

POLICY SERVICES

ADVISORY

Volume 34, Number 3

September 2022

Policy Advisory No. 738.....Regulation KDB-R — Public’s Right to Know/
Freedom of Information

Summary

Policy Advisory No. 737 overhauls the JLCB policy and regulation to conform to Arizona Department of Health regulations and Arizona statute. Policy Advisory No. 738 is the result of law passed by the 55th Legislature, Second Regular Session which convened in January 2022 and adjourned sine die on June 25, 2022. The General Effective Date of this bill is September 24, 2022.

Governing Boards may review and adopt policy advisory No. 737 consistent with the Policy Adoption process in Policy BGB—First Meeting – the proposal shall be presented for review; Second Meeting – the proposal shall be presented for discussion and action. No. 738 is amending a regulation; thus, the Governing Board should be aware of this change, but board action is not necessary to amend.

Note: This material is written for informational purposes only, and not as legal advice. You may wish to consult an attorney for further explanation.

Policy Advisory No. 738

**Regulation KDB-R — Public’s Right to Know/
Freedom of Information**

HB2578 requires any entity subject to a public records request to provide the name, telephone, and email address of an employee *or department* that is authorized and able to assist the requesting party. This point of contact must be listed on the school or district’s website. The law also requires a district or school that receives a request to acknowledge receipt of the request within five (5) business days, unless an online portal is utilized in which the acknowledgement should be automatic upon submission.

Note to board members/administrators: linking this regulation through policy bridge should satisfy the statute’s requirement of posting the contact on your website.

KDB-R ©

REGULATION

**PUBLIC'S RIGHT TO KNOW /
FREEDOM OF INFORMATION**

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

Public record means any recorded information that is made, maintained, or kept by, or is in the possession of, the District. Such records include minutes of the Governing Board, agendas, financial records, contracts, and statistical summaries.

The office of the Superintendent will be open to receive requests for records inspection or copying during normal business hours on Monday through Friday.

Requests for access to records shall be directed to the office of the Superintendent. As required by law, the public record request point of contact is listed below and will be published on the District website:

Name of employee or department:

E-mail:

Telephone:

The above stated employee/department shall reply within five (5) business days acknowledging receipt of the request. If the District utilizes an online portal for submission of public records requests a receipt will be delivered upon submission.

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

The above declaration will be made and signed on the official form provided by the District for requesting inspection and/or copying of public records.

Note: This material is written for informational purposes only, and not as legal advice. You may wish to consult an attorney for further explanation.

The Superintendent shall permit access to, or provide for the copying of, the records requested promptly following the request or will provide an explanation of a cause for further delay and will give notification of the time the records will be available.

Requirements of access and inspection apply only to existing records and do not require creation of new records. Public inspection of a document that otherwise would be a public record may be denied by the Superintendent if 1) the record is made confidential by statute, 2) the record involves the privacy interests of persons, or 3) disclosure would be detrimental to the best interests of the District. If a public record contains material that is not subject to disclosure, the District will delete such material and make available to the requester such material in the record as is subject to disclosure.

Records contained on a computer will be provided only in the form in which the information can be made available using existing computer programs.

A fee shall be levied on each request to cover the cost of making copies. The fee will be collected prior to releasing material.

The fees will be based upon the following:

- A. _____ (____) per copy for materials indicated as Board minutes, agendas, financial records, contracts, courses of study, or statistical summaries.
- B. _____ (____) per copy for materials not listed above.
- C. Actual cost, if available, will be assessed.
- D. Free copies shall be furnished if they are to be used in claims against the United States.

Commercial Purpose

When a person requests copies, printouts or photographs of public records for a commercial purpose, the person shall provide a statement setting forth the commercial purpose for which the copies, printouts or photographs will be used. Upon being furnished the statement the Superintendent may furnish reproductions of the requested records. The charge for such records shall include the following:

- A. A portion of the cost for the District to obtain the original or copies of the documents, printouts or photographs requested.

B. A reasonable fee for the cost of time, materials, equipment and personnel in producing such reproduction.

C. The value of the reproduction on the commercial market as best determined by the Superintendent.

If the Superintendent determines that the intended commercial use is a misuse of the requested public records or is an abuse of the right to receive public records, the Superintendent may apply to the Governor requesting that the Governor, by executive order, prohibit the furnishing of copies, printouts or photographs for such commercial purpose. If the Governor determines that such public record shall not be provided for commercial purpose the Governor shall issue an executive order prohibiting the providing of the requested records for such commercial purpose. If no order is issued within thirty days (30) of the date of application, the Superintendent shall provide reproductions of requested copies, printouts or photographs upon being paid the fee determined pursuant to this regulation.

The Superintendent shall advise the Board when District records are requested for commercial purposes.

POLICY SERVICES ADVISORY

Volume 34, Number 2

August 2022

Policy Advisory No. 724Policy DIA – Accounting System

Policy Advisory No. 725Policy IHA — Basic Instructional Program

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Exhibit JICFA-EB — Hazing

Policy Advisory No. 728.....Policy IKF – Graduation Requirements

Policy Advisory No. 729..... **(NEW)** Policy JJIA – Intramural Sports
Policy JJIB – Interscholastic Sports
Regulation JJIB-R—Interscholastic Sports

Policy Advisory No. 730.....Policy EE – Transportation Services

Policy Advisory No. 731.....Policy EEAEA – Bus Driver Requirements, Training,
and Responsibilities

Policy Advisory No. 732.....Policy JF – Student Admissions

Policy Advisory No. 735.....Policy IMD — School Ceremonies and Observances

Summary

The following policy advisories are the result of laws passed by the 55th Legislature, Second Regular Session which convened in January 2022 and adjourned sine die on June 25, 2022. The General Effective Date of these bills is September 24, 2022.

Governing Boards may review and adopt these policy advisories consistent with the Policy Adoption process in Policy BGB—First Meeting – the proposal shall be presented for review; Second Meeting – the proposal shall be presented for discussion and action.

Descriptions of each revised policy/regulation/exhibit follows below starting on page 4.

ASBA policy services is providing the following table for the benefit of subscribers. The bills and policy revisions are grouped by subject matter.

Areas of Law	Bills passed and signed by Governor	Statutes amended	Policies/Regulations/Exhibits amended
School Business, Operations and Curriculum	HB2179 – Accounting Responsibility	15-914.01	DIA (Accounting Responsibility)
	HB2325- 9/11 Education Day	1-321 15-203	IHA (Basic Instructional Program)
	HB2178- psychologists exempt from licensure	32-2075	JLDA (School Counselors and Psychologists)
	HB2322- Hazing Policy	15-2301; 13-1215; 13-1216	JICFA (Hazing)
	HB2632- Social Studies Standards	15-701.01(L)	IKF (Graduation Requirements)
	SB1165- Save Women’s Sports Act	15-120.02	JJIA (Intramural Sports) JJIB, JJIB-R (Interscholastic sports)
	SB1246- Electric vehicles SB1630- 11 to 15 person vans allowable; Bus Driver Licensing	15-923; 15-925	EE (Transportation Services) EEAEA (Bus Driver Requirements, Training and Responsibilities)
	SB1361- Certificate of Educational Convenience	15-825	JF (Student Admissions)

	HB2707	15-506- Moment of silence	IMD (School Ceremonies and Observances)
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Policy Advisory No. 724

Policy DIA – Accounting Responsibility

HB2179 amended A.R.S. §15-914.01 which applies to school districts seeking that the State Board of Education (SBE) assume accounting responsibility for their district. The law now requires that the school district file their application with the county school superintendent as well as SBE. The law also requires districts apply for an evaluation with their county school superintendent before January 1 of the fiscal year preceding the fiscal year of implementation. Policy DIA has been amended to conform with the law.

Policy Advisory No. 725

Policy IHA – Basic Instructional Program

House Bill 2325 established 9/11 Education Day and requires that schools dedicate some portion of September 11, or an adjoining non-weekend day, to teaching, in an age-appropriate fashion, about the terrorist attacks of September 11, 2001. This legal requirement has been added to policy IHA. Resources for age-appropriate education will be developed by the Arizona Department of Education.

Policy Advisory No. 726 Policy JLDA – School Counselors and Psychologists

HB2178 excludes a school psychologist—who is certified by ADE to use that title, and is either employed by or contracted to provide services in an educational institution setting that services pupils in prekindergarten or kindergarten programs or the 1st-12th grades—from licensure requirements prescribed by the Board of Psychologist Examiners if the services are a part of that person's contract with the educational institution setting. Previously, only employed school psychologists were exempt from licensure. JLDA was updated to reflect this change.

Policy Advisory No. 727

**Policy JICFA – Hazing
Exhibit JICFA-EB – Hazing**

HB2322 criminalized Hazing. Hazing is a class 1 misdemeanor unless the victim dies and then it is a class 4 felony. ASBA's model Hazing policy, JICFA, and accompanying exhibit are based on previous law, A.R.S. §15-2301, which was largely unchanged. The major change to policy and to §15-2301 is that the definition of hazing now links directly to the criminal statute. Therefore, Hazing has been redefined in policy and in the exhibit as “an act in violation of section §13-1215 or 13-1216.” Copying the entire criminal statute into this definition would not be helpful to policy, thus a linking definition is being used.

Policy Advisory No. 728

Policy IKF – Graduation Requirements

HB2632 increases the number of questions a student must correctly answer on the required civics test identical to the civics portion of the naturalization test to 70, from 60, beginning with the graduating class of 2026. Schools must document the test as pass or fail on the pupil's transcript. Permits a 7th or 8th grade pupil to take the test. Requires school districts and charter schools to report the factors in §15-701.01(L) to the Department of Education. Policy IKF is updated to reflect these changes.

Policy Advisory No. 729

**(NEW) Policy JJIA – Intramural Sports
Policy JJIB – Interscholastic Sports
Regulation JJIB-R – Interscholastic Sports**

SB1165, the “Save Women’s Sports Act,” requires that each school district and charter school designate their interscholastic or intramural sports based on the biological sex of the students who participate on the team or in the sport. The permissible categories are the following: Males, men or boys; Females, women or girls; or, Coed or mixed. The law outlines that a student that is harmed by the school’s knowing violation of §15-120.02 may bring a private cause of action for injunctive relief, damages, or any other relief available under law. JJIB is amended to conform with statute. JJIA is an optional policy for those districts that have intramural sports which this law applies. JJIB-R is updated to include the private cause of action.

Policy Advisory No. 730

Policy EE – Transportation Services

SB1246 enables the school district to contract for vehicles and other transportation services, including electric vehicles. Specifically, §15-923 now permits districts to select preapproved contract carriers or private parties to obtain *electric* school buses, or other electric vehicle services, if the contract carrier or private party is approved by the school bus advisory council established under §28-3053.

SB1630 expanded the type of vehicle permissible to transport school children to vehicles described in §15-925. This expands the Board’s authority to utilize non-school bus vehicles. Allowable vehicles are now included in Policy EE.

Note: The legislature’s intent in SB1246 was made clear: it is economical to have electric transportation, it prevents pollution and protects the health of our most vulnerable communities, and the benefits outweigh the costs.

Policy Advisory No. 731

**Policy EEAEA – Bus Driver Requirements,
Training, and Responsibilities**

With the expansion of SB1630 and additional allowable vehicles came legislative changes to correspond, for example, drivers of non-bus (§15-925) vehicles can be licensed for that type of vehicle; insurance may be purchased for those vehicles; drivers must have fingerprint clearance card, and DPS certificate to drive school children. EEAEA is updated to reflect these statutory changes.

Policy Advisory No. 732

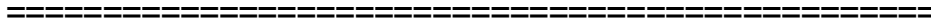
Policy JF – Student Admissions

SB1361 modifies eligibility, application and reporting requirements for a certificate of educational convenience (“CEC”). A certificate of educational convenience is a pupil’s ability to apply to attend a district outside of their home district if they are precluded from attending the home district because of distance, lack of adequate transportation facilities or a parent’s or guardian’s employment. The bill requires school districts that receive an application (CEC) pursuant to §15-825 to submit the completed application to the county school superintendent. Policy JF was amended to add this language because it is mandatory for the district if an application is received.

ASBA has created a new regulation IJNC-R to assist Superintendents in complying with this law. The regulation provides that parents seeking access to the school's library collection, or a list of their child's borrowed books or materials may utilize a request form (Exhibit IJNC-E).

Policy Advisory No. 735 Policy IMD – School Ceremonies and Observances

School districts and charter schools must set aside 1 to 2 minutes at the beginning of each day for silence. Teachers may not tell the children what to meditate on. Teachers must encourage parents to discuss with their children how to use the moment of silence.



If you have any questions, call Policy Services at (602) 254-1100. Ask for Nick Buzan, Director of Legal and Policy Services; Dr. Charlotte Patterson, Policy Analyst; Lynne Bondi, Policy Analyst; or Renae Watson, Policy Services Technician/Editor/Publisher. Our e-mail addresses are, respectively, [nbuzan@azsba.org], [cpatterson@azsba.org], [lbondi@azsba.org], and [rwatson@azsba.org]. You may also fax information to (602) 254-1177.

Note: This material is written for informational purposes only, and not as legal advice. You may wish to review the policy references and consult an attorney for further explanation

JRR © STUDENT SURVEYS

Student surveys will be prepared, administered, retained, and communicated to parents and students in a manner consistent with state and federal laws. ~~The requirements of the Arizona Revised Statutes shall be as specified in the relevant statutes and subsequent regulations.~~

No survey that solicits personal information about a pupil regarding any of the listed categories in A.R.S. §15-117(A) shall be conducted without being approved and authorized by the Superintendent. A teacher or other school employee may not administer any survey regarding A.R.S. §15-117(A) without obtaining written authorization from the Superintendent.

The categories of A.R.S. §15-117(A) and additional rules applying to surveys are listed in Regulation JRR-R.

~~The District will comply with all statutes pertaining to surveys including the requirement that notwithstanding any other law, each school district and charter school shall obtain written informed consent from the parent of a pupil before administering any survey that is retained by a school district, a charter school or the department of education for longer than one (1) year and that solicits personal information about the pupil regarding any of the following which are listed in A.R.S. [15-117](#).~~

- ~~1. Critical appraisals of another person with whom a pupil has a close relationship.~~
- ~~2. Gun or ammunition ownership.~~
- ~~3. Illegal, antisocial or self-incriminating behavior.~~
- ~~4. Income or other financial information.~~
- ~~5. Legally recognized privileged or analogous relationships, such as relationships with a lawyer, physician or member of the clergy.~~
- ~~6. Medical history or medical information.~~
- ~~7. Mental health history or mental health information.~~
- ~~8. Political affiliations, opinions or beliefs.~~

**DIA ©
ACCOUNTING SYSTEM**

Records of all phases of the business operation shall be kept in strict accordance with the Uniform System of Financial Records, other applicable laws, and the policies of the Board.

The District may apply to the State Board of Education (SBE) to assume accounting responsibility, in which case the District shall develop and file with the SBE and the county school superintendent of the county in which the school district is located an accounting responsibility plan as specified in A.R.S. 15-914.01.

Before January 1 of the fiscal year preceding the fiscal year of implementation and before applying to assume accounting responsibility the District must apply for evaluation by the county treasurer of the county in which the school district is located.

An approval by the SBE for the District to assume accounting responsibility compels the District to contract with an independent certified public accountant for an annual financial and compliance audit.

Adopted: _____

LEGAL REF.:

A.R.S.
15-239
15-914.01
15-271
15-272

CROSS REF.:

DI - Fiscal Accounting and Reporting
DIC - Financial Reports and Statements

IHA ©
BASIC INSTRUCTIONAL PROGRAM

The various instructional programs will be developed to maintain a balanced, integrated, and sequential curriculum that will serve the educational needs of all school-aged children in the District. The curriculum will be broad in scope and provide for a wide range in rate, readiness, and potential for learning.

The instructional program shall reflect the importance of language acquisition/reading-skill development as the basic element in each student's education. The first priority of the instructional program will be language acquisition through a planned sequence of reading skills and language experiences beginning in the kindergarten program. The improvement of specific reading skills of students should be continuous throughout their education. Each school educating students in kindergarten and grades one (1) through three (3) shall have a reading program as required by A.R.S. 15-704 and applicable State Board of Education rules.

The second priority of the instructional program will be mastery of the fundamentals of mathematics, beginning in the kindergarten program.

The instructional program will ensure that on or before July 1, 2022, at least one (1) kindergarten through third (K-3) grade teacher in each school has received training related to dyslexia that complies with the requirements prescribed in A.R.S. 15-219 and A.R.S. 15-501.01 which includes enabling teachers to understand and recognize dyslexia and to implement structured literacy instruction that is systematic, explicit, multisensory and evidence-based to meet the educational needs of students with dyslexia.

Attention to the above-listed priorities shall not result in neglect of other areas of the curriculum.

The instructional program will include planned sequences in:

- A. Language arts - reading, spelling, handwriting, English grammar, composition, literature, and study skills.
- B. Mathematics experiences.
- C. Social studies - history including Native American history, geography, civics, economics, world cultures, political science, and other social science disciplines.

D. Science experiences.

E. Fine and practical arts experience - art education, vocal and instrumental music, and vocational/business education.

F. Technology skills.

G. Health and safety education.

H. Physical education.

I. Foreign or Native American language.

The planned program for all students shall also include library instruction, individual study, guidance, other appropriate instructional activities, and all instruction required under state law and State Board of Education regulations.

Observance Days

September 11, in each year shall be observed as 9/11 Education Day. On 9/11 Education Day, each public school shall dedicate a portion of the school day to age-appropriate education on the terrorist attacks of September 11, 2001.

September 25, in each year, shall be observed as Sandra Day O'Connor Civics Celebration Day, ~~which is not a legal holiday~~. On Sandra Day O'Connor Civics Celebration Day, each public school in this state shall dedicate the majority of the school day to civics education.

If Sandra Day O'Connor Civics Celebration Day or 9/11 Education Day falls on a Saturday, Sunday or other day when a public school is not in session, the preceding or following school day shall be observed in the public school as the holiday.

The Superintendent is directed to emphasize the use of the resources developed by the State Board of Education relating to civics education which align with the academic standards in social studies pursuant to A.R.S. [15-701](#) and [15-701.01](#).

Adopted: _____

LEGALREF.:

A.R.S.

1-319

1-321

15-203

15-211

15-219

15-341

15-501.01

15-701

15-701.01

15-704

15-710

15-710.02

15-741.01

15-802

A.A.C.

R7-2-301 *et seq.*

CROSS REF.:

IJNDB - Use of Technology Resources in Instruction

**JLDA ©
SCHOOL COUNSELORS AND
PSYCHOLOGISTS**

Psychological services, including testing, are available to students through the public schools. Initial referrals for psychological evaluations may come from certificated staff members or parents, or from the student.

A school psychologist who is employed by or contracted to provide services in a public school must be certified by the Department of Education but is exempt from licensure.

Prior written or oral consent of a parent or the legal guardian of a minor child must be obtained in the manner and as required by A.R.S. 36-2272 to procure, solicit to perform, arrange for the performance of or perform mental health screening in a nonclinical setting or mental health treatment on a minor. Eligible student (age eighteen [18] years and beyond) authorization must be obtained prior to the referral or performance of a mental health screening or mental health treatment as described above, except as otherwise provided by law or a court order. These restrictions do not apply when an emergency exists that requires a person to perform mental health screening or provide mental health treatment to prevent serious injury to or save the life of a minor child.

A school psychologist shall administer preliminary tests to determine the need for psychological evaluations.

Referrals to outside agencies shall be made only with parental or eligible student authorization, except as otherwise provided by law or a court order.

Adopted: _____

LEGAL REF.:

A.R.S.

32-2075

36-2272

**JICFA ©
HAZING**

There shall be no hazing, solicitation to engage in hazing, or aiding and abetting another who is engaged in hazing of any person enrolled, accepted for or promoted to enrollment, or intending to enroll or be promoted to District schools within twelve (12) calendar months. For purposes of this policy a person as specified above shall be considered a "student" until graduation, transfer, promotion or withdrawal from the District school.

"Hazing" means ~~an act in violation of section §13-1215 or 13-1216, any intentional, knowing or reckless act committed by a student, whether individually or in concert with other persons, against another student, and in which both of the following apply:~~

~~A. The act was committed in connection with an initiation into, an affiliation with, or the maintenance of membership in any organization that is affiliated with an education institution.~~

~~B. The act contributes to a substantial risk of potential physical injury, mental harm or degradation, or causes physical injury, mental harm or personal degradation.~~

"Organization" means an athletic team, association, order, society, corps, cooperative, club, or similar group that is affiliated with an educational institution and whose membership consists primarily of students enrolled at that educational institution.

It is no defense to a violation of this policy if the victim consented or acquiesced to hazing.

In accord with statute, violations of this policy do not include either of the following:

A. Customary athletic events, contests or competitions that are sponsored by an educational institution.

B. Any activity or conduct that furthers the goals of a legitimate educational curriculum, a legitimate extracurricular program, or a legitimate military training program.

All students, teachers and staff shall take reasonable measures within the scope of their individual authority to prevent violations of this policy.

Students and others may report hazing to any professional staff member.

Professional staff members must report the incident to the school administrator or next higher administrative supervisor, in writing, with such details as may have been provided. A failure by a staff member to timely inform the school administrator or next higher administrative supervisor of a hazing allegation or their observation of an incident of hazing may subject the staff member to disciplinary action in accord with District policies. The staff member shall preserve the confidentiality of those involved, disclosing the incident only to the appropriate school administrator or next higher administrative supervisor or as otherwise required by law. Any instance of reported or observed hazing which includes possible child abuse or violations of statutes known to the staff member shall be treated in accord with statutory requirements and be reported to a law enforcement agency.

To assure that students and staff are aware of its content and intent, a notice of this policy and procedure shall be posted conspicuously in each school building and shall be made a part of the rights and responsibilities section of the student handbook. Forms for submitting complaints are to be available to students and staff in the school offices.

Disposition of all reports/complaints shall be reported to the Superintendent. The Superintendent will determine if the policies of the District have been appropriately implemented and will make such reports and/or referrals to the Board as may be necessary.

All violations of this policy shall be treated in accord with the appropriate procedures and penalties provided for in District policies related to the conduct and discipline of students, staff, and others.

Adopted: _____

LEGAL REF.:

A.R.S.

13-1215

13-1216

15-341

15-2301

CROSS REF.:

GBEB - Staff Conduct

JIC - Student Conduct

JII - Student Concerns, Complaints and Grievances

JK - Student Discipline

JKD - Student Suspension

JKE - Student Expulsion

JICF - Secret Societies/Gang Activities

KFA - Public Conduct on School Property

JICFA-EB ©

EXHIBIT

HAZING

(To be displayed in school buildings and placed in student handbooks)

There shall be no hazing, solicitation to engage in hazing, or aiding and abetting another who is engaged in hazing of any person enrolled, accepted for or promoted to enrollment, or intending to enroll or be promoted to schools within twelve (12) calendar months. For purposes of Policy JICFA and this exhibit a person as specified above shall be considered a "student" until graduation, transfer, promotion or withdrawal from the school.

Definitions

"Hazing" means ~~an act in violation of section 13-1215 or 13-1216 any intentional, knowing or reckless act committed by a student, whether individually or in concert with other persons, against another student, and in which both of the following apply:~~

- ~~A. The act was committed in connection with an initiation into, an affiliation with, or the maintenance of membership in any organization that is affiliated with an education institution.~~
- ~~B. The act contributes to a substantial risk of potential physical injury, mental harm or degradation, or causes physical injury, mental harm or personal degradation.~~

"Organization" means an athletic team, association, order, society, corps, cooperative, club, or similar group that is affiliated with an educational institution and whose membership consists primarily of students enrolled at that educational institution.

Directions

It is no defense to a violation of this policy if the victim consented or acquiesced to hazing.

In accord with statute, violations of this policy do not include either of the following:

- A. Customary athletic events, contests or competitions that are sponsored by an educational institution.
- B. Any activity or conduct that furthers the goals of a legitimate educational curriculum, a legitimate extracurricular program or a legitimate military training program.

All students, teachers and staff shall take reasonable measures within the scope of their individual authority to prevent violations of Policy JICFA and this exhibit.

Reporting/Complaint Procedure

Students and others may report hazing to any professional staff member. Professional staff members must report the incident to the school administrator or next higher administrative supervisor, in writing, with such details as may have been provided. A failure by a staff member to timely inform the school administrator or next higher administrative supervisor of a hazing allegation or their observation of an incident of hazing may subject the staff member to disciplinary action in accord with school policies. The staff member shall preserve the confidentiality of those involved, disclosing the incident only to the appropriate school administrator or next higher administrative supervisor or as otherwise required by law. Any instance of reported or observed hazing which includes possible child abuse or violations of statutes known to the staff member shall be treated in accord with statutory requirements and be reported to a law enforcement agency.

A person who complains or reports regarding hazing may complain or report directly to the school administrator or to a professional staff member. The professional staff member receiving the report/complaint shall retrieve sufficient detail from the person to complete the form designated for such purpose. At a minimum the report/complaint shall be put in writing containing the identifying information on the complainant and such specificity of names, places and times as to permit an investigation to be carried out. When a professional staff member receives the information, the staff member will transmit a report to the school administrator or supervising administrator not later than the next school day following the day the staff member receives the report/complaint.

The report/complaint will be investigated by the school administrator or a supervising administrator. The procedures to be followed are:

- A. An investigation of the reported incident or activity shall be made within ten (10) school days when school is in session or within fifteen (15) days during which the school offices are open for business when school is not in session. Extension of the timeline may only be by necessity as determined by the Superintendent.
- B. The investigator shall meet with the person who reported the incident at or before the end of the time period and shall discuss the conclusions and actions to be taken as a result of the investigation. Confidentiality of records and student information shall be observed in the process of making such a report.
- C. The investigator shall prepare a written report of the findings and a copy of the report shall be provided to the Superintendent.

All violations of Policy JICFA and this exhibit shall be treated in accord with the appropriate procedures and penalties provided for in school policies related to the conduct and discipline of students, staff, and others.

**IKF ©
GRADUATION REQUIREMENTS**

Regular Education

A minimum number of units of credit are required for graduation by the Arizona State Board of Education. Listed below are the units that must be completed before a student may receive a high school diploma.

Graduation requirements may be met as follows:

- A. By successful completion of subject area course requirements.
- B. By mastery of the standards adopted by the State Board of Education and other competency requirements for the subject as determined by the Governing Board in accord with A.A.C. R7-2-302.02 and rules established by the Superintendent.
- C. By earning credits through correspondence courses (limited to one [1] in each of the four [4] major subject areas) and/or by passing appropriate courses at the college or university level if the courses are determined to meet standards and criteria established by the Board and in accord with A.R.S. 15-701.01.
- D. By the transfer of credits as described in Policy JFABC.
- E. An out-of-state transfer student is not required to pass the competency test to graduate if the student has successfully passed a statewide assessment test on state adopted standards that are substantially equivalent to the State Board Adopted Academic Standards.

Graduation requirements as determined by the Arizona State Board of Education (R7-2-302.02) and the District Governing Board are as follows:

English	4.0 units
Math	4.0 units*
Science	3.0 units**
Social Studies	3.0 units***
American Government and Arizona Government	0.5 unit
American History - including Arizona History	1.0 unit
World History and Geography	1.0 unit
Economics	0.5 unit****
Fine Arts or Career, Technical and Vocational Education	1.0 unit
Electives	<u>7.0 units</u>
Total	22.0 units

* In lieu of one (1) credit of Algebra II or its equivalent course content a student may request a personal curriculum in mathematics following R7-2-302.03.

* Math courses shall consist of Algebra I, Geometry, Algebra II, (or its equivalent) and an additional course with significant math content as determined by the Governing Board (Governing Body).

Pursuant to the prescribed graduation requirements adopted by the State Board of Education, the Governing Board may approve a rigorous computer science course that would fulfill a mathematics course required for graduation from high school. The Governing Board may only approve a rigorous computer science course if the rigorous computer science course includes significant mathematics content and the Governing Board determines the high school where the rigorous computer science course is offered has sufficient capacity, infrastructure and qualified staff, including competent teachers of computer science.

** Three (3) credits of science in preparation for proficiency at the high school level on a state required test.

~~*** Beginning in the 2016-2017 school year~~ Through the graduating class of 2025, the competency requirements for social studies shall include a requirement that, in order to graduate from high school or obtain a high school equivalency diploma, a pupil must correctly answer at least sixty (60) of the one hundred (100) questions listed on a test that is identical to the civics portion of the naturalization test used by the United States Citizenship and Immigration Services. ~~The District school shall document on the pupil's transcript that the pupil has passed a test that is identical to the civics portion of the naturalization test used by the United States Citizenship and Immigration Services.~~

Beginning with the graduating class of 2026, the competency requirements for social studies shall include a requirement that, in order to graduate from high school or obtain a high school equivalency diploma, a pupil must correctly answer at least seventy (70) of the one hundred (100) questions listed on a test that is identical to the civics portion of the naturalization test used by the United States Citizenship and Immigration Services. The District school shall document on the pupil's transcript only a pass or fail designation that the pupil has passed or failed the test.

A pupil in grade seven (7) or eight (8) may take the test described in this paragraph, and if the pupil correctly answers at least seventy (70) of the one hundred (100) questions on the test:

- a) The district school or charter school shall document on the pupil's transcript only a pass or fail designation that the pupil has passed or failed the test required by this paragraph.
- b) The pupil is not required to take the test required by this paragraph again in high school.

**** The State Board requirement for economics is at least one-half (.5) of a course credit, which shall include financial literacy and personal financial management.

The Governing Board may determine the method and manner in which to administer a test that is identical to the civics portion of the naturalization test used by the United States Citizenship and Immigration Services. A pupil who does not obtain a passing score on the test that is identical to the civics portion of the naturalization test may retake the test until the pupil obtains a passing score.

Each school district and charter school shall report to the department of education all of the following aggregate data, organized by grade level, relating to the test that is identical to the civics portion of the naturalization test used by the United States Citizenship and Immigration Services required by subsection A, paragraph 3 of §15-701.01:

1. The median score.
2. The percentage of pupils who passed by correctly answering the minimum number of questions required to pass the test pursuant to subsection A, paragraph 3 of §15-701.01.
3. The percentage of pupils who failed by correctly answering fewer than the minimum number of questions required to pass the test pursuant to subsection A, paragraph 3 of §15-701.01.
4. Any other data required by the department relating to the test.

A school district or charter school may not include the personally identifiable information of any pupil in the data reported to the department of education under subsection L of §15-701.01.

Special Education

Listed above, under "Regular Education," are the requirements that must be completed before a student may receive a high school diploma. Completion of graduation requirements for special education students who do not meet the required units of credit shall be determined on a case-by-case basis in accordance with the special education course of study and the individualized education program of the student. Graduation requirements established by the Governing Board may be met by a student as defined in A.R.S. 15-701.01 and A.A.C. R7-2-302.

Pupils who receive special education shall not be required to achieve passing scores on the test that is identical to the civics portion of the naturalization test under section 15-701.01 in order to graduate from high school unless the pupil is learning at a level appropriate for the pupil's grade level in a specific academic area and unless a passing score on the test that is identical to the civics portion of the naturalization test under section 15-701.01 is specifically required in a specific academic area by the pupil's individualized education program as mutually agreed on by the pupil's parents and the pupil's individualized education program team or the pupil, if the pupil is at least eighteen (18) years of age.

Competency requirements. Any student who is placed in special education classes, grades nine (9) through twelve (12), is eligible to receive a high school diploma without meeting state competency requirements.

State Seal of Biliteracy. The School District may voluntarily participate in the state seal of biliteracy program by notifying the Superintendent of Public Instruction of such intention. Schools will then identify the students who have met the requirements to be awarded the state seal of biliteracy, which shall be affixed to the diploma and noted on the transcript of each student who has met the requirements.

CPR Instruction and Training. School districts and charter schools shall provide public school pupils with one (1) or more training sessions in cardiopulmonary resuscitation, through the use of psychomotor skills in an age-appropriate manner, during high school.

Adopted: _____

LEGAL REF.:

A.R.S.

15-203

15-341

15-701.01

15-763

A.A.C.

R7-2-302.02

R7-2-302.03

CROSS REF.:

IGD - Curriculum Adoption

IGE - Curriculum Guides and Course Outlines

IHAMC - Instruction and Training in Cardiopulmonary Resuscitation

IHAMD - Instruction and Training in Suicide Prevention

IIE - Student Schedules and Course Loads

IKA - Grading/Assessment Systems

JFABC - Admission of Transfer Students

JJIA ©
INTRAMURAL SPORTS

Male, Female, or Coed
Designation

Each intramural athletic team or sport that is sponsored by a public school shall be expressly designated as one (1) of the following based on the biological sex of the students who participate on the team or in the sport:

- A. “Males,” “men” or “boys.”
- B. “Females,” “women” or “girls.”
- C. “Coed” or “mixed.”

Athletic teams or sports designated for “females,” “women” or “girls” may not be open to students of the male sex.

Any student may participate in any intramural athletic team or sport designated as being for “males,” “men” or “boys” or designated as “coed” or “mixed.”

Adopted: _____

LEGAL REF.:
A.R.S.
15-120.02

**JJIB ©
INTERSCHOLASTIC SPORTS**

General

The purpose of interscholastic athletics is both educational and recreational. The school sports program should encourage participation by as many students as possible and should always be conducted with the best interests of the participants as the first consideration.

District participation in interscholastic athletics shall be subject to approval by the Board. This shall include approval of membership in any leagues, associations, or conferences, and of any new agreements with other schools for a series of games or events.

The following rules shall be observed for participation by individual students:

- A. For each type of sport in which the student engages, the parents or guardian must give written consent.
- B. The student must be determined by a physician to be physically fit for the sport.

The Superintendent shall set up other rules for participation, such as those governing academic standing, in accordance with policies of the District and pertinent regulations and recommendations of the state interscholastic athletic association.

Male, Female, or Coed Designation

Each interscholastic athletic team or sport that is sponsored by a public school shall be expressly designated as one (1) of the following based on the biological sex of the students who participate on the team or in the sport:

- A. “Males,” “men” or “boys”
- B. “Females,” “women” or “girls”
- C. “Coed” or “mixed.”

Athletic teams or sports designated for “females,” “women” or “girls” may not be open to students of the male sex.

Any student may participate in any interscholastic athletic team or sport designated as being for “males,” “men” or “boys” or designated as “coed” or “mixed.”

Health and Safety of Participants

The health and safety of participants in interscholastic athletic activities must receive careful consideration. The District shall prescribe and enforce policies and procedures relating to the health and safety of all pupils participating in District-sponsored practice sessions or games or other interscholastic athletic activities.

Participants must be provided access to water at all times during practice sessions, games, or other interscholastic athletic activities.

The Board shall develop, in consultation with the Arizona Interscholastic Association (AIA) guidelines, information and forms to inform and educate coaches, pupils and parents of the dangers of concussions and head injuries and the risks of continued participation in athletic activity after a concussion.

Before a student participates in an athletic activity, the student, the student's parents, and the coaches shall participate in a District program to educate program participants of the danger of concussions, head injuries, and the risk of continued participation in athletic activity after a concussion. Students and parents shall sign the AIA form (Exhibit JJIB-EA) at least once each school year stating awareness of the nature and risk of concussion. The District shall retain documentation of the participation of all affected coaching staff members in the program. For the purpose of this policy, athletic activity does not include:

- A. dance,
- B. rhythmic gymnastics,
- C. competition or exhibitions of academic skills or knowledge or other similar forms of physical noncontact activities,
- D. civic activities or academic activities, whether engaged in for the purpose of competition or recreation.

A student who is suspected of sustaining a concussion in a practice session, a game, or other interscholastic athletic activity shall be immediately removed from the athletic event and the pupil's parent or guardian shall be notified. A coach from the student's team or an official or licensed health care provider may remove a student from play. A team parent may also remove his or her own child from play. A student may return to play on the same day if a health care provider rules out a suspected concussion at the time the student is removed from play. On a subsequent day, the student may return to play if the student has been evaluated by and receives written clearance to resume participation in athletic activity from a health care provider who has been trained in the evaluation and management of concussions and head injuries as prescribed by A.R.S. 15-341.

A group or organization that uses property or facilities owned or operated by the District for athletic activities shall comply with the policies of the Board related to concussions and head injury. This requirement does not apply to teams based in another state participating in athletic events in Arizona.

A District employee, team coach, official, team volunteer or a parent or guardian of a team member is not subject to civil liability for any act, omission or policy undertaken in good faith to comply with the requirements of this policy or for decisions made or actions taken by a health care provider. Further, the District and its employees and volunteers are not subject to civil liability for any other person's or organization's failure or alleged failure to comply with the requirements of this policy.

The Board shall develop, in consultation with the Arizona Interscholastic Association (AIA) guidelines, information and forms to inform and educate coaches, pupils and parents of the dangers of heat-related illnesses, sudden cardiac death and prescription opioid use. Before a pupil participates in any District-sponsored practice session, game or other interscholastic athletic activity, the pupil and the pupil's parent must be provided with information at least once each school year on the risks of heat-related illnesses, sudden cardiac death and prescription opioid addiction.

District and school health and safety management plans may include Heat Acclimatization Protocol, Hydration Strategies, Return to Play standards, and follow-up/clearance requirements released by the Arizona Interscholastic Association (AIA) as Bylaw 14.17 and duplicated in JJIB-EB.

The Superintendent shall require that regulations for health and safety of participants in interscholastic athletics be developed, implemented, and enforced. Such regulations may, at the discretion of the Superintendent, be incorporated into this policy as an administrative regulation.

Adopted: _____

LEGAL REF.:

A.R.S.

15-120.02

15-341

15-802.01

A.A.C.

R7-2-808

A.G.O.

I86-095

CROSS REF.:

JJJ - Extracurricular Activity Eligibility

KF - Community Use of School Facilities

JJIB-R ©

REGULATION

INTERSCHOLASTIC SPORTS

District Students

The Superintendent shall establish a program that will be presented prior to the start of any athletic activity each year and as needed throughout the school year to educate students, parents/guardians of students, and coaches who participate or coach athletic activities of the danger of concussions, head injuries, and the risk of continued participation in athletic activity after a concussion. The program shall comply with the guidelines, information and forms developed in consultation with the Arizona Interscholastic Association.

Information related to attending a District-established program and the requirements to attend a District-established program prior to participation in an athletic event will be made available by the principal to students, parents/guardians of students, and coaches prior to the start of athletic activities each school year and throughout the school year.

School principals shall be responsible for the implementation of the program at the school site and shall ensure that no student participates in an athletic activity prior to the student and the student's parents/guardians having annually attended the District's established program as verified by their signatures. Further, the principals shall be responsible for the participation and documentation of all coaches in the program prior to beginning a coaching assignment.

Signature verification of all program participants shall be provided on the District-approved form (JJIB-EA), submitted to the school principal, and filed in the school office.

The principals shall advise all staff members assigned to the school of the requirements of Policy JJIB and this regulation.

Groups or Organizations

The principals shall ensure that all groups or organizations using property or facilities owned or operated by the District for athletic activities shall comply with Governing Board Policy JJIB related to concussions and head injury.

All groups or organizations who request use of District-owned or -operated property or facilities shall submit to the principal a written document describing the group's or organization's program and verifying that the program is and shall continue to be compliant with A.R.S. 15-341 and Board Policy JJIB. The submitted document must be signed by an official authorized by the group or organization, dated and submitted with the District's Community Use of School Facilities form to the principal a minimum of two (2) weeks prior to the requested first use date.

Records Compliance

All documentation related to Board Policy JJIB will be maintained pursuant to management standards adopted by the Arizona State Library, Archives and Public Records and Board Policy EHB, Data/Records Retention.

Student Remedies for Violations of the Save Women's Sports Act (A.R.S. §15-120.02)

A student has a private cause of action for injunctive relief, damages and any other relief available under law against the school, if either of the following occurs:

- A. Any student who is deprived of an athletic opportunity or suffers any direct or indirect harm as a result of a school knowingly violating A.R.S. §15-120.02.
- B. Any student who is subject to retaliation or another adverse action by a school as a result of reporting a violation of this section to an employee or representative of the school.

School Remedies for Violations of the Save Women's Sports Act (A.R.S. §15-120.02)

A school that suffers any direct or indirect harm as a result of a violation of this section has a private cause of action for injunctive relief, damages and any other relief available under law against the government entity, the licensing or accrediting organization or the athletic association or organization.

EE ©
TRANSPORTATION SERVICES

In the budgeting process, the Governing Board may grant appropriations for vehicles and other transportation services. This may include contracts for electric vehicles as stated in A.R.S. §15-923.

Allowable Vehicles

A school district or charter school in Arizona or a privately owned and operated entity that is contracted for compensation with a school district or charter school in Arizona may use a motor vehicle that is designed to carry at least eleven (11) and not more than fifteen (15) passengers or a motor vehicle that is designed as a type A school bus or type B school bus as defined by the Department of Public Safety to carry at least eleven (11) and up to fifteen (15) passengers to transport students to or from home or school on a regularly scheduled basis in accordance with the safety rules adopted by the Department of Public Safety pursuant to sections §28-900 and §28-3228.

Transportation of students is a privilege extended to students in the District, and is not a statutory requirement except for necessary transportation of students with disabilities as indicated in their respective individual education programs.

The responsibility for the operation of student transportation shall be vested in the Superintendent. Reasonable efforts shall be made to eliminate any particular hazards that might adversely affect the safety and welfare of any student.

Adopted: _____

LEGAL REF.:

A.R.S.

15-342

15-764

15-921

15-922

15-923

15-925

15-945

15-946

28-900

28-901

28-3053

EEAEA ©
BUS DRIVER REQUIREMENTS, TRAINING,
AND RESPONSIBILITIES

Bus drivers employed by the District or employed by contractors who provide transportation services to the District shall comply with applicable provisions of the Commercial Motor Vehicle Safety Act of 1986 and all applicable requirements of the state of Arizona.

Bus drivers shall submit an Identity Verified Fingerprint Card as described in A.R.S. 15-106 that the Department of Public Safety shall use to process the fingerprint clearance card as outlined in A.R.S. 15-106. A person who is issued a school bus driver certificate shall maintain a valid Identity Verified Fingerprint Clearance Card for the duration of any school bus driver certification period.

Bus driver applicants are required to possess a commercial driver license issued by the Department of Public Safety except that the applicant may possess a commercial driver license issued by another state if the applicant will be driving a school bus for a school district that is adjacent to that state.

Bus drivers are required to possess a bus endorsement that is issued by the Department of Transportation and a school bus certificate that is issued by the Department of Public Safety.

Licenses for §15-925 Vehicles

A person shall not operate a vehicle described in section §15-925 to transport school children unless the person possesses the appropriate license class for the size of the vehicle being operated, a school bus driver certificate that is issued by the Department of Public Safety and a valid fingerprint clearance card.

The District will assume the cost of required physical examinations, and the drivers will assume the cost of obtaining valid commercial driver's licenses as required by law.

Adopted: _____

LEGAL REF.:

A.R.S.
15-106

15-925
28-857
28-3228

A.A.C.
R17-4-508 *et seq.*

CROSS REF.:

EEAEB – Bus Purchasing and Maintenance

GBEFA - Staff Use of Digital Wireless Communications or
Electronic Devices While Operating a Motor Vehicle

GDFA - Support Staff Qualifications and Requirements
(fingerprinting requirements)

**JF ©
STUDENT ADMISSIONS**

The person enrolling a student (except homeless students) in the school for the first time will be asked to produce one (1) of the following proofs:

- A. A certified copy of the child's birth certificate.
- B. Other reliable proof of the student's identity and age, including the student's baptismal certificate, an application for a Social Security number, or original school registration records, and an affidavit explaining the inability to provide a copy of the birth certificate.
- C. A letter from the authorized representative of an agency having custody of the student (pursuant to statute) certifying that the student has been placed in the custody of the agency as prescribed by law.

The parent, guardian, or surrogate will be given thirty (30) days to provide documentation requested as listed above. If documentation is not provided, a letter will be sent to notify the parent, guardian, or surrogate that unless the documentation is provided within ten (10) days, the local law enforcement agency will be notified.

Nothing contained in this policy shall authorize the school to disclose to any person a student's educational record without prior parental consent unless the school makes a determination that disclosure of such records is necessary to protect the health and safety of the student.

**Certificate of Educational
Convenience Applications**

A pupil who is precluded by distance, lack of adequate transportation facilities or a parent's or guardian's employment from attending a school in the School District or county of the pupil's residence or who resides in unorganized territory may apply for a certificate of educational convenience.

A school district that receives an application pursuant to §15-825 shall submit the completed application to the County School Superintendent electronically, in person or by regular mail.

Adopted: _____

LEGAL REF.:

A.R.S.

15-825

15-828

42 U.S.C. 11301, McKinney-Vento Homeless Assistance Act of 2001,
as amended by the Every Student Succeeds Act (ESSA) of 2015

CROSS REF.:

IKEB - Acceleration

JFAA - Admission of Resident Students

JFAB - Admission of Nonresident Students

JFABD - Admission of Homeless Students

JFB - Open Enrollment

JG - Assignment of Students to Classes and Grade Levels

JLCB - Immunizations of Students

JLH - Missing Students

JR - Student Records

JRCA - Request for Transfer of Records

**IMD ©
SCHOOL CEREMONIES
AND OBSERVANCES**

The following shall be adhered to regarding required opening exercises and school programs as they pertain to customs and holidays:

A. Each student shall be provided with an opportunity to participate in the Pledge of Allegiance or other patriotic observance each day.

B. Each student in grades four (4) through six (6) shall recite the following passage from the Declaration of Independence:

"We hold these truths to be self-evident, that all men are created equal, that they are endowed by their creator with certain unalienable rights, that among these are life, liberty and the pursuit of happiness. That to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed..."

C. ~~Each teacher in charge of a classroom for the first class of each day shall conduct a period of meditation, not to exceed one (1) minute in duration. No other activities will be allowed in the classroom at that time.~~ For K-12 programs, each school district and charter school shall set aside at least one (1) minute but not more than two (2) minutes at the beginning of each school day for students to engage in a moment of silence during which students may not interfere with other students' participations. A teacher or other school employee may not suggest the nature of any reflection in which a student may engage during the moment of silence. Each teacher of a class in which a moment of silence occurs pursuant to law shall encourage parents of students in the class to discuss with their children how best to use the moment of silence.

D. Students whose parents have informed the school that they are not to take part in the meditation period or patriotic observances will be expected to observe the courtesy of not disturbing others.

E. When special days or significant events are recognized, it is recommended that appropriate classroom and assembly programs be presented in keeping with the traditional and historical significance of the event or season.

A teacher or administrator in any school in this District may read or post in any school copies or excerpts of the following materials:

- A. The national motto "In God We Trust."
- B. The National Anthem.
- C. The Pledge of Allegiance.
- D. The Preamble to the Constitution of this state.
- E. The Declaration of Independence.
- F. The Mayflower Compact.
- G. Writings, speeches, documents and proclamations of the founding fathers and the presidents of the United States.
- H. Published decisions of the United States Supreme Court.
- I. Acts of the United States Congress.
- J. The state motto "Ditat Deus," which means "God Enriches."

Adopted: _____

LEGAL REF.:

A.R.S.

15-203

15-342

15-506

15-717

POLICY SERVICES

ADVISORY

Volume 34, Number 2

August 2022

Policy Advisory No. 721.....Policy JLCB — Immunizations of Students
Regulation JLCB-R — Immunizations of Students
Exhibit JLCB-E — Immunizations of Students

Policy Advisory No. 722.....Policy JLCC—Communicable Infectious Diseases

Policy Advisory No. 723.....Policy GBGCB — Staff Health and Safety

Summary

The following policy advisories are the result of laws passed by the 55th Legislature, Second Regular Session which convened in January 2022 and adjourned sine die on June 25, 2022. The General Effective Date of these bills is September 24, 2022.

Governing Boards may review and adopt these policy advisories consistent with the Policy Adoption process in Policy BGB—First Meeting – the proposal shall be presented for review; Second Meeting – the proposal shall be presented for discussion and action.

Descriptions of each revised policy/regulation/exhibit follows below starting on page 4.

ASBA policy services is providing the following table for the benefit of subscribers. The bills and policy revisions are grouped by subject matter.

Areas of Law	Bills passed and signed by Governor	Statutes amended	Policies/Regulations/Exhibits amended
Health/COVID-19	HB2086- immunizations for Covid-19 HB2371- vaccines for minors	36-672; 36-681	JLCB, JLCB-R, JLCB-E (Immunizations of Students)
	HB2616- no masks for students w/out parental consent	1-611	JLCC (Communicable Infectious Diseases)
	HB2453 and HB2498 – Vaccines, Masks and Face Coverings	36-681; 36-685	GBGCB (Staff Health and Safety) KI, KI-R – (Visitors at Schools)

Policy Advisory No. 721

**Policy JLCB — Immunization of Students
Regulation JLCB-R — Immunization of Students
Exhibit of JLCB-E — Immunization of Students**

House Bill 2086 states that immunization for COVID-19 or any variant of COVID-19 is not required for school attendance. The law goes on to state that an immunization must be prescribed by rule adopted pursuant to A.R.S. §36-672(A) before it may be required for school attendance. HB 2371 states that no governmental entity may require a person under 18 years of age to receive a COVID-19 vaccine or any variant of COVID-19 without parental or guardian consent. (A.R.S. §36-681). This law was passed after A.R.S. §15-342.05, 2021's COVID-19 mask and immunization law, was invalidated by the Arizona Supreme Court. Appropriate changes have been made in Policy JLCB and Regulation JLCB-R. Exhibit JLCB-E has been updated to include the 2022-2023 requirements.

Policy Advisory No. 722 Policy JLCC—Communicable Infectious Diseases

House Bill 2616 states that school districts and charter schools may not require a minor to wear a mask or face covering without parental or guardian consent. This bill was passed in response to the COVID-19 global pandemic. Therefore, Policy JLCC, Communicable Infectious Diseases, was amended to reflect this change.

Note: This law was codified in Title 1, §1-611, and therefore the mask/face covering law may be read to apply to more than infectious diseases. Subscribers are notified to speak with their district legal counsel for potential broader impact of this law.

Policy Advisory No. 723

Policy GBGCB — Staff Health and Safety

House Bill 2498 prevents a school district from requiring a resident of this state to receive a vaccination for COVID-19 or any variant of COVID-19. House Bill 2453 prohibits a school district from imposing a mask or face covering requirement anywhere on district premises, except where long-standing workplace safety and infection control measures that are unrelated to COVID-19 may be required. Policy KI is amended to reflect these rules.

JLCB ©
IMMUNIZATIONS OF STUDENTS

The Board follows Arizona law as it applies to immunizations of students.

Immunizations Required for Attendance

Subject to the exemptions as provided by law, immunization against diphtheria, tetanus, pertussis, poliomyelitis, rubeola (measles), mumps, rubella (German measles), hepatitis B, haemophilus influenzae b (Hib), and varicella is required for attendance of a student in a District school.

Immunizations Not Required for School Attendance

The following immunizations are not required for school attendance:

- A. Human papillomavirus.
- B. COVID-19 or any variant of COVID-19.

A School District or Charter School, as a governmental entity, that requires a person under eighteen (18) years of age to receive a vaccination for COVID-19 or any variant of COVID-19 must obtain the consent of that person's parent or guardian.

Immunization Procedures

The Board authorizes the Superintendent to create procedures for verifying immunizations records of students. The procedures shall be administered in Regulation JLCB-R and Exhibit JLCB-E.

A student's immunization record must be submitted 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 of the required immunizations.

The school administrator shall review the school immunization record at least twice each school year until the pupil receives all of the required immunizations.

A student shall not be allowed to attend school without submitting documentary proof of compliance to the school administrator unless the student is exempted from immunization.

On enrollment, the school administrator shall suspend that student if the administrator does not have documentary proof of compliance and the student is not exempted from immunization.

A student who fails to comply with the immunization schedule shall be suspended from school attendance until documentary proof of compliance is provided to the school administrator, except that a homeless student shall not be suspended from attendance until the fifth (5th) calendar day after enrollment.

Any student with serologic confirmation of the presence of specific antibodies against a vaccine-preventable disease shall not be subject to immunization against that disease as a condition for attending school.

The District will cooperate with county and state health departments in programs of immunization. Parents' permission must be secured before a student may participate in such immunization projects.

Adopted: _____

LEGAL REF.:

A.R.S.

15-871

15-872

15-873

15-874

36-681

A.A.C.

R9-6-203

R9-6-313

R9-6-350

R9-6-353

R9-6-356

R9-6-365

R9-6-368

R9-6-372

R9-6-388

R9-6-701 through 707

JLCB-R ©

REGULATION

IMMUNIZATIONS OF STUDENTS

Subject to the exemptions in A.R.S. 15-873, immunization against each of the following diseases is required for attendance of a child in any school:

- A. Diphtheria;
- B. Tetanus;
- C. Hepatitis B;
- D. Pertussis;
- E. Poliomyelitis;
- F. Measles (rubeola);
- G. Mumps;
- H. Rubella (German measles);
- I. *Haemophilus influenzae* type b (Hib);
- J. Varicella; and
- K. Meningococcal.
- L. Hepatitis A, for a child one (1) through five (5) years of age in a day care program in Maricopa County.

To be required for in-person school attendance the immunization must be prescribed by rule adopted pursuant to subsection A of A.R.S. §36-672.

The following immunizations are not required for school attendance:

- A. Human papillomavirus.
- B. COVID-19 or any variant of COVID-19.

A School District or Charter School, as a governmental entity, that requires a person under eighteen (18) years of age to receive a vaccination for COVID-19 or any variant of COVID-19 must obtain the consent of that person's parent or guardian.

Unless exempt in accord with R9-6-706, the schedule for compliance with the requirement for immunization against varicella is:

Grade student entering	as of September 1,
Kindergarten (K) through grade four (4) and grades seven (7) through ten (10)	2008
Kindergarten (K) through grade five (5) and grades seven (7) through eleven (11)	2009
Kindergarten (K) through grade twelve (12)	2010

Unless exempt in accord with R9-6-706, the schedule for compliance for a student eleven (11) years or older who has not previously received the meningococcal vaccine is:

Grade student entering	as of September 1,
Grade six (6)	2008
Grades six (6) and seven (7)	2009
Grades six (6) through eight (8)	2010
Grades six (6) through nine (9)	2011
Grades six (6) through ten (10)	2012
Grades six (6) through eleven (11)	2013
Grades six (6) through twelve (12)	2014

The preceding schedules will remain in effect unless the school is notified by the Arizona Department of Health Services of a modification to one (1) or both of the schedules.

A child is in compliance with the requirements if the child has met the criteria of the appropriate immunization schedule as recommended by the Department of Health Services or is actively in the process of meeting such criteria as evidenced by having received one (1) dose of each of the required immunizations and has established a schedule for completion of the required immunizations.

A child shall not be allowed to attend school without submitting documentary proof to the school administrator unless the child is exempted from immunization pursuant to section 15-873. Upon enrollment, schools shall forbid attendance or (suspend) a student not meeting the requirements for immunization or exemption from immunization. Homeless students shall be referred to the liaison for homeless students and shall not be required to comply with the immunization requirements until the fifth (5th) calendar day after enrollment.

The admitting official shall deem the student to be in compliance with the requirements of this regulation if:

- A. The student's immunization record complies with the documentary proof required pursuant to A.A.C. R9-6-704, and the student has received or is in the process of receiving all required age-specific vaccine doses according to Exhibit JLCB-E; or
- B. An exemption from immunization is submitted in accordance with the procedures set forth in R9-6-706.

When the student's immunization record is not available at the time of enrollment, the school shall provide the responsible person with the following:

- A. Notification of the lack of compliance with the immunization requirements;
- B. A written notice that specifies when the required doses shall be completed, notes the availability of exemptions to immunization, and refers the student to a physician or local health department for review of the student's immunization history and provision of immunizations as needed; and
- C. Notification that the student is suspended in accordance with 15-872 until an acceptable immunization record that meets the standards of documentary proof is presented to the school.

When immunization records are presented that do not comply with the standards for documentary proof, the school shall:

- A. Notify the responsible person of the lack of compliance with the immunization requirements; and
- B. Obtain a review and verification of the student's immunization record by or in consultation with a certificated school nurse, a public health nurse, a licensed physician, or an authorized representative of a local health department.

If the admitting official is unable to verify the accuracy of the student's immunization record pursuant to the preceding paragraph, the school shall provide to the responsible person:

- A. A written referral to a physician or local health department for further review of the student's immunization history and provision of immunizations as needed; and
- B. Notification that the student is suspended until an immunization record that meets the standards of documentary proof is presented to the school.

Each school shall maintain a current list of students without evidence of immunization or immunity to the diseases listed in R9-6-702, which shall include the names of all students with incomplete immunization histories or exemptions for personal or medical reasons where evidence of immunity has not been provided.

Schools shall forbid attendance by a student lacking proof of immunization or immunity against any of the immunization-preventable diseases as determined by the State Department of Health Services or local health department during periods of outbreaks of the diseases for which immunity is lacking. The announcement of an outbreak of disease and the length of the period of communicability shall be as declared by the state or local health department.

Standards for Documentary Proof

Proof of immunity to the diseases listed in R9-6-702 shall be documented in accordance with R9-6-704.

Immunization records or statements of immunity shall be signed by a physician or authorized representative of a health agency.

Exemptions to Immunizations

Students who have reached their fifth (5th) birthday shall be exempt from the Hib immunization requirement.

Students who have reached their seventh (7th) birthday shall be exempt from the pertussis immunization requirement.

Any student with laboratory evidence of immunity shall not be subject to immunization against that disease as a condition for attending school, provided that such evidence is submitted to the school.

In accordance with A.R.S. 15-873, documentary proof is not required for a student to be admitted to school if one (1) of the following occurs:

A. The parent or guardian of the student submits a signed statement to the school administrator stating that the parent or guardian has received information about immunizations provided by the Department of Health Services, understands the risks and benefits of immunizations and the potential risks of nonimmunization, and that, due to personal beliefs, the parent or guardian does not consent to the immunization of the student.

B. The school administrator receives written certification, signed by the parent or guardian and by a physician, that states that one (1) or more of the required immunizations may be detrimental to the student's health and indicates the specific nature and probable duration of the medical condition or circumstance that precludes immunization.

An exemption pursuant to the preceding subparagraph is valid only during the duration of the circumstance or condition that precludes immunization.

If a medical exemption is granted in accordance with A.R.S. 15-873, it shall be defined by the grantor as either permanent or temporary.

A. A permanent medical exemption may be provided for one (1) or more vaccines.

B. A temporary medical exemption shall specify the date of its termination. A student with a temporary medical exemption shall be allowed to attend school on the condition that the required immunizations are obtained at the termination of the exemption. The responsible person shall be notified of the date by which the student shall complete all required immunizations.

Any exemption granted in accordance with A.R.S. 15-873 shall be recorded on the school immunization record in the student's permanent file.

Students who lack documentary proof of immunization shall not attend school during outbreak periods of communicable immunization-preventable diseases as determined by the Department of Health Services or local health department. The Department of Health Services or local health department shall transmit notice of this determination to the school administrator responsible for the exclusion of the students.

Reporting Communicable Diseases

The administrator of a school shall submit by telephone a report to the local health department any case, suspected case, or outbreak of a communicable disease as follows:

A. Within twenty-four (24) hours after detecting a case or suspected case of:

1. Cryptosporidiosis
2. Enterohemorrhagic Escherichia coli
3. Haemophilus influenzae: invasive disease
4. Hepatitis A
5. Measles
6. Meningococcal invasive disease
7. Mumps
8. Pertussis (whooping cough)
9. Rubella (German measles)
10. Salmonellosis
11. Shigellosis

B. Within twenty-four (24) hours after detecting an outbreak of:

1. Conjunctivitis: acute
2. Diarrhea, nausea, or vomiting
3. Scabies
4. Streptococcal Group A infection

C. Within five (5) working days after detecting a case or a suspected case of:

1. Campylobacteriosis
2. Varicella (chicken pox)

The report shall include:

A. The name and address of the school

B. The number of individuals having the disease, infestation, or symptoms

C. The date and time the disease or infestation was detected or the symptoms began

D. The number of rooms, grades, or classes affected and the name of each

E. Information about each affected individual to include:

1. Name,
2. Date of birth or age,
3. Residential address and telephone number,
4. Whether the individual is a staff member, student, child in care, or a resident,

F. The number of individuals attending or residing in the school, and

G. The name, address, and telephone number of the person making the report.

Other Required Reports

By November 15 of each year, the Superintendent shall submit a report on the immunization status of students to the state or local health department on a form provided by the Department.

Each Superintendent of a school whose nurses are authorized to administer vaccines or immunizing agents shall submit monthly reports to the county health department in accordance with the procedures set forth in [R9-6-707](#). Reports are due by the fifth (5th) day of the following month.

An immunization record shall be maintained for each student in the school. Each immunization record shall include the following information:

- A. Name of the student;
- B. Date of birth;
- C. The date of the student's admission to the school;
- D. The month and year in which each vaccine was received, except for measles, mumps, and rubella, for which the day, month, and year are required;
- E. The type of immunizing agents administered to the student;
- F. The date each dose of immunizing agent is administered to the student; and
- G. The established schedule for completion of immunizations if the student is admitted to or allowed to continue to attend a school pursuant to section [15-872](#), subsection E.

By November 15 of each year, each administrator of a public-school-based day care program or preschool shall submit a report to the state or local health department on a form provided by the Department.

A school shall transfer an immunization record and signed requests for provision of immunizations, including any revocations thereof, with the mandatory permanent student record and provide at no charge, on request, a copy of the immunization record to the parent or guardian of the pupil.

JLCB-E ©

EXHIBIT

IMMUNIZATION OF STUDENTS

ARIZONA GUIDE TO IMMUNIZATIONS REQUIRED FOR ENTRY
Grades K-12 (School year 2022-2023)

To view the 2022-2023 Immunization Requirements, click here.

~~Requirements are shown below as stated in Arizona Administrative Code, R9-6-702, Table 7.1 and Table 7.2~~

~~Please review the Arizona Immunization Handbook for Schools and Child Care Programs along with the Vaccine Catch-up Flowcharts & FAQs Vaccine Flowchart Resource for further information and details about school immunization requirements and exemptions.~~

~~Vaccines must follow Advisory Committee on Immunization Practices (ACIP) minimum intervals and ages to be valid. See page 2 for minimum interval and catch-up schedule information.~~

~~The four (4)-day grace period only applies to vaccine-administration minimum age and intervals. Refer to the Handbook for questions.~~

Vaccine	4 - 6 Years Old and attendance in Kindergarten or 1st grade	7 - 10 Years Old	11 Years and Older
HepB Hepatitis B	3 doses The final dose of HepB must be given at 24 weeks of age or older. Only 3 doses are required if the 3rd dose was received at or after 24 weeks of age; otherwise 4 doses are required.		
Polio Poliomyelitis (IPV) Oral polio vaccine (OPV)	4 doses The final dose of polio must be received at/after 4 years of age and at least six (6) months after the previous dose. Only 3 doses are required if the 3rd dose was received on/after the child's 4th birthday and at least six (6) months after the 2nd dose. Additional doses may be needed to meet requirements.		

<p>MMR Measles, _____ Mumps and Rubella</p>	<p>2 doses Minimum recommended age for dose #1 is 12 months. A 3rd dose will be required if dose #1 was given more than 4 days before 1st birthday.</p> <p>MMR and Varicella must be given on the same day or at least 28 days apart.</p>		
<p>VAR Varicella (chickenpox)</p>	<p>1 dose Minimum recommended age for dose #1 is 12 months. 2 doses, at least 4 weeks apart, are required if the 1st dose was given at 13 years of age or older.</p>		
<p>DTaP, _____ Tdap, _____ Td Diphtheria, _____ Tetanus, _____ and Pertussis</p>	<p>5 _____ doses _____ of DTaP The final dose of tetanus-diphtheria containing vaccine must be _____ received at/after _____ four (4) years of _____ age and _____ at least six (6) months after the previous dose. Only four (4) doses are required if the 4th dose was received _____ on/after four (4) years of age; in certain situations an additional dose may be required, up to a maximum of six (6) doses (before age seven [7]).</p>	<p>4 _____ doses _____ of tetanus- diphtheria- containing vaccine (or combination of DTaP, Td or Tdap doses). At least one (1) dose at/after four (4) years of age and at least six (6) months _____ from previous dose. 3 doses (with 1 at/after 4 years) is acceptable _____ if the first dose was given on/after 1st birthday; otherwise refer _____ for an additional dose.</p>	<p>1 dose of Tdap is required If the student does not have a Tdap but received a dose of _____ tetanus-diphtheria-containing vaccine within the past five (5) years, refer _____ for the adolescent _____ Tdap dose when five (5) years has passed since that dose. If a student has received 1 valid dose of adolescent Tdap (age ten [10] years or older), no further doses are needed.</p> <p>Students must have a minimum series of four (4) doses of tetanus-diphtheria-containing - vaccine; 3 doses acceptable if the 1st dose was given _____ on/after 1st birthday.</p>

<p>MenACWY or MCV4 Quadrivalent Meningococcal</p>	-	-	<p>1 dose of MenACWY is required.</p> <p>A dose administered at 10 years of age will meet the requirement.</p>
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Arizona Immunization Program Office • 150 North 18th Avenue, Suite 120
Phoenix, AZ 85007 • (602) 364-3630
Last reviewed/revised July 2022

Exceptions and Additions to the Rules

The laws and rules governing school immunization requirements are Arizona Revised Statutes ~~§15-871 – 15-874;~~ and Arizona Administrative Code, ~~R9-6-701 – 708.~~ Please review the school requirements in Table 7.1 and "catch-up" schedule in Table 7.2, located in ~~R9-6-701 – 708.~~

Students must have proof of all required immunizations in order to attend school. Parental recall or verbal history of any disease is not accepted; therefore these students must submit an ADHS medical exemption form. Specifically, with varicella (chickenpox), measles, or rubella disease a medical exemption with attached laboratory evidence of immunity is required. Arizona law allows K-12 immunization exemptions for medical reasons, lab evidence of immunity, and personal beliefs.

Homeless students and children in foster care are allowed a five (5)-day grace period to submit proof of immunization records (assuming that all other students have their immunization records submitted prior to attendance at school).

For further information and guidance please review the Arizona Immunization Handbook for Schools and Child Care Programs along with Frequently Asked Questions.

Quick-Look Vaccine Exceptions and Conditions:

- ~~Hepatitis B – A child has received the required number of doses of hepatitis B virus (HBV) vaccine to qualify for Arizona school and child care/preschool attendance if all of the following apply:~~

Note: This material is written for informational purposes only, and not as legal advice. You may wish to consult an attorney for further explanation.

~~There are at least 4 weeks between the 1st and 2nd dose of HBV vaccine;~~

~~There are at least 8 weeks between the 2nd and final dose of HBV vaccine;~~

~~There are at least 16 weeks (4 months) between the 1st and final dose of HBV vaccine; AND~~

~~The child received the final dose of HBV vaccine when they were at least 24 weeks of age.~~

- ~~● Hepatitis B for students aged 11-15 years – 2 doses meet the requirement if adult hepatitis B vaccine (Recombivax) was received. Dosage (10mcg/1.0mL) and type of vaccine must be clearly documented. If Recombivax was not the vaccine used, a 3-dose series is required.~~
- ~~● Meningococcal Vaccine – Only quadrivalent meningococcal ACWY vaccine doses will be accepted. The only quadrivalent meningococcal vaccines given currently in the U.S. are Menactra and Menveo. The Meningococcal Polysaccharide vaccine (Menomune) was a quadrivalent vaccine so is acceptable; however, production of this vaccine was discontinued in February 2017. Students who received this polysaccharide vaccine are considered acceptable for school requirements. No monovalent or bivalent meningococcal vaccinations will be accepted (MenA, MenB, MenC, or MenC/Y).~~
- ~~● Poliomyelitis (Polio) – The U.S. currently does not give anything other than IPV (inactivated polio vaccine) whereas some foreign countries still give the OPV (oral polio vaccine). OPV given prior to April 1, 2016 will be presumed to be trivalent and therefore acceptable, regardless of country of administration. Any OPV doses administered after April 1, 2016 are presumed to be bivalent and therefore unacceptable.~~
- ~~● Td Booster – A Td booster is required 10 years after the last dose of a tetanus-containing vaccine if student is still enrolled in school.~~

~~Source: Arizona Immunization Program Office~~

JLCC ©
COMMUNICABLE / INFECTIOUS DISEASES

Any student with, or recovering from, a communicable disease will not be permitted in school until the period of contagion is passed or until a physician recommends a return, in accordance with A.R.S. 36-621 *et seq.*, appropriate regulations of the State Department of Health Services, and policies of the County Health Department.

Parents will be requested to provide a history of the communicable diseases for each student, and such records will be kept and maintained by the District.

A student suffering from a communicable disease shall be excluded from school to protect the student's own welfare and also to protect other students from illness. Early recognition of a communicable disease is of prime importance. The administrator or county health director shall make the decision for exclusion and readmission.

The District or charter school may require that a mask or face covering be worn by a person under eighteen (18) years of age only with the express consent of the person's parent or guardian.

Pediculosis (Lice Infestation)

Students with pediculosis shall be excluded from school until treated with a pediculicide.

Adopted: _____

LEGAL REF.:

A.R.S.

1-602

1-611

15-871

15-872

36-621

A.A.C.

R9-6-202 *et seq.*

R9-6-301

R9-6-342

R9-6-355

GBGCB ©
STAFF HEALTH AND SAFETY

(Communicable Diseases)

It is the policy of the School District to take reasonable and lawful measures to protect students and staff members from the transmission of communicable diseases. The Superintendent is authorized to adopt such procedures as are necessary to implement this policy in a manner consistent with state and federal laws.

Prohibition on COVID-19 Vaccination and Mask or Face Coverings

The School District shall not:

- A. Require a resident of this state to receive a vaccination for COVID-19 or any variant of COVID-19.
- B. Impose any requirement to wear a mask or face covering anywhere on the School District's premises, except where long-standing workplace safety and infection control measures unrelated to COVID-19 may be required. See GBGB-R for a list of long-standing workplace safety control measures.

Exclusion from School

A staff member who has a communicable disease shall be excluded from school only if the staff member presents a direct threat to the health or safety of others in the school workplace. The outbreak control measures, and other directives of the Department of Health Services (DHS) and local health agencies shall be acted upon as the best medical knowledge and judgments with regard to the exclusion of a staff member who has a communicable disease that is addressed by DHS regulations. The communicable diseases specifically addressed by DHS regulations are listed at A.A.C. R9-6-203 *et seq.*

A staff member who has a chronic communicable disease, such as tuberculosis or HIV/AIDS, shall not be excluded unless a significant risk is presented, to the health and safety of others, which cannot be eliminated by reasonable accommodation. The Superintendent shall consult with legal counsel and health professionals, as necessary, to ensure that exclusion of a staff member with a chronic communicable disease will not violate the staff member's rights under the Americans with Disabilities Act or Section 504 of the Rehabilitation Act.

The school nurse or other person designated by the Superintendent must reassess a staff member who is excluded from school because of a communicable disease before the staff member returns to work. The District may require a physician's written medical release as a condition for the staff member's return to work.

Reporting and Notification

The District shall report by telephone to its local health agency each diagnosed and suspected case of a communicable disease as set out in Regulation JLCB-R.

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

Confidentiality

The District shall make reasonable efforts to maintain the confidentiality of staff members' medical conditions. All medical information relating to employees is confidential. The identity of a staff member who has a communicable disease and/or the nature of the communicable disease may be disclosed only to:

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

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

Universal Precautions

The District shall follow the "Universal Precautions Standard" set forth in the attached Exhibit GBGCB-E to protect employees who are at risk of being exposed to blood and body fluids in the course of their work.

Food Service Workers

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

HIV/AIDS

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

Adopted: _____

LEGAL REF.:

A.R.S.

36-621

36-624

36-681

36-685

A.A.C.

R9-6-203 *et seq.*

R9-6-355

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

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

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

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

CROSS REF.:

GBGC - Employee Assistance

GBGCA - Wellness Programs

JLCB-R - Immunizations of Students

POLICY SERVICES ADVISORY

Volume 34, Number 3

September 2022

Policy Advisory No. 737.....JLCB — Immunizations of Students
Regulation JLCB-R — Immunizations of Students

Summary

Policy Advisory No. 737 overhauls the JLCB policy and regulation to conform to Arizona Department of Health regulations and Arizona statute. Policy Advisory No. 738 is the result of law passed by the 55th Legislature, Second Regular Session which convened in January 2022 and adjourned sine die on June 25, 2022. The General Effective Date of this bill is September 24, 2022.

Governing Boards may review and adopt policy advisory No. 737 consistent with the Policy Adoption process in Policy BGB—First Meeting – the proposal shall be presented for review; Second Meeting – the proposal shall be presented for discussion and action. No. 738 is amending a regulation; thus, the Governing Board should be aware of this change, but board action is not necessary to amend.

Policy Advisory Discussion

Policy Advisory No. 737

Policy JLCB — Immunizations of Students Regulation JLCB-R — Immunizations of Students

Policy JLCB was updated in August 2022 to include the Arizona law that precluded COVID-19 from the list of required immunizations. In September 2022, a school district notified ASBA of inconsistencies between Policy JLCB and Regulation JLCB-R. This prompted ASBA staff to conduct a full overhaul of JLCB and JLCB-R. Policy now refers readers directly to Regulation where the previous policy listed out each required immunization. The Regulation now reflects directly what is required by the Department of Health Services. JLCB-E was updated correctly in August 2022.

Note: This material is written for informational purposes only, and not as legal advice. You may wish to consult an attorney for further explanation.

JLCB ©

IMMUNIZATIONS OF STUDENTS

The Board follows Arizona law as it applies to immunizations of students.

For a list of immunizations required for attendance and immunizations specifically not required for attendance see Regulation JLCB-R.

Immunizations Required for Attendance

~~Subject to the exemptions as provided by law, immunization against diphtheria, tetanus, pertussis, poliomyelitis, rubeola (measles), mumps, rubella (German measles), hepatitis B, haemophilus influenzae b (Hib) only required for children 2-59 months—so under 5 yrs. old, quadrivalent meningococcal, and varicella is required for attendance of a student in a District school.~~

Immunizations Not Required for School Attendance

The following immunizations are not required for school attendance:

A. Human papillomavirus.

B. COVID-19 or any variant of COVID-19.

A School District or Charter School, as a governmental entity, that requires a person under eighteen (18) years of age to receive a vaccination for COVID-19 or any variant of COVID-19 must obtain the consent of that person's parent or guardian.

Immunization Procedures

The Board authorizes the Superintendent to create procedures for verifying immunization records of students. The procedures shall be administered in Regulation JLCB-R and Exhibit JLCB-E.

Notice to Parents and Students

A student's immunization record must be submitted 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 of the required immunizations.

The school administrator shall review the school immunization record at least twice each school year until the pupil receives all of the required immunizations.

A student shall not be allowed to attend school without submitting documentary proof of compliance to the school administrator unless the student is exempted from immunization.

Note: This material is written for informational purposes only, and not as legal advice. You may wish to consult an attorney for further explanation.

On enrollment, the school administrator shall suspend that student if the administrator does not have documentary proof of compliance and the student is not exempted from immunization.

A student who fails to comply with the immunization schedule shall be suspended from school attendance until documentary proof of compliance is provided to the school administrator, except that a homeless student shall not be suspended from attendance until the fifth (5th) calendar day after enrollment.

Any student with serologic confirmation of the presence of specific antibodies against a vaccine-preventable disease shall not be subject to immunization against that disease as a condition for attending school.

The District will cooperate with county and state health departments in programs of immunization. Parents' permission must be secured before a student may participate in such immunization projects.

Adopted: _____

LEGAL REF.:

A.R.S.

15-871

15-872

15-873

15-874

36-681

A.A.C.

R9-6-203

R9-6-313

R9-6-350

R9-6-353

R9-6-356

R9-6-365

R9-6-368

R9-6-372

R9-6-388

R9-6-701 through 707

Note: This material is written for informational purposes only, and not as legal advice. You may wish to consult an attorney for further explanation.

JLCB-R ©

REGULATION

IMMUNIZATIONS OF STUDENTS

**Immunizations Required for
School Attendance**

Subject to the exemptions in A.R.S. 15-873, immunization against each of the following diseases is required for attendance of a child in any school:

- A. Diphtheria;
- B. Tetanus;
- C. Hepatitis B;
- D. Pertussis;
- E. Poliomyelitis;
- F. Measles (rubeola);
- G. Mumps;
- H. Rubella (German measles);
- I. *Haemophilus influenzae* type b (Hib), for a child two months through 59 months of age; and
- J. Varicella; ~~and~~
- K. Meningococcal;
- L. Hepatitis A, for a child one (1) through five (5) years of age in a day care program in Maricopa County.

To be required for in-person school attendance the immunization must be prescribed by rule adopted pursuant to subsection A of A.R.S. §36-672.

Note: This material is written for informational purposes only, and not as legal advice. You may wish to consult an attorney for further explanation.

Immunizations Not Required for School Attendance

- A. Human papillomavirus.
- B. COVID-19 or any variant of COVID-19.

Parental Consent for COVID-19 or COVID-19 Variant:

A School District or Charter School, as a governmental entity, that requires a person under eighteen (18) years of age to receive a vaccination for COVID-19 or any variant of COVID-19, must obtain the consent of that person’s parent or guardian. However, schools may not require immunization for COVID-19 or any variant of COVID-19 unless the immunization is first prescribed by rule adopted pursuant to A.R.S. §36-672 (A). Finally, schools may not require any resident of this state to receive the COVID-19 immunization or any variant of the COVID-19 immunization. See A.R.S. §36-685.

~~Unless exempt in accord with R9-6-706, the schedule for compliance with the requirement for immunization against varicella is:~~

- ~~_____ Grade student entering _____ as of September 1,~~
- ~~Kindergarten (K) through grade four (4) _____ 2008~~
- ~~and grades seven (7) through ten (10)~~
- ~~_____ Kindergarten (K) through grade five (5) _____ 2009~~
- ~~and grades seven (7) through eleven (11)~~
- ~~_____ Kindergarten (K) through grade twelve (12) _____ 2010~~

~~Unless exempt in accord with R9-6-706, the schedule for compliance for a student eleven (11) years or older who has not previously received the meningococcal vaccine is:~~

- ~~_____ Grade student entering _____ as of September 1,~~
- ~~_____ Grade six (6) _____ 2008~~
- ~~_____ Grades six (6) and seven (7) _____ 2009~~
- ~~_____ Grades six (6) through eight (8) _____ 2010~~
- ~~_____ Grades six (6) through nine (9) _____ 2011~~

Note: This material is written for informational purposes only, and not as legal advice. You may wish to consult an attorney for further explanation.

~~Grades six (6) through ten (10) 2012~~

~~Grades six (6) through eleven (11) 2013~~

~~Grades six (6) through twelve (12) 2014~~

~~The preceding schedules will remain in effect unless the school is notified by the Arizona Department of Health Services of a modification to one (1) or both of the schedules.~~

Compliance and School Attendance

A child is in compliance with the requirements if the child has met the criteria of the appropriate immunization schedule as recommended by the Department of Health Services or is actively in the process of meeting such criteria as evidenced by having received one (1) dose of each of the required immunizations and has established a schedule for completion of the required immunizations.

A child shall not be allowed to attend school without submitting documentary proof to the school administrator unless the child is exempted from immunization pursuant to section 15-873. Upon enrollment, schools shall forbid attendance or (suspend) a student not meeting the requirements for immunization or exemption from immunization. Homeless students shall be referred to the liaison for homeless students and shall not be required to comply with the immunization requirements until the fifth (5th) calendar day after enrollment.

Guidance for Administrators: In Compliance

The admitting official shall deem the student to be in compliance with the requirements of this regulation if:

- A. The student's immunization record complies with the documentary proof required pursuant to A.A.C. R9-6-704, and the student has received or is in the process of receiving all required age-specific vaccine doses according to Exhibit JLCB-E; or
- B. An exemption from immunization is submitted in accordance with the procedures set forth in R9-6-706.

Note: This material is written for informational purposes only, and not as legal advice. You may wish to consult an attorney for further explanation.

**Guidance to Administrators: Records
Unavailable or Insufficient**

When the student's immunization record is not available at the time of enrollment or the documentation requirements are not met pursuant to A.A.C. R9-6-705(A)(1), the school shall provide the ~~responsible person~~ parent or guardian with the following:

- A. A written notification of the lack of compliance with the immunization requirements;
- B. An Immunization Screening and Referral Form for School K-12th Grade or other written notice that specifies when the required doses shall be completed, notes the availability of exemptions to immunization, and refers the student to a physician or local health department for review of the student's immunization history and provision of immunizations as needed; and
- C. A written notification that the student is suspended in accordance with 15-872 until an acceptable immunization record that meets the standards of documentary proof is presented to the school.

When immunization records are presented that do not comply with the standards for documentary proof, the school shall:

- A. Notify the ~~responsible person~~ parent or guardian of the lack of compliance with the immunization requirements; and
- B. ~~Obtain a review and verification of the student's immunization record by or in consultation with a certificated school nurse, a public health nurse, a licensed physician, or an authorized representative of a local health department. Refer parent or guardian to their healthcare provider or local/county health department.~~

If the admitting official is unable to verify the accuracy of the student's immunization record ~~pursuant to the preceding paragraph~~, the school shall provide to the ~~responsible person~~ parent or guardian:

- A. A written notification that the school could not verify compliance with Arizona immunization requirements on the basis of the documents provided and a written referral to a physician or local health department for further review of the student's immunization history and provision of immunizations as needed; and

B. Notification that the student is suspended until an immunization record that meets the standards of documentary proof is presented to the school.

Each school shall maintain a current list of students without evidence of immunization or immunity to the diseases listed in R9-6-702, which shall include the names of all students with incomplete immunization histories or exemptions for personal or medical reasons where evidence of immunity has not been provided.

~~Schools shall forbid attendance by a student lacking proof of immunization or immunity against any of the immunization preventable diseases as determined by the State Department of Health Services or local health department during periods of outbreaks of the diseases for which immunity is lacking. The announcement of an outbreak of disease and the length of the period of communicability shall be as declared by the state or local health department.~~

Outbreaks and School Attendance

Students who lack documentary proof of the required immunizations, regardless of exemption status, may not attend school during outbreak periods of communicable immunization-preventable diseases as determined by the Department of Health Services or local health department.

Standards for Documentary Proof of Immunity

Proof of immunity to the diseases listed in R9-6-702 shall be documented in accordance with R9-6-704.

Immunization records or statements of immunity shall be signed by a physician or authorized representative of a health agency.

Exemptions to Immunizations

~~Students who have reached their fifth (5th) birthday shall be exempt from the Hib immunization requirement.~~

~~Students who have reached their seventh (7th) birthday shall be exempt from the pertussis immunization requirement.~~

Any student with laboratory evidence of immunity shall not be subject to immunization against that disease as a condition for attending school, provided that such evidence is submitted to the school.

In accordance with A.R.S. 15-873, documentary proof is not required for a student to be admitted to school if one (1) of the following occurs:

A. The parent or guardian of the student submits a signed statement to the school administrator stating that the parent or guardian has received information about immunizations provided by the Department of Health Services, understands the risks and benefits of immunizations and the potential risks of nonimmunization, and that, due to personal beliefs, the parent or guardian does not consent to the immunization of the student.

B. The school administrator receives written certification, signed by the parent or guardian and by a physician, that states that one (1) or more of the required immunizations may be detrimental to the student's health and indicates the specific nature and probable duration of the medical condition or circumstance that precludes immunization.

An exemption pursuant to the preceding subparagraph is valid only during the duration of the circumstance or condition that precludes immunization.

If a medical exemption is granted in accordance with A.R.S. 15-873, it shall be defined by the grantor as either permanent or temporary.

A. A permanent medical exemption may be provided for one (1) or more vaccines.

B. A temporary medical exemption shall specify the date of its termination. A student with a temporary medical exemption shall be allowed to attend school on the condition that the required immunizations are obtained at the termination of the exemption. The responsible person shall be notified of the date by which the student shall complete all required immunizations.

Any exemption granted in accordance with A.R.S. 15-873 shall be recorded on the school immunization record in the student's permanent file.

~~Students who lack documentary proof of immunization shall not attend school during outbreak periods of communicable immunization-preventable diseases as determined by the Department of Health Services or local health department. The Department of Health Services or local health department shall transmit notice of this determination to the school administrator responsible for the exclusion of the students.~~

Reporting Communicable Diseases

The administrator of a school shall submit by telephone a report to the local health department any case, suspected case, or outbreak of a communicable disease as follows:

A. Within twenty-four (24) hours after detecting a case or suspected case of:

1. Cryptosporidiosis
2. Enterohemorrhagic Escherichia coli
3. Haemophilus influenzae: invasive disease
4. Hepatitis A
5. Measles
6. Meningococcal invasive disease
7. Mumps
8. Pertussis (whooping cough)
9. Rubella (German measles)
10. Salmonellosis
11. Shigellosis

B. Within twenty-four (24) hours after detecting an outbreak of:

1. Conjunctivitis: acute
2. Diarrhea, nausea, or vomiting
3. Scabies
4. Streptococcal Group A infection

C. Within five (5) working days after detecting a case or a suspected case of:

1. Campylobacteriosis
2. Varicella (chicken pox)

The report shall include:

- A. The name and address of the school
- B. The number of individuals having the disease, infestation, or symptoms
- C. The date and time the disease or infestation was detected or the symptoms began
- D. The number of rooms, grades, or classes affected and the name of each
- E. Information about each affected individual to include:
 - 1. Name,
 - 2. Date of birth or age,
 - 3. Residential address and telephone number,
 - 4. Whether the individual is a staff member, student, child in care, or a resident,
- F. The number of individuals attending or residing in the school, and
- G. The name, address, and telephone number of the person making the report.

Superintendent's Annual Report Other Required Reports

By November 15 of each year, the Superintendent shall submit a report on the immunization status of students (childcare and K-12) to the state or local health department on a form provided by the Department.

~~Each Superintendent of a school whose nurses are authorized to administer vaccines or immunizing agents shall submit monthly reports to the county health department in accordance with the procedures set forth in R9-6-707. Reports are due by the fifth (5th) day of the following month.~~

An immunization record shall be maintained for each student in the school. Pursuant to 15-874, each immunization record shall include the following information:

- A. Name of the student;
- B. Date of birth;

C. The date of the student's admission to the school;

~~D. The month and year in which each vaccine was received, except for measles, mumps, and rubella, for which the day, month, and year are required;~~ The date (day, month, and year) each required vaccine dose was received;

E. The type of immunizing agents administered to the student;

~~F. The date each dose of immunizing agent is administered to the student;~~
and

~~F.~~ The established schedule for completion of immunizations if the student is admitted to or allowed to continue to attend a school pursuant to section 15-872, subsection E;

~~G.~~ Laboratory evidence of immunity if this evidence is presented as part of a pupil's documentary proof;

~~H.~~ If an exemption from immunization as provided in section 15-873 is submitted to the school administrator, the date the exemption is submitted and the reason for the exemption;

~~By November 15 of each year, each administrator of a public school-based day care program or preschool shall submit a report to the state or local health department on a form provided by the Department.~~

~~A school shall transfer an immunization record and signed requests for provision of immunizations, including any revocations thereof, with the mandatory permanent student record and provide at no charge, on request, a copy of the immunization record to the parent or guardian of the pupil.~~

Records on Request

A school shall transfer an immunization record with the mandatory permanent student record and provide at no charge, on request, a copy of the immunization record to the parent or guardian of the pupil.

POLICY SERVICES

ADVISORY

Volume 34, Number 1

July 2022

Policy Advisory No. 716.....(*New Policy*) JLDAB — Referrals to Other Agencies
(*New Regulation*) Regulation JLDAB-R — Referrals to Other Agencies
(*New Exhibit*) Exhibit JLDAB-E --- Referrals to Other Agencies

POLICY ADVISORY DISCUSSION

This policy advisory derives from legislation passed in 2020. In 2020, the Arizona legislature passed “Jake’s Law” which created a fund that provides uninsured and underinsured children access to behavioral health services when they are referred through an educational institution—otherwise known as “school-based referrals.” To make school-based referrals, the legislature required school districts and charter schools to pass a policy that outlined the law as it relates to school-based referrals. The policy must include: (1) an opt-in process for parents; (2) a survey to parents whose children utilize school-based referrals; (3) a list of service providers published on the district website; and (4) an annual report to the Arizona Health Care Cost Containment System (AHCCCS). The policies must be published on the school’s website.

Policy Advisory No. 716

JLDAB – Referrals to Other Agencies
JLDAB-R – Referrals to Other Agencies
JLDAB-E – Referrals to Other Agencies

JLDAB, JLDAB-R, and JLDAB-E, are new to ASBA’s manual. The documents provide a mechanism for school districts and charter schools to refer children to community based behavioral health providers and to have those services paid for by the Children’s behavioral health services fund or AHCCCS. The policy is optional, meaning that the law does not require schools to make school-based referrals. However, if the school elects to make these referrals, then **a** policy is mandatory. JLDAB is a policy that enables the statute to work as intended; JLDAB-R is a regulation the Superintendent may utilize to achieve the goals of policy JLDAB; and JLDAB-E is an exhibit of the survey Superintendents may utilize to comply with the statute and policy.

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Note: This material is written for informational purposes only, and not as legal advice. You may wish to consult an attorney for further explanation.

If you have any questions, call Policy Services at (602) 254-1100. Ask for Nick Buzan, Director of Legal and Policy Services; Steve Highlen, Senior Policy Consultant; Dr. Charlotte Patterson, Policy Consultant; or Lynne Bondi, Policy Consultant. Our e-mail addresses are, respectively, [nbuzan@azsba.org], [shighlen@azsba.org], [cpatterson@azsba.org] and [lbondi@azsba.org]. You may also fax information to (602) 254-1177.

***Note:* This material is written for informational purposes only, and not as legal advice. You may wish to review the policy references and consult an attorney for further explanation**

JLDAB ©
REFERRALS TO OTHER AGENCIES

The Superintendent is authorized, at his or her discretion, to make school-based referrals to community based behavioral health providers in compliance with A.R.S. §36-3436.01.

If the Superintendent elects to provide school-based referrals for behavioral health services to a contracted behavioral health services provider pursuant to the children's behavioral health services fund established by section A.R.S. §36-3436 or for services provided through the Arizona health care cost containment system, then the Superintendent shall:

- A. Create a process to allow parents to annually opt-in to school-based referrals. (See JLDAB-R).
- B. Create a process to conduct a survey of parents whose children were referred to and received behavioral health services pursuant to A.R.S. §36-3436.01. The survey must meet the requirements of A.R.S. §36-3436.01(2). (See JLDAB-E)
- C. Post a list of behavioral health services providers with whom the school contracts on the school's website.
- D. Post this policy on the applicable school website.
- E. At the end of each school year, report to the Arizona health care cost containment system administration the school survey results. (See JLDAB-E)

Adopted: <-- z2AdoptionDate -->

LEGAL REF.:
A.R.S.
36-3436.01

JLDAB-R ©

REGULATION

REERRALS TO OTHER AGENCIES

**(Community Based Behavioral Health Providers -
Parental Consent and Surveys)**

Parental Consent

Annually, at student enrollment, the Superintendent will provide parents an opportunity to opt- in to school based behavioral health referrals.

Surveys

By statute, school districts are required to have a process for conducting a survey and reporting the results to Arizona Health Care Cost Containment System (AHCCCS). The Superintendent may rely on the AHCCCS generated survey, found here: <https://forms.gle/siXH3bgmn3xfw9qk9>. (See JLDAB-E). This survey reports the required data to AHCCCS in real time eliminating the need for end of the year reporting.

The Superintendent may develop a process which includes the AHCCCS survey being administered by partnering community based behavioral health providers. If the Superintendent chooses to conduct their own survey, they must report it to Arizona Health Care Cost Containment System as required by law, report to BHschools@azahcccs.gov.

JLDAB-E ©

EXHIBIT

**REFERRALS TO OTHER AGENCIES
SURVEY**

Surveys

The following survey was created by the Arizona health care cost containment system. It can be found at: <https://forms.gle/siXH3bgmn3xfw9qk9>. The results will be recorded by AHCCCS and sent to the Governor annually. This survey meets the requirement of statute.

**Behavioral Health
Services Survey**

You are being invited to complete this survey as a parent/guardian whose child/children were referred for behavioral health services through their school. This information will be used to improve the process for referrals and use of behavioral health services through schools. Unless you choose to include your personal information, your responses are anonymous.

Some definitions to consider: behavioral health services means treatment for the connection between the health and well-being of the body and the mind including mental and substance use issues; referral means direction for services from the school to a provider.

Interpretation services can be provided at no cost, if needed. For interpretation services, or any other questions, please ask your provider for assistance in completing the survey.

*** *Required***

What is your child's age? * _____

What school does your child attend? * _____

What grade is your child in? * _____

What is your child's gender? * _____

What is your child's race? * _____

Note: This material is written for informational purposes only, and not as legal advice. You may wish to consult an attorney for further explanation.

How happy were you with the way in which you were asked about consenting to, or opting-in, for your child to be referred for behavioral health services? *

Very Unhappy 😞

- 1
- 2
- 3
- 4
- 5

Very Happy 😊

How happy were you with the way you were notified of your child being referred for behavioral health services? *

Very Unhappy 😞

- 1
- 2
- 3
- 4
- 5

Very Happy 😊

How happy were you with the behavioral health services that your student received? *

Very Unhappy 😞

- 1
- 2
- 3
- 4
- 5

Very Happy 😊

How happy were you with the choice of behavioral health service providers? *

Very Unhappy 😞

- 1
- 2
- 3
- 4
- 5

Very Happy 😊

If needed again in the future, would you consent to, or opt-in to, a referral for behavioral health services through your student's school? *

___ Yes

___ No

If you would like to give any additional comments, please add here.