

# DISCUSSION ITEMS

## Item 9E.

### Policy Advisories

**HUMBOLDT UNIFIED SCHOOL DISTRICT**

TO: Humboldt Unified School District Governing Board Item # **9E**

FROM: Dr. Paul H. Stanton, Superintendent Reading X

DATE: November 8, 2011 Discuss X

SUBJECT: First Reading of Policy Advisories 405 – 434 as Action  
presented by ASBA  
Consent

**OBJECTIVE:** Board Governance

**SUPPORTING DATA:**

The Arizona State Legislature recently passed changes to Statutes relating to school districts, students, and teachers. To insure compliance with State Statutes these Policy Advisories are submitted by the Arizona School Boards Association (ASBA).

(-R indicates Regulation / -E indicates Exhibit)

- |     |        |  |
|-----|--------|--|
| 405 | BK     | School Board Memberships                                 |
| 406 | CBA    | Qualifications and Duties of the Superintendent          |
| 407 | DBC-R  | Budget Planning, Preparation, and Schedules              |
| 408 | DBF    | Budget Hearings and Reviews/Adoption Process             |
| 409 | DIC    | Financial Reports and Statements                         |
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| 411 | DKB    | Salary Deductions  |
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| 413 | EHB    | Data/Records Retention                                   |
|     | EHB-R  | Data/Records Retention                                   |
| 414 | FCB    | Retirement of Facilities                                 |
| 415 | GBAB   | Medical Marijuana Standards and Conditions for Employees |
| 416 | GBECA  | Nonmedical Use or Abuse of Drugs or Alcohol              |
| 417 | IHAMA  | Teaching about Drugs, Alcohol, and Tobacco               |
| 418 | IHB    | Special Instructional Programs                           |
| 419 | IJ     | Instructional Resources and Materials                    |
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| 420 | IJND   | Technology Resources                                     |
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| 422 | JEB    | Entrance Age Requirements                                |
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| 424 | JII    | Student Concerns, Complaints, and Grievances             |
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|     | JII-EA | Student Concerns, Complaints, and Grievances             |
|     | JII-EB | Student Concerns, Complaints, and Grievances             |
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| 426 | JJIB   | Interscholastic Sports                                   |

	JJIB-R	Interscholastic Sports
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427	JLCB-E	Immunization of Students
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	KF-EA	Community Use of School Facilities
433	KFA	Public Conduct on School Property
434	KFAA	Smoking on School Premises at Public Functions

**SUMMARY & RECOMMENDATION:**

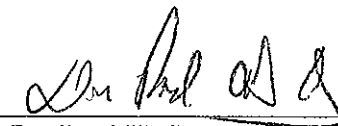
Information regarding these advisories has been provided by ASBA to assist the Board in understanding the new legislation and is included along with the proposed draft policies.

A second reading will be required and upon approval these policies will become effective immediately and will be added to the current Policy Manual.

Regulations and exhibits do not require adoption by the Board.

*Sample Motion: n/a*

Approved for transmittal to the Governing Board:



Dr. Paul H. Stanton, Superintendent

*Questions should be directed to: Dr. Paul Stanton 759-4000*

# ***POLICY SERVICES ADVISORY***

Volume 23, Number 3

July 2011

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

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## **POLICY ADVISORY DISCUSSION**

### **Policy Advisory No. 405. BK — School Board Memberships**

House Bill 2002 establishes new language in A.R.S. 15-511 that prohibits a school district from spending monies for membership in an association that attempts to influence the outcome of an election. Corresponding language has been added to policy document model BK, School Board Memberships. Districts should evaluate their local, state, and national memberships to determine if the association with each organization is compliant with statute. ASBA has taken organizational steps to comply with the new language thereby qualifying school systems to continue their membership in the Association.

### **Policy Advisory No. 406. CBA — Qualifications and Duties of the Superintendent**

Language added to A.R.S. 15-802 by Senate Bill 1141 directs school districts and charter schools to require and maintain verifiable documentation of residency in Arizona for pupils who enroll in the school district or charter school. Policy document model CBA, Qualifications and Duties of the Superintendent, has been revised to reflect the new requirement.

### **Policy Advisory No. 407. DBC-R — Budget Planning, Preparation, and Schedules**

House Bill 2421 added language to A.R.S. 15-904 concerning electronic submittal of a district's adopted budget to the Department of Education for placement on the Department's website. As ASBA Policy Services periodically requests assistance for adequately interpreting and applying the budget adoption requirements, regulation document model DBC-R, Budget Planning, Preparation and Schedules was modified to provide more detailed guidance on the budgeting process. The new 15-904 language is included in the regulation.

### **Policy Advisory No. 408. DBF — Budget Hearings and Reviews/Adoption Process**

The Fiftieth Legislature enacted changes to A.R.S. 15-904, School District Annual Financial Report (AFR), and A.R.S. 15-905, School District Budgets, which affect the AFR reporting requirements and budget notice, submission, and posting. Policy document model DBF, Budget Hearings and Reviews/Adoption Process, has been revised for clarity and to add the cross reference DBC, Budget Planning, Preparation and Schedules.

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### **Policy Advisory No. 409. DIC — Financial Reports and Statements**

Policy document model DIC, Financial Reports and Statements, has been updated to include the provision added to A.R.S. 15-904 by House Bill 2421, and to also draw the user's attention to the added cross reference DBC-R, Budget Planning, Preparation and Schedules.

### **Policy Advisory No. 410. DJE and DJE-R — Bidding/Purchasing Procedures**

Senate Bill 1263 establishes a number of language adjustments in a variety of Arizona Revised Statutes. Among them is A.R.S. section 15-213 pertaining to procurement practices, which has language added related to obtaining bid security for the construction-manager-at-risk method of project delivery and to contracts for materials or services and contracts for job-order-contracting construction services. Language has been added to policy document model DJE, Bidding/Purchasing Procedures, and regulation document model DJE-R to reflect the statutory provisions. New language provides Boards the opportunity to extend job-order-contracting beyond five (5) years should the board determine a longer duration is advantageous to the district. Such a determination shall be recorded in board meeting minutes and a copy maintained in the bid/contract file. Best practice suggests the duration of the contract including possible extension beyond five (5) years must be noted in the bid language and in the contract.

### **Policy Advisory No. 411. DKB — Salary Deductions**

Substantial changes were made to A.R.S. 23-261.02 by Senate Bill 1365. Specific conditions concerning any deduction from an employee's paycheck for political purposes are enacted into the law and include potential considerable penalties for a violation by the school district or an entity that provides an inaccurate statement concerning use of the deduction for a political purpose.

Recommended policy document model DKB, Salary Deductions, has been updated to disclose the requirements of the law. Although the law applies to deductions made after October 1, 2011, and the declarations must be made on forms consistent with rules adopted by the Attorney General, school systems are encouraged to become fully informed of the requirements and possible penalties prior to the implementation date.

Employee organizations that seek to work with their members to continue to make contributions -- consistent with the new law -- should be allowed to meet with their members on school district premises at a time where the employee is free from work duties or obligations. Contributions made by an individual employee through an automatic deduction from their personal bank accounts continue to be legal under this law

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**Policy Advisory No. 412. DN — School Properties Disposition**

SB1263 altered A.R.S. 15-342 relating to the Board's discretionary powers pertaining to the sale or lease of District property. The language has been inserted into policy document model DN, School Properties Disposition, along with new provisions concerning the donation of surplus or outdated materials, equipment and furnishings as well as a provision for the sale of certain items to students enrolled in the District.

**Policy Advisory No. 413. EHB and EHB-R — Data/Records Retention**

A.R.S. 341, as modified by Senate Bill 1263, now has language that enables the storage of public records either on paper or in an electronic format, or a combination of paper or electronic format. Policy document model EHB, Data/Records Retention, and regulation document model EHB-R have been adjusted accordingly.

**Policy Advisory No. 414. FCB — Retirement of Facilities**

A.R.S. 15-341 has language added by Senate Bill 1263 prescribing that the Governing Board may consult with the School Facilities Board for technical assistance and for information on the impact of closing a school. New policy document model FCB, Retirement of Facilities, reflects the addition to the statute.

**Policy Advisory No. 415. GBAB — Medical Marijuana Standards and Conditions for Employees**

Proposition 203, The Arizona Medical Marijuana Act, was passed by the voters in the 2010 General Election. The Act, recorded as Chapter 28.1 in Arizona Revised Statutes Title 36, prescribes the mandatory, permissive, and restrictive laws pertinent to qualified cardholder patients, caregivers, and nonprofit medical marijuana dispensary agents, as well as the employment of qualified cardholders, the policies and rules applicable to district employee and student personnel, public conduct on school property, and the use of school facilities by the community.

**Policy Advisory No. 416. GBECA — Nonmedical Use or Abuse of Drugs or Alcohol**

Refer to above discussion under Policy Advisory No. 415.

**Policy Advisory No. 417. IHAMA — Teaching About Drugs, Alcohol, and Tobacco**

Although having been enacted in a legislative session prior to 2011, a modification to A.R.S. 15-712 adds date rape drugs to the list of dangerous drugs schools may include in their instructional program. The term has been added to policy document model IHAMA, Teaching About Drugs, Alcohol, and Tobacco.

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### **Policy Advisory No. 418. IHB — Special Instructional Programs**

Senate Bill 1256 includes an expansion of the definition of the home school district of a child with a disability to include a child who "is a ward of this state and the child is enrolled in an accommodation school pursuant to A.R.S. 15-913." Advisory 416 adds the full definition of home school district to policy document model IHB, Special Instructional Programs, for clarity and ready reference if related questions arise.

### **Policy Advisory No. 419. IJ and IJ-R — Instructional Resources and Materials**

Senate Bill 1244 produced the newly enacted statute A.R.S. 15-113, Rights of Parents; Public Educational Institutions. It addresses the rights of parents to review learning materials or activities, to remove a student from the activity, class, or program in which the material is used, and to make a request for an alternative assignment. Corresponding adjustments have been made to Policy document model IJ, Instructional Resources and Materials, and regulation document model IJ-R. *These changes also affect document models IJND, IJND-R, KB, and KB-R.*

### **Policy Advisory No. 420. IJND and IJND-R — Technology Resources**

Refer to above discussion under Policy Advisory No. 419.

### **Policy Advisory No. 421. JEA-E — Compulsory Attendance Ages**

Technical corrections were made by House Bill 1256 to correct the required number of instructional days from one hundred seventy-five (175) to one hundred eighty (180) to be consistent throughout the statutes. Regulation document model JEA-E, Compulsory Attendance Ages, is adjusted accordingly.

### **Policy Advisory No. 422. JEB — Entrance Age Requirements**

Recommended policy document model JEB, Entrance Age Requirements, has been modified to align with revisions to A.R.S. 15-821 that enables a school district or charter school to receive a portion of basic state aid when a child who has not reached the age of five (5) before September 1 is admitted to a kindergarten program but does not remain, then returns to kindergarten in the subsequent year.

Policy document model JEB has also been revised to conform with the changes to A.R.S. 15-802 added by Senate Bill 1142 stating that school districts and charter schools are to require and maintain verifiable documentation of Arizona residency for students who enroll in the school district or charter school.

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### **Policy Advisory No. 423. JICH — Drugs and Alcohol Use by Students**

School administrators have been inquiring if policy could be created or revised to provide the authority or mechanism for restricting student use of compounds and components, regardless of their street names, that when combined produce effects similar to those of controlled substances. Research identified Chapter 34.1, Imitation Substance or Drug Offenses, in A.R.S. Title 13. That information formed the basis for modifications incorporated in Policy JICH, Drug and Alcohol Use by Students.

### **Policy Advisory No. 424. JII, JII-R, JII-EA, and JII-EB — Student Concerns, Complaints, and Grievances**

Policy JII, Student Concerns, Complaints, and Grievances, was first recommended by ASBA Policy Services in 2000. Five years later the Legislature revised A.R.S. section 15-341 to include intimidation and bullying as cited reasons about which students could make a complaint or grievance. The 2011 Legislature further modified section 15-341 to substantially increase the particular requirements school districts and charter schools must adopt and implement related to bullying, intimidation, and harassment. To address the statutory revisions Policy Services recently issued Advisory 404 recommending the new policy category JICK – Student Violence/Harassment/Intimidation/Bullying. After Advisory 404 was issued further analysis of document model JII disclosed internal conflicts between certain provisions covered in both JII and JICK. Consequently, JII and its associated regulation and exhibits have been revised to remove bullying, intimidation, and harassment with reference to JICK, as well as modifying its suggested rules and procedures to better align with those in JICK and eliminate noted conflicts between JII and JICK. JII is now more focused on civil rights protections while JICK is essentially dedicated to dealing with alleged acts of bullying, intimidation and harassment.

### **Policy Advisory No. 425. JJE — Student Fund-Raising Activities**

Policy Services has determined that recommended document model JJE, Student Fund-Raising Activities, may be misleading and possibly inconsistent with statutory requirement. A.R.S. 15-1121 defines student activities monies as being those funds raised from activities approved by the District Governing Board. Therefore, to promote full compliance with the statutory provision document model JJE has been revised to indicate the types of fund-raising activities in which students may be engaged must be those approved by the Governing Board. The specific fund-raising activities, within the types approved by the Governing Board that student groups and organizations may pursue, remain subject to approval by the Superintendent.

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**Policy Advisory No. 426. JJIB, JJIB-R and JJIB-E — Interscholastic Sports**

Senate Bill 1521 addresses interscholastic activities related to the dangers of concussions, head injuries and the risks of continued participation in athletic activity after concussion. Language has been inserted into A.R.S. 15-341 that prescribes the board shall develop in consultation with a statewide private entity that supervises interscholastic activities, procedures to inform and educate coaches, pupils and parents, of the dangers of concussions and head injuries and the risks of continued participation in athletic activity after a concussion. ASBA Policies Services consulted with the Arizona Interscholastic Association (AIA) regarding their concussion program.

It is critical to communicate to pupils, parents/guardians and coaches the necessity to participate in the developed program prior to participation in an athletic activity. Language has been added to policy document model JJIB, Interscholastic Sports and regulation document model JJIB-R. AIA's Statement and Acknowledgement Form is reproduced as exhibit document model JJIB-E. A.R.S. 15-341 also establishes that a group or organization that uses property or facilities owned or operated by a district for athletic activities shall comply with the statutory requirements addressed in document models JJIB, JJIB-R, JJIB-E, KF and KF-EB.

**Policy Advisory No. 427. JLCB-E — Immunization of Students**

The exhibit has been revised to incorporate the 2011-2012 changes provided by the Arizona Immunization Program Office.

**Policy Advisory No. 428. JLIB — Student Dismissal Precautions**

Also contained in the Arizona Medical Marijuana Act are prohibitions against certain discriminatory actions based on the person being a registered medical marijuana cardholder. Policy document model JLIB, Student Dismissal Precautions, now presents when a cardholder can and cannot be denied custody, visitation, or parenting time with a minor.

**Policy Advisory No. 429. JQ-R — Student Fees, Fines, and Charges**

House Bill 2301 revised A.R.S. 43-1089.01 to authorize unspent income tax credit contributions for a specific purpose or program to be classified as undesignated if the designated program or purpose has been discontinued or unused for two (2) fiscal years. Regulation document model JQ-R, Student Fees, Fines, and Charges, contains the revision.

Under A.R.S. section 43-1089.01(E), the site council must designate funds not designated for a specific purpose. House Bill 2301 pertains to funds that have been designated but where such designation no longer can serve the purpose for which it has been designated. (*Example:* funds are designated for dance team but dance team no longer exists.)

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House Bill 2301 does not provide for schools not required to have a school (site) council, but that will probably not become a significant issue for many.

**Policy Advisory No. 430. JR and JR-R — Student Records**

By House Bill 2587 the Legislature enacted an addition to A.R.S. 15-142, Access to Directory Information Relating to Pupils and to School Property, prescribing a release-by date and directing the Department of Education to design and provide a form for requesting that directory information not be released in accordance with the restrictions in the No Child Left Behind Act of 2001. Language in document models JR and JR-R, Student Records, have been adjusted for compliance. Exhibit JR-EB will be revised and distributed whenever the form developed by the Department of Education is provided.

**Policy Advisory No. 431. KB and KB-R — Parental Involvement in Education**

Refer to discussion for Advisory 419, IJ - Instructional Resources and Materials for information from Senate Bill 1453 relative also to document models KB and KB-R.

**Policy Advisory No. 432. KF and KF-EA — Community Use of School Facilities**

Refer to above discussion under Policy Advisory No. 415.

**Policy Advisory No. 433. KFA — Public Conduct on School Property**

Refer to above discussion under Policy Advisory No. 415.

**Policy Advisory No. 434. KFAA — Smoking on School Premises at Public Functions**

Refer to above discussion under Policy Advisory No. 415.

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**If there are questions, contact Policy Services at (602) 254-1100 or fax information to (602) 254-1177. Ask for James Deaton, Director of Policy Services; Dr. Terry Rowles, Policy Analyst; or Steve Highlen, Policy Analyst. E-mail addresses are, respectively, [jdeaton@azsba.org], [trowles@azsba.org], and [shighlen@azsba.org].**

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## SCHOOL BOARD MEMBERSHIPS

The Board may choose to be a member of and participate in school boards associations at the state, county, regional, and national levels. The Superintendent will ensure that the subject of school boards association membership is addressed during budget preparation.

The District shall not spend monies for memberships in an association that attempts to influence the outcome of an election, as determined by state and federal law.

*Adopted:* date of manual adoption

LEGAL REF.: A.R.S. 15-342  
15-511

## QUALIFICATIONS AND DUTIES OF THE SUPERINTENDENT

### (Performance Responsibilities)

The Superintendent shall have appropriate qualifications as determined by the Governing Board by action taken at a public meeting.

The Superintendent shall supervise, either directly or through delegation, all activities and all personnel of the school system according to the laws of the state of Arizona, rules of the Arizona State Board of Education, and adopted policies of the Governing Board.

The Superintendent is the District's chief executive officer and the administrative head of all divisions and departments of the school system. It is the Superintendent's duty to administer the policies of the Board and to provide leadership for the entire school system. The Superintendent is the professional consultant to the Board and, in this capacity, makes recommendations to the Board for changes in Board policies and the educational program.

The Superintendent provides the initiative and the technical guidance for the improvement of the total program of the school system. The delegation of authority for the operation of the various functions of the school system is one of the Superintendent's duties. The Superintendent is, however, responsible to the Board for all functions of the District, including those listed below.

#### ***Education:***

- Administers the development, coordination, maintenance, and evaluation of the educational program, including the special education program.
- Supervises methods of teaching, supervision, and administration in effect in the schools.
- Keeps informed of modern educational thought and practices by advanced study, by visiting school systems elsewhere, by attending educational conferences, and by other appropriate means.
- Keeps the public informed about modern education practices, educational trends, and the policies, practices, and problems in the District schools.

***Management:***

- Ensures that all activities of the District are conducted in accordance with the laws of the state of Arizona, the regulations of the Arizona Board of Education, and the policies of the Governing Board.
- Assumes responsibility for the overall financial planning of the District and for the preparation of the annual budget, and submits it to the Board for review and approval.
- Establishes and maintains efficient procedures and effective controls for all expenditures of school funds in accordance with the adopted budget, subject to direction and approval of the Board.
- Maintains or has maintained adequate records for the schools, including ~~financial accounts; business and property records; and personnel, school population, and scholastic records.~~ but not limited to:
  - financial accounts,
  - business and property records,
  - personnel,
  - school population,
  - student records including verifiable documentation of each student's residency in this state in accordance with guidelines and forms adopted by the Arizona Department of Education, and
  - scholastic records.
- Provides suitable instructions and regulations to govern the maintenance of District properties.
- Provides suitable instructions and regulations to govern the safety and transportation of students.
- Assumes responsibility for the use of buildings and grounds.
- Recommends the locations and sizes of new school sites and of additions to existing sites; the locations and sizes of new buildings; the plans for new school buildings; all appropriations for sites and buildings; and improvements, alterations, and changes in the buildings and equipment of the District.

- Oversees the processing and submission of required reports.
- Interprets the budget and finances to the community.
- Remains current on new legislation and implements laws to the best advantage of the District.

***Governing Board:***

- Attends and participates in all meetings of the Board and its committees, except when excused by the Board.
- Takes prompt action to implement all directives of the Board.
- Advises the Board on the need for new and/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 problems of the schools, 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.
- 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 employees of the District.
- 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 employees of the District.
- Recommends all promotions, demotions, and salary changes to the Board.
- 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.

The Superintendent shall have a valid fingerprint card issued pursuant to A.R.S. 41-1758.03.

*Adopted:* date of manual adoption

LEGAL REF.: A.R.S. 15-503  
                  15-802  
                  38-201  
                  41-1758  
                  A.A.C. R7-2-603

CROSS REF.: CBI - Evaluation of Superintendent

## BUDGET PLANNING, PREPARATION, AND SCHEDULES

Each school year the Superintendent 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.

*Adopted:* date of manual adoption

LEGAL REF.: A.R.S. 15-481  
15-904  
15-824  
15-905  
15-905.01  
15-952  
15-991

CROSS REF.: DBF – Budget Hearings and Reviews/Adoption Process



## BUDGET PLANNING, PREPARATION, AND SCHEDULES

The business manager will prepare a schedule of budget deadlines for presentation to the Superintendent each year. This schedule will cover all actions necessary to prepare the budget for the following school year.

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

- Specific date for receipt of unit budgets from administrators.
- Date for initial meeting on the budget with appropriate staff members ~~on the budget~~.
- Date(s) for ~~the 40th day and 100th day~~ student membership and attendance reports.
- Date(s) for estimates on the maintenance and operations and capital budgets.
- Date for completion of salary 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(s) is (are) in excess of the District's truth in taxation base limit [A.R.S. 15-905.01].
  - When the base limit will be exceeded a decision must be made 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 (10) days but not more than twenty (20) days prior to the truth in taxation hearing.
  - The truth in taxation hearing may be held in conjunction with the proposed budget hearing.
- The Governing Board shall not later than July 5 and not less than ten (10) days before:
  - 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 residents or taxpayers of the District, and a notice of the public hearing and Board meeting.

**REGULATION**

- 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 School District on the website maintained by the Department. If the School District maintains a website, the School District shall post a link to the website of the Department of Education where this information about the School District is posted.
- The Governing Board shall not later than July 15 and not less than ten (10) 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.
  - Immediately following the public hearing the President shall call the Governing Board meeting to order for the purpose of adopting the budget.
- Not later than July 18:
  - The adopted budget shall be filed by the Governing Board with the County School Superintendent (who shall immediately transmit a copy to the Board of Supervisors).
  - The adopted budget shall be submitted electronically to the Superintendent of Public Instruction.
  - The adopted budget shall be submitted to the Department of Education. The Department shall prominently display this information about the School District on the website maintained by the Department. If the School District maintains a website, the School District shall post a link to the website of the Department of Education where this information about the School District is posted.

## REGULATION INFORMATION

- File with the Superintendent of Public Instruction within thirty (30) days from the action date:
  - The publisher's affidavit of publication confirming publication of the proposed budget, or
  - An affidavit affirming the proposed budget was mailed to each household in the School District, or
  - An affidavit noticing that the proposed budget was posted on the Department of Education website.

### **Override Election:**

- Date(s) for override, if applicable.
- Date for budget hearing on following year's budget.
  - At least ninety (90) days before a proposed override election (first [1st] Tuesday following the first [1st] Monday in November, order override election to present proposed override budget to electors. Must also prepare alternate budget without override increase in event voters reject the proposed override budget.
  - At least thirty-five (35) days before override election, mail or distribute to households where qualified electors reside the informational report prepared by County School Superintendent.
  - When a determination is made to cancel the override election, the request must be made to the County School Superintendent at least eighty (80) days before the override election date.

### **Annual Financial Report:**

Not later than October 15 of each year the Governing 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. The report shall be approved by the County Superintendent in an electronic procedure prescribed by the Department of Education.

**REGULATION**

- Electronically submit a copy of the financial report to the State Superintendent of Public Instruction
- Submit a copy of the annual financial report for the prior fiscal year to the Department of Education. The Department shall prominently display this information about the School District on the website maintained by the Department. If the School District maintains a website, the School District shall post a link to the website of the Department of Education where this information about the School District is posted.

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

- In a newspaper of general circulation within the School District, or
- In the official newspaper of the county as defined in A.R.S. 11-255, or
- 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, or
  - If the Board chooses this option the School District shall post 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. 15-904.

## BUDGET HEARINGS AND REVIEWS / ADOPTION PROCESS

~~The Board shall prepare a notice fixing the time not later than July 15 and place at which a public hearing and Board meeting shall be held to present the proposed budget for consideration of the residents or taxpayers of the District.~~

At least ten (10) days before and not later than July 5, the Governing Board shall publish notice of the public hearing and Board meeting to be held no later than July 15 to present the proposed budget for consideration of the residents or taxpayers of the District 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. If the District maintains a website, 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. 15-905.01, 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 be in accordance with A.R.S. 15-905. If a truth-in-taxation notice and hearing is necessary, the notice shall be in accordance with A.R.S. 15-905.01. If the Board determines 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 President shall call to order the Board meeting for the purpose of 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 Governing 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. If the District maintains a website, the District shall post a link to the website of the Department of Education where this information about the District is posted.

Filing of the budget shall be according to state law. [See exhibit DBC-R]

If the Governing Board receives notification that one (1) 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.

*Adopted:* date of manual adoption

LEGAL REF.: A.R.S. 15-903  
15-905  
15-905.01  
15-911  
15-915  
15-948

CROSS REF.: DBC – Budget Planning, Preparation and Schedules

## FINANCIAL REPORTS AND STATEMENTS

~~Prior to~~ On or before October 15 of each year, the Superintendent shall present to the Board the annual financial report for the previous fiscal year and the Governing Board shall submit the annual financial report for the previous fiscal year to the Department of Education, which shall prominently display this information about the District on the website maintained by the Department.

The District annual financial report shall be published by November 15 either in a newspaper of general circulation within the District, by electronic submission to the Department of Education for publication on its web site, in the official newspaper of the county, or by mailing to each household in the School District. If published electronically as indicated above, a link shall be posted on the School District web site to the state department's web site.

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

*Adopted:* date of manual adoption

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

LEGAL REF.: DBC-R – Budget Planning, Preparation and Schedules

## BIDDING / PURCHASING PROCEDURES

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 prepare regulations to assure the District conforms to proper procedures and practices.

### Purchases Not Requiring Bidding

Purchases of five thousand dollars (\$5,000) or less may be made at the discretion of the Superintendent. Such procurements are not subject to competitive purchasing requirements, however reasonable judgment should be used to ensure the purchases are advantageous to the District.

Verbal price quotations will be requested from at least three (3) vendors for a transaction in excess of five thousand dollars (\$5,000) but less than twenty-five thousand dollars (\$25,000). The price quotations should be shown on, or attached to, the related requisition form. If three (3) verbal quotations cannot be obtained, documentation showing the vendors contacted that did not offer price quotations, or explaining why price quotations were not obtained, shall be maintained on file in the District office.

Written price quotations will be requested from at least three (3) vendors for transactions of at least twenty-five thousand dollars (\$25,000) but not more than fifty thousand dollars (\$50,000). If three (3) written price quotations cannot be obtained, documentation showing the vendors contacted that did not offer written price quotations, or explaining why written price quotations were not obtained shall be maintained on file in the District office.

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 (5) 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.

### **Online Bidding**

Until such time as 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 pursuant to A.R.S. 41-2671 through 2673 using the rules adopted by the Department of Administration in implementing 41-2671 through 2673.

### **Purchases Requiring Bidding**

Sealed bids and proposals shall be requested for transactions to purchase construction, materials, or services costing more than fifty thousand dollars (\$50,000). All transactions must comply with the requirements of the

Arizona Administrative Code and the Uniform System of Financial Records.

### **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 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 District's discretion.*

### **Required Scrutinized Business Operations Clause**

All contracts for District purchase of goods or services shall include a clause requiring the contractor offering the goods or services to certify that the contractor does not have scrutinized business services in Sudan nor in Iran.

The District through the Superintendent shall:

- Verify that the offeror does not appear on the most recent list prepared by the Arizona Central Procurement Officer of parties excluded from Arizona contracts.
- Notify the State Central Procurement Officer of any contractor the District suspects has submitted a false certification.

*Adopted:* date of manual adoption

LEGAL REF.: A.R.S. 11-952 23-214  
 15-213 34-101 *et seq.*  
 15-213.01 35-391 *et seq.*  
 15-213.02 35-393 *et seq.*  
 15-239 38-503  
 15-323 38-511  
 15-342 39-121  
 15-382 41-2632  
 15-765 41-2636  
 15-910.02 41-4401  
 A.G.O. I83-136  
 I87-035  
 I06-002  
 A.A.C. R7-2-1001 *et seq.*  
 USFR VI-G-8 *et seq.*

CROSS REF.: BCB - Board Member Conflict of Interest  
 DJG - Vendor/Contractor Relations  
 GBEAA - Staff Conflict of Interest  
 JLIF - Sex Offender Notification

## BIDDING / PURCHASING PROCEDURES

All District purchases shall be in accordance with the relevant sections of the Arizona Revised Statutes (including, but not limited to 15-213, 15-323, and 38-503), the Arizona school district procurement rules set out in A.A.C. R7-2-1001 through 1195, and with the following.

### Requesting Quotations

Requests for price quotations are to include adequate details and be issued with sufficient lead time to enable vendors to effectively respond. When a contract is to be awarded on the basis of price and additional factors those factors are to be included in the request for quotations. Such 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);
  - Physical or digital address to which quotations are to be delivered.
- Specific information the quotation must include.
- Whether or not negotiations may be held.
- Options that may be made pursuant to a purchase contract, i.e., extensions and renewals.
- Contracts for job-order-contracting services shall be limited to no more than five (5) 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.
- Such additional terms, conditions, and instructions as are applicable to the purchase under consideration.

All requests for written quotations shall be at the direction of the Superintendent or a person designated by the Superintendent.

**PROCUREMENT**

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 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 Governing Board policies and lawful procurement practices.

**Multiple Year Purchases Totaling  
Less Than Fifty Thousand Dollars**

The District may enter into contracts of less than fifty thousand dollars (\$50,000) for a period up to five (5) 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.

**REGULATION****Multiple Year Purchases Totaling  
More Than Fifty Thousand Dollars**

The District may enter into contracts for more than fifty thousand dollars (\$50,000) for a period up to five (5) years, as follows:

- The Governing 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;
  - 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;
- Written affirmation with 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 (1) 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 (1) 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.

**REGULATION****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 fifty thousand dollars (\$50,000). 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.

Pursuant to the procurement code, contracts can be let for a period not to exceed five (5) years.

**Definitions**

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

**Prospective Bidders' Lists**

The District shall compile and maintain a prospective bidders' list. Inclusion of the name of a person shall 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 (30) 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 (2) 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 (2) 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 (2) 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 best interest of the District that they should be confidential or private and should not be open for inspection pursuant to A.R.S. 39-121.

**REGULATION****Competitive Sealed Bidding**

If the intended procurement is for construction to cost less than one hundred fifty thousand dollars (\$150,000), the rules established for the simplified school construction procurement program described at R7-2-1033 may be followed. In all other cases, adequate public notice of the invitation for bids shall be given as provided in R7-2-1022 or as provided in 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 R7-2-1024, notice also may be given as provided in R7-2-1022. If fewer than five (5) prospective bidders are included on the bidders list, the notice must also be given as provided in R7-2-1022. When the invitation for bids is for the procurement of services other than those described in R7-2-1061 through R7-2-1068 and R7-2-1117 through R7-2-1123, Specified Professional Services, notice also shall be given as provided in R7-2-1022.

**R7-2-1022:**

In the event there are four (4) or less prospective bidders on the bidders' list, the notice shall include publication in the official newspaper of the county within which the school district is located for two (2) publications which are not less than six (6) nor more than ten (10) days apart. The second publication shall not be less than two (2) weeks before bid opening. The time of publication may be altered if deemed necessary pursuant to R7-2-1024.A.

**R7-2-1024:**

Invitation for bids shall be issued at least fourteen (14) 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 school district.

The school 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 school 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 school business or during a public meeting of the Governing Board at its regular meeting place.

**REGULATION**

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 (10%) 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 (100%) of the bid within five (5) 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/use tax, the amount of such 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 (1) 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 best interest of the District. 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 (30) 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 Governing 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 (1) 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 R7-2-1036 and 1037 shall be followed.

### **Competitive Sealed Proposals**

If, pursuant to R7-2-1041, the Governing 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 Governing 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 Governing Board may modify or revoke a class determination at any time.

If competitive sealed bidding is neither practicable or advantageous, competitive sealed proposals may be used if it is necessary to:

- Use a contract other than a fixed-price type;

## REGULATION

- 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 set out in R7-2-1025 through 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.

**REGULATION**

A request for proposals shall be issued at least fourteen (14) 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 be issued in accordance with R7-2-1022.

Before submission of initial proposals, amendments to requests for proposals shall be made in accordance with R7-2-1026. After submission of proposals, amendments may be made in accordance with R7-2-1036(C).

**Specified Professional Services  
and Construction Services**

When the procurement of construction services or services to be provided by certain professionals are under consideration, 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 be in accordance with 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 to be provided by clergy, certified public accountants, physicians, dentists, and legal counsel shall be as specified in R7-2-1061 through R7-2-1068. The procurement of services by an architect, engineer, land surveyor, assayer, geologist, or landscape architect is to be accomplished in compliance with R7-2-1117 and 1118. Procurement procedures related to purchasing services from the professional providers are to conform to R7-2-1119 through 1122.

**Contract Requirements**

Care is to be exercised to assure the District's procurement practices conform to the general contract requirements set out at R7-2-1068 through 1086 and the accompanying conditions described in R7-2-1091 through 1093.

**REGULATION****REGULATION****Preparation of Specifications**

Specifications for goods, services, and construction items are to be prepared in the manner prescribed by rules R7-2-1101 through 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 R7-2-1109 through 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 school personnel 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 pursuant to 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 Governing Board determines in writing that there is only one (1) 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 obligation of the District.

REGULATION

REGULATION

### **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 procurements 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 Uniform System of Financial Records (USFR) Compliance Questionnaire for school districts when assessing the quality of the procurements 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.

## SALARY DEDUCTIONS

The Superintendent shall establish procedures that conform to all requirements of the law and all policies of the District, 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.

For deductions after October 1, 2011, 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.

After October 1, 2011, 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 ten thousand dollars (\$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 United States Code 441b(b) or 16-920(A)(3).
- 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 (1) pay period to process the rescission.

### **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.

### **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.
- Contributions to a public school for the support of extracurricular activities or character education programs of the public school.

*Adopted:* date of manual adoption

LEGAL REF.: A.R.S. 15-121	<u>35-146</u>
15-135	<u>35-147</u>
23-352	42-2001
<u>23-361.02</u>	43-401

## SCHOOL PROPERTIES DISPOSITION

### 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 school property required for public purpose provided the sale or lease of the property will not affect the normal operation of a school within the District.

### **Disposition of Surplus Materials**

The School 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 one hundred dollars (\$100).

### **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.

### **Competitive Sealed Bidding**

Notice of the sale bids shall be publicly available from the District at least ten (10) 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 two (2) times 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 (7) days apart. All of the terms and conditions of any sale shall be available to the public at least twenty-four (24) 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.

An employee of the District or a Governing Board member shall not directly or indirectly purchase or agree with another person to purchase surplus property if said 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.

### **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 pursuant to Article 8 of the Arizona Procurement Code [A.R.S. 41-2601 *et seq.*] and the rules promulgated thereunder.

### **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.

### **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.

*Adopted:* date of manual adoption

LEGAL REF.: A.R.S. 15-189  
15-341  
15-342

U.S.F.R. Sec. III-J-5(10); App. B(6)  
A.A.C. R7-2-1131  
A.G.O. I80-036  
I80-189

CROSS REF.: BCB - Board Member Conflict of Interest  
GBEAA - Staff Conflict of Interest  
IJJ - Textbook/Supplementary Materials Selection and  
Adoption

## DATA / RECORDS RETENTION

### (Records Management)

All required records and any other records that are deemed necessary or helpful will be prepared in a manner consistent with law and the requirements of the Uniform System of Financial Records. An administrative records management program approved by the Governing Board shall be established and maintained, and copies of retention schedules shall be submitted to the ~~Department of~~ Arizona State Library, Archives and Public Records (ASLAPR).

Records management standards adopted by the ASLAPR for the maintenance and storage of the District's public records provides for the maintenance and storage of records either on paper or in an electronic format, or a combination of paper and electronic format.

The Governing Board is the custodian of the official copies of all records, required or optional, and the Superintendent shall be responsible for protecting such records on behalf of the Board. As a part of the records management program, the Superintendent may assign management responsibilities to other employees by naming the employee positions and a general description of the records assigned to their jurisdiction.

*Adopted:* date of manual adoption

LEGAL REF.: A.R.S. 15-271  
 15-272  
 15-521  
15-341  
 23-721  
 23-926  
 23-962  
 38-421  
 38-423  
 38-424  
 39-101  
 39-103  
 39-121  
 41-1346 *et seq.*  
 44-1373  
 A.A.C. R7-2-803



## DATA / RECORDS RETENTION

### (Records Management Program)

Records shall be prepared and managed as outlined below.

#### **Business and Financial Records**

Management of the following records is the responsibility of the business manager:

- 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).
- 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 and/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*.

**REGULATION**

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:

**<http://www.lib.az.us/records/school.aspx>**

**and**

**[http://www.lib.az.us/records/Standards\\_and\\_Guidelines.aspx](http://www.lib.az.us/records/Standards_and_Guidelines.aspx)**

## RETIREMENT OF FACILITIES

### (Closing a School Facility)

If it is determined the Board needs to consider closing a school facility the Board may consult with the Arizona School Facilities Board (SFB) for technical assistance and for information on the impact of closing a school. The information provided from the SFB shall not require the Board to take or not take any action.

The Board recognizes the impact closing a school has on the community, the students who attend the school being considered, the projected impact on other schools in the District, and the District. In response the Board shall discuss and consider a proposed school closing at a scheduled Board meeting. The Superintendent shall present at a Board meeting demographic data related to present and future school facility needs along with information related to a school closing.

Community members shall be provided an opportunity to address the consideration at the Board meeting.

Adopted: date of Manual adoption

LEGAL REF.: A.R.S. 15-341  
38-431.01

CROSS REF.: JC – School Attendance Areas

## MEDICAL MARIJUANA STANDARDS AND CONDITIONS FOR EMPLOYEES

For the purpose of this policy, pursuant to Arizona Revised Statutes (A.R.S.) 36-2801, a qualified medical marijuana cardholder means:

- A qualifying patient,
- A designated caregiver, or
- A nonprofit medical marijuana dispensary agent

who has an identification card issued by the Arizona Department of Health Services related to the medical use of marijuana to treat or alleviate an individual's debilitating medical condition or symptoms associated with the debilitating medical condition.

Unless the District would lose a monetary or licensing related benefit under federal law or regulations, the School 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. [A.R.S. 36-2811]

Subject to A.R.S. 36-2802, no person is authorized to engage in:

- undertaking any task under the influence of marijuana that would constitute negligence or professional malpractice,
- possessing or engaging in the medical use of marijuana,
  - on a school bus,

- on the grounds of any preschool, elementary school or secondary school,
- smoking marijuana,
  - on any form of public transportation, or
  - in any public place.
- operating, navigating or being 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.
- using marijuana in any manner not authorized by Chapter 28.1 of Arizona Revised Statutes Title 36.

The District does not allow the ingestion of marijuana in any workplace,

- 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.

While performing any duty in the capacity of District employee, 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.

Wherever inconsistencies of interpretation arise, the law and regulations prevail.

When District officials have a reasonable belief 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.

Adopted: date of Manual adoption



## NONMEDICAL USE OR ABUSE OF DRUGS OR ALCOHOL

The District's posture in dealing with employees who engage in the nonmedical use of drugs and/or the abuse of alcohol is to be one of constructive confrontation in a supportive environment and supportive relationship. This approach is based on the following premises:

- Each employee is responsible for the employee's own actions.
- Each employee is a role model for students.
- Each employee who seeks help is to be given the opportunity to do so in a supportive environment.
- The District shall not ignore employee problems.
- Constructive confrontation will be utilized to make employees aware of opportunities and choices for help.
- Efforts to maintain confidentiality will be made by the District.
- Outside referrals to nonschool personnel will be provided, at employee expense, to employees who indicate an interest.
- Employees will be required to provide information on progress in dealing with problems.
- Supervisory staff members will receive orientation on methods of constructive confrontation.
- Opportunities for self-referral will be provided.
- As recommended by outside professional sources, the District will consider support to an employee during reentry into the workplace.
- The District's right to intervene is based on (1) a basic concern for the health and welfare of the persons whom it employs and (2) the right to expect quality job performance.
- School employees are human and should not be considered any less vulnerable or immune to human stress than any other person.
- In spite of the above, school employees whose nonmedical use of drugs or use of alcohol endangers the health and safety of students or other employees may of necessity be dealt with summarily.

## **Employee Drug Use or Abuse**

The nonmedical possession or use or abuse of drugs and/or use of alcohol is forbidden on school property or at school-sponsored activities away from school property. Employees determined to be in possession of, using, or abusing drugs or using alcohol shall be reported immediately to the principal or other person in charge. The Superintendent shall be notified immediately.

The Superintendent will conduct an investigation in consultation with legal counsel as necessary. If the investigation shows sufficient evidence to suggest that the employee was involved with distribution or otherwise in violation of the law, law enforcement authorities shall be notified. If the results of the investigation show that the employee's actions endangered the health and/or safety of students or other employees, the Superintendent shall take disciplinary action or recommend disciplinary action to the Board in accordance with existing policies and statutes. If the results of the investigation suggest that the employee be provided options under the provisions of this policy, the Superintendent shall so direct the immediate supervisor of the employee.

## **Medical Marijuana**

The District may not discriminate against a person in hiring, termination or imposition of any term or condition of employment or otherwise penalize a person on the basis of:

- the person's status as an eligible medical marijuana cardholder, or
- as a registered qualifying patient, having a positive drug test for marijuana components or metabolites, unless the person used, possessed or was impaired by marijuana on District premises or during the person's hours of employment with the District,

unless a failure to do so would cause the District to lose a monetary or licensing related benefit under federal law or regulations.

The Arizona Medical Marijuana Act does not authorize any person to engage in the following conduct:

- Undertaking any task under the influence of marijuana that would constitute negligence or professional malpractice.
- Possessing or engaging in the medical use of marijuana:
  - On a school bus.

- On the grounds of any preschool or primary or secondary school.
- Smoking marijuana:
  - On any form of public transportation.
  - In any public place.
- Operating, navigating or being 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
- Using marijuana in any manner other than as authorized by the Arizona Medical Marijuana Act.

*Adopted:* date of Manual adoption

LEGAL REF.: A.R.S. 13-2911

13-3401 *et seq.*

15-341

23-493

23-493.03

36-2801 *et seq.*

41 U.S.C. 702, Drug-free workplace requirements for Federal grant recipients.

34 C.F.R. Part 85

CROSS REF.: EEAEAA - Drug and Alcohol Testing of Transportation Employees

GBAB - Medical Marijuana Standards and Conditions for Employees

## TEACHING ABOUT DRUGS, ALCOHOL, AND TOBACCO

The instructional program may include content on drugs, alcohol, and tobacco for the purpose of developing students' ability to make intelligent choices based on facts, and to develop courage to stand by their own convictions. Further, instruction on the nature and harmful effects of alcohol, tobacco, narcotic drugs, marijuana, and other dangerous drugs on the human system and instruction on the nonuse and prevention of use and abuse of alcohol, tobacco, narcotic drugs, marijuana, date rape drugs, and other dangerous drugs may be included in the courses of study, with emphasis on grades four (4) through nine (9). Instruction on the nature and harmful effects of alcohol, tobacco, narcotic drugs, marijuana, date rape drugs, and other dangerous drugs on a human fetus may be included in the courses of study in grades six (6) through twelve (12). The instruction may be integrated into existing health, science, citizenship, and similar studies and shall meet the criteria for chemical abuse prevention education programs. The program should also emphasize the therapeutic benefit derived from the use of drugs prescribed by a health professional. The program will conform to all applicable Arizona Revised Statutes and Arizona Administrative Codes.

### *Objectives of the substance abuse program:*

- To create an awareness of the total drug problem: prevention; education; treatment; rehabilitation; and law enforcement on the local, state, national, and international levels.
- To inform the students of the effect on the body of narcotics, sedatives, hallucinogens, and stimulants through the appropriate classes.
- To relate the use of drugs and alcohol to physical, mental, social, and emotional consequences.
- To encourage the individual to adopt an appropriate attitude toward pain, stress, and discomfort.
- To understand the need for seeking professional advice in dealing with problems related to physical and mental health.
- To understand the personal, social, and economic problems caused by the misuse of drugs and alcohol.

*Adopted:* date of manual adoption

LEGAL REF.: A.R.S. 13-3401                      15-345                      15-712

CROSS REF.: JICG - Tobacco Use by Students  
                  JICH - Drug and Alcohol Use by Students

## SPECIAL INSTRUCTIONAL PROGRAMS

A long-range plan will be the basis for providing special education services for students with exceptional needs and education requirements. These services may include specialized programs, personnel, facilities, materials, and equipment needed to promote the individual physical, social, intellectual, and emotional growth of exceptional students.

The Superintendent shall develop procedures that provide educational opportunities for individuals with disabilities and that accomplish District compliance with federal laws including the Individuals with Disabilities Education Act (IDEA), the Arizona revised statutes, and the lawful regulations of the State Board of Education. Such procedures shall include, but not be limited to, the following provisions:

- All children with disabilities aged birth (0) through twenty-one (21) years within the District's jurisdiction are to be identified, located, and evaluated including children attending religious or private schools who are in need of special education and related services.
- A free appropriate public education (FAPE) shall be available to all children with disabilities aged three (3) through twenty-one (21) years within the District's jurisdiction, including children advancing from grade to grade, those who have been suspended or expelled from school in accordance with the applicable IDEA rules and regulations, and any child with a disability the District has placed in or referred to a private school or facility. The District may refer to and contract with approved public or private agencies as necessary to ensure the provision of FAPE for children with disabilities. FAPE for an eligible student with a disability shall extend through conclusion of the instructional year during which the student attains the age of twenty-two (22).
- A full individual evaluation encompassing existing and additional data shall be conducted for each child to determine if the child is a child with a disability and the educational needs of the child before the initial provision of special education and related services. A reevaluation of each child shall be conducted at least every third year.
- An individualized education plan (IEP) shall be developed and implemented for each eligible child served by the District and for each eligible child the District places in or refers to a private school or facility. An IEP or an individualized family service plan (IFSP) will be in place for each child with a disability prior to the provision of FAPE.

- To the maximum extent appropriate, opportunities for the least restrictive setting, inclusion in educational exercises with regular program students, and for interaction with the total school environment will be provided to exceptional students, the exception to be only when the student's condition, with supplementary aids and services, make such regular class education unsatisfactory.
- All required procedural safeguards must be guaranteed to the exceptional students and their parents. The parents will be provided with notices of procedural safeguards in each specified instance and all due process conditions will be satisfied with respect to the provision of a free appropriate public education.
- The District shall follow the established state and federal standards to protect the confidentiality of personally identifiable information at the collection, storage, disclosure, and destruction stages.
- To the extent essential to provide FAPE to children with disabilities aged three (3) through twenty-one (21), extended school year (ESY) services shall be made available and implemented as necessary.
- Criteria for the graduation of exceptional students, including accomplishment in reading, writing, and mathematics, shall be as specified in the District policy on graduation requirements. Such standards shall be equivalent to or greater than those established by the State Board of Education.
- Not later than March 1 of each year conduct a review of the reasonable and acceptable ratio of students per teacher for each disability category. The applicable ratios shall be specified in a regulation accompanying the District policy on class size.
- The discipline of exceptional students, and unevaluated students suspected of having a qualifying disability, is to be conducted in such a manner as to comply with FAPE and requirements of the IDEA.

For the purpose of this policy as it relates to a child with a disability, home school district means the school district in which the person resides who has legal custody of the child as provided in A.R.S. 15-824. If the child is a ward of the state and a specific person does not have legal custody of the child or is a ward of this state and the child is enrolled in an accommodation school pursuant to A.R.S. 15-913, the home school district is the district the child last attended or, if the child has not previously attended a public school in this state, the school district within which the child currently resides.

The Superintendent is authorized and directed to establish procedures for the development and administration of the necessary programs, and to document District compliance with the law and this policy. Such procedures will be made available to staff members and to parents as necessary to enhance compliance.

*Adopted:* date of manual adoption

LEGAL REF.: A.R.S. 15-761            15-764            15-881  
                   15-761.01        15-765 to 15-769    15-1181 to 15-1185  
                   15-763            15-771            15-1201 to 15-1205  
                   15-763.01        15-773            36-555  
 A.A.C. R7-2-401        R7-2-405            R7-2-603  
                   R7-2-402        R7-2-601  
                   R7-2-403        R7-2-602  
 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.: IIB - Class Size  
 IKE - Promotion, Retention, and Acceleration of Students  
 IKF - Graduation Requirements  
 JKD - Student Suspension  
 JKE - Expulsion of Students  
 JR *et seq.* - Student Records

## INSTRUCTIONAL RESOURCES AND MATERIALS

### Supplies

All students in the elementary (K-8) schools will have required textbooks and supplies furnished by the District.

The Governing Board shall furnish free required textbooks and related printed subject matter materials for high school students in grades nine (9) through twelve (12).

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 school property. Books must be kept clean and unmarked. Parents may be required to pay for any damage to school 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

The Superintendent shall establish procedures that permit parents or guardians of students enrolled in the District to have advance access to the 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. A parent who objects to any learning material or activity on the basis that the material or activity is harmful, because of sexual content, violent content, or profane or vulgar language, may request to withdraw that student from the activity or from the class or program in which the material is used and request an alternative assignment.

The request by the parent or guardian must be in writing and must specify the materials that the parent or guardian wishes to review.

Such procedures shall make available at least one (1) copy of the instructional materials for review by the parents or guardians. Printed textbooks, printed supplementary books, and printed subject-matter materials may be checked out from the District premises by parents or guardians for periods not to exceed forty-eight (48) hours. All other materials, including films, may be reviewed only on the District premises.

Parents or guardians will be notified when and where the instructional materials may be picked up or reviewed. Materials will be made available on a first-come, first-served basis.

*Adopted:* date of manual adoption

LEGAL REF.: A.R.S. 15-102  
15-341  
15-113  
15-342  
15-721 to 15-730

CROSS REF.: ABA - Community Involvement in Education  
IJND - Technology Resources  
KB - Parental Involvement in Education

## INSTRUCTIONAL RESOURCES AND MATERIALS

### Availability of and Access to Instructional Materials by Parents or Guardians

Parents or guardians of students enrolled in the District shall have access in advance to instructional materials, learning materials and activities currently in use, or being considered for use, in the District. Such access shall be governed by the following:

- Requests must be in writing and must specify the materials that the parents or guardians want to review.
- Requests shall be submitted to the office of the \_\_\_\_\_.
- At least one (1) copy of such instructional materials shall be available for parent or guardian review.
- Printed textbooks, supplementary books, and other printed subject matter may be checked out for removal from District premises for up to forty-eight (48) hours. All other materials, including films, may be reviewed only on District premises.
- School personnel involved in handling requests to review materials will notify the parents or guardians as to when and where such materials may be picked up or reviewed.
- Materials will be available on a first-come, first-served basis.

### Objections to Learning Materials and Activities

A student whose parent or guardian objects to any learning material or activity may be withdrawn from the activity or from the class or program in which the material is used, providing:

- The objection is in writing and is specific in its description of the activity or learning material to which the parent or guardian objects.
- The objection includes a statement that the parent or guardian understands that the educational information and concepts covered in the activity or material may not be covered in any other manner or form and that the parent or guardian understands that the student may not be able to make up the material or activity in any other way.

**REGULATION**

- Although the student may be unable to make up for the missed activity or material, no penalty will accrue to the student in grades or credit, with the exception that, if the objection removes a student from a substantial portion of a class, promotion and credit decisions will be based on applicable District policies.
- All such objections shall be directed to the principal of the school in which the student is enrolled, who shall forward a copy of the written objection to the Superintendent, indicating that the student has been removed from the activity or stating the reason for nonremoval.
- Upon receiving a principal's recommendation for removal or nonremoval, the Superintendent will review the situation and make a decision regarding the matter and communicate that decision to the parent or guardian and the principal.
- Within ten (10) days after receiving notification of such decision from the Superintendent, the parent or guardian may request an appeal to the Board.

## TECHNOLOGY RESOURCES

### (Movies/Videos/Electronic Materials)

It is the policy of the District that there is educational value in utilizing movies and videos in classrooms only when such movies and videos extend and/or reinforce the concepts being taught and have been planned for in advance. Parents or guardians of students enrolled in the District shall have access in advance to instructional materials, learning materials and activities currently in use, or being considered for use, in the District.

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.

The Superintendent shall develop regulations governing the use of movies/ videos in the classroom.

*Adopted:* date of manual adoption

LEGAL REF.: A.R.S. 15-113  
15-341

CROSS REF.: IJ – Instructional Resources and Materials  
KB – Parental Involvement in Education

**REGULATION**

## TECHNOLOGY RESOURCES

### (Movies/Videos/Electronic Materials)

Movies, ~~and~~ videos and electronic materials with ratings other than for general audiences of all ages are not to be shown in classrooms or at any District facility (this includes buses and motels where students are present) except when:

- The movie, ~~or~~ video or electronic material has been previewed by the teacher or other certificated staff member.
- The movie, ~~or~~ video or electronic material has been determined to not contain material that is objectionable or inappropriate for the age group to which it is intended to be shown.
- The responsible school administrator has approved the use of the movie, ~~or~~ video or electronic material prior to its showing.
- The teacher or other certificated staff member has provided advance notification to each student's parent(s), or other responsible adult, of the title of the movie, ~~or~~ video or electronic material and the date on which it will be shown.
- When a movie, ~~or~~ video or electronic material has a rating the above advance notification will include the rating and the source providing the rating.
- A student whose parent(s) or other responsible adult has provided notice of their disapproval will not be permitted to view the movie, ~~or~~ video or electronic material.

Parents or guardians have the right to have advance access to instructional materials, learning materials and activities currently in use, or being considered for use, in the District.

Parents have the right to request that their child not view any movie or video, regardless of its rating or the purpose for which it is to be shown.

A parent or guardian who objects to any learning material or activity on the basis that it is harmful includes objection to a material or activity because it questions beliefs or practices in sex, morality, or religion or, because of sexual content, violent content, or profane or vulgar language, may request to withdraw that student from the activity or from the class or program in which the material is used and request an alternative assignment.



## COMPULSORY ATTENDANCE AGES

Every child between the ages of six (6) and sixteen (16) years shall attend a school and shall be provided instruction in at least the subjects of reading, grammar, mathematics, social studies, and science. The person who has custody of the child shall choose a public, private, charter, or home school as defined in A.R.S. 15-802 to provide instruction.

The parent or person who has custody of the child shall do the following:

- If the child will attend a public, private, or charter school, enroll the child and ensure that the child attends the public, private, or charter school for the full time that school is in session. If the child attends a school that is operated on a year-around basis, the child shall regularly attend during school sessions that total not less than one hundred ~~seventy-five (175)~~ eighty (180) school days or two hundred (200) school days, as applicable, or the equivalent as approved by the Superintendent of Public Instruction.
- If the child will attend a private school or home school, file an affidavit of intent with the County School Superintendent stating that the child is attending a regularly organized private school or is being provided instruction in a home school, in accord with A.R.S. 15-802.
- If the child will attend home school, the child has not reached eight (8) years of age by September 1 of the school year, and the person who has custody of the child does not desire to begin home instruction until the child has reached eight (8) years of age, file an affidavit of intent pursuant to A.R.S. 15-802 stating that the person who has custody of the child does not desire to begin home school instruction.

A person is excused from the duties prescribed above if it is shown to the satisfaction of the school principal or the school principal's designee:

- The child is in such physical or mental condition that attendance at a public school is inexpedient or impracticable.
- The child has completed the high school courses necessary for completion of grade ten (10) as prescribed by the State Board of Education.
- The child has presented reasons for nonattendance at a public school which are satisfactory to the school principal or the school principal's designee. For purposes of this paragraph, the principal's designee may be the School District Governing Board.

**EXHIBIT**

- The child is over fourteen (14) years of age and is, with the consent of the person who has custody of the child, employed at some lawful wage-earning occupation.
- The child is an enrollee in a work training, career education, vocational, or manual training program that meets the educational standards established and approved by the Department of Education.
- The child was either suspended and not directed to participate in an alternative education program or expelled from school as provided in law.
- The child is enrolled in an education program provided by a state educational or other institution.

## ENTRANCE AGE REQUIREMENTS

### Special Preschool

A child evaluated and recommended for special services for a disability in accord with statute, and who has reached the third (3rd) birthday, may be admitted to preschool. If otherwise eligible, the District may admit a child who is within ninety (90) days of reaching age three (3) years if it is determined to be in the best interest of the individual. The Superintendent shall make such determination based upon one (1) or more consultations with parent(s), guardian(s), the child, and the multidisciplinary placement team.

### Kindergarten and First Grade

For admission to kindergarten, children must be five (5) years of age prior to September 1 of the current school year. If a full-day kindergarten is provided, the parent of a student eligible for full-day kindergarten shall be offered the opportunity to choose either a half-day or a full-day kindergarten program. The District shall provide an academically meaningful half-day kindergarten program in each District school where the half-day student enrollment is sufficient to fill a class with approximately the same number of students as the District-wide kindergarten classroom average.

Children may be admitted to first grade who are six (6) years of age, or shall be deemed six (6) years of age if they reach such age prior to September 1 of the current school year.

The Board may admit children who have not reached the required age as prescribed above if it is determined to be in the best interest of the children, and such children must reach the required age of five (5) for kindergarten and six (6) for first grade by January 1 of the current school year.

For a child who has not reached six (6) years of age (five [5] for kindergarten) before September, the determination of whether to admit shall be based upon one (1) or more consultations with the parent(s) or guardian(s), the child, the teacher, the school principal, and/or professional consultants.

When a child who has not reached age five (5) prior to September 1 was admitted for early enrollment in kindergarten, and the child ~~is readmitted to~~ then repeats kindergarten in the following year, the District is not eligible to receive basic state aid for the child's second year. When a child who has not reached age five (5) prior to September 1 was admitted for early enrollment in kindergarten but does not remain enrolled the District may receive a portion of basic state aid on behalf of that child in the subsequent year. The District may charge tuition for ~~the second year of kindergarten enrollment~~ any child who is ineligible for basic state aid pursuant to A.R.S. 15-821.

~~The District may charge tuition for full day kindergarten in fiscal year 2009-2010 if the District decides not to provide free full day kindergarten as authorized by Section 78, Laws 2009.~~

### **High School**

A high school graduate with a recognized diploma may be refused admission.

Students between the ages of sixteen (16) and twenty-one (21) years shall be admitted to high school. A student under sixteen (16) years of age who does not hold an eighth-grade certificate of promotion may be admitted to high school under the following conditions:

- The student must meet competency requirements in the adopted standards for promotion of students from the eighth (8th) grade as determined by the State Board of Education in the areas of reading, writing, mathematics, science, and social studies.

The Superintendent will develop procedures for the student to demonstrate competency in the standards adopted by the State Board of Education.

### **Residency Verification**

In accordance with guidelines and forms adopted by the Arizona Department of Education the District shall require and maintain verifiable documentation of residency in the State of Arizona for pupils who enroll in the District.

*Adopted:* date of manual adoption

LEGAL REF.:	A.R.S. 15-701	15-771
	15-701.01	15-821
	15-703	15-901
	15-766	15-901.02
	15-767	

Section 78, Arizona Laws 2009, HB 2011

A.A.C. R7-2-301

CROSS REF.: JF - Student Admissions  
 JHD - Exclusions and Exemptions from School Attendance  
 JLC - Student Health Services and Requirements

## DRUG AND ALCOHOL USE BY STUDENTS

Students on school property or at school events shall not knowingly breath, inhale or drink a vapor-releasing substance containing a toxic substance, nor shall a student sell, transfer or offer to sell or transfer a vapor-releasing substance containing a toxic substance to a person under eighteen (18) years of age.

The nonmedical use, possession, distribution or sale of

- alcohol,
- drugs,
- synthetic drugs,
- counterfeit drugs, or
- imitation drugs,

on school property or at school events is prohibited. *Nonmedical* 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 in violation of the provisions of the above paragraph shall be subject to removal from school property and shall be subject to prosecution in accordance with the provisions of the law.

Students attending school in the District who are in violation of the provisions of this policy shall be subject to disciplinary actions in accordance with the provisions of school rules and/or regulations.

For purposes of this policy, "drugs" shall include, but not be limited to:

- All dangerous controlled substances prohibited by law.
- All alcoholic beverages.
- Any prescription or over-the-counter drug, except those for which permission to use in school has been granted pursuant to Board policy.
- Hallucinogenic substances.
- Inhalants.

- Synthetic, counterfeit or imitation drugs.
  - A compound or substance, regardless of its contents, compound or substance, that produces in the user an experience, effect and/or display of effects that mimic the experience, effect and/or display of effects produced by substances controlled or prohibited by law, or that is represented as producing in the user such experiences or effects.

### Medical Marijuana

The conditions which follow are applicable to a District student who holds an identification as a medical marijuana cardholder issued by the Arizona Department of Health Services for the medical use of marijuana as set out in the Arizona Revised Statutes (A.R.S.).

The District will not refuse to enroll a student or otherwise penalize a student for being a medical marijuana cardholder unless failure to do so would cause the school to lose a monetary or licensing benefit under federal law or regulations.

A student medical marijuana cardholder is subject to, without bias, the same code of conduct and disciplinary standards applicable to all students attending the school.

A student medical marijuana cardholder shall not:

- undertake any task under the influence of marijuana that would constitute negligence.
- 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 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,
  - except that a registered qualifying student 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 Title 36, Chapter 28.1 of the Arizona Revised Statutes, or
- offer to give, sell, or dispense medical marijuana to another student or other individual on school property, in school-provided vehicles, at school events, or when functioning as a representative the school.

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

Any student who violates the above any portion of this policy may be subject to warning, reprimand, probation, suspension, or expulsion, in addition to other applicable civil and criminal prosecution.

*Adopted:* date of manual adoption

LEGAL REF.: A.R.S. 4-101  
4-241  
4-244  
13-3401 through 13-3461  
~~13-3405~~  
~~13-3406~~  
15-345  
36-2801 et seq., Arizona Medical Marijuana Act

20 U.S.C. 7101 *et seq.*, Safe and Drug-Free Schools and Communities Act

CROSS REF.: JICH – Drug and Alcohol Use by Students  
 JLC - Student Health Services and Requirements  
 JLCD - Administering Medicines to Students

## STUDENT CONCERNS, COMPLAINTS, AND GRIEVANCES

The Superintendent is directed to establish procedures whereby students with sufficient concern may present a complaint or grievance regarding a violation of their constitutional rights, equal access to programs, discrimination, ~~harassment, intimidation, bullying~~ or personal safety provided that:

- The topic is not the subject of disciplinary or other proceedings under other policies and regulations of this District, and
- The procedure shall not apply to any matter for which the method of review is prescribed by law, or the Governing Board is without authority to act.

A complaint/ or grievance may be raised regarding one (1) or more of the following:

- Violation of the student's constitutional rights.
- Denial of an equal opportunity to participate in any program or activity for which the student qualifies not related to the student's individual capabilities.
- Discriminatory treatment on the basis of race, color, religion, sex, age, national origin, or disability.
- ~~Harassment of the student by another person.~~
- ~~Intimidation by another student.~~
- ~~Bullying by another student.~~
- Concern for the student's personal safety.

Refer to Board Policy JICK for procedures applying to a complaint or grievance that alleges incidences of student violence, harassment, intimidation, or bullying.

The accusation must be made within thirty (30) calendar days of the time the student knew or should have known that there were grounds for the complaint/ or grievance. ~~The initial complaint/grievance shall be made only to an administrator or other professional staff member. That person shall elicit from the student the or grievance should be made using form JII-EA; however,~~ a verbal complaint or grievance may be made to any school staff member. The receiving staff member shall immediately inform an administrator of the complaint or grievance.

When the initial complaint or grievance is submitted in a manner other than on the prescribed form, the administrator shall obtain from the student the particulars of the accusation and complete form JII-EA immediately thereafter. The administrator shall especially note all student-provided particulars determined by the Superintendent to be necessary for the complaint/ or grievance to be investigated. When the initial allegation is submitted in a manner other than on the prescribed form, the particulars of the complaint/grievance must be written on the form as immediately as possible after receipt of the complaint/grievance. The professional staff member may assist the student in completing the complaint/grievance form. The student should sign and date the form, however, unsigned forms are to be processed in the same manner as a signed form. Any question concerning whether a complaint or grievance falls within this policy shall be determined by the Superintendent.

~~When the professional staff member is other than the school administrator, it shall be the responsibility of the staff member to inform a school administrator as soon as feasible, but not later than the next school day following the day that the staff member receives the complaint/grievance. If the receiving school administrator is included in the allegation, the complaint/ or grievance shall be transmitted to the next higher administrative supervisor. A failure by the professional staff member to timely inform the a school administrator or next higher administrative supervisor of the a student's allegation may subject the staff member to disciplinary action. The professional staff member shall preserve the confidentiality of the subject, disclosing it only to the appropriate school administrator or next higher administrative supervisor or as otherwise required by law.~~

~~Any question concerning whether the complaint/grievance falls within this policy shall be determined by the Superintendent.~~

~~Middle school and high school students shall file complaints on their own behalf. A student or the student's parent or guardian may initiate the complaint process on behalf of an elementary school student. Except for elementary students, only the student may initiate a complaint/grievance under this policy. A parent or guardian who wishes to complain should do so by completing the forms following policy KE on Public Concerns and Complaints by completing exhibit JII-EA.~~

~~A complaint/ or grievance may be withdrawn at any time. Once withdrawn, the process cannot be reopened if the resubmission is longer than thirty (30) calendar days from the date of the occurrence of the alleged incident. False or unproven complaint documentation about harassment, intimidation, or bullying shall not be maintained.~~

Retaliatory or intimidating acts against any student who has made a complaint under this policy and its corresponding regulations, or against a student who has testified, assisted or participated in any manner in an investigation relating to a complaint or grievance, are specifically prohibited and constitute grounds for a separate complaint.

To assure that students and staff are aware of its content and intent, a notice of this policy and procedure shall be posted conspicuously in each school building and shall be made part of the rights and responsibilities section of the student handbook. Forms for submitting complaints are to be available to students ~~and~~, staff and parents or guardians in the school offices.

Disposition of all complaints or grievances shall be reported to the Superintendent ~~as~~ and the compliance officer for discrimination if other than the Superintendent. The Superintendent will determine if the policies of the District have been appropriately implemented and will make such reports and/or referrals to the Board as may be necessary.

The Superintendent shall develop procedures for the maintenance and confidentiality of documentation related to the receipt of a student's ~~concern~~, complaint, or grievance, findings of the investigation, and disposition of the matter. The documentation shall not be used to impose disciplinary action unless the appropriate school official has investigated and determined there was an actual occurrence of the alleged incident.

Knowingly submitting a false report under this policy shall subject the student to discipline up to and including suspension or expulsion. Where disciplinary action is necessary pursuant to any part of this policy, relevant District policies shall be followed.

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.

*Adopted:* date of manual adoption

LEGAL REF.: A.R.S. 15-341

CROSS REF.: AC - Nondiscrimination/Equal Opportunity

ACA - Sexual Harassment

GBEB - Staff Conduct

JB - Equal Educational Opportunities

JIC - Student Conduct

JICFA — Hazing

JICK – Student Violence, Harassment, Intimidation or

Bullying

JK - Student Discipline

JKD - Student Suspension

JKE - Expulsion of Students

KE - Public Concerns and Complaints

**REGULATION**

## STUDENT CONCERNS, COMPLAINTS, AND GRIEVANCES

A student who complains or grieves regarding constitutional rights, equal access to programs, discrimination, harassment, bullying, intimidation or personal safety issues may complain directly to the a school administrator, or to a professional staff member. ~~The individual receiving the student complaint must retrieve sufficient detail from the student to complete the form designated for such purpose. When a professional school staff member within thirty (30) days of an alleged occurrence. The initial complaint or grievance should be made using form JII-EA, however, a verbal complaint or grievance may be made. When a school staff member receives the information, the staff member will transmit it to the immediately inform a school administrator not later than the next school day following the day the staff member receives the complaint/grievance.~~ If the complaint/ or grievance involves the a school administrator the professional staff member shall forward the complaint/ or grievance to the next administrative level.

Complaints and grievances related to student violence, harassment, intimidation or bullying are to be filed in accordance with Governing Board Policy JICK.

At a minimum the complaint/ or grievance shall contain the identifying information on the complainant and such specificity of names, places and times as to permit an investigation to be carried out. The written complaint/ grievance should contain a requested solution and the submission should be signed and attested to by the complainant. However, an unsigned form will be processed in the same manner as a signed form.

The complaint/ or grievance will be investigated by the a school administrator or, a supervising administrator, or another person approved by the Superintendent. The student shall be contacted not later than the school day following the date the school administrator's or the administrator's immediate supervisor receives the information. The procedures to be followed are:

- An investigation of the reported incident or activity shall be made within ten (10) school days when school is in session or within fifteen (15) days during which the school offices are open for business when school is not in session. Extension of the time line may only be by necessity as determined by the Superintendent.

**REGULATION**

- The investigator shall meet with the student who submitted the complaint/ or grievance at or before the end of the time period and shall discuss the conclusions and actions to be taken as a result of the investigation. Confidentiality of records and student information shall be observed in the process of making such a report.
- The investigator shall prepare a written report of the findings and a copy of the report shall be provided to the principal and/or the Superintendent as circumstances warrant.
- A confidential record of each ~~concern~~, complaint, and grievance made pursuant to Policy JII shall be maintained at the District office. The record shall include a copy of the ~~concern~~, complaint, or grievance filed by a student, findings of the investigation, and the disposition of the matter.
- Unless a determination has been made by the appropriate investigating ~~school~~ official that the reported incident actually occurred, the record shall not be used for the imposition of discipline.

Where disciplinary action is necessary, District policies shall be followed.

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.



# STUDENT CONCERNS, COMPLAINTS, AND GRIEVANCES

## COMPLAINT FORM

(To be filed with ~~the~~ a school administrator or the administrator's immediate supervisor, or ~~with a professional~~ a school staff member who will forward ~~it~~ this form to the school administrator or the administrator's immediate supervisor)  
*Additional pages may be attached if more space is needed.*

**Please print:**

Name \_\_\_\_\_ Date \_\_\_\_\_

Address \_\_\_\_\_

Telephone \_\_\_\_\_ Another phone where you can be reached \_\_\_\_\_

During the hours of \_\_\_\_\_

E-mail address \_\_\_\_\_

**I wish to complain against:**

Name of person, school (department), program, or activity \_\_\_\_\_

\_\_\_\_\_

Address \_\_\_\_\_

Specify your complaint by stating the problem as you see it. Describe the incident, the participants, the background to the incident, and any attempts you have made to solve the problem. *Be sure to note all relevant dates, times, and places.*

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

~~Date of the action against which you are complaining~~ \_\_\_\_\_

