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ARTICLE 4. STUDENTS

I. STUDENT POLICIES

A. SCOPE OF STUDENT POLICIES

The scope of the Education Division level student policies are as set forth herein. Each Education Division School, including the Early Childhood Education Center (ECEC), Salt River Elementary School (SRES), Salt River High School (SRHS), and Accelerated Learning Academy (ALA), shall use these policies as a basis for establishing handbooks that further explain the policies noted herein. These handbooks shall be approved annually and shall be deemed part of the Division's Policies and Procedures.

B. STATEMENT OF FUNDAMENTAL POLICY

The Education Division believes that school and life, which benefits students and enhances their educational efforts, is a product of rights and responsibilities which all must follow in order that students study and learn in harmony. Student rights and responsibilities are set forth in this Student Policy. The Student Policy explains what each student is entitled to expect, as well as responsibilities each student must accept and possible consequences for failing to act within these policies and procedures.

A student violating School policies, procedures and rules will be held accountable for his/her behavior or actions and is subject to disciplinary action as set forth herein. The penalty for an infraction may include, but is not limited to restrictions, suspension, and/or long-term suspension.

The Superintendent/ Director may adopt procedures as necessary to implement this Article 4 – Students Policy.

C. STUDENTS' RIGHTS

Students at the Schools have and shall be accorded the following rights:

1. The right to an education.
2. The right to be free from unreasonable search and seizure of their person and property, to a reasonable degree of privacy, and to a safe and secure environment.
3. The right to freely express their culturality and culture in a manner that does not infringe on the rights of others.

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4. The right of freedom of speech and expression so long as the speech and expression do not unreasonably disrupt the educational process or endanger the wellness, safety and health of the student and others.
5. The right to freedom of the press, except where material in student publications is libelous, slanderous, obscene or harmful to other students, staff, the Education Division’s mission and/or the School’s mission.
6. The right to freedom from discrimination.
7. The right to due process, in the event the student may be subject to discipline.

D. STUDENT’S RESPONSIBILITIES

General student responsibilities are as follows:

1. To attend all classes each day except when ill or properly excused.
2. To allow others the freedom to learn without upsetting the classroom, academic environment, or school activities.
3. To not bring anything to school that is forbidden by law such as alcoholic beverages, drugs, weapons, dangerous instrumentalities or stolen property.
4. To fully comply with all of the Division’s and School’s policies, procedures and rules.
5. To express their own religion and culture in a manner that is not prohibited by law or violative of other individual’s rights.
6. To express opinions and ideas respectfully so as not to slander or offend others and to understand that others should be allowed to express their ideas.
7. To not discriminate against others.
8. To not knowingly assist another student in violating the student policy.
9. All students and/or parents/guardians may be required to sign a School Compact, if deemed necessary by the school site.

II. STUDENT ADMISSIONS AND WITHDRAWALS

A. ADMISSIONS

The Education Division Schools will admit students in accordance with applicable state and federal law, applicable funding requirements, and in accordance with this policy and its guidelines.

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B. ASSIGNMENTS

The Superintendent/ Director or designee assigns or reassigns the student to another school for any of the following reasons:

1. The assignment is in the best interest of the student or the Education Division. When evaluating the interests of the Education Division, the Superintendent/ Director or designee may consider the student’s disciplinary and criminal history and what effect the student’s presence may have on other students.
2. The student refuses to comply with policies, procedures and/or rules; refuses to pursue the required course of study; or refuses to submit to the authority of teachers, administrators, or the Education Board.
3. The assignment is an alternative to long-term suspension or expulsion.

C. ENTRANCE AGE

Students registering for Early Childhood Education’s Site-Based Program must be six (6) weeks of age before an application may be submitted to ECEC. Preschool children must be three (3) years old prior to September 1 of the current school year.

Students registering for Kindergarten must be five (5) years of age prior to September 1 of the current school year.

Students registering for 7th through 12th grade will be registered in accordance with next section C. Grade Placement.

The Education Board may admit children who have not reached the required age if it is determined to be in the best interest of the children. Such children must reach the required age of five (5) prior to January 1 of the current school year.

D. GRADE PLACEMENT

Grade placement shall be the responsibility of the site administrator/designee, and shall be based on general achievement with consideration being given to the mental, physical, emotional, and social maturity of the student. In general, students transferring into the Education Division shall be placed in the same grade level as in the school from which they transferred, but students transferring, as well as continuing students, may be reduced or advanced in grade. The site administrator/designee shall be guided by the recommendation of teachers, and shall consult with the parents/legal guardians of the student before the transfer or placement of a child is made. High school students will be assigned to grade levels based on their cohort year. Cohort year is based on when a student entered 9th grade.

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E. STUDENT WITHDRAWAL FROM SCHOOL

Upon the withdrawal of a student from school, a form confirming the withdrawal will be prepared by the school and signed by the site administrator/designee. The school will indicate on the form the reason for the withdrawal, if known to the school, and request the parent or legal guardian to sign the form. The original copy of the withdrawal form will be given to the student, if an adult, or to the parent or legal guardian of the student, if a minor. A copy will be retained by the Education Division in the student’s cumulative file. Students, who withdraw or are dropped from the Salt River Elementary School (SRES) and Salt River High School (SRHS) enrollment, may not be accepted for re-enrollment for the remainder of the current school year.

Upon withdrawal, the student must return all books and other property to the school.

III. STUDENT ATTENDANCE, ABSENCES AND EXCUSES

Community law, SRO-382-2011 Truancy Ordinance, requires that students attend school between the ages of five (5) through eighteen (18). The primary responsibility for attendance rests with the student and parents/legal guardian. Students are required to attend every class for which they are registered unless:

1. The student is unable to attend because of illness or other disability
2. The student has been suspended for disciplinary reasons.
3. The student has presented reasons for nonattendance that are satisfactory to the Superintendent/ Director, the school site administrator/designee, or their designees.

Parents/Legal Guardians must ensure that the enrolled student attends school. The parent or legal guardian is expected to inform the school when a child will be absent from school. The school will make reasonable efforts to notify the parent or legal guardian within the applicable time periods when a student is absent from school without prior notice from the parent or legal guardian.

The Superintendent/ Director may adopt administrative procedures as necessary to implement this policy.

A. TRUANCY

Unexcused or unauthorized absence from school is considered truancy and shall be treated as such.

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This includes unexcused or unauthorized absence from any class, study hall, or activity during the school day, for which the student is scheduled. It also includes any unexcused or unauthorized absence from any after or before school special-help session or disciplinary session that the student has been directed to attend. Disciplinary action shall be taken in such cases, beginning with notification to parents or legal guardians.

B. STUDENT DISMISSAL PRECAUTIONS

No student shall be removed from the school grounds, school building, or from any school function during school hours except by the student's parent or legal guardian, by an individual authorized to do so by a student's parent or legal guardian, by individuals who have legal custody of the students, or in accordance with applicable law. Before a student is removed, the individual seeking to remove the student must present, to the satisfaction of the site administrator/designee, evidence of proper authority to remove the student, including but not limited to a valid Driver's License or State-issued Identification Card. If any law enforcement or Child Protective Services authority requests the dismissal of a student during school hours, schools must follow the procedures set forth by the Education Board.

IV. STUDENT DUE PROCESS RIGHTS

The Education Board recognizes that exclusion of a student from the educational environment of the schools is a very serious matter and therefore fully supports and provides for policies and practices adhering to the due process rights of all students.

The right to due process entitles students to:

1. Being informed either orally or in writing of the allegation against them,
2. Having the opportunity to respond to the allegations,
3. Having the factual basis for the allegations explained to them,
4. Having a parent/ legal guardian present,
5. Having a chance to explain his/her version of the situation, if the allegations are denied,
6. Having an opportunity for the site administrator/ designee to review the complaint, and
7. Having an opportunity for the superintendent/ designee to review the decision of the site administrator.

The student has the right to file a grievance complaint either orally or in writing against an employee. The due process procedures are located beginning in Section VII. G. Student Grievances.

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The Superintendent/ Director shall take appropriate action to assure the establishment and administration of due process procedures necessary to ensure such rights are available to students of the Education Division.

A. SPECIAL EDUCATION DUE PROCESS

The Education Division shall comply with applicable Federal and State Statutory and Regulatory Provisions regarding special education due process requirements. The Education Division Schools will maintain a Board approved list of individuals to serve as hearing officers. This list shall include a statement of qualifications from the individuals and shall be updated prior to the beginning of each school year. The hearing officer must be knowledgeable about state and federal laws and regulations pertaining to the identification, evaluation, placement, and education of handicapped students. The Superintendent/ Director or designee shall select the hearing officer from the approved list.

V. STUDENT CONDUCT AND DISCIPLINE

Students of the Education Division shall be governed by the policies, regulations, and rules of the Education Division, which are applicable on Education Division property, at Education Division functions, on a school bus or at a school bus stop, as well as conduct while traveling in Education Division vehicles (e.g. school buses, vans, etc.). Policies, regulations and rules may additionally be applicable for certain actions that occur off Education Division property if such actions have a detrimental impact on school activities and/or on Education Division students and/or employees in relation to school attendance, school operations or school environment. The SRPMIC Ordinance Section 6-10(a) requires peaceful conduct of educational institutions. All students, parents/legal guardians and visitors must comply with this law.

Students of the Education Division shall be governed by the policies, regulations and rules of the Education Division. The policies, rules and regulations and the authority of the Education Division to administer discipline apply whenever the interest of the Education Division is involved, on or off school grounds, in conjunction with or independent of classes and school-sponsored activities.

The Education Division has disciplinary authority over a student:

1. During the regular school day and while the student is going to and from school or a school-sponsored or school-related activity on Division transportation;
2. While the student is in attendance at any school-related activity, regardless of time and location;
3. For any school-related misconduct, regardless of time and location;

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4. When retaliation against a school employee or volunteer occurs and/or when a school employee or volunteer is threatened, regardless of time and location;
 5. When criminal mischief is committed on or off school property or at a school-related event;
- The Education Division has the right to search a vehicle driven to school by a student and parked on school property whenever there is reasonable cause to believe it contains articles or materials prohibited by the Education Division.

The Education Division has the right to search a student and his/her belongings when there is reasonable cause to believe it contains articles or materials prohibited by the Education Division.

The Superintendent/ Director shall develop a handbook for student behavior and rules for appropriate discipline of students for violations of the guidelines. The Superintendent/ Director shall additionally develop guidelines for the removal of students from the classroom. If a school handbook is in conflict with this Article 4 – Student Policy, then the Article 4 – Student Policy will supersede any handbooks. The Superintendent/ Director will ensure the application of student discipline is applied fairly and consistently across all schools and all students.

Each site administrator/ designee will determine placement of a disruptive student if a teacher refuses to readmit the student to the teacher's classroom. See also section IV. Student Due Process Rights.

The Superintendent/Director shall develop guidelines for student behavior and rules for appropriate discipline of students for violations of the guidelines. Discipline guidelines are designed to improve student conduct and to encourage students to adhere to their responsibilities as members of the school and Community. Disciplinary actions shall draw upon the professional judgment of teachers and administrators and on a range of discipline management techniques. Discipline guidelines shall be correlated to the seriousness of the offense, the student's age and grade level, the frequency of misbehavior, the student's attitude, the effect of the misconduct on the school environment and Education Division and Community laws and requirements.

Because of these factors, discipline for a particular offense, including misconduct in a Division vehicle owned and/or operated by the Education Division, unless otherwise specified by law or ordinance, may bring into consideration varying techniques and responses.

The site administrator/ designee shall contact local law enforcement officials when the administrator has reason to believe that a violation of policy is a criminal act, involves the use, display or possession of a firearm or other deadly weapon, or involves the possession, use, distribution and/or sale of alcohol or non-prescribed drugs.

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A. STUDENT SUSPENSION AND EXPULSION

Suspension means the temporary withdrawal of the privilege of attending a school for a specific period of time. Any suspension or expulsion must be for good cause and reported to the Education Board within five (5) business days of imposition.

In the event that a short-term suspension is recommended by the site administrator/school principal for student misconduct, the site administrator/school principal shall mail the parent(s) a written and official suspension notice. Short-Term Suspensions are considered a suspension from school for ten (10) school days or less, where the school principal issues the Short-Term Suspension.

In the event that a long-term suspension or expulsion is recommended by the site administrator/school principal, for example: for student misconduct involving the use, display or possession of a dangerous instrument, the site administrator/school principal shall contact the Superintendent/ Director or designee and the local law enforcement officials as necessary. Long-Term Suspensions and/or Expulsions will be decided upon by the Superintendent/Director or designee.

Long-Term Suspensions are considered a suspension from school for eleven (11) school days or more, and possibly through the end of the school year in which the policy violation occurs. If a student is long-term suspended through the end of the current school year, s/he may re-apply for admission and attend the subsequent school year.

Expulsion is a permanent exclusion from school and school activities unless the Education Board reinstates the privilege of attending school.

The Education Board shall be notified of all types of suspensions and expulsions within five (5) business days of the date of the official parental notice. All suspension decisions are appealable.

B. STUDENT SUSPENSION APPEAL PROCESS

1. LEVEL ONE OF STUDENT SUSPENSION APPEAL

- a. The parent/student shall submit in writing an appeal regarding the suspension decision within fifteen (15) business days.
- b. The written appeal will be submitted to the Superintendent/ Director or designee.
- c. The written appeal will include all relevant and necessary documentation that will assist the Superintendent/ Director or designee in making an informed

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decision in the best interest of the student and the Education Division and its students.

- d. Within five (5) business days, the Superintendent/ Director or designee shall make a decision to uphold, modify or reverse the suspension decision. The decision will be issued in writing to the attention of the parent/student.
- e. If the parent/student remains concerned with the decision of the Superintendent/Director, then the parent/student shall submit their appeal to the Education Board through the Education Board Secretary.

2. LEVEL TWO OF STUDENT SUSPENSION APPEAL

- a. The parent/student shall submit in writing an appeal regarding the suspension decision within fifteen (15) business days of receiving the Superintendent/ Director/designee’s written decision.
- b. The written appeal will be submitted to the Education Board Secretary, and will include the original appeal, the subsequent decision, and any additional documentation necessary to aid in the Education Board’s decision making process.
- c. The Board Secretary will notify the parent and student of the date, time and location in which the parent and student may present their appeal in person.
- d. After the Education Board has received all written appeal documentation, and met in-person with the parent and student, then the Education Board will have a full ten (10) business days to make their decision.
- e. The Education Board decision will be issued in writing by the tenth (10th) business day following the in-person meeting, and the decision will be mailed directly to the parent and student.
- f. The Education Board’s decision on the appeal is final.

C. STUDENT FREEDOM OF EXPRESSION

Students have the right to freedom of expression that is appropriate for children in their applicable school. To ensure the educational mission of the School is not materially and substantially disrupted or interfered with, the following expressions are prohibited:

- 1. Expression which for any reason causes or is likely to cause a material and substantial disruption or interference with teaching of the School or the orderly operation and discipline of the School or school activity;
- 2. Gambling is prohibited on school property, in school vehicles, and at school-related events;
- 3. Cursing, profanity and other vulgar or indecent language;
- 4. Speech which is obscene to minors;

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5. Speech which is slanderous or libelous;
6. Speech which invades the rights of other persons;
7. Speech which advertises or promotes alcohol, tobacco, illegal drugs, or any product or service harmful to minors and not permitted to minors by law;
8. Speech which could result in tort liability for the School;
9. Rude and discourteous speech inconsistent with habits and manners of civil discourse;
10. Insulting or fighting words (including but not limited to, slurs of another person’s character, family, race, religion, sex, ethnic origin, physical appearance, sexual preference, intellectual ability or handicapping conditions);
11. Threats of violence or other intimidating statements, including hazing;
12. Abusive or harassing conduct (including speech) sufficiently severe and pervasive as to create a hostile learning environment for any student. This section also includes cyber-bullying via texting, instant messaging, emailing, social media, etc.;
13. Speech which is likely to cause the commission of unlawful acts or the violation of lawful school regulations;
14. Statements reflecting biases or prejudice in school sponsored expressive activities such as student newspapers, yearbooks, and school plays.

Students shall obey the directions of school staff personnel and cease prohibited expressions and activities noted above.

D. STUDENT DRESS CODE

The Education Board recognizes that student dress and grooming are generally a matter of personal choices. At the same time, student dress and grooming standards affect the wellness, health, safety and welfare of students and staff and directly contribute to the accomplishment of the Education Division’s educational objectives. These objectives include:

1. Creating and maintaining a safe and orderly learning environment,
2. Achieving Education Division curriculum standards and objectives,
3. Fostering school pride and student self-esteem, and
4. Adhering to social norms in preparation for future education and employment opportunities.

The Superintendent/ Director is authorized and directed to implement this policy by adopting student dress and grooming standards that, first, strike a reasonable balance between students’ personal choices and the Education Division’s wellness, health and

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safety concerns and educational objectives and, second, are applied consistently among the Education Division’s schools. Each site administrator is authorized to supplement the student dress and grooming standards adopted by the Superintendent/ Director as necessary to address specific dress or grooming issues in the school. School administrators, teachers, and security have the professional responsibility and the authority to require students to change their dress or grooming to comply with the Education Division and school dress and grooming standards adopted pursuant to this policy.

E. CARE OF DIVISION PROPERTY

Students shall be held responsible for the care of school property. No student shall damage or deface any property belonging to the Education Division. Disciplinary consequences for damaging or defacing school property depend upon the situation and circumstances involved. Willful destruction of school property shall subject a student to disciplinary action, including possible suspension or expulsion from school.

Any damage to School property by a student will be the responsibility of the student and the student’s parent or legal guardian. The student and parent or legal guardian shall pay for any replacement and/or repair costs. Disciplinary action will apply to incidents of property damage.

F. STUDENT CONDUCT – SCHOOL VEHICLES

Students must conduct themselves in a manner consistent with established and appropriate standards of classroom behavior and dress while involved with school transportation services.

Students riding special activity vehicles are under the direct supervision of the activity sponsors and the activity drivers.

Failure to follow vehicle rules at bus stops, in the vehicles, or in the process of boarding or debarking from a vehicle may result in the denial of Division vehicle riding privileges. The decision to deny vehicle riding privileges shall be made only by the school administrator or designee, in consultation with the driver.

G. GANG ACTIVITY OR ASSOCIATION

The Education Board recognizes that the presence of gangs creates an atmosphere of intimidation in the schools. The immediate consequences of gang activity and the secondary effects disrupt and hinder the education mission of the schools and their activities.

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On March 4, 2009 the Salt River Pima-Maricopa Indian Community Council enacted an amendment to the Criminal Code, Criminal Street Gang statute (SRO-347-09). The purpose of this Amendment was to adopt a prohibitive gang clothing or attire statute at Community held events, buildings and facilities in the interest of abating criminal activity and to protect the wellness, health, welfare and safety of the Community and its members. Criminal sanctions may be imposed for violations of this Ordinance.

1. GANG ACTIVITY PROHIBITED

Students are prohibited from engaging in gang activity on or near school grounds, on school buses, at or near a school bus stop or school-sponsored activity, or while traveling to or from school.

Students are prohibited from engaging in any gang activity, regardless of where the activity occurs or the means by which the activity is conducted, if the gang activity has a substantially detrimental impact on school activities or on Education Division students or employees in relation to school attendance, school operations, or the school environment.

2. GANG ACTIVITY INCLUDES ANY OF THE FOLLOWING:

- a. Possessing, distributing, displaying, or selling any clothing, hairstyle, jewelry, emblem, badge, symbol, sign, hand gestures or other thing that is evidence of membership or affiliation with any gang.
- b. Committing any act or using any form of communication, either verbal or nonverbal, to show membership or affiliation with a gang.
- c. Committing any act to further the interests of any gang, including:
 - i. soliciting, hazing, and initiating others for membership in any gang;
 - ii. requesting any person to pay for protection;
 - iii. harassing, bullying, intimidating, or committing any other act that causes or threatens to cause physical or mental harm to students or employees; or
 - iv. committing any other illegal act or other violation of school policy that substantially disrupts the operations of the Education Division or its schools, or
 - v. the right of a student to attend school to participate in a school-sponsored activity.

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Any student who violates this policy and/or who knowingly assists or causes another to violate this policy is subject to the same disciplinary action, including but not limited to expulsion and notification to law enforcement.

3. GANG MEMBERSHIP

The Division may base its determination that a student is a member of, or affiliated with, a gang on any of the following indicators:

- a. Gang-related dress and/or grooming, including the display of gang-related colors, jewelry, accessories, tattoos, and body piercings.
- b. Gang-related communication, including display of gang-related hand signals and gestures; drawing gang-related graffiti/symbols/emblems; posting or transmitting gang-related messages and photographs on the Internet; and possession or distribution of gang-related notes or other documents.
- c. Self-admission of gang membership or association with known gang members.

The Superintendent/designee will consult with local law enforcement agencies to determine which gangs are present in the school communities and the manner in which the members of such gangs communicate their membership or affiliation with the gang.

The Superintendent/ Director may adopt administrative procedures to implement this policy.

H. THREATS AGAINST THE SCHOOLS

A student who, after proper notice and a hearing, is determined to have threatened the Education Division will be suspended by the administration for a period of not less than one year or expelled by the Education Board. Threats will be reported to the Salt River Police Department, as appropriate.

The administration may modify this suspension or expulsion requirement or place the student in an alternative educational program if the student participates in mediation, community service, restitution or other programs in which the student takes responsibility for the results of the threat.

For the purposes of this policy, “threats against the schools” means to interfere with or disrupt any school or other facility of the Division by doing any of the following:

- 1. Intentionally, knowingly or recklessly interfering with or disrupting the normal operations of an educational institution by either:
 - a. Threatening to cause physical injury to any employee or student of the Education Division or any person on the Education Division’s property.

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- b. Threatening to cause damage to any school or other facility of the Division, the property of the Division, the property of any employee of the Division or the property of any student enrolled in the Education Division.
2. Intentionally or knowingly entering or remaining on the property of the Division for the purpose of interfering with the lawful use of the property or in any manner as to deny or interfere with the lawful use of the property by others.
 3. Intentionally or knowingly refusing to obey a lawful order to leave the property of the Division.

I. TOBACCO PRODUCTS

The Education Division takes a comprehensive approach to ensuring a drug-free environment.

The possession or use of tobacco products is prohibited in the following locations at all times by students, staff members, and visitors:

1. School Grounds
2. School Buildings
3. School Parking Lots
4. School Playing Fields/Athletic Fields
5. School Bus/Education Division Vehicles

The Superintendent/ Director may establish procedures necessary to implement this policy. Disciplinary penalties for the possession or use of tobacco or similar products may include, but are not limited to, suspension of the student from school or a recommendation for expulsion when there is evidence of repeated and continuous violation of this policy.

Tobacco in its raw natural form may be approved for use on the SRES, SRHS, and ECEC campus for Native American ceremonial purposes only. Education Board approval must be granted.

J. STUDENT COMPUTER AND INTERNET USE

Education Division provides computers and Internet access to support the educational mission of its schools and to enhance the curriculum and learning opportunities for students and staff. The resources available through the Internet are of significant value in the learning process and in preparing students for future success. At the same time, the unregulated availability of information and communication on the Internet requires that schools establish reasonable controls for lawful, efficient and appropriate use of

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this technology. The Education Division outlines its technology policies in **Article 10 – Information Technology**. Please also refer to this policy, as it relates to students.

Student use of school computers, networks and Internet services is a privilege, not a right. Students are required to comply with this policy and the rules outlined in the **Student Technology Use Agreement**. Students who violate the policy and/or rules may have their computer privileges revoked and may also be subject to further disciplinary and/or legal action.

All Education Division computers remain under the control, custody and supervision of the school. The school reserves the right to monitor all computer and Internet activity by students. Students have no reasonable expectation of privacy in their use of school computers.

The Superintendent/ Director may adopt administrative procedures, as necessary, to implement this policy.

K. ALCOHOL AND DRUG USE

The possession, use, distribution, sale and/or manufacture of alcohol or illegal drugs are prohibited:

- 1. on Division property, or at any school sponsored event or activity,
- 2. within a distance of 300 feet from the grounds of any school,
- 3. on any public property within a distance of 1,000 feet from the grounds of any school,
- 4. at a school bus stop,
- 5. on a school bus or other Division vehicle used to transport students,
- 6. to and from school and
- 7. at other locations off Division property if the act has a detrimental impact on school activities or on Community School pupils or employees in relation to school attendance, school operations or school environment.

Students are prohibited from using alcohol or illegal drugs within such time prior to coming to a school campus or school-sponsored event or activity that any effect or evidence of such use remains.

The use, possession, distribution, sale or manufacture of drug paraphernalia and of imitations of illegal drugs, narcotics and other noxious substances are also prohibited.

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Upon discovering any violation of this policy, school personnel shall immediately report the violation to a school administrator. The administrator shall immediately report any violation involving illegal drugs to the appropriate local law enforcement agency.

The school shall contact the parent or legal guardian of any student who violates this policy.

L. DANGEROUS INSTRUMENTS AND DEADLY WEAPONS

This policy applies to students on Education Division property, at Division functions, on the school bus, at a school bus stop, and going to and from school.

A student who, after notice and a hearing, is determined to have possessed a firearm or transported a firearm to campus, shall be expelled by the Education Board for a period of not less than one year.

Students using, displaying, or knowingly carrying or possessing any deadly weapon shall be subject to expulsion for a period of not less than one year.

Students using, displaying, or knowingly carrying or possessing any dangerous instrument shall be subject to suspension or expulsion. Students knowingly transporting any dangerous instrument to campus, by automobile or otherwise, shall be subject to suspension or expulsion.

If a student inadvertently possesses a dangerous weapon/instrument at school but promptly and voluntarily turns it in to a school staff member, circumstances regarding this act will be considered when determining disciplinary action.

I. KNOWING ASSISTANCE

Any student who knowingly assists another in violating this section of student policy may be subject to the same disciplinary action as the student who violates this section.

II. REPORTING POLICY VIOLATIONS

Upon discovering any perceived violation involving a firearm, a deadly weapon or a dangerous instrument, school personnel shall immediately report the situation to a school administrator. If the situation involves a firearm or a deadly weapon, the school administrator shall immediately report the situation to the Superintendent/ Director and law enforcement officials (including the identities of any students involved in such incidents). If the situation involves a dangerous instrument, the school administrator shall immediately report the situation to the Superintendent/ Director, and law enforcement officials shall additionally be notified.

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M. HAZING

Hazing, the solicitation to engage in hazing, and aiding and abetting hazing are prohibited.

Students and staff shall take reasonable measures within the scope of their individual authority to prevent violations of this Policy. Students who violate this policy are subject to disciplinary action, including without limitation short-term or long-term suspension and expulsion. A student organization that authorizes or condones a violation of this Policy by its member or members may lose the privilege of use of Division facilities. A teacher or staff member who knowingly permits, authorizes or condones a violation of this Policy is subject to disciplinary action, including without limitation suspension without pay or termination of employment.

Complaints of hazing or other violations of this Policy should be reported by students or staff to the site administrator/designee of the school that sponsors the organization or enrolls the student who allegedly violated the Policy. The site administrator/designee will report the allegation immediately to the Superintendent/designee. An allegation of hazing shall be promptly investigated. The complaint and information obtained from the investigation shall remain confidential; however, the person who makes a complaint of hazing shall be informed of the results of the investigation. If the allegation involves a staff member/employee, then the current **Article 3 - Personnel Policy** will apply in addition to this Policy.

Violations of this Policy shall be reported to appropriate law enforcement officials in accordance with Division policy and procedures for reporting suspected crimes against persons or property and any incidents that could potentially threaten the safety or security of students or staff.

N. STUDENT HARASSMENT AND BULLYING

The Division prohibits harassment and bullying of any student on school grounds, on a school vehicle, at a school bus stop, at a school-sponsored activity or while the student is traveling to or from school in a Division vehicle. The Education Division will provide notice of this policy to students and Education Division employees, investigate all reports of harassment and bullying, and take disciplinary or other appropriate action against any student or Division employee who is found to have violated this policy. If the allegation involves a staff member/employee, then the current **Article 3 - Personnel Policy** will apply in addition to this Policy.

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“Harassment and bullying” means any severe or persistent physical or psychological abuse of a student by means of physical threats or assaults, verbal threats or insults, or other hostile or degrading acts which may include the following:

1. “Cyberbullying” includes cyberharassment, cyberstalking, communications that seek to intimidate, control, manipulate, put down, falsely discredit, or humiliate the recipient. It may also include:
 - a. actions that use information and communication technologies to support deliberate, repeated, and hostile behavior by an individual or group, that is intended to harm another or others; or
 - b. use of communication technologies for the intention of harming another person; or
 - c. use of internet service and mobile technologies such as web pages and discussion groups as well as instant messaging or SMS text messaging with the intention of harming another person.
2. Hostile or degrading act inflicted because of the student victim’s actual or perceived race, ethnicity, religion, gender, sexual orientation, gender identity, or gender expression or disability regardless of whether the act itself is severe or persistent. These acts may also be interpreted as hate crimes.
3. Sexual harassment, which means any unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature made by a school employee to a student or by a student to another student when:

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- (i) Submission to such conduct is made, either explicitly or implicitly, a term or condition of a student's education, academic status or progress; or
- (ii) Submission to or rejection of such conduct by a student is used as a component of the basis for decisions affecting that student; or
- (iii) The conduct (1) substantially interferes with or will substantially interfere with a student's educational benefits, opportunities or performance, or a student's physical or psychological wellbeing; or (2) creates an intimidating or hostile educational environment; or
- (iv) Submission to or rejection of such conduct by a student is used as the basis for evaluating the student's performance within a course of study or other school-related activity.

4. Retaliation, which means any adverse action, taken against a student for reporting a complaint of harassment and bullying when the reporter honestly believes harassment and bullying has occurred or is occurring, or for participating in or cooperating with an investigation.

Adverse action includes any form of intimidation, reprisal or harassment such as diminishment of grades, suspension, expulsion, change in educational conditions, loss of privileges or benefits, or other unwarranted disciplinary action in the case of students.

The Superintendent/ Director is authorized and directed to adopt administrative procedures for the implementation of this policy, including without limitation, procedures for the investigation of reports of harassment and bullying.

O. SEXUAL HARASSMENT

The Education Division and its schools are committed to maintaining a learning environment that is free of harassment. The Education Board prohibits the unlawful

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sexual harassment of any student by any employee, student or other person at school or at any school-related activity.

P. PROHIBITION AGAINST RETALIATION

The school prohibits reprisal or retaliation against any person who reports an act of harassment, intimidation or bullying. The consequence and appropriate remedial action for a person who engages in reprisal or retaliation shall be determined by the site administrator/designee after consideration of the nature and circumstances of the act, in accordance with applicable laws, regulations and school policies and procedures.

Q. FALSE ACCUSATIONS

Consequences and appropriate remedial action for a student found to have falsely accused another of harassment, intimidation or bullying range from positive behavioral interventions up to and including suspension or expulsion. Consequences and appropriate remedial action for a school employee found to have falsely accused another of harassment, intimidation or bullying shall be disciplinary action, up to and including, termination. Consequences and appropriate remedial action for a visitor or volunteer, found to have falsely accused another of harassment, intimidation or bullying shall be determined by the site administrator/designee after consideration of the nature and circumstances of the act, including reports to appropriate law enforcement officials.

VI. INTERROGATIONS, ARRESTS/REMOVAL OF STUDENTS AND SEARCHES

A. INTERROGATIONS/INTERVIEWS BY NON-EDUCATION DIVISION AUTHORITIES

The Education Board recognizes the Division's obligation to cooperate with authorized law enforcement authorities and Child Protective Services. In the event that non-Education Division authorities request to interview or interrogate a student, school personnel shall make a reasonable effort to notify parents or legal guardians of the student prior to the interview or interrogation and shall make a reasonable effort to provide the opportunity to parents or legal guardians to be present at the interview or interrogation, except where the interview pertains to allegations of child abuse or abandonment against the student's parent or legal guardian. Such notification of parent(s) shall be documented by the school staff person who attempted to notify or notified the parent(s). In the absence of student's parent(s) during any questioning of student, the Site administrator/designee shall be present

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and shall document what generally occurs during the interview unless otherwise required by these policies or by applicable law or other policy.

The Superintendent/ Director shall develop guidelines and procedures for processing interviews or interrogations of students.

B. ARRESTS OR REMOVAL OF STUDENTS BY NON-EDUCATION DIVISION AUTHORITIES

Education Division personnel shall cooperate fully with law enforcement authorities and Child Protective Services. When an arrest is formally made when a student is taken into temporary custody pursuant to applicable law, the Education Division and its employees no longer exercise jurisdiction over the student.

The Superintendent/ Director shall develop guidelines and procedures for processing removal of students by authorized law enforcement authorities and Child Protective Services.

C. SEARCHES BY EDUCATION DIVISION AUTHORITIES

The Division has the right to search and seize property, including school property temporarily assigned to students, when there is reason to suspect that a law or school rule has been violated or that the wellness, health, safety, or welfare of students or staff may be in danger.

Lockers and desks are provided as a convenience to students for storage of personal items, but remain the property of the Education Division and are subject to its control and supervision. Students have no reasonable expectancy of privacy, and lockers, desks, storage areas, etc., may be inspected for cleanliness and order at any time with or without reason, or with or without notice, by Education Division personnel.

Strip searches are not to be conducted by school personnel.

D. DIVISION CONTACTING LAW ENFORCEMENT

The Site administrator/designee shall determine when it is necessary to request law enforcement officers to conduct an investigation of alleged behavior which jeopardizes the wellness, health, safety, welfare or property of students, staff or school or which interferes with the operation of the school. The Site administrator/designee may request that law enforcement officers conduct an investigation and question students who are potential witnesses of such alleged behavior during school hours. Site administrator/designee or Site administrator/designee's shall make a reasonable attempt to contact the student's

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parent(s) prior to the student being questioned by law enforcement officers, except as set forth below.

Reasonable request of parent(s) to be notified if their student is to be questioned by law enforcement and/or to be present during any such questioning should be observed unless to do so would violate these policies, applicable laws or jeopardize the wellness, health, safety, welfare or property of students, staff or school. Such notification of parent(s) shall be documented by the school staff person who attempted to notify or notified the parent(s). In the absence of student’s parent(s) during any questioning of student, the Site administrator/designee shall be present and shall document what generally occurs during the interview unless otherwise required by these policies or demanded by law enforcement personnel.

1. Contact Initiated by Law Enforcement Officers/Agencies
 - a. Although cooperation with law enforcement will be maintained, it should not normally be necessary for law enforcement officers to initiate and conduct any investigation and questioning on the school premises during school hours pertaining to activities unrelated to the operation of the school.
 - b. In such cases where law enforcement/agencies wish to conduct an investigation and/or interviews during school hours on school premises, they shall first notify the Site administrator/designee prior to coming on to campus and initiating the investigation or interviews. When appropriate, the Site administrator/designee shall document the request and the pertinent circumstances regarding the request, including the presentation of any legal process such as subpoenas or warrants.
2. When Child Abuse Or Abandonment Of A Student Is Alleged
 - a. If a child protective services worker or law enforcement officer enters the campus requesting to interview a student attending the school, the Site administrator/designee shall be notified and documentation must be presented to the site administrator. Access to interview shall be granted when the child to be interviewed is the subject of or is the sibling of or is living with the child who is the subject of an abuse or abandonment investigation. The school shall cooperate with the investigating child protective services worker or law enforcement officer. If a student is taken into temporary custody in accordance with applicable law or A.R.S. [8-821](#), the child protective services worker or law enforcement officer shall notify the student's parent of the custody.

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Where A.R.S. is the applicable law, this shall be pursuant to A.R.S. [8-823](#). Additionally, the child protective services worker or law enforcement officer shall be requested. The school shall refer inquiries to the investigating law enforcement officer and agency.

3. Abuse Or Abandonment Is Not Alleged
 - a. No issue of student population safety is presented.
 - b. If a law enforcement officer enters the campus requesting to interview a student attending the school on an issue other than upon request of the school or for abuse or abandonment, the Site administrator/designee shall be notified. If the officer directs that parents are not to be contacted because the interview is related to criminal activity of the parent(s), the school official shall comply with the request. Unless these circumstances exist the parent(s) will be contacted and will be asked if they wish the student to be interviewed. If the parent(s) consent the parent(s) will be requested to be present or to authorize the interview in their absence within the school day of the request. Where an attempt was made and the parent(s) could not be reached or did not consent within the school day of the request, the law enforcement officer will then be requested to contact the parent(s) and make arrangements to question the student at another time and place.
4. Safety of the student population is of concern.
 - a. When a law enforcement officer is present on the campus to interview students at the request of school authorities due to concerns for the safety of the students in the school population, parent contact shall only be made if a student is taken into custody or following the determination that the student may be subject to discipline for a serious offense.
5. Arrest
 - a. When a law enforcement officer enters a campus providing a warrant or subpoena or expressing intent to take a student into custody, the office staff shall request the law enforcement officer establish proper identification, complete, and sign a form for signature of an arresting officer or interviewing officer. (See Arresting Officer Form) The school staff shall cooperate with the officer in locating the child within the school. School officials may respond to parental inquiries about the arrest or may, if necessary, explain the relinquishment of custody by the

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school and the location of the student, if known, upon contact by the parent.

- b. When an emergency exists, the school Site administrator/designee may summon law enforcement officials to the school to take a student into custody.
6. Disturbance of School Environment
- a. Law enforcement officers may be requested by Division personnel to assist in controlling disturbances created by disruptive persons on school premises. Disruptive persons may be defined as persons who exhibit undesirable or illegal conduct including verbal attacks and/or use of profane language on school premises. Division personnel may request such disruptive persons to be escorted by law enforcement officials from the school premises and charged as may be appropriate under the law. In addition, charges may be filed against such disruptive persons by the school.
7. Coordination of Policies by Law Enforcement Officials
- a. Division administrators are encouraged to meet periodically with local law enforcement officials to discuss the school’s policies and rules regarding law enforcement contacts with the school. Law enforcement officials will be asked to instruct their staffs as to the terms of the school’s policies and rules as they pertain to issues related to this policy.

VII. STUDENT BEHAVIOR MANAGEMENT AND INTERVENTION

The Division will provide appropriate direction and training regarding student behavior management and intervention, including the use of restraint and seclusion, to teachers, aides, and other staff members assigned to work with students who have difficulty controlling their behavior.

The Superintendent/ Director may adopt administrative procedures regarding student behavior management and intervention in accordance with applicable state and federal law.

A. STUDENT SUSPENSION

Suspension means the temporary withdrawal of the privilege of attending a school for a specific period of time. Any suspension must be for good cause and reported to the Education Board within five (5) working days of imposition.

In the event that a short-term suspension is recommended by the site administrator/school principal for student misconduct, the site administrator/school

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principal shall mail the parent(s) a written and official suspension notice. Short-Term Suspensions are considered a suspension from school for ten (10) school days or less, where the school principal issues the Short-Term Suspension.

In the event that a long-term suspension or expulsion is recommended by the site administrator/school principal, for example for student misconduct involving the use, display or possession of a dangerous instrument, the site administrator/school principal shall contact the Superintendent/ Director or designee and the local law enforcement officials as necessary. Long-Term Suspensions and/or Expulsions will be decided upon by the Superintendent/ Director or designee. Long-Term Suspensions are considered a suspension from school for more than ten (10) school days.

The Education Board shall be notified of all types of suspensions and expulsions within three (3) business days of the date of the official parental notice. All suspension decisions are appealable.

Refer to section V. Student Conduct and Discipline for the appeal procedures.

B. PROCEDURES FOR READMISSION AFTER LONG-TERM SUSPENSION

The administration will follow these procedures when a student seeks readmission after being long-term suspended by Superintendent/ Director. The Education Board will make the final decision on the request for readmission as outlined in these procedures.

- a. When a student has been long-term suspended, the site administrator or designee will inform the student of the procedures by which he or she may request readmission.
- b. If a long-term suspended seeks readmission, the student and parent or legal guardian may request readmission by submitting a readmission application or written letter to the Superintendent/ Director or designee. The application/ written letter must be submitted at least 30 calendar days prior to the start of the semester when the student seeks readmission. A long-term suspended student will not be readmitted earlier than 12 months after the date of the incident which resulted in the student’s long-term suspension unless the Education Board finds good cause to waive this requirement.
- c. The Superintendent/ Director or designee will collect information about the student since the long-term suspension, prepare and submit a report to the Education Board. If readmission is being recommended, he/she will prepare and submit a Student Readmission Agreement, which will be provided to the Education Board.

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- d. The Education Board will give the student and parent or legal guardian notice of the date, time, and location of the meeting where it will consider the student’s application for readmission. The Education Board will consider the matter in executive session unless the student or parent or legal guardian requests an open meeting. The Education Board will expect the student and parent or legal guardian to attend the meeting to answer any questions that members may have regarding the request.
- e. The Education Board will review the recommendation, decide whether to readmit the student, and send written notice of its decision to the student and parent or legal guardian. If readmission is approved, the Governing Board will also give the student and parent or legal guardian a copy of the Student Readmission Agreement that the student and parent or legal guardian must sign before the student will be readmitted. Readmission will take effect on the first day of the next semester unless the Education Board specifies another date. The decision of the Education Board is final.

C. LONG-TERM SUSPENSION OF SPECIAL EDUCATION STUDENTS

The long-term suspension of special education students will be in accordance with the above procedures as modified by applicable federal and state special education law.

D. EXPECTED BEHAVIOR

The Education Board expects students to conduct themselves in keeping with their levels of development, maturity and demonstrated capabilities with a proper regard for the rights and welfare of other students and school staff, the educational purpose underlying all school activities, and the care of school facilities and equipment.

The Education Board believes that standards for student behavior must be set cooperatively through interaction among the students, parents/legal guardians, staff and Community members, producing an atmosphere that encourages students to grow in self-discipline. The development of this atmosphere requires respect for self and others, as well as for school and community property on the part of students, staff and community members.

The Education Board believes that the best discipline is self-imposed, and that it is the responsibility of staff to use disciplinary situations as opportunities to help students learn to assume and accept responsibility for their behavior and the consequences of their behavior. Staff members who interact with students shall apply best practices

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designed to prevent discipline problems and encourage students’ abilities to grow in self-discipline.

E. DISCIPLINE

In determining the appropriate response to students who commit one or more acts of harassment, intimidation or bullying, several factors will be considered including, but not limited to, the developmental and maturity levels of the parties involved, the levels of harm, the surrounding circumstances, the nature of the behaviors, past incidences or past or continuing patterns of behavior, the relationships between the parties involved and the context in which the alleged incidents occurred. Concluding whether a particular action or incident constitutes a violation of this policy requires a determination based on all of the facts and surrounding circumstances. It is only after meaningful consideration of these factors that an appropriate consequence should be determined, consistent with applicable laws, regulations, and school policies and procedures. Consequences and appropriate remedial action for students who commit acts of harassment, intimidation or bullying may range from positive behavioral interventions up to and including suspension or expulsion.

F. STUDENT GRIEVANCES

Any student who has a grievance with a school staff member, absent a disciplinary matter, shall raise his/her informal grievance with the School Principal most directly involved with the circumstances giving rise to the grievance. The student’s informal grievance may submitted orally or in writing, but it must be submitted within 10 business days of the incident. An informal process will include an informal conference at the school level. The informal process is not appealable.

If an informal resolution is unsuccessful or if the student feels physically or emotionally threatened or uncomfortable discussing the grievance with the alleged school staff member, then the student shall submit a *written and formal* grievance to the superintendent/ designee for a formal resolution of the grievance.

G. GUIDING PRINCIPLES OF STUDENT GRIEVANCES

The Education Division encourages students and parents to *first* discuss their grievance, concerns and/or complaints through informal conferences with the appropriate teacher, principal, and/or other school administrator.

This policy section is intended to provide a process for student grievances. This section does not replace or nullify any policies applicable to Education Division staff or employees, including Article 3 – Personnel Policy. The Education Division reserves the

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right to apply, at any time, applicable laws, policies and regulations, including but not limited to **Article 3 – Personnel Policy**.

H. INFORMAL PROCESS FOR STUDENT GRIEVANCES

Concerns should be expressed as soon as possible to allow early resolution at the lowest possible administrative level, which is the school principal level. Concerns can be communicated with the school principal either orally or in writing. Again, the student’s informal grievance may be submitted orally or in writing, but it must be submitted within ten (10) business days of the incident. An informal process will include an informal conference at the school level. If an agreeable decision is reached during the informal process, the grievance process shall be considered concluded and the decision is not appealable.

I. FORMAL PROCESS FOR STUDENT GRIEVANCES

If an informal conference regarding a grievance/complaint fails to reach an agreeable decision by the student or parent, the student or parent may initiate the formal process described below by timely filing a written complaint form. A written complaint form is necessary in order to substantiate the start time, and ensure a timely due process for all parties.

Even after initiating the formal complaint process, students and parents are highly encouraged to seek informal resolution of their concerns. A student or parent whose concerns are resolved may withdraw a formal complaint at any time.

The process described in this policy shall not be construed to create new or additional rights beyond those granted by law or Board policy, nor to require a full evidentiary hearing or “mini-trial” at any level.

J. FREEDOM FROM RETALIATION

Neither the Board nor any Division employee shall unlawfully retaliate against any student or parent for bringing a grievance, concern and/or complaint.

K. GENERAL PROVISIONS

Complaint forms and appeal notices may be filed by hand-delivery, fax, or U.S. Mail. Hand-delivered filings shall be timely filed if received by the appropriate administrator or designee by the close of business on the deadline. Fax filings shall be timely filed if they are received on or before the deadline, as indicated by the date/time shown on the fax copy. Mail filings shall be timely filed if they are postmarked by U.S. Mail on or before the deadline and received by the appropriate administrator or designated representative no more than three (3) business days after the deadline.

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At Levels One and Two, “response” shall mean a written communication to the student or parent from the appropriate administrator. Responses may be hand-delivered or sent by U.S. Mail to the student’s or parent’s mailing address of record. Mailed responses shall be timely if they are postmarked by U.S. Mail on or before the deadline.

“Days” shall mean Division business days. In calculating time lines under this policy, the day a document is filed is “day zero.” The following business day is “day one.”

“Representative” shall mean any person who or organization that is designated by the student or parent to represent the student or parent in the complaint process. A student may be represented by an adult at any level of the complaint.

The student or parent may designate a representative through written notice to the Division at any level of this process. If the student or parent designates a representative with fewer than three (3) days’ notice to the Division before a scheduled conference or hearing, the Division may reschedule the conference or hearing to a later date, if desired, in order to include the Division’s counsel. The Division may be represented by counsel at any level of the process.

L. CONSOLIDATING COMPLAINTS

Complaints arising out of an event or a series of related events shall be addressed in one complaint. A student or parent shall not bring separate or serial complaints arising from any event or series of events that have been or could have been addressed in a previous complaint.

M. UNTIMELY FILINGS

All time limits shall be strictly followed unless modified by mutual written consent.

If a complaint form or appeal notice is not timely filed, the complaint may be dismissed, on written notice to the student or parent, at any point during the complaint process. The student or parent may appeal the dismissal by seeking review in writing within ten days from the date of the written dismissal notice, starting at the level at which the complaint was dismissed. Such appeal shall be limited to the issue of timeliness.

N. COSTS INCURRED

Each party shall pay its own costs incurred in the course of the complaint.

O. COMPLAINT FORM

Complaints under this policy shall be submitted in writing on a form provided by the Division.

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Copies of any documents that support the complaint should be attached to the complaint form. If the student or parent does not have copies of these documents, copies may be presented at the Level One conference. After the Level One conference, no new documents may be submitted by the student or parent unless the student or parent did not know the documents existed before the Level One conference.

A complaint form that is incomplete in any material aspect may be dismissed, but may be refiled with all the required information if the refiling is within the designated time for filing a complaint.

P. LEVEL ONE OF FORMAL STUDENT GRIEVANCE

Complaint forms must be filed:

1. Within fifteen (15) days of the date the student or parent first knew, or with reasonable diligence should have known, of the decision or action giving rise to the complaint or grievance; and
2. With the lowest level administrator who has the authority to remedy the alleged problem.
3. In most circumstances, students and parents shall file Level One complaints with the school principal.
4. If the only administrator who has authority to remedy the alleged problem is the Superintendent or designee, the complaint may begin at Level Two following the procedure, including deadlines, for filing the complaint form at Level One.
5. If the complaint is not filed with the appropriate administrator, the receiving administrator must note the date and time the complaint form was received and immediately forward the complaint form to the appropriate administrator. The appropriate administrator shall investigate as necessary and hold a conference with the student or parent within ten (ten) days after receipt of the written complaint. The administrator may set reasonable time limits for the conference.
6. The administrator shall provide the student or parent a written response within ten (10) days following the conference.
7. The written response shall set forth the basis of the decision. In reaching a decision, the administrator may consider information provided at the Level One conference and any other relevant documents or information the administrator believes will help resolve the complaint.
8. Recordings of the Level One and Level Two conferences, if any, shall be maintained with the Level One and Level Two records.

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Q. LEVEL TWO OF FORMAL STUDENT GRIEVANCE

If the student or parent did not receive the relief requested at Level One or if the time for a response has expired, the student or parent may request a conference with the Superintendent or designee to appeal the Level One decision.

The appeal notice must be filed in writing, on a form provided by the Division, within ten (10) days of the date of the written Level One response or, if no response was received, within ten (10) days of the Level One response deadline.

After receiving notice of the appeal, the Level One administrator shall prepare and forward a record of the Level One complaint to the Level Two administrator. The student or parent may request a copy of the Level One record, excluding confidential records held by the Education Division.

The Level One record shall include:

- The original complaint form and any attachments.
- All other documents submitted by the student or parent at Level One.
- The written response issued at Level One and any attachments issued with that response.
- All other documents relied upon by the Level One administrator in reaching the Level One decision.

The Superintendent or designee shall hold a conference within ten (10) days after the appeal notice is filed. The conference shall be limited to the issues presented by the student or parent at Level One and identified in the Level Two appeal notice. At the conference, the student or parent may provide information concerning any documents or information relied upon by the administration for the Level One decision. The Superintendent or designee may set reasonable time limits for the conference.

The Superintendent or designee shall provide the student or parent a written response within ten (10) days following the conference. The written response shall set forth the basis of the decision. In reaching a decision, the Superintendent or designee may consider the Level One record, information provided at the Level Two conference, and any other relevant documents or information the Superintendent or designee believes will help resolve the complaint.

Recordings of the Level One and Level Two conferences, if any, shall be maintained with the Level One and Level Two records.

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R. LEVEL THREE OF FORMAL STUDENT GRIEVANCE

If the student or parent did not receive the relief requested at Level Two or if the time for a response has expired, the student or parent may appeal the decision to the Education Board.

The appeal notice must be filed in writing, on a form provided by the Division, within ten (10) days of the date of the written Level Two response or, if no response was received, within ten (10) days of the Level Two response deadline.

The Superintendent or designee shall inform the student or parent of the date, time, and place of the Education Board meeting at which the complaint will be on the agenda for presentation to the Education Board.

The Superintendent or designee shall provide the Education Board the record of the Level Two appeal. The student or parent may request a copy of the Level Two record, excluding confidential records held by the Education Division.

The Level Two record shall include:

- The Level One record.
- The notice of appeal from Level One to Level Two.
- The written response issued at Level Two and any attachments issued with that response.
- All other documents relied upon by the administration in reaching the Level Two decision.

If at the Level Three hearing the administration intends to rely on evidence not included in the Level Two record, the administration shall provide the student or parent notice of the nature of the evidence at least three (3) days before the hearing.

The presiding officer may set reasonable time limits and guidelines for the presentation, including an opportunity for the student or parent and administration to each make a presentation and provide rebuttal and an opportunity for questioning by the Board. The Board shall hear the complaint and may request that the administration provide an explanation for the decisions at the preceding levels.

In addition to any other record of the Board meeting required by law, the Board shall prepare a separate record of the Level Three presentation. The Level Three presentation, including the presentation by the student or parent or the student's representative, any presentation from the administration, and questions from the Board

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with responses, shall be recorded by audio recording, video/audio recording, or court reporter.

The Board shall then consider the complaint. The Education Board may give notice of its decision orally or in writing at any time up to and including the next regularly scheduled Board meeting. If the Board does not make a decision regarding the complaint by the end of the next regularly scheduled meeting, the lack of a response by the Board upholds the administrative decision at Level Two. The Education Board’s decision is considered final.

Grievance procedures may not be used by the student for disciplinary actions. Disciplinary procedures and appeals are addressed under Student Discipline.

S. DISCIPLINE OF SPECIAL EDUCATION STUDENTS

All disciplinary action relative to special education students must be taken pursuant to 34 C.F.R. §§ 300.530 through 300.537, references therein and amendments thereto. Copies of the above CFRs shall be kept by the Superintendent/ Director and provided to the staff as needed. It shall be the duty of the Superintendent/ Director of the School to review said CFRs in January of each year and to supplement and amend these attachments as necessary to maintain their currency.

It should be noted that in general, removal of a child with a disability from the child’s current educational placement for more than ten (10) consecutive schooldays and/or a series of removals that constitute a pattern and cumulate to more than ten (10) schooldays in a school year constitute a change of placement. The procedures set forth in 34 C.F.R. §§ 300.519 through 300.529 must take place prior to the expiration of that time. It shall be the duty of the Superintendent/ Director to ensure that the appropriate procedures take place in a timely manner.

VIII. STUDENT ACCOMMODATIONS

The Education Board recognizes the Division's responsibility to promote the wellness, safety and health of students while they are attending school or as provided under the law. Regulations, procedures, guidelines and, as necessary, accommodations shall be developed to promote the wellness, safety and health of students while they are involved in school related activities or as otherwise required by the law.

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A. CHILD CUSTODY

The Division will honor all current court orders, decrees, or instructions pertaining to custody situations. It is the responsibility of adults having custody of a student to submit to the school a certified copy of the most recent court order or decree.

In sole custody situations, the custodial parent has the right to determine the child's education unless the custody decree provides otherwise. Where parents share joint legal custody, neither parent's rights are superior with regard to determining the child's education unless specified otherwise by the court or parents in the final judgment or order.

Both parents, custodial and noncustodial, have equal access rights to the school records of their children unless the school or Education Division has received a copy of a court order or decree indicating otherwise.

The school or Education Division will not act merely on the desire of one parent to prevent the other parent from seeing the student.

Noncustodial parents will not use the schools to contact their children unless an emergency exists.

When child abuse has been alleged, Education Division child abuse procedures will be followed. The procedures set forth in Education Board Policy will additionally be followed if a law enforcement or Child Protective Services authority seeks to interview or remove the child from the school during the school day.

The Superintendent/ Director may develop procedures to implement this policy.

B. HOMELESS STUDENTS ACCOMMODATIONS

1. PURPOSE

This section is intended to comply with applicable Arizona State Laws and applicable Arizona Administrative Code, to the degree they are applicable to the Division and Division schools, and the McKinney-Vento Homeless Education Assistance Improvement Act of 2001, as amended by the Every Student Succeeds Act (ESSA) should be read as consistent with those documents. The Division's policy is in place to remove barriers and aid in the enrollment and retention of homeless children and youth.

2. POLICY

- a. The Site administrator/designee at each school or program will designate an appropriate staff person as the liaison for homeless students who will carry out duties as assigned. The School & Community Relations Program in

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the Division may assist. Among those duties will be the responsibility to coordinate activities and programs in the best interest of homeless students that will include but not be limited to establishment of procedures to:

- Contact Community Social Services Department to coordinate services.
 - Continue the student’s education in the school of origin for the duration of homelessness, if feasible.
- b.** The School liaison for homeless students shall ensure that:
- Homeless students are identified by school personnel and through coordination activities with other entities and agencies;
 - Homeless families and students receive educational and other services for which such families and students are eligible, including:
 - i. Head Start and Even Start programs and preschool programs administered by the school, and
 - ii. Referrals to health care and immunization services, dental services, mental health services, and other appropriate services;
 - The parents or legal guardians of homeless students are informed of the educational and related opportunities available to their children and are provided with meaningful opportunities to participate in the education of their children;
 - The public notice of the educational rights of homeless students is disseminated where such students receive services under the Homeless Assistance Act. There is a commitment to utilize all available Community resources, including but not limited to:
 - i. Schools,
 - ii. Family Shelters,
 - iii. Soup Kitchens,
 - iv. Food Banks,
 - v. Etc.;
 - The parent or legal guardian of a homeless student, and any unaccompanied youth are fully informed of all transportation services, including arrangements for transportation to the school of origin;
 - The parent or legal guardian of a homeless student, and any unaccompanied youth, is assisted in accessing transportation to the selected School;

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- There is coordination and collaboration with state coordinators and Community and school personnel responsible for the provisions of education and related services to homeless students:
 - I. In any case in which a family becomes homeless between academic years or during an academic year; or
 - II. For the remainder of the academic year, if the student becomes permanently housed during an academic year; or
 - III. By enrolling the student in any public school that non-homeless students who live in the attendance area in which the student is actually living are eligible to attend.
- c. In determining the best interest of the homeless student, the school shall:
 - To the extent feasible, keep a homeless student in the school of origin, except when doing so is contrary to the wishes of the student’s parent or legal guardian or is otherwise not in the best interest of the student;
 - Provide a written explanation, including a statement regarding the right to appeal, to the homeless student’s parent or legal guardian, if the homeless student is sent to a School other than the school of origin or a school requested by the parent or legal guardian; and
 - In the case of an unaccompanied youth, the liaison for homeless students shall assist in placement or enrollment decisions, considering, but not bound by, the views of such unaccompanied youth, and providing notice to such student of the right to appeal.
- d. If enrollment is sought in grades K-6, the child shall be admitted immediately even if the student is unable to produce records normally required for enrollment. The school homeless liaison shall assist the family with any necessary documentation, such as the Certificate of Indian Blood (CIB), or other documentation showing proof of Indian blood for either parent or legal guardian or child.
- e. If enrollment in grades 7-12 is sought by the homeless student, the student shall be immediately admitted, even if the student is unable to produce records normally required for enrollment, such as previous academic records, medical records, proof of residency, or other documentation as required by the School.
- f. The enrolling School shall immediately contact the school last attended by the student to obtain relevant academic and other records.

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- g.** If the student needs to obtain immunizations, immunization records or medical records, the enrolling School shall immediately refer the parent or legal guardian and/or homeless student to the liaison for homeless students who shall assist in obtaining necessary immunization, medical records or other documentation required by the School.
- h.** Homeless students will not be stigmatized or segregated on the basis of their status as homeless.
- i.** If a dispute arises over school selection or enrollment in a school:
 1. The student shall be immediately admitted to the school in which enrollment is sought pursuant to Section C. above, pending resolution of the dispute;
 2. In the case of an unaccompanied youth, the liaison for homeless students shall ensure that the student is immediately enrolled in the School pending resolution of the dispute;
 3. A written explanation of the school’s decision regarding school selection or enrollment, including the rights of the parent, legal guardian, or student shall be provided to the parent, guardian or student and the liaison for homeless students shall ensure that the student is immediately enrolled in the School pending resolution of the dispute;
 4. The parent, legal guardian or student shall be referred to the liaison for homeless students, who shall carry out the dispute resolution process as expeditiously as possible after receiving notice of the dispute in accord with the procedures found in the Arizona State Plan or the BIE State Plan as may be applicable to the School.
 5. The dispute and related enrollment are subject to each school’s applicable funding requirements.
- j.** The decision regarding enrollment shall be made regardless of whether the student lives with the homeless parents or has been temporarily placed elsewhere.
- k.** If a dispute arises over school selection or enrollment in for a student eligible under the McKinney-Vento Act, the child or youth shall be immediately admitted to the school in which enrollment is sought, pending resolution of the dispute. The Division will provide its share of the transportation to the school selected for the duration of the dispute resolution process.

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The child, youth, parent, or legal guardian shall be referred to the applicable Division homeless liaison, who shall carry out the dispute resolution process as expeditiously as possible after receiving notice of the dispute. In the case of an unaccompanied youth, the Division homeless liaison shall ensure that the youth is immediately enrolled in school pending the resolution of the dispute.

The Division homeless liaison shall work through the expedited dispute resolution process. For the Education Division, that process involves:

1. The following decision makers: The Superintendent/ Director, the Site administrator/designee, the School’s homeless liaison, the homeless student and parent or legal guardian, or homeless youth.
 2. The Superintendent/ Director, the Site administrator/designee, the School’s homeless liaison, homeless student and parent or legal guardian or homeless youth will meet within three days of written notice receipt, review documentation submitted by the Site administrator/designee and parent or legal guardian or homeless youth. If an investigation is needed the parent or legal guardian or homeless youth will be given written notice and the investigation will be completed within 10 working days of the written notice.
 3. A written decision will be given to the Site administrator/designee and the parent or legal guardian or homeless youth within five days of the review of a documentation or completion of the investigation.
- i. Education Division shall provide the parent, legal guardian, and/or homeless youth with a written explanation of the School’s decision regarding school selection or enrollment; and written forms so that, if dissatisfied with the school’s decision, the parent, legal guardian and/or youth may appeal the decision to the Superintendent/Director and/or Education Board, as applicable.

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C. TRANSGENDER STUDENTS ACCOMMODATIONS

1. PURPOSE

The purpose of this policy is to foster an educational environment that is safe and free from discrimination for all students, regardless of sex, sexual orientation, gender identity, or gender expression, and to facilitate compliance with applicable policies concerning bullying, harassment and discrimination.

All students should have the opportunity to participate in Education Division activities in a manner that is consistent with their gender identity, irrespective of the gender listed on a student's birth certificate.

2. POLICY

- a. Privacy and Confidentiality: All persons, including students, have a right to privacy. This includes the right to keep private one's transgender status, legal name, or gender assigned at birth also may constitute confidential medical information. School personnel should not disclose information that may reveal a student's transgender status or gender nonconforming presentation to others, including parents and other school personnel, unless legally required to do so or unless the student has authorized such disclosure. Disclosing confidential student information to other employees, students, parents, or other third parties may violate privacy laws, including but not limited to Family Educational Rights and Privacy Act (FERPA). Transgender students have the ability, as do all students, to discuss and express their gender identity openly and decide when, with whom, and how much of their private information to share with others. When contacting the parent or legal guardian of a transgender or gender conforming student, school personnel should use the student's legal name and the pronoun corresponding to the student's gender assigned at birth *unless the student or parent or legal guardian has specified otherwise*.
- b. Names/Pronouns: A student has a right to be addressed by a name and pronoun that corresponds to the student's gender identity. A court-ordered name or gender change is not required, and the student need not change their official records. The intentional or persistent refusal to respect a student's gender identity is a violation of this policy.
- c. Student Records and Student Information Systems: The school's student information system will use the student's name and gender as reflected on their birth certificate. Again, the student's preferred name and pronoun

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within the student information system can also be utilized for consistency with the student’s gender identity.

- d. Dress Code: The Education Board recognizes that student dress and grooming are generally a matter of personal choices. At the same time, student dress and grooming standards affect the general health, safety and welfare of students and staff and directly contribute to the accomplishment of the Education Division’s educational objectives. Transgender and gender nonconforming students have the right to dress in a manner consistent with their gender identity or gender expression.
- e. Facility Accommodations: The Education Board aims to support transgender students while also ensuring the wellness, safety, privacy and dignity of all students. Students shall have access to the restroom that corresponds to their gender identity consistently asserted at school. Any student who has a need or desire for increased privacy, regardless of the underlying reason, should be provided access to a single stall restroom, but no student shall be required to use such a restroom. Regarding the use of locker rooms, each transgender student shall be assessed on a case-by-case basis with the goals of maximizing the student’s social integration and equal opportunity to participate in physical education classes and sports, ensuring the student’s safety and comfort, and minimizing stigmatization of the student. In most cases, transgender students should have access to the locker room that corresponds to their gender identity consistently asserted at school. Any student who has a need or desire for increased privacy, regardless of the underlying reason, should be provided with a reasonable alternative changing area such as the use of a private area (e.g., a nearby restroom stall with a door, an area separated by a curtain, a P.E. instructor’s office in the locker room, or a nearby health office restroom), or with a separate changing schedule (e.g., using the locker room that corresponds to their gender identity before or after other students). Any alternative arrangement should be provided in a way that protects the student’s ability to keep his or her transgender status confidential. In no case shall a transgender student be required to use a locker room that conflicts with the student’s gender identity.
- f. Interscholastic Activities: Transgender and gender nonconforming students shall be permitted to participate in physical education classes in a manner consistent with their gender identity. Where a transgender or gender nonconforming student wishes to participate in an interscholastic athletic activity that corresponds with their gender identity, the student and/or the

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student's school may seek review by the governing interscholastic athletic association or organization regarding the student's eligibility. If the student is deemed eligible to participate in the sport or activity, the eligibility shall be granted for the time frame set forth by the interscholastic athletic association or organization. If the duration of approval is not specifically asserted by the association or organization, the student's participation will not be deemed to require renewal every sports season or school year but shall continue for the duration of the student's participation in that sport or activity at that school. All discussion and documentation related to the review will be kept confidential and the proceedings will be sealed unless the student or parent or legal guardian makes a specific written request for release of student records.

- g. Harassment and Bullying: The Division prohibits harassment and bullying of any student on school grounds, at a school bus stop, at a school-sponsored activity or while the student is traveling to or from school in a Division vehicle. The Education Division will provide notice of this policy to students and Education Division employees, investigate all reports of harassment and bullying, and take disciplinary or other appropriate action against any student or Division employee who is found to have violated applicable policy.
- h. Communication: The Education Division encourages students and parents to *first* discuss their concerns, complaints and/or grievance through informal conferences with the appropriate teacher, principal, and/or school administrator.
- i. Student Grievances: A student who believes a policy violation has occurred has the right to file an informal grievance/complaint either orally or in writing against an employee. The due process procedures are located beginning at Section VII. F. Student Grievances. If the allegation involves a staff member/employee, then Article 3 - Personnel Policy will apply in addition to this Policy.
- j. Procedures: The Superintendent/ Director shall take appropriate action to assure the establishment and administration of procedures necessary, including but not limited to appropriate transition plans. The schools will work closely with the student and family in devising an appropriate plan regarding the confidentiality of the student's transgender status that works for both the student and the school. Privacy considerations may vary with the age of the student.

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D. ACCOMMODATIONS FOR STUDENTS WITH AN INDIVIDUALIZED EDUCATION AND/OR 504 PLAN

The purpose of this policy is to foster an educational environment that is able to effectively identify, implement, support, and evaluate effective educational programs for students with disabilities based upon their individual strengths and needs.

Free Appropriate Public Education (FAPE) for students with disabilities, under Section 504 of the Rehabilitation Act of 1973 and the Individuals with Disabilities Education Act (IDEA), requires that the Education Division make available the following services to all disabled children between the ages of birth to 21 years:

- A free, appropriate public education.
- A fair, accurate, and unbiased evaluation to assist in deciding special education and related services.
- An individualized educational program (IEP), and/or a 504 Plan, based upon each student’s individual capabilities and needs. The Individualized Educational Plan (IEP) is a plan or program developed to ensure that a child who has a disability identified under the law, and who is attending an elementary or secondary educational institution, receives specialized instruction and related services. The 504 Plan is a plan developed to ensure that a child who has a disability identified under the law, and who is attending an elementary or secondary educational institution, receives accommodations that will ensure their academic success and access to the learning environment.
- An education in the most typical setting in which each student can make educational progress.
- A range of placement options from the least restrictive to the most restrictive.
- The same array of academic, nonacademic, physical education, and extracurricular activity services that is available to students without disabilities.

The Education Board recognizes the Division’s responsibility to protect the rights of students and their parents throughout the special education process. Parents must approve the initial evaluation and initial placement of their child, will be given the opportunity to participate in developing the IEP, and will have advanced notice of proposed changes in their child’s program. The parent has the right to call an IEP meeting to review their child’s educational program. They may also review their child’s school records, present complaints about their child’s educational program, and call for an impartial hearing to resolve related disputes with the school.

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The Superintendent/Director will develop procedures that provide educational opportunities for individuals with disabilities and that accomplish compliance with federal laws, including the Individuals with Disabilities Education Act (IDEA), applicable Arizona Revised Statutes, and applicable regulations of the State Board of Education. Such procedures will include, but not be limited to, the following provisions:

- All children with disabilities aged birth (0) through twenty-one (21) years within the Division's jurisdiction are to be identified, located, and evaluated including children attending religious or private schools who are in need of special education and related services.
- A free appropriate public education (FAPE) shall be available to all children with disabilities aged three (3) through twenty-one (21) years within the Division's jurisdiction, including children advancing from grade to grade, those who have been suspended or expelled from school in accordance with the applicable IDEA rules and regulations, and any child with a disability the Division has placed in or referred to a private school or facility. The Division may refer to and contract with approved public or private agencies as necessary to ensure the provision of FAPE for children with disabilities. FAPE for an eligible student with a disability shall extend through conclusion of the instructional year during which the student attains the age of twenty-two (22).
- A full individual evaluation encompassing existing and additional data shall be conducted for each child to determine if the child is a child with a disability and the educational needs of the child before the initial provision of special education and related services. A reevaluation of each child shall be conducted at least every third year.
- An individualized education program (IEP) shall be developed and implemented for each eligible child served by the Division and for each eligible child the Division places in or refers to a private school or facility. An IEP or an individualized family service plan (IFSP) will be in place for each child with a disability prior to the provision of FAPE.
- To the maximum extent appropriate, opportunities for the least restrictive setting, inclusion in educational exercises with regular program students, and for interaction with the total school environment will be provided to exceptional students, the exception to be only when the student's condition, with supplementary aids and services, make such regular class education unsatisfactory.
- All required procedural safeguards must be guaranteed to the exceptional students and their parents. The parents will be provided with notices of

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procedural safeguards in each specified instance and all due process conditions will be satisfied with respect to the provision of a free appropriate public education.

- The Division shall follow the established state and federal standards to protect the confidentiality of personally identifiable information at the collection, storage, disclosure, and destruction stages.
- To the extent essential to provide FAPE to children with disabilities aged three (3) through twenty-one (21), extended school year (ESY) services shall be made available and implemented as necessary.
- Criteria for the graduation of exceptional students, including accomplishment in reading, writing, and mathematics, shall be as specified in the Division policy on graduation requirements. Such standards shall be equivalent to or greater than those established by the State Board of Education.
- The discipline of exceptional students, and unevaluated students suspected of having a qualifying disability, is to be conducted in such a manner as to comply with FAPE and requirements of the IDEA.

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

Discipline of Special Education students shall be in accordance with Section VII. Student Behavior Management and Intervention, subsection R, of this policy.

IX. STUDENT WELLNESS, SAFETY AND HEALTH

The Education Board recognizes the Division's responsibility to promote the wellness, safety and health of students while they are attending school or as provided under the law. Regulations, procedures, and guidelines shall be developed to promote the wellness, safety and health of students while they are involved in school related activities or as otherwise required by the law.

The practice of safety shall also be considered a facet of the instructional plan of the schools by virtue of educational programs in traffic and pedestrian safety, driver education, fire prevention, and safety procedures appropriately geared to students at different grade levels.

A. STUDENT SAFETY & SCHOOL EMERGENCY RESPONSE PLAN

A school emergency may involve a power outage, water pipeline flooding, or other situation that is limited to a school campus or education building. Sometimes there is a neighborhood incident that may indirectly affect the school but require a precautionary

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lockdown or an evacuation. In all emergencies, the Education Division will support all students and staff with the necessary resources, such as snacks, water, transportation and security. The school and administration will work directly with Salt River Police and Fire departments when necessary.

The school administrator will provide parents with information as quickly as possible, but the first concern will always be to ensure the safety of students and staff. Parents will be discouraged in contacting the school, because staff is focused on taking care of the students and working with the Salt River Police and Fire departments.

Parents will also be discouraged from contact their student by cell phone, but instead parents are encouraged to inform their student to follow instructions from their teacher and principal.

Please also refer to the Education Division’s Emergency Response Plan.

B. SCHOOL CRISES EXERCISES AND DRILLS

Every educational site must complete the following drills:

- Fire drill – one (1) per month
- Lockdown drill – one (1) per quarter (every 3 months)
- Bus Evacuation – one (1) per school year
- Mass Evacuation – Each site will rotate one (1) per school year

The Superintendent/Director and the School Security Supervisor are responsible for ensuring every site administrator has performed the above-mentioned drills.

Lockdowns

During a school lockdown drill, students and staff are to be safe and secure in the classroom. The office and classroom doors will be locked, and no one will be allowed in or out. As a safety measure, students cannot be released from school until police and fire officials give clearance. Staff will inform the parents/guardians to not go to the school until the site principal/ superintendent has notified them. Staff will communicate clearly and professionally, and follow the established lockdown drill procedures.

Bus and Mass Evacuations

If emergency responders believe that students and staff will be safer away from campus, school administrators and principals will follow established evacuation procedures to move to a predetermined site.

During an evacuation, the Education Division will provide additional supervision. Measures will be taken to ensure that students can remain safely with their class. An evacuation could be brief, with everyone returning to a normal schedule at school in a

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short period of time. Parents should be strongly discouraged from going to the evacuation site.

Reunification

The Education Division has an emergency plan to care for students in a lockdown or evacuation during the school day and beyond, if needed. However, there may be situations in which parents will be contacted to pick up students. In an authorized parent-student reunification, students will only be released to a parent or other adult designated on the emergency contact card. In the check-out process, a staff member will verify information by requiring photo identification and a signature.

Training, Communication and Coordination

Again, students and staff safety is a paramount priority for the Education Division. The Superintendent/Director and the School Security Supervisor will ensure all employees have been properly trained on how to respond during drills and evacuations, including live incidents. The Superintendent/Director and the School Security Supervisor will ensure that the appropriate communication and coordination occurs in advance of all drills and evacuation with the Salt River Fire and/or Police departments.

C. SAFETY

Student safety on campus and at school-related events is a high priority of the Education Division. Although the Division has implemented safety procedures, the cooperation of students is essential to ensuring school safety. A student is expected to:

1. Avoid conduct that is likely to put the student or others at risk.
2. Follow the behavioral standards referenced here and the Student Handbook, as well as any additional rules for behavior and safety set by the principal, teachers or bus drivers.
3. Remain alert to and promptly report to a teacher or the principal any safety hazards, such as intruders on campus or threats made by any person toward a student or staff member.
4. Know emergency routes and signals.
5. Follow immediately the instructions of teachers, bus drivers, security staff and other Division employees who oversee the welfare of students.

D. EMERGENCY CONTACTS & SCHOOL COMMUNICATION

Upon a student’s enrollment in school, parents/guardians are asked to provide personal contact information as well as emergency contact information. At a minimum, parents/guardians are asked to provide the following information:

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1. **Primary Household Phone (Required)**
This is the phone number that serves as the initial and primary point of contact for all school communications.
2. **Primary Guardian Phone and E-Mail (Required)**
This contact information is used for school communications as well as for notification in the event of an emergency.
3. **Secondary Guardian Phone and E-Mail (Optional)**
This contact information is used for school communications as well as for notification in the event of an emergency.
4. **Two (2) Emergency Contacts (Required)**
Parents/guardians are asked to identify who is authorized to be contacted in the event of an emergency. Emergency contacts are authorized to pick up a student in the event a parent or legal guardian cannot be reached. This includes the individual's name, relationship, phone and e-mail.

Parents/guardians are responsible for ensuring this information is current and correct. Parents/guardians will contact the school's front office immediately whenever this information changes.

E. IMMUNIZATION OF STUDENTS

Subject to the exemptions as provided by applicable state and federal law, students must be immunized against those illnesses or diseases specified in the applicable state and federal regulations, as they may be amended from time to time. Parents/legal guardians must submit the immunization record prior to attendance, although a student may be conditionally enrolled provided that necessary immunizations have been initiated and a schedule has been established for completion. Pursuant to applicable state and federal law, a student who fails to comply with this immunization policy will be suspended in accordance with the policies of the Education Division. The parent or legal guardian is responsible for ensuring all students are properly immunized.

The Education Division will not require, as a condition for attending school, immunization of any student with serologic confirmation of the presence of specific antibodies against a vaccine-preventable disease.

The Education Division will cooperate with tribal and state health departments in programs of immunization. The Education Division will secure permission from a parent or legal guardian before a student may participate in any immunization projects in which the Education Division participates.

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The Superintendent/ Director will develop regulations consistent with state statute and rules regarding attendance at school in relation to documentation of immunization, immunity, or exemption.

F. COMMUNICABLE (CONTAGIOUS) DISEASES (ILLNESSES)

Students with communicable (contagious) diseases (illnesses) may pose a threat to the health and safety of students and staff. In responding to such threats, the Education Division will strive to maintain a balance between the need to control communicable diseases and the need to protect students’ legal rights.

Decisions regarding the educational status of students with communicable diseases generally will be made on a case-by-case basis in accordance with this policy and its administrative regulation. For all designated communicable diseases, the Education Division will fully comply with all reporting, exclusion, and contact control measures required by the Arizona Department of Health Services and the Maricopa County Health Department. When reasonably possible, the schools will send home notices when students have been exposed to communicable (contagious) diseases, which will be evaluated on a case-by-case basis in consideration of the severity of the illness/disease.

A student with a suspected or diagnosed communicable disease who has been excluded from school under applicable state or county health laws may not return to school until cleared by the school health office. If a parent or legal guardian desires to return an excluded student to school, and the student continues to demonstrate signs or symptoms of a communicable disease, the school health office will deny the request until the parent or legal guardian provides a written statement from the student’s licensed healthcare provider that concludes that the student does not have a communicable disease or does not require exclusion under the state or county health laws.

The Superintendent/ Director may adopt administrative procedures to implement this policy.

G. STUDENT MEDICATIONS AND MEDICAL MONITORING DEVICES

The use of student medications and dietary supplements will be regulated to promote a safe and drug-free educational environment while providing for the medical and dietary needs of students.

The Superintendent/ Director is authorized to adopt procedures regarding student medications, dietary supplements and medical monitoring devices in the school setting.

Employees of the Education Division, including teachers, counselors and psychologists, will not attempt to encourage or persuade a parent or legal guardian to give his or her

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child medication or a dietary supplement designed to modify the child's behavior, mood and/or to treat an illness/disease. If questioned about the benefit or suitability of such medications for a student, the Education Division employee should recommend that the parent or legal guardian consult a medical doctor or other professional health care provider.

If a parent or legal guardian permits the school nurse or designated staff member to administer an over the counter medication for temporary relief, the parent guardian must give written authorization to the school with the “Administering Over-the-Counter Medication to Students Permission Form.” Students attending the Early Childhood Education Center are required to provide a doctor’s prescription. The school nurse or designated staff member may administer over-the-counter medication if upon assessment of the students reported discomfort. The nurse or designated employee reserves the right to refuse to administer medication at any time based on the assessment of the situation. Over-the-counter medication may include a standard dose of acetaminophen, ibuprofen, throat lozenges/cough drops, chewable antacid, antibiotic ointment, hydrocortisone cream, insect sting swabs, and burn spray or gel. Medication will not be given more than two times during the school day. A doctor’s order will be required for all prescription medication and non-prescription medication for usage beyond the product label instructions.

The medication will be kept in a locked cabinet in a designated area. Medication will be dispensed by qualified personnel to the students in accordance with the directions given by the treating licensed healthcare provider.

H. STUDENT PSYCHOLOGICAL SERVICES

The Division will provide appropriate psychological services. Written permission from the parent or legal guardian shall be required for any evaluation or program placement.

I. SUPERVISION OF STUDENTS

When students are in school or engaging in school-sponsored activities or traveling to and from school on school buses, they are responsible for adhering to school and Education Division policies, regulations, procedures and guidelines, and the school and Education Division shall supervise students while they are involved in these functions.

Supervision shall include, whenever possible, being within the physical presence and within a line of vision of the students so that school personnel will have a reasonable opportunity to control the behavior of, and assist the students if necessary. School personnel shall exercise supervision as appropriate during class sessions, and during related activities on behalf of the school.

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If it should be necessary in an emergency situation for school personnel to leave the physical presence of the student, then school personnel shall make reasonable efforts to obtain other school personnel to supervise the students during an absence.

J. CHILD ABUSE

Any school employee who, when acting in the scope of his or her employment, reasonably believes that a minor is or has been the victim of physical injury, child abuse, or neglect that appears to have been inflicted upon the minor by other than accidental means, or that is not explained by the available medical history as being accidental in nature, or who reasonably believes there has been a denial or deprivation of necessary medical treatment, surgical care, or nourishment must immediately report or cause reports to be made of such information to a law enforcement officer or to the Child Protective Services (CPS). If the report concerns a person who does not have care, custody, or control of the minor, the report shall be made to a law enforcement officer only. Such reports must be made immediately by telephone and/or in person and must be followed by a written report within 24 hours.

A person who reports child abuse as required or authorized by state law is immune from any civil or criminal liability by reason of that action unless such person has acted with malice or unless such person has been charged with or is suspected of abusing or neglecting the child in question.

Classroom teachers, school counselors, and all staff whose duties require regular contact with students shall receive training in the recognition of the symptoms of abuse, recommended methodologies of interacting and counseling with students who are suspected to be the victim of abuse and the record keeping and reporting procedures promulgated in support of this policy. This policy is enacted pursuant to the Indian Child Protection and Family Violence Prevention Act, Pub. L. 101-630, 1990.

The Superintendent/ Director will adopt administrative regulations as necessary to implement this policy, including child abuse reporting procedures.

K. STUDENT HEALTH AND WELLNESS

1. GENERAL

Comprehensive health care remains the responsibility of the student’s parent(s) and/or legal guardian(s).

The School does not assume responsibility for treating any student who appears to be under the influence of any drug, chemical, alcohol or any other intoxicating

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substance. However, it reserves the right to administer emergency first aid treatment in the above circumstances.

In the event of an illness or injury during the school day, students will be taken home to their parent(s) and/or legal guardian(s) regarding such illness or injury.

2. HARM OR THREAT TO SELF

If a staff member believes, or a student reports to a staff member that a student may be depressed or may do harm to himself/herself or has threatened to do harm to himself/herself, the staff member shall thereafter immediately contact the Site administrator/designee. In such situations, the School may undertake immediate intervention and make immediate referral for assistance.

- a. Self-mutilation (including but not limited to: tattoos, excessive body piercing, cutting, rub-scratching into skin with erasers, fingernails, etc.), or assisting, encouraging or performing such acts on or by other students, is prohibited and may subject the student to discipline. Parent or legal guardian will be notified in the event self-mutilation occurs. A referral may be made to the appropriate Community Behavioral Health and/or Social Services Departments, which will be evaluated on a case-by-case basis.

3. DENTAL

When a student complains of a toothache, he/she will be taken home. Dental clinics only allow the parent(s) or legal guardian(s) to authorize treatment for children. Therefore, the parent or legal guardian is responsible for providing the student with dental care treatment.

L. GROOMING/PERSONAL HYGIENE

- 1. Acceptable personal hygiene (shower, brush teeth, etc.) is the student’s responsibility.
- 2. Students with hair lice or nits are not allowed in school. Students with hair lice or nits are to notify their teachers. It is the parents’/legal guardian’s responsibility to treat their child(ren) for such infestation.

X. EDUCATION RECORDS

Education records are confidential. Access to education records is governed by the federal Family Educational Rights and Privacy Act (FERPA), Health Insurance Portability and Accountability Act (HIPAA), and related implementing regulations.

Education records are the property of the Education Division. The Division will allow review of education records only with the responsible official or designee in attendance. Education

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records will not be removed from Division premises without permission of the responsible official. The Division may make copies of records for individuals/agencies that have the right to access.

Parent or legal guardian access to student information system(s) is provided as a convenience to families, specifically access can be provided to the individuals who have authority to access the student records. All data that is accessible on the Parent Portal is unofficial. Information reported from these systems represents real-time information about students and is subject to change as additional information is made available.

The Superintendent/ Director may develop procedures to implement this policy.

A. RIGHTS OF PARENT OR LEGAL GUARDIAN OR ELIGIBLE STUDENT, ANNUAL NOTIFICATION OF RIGHTS

A parent/eligible student has the following rights under FERPA and this policy:

1. The right to inspect and review the education record of a student.
2. The right to request amendment of an education record to ensure that the record is not inaccurate, misleading, or otherwise in violation of the student's rights of privacy or other rights.
3. The right to consent to disclosures of personally identifiable information contained in the student's education record unless the disclosure is to individuals specified by law.
4. The right to report violations of FERPA to the United States Department of Education,
5. The right to obtain a copy of the Education Division's policy/regulation relating to education records.

Through information provided by individual schools, the Education Division will annually inform the parent or legal guardian or eligible student of rights under FERPA and this policy as set forth above.

B. RIGHT OF PARENT OR LEGAL GUARDIAN OR ELIGIBLE STUDENT TO INSPECT AND REVIEW EDUCATION RECORDS

Upon confirmation of identity, the parent or legal guardian or eligible student may inspect and review education records in-person.

The Superintendent/ Director will develop guidelines for the inspection and review of education records, including provisions relative to copying education records. The guidelines will include information regarding the types and locations of education records maintained by the Division and the title and location of the responsible official.

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C. RIGHT TO AMEND EDUCATION RECORDS

The parent or legal guardian or eligible student has the right to request amendment of an education record to ensure that the record is not inaccurate, misleading, or otherwise in violation of the student's rights of privacy or other rights. Pursuant to this right, the parent or legal guardian or eligible student may request correction, obtain a hearing if necessary, and add a statement to the records if the parent or legal guardian or eligible student disagrees with the outcome of the hearing.

The Superintendent/ Director may develop guidelines for amending education records.

D. DISCLOSURE OF EDUCATION RECORDS TO OTHER THAN PARENT/ELIGIBLE STUDENT

Except as allowed by FERPA, personally identifiable information will not be disclosed from an education record without the prior written consent of the parent or legal guardian or eligible student.

In accordance with FERPA, the Education Division may disclose personally identifiable information designated as directory information without consent of the parent or legal guardian or eligible student. Through information provided by the school, the Education Division will annually give notice to the parent or legal guardian or eligible student that the Education Division may disseminate directory information unless the parent or legal guardian or eligible student directs in writing that this information not be made public without prior written consent.

The Superintendent/ Director may develop procedures regarding what items will be treated as directory information and for disclosure of education records to other than parent or legal guardian or eligible student.

E. DESTRUCTION OF EDUCATION RECORDS

Refer to the **Article 12 - Records Retention Policy**.

XI. GRADING AND REPORTING

A. GRADING

The Superintendent/ Director shall develop a grading system for all report cards, kindergarten (K) through grade twelve (12) that is consistent and uniform for all schools.

B. REPORT CARDS

Report cards are issued every nine (9) weeks throughout the school year. Parent or Legal Guardian/teacher conferences are scheduled to coincide with the first and third

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nine-week periods and parents/legal guardians will receive their child's report card at these conferences. The second and fourth nine-week period report cards will be mailed to parents/legal guardians. Report cards may include progress reports.

C. PROMOTION OR RETENTION

The decision of whether to promote a student to the next grade or retain them in the same grade shall be made by the combined efforts of the student's teacher(s), the Promotion/Retention Committee, Site administrator/designee and the parent or legal guardian. Efforts will be made to ensure the appropriate grade placement for each individual student. The Site administrator/designee shall attempt to reach a consensual decision on promotion or retention; however, if this does not occur, the Site administrator/designee shall make the decision to promote or retain the student and the Site administrator/designee's decision shall be final.

D. SELECTION OF VALEDICTORIAN AND SALUTATORIAN

The selection of an twelfth (12th) grade valedictorian and salutatorian shall be made as follows:

1. A student's grade point average (GPA), over the past four (4) academic years, shall be the determinative factor in the selection of a valedictorian and salutatorian. The student(s) with the highest GPAs will be the selected valedictorian and salutatorian, respectively, if they meet the other conditions set forth herein and if they have no disqualifying behavior or history.
2. A 3.50 GPA on a four-point scale is the minimum GPA for consideration for being selected valedictorian and/or salutatorian. Students must meet the minimum GPA to be considered for either honor. If no student meets the minimum GPA, there will be no valedictorian or salutatorian for that year.
3. To be considered, a student must have completed the last four (4) academic years (ninth, tenth, eleventh and twelfth grade) at the School, and only the students' GPA for those four (4) years will be used to compute the GPA that is to be used in the selection of a valedictorian and salutatorian and in this policy.
4. To be eligible for consideration for valedictorian and salutatorian, a student must have no significant disciplinary history and must have met minimum attendance requirements over the above-described four (4) year period.
5. The valedictorian and salutatorian shall be selected by the School Site administrator/designee based upon the above factors. The decision of the Site administrator/designee is final.

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XII. CLASS SIZE

A. EARLY CHILDHOOD EDUCATION CENTER (ECEC)

The total number of students at ECEC will not exceed the following maximum student-teacher ratios by age.

Age in Months	Student-Teacher
Age 0-12	4:1
Age 12-18	4:1
Age 18-24	4:1
Age 24-36	4:1
Age 36-48	7:1
Age 48-60	8:1

A waiting list will be developed when enrollment is exceeded.

B. SALT RIVER ELEMENTARY SCHOOL (SRE)

Regular Education

The teacher student ratio for enrollment and staffing is the responsibility of the Education Board. Staffing patterns and student grouping shall be flexible so as to accommodate varied instructional delivery approaches, student needs, curriculum requirements, fiscal resources, and Bureau of Indian Education requirements. Each school year the Superintendent/Director will make staffing recommendations during the budget review and preparation process. As a guideline, the total number of students at SRE may not exceed a class size of more than fifteen (15) students in grades K-1st, eighteen (18) students in grades 2nd-3rd, and twenty (20) students in grades 4 – 6. In addition, the individual classrooms space should not be less than 30 sq. ft. per student.

Exceptional Student Services

It is the intent of the Education Division to maintain an exceptional student services ration that will allow the teacher to work effectively and efficiently toward the Individualized Education Program (IEP) objectives of each student with a disability and to work with classroom teachers to meet the requirements of the Least Restrictive Environment.

C. SALT RIVER HIGH SCHOOL (SRHS)

Regular Education

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The teacher student ratio for enrollment and staffing is the responsibility of the Education Board. Staffing patterns and student grouping shall be flexible so as to accommodate varied instructional delivery approaches, student needs, curriculum requirements, fiscal resources, and Arizona Charter Board policies. Each school year the Superintendent/Director will make staffing recommendations during the budget review and preparation process.

Exceptional Student Services

It is the intent of the Education Division to maintain an exceptional student services ration that will allow the teacher to work effectively and efficiently toward the Individualized Education Program (IEP) objectives of each student with a disability and to work with classroom teachers to meet the requirements of the Least Restrictive Environment.

D. SALT RIVER ACCELERATED LEARNING ACADEMY (ALA)

Regular Education

The teacher student ratio for enrollment and staffing is the responsibility of the Education Board. Staffing patterns and student grouping shall be flexible so as to accommodate varied instructional delivery approaches, student needs, curriculum requirements, fiscal resources, and Arizona Charter Board polices. Each school year the Superintendent/Director will make staffing recommendations during the budget review and preparation process. A wait list may be developed when enrollment is exceeded. On a case-by-case basis, the Education Board may approve a student for enrollment and/or re-admittance.

Exceptional Student Services

It is the intent of the Education Division to maintain an exceptional student services ration that will allow the teacher to work effectively and efficiently toward the Individualized Education Program (IEP) objectives of each student with a disability and to work with classroom teachers to meet the requirements of the Least Restrictive Environment.

LEGAL REFERENCE

A.R.S

15-341

15-342

15-764

Bureau of Indian Education Educational Space Criteria

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State of New Mexico Statewide Adequacy Standards NMAC 6.27.30 Charter-Alternative
 School and Public Schools Facility Authority/Sh'eh Wheef Shu-noon Facilities
 Management Plan

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XIII. DEFINITIONS

"Alcohol" means the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols.

"Communicable (contagious) disease" means an illness due to an infectious agent, or its toxic products, which can be transmitted directly or indirectly to a person from an infected person or animal.

"Deadly weapon" means anything designed for lethal use, including a firearm.

"Dangerous weapon/instrument" means a knife, CO2-powered gun, or other instrument not designed for lethal use but which may be capable of causing death or other serious physical injury. The term includes anything perceived by a reasonable person to be capable of causing injury or death, given the manner in which it is possessed, used, attempted to be used, or threatened to be used. Dangerous instruments include, but are not limited to, CO2- or spring-powered pellet or bb guns, knives, ice picks, nunchakus, brass knuckles, clubs, laser beam pointers, explosive ammunition and fireworks.

"Designated communicable disease" means a communicable disease that has been designated in the current Arizona Department of Health Services or Maricopa County Health Department regulations as requiring schools to exclude a student with the designated communicable disease or to take specific contact control measures.

"Dietary supplement" means any of the following substances when contained in the form of a pill or powder: a vitamin; a mineral; an herb or other botanical; an amino acid; a dietary substance used to increase or decrease body weight, muscle mass or metabolism; or any concentrate, metabolite, extract or combination of the foregoing ingredients.

"Firearm" means any operable or inoperable, loaded or unloaded (a) weapon, including a starter gun, which will or is designed to, or may readily be converted to expel a projectile by the action of an explosive; (b) the frame or receiver of any such weapon; (c) a firearm muffler or firearm silencer; or (d) any destructive device, including (i) any explosive, incendiary or poison gas device, (ii) any weapon which will or may readily be converted to expel a projectile by the action of an explosive or other propellant and which has any barrel with a bore of more than one-half inch in diameter, and (iii) any combination of parts either designed or intended for use in converting any device into any destructive device and from which a destructive device may readily be assembled.

"Gang" means a group of two or more persons who form an allegiance to each other for a common purpose and engage, either individually or collectively, in antisocial and/or criminal behavior.

"Gender Expression" means the way in which a person behaves in order to communicate gender. Expression includes things like manner of speech and word choices, manner of dress and hairstyle, the wearing (or not wearing) of cosmetics, and other distinctive markers of gender.

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“Gender Identity” means the internalized knowledge and sense of who you are as a male or a female or as non-binary. Because gender identity is internal, it is not necessarily visible to others.

“Gender Non Conformity” means students whose interests and behaviors are outside of typical cultural norms for each of the genders. Other terms that can have similar meanings include gender diverse, gender variance, or gender expansive.

“Harassment and bullying” means any severe or persistent physical or psychological abuse of a student by means of physical threats or assaults, verbal threats or insults, or other hostile or degrading acts includes the following:

1. Cyberbullying (cyberharassment, cyberstalking) communications that seek to intimidate, control, manipulate, put down, falsely discredit, or humiliate the recipient. It may also include:
 - A. actions that use information and communication technologies to support deliberate, repeated, and hostile behavior by an individual or group, that is intended to harm another or others; or
 - B. use of communication technologies for the intention of harming another person; or
 - C. use of internet service and mobile technologies such as web pages and discussion groups as well as instant messaging or text messaging with the intention of harming another person.
2. Hostility or degrading act inflicted because of the student victim’s actual or perceived race, ethnicity, religion, gender, sexual orientation, gender identity, or gender expression or disability regardless of whether the act itself is severe or persistent. These acts may also be interpreted as hate crimes.
3. Sexual harassment, which means any unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature made by a school employee to a student or by a student to another student when:
 - A. Submission to such conduct is made, either explicitly or implicitly, a term or condition of a student's education, academic status or progress; or
 - B. Submission to or rejection of such conduct by a student is used as a component of the basis for decisions affecting that student; or

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- C. The conduct (1) substantially interferes with or will substantially interfere with a student’s educational benefits, opportunities or performance, or a student’s physical or psychological wellbeing; or (2) creates an intimidating or hostile educational environment; or
 - D. Submission to or rejection of such conduct by a student is used as the basis for evaluating the student's performance within a course of study or other school-related activity.
4. Retaliation, which means any adverse action, taken against a student for reporting a complaint when the reporter honestly believes the alleged action has occurred or is occurring, or for participating in or cooperating with an investigation.

"Hazing" means any intentional, knowing or reckless act committed by a student, individually or in concert with others, against another student, and in which both of the following apply:

- 1. The act was committed in connection with an initiation into an affiliation with or the maintenance of membership in any organization that may be affiliated with the Division or its schools.
- 2. The act contributes to a substantial risk of potential physical injury, mental harm or degradation or causes physical injury, mental harm or personal degradation. The act may include subtle hazing, harassment hazing and/or violent hazing.

"Homeless students" means students who lack a fixed, regular, and adequate nighttime residence and includes:

- 1. Students who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; are living in motels, hotels, trailer parks, or camping grounds due to lack of alternative adequate accommodations; are living in emergency or transitional shelters, are abandoned in hospitals;;
- 2. Students who have a primary nighttime residence that is public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings;
- 3. Students who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings and;
- 4. Migratory students who qualify as homeless because the children are living in circumstances described above.

"Illegal drugs" means all substances prohibited by Arizona Revised Statutes, Title 13, Chapter 34. This includes, but is not limited to: dangerous drugs (including hallucinogenic substances, stimulants,

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depressants anabolic steroids), narcotic drugs (including cocaine), opiates (including heroin and morphine), marijuana, peyote, vapor-releasing substances containing a toxic substance, and prescription-only drugs, except if used as prescribed by a licensed healthcare provider.

“Medical Monitoring Device” means any device used to monitor blood glucose, oxygen saturation, heart rate or other physiological functions.

“Medication” means prescription or over-the-counter medication.

“Over-the-counter medication” means a non-narcotic drug that may be sold without a prescription and is prepackaged and labeled for use by a consumer in accordance with the requirements of applicable state and federal law.

“Prescription medication” means a drug that is dispensed pursuant to a licensed healthcare provider’s order.

“School” means Salt River Elementary School (SRES), Salt River High School (SRHS), Salt River Accelerated Learning Academy (ALA), or Early Childhood Education Center (ECEC).

“School of origin” means the school that the student attended when permanently housed or the school in which the student was last enrolled.

“Tobacco products” includes but is not limited to smoking tobacco (e.g. cigarettes, cigars), smokeless tobacco (e.g. snuff, twist) and cigarette papers.

“Transgender students” may include students who identify and describe themselves as trans, transsexual, transgender, male-to-female (MTF), female-to-male (FTM), bi-gender, two-spirit, trans man, trans woman, and a variety of other terms.

“Unaccompanied youth” includes a youth not in the physical custody of a parent or legal guardian.

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