

1-100 Board Authority and Responsibilities

1-100 District Mission, Vision and Values

District Mission: The Mission of the Liberty Elementary School District is to provide an environment that guarantees all students learn at a high level

District Vision: The Vision of the Liberty Elementary School District is to inspire students to be lifelong learners and empower all students to reach their highest potential.

District Core Values: The District Core Values describe how the stakeholders will go about the work of achieving the mission and vision. All stakeholders are strongly committed to upholding these values.

- Respect
- Integrity
- Accountability
- High Standards
- Student-Centered

Adopted:

1-100 Board Authority and Responsibilities

© 1-101 District’s Legal Designation; District Boundaries

The District's legal designation is Liberty Elementary School District #25 of Maricopa County, Arizona

The District is a political subdivision of the State of Arizona with geographic boundaries organized for the purpose of the administration, support and maintenance of its public schools.

The legal boundaries of the District are those shown in the transcript that the County School Superintendent files with the Board of Supervisors and the County Assessor.

Adopted:

Legal Authority:

[A.R.S. § 15-101](#)

[A.R.S. § 15-441](#)

[A.R.S. § 15-442](#)

© 2024 The Arizona School Risk Retention Trust

1-100 Board Authority and Responsibilities

© 1-102 Board Authority, Responsibilities and Immunities

Board Authority and Responsibilities

The Governing Board is responsible for the general conduct and supervision of the District as vested in the Board by the Arizona State Board of Education, State Superintendent of Public Instruction, its County School Superintendent and as set forth in the [Arizona Constitution](#) and applicable laws, regulations, and rules.

The Board's power and authority is derived from its actions when a quorum of the Board is lawfully convened as a public body. However, the Board may delegate certain matters to the Superintendent. The Board may also authorize a Board member to take a specific action or otherwise act on the Board's behalf in a particular matter.

Board responsibilities include, but are not limited to:

- Hiring and evaluating the Superintendent.
- Hiring school personnel and terminating the employment of school personnel.
- Developing the District's mission, vision, and strategic plans.
- Setting the standards for the performance of District schools to improve student achievement.
- Setting school attendance boundaries.
- Establishing the policies that will be used to govern the District and assessing compliance with policy standards and requirements.
- Approving curriculum and textbooks.
- Approving and monitoring the District's budget and spending priorities.
- Approving salaries and benefits for employees.
- Approving District purchases, unless this responsibility has been delegated to the Superintendent.
- Acting in a "quasi-judicial" capacity in student or employee hearing matters.
- Vesting the Superintendent with the powers and duties permitted by law to implement Board policies and develop procedures, implement Board directives and act as the District's chief administrative officer.
- Conducting a Board self-evaluation should the Board choose to do so.

Individual Board Member Authority and Responsibilities

Individual Board members lack the legal authority to act on behalf of the Board or District unless the Board votes to grant them such authority.

Individual Board members have the authority to consider and vote on matters brought before the Board in Board meetings, except as prohibited by law due to conflicts of interest or otherwise limited or prohibited by law.

Each Board member has important responsibilities, including but not limited to:

- Compliance with federal and state laws and related regulations and rules.
- Collaborating well with others and treating the Superintendent, other Board members, District employees, students and members of the public with respect.
- Focusing on actions that are best for the District and its students.
- Advocating for the needs of the District.
- Properly preparing for Board meetings.
- Communicating the Board member's complaints or staff or community complaints to the Superintendent to permit proper protocols and procedures to be followed.
- Avoiding using the Board member's position for political gain or other purposes not relevant to the District's educational or other operations and student achievement.
- Maintaining confidentiality of information or documents that are confidential by law or policy or otherwise expected or required to be kept confidential.
- Recognizing that the Superintendent is the designated spokesperson for the District, and further recognizing that an individual Board member lacks authority to speak on behalf of the District unless the Board takes legal action and provides a Board member with the authority to speak on behalf of the District.

Oath of Office

Pursuant to [A.R.S. § 38-231](#), the District shall provide each Board member with the legally required form of written oath or affirmation, which the Board member shall review, sign, and return to the District after receiving the Board member's certificate of election and at or before commencement of the Board member's term of office. The oath of office shall be filed in the District office and maintained as an official record throughout the Board member's term of office and for five years thereafter.

Governing Board Immunities

The District, and its Board members, school council members, and staff are immune from civil liability for the consequences of adoption and implementation of policies and procedures pursuant to [A.R.S. §§ 15-341\(A\)](#) and [15-342](#), except in cases of gross negligence, or intentional misconduct.

Except in cases of wanton or willful neglect, the District and its officials and staff are immune from civil liability with respect to all decisions made, and actions taken that are

based on good faith implementation of policies, and procedures addressing student possession and self-administration of emergency anaphylaxis medications.

Additionally, the District and its officials and staff are immune from civil liability with respect to all decisions made and actions taken that are based on good faith implementation of policies, and procedures addressing student possession and self-administration of breathing disorder medications.

Except in cases of gross negligence or wanton or willful neglect, the District and its officials and staff are also immune from civil liability with respect to all decisions made and actions taken that are based on good faith implementation of policies and procedures addressing parent/legal guardian notification when their student has been the recipient of harassing, threatening, or intimidating conduct.

Individual Board Member Immunities

Board members are immune from personal liability with respect to all acts done and actions taken in good faith within the scope of their authority during duly constituted regular, and special meetings, and shall have no personal liability for acts done in reliance upon written opinions of the Arizona Attorney General or upon written opinions of the county attorney pursuant to [A.R.S. § 15-381](#).

Board members are immune from civil liability for the consequences of adoption and implementation of policies and procedures pursuant to [A.R.S. §§ 15-341\(A\)](#) and [15-342](#), except for instances of gross negligence or intentional misconduct.

Board Member Requests for Information

[OPTIONAL] All requests from Board members for information requiring data collection by District staff shall be made to the Superintendent. The Superintendent's response to such requests shall be provided to all Board members. If a Board member requests information requiring data collection that is estimated to entail over two (2) hours of staff time, the Superintendent is authorized to deny the request. In that event, the requesting Board member may file a written request to ask that the Superintendent's decision be reconsidered at the next scheduled regular Governing Board meeting for Board discussion and possible Board approval. This requirement pertains only to an individual research request by an individual Board member.

Communication Protocols

Communication from community members or employees directly to the Board shall be directed to the District administration for processing. The Board will not consider or refer anonymous communications. The Superintendent shall deliver official communications to the community on behalf of the Board.

Adopted:

Legal Authority:

[Ariz. Const. art. XI](#), § 2

[A.R.S. § 15-321](#)

[A.R.S. § 15-323](#)

[A.R.S. § 15-326](#)

[A.R.S. § 15-341](#)

[A.R.S. § 15-342](#)

[A.R.S. § 15-381](#)

[A.R.S. § 15-387](#)

[A.R.S. § 38-231](#)

[A.R.S. § 38-232](#)

[A.R.S. § 38-233](#)

© 2024 The Arizona School Risk Retention Trust

1-100 Board Authority and Responsibilities

© 1-103 Governing Board Organization

Organizational Meeting

The Governing Board shall meet in January following an election. The Board also may hold an organizational meeting annually during non-election years.

Organizational meetings shall be held at the most convenient public facility in the District. If no such facility is available, the Board may meet at any available public facility convenient to all Board members.

At the organizational meeting, the Board shall elect a President from among the Board members.

At the organizational meeting, the Board may elect a Vice President whose duty it shall be to assume the duties of the President at Board meetings in the absence of the President. In the absence of an elected officer at a Board meeting, the Board members present at the meeting may designate a Board member to assume the duties of the President for that meeting.

Board Presidency

The Board President sets Board meeting agendas with the Superintendent and input from Board members. The Board President also convenes, presides over and keeps order during meetings.

The Board, in its discretion, may vote to elect a new Board President before the next scheduled organizational meeting.

The Board President may make motions and vote on any motion made during the meeting, unless otherwise prohibited by law due to conflict of interest.

Adopted:

Legal Authority:

[A.R.S. § 15-321](#)

[A.R.S. § 15-341](#)

© 2024 The Arizona School Risk Retention Trust

1-100 Board Authority and Responsibilities

© 1-104 Legal Advice and Representation

Definitions

"County Attorney" means the Maricopa County Attorney and any attorney authorized to act on behalf of the Maricopa County Attorney.

"In-house counsel" means an attorney who is an employee of the District, on either a full-time or part-time basis.

"Legal counsel" means any individual authorized to practice law in Arizona or a law firm of such persons, and may refer to the County Attorney, in-house counsel, or outside counsel.

"Outside counsel" means legal counsel other than the County Attorney or in-house counsel.

In-house Legal Counsel

The Board may hire an attorney as in-house counsel to provide general legal advice for the district on either a full-time or part-time basis. The employment of in-house counsel shall not preclude the right of the Board to seek other legal advice, either by outside counsel or by the County Attorney, to supplement the work of in-house counsel.

Initiating Lawsuits

The Board may initiate a lawsuit against any other party only by specifically authorizing such lawsuit in a properly noticed public Board meeting.

Obtaining Legal Advice

The Board President and the Superintendent are authorized to communicate with legal counsel. The Superintendent shall ordinarily communicate with legal counsel to obtain legal advice on behalf of the District, but the Board President may communicate directly with legal counsel whenever the Board President deems advisable, including for matters relating to the Superintendent. All Board members shall be provided with a copy of written legal opinions obtained on behalf of the Board.

The Superintendent may delegate authority to consult with legal counsel to other District personnel for matters directly relating to the responsibilities of such personnel.

Adopted:

Legal Authority:

[A.R.S. § 11-532](#)

[A.R.S. § 15-343](#)

Board Authority and Responsibilities

© 1-105 Board Member Conflicts of Interest

Definitions

The following terms have the same definition as set forth in [A.R.S. § 38-502](#): (a) "Remote interest"; and (b) "Substantial interest".

"Board member relative" means a Board member's spouse or any person claimed as a dependent on the Board member's income taxes.

"Employee" means all persons who are not public officers and who are employed on a full-time, part-time or contract basis by the District.

"Official records" means the minutes or papers, records and documents maintained by the District for the specific purpose of receiving disclosures of substantial interests required by law.

"Transaction" means any contract, sale, purchase or other action between the District and a vendor (as defined below).

"Vendor" means any individual, corporation, partnership, association, nonprofit organization, or any other legal entity that does business with the District.

Applicability

This Policy applies only to Board members. For the Policy on conflicts of interest with respect to District personnel, see Policy No. 3-109.

Governing Board Membership

A person who is a registered voter of this state, has been a resident of the District for one (1) year immediately preceding the day of election, and is not subject to registration as a sex offender in this state or any other jurisdiction is eligible for election or appointment to the office of Governing Board member.

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

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

Board Member Relatives

In accordance with [A.R.S. § 15-323](#):

1. Board members may vote on any budgetary, personnel, or other related question before the Board, except:

- a. It is unlawful for a Board member to vote on a specific item which concerns the appointment, employment, or remuneration of the Board member or a Board member relative.
 - b. It is unlawful for any Board member to vote on the employment of another Board member or on the employment of the spouse of a Board member unless specifically permitted by law.
2. In accordance with [A.R.S. § 15-421\(D\)](#), neither a Board member nor a Board member's spouse may be employed by the District unless specifically permitted by law.
- a. A Board member must resign from the Board before the Board member or a Board member's spouse accepts any form of employment with the District unless otherwise permitted by law. In accordance with [A.R.S. § 15-502](#), a Board member's dependent may be employed by the District only after receiving specific consent of the Board.
 - b. A District employee or an employee's spouse may run for membership in the Governing Board during the employee's term of employment after notifying the Superintendent and the Board President of the employee's or spouse's intent to run. If such an employee or the employee's spouse wins the election, the Employee must resign from the District before January 1 of the year following the election.

Five-Board Member Same Household Limitation

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

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

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

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

While not required, it is recommended that Board members be fingerprinted for the purposes of a background screening at the District expense. Fingerprinting for the purpose of background screening will be conducted every three (3) years.

Employment of Former Board Member

Pursuant to A.R.S. § 15-421(E), the District may employ directly or through a third party contractor an individual who has served as a Governing Board member during the preceding two (2) years only in a position in which the individual will provide services

directly to students including: a certificated teacher; a substitute teacher; or an individual who provides transportation, instructional support or student support services.

[Option to increase the time period to more than two (2) years]

In accordance with [A.R.S. § 15-323](#) and [A.R.S. § 38-503](#):

1. A Board member shall not participate in any manner regarding any transaction or approval of a vendor in which the board member has a substantial interest unless a specific statutory exception applies.
2. A Board member shall not supply to the District any equipment, material, supplies or services, unless pursuant to an award or contract let after public competitive bidding, except:
 - a. In accordance with [A.R.S. § 15-323](#), the District may make purchases from a Board member only if all the following conditions have been met:
 - i. The purchase does not exceed \$300.00.
 - ii. The total of all purchases (including the contemplated purchase) from any Board member within the previous twelve months does not exceed \$1,000.00.
 - iii. The decision to purchase has been specifically approved by the Board and has not been delegated to an employee of the District.
 - iv. The amount of the purchase or contract for purchase is included in the minutes of the meeting at which the Board approved the purchase.

Mandatory Disclosure of Conflicts of Interest

A Board member who has, or whose relative has, a substantial interest in any contract, sale, purchase or service to the District or decision of the District shall make such interest known in the official records of the District.

Maintenance of Disclosure of Conflict of Interest Forms

The District shall maintain disclosures of conflicts of interest and any related documentation in a separate file that shall be available for public inspection in accordance with public records laws and regulations.

Adopted:

Legal Authority:

[A.R.S. §§ 38-501 through 511](#)

[A.R.S. § 15-213](#)

[A.R.S. § 15-302](#)

[A.R.S. § 15-323](#)

[A.R.S. § 15-421](#)

[A.R.S. § 15-502](#)

[A.R.S. § 38-201](#)

[A.R.S. § 38-296.01](#)

[A.R.S. § 38-509](#)

Arizona Constitution, Article VII, Section 15

© 2024 The Arizona School Risk Retention Trust

Board Member Conflicts of Interest

© 1-105.A Procedure - Board Member Conflicts of Interest - Disclosure Requirements

Arizona's Conflict of Interest Laws ([A.R.S. §§ 38-501 through 511](#)) require Governing Board members to disclose certain conflicts of interest and refrain from participating in the decision-making process where a conflict of interest exists.

To facilitate compliance and record-keeping, Board members must disclose all potential conflicts that may come up using the Governing Board Disclosure of Conflict of Interest Form. All Board members are required to review potential conflicts of interest and fill out a Conflict of Interest Form annually and submit the form to the Superintendent by January 31 of each year. If a conflict arises that the Board member did not anticipate, the conflict must be disclosed as soon as the Board member learns of the conflict.

When in doubt, a Board member should err on the side of disclosure. If a Board member has questions about a specific potential conflict, the Superintendent or Board President may discuss the potential conflict with the District's legal counsel.

© 2024 The Arizona School Risk Retention Trust

1-200 Equal Opportunity and Non-Discrimination

© 1-201 Equal Educational Opportunity and Non-Discrimination (Students)

The District shall abide by all applicable state and federal laws, rules, regulations, and executive orders with respect to the provision of equal educational opportunities and shall not discriminate against any person based upon that person's race, color, religion, disability, pregnancy and parenting, sex, national origin, veteran's status, genetic code, or political affiliation.

The Superintendent shall implement procedures by which students, parents/legal guardians, and employees may file a formal grievance and shall ensure that students, parents or guardians, and employees have received notice of such grievance procedures. Procedures shall include the following elements:

1. Designation of an employee of the District as Compliance Officer.
2. A timeline for investigations that provides for prompt resolution of complaints.
3. Appropriate due process standards that provide for equitable resolution of complaints.

The Superintendent may develop separate grievance procedures and designate a separate Compliance Officer for grievances covered by this Policy.

The District shall not retaliate against any person who reports discrimination or harassment as set forth in this Policy or participates in an investigation or proceeding regarding the same.

Adopted:

Legal Authority:

[A.R.S. § 15-110](#)

[20 U.S.C. § 1400](#) *et seq.*

[20 U.S.C. § 1681](#)

[20 U.S.C. § 1703](#)

[29 U.S.C. § 794](#)

[42 U.S.C. § 2000](#)

[42 U.S.C. § 12101](#) *et seq.*

[34 C.F.R. § 100](#) *et seq.*

© 2024 The Arizona School Risk Retention Trust

Equal Educational Opportunity and Non-Discrimination (Students)

© 1-201.A Procedure - Equal Educational Opportunity and Non-Discrimination for Students - Grievance Procedure

A. Definitions

"Complainant" means the person filing a grievance.

"Compliance Officer" means the District personnel with responsibility for receiving and investigating grievances alleging discrimination.

"Disability discrimination" means any act of discrimination in violation of Section 504 or the ADA.

"Religious discrimination" means any act of discrimination on the basis of religion in violation of Title IV or [A.R.S. § 15-110](#).

"Protected class" means a group of people legally protected by applicable state or federal discrimination laws.

"Title IV" means Title IV of the Civil Rights Act of 1964.

"Title VI" means Title VI of the Civil Rights Act of 1964.

"Title IX" means Title IX of the Education Amendments of 1972.

"Section 504" means Section 504 of the Rehabilitation Act of 1973.

The "ADA" means the Americans with Disabilities Act of 1990.

B. Application

These Procedures apply to grievances alleging discrimination based on race, color, religion, disability, national origin, veteran's status, genetic code, or political affiliation. Grievances alleging discrimination based on sex or pregnancy and parenting should be filed using the District's Title IX Procedure.

Examples of discrimination include but are not limited to harassment based on a person's membership in a protected class, limiting or denying a person opportunities, privileges, or advantages based on membership in a protected class and otherwise treating any person differently based on that person's membership in a protected class.

Disability discrimination may also include denying a student with a disability a free appropriate public education and failing to make modifications of policies, practices, or procedures when such modification is necessary to accommodate individuals with disabilities.

Religious discrimination may also include penalizing a student for coursework based on religious content or religious viewpoint, denying a student the right to engage in religious activities or expression to the same extent students may engage in nonreligious activities or expression, denying a student the right to wear religious clothing or symbols.

The District prohibits retaliation against anyone who files a grievance or cooperates in the investigation of a grievance.

C. Compliance Officer

The District's Compliance Officer(s) are as follows:

Section 504/ADA Compliance Officer: Assistant Superintendent of Human Resources, Phone: (623) 474-6600

Title IV/VI Compliance Officer: Assistant Superintendent of Human Resources, Phone: (623) 474-6600

References herein to the "Compliance Officer" shall refer to appropriate Compliance Officer based on such Compliance Officer's responsibilities.

D. Grievance Process

Submittal of Grievance

Students may present a complaint or grievance regarding an alleged violation of their constitutional rights, equal access to programs, discrimination, or personal safety provided that:

- The grievance is not already under review as part of a student discipline matter or other proceedings under District policy, and
- The process will not apply to a grievance over which the District or Governing Board has no authority because the method of review is set forth in state or federal law.

A student may submit a grievance to allege the following:

- Student's constitutional rights have been violated.
- Student has been denied equal opportunity to participate in a District program or activity for which the student otherwise qualifies.
- Student has been treated discriminatorily on the basis of race, color, religion, sex, national origin, disability, veteran's status, genetic code, or political affiliation.
- Student is concerned for the student's personal safety.

Grievances should be submitted to the Compliance Officer within thirty (30) days of the date the complainant becomes aware of the alleged discriminatory action.

A grievance should be in writing, containing the name and address of the person filing it. The grievance must state the problem or action alleged to be discriminatory and the remedy or relief sought.

If the complainant is unable to put the grievance in writing, the District shall provide reasonable accommodations to assist the complainant with submission of a grievance. Although the District encourages individuals to submit grievances in writing, the District

will nonetheless provide prompt and equitable response when it becomes aware of possible discrimination.

The Compliance Officer will confirm receipt of the grievance within five (5) working days following receipt of the grievance.

Investigation

The Compliance Officer (or designee) shall conduct an investigation of the grievance. This investigation may be informal, but it must be thorough, affording the student(s) and parent(s)/ legal guardian(s) an opportunity to submit evidence relevant to the grievance, including the opportunity to present witnesses.

The Superintendent will designate an alternative investigator if the Compliance Officer has a conflict of interest with the investigation. If the Superintendent is the one alleged to have unlawfully discriminated, the grievance shall be filed with the President of the Board, who will then designate a Compliance Officer to conduct the investigation.

Based on the recommendation of the Compliance Officer, the District may take temporary action to ensure that students have equal educational opportunities during the investigation.

Decision

The Compliance Officer will complete the investigation and issue a written decision on the grievance no later than thirty (30) days after its filing unless extenuating circumstances require an extension of the thirty (30) day timeline. In such a case, the Compliance Officer (or designee) will communicate with the complainant concerning the need for an extension.

Appeal

The complainant may appeal the decision of the Compliance Officer by writing to the Superintendent, within fifteen (15) days of receiving the Compliance Officer's decision. The Superintendent, or designee, shall issue a written decision in response to the appeal within thirty (30) days of receipt of the appeal.

Remedial or Other Action

If it is determined that discrimination occurred, the District shall take the appropriate steps to prevent the recurrence of discrimination and correct the discriminatory effects on the complainant and others. If disciplinary action is appropriate, teachers, administrators, other personnel, and students will be afforded all respective rights afforded by the law and District policy, and disciplinary action will follow all applicable policies and procedures.

General

1. The complainant will not be required to directly interview or confront the person alleged to have engaged in discriminatory behavior.

2. The complainant may withdraw the grievance at any time. However, the Compliance Officer may choose to continue to investigate the alleged discrimination if there are facts supporting the allegations.
3. The District shall maintain confidentiality as required by the Family Educational Rights and Privacy Act (FERPA).
4. The availability and use of this complaint procedure does not prevent a person from filing a grievance of discrimination with the U.S. Department of Education, Office for Civil Rights or any other court or agency with jurisdiction over the matter.
5. The District will make appropriate arrangements to ensure that students and parents/ legal guardians with disabilities are provided accommodations, if needed, to participate in the grievance process. Such arrangements may include, but are not limited to, providing interpreters for the deaf, providing digital material for the blind, providing a scribe for submission of the grievance, or assuring a barrier-free location for the proceedings. The Compliance Officer will be responsible for making such arrangements.
6. The District will make appropriate arrangements to ensure that persons who are not English proficient are provided with language assistance as needed to participate in the grievance process. The Compliance Officer will be responsible for making such arrangements.
7. The Compliance Officer will maintain the files and records relating to such grievances.

sexual

1-200 Equal Opportunity and Non-Discrimination

© 1-202 Equal Employment Opportunity and Non-Discrimination

The District is committed to providing a workplace free from discrimination, harassment, and retaliation.

Equal Employment Opportunity & Anti-Discrimination

The District is an equal opportunity employer and complies with all applicable federal, state, and local laws regarding equal employment opportunity and anti-discrimination. The District strictly prohibits and does not tolerate discrimination against employees, applicants, or any other covered persons because of race, color, religion, creed, national origin or ancestry, ethnicity, sex (including gender, and pregnancy), age, physical or mental disability, citizenship, past, current, or prospective service in the uniformed services, genetic information, or any other characteristic protected under applicable federal, state, or local law. All District employees, representatives, and other covered persons are prohibited from engaging in unlawful discrimination. This Policy applies to all terms and conditions of employment, including, but not limited to, hiring, training, promotion, discipline, compensation, benefits, and termination of employment.

In addition, the District complies with the Americans with Disabilities Act (ADA), and all applicable state or local law. Consistent with those requirements, the District will reasonably accommodate qualified individuals with a disability if such accommodation would allow the individual to perform the essential functions of the job, unless doing so would create an undue hardship. Requests for accommodation should be submitted to Human Resources Department. The District will also, where appropriate, provide reasonable accommodations for an employee's religious beliefs or practices so long as the accommodation does not impose an undue hardship on the District.

Harassment

Harassment is: (1) unwelcome conduct; (2) based on race, color, religion, creed, national origin or ancestry, ethnicity, sex (including gender and pregnancy), age, physical or mental disability, citizenship, past, current, or prospective service in the uniformed services, genetic information, or any other characteristic protected under applicable federal, state, or local law; and (3)(a) that is sufficiently severe or pervasive to alter the terms of employment and create an abusive work environment; or (b) that results in a tangible employment action (such as termination, demotion, or change in compensation).

The District strictly prohibits and does not tolerate unlawful harassment against employees or any other covered persons. Harassment is prohibited at the workplace and at employer-sponsored events.

Sexual Harassment

All District employees and representatives are prohibited from harassing employees and other covered persons based on that individual's sex or gender (including pregnancy) and regardless of the harasser's sex or gender.

Sexual harassment means any harassment based on someone's sex or gender. It includes harassment that is not sexual in nature (for example, offensive remarks about an individual's sex or gender), as well as any unwelcome sexual advances or requests for sexual favors or any other conduct of a sexual nature, when any of the following is true:

- Submission to or rejection of the advance, request, or conduct is made either explicitly or implicitly a term or condition of employment;
- Submission to or rejection of the advance, request, or conduct is used as a basis for employment decisions; or
- Such advances, requests, or conduct have the purpose or effect of substantially or unreasonably interfering with an employee's work performance by creating an intimidating, hostile, or offensive work environment.

The District will not tolerate any form of sexual harassment, regardless of whether it is:

- Verbal (for example, epithets, derogatory statements, slurs, sexually related comments or jokes, unwelcome sexual advances, or requests for sexual favors);
- Physical (for example, assault or inappropriate physical contact);
- Visual (for example, displaying sexually suggestive posters, cartoons, or drawings, sending inappropriate adult-themed gifts, leering, or making sexual gestures); or
- Online (for example, derogatory statements or sexually suggestive postings in any social media platform including Facebook, Twitter, Instagram, Snapchat, etc.).

In addition to the sexual harassment described above, Title IX sexual harassment is a subset of sexual harassment. Generally, Title IX sexual harassment is conduct, based on sex that constitutes one or more of the following:

- (a) Unwelcome conduct, occurring in the United States, that a reasonable person would find so severe, pervasive, and objectively offensive that it effectively denies a person equal access to a District-sponsored education program or activity;
- (b) An employee conditioning the provision of an aid, benefit, or service of the District on an individual's participation in unwelcome sexual conduct; or
- (c) Any of the following specific acts of sexual harassment taking place within the United States and within a District-sponsored program or activity: sexual assault, dating violence, domestic violence, and stalking.

Sexual harassment is prohibited both at the workplace and at District-sponsored events. Depending on the circumstances of the complaint, allegations of sexual harassment

may be subject to concurrent investigations under this Policy and the District's applicable Title IX Policy and Procedures.

Reporting an Incident of Harassment, Discrimination or Retaliation

The District encourages reporting of all perceived incidents that violate this Policy regardless of the alleged offender's identity or position and including vendors or others with whom the District does business.

Conduct that violates this Policy should be promptly reported to the Superintendent or the District's human resources department. The District encourages those filing a complaint to do so as soon as possible after the offending conduct. As necessary, the District will conduct a prompt investigation, either formal or informal, into the complaint. Individuals are encouraged to use the District's complaint form, which is available at the district office. While the complaint form is not mandatory to file a complaint, it assists the District in collecting the necessary information to move forward.

A complaint should be as detailed as possible, including the names of all individuals involved and any witnesses. The District will directly and thoroughly investigate the facts and circumstances of all claims of perceived discrimination and will take prompt corrective action, if appropriate.

Additionally, any supervisor who observes discriminatory conduct must report the conduct to the District's human resources department so that a prompt investigation can be conducted, if necessary, and corrective action taken, if appropriate.

Non-Retaliation

The District strictly prohibits and does not tolerate unlawful retaliation against any applicant, employee, or other covered person by any employee. All forms of unlawful retaliation are prohibited, including any form of discipline, reprisal, intimidation, or other form of retaliation for good faith reports or complaints of incidents of discrimination of any kind, pursuing any discrimination claim, or cooperating in related investigations.

The District is committed to enforcing this Policy against all forms of discrimination. However, the effectiveness of the District's efforts depends largely on employees informing the District about inappropriate workplace conduct. If employees feel that they or someone else may have been subjected to conduct that violates this Policy, the District encourages them to report it immediately. If employees do not report discriminatory conduct, the District may not become aware of a possible violation of this Policy and may not be able to take appropriate corrective action.

Violations of this Policy

Any employee, regardless of position or title, who violates this Policy may be subject to discipline, up to and including termination of employment.

Administration of this Policy

The District's Human Resources Department is responsible for the administration of this Policy. Questions regarding this Policy or questions about discrimination,

accommodations, or retaliation that are not addressed in this Policy should be directed to the human resources department.

Confidentiality

District employees who receive complaints alleging discrimination, harassment, or retaliation will maintain the confidentiality of the information they receive. However, District employees are permitted to disclose such information as required by law or when disclosure is necessary to facilitate legitimate District business, such as the investigation and resolution process.

Adopted:

Legal Authority:

[A.R.S. § 23-341](#)

[A.R.S. § 41-1463](#)

[20 U.S.C. § 1703](#)

[29 U.S.C. § 206](#) *et seq.*

[29 U.S.C. § 794](#)

[42 U.S.C. § 2000](#)

[42 U.S.C. § 12101](#) *et seq.*

© 2024 The Arizona School Risk Retention Trust

Equal Employment Opportunity and Non-Discrimination

© 1-202.A Procedure - Equal Employment Opportunity and Non-Discrimination - Grievance Procedure

A. Definitions

"Complainant" means the person filing a grievance.

"Compliance Officer" means the District personnel responsible for receiving and investigating grievances alleging discrimination.

"Harassment" is (1) unwelcome conduct; (2) based on race, color, religion, creed, national origin or ancestry, ethnicity, sex (including gender, pregnancy, sexual orientation, and gender identity), age, physical or mental disability, citizenship, past, current, or prospective service in the uniformed services, genetic information, or any other characteristic protected under applicable federal, state, or local law; and (3)(a) that is sufficiently severe or pervasive to alter the terms of employment and create an abusive work environment; or (b) that results in a tangible employment action (such as termination, demotion, or change in compensation).

"Religious discrimination" means any act of discrimination on the basis of religion in violation of Title IV or [A.R.S. § 15-110](#).

"Title IX" means Title IX of the Education Amendments of 1972.

B. Application

These Procedures apply to grievances alleging discrimination and/or harassment based on race, color, religion, disability, age, national origin, veteran's status, genetic code, or political affiliation. These Procedures also apply to grievances alleging retaliation for good faith reports or complaints of incidents of discrimination or harassment of any kind, pursuing any discrimination or harassment claim, or cooperating in related investigations. Grievances alleging discrimination or harassment based on sex (including gender, and pregnancy) should be filed using the District's Title IX Procedure. To the extent a complaint is filed alleging discrimination or harassment on the basis of sex and other conduct, the District may conduct simultaneous investigations under this Procedure and the District's Title IX Policy and Procedure.

The District also prohibits retaliation against anyone who files a grievance or cooperates in the investigation of a grievance.

C. Compliance Officer

The District's Compliance Officers are as follows:

Section 504/ADA Compliance Officer: Assistant Superintendent of Human Resources, Phone: (623) 474-6600

Title IV/VI Compliance Officer: Assistant Superintendent of Human Resources, Phone: (623) 474-6600

D. Grievance Process

Submittal of Grievance

A grievance should be submitted to the Compliance Officer within thirty (30) days of the date the complainant becomes aware of the alleged violation of District Policy.

A grievance should be in writing, containing the name and address of the person filing it. The grievance should also state the problem or action alleged to be discriminatory and the remedy or relief sought.

If the complainant is unable to or does not submit the grievance in writing, the District will provide reasonable accommodations to assist the complainant or otherwise meet with the complainant for the submission of their grievance. Although the District encourages individuals to submit grievances in writing, the District will nonetheless provide prompt and equitable response when it becomes aware of violations of District Policy.

The Compliance Officer will strive to confirm receipt of the grievance within five (5) working days following receipt.

Investigation

The Compliance Officer, or designee, shall conduct an investigation of the grievance. This investigation may be informal, but it must be thorough, affording all interested persons an opportunity to submit evidence relevant to the grievance, including the opportunity to present witnesses.

The Superintendent or Human Resources Department will designate an alternate investigator if the Compliance Officer has a conflict of interest with the investigation.

Based on the recommendation of the Compliance Officer, or designee, the District may take temporary action during the investigation to ensure equal employment opportunity and prevent retaliation.

Decision

The Compliance Officer will strive to complete the investigation and issue a written decision on the grievance no later than thirty (30) days after its filing unless extenuating circumstances require an extension of the thirty (30) day timeline. In such a case, the Compliance Officer, or designee, will communicate with the complainant concerning the need for an extension.

Appeal

The complainant or respondent may appeal the decision of the Compliance Officer by writing to the Superintendent or human resources officer, within fifteen (15) days of receiving the Compliance Officer's decision. The [Superintendent or human resources officer], or designee, will strive to issue a written decision in response to the appeal within thirty (30) days of receipt of the appeal.

Remedial or Other Action

If it is determined that discrimination occurred, the District shall take the appropriate steps to prevent the recurrence of discrimination and correct the discriminatory effects on the complainant and others. If disciplinary action is appropriate, teachers, administrators, other personnel, and students will be afforded all respective rights afforded by the law and District Policy, and disciplinary action will follow all applicable policies and procedures.

General

1. The complainant will not be required to directly interview or confront the person alleged to have engaged in discriminatory behavior.
2. The complainant may withdraw the grievance at any time. However, the Compliance Officer may choose to continue to investigate the alleged discrimination if there are facts supporting the allegations.
3. The District shall maintain confidentiality as required by the Family Educational Rights and Privacy Act (FERPA).
4. The availability and use of this grievance procedure does not prevent a person from filing a complaint of discrimination with the U. S. Department of Education, Office for Civil Rights or any other court or agency with jurisdiction over the matter.
5. The District will make appropriate arrangements to ensure that persons with disabilities are provided other accommodations, if needed, to participate in the grievance process. Such arrangements may include, but are not limited to, providing interpreters for the deaf, providing digital material for the blind, providing a scribe for submission of the grievance, or assuring a barrier-free location for the proceedings. The Compliance Officer will be responsible for making such arrangements.
6. The District will make appropriate arrangements to ensure that persons who are not English proficient are provided with language assistance as needed to participate in the grievance process. The Compliance Officer will be responsible for making such arrangements.
7. The Compliance Officer will maintain the files and records relating to such grievances.

1-200 Equal Opportunity and Non-Discrimination

© 1-203 Equal Opportunity - Prohibited Sex Discrimination (Title IX)

Non-discrimination Policy

The District does not discriminate on the basis of sex and prohibits sex discrimination in any education program or activity that it operates, as required by Title IX, including in admissions and employment.

Definitions

“Complaint” means an oral or written request that objectively can be understood as a request that the District investigate the allegations of sex discrimination and make a determination about alleged discrimination under Title IX.

“Complainant” means any person who is participating in or attempting to participate in the District’s education or employment programs and/or activities and who is alleged to be the victim of conduct that could constitute sex discrimination under Title IX.

“Respondent” means a person who is alleged to have violated the prohibition on sex discrimination under Title IX.

“Party/parties” means all Complainant(s) and Respondent(s).

“Program or activity” means all of the operations of a local educational agency.

“Sex-based harassment” means conduct based on sex that satisfies one or more of the following:

- a. an employee of the District conditioning the provision of an aid, benefit, or service of the District on an individual’s participation in unwelcome sexual conduct;
- b. unwelcome sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe and pervasive that it effectively limits or denies a person’s ability to participate in or benefit from the District’s education program or activity (“hostile environment harassment”); or
- c. “sexual assault” as defined in [20 U.S.C. § 1092\(f\)\(6\)\(A\)\(v\)](#), “dating violence” as defined in [34 U.S.C. § 12291\(a\)\(10\)](#), “domestic violence” as defined in [34 U.S.C. § 12291\(a\)\(8\)](#), or “stalking” as defined in [34 U.S.C. § 12291\(a\)\(30\)](#).

Title IX Coordinator

The District is obligated to identify an employee to serve as the Title IX coordinator and authorize that individual to coordinate and facilitate the District’s compliance efforts regarding its responsibilities under Title IX, including inquiries about the application of Title IX or formal complaints. The District’s Title IX coordinator is:

Dr. Stephanie Mohorne

Assistant Superintendent of Human Resources

19871 West Fremont Road, Buckeye, AZ 85326

(623) 474-6600

smohorne@liberty25.org

Notices

The contact information for the Title IX coordinator and the District's nondiscrimination notice will be prominently posted on the District's website and in any student or employee handbooks.

Any documents used to train the Title IX coordinator, investigators, decision makers, and others involved in the Title IX grievance process will be available upon request. In addition, the District will notify students, parent(s)/legal guardian(s) of students, employees, applicants for admission and employment, and employee professional associations that have an agreement with the District (if applicable) of this Policy and the grievance procedures, including how to report sex discrimination and how the District will respond to such reports.

Reporting

Any person may report sex discrimination, including sexual harassment, regardless of whether the person reporting is the person alleged to be the victim of the reported conduct. A report may be made in person, by mail, by telephone, or by electronic mail, using the contact information listed for the Title IX coordinator, or by any other means that results in the Title IX coordinator receiving the report. Complaints of discrimination that are not sex discrimination will be handled pursuant to the applicable District policy or procedure. Formal complaints of sex-based harassment or sex discrimination under Title IX will be handled using the Title IX grievance procedure.

Supportive Measures

The District is committed to offering supportive measures to every Complainant, to investigating each complaint, and to taking appropriate action on all confirmed violations of this Policy. Supportive measures may include, but are not limited to, counseling, class modifications or class schedule changes, and/or increased monitoring and supervision, as deemed appropriate by the Title IX coordinator.

Allegations of Sex Discrimination

Upon receiving notification of alleged sex discrimination, the Title IX coordinator shall promptly and confidentially contact the Complainant to discuss the availability of supportive measures, consider the Complainant's wishes with respect to supportive measures, and explain the process for making a complaint, if applicable.

Adopted:

Legal Authority:

[20 U.S.C. § 1681](#), Education Amendments of 1972, Title IX

[34 C.F.R. Part 106](#)

© 2024 The Arizona School Risk Retention Trust

Equal Opportunity - Prohibited Sex Discrimination (Title IX)

© 1-203.A Procedure - Equal Opportunity - Prohibited Sex Discrimination (Title IX) - Grievance Procedure

A. General Procedures

The District shall follow grievance procedures that provide for the prompt and equitable resolution of formal complaints from students and employees alleging sex-based discrimination.

The Title IX coordinator, investigator, and decision maker may be the same person. The decision maker for an appeal may not be the decision maker, the investigator, nor any person who made a decision to dismiss the complaint. The Title IX coordinator may delegate duties to another District employee.

If any person involved in an investigation has a concern that the investigator, decision maker, or decision maker on appeal may have a bias or conflict of interest, the Title IX coordinator will evaluate the situation and determine in the Title IX coordinator's sole discretion whether to designate a different investigator, decision maker, or decision maker on appeal. The Title IX coordinator also has the discretion to reassign an investigator, decision maker, or decision maker on appeal for any reason. The Title IX coordinator may retain an outside investigator, decision maker, or decision maker on appeal.

B. Supportive Measures

The Title IX coordinator must offer and coordinate supportive measures that do not unreasonably burden either party and are designed to protect the safety of the parties or the educational environment. Supportive measures may also be designed to provide support during the grievance procedures or during the informal resolution process. Supportive measures may not be imposed for punitive or disciplinary reasons. Any party may request a modification or reversal of the decision to provide, deny, modify, or terminate supportive measures applicable to them, which decision must be made by an impartial employee who is someone other than the employee who made the challenged decision and who has the authority to modify or reverse the decision. The impartial employee will determine whether or not the decision to provide, deny, modify, or terminate the supportive measures was inconsistent with Title IX regulations and make appropriate modifications. A party also has the right to seek modification or termination of a supportive measure applicable to that party if circumstances materially change.

C. Removal

Prior to a determination of responsibility for the conduct alleged, the District may remove a student who is a Respondent from the District's educational program or activity on an emergency basis when, after completing an individualized safety and risk analysis, it is determined that an imminent and serious threat to the health or safety of a Complainant or to any students, employees, or other persons arising from the

allegations of sex discrimination justifies removal. The District must provide the Respondent with notice and an opportunity to challenge the decision immediately following the removal. If a student has an individual education program (IEP) or a Section 504 plan, the decision to remove the student on an emergency basis must be coordinated with the District's special education staff and in compliance with relevant requirements of the Individuals with Disabilities in Education Act (IDEA) or Section 504 of the Rehabilitation Act (Section 504).

The District may place an employee who is a Respondent on administrative leave while allegations are investigated and resolved in accordance with this grievance procedure.

The District will attempt to complete the grievance process within sixty (60) business days, not including any time for an appeal of the Determination. The grievance process may be temporarily delayed and/or timelines may be extended for good cause with written notice to the parties explaining the reason(s) for the extension.

D. Requisite Notice

An oral or written request to the District that can be objectively understood as a request for the District to investigate and make a determination about alleged discrimination under Title IX against a Complainant suffices as a complaint. The Complainant must be a District student or District employee who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX at the time the conduct occurred, or a District student or District employee or any other person who was attempting to participate in the District's education program or activity at the time conduct that could constitute sex discrimination under Title IX occurred. A complaint may be submitted by any person.

A confidential District employee is one whose communications are privileged or confidential under federal or state law. A confidential employee who receives information while that employee is functioning within the scope of duties to which privilege or confidentiality applies must inform any person who discloses conduct that may reasonably constitute sex discrimination under Title IX both how to contact the Title IX coordinator and that supportive measures may be available.

A non-confidential District employee must notify the Title IX coordinator when the employee has information about conduct that reasonably may constitute sex discrimination under Title IX carried out against a Complainant.

E. Filing a Complaint

Upon receipt of a request for the District to investigate and make a determination about alleged Title IX discrimination, the Title IX coordinator will offer the Complainant the opportunity to make a written complaint. If a verbal report of Title IX discrimination is made, the Complainant or the Complainant's parent, guardian, or other authorized legal representative will be asked to submit a written complaint. If the Complainant or lawful representative refuses or is unable to submit a written complaint, the Title IX coordinator will facilitate obtaining a written summary of the complaint so that notice may be given to the Respondent.

If a Complainant does not want to make a complaint or withdraws the complaint, the Title IX coordinator may initiate a complaint as permitted by federal regulation based upon a determination that the allegations present an imminent and serious threat to the health or safety of the Complainant or other person, or that the conduct as alleged prevents the District from ensuring equal access on the basis of sex to its education program or activity. The Title IX coordinator must document the reasons for the Complainant's preference not to pursue the complaint or to withdraw the complaint.

If the Complainant or Respondent is a student with a disability, the Title IX coordinator must consult with one or more members of the IEP team or Section 504 team as appropriate to determine how to comply with IDEA and/or Section 504 throughout the implementation of the grievance procedures.

After the preparation of the complaint, the Title IX coordinator will provide written notice of the allegations to the Complainant and the Respondent and will provide information regarding the grievance process, including the informal resolution process if appropriate. The notice of the allegations must include:

- sufficient detail to allow the Respondent to prepare a response, including a description of the conduct alleged, the date and location of the conduct, and the names of the Complainant and other involved parties, if any;
- a statement that the Respondent is presumed not to be responsible for the conduct and that a determination will be made at the conclusion of the process;
- a statement that retaliation is prohibited;
- notice of the Complainant's and Respondent's rights to have an attorney or non-attorney advisor;
- notice of the right of the Complainant and Respondent to inspect and review relevant evidence;
- notice that if in the course of the investigation additional allegations of sex discrimination by the Respondent toward the Complainant are discovered, those allegations may be consolidated in the complaint, with notice of the additional allegations made to the parties; and
- a prohibition on providing false statements or evidence in connection with the investigation of the complaint.

F. Duty to Report

Title IX complaints may include violations addressed in [A.R.S. § 13-3620](#). Any allegations classified by statute as "reportable offenses" must be reported as such to local law enforcement authorities or the Department of Child Safety.

When the Title IX coordinator, investigator, decision maker, or decision maker on appeal reasonably believes that a law enforcement investigation will commence in regard to the complaint allegations reported to the District, the District reserves the right to temporarily suspend the grievance process and investigative efforts. The Title IX

coordinator will continue or implement supportive measures as appropriate. The District may determine (in conjunction with the law enforcement authorities) that the continuation of the internal Title IX grievance process is permissible during a pending law enforcement investigation. The Title IX grievance process will resume as soon as the District becomes aware that the law enforcement investigation has concluded or upon approval of the law enforcement agency. A finding by law enforcement that no wrongdoing occurred will not determine the outcome of the District's investigation but will be considered along with the other evidence.

G. Informal Resolution

At any time before a determination is reached, allegations may be resolved informally, unless it is alleged that a District employee is engaged in sex-based harassment against a District student.

As part of the informal resolution process, the Title IX coordinator may engage in interviews and other fact finding. Either party may withdraw from an informal resolution process at any time before agreeing to a resolution and resume the grievance procedures. The Title IX coordinator has the discretion to decline requests for informal resolution.

Both parties to a formal complaint must voluntarily agree in writing to participate in an informal resolution process. No party is ever required to participate in an informal resolution process. Intimidation, threats, and coercion regarding participation in an informal resolution process are expressly prohibited. Informal resolution will proceed pursuant to the procedures set out below.

Efforts to resolve the formal complaint via informal resolution should not typically extend longer than ten (10) school days unless for good cause (such as unavailability of the parties, state-wide testing, etc.). If the informal resolution process takes more than ten (10) school days, the Title IX coordinator may send a notice of temporary delay for good cause if it appears that the District will not be able to meet its deadline to complete the Title IX grievance process.

Either party may withdraw from an informal resolution at any time before agreeing to a resolution and resume the grievance process. Once an informal resolution is agreed to by the parties, it becomes binding.

H. Procedures for Informal Resolution

After receipt of a complaint of sex discrimination, the Title IX coordinator will determine whether the complaint is appropriate for referral to an informal resolution process. If the Title IX coordinator determines that the complaint is appropriate for informal resolution, a written invitation to participate in an informal resolution process will be sent to both parties. The parties may agree to participate in informal resolution at any point in the grievance process prior to the issuance of a determination of responsibility letter by the decision-maker.

If both parties return the consent to participate forms, the Title IX coordinator or designee will initiate the informal resolution process within five (5) school days of receipt

of both signed consent to participate forms. The Title IX coordinator will designate an informal resolution facilitator.

The facilitator may be the Title IX coordinator or another individual who has been trained on the District's Title IX policy and procedures, is free from conflicts of interest and bias, and has been trained to serve impartially without prejudging the facts at issue. The facilitator must not be the same person as the investigator or the decision maker. The facilitator will be responsible for contacting the parties within five (5) school days of receipt of the signed consent to participate forms to initiate the informal resolution process.

The facilitator will contact the Complainant and the Respondent separately to discuss the following:

- (1) whether the party would like to have a face-to-face meeting (in-person or virtual) with the other party to discuss informal resolution;
- (2) the allegation(s) and facts each party believes are relevant to the allegation(s); and
- (3) what terms the party believes would resolve the complaint without need for investigation and determination.

After communicating with both parties, the facilitator will determine whether to schedule a face-to-face meeting or to engage separately with each party to discuss the terms for agreement proposed by the other party.

I. Resolution Agreement

If the parties agree to resolve the complaint without proceeding through investigation and a final determination, the terms of that agreement must be in writing and be signed by both parties. A non-exhaustive list of examples of terms that may be included in an informal resolution agreement are as follows:

- removal of the Respondent from the educational setting via suspension or expulsion;
- removal of the Respondent from the same educational setting as the Complainant (reassignment to an alternate location or change of classes, for example);
- written or verbal apology from the Respondent to the Complainant;
- agreement that the Respondent will attend counseling (provided outside of the school setting);
- non-contact or non-communication agreements between the parties;
- participation by either or both parties in an age-appropriate training to address the parties' understanding of sex discrimination and to mitigate reoccurrence of the sex discrimination;

- no admission of responsibility by the Respondent;
- non-disclosure of the agreement as to the parties; and
- consequences of a breach of any term of the agreement (for example, an agreement might include a term that states that if a party breaches a non-disclosure agreement, that party will be reassigned to an alternative educational setting).

The District is not a party to the resolution agreement. The facilitator should confirm the feasibility of any terms to which the parties have agreed that implicate an administrative action by the District prior to the finalization and signing of a resolution agreement. Once an agreement is finalized, the District will take reasonable steps to ensure that it can be implemented on school property and at school-sponsored events.

J. Confidentiality of the Informal Resolution Process

Information or evidence exchanged during an informal resolution process is not confidential as to the Title IX grievance process if a resolution agreement cannot be reached. Either party may share information or evidence obtained during the informal resolution process with the investigator. The facilitator may not be a witness during the investigation. The facilitator's notes will not be shared with the parties nor will the notes become a part of the investigation file.

An informal resolution agreement itself may not be a confidential document and may be subject to a public records request, a valid subpoena for records, or data request from an enforcement agency such as the Office for Civil Rights of the U.S. Department of Education. Any resolution agreement provided as a public records request will redact all personal identifying information as permitted by law.

K. Dismissal

If the Title IX coordinator or investigator determines that the allegations in a complaint, with all facts assumed to be true for this purpose, do not meet the definition of sex discrimination under the applicable Title IX regulations, or did not occur in the District's educational program or activity, the Title IX coordinator shall dismiss the complaint. The Title IX coordinator may also dismiss a formal complaint if the Complainant requests withdrawal of the complaint; if, after taking reasonable steps, the Respondent cannot be identified; or if the Respondent withdraws from the District (student) or terminates employment with the District (employee). If a complaint is dismissed, supportive measures must be offered to the parties as appropriate.

Upon dismissal of a complaint or any allegations contained in a complaint, the Title IX coordinator will promptly and simultaneously provide written notice of the dismissal and the reason(s) for the dismissal to the Complainant and Respondent. If a complaint is dismissed, the District may nevertheless take additional appropriate disciplinary action against the Respondent under its employee or student code of conduct and procedures related thereto. Upon dismissal, the Title IX coordinator must promptly notify the Complainant of the basis for dismissal and that the dismissal may be appealed. If the dismissal occurs after the Respondent has been notified of the allegations, the Title IX

coordinator must also notify the Respondent of the dismissal and the basis for the dismissal simultaneously with the notice of dismissal provided to the Complainant.

L. Investigation

The investigation will be premised on a presumption that the Respondent is not responsible for the alleged act(s) of sexual harassment or sex-based discrimination, and both parties will be treated equitably during the investigation. The burden is on the District to conduct an investigation that gathers sufficient evidence to determine whether sex discrimination occurred and if the Respondent committed the acts determined to be sex discrimination.

The Complainant, the Respondent, and any witnesses are prohibited from knowingly making a false statement or providing false evidence in connection with a Title IX investigation. The District may take disciplinary action against any individual who makes false statements.

Both the Complainant and the Respondent will have a reasonable opportunity to present witnesses and other evidence to the investigator. The investigator will meet with each party and give them at least twenty-four (24) hours advance written notice of the date, time, location, and purpose of any interview that will be conducted. The District will not restrict the ability of either party to discuss the allegations and gather evidence related to the allegations of the formal complaint.

The investigator will interview the Complainant, the Respondent, and any witnesses identified by either party, and will review relevant records. In no event will a party or potential witness be subjected to any disciplinary sanctions or consequences for refusing or failing to participate.

Before the investigator prepares the final investigation report, the Complainant, the Respondent, and their advisors (if any) will be provided with an equal opportunity to access relevant and permissible evidence. If appropriate, that evidence will be provided to the parties in an electronic format and manner that does not permit copying or downloading of the evidence. Parties and their advisors will be required to sign a non-disclosure agreement prior to receiving copies of this evidence in an electronic format or printed copy. The evidence provided must include any evidence that the investigator does not intend to rely upon, and any exculpatory or inculpatory evidence from any source. Within ten (10) calendar days of the date on which the parties were provided with access to the evidence or otherwise notified by the investigator that they could make an arrangement to view the evidence, the parties may prepare and submit to the investigator a written response to the evidence, which the investigator will consider in preparing the written investigation report. In cases in which there is more voluminous evidence that will require more time for the parties to process, the investigator may extend the ten (10) calendar days and provide notice of the extended date to the parties. Following the expiration of the date on which the parties may provide responses to the evidence, the investigator will promptly prepare a written investigation report that fairly summarizes the relevant and permissible evidence discovered during the investigation and provide that to the parties.

M. Decision/Determination

The written investigation report and any responses submitted by the Complainant and/or Respondent will be provided to the decision maker (if the decision maker is not the same person as the investigator), who will make the determination as to whether sex discrimination occurred based on the preponderance of the evidence standard.

If the decision maker is not the same person as the investigator, and the credibility of one or more parties or witnesses is in dispute and relevant to evaluating one or more allegations of sex discrimination, the decision maker has the discretion to either: (1) convene an individual meeting with the party or witness and ask relevant questions relating to credibility or evaluation of the allegations; or (2) invite each party to propose questions that the party or witness would like to have asked by the investigator or the decision maker during one or more individual meetings, including follow-up meetings. If the decision maker invites the parties to submit questions, the decision maker must determine whether a proposed question is relevant and permissible. If a party submits a question that is unclear or harassing, the decision maker must give the party an opportunity to clarify or revise that question, and if the party sufficiently clarifies or revises a question, it must be asked.

If the decision maker is the same person as the investigator, the decision maker will provide each party with an opportunity to submit written, relevant questions for any party or witness within five (5) calendar days of the date on which the decision maker is provided with a copy of the final written investigation report and any responses to the report. If written questions are submitted, the decision maker will promptly provide the questions to the appropriate individual so the individual can provide answers to the questions. Answers to the questions must be provided to the decision maker within five (5) calendar days of the date on which they are provided. The decision maker will promptly provide each party with the answers to the questions and allow for additional, limited follow-up questions in writing from both the Complainant and Respondent within three (3) calendar days. If written follow-up questions are submitted to the decision maker, the decision maker will promptly obtain the answers and provide both parties with the responses to the additional questions. Any questions regarding a Complainant's prior sexual behavior or sexual predisposition will be deemed irrelevant unless they are offered to provide evidence that someone other than the Respondent committed the alleged misconduct or are offered to prove consent.

No sooner than ten (10) calendar days after receiving the investigation report, the decision maker will issue a written determination of responsibility (Determination) that includes:

- a statement of the allegations;
- a description of the procedural steps taken from receipt of the formal complaint through the Determination, including any notifications to the parties, interviews with parties and witnesses, site visits, and methods used to gather other evidence;
- the findings of fact supporting the Determination;

- conclusions regarding the application of the District's code of conduct to the facts;
- a statement of and rationale for the result as to each allegation, including a determination of whether sex discrimination occurred, and if so, any disciplinary sanctions the District imposes on the Respondent; and
- a description of the right to an appeal, the permitted bases for an appeal, and how to request an appeal.

The deadline for the decision maker to issue the Determination may be extended for good cause at the decision maker's sole discretion. The Complainant and the Respondent will be notified concurrently of the Determination.

Students found to have violated Title IX will be referred for potential disciplinary action. Employees found to have violated Title IX will be subject to potential employment actions, including discipline or termination of employment. The Title IX coordinator shall also coordinate the provision and implementation of remedies to the Complainant and other persons identified as having had equal access to the District's education program limited or denied by sex discrimination

N. Appeals

Either the Complainant or the Respondent may appeal from: (1) the Determination regarding a formal complaint; or (2) the dismissal of a formal complaint. The appealing party must submit a written notice of appeal that includes the bases of the appeal to the Title IX coordinator within ten (10) calendar days of the date of the Determination or the dismissal of the complaint. No hearing will be held for an appeal.

Written notice of the appeal will be provided to both parties by the District. Either party may file a written response in support of or challenging the Determination/dismissal and the bases for the appeal within five (5) calendar days of the date on which written notice of the appeal was provided to all parties.

An appeal may be filed on the following bases only:

- a procedural irregularity affected the outcome of the matter;
- there is newly discovered evidence that could affect the outcome of the matter and that was not available at the time the Determination was made; and/or
- the Title IX coordinator, the investigator, or the decision maker had a conflict of interest or bias that affected the outcome of the matter.

The parties will simultaneously be provided with a written decision regarding the appeal, which will describe the result of the appeal and the rationale for the decision.

O. Confidentiality and Retention of Investigation Information and Records

Except as necessary to complete a thorough and effective investigation and grievance process under Policy 1-203 and as required by law or District policy, the identity of Complainants, Respondents, and witnesses; information related to investigations;

evidence gathered; and records created during investigations will be maintained in strict confidence.

In implementing Policy 1-203, the District will comply with State and Federal laws regarding the confidentiality of student and employee records, including but not limited to the Family Educational Rights and Privacy Act. Information and records regarding any disciplinary sanctions imposed on an employee or student will be maintained and disclosed in the same manner as any other disciplinary record, provided that no disciplinary record shall indicate that discipline was determined through the Title IX process.

The Title IX coordinator will retain investigation files for a time period of not less than seven (7) years. The records maintained by the District will document the District's response to allegations of sex discrimination and what measures were taken to restore or preserve equal access to the District's educational program or activity. If the District did not offer supportive measures in response to a report made under Policy 1-203, the District's records will document why no supportive measures were offered.

P. Training

The District will provide annual training to employees on identifying and reporting acts that may constitute discrimination, harassment, or retaliation. The Title IX coordinator, investigators, decision makers, decision makers on appeal, and any District employees who are designated to facilitate informal resolution processes will receive additional training on Policy 1-203 and implementation of the grievance process at least as often as required by federal regulations implementing Title IX.

1-300 Governing Board Meetings**© 1-301 Rules of Order**

The Governing Board shall abide by the following rules of order:

1. Every item that requires action by the Board shall require a motion made by any member of the Board, including the President.
2. A motion must receive a second from another member of the Board, which may include the President, prior to consideration by the Board. If a motion does not receive a second, the Board will not consider the motion.
3. Motions of the Board may include, but are not limited to, the following:
 - a. a motion for action by the Board;
 - b. a motion to adjourn;
 - c. a motion to table an item;
 - d. a motion to amend a pending motion;
 - e. a motion to refer to committee; or
 - f. a motion to refer to the Superintendent.
4. The Board President may recess or adjourn a meeting without a motion to adjourn if required to maintain order.
5. Once a motion receives a second, the Board may consider the motion and discuss the motion.
6. A motion may be amended at any time by any Board member. Amending a pending motion requires a motion and a second.
7. To pass, a motion requires an affirmative vote of a majority of the Board members in attendance and voting. An abstention does not count as a vote for purposes of determining whether a motion passes.

Notwithstanding the above, the Board may suspend the rules of order by a majority vote of the Board's members in attendance and voting.

Adopted:

Legal Authority:

[A.R.S. § 15-321](#)

[A.R.S. § 15-341](#)

© 2024 The Arizona School Risk Retention Trust

1-300 Governing Board Meetings

© 1-302 Governing Board Meetings and Open Meeting Law Requirements

Compliance with Arizona's Open Meeting Laws

The Governing Board recognizes its responsibility to ensure that its meetings are conducted openly. Notices and agendas for such meetings shall contain sufficient information as is reasonably necessary to inform the public of the matters to be discussed or decided. The Board shall comply with Arizona's open meeting laws as set forth in [A.R.S. § 38-431](#) *et seq.*

Newly elected or appointed Board members shall, at least one (1) day before taking office, review the Arizona open meeting law material prepared by the Attorney General.

Definitions

"Advisory committee" or "subcommittee" means any entity, however designated, that is officially established, on motion and order of the Board or by the Board President and whose members have been appointed for the specific purpose of making a recommendation concerning a decision to be made or considered or a course of conduct to be taken or considered by the Board.

"Business" means any District related budgetary, personnel, or other question that comes before the Board.

"Emergency meeting" means a meeting held on shorter notice than otherwise required by law because of an "actual emergency". An actual emergency exists when, due to unforeseen circumstances, immediate action is necessary to avoid some serious consequence that would result from waiting until the required notice could be given. The existence of an actual emergency does not dispense with the need to give twenty-four (24) hour notice to an employee who is to be discussed in executive session.

"Executive session" means a gathering of a quorum of the Board from which the public is excluded for one or more reasons set forth in [A.R.S. § 38-431.03](#) (describing permissible reasons for an executive session). In addition to the Board members, only those whose presence is reasonably necessary for the Board to carry out its executive session responsibilities may attend an executive session.

"Legal action" means a collective decision, commitment or promise made by the Governing Board in accordance with Arizona law.

"Meeting" means the gathering, in person or through technological devices, of a quorum of the Board at which they discuss, propose or take legal action, including any deliberations by a quorum with respect to that action. A meeting includes one-way electronic communication by one Board member that is sent to a quorum of the Board and that proposes legal action. It also includes an exchange of electronic communications among a quorum of the Board that involves a discussion, deliberation

or the taking of legal action concerning a matter likely to come before the Board for action.

"Quorum" means a majority of the Board. If there is a vacancy or vacancies on the Board, a quorum means a majority of the remaining Board members. A single Board member does not constitute a quorum.

"Regular meeting(s)" means those meeting(s) that are regularly held and scheduled by the Board for the consideration of Business and/or for the Board to take any legal action.

"Special meetings" are those held in addition to regular meetings.

Frequency and Location of Board Meetings

The Board shall hold at least one regular meeting per month during the regular school year and may hold special meetings as often as called.

Board meetings shall be held at the most convenient public facility in the District. However, if a public facility within the District is not available, the Board may meet at any available public facility that is convenient to all Board members, regardless of the county or school district in which the public facility is located. The location shall provide for an amount of seating sufficient to accommodate reasonably anticipated attendance, but the District need not relocate a meeting outside of the District's largest regular meeting room.

Board Meeting Notices

1. If the Board intends to meet for a specified calendar period, on a regular day, date or event during the calendar period, and at a regular time and place, it may post public notice of the meetings at the beginning of the period. Such notice shall specify the period for which the notice is applicable.
2. The Board shall conspicuously post a statement on its website stating where all public notices of its meetings will be posted, including the physical and electronic locations, and shall give additional public notice as is reasonable and practicable as to all meetings.
3. The Board shall post all public meeting notices on the District's website and give additional public notice as is reasonable and practicable as to all meetings.
4. A technological problem or failure that either prevents the posting of public notices on a website or that temporarily or permanently prevents the use of all, or part of the website does not preclude the holding of the meeting for which the notice was posted if the Board complies with all other public notice requirements.
5. Except for emergency meetings or previously recessed meetings with appropriate notice, no Board meeting shall be held without at least twenty-four (24) hours' notice to the Board and the public. The twenty-four (24) hour notice period includes Saturdays if the public has access to the physical posted location

in addition to any website posting but excludes Sundays and other holidays prescribed in [A.R.S. § 1-301](#).

6. In the case of an actual emergency, a meeting, including an executive session, may be held on such notice as is appropriate to the circumstances. In such cases, the Board must adhere to the requirements of [A.R.S. § 38-431.02](#) pertaining to emergency meetings.

In the case of an actual emergency, the Governing Board, after giving such notice as is appropriate to the circumstances, may act on an emergency matter or call an emergency meeting in accordance with the requirements set out in [A.R.S. 38-431.02](#). The emergency meeting shall follow the order of business for a special meeting. An emergency meeting shall be subsequently followed by the posting of a public notice within twenty-four (24) hours declaring that an emergency session has been held and setting forth the information specified by [38-431.02](#). Chapter 7 of the Arizona Agency Handbook shall be consulted for guidance when an emergency action or meeting is being considered.

Board Meeting Agendas

[NOTE – Boards may customize how items are submitted for consideration on a future agenda.]

1. The Superintendent is authorized to develop the agenda for each Board meeting, in collaboration with the Board President or the Board. Board members may also request that specific items be considered for placement on a Board meeting agenda.
2. Notice of Board meetings shall include an agenda of the matters to be discussed or decided at the meeting or information on how the public may obtain a copy of the agenda. The agenda will be available to the public at least twenty-four (24) hours before the meeting, except in the case of an emergency meeting.
3. Unless a Board meeting is entirely remote, the agenda shall include notice of the time that members of the public will have physical access to the Board meeting.
4. Generally, the Board may discuss, consider, or make decisions only on those matters listed on the agenda and other matters related thereto.
5. Board members may present a brief summary of current events without the need to list them on the agenda if the summary is listed on the agenda and the Board does not propose, discuss, deliberate, or take legal action at the meeting on any matter in the summary unless the specific matter is properly noticed for legal action.

The agenda shall list the specific matters to be discussed, considered or decided at the meeting. Except for a meeting through technological devices, the agenda and notice

shall also include the time that the public will have physical access to the meeting place. The Governing Board may discuss, consider or make decisions only on matters listed on the agenda and other matters related thereto. (*Subject to A.R.S. [38-431.02](#)*)

Unless changed by a majority vote of Board members present at a meeting, the order of business shall be as follows:

Regular meetings:

- A. Call to order
- B. Adoption of the agenda (*Discussion of items is not in order.*)
- C. Pledge of allegiance
- D. Board Meeting minutes not previously approved
- E. Information only items (*Items to be heard only; the Board will not propose, discuss, or take legal action during the meeting unless the specific matter is properly noticed for legal action.*)
 - a. Summary of current events
 - i. Superintendent
 - ii. Celebrations and recognitions
 - iii. Governing Board members
 - b. Reports (*Notice must be specific as to type of report that will be given, subject matter and whom will be making the report.*)
- F. Public comments (*Members of the Governing Board shall not discuss or take legal action on matters raised during an open call to the public unless the matters are properly noticed for discussion and legal action.*)
- G. Action items (*Matters on which the Governing Board may take legal action during the meeting.*)
 - a. Consent agenda items (*When so presented, should fully describe the matters on the agenda and inform the public where more information can be obtained.*)
 - b. Specific items of District business (*As listed for consideration, may include various categorical areas as the business of the District necessitates Board discussion, deliberation, and action.*)
- H. Information and Discussion items (*Matters about which the Board may engage in discussion but will take no action during the meeting.*)
- I. Information items (*The Board will not propose, discuss, or take legal action during the meeting.*)
 - a. Requests for future agenda items
- J. Adjournment

Special meetings:

- A. Call to order
- B. Items for which the special meeting was called (*May include timely action, discussion, and information items as conditioned for regular meetings.*)
- C. Announcements

D. Adjournment

Executive sessions:

An executive session may be scheduled, as necessary, during either a regular or special meeting. (See *Arizona Attorney General Agency Handbook Section 7.6.7.*)

- A. When an executive session is to be held, the notice must state the specific provision of law authorizing the executive session.
- B. The Board may vote to hold an executive session for the purpose of obtaining legal advice from the Board's attorney on any matter listed on the agenda pursuant to A.R.S. [38-431.03\(A\)\(3\)](#).

Accommodations for the Disabled

Persons with a disability may request a reasonable accommodation, such as a sign language interpreter, by contacting Governing Board Secretary at 623.474.6600 and mkamarata@liberty25.org. Requests should be made at least forty-eight (48) hours in advance to allow time to arrange the accommodation.

Applicability to Advisory Committees, Standing and Special Committees and Subcommittees of the Board

The provisions of Arizona's open meeting laws apply to advisory committees, standing and special committees of the Board, and subcommittees of the Board.

Resuming Recessed Meetings

The Board may recess a meeting during a meeting and resume it with less than twenty-four (24) hours' notice if:

- 1. public notice of the initial session of the meeting was given; and
- 2. if, before recessing, notice is publicly given as to the time and place of the resumption of the meeting or the method by which notice shall be publicly given.

Public Participation in Board Meetings

- 1. Members of the public shall be permitted to attend and listen to the deliberations and proceedings occurring during a Board meeting. Members of the public do not have the right to speak unless and until recognized by the Board to do so.
- 2. Members of the public do not have the right to engage in dangerous or disruptive behavior that compromises or prevents the Board from conducting Board business.
- 3. The Board, in its discretion, may make an open call to the public during a Meeting, subject to reasonable time, place and manner restrictions, to allow individuals to address the Board on any issues within its jurisdiction.

4. The Board does not permit commercial solicitations during call to the public or actions that violate the prohibitions set forth in [A.R.S. § 15-511](#) (use of school resources to influence the outcome of an election).
5. An individual who wants to make a public comment shall follow the procedures identified by the Board. This may include adding the speaker's name to a list of those wishing to make a public comment, submitting a request card to the Board to make a public comment, or any other reasonable method implemented by the Board.
6. The President may set a time limit on the length of the call to the public period and for each individual speaker. Any time limitation applicable to any individual speaker shall apply to all speakers making a public comment. The President or designee will recognize speakers, maintain proper order, and enforce applicable time limitations.
7. At the conclusion of the open call to the public portion of the meeting, individual Board members may respond to criticism made by those who addressed the Board, may ask staff to review a matter, or may ask that a matter be placed on a future agenda.
8. Board members shall not discuss or take legal action on matters raised during an open call to the public unless the matters are properly noticed for discussion and legal action.
9. Persons in attendance at a public meeting may record the meeting provided there is no active interference with the conduct of the meeting.

Emergency Board Meetings

1. The Board is not required to provide twenty-four (24) hours' notice of a Board meeting in the case of an actual emergency. An actual emergency may exist when, due to unforeseen circumstances, immediate action is necessary to avoid some serious consequences that would result from waiting until the required notice could be given.
2. In such an event, the Board will provide notice as is appropriate under the circumstances. If the Board holds an emergency meeting, the Board will post a public notice within twenty-four (24) hours declaring that an emergency session was held and setting forth the following information:
 - an agenda setting forth the specific matters discussed, considered, or decided at the meeting; and/or
 - For executive sessions that occur during an emergency meeting, the agenda shall include a general description of the matters to be considered and a recital of the legal authority authorizing the executive session. The general description is not required to contain information that would defeat the purpose of the executive session, compromise the legitimate privacy

interests of a public officer, appointee, or employee, or compromise attorney-client privilege.

Meeting Minutes

1. The Board shall provide for the taking of written minutes or a recording of all their meetings, including executive sessions. For meetings other than executive sessions, the minutes or recording shall include:
 - the date, time, and place of the meeting;
 - the members of the Board recorded as either present or absent;
 - a general description of the matters considered;
 - an accurate description of all legal actions proposed, discussed or taken, including a record of how each member voted;
 - the names of the members who propose each motion;
 - the names of the persons, as given, who make statements or present material to the public body and a reference to the legal action about which they made statements or presented material;
 - a statement of the reasons for emergency consideration of any matters not on the agenda, including a full description of the nature of the emergency; and
 - if a prior act was ratified during the meeting, a copy of the disclosure statement required for ratification pursuant to [A.R.S. § 38-431.05](#).
2. The minutes or a recording of a public meeting shall be available for public inspection within three (3) working days after the meeting. Minutes the Board has not approved may be marked as "draft", "unapproved", or in any other manner to reflect the Board has not approved or accepted the minutes as drafted.
3. Minutes from an executive session shall include:
 - the date, time, and place of the meeting;
 - the members of the Board recorded as either present or absent;
 - a general description of the matters considered;
 - an accurate description of all instructions given pursuant to [A.R.S. § 431.03\(A\)](#), paragraphs 4, 5, and 7;
 - other matters as deemed appropriate by the Board; and
 - a statement of the reasons for emergency consideration of any matters not on the agenda.

The minutes on an executive session are confidential and may not be disclosed except to certain authorized persons, as set forth permitted by law. To ensure confidentiality

and avoid inadvertent disclosure, minutes of executive sessions should be stored separately from general session minutes.

Adopted:

Legal Authority:

[A.R.S. § 15-321](#)

[A.R.S. § 15-323](#)

[A.R.S. §§ 38-431 - 38-431.09](#)

© 2024 The Arizona School Risk Retention Trust

1-300 Governing Board Meetings

© 1-303 Adoption, Revision, Suspension and Repeal of Board Policies

Governing Board policies must be adopted, revised, suspended or repealed during public Board meetings.

Adoption

The Board shall prescribe and enforce policies to govern District schools, including their operation, that are not in conflict with law or rules prescribed by the State Board of Education.

The Board shall adopt and enforce any other policies it is required by law to adopt.

The Board may, in its sole discretion, adopt and enforce any other policies not otherwise contrary to law or rules prescribed by the State Board of Education.

Unless otherwise required by law, the Board may, but is not required to, consider the views of the public or employees before adopting any policy.

[Option 1]: Unless otherwise required by law, the Board may exercise its discretion to consider and adopt a policy at a single Board meeting or after two or more Board meetings.

[Option 2]: The Board shall consider the adoption of any new Policy or revisions thereto during two Board meetings prior to adoption unless the Board votes to consider and approve a policy at a single Board meeting or unless more than two meetings are required by law prior to Board action.

Unless specifically noted, new or revised policies will be implemented prospectively.

Neither Board policies nor procedures are intended to or shall be construed to create a contract or vested interest unless specifically stated otherwise.

Revision

The Board may revise policies as needed to reflect newly enacted laws, changes in law or whenever it determines that revisions are warranted to improve the educational or other operations of the District.

Suspension

The Board may suspend a policy or a portion thereof when deemed in the District's best interest. Upon subsequent Board action, the policy shall be reinstated unless the Board votes to revise or repeal it.

Repeal

Unless a policy is required by law, the Board may repeal Board policies that are no longer necessary or deemed in the District's best interest.

Procedures

The Superintendent is authorized to develop procedures as appropriate or requested by the Board to implement Board adopted policies.

Adopted:

Legal Authority:

[A.R.S. § 15-341](#)

[A.R.S. § 15-342](#)

© 2024 The Arizona School Risk Retention Trust

POLICY COMMUNICATION / FEEDBACK

The Superintendent shall develop procedures to ensure that constituents, employees and Board members have access to a current policy manual that contains the policies and administrative regulations of the District. A link to the online policy manual will be made available to all persons listed above.

The manual is intended both as a tool for District management and as a source of information to constituents, staff members, and others about how the District operates. To that end, the policy manual will be available for online access. In addition, a hard copy manual shall be available at such places as the Superintendent may determine for use by those persons who do not have access to the manual online. Printed copies of the policy manual shall remain the property of the District and shall be subject to recall at any time.

Any administrative regulation shall be so designated and included in the manual immediately following the policy with which it is associated.

The Board's policy manual shall be considered a public record and shall be open for inspection by accessing the online link on the District's website, or if needing a hard copy, during regular business hours at the District administration office and at places designated by the Superintendent.

The online master copy of the manual will be securely maintained by the Superintendent, and archived as required by Records Management Standards adopted by the Arizona State Library, Archives and Public Records (ASLAPR). It is this online copy that will be used to resolve any discrepancies in language existing in other copies.

Adopted: September 16, 2024

LEGAL REF.:

A.R.S.

[15-341](#) **1-400 Parent/Legal Guardian Rights**

© 1-401 Parents/Legal Guardian Rights in Education

Definitions

“Harmful material” means educational material that questions a parent or legal guardian’s or student’s beliefs or practices in sex, morality, and religion or is based on sexual content, violent content, or profane or vulgar language.

“Parent or Legal Guardian” means the natural or adoptive parent or legal guardian of a minor child who is a student in the District.

“Parents’ Bill of Rights” means [A.R.S. § 1-602](#).

Parents’ Protected Rights and Bill of Rights

In accordance with [A.R.S. § 1-601](#), the Governing Board recognizes that parents or legal guardians have a fundamental right to direct the upbringing, education, health care and mental health of their children. The District shall not infringe on these rights without demonstrating that a compelling governmental interest as applied to the child involved is of the highest order, is narrowly tailored and is not otherwise serviced by a less restrictive means.

The Board and all District employees shall respect and comply with all rights enumerated in Parents’ Bill of Rights.

In accordance with [A.R.S. § 1-602](#), the Parents’ Bill of Rights does not: (a) authorize or allow a parent or legal guardian to engage in conduct that is unlawful or to abuse or neglect a child in violation of Arizona laws; (b) prohibit courts, law enforcement officers or District employees from acting within the official scope of their authority; or (c) prohibit a court from issuing an order that is otherwise permitted by law.

Development of Procedures

A student’s parent or legal guardian shall be promptly notified if any employee of the District suspects that a criminal offense has been committed against the student by a person other than the parent or legal guardian, unless the incident has been reported to a law enforcement agency and in the opinion of the law enforcement agency investigating the incident, notification of the parent or legal guardian would impede the investigation.

The Board shall adopt and periodically review procedures promoting the involvement of parents or legal guardians in educational activities and curriculum development. Such adoption and review shall be in consultation with parents or legal guardians, teachers, and administrators in the District. Procedures shall include the following:

1. A plan for parent or legal guardian participation in the schools that is designed to improve parent or legal guardian and teacher cooperation in such areas as homework, attendance and discipline. The plan shall have the following elements:
 - a. The plan shall provide for the administration of a parent or legal guardian-teacher satisfaction survey; and

- b. If applicable, the requirements of [20 U.S.C. § 6318](#) – Strengthening and Improvement of Elementary and Secondary Schools - Parent and family engagement.
2. Procedures by which parents or legal guardians may learn about the course of study for their children and review learning materials, including the source of any supplemental educational materials.
3. Procedures by which parents or legal guardians who object to any learning material or activity on the basis that the material or activity is harmful may withdraw their children from the activity or from the class or program in which the material is used. Objection to a learning material or activity on the basis that the material or activity is harmful includes objection to the material or activity because it questions beliefs or practices in sex, morality or religion.
4. For schools that offer sex education curricula pursuant to [A.R.S. §§ 15-711](#) or [15-716](#) or pursuant to any rules adopted by the Arizona State Board of Education, procedures to prohibit the District from providing sex education instruction to a student unless the student's parent or legal guardian provides written permission for the child to participate in the sex education curricula.
5. Procedures by which parents or legal guardians will be notified in advance of and given the opportunity to opt their children into any instruction, learning materials or presentations regarding sexuality, in courses other than formal sex education curricula.
6. Procedures by which parents or legal guardians may learn about the nature and purpose of clubs and activities that are part of the school curriculum, extracurricular clubs and activities that have been approved by the school.
7. Procedures by which parents or legal guardians may learn about parental rights and responsibilities under the laws of this state.

Access to Information

The Superintendent shall ensure that the District conveys the following information to parents or legal guardians at least annually:

1. Copies of or information regarding where to find procedures adopted in accordance with this Policy.
2. The availability of the educational teaching background and experience in academic content subject areas for all instructional staff.
3. **[Other information as necessary]**

Delivery of information may be by mail, electronically, or any other reasonable method.

The Superintendent and principal of each school shall accept written requests for information during regular business hours. All requests from parents or legal guardians for information relating to the procedures and parental rights set forth herein shall be

processed within ten (10) calendar days of receiving a written request. A parent or legal guardian who does not receive such information within ten (10) calendar days may submit a request in writing to the Board for consideration at the next regular Board meeting if the request can be properly noticed, otherwise the Board shall consider the request at the next subsequent Board meeting.

For the purpose of this Policy, standardized testing materials do not constitute “learning materials or activities” subject to procedures regarding inspection and objection.

Adopted:

Legal Authority:

[A.R.S. § 1-601](#)

[A.R.S. § 1-602](#)

[A.R.S. § 15-102](#)

[A.R.S. § 15-104](#)

[A.R.S. § 15-110](#)

[A.R.S. § 15-113](#)

[A.R.S. § 15-117](#)

[A.R.S. § 15-143](#)

[A.R.S. § 15-341](#)

[A.R.S. § 15-351](#)

[A.R.S. § 15-730](#)

© 2024 The Arizona School Risk Retention Trust

Parents/Legal Guardian Rights in Education

© 1-401.A Procedure - Parent/Legal Guardian Rights in Education – Parental Involvement

A. Survey and Comments

The Superintendent shall annually send a survey to parents or guardians, teachers, and administrators seeking input regarding parental involvement in educational activities and curriculum and in areas such as homework, attendance, and discipline. The survey shall ask survey participants about their satisfaction with the current plan and provide opportunities for participants to provide specific suggestions. The Superintendent may send the survey to all parents or guardians, teachers, and administrators or may use a representative randomly selected sample.

The Parent or Guardian plan required by [A.R.S. § 15-102](#) shall consist of the procedures below (the “Parent or Guardian Plan”).

1. *Parent or Guardian satisfaction survey*
 - a. The Educational Services Department shall develop and administer a parent or guardian-teacher satisfaction survey that shall be sent to parents or guardians and teachers annually. The Educational Services Department shall present the survey to and obtain approval from the Board prior to administering the survey and shall share the results of the survey with the Board promptly upon completion.
2. *Curriculum transparency*
 - a. [SEE PROCEDURES FOR POLICY 5-207 “AVAILABILITY OF AND ACCESS TO INSTRUCTIONAL MATERIALS AND ACTIVITIES”]
3. *Objections to learning materials*
 - a. [SEE PROCEDURES FOR POLICY 5-207 “AVAILABILITY OF AND ACCESS TO INSTRUCTIONAL MATERIALS AND ACTIVITIES”]
4. *Sex education—courses*
 - a. [SEE PROCEDURES FOR POLICY 5-218 “SEX EDUCATION”]
5. *Sex education—curriculum*
 - a. [SEE PROCEDURES FOR POLICY 5-218 “SEX EDUCATION”]
6. *Clubs and activities*
 - a. [SEE PROCEDURES FOR POLICY 5-211 “STUDENT CLUBS AND ACTIVITIES”]
7. *Parental rights and responsibilities*

- a. The District shall prominently post a link to the [Arizona Department of Education Parental Rights Handbook](#) on the District's website.

8. *Access to Student Records*

- a. [SEE PROCEDURES FOR POLICY 5-303 "STUDENT RECORDS"]

The district shall keep copies of the following forms and distribute them to parents or guardians upon request:

1. Request to review curriculum and instructional materials.
2. Request to withdraw their student from activities involving Harmful Materials.
3. Permission to participate in sex education.
4. Permission to participate in a mental health screening.
5. Request for a waiver for immunization requirements.
6. Request to withdraw their student from participation in an AIDS education program.
7. Request for information regarding the educational and teaching background and experience of instructional staff.
8. Permission to participate in surveys covered by [A.R.S. § 15-117](#).

© 2024 The Arizona School Risk Retention Trust