

Arizona Education Law Review: Gary Emanuel, Northern Arizona University

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Online:

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C O N N E X I O N S

Rice University, Houston, Texas

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Chapter 1

Arizona Education Law Review: GENERAL PROVISIONS¹

1.1 SUGGESTIONS FOR SELF ASSESSMENT

1.1.1 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.

1.1.2 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: Board Policy Handbook, Teacher's Handbook, Student Handbook and Board Meeting minutes.

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.

1.1.3 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.

¹This content is available online at <<http://cnx.org/content/m32172/1.4/>>.

1.2 ARS†15-102 Parental Involvement in the School: Definition

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:

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

Does the administrator ensure that parents are able to withdraw their children from any objectionable activity because it questions beliefs or practices in sex, morality or religion?

Yes No

Does the administrator ensure that parents may learn about the course of study in the school and review learning materials?

Yes No

Does the administrator ensure that parents have the opportunity to participate in school areas such as homework, attendance and discipline of a child?

Yes No

NOTE: For the purposes of this section, "parent" means the parent or person who has custody of the child.

1.3 ARS†15-103 School Districts: Financial Mismanagement

NOTE: 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.

1.4 ARS†15-104 Mental Health Screening: Consent

Does the governing board ensure that before it conducts a mental health screening on 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. Your second item here.
3. Signed by the pupil's parents or guardians.
4. Provide notice that a copy of the survey is available for inspection.

Yes No

1.5 ARS†15-105 Early Graduation Scholarship Program

Does the governing board ensure that each school, providing instruction in Grades 9-12 participates in and promotes to students an early graduation scholarship program? Students who graduate early are allowed to participate in the school's extracurricular activities, including graduation with the pupils normal class, until the students class is scheduled to graduate.

Yes No

Does the governing board include students who graduate early in the school student count until the student's class is scheduled to graduate? Are any such pupil funding placed in the school district's maintenance and operation fund?

Yes No

1.6 ARS†15-106 Identity Verified Fingerprints

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?

Yes No

1.7 ARS†15-107 School District Over-Expenditures: Fiscal Crisis Teams

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

1.8 ARS†15-108 School Districts: Educational Management

Does the governing board of a district of 6 or more schools, understand that if a school in the district has been designated a failing school, and if 50% or more of the schools in the district are designated as underperforming, that it will be investigated by the State department of education for "systemic educational mismanagement"? The penalty for such a designation may include appointment of new superintendent with powers to override any decisions of the school districts governing board.

Yes No

1.9 ARS†15-109 Biometric Information: Prohibition

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

1.10 ARS†15-141 Educational Records: Injunction: Special Action

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, not withstanding any financial debt owed by the student?

Yes No

1.11 ARS†15-142 Access to Directory Information Relating to Pupils

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

1.12 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.

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.

1.13 ARS†15-152 Pest Management at Schools: Notice

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

1.14 ARS†15-156 Liquid Roofing Systems: Violation

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

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

1.15 ARS†15-161 State Control of Private Schools

Note: This act ensures that nothing in the Arizona Revised Statutes provides supervision of private schools.

1.16

1.17 ARS†15-183 Charter Schools: Requirements, Applications

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.

Yes No

1.18 ARS†15-189 Charter Schools: Vacant Buildings

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

1.19 ARS†15-189.03 Academic Credits: Transfer

Public schools shall accept credits earned by the pupil in courses or instructional programs at a charter school in a uniform and consistent manner and according to the same criteria that are used to accept academic credits from other public schools.

Does each administrator ensure that students who transfer in from private schools, charter schools and public schools are treated in a uniform and consistent manner and according to the same criteria?

Yes No

Chapter 2

Arizona Education Law Review: DEPARTMENT OF EDUCATION ¹

2.1 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

2.2 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

2.3 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

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

Note Procurement Rules were adopted by the State Board;

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

¹This content is available online at <<http://cnx.org/content/m32177/1.3/>>.

2.5 ARS 15-213.02 Program for School energy and water use efficiency

Does the local governing board choose to participate in a program with a utility company to provide retail electric, natural gas or water services to the school to finance energy or water savings? Those school district desiring such an agreement will find provisions for the agreement in ARS 15-213.02B.

Yes No

2.6 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

2.7 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

2.8 ARS 15-241 School Accountability; schools failing to meet academic standards

Does the governing board ensure that each school submits to the Arizona Department of education any data that is required and requested to compile the achievement profile and recognize that failure to provide the data will result in ineligibility for classroom site funds and that schools will be classified based on this information as: excelling, highly performing, performing, underperforming or failing to meet academic standards?

Yes No

2.9 ARS 15-242 Nutritional Standards

Does the governing board of all elementary, middle schools and junior high schools participate in the national school lunch program unless specifically exempt? Does the governing board ensure that food and beverages sold or served on the school grounds of elementary schools, middle schools and junior high schools or at school sponsored events during the normal school day meet the nutritional standards developed by the department of education.

Yes No

2.10 STATE BOARD OF EDUCATION RULES AND REGULATIONS (ACRR-R7-2-101 through ACRR-R7-2-808)

2.11 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.

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.

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.

NOTE: 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.

NOTE: 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.

Does the District, if it chooses to use distance education delivery methods and make the program part of the instructional program, ensure that:

- 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.

Yes No

NOTE: 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.

- 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:
 - i. Possesses a current Arizona teaching certificate valid for the level and subject of the instruction to be taught; or
 - ii. 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
 - iii. Is employed by or affiliated with, in the content area of instruction, a regionally accredited institution as listed in R7-2-601(G).

2.12 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.

Does the high school curriculum fulfill these minimum requirements? (Requirements for class of 2012 is in italics)

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)*

One and one-half credits of 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?

One credit of world history/geography (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.

Two credits of mathematics? (beginning with the graduating class of 2004, mathematics credits shall be taken consecutively beginning with the 9th grade and the course content of the mathematics credits shall include number sense, data analysis and probability, patterns, algebra, geometry measurement and mathematical logic in preparation for proficiency on the AIMS test.) *(Three credits of Mathematics. The course content for at least two 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 these requirements prior to the ninth grade)*

Two credits of science

One credit of fine arts or vocational education

Eight and one-half credits of additional courses prescribed by the local Governing Board (Seven credits of additional courses prescribed by the local school district governing board or charter school)

Yes No

NOTE: 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.

NOTE: 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, Science).

NOTE: Does the district ensure that vocational-Technological education program completers may be granted a maximum of 3 and 1/2 credits 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.

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 (AIMS) (NOTE: This requirement was modified by legislative action in 2005-modified rules will be written)

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?

Yes No

NOTE: 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.

NOTE: ADDED section in 2007 increases total requirement for 2013 to 22 units, 4 English, 3 Social Studies, 4 math (including Algebra II), 3 science, 1 fine arts (or career voc/tech), 7 electives. Also increases to $5\frac{1}{2}$ the number that may come from career/voc/tech.

2.13 ACRR7-2-302.03 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

2.14 ACRR7-302.06 AIMS, Additional Credits

NOTE: (AIMS augmentation scores applied to school years 2005-2007. Augmentation scores for future years are governed by ARS statute)

2.15 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

2.16 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

2.17 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

2.18 ACRR-R7-2-306 Bilingual and English as a second language program

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 (Monitored by ADE, see recent monitoring report)

2.19 ACRR-R7-2-307 High School Equivalency Diplomas

Yes No (Monitored by ADE, see recent monitoring report)

2.20 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

2.21 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?

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 to the Department of Education annually 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

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?

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&E-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?

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.

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.

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

2.22 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

2.23 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

2.24 ACRR-R7-2-401-405 Special Education

Yes No (Monitored by ADE, see recent monitoring report)

2.25 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

Parent Involvement

Scope and Sequence: which demonstrates articulation across all grades and schools to ensure opportunities for continuous progress.

Yes No

2.26 ACRR-R7-2-501 Vocational Education

Yes No (Monitored by ADE, see recent monitoring report)

Chapter 3

Arizona Education Law Review: POWERS AND DUTIES OF SCHOOL DISTRICT GOVERNING BOARDS ¹

3.1 ARS†15-341 A. General Powers and Duties

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.

7-12 (Fiscal Requirements)

13. Hold pupils to strict account for disorderly conduct on school property and

14. discipline students for such conduct on the way to and from school.

¹This content is available online at <<http://cnx.org/content/m32174/1.3/>>.

Yes **No**

15. 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**

16. 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**

17. 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**

18. 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**

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

Yes **No**

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

Yes **No**

20. 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**

21. 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**

22. Upon deciding to enter into a lease of five or more years as lessor of school buildings or grounds, employ either of the following to negotiate a lease of five or more years for the district?

- a. An attorney admitted to practice in Arizona whose principle practice is in the area of commercial real estate.
- b. A real estate broker who is licensed by this state and is employed by a reputable commercial real estate company.

NOTE: Any lease of five or more years negotiated pursuant to this section shall provide that the lessee is responsible for payment of property taxes pursuant to the requirements of ARS 42-271, Subsection A, Paragraph 3.

Yes **No**

23. 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.

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

24. 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

25. 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

26. 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

27. 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

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

Yes No

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

Yes No

30. 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

31. 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

32. 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

33. 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

34. 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

35. Annually assign at least one school district employee to participate in a multi-hazard crisis training program. Does the administrator ensure that at least one employee has participated in such a training program?

Yes No

36. 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

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

Yes No

38. 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

39. 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

40. 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

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

- a. A procedure for holding public meetings to discuss attendance boundary changes or adoptions that will allow public comment.
- b. A procedure to notify the residents of the households affected by the attendance boundary changes.
- c. A process for placing public meeting notices and proposed maps on the school district website.
- d. A formal process for notifying the residents and parents of the school district's website.
- e. 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

42. 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

3.2 ARS†15-341 F Delegation

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

3.3 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

3.4 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 1-8
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.
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

3.5 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

3.6 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

Does the administrator ensure that any administration of medication to a minor is done only on the written or oral authorization of a parent or legal guardian and as prescribed by ARS 32-1901, paragraph 39?

Yes No

3.7 ARS †15-344. 01 Diabetes Management

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

3.8 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

3.9 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

3.10 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

3.11 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

3.12 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

3.13 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

3.14 ARS†15-353 Responsibilities of Principals

Principals of all schools preschool-12th grade are responsible for:

1. Providing leadership for the school.
2. Implementing the goals and the strategic plan of the school.
3. Serving as the administrator of the school.
4. 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

3.15 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

3.16 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

3.17 ARS†15-362 Libraries

Does the governing board, if it establishes and maintains libraries, ensure that all libraries are free to all pupils and the rules prescribed for school libraries are enforced?

Does the governing board ensure that all publications, papers of a sectarian, partisan or denominational nature are excluded from the library?

Yes No

3.18 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?

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

Yes No

Chapter 4

Arizona Education Law Review: ELECTIONS ¹

4.1 ARS†15-403 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

4.2 ARS†15-406 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

4.3 ARS†15-407 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

4.4 ARS†15-421 Governing Board Members; Qualifications

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

¹This content is available online at <<http://cnx.org/content/m32178/1.3/>>.

Yes No

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)

4.5 ARS†15-425 Election to Determine Whether Membership of Board Shall Increase to Five 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

4.6 ARS†15-427 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

4.7 ARS†15-431 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

4.8 ARS†15-447 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

4.9 ARS†15-448 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

4.10 ARS†15-460 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?

Yes No

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

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

Chapter 5

Arizona Education Law Review: SCHOOL EMPLOYEES ¹

5.1 ARS†15-502 Employment of School District Personnel

Are all district contracts for certified personnel in writing and are all employees employed subject to ARS 38-481? (Also see 15-421 in Chapter 4.)

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?

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.

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?

Yes No

5.2 ARS†15-503 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?

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

NOTE: A Governing Board in a school district with five or more teachers may employ a superintendent or principal or both. A Governing Board may jointly employ a superintendent or a principal or both if the combined number of teachers of the school districts is five or more.

¹This content is available online at <<http://cnx.org/content/m32179/1.3/>>.

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

Did the Governing Board avail itself of the advice of its administrators in the development of the district's administrator performance evaluation system?

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

5.3 ARS†15-505 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

5.4 ARS†15-506 Flag Display; Constitution and the 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

5.5 ARS†15-507 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

5.6 ARS†15-508 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

5.7 ARS†15-509 Failure to Comply With Statutes as Unprofessional Conduct; Penalty

NOTE: A teacher who fails to comply with ARS 15-501, 15-507, or 15-508 is guilty of unprofessional conduct and his/her certificate shall be revoked. See the State Board of Education Rule R7-2-205 for prescribed procedures for initiating disciplinary action.

Yes No

5.8 ARS†15-511 Use of School district resources or charter school resources or employees 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? Employee 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

5.9 ARS†15-512 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.

Yes No

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.

5.10 ARS†15-513 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

5.11 ARS†15-514 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

5.12 ARS†15-515 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

5.13 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 a student.

5.14 ARS†15-521 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

5.15 ARS†15-534 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

5.16 ARS†15-535 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

5.17 ARS†15-536 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, between March 15 and May 15, 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 on or before April 15 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 30 days from the date of the written 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 on or before April 15, 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?

Yes No

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.

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

5.18 ARS†15-537 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

5.19 ARS†15-538 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?

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

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.

5.20 ARS†15-538.01 Offer of Contract to Continuing Teacher

Does the Governing Board, between March 15 and May 15, 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 on or before May 15 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 30 days from the date of the written contract?

Yes No

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.

5.21 ARS†15-539 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 30 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 by May 15?
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 85 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 30 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 30 days of service of notice?

Yes No

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

5.22 ARS†15-540 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?

Yes No

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.

5.23 ARS†15-541 Hearing on Dismissal

If the Governing Board receives a request to hold a hearing on the dismissal or suspension of a teacher:

1. Does the Board or hearing officer hold the hearing not less than 10 nor more than 25 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?
3. Does the Governing Board prepare an official record of the hearing, including all testimony recorded manually or by mechanical device, and exhibits?

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.

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?

NOTE: The Board is not required to transcribe the record unless requested by the teacher.

5. 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

5.24 ARS†15-542 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

5.25 ARS†15-544 Limitations Upon Reduction of Salaries or Personnel

If the Governing Board has reduced salaries or eliminated certificated teachers in the school district, was the action taken 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?

If the salary of a certificated teacher who has been employed by the school district for more than the major portion of three consecutive school years is reduced, is it in accordance with a general salary reduction in the district, and is the notice of the general salary reduction given each teacher affected not later than May 1 of the calendar year in which the reduction would take place?

When a teacher is dismissed for reasons of economy or lack of pupils, would a preferred right of reappointment be granted in the order of original employment by the Board in the event of an increase in the number of teachers or the reestablishment of services within the district in the following three years?

Yes No

5.26 ARS†15-545 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

5.27 ARS†15-547 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

5.28 ARS†15-549 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

5.29 ARS†15-551 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

5.30 ARS†15-552 Alternative teacher development program

NOTE: Schools that provide instruction to students where the majority are from low income households are eligible to hire instructors with alternative certification.

Chapter 6

Arizona Education Law Review: COURTS, CRIMINAL CODE, AND GENERAL PROVISIONS¹

6.1 ARIZONA REVISED STATUTES TITLE 1: GENERAL PROVISIONS

6.2 ARS†1-305 General Election Day

Does the district ensure that every district officer or employee is 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

6.3 ARIZONA REVISED STATUTES TITLE 12: COURTS

6.4 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

¹This content is available online at <<http://cnx.org/content/m32180/1.3/>>.

6.5 ARS Title 13 Criminal Code

6.6 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 and other 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?

Yes No

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.

6.7 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

6.8 ARS†13-1405 Sexual Conduct with a Minor: Definition

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

6.9 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

6.10 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?

Yes No

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

6.11 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

6.12 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

6.13 ARS†13-3716 Dangerous Crimes against Children

Does the governing board recognize that it is unlawful for any person applying for employment or volunteering to service 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

6.14 ARIZONA REVISED STATUTE TITLE 23: LABOR**6.15 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

6.16 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

6.17 ARS†23-341 Equal Wage Rates; Variations; Penalties; Enforcement

Does the district prohibit paying any person at 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

6.18 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?

When an employee's wages are paid by deposit in a financial institution, there shall be furnished to the employee a statement of earnings and withholdings. 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

6.19 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.

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

6.20 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 to 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, it is done by action of the district Governing Board?

Yes No

6.21 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

6.22 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

6.23 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

6.24 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?

Yes No

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.

6.25 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

6.26 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?

Yes No

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.

6.27 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

6.28 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

6.29 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

6.30 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?

Yes No

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.

6.31 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

6.32 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?

Yes No

NOTE: 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.

6.33 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

6.34 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

6.35 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

6.36 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

6.37 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

6.38 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

6.39 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. 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

6.40 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?

Yes No

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.

6.41 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?

NOTE: A former employer making a communication pursuant to this section is immune from civil liability unless the information communicated is false and defamatory and is acted on to the harm of the employee and the communicator knows the information is false or acts with reckless disregard of the information's truth or falsity.

NOTE: 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 7

Arizona Education Law Review: INSTRUCTION ¹

7.1 ARS†15-701 Common School; Promotions; Requirements; Certificate; Supervision of Eighth Grades by Superintendent of High School District

Pursuant to the guidelines developed by the State Board of Education, does the Governing Board prescribe curricula that include the academic standards in the required subject areas pursuant to this section? Does the Governing Board prescribe criteria for the promotion of pupils from grade to grade in the common schools? Do these criteria include accomplishment of the academic standards in reading, writing, and mathematics as determined by district assessment? (Other criteria may include additional measures of academic achievement and attendance.)

Yes No

Do teachers determine whether to promote or retain a pupil in grade in a common school on the basis of the Board's prescribed promotion criteria? (See ARS 15-521 in Chapter 5 of this handbook.)

Yes No

If the Governing Board reviews the decision of a teacher to promote or retain a pupil in grade in a common school, does the Board base its decision on the prescribed promotion criteria? (See ARS 15-342 in Chapter 3 of this handbook.)

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

Does the governing Board ensure that it has established procedures for determining the admissibility of pupils who are under 16 of age and who do not hold 8th grade certificates?

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.

¹This content is available online at <<http://cnx.org/content/m32183/1.2/>>.

NOTE: Rules for “healthy Schools program” are included for districts that choose to participate in the program in this section (2006)

7.2 ARS†15-701.01 High School; Graduation; Requirements

Has the Governing Board of the school district prescribed a course of study and curricula for excellence that include the essential skills 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 essential skills in reading, writing, mathematics, science and social studies as determined by district assessment?

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

Does the Governing Board determine 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.

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

7.3 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

7.4 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?

If the district chooses, does it employ special teachers in special subjects and establish departments of industrial arts and consumer education?

Yes No

7.5 ARS†15-704 Reading Proficiency

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

7.6 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

7.7 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

7.8 ARS†15-707 High School Education about Organ Donation

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

7.9 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

7.10 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

7.11 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?

Yes No

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.

7.12 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

7.13 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

7.14 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.

7.15 ARS†15-713, 714, Training in the use of bows or firearms

7.16 714.01

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

7.17 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, which includes:

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

7.18 ARS†15-716 Instruction on Acquired Immune Deficiency Syndrome

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

7.19 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

7.20 ARS1†5-718 Instruction on Skin Cancer Prevention

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

7.21 ARS†15-720 Non-Curriculum Related Clubs for Grades Seven and Eight

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

7.22 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

7.23 ARS†15-722 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

7.24 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

7.25 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 Non

7.26 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

7.27 ARS†15-741 Assessment of Pupils

Are all district pupils in grades 2 through 12 (except those exempted in ARS 15-744) administered the State Board adopted norm-referenced achievement subtests in reading, grammar and mathematics?

Yes No

Are all district pupils in grades three, eight and twelve administered the State Board adopted essential skills tests?

Yes No

Has the Governing Board surveyed teachers, principals and superintendents on achievement related non-test indicator data as required by the State Board of Education?

Yes No

In conducting the survey and collecting the data, has the Governing Board adhered to the provisions of the Family Educational Rights and Privacy Act and refrained from disclosing personally identifiable information?

Yes No

Has the district filed a district assessment plan describing how the Governing Board will assess pupils in the essential skills?

Yes No

Does the plan describe how the district will report and utilize scores from district tests, state essential skills tests, standardized norm-referenced tests and the data collected in the survey of non-test indicators?

Yes No

Has the district filed a report which contains the number of pupils at grades three, eight and twelve who have accomplished the essential skills?

Yes No

7.28 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

7.29 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

7.30 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

7.31 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.

7.32 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

NOTE: ARS 15-751-757 provide standards for English Language Education

NOTE: ARS 15-761-774 provide standards for Special Education

NOTE: ARS 15-779 provides standards for Gifted Programs

NOTE: ARS 15-781-798 provide standards for Vocational, Career and Alternative Education

Chapter 8

Arizona Education Law Review: ATTENDANCE, OPERATIONS, BUDGETS, FUNDS, AND HAZING¹

8.1 ARS†15-801 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?

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

8.2 ARS†15-802 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 if any of the following are shown:

1. The child is in such physical or mental condition that instruction is impracticable.
2. The child has completed the high school course of study necessary for completion of grade 10.
3. The child has presented reasons for nonattendance which are satisfactory.
4. The child is over 14 years of age and, with the consent of the parent, is employed.
5. The child was suspended or expelled from a public school.
6. The child is enrolled in a work training, career education vocational or manual training program.
7. The child is enrolled in an education program provided by a state education institution.

Yes No

¹This content is available online at <<http://cnx.org/content/m32184/1.3/>>.

8.3 ARS†15-802.01 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 activities at public, private or charter schools?

Yes No

NOTE: 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.

8.4 ARS†15-803 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

NOTE: 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.

8.5 ARS†15-806 Excuse from School Attendance for Religious Purposes

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.

Yes No

8.6 ARS†15-807 Absence from school; notification of parent or person having custody of pupil

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?

Yes No

If a pupil in kindergarten through grade eight is absent without excuse or without notice by the parent , Does the district, 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

8.7 ARS†15-816.01 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

8.8 ARS†15-816.02 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

8.9 ARS†15-821 Admission of Children: Required Age

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? All schools shall, unless otherwise provided by law, admit children between the ages of 6 and 21 years who reside in the school district.

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.

8.10 ARS†15-823 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

8.11 ARS†15-824 Admission of Pupils of Other Districts; Tuition Charges; Definitions

Does the Governing Board admit pupils from another district or area as follows?

1. 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?
2. 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?
3. If the pupil meets the definition of "homeless" and resides in the district.

If the pupil meets the definition of "homeless" and resides within the district.

Yes No

NOTE: Additional mandates relating to this section are covered in the USFR. See Section II.

NOTE: 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.

8.12 ARS†15-827 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

8.13 ARS†15-828 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

8.14 ARS†15-829 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.

8.15 ARS 15-841 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.

8.16 ARS†15-843 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.

8.17 ARS†15-872 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?

Yes No

Notwithstanding the preceding requirements, does the school administrator allow homeless pupils five calendar days after enrollment to present documentary proof of immunization?

Yes No

8.18 ARS†15-873 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.

8.19 ARS†15-874 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

8.20 ARS†15-881 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

8.21 Other ARS Title 15 Requirements for School Districts (15-902 through 15-2301)**8.22 ARS 15-902 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

NOTE: Mandates related to this section are covered in the USFR. See Section V.

8.23 ARS†15-916 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

8.24 ARS†15-922 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:

1. Each bus operated by the district, the following:

8.24.1

- a. The odometer reading as of the end of the current year?
 - b. An inventory of each school bus owned by the district including?

8.24.1.1

- 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?
 - d. The road conditions upon which eligible students are transported, reported in a format specified by the Superintendent of Public Instruction?

Yes No

8.25 ARS†15-991 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 P.L. 81-874 monies 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 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

8.26 ARS†15-995 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

8.27 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

8.28 ARS†15-1045 Education Database: Pupil Privacy

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

8.29 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

8.30 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

8.31 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

8.32 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

8.33 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

NOTE: That any teacher or staff who knowingly permits, authorizes or condones the hazing activity is subject to disciplinary procedures.

Chapter 9

Arizona Education Law Review: TRANSPORTATION, HEALTH, SAFTETY, OFFICERS, AND EMPLOYEES¹

9.1 ARIZONA REVISED STATUTES TITLE 28 TRANSPORTATION

9.2 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

9.3 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.

¹This content is available online at <<http://cnx.org/content/m32181/1.3/>>.

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

9.4 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

9.5 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

9.6 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

9.7 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

9.8 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?

Yes No

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.

9.9 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?

Yes No

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

9.10 ARS† 28-1441 Designation of Motor Vehicles of State or its Political Subdivisions

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

Yes No

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."

9.11 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

9.12 ARIZONA REVISED STATUTES TITLE 34 PUBLIC BUILDINGS

9.13 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.

9.14 ARS† 34-404 Minimum Requirements: ANSI Figures

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**.

Yes No

9.15 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

9.16 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. 85009

Yes No

9.17 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

9.18 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?

Yes No

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.

9.19 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

9.20 ARIZONA REVISED STATUTES TITLE 35 PUBLIC FINANCES

9.21 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

9.22 ARIZONA REVISED STATUTES TITLE 36 PUBLIC HEALTH AND SAFETY**9.23 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

9.24 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?

Yes No

9.25 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

9.26 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

9.27 ARIZONA REVISED STATUTES TITLE 38 PUBLIC OFFICERS AND EMPLOYEES**9.28 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?

Yes No

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

9.29 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 propose each motion, and do the minutes also include the names of the persons, as given, making statements or presenting 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 meeting.
2. The members of the Board 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

9.30 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

9.31 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.^{second item here}
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?

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

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.

9.32 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

9.33 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?

Yes No

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.

9.34 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

9.35 ARS†38-0503 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

9.36 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

9.37 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

9.38 ARS†38-0509 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

9.39 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?

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

9.40 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 who do not receive either compensation or commensurate time off for legal holidays, do receive for each legal holiday worked, one day additional vacation leave or one day additional compensation for each such legal holiday worked?

Yes No

9.41 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

9.42 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

9.43 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

9.44 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

9.45 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

9.46 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?

Yes No

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.

Chapter 10

Arizona Education Law Review: RECORDS, UTILITIES, GOVERNMENT, TAXATION, AND WELFARE ¹

10.1 ARIZONA REVISED STATUTES TITLE 39 PUBLIC RECORDS

10.2 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?

Yes No

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

10.3 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?

Yes No

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.

¹This content is available online at <<http://cnx.org/content/m32182/1.3/>>.

10.4 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

10.5 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

10.6 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?

Yes No

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.

10.7 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

10.8 ARIZONA REVISED STATUTES TITLE 40 PUBLIC UTILITIES

10.9 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

10.10 ARIZONA REVISED STATUTES TITLE 41 STATE GOVERNMENT

10.11 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

10.12 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

10.13 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.

1. Cooperate with the Director of the Department of Library, Archives and Public Records in the conduct of surveys?
2. 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?
3. Comply with rules, regulations, standards and procedures issued by the Director of the Department of Library, Archives and Public Records?
4. Promote the principles of efficient record management for local public records?
5. As far as practicable, follow the program established for the management of state records?

Yes No

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.

10.14 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

10.15 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

10.16 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

10.17 ARS†41-1463 Discrimination Because of Race, Color, Religion, Sex, Age, 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

10.18 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?

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 race, color, religion, sex or national origin, except that such a notice or advertisement may indicate a preference, limitation, specification or discrimination based on religion, sex or national origin when religion, sex or national origin is a bona fide occupational qualification for employment?

Yes No

10.19 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

10.20 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?

Copies of an approved notice may be obtained from:

Arizona Civil Rights Division
Department of Law
1275 West Washington Street
Phoenix, AZ 85007
Phone: (602) 542-5263

Yes No

10.21 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

10.22 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

10.23 ARIZONA REVISED STATUTES TITLE 42 TAXATION

10.24 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

10.25 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

10.26 ARIZONA REVISED STATUTES TITLE 43 TAXATION

10.27 ARS†43-401 Rates of Withholding; Election by Employee

Does the district at the time of the payment of wages, salary, etc., to any employee, deduct and retain therefrom 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?

Yes No

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.

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.

10.28 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

10.29 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

10.30 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

10.31 ARIZONA REVISED STATUTES TITLE 46 WELFARE

10.32 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

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- A** Arizona Revised Statutes Title 15, § 7(55), § 8(67)
ARS Title 15, Chapter 10, § 8(67)
ARS Title 15, Chapter 14, § 8(67)
ARS Title 15, Chapter 17, § 8(67)
ARS Title 15, Chapter 8, § 8(67)
- ARS Title 15, Chapter 9, § 8(67)
Attendance Requirements, § 8(67)
- C** Curriculum and Instruction, § 7(55)
- H** Hazing, § 8(67)

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Arizona Education Law Review: Gary Emanuel, Northern Arizona University

The Arizona Education Law Review is authored by Gary Emanuel from Northern Arizona University and edited, reviewed, and formatted in Connexions by Theodore Creighton, Virginia Tech. This 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. Arizona administrators who wish to stay current with Arizona laws face a daunting variety of hurdles. Each year in the Arizona Legislature more than one thousand (1,000) bills are introduced. Each year in the Arizona Legislature nearly three hundred (300) or more of these proposed bills relate to public education. Each year in Arizona, sixty (60) to eighty (80) education bills are passed. Most of these bills are located, after passage by the legislature, signature by the Governor, and review by the Attorney General, in Arizona Revised Statutes Title 15, Education. Many Arizona School Administrators purchase Title 15 and are fairly familiar with it. However, a surprising number of bills that affect school administrators and public education are found in all of the forty-six (46) volumes of Arizona Revised Statutes, A.R.S. Title 1-A.R.S. Title 46. The Arizona School Law Review brings together all of these statutes that affect Arizona education together in a single volume and provides a handy self assessment for the school administrator to review a school districts policies, procedures and handbooks for compliance with Arizona School Law. Arizona school administrators are presumed by the public and the profession to know Arizona school law. Arizona School districts are presumed to by the public and the profession to have policies, procedures and handbooks in current compliance with Arizona School Law. This Arizona school law review is a proven self-assessment instrument to allow a district to show that it is current in its understanding and compliance with current Arizona laws.

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