



# THE ARIZONA COALITION

OF SCHOOL BOARD MEMBERS

# Policy Alerts

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\*These policies have been prepared in substantial conformity to the statutes published in the Arizona Revised Statutes, as amended, updated to include the revised sections from the 56th Legislature, 1st Regular Session. Also, to the extent that conformity to regulations of any particular school board or of any state agency is at issue, the relevant regulation should be consulted for interpretive guidance.

### **1.33 Accountability - General Complaints**

Updated to include language from Sen. Wadsack's vetoed Senate Bill 1410. Each school district governing board is required to establish a mechanism for each school to receive and investigate complaints filed by parents of students alleging that the school, school district, or an employee or contractor of the school or school district has violated any of the rights of the parent or student. The policies and procedures establishing the mechanism must require each school to take a list of actions, including notifying parents of their right to file a formal complaint and reporting information on complaints to the school board on a quarterly basis

### **1.35 Accountability - Financial Reporting, Audits and Reviews**

Updated to include new statute in references having to deal with Average Daily Membership (ADM). (SB 1174)

### **1.38 Accountability - Parental Notification**

This policy was created to ensure parents are notified about situations regarding their children. It includes situations regarding pronouns, injuries, suicide, and bullying. This policy is created specifically to address the growing issue of situations occurring in schools without parental notification or consent. It takes policy language from around the country as well as two vetoed bills from last session, SB 1001 and SB 1410.

### **2.21 Organization - Organizational Meeting**

This policy has been updated to allow the organizational meeting to elect board positions within the board within the entire month of January rather than from January 1-15. (HB 2663)

### **2.42 Ethics - Board Member Conflict of Interest**

Updates to this policy include new language from HB2459 and SB1584. HB2459 allows for school districts to employ, including through a third-party contractor that provides services to the school district, any person who served as a member of the school district governing board during the preceding two years only in a position in which the person will provide services directly to students. School districts are authorized to increase the time period for this restriction to be more than two years. SB 1584 allows a "small school district" to employ a substitute teacher who is related to a member of the governing board as the member's spouse or immediate family and who has had the same household of residence within the preceding four years. If a small school district employs a substitute teacher in these circumstances, the member of the governing board who is related to the substitute teacher must be recused from voting on any matter relating to substitute teachers.

## **2.54 Meeting - Agenda**

Creates the requirement that except for a meeting through technological devices, the agenda for a public meeting is required to include notice of the time that the public will have physical access to the meeting place. (SB 1270)

## **2.69 Members - Access to District Facilities**

School district governing board members are required to have at least the same level of access to the school district office facilities and staff during regular business hours as any employee of the school district office. School districts cannot limit a school district governing board member's access to district office facilities by requiring the member to be accompanied by or seek authorization from a district employee. (Based on vetoed HB 2210)

## **3.53 Discipline - Suspension and Expulsion**

Our policy has been updated to show the statutory requirements that must be met in order to suspend or expel a student in kindergarten through fourth grade. These do not apply to an expulsion required due to a student bringing a firearm to school or to a suspension for two or fewer days when the aggregate suspensions for that student do not exceed ten days within the school year. HB 2460)

## **3.85 Safety - Restrooms, Locker Rooms, and Sleeping Quarters**

This policy is based on a bill run by Senator Kavanagh that was vetoed by Governor Hobbs. Public schools would have been required to provide a reasonable accommodation to any person who was unwilling or unable to use either a multi-occupancy restroom or changing facility designated for the person's "sex" and located in a public school building or multi-occupancy sleeping quarters while attending a public school-sponsored activity, and who requested in writing a reasonable accommodation from the public school. Any person whose written request for a reasonable accommodation was denied by the public school would have had a private cause of action against the public school unless the public school could demonstrate that the accommodation would cause an undue hardship. Any person who encountered a person of the opposite sex in a multi-occupancy restroom or changing facility designated for the person's sex and located in a public school building or who was required by a public school to share sleeping quarters with a person of the opposite sex would have had a private cause of action against the public school if the public school gave the person of the opposite sex permission to use the restroom, changing facility, or sleeping quarters.

## **4.21 Public - Meetings and Records**

Schools, school boards, executive boards, and municipalities are required to provide for an amount of seating sufficient to accommodate the reasonably anticipated attendance of all persons desiring to attend the deliberations and proceedings, when feasible. Does not require a public body to relocate a meeting outside of the largest regular meeting room. (SB 1270)

## **5.25 Employment - Personnel Records**

School districts are required to collect and maintain information about each current and former teacher's educational and teaching background and experience, and to either post the information on the district's or school's website or make the information available for inspection on request of parents and guardians of students. (HB 2060)

## **5.62 Health - Infectious Diseases**

HB 2016 states that counties are prohibited from requiring a person who volunteers at a school activity or function where food is being handled or served outside of the school's regular food service to students to obtain a food handler certificate or identification card or participate in a food handler certificate training course if the person is overseen by a certified food protection manager or person in charge. The additional statute has been added to the references.

## **6.64 Safety - Emergency Response Plan**

Adds language from SB 1315 to include how the school and emergency responders will communicate with and provide assistance to students with disabilities in their emergency response plans developed by school district governing boards.

## **7.15 Time - Ceremonies and Observances**

Updates the pledge to a requirement that every student in kindergarten through grade 12 is to recite the Pledge of Allegiance to the United States Flag during the set aside time each day at all districts. At the request of a student's parent or of a student who is at least 18 years of age, the student must be excused from this requirement. Iowa Governor Kim Reynolds recently signed a similar bill into law! (Rep. Parker's HB 2523 that did not advance)

## 1.33 Accountability - General Complaints

Adopted: (date of adoption)

Revised: (date of latest revision and approval)

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**Policy Objectives:** It is the intent of the Board to strive to resolve public concern and complaints for all matters, including personnel.

A. Written, signed complaints, regardless of how they are received, will be referred to the Superintendent for study and resolution, if possible.

1. The Superintendent shall develop a complaint form requesting basic information.
2. The Superintendent shall forward the form to the complainant if the initial complaint was incomplete.

B. The Superintendent shall develop a procedure for logging, reviewing and recording disposition of received complaints. The Board may review this documentation at any time. The documentation may be destroyed after a period of 3 years. This is a public record, as permitted by law.

C. The Board will hear citizen complaints when they have not been resolved by the Superintendent.

1. The Board member(s) may contact the individual who initiated the complaint and provide the details of the investigation.

D. If a complaint involves a complex problem, and/or a lengthy investigation will be required, the investigating administrator shall make periodic reports to the Board.

E. The Board will not consider or act on anonymous complaints, or complaints that have not been explored at the appropriate administrative level.

**F. The Superintendent shall prescribe and enforce policies and procedures to receive and investigate complaints filed by parents of students alleging that the school, the district, or an employee/contractor of the school or district has violated the rights of the parent or student. The policies and procedures shall do all of the following:**

1. At the beginning of each school year or at the time of a student's enrollment, notify each parent of the parent's right to file a formal complaint, including the process and requirements for filing a complaint.
2. Designate an administrator who is responsible for receiving, investigating and resolving all complaints filed pursuant to this section.
3. On at least a quarterly basis, report to the district governing board the following information:
  - a. The number of unresolved complaints at the beginning of the relevant time period, disaggregated by the subject of the complaint.
  - b. The number of new complaints that have been filed during the relevant time period disaggregated by the subject of the complaint.
  - c. For each complaint included in the report pursuant to subdivision (a.) or (b.) of paragraph (E) one of the following:

- i. The complaint was dismissed, and the reason for dismissal.
- ii. If the complaint is under investigation, the date on which the complaint was filed, and if applicable, the date(s) on which additional information was requested or received by the designated administrator.
- iii. If the complaint was withdrawn by the complainant, the reason for the withdrawal, if available, the designated administrator's findings relating to the complaint, any action taken by the school to address the subject of the complaint and, if applicable, the terms of the agreement between the school and complainant.
- iv. If the designated administrator finds that one or more violations alleged in a complaint were true, what action the school had taken or will take to address the violation and to prevent future violations.

**G. F.** This policy addresses all complaints except Instructional Resources.

Last Revision Date: September 17, 2023



## 1.35 Accountability - Financial Reporting, Audits and Reviews

Adopted: (date of adoption)

Revised: (date of latest revision and approval)

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**Policy Objectives:** It is the intent of the Board to be in compliance with all state and federal requirements for financial monitoring and audits and to be stewards of taxpayer dollars.

A. The Superintendent shall implement procedures that assure compliance with all state and federal requirements for audits and financial reporting.

1)The financial records of the District shall be audited by an independent accounting firm in conformance with generally accepted auditing standards and legal requirements.

B. Every audit contract shall include a systematic review of average daily membership, as defined in section 15-901, using methodology that is consistent with guidelines established by the auditor general.

C. The Board shall publicly accept all audits and compliance questionnaires by roll call vote.

D. Every audit contract shall include a systematic review of average daily membership, as defined in section 15-901, using methodology that is consistent with guidelines established by the auditor general.

E. All final audit reports and reviews shall be presented to the Board and filed with appropriate state and other authorities.

F. The District shall prominently post on its website the Auditor General District Spending (Classroom Dollars) Report.

G. The Superintendent and/or Board, may contract with certified or registered public accountants, qualified management consultants, or other similar professional experts as reasonably necessary to conduct, or aid the performance of an audit.

1.An audit that is performed by contract must be conducted by persons who have no financial interests in the affairs of the District or its officers. Contracting for these audits will be awarded in accordance with federal and state procurement laws.

### LEGAL REF.:

A.R.S.

15-213

15-239

15-901

15-904

15-914

15-2111

**LEGAL REF. (cont.):**

A.R.S.

41-1279.03

41-1279.04

41-1279.05

41-1279.07

41-1279.21

41-1279.22

A.A.C.

R7-2-902

USFR - Audit Requirements

2 CFR Part 200 Appendix XI, Compliance Supplement

Last Revision Date: September 17, 2023

## 1.38 Accountability – Parental Notification

Adopted: (date of adoption)

Revised: (date of latest revision and approval)

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**Definitions:** "Biological sex" means the biological indication of male and female in the context of reproductive potential or capacity, such as sex chromosomes, naturally occurring sex hormones, gonads and non-ambiguous internal and external genitalia present at birth, without regard to an individual's psychological, chosen or subjective experience of gender.

"Gender" means the psychological, behavioral, social and cultural aspects of being male or female.

"Bullying" may occur when a student or group of students engages in any form of behavior that includes such acts as intimidation and/or harassment that:

- has the effect of physically harming a student, damaging a student's property, or placing a student in reasonable fear of harm or damage to property,
- is sufficiently severe, persistent or pervasive that the action, behavior, or threat creates an intimidating, threatening, or abusive environment in the form of physical or emotional harm,
- occurs when there is a real or perceived imbalance of power or strength, or
- may constitute a violation of law.

**Policy Objectives:** It is the intent of the Board to foster trust between the district and parent(s)/guardian(s) of its students. To that end, the Board supports the fundamental rights of parent(s)/guardian(s) to direct the care and upbringing of their children, including the right to be informed of and involved in all aspects of their child's education to promote the best outcomes.

A. An employee or independent contractor of a school district may not knowingly address, identify, or refer to a student who is under eighteen years of age by either of the following unless the school district receives written permission from the student's parent or guardian.

1. A pronoun that differs from the pronoun that aligns with the student's biological sex.
2. A first name other than the first or middle name that is listed on the student's official school records, except that an employee or independent contractor may address, identify, or refer to a student by a nickname that is commonly associated with the student's name or is listed in their official records.

B. In the event a minor student, with the written consent of such student's parent(s)/guardian(s) specifically, in writing, requests or directs the use of specific pronouns for that particular student, District staff interacting with the student may comply with such request. However, the District cannot and will not compel District staff or other students to address or refer to students in any manner that would violate the speaker's First Amendment rights.

C. An employee or independent contractor of the district shall notify the parent(s)/guardian(s), in writing immediately when any district employee, or independent contractor becomes aware that a student is:

1. Requesting to be identified or treated as a gender other than the student's biological sex or gender listed on the student's birth certificate or any other official records. This includes any request by the student to use a name that differs from their legal name (other than a commonly recognized diminutive of the child's legal name or name in their official records) or to use pronouns that do not align with the student's biological sex or gender listed on the student's birth certificate or other official records.
  2. Requesting access to sex-segregated school programs and activities, including athletic teams and competitions, or using bathrooms or changing facilities that do not align with the student's biological sex or gender listed on the birth certificate or other official records.
  3. Requesting to change any information contained in the student's official or unofficial records.
- D. This does not prohibit any person described in subsection A of this policy from discussing matters of public concern outside the context of the person's official duties.
- E. The principal/designee, or staff shall notify the parent(s)/guardian(s) of the student immediately or as soon as reasonably possible, that the student has experienced any significant physical injury while on school property or participating in a school sponsored activity.
- F. All district employees shall take every student's statement regarding suicidal intent seriously.
- a. Whenever an employee, administrator or certificated staff member suspects or has knowledge of a student's suicidal intentions based on the student's verbalizations or act of self-harm, the employee, administrator, or staff member shall promptly notify the principal or school counselor, who shall implement district's intervention protocols, as appropriate, and shall notify the parent(s)/guardian(s) immediately, or as soon as reasonably possible.
  - b. When a suicide attempt or threat is known, the principal or designee shall ensure student safety by taking the following actions:
    - i. Immediately secure medical treatment as necessary;
    - ii. Keep the student under continuous adult supervision until the parent/guardian can be contacted and has the opportunity to intervene;
    - iii. Notify law enforcement and/or other emergency assistance if a suicidal act is being actively threatened and remove other students from the area in the event of an active suicidal act.
  - c. The principal or designee shall document the incident in writing, including the steps that the school took in response to the suicide attempt or threat.
  - d. School employees shall act only within the authorization and scope of their credential or license. An employee is not authorized to diagnose or treat mental illness unless specifically licensed and employed to do so.
- G. The principal/designee or certificated staff shall notify the parent(s)/guardian(s) of any incident or complaint of a verbal or physical altercation involving their child, including bullying by or against their child, immediately following the occurrence.
- a. Any student, parent/guardian, or other individual who believes that a student has been subjected to bullying or who has witnessed bullying may report the incident to a teacher, the principal, district compliance officer, or any other available school employee.
  - b. Any complaint of bullying, whether it is discriminatory or nondiscriminatory, shall be investigated and resolved in accordance with Arizona Revised Statute 15- 153 and the district's policy,

H. Unless otherwise specified, the notification required in Sections 1 through 4 above, can be by telephone, mail, email, or conference. The district employees who make such notification shall either keep a record of such notification (if written) or document such notification (if verbal) and place the record or documentation in the student's official student information system.

I. The Superintendent shall prescribe and enforce policies and procedures to receive and investigate complaints filed by parents of students alleging that the school, the district, or an employee/contractor of the school or district has violated the rights of the parent or student. The policies and procedures shall do all of the following:

1. At the beginning of each school year or at the time of a student's enrollment, notify each parent of the parent's right to file a formal complaint, including the process and requirements for filing a complaint.
2. Designate an administrator who is responsible for receiving, investigating and resolving all complaints filed pursuant to this section.
3. On at least a quarterly basis, report to the district governing board the following information:
  - a. The number of unresolved complaints at the beginning of the relevant time period, disaggregated by the subject of the complaint.
  - b. The number of new complaints that have been filed during the relevant time period disaggregated by the subject of the complaint.
  - c. For each complaint included in the report pursuant to subdivision (a.) or (b.) of paragraph (E) one of the following:
    - i. The complaint was dismissed, and the reason for dismissal.
    - ii. If the complain is under investigation, the fate on which the complaint was filed, and if applicable, the date(s) on which additional information was requested or received by the designated administrator.
    - iii. If the complaint was withdrawn by the complainant, the reason for the withdrawal, if available, the designated administrator's findings relating to the complaint, any action taken by the school to address the subject of the complaint and, if applicable, the terms of the agreement between the school and complainant.
    - iv. If the designated administrator finds that one or more violations alleged in a complaint were true, what action the school had taken or will take to address the violation and to prevent future violations.

**Legal Ref.:**

A.R.S.  
15-102  
15-113  
15-143  
15-153  
15-341

Last Revision Date: September 17, 2023

## 2.21 Organization - Organizational Meeting

Adopted: (date of adoption)

Revised: (date of latest revision and approval)

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**Definitions:** “Vice President” means the elected board member who shall preside over meetings in the event the President is absent. This may also be referred to as “Clerk”.

**Policy Objectives:** It is the intent of the Board that a new President and Vice President be elected from among the members **in January next following the election** ~~between January 1 and January 15~~ of every year in a public meeting. The organizational meeting shall occur separately and prior to any other board meetings and is not an item that can be added to the agenda of the first board meeting of the year.

A. The Governing Board will hold an election of its Board President and Vice President, (from among its membership) who will serve as president in the absence of the president, **in January next following the election** ~~between January 1 and January 15~~ every year. The term of office for each officer will be for the calendar year (one [1] year term). The officers will preside during and until an election of new officers takes place. Note: If a quorum is not attained during such regular meeting session during that period of time (January 1-15), then a "special Board meeting" will be called for and held as soon as possible for the purpose of conducting the election.

B. For the purpose of organization of the Governing Board, the Board shall meet at the most convenient public facility in the District. (If a public facility is not available within the District, the Board may meet at any available public facility convenient to all Board members, regardless of the county or school district in which the facility is located.)

C. The meeting shall be called to order by the President of the Board for the preceding year. If that person is not a member of the Board, the meeting shall be called to order by the Vice President for the preceding year. If the preceding year President and Vice President are not members of the Board, a temporary president shall be elected and the meeting shall be called to order by the temporary president. The person calling the meeting to order shall preside until a successor is chosen.

D. The Board President shall ask for nominations for the office of President. A member may nominate him or herself. The President shall ask for acceptance of nominations from those nominated. Immediately after electing a President the Board will take a brief recess. The meeting will resume with the new President conducting the balance of the meeting.

E. The New Board President shall ask for nominations for the office of Vice President. Process in Section D. shall be repeated. The elected Vice President will immediately assume the post and the meeting may resume with additional Board business.

F. Whenever there is a vacancy in the office of President or Vice President, the Board shall

elect a new officer to fill the vacancy during the unexpired term of office.

**LEGAL REF.:**

A.R.S.

15-321

38-431 et seq.

Last Revision Date: August 8, 2023

## 2.42 Ethics - Board Member Conflict of Interest

Adopted: (date of adoption)

Revised: (date of latest revision and approval)

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**Definitions:** “Refrain from participating in any manner” means not participating in any way in the process leading up to a decision. An employee with a conflict of interest must not make recommendations, give advice, or otherwise communicate in any manner with anyone involved in the decision-making process.

"Dependent" has the same meaning prescribed by section 152 of the internal revenue code.

“Small School District” means a school district that meets all of the following:

- a. Has a student count of fewer than six hundred in kindergarten programs and grades one through eight or grades nine through twelve.
- b. Contains at least one school that is fewer than thirty miles by the most reasonable route from another school that teaches one or more of the same grades and is operated by another school district in this state.
- c. Is designated as a small school district by the superintendent of public instruction.

**Policy Objectives:** It is the intent of the Board that members avoid all impropriety and any appearance of impropriety.

A. It is unlawful for a board member to vote on a specific item that concerns the appointment, employment, or remuneration of the member or any person related to the member as a dependent as defined in A.R.S. 43-1001.

B. No dependent of a Board member may be employed in the District in which the person to whom such dependent is so related is a board member, except by consent of the Board.

C. ~~An~~ No employee of the District, including a person who directly provides certified or classified services to the District as an employee of a third-party contractor, or the spouse of such employee may **not** hold membership on the Board of the District by which the employee is employed.

D. A school district may employ, including employment through a third-party contractor that provides services to the school district, a person who served as a member of the school district's governing board during the preceding two years only in a position in which the person will provide services directly to students, including a certified teacher, a substitute teacher, and an employee or contractor who provides transportation, instructional support, or student support services. A school district may increase the time period to be more than two years if desired.

E. A small school district may employ, including employment through a third-party contractor that provides services to the small school district, a substitute teacher who is



related to a member of the governing board as the member's spouse or immediate family an who as has the same household of residence within the preceding four years. If a small school district employs a substitute teacher pursuant to this, the member of the governing board related to the substitute teacher shall be recused from voting on any matter related to substitute teachers.

**F.** Any Board member or employee of the District who has, or whose relative has, a substantial interest in the official records of the District and shall refrain from voting upon or otherwise participating in any manner as a Board member or employee in such contract, sale, or purchase.

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

- Purchases for supplies, materials, and equipment do not exceed three hundred dollars (\$300) in cost in any single transaction
- Total purchases do not exceed one thousand dollars (\$1,000), annually
- The Board has, by majority vote, approved a policy authorizing such purchases annually.

**H.** The District shall maintain for public inspection in a special file all documents necessary to memorialize all disclosures of substantial interest made known pursuant to A.R.S. Title 38, Article 8.

**LEGAL REF.:**

A.R.S.

15-213

15-323

15-421

15-502

15-901

38-481

38-501 et seq

38-503

43-1001

A.G.O.

184-012

187-035

188-013

106-002

Last Revision Date: August 8, 2023

## 2.54 Meetings - Agenda

Adopted: (date of adoption)

Revised: (date of latest revision and approval)

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**Policy Objectives:** It is the intent of the Board to prepare agendas in a timely, complete, and transparent manner, providing and to disseminate that agenda to board members in a timely, complete and transparent manner.

A. The Superintendent will prepare Board meeting agendas in consultation with the Board President and/or Vice President.

B. The Superintendent or Board members may place items on the agenda. Any Board member desiring to place an item on the agenda will notify the Superintendent or Board President in writing of the particular item of business at least five (5) working days before the meeting.

C. The agenda of each Board meeting may contain a consent agenda. Consent agenda items will be determined and indicated by the Superintendent, with the concurrence of the Board President, at the time agendas are prepared. All backup material relating to any consent agenda items will be included in the Board's agenda packets.

1. Consent agenda items may be removed for discussion and debate by any member of the Board at the Board meeting. If removed from the consent agenda, the item may be moved to action/discussion, or may be placed on the next Board meeting agenda.

D. The agenda and supporting materials shall be distributed to the Board members not less than twenty-four (24) hours prior to the meeting. Every reasonable attempt will be made to provide the agenda and supporting materials five (5) calendar days in advance of the meeting.

E. Persons with a disability or who need an interpreter may request a reasonable accommodation by contacting the Governing Board Secretary at least 48-hours in advance to arrange services.

F. Copies of the agenda and all documentation provided to the Board in the agenda packet shall be available to the public and the press at least twenty-four (24) hours prior to the meeting. **Except for a meeting through technological devices, the agenda shall also include notice of the time that the public will have physical access to the meeting place.**

G. These procedures may be altered by the Superintendent and Board President during an emergency.

### LEGAL REF.:

A.R.S.  
38-431 et seq.

Last Revision Date: August 8, 2023

## 2.69 Members - Access to District Facilities

Adopted: (date of adoption)

Revised: (date of latest revision and approval)

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**Policy Objectives:** It is the intent of the Board to be able to access district facilities without limitations.

Each district governing board members shall have at least the same level of access to the district office facilities and staff during regular business hours as any employee of the district office. A district may not limit a board member's access to district office facilities by requiring board members to be accompanied by or to seek authorization from an employee of the district.

Last Revision Date: August 8, 2023

### 3.53 Discipline – Suspension and Expulsion

Adopted: (date of adoption)

Revised: (date of latest revision and approval)

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**Definitions:** “Suspension” means the temporary withdrawal of the privilege of attending a school for a specific period of time. Any suspension must be for good cause and reported to the Board within five working days of imposition.

“Expulsion” means the permanent withdrawal of the privilege of attending all schools in the District unless the Board reinstates the privilege. Only the Board has authority to expel a student.

**Policy Objectives:** It is the intent of the Board that the Superintendent develop suspension and expulsion procedures for both regular and special education students that maximize student safety and result in minimized disruption to the educational environment.

- A. A student may be removed from contact with other students as a temporary measure.
- B. The building administrator has the authority to impose a short suspension (ten school-days or less) following appropriate due-process. Members of the superintendency have the authority to impose a long suspension (11 school-days or more) following appropriate due-process. **Each suspension shall be reported to the board, within five (5) days, by the Superintendent or the person imposing it.**
- C. The Superintendent will develop procedures, in accordance with Arizona State law, for the suspension of students, including appeal of a long suspension to the Board.
- D. The Superintendent will develop procedures, in accordance with Arizona State law for the expulsion of students, including appeal to the Board.
  - 1. The student may not return to school pending Board action.
  - 2. The decision of the Board is final and binding. If an expulsion is imposed, it will take effect after the Board considers the hearing officer's recommendation and determines that expulsion is the appropriate disciplinary action.
- E. The Superintendent will develop procedures for readmission after expulsion by the District Board or another district/school or the juvenile justice system.
- F. The district may suspend or expel a pupil who is enrolled in a K-4 program only if all of the following apply:**
  - 1. The pupil is seven years of age or older.**
  - 2. The pupil engaged in conduct on school grounds that meets one of the following criteria:**
    - a. Involves the possession of a dangerous weapon without authorization from the school.**
    - b. Involves the possession, use or sale of a dangerous drug as defined in section 13-3401 or a narcotic drug as defined in section 13-3401 41 or a violation of section 13-3411.**
    - c. Immediately endangers the health or safety of others.**

**G. Subsection F of this policy does not apply if either:**

- 1. Expulsion is required pursuant to A.R.S. 15-841 (G).**
- 2. The district is suspending the pupil for two or fewer days and the aggregate suspensions for the pupil do not exceed ten days within the school year.**

**H. F-**The Superintendent will develop modify the above expulsion procedures for the expulsion of special education students, as modified by Federal and State special education law.

**I. G-** The Superintendent will post all suspension and expulsions procedures in the parent and student handbook.

**LEGAL REF.:**

A.R.S.

13-3401

13-3411

15-342

15-766

15-767

15-841

15-842

**15-843**

A.A.C.

R7-2-401

R7-2-405

A.G.O.

178-103

178-218

180-055

184-036

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

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

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

**Last Revision Date: August 8, 2023**

### 3.85 Safety – Restrooms, Locker Rooms, and Sleeping Quarters

Adopted: (date of adoption)

Revised: (date of latest revision and approval)

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**Policy Objectives:** It is the intent of the Board to provide reasonable accommodations for all students.

**Definitions:** "Changing Facility" means a facility in which a person may be in a state of undress in the presence of others. This Includes a locker room, changing room, or shower room.

"Restroom" means a facility that includes one or more toilets or urinals.

"Sex" means a person's immutable biological sex as determined by anatomy and genetics existing at the time of the person's birth. Evidence of a person's biological sex includes any government-issued identification document that accurately reflects the person's sex as listed on the person's original birth certificate.

"Family" means a person's spouse, parent or guardian, child, sibling, or grandparent.

1. The school district shall provide a reasonable accommodation to any person who both:
  - a. For any reason, is unwilling or unable to use either a 9 multi-occupancy restroom or changing facility designated for the person's sex and located in a district building or multi-occupancy sleeping quarters while attending a school district activity.
  - b. Requests in writing a reasonable accommodation from the district.
2. A reasonable accommodation may include either of the following:
  - a. access to a single-occupancy restroom or changing facility.
  - b. use of an employee restroom or changing facility.
3. A reasonable accommodation does not include access to a restroom or changing facility that is designated for use by persons of the opposite sex while persons of the opposite sex are present or could be present.
4. This policy does not prohibit the district from adopting policies necessary to accommodate persons protected under the Americans with Disabilities Act of 1990 or young children in need of physical assistance when using restrooms or changing facilities located in public schools.
5. Any person whose written request for a reasonable accommodation under this section is denied by the district has a private cause of action against the district unless the district can demonstrate that the accommodation would cause an undue hardship.
6. Any person who encounters a person of the opposite sex in a multi-occupancy restroom or changing facility designated for the person's sex and located in a district building or who is required by the district to share sleeping quarters with a person of the opposite sex, unless such persons are of the same family, has a private cause of action against the district if the district gave the person of the opposite sex permission to use the restroom, changing facility or sleeping quarters.

7. All civil actions brought pursuant to this section must be initiated within two years after the alleged violation occurred.
8. Persons who are aggrieved under this section and who prevail in court may recover monetary damages for all psychological, emotional, and physical harm suffered.
9. Persons who prevail on a claim brought pursuant to this section 4 are entitled to recover reasonable attorney fees and costs.
10. This section does not limit other remedies at law or equity that are available to the aggrieved person against the school district.

Last Revision Date: May 4, 2023

## 4.21 Public - Meetings and Records

Adopted: (date of adoption)

Revised: (date of latest revision and approval)

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**Definitions:** “Public records” means any recorded information that is made, maintained, or kept by, or is in the possession of, the District.

**Policy Objectives:** It is the intent of the Board that business of the District will be conducted in open meetings, except as exempted by law.

A. The official business of the Board shall be conducted in open meetings (except as exempted by law), which the press, the public, and school employees are welcome to attend, and at which time communications, both verbal and written, may be received and considered when placed on the agenda.

B. School districts shall provide for an amount of seating sufficient to accommodate the reasonably anticipated attendance of all the persons desiring to attend the deliberations and proceedings, when feasible. This does not require relocating outside of the largest regular meeting room.

C. The Board will maintain written minutes and, additionally, video/audio tape record of all meetings which will be considered public record, (except as exempted by law).

D. Public records of the District will be open for inspection by any person as provided by law.

E. Requests for access to records shall be made in writing and directed to the office of the Superintendent.

F. All persons requesting inspection and/or copying of public records must attest that they have not requested the public records of the District for a commercial purpose. If the records are requested for a commercial purpose, the requester must provide a statement, verified by the requester, setting forth the commercial purpose for which the materials will be used.

G. The Superintendent must permit access to, or provide for the copying of, the records requested within a reasonable period of time following receipt of the signed request or will provide an explanation of a cause for further delay and will give notification of the time the records will be available, or, if access is denied, the Superintendent will provide a written statement of the grounds for denial.

H. Requirements of access and inspection apply only to existing records and do not require creation of new records. Public inspection of a document that otherwise would be a public record may be denied by the Superintendent if:

1. the record is made confidential by statute
2. the record involves the privacy interests of persons



**LEGAL REF.:**

A.R.S.

38-431 to 38-431.09

39-101

39-103

A.G.O.

183-006

184-179

185-023

186-090

191-004

Last Revision Date: August 8, 2023

## 5.25 Employment - Personnel Records

Adopted: (date of adoption)

Revised: (date of latest revision and approval)

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**Policy Objectives:** It is the intent of the Board to maintain complete and current official personnel files for each District employee and to release to the public contents of the personnel file to the extent that disclosure is compelled as a public record.

A. The Superintendent will maintain a complete and current official personnel file for each District employee which shall include, but not be limited to:

1. **Official Transcripts:** Professional employees are required to supply the District office with current and complete official transcripts of all college credits.
2. **Current Certification:** It is the duty and responsibility of each certificated employee to keep their certification current.
3. **Derogatory Information:** Employees will be advised of, and will be permitted to review and comment on, all information of a derogatory nature prior to placement in their respective personnel files. The employee may prepare a written reply to such information, and such reply, if any, will be appended to the information in the file.
4. **Disciplinary Records:** Records reasonably necessary or appropriate to maintain an accurate knowledge of disciplinary actions regarding staff members and the staff member's responses will be maintained. Disciplinary action records shall be open to inspection and copying unless such inspection and disclosure of records or information in the records is contrary to law.

B. The Superintendent will ensure procedures exist to maintain confidentiality and access of personnel files, including, but not limited to:

1. Subfiles may be created within a personnel file as are appropriate to ensure confidentiality of those files made confidential by law and efficient use of the file.
2. Access to personnel files will be limited to authorized District officials and employees authorized to handle personnel files.
3. Individual Board members may only inspect confidential staff files when specifically authorized by the Board, as evidenced by action of a quorum of the Board in a legal meeting properly noticed.
4. Employees may review their own files by making written requests to the Human Relations Department.
5. Materials obtained prior to an employee's employment, such as confidential recommendations or interview notes, will not be available for review by the employee.
6. Teacher evaluations are confidential, do not constitute a public record, and shall not be released or shown to any person except for the explicit purposes set out in A.R.S. §15-537.
7. The Superintendent shall release to the public contents of the personnel file to the extent that disclosure is compelled as a public record.
8. **The Superintendent shall collect and maintain information about each current and former teacher's educational and teaching background and experience in a particular academic content subject area. A school district shall inform parents/guardians of the**

availability of the information and shall either post the information on the district website or make the information available for inspection on request of parents and guardians of pupils enrolled at a school.

1. This paragraph does not require any school to release personally identifiable information in relation to any teacher or employee, including the teacher's or employee's address, salary, social security number or telephone number.

C. Unless otherwise specifically provided by law, a school district shall not:

1. Use an individual's social security number on forms of identification.
2. Transmit to another individual material that contains both the individual's social security number and the individual's financial institution account number. This does not preclude the transmission of documents of enrollment, amendment, termination, or contracting for financial services nor does it preclude transmitting documents confirming the accuracy of the numbers previously submitted.

D. The Superintendent shall prepare procedures to implement this policy and A.R.S. §44-1373 which restricts use of personal identifying information.

**LEGAL REF.:**

A.R.S.

15-302

15-341

15-502

15-537

23-926

23-1361

23-1362

38-233

39-121 et seq.

41-1482

Last Revision Date: August 8, 2023

## 5.62 Health – Infectious Diseases

Adopted: (date of adoption)

Revised: (date of latest revision and approval)

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**Policy Objectives:** It is the intent of the Board to take reasonable and lawful measures to protect students and staff members from the transmission of communicable diseases. The Superintendent shall develop procedures as are necessary to implement this policy in a manner consistent with state and federal laws.

A. A staff member who has a communicable disease shall be excluded from school only if the staff member presents a direct threat to the health or safety of others in the school workplace.

1. The outbreak control measures and other directives of the Department of Health Services (DHS) and local health agencies shall be acted upon as the best medical knowledge and judgments with regard to the exclusion of a staff member who has a communicable disease that is addressed by DHS regulations. The communicable diseases specifically addressed by DHS regulations are listed at A.A.C. R9-6-203 et seq.

B. A staff member who has a chronic communicable disease, such as tuberculosis or HIV/AIDS, shall not be excluded unless a significant risk is presented, to the health and safety of others, which cannot be eliminated by reasonable accommodation.

1. The Superintendent shall consult with legal counsel and health professionals, as necessary, to ensure that exclusion of a staff member with a chronic communicable disease will not violate the staff member's rights under the Americans with Disabilities Act or Section 504 of the Rehabilitation Act.

C. The school nurse or other person designated by the Superintendent must reassess a staff member who is excluded from school because of a communicable disease before the staff member returns to work.

1) The Superintendent may require a physician's written medical release as a condition for the staff member's return to work.

D. The District shall report by telephone to its local health agency each diagnosed and suspected case of a communicable disease.

E. If an outbreak of a communicable disease occurs in a school setting, the Superintendent or the school nurse shall promptly inform staff members who are known to have special vulnerability to infection. The District does not assume any duty to notify an employee of health risks caused by the presence of a communicable disease in the school setting unless the at-risk employee has notified the District of the conditions when notification is needed.

F. The District shall make reasonable efforts to maintain the confidentiality of staff members' medical conditions. All medical information relating to employees is confidential. The identity

of a staff member who has a communicable disease and/or the nature of the communicable disease may be disclosed only to:

- Staff members who must have such information to carry out their duties under this policy;  
or
- Staff members or students (or their parents/guardians) who must have such information to protect themselves from direct threat to their health or safety.

G. Inquiries or concerns by staff members or others regarding communicable diseases or a staff member who is known or believed to have a communicable disease shall be directed to the Superintendent or the school nurse.

H. The Superintendent shall follow the "Universal Precautions Standard" set forth in District guidelines, 7.13.P.1 - Staff Health and Safety Communicable Diseases, to protect employees who are at risk of being exposed to blood and body fluids in the course of their work.

I. The Superintendent shall follow the guidance of the U.S. Department of Health and Human Services concerning infectious and communicable diseases transmitted through the handling of food, and special precautions required for food services workers.

J. Current medical information indicates that HIV can be transmitted by sexual intercourse with an infected partner, by injection of infected blood products, and by transmission from an infected mother to her child in utero or during the birth process. None of the identified cases of HIV infection in the United States are known to have been transmitted in a school setting or through any other casual person-to-person contact. There is no evidence that HIV is spread by sneezing, coughing, shaking hands, hugging, or sharing toilets, food, water, or utensils. According to best medical knowledge and judgments, the use of the "universal precautions" and other procedures that implement this policy are sufficient to protect staff members and students from transmission of HIV at school.

**LEGAL REF.:**

A.R.S.

36-621

36-624

11-269.27

A.A.C.

R9-6-203 et seq.

R9-6-355

29 U.S.C. 794 et seq. Rehabilitation Act, (Section 504)

42 U.S.C. 12101 et seq. (Americans with Disabilities Act)

29 C.F.R. 1630.1 et seq. (ADA guidelines)

29 C.F.R. 1910.10 et seq. (OSHA Universal Precautions Standard)

Last Revision Date: August 8, 2023

## 6.64 Safety – Emergency Response Plans

Adopted: (date of adoption)

Revised: (date of latest revision and approval)

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**Policy Objectives:** It is the intent of the Board that the District develop and maintain Emergency Response Plans.

A. The Superintendent shall develop and maintain District emergency plans and will coordinate plans with the local police, fire, and other appropriate authorities as necessary.

1. Appropriate authorities shall be invited to review the plan(s).

2. **Any emergency response plan developed must address how the school and emergency responders will communicate with and provide assistance to students with disabilities.**

B. Emergency response plans are not subject to public records request.

### **LEGAL REF.:**

A.R.S.

15-341

41-1803

Last Revision Date: August 8, 2023

## 7.15 Time – Ceremonies and Observances

Adopted: (date of adoption)

Revised: (date of latest revision and approval)

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**Policy Objectives:** It is the intent of the Board to encourage patriotism and respect for country in the District.

A. The Superintendent shall establish procedures regarding required opening exercises and school programs as they pertain to customs and special events/observances, including but not limited to:

1. ~~Each student shall be provided with an opportunity to participate in the Pledge of Allegiance or other patriotic observance each day.~~ Kindergarten programs and grades one through twelve will have time set aside a for students who wish to recite the Pledge of Allegiance to the United States flag.
  - a. Each student shall stand and recite the Pledge of Allegiance to the United States flag during this time.
  - b. At the request of a student's parent or of a student who is at least eighteen years of age, the student shall be excused from the requirement of the pledge.
2. Each student in Kindergarten and grades one (1) through twelve (12) will have not less than one and not more than two minutes to engage in a moment of silence during which other students may not interfere with the other students' participation. A teacher or other school employee may not suggest what this reflection time is used for. The teacher of the class shall encourage parents of students in class to discuss with their children the best use of this moment of reflection.
3. Each student in grades four (4) through six (6) shall recite the following passage from the Declaration of Independence: "...We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights that among these are Life, Liberty and the pursuit of Happiness. That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed..."
4. Students whose parents have informed the school that they are not to take part in the patriotic observances will be expected to observe the courtesy of not disturbing others.
5. When special days or significant events are recognized, it is recommended that appropriate classroom and assembly programs be presented in keeping with the traditional and historical significance of the event or season. If these days fall on a Saturday, Sunday, or other day when a public school is not in session, the preceding or following school day shall be observed in the public school as the holiday.
  - a. September 11 – 9/11 Education Day
  - b. September 25 – Sandra Day O'Connor Civics Celebration Day
6. A teacher or administrator in any school in this District may read or post in any school copies or excerpts of the following materials:
  - a. The national motto "In God We Trust."
  - b. The National Anthem.

- c. The Pledge of Allegiance.
- d. The Preamble to the Constitution of this state.
- e. The Declaration of Independence.
- f. The Mayflower Compact
- g. Writings, speeches, documents and proclamations of the founding fathers and the presidents of the United States.
- h. Published decisions of the United States Supreme Court.
- i. Acts of the United States Congress.
- j. The state motto "Ditat Deus," which means "God Enriches."

**LEGAL REF.:**

**A.R.S.**

15-203

15-321

15-342

15-506

15-710.02

15-717

Last Revision Date: September 24, 2022



## 3.481 Conduct - Random Drug and Alcohol Testing in School-Sponsored Activities

Adopted: (date of adoption)

Revised: (date of latest revision and approval)

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**Definitions:** "Drugs" shall include, but not be limited to:

1. Dangerous controlled substances prohibited by law.
2. Alcoholic beverages.
3. Prescription or over-the-counter drugs, except those for which permission to use in school has been granted pursuant to Board policy.
4. Hallucinogenic substances.
5. Inhalants.
6. Substances intended to cause impairment.
7. Synthetic, counterfeit, or imitation drugs.

"School-Sponsored Activity" shall include but not be limited to the following, whether or not the student is receiving or may receive academic credit:

1. Athletic activity.
2. Clubs .
3. Organizations.

**Policy Objectives:** It is the intent of the Governing Board to maintain a drug-free environment conducive to learning and to protect the health, safety, and welfare of all students, including those participating in school-sponsored activities. The use of drugs presents an especially hazardous threat to that goal. Random drug testing is a reasonably effective means to present, deter, and detect drug use, thereby mitigating the threat. Participating in school-sponsored activities is a privilege offered to students on an equal-opportunity basis. It is not an absolute right.

A. The Governing Board directs the Superintendent to develop and enforce random drug testing procedures to include, but not be limited to:

1. Written authorization: Students desiring to participate in a school-sponsored activity and the student's parents and/or guardians in grades seven (7) through twelve (12) must agree, in writing, to submit to random testing for the use of drugs for the duration of the school-sponsored activity to be eligible for the activity.
2. Frequency of testing: All participants initially. Randomly throughout the activity such that every student has an equal chance of being tested and at any time there is cause for reasonable suspicion of drug usage.
  - a. Example: Drug Testing shall be conducted across all students in the school-sponsored activity at the beginning of the activity. Testing shall continue weekly for the duration of the activity by random lottery thereafter to include 10% of the participants each week. The District also reserves the right to test any student who at any time exhibits cause for reasonable suspicion of drug usage.
3. Consequences: The random drug testing program is not a disciplinary action.

- a. The random drug testing program will encourage students who use drugs to seek help by participating in drug treatment programs to educate, help, and direct students away from drug abuse and toward a healthy and drug-free lifestyle.
- b. No student shall be expelled, suspended, or penalized academically from school because of a verified "positive" test.
- c. Procedures regarding verified "positive" tests and the impact on the student's ongoing and future participation in the school-sponsored activity shall be developed and consistently applied, leading up to and including removal from the activity in accordance with 3.482 - Removal of Students From School-Sponsored Activities.
  - i. The following is an example of consistent application of ongoing participation from "positive" tests: After the first positive test, the parent is immediately contacted for a meeting and the student is removed from the activity. The student may be readmitted to the activity to participate in the activity if, within five days of parent notification, the student shows proof of drug counseling and submits to a second drug test in two weeks. On the second positive test, the student is suspended from the activity for fourteen(14) days, must complete four (4) hours of substance abuse counseling, and must submit to monthly drug tests. On the third positive test, the student will be suspended from participating in the activity for the duration of the school year.

4. Student Privacy:

- a. Random drug test results shall be kept in confidential files separate from a student's other records and released to school personnel only on a "need to know" basis.
- b. No random drug test results will be disclosed or given to any law enforcement agency.

5. Parental Notification: If/When students test "positive" their parents/guardians are immediately notified by 5pm of the same day of the District receiving notification.

B. This random drug testing policy does not affect the current policies, practices, or rights of the District pertinent to drug possession or use, where reasonable suspicion is obtained by means other than random drug testing through this policy.

**LEGAL REF.:**

A.R.S.

4-101

4-241

4-244

13-3401 through 13-3461

15-345

36-2801 et seq., Arizona Medical Marijuana Act

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

Vernonia School Dist. 47J v. Acton, 515 US 646 - Supreme Court 1995

Board of Ed. of Independent School Dist. No. 92 of Pottawatomie Cty. v. Earls, 536 US 822 - Supreme Court 2002

Last Revision Date: November 1, 2023

## 3.482 Conduct - Removal of Students From School-Sponsored Activities

Adopted: (date of adoption)

Revised: (date of latest revision and approval)

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**Definitions:** “School-Sponsored Activity” shall include but not be limited to the following, whether or not the student is receiving or may receive academic credit:

1. Athletic activity.
2. Clubs.
3. Organizations.

**Policy Objectives:** It is the intent of the Governing Board to maintain a school environment conducive to learning and to protect the health, safety, and welfare of all students, including those participating in school-sponsored activities. Participating in school-sponsored activities is a privilege offered to students on an equal-opportunity basis. It is not an absolute right.

A. The Governing Board directs the Superintendent to develop and enforce procedures by which students may be removed from school-sponsored activities. These procedures shall include, but not be limited to:

1. Cause: Students may be removed if the student has violated a provision of the student discipline policies, rules, and/or regulations or if it is determined that the removal is in the best interest of the activity or in the best interest of the school as a whole.
2. Process: To include, but not be limited to:
  - a. For reasons due to a student’s violation of the discipline policies and/or regulations, the Superintendent must comply with the notice-and-hearing provisions of the policies, rules, and/or regulations before removing a student from an activity or position.
  - b. For reasons other than a student's violation of the discipline policies and/or regulations, the student is entitled to a conference with the Superintendent or Superintendent’s designee if the student disagrees. The Superintendent or Superintendent’s designee may reconsider the decision after the conference.
3. Parent(s)/guardian(s) shall receive written notice in all cases that include the reason or reasons for the removal and the date the removal is effective.

B. Students may be removed entirely from school-sponsored activities or a specific position, such as officer, editor, or captain whether or not the student has been elected, appointed, assigned, or volunteered for the activity.

Last Revision Date: November 1, 2023

## 3.483 Conduct - Drug Abuse Prevention

Adopted: (date of adoption)

Revised: (date of latest revision and approval)

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**Definitions:** "Drugs" shall include, but not be limited to:

1. Dangerous controlled substances prohibited by law.
2. Alcoholic beverages.
3. Prescription or over-the-counter drugs, except those for which permission to use in school has been granted pursuant to Board policy.
4. Hallucinogenic substances.
5. Inhalants.
6. Substances intended to cause impairment.
7. Synthetic, counterfeit, or imitation drugs.

**Policy Objectives:** It is the intent of the Governing Board to maintain a drug-free environment conducive to learning and to encourage students who use drugs to seek help by participating in drug treatment programs to educate, help, and direct students away from drug abuse and toward a healthy and drug-free lifestyle.

A. The Governing Board directs the Superintendent to develop and enforce the following administrative procedures to include, but not be limited to:

1. **Mandatory Reporting:** It shall be the responsibility of all school employees to report to the Superintendent all suspected instances of distribution/sale, possession, or use of drugs.

a. **Distribution or sale of drugs:**

- i. When it is reasonably certain that a student is involved in the distribution or sale of drugs, or items portrayed as drugs, law enforcement authorities and parent(s)/guardian(s) shall be immediately contacted before any questioning of the student occurs.
- ii. The student may be disciplined, up to and including suspension or expulsion in accordance with discipline policies and/or regulations.

b. **Possession of drugs:**

- i. Parent(s)/guardian(s) and law enforcement shall be contacted simultaneously when the Superintendent determines that drugs are found in the possession of a student.
- ii. The Superintendent may also contact law enforcement authorities to help make such a determination.
- iii. Students who are in possession of drugs may be disciplined, up to and including suspension or expulsion in accordance with the discipline policies and/or regulations.

c. **Under the influence of drugs:**

- i. A student who is reasonably suspected of being under the influence of drugs shall be referred to the school nurse, school resource officer, emergency response personnel, or others as appropriate to the circumstance. Such cases shall be treated like any other medical problem.

ii. The parent(s)/guardian(s) of a student who is determined to be under the influence of drugs shall be contacted immediately.

iii. Students who are under the influence of drugs may be disciplined, up to and including suspension or expulsion.

d. At a minimum, a student who has been involved in a drug-related offense for a second time will be referred to the Superintendent for further action (A.R.S. 15-843).

B. A staff member who believes that a parent or other adult is contributing to the drug-using behavior of a student has a duty to ensure that the case is referred to the appropriate child protective services for further investigation.

C. Drug abuse education may be combined with health, science, citizenship, or a similar program as well as assemblies, speakers, printed materials, class discussions, and bulletin board materials. Parent(s)/guardian(s) shall be notified annually of the District's drug abuse education programs and be encouraged to participate.

D. At least one staff in-service training annually will be dedicated to drug abuse prevention and education.

Last Revision Date: November 1, 2023