

# Arizona School Law Review, 2nd Edition

**By:**  
Gary Emanuel



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**C O N N E X I O N S**

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# Chapter 1

## Arizona School Law Review: Introduction<sup>1</sup>

### 1.1 Arizona School Law Review: Introduction

The major portions of state school law are found in Arizona Revised Statutes (A.R.S.) Title 15, Arizona State Board of Education Administrative Rules, and certain other A.R.S. titles and rules which contain mandates for education and the operation of school districts. These laws contain both mandatory and permissive provisions for school districts. In order for school administrators to be in compliance with the law, they must meet all the mandatory provisions of the law that apply to the district. This handbook lists the statutes and rules that school administrators are responsible to implement in chapters that correspond to the chapters in A.R.S. Title 15.

Provisions in the above-described statutes and rules that are of special significance to school district administrators are addressed in this handbook with the following exceptions: those requirements which are currently being monitored by any divisions or units of the Arizona Department of Education, such as statutory or Board requirements relating to Special Education and Vocational Education; any requirement addressed in the Uniform System of Financial Records which is monitored by the Auditor General's Office; items of infrequent occurrence, such as statutes regarding changing district boundaries, forming new districts, subdivision of existing districts, annexation and consolidation of districts. State Board rules on school district procurement practices are not included, nor are Chapters 11 through 14 of Title 15 which pertain to the Arizona State School for the Deaf and Blind, colleges, universities, and related institutions.

The handbook should be used as a self-assessment instrument. The handbook is designed for use in Educational leadership classes as a part of the requirements for becoming a school administrator. The chief school administrator should utilize the work done by the intern and then appoint a local team to review the provisions of the handbook. Then the superintendent or chief administrator should report the results of the handbook to the local governing Board. This handbook and any other material or follow-up materials for the handbook should be kept on file for the next 2 years.

The handbook is formed in compliance chapters that roughly correspond to chapters in A.R.S. Title XV. Accurate determination of self-assessment can only come about through a systematic approach. The best method for such assessment is to have a team of individuals who can approach different sections of the handbook, seek compliance information in the policy manuals of the district, and then compare findings and results. The self-assessment process, to be effective, should generate a plan of action which will contain a description of any deficiencies found, a plan for moving forward, and the time lines for reaching compliance with the statute.

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<sup>1</sup>This content is available online at <<http://cnx.org/content/m41212/1.2/>>.

## 1.2 Suggestions for Self-Assessment

### 1. Supervisor/Administrator

Review each chapter title page for a synopsis of the contents of the chapter and determine the most appropriate district person or persons as respondents for questions in that chapter. The following district persons are among those who should be considered when selecting respondents: Governing Board members, the superintendent, principals, instructional staff and business office staff and administrative interns. The handbook may then be separated into individual chapters.

### 2. Respondent/administrative intern or contacted individual

Consider each question assigned to you and determine the proper response for the district. Prior to selecting and marking the district response, collect and analyze all evidence pertaining to district compliance with the point(s) of law expressed in the question.

Space is provided for the respondent to cite evidence to show compliance and to include other comments when considering evidence of compliance. Please use the following to show evidence of compliance: Board Policy Handbook, Teacher's Handbook, Student Handbook and Board Meeting minutes. Testimony of compliance from appropriate administrators should be used only as a last resort and should then form the basis for a recommendation of future governing board policy.

NOTE: A "Yes" response indicates that the administrator is currently doing the correct action or in the event the situation has not yet occurred, the district is ready for that eventuality. A "No" answer indicates that the district is not doing what is required with the item or is not ready for the event should it occur.

### 3. Administrative intern

Review responses in each chapter with special concern for the adequacy of available evidence. List all "No" responses on the Plan of Action form provided at the end of the assessment instrument in the handbook. Develop the plan of action, including time lines, and present the plan to the Governing Board for review as a Board agenda item.

## 1.3 The Problem: Why do we need this service?

The first problem that school administrators have with legal issues is that the landscape is always changing. They must make time in their busy schedules to research and study new changes to state laws. In Arizona, this is a challenge. In a typical legislative session, which starts in January and can run through the end of the fiscal year, there are frequently over 1,000 bills introduced. As many as 300+ of all bills govern education administration. A typical session might have as many as 350 bills that would change some aspect of Arizona School Law. Arizona Revised Statutes, Title XV contains most, but not all of laws that govern public schools. After 6 months of political fighting in the legislature, a typical year will see 60+ bills that change the laws governing schools. In addition, there are "rules and regulations" from a number of legal entities such as the State Board of Education, Library and Archives, Building Codes, Transportation laws, and personnel. There are also 45 different legal codes in Arizona that cover these basic areas, all of which change on a yearly basis. The only document that brings all of these elements together in a self-contained document is compiled every two years and is entitled: *Arizona Education Law Review*, published by NCPEA press. As part of registration for the conference, participants are given an updated copy of this document to help prepare their district to stay in compliance with Arizona School law.

An example of the many changes that occur in Arizona public education law can be found in the additions to this document since 2008. In just the last three years, these changes include:

- Elimination of seniority as a basis for rehire of employees when there has been a reduction in force (RIF)".
- Substitution of letter grades for the current system of classifying schools. This includes allowing the State Board of Education to assign a letter grade of F to persistently low achieving schools



- Substantive changes to the retirement system to save the state money. (2011)
- Requiring school districts to adopt and enforce policies and procedures to prohibit bullying including bullying through electronic technology or school computers.(2011)
- Supplementary training reading instruction required for all teachers in underperforming schools. (2011)
- Requiring school districts to collect and maintain “verifiable documentation” of residency of all enrolled pupils. (2011)
- Prohibiting deduction of payments from payrolls for any organization that uses funds for political purposes (unions). \$10,000 fine per violation. (2011)
- Defining that parents of all students have the right to request to review all materials and activities used in class in advance of their use. (2011)
- Requiring every school board to adopt policies to educate coaches, students and parents of the danger of head injuries, policy must stipulate that a student suspected of sustaining a concussion will be immediately removed until the student is evaluated by and receives medical clearance. (2011)
- State immigration laws prohibiting school districts from hiring “illegal” aliens with the threat of “permanent revocation” of a license to operate the school for violations of this rule.
- Prohibition of any school personnel from providing prescribed medication to a pupil without specific approval by parent.
- Prohibition of teaching any curriculum that promotes overthrowing the U.S. government, or is designed primarily for pupils of a specific race or class or advocates ethnic solidarity with the provision that 10% of state aid will be withheld from any district that agrees to teach such curriculum.
- Requirement for each district to maintain a web site listing specific information about the district.
- Exemption for all charter schools from paying taxes on food or drink.
- Requirement to base all superintendents evaluation and pay on student performance and parental satisfaction, with a subsequent requirement to publish the list of the “rankings of all districts from 1-100”.
- Requirement to provide a 30 minute recess for all elementary pupils.
- Requirement to allow all pupils to test out of high school after age 16.
- Additional requirements to teacher evaluations to include at least 40% of their evaluation on the basis of student test scores.
- A requirement to publish “letter grades” on the performance of all schools in Arizona.
- A requirement that all contractors, sub-contractors, vendors and employees who are on school grounds during a day must have valid fingerprint clearance.
- A requirement that all charter school property will be taxed at the lowest rate available
- A prohibition against immediate family in the same household serving on the same school board.
- A requirement that the State Board of Education must develop standards for on-line schools, that a full-time student be one enrolled for 5 hours a day in an on-line environment, and that all public schools are eligible to provide on-line schools for all students grades k-12.
- An expansion of the statutes requiring mandatory reporting to include drug and sex abuse.
- An addition of child bigamy and sale of a child to the list of convictions where no person may hold a teaching certificate.
- A requirement that a district must respond to a parents’ request for information within 10 days.
- A requirement that student teachers must be fingerprinted.
- A provision that allows charter schools to set enrollment preferences for children of school employees.
- A provision that allows for creation of single gender schools.
- Requirement to fingerprint all contractors, subcontractors and vendors before coming onto a school campus.

And these changes are just a representative sample of the changes that have been made in 2009 through 2011.

The second major challenge that school administrators face is the increasingly hostile environment in litigation including personal risk of decertification and criminal penalties for failure to comply with new laws, as well as personal and corporate responsibility for damages from civil law suits.

The power to “decertify educators” is something that has only been used in modern times. The power of the Arizona State Board of Education to grant certificates was granted to them in the State Constitution. This power has always held within it the power to withdraw or revoke certificates; however, state statutes were remarkably quiet on this issue. In addition, State Boards were reluctant to invoke this power over teachers and administrators. The first recorded instance of withholding a certificate for “unprofessional” activity occurred in 1952. Although more cases were explored in the 1970’s, the 1979 state statutes granted the power to the Arizona State Board to discipline educators through the finding of “unprofessional behavior”. Statutes specifically named as unprofessional behavior “any teacher who uses sectarian or denominational books or teaches any sectarian doctrine” (ARS 15-203) and teachers who “failed to comply with any provision of the duties of teachers” (ARS 15-208). In addition, the Legislature added a new section in 1979 that made it a criminal offense for “failure to report suspected child abuse.” (ARS 13-3623) In spite of these additions, less than a dozen such cases were recorded in the 1970’s.

Specific information regarding the causes for certificate suspension or revocation became clearer after the passage of requirements for fingerprinting teachers and immoral behavior by teachers. Although statutes and rules were limited in defining unprofessional behavior, the State Board of Education’s record for decertifications in the 1980’s showed 18 decertification findings for “breach of contract”, 11 for sexual misconduct with students, 3 for fraud and 4 others disciplined for various other offenses, including use of drugs for the period 1980-1989.

In 1991 the standards for morality in education in Arizona underwent a major change. The legislature passed a new law, ARS 15-514, sparked by a notorious case of a “teacher of the year” in a large urban school district, who fell in love with his 14-year-old student and took her across state lines. This statute required all teachers who were newly certified to pass a fingerprint clearance check.

In 1994, as part of a State Board initiative, legislation in the form of ARS 15-534 was passed which required all certified personnel to notify the State Board of Education if they had reason to believe that any certified person had engaged in “immoral conduct” with an underage minor. The legislature also funded a staff position to investigate these allegations. In 1997, a further codicil was added which required administrators to notify the state board of education if they had any reason to believe that a certified individual had engaged in “immoral conduct” with a minor. Administrators were also required to do a thorough background check on any certified teacher hired.

Since the mandatory reporting requirements have been implemented and an investigator hired, the State Board of Education has seen a geometric rise in the number of teachers and administrators who have been disciplined for violations of these statutes. The State Board of Education has seen a significant increase in the total number of teachers disciplined during the decade of the 1990’s. There was a 60% overall rise in the total numbers of teachers disciplined; however, certain offenses have increased dramatically within this total. The number of

individuals disciplined for sexual misconduct has risen 180% in the 1990’s over the decade of the 1980’s. In just the last 5 years of the 1990’s the number of teachers disciplined for sexual contact showed a tremendous increase: 42 of the 69 educators disciplined in the last 2 years of the 1990’s had been guilty of some form of sexual contact misconduct.

It is clear that school administrators need to be educated about these problems. In addition, administrators need to be educated about the correct entity to receive the reports. Protection of the children of Arizona should be all teachers’ and administrators’ primary concern. The leadership academy is a very good mechanism for helping to protect the children of Arizona.

The second issue that has compounded the risk for school administrators has been lawsuits that bring personal and corporate damage claims for failure to protect children. The most common form of litigation comes from students suing school districts and educators because they were injured at school. These suits are intended to prove “negligence” on the part of educators or school districts. In general educators are held to a higher standard of care when they are on the job than the typical worker. Courts expect that “reasonable and prudent” care is taken with the safety of students. When it is not, when injuries result, and when negligence on the part of the school or instructor is proven, then damages and penalties may be imposed by the courts. These cases are especially difficult to defend if the student has been harmed by a

sexual assault from a teacher, staff member or student. One role of the Law and Leadership this text and the law and leadership academies conducted by Northern Arizona University and the Arizona Risk Retention Trust has been to educate school personnel to understand the laws and how to prevent these incidents from happening.



## Chapter 2

# Arizona School Law Review: Chapter 1<sup>1</sup>

### 2.1 ARS†15-102 Parental Involvement in the School; Definition (2010)

The Governing Board, in consultation with parents, teachers, and administrators, shall develop and adopt a policy to promote parental involvement in the schools which includes:

### 2.2 ARS†15-102A

1. A plan for parent participation in the schools which is designed to improve parent and teacher cooperation in such areas as homework, attendance and discipline.
2. Procedures by which parents may learn about the course of study for their children and review learning materials.
3. Procedures by which parents who object to any learning materials or activity, on the basis that it is harmful, may withdraw their children from the activity or from the class or program in which the material is used. Objections to a learning material or activity on the basis that it is harmful include objection to a material or activity because it questions beliefs or practices in sex, morality or religion.
4. Procedures to prohibit a school district from providing sex education instruction to a pupil unless the pupil's parent provides written permission for the child to participate.
5. Procedures by which parents will be notified in advance of and given the opportunity to withdraw their children from any instruction regarding sexuality in courses other than formal sex education curricula.
6. Procedures by which parents may learn about the nature and purpose of clubs and activities that are part of the school curriculum including extracurricular clubs and activities that have been approved by the school.
7. Procedures by which parents may learn about parental rights and responsibilities under the laws of this state, including: the right to opt in to a sex education curriculum, if provided by the district, the open enrollment rights of a child, the right to opt out of assignments pursuant to this section, the right to opt out of immunizations pursuant to ARS 15-873. The promotion requirements prescribed in ARS 15-701. The minimum course of study and competency requirements for graduation from high school. The right to opt out of instruction on acquired immune deficiency syndrome, the right to review test results, the right to participate in gifted programs pursuant to ARS 15-779.01. The right to access instructional materials, the right to receive a school report card, the attendance requirements pursuant to ARS 15-802, 803, and 821. The right to public review courses of study and textbooks, the right to seek membership on school councils, and the right to participate in a parental satisfaction survey.

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<sup>1</sup>This content is available online at <<http://cnx.org/content/m41213/1.1/>>.

Information about Student accountability information system (SAIS) pursuant to ARS 15-806, and the right to access the failing schools tutoring fund.

Yes  No

NOTE: For the purposes of this section, "parent" means the natural or adoptive parent or legal guardian of the child.

## 2.3 ARS†15-102B

The school board must ensure that any policy adopted pursuant to this section may also include:

a. A plan by which parents will be made aware of the district's parental involvement policy and may include rights under the family educational rights and privacy act of 1974

b. The parents' right to inspect the school district policies and curriculum; Other elements pursuant to ARS 15-102 B

c. The governing board may adopt a policy to provide to parents the information required in an electronic form.

d. A parent shall submit a written requires for information pursuant to this section during regular business hours to either the principal or the superintendent. The Principal or Superintendent shall, within 10 days deliver the requested information or a written explanation of the reasons for denial. If the request for information is denied, a parent may submit a written request for the information to the local governing board which shall formally consider the request at the next scheduled meeting.

Yes  No

## 2.4 ARS†15-103 School Districts: Financial Mismanagement (2008)

This section contains the provisions for The State Board of Education to determine "Insolvency and mismanagement" and to appoint a receiver if the board determines a school district is insolvent or been grossly mismanaged.

## 2.5 ARS† 15-104 Mental Health Screening: Consent (2006)

Does the governing board ensure that before it conducts a mental health screening of any pupil, a written consent of the student's parents or legal guardian is obtained? Screening is defined as survey, analysis or evaluation.

Yes  No

Does the governing board ensure that any written consent form satisfies the following requirements?

1. Contains language that clearly explains the nature of the screening including the time and place the screening will take place.

2. The pupil's parents or guardians' signature.

3. Provide notice that a copy of the survey is available for inspection.

Yes  No

## 2.6 ARS†15-105 Early Graduation Scholarship Program (2009)

Does the governing board of each school district or charter school that provides instruction in grades 9-12 participate in and promote to students an early graduation scholarship program?

Does the governing board of each school district or charter school include each student who graduates early in the student count until the student's class is scheduled to graduate and place the fund in the school's maintenance and operations fund?

Does the governing board transmit the following to the commission for postsecondary education: A list of early graduates with their identifying information, Two thousand and two hundred dollars of the amount of per pupil funding for each student who graduates at least one year early?

Does the district allow students who receive early graduation scholarship grants to participate in extracurricular activities until their high school class is schedule to graduate, and participate in the student's high school class graduation ceremonies?

Yes  No

## **2.7 ARS†15-106 Identity Verified Fingerprints (2009)**

Does the governing board insure a copy of the instructions from the Department of Public Safety is provided regarding the submission of identity verified fingerprints to the fingerprinting entity it contracts with or to any employees who provide this service to the district?

Does the governing board contract for fingerprinting services through an entity and provide a copy of the instructions to the entity or elect to provide fingerprinting services at the school district?

Yes  No

## **2.8 ARS†15-107 School District Over-Expenditures: Fiscal Crisis Teams (2008)**

Does the governing board insure that any over-expenditure that exceeds \$50,000 or  $\frac{1}{2}$  of 1% of the district's general budget, may result in the appointment of a fiscal crisis team by the State Board of Education? Appointment of the fiscal crisis team requires the local governing board to create a fiscal management plan and pay all expenses of a fiscal crisis team.

Yes  No

## **2.9 ARS†15-108 Recess Policies (2010)**

Does the governing Board of school districts and charter schools, no later than Jan. 1, 2011 conduct a public meeting to consider the adoption of a policy to provide at least 30 minutes of recess each day for pupils in Kindergarten and grades 1-5? Does the governing board hear public comment and discuss and vote on the adoption of the proposed recess policy?

Yes  No

## **2.10 ARS†15-109 Biometric information: Prohibition (2008)**

Does the governing board of a school district refrain from collecting "biometric information" from a pupil unless the pupil's parents give written permission to collect this ?Biometric information is described as "non-invasive electronic measurement and evaluation of any physical characteristics of a pupil including fingerprint, eye characteristics, hand characteristics, vocal characteristics, facial characteristics and other physical characteristics.

Yes  No

## **2.11 ARS†15-110 Rights of Students at public educational institutions: (2009)**

Does the governing board of a school district ensure that it does not discriminate against students or parents on the basis of a religious viewpoint or religious expression?

Does the governing board ensure that students in public educational institutions may pray or engage in religious activities before, during and after the school day in the same manner and to the same extent that students may engage in nonreligious activities or expressions?

Does the governing board ensure that classroom assignments that express a religious viewpoint shall be evaluated based on ordinary academic standards of substance and relevance to the course curriculum or requirements of the coursework or assignment?

Does the governing board ensure that the student or student's parents have the right to submit a complaint in writing to the principal or superintendent and that a response by the principal or superintendent shall be made within 15 days of receipt?

NOTE: Nothing in this section may be construed to limit the authority of the school to maintain order and discipline, protect the safety of students, employees and visitors or adopt and enforce policies and procedures that prohibit students from wearing any type of clothing, etc. that is worn to convey affiliation with a street gang as defined in ARS 13-105.

Yes  No

## 2.12 ARS†15-111 Declaration of Public Policy (2010)

Does the governing board understand that it is the declared public policy of the legislature that public school pupils should be taught to treat and value each others as individuals and not be taught to resent or hate other races or classes of people?

Yes  No

## 2.13 ARS†15-112 Prohibited Courses and Classes (2010)

Does the governing board ensure that it does not include in it program of instruction any courses or classes that include the promotion of the overthrow of the United States Government, resentment toward a race or class of people, ethnic solidarity instead of the treatment of pupils as individuals or any course or class that is designed primarily for pupils of a particular ethnic group?

NOTE: Nothing in this section shall be construed to restrict or prohibit courses or classes for native American pupils that are required to comply with federal law, grouping of pupils according to academic performance, courses or classes that include the history of any ethnic group and that are open to all students, courses or classes that include the discussion of controversial aspects of history or instruction in the holocaust or any other instance of genocide.

## 2.14 ARS†15-141 Educational Records: Injunction: Special Action (1989)

The right to inspect and review educational records and the release of or access to such records, other information or instructional materials is governed by federal law in the Family Education Rights and Privacy Act, Title 20, United States Code, Section 1232g and Section 1232h, and federal regulations issued pursuant to this act.

Does the administrator ensure that parents and students have access to inspect and review educational records as spelled out in FERPA?

Yes  No

The Governing Board of a school district shall release to the State Department of Juvenile Corrections or the presiding judge of a juvenile court before the juvenile is adjudicated, all educational needs relating to a pupil within ten days not withstanding any financial debt?



Does the administrator ensure that all educational records are released to the State Department of Juvenile Corrections within ten days, notwithstanding any financial debt owed by the student?

Yes  No

## **2.15 ARS†15-142 Access to directory information relating to pupils (2001)**

If the governing board of a school district permits the release of directory information relating to pupils or permits access to school buildings, school grounds or other school property to persons who inform pupils of educational opportunities, the governing board shall provide access and directory information to recruiting representatives of the armed services of the United States. Notwithstanding section A above, pupil transcripts shall not be released to such representatives unless the pupil consents in writing to the release of the transcript.

Does the administrator ensure that all educational records are released to representatives of the armed forces but that pupil transcripts are not released unless a release form is signed by the student?

Yes  No

## **2.16 ARS†15-151 Eye-Protective Devices; Definition (1981)**

Every student, teacher and visitor in public and private schools, junior colleges, colleges and universities shall wear appropriate eye-protective ware while participating in or when observing vocational, technical, industrial arts, art or laboratory science activities involving exposure to:

1. Molten metals or other molten materials.
2. Cutting, shaping and grinding of materials.
3. Heat treatment, tempering, or kiln firing of any metal or other materials.
4. Welding fabrication processes.
5. Explosive materials.
6. Caustic solutions.
7. Radiation materials.

Does each administrator equip schools within its jurisdiction with eye-protective wear for use as required and does the administrator require students, teachers and visitor to wear such when observing or participating in the activities mentioned above?

Yes  No

NOTE: "Eye-Protective Wear" means devices meeting the standards of the USA standards safety code for head, eye, and respiratory protection, Z 21.1959 and subsequent revisions thereof, approved by the USA Standards Institute, Inc.

## **2.17 ARS†15-152 Pest Management at schools; notice (1993)**

Governing Boards of each school district must develop and adopt a policy to provide pupils and employees with at least 48 hours notice before pesticides are applied on school property.

Does each administrator ensure that procedures are followed for written and oral notification to pupils, employees, parents or guardians before pesticides are applied on school property?

Yes  No

Does each administrator ensure that procedures are followed for the posting of signs to identify pesticide application areas and that continuing instruction is provided for pupils who are absent because of pesticide application?

Yes  No

## 2.18 ARS†15-156 Liquid Roofing Systems: Violation (1998)

A person shall not knowingly apply or allow to be applied a liquid roofing system to a building that is owned or operated by a public school while a teacher or student is present in the building.

Does each administrator guarantee that procedures are followed to ensure that no liquid roofing system that contains any diisocyanate would be applied to a public school building while a teacher or student is present in building?

Yes  No

Persons violating this section are guilty of a class 2 misdemeanor.

## 2.19 ARS†15-161 State control of Private schools (1983)

Ensuring that nothing in the ARS statutes provides supervision of private schools

## 2.20 ARS†15 181-189.03 Charter Schools

## 2.21 ARS†15-183 Charter Schools: Requirements, Applications(2000)

If it is in the school district best interest does the governing board accept applications for sponsorship of a charter school? If the governing board rejects an application, they shall notify the applicant in writing of the reasons for the rejection. School districts governing boards shall not grant a charter to a charter school that is located outside the geographic boundaries of the school district nor shall a district that has been determined to be out of compliance with the U.S.F.R. sponsor a new or transferring charter school.

## 2.22 ARS†15-189 Charter Schools: Vacant buildings(2005)

Does the school district make available to the state board of education a list of vacant and unused buildings that may be suitable for the operation of a charter school? If the governing board desires, does the school district sell used equipment to a charter school before the school district attempts to sell or dispose of the equipment by other means?

Yes  No

## Chapter 3

# Arizona School Law Review: Chapter 2a<sup>1</sup>

### 3.1 CHAPTER 2a: STATE BOARD OF EDUCATION LAWS (15-205 through 15-239) AND ARIZONA REVISED STATUTES OTHER THAN TITLE XV THAT AFFECT EDUCATION (ARS 1 through ARS 46)

Arizona Education law is found in many places. The place where most Arizona Educators expect to find school law is in Arizona Revised Statutes, Title XV. The majority of the laws that impact our public schools are included in these statutes. However, Arizona school law is found in many other places. One of those places is the Arizona Constitution. Indeed, Arizona schools are established by the Arizona Constitution. The constitution reads:

Arizona State Constitution: Section 20 of Enabling Act: “That provision shall be made for the establishment and maintenance of a system of public schools which shall be open to all the children of said State and free from sectarian control; and that said schools shall always be conducted in English.

Section 27: That five per centum of the proceeds of sales of public lands shall be sold and shall be paid to the said state to be used as a permanent inviolable fund, the interest of which only shall be expended for the support of the common schools within the state.

#### 3.1.1 Declaration of Rights:

In addition to the actual provisions of the constitution, there have been Judicial Rulings that impact public education: For example, in 1972, there was a ruling from the Arizona Supreme Court which was echoed in a later U.S. Supreme Court case: *Tinker V. Des Moines*: “A student does not lose the protection of the constitution when he enters the schoolyard: *Pendly V. Mingus Union High School Dist. No 4 (1972)* 109 Ariz. 18, 504 P.2d919.

This same Arizona Supreme Court case did not extend constitutional rights to all aspects of the long-haired, “hippy” generation of the late 1960’s and 1970’s.

The right to wear long hair is not a fundamental right falling with penumbra of guarantees of the Bill of Rights. *Pendley V. Mingus Union etc* 109 Ariz. 18, 504 P.2d919”

All of these court decisions and instructions for public schools, including the various court rulings are found in any copy of the Arizona Constitution. I found this ruling particularly interesting in light of the current legislative sentiment to allow private, home school and charter school students a great deal of access to public school services:

“If a child voluntarily chooses to attend a private school, the Ariz. Constitution does not require that he be allowed to attend the public schools on a part-time basis for the purpose of taking selected courses.

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<sup>1</sup>This content is available online at <<http://cnx.org/content/m41200/1.2/>>.

However, a public school may voluntarily accept pupils from private and parochial schools for any portion of the day.” These rulings are just a small sample of the requirements and rulings concerning the constitution.

The main focus of the Arizona Education Law review is the statutes that are included in the Arizona Revised Statutes. This section includes a small section of statutes that focus on the Arizona Department of Education and all other statutes that are Arizona Revised Statutes but not included in ARS Title 15.

### **3.2 ARS†15-205 Education of Indians in State Schools: Contracts with Department of Interior**

If the State Board enters into contract with the Department of Interior, is the contract binding on the district only after it is approved by the Governing Board?

Yes  No

### **3.3 ARS†15-207 Apportionment and Expenditures of Federal Grants for Educational Purposes**

Are the Federal monies that are apportioned by the State Board of Education to the district expended by the district for the purposes and manner set forth in the Federal grant?

Yes  No

**NOTE:** Follow-up will be monitored by appropriate ADE program areas.

### **3.4 ARS†15-210 Unlawful Expenditure of Federal Monies**

If the Governing Board received a written notice from the State Board directing the district to cease making expenditures from a particular federal grant, does the district comply with such notice?

Yes  No

### **3.5 ARS†15-213 Procurement Practices of School Districts; Adoption of Rules; Civil Action; Definition**

Procurement Rules were adopted by the State Board; however, the Attorney General’s Office has not yet certified them. Until such time as rules are certified, questions may be referred to the School Finance Unit of the Arizona Department of Education, 602-542-8250

**NOTE:** Guidelines relating to competitive purchasing below the dollar limits required for sealed bids were provided in USFR, Section III.

Yes  No

### **3.6 ARS†15-233 Night Schools for Teaching English**

If the Governing Board of the school district establishes a night school for teaching the English language, American ideals and an understanding of American institutions, are there 15 or more persons over 16 years of age in the district who either do not read, write or speak the English language who desire to attend the night school?

Yes  No

### **3.7 ARS†15-239 School Compliance and Recognition: Accreditation**

Is the district aware that the Department of Education may monitor school districts to ascertain that laws are implemented as prescribed?

Is the district aware that the Department of Education may adopt a system of recognition for school districts which meet or exceed the requirements of law?

Yes  No

### **3.8 ARS†15-241 School Accountability: Schools Failing to Meet Academic**

### **3.9 Standards**

Is the district aware that the Department of Education implements an annual achievement profile for each public school including labeling schools using letter grades, A, B, C, D, and F and requiring those schools with grades of D or F to notify parents and submit an improvement plan?

Yes  No

### **3.10 ARS†15-241 Nutritional Standards**

Is the district aware that all elementary, middle and junior high schools shall participate in a national school lunch program as defined in PL 108-265? Some small schools may be exempt. All food and beverages sold or served on the school grounds of elementary schools, middle schools and junior high schools shall meet the nutrition standards of the ADE.

Is the district aware that nothing prohibits the sale or distribution of any food or beverage to teachers, administrators or other adults?

Yes  No

### **3.11 Arizona Statutes other than Title XV (ARS 1 through ARS 46)**

### **3.12 ARS Title 1**

### **3.13 ARS†1-305 General Election Day**

Does the district ensure that every district officer or employee be permitted to be absent from service or employment for the purpose of voting pursuant to ARS 16-402 on the biennial general election day?

NOTE: The biennial general election day on the first Tuesday after the first Monday in November of every even-numbered year is not a legal holiday.

Yes  No

### 3.14 ARS Title 12

#### 3.15 ARS†12-242 Appointment of Qualified Interpreters for Deaf Persons

Does the local Governing Board, in any proceeding before the Board in which a deaf person is a principal party of interest or witness, appoint a qualified interpreter to interpret the proceedings to the deaf person and to interpret the deaf person's testimony or statements?

NOTE: A "Qualified Interpreter" means a person who has a certificate of competency authorized by the Arizona Council for the Hearing Impaired.

Yes  No

### 3.16 ARS Title 13

#### 3.17 ARS†13-291 Interference With or Disruption of an Educational Institution: Violations

Has the Governing Board adopted rules for the maintenance of public order upon all property under its jurisdiction which is used for educational purposes and provided a program for the enforcement of such rules? Do such rules govern the conduct of students, faculty, staff and all members of the public while on the property? Are the penalties for violations of such rules clearly set forth and enforced and do penalties include provisions for the ejection of a violator, suspension, expulsion or other appropriate disciplinary action?

NOTE: For the purposes of this section persons commit interference or disruption by threatening to cause physical injury to any employee or student, threatening to cause damage to the institution or property of the institution or property of any employee or student.

Yes  No

#### 3.18 ARS†13-1204 Aggravated Assault: Definition

Is the Governing Board aware that a person has committed "aggravated" assault if the person commits assault as prescribed in ARS 13-1203 and the person "knows or has reason to know that the victim was a teacher or other person employed by any school and the teacher was on the grounds of a school or grounds adjacent to the school, or visiting a private home in the course of the teacher's duties or engaged in an authorized and organized classroom activity held on other than school grounds?

Yes  No

#### 3.19 ARS†13-1405 Sexual Conduct with a Minor: Definition (2008)

Is the Governing Board aware that a person commits sexual conduct with a minor by knowingly engaging in sexual intercourse or oral sexual contact with any person who is under 18 years of age? The sexual conduct will be deemed a class 2 Felony if the person is the minor's teacher. A teacher is defined as any person who directly provides academic instruction to pupils in a school district, charter school, accommodation school or a private school.

Yes  No

### 3.20 ARS†13-1422 Adult Oriented Business

Is the Governing Board aware that an adult oriented business shall not be located within  $\frac{1}{4}$  mile of a child care facility, a private, public or charter school, or a public playground?

Yes  No

### 3.21 ARS†13-3411 Possession, Use, or Sale of Dangerous or Narcotic Drugs in a Drug Free School Zone

Does each Governing Board or its designee, place and maintain permanently affixed signs located in a visible manner at the main entrance of each school that identifies the school and its accompanying grounds as a drug free school zone?

Does each Governing Board or its designee, prepare a drug free school zone map listing the boundaries of the drug free zone and file an original copy with the county recorder and notify the county attorney of any changes in the location and boundaries of any school property?

Do all school personnel who observe a violation of this section immediately report to a school administrator and does each administrator report violations to a peace officer?

NOTE: It is unlawful for any school personnel or school administrator to fail to report a violation.

Yes  No

### 3.22 ARS†13-3620 Duty to Report Non-accidental Injuries and Physical Neglect of Minors

Do all school personnel, having responsibility for the care of children, whose observation or examination of any minor discloses reasonable grounds to believe that a minor is or has been the victim of injury, sexual abuse, sexual conduct with a minor, sexual assault, molestation of a child, commercial exploitation of a minor, sexual exploitation of a minor, incest, or child prostitution death abuse or physical neglect which appears to have been inflicted upon such minor by other than accidental means or which is not explained by the available medical history as being accidental in nature or who has reasonable grounds to believe there has been a denial or deprivation of necessary medical treatment or surgical care or nourishment, immediately report or cause reports to be made of such information to a peace officer or to the Child Protective Services of the Department of Economic Security? Are such reports made forthwith by telephone or in person and followed by a written report which contains:

1. The names and addresses of the minor and the parents, if known.
2. The minor's age and the nature and extent of injuries or physical neglect, including any evidence of previous injuries or physical neglect?
3. Any other information that such person believes might be helpful in establishing the course of the injury or physical neglect?

Yes  No

### 3.23 ARS†13-3715 Unauthorized Manufacture, Duplication, Use or Possession of a Key to a Public Building

Does the Governing Board ensure that school employees do not manufacture, duplicate or cause to be manufactured or duplicated, possess or use a key to any school building without authorization of the person, or his designee, in charge of such building or area?

Yes  No

### **3.24 ARS†13-3716 Dangerous Crimes against Children**

Does the governing board recognize that it is unlawful for any person applying for employment or volunteering services to fail to give notice of any prior convictions of dangerous crimes against children as defined in ARS 13-1604 and that failure to do such is considered a class 5 Felony?

Yes  No

### **3.25 ARS Title 23(2008)**

### **3.26 ARS†23-212 Knowingly Employing Unauthorized Aliens; Prohibition**

Does the Governing Board recognize that, as an employer, they shall not knowingly employ an unauthorized alien? Does the Board recognize that verifying the employment authorization of an employee through the e-verify program creates a rebuttable presumption that an employer did not knowingly employ an unauthorized alien?

Yes  No

### **3.27 ARS†23-214 Verification of Employment Eligibility**

Does the Governing Board, ensure that after hiring an employee, they verify the employment eligibility of the employee through the e-verify program?

Yes  No

### **3.28 ARS†23-341 Equal Wage Rates; Variations; Penalties; Enforcement**

Does the district prohibit paying any person wage rates less than the rates paid to employees of the opposite sex in the same establishment for the same quantity and quality of the same classification of work, provided that nothing herein shall prohibit a variation of rates of pay for male and female employees engaged in the same classification of work based upon a difference in seniority, length of service, ability, skill, difference in duties or services performed, whether regularly or occasionally, difference in the shift or time of day worked, hours of work, or restrictions or prohibitions on lifting or moving objects in excess of specified weight or reasonable differentiation, factor or factors other than sex, when exercised in good faith?

Yes  No

### **3.29 ARS†23-351 Designation of Paydays for Employees; Payment; Exceptions; Violation; Classification**

Does the district designate two or more days in each month, not more than 16 days apart, as fixed paydays for payment of wages to its employees?

Does the district, on each of the regular paydays, pay to the employees all wages due the employees up to such date except (1) in cases of employees remaining in the service of the district, wages for not to exceed five days labor may be withheld, and (2) in cases of certified employees under contract and clerical employees, the annual salary may be prorated in any number of payments and all such payments still due at the close of the school attendance year or fiscal year may at the option of the employee be paid in either a lump sum or paid within a period of two months after the close of the fiscal year?



Is payment made in lawful money of the United States, or in negotiable bank checks or warrants payable on demand and bearing even date with the payday or, with the written consent of the employee, by deposit on the payday to the employee's credit at a financial institution of his choice which is a member of the FDIC?

When an employee's wages are paid by deposit in a financial institution, there shall be a statement of earnings and withholdings furnished to the employee. Any wage deposit plan adopted by an employer shall entitle the employee to one withdrawal for each deposit free of any service charge to the employee. The consent of an employee for payment of wage by deposit shall not constitute a prior assignment of wages to the financial institution and is revocable at any time prior to the transmittal to the financial institution by the employer. No person shall be denied employment nor discharged for refusal to consent to payment of wage by deposit in a financial institution. Is the district in compliance?

Yes  No

### 3.30 ARS†23-352 Withholding of Wages

Does the district prohibit withholding or diverting of any portion of an employee's wages unless one of the following applies?

The district is required or empowered to do so by state or federal law.

The district has prior written authorization from the employee.

There is a reasonable good faith dispute as to the amount of wages due including the amount of any counterclaim or any claim of debt, reimbursement, recoupment or setoff asserted by the district against the employee.

When an employee quits the service of the district, is he/she paid in the usual manner all wages due no later than the regular payday for the pay period during which the termination occurred, and if requested by the employee, are such wages paid by mail?

Is payment of wages or compensation due an employee under this section in lawful money of the United States by negotiable check, draft, money order or warrant which can be immediately redeemed in cash at a bank or other financial institution, payable on demand or by deposit in a financial institution of employee's choice and dated not later than the day upon which the check, draft, money order or warrant is given and not otherwise?

Yes  No

### 3.31 ARS†23-391 Overtime Pay: Work Week

If the district Governing Board determines that, under federal law, an employee is serving in a position that is eligible for overtime compensation, and subject to availability of funds, is such compensation provided at the following rates:

1. One and one-half times the regular rate at which such person is employed or
2. One and one-half hours of compensatory time off for each hour worked

NOTE: If federal law does not mandate overtime compensation, the employee shall receive the regular rate of pay or compensatory leave on an hour for hour basis at the discretion of the Governing Board.

If the district provides for a work week of 40 hours in less than five days for certain classes of employees, is it done by action of the district Governing Board?

Yes  No

### 3.32 ARS†23-403 Employer's Duty

Does the district furnish to each employee, employment and a place of employment which are free from recognized hazards that are causing or are likely to cause death or serious physical harm to the employee?

Does the district comply with the occupational safety and health standards and all regulations and orders issued by the Division of Occupational Safety and Health?

Yes  No

### **3.33 ARS†23-408 Inspection of Places and Practices of Employment; Employee Initiation of Investigation; Violation; Penalty; Injunction**

Does the district permit representatives of the Division of Occupational Safety and Health, upon presentation of credentials, to inspect places of employment, question employees and investigate conditions, practices or matters in connection with employment, at reasonable times, to determine violations or enforce Occupational Safety and Health provisions?

Yes  No

### **3.34 ARS†23-425 Employee Discharge or Discrimination**

Does the district ensure that it does not discharge or in any manner discriminate against any employee because such employee has filed any complaint or instituted or caused to be instituted any proceeding or has testified or is about to testify on behalf of himself or others regarding any proceeding against the district?

Yes  No

### **3.35 ARS†23-427 Employer Record Keeping**

Does the district make, keep and preserve and make available to the Industrial Commission records that will memorialize activities relating to occupational safety and health?

NOTE: ARS Title 23, Chapter 2, Article 10 (ARS 23-401 through 23-433) contains additional mandates regarding occupational safety and health in work places but they have been omitted from this handbook due to infrequent occurrence. These statutes define employer, employee and Industrial Commission rights and responsibility and hearing procedures. Per ARS 23-433, the Division of Occupational Safety and Health (Industrial Commission) shall develop a program to provide consultation and advice to employers.

NOTE: ARS Title 23, Chapter 2, Article 11 (ARS 23-471 through 23-488) contains mandates regarding safety conditions for boilers and lined hot water storage heaters. The Industrial Commission, through the Division of Occupational Safety and Health, may make investigations if violations or danger is suspected to exist.

Yes  No

### **3.36 ARS†23-721 Work Records Kept by Employing Unit; Inspection by Commission**

Does the district keep true and accurate work records and ensure that they are open to inspection and may be copied by the Employment Security Commission or its authorized representatives at any reasonable time and as often as necessary?

Yes  No

### **3.37 ARS†23-735 Requiring or Accepting Payments From Wages to Finance Employee's Contribution; Waiver of Rights of Employee; Violation; Classification**

Does the district refrain from directly or indirectly making, requiring or accepting a deduction from wages to finance the district's contribution or payments (for unemployment insurance), or require or accept a waiver of any right under the Employment Security laws by an individual in the district's employ?

NOTE: ARS Title 23, Chapter 4, Article 4 (ARS 23-701 through 23-752) contains additional mandates pertaining to unemployment insurance, contributions, assessments, rights and responsibilities of employers and related hearing procedures and time lines. These have been omitted from this Handbook due to infrequent occurrence.

Yes  No

### **3.38 ARS†23-762 Requirements of Shared Work Plan; Approval**

If the district wishes to participate in the shared work unemployment compensation program, did the Governing Board submit for approval to the Department of Economic Security a signed, written shared work plan that:

1. Specifies the employees in the affected group?
2. Applies to only one affected group?
3. Includes a certified statement that, for the six month period immediately preceding the date the plan is submitted, compensation was payable from the shared work employer or its predecessor whether or not they were work employers to each employee in the affected group in an amount equal to or greater than the wages for insured work in one calendar quarter?

NOTE: An employee who joins an affected group, after the approval of the shared work plan, is automatically covered under the previously approved plan effective the week that the Department receives written notice from the shared work employer that the employee has joined and certification from the employer that the employee meets the provisions of Section 23-771, Subsection A, paragraph 6.

4. Includes a certified statement by the employer that for the duration of the plan the reduction in the total normal weekly hours of work of the employees in the affected group is instead of layoffs which otherwise would result in at least as large a reduction in the total normal weekly hours of work?
5. Specifies the manner in which the employer will treat fringe benefits of the employees in the affected group if the employees' hours are reduced to less than their normal weekly hours of work?
6. Specifies an expiration date which is no more than one year from the date the employer submits the plan for approval except that on written request by the employer the Department may approve an extension of the plan for a period of not more than one year from the date of the request?
7. Is approved in writing by the collective bargaining agent for each collective bargaining agreement which covers any employee in the affected group?

Yes  No

### **3.39 ARS†23-772 Claims For Benefits; Notice to Employer of Initial Claim; Posting Printed Statements Dealing With Claims**

Does the Governing Board post and maintain printed statements dealing with claims for unemployment insurance benefits in places readily accessible to employees and make available to each individual at the

time he/she becomes unemployed a printed statement (supplied at no cost by DES) dealing with claims for benefits?

Yes  No

### **3.40 ARS†23-901.06 Volunteer Workers**

If the district wishes its' volunteer workers to be deemed employees and entitled to the benefits provided by worker's compensation, has the Governing Board passed a resolution or ordinance defining the workers entitled to such benefits? Has the Governing Board passed a resolution or ordinance defining the nature and type of volunteer work and workers to be entitled to such benefits?

Yes  No

### **3.41 ARS †23-906 Liability Under Chapter or Under Common Law of Employer Securing Compensation; Carriers; Service Representatives; Right of Employee to Make Election; Procedure for Making Election**

Has the Governing Board posted in a conspicuous place upon the premises, in all languages spoken by the employees and available for inspection by all, a notice in substantially the following form:

"All employees are hereby notified that in the event they do not specifically reject the provisions of the compulsory compensation law they are deemed by the laws of Arizona to have accepted the provisions of such law and to have elected to accept compensation under the terms of such law and that under the terms thereof, employees have the right to reject the same by written notice thereof prior to any injury sustained and that blanks and forms for such notice are available to all employees at the office of this company?"

If an employee rejects the compulsory compensation law by a notice in writing, given to the district in duplicate, signed and dated, does the district within five days file with the insurance carrier the notice so served by the employee?

NOTE: See ARS 23-906.B. for the form of the employee rejection notice. Failure to keep posted the required notice and/or failure to provide blank forms for employee rejection notice could subject the district to being sued by an injured employee under the employer's liability law 23-801 et. seq.

Yes  No

### **3.42 ARS†23-908 Injury Reports by Employee and Physician; Fees of Physician; Violations; Classification**

Does the Governing Board file with the Industrial Commission and the district's insurance carrier at the time and in the form and detail the Commission prescribes, a full and complete report of every known injury to an employee arising out of or in the course of employment and resulting in injury or loss of life?

Within ten days after receiving notice of an accident, did the Governing Board inform the district insurance carrier and the Industrial Commission on such forms and in such manner as may be prescribed by the Commission?

Does the district immediately upon notice of an accident resulting in an injury to an employee provide the employee with the name and address of the district's insurance carrier, the policy number and expiration date?

Yes  No

### **3.43 ARS†23-926 Inspection of Employer Records; Noncompliance by Employer; Penalty**

Does the Governing Board ensure that all books, records and payrolls showing or reflecting the wage expenditure of the district are always open for inspection by the Industrial Commission or its assistants to ascertain information necessary for its administration of the law?

ARS Title 23, Chapter 6, Article 3 (ARS 23-941 through 23-952) contains additional mandates regarding orders and hearings pertaining to workers' compensation. These have been omitted from this handbook due to infrequent occurrence.

Yes  No

### **3.44 ARS†23-961 Methods of Securing Compensation by Employers; Deficit Premium**

Has the district secured workers' compensation for the employees in one of the following ways?

1. By ensuring and keeping insured the payment of such compensation with the State Compensation Fund or an insurance carrier authorized to write workers' compensation insurance in this state?

2. By furnishing satisfactory proof of financial ability to pay direct the compensation in the amount and manner and when due, as required?

If the insurance carrier gave notice of cancellation or nonrenewal, did the district, prior to the effective date of the cancellation or nonrenewal of a policy, file a certificate with the Commission designating the new insurance carrier or other satisfactory proof of compliance?

If the district is self-insured, does the district on or before March 31 of each year, pay a tax of three percent of the premiums which would have been paid if the district had been fully insured under a plan available from the State Compensation Fund during the preceding calendar year? (Not less than \$250.)

Yes  No

### **3.45 ARS†23-962 Insurance by Governmental Units in State Compensation Fund; Payment of Premiums**

If the school district insures its workers' compensation with the State Compensation Fund:

1. Does the district furnish quarterly to the State Compensation Fund a true payroll showing the total amount paid to employees segregated in accordance with the requirements of the State Compensation Fund?

2. Does the superintendent prepare and submit to the Governing Board for approval, a claim for the amount of premiums due the State Compensation Fund and are such premiums paid at once by the proper officer of the district?

Yes  No

### **3.46 ARS†23-964 Posting Notice of Compliance With Compensation Law**

Has the Governing Board posted in a conspicuous place typewritten or printed notices stating that the district has complied with the provisions of the Arizona Revised Statutes regarding workers' compensation and all rules and regulations of the Industrial Commission made in pursuance thereof and, if such is the fact, has been authorized by the Commission directly to compensate employees or their dependents?

Yes  No

### **3.47 ARS†23-967 Deduction of Premium from Wages or Salary; Penalty**

Any employer who deducts any portion of the premium (workers' compensation) except for accident benefits, which he is by law required to pay, from the wage or salary of an employee is guilty of a petty offense. Is the district in compliance?

Yes  No

### **3.48 ARS†23-1001 Delivery of Insurance Contract or Policy to Employer**

If the Governing Board insures for workers' compensation with an insurance carrier, has the district received from such insurance carrier a contract or policy of insurance?

Yes  No

### **3.49 ARS†23-1022 Compensation as Exclusive Remedy; Definition; Exceptions**

If an intergovernmental agreement or contract is in effect, does the Governing Board/district post a notice in substantially the following form?

"All employees are hereby further notified that they may be required to work under the jurisdiction or control of or within the jurisdictional boundaries of another public agency pursuant to an intergovernmental agreement or contract, and under such circumstances they are deemed by the laws of Arizona to be employees of both public agencies for the purposes of workers' compensation."

NOTE: An employee of the district, who works under the jurisdiction or control of or within the jurisdictional boundaries of another public agency pursuant to a specific intergovernmental agreement or contract entered into between the public agencies is deemed to be an employee of both public agencies for the purposes of this section. The primary employer shall be solely liable for the payment of workers' compensation benefits for the purposes of this section.

Yes  No

### **3.50 ARS†23-1047 Procedure for Determining Cooperation For Partial Disability and Permanent Total Disability in Cases Not Enumerated; Procedure For Determining Nonscheduled Dependency and Duration of Compensation to Partial Dependents in Death Cases**

A person receiving permanent compensation benefits must report annually on the anniversary date of the award all earnings for the prior 12-month period. If the Governing Board is a self-insured employer, does the district notify such person that such report has not been received, if such is the case, and that payment of further benefits will be suspended unless such report of earnings is filed within thirty days?

Yes  No

### **3.51 ARS†23-1061 For Compensation; Reopening; Payment of Compensation**

Within ten days after receiving notice of an accident, does the Governing Board inform the insurance carrier and the Industrial Commission on such forms as may be prescribed by the Commission?

NOTE: ARS Title 23, Chapter 6, Article 9 (ARS 23-1061 through ARS 23-1072) contains additional mandates regarding payment of unemployment compensation for employers who may be self-insured. These have been omitted from this handbook due to infrequent occurrence.

Yes  No

### **3.52 ARS† 23-1361 Blacklist Defined; Exceptions; Privileged Communications**

A school district may lawfully provide information to a requesting employer concerning a person's education, training, experience, qualifications and job performance to be used for the purpose of evaluating the person for employment. Does the district send a copy of any such written communications to the former employee's last known address?

Communications concerning employees or prospective employees which are made by an employer or prospective employer to a government body or agency and which are required by law or which are furnished pursuant to written rules or policies of the government body or agency are privileged. An employer, including this state and its agencies, is not civilly liable for privileged communications.

Yes  No





## Chapter 4

# Arizona School Law Review: Chapter 2b<sup>1</sup>

### 4.1 ARS Title 28

### 4.2 ARS†28-0414.01 School Bus Drivers; Requirements

Does the Governing Board ensure that anyone who operates a school bus transporting school children possesses at least a Class B license and a School Bus Certificate?

NOTE: Each applicant, in order to be certified, shall meet and maintain minimum standards that include requirements concerning moral character, knowledge of school bus operation, pupil and motor vehicle safety, physical impairments which might affect the person's ability to safely operate a school bus or which might endanger the health or safety of school bus passengers and knowledge of first aid. Additional certification requirements include completion of an initial course of school bus driver safety and training including behind the wheel instruction. The standards shall provide that tests be performed to detect the presence of alcohol or the use of a drug in violation of ARS 13-34 that may adversely affect the ability of the applicant to safely operate a school bus and that hearing tests may be performed with or without the use of a hearing aid.

Yes  No

### 4.3 ARS†28-797 School Crossings

NOTE: The highway commission may establish crosswalks in front of each school building or school grounds abutting thereon where children shall be required to cross the highway or street. Additional crossings across highways not abutting on the school grounds may be approved by the highway commission upon application of school authorities. The district should assure that adults are used as guards at no abutting school crossings.

When school crossings are established, do school authorities cause to be placed within the highway portable signs indicating that school is in session, placed not to exceed 300 feet each side of the school crossings, and "Stop When Children In Crosswalk" signs at school crossings, and do school authorities maintain these signs when school is in session and cause them to be removed immediately thereafter? Notwithstanding any other law:

Yes  No

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<sup>1</sup>This content is available online at <<http://cnx.org/content/m41201/1.3/>>.

#### 4.4 ARS†28-857 Overtaking and Passing School Bus (2006)

Does every bus used for the transportation of school children bear upon the front and rear of such bus a plainly visible sign containing the words "School Bus" in letters not less than eight inches in height, and have a signal with the word "stop" printed on both sides in white letters not less than five inches high on a red background. When a school bus is being operated upon a highway for purposes other than the actual transportation of children either to or from school, are all markings indicating "School Bus" covered or concealed?

Is every bus used for the transportation of school children equipped with a signal with the word "Stop" printed on both sides in white letters not less than five inches high on a red background, and is the signal an 18-inch reflectorized octagon sign manually operated by the operator of the school bus in such manner as to be clearly visible from both front and rear when extended from the left of the body of the bus?

Does the district ensure that operators of school buses display the stop signal and alternately flashing lights if passengers are being received or discharged while the bus is stopped on the roadway?

Yes  No

#### 4.5 ARS†28-900 Rules Relative to School Buses

Does the district, in order to reduce the interior temperature of a school bus, allow the exterior top of the bus to be painted white? The white area shall not extend beyond the center clearance lights, front and rear, and shall not extend below a line five inches above the top of the side windows.

Yes  No

#### 4.6 ARS†28-901 Maximum Number in School Bus; Exceptions; Receiving or Discharging School Children at School

Does the district assure that no school bus shall be operated on a public highway while carrying more than can be properly seated, nor while any person is standing therein, except for the purpose of conducting drills under school regulations and in the emergency evacuation or dispersal of pupils and school personnel?

Yes  No

#### 4.7 ARS†28-930 Special Lighting Equipment on School Buses

Does the district ensure that bus operators do not operate any alternately flashing warning signal light on any school bus except when the school bus is within 100 feet of a stop, or is stopped, on a highway for the purpose of permitting school children to board or alight from it?

Yes  No

#### 4.8 ARS†28-984 Annual Inspection Required of School Buses

Does the superintendent of the school district ensure that all school buses that are registered by the district are inspected in accordance with the provisions of the section?

NOTE: Each school bus registered in this state shall be inspected at least annually and an official certificate of inspection and approval shall be obtained at least annually for each such vehicle in accordance with the provisions of this section. Such inspections shall be made and such certificates obtained with respect to the requirements for school buses as prescribed by law and by rules adopted by the Director (Arizona Department of Public Safety) in conjunction with the State

Board of Education. Inspection of school buses shall be made when each bus is initially registered in this state.

Yes  No

#### **4.9 ARS†28-1233 Financial Responsibility Requirements**

Does the district obtain, for each school bus with a seating capacity of 16 passengers or more, minimum liability coverage in the amount of \$5,000,000 and uninsured motorist coverage in the amount of at least \$300,000?

Does the district obtain, for each school bus with a seating capacity of less than 16 passengers, minimum liability insurance coverage in the amount of \$750,000 and uninsured motorist coverage in the amount of at least \$300,000?

NOTE: The uninsured motorist coverage required by this section may be provided by a self-insurance program authorized under section 28-1222.

Yes  No

#### **4.10 ARS†28-1441 Designation of Motor Vehicles of State or its Political Subdivisions**

Are all district motor vehicles designated as required by this section?

NOTE: Except as provided in ARS 28-1443, all motor vehicles owned or leased for a period of one year or more by the state or any of its political subdivisions shall bear the designation, in a visible manner in accordance with rules adopted by the Department of Administration or as determined by the political subdivision, "State of Arizona-(name of department or agency)," or the name of the political subdivision of the state and the department or agency thereof by which such motor vehicle is owned or leased. In addition, all such motor vehicles shall have placed in a visible manner, in accordance with rules adopted by the Department of Administration or as determined by the political subdivision, the designation "for official use only."

Yes  No

#### **4.11 ARS†28-1442 Patterns and Insignias on Motor Vehicles of State or its Political Subdivisions; Violation; Classification**

Has the Governing Board approved a uniform pattern for use in designating the district's motor vehicles?

Yes  No

##### **4.11.1 ARS Title 34**

#### **4.12 ARS†34-403 Article Applicable to Certain Public Buildings**

NOTE: The standards and specifications in ARS 34-405 - 34-437, except as otherwise specified, shall apply to all buildings and facilities used by the public which are constructed or undergo additions, alternations, or repairs which exceed 50 percent of their assessed value or replacement cost within a 12-month period in whole or in part by the use of state funds or funds of any political subdivision of the state.

### 4.13 ARS†34-404 Minimum Requirements: ANSI Figures

NOTE: The standards and specifications set forth in this article which make buildings and facilities accessible to, and usable by, the physically handicapped are those of the American National Standards Institute, Inc., 1430 Roadway, New York, New York 10018.

For a copy of the standards see ARS 34-405 -34-437 or contact ANSI.

Governing Boards should ensure that architects incorporate these standards when constructing, making additions, alterations or repairs to buildings and facilities pursuant to ARS 34-403.

### 4.14 ARS†34-438 Responsibility for Enforcement of Chapter

Where state school funds are utilized for constructing buildings or facilities for a public common or high school has the Governing Board of the school district assumed the responsibility for enforcement of the above chapter?

Yes  No

### 4.15 ARS†34-441 Fallout Shelter Requirements; Minimum Standards; Exemption Regulations; Enforcement

Unless granted a waiver by the Governor, does the Governing Board assure that all buildings which are constructed, enlarged or revised in whole or in part by the use of state funds, or the funds of any county, city, town or school district of the state, shall be planned, designed and constructed so as to afford protection for the public, including at least the anticipated normal population of such buildings against fallout gamma radiation hazards?

NOTE: This article shall apply only to the construction, alteration or modification of such buildings or structures which are commenced on or after January 1, 1970, and shall not be applicable to any such construction, alteration or modification the contracts for which were entered into prior to the effective date of this article.

The protected space provided in such buildings shall meet the minimum standards established by the Governor. For a copy of State of Arizona Fallout Shelter Regulations write to:

Division of Emergency Services  
5636 East McDowell Road  
Phoenix, AZ 85008

Yes  No

### 4.16 ARS†34-451 Energy Conservation Standards for Public Buildings

Does the governing board procure energy efficient products that are certified by the U.S. Department of Energy as energy star and follow the energy conservation standards for construction of all new capital projects?

Yes  No

#### **4.17 ARS†34-461 Applicability of Local Codes**

Does the Governing Board ensure that school buildings are designed or constructed according to the State Fire Code adopted by the State Fire Marshal and applicable building, plumbing, electrical, fire prevention and mechanical codes adopted by the city or town in which the building is located or, if in an unincorporated area, by the county in which the building is located, in the same manner as any other building?

If a public building is built in an area not subject to local codes, does the Governing Board ensure that school buildings are designed or constructed according to the State Fire Code adopted by the State Fire Marshal and the building, plumbing, electrical, fire prevention and mechanical codes that apply in the largest city in the county in which the building is located?

NOTE: Public buildings are subject to those codes that apply and are in effect when the building is designed or constructed and to the currently adopted codes when such buildings are found to be structurally unsafe, without adequate egress or which constitute a fire hazard or are otherwise dangerous to human life.

Yes  No

#### **4.18 ARS†34-502 Computer Access, Harmful to Minors**

Does the governing board prescribe standards and rules for the enforcement of the installation of software on all public access computers that will prevent minors from gaining access to material that is harmful to minors?

Yes  No

##### **4.18.1 ARS Title 35**

#### **4.19 ARS†35-342 Payment of Agency Accounts; When Delinquent; Interest**

If the Board purchases or procures goods and services from a nongovernmental entity on account, does the Board pay the account in full within 30 days after receipt of goods or services and correct notice of amount due or pay interest on the outstanding balance at the rate prescribed in ARS 44-1201 until the account is paid in full, unless a good faith dispute exists as to the Board's obligation to pay all or a portion of the account?

Yes  No

##### **4.19.1 ARS Title 36**

#### **4.20 ARS†36-601.01 Smoking in Certain Public Areas; Violation; Classification; Exception**

NOTE: Smoking tobacco is prohibited in school buildings and any public places and places of employment. Has the Governing Board developed signs for each of the schools and posted such at every entrance to ensure that the district is in compliance?

Yes  No

## 4.21 ARS†36-1633 Installation of Non-safety Glazing Materials in Hazardous Location

Does the Governing Board ensure that no one installs any glazing materials other than safety glazing materials in any hazardous location?

NOTE: ARS 36-1631 defines "hazardous locations" as those structured elements "known as interior and exterior doors composed of or containing glass panels, sliding glass door units including the fixed glazed panels which are part of such units, storm or combination doors and the fixed glazed panels immediately adjacent to such doors, whether or not the glazing in such doors, panels and enclosures is transparent, and all interior and exterior glazing in bathrooms, the bottom edge of which is less than fifty-six inches above the floor level."

Yes  No

## 4.22 ARS†36-1641 Safety Construction in Public Buildings; Violations; Classification

Are the doors of all school houses, public auditoriums and other district public buildings constructed so they may open outward?

Are all screens, bars or other coverings of windows of such buildings constructed so that they may be easily and quickly opened from the inside?

Does the district ensure that no buildings are to be constructed, used or occupied unless the doors and windows are constructed in compliance with the above?

Yes  No

## 4.23 ARS†36-1674 Prohibited Acts; Classification

Does the Governing Board ensure that no one applies lead-based paint to any surface in any area which is readily accessible to children under seven years of age?

Yes  No

### 4.23.1 ARS Title 38

## 4.24 ARS†38-421 Stealing, Destroying, Altering, or Secreting Public Records; Classification

Does the district ensure that no district person having custody of any record, map or book, filed or deposited or placed in the person's hands for any reason, steals, or knowingly and without lawful authority destroys, mutilates, defaces, alters, falsifies, removes, or secretes the whole or any part thereof?

NOTE: ARS 15-504 in Chapter 5 also deals with oath of office.

Yes  No

## 4.25 ARS†38-431.01 Meetings Shall be Open to the Public

Are all meetings of the Governing Board public meetings and are all persons so desiring permitted to attend and listen to the deliberations and proceedings?

Except for subcommittees and advisory committees, does the Governing Board provide for the taking of written minutes or a recording of all their meetings, including executive sessions?

Does the Governing Board ensure that such minutes or recordings, except for executive sessions, include, but are not limited to

1. The date, time, and place of the meeting
2. The members of the Board recorded as either present or absent
3. A general description of the matters discussed
4. An accurate description of all legal actions proposed, discussed, or taken, and the names of members who pro
5. pose each motion, and do the minutes also include the names of the persons, as given, making statements or pre
6. senting material to the public body and a reference to the legal action about which they made statements or presented material

Executive Meetings should include:

1. The date, time and place of the meeting
2. The members of the Board recorded as either present or absent
3. A general description of matters discussed

Except for executive sessions, are the minutes or a recording of all meetings open to public inspection three working days after the meeting?

Does the Governing Board allow all or any part of a public meeting of a public body to be recorded by any person in attendance by means of a tape recorder, camera or other means of sonic reproduction, provided that there is no active interference with the conduct of the meeting?

Does the Governing Board allow an open call to the public during the meeting, subject to reasonable time, place and manner restrictions to address the body on any issue within the jurisdiction of the Board? At the conclusion of the open call, individual members of the public body may respond to criticism made by those who have addressed the body, may ask staff to review a matter or put the matter on a future agenda.

Yes  No

## 4.26 ARS†38-431.02 Notice of Meeting

Does the Governing Board of the school district (1) file a statement with the Clerk of the Board of Supervisors stating where all public notices of their meetings will be posted and (2) give such additional public notice as is reasonable and practicable as to all meetings?

If an executive session will be held, is notice given to the members of the Board, and to the general public, stating the specific provision of law authorizing the executive session?

NOTE: Notice of executive sessions shall be required to include only a general description of the matters to be considered.

Is at least 24 hours' notice given to the members of the Board and to the general public for any meeting except in the following instances?

In case of an actual emergency, a meeting, including an executive session, may be held upon such notice as is appropriate to the circumstances.

NOTE: If the Board conducts an emergency session, or considers an emergency measure during a previously scheduled meeting, the Board must post a public notice within 24 hours declaring that an emergency session has been held and setting forth the information required for agendas, including executive sessions.

A meeting may be recessed and resumed with less than 24 hours notice if public notice of the initial session of the meeting is given as required, and if, prior to 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.

If the Governing Board intends to meet for a specified calendar period, on a regular day, date or event during such calendar period, and at a regular place and time, and posts public notice of such meetings at the beginning of such period, do such notices specify the period for which the notice is applicable?

Does the required meeting notice 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 such an agenda?

Except in the case of an actual emergency, is the agenda available to the public at least 24 hours prior to the meeting?

Does the required meeting agenda list the specific matters to be discussed, considered or decided at the meeting?

NOTE: Executive session agendas shall not contain information that would defeat the purpose of the executive session.

If the Governing Board discusses, considers or makes decisions on matters not listed on the agenda, is it only in the case of an actual emergency and providing that a statement setting forth the reasons for such action is publicly announced and placed in the minutes of the meeting?

If the Governing Board is to consider an emergency matter in executive session, is the reason for consideration of the emergency measure announced publicly prior to the executive session?

Yes  No

## 4.27 ARS†38-431.03 Executive Sessions

Upon a public majority vote of the members constituting a quorum, does the Governing Board hold an executive session only for the following purposes?

1. Discussion or consideration of employment, assignment, appointment, promotion, demotion, dismissal, salaries, disciplining or resignation of a public officer, appointee or employee of any public body, except that with the exception of salary discussions, an officer, appointee or employee may demand that such discussion or consideration occur at a public meeting.

2. Discussion or consideration of records exempt by law from public inspection.

3. Discussion or consultation with the attorney or attorneys of the Board in order to consider its position and instruct attorneys regarding its position on pending or contemplated litigation.

4. Discussions or consultations with designated representatives of the Board in order to consider its position and instruct its representatives regarding negotiations with employee organizations regarding the salaries, salary schedules or compensation paid in the form of fringe benefits of employees.

5. Discussion, consultation or consideration for international and interstate negotiations.

6. Discussion or consultation for legal advice with the attorney or the attorneys of the Board.

7. Discussion or consultation with designated representatives of the Board in order to consider its position and instruct its representatives regarding negotiating for the purchase or lease of real property.

When contemplating executive session discussion or consideration and except for salary discussions, does the Governing Board provide the officer, appointee or employee with such notice of the executive session as is appropriate, but not less than 24 hours for the person to determine whether such discussion or consideration should occur at a public meeting?

Are the minutes of or discussions made at executive sessions kept confidential except (1) from members of the Board which met in executive session, (2) from officer, appointees or employees who are the subject of discussion or consideration and, (3) from the Auditor General made in connection with an audit authorized as provided by law and does the Board instruct such persons who are present at the executive session regarding this confidentiality requirement?

Are the minutes of or discussions made at executive sessions kept confidential except (1) from members of the Board which met in executive session, (2) from officer, appointees or employees who are the subject of



discussion or consideration and, (3) from the Auditor General made in connection with an audit authorized as provided by law and does the Board instruct such persons who are present at the executive session regarding this confidentiality requirement?

NOTE: Upon receipt of a written complaint signed by the complainant alleging a violation of the open meeting law at an executive session, the Attorney General or the County Attorney for the county in which the alleged violation occurred may issue an investigative request for the minutes of or discussions made at the executive session. Upon receipt of such a request, the Governing Board shall either comply with the request or, upon a majority vote, apply to the superior court in the county in which the alleged violation occurred for a protective order directing that the minutes or discussions requested are relevant to the complaint, and justice so requires, it shall direct that they be provided to the requesting party. Notwithstanding any other provision of this article the Governing Board may disclose the minutes of or discussions made at an executive session to the Attorney General or the County Attorney for the county in which the Governing Board ordinarily meets.

Does the Governing Board ensure that no executive session is held for the purpose of taking any legal action involving a final vote or decision?

Does the Governing Board ensure that except for actual emergency measures the Board does not discuss any matter in an executive session which is not described in the notice of the executive session?

Yes  No

#### **4.28 ARS†38-431.05 Meeting Held In Violation of Article; Business Transacted Null and Void; Ratification**

All legal action transacted by the Governing Board during a meeting held in violation of any provision of the open meeting laws is null and void unless ratified. If the Board wishes to ratify legal action taken in violation of the open meeting laws, is it done in accordance with the following requirements?

1. Ratification shall take place at a public meeting within 30 days after discovery of the violation or after such discovery should have been made by the exercise of reasonable diligence.

2. The notice for the meeting shall include a description of the action to be ratified, a clear statement that the Governing Board proposes to ratify a prior action and information on how the public may obtain a written detailed description of the action to be ratified.

3. The Governing Board shall make available to the public a detailed written description of the action to be ratified and all deliberations, consultations and decisions by members of the Board that preceded and related to such action. The written description shall also be included as part of the minutes of the meeting at which ratification is taken.

4. The Governing Board shall make available to the public the notice and detailed written description required by this section at least 72 hours in advance of the public meeting at which the ratification is taken.

Yes  No

#### **4.29 ARS†38-431.07 Violations; Enforcement; Removal from Office; in Camera Review**

Does the Governing Board ensure that there will be no expenditure of public monies to employ or retain legal counsel to provide legal services or representation to the Board or any of its officers in any legal action commenced pursuant to any provisions of this article unless the Board has authority to make such expenditure pursuant to other provisions of law and takes a legal action at a properly noticed open meeting approving such expenditure prior to incurring any such obligation or indebtedness?

Does any Board member or employee who has, or whose relative has, a substantial interest in any contract, sale, purchase or service to the school district make known that interest in the official records of the school district and refrain from voting upon or otherwise participating in any manner as an officer or employee in such contract, sale or purchase?

Does any Board member or employee who has, or whose relative has, a substantial interest in any decision of the school district make known such interest in the official records of the district and refrain from participating in any manner as an officer or employee in such decision?

NOTE: Notwithstanding the above, Governing Boards may not employ a member of the Governing Board or the spouse of a member of the Governing Board.

Yes  No

### **4.30 ARS†38-491 Eligibility: Veteran**

If the district uses a system of employment on the basis of merit, does it provide that a veteran of the Armed Forces of the United States, separated from active duty under honorable conditions, is eligible to apply for and receive employment under such merit system, regardless of age?

Yes  No

### **4.31 ARS†38-503 Conflict of Interest; Exemption; School Board Member**

Does any Board member or employee who has, or whose relative has, a substantial interest in any contract, sale, purchase or service to the school district make known that interest in the official records of the school district and refrain from voting upon or otherwise participating in any manner as an officer or employee in such contract, sale or purchase?

Yes  No

## Chapter 5

# Arizona School Law Review: Chapter 2c<sup>1</sup>

### 5.1 ARS†38-507 Opinions of the Attorney General, County Attorneys and City or Town Attorneys

Does the Governing Board ensure that requests for opinion are from either the Attorney General or a County Attorney concerning violations of this Conflict of Interest article are confidential but that the final opinions are a matter of public record?

Yes  No

### 5.2 ARS†38-508 Authority of Public Officers and Employees to Act

If the provisions of ARS 38-503 prevent an appointed public officer or a public employee from acting as required by law in his official capacity, does such public officer or employee notify his superior authority of the conflicting interest?

If the provisions of ARS 38-503 prevent the Governing Board from acting as required by law in its official capacity, is such action allowed to take place if members of the Board who have apparent conflicts make known their substantial interests in the official records of the district?

Yes  No

### 5.3 ARS†38-509 Filing of Disclosures

Does the school district maintain for public inspection in a special file all documents necessary to memorialize all disclosures of substantial interest made known pursuant to this article?

Yes  No

### 5.4 ARS†38-532 Prohibited Personnel Practice; Violation; Reinstatement; Exceptions; Civil Penalty

Is the district aware that it is a prohibited personnel practice to take reprisal against an employee for disclosure of information of a matter of public concern by the employee to a public body which the employee reasonably believes evidences a violation of any law, mismanagement, a gross waste of monies or an abuse of authority?

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<sup>1</sup>This content is available online at <<http://cnx.org/content/m41202/1.2/>>.

Is the district aware that an employee who knowingly commits a prohibited personnel practice shall be ordered by the school district governing board or other appropriate independent personnel board established or authorized pursuant to ARS 38-534 to pay a civil penalty of up to five thousand dollars to the school district maintenance and operation fund and that the employee who committed the prohibited personnel practice, not the school district, shall pay the civil penalty?

Does the district take appropriate disciplinary action, including dismissal, against an employee found to have committed a prohibited personnel practice?

Has the district established an independent personnel board to hear employee complaints of reprisal or has it been determined that the local governing board will hear and decide upon these personnel matters?

NOTE: If an independent board has not been established or if the local governing board does not hear the complaint, the employee may make a complaint to the State Personnel Board within ten (10) days of the effective date of the action taken against him.

In hearing a complaint pursuant to this section, does the governing board make a determination concerning the validity of the complaint and whether a prohibited personnel practice was committed against the employee or former employee as a result of disclosure of information by the employee or former employee?

Yes  No

## 5.5 ARS†38-608 Compensation or Time Off For Legal Holidays

Does the Governing Board ensure that employees who work 40 hours or more per week receive either compensation or commensurate time off for legal holidays? For each legal holiday worked, one day additional vacation leave or one day additional compensation for each such legal holiday worked?

Yes  No

## 5.6 ARS†38-610 Leave of Absence For Military Training

Does the Governing Board ensure that employees of the district are granted leaves of absence from their duties without loss of time, pay or efficiency rating, on all days during which they are employed on training duties under orders with any branch of the Armed Forces of the United States for a period of not to exceed 30 days in any two consecutive years?

Is the period of time spent in training under orders not deducted from the vacation period with pay to which the employee is otherwise entitled?

Yes  No

## 5.7 ARS†38-745 Membership In Retirement System

NOTE: All certificated persons must belong to the retirement system. All non-certified persons must belong to the system if the district has contracted with the retirement system for that purpose. The exception to this is for a temporary employee as follows:

With the exception of temporary employees whose employment is for a term of not more than three months and non-certified persons if the district has NOT contracted with the retirement system for them, are all district employees' members of the retirement system?

A temporary employee whose employment is for a term of not more than three months may have the option of signing a waiver of membership and no contributions shall be deducted from wages or paid in the employee's behalf by the district for the period of temporary employment. If the employment continues beyond the period of three successive months, is a retirement account established as of the beginning of the next succeeding payroll period following completion of the three-month period?

Yes  No

## 5.8 ARS†38-759.01 Employment Beyond Age Seventy; Retirement Contributions and Benefits; Exceptions

Has the Governing Board adopted rules for the officers and employees of the district prescribing the procedures and standards in accordance with ARS 38-759.01 to be followed for the continuation of employment beyond age 70?

NOTE: This statute is currently in place; however, IT IS IN CONFLICT WITH 1986 FEDERAL LAW. Districts who employ workers who will be working beyond age 70 should contact their attorney in order to avoid legal conflicts with EEOC requirements.

Yes  No

## 5.9 ARS†38-781.04 Employee Contributions

Are contributions of members of the state retirement system required as a condition of employment and made by payroll deductions? (See NOTE at ARS 38-745.)

Yes  No

## 5.10 ARS†38-781.07 Normal Retirement

Does the district provide evidence of, and certify to, in a manner provided by the State Retirement System Board, the participant's average monthly compensation if such information is not already available from the records of the plan or system?

Yes  No

## 5.11 ARS†38-781.29 Leave of Absence; Transfer to Plan; Credit for Leave Without Pay

Has the Governing Board adopted rules establishing guidelines for a leave of absence which benefits or is in the best interests of the district?

NOTE: Any active participant of the state retirement plan who is officially granted leave of absence without pay may elect to be credited with future service for retirement purposes, for not more than one year of such leave, by paying to the plan the amounts provided in ARS 38-781.29.C., provided such participant has not withdrawn contributions and the Governing Board has certified the leave of absence benefits, or is in the best interest of the district.

Yes  No

## 5.12 ARS Title 39

### 5.13 ARS†39-101 Permanent Public Records; Quality; Storage; Violation; Classification

Does the district ensure that the permanent public records of the district are transcribed or kept on paper or other material which is of durable or permanent quality and which conforms to standards established by the Department of Library, Archives and Public Records?

Does the district ensure that such records are stored and maintained according to standards established by the Department of Library, Archives and Public Records?

NOTE: See USFR, Appendix A, for records management guidelines.

Yes  No

### **5.14 ARS†39-103 Size of Public Records; Exemptions; Violation; Classification**

Does the Governing Board ensure that public records created on paper conform to the standard letter size of 8 1/2 x 11 inches?

NOTE: This section does not apply to records smaller than 8 1/2 x 11 inches, or to records otherwise required by law to be of a different size, computer generated printouts, machine generated paper tapes or certain other exemptions. Districts should contact Department of Library, Archives and Public Records when uncertain of their compliance with this section.

Yes  No

### **5.15 ARS†39-121 Inspection of Public Records**

Does the district ensure that public records and other matters in the office of any officer are open to inspection by any person during office hours?

Yes  No

### **5.16 ARS†39-121.01 Copies; Printouts or Photographs of Public Records**

Does the district maintain all records reasonably necessary or appropriate to maintain an accurate knowledge of the official activities and of any of the activities which are supported by funds from the state or any political subdivision thereof?

Any person may request to examine or be furnished copies, printouts or photographs of any public record during regular office hours. Does the district custodian of such records furnish such copies, printouts or photographs and charge a fee if the facilities are available, except that public records for purposes listed in ARS 39-122 (in this chapter) shall be furnished without charge?

Does the district secure, protect and preserve public records from deterioration, mutilation, loss or destruction?

If the custodian of public records does not have facilities for making copies, printouts or photographs of a public record which a person has a right to inspect, such person shall be granted access to the public record for the purpose of making copies, printouts or photographs. Are the copies, printouts or photographs made while the public record is in the possession, custody and control of the custodian thereof and subject to the supervision of such custodian?

Yes  No

### **5.17 ARS†39-121.03 Request for Copies, Printouts, or Photographs; Statement of Purpose; Commercial Purposes or Abuse of Public Record; Determination by Governor; Fees**

A person requesting copies, printouts or photographs of public records for a commercial purpose shall, upon making such a request, provide a certified statement setting forth the commercial purpose for which

the copies, printouts or photographs will be used. Upon being furnished the verified statement does the custodian of such records furnish reproductions, the charge for which shall include the following:

1. A portion of the cost to the district for obtaining the original or copies of the documents, printouts or photographs.
2. A reasonable fee for the cost of time, equipment and personnel in producing such reproduction.
3. The value of the reproduction on the commercial market.

If the custodian of a public record determines that the commercial purpose stated in the verified statement is a misuse of public records or is an abuse of the right to receive public records, does the custodian apply to the Governor requesting that the Governor by executive order prohibit the furnishing of copies, printouts or photographs for such commercial purpose? If no order is issued within 30 days of the date of application, does the custodian of public records provide such copies, printouts or photographs upon being paid the fee?

NOTE: As used in this section "commercial purpose" does not mean the use of a public record as evidence or as research for evidence in an action in a judicial or quasi-judicial body of this state or a political subdivision of this state.

Yes  No

### **5.18 ARS†39-122 Free Searches for and Copies of Public Records to be Used in Claims Against the United States; Liability for Noncompliance**

No state, county or city, or any officer or board thereof shall demand or receive a fee or compensation for issuing certified copies of public records or for making search for them when they are to be used in connection with a claim for a pension, allotment, allowance, compensation, insurance or other benefits which is to be presented to the United States or a bureau or department thereof, and Notaries Public shall not charge for an acknowledgment to a document which is to be so filed or presented. Does the district ensure that those services are rendered on request of an official of the United States, a claimant, his guardian or attorney?

Yes  No

### **5.19 ARS Title 40**

### **5.20 ARS†40-1152 Public Transportation Services; Contracts and Agreements; Fares and Service Charges; Budget Expenditure and Levy Exception; Educational Institutions; Financial Grants**

School districts may enter into contracts or agreements with cities, towns, counties, any combination thereof, or a nonprofit corporation created by such units of government to provide public transportation services directly or by contract with a private party, contract or common carrier or public service corporation. Such agreements may include provisions for the sale of school buses to such entities for the purpose of providing joint school and public transportation and for reasonable charges for transportation of the general public by school districts. If the district has entered into such agreement, has the district provided adequate liability insurance?

Yes  No

## 5.21 ARS Title 41

### 5.22 ARS†41-852 Display of State Flag: death of incumbent elective state officer; display of United States flag and Constitution and the Bill of Rights

Is the state flag displayed alongside the flag of the United States on or in front of the educational buildings?  
 Yes  No

### 5.23 ARS†41-1279.22 Duty of Local Officers to Make County, School District, and Precinct Records Available; Failure to Comply; Classification; Prosecution

Does the school district afford reasonable and needed facilities, and make returns and exhibits to the Auditor General under oath, in the form and at the time the Auditor General prescribes?  
 Yes  No

## 5.24 ARS†41-1346 State and Local Public Records Management

Has the Governing Board established and maintained an active, continuing program for the economical and efficient management of the public records of the district?

Does the Governing Board:

1. Make and maintain records containing adequate and proper documentation of the organization, functions, policies, decisions, procedures and essential transactions of the district designed to furnish information to protect the rights of the district and of persons directly affected by the district's activities?

2. Submit to the Director of the Department of Library, Archives and Public Records, in accordance with established standards, schedules proposing the length of time each record series warrants retention for administrative, legal or fiscal purposes after it has been received by the district?

3. Submit a list of public records in the district's custody that are not needed in the transaction of current business and that are not considered to have sufficient administrative, legal or fiscal value to warrant their inclusion in established disposal schedules?

4. Submit to the Director of the Department of Library, Archives and Public Records lists of all essential public records in the custody of the district?

NOTE: Schedules and lists required by questions 2, 3, and 4 above must be submitted only if different from the schedules and lists contained in Appendix A of the USFR.

5. Cooperate with the Director of the Department of Library, Archives and Public Records in the conduct of surveys?

6. Designate an individual to manage records and act as coordinator and liaison for the district with the Records Management Division of Department of Library, Archives and Public Records?

7. Comply with rules, regulations, standards and procedures issued by the Director of the Department of Library, Archives and Public Records?

8. Promote the principles of efficient record management for local public records?

9. As far as practicable, follow the program established for the management of state records?

NOTE: As used in this section, "Records Management" means the creation and implementation of systematic controls for records and information activities from the point where they are created or received through final distribution or archival retention, including distribution, use, storage, retrieval, protection and preservation.



Yes  No

## **5.25 ARS†41-1347 Preservation of Public Records**

Does each district custodian of public records carefully protect and preserve the records from deterioration, mutilation, loss or destruction, and when advisable, cause them to be properly repaired and renovated?

Does the district ensure that all papers, ink and other materials used in public offices for the purpose of permanent records are of durable quality?

Does the district ensure that photography, film, microfiche, digital imaging or other types of reproduction or electronic media is preserved from destruction pursuant to the standards?

Does the Governing Board ensure that records are not destroyed or otherwise disposed of unless it is determined by the Department of Library, Archives and Public Records that the record has no further administrative, legal, fiscal, research or historical value?

Yes  No

## **5.26 ARS†41-1348 Reproduction and Destruction of Records by Agencies of the State and Political Subdivisions; Programs; Approval; Procedures**

If the Governing Board decides to implement a program for the production or reproduction by photography or other method of reproduction on film or electronic media of records in its custody, does the Board do so after receiving approval from the director of the types of records to be produced or reproduced in accordance with the requirements of ARS 41-1348? Does the board also seek approval from the director before doing any destruction? Heads of agencies or political subdivisions may be guilty of class 2 misdemeanors if they fail to obtain this approval.

Yes  No

## **5.27 ARS†41-1351 Determination of Value; Disposition**

Does the district consult periodically with the Department of Library, Archives and Public Records regarding whether the records of the district are of legal, administrative, historical or other value?

Are those records that are determined to be of no legal, administrative, historical or other value disposed of by such method as the Department of Library, Archives and Public Records may specify?

Does the district file and preserve, in the office from which the records were drawn, a list of all records disposed of, together with a statement signed by the Director of the Department of Library, Archives and Public Records certifying compliance with this article?

Yes  No

## **5.28 ARS†41-1463 Discrimination Because of Race, Color, Religion, Sex, Age,**

## **5.29 Handicap or National Origin; Unlawful Practices of Employers; Employment Agencies and Labor Organizations; Exceptions**

Has the district established and enforced procedures to ensure that the following unlawful employment practices will not exist:

To fail or refuse to hire or to discharge any individual or otherwise to discriminate against any individual with respect to compensation, terms, conditions or privileges of employment because of such individual's race, color, religion, sex, age, handicap or national origin?

To limit, segregate or classify employees or applicants for employment in any way which would deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect the individual's status as an employee, because of such individual's race, color, religion, sex, age or national origin?

To fail to or refuse to reasonably accommodate an individual's handicap?

To discriminate against any individual because of such individual's race, color, religion, sex, age, handicap or national origin in admission to or employment in any program established to provide apprenticeship or other training?

Does the Governing Board provide relevant information to a government official investigating compliance with this article?

Yes  No

### **5.30 ARS†41-1464 Other Unlawful Employment Practices; Opposition to Unlawful Practices; Filing of Charges; Participation in Proceedings; Notices and Advertisements for Employment**

Has the district established and enforced procedures to ensure that the following unlawful employment practices will not exist:

To discriminate against any individual who has opposed any practice which is an unlawful employment practice under this article or has made a charge, testified, assisted or participated in any manner in an investigation, proceeding or hearing under the enforcement procedures for discrimination in employment?

To print or publish or cause to be printed or published any notice or advertisement relating to employment indicating any preference, limitation, specification or discrimination based on age, except such a notice or advertisement may indicate a preference, limitation, specification or discrimination based on age, when age is a bona fide occupational qualification for employment?

Yes  No

### **5.31 ARS†41-1482 Recordkeeping; Preservation of Records; Reports to Division; Furnishing Information to Other Governmental Agencies; Information Confidential; Classification**

Does the district, unless an exemption is on file, make and keep such records relevant to the determination of whether unlawful employment practices have been or are being committed, preserve such records for such periods and make such reports there from as the Civil Rights Division shall prescribe by regulation or order? (Compliance with reporting and recordkeeping regulations issued by the United States Equal Employment Opportunity Commission shall be in compliance with this subsection.)

Yes  No

### **5.32 ARS†41-1483 Notices to be Posted; Violation; Classification**

Does the district post and keep posted in conspicuous places upon its premises, where notices to employees, applicants for employment and members are customarily posted, a notice to be prepared or approved by the Civil Rights Division setting forth excerpts from or summaries of the pertinent provisions of Title 41, Chapter 9, Article 4, Discrimination in Employment; Article 6, Enforcement Procedures for Discrimination in Employment and information pertinent to the filing of a complaint?

NOTE: Copies of an approved notice may be obtained from:

- Arizona Civil Rights Division
- Department of Law
- 1275 West Washington Street
- Phoenix, AZ 85007

Yes  No

### **5.33 ARS†41-2163 Powers and Duties of State Fire Marshal**

Does the district submit all plans and specifications for new construction, remodeling, alterations and additions for public school buildings and grounds to the State Fire Marshal for review and approval prior to construction? Does the district “cooperate and coordinate” with the State Fire Marshal and other state agencies in the administration of the state fire code including establishing a fire safety inspection program.

Yes  No

### **5.34 ARS†41-2165 School Protection; Definition**

Does the district comply with the rules and regulations established by the Fire Marshal regarding programs for evacuating school buildings and for instructing all students as to proper methods of fire prevention and control and the importance thereof?

Yes  No

### **5.35 ARS Title 42**

### **5.36 ARS†42-17257 Notice of Change in District Boundaries**

On or before November 1 of the year preceding the year in which assessments or taxes are to be levied, does the Governing Board file with the Department of Revenue and the appropriate county assessor, information prescribed by the director of the department as to any change in boundaries of the district?

Yes  No

### **5.37 ARS†42-11104 Exemption for education property**

Does the district recognize that “libraries, school buildings and other buildings used for education with their furniture, equipment and land are exempt from taxation, including property and equipment pursuant to a lease or lease purchase agreement?

Yes  No

### **5.38 ARS Title 43**

### **5.39 ARS†43-401 Rates of Withholding; Election by Employee**

NOTE: Each employee shall elect which percentage of the federal income tax, 10 percent, 15 percent or 20 percent, to be withheld for application toward his state income tax liability.

Does the district at the time of the payment of wages, salary, etc., to any employee, deduct and retain from an amount equal to 10 percent, 15 percent or 20 percent of the total amount of the federal income tax deducted and withheld by the district?

The employee shall elect the rate of withholding in writing on a form prescribed by the Department of Revenue. The election shall be made within five days of employment. Each employer shall notify his employees of the election and shall have election forms available at all times. Each form shall be completed in triplicate. (One copy each for the Department of Revenue, the employer and the employee.) Any employee failing to complete an election form as prescribed shall be deemed to have elected the smallest withholding percentage. Is the district in compliance?

NOTE: Every employer, including local school districts, is required to verify the employment eligibility of the employee through the basic program defined in 23-211. State law prohibits employers from hiring unauthorized aliens.

Yes  No

#### **5.40 ARS†43-412 Return of Withholding to Be Filed With Internal Revenue Department**

Does the district with each payment (income tax deductions) to the Department of Revenue use the form prescribed by the department showing the total amount of wages and salaries paid to the employees, the amount deducted (income tax) and such other information as the department may require?

Does the district advise employees of the amount of monies withheld, in accordance with such regulations as the Department of Revenue may prescribe, using printed forms furnished by the department for such purposes or, when requested by the district, upon forms approved by the department?

Does the district make an annual return for the calendar year to the Department of Revenue on forms provided by the Department of Revenue summarizing the total compensation paid and the tax withheld for each employee during the calendar year and file such return with the department before February 16 of the year following the year for which the report is made?

Yes  No

#### **5.41 ARS†43-413 Statement of Withholding to Employees**

Does the district, within 30 days after the end of each calendar year, furnish each employee with a statement of the amount withheld during the previous tax year showing the gross earnings and the amount of tax withheld?

If termination of employment is prior to the end of the calendar year, does the district furnish such employee within 15 days after the termination of employment a summary statement showing the total earnings for the tax year and the amount of taxes withheld from compensation?

Yes  No

#### **5.42 ARS†43-1181 Credit of Donation of School Site**

Does the governing board make a determination whether or not to refuse the donation of any property for use as a school? Does the governing board notify the school facilities board with any information regarding the donation?

Yes  No

**5.42.1 ARS Title 46****5.43 ARS†46-291 Administration and Notice; Locating Deserting Parents**

To assist in locating parents who have deserted their children and other persons liable for support of dependents, the Department of Economic Security may request and shall receive information from the records of all departments of this state and its political subdivisions. Notwithstanding any other confidentiality requirement prescribed by law, does the district provide such information as is necessary for this purpose?

Yes  No



## Chapter 6

# Arizona School Law Review: Chapter 3<sup>1</sup>

### 6.1 Chapter 3: District Governing Boards

### 6.2 ARS†15-341F General Powers and Duties (District Governing Boards)

In answering the following questions, refer to this academic year and the most recent full academic year. School District Governing Boards have specific powers and duties assigned to them by the state legislature. The duties are enumerated in 42 specific duties as part of ARS 15-341, General Powers and Duties. Administrators are responsible for carrying out many of these specific duties.

Does the Governing Board of the school district:

1. Prescribe and enforce rules for the governance of the schools, not inconsistent with law or rules prescribed by the State Board of Education?

Yes  No

2. Maintain the schools for the attendance of each pupil for a period of not less than 175 school days, or its equivalent as approved by the State Board of Education to operate on a year-round basis, to offer an educational program on the basis of a four-day school week, or to offer an alternative kindergarten program on the basis of a three-day school week? NOTE: This section is modified by ARS 15-341.01 to 180 days

Yes  No

3. Ensure the exclusion from school of all books, publications, papers or audiovisual materials of a sectarian, partisan or denominational character?

Yes  No

4. Manage and control the school property within the district?

Yes  No

5. Acquire school furniture, apparatus, equipment, library books and supplies for the use of the schools?

Yes  No

6. Prescribe the curricula and criteria for promotion and graduation of pupils as provided in ARS15-701?

NOTE: See also State Board Rules R7-2-301 and 302 in Chapter 7 for State Board Requirements.

Yes  No

7-11 (Fiscal Requirements)

12. Hold pupils to strict account for disorderly conduct on school property and discipline students for such conduct on the way to and from school?

Yes  No

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<sup>1</sup>This content is available online at <<http://cnx.org/content/m41203/1.1/>>.

13. Deposit all monies received by the district as gifts, grants, devises with the County Treasurer for deposit as designated in the Uniform System of Financial Records?

If not inconsistent with the terms of the gifts, grants, devises given, is any balance remaining after expenditures have been made for the intended purposes of the monies used for reduction of school district taxes for the budget year?

Yes  No

14. Provide that, if a parent or legal guardian chooses not to accept the decision of a teacher to promote or retain a pupil in grade in a common school or to pass, fail or withdraw a pupil in or from a course in high school, the parent or legal guardian may request in writing that the Governing Board review the teacher's decision?

Yes  No

15. Provide for adequate supervision over pupils in instructional activities by certificated personnel and in non-instructional activities by certificated or non-certificated personnel?

Yes  No

16. Use school money received from the state and county school apportionment exclusively for payment of salaries of teaches and other employees and contingent expenses of the district?

Yes  No

17. Make an annual report to the County School Superintendent on or before October 1st each year in the manner and form and on the blanks prescribed by the County School Superintendent or Superintendent of Public Instruction?

Yes  No

18. Make reports directly to the County School Superintendent or the Superintendent of Public Instruction whenever required?

Yes  No

19. Except as provided in student activity monies and in question #21, or monies received from auxiliary operations, deposit all monies with the County Treasurer to the credit of the district?

Yes  No

20. Establish a bank account in which the Board may deposit miscellaneous monies received directly by the district, and at least monthly, remit the monies in the bank account to the County Treasurer?

Yes  No

21. Prescribe and enforce policies and procedures for disciplinary action against a teacher who engages in conduct which is a violation of the rules, regulations, or policies of the Governing Board but which is not cause for dismissal of the teacher, and do such rules contain the provisions listed below?

- a. Disciplinary action shall not include suspension with pay or suspension without pay for a period of time longer than ten school days.
- b. Procedures shall include notice, hearing and appeal provisions for violations
- c. Governing Board may designate a hearing officer to act on behalf of the board on these manners.

22. Does the administrator ensure any disciplinary action prescribed under this section shall not exceed 10 days and that notice, hearing and appeal procedures specified in the rules are followed?

Yes  No

23. Prescribe and enforce rules for disciplinary action against an administrator who engages in conduct which is a violation of the rules, regulations or policies of the Governing Board regarding duties of administrators but which is not cause for dismissal of the administrator or for revocation of the certificate of the administrator, and do such rules contain the provisions listed below?

a. Disciplinary action shall not include suspension with pay or suspension without pay for a period of time longer than ten school days.

b. The rules shall include notice, hearing and appeal procedures for violations which are cause for disciplinary action. The Governing Board may designate person or persons to act on behalf of the Board on these matters.



c. For violations which are cause for dismissal, the provisions of notice, hearing and appeal in Chapter 5, Article 3, of Title 15 shall apply. The filing of a timely request for a hearing suspends the imposition of a suspension without pay or a dismissal pending completion of the hearing.

Yes  No

24. Prescribe and enforce rules that prohibit a person from carrying or possessing a weapon on school grounds unless the person is a peace officer or has obtained specific authorization from the school administrator. Does the administrator ensure that all rules are enforced on any person who shall carry a weapon on school grounds unless specifically authorized by the provisions of this statute?

Yes  No

25. Prescribe rules relating to the health and safety of all pupils participating in district-sponsored practice sessions, games, or other interscholastic athletic activities, including the provision of water. Does the administrator ensure that water is available at all practices, games or other interscholastic athletic activities and that all other rules are followed?

Yes  No

26. Prescribe policies and procedures regarding the smoking of tobacco within school buildings?

a. Were the policies and procedures adopted in consultation with school district personnel and members of the community?

b. Do the policies state whether smoking is prohibited in the school buildings?

c. If smoking is not prohibited, do the policies and procedures clearly state the conditions and circumstances under which smoking is permitted, those areas in a school building which may be designated as smoking areas and those areas which may not be designated as smoking areas?

Does the administrator ensure that all policies and procedures regarding the smoking of tobacco within school buildings are followed?

Yes  No

27. Establish an assessment, data gathering and reporting system as prescribed in Title 15, Chapter 7, Article 3.

Yes  No

28. Provide special education programs and related services pursuant to 15-764 to all children with disabilities

Yes  No

29. Administer competency tests prescribed by the state board of education for the graduation of pupils from high school. Does the administrator ensure that competency tests are given as prescribed in State Board Rules?

Yes  No

30. Does the District secure insurance coverage for all construction projects for purposes of general liability, property damage and workers compensation and secure performance and payment bonds for all construction projects?

Yes  No

31. Keep on file the resumes of all current and former employees who provide instruction to pupils at a school. School districts shall inform parents and guardians of the availability of the resume information. Resumes shall include an individual's educational and teaching background and experience but shall not require personally identifiable information such as social security number, address or telephone number. Does the administrator ensure that resumes of all current and former employees are kept on file and accessible to parents?

Yes  No

32. Report to local law enforcement any suspected crimes against persons or property and any incidents that could potentially threaten the safety or security of pupils, teachers or administrators or that involve a deadly weapon or dangerous instrument or serious physical injury and any conduct that poses a threat of death or serious physical injury to employees, students or anyone on the property of the school.

Does the administrator ensure that suspected crimes against persons or property and any incidents that threaten the safety or security of pupils, teachers or administrators are reported to local law enforcement

officials?

Yes  No

33. Develop an emergency response plan for each school in the school district in conjunction with local law enforcement and medical facilities and in accordance with minimum standards. Does the administrator ensure that an emergency response

plan is developed in conjunction with local law enforcement and medical facilities and is shared with all concerned?

Yes  No

34. Does the District provide written notice to the parents or guardians of all students affected in the school district at least thirty (30) days prior to a public meeting to discuss closing a school within the school district. The notice shall include the reasons for the proposed closure and the time and place of the meeting. At that time and place, the school district governing board shall hear reasons for and against the closing of the school. NOTE: Board is exempt from this paragraph if it is determined that the school shall be closed because it poses a danger to the health or safety of the pupils or employees.

Yes  No

35. Does the District incorporate Instruction on Native American History into appropriate existing curricula?

Yes  No

36. Prescribe and enforce policies and procedures allowing pupils who have been diagnosed to with anaphylaxis to carry and self-administer emergency medications including auto-injectable epinephrine while at school and school sponsored activities. Proof that the pupil is entitled to the possession and self-administration of the medication shall include the pupil's name on the prescription label and annual written documentation from the pupil's parent or guardian. Policies adopted by the board shall include notification of the nurse or designated school staff as soon as possible. NOTE: The governing board and its employees are immune from civil liability with respect to all decisions made and actions taken that are based on good faith implementation of the requirements of this paragraph, except in cases of wanton or willful neglect.

Yes  No

37. Allow the possession and self-administration of prescription medication for breathing disorders in handheld inhaler devices by pupils who have been prescribed that medication by a health care professional. Proof that the pupil is entitled to the possession and self-administration of the medication shall include the pupil's name on the prescription label and annual written documentation from the pupil's parent or guardian. Policies adopted by the board shall include notification of the nurse or designated school staff person as soon as possible. NOTE: The governing board and its employees are immune from civil liability with respect to all decisions made and actions taken that are based on good faith implementation of the requirements of this paragraph, except in cases of wanton or willful neglect.

Yes  No

38. Does the School District prescribe and enforce policies and procedures to prohibit pupils from harassing, intimidating, and bullying other pupils, on school buses, at bus stops and at school sponsored events

Does the District Policy include:

- A procedure for pupils and parents to make confidential reports of this conduct to school officials?
- A requirement that school employees report suspected incidents of this conduct to the appropriate school official?
- A formal process to document reported incidents and to maintain the documents
- A formal process to investigate suspected incidents
- Disciplinary procedures for pupils who admit or are found to have harassed, intimidated or bullied
- Consequences for false reports of such incidents

Yes  No

39. Does the governing board prescribe and enforce policies and procedures regarding change or adopting attendance boundaries that contain the following components?

\* A procedure for holding public meetings to discuss attendance boundary changes or adoptions that will allow public comment

\* A procedure to notify the parents or guardians of the pupils affected

\* A procedure to notify the residents of the households affected by the attendance boundary changes

\* A process for placing public meeting notices and proposed maps on the school district website

\* A formal process for notifying the residents and parents of the school district's website

\* A formal process for updating attendance boundaries on the website within ninety days of an adopted boundary change and the district shall send the changed boundaries website to the department of real estate.

Yes  No

40. Does the governing board provide a copy of the fiscal management report on its website and make copies available to the public if the state board of education determines that the school district has committed an over-expenditure?

Yes  No

41. Does the governing board ensure that the contract for the superintendent is structured in a manner where at least 20% of the total annual compensation and benefits is classified as performance pay. Unless the governing board votes to implement an alternative procedure to determine the performance pay portion of the superintendent's total annual compensation, it shall be determined as specified in ARS 15-341 A 40?

Yes  No

### 6.3 ARS†15-341 F

If it so chooses, does the governing board delegate in writing to a superintendent, principal or head teacher the authority to prescribe procedures that are consistent with the governing board's policies?

Yes  No

### 6.4 ARS†15-341 G

Does the governing board ensure that it does not take any action that would result in a reduction of pupil square footage unless the governing board notifies the school facilities board of the proposed action?

Yes  No

### 6.5 ARS† 15-341.01 One Hundred Eighty Day School Year

Does the governing board ensure that school instruction shall be conducted in each public school for at least one hundred eighty days (180) in each school year?

Yes  No

### 6.6 ARS †15-342 Discretionary Powers

Does the administrator ensure that if the Board decides to do the following: that policies and procedures are written that implement these decisions?

Governing Boards may

1. Expel pupils for misconduct
2. Exclude children under 6 years of age from grades 108
3. Make such separation of groups of pupils as it deems advisable
4. Maintain special schools during vacation for the benefit of the pupils of the district
5. Permit superintendent, principal or representatives of the superintendent to travel for a school purpose. The governing board shall prescribe procedures and amounts for reimbursement of lodging and subsistence amounts that shall not exceed the maximum amounts established in 38-624.

6. Construct or provide housing facilities for teachers and other school employees which the board determines are necessary.
  7. Sell or lease to other government agencies school property required for a public purpose.
  8. Annually budget and expend funds for membership in an association of school districts within the state.
  9. Enter into leases or lease-purchase agreements for school buildings or grounds for periods of less than 5 years.
  10. Sell school sites or enter into leases for more than 5 years but less than 100 years, if authorized by a vote of the electors of the district.
  11. Review the decision of a teacher to promote or retain a pupil to a grade or to pass or fail a pupil in a course in high school. Such a decision shall be done in executive session unless the parent of the pupil disagrees. If the review is conducted in executive session the board shall notify the teacher of the date, time and place of the review and allow the teacher to be present. Any decision shall become a part of the board's permanent records.
  12. Provide transportation and loading and unloading areas for transportation for any child within or without the district, if it is in the best interest of the district.
  13. Enter into intergovernmental agreements and contracts with other school districts or governing bodies.
  14. Include in the curricula for high school vocational and technological education and vocational programs, subject to the approval of the state board of education.
  15. Suspend a teacher or administrator from his duties without pay for a period of time not to exceed 10 school days.
  16. Dedicate school property for use as a public right of way.
  17. Enter into option agreements for the purchase of school sites.
  18. Donate surplus or outdated learning materials to nonprofit community organizations.
  19. Prescribe policies for the assessment of reasonable fees for students using district- provided parking facilities. Such fees may only be applied against costs incurred in operating or securing the parking facility. Such fees policies shall include a fee waiver procedure.
  20. Establish alternative educational facilities consistent with the laws of the state.
  21. Require a period of silence to be observed at the commencement of the first class of the day. Such period shall not exceed one minute and will be observed for meditation and no activities shall take place.
  22. Require students to wear a uniform
  23. Exchange property where necessary without requesting authorization by a vote of the school district electors, if the health safety or welfare of pupils is concerned.
  24. Assess reasonable fees for optional extracurricular activities and programs except that no fees may be charged for access to or use of computers. All fees assessed shall be done at an open meeting, where parents have been notified and shall not exceed the actual costs of the programs, services, or materials. Extracurricular activity means optional, noncredit, educational or recreational activity which supplements the education program of the school.
  25. Construct school buildings and purchase school sites, without a vote from electors if the buildings are totally funded from either unrestricted capital outlay fund, monies distributed from the school facilities board or monies donated.
  26. Conduct background investigations that include fingerprint checks for certificated personnel and personnel who are not paid employees of the school district. School districts may charge the cost of the fingerprint checks to the employee.
  27. Sell advertising space on the exterior of school buses subject to the limitations of ARS 15-342.
  28. Assess reasonable damage deposits to pupils in grades 7-12 for use of textbooks, musical instruments, band uniforms or other equipment required for the course.
- 29-30. Notwithstanding other limitations, expend surplus monies in the civic center school fund and community school program for maintenance and operations or capital outlay.
31. Adopt guidelines for standardization of the format of the school report cards required by ARS†

15-746.

32. Adopt policies that require parental notification when a law enforcement officer interviews a pupil on school grounds, such rules shall not impede a peace officer from the performance of the officers duties. Such policy should include whether and under what circumstances a parent may be present and reasonable exceptions to the parental notification policy.

33. Enter into voluntary partnerships with any party to finance with funds other than school district funds and cooperatively design school facilities.

Yes  No

## 6.7 ARS †15-343 Employment of Professional Help

Does the Governing Board employ professional personnel deemed necessary for making surveys and recommendations relating to the curricula, physical plant and other requirements? Governing boards may also employ attorneys and legal counsel, if they so choose.

Yes  No

## 6.8 ARS†15-344 Administration of Patent or Proprietary Medication by Employees

The Governing Board must establish policies and procedures governing the administration of patent or proprietary medication as defined in ARS 32-1901, paragraph 39.

Does the policy provide for the administration of a single dose or treatment package of medication to a minor student only on the written or oral authorization of a parent or legal guardian?

Yes  No

## 6.9 ARS†15-344. 01 Diabetes management (2008)

If the governing board chooses, does it adopt policies and procedures for pupils who have been diagnosed with diabetes by a health professional to allow pupils to manage their diabetes in the classroom, on school grounds, and at school sponsored activities? If the governing board adopts such policies then they must contain provisions that the parent or guardian shall annually submit a diabetes medical management plan to the school authorizing the pupil to carry appropriate medication and monitoring equipment, including provisions for disposal of equipment and medication, and designation of two or more school employees to serve as voluntary diabetes care assistants.

NOTE: School districts and personnel are not subject to any penalty for refusing to serve as voluntary diabetes care assistants and are immune from civil liability for the consequences of good faith adoption and implementation of these policies.

Yes  No

## 6.10 ARS†15-345 Chemical Abuse Prevention Policies; Procedures; Definition

The Governing Board may adopt chemical abuse prevention policies and procedures in consultation with pupils, parents, school district personnel and members of the community including local law enforcement agencies?

Yes  No

### 6.11 ARS†15-346 Policies and Procedures Concerning Pupils with Chronic Health Problems; Definition

Has the Governing Board adopted policies and procedures concerning pupils with chronic health problems in consultation with parents, teachers and at least one health professional?

Do the policies and procedures include provisions for:

1. Homework availability to ensure that such pupils have the opportunity to keep up with assignments and avoid losing credit because of their absence from school?
2. Flexibility in physical education activity requirements so that such pupils may participate in the regular education program to the extent their health permits?

NOTE: For purposes of this statute, "pupils with chronic health problems" means pupils who are unable to attend regular classes for intermittent periods of one or more consecutive days because of illness, disease or accident but who are not homebound. The chronic health problem shall be certified by a person licensed under Title 32, Chapter 7, 13 or 17.

Yes  No

### 6.12 ARS†15-347 Extracurricular Activities; Cultural Traditions

Has the governing board adopted rules that consider the cultural traditions of pupils related to the pupils' participation in extracurricular activities? The governing board may adopt alternative rules, if the rules prohibit a student from participating because of cultural traditions, which would allow the student to participate but still take into consideration the health or safety of the pupil participating.

Yes  No

### 6.13 ARS1†5-348 Interscholastic Athletics Noncontact Sports

The governing board may permit common school students to participate in practice sessions of noncontact sports with secondary school students.

Yes  No

### 6.14 ARS†15-350 Investigation of Immoral or Unprofessional Conduct

The governing board, upon request of the state board of education, shall make available the attendance and testimony of witnesses, documents and physical evidence within the school district control for examination or copying, when certificated persons have engaged in conduct constituting grounds for disciplinary action. All such information and records or reports are confidential and not a public record. Does the governing board have provisions for implementing the request of the state board of education?

Yes  No

### 6.15 ARS†15-351 School Councils

Each school shall establish a school council. The purpose of this section is to ensure that individuals who are affected by the outcome of a decision at the school site share in the decision making process. Governing boards may delegate to a school council the responsibility to develop curriculum and any additional powers. The principal shall serve a chairman of the school council, unless another person is elected by a majority of the members. School districts with less than 600 pupils or with only 1 school may decide not to participate.

Has the governing board developed a school site council pursuant to this section and has the school council adopted written guidelines?

Yes  No

## 6.16 ARS†15-353 Responsibilities of Principals

Principals of all schools preschool-12<sup>th</sup> grade are responsible for providing leadership for the school; Implementing the goals and the strategic plan of the school; Serving as the administrator of the school and distributing a parental satisfaction survey to the parent of every child enrolled at the school at least once a year.

Does the superintendent ensure that principals are held responsible for these actions?

Yes  No

## 6.17 ARS†15-354 Principals; Supplies and Materials Purchases

Governing boards may authorize school principals to sign negotiable instruments on behalf of the district for the purchase of supplies and materials necessary to conduct the operations of the school.

School districts that purchase supplies and materials pursuant to this section shall maintain a separate account of its M & O budget for each authorized school in the district. The amount of money available for supplies and materials shall not exceed \$5,000.

Does the governing board ensure that all purchases made pursuant to this section comply with the USFR?

Yes  No

## 6.18 ARS†15-361 Establishment of evening and night schools

Governing boards may establish an evening or night school for admission of children between the ages of 14 and 21 years. Schools shall be open to persons over 21 years only upon payment of tuition. If the governing board determines to open such schools does it comply with ARS 15-361?

Yes  No

## 6.19 ARS†15-362 Libraries

Governing boards may establish and maintain libraries under their control. The governing board shall enforce the rules prescribed for government of school libraries and exclude from school libraries all books, publications and papers of a sectarian, partisan or denominational character.

Yes  No

## 6.20 ARS†15-363 School Recreation Centers

Governing boards may operate school buildings and grounds for the purpose of providing a public play and recreation center. A school recreation center may be open at times the board deems advisable, including evening hours and vacation days. If the governing board determines to operate such centers, does it comply with ARS 15-363?

Yes  No

NOTE: ARS 15-381-388 include information concerning insurance coverage available to school districts. ARS 15-391-396 include information concerning joint technological districts.





## Chapter 7

# Arizona School Law Review: Chapter 4<sup>1</sup>

### 7.1 CHAPTER 4: ELECTIONS (15-403 through 15-460)

#### 7.2 ARS†15-0403 Special Election; Notice; Qualifications of Voters; Closing of Registrations; Election Precincts; Polling Places

Does the Governing Board establish school district election precincts that have the same boundaries as the county election precincts and designate one polling place within each precinct except that the Governing Board of a union high school district may divide a county election precinct along the boundaries of common school districts within the boundaries of the union high school district and establish polling places within each common school district?

If the Governing Board consolidates school district election precincts for each special election and designates one polling place for the consolidated precincts, is a school district precinct register prepared for the consolidated precinct?

Is the cost of all special elections, including the preparation of ballots, charged against the funds of the school district or districts involved?

Yes  No

#### 7.3 ARS†15-0406 Cost of Elections

Is the cost of all special elections, including the preparation of ballots, charged against the funds of the school district or districts involved?

Yes  No

#### 7.4 ARS†15-0407 School District Ballot Option

Does the Governing Board choose to use either electromechanical or electronic vote recording and ballot counting equipment, or paper ballots for any special election?

Yes  No

#### 7.5 ARS†15-0421 Governing Board Members; Qualifications

Does the Governing Board consist of three members except as provided in this section and ARS 15-425?

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<sup>1</sup>This content is available online at <<http://cnx.org/content/m41204/1.1/>>.

NOTE: No employee or the spouse of such employee may hold membership on the Governing Board? A member of one governing board is ineligible to be a candidate for nomination or election to or serve simultaneously as a member of any other governing board (unless in the last year of a term of office)

Yes  No

## **7.6 ARS†15-0425 Election to Determine Whether Membership of Board Shall Increase to Five**

### **7.7 Members; Form of Ballot; Reconsideration Procedure in Event of Negative Vote**

If the district is other than a union high school district or a joint common school district, does your Governing Board consist of three members, unless a special election was held to increase the number to five members?

Does the Governing Board, following the first general election after a successful election to increase the size of a school district Governing Board, determine the terms of the candidates pursuant to ARS 15-424?

Yes  No

## **7.8 ARS†15-0427 Governing Board of a Union High School District; Qualifications; Terms**

If the district is a union high school district, are the members of the Governing Board qualified school electors of the district, and are members of component common school district boards considered ineligible to become a member of the union high school Board?

Yes  No

## **7.9 ARS†15-0431 Alternative Election Procedure of Governing Board Members**

If the Governing Board has voted to implement an alternative election system for the election of Governing Board members, has it only done so if for the prior school year the district had an average daily enrollment of at least one thousand and the total minority enrollment in the district was at least twenty-five percent of the total enrollment?

If the Governing Board has voted to implement an alternative election system for the election of Governing Board members, has the Board voted to divide the school district into as many single member districts as there are Governing Board members or to implement only an election method that is consistent with Section 2 of the Voting Rights Act of 1965 (42 United States Code Section 1973).

NOTE: A school district that has implemented an alternative election system for the election of Governing Board members may continue to elect Governing Board members using the alternative election system even if the average daily membership or the percentage of minority pupils enrolled in the district falls below the levels prescribed.

If the Governing Board of a school district has implemented a single member district election system, has the system been implemented as follows?

1. The Governing Board has defined the boundaries of the single member district so that the single member districts are as nearly equal in population as is practicable, except that if the school district lies in

part of each of two or more counties, at least one single member district may be entirely within each of the counties comprising the school district if this district design is consistent with the obligation to equalize the population among single member districts.

2. The boundaries of the single member district have followed election precinct boundary lines, as far as practicable, in order to avoid further segmentation of precincts.

3. A number has been assigned to each of the new single member districts in ascending order according to the percentage of the district's minority population in each single member district.

4. As the terms of the Governing Board members who were elected at large expire, the member has been replaced by members who are elected from the single member districts in ascending order of single member district number.

If the Governing Board has voted to implement any other alternative election system for the election of Governing Board members, has the implementation of the system been approved by the United States Justice Department?

Yes  No

## **7.10 ARS†15-0447 Offer of Instruction in High School Subjects by Common School Districts; Limitations**

NOTE: The State Board of Education may grant permission to the Governing Board of a common school district to offer instruction in high school subjects, grades nine through twelve, except that the State Board shall not grant permission if the qualified electors of a common school district have voted against the formation of a high school district within the last five years. However, if permission has been granted:

1. Does the Governing Board cease to offer instruction in high school subjects at the end of the current year following a vote against the formation of a high school district?

2. Is the enrollment of pupils in grades nine through twelve deemed to be enrollment in high school, and for the purposes of computing the base support level, is the support level weight for high school districts used?

3. Does the Governing Board provide a certificate of high school graduation to pupils who successfully complete a prescribed course of study in grades nine through twelve?

Yes  No

## **7.11 ARS†15-0448 Formation of Unified School District; Board Membership; Budget**

Is formation of a unified school district from one or more common school districts and a high school district with coterminous or overlapping boundaries done by resolutions approved by the governing boards of the unifying school districts and certification of approval by such governing boards to the county school superintendent?

Upon formation of the unified school district does the governing board consist of the members of the former school district governing boards and do they hold office until January 1 following the first general election after formation of the district.

Does the governing board of the new unified school district prepare a budget , policies and curricula for the new district and does the new district ensure that the base compensation of each teacher for the first year of operation not be lower than the previous year of the previous district?

Yes  No

## 7.12 ARS†15-0460 Change of School District Boundaries

Does the Governing Board, in conjunction with the Governing Board of the adjacent district, authorize minor boundary adjustments to both districts only if all of the following are true?

1. The two adjacent common, union or unified school districts have not previously made a minor boundary adjustment pursuant to this subsection.

2. A majority of the electors within the geographic boundaries of a portion of a school district, as specified in the petition, present a petition to the Governing Boards of both the district in which the petitioners currently reside and the district to which the petitioners desire to be annexed. The petition shall set forth the boundaries of the portion of the district to be annexed.

3. A majority of the members of the Governing Boards of each district approve the minor boundary adjustment.

4. The boundary adjustment would result in the transfer of no more than one and one-half percent of the student count of the district from which the pupils will transfer.

5. The boundary adjustment would not result in the transfer of any school buildings or equipment or furnishings from one school district to the other.

6. No member of the Governing Board of the school district to be diminished is a resident of the territory that is being transferred to the adjacent school district.

7. The Governing Boards of the school districts have agreed on a means to satisfy any liabilities.

If a majority of the members of the Governing Boards of both districts approved the petitions, are the petitions transmitted with the endorsements of the Governing Boards to the County School Superintendent?

## 7.13 ARS†15-481-482: Budget Override Elections: See USFR

## 7.14 ARS†15-491-494 Special elections on Bond Issues: See U.S.F.R.

## Chapter 8

# Arizona School Law Review: Chapter 5<sup>1</sup>

### 8.1 CHAPTER 5:EMPLOYEES (15-502 through 15-551)

Questions in this chapter are directed toward ascertaining district compliance with state law including the following areas: Employment of Administrative Personnel; Duties of Teachers; Certification, Employment and Evaluation of Teachers; Reporting of Child Abuse; Wages; and Discrimination.

### 8.2 ARS†15-0502 Employment of School District Personnel; Actions Affecting Employees; Limitation; Exception

Does the governing board employ and fix the salaries and benefits of employees necessary for the succeeding year. The contracts of all certificated employees shall be in writing and all employees shall be employed subject to ARS 38-481. Is the governing board aware that they may obtain the services of any employee, including teachers, and administrators by contracting with a private entity.

Does the Governing Board ensure that a teacher shall not be employed if the teacher has not received a certificate for teaching, granted by the proper authorities? Does the Governing Board also require that any contract issued to a teacher who has completed certificate requirements but has only received a conditional certificate, providing that the teacher files the conditional certificate with the county school superintendent and the certificate is issued within three months of the date of commencing employment? Any contract that is issued to a teacher who has completed certificate requirements but has not received a certificate shall be contingent upon receipt of such a certificate.

Does the Governing Board ensure that no dependent, as defined in ARS 43-1001 of a Governing Board member be employed in the school district except by consent of the Board? (Also see 15-421 in Chapter 4.)

If the Governing Board chooses, they may employ certificated teachers as part-time classroom teachers. If employed for at least 40% of the school day or for 40% of the class load of full-time teachers then such teachers do not lose the entitlement to procedures prescribed in 15-538.01.

Is the governing board aware that they may employ a business manager who has expertise in finance as defined in section ARS 15-502 E.

If an employee is discharged from the service of a school district, does the district pay the wages due to the employee within 10 calendar days from the date of the discharge?

Does the Governing board ensure that it has policies and procedures to provide teachers with personal liability insurance?

Does the Governing Board ensure that, notwithstanding any other law, a school district shall not adopt policies that provide employment retention priority for teachers based on tenure or seniority.

Yes  No

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<sup>1</sup>This content is available online at <<http://cnx.org/content/m41205/1.1/>>.

### 8.3 ARS†15-0503 Superintendents, Principals and Head Teachers; Term of Employment

If a district employs a superintendent or a principal, or both, does the district offer a term of employment not to exceed three years and determine the qualifications for the superintendent by action taken at a public meeting. The term of employment may be for any period not exceeding three years, except that if the superintendent's or principals contract is for multiple years the school district shall not offer to extend or renegotiate the contract until May of the year preceding the final year of the contract.

Does the governing board require a superintendent to have a valid fingerprint clearance card?

In a district employing less than five teachers, does the Board refrain from employing a person to fill a superintendent's position?

Has the Governing Board established a system for the evaluation of the performance of principals, certified school psychologists and other school administrators in the district?

Did the Governing Board avail itself of the advice of its administrators and certified school psychologist in the development of the district's administrator performance evaluation system? Each evaluation shall include recommendations as to the areas of improvement in the performance and the evaluation process for certificated school psychologists shall include appeals procedures, if the evaluation is for use for establishing compensation or dismissal.

Does the Governing Board adhere to the time requirements for the issuance or denial of administrative contracts as specified below?

1. On or before April 15, administrators are notified in person or by certified mail of renewal or non-renewal of employment and contract.

2. On or before May 15, administrators in the last year of an employment contract are offered a contract for the next school year.

3. Notice of the board's intention not to reemploy the administrator or psychologist shall be made by delivering the notice personally to the administrator or by certified mail.

Yes  No

### 8.4 ARS†15-0504 Contract Days for professional association activities: prohibition

Does the Governing Board ensure that school district employment contracts shall not include compensated days for professional association activities. Such activities do not include field trips for students. This section does not prohibit employees of the district from taking compensated leave time for any purpose.

Yes  No

### 8.5 ARS†15-0505 Examination of Persons Displaying Symptoms of Pulmonary Disease

Does the Governing Board refrain from requiring employees to submit to annual or other regular periodic examinations for tuberculosis except in instances where an employee of the district displays symptoms of pulmonary disease, and does the Governing Board require the employee to submit to such tests or examinations as a licensed physician deems appropriate?

Yes  No

## 8.6 ARS†15-0506 Flag Display; Constitution and Bill of Rights Display, Recitation of the Pledge of Allegiance

Does the administrator purchase a United States flag manufactured in the USA, and at least 2ft X 3 ft. and, for administrators of grades 7-12, a legible copy of the constitution of the United States and the bill of rights, and display the flag upon or near the school building during school hours and set aside a specific time each day for those students who wish to recited the pledge of allegiance to the United States Flag?

Yes  No

## 8.7 ARS†15-0507 Abuse of Teacher or School Employee in School; Classification

Does the district clarify to all employees that any person who knowingly abuses a teacher or other school employee on duty, is guilty of a class 3 misdemeanor?

Yes  No

## 8.8 ARS†15-0508 Dismissal for Failure to Comply With Certain Laws

Willful neglect or failure on the part of a public school superintendent, principal, teacher or other public school official to observe and carry out the requirements of ARS 15-710 (Instruction in State and Federal Constitutions, American Institutions, and history of Arizona) and ARS 15-532 (Course and Examination on State and United States Constitutions) is sufficient cause for dismissal. Does the district ensure compliance with those requirements?

Yes  No

## 8.9 ARS†15-0510 Authorization of Leaves of Absence

Does the district authorize leaves of absence for school district personnel when it deems such leaves to be reasonable, for good cause and not detrimental to the education with the school district?

Yes  No

## 8.10 ARS†15-0511 Use of School District Resources to Influence Elections

Does the district refrain from the use of its personnel, equipment, materials, buildings or other resources for the purpose of influencing the outcome of elections? Employees of a school district who is working in an official capacity for the school district may not give pupils written materials designed to influence the outcome of an election or to advocate support for or opposition to proposed legislation.

Yes  No

## 8.11 ARS†15-0512 Non-certificated Personnel; Fingerprinting Personnel; Affidavit

1. Does the district fingerprint all non-certificated personnel and personnel who are not paid employees of the school district and who are not either the parent or the guardian of a pupil who attends school in the district but who are required or allowed to provide services directly to pupils without the supervision of a certificated employee and who are initially hired after January 1, 1990 as a condition of employment, except

for personnel who are required as a condition of licensing to be fingerprinted if the license is required for employment? (Personnel who were previously employed by another school district and who were required as a condition of employment to be fingerprinted or personnel who were previously employed by a school district and who reestablished employment within one year after the date that the employee terminated employment with the district need not be fingerprinted, and this section does not apply to pupils who attend school and who are also employed by a school district)

2. Does the district assume the cost of fingerprint checks and may charge these costs to the employee, except that the school district may not charge the costs of the fingerprint check to personnel of the school district who are not paid employees?

3. Are the fees charged for fingerprinting deposited with the county treasurer and credited to the fingerprint fund of the school district?

4. Does the district conduct fingerprint checks in accordance with Title 41-1750?

5. Does the district require personnel who are required to be fingerprinted to certify on forms provided by the district that they are not awaiting trial on, nor have ever been convicted of, nor have admitted committing any of the criminal offenses listed in ARS 15-512.D.?

6. Does the school district refrain from hiring and consider terminating personnel who have been convicted of any of the criminal offenses prescribed in 15-512.D or of a similar offense in another jurisdiction?

7. Does a school district which is considering terminating an employee under these provisions hold a hearing to determine whether a person already employed shall be terminated? In conducting a review, does the governing board utilize the guidelines, including the list of offenses that are not subject to review, as prescribed by the State Board of Education?

8. Prior to employment, does the district make documented good faith efforts to contact previous employers of a person to obtain information and recommendations which may be relevant to a person's fitness for employment? Governing boards shall adopt procedures for the conduct of background investigations including standard forms.

9. School districts that rely on information obtained from public entities that contract to perform background investigations are immune from civil liability for use of the information.

Does the district have a procedure/policy to terminate an employee if the information on the form specified in item #5 above is inconsistent with the information received from the fingerprint check?

Superintendents or chief administrators who are responsible for implementing the governing board's policy regarding background investigations and who fail to carry out that responsibility are guilty of unprofessional conduct.

School districts may hire non-certificated personnel before receiving the results of the fingerprint check but also may terminate such employees if the information on the form is inconsistent with the information received from the fingerprint check.

NOTE: A school district may fingerprint any other employee of the district, whether paid or not, or any other applicant for employment not otherwise required to be fingerprinted on the condition that the district may not charge the costs of the fingerprint check to the individual.

NOTE: Fingerprinting requirements do not apply to pupils who attend school in a district and who are also employed by a school district.

Yes  No

## 8.12 ARS†15-0513 Transportation Employees; Chemical Abuse Education; Drug Tests; Costs; Termination From Employment; Appeal; Definition

Does the school district require transportation employees to submit to drug and alcohol testing if the supervisor of the employee or the supervisor's designee has probable cause that the employee's job performance



has been impaired by the use of alcohol or a drug?

Does the district base probable cause upon observance of the employee by district personnel or personnel of a contracting person or entity which furnishes transportation services to the school district and is the observance documented by an affidavit signed by the person who has observed the behavior and by the supervisor of the employee or the supervisor's designee?

Does the school district require transportation employees to submit to drug and alcohol testing after an accident involving a vehicle used to transport pupils or an accident involving equipment used in the performance of the employee's duties if the supervisor of the employee or the supervisor's designee has probable cause that the employee's involvement in the accident was influenced by the use of alcohol or a drug in violation of Title 13, Chapter 34?

Does the district document probable cause with an affidavit signed by the supervisor of the employee or the supervisor's designee?

Has the school district developed procedures for drug and alcohol testing of transportation employees as provided in ARS 15-513?

Does the school district assume the costs of the drug and alcohol testing of a transportation employee unless the results of the test are positive?

If the results of the drug and/or alcohol test are positive, and the district elects to charge the costs of the test to the employee, does the district limit the charges to the actual costs incurred as a result of testing?

Has the school district developed a procedure for an employee to appeal the test findings before termination of the employee?

Does the school district preserve the rights to appeal and review an employee who is terminated or otherwise disciplined pursuant to 15-513?

Yes  No

### **8.13 ARS†15-0514 Reports of Immoral or Unprofessional Conduct**

Does any certificated person or governing board member, who has reasonable grounds to believe that a person certificated by the state board of education has engaged in conduct involving minors that would be subject to the reporting requirements of 13-3620 report to department of education within 72 hours?

Does any superintendent or chief administrator who has reasonable grounds to believe that an act of immoral conduct that would constitute grounds for dismissal of a certificated person report the conduct to the department of education? Such acts are not subject to an action for civil damages.

Does the Governing board, school personnel officer or superintendent refrain from taking reprisal against an employee because the employee reports, in "good faith", under this section?

Do all employees understand that failure to report information, as required by this section constitutes grounds for disciplinary action by the state board of education?

Yes  No

### **8.14 ARS†15-0515 Duty to Report Violations Occurring on School Premises**

Do each school personnel who observe a violation of 13-3102, report the violation to the school administrator? The administrator shall immediately report the violation to a peace officer. The peace officer shall report the violation to the D.P.S.

Yes  No

### 8.15 ARS †15-516 Teacher Immunity

NOTE: Teachers are immune from personal liability for all acts done and actions taken in good faith in evaluating or grading any student.

### 8.16 ARS †15-0521 Duties of Teachers; Failure to Comply is Unprofessional Conduct; Penalty

Does the district ensure that teachers are aware of and comply with the duties outlined in this statute?

1. Hold pupils to strict account for disorderly conduct.
2. Keep a school register, which shall be carefully preserved by the Governing Board as one of the records of the school.
3. Make the decision to promote or retain a pupil in grade in common school or to pass or fail a pupil in a course in high school.
4. Comply with all rules, regulations, and policies of the Governing Board that relate to the duties prescribed.

NOTE: A teacher who fails to comply with this section is guilty of unprofessional conduct and his/her certificate shall be revoked. See the State Board of Education Rule R7-2-205 for prescribed procedure for initiating disciplinary action.

Yes  No

### 8.17 ARS †15-0534 Fingerprinting, Conditional Certification

Does the Governing Board, seeking to hire an applicant with conditional certification, verify the necessity for hiring and placement of the applicant before a fingerprint check is complete? Do they also ensure the D.P.S. completes a statewide criminal history record information check, obtains references from the current employer and 2 most recent employers, complete a search of criminal records in all local jurisdictions outside of this state in which the applicant has lived in the previous 5 years, and provide general supervision of the applicant? Does the governing board before employment, verify the certification and fingerprint status of applicants who apply for school positions that require certification? Does each person who participates in a teacher preparation program approved by the state board, or any person contracted by a school district to provide tutoring services?

Yes  No

### 8.18 ARS †15-0535 Sectarian instruction prohibited

Does each teacher understand that the use of sectarian or denominational books, or teaching any sectarian doctrine or conducting religious exercises in school is evidence of unprofessional conduct for which the penalty is revocation of a teaching certificate?

Yes  No

### 8.19 ARS †15-0536 Offer of Contract to Certificated Teacher Who Has Not Been Employed More Than Three Consecutive School Years; Acceptance; Notice to Teacher of Intention Not to Reemploy

Does the Governing Board offer a contract for the next school year to each certificated teacher who has not been employed by the school district for more than the major portion of three consecutive school years unless

the Board or a member acting on behalf of the Board or the superintendent of the district gives notice to the teacher of its intention not to offer a contract unless the teacher has been dismissed pursuant to ARS 15-538, ARS 15-539, ARS 15-541 or ARS 15-544?

Does the Board consider any offer of contract to be revoked if the teacher has not returned the signed contract or a written acceptance to the Board within 15 days from the date of the written contract?

NOTE: If the written instrument includes terms in addition to those offered by the Board, the teacher fails to accept the contract.

Is any notice not to reemploy the teacher delivered personally to the teacher or by sending it registered or certified mail bearing a postmark directed to the teacher's place of residence as shown in the district records and incorporating a statement of reasons for not reemploying the teacher? If the reasons not to reemploy the teacher are charges of inadequacy of classroom performance, did the Board, at least 90 days prior to such notice, give the teacher a written preliminary notice specifying the nature of the charges so as to furnish the teacher an opportunity to correct the inadequacies?

NOTE: The Governing Board may delegate to employees of the Governing Board the general authority to issue preliminary notice of inadequacy of classroom performance without the need for prior Board approval of each notice. If the Governing Board delegates this authority to an employee, the employee must report its issuance to the Board within five school days.

NOTE: The written notice of intention not to reemploy must include a copy of any evaluation pertinent to the charges.

Yes  No

## **8.20 ARS†15-0537 Performance of certificated teachers; evaluation system**

Does each governing board of a school district establish a system for the evaluation of the performance of certificated teachers in the school district? The governing board shall involve its teachers in the development and evaluation of this system which is designed to improve instruction and maintain instructional strengths.

Yes  No

## **8.21 ARS†15-0538 Preliminary Notice of Inadequacy of Classroom Performance**

If charges exist of inadequacy of classroom performance of a certificated teacher who has not been employed by the school district for more than the major portion of three consecutive school years, does the Board give written preliminary notice at least 90 days prior to serving notice of the intention to dismiss or not to reemploy?

NOTE: The Governing Board may delegate to employees of the Governing Board the general authority to issue preliminary notice of inadequacy of classroom performance without the need for prior Board approval of each notice. If the Governing Board delegates this authority to an employee, the employee must report its issuance to the Board within five school days.

Is the nature of the teacher's inadequacy specific in the preliminary notice?

Does the written notice of intention to dismiss include a copy of any evaluation pertinent to the charges? If the preliminary notice is issued as a result of intention to dismiss, is it given at least 90 days prior to service of notice of the intention to dismiss? If the preliminary notice is issued as a result of intention not to reemploy, is such notice given no later than January 15?

Yes  No

## 8.22 ARS†15-0538.01 Offer of Contract to Continuing Teacher

Does the Governing Board offer to each certificated teacher who has been employed by the school district for more than the major portion of three consecutive school years and who is under contract of employment with the school district for the current year a contract renewal for the next ensuing school year unless the Governing Board, a member of the Board, acting on behalf of the Board or the superintendent of the school district gives notice to the teacher of the Board's intent not to offer a contract and to dismiss the teacher as provided in Section ARS 15-539?

Does the Governing Board revoke the offer of a contract when the teacher fails to accept the contract within 15 days from the date of the written contract?

NOTE: The teacher accepts the contract by signing the contract and returning it to the Governing Board or by making a written instrument which accepts the terms of the contract and delivering it to the Governing Board. If the written instrument includes terms in addition to the terms of the contract offered by the Board, the continuing teacher fails to accept the contract.

Yes  No

## 8.23 ARS†15-0539 Dismissal of Certificated Teacher; Due Process; Written Charges Notice; Hearing on Request

Upon a written statement of charges presented by the Superintendent charging that there exists cause for the suspension without pay for a period of time greater than ten school days or dismissal of a certificated teacher of the district, does the Governing Board give notice to the teacher of its intention to suspend without pay or dismiss him/her at the expiration of 10 days from the date of the service of the notice?

NOTE: Whenever the superintendent presents a statement of charges wherein the alleged cause for dismissal constitutes immoral or unprofessional conduct, the governing board may adopt a resolution authorizing that a complaint be filed with the State Board of Education. Pending disciplinary action by the State Board of Education, the certificated teacher may be reassigned by the superintendent or placed on administrative leave by the Board pursuant to 15-540.

If the Governing Board gives a certificated teacher, who has been employed by the school district for more than the major portion of three consecutive school years, notice of intention to dismiss if its intention to dismiss is based on charges of inadequacy of classroom performance:

1. Does the Board or its authorized representative give the teacher a written preliminary notice?
2. Does the written preliminary notice of inadequacy of classroom performance specify the nature of the inadequacy of classroom performance with such particularity as to furnish the teacher an opportunity to correct inadequacies and overcome the grounds for the charge?
3. Does the written preliminary notice of inadequacy of classroom performance include a copy of any evaluation pertinent to the charges made and state the date by which the teacher has to correct the inadequacy and overcome the grounds for the charge?
4. Does the written preliminary notice allow the teacher not less than 60 instructional days subsequent to the opportunity for additional education within which to correct the inadequacy and overcome the grounds for the charge?
5. Does the Governing Board dismiss the teacher either within 10 days of the service of a subsequent notice of intention to dismiss or by the end of the contract year in which such notice is served unless the teacher has requested a hearing, if, within the time specified in the written preliminary notice of inadequacy of classroom performance, the teacher does not demonstrate adequate classroom performance?

NOTE: The Governing Board may delegate to employees of the Governing Board the general authority to issue preliminary notice of inadequacy of classroom performance without the need for prior

Board approval of each notice. If the Governing Board delegates this authority to an employee, the employee must report its issuance to the Board within five school days.

Does any written statement of charges alleging unprofessional conduct, conduct in violation of the rules, regulations or policies of the Governing Board or inadequacy of classroom performance specify instances of behavior and the acts or omissions constituting the charge, and if applicable, state the statutes, rules or written objectives of the Governing Board which are alleged to have been violated and set forth the facts relevant to each occasion of unprofessional conduct, conduct in violation of the rules, regulations or policies of the Governing Board or inadequacy of classroom performance?

Is the notice in writing and served upon the teacher personally or by United States registered or certified mail addressed to the teacher's last known address and is a copy of the charges together with a copy of Sections ARS 15-501, ARS 15-538.01, ARS 15-540 through ARS 15-547 and ARS 15-549 attached to the notice?

Is the teacher who receives notice that there exists cause for dismissal or suspension without pay allowed the right to a hearing upon filing a written request with the Board within 10 days of service of notice?

NOTE: The filing of a timely request shall suspend the imposition of a suspension without pay or a dismissal pending completion of the hearing.

Yes  No

## 8.24 ARS†15-0540 Suspension Prior to Dismissal of a Teacher; Written Charges; Salary

If the Board, after formulating a written statement of charges, decides to place a certificated teacher on administrative leave of absence, does the Board give proper notice and does the teacher continue to be paid regular salary during the period of administrative leave of absence?

NOTE: The notice of administrative leave of absence shall be in writing and be served upon the teacher personally or by United States registered mail addressed to the teacher at his/her last known address.

Yes  No

## 8.25 ARS†15-0541 Hearing on Dismissal

If the Governing Board receives a request to hold a hearing on the dismissal or suspension of a teacher for a period longer than 10 days:

1. Does the Board or hearing officer hold the hearing not less than 15 nor more than 30 days after the request is filed?
2. Is the notice of the time and place of the hearing given the teacher not less than three days before the date of the hearing?

NOTE: The teacher may request a public or private hearing before the Board. At the hearing the teacher may appear in person, with counsel if desired, and may present any testimony, evidence or statements, either oral or in writing.

3 . Does the Governing Board prepare an official record of the hearing, including all testimony recorded manually or by mechanical device, and exhibits?

4. If the teacher requests and upon payment of the actual cost, does the Board furnish the teacher a complete transcript of the record of the hearing?

5. Does the hearing officer deliver a written recommendation to the governing board that includes findings of fact and conclusions within 10 days after a hearing?

6. Does the Governing Board, within ten days following the hearing, determine whether there existed good and just cause for the notice of dismissal or suspension and render its decision accordingly, either affirming or withdrawing the notice of dismissal or suspension?

Yes  No

## 8.26 ARS†15-0542 Hearing Costs; Counsel; Limitations on Evidence; Reinstatement

Does the Governing Board pay for all expenses of the hearing? (The teacher and the Governing Board pay their own attorney and witness fees except that if the Governing Board does not suspend the teacher without pay or dismiss the teacher, the Governing Board shall pay all reasonable attorney and witness fees incurred by the teacher.)

Does the Governing Board forbid:

1. A witness to testify at the hearing except upon oath or affirmation?  
2. Testimony to be given or evidence to be introduced relating to adequacy of classroom performance which occurred more than four years prior to the date of service of the notice?

3. A decision relating to the dismissal or suspension without pay of any teacher to be made based on charges or evidence relating to adequacy of classroom performance occurring more than four years prior to service of the notice?

NOTE: The four-year time limit does not apply to the introduction of evidence in any area except that relating to adequacy of classroom performance.

Does the Governing Board reinstate within five days after it renders a decision not to dismiss or suspend without pay a certificated teacher who has been employed by the school district for more than the major portion of three consecutive school years and who has been placed on administrative leave?

NOTE: Pursuant to ARS 15-543 the decision of the Board is final unless the teacher files an appeal with the Superior Court within 30 days.

Yes  No

## 8.27 ARS†15-0544 Limitations Upon Reduction of Salaries or Personnel

Is the Governing Board aware that it may reduce salaries or eliminate certificated teachers in a school district in order to (1) effectuate economies in the operation of the district, or (2) improve the efficient conduct and administration of the schools of the district?

Does the governing board provide notice of a general salary reduction to each certificated teacher affected?  
 Yes  No

## 8.28 ARS†15-0545 Resignation Restrictions

If certificated teachers have signed and returned their contract to the governing board, they shall not resign unless first approved by the governing board. Actions contrary to this section shall be deemed unprofessional.

Yes  No

### **8.29 ARS†15-0547 Preservation of Years of Employment**

Are the years of employment of a certificated teacher who has been employed by a school district for more than the major portion of three consecutive school years shall be preserved if such teacher transfers from a common school district to a high school district or from a high school district to a common school district if the governing board recognizes the previously established years of employment of the transferred teacher, provided such districts have coterminous boundaries and have a common governing board recognizes previously established years of employment of the transferred teacher?

Yes  No

### **8.30 ARS†15-0549 Compulsory Leaves of Absence for Criminal Charges; Continued Salary**

If a certified teacher is charged by criminal complaint or indictment with any criminal offense which would be deemed cause for dismissal and the Board decides to place the teacher on compulsory leave, does the teacher continue to be paid regular salary during the period of compulsory leave of absence and does the period of time extend for not more than ten days after the date of the entry of the judgment in the proceedings?

Yes  No

### **8.31 ARS†15-0550 Unprofessional Conduct: Penalty**

Does the Governing Board understand that a person, who is employed by a school district or who is an applicant for employment who is arrested for or charged with any non-appealable offense listed in 41-1758.03 and who does not immediately report the arrest or charge to the supervisor or potential employer is guilty of unprofessional conduct?

Yes  No

### **8.32 ARS†15-0551 Confidentiality of Pupil's Name; Disciplinary Hearing**

Does the Governing Board keep confidential the name of a pupil involved in a hearing before either Board regarding the dismissal or discipline of a school district employee or an action on a certificate?

Does the Governing Board not disclose the pupil's name with the consent of the pupil's parent or guardian except by the order of the Superior Court?

Does the Governing Board refer to the pupil by a fictitious name during any public portions of the hearing?

Yes  No





## Chapter 9

# Arizona School Law Review: Chapter 6<sup>1</sup>

### 9.1 CHAPTER 6:STATE BOARD OF EDUCATION RULES AND REGULATIONS (ACRR-R7-2-101 through ACRR-R7-2-808)

### 9.2 ACRR-R7-2-301 Minimum course of Study and competency Goals for Students in the Common Schools

Does the common school ensure that students shall demonstrate competency, as defined by the state Board adopted Essential Skills, at the grade level specified, in the following subject areas?

Yes  No

Does the District Instructional program include ongoing assessment of student progress toward meeting the competency requirements in these areas?

Language Arts

Literature

Mathematics

Science

Social Science

Music

Visual Arts

Health/P.E

Foreign or Native American language

Additional subjects may be offered by the local district, including, but not limited to: Performing Arts, Practical Arts.

Yes  No

Does the district program ensure that prior to the issuance of a standard certificate of promotion from the 8th grade, each student shall demonstrate competency, as defined by the local governing board, of the state board-adopted essential skills for grade 8 in the subject area?

Yes  No

NOTE: Certain requirements of this Rule related to Special Education are monitored by Arizona Department of Education's Special Education staff and will not be referenced in this publication.

The local Governing Board of each school district is responsible for developing a course of study and graduation requirements for all students placed in special education programs in accordance with R7-2-401 et seq.

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<sup>1</sup>This content is available online at <<http://cnx.org/content/m41206/1.1/>>.

Students placed in special education classes in grades K-8 are eligible to receive the standard certificate of promotion without meeting State Board competency requirements, but reference to special education shall be placed on the student's transcript or in the permanent file.

Does the district, if it chooses to use distance education delivery methods, ensure that distance education does not include correspondence courses. Does the district ensure that all distance education providers used by the district have registered with the Department of Education and that teaching partners are supervised by an individual certified pursuant to R7-2-603?

Yes  No

Distance education is defined as instructional-learning arrangements in which the distance education instructor and the student are separated geographically. Instruction is delivered by means of telecommunications technologies such as satellite, microwave, telephone, cable, fiber optics. The instruction supplements or comprises the entire course content and provides for two-way interactive communications between the instructor and the student during the time of the instruction. Communication or interaction occurs through the use of technologies such as voice, video or computer-mediated communications.

1. Distance education providers shall register with the Department of Education and satisfy the following requirements:

### 9.2.1

A. Be regionally accredited or affiliated with a regionally accredited institution as listed in R7-2-601(G) or by a regional accrediting association as listed in R7-2-601(C).

B. Validate that the instructor of the distance education program:

#### 9.2.1.1

a. Possesses a current Arizona teaching certificate valid for the level and subject of the instruction to be taught; or

b. Possesses a current teaching certificate from the recognized certifying authority of the sending location valid for the level and subject of the instruction to be taught; or

c. Is employed by or affiliated with, in the content area of instruction, a regionally accredited institution as listed in R7-2-601(G).

2. Distance education may be used as a part of the instructional program. School districts shall ensure that:

### 9.2.2

A. Only those distance education providers registered with the Department of Education are used to provide distance education; and

B. The teaching partners who assist the students in receiving the instruction onsite have instructional and technical facilitator training and are supervised by an individual certified pursuant to R7-2-603.

## 9.3 ACRR-R7-2-302 Minimum Course of Study and Competency Requirements for Graduation from High School

Does the district meet or exceed the State Board requirement of 20 credits as the minimum number of credits necessary for high school graduation?

NOTE: Requirements are for Class of 2012. Requirements for Class of 2013 are in capital letters.  
22 Credits are the requirement for Class of 2013.

**NOTE:** State Board of Education requires the requirement for graduation as outlined in sections below and the receipt of a passing score on the reading, mathematics and writing portions of the AIMS (Arizona Instrument to Measure Standards)

Does the high school curriculum fulfill these minimum requirements?

Yes  No

Four credits of English or English as a Second Language to include: grammar; speaking, writing and reading skills; advanced grammar; composition; American literature; advanced composition; research; methods and skills; literature. 1/2 credit of the English requirement shall include the principles of speech and debate but not be limited to those principles.

Three credits in social studies to include the following: 1 credit of American history, including Arizona History, 1 credit of world history/geography,  $\frac{1}{2}$  credit of American governing, including Arizona government and  $\frac{1}{2}$  credit of economics.

Three credits of Mathematics. **FOUR CREDITS OF MATHEMATICS (2013)** The course content for at least 2 of the math credits shall include number sense and operation, data analysis, probability and discrete Mathematics; patterns, algebra and function; geometry and measurement and structure and logic in preparation for proficiency on the AIMS test and shall be taken consecutively beginning with the ninth grade unless a student meets those requirements prior to the 9th grade.

**ONE CREDIT COVERING ALGEBRA II: COURSES MEETING THIS REQUIREMENT MAY INCLUDE BUT ARE NOT LIMITED TO CAREER AND TECHNICAL EDUCATION AND VOCATIONAL EDUCATION, ECONOMICS, SCIENCE AND ARTS COURSES AS DETERMINED BY THE LOCAL SCHOOL DISTRICT. (2013)**

**ONE CREDIT THAT INCLUDES SIGNIFICANT MATHEMATICS CONTENT AS DETERMINED BY THE LOCAL SCHOOL DISTRICT MATHEMATICS CURRICULUM REQUIREMENT MAY BE MODIFIED FOR STUDENTS USING A PERSONAL CURRICULUM PURSUANT TO R7-2-301.03 (2013)**

Two credits of science: **THREE CREDITS OF SCIENCE (2013)**

One credit of fine arts or vocational education

Seven credits of additional courses prescribed by the local school district governing board or charter school)

**A PARTIAL CREDIT MAY APPLY TOWARD MORE THAN ONE SUBJECT AREA BUT SHALL COUNT ONLY AS ONE CREDIT OR PARTIAL CREDIT TOWARD SATISFYING THE 22 REQUIRED CREDITS (2013)**

Does the district, if it chooses to use distance education delivery methods, ensure that distance education does not include correspondence courses?

Yes  No

Does the district ensure that all distance education providers used by the district have registered with the Department of Education and that teaching partners are supervised by an individual certified pursuant to R7-2-603?

Yes  No

Does the district ensure that Credits earned through correspondence courses to meet graduation requirements are subject to the following restrictions: they shall be taken from a regionally accredited institution accredited by an association listed in R7-2-601.G.2. Credits earned thereby shall be limited to four, and only one credit may be earned in each subject area (English, Social Studies, Math, and Science)?

Yes  No

Does the district ensure that vocational-Technological education program completers may be granted a maximum of 3 and 1/2 credit (5 AND 1/2 (2013) to be used toward the English, Math or science credit requirements for graduation, subject to the following restrictions: Only one credit in each of English Math or science may be granted upon the boards approval of the vocational-technological program for equivalent credit?

Yes  No

Prior to the issuance of a high school diploma, does the Governing Board assure that each student has:

Successfully completed the minimum credits and course requirements prescribed by the State Board and local Governing Board.

Successfully completed the State Board adopted academic standards for subject areas. If there are no adopted academic standards for an elective subject, does the local governing board develop and adopt competency requirements for the elective subject.

Demonstrated mastery, as defined by the State Board of Education, of the State Board adopted Arizona's Instrument to Measure Standards. Does the local governing board, upon request of a student, provide the opportunity for the student to demonstrate competency in the subject areas listed in 1-7 above in lieu of classroom time? (DETERMINATION AND VERIFICATION OF STUDENT ACCOMPLISHMENT AND PERFORMANCE SHALL BE THE RESPONSIBILITY OF THE SUBJECT AREA TEACHER 2013)

Yes  No

Special Education and High School Graduation: The local Governing Board of each school district is responsible for developing a course of study and graduation requirements for all students placed in special education programs in accordance with Chapter 7, Article 4, Arizona Revised Statutes, and R7-2-401 et seq. Students placed in special education classes, 9-12, are eligible to receive a high school diploma without meeting state competency requirements, but reference to special education placement may be placed on the student's transcript or permanent file.

Yes  No

## 9.4 ACRR-R7-2-302.03 Personal Curriculum

Does the School District provide a "documented process" that can be used to modify the high school graduation requirements for Algebra II as listed in the math requirements above? Does the documented process include substituting a math credit that shall include significant mathematics content as determined by the local school district and requested by the parent or emancipated student?

Yes  No

## 9.5 ACRR-R7-2-302.06 AIMS, Additional Credits

A pupil may fails to achieve a passing score on the AIMS assessment for high school graduation may graduate if the pupil meets alternative graduation requirements. (AIMS AUGMENTATION SCORES ARE DETERMINED BY LEGISLATIVE ENACTMENT ON A YEAR-TO-YEAR BASIS)

Yes  No

## 9.6 ACRR-R7-2-303 Sex Education

If the district elects to offer sex education in the common or high school does it do so in conformity with this regulation?

Yes  No

## 9.7 ACRR-R7-2-304 Extended School Year

If the district elects to operate on an extended school year does it do so on the basis of this regulation?

Yes  No

## 9.8 ACRR-R7-305 Declaration of Independence

Has the governing board of each common school adopted policies that:

1. Require pupils to recite a passage from the Declaration of Independence for pupils in Grades 4-6 at the commencement of the first class of the day.

2. Enable the pupil or the parent of the pupil to object to reciting the passage of the Declaration of Independence.

Yes  No

## 9.9 ACRR-R7-2-306 English Language Learner Program

(Monitored by ADE, see recent monitoring report)

Does the local district identify all students whose primary home language is other than English upon enrollment forms and on the home language survey?

Does the local district assess all students in Kindergarten and 1st grade whose primary home language is other than English on an oral language proficiency assessment test approved by the State Board?

Yes  No

## 9.10 ACRR-R7-2-307 High School Equivalency Diplomas

(Monitored by ADE, see recent monitoring report)

## 9.11 ACRR-R7-2-309 Completion of Grade 10

Does the district recognize that a student has accomplished the completion of grade 10 when a student has earned 10 credits, which shall include: 1 credit of English, 1 credit of Math, 1 credit of science and 6 credits of additional work?

Yes  No

## 9.12 ACRR-R7-2-310 Pupil Achievement Testing

The nationally standardized norm-referenced achievement tests adopted by the State Board shall be given annually during a week in September or October designated by the State Board. Does the district comply with the scheduled testing dates?

Yes  No

NOTE: If, for any reason not reasonably foreseen by the school district, the test cannot be administered by the district during the week of September or October designated by the State Board, the test shall be administered within the week prior to or the week after the scheduled test date. Any adjusted test schedule must be approved by the Department of Education.

Does the superintendent, head of district or the designee:

1. Provide school district enrollment data annually to the Department of Education for purposes of test material distribution?

2. Verify the count of test materials received and distribute the test materials to each public school in the district?

3. Secure the test materials prior to distribution to pupils or persons administering the tests, as well as after the time of testing, by assuring materials are kept in locked storage?

4. Advise all district employees that the test materials are not to be reproduced in any manner?

5. Familiarize each person who will administer the test with the test publishers' directions for administering the tests, the timing of the tests and the testing schedule?

6. Distribute actual test materials to persons administering the tests

7. Train persons actually administering the tests on completing the test book identification information and coding the information on variables.

8. Properly packaging all answer sheets and tests

9. Forwarding all tests/answer sheets to the scoring contractor.

10. Retaining all unused and reusable test materials and storing them in a safe and secure manner

11. Reporting to the Department of Education any losses of test materials

Yes  No

Do persons designated to administer the test:

1. Keep all test materials in locked storage?

2. Refrain from reproducing any test materials in any manner?

3. Refrain from disclosing any actual test items to pupils prior to testing?

4. Refrain from providing answers to any test items to any pupils?

5. Administer only practice tests which are provided by the test publishers?

6. Strictly observe all times subtests?

7. Follow explicitly directions for administering the test?

8. Refrain from changing a pupil's answer?

9. Return all test materials to the superintendent or head of district immediately upon completion of testing?

Yes  No

All district decisions regarding the exemption of pupils who are non-English monolingual or predominantly speakers of a language other than English shall be made by the Governing Board. For purposes of determining if a pupil may be exempt from required testing, pursuant to ARS 15-744.B., does the Governing Board:

1. Verify that all students to be exempted have been assessed for language proficiency as required by R&-2-306

2. Verify that all such students are enrolled in one of the following: K-6 transitional Bilingual program, 7-12 Structured Bilingual program, K-12 Bilingual Bicultural Program, ESL or I.E.P

3. Submit to the Arizona Department of Education by September 30 annually, the Governing Board resolution along with the exemption form for the exemption of eligible pupils?

Yes  No

NOTE: This exemption form shall contain the number, grade level and primary language of all pupils to be exempted. Eligible pupils enrolled prior to December 1 shall be included in the original request for exemptions. Such pupils cannot be exempted by subsequent action of the local district Governing Board. Eligible pupils who enroll in the district after December 1 may be exempted by resolution of the Governing Board if all requirements for identification and assessment of eligible pupils are met. The Governing Board shall submit by June 1, annually, the exemption for outlining the number of actual exemptions.

4. Submit to the Department of Education by December 1, annually, a final report describing the total number of actual students to be exempted.

5. Ensure that limited English students exempted from the norm-referenced achievement testing program shall be assessed annually with an alternative to the norm-referenced achievement test and that such assessment shall be conducted prior to April 30.

6. Submit to the Department of Education by May 30, the results of the alternative assessments.

Yes  No

Does the district maintain cumulative files regarding all exemptions and include alternative testing results for each exempted pupil to ensure that no pupil is exempted for more than three years?

Yes  No

### 9.13 ACRR-R7-2-311 Pupil Testing Variable Information

Do those designated to administer the State Board approved achievement test assure that the following information is completed on the answer document for each pupil participating in the testing program?

1. Sex.
  2. Primary language.
  3. Racial/ethnic background.
  4. Limited English proficient pupils participating in required programs by type, pursuant to ARS 15-754 where applicable.
- Yes  No

### 9.14 ACRR-R7-2-312 Honorary High School Diploma

Does the Governing board provide to an individual who has never obtained a high school diploma and who meets the requirements of at least 65 years of age, resides in Arizona and who enlisted in the armed forces before completing high school and who was honorably discharged from service, an honorary high school diploma?

Yes  No

### 9.15 ACRR-R7-2-401-405 Special Education

(Monitored by ADE-see recent monitoring report)

### 9.16 ACRR-R7-2-406 Gifted Education Programs and Services

Does the governing board have policies for the education of gifted students which include?

- Procedures for identification and placement of students in gifted programs
  - Curriculum, differentiated instruction and supplemental services for gifted students
  - Parental Involvement
  - Scope and Sequence which demonstrates articulation across all grades and schools to ensure opportunities for continuous progress
- Yes  No

### 9.17 ACRR-R7-2-601 through R7-618 Certification

**NOTE:** Rules for certification of elementary, secondary, special education, administrators, and vocational and other special function teachers are included in these rules.

### 9.18 ACRR-R7-2-801 Compliance

Does the governing board recognize that noncompliance with laws and rules concerning school districts, the enforcement of which is the statutory responsibility of the State Board of Education, is governed by the procedures spelled out in this section?

Yes  No

### 9.19 ACRR-R7-2-802 Uniform System of Financial Records

Does the governing board establish procedures to ensure that all personnel implement the current version of the Uniform System of Financial Records?

Yes  No

### 9.20 ACRR-R7-2-808 Pupil Participation in Extracurricular Activities

NOTE: Extracurricular activities are all interscholastic activities which are of a competitive nature, and involve more than one school where a championship, winner, or rating is determined, and all those endeavors of a continuous and ongoing nature for which no credit is earned in meeting graduation or promotional requirements and are organized, planned, or sponsored by the district consistent with district policy. Activities which are an integral part of a credit class shall be exempted from the rule.

Does the district establish the criteria for a passing grade and satisfactory progress toward promotion or graduation?

Yes  No

Does the district ensure that only students who earn a passing grade in each course in which the students are enrolled, and who maintain satisfactory progress toward graduation, may participate in extracurricular activities?

Yes  No

Does the Governing Board establish the criteria for a passing grade taking into account the needs of children placed in special education programs pursuant to R7-2-401 et seq.?

Yes  No

Is the established grading interval for the purposes of this rule no longer than nine weeks duration and of equal intervals throughout the year?

Yes  No

Does the district provide a preliminary written notice to all students of pending ineligibility, as well as written notice of ineligibility at the end of the district grading interval?

Yes  No

In the case of notice of ineligibility, does the district provide written notice to the parents or guardian of the student in a manner designed to maintain student privacy?

Yes  No

For students declared to be ineligible, is the period of ineligibility the same length as the district grading interval and does the ineligibility last until all grade or credit deficiencies have been made up?

Yes  No

Has the Governing Board adopted and implemented a policy as well as a program pursuant to that policy to provide educational support services to students declared ineligible, as well as to those notified of pending ineligibility?

Yes  No

### 9.21 ACRR-R7-2-902 Independent Accounting Responsibilities

Does the governing board of a school district applying to operate with full independence from the county school superintendent submit a plan to the state board of education?

Yes  No



## 9.22 ACRR-R7-2-1053 Procurement

Does the governing board of a school district seeking to award a contract or incur a financial obligation follow the rules specified in this section and U.S.F.R.?

Yes  No



## Chapter 10

# Arizona School Law Review: Chapter 7<sup>1</sup>

### 10.1 CHAPTER 7: CURRICULUM

Questions in this chapter are directed toward ascertaining district compliance with state law including the following areas: Curriculum, Course of Study and Textbooks, Achievement Testing, Bilingual Education and English as a Second Language and Minimum Credits for Graduation.

### 10.2 ARS†15-151 Eye-Protective Devices Definition

Every student, teacher and visitor in public and private schools, junior colleges, colleges and universities shall wear appropriate eye-protective ware while participating in or when observing vocational, technical, industrial arts, art or laboratory science activities involving exposure to:

1. Molten metals or other molten materials.
2. Cutting, shaping and grinding of materials.
3. Heat treatment, tempering, or kiln firing of any metal or other materials.
4. Welding fabrication processes.
5. Explosive materials.
6. Caustic solutions.
7. Radiation materials.

Does the Board equip schools within its jurisdiction with eye-protective ware for use as required?

NOTE: Eye-Protective ware" means devices meeting the standards of the USA standards safety code for head, eye, and respiratory protection, Z 21.1959 and subsequent revisions thereof, approved by the USA Standards Institute, Inc.

Yes  No

### 10.3 ARS†15-701 Common School; Promotions; Requirements; Certificate; Supervision of Eighth Grades by Superintendent of High School District (2010)

Pursuant to the guidelines developed by the State Board of Education, does the governing board provide annual written notification to parents of pupils in Kindergarten through Third grade that a pupil who obtains a score on the reading portion of the AIMS test(or a successor test) that demonstrates the pupil is reading

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<sup>1</sup>This content is available online at <<http://cnx.org/content/m41208/1.2/>>.

far below the third grade level will not be promoted from the third grade. The district must provide parents of pupils determined to be substantially deficient in reading a notification that includes: a description of the current reading services provided to the pupil, a description of the available supplemental services designed to remediate reading deficiencies, parental strategies to assist the pupil and a statement that the pupil will not be promoted from the third grade if the pupil is reading far below the third grade level unless the pupil is exempt from mandatory retention or qualifies for a good cause exemption. The notice must also include a description of the district's policy on midyear promotion to a higher grade.

Yes  No

Pursuant to the guidelines developed by the State Board of Education, the governing board of a school district shall prescribe curricula that include the academic standards in the required subject areas.

Yes  No

Does the Governing Board issue certificates of promotion to pupils whom it promotes from the eighth grade of a common school?

Yes  No

Within any high school or union high school district, does the superintendent of the high school district supervise the work of the eighth grade of all schools employing no superintendent or principal?

Yes  No

NOTE: State Board of Education has adopted rules to allow common school pupils to demonstrate competency in a particular academic course or subject and can grant academic credit to such pupils without enrolling in the course or subject.

Yes  No

NOTE: A school district shall offer at least one of the intervention and remedial strategies developed by the state board of education at local district expense.

Intervention and remedial strategies developed by the state board of education for pupils who are not promoted from the third grade shall include at least: assignment to a different teacher, summer school reading instruction, intensive reading instruction before, during or after the regular school day, and online reading instruction.

## 10.4 ARS†15-701.01 High School; Graduation; Requirements (2008)

Has the Governing Board of the school district prescribed a course of study and curricula for excellence that include the academic standards in the required subject areas?

Yes  No

Has the Governing Board prescribed criteria for the graduation of pupils from the high schools in the district? Do these criteria include accomplishment of the academic standards in reading, writing, mathematics, science and social studies as determined by district assessment? Other criteria may include additional measures of academic achievement and attendance.

Yes  No

Does the teacher determine whether to pass or fail a pupil in a course in high school on the basis of the competency requirements, if any have been prescribed? (See ARS 15-421 in Chapter 5 of this handbook.) Note: A pupil with an individualized education program or a 504 plan who graduates from high school but who is not required to achieve a passing score on a competency test in order to graduate shall receive the standard diploma issued by the district.

Yes  No

Does the Governing Board, if it reviews the decision of a teacher to pass or fail a pupil in a course in high school, base its decision on the competency requirements if any have been prescribed? (See ARS 15-342 in Chapter 3.)

Yes  No

Does the Governing Board allow graduation requirements to be met if the pupil passes courses in the required or elective subjects at a community college or university, and if the course is at a higher level than the course taught in the high school attended by the pupil, or if the course is not taught in the high school, the course is equal to or higher than the level of a high school course? (See also ARS 15-1821.)

Yes  No

if the subject matter of the community college or university course is appropriate to the specific requirement which the pupil intends it to fulfill and if the level of the community college or university course is less than, equal to or higher than a high school course?

Yes  No

Does the school district provide a list of credits that have been accepted or denied to a pupil who transfers from a private, charter, or district school and does the district allow the pupil to take an examination in each course where core credit has been denied. The governing board may adopt a policy concerning transfer credits for the purpose of determining whether a credit earned by a pupil will be assigned as an elective or core credit.

Yes  No

Does the school district accept credit for each private school course if the pupil takes an examination and receives a passing score on a test designed and evaluated by a teacher in the school district who teaches the subject matter on which the exam is based?

Yes  No

Does the school district accept the credit that a pupil who was previously enrolled in a charter school or school district and adopt a policy concerning the application of transfer credits for the purpose of determining whether a credit earned by such a pupil will be assigned as an elective or core credit.

Yes  No

Does the School district recognize that the state board of education shall adopt rules to allow high school pupils who can demonstrate competency in a particular academic course or subject can obtain academic credit without enrolling in the course? Note: pupils who earn a “grand canyon” diploma are exempt from the graduation requirements prescribed in this section including passage of the AIMS test.

Yes  No

## **10.5 ARS†15-701.02 Alternative high school graduation requirement**

Does the school district apply alternative high school graduation requirements, including augmentation scores, to pupils who fail to achieve a passing score on the competency test required for graduation?

Yes  No

## **10.6 ARS†15-703 Kindergartners and Special Departments; Special Teachers**

Each common school district or unified district shall establish a kindergarten program unless the governing body of the district files an exemption claim with the Arizona Department of Education. Does the district have a kindergarten program or an exemption claim on file?

Yes  No

If the district chooses, does it employ special teachers in special subjects and establish departments of industrial arts and consumer education?

Yes  No

### 10.7 ARS†15-704 Reading proficiency (2002)

Does each school district that provides instruction in K-3 select and administer screening, ongoing diagnostic and classroom based instructional reading assessments, including a motivational assessment to monitor student progress?

Yes  No

Has the district conducted a curriculum evaluation and adopted a scientifically based reading curriculum that includes the essential components of reading instruction and provided ongoing teacher training?

Yes  No

Has the district determined the percentage of pupils in grade three who do not meet the reading standards, and, if the percentage of students who do not meet the standards exceeds 20%, has the district conducted a review of its reading program that includes curriculum and professional development? In addition, has the district, after such a review, adopted at a public meeting a method of best practice for teaching reading based on scientifically based reading research?

Yes  No

### 10.8 ARS†15-705 Extracurricular Activities; Requirements

Has the Governing Board adopted policies and procedures governing the requirements for pupils' participation in extracurricular activities, including grade requirements? Does the Governing Board, after consultation with parents and teachers, adopt policies and procedures governing requirements for pupils' participation in extracurricular activities for pupils in grade 6, if the grade is part of a middle school, and grades seven through twelve as prescribed by the State Board of Education?\*

Yes  No

### 10.9 ARS†15-706 Instruction in Environmental Education; Assessment; Definition

If the governing board chooses to provide instruction in environmental education, has the school district developed and implemented programs which integrate environmental education into the general curriculum?

Yes  No

Are the environmental education programs designed to help pupils develop an understanding of the importance of the environment?

Yes  No

Does the program promote knowledge of environmental concepts, develop positive attitudes and values toward the environment and encourage civic and social responsibility toward environmental issues?

Yes  No

Does the program assess the extent to which pupils have developed an understanding of the importance of the environment to the future of this state and its citizens? These provisions take effect in the academic year following the fiscal year in which the Environmental Education Information Resource System is established.

Yes  No

### 10.10 ARS†15-707 High School Education about Organ donation (2004)

If the district has a high school that provides driver education programs are they aware that they may educate the students about the option of organ donation?

Yes  No

### **10.11 ARS†15-708 Remedial Education Programs; Powers of the Governing Board; Definition**

Beginning July 1, 1980, school districts with an estimated student count of more than 5,000 for the 1980-81 school year shall provide remedial education programs to the children with learning problems who are presently being served in special education programs as provided in Title 15, Chapter 7, Article 4, but who will no longer qualify for special education when this article becomes effective. Is the district in compliance?

Yes  No

### **10.12 ARS†15-709 Review of Students in Remedial Education Programs**

Is the educational development of a child in a remedial education program reviewed each regular reporting period by the teachers or others instructing the child in the remedial education program and the regular classroom teacher to determine if the child has reached the expected level of achievement?

Yes  No

If the child is maintaining an expected level of achievement, is he/she no longer eligible for assistance in the remedial education program?

Yes  No

Are parents notified of the progress of their child in the remedial education program by the established reporting method of the school district?

Yes  No

### **10.13 ARS†15-710 Instruction in State and Federal Constitutions, American Institutions and History of Arizona**

Does each school give instruction in the essentials, sources and history of the constitutions of the United States and Arizona and instruction in American Institutions and Ideals and in the History of Arizona, and is the instruction given in accordance with the state course of study for at least one year of the common school grades and high school grades respectively?

NOTE: R7-2-301 requires this instruction to be given in the 7th or 8th grades of the common school. R7-2-302 specifies high school units for this instruction, but does not specify grade levels.

Yes  No

### **10.14 ARS†15-711 Sex education curricula**

If the district has an existing sex education curricula: Does it include instruction on the laws relating to sexual conduct with a minor for pupils in grades 7-12?

Yes  No

### **10.15 ARS†15-711.01 Stranger Danger**

If the District so chooses, it may incorporate instruction into the existing curricula in the common school grades on the dangers of unsupervised interaction with strangers. If the district chooses does it develop its own course of study to meet the requirements of this section?

Yes  No

### 10.16 ARS†15-712 Instruction on Alcohol, Tobacco, Narcotic Drugs Marijuana and Other Dangerous Drugs; Chemical Abuse Prevention Programs; Definitions

Is instruction on the nature and harmful effects of alcohol, tobacco, narcotic drugs, marijuana and other dangerous drugs on the human system and instruction on the laws related to the control of these substances and the nonuse and prevention of use and abuse of these substances included in the courses of study in schools, with emphasis on grades 4 through 9?

Yes  No

Is instruction on the nature and harmful effects of alcohol, tobacco, narcotic drugs, marijuana, and other dangerous drugs on a human fetus included in the courses of study in grades six through twelve?

Yes  No

Is such instruction taught as part of a comprehensive sequential chemical abuse education curriculum which shall be integrated into existing health, science, citizenship or similar studies, and does such instruction meet the criteria for chemical abuse prevention education programs set forth in State Board of Education rules?

Yes  No

NOTE: See also ARS 15-345 in Chapter 1 for information concerning chemical abuse prevention programs.

### 10.17 ARS†15-712. 01, Instruction on dating abuse

If the district chooses to provide instruction in grades seven through 12 on dating abuse information that is age appropriate in the district's existing health curriculum, then it must include a "definition of dating abuse, recognition of warning signs, the characteristics of health relationships. Such instruction shall require a signed written request to the principal from the parent.

### 10.18 ARS†15-713, 714.714.01 Training in the use of bows or firearms (2008)

If the district chooses courses in training in the use of bows or firearms may be offered for all pupils who have reached the age of 10 years, such courses shall be elective only and attendance in such classes may not be considered in computing a school district's student count. In addition to the voluntary training the use a bows and firearms prescribed in 15-713 and 15-714, each school district may offer an elective course in firearm marksmanship, which shall be designated as the Arizona gun safety program course.

If the district chooses to offer such courses does it follow the requirements in ARS 15-713, 714, and 714.01?

Yes  No

### 10.19 ARS†15-715 Special Academic Assistance to Pupils in Kindergarten Programs and Grades One Through Three

If the district is a common or unified school district, has the district developed a plan to provide special academic assistance to pupils in kindergarten programs and grades one through three including:

1. Procedures for use in identifying pupils in need of special academic assistance?
2. Special services for provision of special academic assistance through the regular program of instruction?
3. Procedures for involving parents in the program?



4. Evaluation procedures for use in assessing the progress of the pupils in the program?

Yes  No

Does the teacher of a pupil enrolled in such a program review the pupil's academic achievement each regular reporting period and report this to the parents by the established reporting method of the school district?

Yes  No

Does the district include in the district's annual financial report a description of the special academic assistance programs, the amount of monies expended and the number of pupils enrolled in the programs by program and grade level?

Yes  No

## **10.20 ARS†15-716 Instruction on Acquired Immune Deficiency Syndrome (1991)**

Does the Common, high and unified school district allow, at the request of a parent, a pupil to be excused from instruction on the acquired immune deficiency syndrome (AIDS) and does the district notify all parents of their ability to withdraw their child from the instruction?

Yes  No

If the Common, High or unified school district provides instruction to k-12 programs on AIDS, does it ensure that instruction is appropriate to the grade level, medically accurate, promotes abstinence, discourages drug abuse, and dispels myths regarding transmission?

In addition, if the common, High or unified school district provides instruction to K-12 programs on AIDS, does it ensure that it does not: promote a homosexual life-style, portray homosexuality as a positive alternative life-style, or suggest that some methods of sex are safe methods of homosexual sex?

Yes  No

## **10.21 ARS†15-717 American History and Heritage**

Does the district allow a teacher or administrator in any school to read or post in any school building copies or excerpts of the following: the national motto, national anthem, pledge of allegiance, preamble to the constitution of the state, declaration of independence, mayflower compact, writings, speeches, documents and proclamations of the founding fathers and presidents of the United States, published decisions of the United States Supreme Court, Acts of the United States Congress?

Yes  No

## **10.22 ARS1†5-718 Instruction on Skin Cancer Prevention (2005)**

Does the district incorporate instruction into the existing curricula in the common school grades on skin cancer prevention in an age appropriate manner and include the following: basic facts about skin cancer, and a comprehensive set of strategies and behaviors to reduce the risk of contracting skin cancer?

Yes  No

## **10.23 ARS†15-719 Character Education Program Instruction (2004)**

If the Common, High or unified school district provides instruction to k-12 students on Character education, then each district must adopt its own course of study for each grade. At a minimum the program must include: instruction and application of at least 6 of the following traits: truthfulness, responsibility, compassion, diligence, sincerity, trustworthiness, respect, attentiveness, obedience, orderliness, forgiveness, virtue, fairness, caring, citizenship and integrity. Parents may elect for their child not to participate in the program.

### 10.24 ARS†15-720 Non-curriculum Related Clubs for Grades Seven and Eight (2001)

Does the district recognize that it is unlawful for any public school that offers instruction in grades seven and eight to deny equal access to pupils, to deny a fair opportunity to pupils or to discriminate against pupils who wish to conduct a meeting within a limited open forum on the basis of religious content, political content, philosophical content or the content of speech at these meetings? Fair opportunity is defined as: meetings are voluntary and initiated by pupils, meetings are not sponsored by the school, district, federal government, or any of the state political subdivisions, employees are present only as non-participants, persons who are not officials or employees of the school shall not direct, conduct control or regularly attend the meetings. Nothing in this section shall be construed to limit the authority of the school to maintain order and discipline, protect the safety of pupils or faculty and allow a school officer or employee to be present at such a meeting or to ensure the attendance of pupils at the meeting is voluntary.

Yes  No

### 10.25 ARS†15-721 Common Schools; Course of Study; Textbooks

Does the Governing Board approve for common schools the course of study, the basic textbook for each course and all units recommended for credit under each general subject title prior to implementation of such course?

Yes  No

If any course does not include a basic textbook, does the Governing Board approve all supplemental books used in such course prior to approval of the course? (Does not apply to special education programs/courses.)

Yes  No

If the course includes a basic text and uses supplemental books, which have not been approved by the Governing Board at the time of approval of the course, a teacher may use such supplemental books at any time during the school year. Does the district assure that such use of supplemental books is brought to the attention of the Governing Board during the school year they are added, for ratification?

Yes  No

For courses which do not require that each student have a book other than for classroom instruction, does the district provide a minimum of one textbook for each student in the largest group which would be receiving classroom instruction at any time?

Yes  No

Does the Governing Board enforce the course of study and select all textbooks used in the common schools and require all meetings of committees authorized for the purposes of textbook review and selection to be open to the public as prescribed in Title 38, Chapter 3, Article 3.2?

Yes  No

Does the Board make available at the school district office for review by the public for a period of 60 days prior to formal selection of textbooks, a copy of each textbook being considered for selection?

Yes  No

### 10.26 ARS1†5-722 High Schools' Course of Study; Textbooks

Does the Governing Board approve each course of study, the basic textbook for each course and all units recommended for credit under each general subject title prior to implementation of such course? If a course does not include a basic textbook, does the Board approve all supplemental books used in such course prior to usage?

Yes  No

If the course includes a basic text and uses supplemental books which have not been approved by the Governing Board at the time of approval of the course, a teacher may use such supplemental books at any

time during the school year. Does the district assure that such use of supplemental books is brought to the attention of the Governing Board during the school year they are added for ratification?

Yes  No

Does the Governing Board prescribe up to five textbooks for each course and give consent to teachers to use any one of the prescribed textbooks for the purpose of the course?

Yes  No

### **10.27 ARS†15-723 Furnishing of Free Textbooks in Common Schools; Supplementary Books and Instructional Computer Software**

Does the district furnish textbooks, subject matter materials and supplementary books free of charge in the common schools?

Yes  No

Does the district furnish free required textbooks and related subject materials in the high schools, subject to Section 15-727?

Yes  No

### **10.28 ARS†15-724 Rental of Textbooks to High School Students**

If the Governing Board includes in its proposed school district budget finances required for the purchase of textbooks, subject matter materials and supplementary books, are such books for the use of registered high school pupils?

Yes  No

Does the Governing Board charge a reasonable rental fee for use of non-required textbooks, non-related subject matter materials and supplementary books?

Yes  No

### **10.29 ARS†15-730 Access to Instructional Material By Parents and Guardians**

Upon written request, do school personnel designated by the Governing Board permit parents or guardians access to instructional materials currently used by, or being considered for use by, the school district by making available at least one copy of the instructional material for review by the parents or guardians?

Yes  No

### **10.30 ARS†15-732 Powers and duties, governing boards; on-line instructional materials**

Does the Governing Board comply with State Board of education rules to purchase adopted printed and non-printed instructional materials for which accessible electronic files are available? On-line non-printed instructional materials shall be deemed compliant for purposes of this section.

Does the governing board provide written notification of the requirements of this article and any subsequent rules to vendors before soliciting bids for printed and non-printed instructional materials?

Yes  No

### 10.31 ARS†15-741 Assessment of Pupils (2009)

Does the Governing Board ensure that all pupils in at least four grades designated by the state board of education administered the Arizona Instrument to measure standards test to measure pupil achievement of the state board adopted academic standards in reading, writing and mathematics?

Are all district pupils in grades designated by the state board of education administered the State Board adopted norm-referenced achievement subtests in reading, grammar and mathematics between the dates of March 15 and May 1?

Does the governing board ensure that a survey of teachers, principals and superintendents on achievement related non-test indicator data, including non-test indicator data is conducted and that such a survey does not violate the provisions of the family educational rights and privacy act?

Yes  No

### 10.32 ARS†15-741.01 Goals for Excellence

Has the Governing Board established specific district level objectives in the following areas?

1. Achievement levels of pupils at the end of grades three, eight, and twelve.
2. Dropout and high school graduation rate.
3. Postsecondary employment and college enrollment rate.

Yes  No

Has the Governing Board prescribed a method for schools in the district to establish school level objectives for the above-listed goal areas?

Yes  No

Do both district and the school review their own objectives annually and revise if needed?

Yes  No

### 10.33 ARS1†5-743 Test Results: Annual Report

Does the district provide a parent or guardian of each pupil participating in the testing part of the program with a copy of the pupil's score in reading, grammar and mathematics and the associated grade equivalents, percentiles and stanines for the school, school district, county, state and nation?

Yes  No

Does the school district provide a parent or guardian of each pupil with a copy of the pupil's scores on the essential skills tests and the associated scores for the school, district, county and state?

Yes  No

Does the district make available to the public, through the report card, those scores for each school in the district and for the school district, county, state and nation?

Yes  No

Is the district staff aware that test results shall not be made available to the public, other than to the parent or guardian, by name or individually identifiable reference?

Yes  No

### 10.34 ARS†15-744 Exemption

Does the district exempt pupils from the reading, grammar and mathematics achievement tests who are trainable mentally handicapped, educable mentally handicapped, visually handicapped, hearing handicapped, multiple handicapped, seriously emotionally handicapped or who are not required to attend regular classes in a public school?

Yes  No

Does the district exempt learning disabled pupils only if the pupil's individual educational plan states that parts or all of the testing requirements would be detrimental to the pupil?

Yes  No

Does the district exempt a pupil in a class which is designated as post-kindergarten and pre-first grade level?

Yes  No

If the Governing Board exempts pupils who are limited English proficient and who are enrolled in programs under ARS 15-754 from the norm-referenced achievement testing requirement, is it for a period not to exceed three years?

Yes  No

Does the Governing Board consider the first year of the exemption of limited English proficient pupils to be the first academic year in which the pupil is enrolled in a district in this state and in which the test is administered to the grade level in which the pupil is enrolled?

Yes  No

Does the instructional program for limited English proficient students include an alternative assessment of achievement to be administered annually pursuant to standards prescribed by the State Board?

Yes  No

Does the school district annually report the number of pupils by category and by grade level which were exempt?

Yes  No

Does the school district honor the request of pupil's parents to test a pupil who would otherwise be exempt?

Yes  No

### **10.35 ARS†15-745 Testing of Children Being Taught At Home**

Does the Governing Board provide for the administration of the State Board of Education adopted norm-referenced achievement test to a child who resides in the district and is being taught at home, upon the request of the person who has custody of the child?

Yes  No

Does the Governing Board ensure that the test is administered to the child over the same number of days as it is administered to pupils of the same age in the district?

Yes  No

Does the Governing Board provide at least one location within the district where, and at least one date or series of dates on which, the test may be taken?

Yes  No

NOTE: The Governing Board may not charge for costs directly or indirectly incurred in administering the test.

### **10.36 ARS†15-746 School Report Cards**

Does the Governing Board ensure that each school shall distribute an annual report card that contains at least the following information: a description of the schools regular, magnet and special instructional programs, a description of the current academic goals of the school, a summary of the results achieved by pupils enrolled at the school during the prior three school years and showing gains and losses, the schools current expenditures per pupil for classroom supplies, classroom instruction, and all other support services, the attendance rate of pupils enrolled at the school, the number of incidents that occurred on the school grounds, the percentage of pupil who graduated to the next grade or graduated from high school, a description of the responsibilities of parents of children enrolled at the school, a description of the responsibilities of the school to the parents, a description of the composition and duties of the school council, the average current

expenditure per pupil for administrative functions, the ration of pupils to teachers and the average class size per grade level. Does the Board ensure that the school distributes report cards to the parents of pupils enrolled at the school, a summary of the contents of the report cards at an annual public meeting held at the school, and a copy of the report card to the ADE?

Yes  No

**ARS 15-751-757** provide standards for English Language Education

**ARS 15-761-774** provide standards for Special Education

**ARS 15-779** provides standards for Gifted Programs

**ARS 15-781-798** provide standards for Vocational, Career and Alternative Education

## Chapter 11

# Arizona School Law Review: Chapter 8<sup>1</sup>

### 11.1 CHAPTER 8:SCHOOL ATTENDANCE (15-801 through 15-881) AND OTHER TITLE 15 (15-902 through 15-2201)

#### 11.2 ARS†15-0801 School Year: School Month: Holidays

When July 4, Veterans' Day, December 25 or Thanksgiving Day occurs within the school week, does the governing board ensure that the schools are closed and the compensation of teachers not diminished on that account?

Yes  No

If the Governing Board declares a recess during the Christmas holiday season, is it for not more than two school weeks and are teachers compensated during the recess?

Yes  No

#### 11.3 ARS†15-0802 School Instruction: Exceptions

Does each person who has custody of a child choose a public, private, charter or home school to provide instruction for the child?

Does the school principal or school principal's designee excuse a person from the duty of enrolling a child is any of the following are shown?

The child is in such physical or mental condition that instruction is impracticable

The child has completed the high school course of study necessary for completion of grade 10

The child has presented reasons for nonattendance which are satisfactory

The child is over 14 years of age and, with the consent of the parent, is employed.

The child was suspended or expelled from a public school

The child is enrolled in a work training, career education vocational or manual training program

The child is enrolled in an education program provided by a state education institution

Yes  No

#### 11.4 ARS†15-0802.01 Children instructed at home; eligibility to participate in interscholastic activities

Does the school district refrain from contracting with any private entity that supervises interscholastic activities if the private entity prohibits the participation of children instructed at home in interscholastic

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<sup>1</sup>This content is available online at <<http://cnx.org/content/m41211/1.2/>>.

activities at public, private or charter schools?

Yes  No

Notwithstanding any other law, a child who resides within the attendance area of a public school and who is instructed at home shall be allowed to try out for interscholastic activities on behalf of the public school in the same manner as a pupil enrolled in that public school.

## 11.5 ARS†15-0803 School Attendance; Exemptions

Does the district define as “habitually truant” any child who has excessive absences? Absences may be considered excessive when the number of absent days exceeds 10 per cent of the number of required attendance days.

Yes  No

It is unlawful for any child between 6 and 16 years of age to fail to attend school during the hours school is in session unless the child is excused pursuant to 15-802, provided with instruction in a home school or accompanied by a parent or person authorized by a parent.

## 11.6 ARS†15-0806 Excuse from School Attendance for Religious Purposes (2010)

Has the Governing Board adopted a policy governing the excuse of pupils for religious purposes?

Yes  No

If the policy permits a pupil to be excused from school attendance for religious purposes, does the policy stipulate the conditions under which the excuse will be granted, including at least the following:

The person who has custody of the pupil has given written consent.

The school must have assurance that any religious instruction or exercises takes place at a suitable place away from school property.

Has the Governing Board adopted a policy governing the excuse of pupils from attendance for the following reasons: widespread illness for any period of 3 consecutive days or more, adverse weather conditions for any period of 3 consecutive days or more, concerted refusal by students to attend classes for any period of 3 consecutive days or more or threats of violence against school property, school personnel or pupils for any period of 1 day or more?

Yes  No

## 11.7 ARS†15-0807 Absence From School; Notification of Parent or Person Having Custody of Pupil (2008)

Does the district notify parents or other persons of their responsibility to authorize any absence of the pupil from school and to notify the school in which the pupil is enrolled in advance or at the time of any absence and that the school district requires that at least one telephone number be given for purposes of this section and that the district be notified of any change in the number?

Yes  No

If a pupil in kindergarten through grade eight is absent without excuse or without notice by the parent , the school must, within two hours after the first class in which the pupil is absent, make a reasonable effort to promptly telephone and notify the parent of the pupil’s absence.

Yes  No

If a pupil in grade seven or eight is absent without excuse or without notice by the parent, the school must, within five (5) hours after the first class that the pupil is absent after the pupils first class of the day, notify parents.

Yes  No



## 11.8 ARS†15-0807 Arizona Online Instruction; (2010)

Is the school district governing board aware that Arizona online instruction is instituted to meet the needs of pupils in the information age.

Yes  No

## 11.9 ARS†15-0816.01 Open School Enrollment: Enrollment Policies

Does the school district governing board establish policies and implement an open enrollment policy without charging tuition? These policies shall include admission criteria, application procedures and transportation provisions. A copy of the district policies shall be filed with the department of education.

Yes  No

Does the school district governing board allow transportation of no more than 20 miles each way to and from the school of attendance to an adjacent district for eligible nonresident pupils who meet the economic eligibility requirements under the national school lunch and child nutrition acts for free or reduced price lunches or who's I.E.P. specifies that transportation is necessary?

Yes  No

## 11.10 ARS†15-0816.02 Desegregation Provisions

Does the school district admit pupils who reside in the attendance area of a school that is under a court order of desegregation unless notice is received from the resident school that admission would violate the court order or agreement? If a school admits a pupil after notice is received that the admission would constitute a violation, the school district is not allowed to include in its student count the pupils wrongfully admitted.

Yes  No

## 11.11 ARS†15-0821 Admission of Children: Required Age

NOTE: All schools shall, unless otherwise provided by law, admit children between the ages of 6 and 21 years who reside in the school district. If a kindergarten is maintained, does the district admit students who are five years of age prior to September 1 of the current school year? If a child is admitted to kindergarten and then readmitted to kindergarten in the following school year, the school district is not eligible to receive basic state aid on behalf of that child.

Yes  No

If the Governing Board admits children who have not reached the required age because it is determined to be in the best interest of the children, is such determination based upon one or more consultations with the parent(s), guardian(s), the children, the teacher and the school principal, and do such children reach the required age of five for kindergarten and six for first grade by January 1 of the current year?

Yes  No

NOTE: A child who resides with a family member, other than the parent, while awaiting the outcome of a legal guardianship is deemed to reside in the district upon documentary proof of an attempt to gain guardianship or custody.

## 11.12 ARS†15-0823 Admission; Residents of Other School Districts; Nonresidents of this State; Tuition

The Governing Board may admit children who do not reside in the school district but who reside within this state upon such terms as it prescribes. Except as provided below, children of nonresidents of this state may be admitted upon payment of a reasonable tuition fixed by the Governing Board.

1. Does the Governing Board admit children of nonresident teaching and research faculty of state colleges and universities and children of nonresident graduate or undergraduate students of state colleges or universities whose parent's presence at such state college or university is of international, national, state or local benefit without payment of tuition? Are children admitted in accordance with the provisions of this subsection categorized as resident students for the purposes of determination and apportionment of state aid?

2. Does the Governing Board admit children who are residents of the United States but are nonresidents of this state without payment of tuition if evidence indicates that the child's physical, mental, moral or emotional health is best served by placement with a grandparent, brother, sister, stepbrother, stepsister, aunt or uncle who is a resident within the school district, unless the Governing Board determines that the placement is solely for the purpose of obtaining an education in this state without payment of tuition?

3. Does the Governing Board admit nonresident foreign students who are in exchange programs recognized by the United States Department of State and the State Board of Education without payment of tuition or as it may otherwise prescribe?

4. Does the Governing Board admit children who are residents of the United States without payment of tuition if evidence indicates that because the parents are homeless or the child is abandoned, the child's physical, mental, moral, or emotional health is best served by placement with a person who does not have legal custody of the child and who is a resident within the school district, unless the Governing Board determines that the placement is solely for the purpose of obtaining an education in this state without payment of tuition?

Yes  No

### 11.13 ARS†15-0824 Admission of Pupils of Other Districts; Tuition Charges; Definitions

Does the Governing Board admit pupils from another district or area as follows?

Upon the presentation of a certificate of educational convenience issued by the County School Superintendent pursuant to ARS 15-825 or by agreement between districts, without payment of tuition, to exchange pupils for their convenience for reasons deemed sufficient by the Governing Boards?

To a high school without the presentation of such certificate, if the pupil is a resident of a common school district within the state which has neither a high school nor a school in which high school subjects are taught?

If the pupil meets the definition of "homeless" and resides within the district

The school enrollment of a pupil, who is a resident of this state and admitted under 15-823, is deemed to be enrollment in the school district for purposes of determining student count and for apportionment of state aid.

Additional mandates relating to this section are covered in the USFR. See Section II.

Yes  No

### 11.14 ARS†15-0827 Presentation of Withdrawal Form

Does the pupil present to the principal a properly executed withdrawal form, if such pupil previously attended another school in this state?

Yes  No

### 11.15 ARS†15-0828 Birth Certificate: School Records

NOTE: The provisions of 15-828 do not apply to homeless pupils as defined in 15-824.C.

Does the school or school district notify in writing, a person enrolling a pupil in the school district for the first time that within 30 days he must provide one of the following?

1. A certified copy of the pupil's birth certificate.
2. Other reliable proof of the pupil's identity and age, including the pupil's baptismal certificate, an application for a Social Security number or original school registration records and an affidavit explaining the inability to provide a copy of the birth certificate.
3. A letter from the authorized representative of an agency having custody of the pupil pursuant to Title 8, Chapter 2, certifying that the pupil has been placed in the custody of the agency as prescribed by law.

NOTE: On presentation of a document pursuant to this section, a photocopy of the document shall be placed in the pupil's file and the document that is presented shall be returned.

NOTE: ARS-36-341.G. authorizes a school district or the County School Superintendent to photocopy an original, certified copy, or copy of a certificate or record of birth for the purpose of ARS 15-828 if the school district or County School Superintendent clearly identifies on the face of the copy that the document is a photocopy.

If a person enrolling a pupil fails to comply with this requirement, does the school or school district notify the person in writing that, unless he complies within ten days, the case shall be referred to the local law enforcement agency for investigation?\*

If compliance is not obtained in ten days, does the school or school district refer the case to the local law enforcement agency?\*

If any affidavit received by the school or school district appears inaccurate or suspicious in form or content, is this reported immediately to the local law enforcement agency?\*

\*Notwithstanding these requirements, the district shall not disclose to any person the pupil's educational records or other information directly related to the pupil without prior parental consent unless the school district determines that the disclosure of such records is necessary to protect the health and safety of the pupil.

Within 5 days after enrolling a transfer pupil from a private school or another school district, does the school request directly from the pupil's previous school a certified copy of his record?

Notwithstanding any financial debt owed by the pupil when the school is requested to forward a copy of a transferring pupil's record to the new school, does the school comply within five school days after the date the request is received unless the record has been flagged?

If requested to transfer a record which has been flagged, does the school refrain from forwarding a copy, and does it notify the local law enforcement agency of the request?

When forwarding educational records, does the school district include pupil assessment data collected pursuant to ARS 15-741?

Yes  No

## 11.16 ARS†15-0829 Missing Child: Notification of School; Flagging Records; Definitions

When a child is reported missing by a parent or guardian, the law enforcement agency receiving the report shall notify as soon as is appropriate the school the child was attending. When the school is notified that a child is missing, does the school:

1. Flag the records of the child?
2. Immediately report any request for a copy of or information regarding the records to the local law enforcement agency?

Yes  No

NOTE: The law enforcement agency receiving the report shall notify the school if the missing child is recovered, and the school shall remove the flag on the records.

NOTE: For purposes of this section: "Flag" means to mark or identify as pertaining to a missing child or an indication identifying an item as pertaining to a missing child.

"Missing child" means a person who is under the age of 18 years, whose temporary or permanent residence is in this state or is believed to be in this state, whose location has not been determined and who has been reported as missing to a law enforcement agency.

### 11.17 ARS†15-0841 Responsibilities of Pupils: Certain Causes for Expulsion

Does the Governing Board:

1. Hold pupils responsible to comply with school and district regulations?
  2. Hold pupils responsible to pursue the required course of study?
  3. Hold pupils responsible to submit to the authority of the teachers and the Governing Board?
  4. Consider continued open defiance of authority grounds for expulsion?
  5. Consider habitual profanity, vulgarity or excessive absenteeism grounds for expulsion?
- Yes  No

NOTE: A pupil may be expelled for excessive absenteeism only if the pupil has reached the age or completed the grade after which school attendance is not required as prescribed in Section 15-802. Also see Note at ARS 15-843 below.

### 11.18 ARS†15-0843 Pupil Disciplinary Proceedings

Does the Governing Board officially grant the authority to suspend to the proper school official and require a suspension to be for good cause and reported to the Board within five days by the Superintendent or the person imposing the suspension?

Does the principal of each school ensure that a copy of all rules pertaining to discipline, suspension and expulsion of pupils is distributed to the parents of each pupil at the time the pupil is enrolled in school?

Does the principal of each school ensure that all rules pertaining to the discipline, suspension and expulsion of pupils are communicated to students at the beginning of each school year, and to transfer students at the time of their enrollment in the school?

Does the governing board develop procedures allowing teachers and principals to temporarily remove disruptive pupils from class?

Does the governing board develop, in consultation with the teachers and parents of the school district, rules for the discipline, suspension and expulsion of pupils including penalties for excessive pupil absenteeism, corporal punishment (if allowed by the district), reasonable use of physical force by certified or classified personnel in self defense, defense of others or property, procedures for pupils who are believed to have committed a crime, notice and hearing procedures for cases concerning the suspension of a pupil for more than 10 days, and procedures for readmission of a pupil who has been suspended or expelled?

Yes  No

NOTE: A teacher who fails to comply with this section is guilty of unprofessional conduct and his/her certificate shall be revoked. See the State Board of Education Rule R7-2-205 for prescribed procedure for initiating disciplinary action.

Does the district ensure that rules pertaining to the discipline, suspension or expulsion of pupils are not based on race, color, religion, sex, national origin or ancestry. Districts who are “substantially and deliberately not in compliance with this subsection or who fail to correct this deficiency with 90 days after receiving notice from the department of education may have funds withheld by the Superintendent of public instruction until the ADE determines the district is in compliance.

Yes  No

### **11.19 ARS†15-0872 Proof of Immunization; Noncompliance; Notice to Parents; Civil Immunity**

Does each school in the district make full disclosure of the requirements and exemptions regarding immunization as prescribed in ARS 15-872 and 15-873?

Upon enrollment does the school administrator suspend pupils who do not have documentary proof of immunization unless the pupil is exempt pursuant to ARS 15-873?

Does the school administrator admit and allow school pupils to attend who have received at least one dose of each of the required immunizations if a schedule for the completion of the immunizations has been established? If so, does the school administrator review the school immunization record for each such pupil at least twice annually until the pupil receives all the required immunizations and suspend any pupil who fails to comply with the immunization schedule?

Yes  No

NOTE: Immunizations received by a pupil shall be entered in the pupil’s immunization record.

Does the school administrator readmit a pupil who has been suspended for failure to comply with the immunization schedule upon receipt of documentary proof of the administration of another dose of each appropriate immunizing agent?

Notwithstanding the preceding requirements, does the school administrator allow homeless pupils five calendar days after enrollment to present documentary proof of immunization?

### **11.20 ARS†15-0873 Exemptions: Nonattendance During an Outbreak**

Does the school administrator admit pupils without documentary proof if:

1. The parent or guardian of the pupil submits a signed statement to the school administrator stating that the parent or guardian has received information about immunizations provided by the Department of Health Services, understands the risks and benefits of immunizations and the potential risks of non-immunization and that due to personal beliefs the parent or guardian does not consent to the immunization of the pupil?

2. The school administrator receives written certification which is signed by the parent or guardian and a physician which states that one or more of the required immunizations may be detrimental to the pupil’s health and which indicates the specific nature and probable duration of the medical condition or circumstance which precludes immunization.

Yes  No

NOTE: Pupils who lack documentary proof of immunization shall not attend school during outbreak of communicable diseases as determined by the Department of Health Services or local health department.

### 11.21 ARS†15-0874 Records: Reporting Requirements

Does the district maintain the School Immunization Record as a part of the permanent student record?

Yes  No

Does each school transfer the immunization record with the permanent student record and provide a copy of the immunization record, upon request, to the parent or guardian of the pupil, at no charge?

Yes  No

By November 30 of each school year, does the district complete and file a report with the local health department and the Department of Health Services using forms provided by the Department of Health Services?

Yes  No

### 11.22 ARS†15-0881 Extended School Year Programs for Pupils with Disabilities

Does each district make an extended school year program available to all pupils with disabilities for who such a program is necessary?

Yes  No

### 11.23 Other ARS Title XV Requirements for School Districts (15-902 through 15-2201)

#### 11.24 ARS†15-0902 Determination of Student Count

Does the Governing Board certify all student absence figures submitted to the Department of Education?

Yes  No

Does the school district record membership and attendance for each day school is in session?

Yes  No

Does the district include absences as part of the attendance record which is forwarded to the Department of Education?

Yes  No

Mandates related to this section are covered in the USFR. See Section V.

#### 11.25 ARS†15-0916 Expenditure of State Grant Monies Not Included in Budget

If the Governing Board receives a grant from this state for a specific program and did not include the grant in the district's budget, does the Governing Board obtain approval from the county school superintendent to authorize the expenditure of grant monies in excess of the budget at a public meeting of the Governing Board?

Yes  No

Does the Governing Board notify the Department of Education within 30 days of the action?

Yes  No

## 11.26 ARS†15-0922 Duties of the School District: Definition (Pupil Transportation)

Does the district, within 12 days after the first 100 days in session, certify to the Superintendent of Public Instruction the daily route mileage of the school district in the current year, the route mileage of the school district in the current year transporting eligible students for an extended school year in accordance with ARS 15-881, and the number of eligible students transported during the current year?

Yes  No

Does the district, on or before June 30, certify to the Superintendent of Public Instruction the following for each bus operated by the district:

- a. The odometer reading as of the end of the current year?
- b. An inventory of each school bus owned by the district including?
  - (i) Manufacturer of the bus.
  - (ii) Date of purchase.
  - (iii) Purchase price.
  - (iv) Capacity for passengers.
  - (v) Type of fuel used.

c. To total bus mileage during the current year?

The road conditions upon which eligible students are transported, reported in a format specified by the Superintendent of Public Instruction?

Yes  No

## 11.27 ARS†15-0991 Annual Estimate by County Superintendent of Monies for Ensuing Year

On or before September 1, does the Governing Board file with the County School Superintendent an estimate of the amount of Title VIII of the elementary and secondary education act of 1965 monies (P.L. 81- 874) which it is eligible to receive during the current year?

Yes  No

On or before June 1, does the Governing Board file with the County School Superintendent and the Superintendent of Public Instruction a statement of the actual amount of Title VIII of the elementary and secondary education act of 1965 ( P.L. 81-874) monies it received during the current year?

Yes  No

On or before September 15, does the Governing Board prepare and transmit to the County School Superintendent and the Superintendent of Public Instruction a final estimate of revenue from all sources?

Yes  No

Does the district maintain a copy of the final estimate of revenue and make it available to the taxpayers and residents of the district when requested?

Yes  No

## 11.28 ARS†15-0995 Special District Assessment for Adjacent Ways by School District

If the Governing Board contracts for constructing, maintaining or otherwise improving any public way adjacent to any parcel of land owned by the school district or leased for school purposes by the district, or an intersection of any public way adjoining a quarter block in which the parcel of land is situated, and for the construction of sidewalks or other betterments in or along such streets and intersections, and intends to

pay for such by the levy of a special assessment upon the taxable property in the district, is such assessment made a part of the itemized statement (which shows the amount of monies needed for expenses of schools within the school district for the ensuing year) regularly filed with the County School Superintendent?

Yes  No

### **11.29 ARS†15-1042 Student Accountability Information System**

Does each governing board submit electronic data on a school-by-school basis, including student level data to the department of education?

Yes  No

NOTE: Student level data means all data elements means are compiled and submitted for each student in this state and that are necessary for the completion of the statutory requirements for the ADE and the state board of education. Student level data does not include data elements related to student behavior, discipline, criminal or medical history, religious affiliation, personal physical descriptors or family information.

### **11.30 ARS†15-1045 Education Database: Pupil Privacy (2008)**

Does each district ensure that collection, maintenance or disclosure of pupil's educational records complies with the family educational rights and privacy act?

Yes  No

Does the district ensure that any pupil identifier is unique, not identifiable by anyone other than the officials named and shall not be the pupil's social security number?

Yes  No

### **11.31 ARS†15-1101 Revolving Funds: Purpose and Manner of Procuring**

If the district applies to the County School Superintendent for a revolving fund, does the application state the purpose for which the fund is required, the amount deemed necessary pursuant to this section and does it designate the particular official of the district who shall be the custodian of and be charged with the handling and accounting for the fund?

Yes  No

Is the custodian of the fund bonded for an amount equal to twice the amount of the fund and is the cost of the bond charged against the school district?

Yes  No

Does the designated custodian periodically submit a voucher with supporting papers covering disbursements from the revolving fund to the County School Superintendent?

Yes  No

NOTE: ARS 15-1106 Permanent teacher fund, ARS 15-1108 District Services fund and ARS 15-1121 Student Activities and Auxiliary Operations funds are monitored by audits and ADE.

### **11.32 ARS†15-1158 Agreements for Hot Lunches for Persons Sixty Years of Age or Older**

If the Governing Board decides to enter into any agreement with any individual or organization for the district to prepare hot lunches for persons sixty years of age or older and their spouses, does the Board assure that



the agreement does not involve the expenditure by the school district of any school lunch monies or other public school monies or the use of any school lunch commodities or public school personnel, equipment or facilities unless the agreement includes a provision requiring full reimbursement for such expenditure?

Yes  No

Provide for payment to the school district of any amount in excess of the estimated cost of food, personnel, equipment, facilities and other necessary expenditures involved in the performance of the agreement?

Permit any program of hot lunches for persons sixty years of age or older and their spouses to interfere in any way with the use of school lunch facilities for public school purposes?

Yes  No

### **11.33 ARS†15-1821 Special Admission of Students Under Age Eighteen; Enrollment Information; Reports**

Does each unified or union high school make information available to all students in grades 9-12 regarding the eligibility of such students to enroll in university or community college courses pursuant to rules adopted by the State Board of Directors for Community Colleges and the Arizona Board of Regents?

Yes  No

### **11.34 ARS†15-2201 Local Education Accountability Program**

Does each district from applications made and by March 1 of each year, select at least 1 school to participate in the local education accountability program and does each district select additional schools as necessary to reach 10% of the number of schools in the district?

Yes  No

Does each district, by April 1 of each year, provide a detailed written menu of services that the district will offer to provide to operationally independent schools?

Yes  No

Does each district, after deducting necessary expenses that are directly related to the administration of the school district, distribute all monies associated with teacher salaries, ADM and transportation of pupils directly to the principal of a school in the Local education accountability program?

Yes  No

### **11.35 ARS†15-2132 Indoor air quality requirements**

Does the governing board ensure that, if it has installed or renovated its HVAC system it is maintained and operated in a manner consistent with ventilation standards acceptable to the board, and that it is operated continuously during school activity hours, except during scheduled maintenance and emergency repairs?

Yes  No

### **11.36 ARS†15-2301 Hazing Prevention Policies**

Does every public educational institution adopt, post and enforce a hazing prevention policy?

Yes  No

Does the policy include: a definition, a statement that hazing is prohibited, a statement that acquiescence is not a defense to a violation of the policy, a statement that all students, teachers and staff shall report violations, procedures to investigate reports of violations of the policy, a procedure to report to the appropriate law enforcement agency when appropriate, and a description of penalties, sanctions, and appeals for persons and organizations that violate the hazing policy?

Yes  No

Please note that any teacher or staff who knowingly permits, authorizes or condones the hazing activity is subject to disciplinary procedures.

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