.: Students: Secret Societies and Gang Activity

******Regulation****Regulation****Regulation****Regulation****Regulation******

Students should take pride in their attire when engaged in educational programs, extracurricular activities, and District-sponsored events or activities. Attire should be consistent with the educational environment, the professional workplace attire, safety, and the others' rights. To that end:

- bare midriffs, halter tops, and spaghetti straps are prohibited;
- shoes (close-toed when safety dictates) must be worn at all times;
- jewelry that presents a safety hazard is prohibited;
- any obscene, profane, or defamatory words, symbols of drugs, sex, or alcohol is prohibited;
- bandannas of any color, size, or shape and anything that represents gang "colors" are prohibited;
- hats cannot be worn in a classroom, except for required occupational safety headgear; and
- anything gang-related is prohibited; and

The administration may approve exceptions.

*******End of Regulation*****End of Regulation*****End of Regulation*******

13. CARE OF DISTRICT PROPERTY BY STUDENTS

Students are expected to take pride in the campuses' appearances. Staff and students prevent damage or destruction of District property and, when observed, immediately report any marking or marring of District property to staff.

Student who damage or deface District property are subject to discipline up to and including expulsion. And, the District may make a criminal referral and ask the court to order restitution. If the student is a minor, the District will seek restitution from the student's parents or legal custodian.

LEGAL REF.: A.R.S. §§ 12-661, 15-727, 15-842

CROSS REF.: Students: Student Discipline: Student Suspension, Expulsion, and Due-Process Rights
Students: Student Fees, Fines, and Charges

14. SECRET SOCIETIES AND GANG ACTIVITY

Gangs that initiate, advocate, or promote activities that threaten the safety or well-being of persons or property on District premises, disrupt the learning environment, or are harmful to the educational process are prohibited. Hand signals, graffiti, apparel, jewelry, accessories, attire, tattoos, or any other attribute that shows or implies gang membership or affiliation is prohibited. Gang activities and dress present a clear and present danger to District students and staff.

Any initiation, hazing, intimidation, assault, or other activity related to gang affiliation that may or does cause physical or mental harm to students is prohibited.

Any student representing gang affiliation by dress, paraphernalia, gestures, or conduct is subject to discipline up to an including expulsion.

LEGAL REF.: A.R.S. §§ 12-661, 13-1202, 13-2911, 15-341, 15-342, 15-507, 15-521, 15-841 to 15-843
Att. Gen. Ops. I78-103, I78-218, I80-055, I84-036
A.A.C. §§ R7-2-401, R7-2-405

******Regulation****Regulation****Regulation****Regulation****Regulation******

The District defines “gang” as a group of three or more people who:

- interact and exclude others;
- lay claim to a territory or area;
- have given themselves a name;
- have rivals or enemies; and
- exhibit antisocial behavior that is often associated with criminal conduct or threats to the community.

Student shall not:

- give District staff the impression that are in any way involved with a gang or intend to disrupt or interfere with the District operations or educational programs;
- present a physical safety hazard to themselves or others;
- hinder anyone’s well-being by undue pressure, threats, intimidation, overt gesture, or violence; or
- imply gang membership or affiliation by “tagging” or marking in any manner District or personal property.

Students whose appearance violates this regulation or a Board policy, will be asked to make appropriate corrections. If the student refuses, a parent or guardian may be notified and asked to make the necessary corrections. The student may be subject to disciplinary action up to an including expulsion.

******End of Regulation*******End of Regulation*******End of Regulation******

15. HAZING

Hazing includes any act intended to or injures, degrades, or disgraces any student. Hazing is prohibited.

LEGAL REF.: A.R.S. § 15-341

16. TOBACCO USE BY STUDENTS

The possession or use of tobacco products is prohibited on all District premises, in all District vehicles, and all District-sponsored events. Violators of this policy may be disciplined up to and including expulsion. Under A.R.S. § 36-798.03, a violation constitutes a criminal petty offense.

LEGAL REF.: A.R.S. §§ 13-3622, 15-341, 36-798.03
20 U.S.C. § 6083

CROSS REF.: Personnel: Alcohol, Drugs, and Tobacco: Smoking by Staff Members
The Community: Smoking on District Premises at Public Functions

17. DRUG AND ALCOHOL USE BY STUDENTS

A. *Generally*

Students on District premises or District events shall not knowingly breath, inhale or drink a vapor-releasing substance containing a toxic substance, nor sell, transfer or offer to sell or transfer a vapor-releasing substance containing a toxic substance to a person under eighteen years of age.

The non-medical use, possession, distribution or sale of alcohol, drugs, synthetic drugs, counterfeit drugs, or imitation drugs, on District premises or at District events is prohibited.

Non-medical is defined as “a purpose other than the prevention, treatment, or cure of an illness or disabling condition” consistent with accepted practices of the medical profession.

Students who violate this policy shall be removed from District premises, referred for criminal prosecution, and subject to discipline up to and including expulsion.

“Drugs” include, but are not be limited to:

- all dangerous controlled substances prohibited by law;
- all alcoholic beverages;
- any prescription or over-the-counter drug for which permission to use in school has not been granted;
- hallucinogens;
- inhalants;
- synthetic, counterfeit or imitation drugs; and
- any compound or substance that affects or is represented to affect the user in the same manner as any illegal or controlled substance.

Medical Marijuana Cardholders

The District permits medical marijuana card holders to enroll and will not penalize a student for having a medical marijuana card, unless required to do so to secure monetary or licensing benefits under federal law or regulations.

Medical marijuana is not legal federally. Use of medical marijuana may disqualify a student from federal funding or benefits. And, use of medical marijuana may disqualify a student from some clinical sites, externships, internships, or employment.

Medical marijuana cardholder must abide the same code of conduct and disciplinary standards applicable to all students. In addition, a medical marijuana cardholder shall not:

- take any action under the influence of marijuana that constitutes negligence;
- possess or use marijuana on District premises, in a District vehicle, on public transportation, or in a public place;
- operate, navigate, or be in actual physical control of any motor vehicle, aircraft, or motorboat while under the influence of marijuana, except that a medical marijuana cardholder shall not be considered to be under the influence of marijuana solely because of the presence of metabolites or components of marijuana that appear in insufficient concentration to cause impairment;
- use marijuana in any manner not authorized by A.R.S. § 36-2801 *et seq.*; or
- offer to give, sell, or dispense medical marijuana to anyone on District premises, in District vehicles, at District-sponsored events, or when representing the District.

The District will notify law enforcement if District administration has a reasonable belief a high-school student may be under the influence in possession of or distributing medical marijuana illegally. The District will notify law enforcement if District administration has a reasonable belief an adult student is distributing medical marijuana illegally.

NOTE: It is a violation of Board policy for ***any*** student be in possession of recreational marijuana on District premises.

Student who violates any portion of this policy may be subject to discipline up to an including expulsion, civil liability, and criminal prosecution.

LEGAL REF.: A.R.S. §§ 4-101, 4-241, 4-244, 13-3401 through 13-3461, 15-345, 36-2801 *et seq.*
20 U.S.C. § 7101 *et seq.*

CROSS REF.: Students: Drug and Alcohol Use by Students
Students: Student Health Services and Requirements
Students: Administering Medicines to Students

*******Regulation****Regulation****Regulation****Regulation****Regulation*******

Drug Abuse Prevention

All staff are responsible for reporting to Central Administration all suspected instances of the use, possession, or sale of drugs.

Drug distribution or sales

The District will contact law enforcement and a parent or legal guardian, if there is reason to believe a student is involved in the distribution or sale of drugs. A student involved in the distribution of drugs is subject to discipline up to an including expulsion.

Drug possession

The District will contact law enforcement when a Program Director determines or suspects a student is in possession of drugs for non-medical uses. Students in possession of drugs for non-medical purposes are subject to discipline up to and including expulsion. A student suspended twice for a drug-related offense will be referred to the Superintendent for further action. *See* A.R.S. § 15-843.

Disposal of confiscated drugs

Staff will confiscate illegal or illegally possessed drugs. Staff will dispose of the confiscated drugs by mixing them with coffee grounds or kitty litter to render them unusable. Solid forms must be ground before mixing.

Under the influence of drugs

When a student is reasonably suspected of being under the influence of drugs, the District will contact a parent or guardian. And, the student is subject to discipline up to and including expulsion. A student involved in a drug-related offense twice will be referred to the Superintendent for further action. *See* A.R.S. § 15-843.

Student who seeks help

The District does not condone the non-medical use of drugs, but recognizes the need to help those who use or abuse drugs. Staff shall refer students who seek help to an administrator. Communications between students and professional staff members will be kept confidential, unless it becomes evident that maintaining confidentiality puts the student or others at risk for harm or injury.

Medication

A student who needs medication while on campus shall leave them, in the original container, with the first-aid employee along with a healthcare provider's written directions for its use. Students with medication who have not left them with first-aid employee are subject to discipline.

Students who distribute their medications to others will be treated as having distributed drugs for non-medical purposes.

Parental involvement

When the District questions a student who is reasonably suspected of having violated drug policy or finds that a student has violated the drug policy, the District will make reasonable efforts to notify the student's parents or legal guardian.

Medical services

Staff will refer a student reasonably suspected of being under the influence of drugs to an administrator, who must treat the situation like a medical problem. If medical services are unavailable on campus, the District will call for appropriate assistance.

Return to class

When a student returns to class after suspension for using drugs, staff and parents or legal guardians should make reasonable efforts to prevent a recurrence, including, but not limited to:

- using community-based programs;

- District counseling; and
- staff emphasizing positive alternatives to drug-use.

Student neglect, child abuse, or child maltreatment

A staff member who believes that an adult is contributing to a student's drug use shall confer with the Program Director. The conference does relieve the staff member of the duty to ensure that the case is referred to the appropriate child protective services.

Drug education

Substance abuse prevention shall be included in curriculum where appropriate. Central Administration or Program Directors shall direct the use of assemblies, speakers, printed materials, class discussions, bulletin board materials, or other resources for drug prevention education.

Student counseling

Counseling, individual or group, should emphasize drug abuse prevention and treatment, and make it available to all students seeking help. When a student seeks help from a staff member who is not a counselor, the staff member will inform the student's counselor.

Staff education

Within the first thirty days of each school year, the Superintendent shall arrange a program on drug abuse prevention conducted by personnel trained in drug abuse prevention. The program will include, at least, District policies and procedures, identification of commonly used drugs, and processes that recognize and protect each student's dignity and worth.

Parent and community education

The District shall sponsor a community presentation on its drug abuse prevention program, at least annually. The presentation may include staff members, law enforcement medical professionals. The District may also offer programs in parent effectiveness training. The Superintendent may approve news releases and other forms of communications to educate parents and the community, using regular District channels for such purposes.

Confidentiality

To preserve the confidentiality of students seeking counseling, the counselor will inform the student that information shared within the District setting cannot always be kept confidential. It may be shared with an appropriate individual or agency, in particular, if the student's or other's welfare is endangered.

The counselor will advise the student that District records include achievements, test results, and attendance, that they and are protected by federal and state statutes, and do not include information concerning drug involvement.

In order to comply with federal funding requirements, the District shall:

- gather information about available community drug and alcohol counseling, rehabilitation, and reentry programs and make the information available to parents and students;
- distribute the District drug and alcohol abuse policies and the potential discipline for violations;
- provide the policies on discipline, suspension, and expulsion shall be provided to students and parents at enrollment and the start of each school year; and

- state that unlawful use of possession of drugs or alcohol are wrong and harmful.

The District should review its policies every two years to ensure enforcement and discipline are consistent, assess the policies' effectiveness, and implement needed changes, if any.

******End of Regulation*******End of Regulation*******End of Regulation******

18. WEAPONS ON DISTRICT PREMISES

Students shall not carry or possess a weapon or simulated weapon on District without an administrator's authorization. Students shall not use or threaten to use a weapon or simulated weapon to disrupt any District activity.

Staff who observe anyone in possession of a weapon or simulated weapon on District premises shall immediately report the matter to an administrator. The administrator shall take immediate safety and disciplinary actions per District policies and contact law enforcement, as required by A.R.S. § 15 -515, if the weapon is a deadly weapon or the student is a minor in possession of a firearm.

Students who violates this policy by carrying or possessing a firearm shall be placed in an alternative education program for at least a year, suspended for at least a year, or expelled and not be readmitted within a year period. The Board has sole discretion to may modify the one-year duration on a case-by-case basis.

A student who violates this policy by any other means shall be subject to disciplinary action up to and including expulsion. If the student is disabled, discipline shall be applied in accordance with District policies and state and federal special education laws.

For the purposes of this policy:

- *Weapon* means any of the following:
 - a firearm;
 - a knife, except non-locking folding pocket knife with a blade 2-1/2 inches or less;
 - a destructive device; or
 - a dangerous instrument.
- *Simulated weapon* means an object displayed or represented to be a weapon.
- *Firearm* means any of the following:
 - any loaded or unloaded gun that will, is designed to, or may readily be converted to expel a projectile by the action of an explosive;
 - the frame or receiver of any such firearm;
 - any firearm muffler or silencer;
 - any explosive, incendiary, poison gas, bomb, grenade, rocket having a propellant charge of more than four ounces, missile having an explosive charge of more than one-fourth ounce, mine, or similar device; or
 - any combination of parts that could be readily assembled to form a firearm.
- *Destructive device* means:
 - any device other than a firearm that will, is designed to, or may be readily converted to expel a projectile by any means of propulsion, such as a BB or pellet gun, slingshot, bow, or crossbow; or

- any collection of parts that could be readily assembled to form a destructive device.
- *Dangerous instrument* means anything other than a firearm, knife, or destructive device that a student carries or possesses to be used or available to cause death or inflict serious physical injury.
- *District premises* means any building, campuses, buses, or any vehicle or location used for District purposes, including where off-campus District-sponsored events are held.
- *Deadly weapon* means any weapon designed for lethal use, including a firearm.

LEGAL REF.: A.R.S. §§ 13-2911, 13-3102, 13-3111, 15-341, 15-341, 15-515, 15-841, 15-843
20 U.S.C. § 3351

CROSS REF.: Students: Student Rights and Responsibilities
Students: Student Conduct
Students: Interrogations, Searches, and Arrests
Student Discipline: Student Suspension, Expulsion, and Due-Process Rights

******Regulation****Regulation****Regulation****Regulation****Regulation******

Non-lethal devices for self-defense

A student may carry, **but not display**, pepper spray or a stun gun incapable of shooting a projectile for self-defense on campus.

Penalties for display of either device for any reason other than self-defense are as follows:

- *First offense*: confiscation of the device until the end of class.
- *Second offense*: confiscation of the device until the end of the program
- *Subsequent offenses*: the full range of discipline up to and including expulsion available under Board Policies: Students: Student Violence, Harassment, Intimidation, and Bullying; Students: Care of District Property by Students; Students: Student Discipline: Student Suspension, Expulsion, and Due-Process Rights.

*******End of Regulation*****End of Regulation*****End of Regulation*******

19. MARRIED STUDENTS

Students who get married after enrollment must report any name changes to their guidance counselors or the Program Director if District records are to reflect the married name on District transcripts. Marital status does not reduce the requirements or opportunities of the District's educational system.

20. STUDENT INTERROGATIONS, SEARCHES, AND ARRESTS

A. Interviews

If a peace officer appears on campus to interview a student, Central Administration or a Program Director shall be notified and will contact the student's parents to ask if they wish the student to be interviewed and, if so, to be present or to authorize the interview in their absence. A parent may be present during an interview except when interviews are conducted by the Arizona Department of Child Safety worker under A.R.S. §§ 8-303 and 8-802.

If the parent(s) cannot be reached, the peace officer should later contact the parent(s) and make other arrangements to interview the student.

If a student is taken into custody or arrested, the District will request that the arresting officer notify the student's parents or guardian and complete and sign a "Form for Signature of Arresting Officer." The District shall make every reasonable effort to notify parents that their child has been taken into custody. The District shall cooperate fully with law enforcement.

Searches

The District has the right to search and seize property, including District property temporarily assigned to students, when there is reason to believe that some material or matter detrimental to health, safety, and welfare of the student(s) exists.

District storage equipment, *e.g.*, lockers and desks, are provided to students as a convenience but remain District property and under its control. Students have no reasonable expectancy of privacy in lockers, desks, or storage areas, and may be inspected at any time by District personnel with or without reason or notice.

A student's personal property, *e.g.*, backpack or car, may be searched if there are reasonable grounds to believe the search of a specific student's property will produce relevant evidence that the student has violated a specific Board policy or law and the scope of the search is limited to places in which the evidence of the violation might be found. Reasonable grounds requires a reliable source (anonymous sources are unacceptable) with personal knowledge of a current violation. Students fleeing a scene may be sufficient grounds.

******Regulation****Regulation****Regulation****Regulation****Regulation******

Search Procedures for Personal Property

- Take student to a location away from other students and where other students cannot observe the search.
- Have another staff person present to serve as a witness and to assist in the search if necessary.
- If it is necessary to make physical contact with the student, have a person of the same gender conduct the search.
- Clearly identify your authority and purpose, state the specific items or evidence for which you are searching.
- Give the student and opportunity to surrender the sought-after items.
- Do not search anywhere that the sought-after items could not be found considering, *e.g.*, the items size, shape, or weight.
- Require the student to put down any handbag, backpack, or outer garment so they can be search without making physical contact with the student.
- Require the student to empty his or her pockets, unless the sought-after item could not fit in a pocket, or the object is a weapon and there is reason to believe that it may be used immediately to commit an assault. Make that determination based on the totality of the circumstances, including the student's state of mind, reaction to the encounter, and reputation for violence or resisting authority.

*******End of Regulation*****End of Regulation*****End of Regulation*******

Seized Property

If property is seized as a result of a search that uncovers evidence of violation of Board policy, the property must be maintained by the District or law enforcement until the conclusion of the District

disciplinary process or criminal prosecution. If the violation is criminal, turn the evidence over to law enforcement. At the conclusion of a District disciplinary process do the following.

- If drugs were found, and law enforcement declines to prosecute, follow the procedure for Disposal of Confiscated Drugs in the regulation following Board Policy, Students: Drug and Alcohol Use by Students,
- If alcohol is found, dispose of it.
- For other property:
 - if the student is a minor, contact the parent or guardian, or
 - if the student is an adult, return the property to the student.
- If you dispose of property, have another staff member witness the disposal and make a record of the disposal.

LEGAL REF.: A.R.S. §§ 8-303, 8-304, 8-802, 13-3881, 13-3883
Att. Gen. Op. I77-211, I88-062, I91-035, 177-211

21. STUDENT CONCERNS AND GRIEVANCES

The Superintendent has established procedures for students with sufficient concern to present a grievance provided:

- the concern is not the subject of any District disciplinary or other proceeding; and
- the method of review is not prescribed law and the Board has the authority to act.

For grievances alleging student violence, harassment, intimidation, or bullying, Board Policy, “Student Violence, Harassment, Intimidation, and Bullying” applies.

A. Procedure

To ensure that students and staff are aware of this procedure, it has been made part of the Student Catalog.

i. Informal Grievance

The informal grievance process must be made within twenty (20) calendar days of when the student knew or should have known that there were grounds for the grievance. A student, parent, or guardian may initiate a grievance. The informal grievance process has two steps. The grievance must first be discussed with the student’s instructor, program supervisor, or counselor, who will meet with the grievant within five (5) class days. If a satisfactory resolution is not achieved at this step, the grievant should bring the concern to the appropriate Program Director, who will render a decision with five (5) work days. If the grievance is not resolved the grievant’s satisfaction at this level, it may be submitted to the formal grievance process.

ii. Formal Grievance

The formal grievance must be initiated within ten (10) calendar days of the outcome of the informal process. The Program Director will provide the form for submitting a formal grievance. The form must be submitted to the Program Director who will convene a grievance committee. The grievance committee will consist of another instructor, a dean of students, and a different Program Director. The grievance committee will review the grievance and any supporting documentation. This review may include additional investigation and interviews of individuals with relevant information. The committee will make a recommendation to the Superintendent within ten (10) calendar days of submission of the

formal grievance. The Superintendent will render a final decision, in writing, to the grievant within five (5) work days.

iii. *General Rules*

- An informal grievance may be withdrawn at any time before a final decision is made at this level. Once withdrawn, the process cannot be reopened unless still within thirty calendar days of the alleged incident.
- A formal grievance may be withdrawn at any time before a final decision is made at this level. Once withdrawn, the process cannot be reopened unless still within ten calendar days of the decision made at the informal level.
- Retaliatory or intimidating acts against any grievant, informant, witness, or investigator, relating to a grievance, are specifically prohibited and constitute grounds for a separate grievance.
- Student work will not be reassessed or re-evaluated. Only documented clerical or procedural errors will alter a grade.
- When District officials have a reasonable belief or an investigation reveals that a reported incident may constitute an unlawful act, law enforcement authorities will be informed.
- If administrator who received the grievance is included in the allegation, it will be sent to the next higher administrator. Failure to timely inform the next higher administrative of a student's allegation may subject the staff member to disciplinary action.

If a grievant is still dissatisfied with the outcome of the grievance process, the grievant may contact one of the following agencies, depending on whether or not the grievance is about a high school or adult education program:

High School Students – Arizona Department of Education (“ADE”). Complaints may be submitted online at <https://www.azed.gov/adeinfo/about-ade/submit-complaint>

Adult Students - Commission of the Council on Occupational Education (“COE”). Complaints can be mailed, or completed online. The online form is at: <https://council.org/>. Written complaints with the supporting documentation can be mailed to: Council on Occupational Education, 7840 Roswell Road, Building 300, Suite 325, Atlanta, GA 30350.

Confidentiality

Confidentiality of the grievance, supporting documentation, investigative findings, and disposition of the matter, will be maintained to the extent permitted by law.

False Reports

No discipline will be imposed in resolving the grievance unless the administration determines the allegations are true. Knowingly submitting a false report subjects the student to discipline up to and including expulsion. If disciplinary action is necessary, District policies shall be followed.

LEGAL REF.: A.R.S. § 15-341

CROSS REF.: Personnel: Equal Employment Opportunity
The Board: Board Goals: Eliminating Sexual Harassment
Personnel: Staff Conduct
Personnel: Equal Educational Opportunities
Students: Student Conduct

Students: Hazing
Students: Student Violence, Harassment, Intimidation or Bullying
Students: Student Discipline
The Community: Public Concerns and Complaints

******Regulation****Regulation****Regulation****Regulation****Regulation******

The following procedures apply to grievance investigations:

- The grievance committee shall meet with the grievant to discuss any investigative findings and resolutions, being careful to preserve confidentiality of records and student information.
- The District will maintain a confidential record of the grievance, the investigation, and the disposition.
- No discipline will be imposed for the conduct alleged in the grievance unless substantiated.

*******End of Regulation*****End of Regulation*****End of Regulation*******

22. STUDENT ORGANIZATIONS

The Superintendent may approve the establishment of appropriate student organizations.

23. STUDENT SOCIAL EVENTS

District-sponsored social activities provide integral learning opportunities. District administrators or instructors must sponsor all social activities. District events shall not be held on Sundays without the Superintendent's approval.

24. STUDENT PERFORMANCES, EXHIBITS, AND COMPETITIONS

Program Director permission is required before any student(s) may give public performances as District representatives. Any performances shall be consistent with the educational program's general goals and objectives.

- Any funds collected shall be credited to the appropriate student activities fund account.
- Participation must not deprive students of needed instruction or skills training.
- Unless a majority of students will benefit, the program schedule will not be altered or interrupted.
- The activity shall contribute to the educational program.

25. STUDENT FUNDRAISING

Student fundraising on District premises or as District representatives is permitted only if the Board approves the fundraising activity and it is connected to a Superintendent-approved activity or event. The activity must benefit youth in educational, civic, social, or ethical development and not be detrimental to regular instruction.

Fundraising proceeds shall be deposited in the Student Activity Fund used only as specified in the Uniform System of Financial Records.

LEGAL REF.: A.R.S. § 15-1121-1123

26. STUDENT ACTIVITIES FUNDS

On the Superintendent's recommendation, the Board will designate a student activities treasurer and may also designate an assistant treasurer. The Superintendent shall assure the establishment and maintenance of a "Student Activity Fund" as defined in A.R.S. §§ 15-1121-24.

The Superintendent shall ensure that an accurate, detailed record of all revenues and expenditures of the student activities fund is kept. Copies of the record shall be presented to the Board every month.

LEGAL REF.: A.R.S. § 15-1121 *et seq.*

CROSS REF.: Administration: The Business Office: Types of Funds and Revolving Funds

******Regulation****Regulation****Regulation****Regulation****Regulation****Regulation******

Operational Procedures for Student Activities

Properly prepared and approved Student Activities Fund Requisitions are the basic documentation for all requests for student activities funds. The forms must be legible, preferably typewritten or printed, and bear the official organization names affixed. The proper account numbers are required and can be obtained from the business office if needed. Requests must be comprehensive and adequate to assure proper handling.

State Use Taxes

State use taxes apply to most out-of-state purchases and are in lieu of state sales tax. When a vendor does not charge sales tax on the invoice, use tax is paid directly to the State Tax Commission.

Commitments to Vendors

Sponsors, advisors, and student organization members cannot make commitments directly with vendors in the District's name. They may solicit quotes for materials, services, or prices, but all purchases must go through the business office, using a purchase order and following the procurement code. Individuals who make commitments without business office approval may be held personally liable.

Student Activities Revolving Fund

The revolving fund should be used only for emergencies, and only if the vendor will not or cannot provide an invoice. If an emergency arises requiring a purchase from a vendor that will accept a purchase order and provide an invoice, the purchasing department shall issue a purchase order number. The only exception would be emergency expenditures under \$40.00. Under no circumstances can the revolving fund be used for wages, salaries, or personal compensation of any kind.

Money should be advanced only by the District's office, as quickly as possible, and no later than one week after the date of the activity. Periodically, the completed requisitions and receipts should be submitted to the student funds office along with a master requisition requesting reimbursement to the revolving fund. The revolving fund must be redeposited with the student funds office at the close of the school year so that the books can be closed.

Requests for Checks

Instances may exist where requests for checks are practical and procedurally proper. An invoice or contract is necessary in order to request a check.

Cash Advances for Activities

Students or instructors should not have large amounts of cash on hand. Generally, cash is not needed because most businesses will accept purchase orders and bill the District.

The only time it may be necessary to request a cash advance would be to do business with a store that will not accept a purchase order. Also, some purchases are so small that it is not economically feasible to use a purchase order.

Cash advances for activities should not exceed \$200.00. Expenditures should be limited to small purchases not in excess of \$40.00 for each store. Exceptions require approval.

Purchases must be limited to supplies and are not to be used for equipment or labor.

Cash advances for activities must be requisitioned, with checks made payable to sponsors. The sponsor is responsible for submitting receipts for all expenditures to the appropriate administrator. Unspent money shall be credited back to the account.

Cash advances must be documented and completed within one week after the date of the activity.

The appropriate administrator will be responsible for the safekeeping and proper handling of cash advances.

Capital Outlay Items

A request for capital outlay items must be supported by a copy of the minutes of the meeting authorizing the purchase. The requisition must be approved by the Program Director and Superintendent.

Postage

Student activity clubs, organizations, student governments, and student councils are required to provide their own postage. Using the District's postage meter is prohibited.

The commingling of student and District funds is prohibited.

Student Activity Payroll Procedures

Every two weeks, the student activities office will prepare a payroll. By Monday of the payroll week, the payroll forms should be submitted to that office. Particular attention should be paid to the following:

- employee names should be listed alphabetically;
- for new employees, a W-4 form must be attached; and
- all information on the form must be complete, including employee numbers, unless the employee is new to the District and has not been assigned a number.

Budgeting Student Activities

Each year, the student council shall prepare a budget. The budget is used as a guide in planning, and not as any form of control by the financial services office.

Proper Receipts

Whenever possible, a store receipt should be obtained to support cash advances or reimbursements. If the store does not provide a sales receipt, then one should be made up according to the instructions listed below. The store name must be stamped on the receipt.

Instructions:

- Cash register tapes alone are not acceptable.
- An itemized sales receipt should be requested at the start of checkout.
- If the store will not provide an itemized sales receipt, one of the District's receipts should be completed as follow:
 - the store name should be rubber-stamped (an endorsement stamp is acceptable), not handwritten;
 - include the current date;
 - include "East Valley Institute of Technology";
 - itemize purchases with each item's cost;
 - the subtotal, tax, and the total cost should be shown;
 - the store clerk should sign the receipt and mark it "paid;" and
 - attach the cash register tape.

Without a proper receipt, the cash advance payee shall be held responsible.

If problems or questions arise, the student funds office should be called.

Field Trips

Student activities funds may be used to finance field trips if the following guidelines are observed:

- Board policy on field trips;
- the Superintendent has approved the field trip request;
- approved transportation requests have been forwarded to the Chief Financial Officer; and
- the field trip's cost is withing Board policy.

********End of Regulation*****End of Regulation*****End of Regulation********

27. CONTESTS FOR STUDENTS

Participation in student contests is limited to activities and events related to students' educational needs and interests and that do not promote private or commercial interests.

LEGAL REF.: A.R.S. § 15-1241
A.A.C. § R7-2-313

******Regulation****Regulation****Regulation****Regulation****Regulation******

Participation in contests is optional and subject to the following considerations:

- the students' primary educational aims and needs;
- the District and its students shall not be used to promote private or commercial interests;
- materials or activities initiated by private sources shall considered based on their:
 - direct contribution to educational values;
 - factual accuracy; and
 - good taste.
- protecting students and instructors against unreasonable added work and responsibilities.

*******End of Regulation*****End of Regulation*****End of Regulation*******

28. STUDENT DISCIPLINE

Adult Students

Adult students do not have a due-process rights with respect to discipline. Each program will set standards its own standards and penalties.

High-School Students

The Superintendent has developed student disciplinary procedures for high-school students in compliance with A.R.S. § 15-843. These policies and procedures apply to all high-school students traveling to, from, or attending class, or at District-sanctioned activities and events. Potential discipline ranges from an oral warning up to and including expulsion. If suspension or expulsion is recommended, a student is entitled to due process, *i.e.*, notice, a hearing, and an opportunity to appeal.

Instructors are authorized to temporarily remove a student from a class. The instructor must follow the procedures for reporting the removal to the Program Director and follow A.R.S. § 15-842, if applicable.

The Superintendent has established rules to implement the temporary removal procedure.

Student disciplinary records are confidential. Disciplinary actions will be recorded. A student's suspension or expulsions will be recorded in a separate file.

LEGAL REF.: A.R.S. §§ 13-402 *et seq.*, 15-341, 15-342, 15-841-844
A.A.C. § R7-2-807

CROSS REF.: Students: Student Conduct
Students: Student Discipline: Corporal Punishment
Students: Student Discipline: Student, Suspension, Expulsion, and Due-Process Rights

******Regulation****Regulation****Regulation****Regulation****Regulation******

The following are grounds for discipline:

- disorderly conduct, *i.e.*, intentionally causing or recklessly creating a risk of public inconvenience, annoyance, or alarm by:
 - fighting or engaging in violent behavior;

- making unreasonable noise;
- using abusive or obscene language or gestures;
- obstructing vehicular or pedestrian traffic; or
- conduct without legitimate purpose that creates a hazardous or physically offensive condition.
- insubordination, *i.e.*, failing to comply with staff's lawful directions;
- endangering other's safety, morals, health, or welfare by:
 - selling, using, or possessing:
 - alcohol, drugs, other controlled substances or drug paraphernalia;
 - weapons, fireworks, other dangerous instruments or contraband or
 - obscene materials.
 - using profane, vulgar, or abusive language (including ethnic slurs);
 - gambling;
 - hazing; or
 - engaging in lewd behavior.
- engaging in the following forms of academic misconduct:
 - unexcused tardiness, absences, or departures from class; or
 - cheating (including but not limited to plagiarism, copying, using unauthorized help sheets, illegally obtaining tests in advance, submitting work created by artificial intelligence, substituting for a test-taker, and other forms of unauthorized collusion).
- violating Board policy or administrative regulations;
- excessive absenteeism; or
- criminal conduct.

Reasonableness of use of physical force in self-defense, defense of others, and defense of property will be considered as a mitigating determining the level of discipline. The threat or use of physical force by a student is not reasonable when: (i) made in response to verbal provocation alone; (ii) staff member is available to help; or (iii) the physical force was excessive under the circumstances.

Permissible Penalties

The potential penalties violations of student discipline rules include:

- oral warning;
- written warning;
- parental notification;
- probation;
- detention;
- suspension from transportation, social, extracurricular activities; or other privileges.
- exclusion from a particular class;
- involuntary transfer;
- suspension; and

- expulsion.

Generally, student discipline is progressive. Subsequent, discipline for subsequent violations will be more severe. The District will consider all relevant factors in determining an appropriate penalty. Penalties may be imposed singularly or in combination.

Removal of student from class

An instructor that temporarily removes a student from class will provide documentation of the reason to the Program Director. The instructor and Program Director will discuss whether a student temporarily removed from class should return to class. If the student is not returned to class, the Program Director will document the reason.

Under A.R.S. § 15-841, one of the following conditions must exist to temporarily remove a student from class:

- the instructor has documented the student's repeated interference with the instructor's ability to teach or other students' ability to learn; or
- the instructor has determined that the student's behavior is so unruly, disruptive, or abusive that it seriously interferes with the instructor's ability to teach or other students' ability to learn.

Within three business day of the temporary removal, the Superintendent, Chief Academic Officer, and Program Director will decide whether it is best to place the student in a new class or return the student to the existing class.

If the student has an IEP, any change to class assignment shall be determined by the IEP team following federal regulations.

Anyone may report a violation of student disciplinary rules to an instructor or Program Director. The Program Director will investigate the report and institute appropriate proceedings.

These policies and regulations will be publicized, explained to all students, and provided in writing to parents as requested. To promote effectiveness of student discipline, parents are invited and encourage to assist in enforcing student-discipline rules.

Involving Staff Members

The Program Director is responsible for involving staff in the development of a positive plan for student discipline. All staff members are responsible for implementing student discipline.

The District shall retain complete records of student discipline. Records regarding student discipline shall be retained for at least two years after last attendance date.

A student-discipline record will include, at least:

- the student's full name;
- the student's race, ethnicity, and sex;
- the time, place, and date of the offense(s) or observed behavior(s);
- descriptions and dates of other offenses or observed behaviors not previously reported;
- the names of witnesses and others involved;
- the steps the person making the report took before making the report, *e.g.*, seeking specialized help, parents conference, conferences with the Program Director, Superintendent, or other staff;

- the name and title, if any, of the person(s) making the report;
- the alternatives, if any, considered before imposing disciplinary;
- the final disposition of the matter; and
- the name and title of the person or imposing discipline.

The District is responsible for maintaining reports of the following disciplinary actions:

- suspensions and expulsions;
- placement in work room or detention;
- transfer to another class;
- transfer to another program or campus; and
- criminal referrals.

*******End of Regulation*****End of Regulation*****End of Regulation*******

A. Corporal Punishment

Corporal punishment is prohibited.

LEGAL REF.: A.R.S. § 15-843

CROSS REF.: Students: Student Discipline: Student Suspension, Expulsion, and Due- Process Rights

Detention

Reasonable detention during breaks in class or after class is permitted if student transportation, weather, or any extenuating circumstances are not a concern. Detention shall not deprive a student of the opportunity to eat nor exceed one class session per day.

LEGAL REF.: A.R.S. § 15-843

Student Suspension, Expulsion, and Due-Process Rights

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

The Superintendent has the authority to suspend a student for up to ten days, after an informal hearing. If a danger to students or staff members is present, after contacting a parent or guardian, the Program Director may immediately remove the student from class. Notice and hearing will follow as soon as practicable. The Superintendent will report suspensions to the Board within five days.

Except for summary suspension where a clear and present danger is evident, no student may be removed from campus before being afforded due-process. Students shall never be removed from campus before notifying a parent or guardian.

A Program Director may recommend expelling a student to the Superintendent. The Board has exclusive authority to expel a student. All requests for expulsion require supporting data and will state the required due-process procedure.

i. ***Regular Education Students***

Suspension for ten days or less (“short-term suspension”):

- Step 1: The District will provide written or oral notice to the student of the reason for suspension and the evidence of the alleged misconduct supporting suspension.
 - The student will be given an opportunity to respond to the notice.
 - The District shall make reasonable efforts to verify facts and statements before making a judgment.
- Step 2: Provided that a written record of the action taken is kept on file, authorized District personnel may:
 - suspend the student for up to ten days;
 - choose other disciplinary alternatives;
 - exonerate the student;
 - suspend the student for ten days pending a recommendation that the student be given a long-term suspension or expulsion; and
 - A parent or guardian must be notified before the student is allowed to leave campus. If no contact can be made, the student may be isolated until dismissal time followed by a letter to the parent or guardian within a reasonable time. The letter will explain the reasons and potential penalties (including the possibility that a long-term suspension or expulsion is being recommended) and to request a meeting to solicit their help.
 - no appeal is available from a short-term suspension.

Suspension for over ten days (“long-term suspension”) or expulsion:

If the potential discipline may include a suspension of more than ten days, after Steps 1 and 2, the following steps must be taken.

- Step 3: If a long-term suspension or expulsion is possible, the Board will determine in executive session whether to hold a hearing, or to designate a hearing officer as provided in A.R.S. § 15-843, and whether to hold the hearing in executive session.
- Step 4: At least five working days before the hearing, the District will notify a parent or guardian of the hearing by first-class mail return receipt requested or by hand-delivery (signed receipt required). A copy of this letter will remain on file. The letter should include:
 - the statement of the charges and the rule or regulation violated;
 - the potential levels of discipline at issue;
 - the date, time, and place of the hearing;
 - a list of the District’s witnesses;
 - the student’s rights including: the right to present witnesses and evidence and to be represented by counsel at the student’s expense;
 - the name of the hearing officer, if one has been appointed, or that the Board will be presiding; and
 - the right to submit to the Board or hearing officer a written objection to holding the hearing in executive session.
- Step 5: A formal hearing, before which the student will be informed of the following.

- When a parent or legal guardian has objected to holding the hearing in executive session, it shall be held in an open meeting unless:
 - the hearing involves only one student, and the student's parents or guardians disagree on whether to have the hearing in executive session, in which case, the Board or hearing officer will decide; or
 - the hearing involves more than one student and the students' parents or guardians disagree on whether to have the hearing in executive session, in which case the students will be given separate hearings.
 - The students and their parents, guardians, and legal representative may attend a hearing held in executive session and may record the hearing and have access to the minutes.
 - The charges against the student and the rules or regulations violated.
 - The right to be represented by counsel, without prejudice.
 - The right to present witnesses and evidence and cross-examine adverse witnesses.
 - The District bears the burden of proof.
 - The District will record the hearing and the student may record the hearing.
 - The District has the right to cross-examine the student's witnesses;
 - The District may be represented by counsel.
- Step 6: Appeal.
- Long-term suspensions.
 - A student may appeal a hearing officer's decision to impose a long-term suspension by delivering to the Superintendent, within five days of receipt of the hearing officer's decision, a written request for an appeal to the Board detailing objections the hearing officer's decision.
 - The appeal to the Board will be on the hearing record. No new witnesses or evidence may be presented. If the Board finds the student was denied due-process or that any substantive portion of this policy was not followed, the student shall be given another hearing. If the Board determines that the punishment was unreasonable, they may modify the punishment.
 - The Board's decision is final.
 - Expulsions:
 - A student may appeal a hearing officer's recommendation for expulsion to the Board at the meeting at which the Board considers the recommendation. The District will notify a parent or guardian of the hearing officer's recommendation by letter sent certified mail, return receipt requested or by hand-delivery (signed receipt required). A copy of this letter will remain on file. The letter shall include:
 - that the hearing officer's recommendation can be appealed by delivering a letter to the Superintendent before the time set for the Board to consider the recommendation;
 - the time and place of the Board meeting at which the recommendation will be made;
 - that the written appeal shall state the name of the student's spokesperson;
 - that the spokesperson will be given time to speak to the Board; and
 - the Board's decision is final.

ii. *Special Education Students*

Suspension for ten days or less (“short-term suspension”).

Short-term suspensions may be used for special education students for disciplinary reasons on the same basis as regular education student. A short-term suspension is not considered a change of placement.

- Step 1: The District will provide written or oral notice to the student of the reason for suspension and the evidence of the alleged misconduct supporting suspension.
 - the student will be given an opportunity to respond to the notice.
 - The District shall make reasonable efforts to verify facts and statements prior to making a judgment.
- Step 2: Provided that a written record of the action taken is kept on file, authorized District personnel may:
 - suspend the student for up to ten days;
 - choose other disciplinary alternatives;
 - exonerate the student;
 - suspend the student for ten days pending a recommendation that the student be given a long-term suspension or expulsion; and
 - A parent or guardian must be notified before the student is allowed to leave campus. If no contact can be made, the student may be isolated until dismissal time followed by a letter to the parent or guardian within a reasonable time. The letter will explain the reasons and potential penalties (including the possibility that a long-term suspension or expulsion is being recommended) and to request a meeting to solicit their help.
 - no appeal is available from a short-term suspension.

If a special education student’s accumulated suspensions exceed ten days during the school year, a manifestation determination conference must be held.

Suspension for over ten days (“long-term suspension”) or expulsion.

- Step 3: A suspension of more than ten days, a series of suspensions totaling more than ten days, or expulsion of a special-education student requires a manifestation determination conference for the purpose of determining whether or not the offense is a manifestation of the student’s disability.
- Step 4: If the offense is not a manifestation of the student’s disability, the student may be suspended or expelled by following the procedure outlined above for regular education students, provided that if the student has a disability qualified under the Individuals with Disabilities Education Act (“IDEA”), the student continues to receive educational services during the period of disciplinary removal. A student with a disability qualified for educational services under the ADA or Section 504, but not qualified under IDEA, may be suspended from class, and educational services may be ceased, if regular education students under similar circumstances would not receive continued educational services.
- Step 5: If the behaviors are a manifestation of the student’s disability, the District may not suspend the student for more than ten instructional days.

LEGAL REF.: A.R.S. §§ 15-342, 15-766, 15-767, 15-841, 15-842, 15-843 Att. Gen. Op. I78-103, I78-218, I80-055, I84-036
A.A.C. §§ R7-2-401, R7-2-405
18 U.S.C. 921 *et seq.*, The Gun-Free School Act of 1990
20 U.S.C. 1401 *et seq.*, Individuals with Disabilities in Education Act

29 U.S.C. 774 (Section 504), Rehabilitation Act of 1973 (P.L. 93-112)

CROSS REF.: Students: Special Instructional Programs
Students: Student Records

Removal From District-Sponsored Activities

The Program Director may remove a student from a District-sponsored activity if the Program Director determines that the student has violated a provision of the student discipline policies, rules, or regulations or if the Program Director determines that such removal is in the best interest of the activity or in the best interest of the District as a whole.

Activity includes any District-sponsored club or organization, student government, honor society, or similar organization, whether or not a student is receiving or may receive academic credit for the activity.

LEGAL REF.: A.R.S. §§ 15-342(1), 15-766, 15-767, 15-841, 15-842, 15-843
Att. Gen. Op. 78-104, 78-218, I80-055, I84-036
A.A.C. §§ R7-2-401, R7-2-405
20 U.S.C. § 1401 *et seq.*, Individuals with Disabilities in Education Act
29 U.S.C. § 774 (Section 504), Rehabilitation Act of 1973

CROSS REF.: Students: Special Instructional Programs
Students: Student Records

29. STUDENT INSURANCE PROGRAMS

The Board may, at no expense to the District, provide or make available a student health benefits insurance program for District students. The District cannot pay for a student's health benefits program out its maintenance and operation budget.

The Superintendent will provide information to parents or guardians on student health benefits insurance if available.

LEGAL REF.: A.R.S. § 15-384
Att. Gen. Op. I86-095

30. STUDENT HEALTH SERVICES AND REQUIREMENTS

The Superintendent shall establish procedures for the District's student health services program. The procedures will provide for:

- administration of patent or proprietary medications (over-the-counter medications), and prescription medications;
- disseminating preventive health information;
- treatment of District-related injuries or illnesses, and recommendation for follow-up care; and
- screening clinics for selected physical impairments.

LEGAL REF.: A.R.S. § 15-344

31. IMMUNIZATIONS OF STUDENTS

A. *Minors*

Subject to lawful exemptions, immunization against diphtheria, tetanus, pertussis, poliomyelitis, rubeola (measles), mumps, rubella (German measles), hepatitis B, haemophilus influenzae b (“Hib”), and varicella is required for student attendance. Students who enroll directly must submit their immunization records before attending, but a student may be conditionally enrolled provided that necessary immunizations have been initiated and a schedule established for completion of the required immunizations. The Superintendent shall review the student’s immunization record at least twice each school year until the student receives all of the required immunizations. Unless exempt, a student cannot attend without submitting documentary proof of compliance to the Superintendent. If the student does not provide documentary proof of compliance and is not exempt, the Superintendent shall suspend the student until the student complies, except that a homeless student shall not be suspended until the fifth calendar day after enrollment.

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

The District will cooperate with county and state health departments’ immunization programs. Parental permission is required a minor student may participate in immunization programs.

LEGAL REF.: A.R.S. §§ 15-871-74

A.A.C. §§ R9-6-203, R9-6-313, R9-6-350-353, R9-6-356, R9-6-365, R9-6-368, R9-6-372, R9-6-388, R9-6-701-07

i. *Arizona Immunizations Requirements*

Requirements by age/grade at entry and on a continuing review status¹. Vaccines must follow minimum intervals and ages to be valid. A 4-day grace period applies to these ages and intervals in most situations.

Age	Number of doses required of each immunization				
Kindergarten-12th Grade	3 Hep B ²	4 Polio ³	2 MMR ⁴	1 Varicella ⁴	5 DTaP ⁵
Additional requirements at age 11 Years and older ⁶					1 Tdap ⁷ 1 MenACWY

¹ Students must have proof of all required immunizations in order to attend class.

² The final dose of hep B must be given at 24 weeks of age or older. If hep B #3 was given before 24 weeks of age, a 4th dose is required.

³ 3 doses of polio are acceptable if dose #3 was received at or after 4 years of age and at least 6 months after the second dose; otherwise, 4 doses are required, with the last received at or after the 4th birthday. If the last dose was given ON or AFTER August 7, 2009, it must have been given at a minimum of 4 years of age AND a minimum interval of 6 months following the previous dose. Students who received either 3 or 4 doses PRIOR to August 7, 2009, regardless of age at final dose, have met the requirement.

⁴ Minimum age for dose #1 of MMR and varicella is 12 months. Another dose will be required if dose #1 of either vaccine was given more than 4 days before first birthday. MMR and varicella must be given on the same day or at least 28 days apart.

⁵ 4 doses of DTaP are acceptable if last dose was given on or after 4 years of age. A 6th dose is required if 5 doses have been given before 4 years of age, and the child is under 7 years old. For children 7-10, 3 doses of DTaP, DTP, DT, Tdap, or TD are acceptable if all 3 were given after the first birthday.

⁶ In addition to the vaccines required for all K-12 students, 1 dose of Tdap and 1 dose of quadrivalent meningococcal vaccine are required when a student turns 11, regardless of grade. It is recommended that you notify parents ahead of their child's 11th birthday that these vaccines will be due once they turn 11. Do NOT require or recommend Tdap or MenACWY BEFORE age 11. There is no statute-defined time period in which students must come into compliance, but ADHS *recommends* no more than 15 days after the 11th birthday.

⁷ Students must have a minimum of 3 doses of tetanus/diphtheria vaccine, including at least 1 Tdap. If a tetanus-containing vaccine was given between the ages of 7-10, 1 dose of Tdap is required when at least 5 years has passed since the last dose of tetanus-containing vaccine.

The laws and rules governing school immunization requirements are Arizona Revised Statutes §§ 15-871-874; and Arizona Administrative Code, R9-6-701-708. Please review the requirements in Table 7.1 and “catch-up” schedule in Table 7.2, located in R9-6-701-708.

Students must have proof of all required immunizations in order to attend class; however, Arizona law allows K-12 immunization exemptions for medical reasons, lab evidence of immunity, and personal beliefs.

Parental recall or verbal history of any disease is not accepted; therefore, these students must submit an ADHS medical exemption form. **Specifically with varicella (chickenpox), measles, or rubella disease a medical exemption with attached laboratory evidence of immunity is required.**

Homeless students and children in foster care are allowed a 5-day grace period to submit proof of immunization records (assuming that all other students have their immunization records submitted prior to attending class).

ii. *Catch Up Schedule And Additional Information On Vaccine Requirements:*

- **Hep B:** Minimum intervals for valid doses are as follows: The 2nd dose is due at least 4 weeks after the 1st dose; the 3rd dose is due at least 8 weeks after the 2nd dose and at least 16 weeks after the 1st dose. The final dose of hepatitis B vaccine must be at or after 24 weeks of age. If Hep B 3rd dose was given before 24 weeks of age, a 4th dose is needed.
- **Hep B for students aged 11-15 years** – 2 doses meet the requirement if adult hepatitis B vaccine, Recombivax, was received. Dosage (10mcg/1.0mL) and type of vaccine must be clearly documented. If Recombivax was not the vaccine used, a 3- dose series is required.
- **Meningococcal Vaccine** – Only quadrivalent meningococcal ACWY vaccine doses will be accepted. The only quadrivalent meningococcal vaccines given currently in the U.S. are Menactra and Menveo. The Meningococcal Polysaccharide vaccine, Menomune, was a quadrivalent vaccine so is acceptable; however, production of this vaccine was discontinued in February 2017. Students who received this polysaccharide vaccine are considered acceptable for school requirements. No monovalent or bivalent meningococcal vaccinations will be accepted (MenA, MenB, MenC, or MenC/Y).
- **Poliomyelitis (Polio)** – The 2nd dose is due 4 weeks after the 1st dose; the 3rd dose is due 6 months after the 2nd dose. The U.S. currently does not give anything other than IPV (inactivated polio vaccine) whereas some foreign countries still give the OPV (oral polio vaccine). OPV given prior to April 1, 2016 will be presumed to be trivalent and therefore acceptable, regardless of country of administration. Any OPV doses administered after April 1, 2016 are presumed to be bivalent and therefore unacceptable. Students 18 years and older are exempt from the polio requirement.
- **MMR** – The 2nd dose is due 4 weeks after the 1st dose.

- **Varicella** – 2 doses are **required** for students who receive the first dose at 13 years of age or older. 2 doses are *recommended* for all K-12 students.

Adults

Adult students must meet the same immunization requirements as employees and complete the Measles and Rubella Immunization Form.

32. COMMUNICABLE OR INFECTIOUS DISEASES

Students with, or recovering from, a communicable disease are not permitted on District premises until the period of contagion is passed or until a physician recommends a return, in accordance with A.R.S. § 36-629 *et seq.*, appropriate regulations of the State Department of Health Services, and policies of the County Health Department.

The District will request a copy of each student's communicable diseases history from the student's parents or an adult student and maintain a copy of each student's communicable diseases history.

Students with communicable diseases shall be excluded from District premises to protect their welfare and other students' wellbeing.

Early recognition of a communicable disease is a primary concern. The administrator or county health director shall make the decision for exclusion and readmission.

Students with pediculosis (lice infestation) shall be excluded from campus until treatment specific for pediculosis has been initiated and the student is symptom free.

LEGAL REF.: A.R.S. §§15-871, 15-872, 36-629
A.A.C. §§ R9-6-339, R9-6-601 *et seq.*

33. AIDS AND HIV INFECTIONS

Students with human immunodeficiency virus ("HIV") or acquired immune deficiency syndrome ("AIDS") have a right to receive a public education. The Board is responsible for assuring the District provides a safe environment for all of its students and employees.

The Board, therefore, directs that:

- infected students receive a public education;
- the District provide information for parents, staff, and concerned persons about the actual and potential dangers of AID's transmission;
- placement decisions for infected students be case-by-case and based on the best available medical knowledge;
- if required by the Department of Health Services regulations, advice of the County Health Department, or advice of a physician selected by the District, restrictions be placed on the student; and.
- protecting the privacy rights of privacy of infected students be a primary consideration.

Decisions regarding the type of educational setting for HIV-infected students shall be based upon students' behavior, neurologic development, and physical and mental condition. Recommendations will be made in consultation with public health officials, District administration, students' physicians, and parents, and if the District desires, a physician designated by the District.

34. ADMINISTERING MEDICINES TO MINOR STUDENTS

When a student must take medicine while on District premises, the District will cooperate with the student's parents or guardian and healthcare provider if the following requirements are met:

- the student has provided a copy of the healthcare provider's written order stating the medication, the dosage, and the time it is to be given;
- a parent or guardian has provided written permission to allow the District or the student to administer the medicine; and
- the medicine must remain in the original prescription container or, if it is over-the-counter medication, in the original container with all warnings and directions intact.

The District reserves the right to circumscribe or disallow the use or administration of any medication on District premises if the threat of abuse or misuse of the medication poses a risk of harm to other students.

This policy and any related policies or amendments to such policies shall be forwarded to the District liability insurance carrier for review.

LEGAL REF.: A.R.S. §§ 15-344, 32-1601, 32-1901

CROSS REF.: Administration: The Superintendent: Superintendent Duties: Emergencies

******Regulation****Regulation****Regulation****Regulation****Regulation******

The following procedures were established to protect the District and students and apply when a student requires a prescription or over-the-counter medication while on District premises.

Prescription Drugs

Administration by District personnel

The medication must be prescribed by a healthcare provider.

A parent or guardian must provide written permission to administer the medicine to the student.

The medication must remain in the original prescription container and kept in a locked cabinet.

A healthcare provider must provide written directions that state the patient's name, the medication, the dosage, and when it should be administered.

An administrator may designate an employee to administer the medication.

Each administration of medication must be documented with the student's name, the medication, and the time and date administered.

Self-administration

If a healthcare provider finds it necessary for the student to self-administer the medication, the healthcare provider must provide written recommendations, which shall be attached to the signed parent permission form.

The parent or guardian must provide written permission for the student to self-administer and carry the medication.

The medication must remain in the original prescription container.

Over-the-Counter Medication

Administration by District personnel

A parent or guardian must provide written permission for the administration of the specific over-the-counter drugs.

The over-the-counter medicine must remain in the original packaging with all directions and contents included and kept in a locked cabinet.

An administrator may designate an employee to administer the specific over-the-counter drug.

Each administration of over-the-counter medication must be documented with the student's name, the medication, and the time and date administered.

Self-administration

The parent or guardian must provide written permission for the student to carry and self-administer the over-the-counter medication.

The over-the-counter medicine must remain in the original packaging with all directions and contents included and kept in a locked cabinet.

If a healthcare provider finds it necessary for the student to self-administer the over-the-counter medication, the healthcare provider must provide written recommendations, which shall be attached to the signed parent permission form.

Protection of Students

Use or administration of medication on District premises may be disallowed or strictly limited if the Superintendent determines in consultation with medical personnel, that a threat of abuse or misuse of the medicine poses a risk of harm to any student.

The student shall take extraordinary precautions to secure any medication or drug and shall never make it available, provide it, or give it to another person. If a student loses medication, the student must immediately report the loss to District staff. Violation of this regulation may subject the student to disciplinary action.

********End of Regulation*****End of Regulation*****End of Regulation********

35. GUIDANCE AND COUNSELING

The counseling and guidance programs focus on students' developmental needs.

Counseling personnel will respect the dignity and worth of every individual and encourage students to develop self-reliance, individual responsibility, and decision-making skills. Counseling personnel will coordinate the District guidance program and involve all staff in designing and implementing plans to meet three major goals.

Educational development. Students may participate in planning their education.

Personal and social development. Students will develop social behaviors tailored to a variety of social settings and self-awareness and self-confidence in their abilities to enhance their career options and development.

Career development. Students will develop career options consistent with their interests, abilities, and values.

36. DISTRICT COUNSELORS AND PSYCHOLOGISTS

The District shall not provide psychological services.

******Regulation****Regulation****Regulation****Regulation****Regulation******

Psychological reports or case study evaluations are confidential and will be kept locked in the appropriate records location when not in use by authorized personnel. Psychological reports shall not be taken from the office of the department responsible for the preservation of records. Instructors may only review a student's file in the presence of a Program Director.

*******End of Regulation*****End of Regulation*****End of Regulation*******

37. REPORTING CHILD ABUSE

Staff or any other person having responsibility for the care or treatment of children, whose observation or examination of any minor discloses reasonable grounds to believe that the minor is or has been the victim of physical injury, abuse, child abuse, a reportable offense or neglect that appears to have been inflicted upon such minor by other than accidental means or which is not explained by the available medical history as being accidental in nature or who has reasonably believes there has been a denial or deprivation of necessary medical treatment or surgical care or nourishment with the intent to cause or allow the death of an infant protected under A.R.S. § 36-2281 shall immediately report or cause reports to be made of such information to a peace officer or to the Department of Child Safety of the Department of Economic Security.

A "reportable offense" is any offense listed in the regulation following this policy.

The Arizona Department of Economic Security, Division of Children, Youth and Families, has determined that all mandated reporters may now electronically submit non-emergency reports via a secure online reporting website. Non-emergency reports are those in which a child is not at immediate risk of abuse or neglect that could result in serious harm. Mandated reporters will be able to submit non-emergency reports twenty-four hours a day without wait times.

All reports made via the online website will require the person making the report to provide contact information. A representative from the Child Abuse Hotline may contact the source for additional information, if necessary. This process will make it more convenient to meet the mandated reporting requirements and help ensure child safety.

All emergency situations where a child faces an immediate risk of abuse or neglect that could result in serious harm must still be reported by calling 911 or 1-888-SOS-CHILD (1-888-767- 2445). If a reporting source is unsure as to whether or not the report is an emergency situation, the reporting source should call the Child Abuse Hotline to make a report.

Any concerns for the safety of a child due to abuse, neglect or abandonment, must be reported, by using the following link: <https://guardian.dynamics365portals.us/>

A.R.S. § 13-3620 requires that reports contain:

- the names and addresses of the minor, the parents, or the person or persons having custody of such minor, if known;
- the minor's age and the nature and extent of any injuries or physical neglect, including any evidence of previous injuries or physical neglect; and
- any other information that such person believes might be helpful in establishing the cause of the injury or physical neglect.

A person furnishing a report, information, or records required or authorized under Arizona Revised Statutes or a person participating in a judicial or administrative proceeding or investigation resulting from a report, information or records required or authorized under Arizona Revised Statutes shall be immune from any civil or criminal liability by reason of such action unless such person has acted with malice or unless such person has been charged with or is suspected of abusing or neglecting the child or children in question.

Professional privilege, provided for by professions such as the practice of nursing or psychology covered by law or a code of ethics regarding practitioner- client confidences, both as they relate to the competency of the witness and to the exclusion of confidential communications, shall not pertain in any civil or criminal litigation in which a child's neglect, dependency, abuse, or abandonment is an issue, nor in any judicial or administrative proceeding resulting from a report, information or records submitted pursuant to the Arizona Revised Statutes nor in any investigation of a child's neglect or abuse conducted by a peace officer or the Child Protective Services of the Department of Economic Security.

A person who fails to report abuse as provided in A.R.S. § 13-3620 is guilty of a class 1 misdemeanor or, if the abuse includes a reportable offense (*see* regulation for list), a class 6 felony.

Any certificated person or Board member who has reasonable grounds to believe that a person certificated by the Department of Education has engaged in conduct involving minors that would be subject to the reporting requirements of A.R.S. § 13-3620 shall report or cause reports to be made to the Department of Education in writing as soon as is reasonably practicable but not later than 3 business days after the person first suspects or receives allegation of the conduct.

Any person who is employed as the immediate or next higher-level supervisor to or administrator of a person who is statutorily required to report is not required to report if the supervisor or administrator reasonably believes that the report has been made by the person who is required to report.

Staff who orally reported to the Department of Child Safety or a peace officer a reasonable belief of an offense to a minor must provide written notification to the Program Director of the oral report not later than the next workday following the making of the report.

The district shall post in a clearly visible location in a public area of each campus that is readily accessible to students a sign that contains the following:

- in boldfaced type, the telephone number of the centralized intake hotline concerning suspected abuse and neglect of children that is established under A.R.S. § 8-455;
- instruction to call 911 for emergencies; and
- directions for accessing the website of the Department of Child Safety for more information on reporting child abuse, child neglect, or exploitation of children.

LEGAL REF.: A.R.S. §§ 8-201, 13-1404 *et seq.*, 13-1309, 13-3212, 13-3506, 13-3506.01, 13-3552-53; 13-3608, 13-3619-20, 13-3623, 15-160.01, 15-514, 46-451, 46-454

CROSS REF.: Personnel: Staff Conduct
Students: Student Discipline: Corporal Punishment

REVISED: November 28, 2023

Definitions

Abuse means the infliction or allowing of physical injury, impairment of bodily function, or disfigurement, or the infliction of or allowing another person to cause serious emotional damage as evidenced by severe anxiety, depression, withdrawal, or untoward aggressive behavior, and which emotional damage is diagnosed by a medical doctor or psychologist under A.R.S. § 8-223, and which is caused by the acts or omissions of an individual having care, custody, and control of a child.

Abuse shall include inflicting or allowing sexual abuse under A.R.S. § 13-1404, sexual conduct with a minor under A.R.S. § 13-405, sexual assault under A.R.S. § 13-1406, molestation of a child under A.R.S. § 13-1410, commercial sexual exploitation of a minor under A.R.S. § 13-3552, sexual exploitation of a minor under A.R.S. § 13-3553, incest under A.R.S. § 13-3608, or child prostitution under A.R.S. § 13-3212.

Child, youth, or juvenile means an individual who is under the age of 18 years. Abuses classified by statute as “reportable offenses” are:

- Indecent exposure [A.R.S. § 13-1402]
- Public sexual indecency to a minor [A.R.S. § 13-1403]
- Sexual abuse [A.R.S. § 13-1404]
- Sexual conduct with a minor [A.R.S. § 13-1405]
- Sexual assault [A.R.S. § 13-1406]
- Molestation of a child [A.R.S. § 13-1410]
- Furnishing items that are harmful to a minor via the Internet [A.R.S. § 13-3506.01]
- Surreptitious photographing, videotaping, filming, or digitally recording or viewing of a minor [A.R.S. § 13-3019]
- Incest [A.R.S. § 13-3608]
- Child prostitution [A.R.S. § 13-3212]
- Commercial sexual exploitation of a minor [A.R.S. § 13-3552]
- Sexual exploitation of a minor [A.R.S. § 13-3553]
- Luring a minor for sexual exploitation [A.R.S. § 13-3554]
- Admitting a minor to public displays of sexual conduct [A.R.S. § 13-3558]

Reporting Procedure

Any staff member who reasonably believes that a minor is or has been the victim of physical injury, abuse, child abuse, a reportable offense (*see* A.R.S. § 13-3620(P)(4)) or neglect that appears to have been inflicted on the minor by other than accidental means or that is not explained by the available medical history as being accidental in nature must report the abuse to the Department of Child Safety via this link <https://guardian.dynamics365portals.us/> A person who fails to make a report is guilty of a class 1 misdemeanor, unless the abuse includes a reportable offense, then it is a class 6 felony.

38. MISSING STUDENTS

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

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

For purposes of this policy:

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

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

LEGAL REF.: A.R.S. §§ 13-3620, 15-824, 15-828, 15-829, 32-1472

CROSS REF.: Students: Entrance Age Requirements, Residency Verification, Nonresident Students
Students: Student Records
Students: Request for Transfer of Records

39. STUDENT SAFETY

Instructors are responsible for their classes at all times. Student must never be left unsupervised. Staff must not send students on errands away from District premises.

Instructors are authorized to prohibit the use of or confiscate any article hazardous to students or that may damage District property. In emergencies, instructors shall seek help from the Program Director.

Every student, instructor, and visitor shall wear appropriate protective eyewear while participating in or when observing vocational, technical, industrial arts, art, or laboratory science activities involving exposure to items as listed in A.R.S. § 15-151.

The Chief Operations Officer will establish procedures covering the conduct of students going to and from campus. In addition, District buildings and equipment will be regularly inspected for health, fire, and safety hazards.

LEGAL REF.: A.R.S. § 15-341

40. SUPERVISION OF STUDENTS

When students are on District premises, attending District-sponsored activities, or in District vehicles, the District and the students bear responsibilities to each other.

Supervision includes being in the physical presence of and, when possible, in visual contact with the students. This allows staff a reasonable opportunity to control student behavior and assist students if necessary. Instructors shall exercise supervision while on District premise or while acting on the District's behalf.

Security personnel shall be available on campus during class hours to respond to calls from staff regarding security or safety issues on District premises.

If an emergency requires an instructor to leave students' presence, the instructor must make a reasonable effort to find staff to supervise the students in the instructor's absence. Instructors must never leave students unsupervised if it will pose a risk to the students or property.

Staff shall not let anyone contact a student on District premises without ensuring there is a proper reason.

LEGAL REF.: A.R.S. §§ 15-341, 15-502, 15-521

41. STUDENT DISMISSAL PRECAUTIONS

Students shall not be removed from District premises or District-sponsored activities without authorization from the student's parent or guardian, except as permitted under A.R.S. §§ 8-303 and 304 (related to juvenile court, delinquency, or criminal conduct), and A.R.S. § 8-802 (related to the Department of Child Safety). No child may be removed before the person seeking removal presents to the Superintendent evidence of proper authority to remove the student. If law enforcement or judicial official seek to remove a student, the District will notify a parent or guardian as soon as possible.

Under the Arizona Medical Marijuana Act, "[n]o person may be denied custody of or visitation or parenting time with a minor, and there is no presumption of neglect or child endangerment for conduct allowed under the Act, unless the person's behavior creates an unreasonable danger to the safety of the minor as established by clear and convincing evidence."

LEGAL REF.: A.R.S. §§ 8-303, 8-304, 8-802, 13-1302, 36-2813

******Regulation****Regulation****Regulation****Regulation****Regulation******

Student Release Requirements

When admitted, the Program Director must complete the student's permanent record form, which will identify the student's legal name and the name, address, and telephone number of the student's lawful custodian(s).

Before releasing a student during an instructional period, the Attendance Office shall be responsible for the verification of the identity of any lawful custodian or any representative seeking release of a student.

If a lawful custodian, as indicated on the student's permanent record, is not recognized by sight, the Program Director shall require satisfactory identification before releasing the student. If doubt exists, release may not be granted.

If a lawful custodian purports to provide written or oral authorization, the Program Director shall require satisfactory verification that the message is from the lawful custodian of record. If doubt exists, release may not be granted.

If an unauthorized person does not honor the Program Directors' decision, the Program Director shall call the local police authority.

If during the process the Program Director verifies a change in the student's lawful custodian, the change shall immediately be entered on the student's permanent record.

If law enforcement or judicial officials requests the release of a student during instructional hours, parents should be notified as soon as possible.

*******End of Regulation*****End of Regulation*****End of Regulation*******

42. STUDENT AUTOMOBILE USE AND PARKING

The Superintendent has established procedures for registration, parking, use of, and search of motorized vehicles guided by the following:

- all students must register their vehicles;
- for high-school students, the fee for a parking permit is \$15.00;
- the fee may be waived in appropriate cases of need or economic hardship;
- for tuition-paying students, the parking permit fee is included in the tuition;
- registration stickers must be displayed on the windshield of all student vehicles; and
- when necessary, a student may obtain, prior to the start of class, a temporary permit for an alternate vehicle;
- vehicles not registered, not parked in a designated student parking space, or parked in violation of any parking regulation will be ticketed and fined \$15.00;
- if the first violation is for parking without a permit, the fine will be waived if the student purchases a permit within forty-eight hours; subsequent fines will not be waived;
- after a second fine, the student will be placed on a Student Success Plan;
- students caught speeding or driving recklessly will be placed on a Student Success Plan;
- when fined a third time, a vehicle may be booted or towed at student's expense for violations of District vehicle policies and procedures;
- all fines will be recorded as discipline;
- violations may be appealed to a Dean of Students, whose decision is final;
- the District is not responsible for property damage or expenses caused by booting or towing or to vehicles left on campus overnight whether voluntarily or because of booting; and
- completion certificates will be withheld if a student has unpaid parking fines.

LEGAL REF.: A.R.S. §15-341

REVISED: September 25, 2023
November 12, 2023

******Regulation****Regulation****Regulation****Regulation****Regulation******

Registration

Students who drive to campus must register their vehicles. The vehicle owner must sign the registration forms and acknowledgments.

Registration stickers will be affixed to the vehicles as specified by District administration. The District may tow, at the student's expense, unregistered vehicles or vehicles of students who have violated District vehicle policies. The District will notify law enforcement within one hour of when the vehicle is moved or towed.

Automobile Searches

Parking on District premises is a privilege not a right. The District retains authority to conduct routine patrols of student parking lots and to inspect the exteriors of automobiles on District premises. Vehicles' interiors may be inspected whenever a District administrator has reason to believe that illegal or unauthorized materials are inside. These patrols and inspections may be conducted without notice, student consent, or a search warrant.

Seizure of Illegal Materials

If a properly conducted search uncovers illegal materials or contraband, they shall be turned over to proper legal authorities for processing.

*******End of Regulation*****End of Regulation*****End of Regulation*******

43. SEX OFFENDER NOTIFICATION

Registered Sex Offender Community Notification

When a local law enforcement agency notifies the District under A.R.S. §§ 13-3825 and 13-3826 of a registered sex offender's presence in the community, the following actions shall occur:

- a copy of the notification flyer provided by the law enforcement agency, displaying the offender's photograph and disclosing the offender's exact address, status summary, and criminal background, is to be distributed to each District site and department;
- the Superintendent shall post the notification flyer at locations where the flyer is readily accessible for viewing by staff members, students, and visitors;
- the Superintendent shall inform students and staff members that a new flyer has been posted; and
- when the registered sex offender described in the notice is also a District student, then the provisions regarding juvenile (youthful) dangerous offenders and sex offenders shall also be followed, except that the restrictions against disclosure of information shall not apply to the information obtained in the community notification received from the local law enforcement agency.

When the individual under suspicion is a District student, the Superintendent may, under A.R.S. § 8-350, request the student's criminal history from the juvenile court to determine if the student has been adjudicated delinquent for or convicted of a dangerous offense or a violation of A.R.S. §§ 13-1405, 13-1406, 13-1410, or 13-1417. If the court's criminal history shows such an adjudication or conviction, then the District shall implement the procedures outlined below for juvenile (youthful) dangerous offenders and sex offenders.

Juvenile (Youthful) Dangerous Offenders and Sex Offenders

When the District is notified by a juvenile court under A.R.S. § 8-350 that a District student has been adjudicated delinquent for or convicted of and placed on probation for a dangerous offense or sexual conduct with a minor, sexual assault, molestation of a child, or continual sexual abuse of a child the Superintendent shall send the information received from the juvenile court to the student's instructor (s), and other staff as the Superintendent deems appropriate. The noticed staff will be directed to comply with Board Policy, "Student Records." Any staff who breaches student confidentiality may be disciplined pursuant to Board policy.

LEGAL REF.: A.R.S. §§ 8-208, 8-321, 8-350, 8-371, 13-140506, 13-1410, 13-1417, 13-3821, 13-3825, 13-3826
20 U.S.C. § 1232g(b)(7), 42 U.S.C. § 14071(d)

CROSS REF.: Administration: The Business Office: Purchasing: Bidding and Purchasing Procedures
Support Services: Environmental and Safety Program
Administration: The Superintendent: Superintendent Duties: Environmental and Safety Programs
Personnel: Staff Hiring
Students: Student Policies Goals and Priority Objectives
Students: Entrance Age Requirements: Students Twenty-Two Years of Age or Older
Students: Student Safety
Students: Reporting Child Abuse
Students: Student Records

44. STUDENT VOLUNTEERS FOR DISTRICT AND COMMUNITY SERVICE

The Board encourages students to volunteer in educational program (*e.g.*, student office helpers, etc.) and in useful community services. However, volunteering should not interfere with academic achievement. Therefore, all student volunteers are expected to maintain their grades, attend all classes, and recognize that volunteering is secondary to their primary goal of getting an education.

To ensure that volunteering will not interfere with the student's academic achievement, community members are encouraged to check with a student's instructor and Program Director before asking a student to volunteer.

45. EMPLOYMENT OF STUDENTS

The Board places a high value on education and strongly urges students to do likewise. All students, therefore, are encouraged to continue with their educational program until graduated from high school.

The Board is aware that many students seek employment during the school year, but class work, homework, and educational activities must not be neglected. Employment must not conflict with instruction, homework, or educational opportunities.

LEGAL REF.: A.R.S. §§ 15-512, 23-231-233, 23-235

46. STUDENT DONATIONS AND GIFTS

Students are discouraged from collecting money, setting aside funds, or purchasing gifts for the District or staff. Gifts between students shall be limited to small expressions of condolence, remembrance, or appreciation. The superintendent shall establish guidelines for such remembrances governed by the following policies:

- students shall not be solicited to purchase books or other merchandise, unless approved by the District for use in the classroom;
- solicitations by students shall be limited to small contributions, *i.e.*, expressions of condolence, remembrance, or appreciation.

No other solicitations shall be made by or of students during instructional hours or on District premises.

47. STUDENT FEES, FINES, AND CHARGES

Student fees are necessary to fund certain District activities that are not financed by local, state, or federal funds. Some students may not be able to pay these fees. No student will be denied an education as a result of inability to pay these supplementary charges.

Students will not be required to supply specific types of supplies or equipment as a prerequisite to successful completion of a course, project, or program. But students are responsible and accountable for loss of or damage to District property, including textbooks and library books.

LEGAL REF.: A.R.S. §§ 15-342, 15-742, 15-727, 15-728, 15-729

CROSS REF.: Support Services: Maintenance and Control of Instructional Materials

******Regulation****Regulation****Regulation****Regulation****Regulation******

Tax Credit Contributions

The receipt and expenditure of fees or cash contributions may be for “Extracurricular activities” as indicated in A.R.S. §§ 43-1089.01 and 15-342 with contributions also used for “character education programs” as described in A.R.S. § 15-719.

To comply with A.R.S. § 43-1089.01 concerning contributions from taxpayers during the previous **calendar** year, the District will annually, not later than February 28, provide the following information on forms prescribed by the Arizona Department of Revenue:

- total number of fees and contribution payments received;
- total dollar amount received;
- total dollar amount spent, categorized specifically by extracurricular activity or character education program;
- total number of student participants, categorized specifically by extracurricular activity or character education program.

When a campus has a site council, the site council shall determine how contributions not designated for a specific purpose are to be used at the campus. When a campus does not have a site council, the Program Director shall make the determination.

If at the end of a fiscal year the District has unspent contributions that were previously designated for a specific purpose or program that discontinued or has not been used for two consecutive fiscal years, the contributions shall be considered undesignated in the following fiscal year.

48. COLLECTION OF MONEY FROM STUDENTS

The District shall make reasonable attempts regarding the collection of student debts.

LEGAL REF.: A.R.S. §§ 15-341, 15-705, 15-727, 15-823
Att. Gen. Op. I79-110, I80-084, I83-137, I87-114

******Regulation****Regulation****Regulation****Regulation****Regulation******

Administrators shall monitor delinquent accounts and make collection efforts before debts become unmanageable.

Lost or Damaged Textbooks, Workbooks, Library Books, or Equipment

Students must reimburse the District for lost or damaged textbooks, workbooks, library books, or equipment. Students should pay these charges as soon as possible. Payment plans are available for financial hardships.

Non-Tuition-Related Debt-Recovery Action

Students must meet financial obligations to the District. If a student fails to do so timely, the following actions may result:

- students with delinquent debts exceeding \$5.00 cannot obtain copies of their transcripts; and
- withheld grade cards may be inspected by the student, parent, or guardian in the District office, but may not be removed from the office until the delinquent debt has been paid.

The administrator shall employ means to collect the debt commensurate with the degree of the financial indebtedness. Initial methods, if appropriate and possible, shall be related to the source of the indebtedness. For example, a student who fails to pay an extracurricular-activity fee might be first prohibited from signing up for another extracurricular, then unrelated item or privilege might be withheld, and then the District might sue the parent or guardian.

*******End of Regulation*****End of Regulation*****End of Regulation*******

49. STUDENT RECORDS

All required student records will be prepared, retained, and disposed of in a manner consistent with State and federal laws, the Arizona USFR, and the requirements of the Arizona Department of Libraries, Archives and Public Records.

The District will comply with FERPA and the IDEA, the PATRIOT Act, and the No Child Left Behind Act of 2001 (“NCLB”) in the establishment, maintenance, correction, and disposition of student records.

The Superintendent has established procedures for compliance, including informing parents, students, and the public of the categories of information in student records. The District Administrator has implemented procedures as required by law and for dealing with violations.

If a parent or eligible student believes that the District is violating FERPA, that person has a right to file a complaint with the U.S. Department of Education. The address is:

The Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue, SW Washington, DC 20202-4605
Telephone number: (202) 260-3887

A. Confidentiality

The right to inspect and review education records and the release of or access to such records, other information, or instructional materials will be consistent with FERPA, the PATRIOT Act, the NCLB Act, and with related federal regulations.

Annual Notification

Within the first three weeks of each school year, the District will provide notice to parents and eligible students of their rights under the FERPA and this procedure. This notice will also be provided to each parent of new students enrolling after classes begins. The District will arrange to provide translation of the notice to non-English-speaking parents in their native language or mode of communication. The notice shall inform the parents of:

- the right of the parent or an eligible student to inspect and review the student's education records;
- the District's intent to limit the disclosure of personally identifiable information contained in a student's education records including disciplinary records, except by the prior written consent of the parent of eligible student or under certain limited circumstances as permitted by FERPA, the PATRIOT Act, or the NCLB Act;
- the right of the parent or eligible student to seek to correct parts of the District education records that the student or the parent believes to be inaccurate, misleading, or in violation of student rights and the right to a hearing to present evidence that the record should be changed if the District decides not to alter it according to the parent's or eligible student's request; and
- the right of the of the parent or eligible student to file a complaint with the U.S. Department of Education if they believe the District violated FERPA.

Parents and eligible students have the following rights under FERPA and this procedure. The notice shall also include:

- the procedure for exercising the right to inspect and review education records;
- the procedure for requesting amendments of education records that that the parent of eligible student believe to be inaccurate, misleading, or otherwise a violation of the student's privacy rights; and
- the conditions when prior consent is not required, the criteria for determining who constitutes a District official and what constitutes a legitimate educational interest.

If the District permits the release of student directory information relating to pupils, the information shall be released on or before October 31 of each year. The Superintendent shall develop procedures to communicate to students and their parents in a timely manner information relating to access to the Arizona Department of Education form which is designed to allow students to request that directory information not be released pursuant to the Elementary and Secondary Education Act ("ESEA") as reauthorized by the NCLB.

LEGAL REF.: A.R.S. §§ 15-141 to 142, 15-828 to 829, 41-1346 *et seq.*, 41-1354, 44-1373

CROSS REF.: Students: Special Instructional Programs
 Students: Entrance Age Requirements: Students Twenty-Two Years of Age or Older
 Students: Request for Transfer of Records

******Regulation****Regulation****Regulation****Regulation****Regulation******

This procedure is designed to meet FERPA and IDEA. All staff are expected to fulfill the requirements of Board Policy, "Student Records" and the following procedures to protect the confidentiality of personally identifiable information at collection, storage, disclosure, and destruction stages *See* 34 C.F.R. § 300.612.

The Superintendent has the responsibility for ensuring the confidentiality of any personally identifiable information. *See* 34 C.F.R. § 300.612.

All rights and protections given parents under FERPA and this procedure transfer to the student upon reaching age eighteen except where the student continues as a dependent under specified circumstances, or enrolling in a postsecondary school. The student then becomes an "eligible student." *See* 34 C.F.R. §§ 99.5 and 300.625.

Definitions

Student - Any person who attends or has attended a District instructional program and for whom the District maintains education records.

Eligible student - A student who has reached age eighteen or is attending a postsecondary school.

Parent - Either the natural parent of a student, unless the parent's rights under FERPA have been removed by a court order, statute, or other legal document, or a guardian, or an individual acting as a parent or guardian in the absence of the student's parent or guardian. The District may presume that the parent has the authority to inspect and review education records relating to his or her child unless the District has been advised that the parent does not have authority under applicable law.

Education records - Any information directly related to a student recorded in any way including, but not limited to, handwriting, print, computer media, video or audio tape, film, microfilm or microfiche, that is maintained by the District, a District employee, or any District agent except:

- personal records kept by a District employee that meets the following tests:
 - it is used only as a personal memory aid;
 - it is kept in the personal possession of the individual who made it; and
 - it is not accessible and has never been revealed to any other person except the employee's temporary substitute.
- medical treatment records maintained for "eligible students;"
- records collected and maintained by the District's law enforcement unit;
- records containing only information about a person that is no longer a District student;
- an employment record that is used only in relation to a student's District employment;
- related alumni records after the student no longer attends District classes, and the records do not relate to the person as a student.

Personally identifiable information - Any data or information that makes the subject of a record known. This includes the student's name, the name(s) of the student's parent(s) or other family member(s), the student's address, the student's Social Security number, a student number, a list of personal characteristics, or other information that would make the student's identity easily traceable.

Signed and dated written consent - May include a record and signature in electronic form that:

- identifies and authenticates a particular person as the source of the electronic consent; or
- indicates such person's approval of the information contained in the electronic consent.

Locations of Education Records

A list of types and locations of education records collected, maintained, or used will be provided to the parents on request. *See* 34 C.F.R. § 300.616.

Procedure to Inspect Education Records

Parents of a student, the designated representative of the parents, and an eligible student may inspect and review the student's education records that are collected, maintained, or used by the District. *See* 34 C.F.R. § 300.501. In some circumstances it may be mutually more convenient for the record custodian to provide copies of records.

Charges for the copies of records will be costs of copying unless the fee would effectively prevent the parent from exercising rights to inspect and review those records. *See* 34 C.F.R. §§ 300.613 and 300.617.

Since a student's records may be maintained in several locations, the Program Director will offer to collect copies of records or the records themselves from locations other than a student's campus so they may be inspected at one site. However, if parents and eligible students wish to inspect records where they are maintained, the Program Director will make every effort to accommodate their wishes.

Parents, the designated representative of the parents, or the eligible student should submit to the student's Program Director a signed and dated written request that identifies as precisely as possible the record or records wanted for inspection. The District will respond to any request without unnecessary delay before any meeting regarding any individual education program or hearing relating to the identification, evaluation, placement of a student, or the provision of a free appropriate public education, and in no case more than forty-five days after the request has been made. *See* 34 C.F.R. § 300.613 and 99.10.

The Program Director, or other education records custodian, will contact the parent of the student or the eligible student to discuss how access will be best arranged, *e.g.*, copies, at the exact location, or records brought to a single site.

Parents have the right, upon reasonable request, for explanations and interpretations of the information contained in the records and a right to request copies of the records containing the information, if not in violation of stated policy of FERPA. Parents have the right to have a representative of the parent to inspect and review the records. *See* 34 C.F.R. § 300.613 and 99.10.

The Program Director, or other education records custodian, will make the needed arrangements as promptly as possible and notify the parent or eligible student of the time and place where the records may be inspected. This procedure must be completed in forty-five days or less after receipt of the request for access. *See* 34 C.F.R. § 300.613.

If for any valid reason, such as working hours, distance between record location sites, or health, the parent or eligible student cannot personally inspect and review a student's education records, the District will arrange for the parent or eligible student to obtain copies of the record. See below for information regarding fees for copies of records. *See* 34 C.F.R. §§ 300.613 and 99.10.

When a record contains information about students other than a parent's child or the eligible student, the parent or eligible student may not inspect and review the records of the other students. *See* 34 §§ 300.615, 99.5 and 99.12].

Fees for Copies of Records

All records subject to disclosure under this procedure shall be available for inspection free of charge. If copies are desired, the District shall furnish to the parent or eligible student on request and free of charge. Additional copies may be sent to other schools or agencies without charge. However, the District reserves the right to charge up to thirty-five cents per page for multiple or excessive requests. Copies of available records shall be produced as promptly as possible upon receipt of the request. No fee will be charged for search and retrieval of records. *See* 34 C.F.R. § 300.617 and 99.11.

The District will provide copies of records:

- when the refusal to provide copies effectively denies access to the records by the parent or eligible student;

- at the request of the parent or eligible student, when the District has provided the records to third parties by the prior consent of the parent or eligible student; or
- at the request of the parent or eligible student when the District has forwarded the records to another school where the student seeks or intends to enroll.

Directory Information

The District designates the following personally identifiable information contained in a student's education records as "directory information" and may disclose that information without prior written consent under 20 U.S.C. § 1232g(a)(5)(A)1]:

- name;
- address;
- phone number;
- date and place of birth;
- email address;
- photograph;
- dates of attendance;
- honors and awards received.

As part of the application process, the District informs student and parents of the items of directory information. A parent or eligible student must designate whether the District may disclose the student's directory information. This designation will remain in effect until it is modified by the parent's or eligible student's signed and dated written direction. The student's records will be appropriately marked by the records custodian to ensure compliance with the parents' or eligible student's request.

According to state and federal law, if the Board permits the release of directory information relating to students to persons or organizations who inform students of educational or occupational opportunities, then the Board shall provide access to directory information on the same basis to military official recruiting representatives for the purpose of informing students of educational and occupational opportunities available to them.

Use of Student Education Records

To carry out their responsibilities, District officials will have access to student education records for legitimate educational purposes. The District will use the following criteria to determine who are District officials under 34 C.F.R. § 99.31:

- a person duly elected to the Board (under limited circumstances);
- a person certificated by the state and appointed by the Board to an administrative or supervisory position;
- a person certificated by the state and under contract to the Board as an instructor;
- a person employed by the Board as a temporary substitute for administrative, supervisory, or instructional personnel for the period of such performance as a substitute; or
- a person employed by or under contract to the Board to perform a special task, such as a secretary, a clerk, the Board attorney, or auditor, for the period of such performance as an employee or contractor.

District officials who meet the criteria listed above will have access to a student's records if they have a legitimate educational interest in doing so. *See* 34 C.F.R. § 99.32. A "legitimate educational interest" is the person's need to know in order to:

- perform an administrative task required in the employee's position description approved by the Board;
- perform a supervisory or instructional task directly related to the student's education; or

- perform a service or benefit for the student or the student's family, such as health care, counseling, student job placement, or student financial aid.

Records of students placed in special educational programs will be under the direct supervision of the program administration. All persons collecting or using personally identifiable information in records of students determined to be a student with a disability will receive training or instruction regarding Arizona's policies and procedures for the protection of these records at the collection, storage, disclosure, and destruction stages in accordance with FERPA and IDEA. *See* 34 C.F.R. § 300.623.

The District will maintain for public inspection a current listing of the names and positions of employees who have access to personally identifiable information maintained on students placed in special education. *See* 34 C.F.R. § 300.623. When the information maintained in these records is no longer needed to provide educational services to the student, the District will notify the parents of their right to have the personally identifiable information destroyed. *See* 34 C.F.R. § 300.624. However, a permanent record of a student's name, address, phone number, grades, attendance record, classes attended, grade level completed, and year completed will be maintained. *See* 34 C.F.R. § 300.6241. Destruction of records will be accomplished in accordance with the requirements of Arizona law and regulations of the Department of Library, Archives, and Public Records. *See* 34 C.F.R. § 300.623.

The District will release information from or permit access to a student's education records only with a parent's or eligible student's prior signed and dated written consent, except that the Superintendent or a person designated in writing by the Superintendent may permit disclosure under 34 C.F.R. §§ 99.30, 99.31, 99.34, and 99.37:

- when a student seeks or intends to enroll in another school district or a postsecondary school the District will not further notify parents or eligible students prior to such a transfer of records, however, parents and eligible students have a right to obtain copies of records transferred under this provision;
- when certain federal and state officials need information in order to audit or enforce legal conditions related to federally supported education programs in the District;
- to parties who provide or may provide financial aid to a student to:
 - establish the student's eligibility for the aid;
 - determine the amount of financial aid;
 - establish the conditions for the receipt of the financial aid; or
 - enforce the agreement between the provider and the receiver of financial aid;
- if a state law adopted before November 19, 1974, required certain specific items of information to be disclosed in personally identifiable form from student records to state or local officials;
- if a state law adopted before November 19, 1974, required certain specific items of information to be disclosed in personally identifiable form from student records to state or local officials of the juvenile justice system and the officials certify in writing that the information will not be disclosed to any other party, except as provided under state law, without prior signed and dated written consent of the parent or the eligible student;
- when the District has entered into a written agreement or contract for an organization to conduct studies on the District's behalf to develop tests, administer student aid, or improve instruction;
- to accrediting organizations to carry out their accrediting functions;
- to parents of an eligible student if the parents claim the student as a dependent as defined by the Internal Revenue Code of 1954;

- to comply with a judicial order or lawfully issued subpoena, but the District will make a reasonable effort to notify the parent or the eligible student before making a disclosure under this provision unless directed otherwise by a court of competent jurisdiction;
- to comply with an *ex parte* order, *i.e.* an order issued by a court of competent jurisdiction without notice to the adverse party, from a court of competent jurisdiction requiring the District to permit the U.S. Attorney General or U.S. Attorney General's designee to collect education records in the District's possession District that are relevant to an authorized investigation or prosecution of an offense listed in 18 U.S.C. § 2332b(g)(5)(B) for an act of domestic or international terrorism as defined in 18 U.S.C. § 2331, in which case, the disclosure will not be recorded as a disclosure of information from a student's education records by the District;
- if the District initiates legal action against a parent or student, or a parent or eligible student initiates legal action against the District, the District may disclose to the court, without a court order or subpoena, the education records of the student that are relevant for the District to proceed with the legal action;
- to comply with the request of authorized law enforcement officials conducting an investigation of acts of terrorism;
- the disclosure is in connection with a health or safety emergency:
 - time is an important and limiting factor in determining whether the disclosure is in connection with a health or safety emergency;
 - the District will permit any District official to make the needed disclosure from student education records in a health or safety emergency if:
 - the official deems the disclosure is warranted by the seriousness of the threat to the health or safety of the student or other persons;
 - the information is necessary and needed to address the emergency;
 - the persons to whom the information is to be disclosed are qualified and in a position to deal with the emergency;
- the District may release student attendance, disciplinary, and other education records to a law enforcement agency and county attorney pursuant to an intergovernmental agreement between the District, the law enforcement agency, the county attorney, and other state, local, or tribal government agencies to create a local or tribal juvenile justice network for the purpose of:
 - providing appropriate programs and services to intervene with juveniles currently involved in the juvenile justice system;
 - providing appropriate programs and services designed to deter at-risk juveniles from dropping out of school or other delinquent behavior;
 - increasing the safety and security of the community and its children by reducing juvenile crime;
- education records provided pursuant to an intergovernmental agreement entered into in accord with the above provisions shall be used solely for the purposes of the agreement and shall not be disclosed to any other party, except as provided by law.

A District official may release information from a student's education records, other than directory information, to a third party if the parent or the eligible student gives prior signed and dated written consent for the disclosure and the third party agrees that the information will not be disclosed to any other party without the prior consent of the parent or eligible student. The signed and dated written consent must include at least:

- a specification of the records to be released;

- the reasons for the disclosure;
- the person or the organization or the class of persons or organizations to whom the disclosure is to be made;
- the signature of the parent or eligible student; and
- the date of the consent and, if appropriate, a date when the consent is to be terminated.

The parent or the eligible student may obtain a copy of any records disclosed under this provision, unless otherwise provided.

Records of Requests for Access and Disclosures Made from Education Records

The District will maintain an accurate record of all requests to disclose information from or permit access to a student's education records, and of information it discloses and access it permits, with exceptions listed below. This record will be kept with, but will not be a part of, each student's cumulative school records. It will be available only to the records custodian, the eligible student, the parent of the student, or to federal, state, or local officials for the purpose of auditing or enforcing federally supported educational programs. *See* 34 C.F.R. § 99.32.

The record will include at least:

- the name of the person, organization or agency that made the request;
- the interest the person, organization or agency had in the information;
- the date the person, organization or agency made the request; and
- whether the request was granted and, if it was, the date access was permitted or the disclosure was made.

The District will maintain this record as long as it maintains the student's education records. The record will not include requests for access or access granted to:

- the parent or eligible student;
- authorized law enforcement officials conducting an investigation of acts of terrorism;
- District officials who have a legitimate educational interest in the student;
- requests for or disclosures of information contained in the student's education records if the request is accompanied by or authorized by the prior signed and dated written consent of the parent or eligible student, or
- for requests for or disclosures of directory information designated for that student.

Procedures to Seek to Correct Education Records

Parents of students and eligible students have a right to seek to change any part of the student's record they believe is inaccurate, misleading, or in violation of student rights. *See* 34 C.F.R. §§ 300.618 and 99.20. (*Note:* Under FERPA, the District may decline to consider a request to change the grade an instructor assigns for a course.)

For the purpose of outlining the procedure to seek to correct education records, the term *incorrect* will be used to describe a record that is inaccurate, misleading, or in violation of student rights. The term *correct* will be used to describe a record that is accurate, not misleading, and not in violation of student rights. Also, in this section, the term *requester* will be used to describe the parent of a student or the eligible student who is asking the District to correct a record.

To establish an orderly process to review and correct education records for a requester, the District may make a decision to comply with the request for change at several levels in the procedure. *See* 34 C.F.R. §§ 300.618 and 99.20.

First-level decision. A parent of a student or an eligible student who finds an item in the student's education records that appears to be inaccurate, misleading, or in violation of student rights should immediately ask the record custodian to correct it. If the record is incorrect because of an obvious error and it is a simple matter to make the record change at this level, the record custodian will make the correction. However, if the record is changed at this level, the method and result must satisfy the requester.

If the custodian cannot change the record to the requester's satisfaction or the record does not appear to be obviously incorrect, the custodian will:

- provide the requester a copy of the questioned record at no cost;
- ask the requester to initiate a written request for the change; and
- follow the procedure for a second-level decision.

Second-level decision. The written request to correct a student's education records through the procedure at this level should specify the correction the requester wishes the District to make. It should at least identify the item thought to be incorrect and state whether the requester believes the item:

- is inaccurate and why;
- is misleading and why; or
- violates student rights and why.

The request must be dated and signed by the requester.

Within two weeks after receiving a written request, the record custodian will study the request, discuss it with other District officials (the person who made the record or those who may have a professional concern about the District's response to the request), make a decision to comply or decline to comply with the request, and complete the appropriate steps to notify the requester or move the request to the next level for a decision.

If, as a result of this review and discussion, the decision is that the record should be corrected, the record custodian will make the change and notify the requester, in writing, of that action. Each such notice will include an invitation for the requester to inspect and review the student's education records to make certain the record is in order and the correction is satisfactory.

If a decision is reached that the record is correct, the custodian will make a written summary of any discussions with other officials and of the findings in the matter. This summary and a copy of the written request will be transmitted to the Superintendent.

Third-level decision. The Superintendent will review the material the record custodian provided and, if necessary, discuss the matter with other officials, *e.g.*, the District's attorney or the Board (in executive session unless otherwise requested by parent[s]). The Superintendent will then make a decision concerning the request and complete the steps at this decision level. Ordinarily, this level of the procedure should be completed within two weeks. If it will take longer, the Superintendent will notify the requester in writing of the reasons for the delay and a date when the decision will be made.

If the Superintendent decides the record is incorrect and should be changed, the record custodian will be advised to make the changes. The record custodian will advise the requester of the change.

If the Superintendent decides the record is correct, a letter to the requester will be prepared that will include as required by 34 C.F.R. §§ 300.619 and 99.201:

- the District's decision that the record is correct and the basis for the decision;
- a notice to the requester explaining the requester's right to ask for a hearing to present evidence that the record is incorrect and that the District will grant such a hearing;
- instructions for the requester to contact the Superintendent to discuss hearing officers, convenient times, and a site for the hearing, which, if possible, will conform to the requester's choices; and
- advice that the requester may be represented or assisted in the hearing by other parties, including an attorney, at the requester's expense.

Fourth-level decision. After the requester has submitted (orally or in writing) any wishes concerning the hearing officer and the time and place for the hearing, the Superintendent will, within one week, notify the requester when and where the District will hold the hearing and whom it has designated as the hearing officer. *See* 34 C.F.R. §§ 300.621, 99.21, 99.22, and 99.34.

At the hearing, the hearing officer will provide the requester a full and reasonable opportunity to present material evidence and testimony to demonstrate that the questioned part of the student's education records is incorrect as shown in the requester's written request for a change in the record (second level).

Within one week after the hearing, the hearing officer will submit to the Superintendent a written summary of the evidence submitted at the hearing. Along with the summary, the hearing officer will submit recommendations, based solely on the evidence presented at the hearing, that the record should be changed or should remain unchanged.

The Superintendent will prepare the District's decision within two weeks after the hearing. That decision will be based on the summary of the evidence presented at the hearing and on the hearing officer's recommendation. However, the District's decision will be based solely on the evidence presented at the hearing. Therefore, the Superintendent may overrule the hearing officer if the hearing officer's recommendation is deemed inconsistent with the evidence presented. As a result of the District's decision, the Superintendent will take one of the following actions:

- if the decision is that the District will change the record, the Superintendent will instruct the record custodian to correct the record and the record custodian will correct the record and notify the requester as at the second-level decision. *See* 34 C.F.R. §§ 300.620 and 99.21; or
- if the decision is that the District will not change the record, the Superintendent will prepare a written notice to the requester that will include, as required by 34 C.F.R. §§ 300.620 and 99.21:
 - the District's decision that the record is correct and will not be changed; or
 - a copy of a summary of the evidence presented at the hearing and a written statement of the reasons for the District's decision.
- advice to the requester that an explanatory statement may be placed in the student's education records stating the reasons for disagreement with the District's decision or the reasons for believing the record to be incorrect.

Final administrative step in the procedure. When the District receives an explanatory statement from a requester after a hearing, it will maintain that statement as part of the student's education records as long as it maintains the questioned part of the record. The statement will be attached to the questioned part of the record and whenever the questioned part of the record is disclosed the explanatory statement will also be disclosed. *See* 34 C.F.R. §§ 300.620 and 99.21.

Annual Notification to Parents Regarding Confidentiality of Student Education

Dear Parent:

The Family Educational Rights and Privacy Act (“FERPA”) affords parents and students over 18 years of age (“eligible students”) certain rights with respect to the student’s education records. The Governing Board has established written policies regarding the collection, storage, retrieval, release, use, and transfer of student educational information collected and maintained pertinent to the education of all students to ensure the confidentiality of the information and to guarantee parents’ and students’ rights to privacy. These policies and procedures are in compliance with:

- the Family Education Rights and Privacy Act; Title 20, United States Code, Sections 1232g and 1232h; and the Federal Regulations (34 C.F.R., Part 99) issued pursuant to such act;
- Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001 (USA PATRIOT Act);
- No Child Left Behind Act of 2001 (“NCLB”);
- The Individuals with Disabilities in Education Act; 20 U.S.C. Chapter 33; and the Federal Regulations (34 C.F.R. Part 300); and
- Arizona Revised Statutes, Title 15, sections 141 and 142.

Student education records are collected and maintained to help in the instruction, guidance, and educational progress of the student, to provide information to parents and staff members, to provide a basis for the evaluation and improvement of District programs, and for legitimate educational research. The students’ records maintained by the District may include - but are not necessarily limited to, identifying data, report cards and transcripts of academic work completed, standardized achievement test scores, attendance data, reports of psychological testing, health data, instructor or counselor observations, and verified reports of serious or recurrent behavior patterns.

These records are maintained in the District offices under the supervision of a District administrator and are available only to the instructors and staff members working with the student. Upon request, the District discloses education records, including disciplinary records, without consent to officials of another school district in which a student seeks or intends to enroll. Otherwise, records are not released to most agencies, persons or organizations without prior signed and dated written consent of the parent. *See* 34 C.F.R. § 99.7. The signed and dated written consent may be in electronic form under certain conditions. *See* 34 C.F.R. § 99.30.

You shall be informed when personally identifiable information collected, maintained, or used is no longer needed to provide educational services to your child. The information must be maintained for two years after the date your child was last enrolled in the District.

You have the right to inspect and review any and all records related to your child within forty-five days of the day of receiving a request for access, including a listing of persons or organizations who have reviewed or have received copies of the information. *See* 34 C.F.R. § 99.7. Parents who wish to review their children’s records should contact the student’s Program Director for an appointment or submit to the Program Director a written request that identifies the record(s) you wish to inspect. District personnel will make arrangements for access and notify you of the time and place where the records may be inspected.

District personnel will be available to explain the contents of the records to you. Copies of student education records will be made available to parents when it is not practicable for you to inspect and review the records at the District office. Charges for the copies of records will be costs of copying unless the fee prevents the parent from exercising rights to inspect and review those records.

You have the right to request that an amendment be made to the student's education records and to add comments of your own if you believe information in the record file is inaccurate or misleading. *See* 34 C.F.R. § 99.7(a)(1). You should write the Program Director, clearly identify the part of the record you want changed, and specify why it is inaccurate or misleading. If the District decides not to amend the record as requested by you, the District will notify you of the decision and advise you of the right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to you when notified of the right to a hearing.

You have the right to consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent. One exception, which permits disclosure without consent, is disclosure to District officials with legitimate educational interests. A District official is a person employed by the District as an administrator, supervisor, instructor, or staff member, including health or medical staff and law enforcement unit personnel; a Board member; a person or company with whom the District has contracted to perform a special task, *e.g.*, an attorney, auditor, medical consultant, or therapist; or a parent or student serving on an official committee, such as a disciplinary or grievance committee, or assisting another District official in performing his or her tasks. A District official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility.

Copies of the District's student education records confidentiality policies and procedures may be reviewed in the assigned office on each campus. *See* 34 C.F.R. § 99.7. You have the right to file a complaint with the Family Educational Rights and Privacy Act Office in Washington, D.C., concerning the District's alleged failures to comply with FERPA. *See* 34 C.F.R. § 99.7. The name and address of the Office that administers FERPA are:

Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue,
SW Washington, DC 20202-4605

*******End of Regulation*****End of Regulation*****End of Regulation*******

50. STUDENT SURVEYS

Student surveys will be prepared, administered, retained, and communicated to parents and students in compliance with state and federal laws.

The District will comply with all statutes pertaining to surveys including the requirement that notwithstanding any other law, the District shall provide a copy of any student survey to parents at least seven days before administering the survey and obtain written informed parental consent before administering any survey that solicits personal information about the pupil regarding any of the following characteristics, which are listed in A.R.S. § 15-117:

- critical appraisals of another person with whom a pupil has a close relationship;
- gun or ammunition ownership;
- illegal, antisocial or self-incriminating behavior;
- income or other financial information;
- legally recognized privileged or analogous relationships, such as relationships with a lawyer, physician or member of the clergy;
- medical history or medical information;

- mental health history or mental health information;
- political affiliations, opinions or beliefs;
- pupil biometric information;
- the quality of home interpersonal relationships;
- religious practices, affiliations or beliefs;
- self-sufficiency as it pertains to emergency, disaster and essential services interruption planning;
- sexual behavior or attitudes; and
- voting history.

A student's parent, who has a reasonable belief that the District has violated this section, may file a complaint with the attorney general or the county attorney for the county in which the alleged violation occurred. The attorney general or the county attorney may initiate a suit in the superior court in the county in which the District is located. After receiving written notice of an alleged violation of this section, the District determines that a violation has occurred and cures the violation, it is not subject to a penalty or cause of action under this section. For the purposes of this subsection, "cure" means to destroy any information gathered in violation of this section and to provide written instruction to the individual circulating the survey. The instructions will be kept on file for one year after receipt of the written notice of the alleged violation.

The District will comply with FERPA, the IDEA, and the Protection of Pupil Rights Act ("PPRA").

A parent or eligible student, who believes that the District is violating FERPA, has a right to file a complaint with the U.S. Department of Education.

The Family Policy Compliance Office
 U.S. Department of Education
 400 Maryland Avenue, SW
 Washington, DC 20202-4605
 Telephone number: (202) 260-3887

Annual Notification

At the beginning of every school year, every school district and charter school shall obtain written informed consent from a student's parent to participate in any survey for the entire year. A student's parent may at any time revoke consent for participation in any survey. When a student reaches age eighteen, parental permission is no longer required; only the student's consent is required. The District shall approve and authorize all surveys conducted under A.R.S. § 15-117(A). The District is subject to the penalties prescribed in A.R.S. § 15-117(I). Staff may not administer any survey under A.R.S. § 15-117(A) without the District's written authorization.

LEGAL REF.: A.R.S. §§ 15-101, 15-102, 15-104, 15-117, 15-141, 15-142, 15-249, 15-742
 20 U.S.C. §§ 1232h, 7908, 1400 *et seq.* (Individuals with Disabilities Education Act)
 20 C.F.R. §§ 98, 300

CROSS REF.: Students: Student Rights and Responsibilities
 Students: Student Interrogations, Searches, and Arrests: Student Concerns and Grievances
 The Community: Parental Involvement in Education

CHAPTER 8 – THE COMMUNITY

Community members are a substantial resource and useful to the District in both an advisory capacity and in support of educational programs. The District's strength is due in large part to the manner and degree in which the District utilizes these resources.

The District will carefully consider the public's advice. When evaluating community contributions, the primary concern will be that it benefits students or enhances a program. The District will also consider whether the contribution furthers Board goals, is consistent with educational practices, and what financial resources may be necessitated by the contribution.

1. COMMUNITY RELATIONS GOALS, PRIORITY, AND OBJECTIVES

The Superintendent is the community liaison and will communicate the educational programs to the community and invite community input on important educational issues and, at all times, represent the entire community rather than any single group or section. The following are the District's community relations goals:

- develop the community's understanding of all aspects of the District's operations;
- determine the community's view of the District and what the community wants the District to accomplish;
- communicate to the community the need for adequate financial support for a sound educational program;
- help the community assume direct responsibility for the quality of District educational programs;
- earn the community's goodwill, respect, and confidence in the District's staff and services;
- explain to the community the need for improvements and how to facilitate essential change;
- involve the community in the District's work and addressing its educational problems;
- invite the assistance, cooperation, and understanding of local and state government officials and community leaders in the development of educational programs and facilities; and
- promote a genuine spirit of cooperation with the community in sharing leadership for community improvement.

2. PARENTAL INVOLVEMENT IN EDUCATION

The Superintendent, in consultation with parents, instructors, and administrators, has developed a procedure for parental involvement in the District, which include:

- a plan for parent participation designed to improve parent and instructor cooperation in, *e.g.*, homework, attendance, and discipline;
- parental access to curriculum, learning materials, and supplemental educational materials and their sources;
- procedures by which parents, who object to any learning material or activity on the basis that it is harmful, which may include that it questions beliefs or practices in sex, morality, or religion or, because of sexual content, violent content, or profane or vulgar language, may withdraw their children from the activity, class, or program in which the material is used and request an alternative assignment;

- procedures by which student's parents or guardians shall have access in advance to the District's instructional and learning materials and activities currently used by, or under consideration;
- procedures for obtaining a student's parent's or guardian's written consent before using video, audio or electronic materials that may be inappropriate for the age of the student;
- procedures to prohibit sex education instruction, if offered, without a parent's or guardian's written permission for the student to participate;
- procedures to provide advance notice to parents and the opportunity to withdraw their children from any instruction or presentations regarding sexuality in courses other than formal sex education curricula;
- procedures to inform parents of their parental rights and responsibilities under Arizona laws, including the following:
 - the right to opt in the District's sex education curriculum, if any;
 - open enrollment rights under A.R.S. § 15-816.01;
 - the right, under A.R.S. § 1-602, the Parents Bill of Rights, to opt out of assignments;
 - the right, under A.R.S. § 15-873, to opt out a child out of immunizations;
 - the right, under A.R.S. § 15-716, to opt out of instruction on the acquired immune deficiency syndrome;
 - the right, under A.R.S. § 15-743, to review their child's standardized norm-referenced test results;
 - the right, under A.R.S. § 15-779.01, to participate in gifted programs;
 - the right, under A.R.S. § 15-730, to access instructional materials;
 - the right, under A.R.S. § 15-746, to receive the school's annual report card;
 - the school attendance and age requirements for children prescribed in A.R.S. §§ 15-802, 15-803 and 15-821.
 - the right, under A.R.S. § 15-806, to excuse their child from school attendance for religious purposes;
 - the right, under A.R.S. § 15-102, to parental involvement in their child's education;
 - the right, under A.R.S. § 15-351, to seek membership on District councils;
 - the right, under A.R.S. § 15-353, to participate in a parental satisfaction survey;
 - the right, under A.R.S. § 15-1042, to information about the student accountability information system ("SAIS");
 - the right, under A.R.S. § 15-241, to access the failing schools tutoring.
 - their rights under FERPA to access their children's official records; and
 - their right to inspect the District policies and curriculum;
- techniques designed to assist the student's learning experience in the home;
- efforts to encourage access to community and support services for children and families;
- communications with parents concerning District programs and their child's academic progress;
- identifying opportunities for parents to participate in and support classroom instruction;
- recognition of the diversity of parents and the development of guidelines that promote widespread parental participation and involvement in the school at various levels;

- the development of strategies and programmatic structures to encourage and enable parents to participate actively in their children's education; and
- provide electronic access to this policy.

The District maintains current and former instructors' resumés, which are available for inspection by students' parents or and guardians. The resumés shall include relevant educational background, and teaching and industry experience.

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

When a parent submits a written request for information to the Superintendent or a Program Director during regular business hours, within ten days the Superintendent or Program Director shall deliver the requested information or provide a written explanation for denying the request. If the request is denied or the parent does not receive the information within fifteen calendar days, the parent may submit the request to the Board, which shall consider the request at the next scheduled Board meeting that has not already been noticed.

LEGAL REF.: A.R.S. §§ 1-601, 1-602, 15-101, 15-102, 15-113, 15-341, 15-711, 15-716.

CROSS REF.: Instruction: Instructional Resources and Materials
 Instruction: Movies, Videos, and Electronic Materials
 Students: Withdrawal, Absences, and Dropouts: Attendance and Chronic Health Conditions
 The Community: Public's Right to Know and Freedom of Information

******Regulation****Regulation****Regulation****Regulation****Regulation******

Parent and Instructor Cooperation in Homework, Attendance, and Discipline

When homework, attendance, and discipline rules are being considered, the following or similar procedure shall be used.

The Chief Academic Officer shall appoint an ad hoc committee of staff to study the issue and make recommendations to the Chief Academic Officer. The committee will dissolve after the making the recommendations.

The Chief Academic Officer will schedule hearings on the recommendations, give parents access to the recommendation and notice of the hearings, and conduct hearings to receive feedback from parents.

Following the hearings, the Chief Academic Officer will consider the parent's and staff's input and make recommendations to the Superintendent.

Parents' Access to Courses of Study and Learning Materials

Parents who want to know more about their child's program or review the program materials may do so under Board Policy, "Instructional Resources and Materials."

Parents' Objections to Learning Activities or Materials

Parents who wish to object to any learning activities or materials may do so under Board Policies, "Instructional Resources and Materials," "Parental Involvement in Education," and related regulations.

Availability of Instructional Employees' Resumés

Instructors' resumés are available for parents' inspection. The instructor's address, telephone number, salary, social security number, and other personally identifiable information shall be redacted.

*******End of Regulation*****End of Regulation*****End of Regulation*******

A. *Transgender Student Parental Notification*

Definitions:

Gender identity: an individual's sense of gender, which may be different than the person's sex assigned at birth.

Sex assigned at birth: the sex designated on a birth certificate or based on external anatomy.

Transgender: individuals whose gender identity is different than their sex assigned at birth.

Gender dysphoria: discomfort or distress caused by a discrepancy between a person's gender identity and sex assigned at birth.

Statutory Considerations

A.R.S. § 1-601 defines the liberty to direct the upbringing, education, health care and mental health of minor children as a fundamental parental right. The statute prohibits school districts from infringing on this right unless it can demonstrate a compelling interest of the highest order, narrowly tailored, not otherwise served by a less restrictive means.

The Parents Bill of Rights, A.R.S. § 1-602, gives parents (defined as the natural or adoptive parent or legal guardian of a minor child) the exclusive right to make health care decisions for the minor child.

The Parents Bill of Rights makes attempting to encourage a minor child to withhold information from the child's parents grounds for discipline. It also prohibits school-district employees from interfering with or usurping the fundamental rights of parents to direct the mental health of their children. A parent may bring suit against any governmental entity based on any action that interferes with or usurps the fundamental right of a parent to direct the mental health of their minor children.

Policy

If a minor student discloses to staff that the student identifies as a gender other than the one associated with their sex assigned at birth or asks to be referred to by a that gender or a different name because the student does not identify with the gender associated with their sex assigned at birth, that staff member will inform their Director, who will notify the student's parent(s) of the student's request and inform the parents that the District will not honor the student's request without written parental permission. If parental permission is given, the Director will notify the student's instructor and upload the written permission to the student's health file. Even with parental permission, the District's official records cannot be changed without a court order.

This policy does not affect a student's request to be called by a nickname, if the request is not associated with gender identity.

LEGAL REF: A.R.S. §§ 1-601-602

ADOPTED: September 25, 2023

3. COMMUNITY INVOLVEMENT IN BOND CAMPAIGNS

While the Board may, and should, provide information to the public on District building needs, it may not use District funds to advocate "yes" votes on bond issues. The Board may use the input from a Citizen's Advisory Committee in examining the District's educational and building needs. As the need for a bond issue arises, a Citizen's Advisory Committee may encourage and promote the passage of the bond issue and collect funds needed for such promotion.

LEGAL REF.: A.R.S. §§ 15-491, 15-492, 15-493
Att. Gen. Op. I79-192, I83-117

4. PUBLIC GIFTS AND DONATIONS TO THE DISTRICT

The Board is authorized to accept gifts and donations to the District.

The Board reserves the right to refuse to accept any gift or donation that does not contribute toward the District's goals or would affect the District adversely.

Any gift the Board accepts becomes District property, may not be returned without the Board approval, and is subject to the District's property controls and regulations. The Board is responsible for the maintenance of any accepted gifts, unless otherwise stipulated.

The Board will make every effort to honor donor's intent for gift's use, but reserves the right to use any accepted gift in the District's best interest.

The Board's acceptance of a gift shall never be considered an endorsement of a commercial product, business enterprise, or institution of learning.

The Superintendent shall:

- encourage prospective donors to consult with the Superintendent about the appropriateness of any donation;
- report offered donations to the Board for its review and action; and
- acknowledge the receipt and value of any gift the District accepts, and appropriately recognize or memorialize the gifts.

Accepted gifts shall be appropriately inventoried.

LEGAL REF.: A.R.S. §§ 15-341, 15-393, 15-224
Att. Gen. Op. I80-156

CROSS REF.: Administration: The Business Office: Funding Sources Outside the District System

******Regulation****Regulation****Regulation****Regulation****Regulation******

PUBLIC GIFTS/DONATIONS TO THE DISTRICT

Acceptable gifts must meet these criteria:

- has a purpose consistent with the District's goals;
- the donor is acceptable to the Board;
- does not begin a program that the Board will not take over after the gift or grant funds are exhausted;
- does not include undesirable or hidden costs;
- place no restrictions on the District's programs;
- does not imply endorsement of any business or product;
- does not conflict with any provision of Board policy or the law.

*******End of Regulation*****End of Regulation*****End of Regulation*******

5. PUBLIC INFORMATION AND COMMUNICATIONS

The Superintendent is responsible for keeping the public informed of the District's purpose, goals, methods, and educational programs' progress. Accurate reliable communication will foster confidence

and understanding, and create a better relationship with the community. All staff are responsible for good public relations.

All written notices, bulletins, newsletters, and matters pertaining to students must be approved prior to release. A Program Director or Central Administration must approve communications about an individual program prior to release. The Superintendent must approve communications about the District prior to release.

Third-party materials of a commercial, political, or religious nature shall not be released through the students. Notices from community organizations, *e.g.*, Camp Fire Girls, Boy Scouts, etc., that directly affect students may, at the discretion of a Program Director or Central Administration, be sent home via the students.

This policy is not intended to interfere with the staff members' responsibility to communicate directly with a student's parents or guardians about the student's progress. This policy is intended to ensure that prompt, reliable, and accurate information is released to the District's parents and the community.

6. PUBLIC'S RIGHT TO KNOW AND FREEDOM OF INFORMATION

The public has the right to information concerning Board actions, policies, and the details of the District's educational and business operations. The Board encourages the community's study, discussion, and active participation in promoting the best possible educational programs. The Board utilizes the community's advice and assistance in solving educational and financial problems.

The community's participation does not diminish the Board's responsibility for final decisions on policy or educational programs. The Board's public-relations program follows these principles:

- the Board transacts all official business in open meetings, except as exempted by law, which are open to the press, the public, and staff, and at which the Board may receive public comments and may be considered if on the agenda or at a future meeting when placed on a future agenda;
- the Board will function as speedily and as efficiently as possible and with due regard for the public's interests;
- Board members will familiarize themselves with the District operations and shall bring the community's viewpoint, knowledge, and wisdom to the District;
- the Board will make a record of all meetings;
- minutes of all Board meetings, except executive sessions, are public records;
- the Board recognizes that the community's confidence and respect is paramount to District's educational programs' success.

LEGAL REF.: A.R.S. §§ 38-431 *et seq.*, 39-101, 39-103
Att. Gen. Op. I83-006, I86-090, I84-179, I91-004, I85-0123

******Regulation****Regulation****Regulation****Regulation****Regulation******

The District's public records are open for inspection by any person during normal business hours as provided by Arizona's public records statutes, A.R.S. § 39-121 *et seq.* Requests for access to records shall be made in writing and directed to the Public Information Officer.

Public record means any record the District creates or maintains in the exercise of its duties, including but not limited to: Board minutes and agendas, financial records, contracts, letters, emails, and statistical summaries. The public records' statute does not require creation of new records or compilation of data.

Anyone requesting to inspect or copy public records must attest that the request is not for commercial purpose. If the request is for a commercial purpose, the requester must provide a verified declaration stating the commercial purpose. The declaration must be made and signed on the District's Public Records Request form.

Records will be made available or produced within a reasonable time. If access is denied, the Superintendent will provide a written statement of the grounds for denial. Access may be denied if:

- the record is made confidential by statute;
- the record involves privacy interests, or
- disclosure would be detrimental to the District's best interests.

If a public record contains material that is not subject to disclosure, the District will redact that material and provide the remainder of the record.

Electronic records will be provided only in an existing computer program format.

A fee will be charged to cover the cost of copying, staff time, and use District resources. Fees must be paid before records will be released.

The fees are as follows:

- 10¢ per copy for Board minutes, agendas, financial records, contracts, courses of study, or statistical summaries;
- 35¢ per copy for materials not listed above that require additional clerical or professional staff time to make available.
- actual cost, if available, will be assessed.

Free copies shall be furnished if they are to be used in claims against the United States.

********End of Regulation*****End of Regulation*****End of Regulation********

7. DISTRICT-SPONSORED INFORMATION MEDIA

District publications shall reflect high quality editorial content and format. The cost of materials and production should be kept to a minimum, but without jeopardizing the main purpose of the publication. The Superintendent must approve all District publications that mention the District or staff.

8. USE OF STUDENTS IN PUBLIC INFORMATION PROGRAM

The District encourages student participation in interpreting the educational program to the community with the understanding that:

- students shall not be exploited for the benefit of any individual or group;
- students shall participate only in appropriate situations;
- the effect of participation on students must be evaluated before being permitted to participate;
- Superintendent approval is required for students to solicit or promote District issues; and
- the cornerstone of the best community relations is the product of superior classroom instructions and enthusiastic students with serious intentions, guided by capable instructors, delivering positive message to the community and parents.

9. MEDIA RELATIONS

The Board recognizes its responsibility to provide information to the community and actively seeks to establish a good working relationship with local news media.

To promote a positive relationship between the District and the media, the Board shall provide information to the media concerning the District's programs and activities as well as matters pending before the Board.

CROSS REF.: The Community: District-Sponsored Information Media

10. PRESS RELEASES, CONFERENCES, AND INTERVIEWS

The Superintendent must approve all communication with the news media seeking or arranging news coverage, providing District statements, or responding to media requests.

CROSS REF.: The Community: Public Information and Communications
The Community: District-Sponsored Information Media

11. PUBLIC CONCERNS AND COMPLAINTS

Complaints to the Board or a Board member will be referred to administration for review and resolution.

The administration has developed a procedure for receiving complaints courteously, and takes steps to respond properly. If a problem cannot be resolved by a Program Director, the complainant may seek resolution from a Chief. If the Chief cannot resolve the problem, it may be brought to the Superintendent.

If the problem cannot be resolved by the Superintendent, the complainant may refer it to the Board in writing detailing the problem and specifying the desired resolution. The Board will not consider or act on complaints that have not been explored at the appropriate administrative levels.

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When a Board member receives a complaint and directs it to the Superintendent or the Board secretary, the Superintendent shall investigate the complaint or assign an administrator to investigate. The investigator will report the results of the investigation to the referring Board member and provide the details of the investigation. At the Board's direction, the results of the investigation may be provided to the complainant by the Board member who received the complaint, the investigator, or the Superintendent.

If the complaint requires a lengthy investigation, the investigator will provide periodic progress reports to the Board member.

The investigator shall provide the complaint's resolution to the Board secretary, who will maintain a log of complaints received by Board members and the complaint's resolution. The log entries must be retained for two years.

********End of Regulation*****End of Regulation*****End of Regulation********

A. Public Concerns and Complaints About Personnel

The District should trust and support staff and their actions and protect them from unnecessary, spiteful, or negative criticisms or complaints. Nevertheless, community criticisms and complaints are

inevitable and best handled by Program Directors. When necessary, a complaint may be taken to a Chief or the Superintendent.

The targeted employee shall be afforded all the required elements of due process at each administrative level.

CROSS REF.: The Board: Board Members: Board Member Authority
The Board: Board Meetings: Public Participation at Board Meetings

******Regulation****Regulation****Regulation****Regulation****Regulation******

Required Information

The following information is required for a complaint:

- the complainant's name;
- whether the complainant represents or a group;
- if the complainant represents a group, the complainant shall provide information about the nature of the group and the manner in which the group has reviewed and taken a position on the matter;
- whether complainant has discussed the problem with the targeted employee; and
- a summary of the complaint.

Processing of Complaint Following Written Summation

The complainant shall provide the complaint in writing personally to the targeted employee with a suggested resolution. If the complaint is not resolved between the complainant and the employee, the employee's supervisor will review the complaint, and take it to successive administrative levels until resolved. The Superintendent shall be the final administrative level. The employee will have a minimum of five working days to reply to the complaint at each administrative level.

The employee's supervisor shall inform the Superintendent of the progress towards a resolution at each administrative level.

If the Superintendent is required to make the final decision, the complainant or targeted employee may refer the matter to the Board within ten working days of the decision. The Board shall provide all the elements of due process in reaching a decision.

*******End of Regulation*****End of Regulation*****End of Regulation*******

Public Concerns and Complaints About Instructional Resources

Despite the District's vetting process for instructional materials, occasionally the public will object to the selection of instructional materials. The complainant will be asked to complete the form "Citizen's Request for Reconsideration of Instructional Material." Upon receipt of a request for reconsideration, the Superintendent will review the work in question. After the Superintendent's review, copies of the request form and the report will be sent to the Program Director and the complainant.

If the complainant is not satisfied with the decision, the complainant may appeal to the Board. The Board may refer the matter back to the Superintendent for further review, or review the questioned materials in the light of the selection criteria contained Board policy.

LEGAL REF.: A.R.S. §§ 15-341, 15-721

Public Concerns and Complaints About Facilities and Services

The Superintendent has established procedures for community members to complaint about District facilities or services.

LEGAL REF.: A.R.S. §§ 15-341, 15-341
20 U.S.C. § 794, Rehabilitation Act of 1973, Section 504

*******Regulation****Regulation****Regulation****Regulation****Regulation*******

Community members with complaints about District facilities or services may register such complaints with the Chief Operations Officer. If the complaints concern enrollment eligibility or related procedures, procedural safeguards, or provision for a free and appropriate public education, the complaint may be referred to the appropriate compliance officer at any time.

Required information concerning complaint:

- complainant's name;
- whether the complainant represents or a group;
- whether complainant has discussed the problem with the Program Director;
- a summary of the complaint; and
- a suggested solution.

Processing of complaint:

The written complaint shall be presented to the Chief Operations Officer, who will have five working days to respond. If not timely resolved by the Chief Operations Officer, it may be forwarded to the Superintendent, who will have ten days to respond. If the Superintendent does not timely respond, the complaint may be forwarded to the Board, which will respond within thirty days.

********End of Regulation*****End of Regulation*****End of Regulation********

12. COMMUNITY USE OF DISTRICT FACILITIES

The District may lease facilities and property to any person, group or organization for any lawful purpose in the interest of the community. The purposes include but are not limited to the following:

recreational	educational	political
economic	artistic	moral
scientific	social	religious
other civic	or governmental	

The District will charge a reasonable use fee which may be offset by goods contributed or services rendered by the lessee. "Reasonable use fee" means an amount that is at least equal to the cost for utilities, services, supplies or personnel provided to the lessee pursuant to the terms of the lease.

The Superintendent may permit the uncompensated use of facilities and property by any District related group or by any organization whose membership is open to the public and whose activities promote the District's educational function. "Education function" means uses that are directly related to the District's educational mission as defined in Board policy and includes youth organizations and District employee organizations. Use of facilities or property by organizations indicated above that will require a substantial District cost for utilities, services, supplies or personnel may be permitted only if goods contributed, services rendered or payments are made to reimburse these costs to the District.

The District's mission is found in Chapter 1, The District: Mission Statement. The mission statement and the group's or organization's promotion of the educational function through the activity, as interpreted by the Superintendent in good faith, will be the basis upon which uncompensated use of District facilities and property shall be approved or denied.

Annually, the Superintendent shall recommend to the Board a fee schedule for the lease of District property. The schedule shall include a procedure for determining the value of goods and services being provided as compensation and a designation of those groups whose activities promote the District's educational function as determined in good faith by the Superintendent and presented for Board review.

Property not associated with the use of facilities is covered in Chapter 4). The District will use its best efforts to avoid conflicts with approved use of the facilities and property, but no lease or use is permitted if it would cause delay, cancellation, or rescheduling of a District-sponsored activity.

Under A.R.S. § 15-1105, proof of liability insurance shall be required for the use or lease of District property, except events catered by the Culinary Arts Program and no outside equipment is utilized.

The lessee of District facilities must affirm knowledge of and enforce the requirements and restrictions set out in A.R.S. § 36-2850 *et seq.* related to medical marijuana.

LEGAL REF.: A.R.S. §§ 15-511, 15-1105, 15-1141 to 15-1143, 16-311, 36-2801

CROSS REF.: The District: Mission Statement
Personnel: Equal Employment Opportunity
Support Services: Authorized Use of District-Owned Materials and Equipment
The Community: Public Conduct on District premises

******Regulation****Regulation****Regulation****Regulation****Regulation******

Generally

The Superintendent must approve all outside organization programs before the organization may use District facilities. Organizations that wish to use District facilities must contact the Event Coordinator for approval and scheduling. The organization must complete an application at least thirty days prior to the use date.

Religious groups that wish to use District facilities must apply to the Board. Religious organization shall not be granted regular use of District facilities. A religious group that wishes to use District facilities on a temporary basis must own real property and have definite plans to construct its own facilities.

In case of scheduling conflicts, preferences shall be given to organizations in this order: the District, youth organizations, parent organizations, then all others.

The Superintendent must give advance approval to move any apparatus, furniture, or equipment onto District property.

The number of tickets sold to any function shall not exceed the normal capacity of the facility granted for use in the permit.

The use of the District's special equipment is permitted only when operated by District staff or individuals specifically authorized in the permit.

No material of any kind shall be attached to any part of the facility without written approval.

Smoking is prohibited. Unless approved by the Event Coordinator and in appropriate facilities, users shall not serve or sell refreshments on District premises.

The District shall provide needed custodial services, culinary staff, or other employees for cleaning and restoring furniture and equipment to their original positions after each occasion.

The District shall have access to all facilities at all times. Users will vacate District premises at the specified time.

All District property is to be accounted for and left in as good condition as received. Extra property must be removed from the premises immediately, if its presence will adversely affect educational programs, but always within twenty-four hours of the event.

All advertising promoting the event must identify the event's sponsor.

The District reserves the right to refund payments made in advance for rental of any facilities if the Board decides that the event is not in the District's best interests. Cancellation of the facility use on the date or dates specified in the application will be made prior to the date of the event by notifying the applicant by telephone, messenger, mail, or advertisement in an appropriate daily newspaper

The applicant agrees to indemnify and save harmless the District from any claims or loss by reason of the applicant's use or misuse of the leased premises and from any claim or loss by reason of any accident or damage to any person or property occurring on the leased premises.

A.R.S. § 15-1105(C) requires the applicant to show proof of liability insurance coverage. The District requires insurance in the amount of \$1,000,000.00, and \$100,000.00 property damage, with the East Valley Institute of Technology School District No. 401 named as an additional insured on the policy. No insurance is required for events catered by the Culinary Arts Department if no outside equipment is brought in.

The applicant affirms that no event will be held for the purpose of advancing any theory subversive to the constitutions or laws of the state of Arizona or the United States or for the purpose of advocating social or political change by violence.

Polling Places

A Chief Operating Officer may deny a request to provide space for use as a polling place if within two weeks after a request has been made the Chief Operating Officer provides a written statement stating a reason the election cannot be held on District premises, which may include: no available space, it would disrupt educational programs, or students' safety or welfare would be jeopardized.

Facility Use Rules

Use of facilities is conditioned on the user agreeing to comply with Board policy regarding conduct on District premises and the following rules.

- Facility use must not interrupt or interfere with educational programs.
- A District employee must be on duty whenever District facilities are used by an outside organization or group, unless the Events Coordinator approves other arrangements.
- All users must maintain order. Children must be supervised by responsible adults.
- Alcoholic beverages are prohibited on District premises.
- Tobacco and smoking is prohibited on District premises.
- Prior permission is required to put up decorations or scenery or to move furnishings.

- Nothing shall be sold, given, exhibited, or displayed for sale without the District's prior permission and only if the proceeds will be used for charitable or nonprofit educational purposes.
- Users will indemnify the District for all damages and liability resulting from the user's, its agent's, and guest's conduct. Users, other than having events catered by the Culinary Arts Department where no outside equipment is brought in, must provide the District with documentary evidence of liability insurance of at least \$1,000,000. Users are responsible for the repair or replacement of damaged District property.
- The District reserves the right to require, if deemed necessary, a cash bond of a minimum of \$500 to cover any potential damage to District property.
- The District will pay the wages of District employees on duty during use of the facilities. Users shall not pay District employees directly.
- The use of program areas may be restricted to specific times or activities. Special fees may be charged for the use of program areas.
- Applications for facility use are considered on a first-come first-served basis. District programs and events always take priority, even when an application has already been approved. The District will make every effort to reschedule the outside use a conflict with District programs or events occurs.
- Generally, the District will not issue keys to facilities to outside users. However, absent an alternative, the Events Coordinator will be responsible for issuing and retrieving facility keys according to the District key-control procedures.
- The District does not permit use that exceeds a facilities capacity or violates fire or safety regulations. The user is responsible to educate its staff, members, and guests on the fire and safety devices and procedures.
- Users must comply with all applicable requirements of the Arizona Medical Marijuana Act.
- Illegal activity is prohibited.
- A user's requests for future use may be denied if it fails to comply with these rules.

*******End of Regulation*****End of Regulation*****End of Regulation*******

13. PUBLIC CONDUCT ON DISTRICT PREMISES

A. Interference with District Operations Prohibited

No person shall engage in conduct that may cause interference with or disruption of an educational institution. Interference with or disruption of an educational institution includes any act that might reasonably lead to the evacuation or closure of any property of the educational institution or the postponement, cancellation or suspension of any class or other District activity. For the purposes of this policy, an actual evacuation, closure, postponement, cancellation or suspension is not required for the act to be considered interference or disruption.

A person commits interference with or disruption of an educational institution by doing any of the following:

- intentionally, knowingly or recklessly interfering with or disruption of the normal operations of an educational institution by either:
 - threatening to cause physical injury to any employee or student of an educational institution or any person on the property of an educational institution; or
 - threatening to cause damage to the District, the District's property, or the property of any person attending the District.

- intentionally or knowingly entering or remaining on the property of an educational institution for the purpose of interfering with or denying lawful use of the property to others;
- intentionally or knowingly refusing to obey a lawful order given by the Superintendent or a person designated to maintain order.

The acts listed above do not need to be directed at a specific individual, the District, or specific District property to constitute a violation of this policy.

Restitution for any financial loss caused by a violation of the policy may be required. Furthermore, an individual who interferes with or disrupts an educational institution is subject to misdemeanor or felony charges as provided in A.R.S. § 13- 2911.

A person may also interfere with or disrupt the District's functions by committing any of the following:

- any conduct intended to obstruct, disrupt, or interfere with teaching, research, service, administrative, or disciplinary functions or any activity sponsored or approved by this Board;
- physical or verbal abuse or threat of harm to any person on property owned or controlled by the District or at supervised functions sponsored by the District;
- forceful or unauthorized entry to or occupation of District facilities, including both buildings and grounds;
- illicit use, possession, distribution, or sale of tobacco, alcohol, or drugs, other controlled substances, or other illegal contraband on District property or at District-sponsored functions;
- use of speech or language that is offensive or inappropriate to the limited forum of the public-school educational environment;
- failure to comply with the lawful directions of District officials or of District security officers or other law enforcement officers acting in performance of their duties, and failure to identify oneself to such officials or officers when lawfully requested to do so;
- knowing violation of a District rule and regulation. Proof that an alleged violator has a reasonable opportunity to become aware of such rules and regulations shall be sufficient proof that the violation was done knowingly;
- any conduct constituting a violation of any federal, state, city law or regulation, a Board policy or administrative regulation;
- carrying or possessing a weapon on District grounds unless the individual is a peace officer or has obtained specific authorization from the appropriate District administrator.

Additional Requirements of the General Public

The *general public* means anyone who is not a student or employee.

- No person shall visit or audit a classroom or other District activity, nor shall any person come upon or remain upon District premises, without approval by a Program Director or Central Administration. Nor shall any person conduct or attempt to conduct any activity on District premises without prior approval by the Superintendent or the Superintendent's authorized representative.
- Any member of the general public considered by the Superintendent, or a person authorized by the Superintendent, to be in violation of these rules shall be instructed to leave the District's property. Failure to obey the instruction may subject the person to criminal proceedings under A.R.S. § 13-2911 and to any other applicable civil or criminal proceedings, or to tribal ordinance.

- Persons attending special functions shall remain in the specific part of the facility assigned in the permit.
- Persons who engage in disorderly conduct are be subject to removal and exclusion from the facility.
- The use of facilities shall be granted only for legitimate purposes. Therefore, the permit holder shall assume full responsibility for any unlawful act committed during the exercise of the permit.
- No person shall, except as authorized by A.R.S.§ 36-2801 *et seq.*:
 - possess or engage in the use of medical marijuana, on a school bus, or on District premises;
 - smoke marijuana, on any form of public transportation, or in any public place; or
 - operate, navigate or be in actual physical control of any motor vehicle, aircraft or motorboat while under the influence of marijuana, except that a registered qualifying patient shall not be considered to be under the influence of marijuana solely because of the presence of metabolites or components of marijuana that appear in insufficient concentration to cause impairment.

LEGAL REF.: A.R.S.§§ 13-2905, 13-2911, 13-3102, 15-341, 15-507, 36-802, 36-2801 *et seq.*

CROSS REF.: Personnel: Staff Conduct
 Students: Discipline, Suspension, and Dismissal of Staff Members
 Students: Student Conduct
 Student Discipline
 Smoking on District Premises at Public Functions

14. SMOKING ON DISTRICT PREMISES AT PUBLIC FUNCTIONS

The possession or use of tobacco products is prohibited on District premises, in District vehicle, and at District-sponsored events. Under A.R.S. 36-798.03, a violation of this prohibition is a petty offense, except when an adult is possession of the tobacco product as a necessary part of a District-approved tobacco prevention or cessation program established under A.R.S. § 15-712.that is:

LEGAL REF.: A.R.S. §§ 13-3622, 15-341, 15-712, 36-2802, 36-798.03
 20 U.S.C. §§ 6083, 7281, 7183

CROSS REF.: Personnel: Smoking by Staff Members
 Students: Tobacco Use by Students
 The Community: Public Conduct on District premises

15. PUBLIC SALES ON DISTRICT PREMISES

Sales by employees or outside vendors, e.g., Avon Products, Stanley Home Products, men's or women's wear, greeting cards, etc., shall not be conducted, nor shall deliveries be made, during working hours. Use of District vehicles for this purpose is strictly forbidden.

Employees violating this policy are subject to disciplinary action.

LEGAL REF.: A.R.S. § 38-538 *et seq.*

16. PUBLIC SOLICITATIONS

Staff shall not use their positions to influence parents or students to purchase books or other merchandise, except for materials approved by the Superintendent for use in the classroom.

Solicitation of employees or students by any profit, nonprofit, or charitable groups, institutions, or organizations requires the Superintendent's advance approval.

The District strives to safeguard the students and their parents from money-raising plans of outside organizations, commercial enterprises, and individuals. This policy shall apply particularly to ticket sales and sales of articles or services except those directly sponsored by District authorities or District organizations.

17. ADVERTISING ON DISTRICT PREMISES

Propagandizing and advertising are prohibited on District premises, except for advertisements in student organization publications.

The District does not permit the use of District resources to endorse any product by brand name or trademark.

18. DISTRICT VISITORS

The Superintendent has established procedures for the control of visitors to District premises. These procedures permit the use of legal means to ensure the safety of students, staff, and District property. No person, except a peace officer or a person authorized by the Superintendent, shall carry or possess a weapon on District premises.

The District does not require mask or face covering except for workplace safety.

LEGAL REF.: A.R.S. §§ 13-1302, 13-2905, 13-2911, 15-341, 15-507

CROSS REF.: The Community: Public Conduct on District premises

******Regulation****Regulation****Regulation****Regulation****Regulation******

All visitors to District campuses must report to the reception desk upon arrival.

Visitors to classrooms during instruction, should contact the instructor and Program Director prior to the visit to avoid disrupting the class.

Parents are encouraged to visit campuses. When visiting a classroom during instruction, the visitor may be unable to talk with the instructor because the instructor's primary duty is to the class. If a parent wants a conference with an instructor, the parent should make an appointment during non-instructional hours.

Permission from a Program Director or Chief Operating Officer is required before any visitor may enter or be allowed to conduct any activity on District premises.

Violators of this regulation may be asked to leave District premises. Failure to comply with the District's or law enforcement's lawful directions violates this regulation and may subject the person to criminal liability.

*******End of Regulation*****End of Regulation*****End of Regulation*******

19. RELATIONS WITH GOVERNMENT AUTHORITIES

The District seeks mutually beneficial relations with all governmental agencies because they are an integral part of the community. The District will seek their participation in matters that affect educational program and quality of life in the community.

LEGAL REF.: A.R.S. §§ 15-342, 15-362, 15-363, 15-364

CHAPTER 9 – EDUCATIONAL ORGANIZATIONS

1. SCHOOLS AND REGIONAL AGENCIES

The District will cooperate with public, private, and parochial schools and local and state regional agencies and organizations to seek solutions of educational problems of common concern and on matters of mutual benefit, unless expressly prohibited by law. The District will cooperate in research, exchange of information and data, coordination of curriculum, coordination of school calendars and activities, and construction of facilities that may be efficiently utilized on a cooperative basis.

LEGAL REF.: A.R.S. §§ 11-952, 15-141, 15-205, 15-342, 15-365, 15-1371

2. RELATIONS WITH EDUCATION RESEARCH AGENCIES

The Superintendent is authorized to cooperate with colleges, universities, and other recognized research agencies in promoting potentially useful research. Because of the number of requests for studies in schools, it may be necessary to limit the number and establish guidelines for the approval of studies.

Decisions in connection with research involving students, instructors, or other employees will be influenced by the following factors:

- the research objectives should be clearly stated and designed to produce valid reliable results, which will be available to the District;
- the research should be expected to help improve students' education and general welfare;
- advance written authorization of parents or guardians is required before collecting private data derived from school records, interviews, or questionnaires that have potential for invading students' or parent's privacy even if the data is collected anonymously;
- a research proposal's scope and depth should be commensurate with the research's time and effort;
- generally, instructional activities will not be interrupted absent a clear significance to the District's educational program;
- for projects involving student researchers, prior written approval is required from the student's faculty member who has direct responsibility for the research; and
- research involving student time must benefit the District.

3. RELATIONS WITH COLLEGES AND UNIVERSITIES

To benefit staff and students from college and university resources, the Superintendent shall seek out and utilize the college and university faculty members or programs when they are compatible with the District's needs.

4. RELATIONS WITH STATE EDUCATION AGENCIES

District shall cooperate with the state educational agencies to attain educational goals and objectives.

Under A.A.C. § R7-2-801, the District may submit to the State Superintendent of Public Instruction a request for the State Board of Education's approval of a waiver of any administrative rule. The request shall include at least:

- evidence of the District's current compliance with all state laws and State Board of Education rules;
- goals and how the waiver will achieve those goals;
- a three-year plan to meet those goals;
- the specific rules for which the waiver is requested; and
- evidence the Board held a public hearing held that provided for parental and public involvement and input into the proposed three-year plan.

The Superintendent may request approval of a waiver by submitting to the Board a proposal containing the minimum requirements as indicated above. Within 30 days, the Board will forward the Superintendent's proposals to the State Superintendent of Public Instruction. A waiver approved by the State Board of Education may be renewed using the same procedure.

A school or school district with a waiver approved by the State Board of Education shall document progress obtained as a result of the waiver and shall report on or before June 30 of each year to the State Superintendent of Public Instruction.

A school district having a school with an approved waiver may report the effects that such waiver has had on the operation of the school district. Reports shall be submitted on or before June 30 of each year to the State Superintendent of Public Instruction.

LEGAL REF.: A.R.S. §§ 15-203, 15-239
A.A.C. § R7-2-801

GLOSSARY

Administrator – the Superintendent and any position with “Chief” or “Director” in the title.

Arizona Administrative Code – regulations adopted by state agencies and which carry the force of law.

Arizona Revised Statutes – laws adopted by the Arizona legislature.

At-will – all employees without term-employment or whose contracts are at-will.

Attorney General Opinions – opinion provided by Arizona’s Attorney General regarding legal issues for which no legal precedent exists. Attorney General opinions are advisory and do not carry the force of law.

Board-Member Districts – EVTT is divided into nine districts each represented by a Board member residing within that district.

Central Administration: The Superintendent, Chiefs, the Director of Legal Services, and the Public Information Officer.

Certificated – positions that by statute or Board Policy require a certificate from the Arizona Department of Education. This includes, high-school teachers and substitute high-school teachers.

Chiefs – includes: Chief Academic Officer, Chief Financial Officer, Chief Operations Officer.

Code of Federal Regulations – regulations adopted by federal agencies, which carry the force of law.

Continuing Instructor- a high-school instructor employed by the District for the major portion of three consecutive years.

Full-time – Salaried employees and employees who work 40 hours per week.

Instructional day – any day the District offers instruction in a program area.

Instructor – includes high-school and adult-education instructors.

Paid-Benefit Eligible – employees who work 30 or more hours per week.

Probationary Instructor – a high-school instructor with employed by the District for less than the major portion of three consecutive years or who scored in the lowest performance classification on the prior year’s evaluation.

Program Director – administrator responsible for program areas.

Public Law – federal law as identified by Congress.

Term Employee – employee hired for a fixed period of time.

United States Code – laws adopted by Congress.

USFR: Uniform System of Financial Records.

Work day – any day the District Office is open.

