



Desert Sage School

Reimagining High School Education

Policy Manual

Adopted by the Governing Board

on September 18, 2022

Introduction

The Desert Sage School Governing Board shall be guided by, and reference in all their policies, the mission, vision and values of Desert Sage School:

Mission Statement

Guided by the Principles of Public Waldorf Education, we celebrate diversity, embrace equity, and cultivate inclusion to create space for an educational experience that bridges opportunity gaps, develops students' academic and life skills, and inspires lifelong learning.

Vision Statement

We envision a world where an unwavering belief in the dignity of truth honors and celebrates each student's unique gifts and empowers their self-agency.

Values Statement

We engage our students, their peers and families, and the larger community through:

- Deep and meaningful relationships of respect and empathy
- Arts-infused exploration and project-based collaboration
- Community and global action that sustains the planet our students will inherit



Desert Sage School

Reimagining High School Education

GOVERNING BOARD POLICIES TABLE OF CONTENTS

SECTION 1: Governing Board.....	1.1
SECTION 2: School Finances	2.1
SECTION 3: School Safety	3.1
SECTION 4: School Administration	4.1
SECTION 5: Employees	5.1
SECTION 6: Special Education and Section 504	6.1
SECTION 7: Students.....	7.1
SECTION 8: Community Relations	8.1
SECTION 9: Title IX—Sexual Discrimination and Sexual Harassment Grievance Procedures	9.1
SECTION 10: Conflict of Interest Policy.....	10.1

SECTION 1

GOVERNING BOARD

1.1. Policy Governance Board. The Governing Board is responsible for setting policies for the School, for approving the School's budget, and for such other responsibilities as required by law or these policies. The Governing Board hereby delegates to the School's Leadership Team the authority to make all administrative and operational decisions necessary to implement the School's policies and Arizona law, and to operate a successful school.

In light of the Governing Board's policy role, School employees who have grievances or employment-related issues must communicate with a member of the School's Leadership Team about those issues or concerns. Except otherwise indicated in policy, the Governing Board delegates all authority to the School's Leadership Team to make all decisions regarding grievances or employment-related issues raised by School employees.

1.2 Governing Board Member Responsibilities. The Governing Board shall, as a whole, be responsible for making all employment decisions regarding School's Leadership Team's positions. The Governing Board shall support the School's Leadership Team and review members of the School's Leadership Team's performance as deemed appropriate, but at a minimum in connection with any contract renewal decisions.

Other responsibilities of Governing Board members will be set forth in the Bylaws or determined by the Governing Board at a public meeting.

Governing Board members are responsible for maintaining all documents that are related to the School and/or their work on behalf of the School as required by law. Governing Board members shall work with the School's Leadership Team to provide copies of any documents that must be disclosed pursuant to a Public Records Law request.

1.3 Governing Board Meetings. The Governing Board shall meet at such times as it believes are necessary to the efficient operation of the School and as required by Arizona law for purposes of approving the School's budget and other required submissions.

The Governing Board shall follow Arizona's Open Meeting Law, as applicable, for all meetings, including public sessions, executive sessions and emergency meetings.

The School's Governing Board may hold meetings with any or all Governing Board members participating by phone or computer, so long as members of the public are informed about how they can attend and listen to the meeting.

Meeting agendas and supporting materials will be distributed to the School's Governing Board members, in the manner requested by each Governing Board member, no less than 24 hours in advance of a meeting.

The agenda for Governing Board meetings shall be in a format decided by the Board Chair, in consultation with the School's Leadership Team, and shall list the specific matters to be discussed, considered or decided at the meeting. The agendas will be prepared by the Governing

Board Secretary in consultation with the Governing Board President. Members of the Governing Board who wish to place an item on an agenda must notify the Governing Board Chair at least two (2) calendar days in advance of the meeting date of the item they wish to include on the agenda. In recognition of the fact that the meeting is for the Governing Board to conduct such business as it deems appropriate, agenda items suggested by the School's Leadership Team, School employees or members of the School community will be included on a meeting agenda solely at the discretion of the Governing Board President. The School's Governing Board President shall have the sole discretion to determine whether a matter shall be included on a consent agenda.

The School's Governing Board meetings do not need to comply with *Roberts Rules of Order*. The School's Governing Board President is responsible for the orderly conduct of all meetings, and the Governing Board President may use Roberts Rules of Order as a guide in maintaining order to the extent necessary.

1.4 Conflicts of Interest. Governing Board members shall comply with the School's Conflict of Interest Policy, which is Policy 10, and the School's Policy governing procurement, which is Policy 2.2.

SECTION 2

SCHOOL FINANCES

2.1 Accounting Policy. The School will follow accounting policies and procedures that comply with generally accepted accounting principles (GAAP). This includes using an accounting system that provides for the proper recording and reporting of financial data and following standard internal control procedures. The School will utilize a chart of accounts that has been developed to align with the chart of accounts found in the Uniform System of Financial Records for Charter Schools (USFRCS) for the purposes of complying with budgeting and annual financial reporting. Revisions will be made periodically for changes in laws, regulations and accounting pronouncements that cover charter school accounting, financial reporting and compliance with state and federal laws.

2.2 Procurement Policy. The School will follow accounting policies and procedures that comply with generally accepted accounting principles (GAAP). Any procurement of goods and services shall be made by the procurement officer/authorized agent, in the best interest of the school, upon considering the totality of the circumstances surrounding the procurement, which may include but not be limited to, price, quality, availability, timelines, reputation and prior dealings.

The School shall not purchase any goods or services from any member of the governing board, an immediate family member of any member of the governing board nor from any entity in which any member of the governing board or an immediate family member of a governing board member may benefit from such a procurement, unless authorized by the governing board after a full disclosure of the potential benefits, and after the consideration set forth in paragraph 1 above.

Further, the School understands that the policy cited above applies to purchases made using nonfederal funds. As a condition of the receipt of certain federal funds, federal procurement requirements still apply.

2.3 Capitalization Policy. The School shall capitalize all acquisition of land, buildings, leasehold improvements and furniture and equipment having a unit cost of \$1,000 or more (per item, not total purchase), having a useful life of one year or more, or \$3,000 for building improvement. Generally, capitalized costs will include transportation and installation. Legal and professional fees, and interest on financing are also included in costs incurred during the construction or major renovation phase of a building. Normal maintenance and repair expenditures are expensed as incurred. Any items subject to the Capitalization Policy described above are subject to depreciation. The Treasurer of the Governing Board and the bookkeeper/accounting specialist will account for depreciation based on the School's inventories.

2.3 School Budget and Data Collection. The Leadership Team shall each year develop a proposed budget on or before June 30, to be approved and uploaded to the Arizona Department of Education by July 5 and to be presented to the Governing Board at a public meeting and preceded by a public hearing, for modification, rejection or approval by July 15. The deadlines set forth in this policy may be modified if the deadlines established by the Arizona Department of Education are modified. The Leadership Team shall ensure that all other state and federal budget and data collection deadlines are met.

2.4 Payment and Contract Authority.

Both commercial and non-commercial contracts must be reviewed, approved, and executed in accordance with both this policy and the School’s conflict of interest policy, Policy 10. Board resolutions, as required below, must be approved in accordance with Arizona’s Open Meeting Law.

	Leadership Team	President’s Signature	Governing Board Resolution
<ul style="list-style-type: none"> • Budgeted financial obligations of \$50,000 or less; or • Term is twelve (12) months or less. 	Required	Not Required	Not Required
<ul style="list-style-type: none"> • Budgeted financial obligations between \$50,000 and \$100,000; or • Term more than twelve (12) months. 	Required	Required	Not Required
Budgeted financial obligations of \$100,000 or more.	Required	Required	Required
Any unbudgeted financial obligation.	Required	Required	Required If greater than \$100,000

In this policy, “unbudgeted financial obligation” means any financial obligation that is either (i) *not* contemplated in any category of the current Governing Board approved budget, or (ii) *is* contemplated in a category of the current Governing Board approved budget but is expected to result in exceeding the budgeted allocation for that category.

The School's Leadership Team may delegate to other School employees or agents any of the Leadership Team's authority identified above; provided, however, that absolutely no staff member, Governing Board member, volunteer, or agent is authorized to incur any expense or otherwise enter into a binding obligation in the School's name without the prior written approval or authorization of the Leadership Team.

2.5 Sale or Lease of School Property. Whenever the School has personal property (i.e., desks, file cabinets, materials, equipment) that the School no longer needs, the Leadership Team may decide to sell or lease such surplus property in whatever manner the Leadership Team deems most appropriate to maximize the School's revenue.

2.6 Annual Audit. The financial statements and other School records will be audited by an independent certified public accountant, annually, in conformance with the prescribed standards and legal requirements. The Leadership Team shall retain qualified a certified public accountant to perform this audit in accordance with Arizona law and regulations. The Leadership Team shall work with the auditor to submit it by the legal deadline. Prior to submission to the Arizona State Board for Charter Schools and the Arizona Department of Education, the audit report and the Legal Compliance Questionnaire shall be presented to the Governing Board for approval by roll call vote.

2.7 Travel and Reimbursement. The School shall pay reasonable travel expenses for those who travel on School business and whose trip has been approved in advance by the Leadership Team. These expenses include registration, transportation, meals, lodging, tolls, and parking charges. Other expenses are reimbursed only when properly accounted for by an individual and approved by the Leadership Team.

2.8 Insurance. The School shall maintain adequate insurance programs to cover property, liability and personnel, within the requirements of good risk management and state law. Every effort shall be made to obtain insurance at the most economical cost consistent with required service by obtaining quotations or by negotiations, whichever method is advantageous to the School. Liability coverage should include comprehensive general liability, employee benefits liability, vehicular liability and Governing Board (D&O) liability.

2.9 Gift Acceptance Policy. The School's Governing Board, officers, and staff are authorized to solicit gifts on behalf of the School and in compliance with this policy; however, only the Governing Board (by resolution), the Leadership Team, or such other persons or committees specifically designated by the Governing Board or the Leadership Team are authorized to accept gifts on behalf of the School.

The School will generally accept all unrestricted gifts of cash or cash equivalents, regardless of amount. Checks or money orders must be made payable to the School and may not be made payable to any individual representing the School. The School may accept, in its discretion, gifts of in-kind services or goods, including tangible personal property, if they directly serve a need of the School. Other types of gifts, including real property or personal property, will be reviewed by the Governing Board and the Leadership Team to determine whether they will be accepted by the School and under what terms and conditions.

The School shall provide acknowledgments to donors in accordance with the Internal Revenue Code's substantiation requirements for property received by the School as a gift. Similarly, the School will complete all tax filings required by the IRS in connection with gifts received by the School. The School will not complete any IRS filings required of the donor. The Leadership Team, or their designee, is responsible for providing such acknowledgments and for completing all necessary tax forms.

SECTION 3

SCHOOL SAFETY

3.1 Reporting Suspected Criminal Conduct. The purpose of this school safety policy is to generally set forth the principles by which the School responds to threats against the School and its students, employees, and volunteers. Given the sensitivity of the subject matter contemplated by this policy, this is intentionally a non-exhaustive consideration of the School's safety protocols; therefore, this policy supplements but does not replace any other safety protocols or applicable state or federal laws governing the School's obligations to maintain a safe learning environment.

In order to comply with A.R.S. § 15-153, the School's Leadership Team or a designee, will report to local law enforcement any suspected crime against a person or property that (i) is a Serious Offense or involves a Deadly Weapon or Dangerous Instrument or Serious Physical Injury; or (ii) any conduct that poses a threat of death or Serious Physical Injury to a School employee, student, or other person on the School's property (collectively, "Suspected Criminal Conduct"). All capitalized terms in this paragraph have the meaning set forth in Arizona law.

In accordance with applicable state and federal law, including FERPA, the School's Leadership Team or their designee, will notify the parent or guardian of each student who is involved in Suspected Criminal Conduct. School employees are expected to report and document any Suspected Criminal Conduct by immediately notifying any member of the School's Leadership Team of the incident and promptly preparing a written report of the incident and providing the report to a member of the School's Leadership Team. The School may, in its discretion, discipline any School employee who the School believes failed to properly report and document Suspected Criminal Conduct, and the School will maintain a record of such disciplinary action. In accordance with applicable law, the School will, upon reasonable request, make such a disciplinary record available to a public school considering hiring that employee.

3.2 Parental Notification. In accordance with A.R.S. § 15-186.01, if the School determines a student has been harassed, threatened, or intimidated on School grounds or in a manner that substantially disrupts the School's learning environment, the School's Leadership Team or their designee, will notify the parent or guardian of that affected student. Threatening or intimidating behavior and harassment have the meanings set forth in A.R.S. § 15-186.01.

3.3 Interference with or Disruption of the School. No person shall engage in conduct that may cause interference with or disruption of the School, as set forth in A.R.S. § 13-2911. Interference with or disruption of the School includes any act that might reasonably lead to the evacuation or closure of the School or the postponement, cancellation or suspension of any class or other school activity. For the purposes of this policy, an actual evacuation, closure, postponement, cancellation or suspension is not required for the act to be prohibited.

In addition to the acts prohibited by A.R.S. § 13-2911, the Governing Board has determined that students, faculty, staff and all members of the general public, will be deemed to interfere with or disrupt the School's educational purposes by committing any of the following while on School property:

- Illicit use, possession, distribution, or sale of tobacco, alcohol, or drugs, other controlled substances, or other illegal contraband on School property or at school-sponsored functions.
- Use of speech or language that is offensive or inappropriate given the public school educational environment and the age of the students.
- Failure to comply with the lawful directions of School officials or of School security officers or other law enforcement officers acting in performance of their duties, and failure to identify oneself to such officials or officers when lawfully requested to do so.
- Knowing violation of a School rule.
- Any conduct constituting an infraction of any federal, state, or city law or policy of the Governing Body.
- Carrying or possessing a weapon on school grounds unless the individual is a peace officer or has obtained specific authorization from the appropriate school administrator.
- Taking any other action that disrupts the educational purposes of the School.

If an individual is determined by School personnel, in their sole discretion, to have engaged in an act that interferes with or disrupt the School's educational purposes, the School may take whatever action is necessary to maintain and ensure order, including ejection from the School property, prohibiting the individual from entering the School property in the future (a "trespass notice"), suspension or expulsion (in the case of a School student), or such other disciplinary action as the School deems appropriate, including referral to law enforcement.

3.4 Safety Program. In addition to ensuring compliance with Policy 3.3, the Leadership Team shall establish procedures to protect the safety of students, employees, visitors and others present on School property or at School-sponsored events. The procedures will include plans for addressing fire and other health and safety threats.

3.5 Student Transportation. For School-sponsored functions, students may be transported only in School-approved vehicles operated by School-authorized personnel unless specific approval from the Leadership Team has been obtained in advance.

SECTION 4

SCHOOL ADMINISTRATION

4.1 Leadership Team. The Governing Board shall employ members of the Leadership Team for the School, who, collectively, shall carry out the administrative duties for the School's operations and operational decisions. The Governing Board shall determine the necessary qualifications for members of the Leadership Team in its sole discretion.

4.2 Delegation of Authority. Unless prohibited by law or specifically withheld by the Governing Board, the Leadership Team shall have the authority to take all action necessary to administer the School in compliance with Arizona and federal law and regulations and enforce the policies of the Governing Board. The Leadership Team shall have the authority to hire, fire and take any other appropriate disciplinary actions related to the School's other employees. The Leadership Team may delegate to other School employees any of the Leadership Team's powers, provided that the Leadership Team continues to be responsible to the Governing Board for the satisfactory execution of the delegated powers. The Leadership Team shall have the authority to implement action if a situation should develop that is not covered by established Governing Body policy.

4.3 Leadership Team Duties. The Leadership Team shall be responsible for all School operations and administrative decisions, including:

- Serving as a consultant to the President and Secretary of the Governing Board, who serve as the School's charter representative for purposes of interactions with the Arizona State Board for Charter Schools, including preparing and submitting any documents or monitoring required by that Board.
- Overseeing the academic performance of the School.
- Overseeing the preparation of the School's enrollment materials, handbooks and any other publications or manuals.
- Selecting and supervising all School employees, including ensuring compliance with fingerprint clearance card requirements.
- Providing periodic financial reports that show the financial condition of the School to the Governing Board.
- Preparing the School's budget and other financial documents and monitoring required by the Arizona Department of Education.
- Coordinating the preparation and submission of the School's annual financial and legal compliance audit, including selection of the audit firm who will perform the audit.
- Establishing procedures to protect the health and safety of students, employees and visitors while on campus or at schools-sponsored events and in compliance with the law.

4.4 Leadership Team Evaluation. In compliance with A.R.S. § 15-189.06, the Governing Board will evaluate the performance of the Leadership Team members at least

annually using the system developed and adopted by the Governing Board for the evaluation of Leadership Team members, along with any other performance criteria the Governing Board may desire or as may be required by the Leadership Team members' contracts. Additionally, the annual evaluation will include an evaluation of the School's Pedagogical Director whose primary responsibility is to oversee the academic performance of the School. The system shall be presented to the Governing Board, for consideration at a public meeting. The system shall be designed to improve teacher performance and student achievement, and shall include the four performance classifications required by statute. It shall also describe the information required by statute.

4.5 Parental Rights. The Leadership Team has the responsibility of keeping parents informed as to the purpose, goals, methods, and progress of the School's educational program. To that end, the Leadership Team shall implement procedures that promote the involvement of parents in the School and their children's learning. The Leadership Team shall be responsible for ensuring that a link to the charter school version of the *Parental Rights Handbook* is prominently posted on the School's website, as required by law. The Leadership Team shall also be responsible for ensuring that the School's Parent Visit Policy is available on the School's website, following its adoption by the Governing Board and as required by law.

4.6 Records Retention and Public Records. The Leadership Team shall implement and oversee the School's storage and maintenance of all records, including student records and other public records that are required by law to be maintained. The Leadership Team shall oversee responses to public records requests and establish reasonable fees for providing hard copy documents in response to a public records request, but in no event shall the per page fee be less than 25 cents.

The School shall maintain and destroy all records in accordance with the Arizona State Library, Archives & Public Records record retention schedule applicable to charter schools, as amended from time to time.

The Leadership Team shall designate an employee to serve as the contact for public records requests and shall ensure that the required contact information for that employee is provided on the School's website, as required by law.

4.7 School Calendar. Before the next school year, the Leadership Team shall set the School calendar and schedule, including instructional days, vacation days and class time after consulting with parents as deemed necessary and appropriate.

4.8 Required Links on School Website. In addition to links to the *Parental Rights Handbook* and the Parent Visit Policy, and information regarding the contact information for a public records employee, all discussed above, the Leadership Team shall ensure that all of the required links to information or other websites are prominently posted on the School's website. These links include, but are not limited to, salary information, School budget information, and the School's Performance Dashboards.

SECTION 5

EMPLOYEES

5.1 Hiring Practices. The School is an Equal Employment Opportunity employer, and it does not discriminate against employees or qualified job applicants on the basis of race, religion, color, sex, age, national origin, disability, veteran status, marital status, sexual orientation, genetic information, or any status or condition protected by federal, state, or local law or ordinance. This policy extends to, but is not limited to, recruitment, selection, compensation, benefits, promotion, training, and termination.

5.2 Immigration Law Compliance. The School will not hire anyone who is not authorized to work in the United States under the Immigration Reform and Control Act of 1986. As a condition of employment, all employees must show valid proof that they are eligible to work in the United States. The School also complies with the provisions of A.R.S. § 23-211 *et seq.* regarding employment of unauthorized aliens and the use of the E-Verify program.

5.3 Fingerprint Clearance Cards and Fingerprint Checks. The Leadership Team shall ensure that all employees hold a current, valid fingerprint clearance card or have been fingerprint checked, as applicable under Arizona law. The Leadership Team shall implement a system to flag fingerprint clearance cards that will be expiring during the school year and monitoring the employee's renewal of such fingerprint clearance care.

5.4 Employee Handbook. The Leadership Team shall oversee the preparation of an *Employee Handbook*, which will set forth the procedures and processes related to the School's employment and shall be consistent with law, regulation, and best practices. The *Employee Handbook* shall be provided to all employees and shall be updated as deemed appropriate and necessary by the Leadership Team. To the extent that the provisions of the *Employee Handbook* contradict these policies, the provisions of these policies shall govern. Each time the *Employee Handbook* is updated, the Leadership Team shall provide a copy of the updated version to the Governing Board for approval prior to the beginning of the new school year.

5.5 Employee Code of Conduct. In addition to addressing other issues as deemed appropriate by the Leadership Team, the *Employee Handbook* shall include an Employee Code of Conduct that provides guidelines regarding expected employee behavior. The *Employee Handbook* shall also include procedures for employee discipline, suspension, or termination in the event of behavior that violates the principles set forth in the Code of Conduct.

5.6 Tobacco-Free Workplace Policy. Consistent with A.R.S. § 36-798.03, tobacco products are prohibited on all sites where students attend school, in school buses and vehicles, and at off-campus School-sponsored events. This policy includes school grounds, buildings, parking lots, and playing fields, or anywhere that an employee could be reasonably expected to encounter students during the school day. Any violation of this policy may result in disciplinary action.

The prohibitions do not apply to an adult when possession or use of the tobacco products are for demonstration purposes as a necessary instructional component of a tobacco prevention or cessation program that is approved by the School and complies with A.R.S. § 15-712.

5.7 Drug-Free Workplace Policy. The School is committed to protecting the safety, health, and well-being of all students, employees, and other individuals in our workplace. No employee shall manufacture, distribute, dispense, possess, or use, on or in the workplace, alcohol or any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, or any other controlled substance. This policy applies to any:

- School building or any School premises.
- School-owned vehicle or any other School-approved vehicle used to transport staff members or students to and from school or school activities or on school business.
- School-sponsored or School-approved activity, event, or function where students or staff members are under the jurisdiction of the School.
- property owned, leased, or used by the School for any educational or School business purpose.

Each employee must notify the School of any criminal drug violation within five (5) calendar days of the conviction.

The School shall not discriminate against a person in hiring, termination or imposition of any term or condition of employment or otherwise penalize a person on the basis of the person's status as an eligible medical marijuana cardholder, or as a registered qualifying patient, having a positive drug test for marijuana components or metabolites, unless the person used, possessed or was impaired by marijuana on School property; at a School-sponsored activity, event or function; or during the hours of the persons regular or extended hours of employment, or as prescribed by law.

5.8 Communicable Disease. The School shall take reasonable and lawful measures to protect students and staff members from the transmission of communicable diseases. The Leadership Team is authorized to adopt such procedures as are necessary to implement this policy in a manner consistent with state and federal laws, including excluding employees from School if the employee presents a direct threat to the health or safety of the School community. 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 an employee who has a communicable disease. The procedures adopted by the Leadership Team may include the requirement for a physician's written medical release as a condition for the employee's return to work. If an outbreak of a communicable disease occurs in a school setting, the Leadership Team shall promptly inform the School community, as necessary and appropriate under the circumstances. This policy shall not be used to violate an employee's rights under the Americans with Disabilities Act or Section 504 of the Rehabilitation Act.

5.9 Digital Communications. The Leadership Team shall establish which digital technologies and platforms are approved for use by employees to communicate with parents and students. The Leadership Team shall inform all employees at the beginning of each school year and any newly hired employees during the school year of the approved technologies for use in communicating with students and parents.

5.10 Employee Orientation. The Leadership Team will establish an orientation program for all new School employees. At a minimum, the orientation will cover the School's mission, essential operational issues, and personnel policies, including the *Employee Handbook*.

5.11 Teacher Evaluations. In compliance with A.R.S. § 15-189.06, the Leadership Team shall develop a system and measures to evaluate the performance of teachers, which shall be presented to the Governing Board, for consideration at a public meeting. The system shall be designed to improve teacher performance and student achievement, and shall include the four performance classifications required by statute.

5.12 Principal Evaluations. In compliance with A.R.S. § 15-189.06, the Leadership Team shall develop a system and measures to evaluate the performance of the School's Pedagogical Director whose primary responsibility is to oversee the academic performance of the School, which shall be presented to the Governing Board, for consideration at a public meeting. The system shall be designed to improve teacher performance and student achievement, and shall include the four performance classifications required by statute. It shall also describe the information required by statute.

5.13 Other Employee Evaluations. The Leadership Team shall determine and implement whatever additional evaluations of School employees the Leadership Team believes are appropriate. The Leadership Team shall determine the format, procedures, timelines, and methods to be used for the evaluations.

5.14 Whistleblower Policy. The School requires Governing Board members, officers, and employees to observe high standards of professional and personal ethics in the conduct of their duties and responsibilities. It is the responsibility of all Governing Board members, officers, and School employees to report ethics violations or suspected violations in accordance with this Policy.

The School has an open-door policy and suggests that employees share their questions, concerns, suggestions, or complaints with someone who can address them properly. In most cases, an employee's supervisor is in the best position to address an area of concern; however, if an employee is not comfortable speaking with their supervisor or they are not satisfied with their supervisor's response, they are encouraged to speak with a member of the Leadership Team, who will promptly investigate the reported allegations.

For suspected fraud or violation of law by any employee, or if a complaint is regarding one or more members of the Leadership Team, individuals should contact a member of the Governing Board directly. The School's Governing Board is responsible for investigating and resolving all reported complaints and allegations concerning such violations.

Violations or suspected violations may be submitted on a confidential basis by the complainant or may be submitted anonymously. Reports of violations or suspected violations will be kept confidential to the extent possible, consistent with the need to conduct an adequate investigation. No Governing Board member, officer, or employee who in good faith reports an ethics violation may suffer harassment, retaliation, or adverse employment consequence. An employee who retaliates against someone who has reported a violation in good faith is subject to discipline up to and including termination of employment. This policy is intended to encourage and enable employees and others to raise serious concerns within the School prior to seeking resolution outside the School.

All reports will be promptly investigated by either the Leadership Team or the Governing Board, as appropriate, and appropriate corrective action will be taken if warranted by the investigation.

5.15 Contractor Fingerprint Clearance Cards. Pursuant to ARS § 15-512 (h), the Governing Board or other approved hiring authority such as the Leadership Team of Desert Sage School may, dependent on the type of work the contractor may be doing, exempt a contractor from holding a fingerprint clearance card if the contractor will not have contact with students; i.e. works nights or weekends when no students are present in the school building, or works entirely offsite. The Governing Board will conduct confidential criminal background checks on prospective contractors who provide services regularly, with no students present, as a condition of their employment, the results of such background checks to be kept in the School's confidential files.

SECTION 6

SPECIAL EDUCATION AND SECTION 504

SPECIAL EDUCATION/IDEA

The School abides by the requirements of applicable federal and state laws in serving students with disabilities, including the Individuals with Disabilities Education Act (IDEA), A.R.S. § 15-761, et seq., and A.A.C. § R7-2-401, et seq. Consistent with these requirements, the School has established, implemented, and made available to parents and school-based personnel the special education policies and procedures set forth herein. To the extent applicable to charter schools generally, and to the grade levels served by the School, the School's written special education policies and procedures include those set forth in the most current version of the Arizona Department of Education's Policy & Procedure Checklist, as updated, which is incorporated herein and is available electronically to school-based personnel and all parents at: <https://cms.azed.gov/home/GetDocumentFile?id=5b2a8ac81dcb250f1c55e667>. The statutory and rule citations included in the policies below reflect the law or regulation on which the policy or procedures are based.

6.1 Child Find.

Policy: The School will ensure that all children with disabilities enrolled in and in need of special education and related services are identified, located and evaluated. Procedures for child identification and referral shall meet the requirements of the IDEA and its regulations, A.R.S. Title 15, Chapter 7, and the State Board of Education rules R7-2-401.

Procedures:

- §300.111 Child Find.
 - 1) The School will identify, locate and evaluate all children with disabilities within their population served who are in need of special education and related services.
 - 2) Child find must also include children who are suspected of being a child with a disability and in need of special education, even though: a) they are advancing from grade to grade, or b) are highly mobile children, including migrant children.
 - 3) The School will maintain a record of children who are receiving special education and related services.
 - 4) Identification (screening for possible disabilities) shall be completed within 45 calendar days after: a) entry of each preschool or kindergarten student and any student enrolling without appropriate records or screening, evaluation, and progress in school; or b) notification to the School by parents of concerns regarding the developmental or educational progress by their child (ages 3 years through 21 years).
 - 5) Screening procedures shall include vision and hearing status and consideration of the following areas: a) Cognitive or academic; b) Communication; c) Motor; d) Social or behavioral; and e) Adaptive development. Screening procedures do not include detailed and comprehensive evaluation procedures.

6) For a student transferring into a school, the School shall review enrollment data and educational performance in the prior school. If there is a history of special education for a student not currently eligible for special education or poor progress, the name of the student shall be submitted to the administrator for consideration of the need for a referral for a full and individual evaluation or other services.

7) If a concern about a student is identified through screening procedures or review of records, the parents of the student shall be notified of the concern within 10 school days and informed of the School's procedures to follow-up on the student's needs.

8) The School shall maintain documentation of the identification procedures utilized, the dates of entry into school, notification by parents of a concern and the dates of screening. The results shall be maintained in the student's permanent records.

9) If the identification process indicates a possible disability, the name of the student shall be submitted to the administrator for consideration of the need for a referral for a full and individual evaluation or other services. A parent or student who has reached the age of majority may request an evaluation of the student.

10) If, after consultation with the parent, the School determines that a full and individual evaluation is not warranted, the School shall provide prior written notice and procedural safeguards notice to the parent in a timely manner.

- AAC R7-2-401.C Public Awareness: The School shall inform the general public and parents within its boundaries of responsibility of special education services for students aged 3 through 21 years and how to access those services, including information regarding early intervention services for children aged birth through 2 years.
- AAC R7-2-401.D Child Identification and Referral: The School shall establish, implement and make available (either in writing or electronically) to its school-based personnel and all parents within the School's boundaries of responsibility, written procedures for the identification and referral of all children with disabilities, birth through 21 years. The School will require the appropriate school-based personnel to review the written procedures related to child identification and referral on an annual basis and maintain documentation of the school-based personnel review.

6.2 Confidentiality.

Policy: The School will ensure that protection of the confidentiality of any personally identifiable data, information, and records collected or maintained by the School will be in accordance with §§300.611 through 300.627.

Procedures:

- §300.613 Access Rights.
 - 1) The School must permit parents to inspect and review any education records relating to their children that are collected, maintained or used by the School under IDEA. The School must comply with a request without unnecessary delay and in no case

more than 45 days after the request has been made, and before: a) Any IEP meeting; b) Any hearing involving a due process complaint or disciplinary hearing; or c) Any resolution session.

2) The right to inspect and review education records includes: a) The right to a response from the School to reasonable requests for explanations and interpretations of the records; b) The right to request that the School provide copies of the records if failure to provide those copies would effectively prevent the parent from exercising the right to inspect and review the records; and c) The right to have a representative of the parent inspect and review the records.

3) The School may presume that the parent has authority to inspect and review records relating to his or her child unless the School has been advised to the contrary by legal proceeding involving guardianship, separation and divorce.

- §300.614 Record of Access. The School will keep a record of parties obtaining access to education records collected, maintained or used under IDEA (except access by parents and authorized employees of The School, including: a) The name of the party; b) The date access was given; and c) The purpose for which the party is authorized to use the records.

- §300.615 Records on More Than One Child. If any education record includes information on more than one child, the parents of those children have the right to inspect and review only the information relating to their child.

- §300.616 Lists of Types and Locations of Information. The School must provide parents on request a list of the types and locations of education records collected, maintained or used by the School.

- §300.617 Fees

1) The School may charge a fee for copies of records that are made for parents if the fee does not effectively prevent the parents from exercising their right to inspect and review records.

2) The School may not charge a fee to search for or to retrieve information.

- §300.618 Amendment of Records at Parent's Request.

1) A parent who believes that information in the education records collected, maintained or used by the School is inaccurate or misleading or violates the privacy or other rights of the child, may request the School to amend the information.

2) The School must decide whether to amend the information in accordance with the request in a reasonable period of time of receipt of the request.

3) If the School refuses to amend the information in accordance with the request, it must inform the parent of the refusal and advise the parent of the right to a hearing under §300.619.

- §300.619 Opportunity for a Hearing. The School must, on request, provide an opportunity for a hearing to challenge information in education records to ensure that it is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the child.
- §300.620 Result of Hearing
 - 1) If, as a result of a hearing, the School decides to amend information determined inaccurate, misleading, or otherwise in violation of the privacy or other rights of the child, it must do so accordingly and so inform the parent in writing.
 - 2) If, as a result of a hearing, the School decides that the information is not inaccurate, is misleading, or otherwise in violation of the privacy or other rights of the child, it must inform the parent of the parent's right to place in the maintained records a statement commenting on the information or setting forth any reasons for disagreeing with the School's decision.
- §300.622 Consent
 - 1) Parental consent must be obtained before personally identifiable information is disclosed to parties other than participating agencies, unless the information is contained in education records and the disclosure is authorized without parent consent under FERPA.
 - 2) Parental consent must be obtained before personally identifiable information is released to officials of participating agencies providing or paying for transition services in accordance with §300.321.
 - 3) If a child is enrolled, or is going to enroll, in a private school that is not located in the boundaries of the district of the parent's residence, parental consent must be obtained before any personally identifiable information about the child is released between officials in the district where the private school is located and officials in the district of the parent's residence.
- AAC R7-2-401.J(4) Confidentiality: Upon receiving a written request, the School shall forward special education records to any other public education agency in which a student has enrolled or is seeking to enroll. Records shall be forwarded within the time-frame specified in A.R.S 15-828(F). The public education agency shall also forward records to any other person or agency for which the parents have given signed consent.
- §300.623 Safeguards
 - 1) The School must protect the confidentiality of personally identifiable information at collection, storage, disclosure, and destruction stages.
 - 2) One official at the School must assume responsibility for ensuring the confidentiality of any personally identifiable information.

3) All persons collecting or using personally identifiable information must receive training or instruction regarding the State's policies and procedures under 300.123 and FERPA (34 CFR part 99).

4) The School must maintain, for public inspection, a current listing of the names and positions of its employees who may have access to personally identifiable information.

- AAC R7-2-401.J(1) Confidentiality: The School shall establish, implement, and make available to its personnel and parents written policies and procedures to ensure the confidentiality of records and information in accordance with the Individuals with Disabilities Education Act (IDEA) and its regulations, the Family Educational Rights and Privacy Act (FERPA) and its regulations, and state statutes.

- §300.624 Destruction of Information

1) The School must inform parents when personally identifiable information collected, maintained, or used for IDEA purposes is no longer needed to provide educational services to the child.

2) The information must be destroyed at the request of the parents. However, a permanent record of a student's name, address, and phone number, his or her grades, attendance record, classes attended, grade level completed, and year completed may be maintained without time limitation.

- AAC R7-2-401.J(2) Confidentiality: Parents shall be fully informed about the requirements of the IDEA and regulations, including an annual notice of the policies and procedures that the School shall follow regarding storage, disclosure to a third party, retention, and destruction of personally identifiable information.

- §300.625 Children's Rights

1) The rights of the parents regarding educational records are transferred to the student at age 18 under FERPA.

2) If the rights of the parents regarding educational records are transferred to the student at age 18 under the IDEA, the School must provide any notice required under the procedural safeguards provisions.

- AAC R7-2-401.J(3) Confidentiality: The rights of parents regarding education records are transferred to the student at age 18, unless the student has been adjudicated incapacitated, or the student has executed a delegation of rights to make educational decisions pursuant to A.R.S. §15-773.

6.3 Discipline.

Policy: A child with a disability may be disciplined for a violation of the student code of conduct, including removal from his or her current placement to an appropriate interim alternative educational setting, another setting, suspension, or expulsion in accordance with IDEA Regulations §§300.530 through 300.536.

Procedures:

- §300.530 Authority of School Personnel

1) On a case-by-case basis and in consideration of any unique circumstances, school personnel may remove a child with a disability who violates a student code of conduct from his or her current placement to an appropriate interim alternative educational setting, another setting, or suspension, for not more than 10 consecutive school days (to the extent those alternatives are applied to children without disabilities), and for additional removals of not more than 10 consecutive school days in that same school year for separate incidents of misconduct, as long as those removals do not constitute a change of placement under §300.536.

2) After a child with a disability has been removed from his or her current placement for 10 school days in the same school year, during any subsequent days of removal the School must provide services to the extent required to: a) Enable the child to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting his/her IEP goals; and b) Receive, as appropriate, a functional behavioral assessment, behavioral intervention services and modifications that are designed to address the behavior violation so that it does not recur.

3) The School is only required to provide services during periods of removal to a child with a disability who has been removed from his or her current placement for 10 days or less in that school year, if it provides services to non-disabled children similarly removed.

4) After a child with a disability has been removed from his or her current placement for 10 school days, and the current removal is for not more than 10 consecutive school days and not a change of placement, school personnel, in consultation with at least one of the child's teachers, determine the extent to which services are needed, so as to enable the child to continue to participate in the general education curriculum and to progress toward meeting the IEP goals.

5) If the removal is a change in placement, the child's IEP Team determines the appropriate services.

6) Within 10 school days of any decision to change the placement of a child with a disability because of a violation of a code of student conduct, the School, parent, and relevant members of the IEP Team must review all relevant information in the student's file, the IEP, teacher observations, and any relevant information to determine: a) if the conduct was caused by, or had a direct and substantial relationship to, the child's disability; or b) if the conduct in question was the direct result of the School's failure to implement the IEP.

7) The conduct must be determined to be a manifestation of the disability if either (6) (a) or (b) occurred, and, if the IEP was not implemented, the School must take immediate steps to remedy that deficiency.

8) If the School, parent, and relevant members of the IEP team determine that the conduct was a manifestation of the child's disability, the child must be returned to the placement from which the child was removed, unless the parent and the School agree to a change of placement. The IEP Team must either: a) Conduct a functional behavioral assessment, unless already done, and implement a behavioral intervention plan; or b) If a behavioral intervention plan has already been developed, review the plan and modify it, as necessary, to address the behavior.

9) School personnel may remove a student to an interim alternative educational setting for not more than 45 school days without regard to manifestation of disability if the child: a) Carries a weapon to or possesses a weapon at school, on school premises, to or at a school function under the jurisdiction of a state or public education agency; b) Knowingly possesses or uses illegal drugs, or sells or solicits the sale of a controlled substance, while at school, on school premises, or at a school function under the jurisdiction of a state or public education agency; or c) Has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of a state or public education agency.

10) The School will notify parents and provide notice of procedural safeguard on the day the School determines the student has violated the code of conduct, and the violation constitutes a change in placement (i.e., interim alternative education setting).

- AAC R7-2-401.P Suspension and Expulsion:

1) The School shall establish, implement and make available to personnel and parents written procedures for the suspension and expulsion of students with disabilities. Such procedures consist of the disciplinary procedures applicable to all School students, as modified by these Special Education policies.

2) The School shall require all school-based staff involved in the disciplinary process to review the policies and procedures related to suspension and expulsion on an annual basis. The School shall maintain documentation of staff review.

3) Procedures for such suspensions and expulsions shall meet the requirements of the Individuals with Disabilities Education Act (IDEA) and its regulations, and state statutes.

- §300.531 Determination of Setting. When a disciplinary removal constitutes a change in placement, the child's IEP Team determines the interim alternative educational setting for services.

- §300.532 Appeal

1) The parent of a child with a disability who disagrees with any decision regarding placement under §§300.530 and 300.531 or the manifestation determination may appeal the decision by requesting an expedited due process hearing in conformance with §§300.310 through 300.314 and AAC R7-2-405.I.

2) When the School believes that maintaining the current placement of the child is substantially likely to cause injury to the child or others, the School may appeal the decision by requesting an expedited due process hearing in conformance with §§300.310 through 300.314 and AAC R7-2-405.I.

- §300.533 Placement During Appeals. The student must remain in the interim alternative educational setting pending the decision of the hearing officer or expiration of the interim setting, whichever comes first, unless the parent and public agency agree otherwise.

- §300.534 Protections for Children Not Determined Eligible for Special Education and Related Services

1) A non-eligible student who engaged in a behavior that violated a code of student conduct may assert protections if the School had knowledge that the child was a child with a disability before the behavior that precipitated the disciplinary action occurred. The School must be deemed to have such knowledge if: a) The parent of the child expressed concern in writing to supervisory or administrative personnel of the School, or a teacher of the child, that the child is in need of special education and related services; b) The parent of the child requested an evaluation of the child pursuant to §§300.300 through 300.311; or c) The teacher of the child, or other personnel of the School, expressed specific concerns about a pattern of behavior demonstrated by the child directly to the director of special education or to other supervisory personnel of the School.

2) The School would not be deemed to have knowledge if the parent of the child: a) Has not allowed an IDEA evaluation of the child; b) Has refused special education services for the child; or c) The child has been evaluated and determined to not be a child with a disability under IDEA.

3) If the School does not have knowledge that a child is a child with a disability prior to taking disciplinary measures against the child, the child may be disciplined as other children without disabilities who engage in comparable behaviors.

4) If an evaluation is requested during the time in which a child is subjected to disciplinary measures, the evaluation must be conducted in an expedited manner. Until the evaluation is completed, the child remains in the educational placement determined by the School, which can include suspension or expulsion without educational services. If the child is determined to be a child with a disability, the School must provide special education and related services in accordance with this part, including the requirements of §§300.530 through 300.536.

- §300.535 Referral to and Action by Law Enforcement and Judicial Authorities
 - 1) The School may report a crime committed by a child with a disability to appropriate authorities to enable them to exercise their responsibilities.
 - 2) An agency reporting a crime committed by a child with a disability will ensure that copies of the special education and disciplinary records of the child are transmitted for consideration by the appropriate authorities to whom the School reports the crime, but only to the extent permitted by FERPA.
- §300.536 Change of Placement Because of Disciplinary Removals
 - 1) A change of placement occurs if: a) The removal is for more than 10 consecutive school days; or b) The child has been subjected to a series of removals that constitute a pattern i) because the series of removals total more than 10 school days in a school year; ii) because the child's behavior is substantially similar to the behavior in previous incidents that resulted in a series of removals; and iii) because of such additional factors as the length of each removal, the total amount of time the child has been removed, and the proximity of the removals to one another.
 - 2) The School will determine on a case-by-case basis whether a pattern of removals constitutes a change of placement, and such determinations are subject to review through due process and judicial proceedings.

6.4 Evaluation and Eligibility.

Policy: A full and individual initial evaluation will be conducted by the School before the initial provision of special education and related services to a child with a disability in accordance with §§300.300-300.311 of the IDEA regulations. A reevaluation of each child with a disability will be conducted by the School in accordance with §§300.300-300.311 of the IDEA regulations.

Procedures:

- §300.300 Parental Consent
 - 1) When the School proposes to conduct an initial evaluation to determine if a child qualifies as a child with a disability, after reviewing existing data with the parents and providing prior written notice, the School will obtain informed consent from the parent of the child before collecting any additional data. Parental consent for initial evaluation must not be construed as consent for initial provision of special education and related services. The School must make reasonable efforts to obtain the informed consent from the parent for an initial evaluation.
 - 2) For initial evaluations only, if the child is a ward of the state, is not residing with the child's parent, the School is not required to obtain consent from the parent if: a) Despite reasonable efforts to do so, the School cannot discover the whereabouts of the parents of the child; b) The rights of the parents of the child have been terminated by the court; c) The rights of the parent to make educational decisions have been subrogated by

a judge and consent for an initial evaluation has been given by an individual appointed by the judge to represent the child.

3) The School may, but is not required to, seek informed consent through due process procedures if the parent of a child who is enrolled or seeking to enroll in the School refuses consent for an initial evaluation, or fails to respond to a request for consent.

4) The School must obtain informed consent from the parent of the child before the initial provision of special education and related services to the child and must make reasonable efforts to obtain that consent.

5) If a parent refuses consent for the initial provision of special education and related services, the School may not seek consent through due process hearing procedures. The School: a) Will not be considered to be in violation to provide FAPE; b) Is not required to convene an IEP Team meeting or develop an IEP for the child.

6) The School must obtain informed consent prior to conducting any reevaluation of a child with a disability. If the parent refuses consent, the School may utilize due process hearing procedures to seek consent but does not violate its obligation if it declines to pursue the evaluation or reevaluation. The informed parental consent for reevaluation need not be obtained if the School can demonstrate that: a) it made reasonable efforts to obtain such consent and has documented those attempts; b) the child's parent has failed to respond.

7) Parental consent is not required before: a) Reviewing existing data as part of an evaluation or reevaluation; or b) Administering a test or other evaluation that is administered to all children unless consent is required of parents of all children prior to administration.

8) A public agency may not use a parent's refusal to consent to one service or activity under this section to deny the parent or child any other service, benefit, or activity of the School, except as required by this part.

- §300.301 Initial Evaluations

1) Consistent with consent requirements of §300.300, either a parent of a child or the School may initiate a request for an initial evaluation to determine if a child is a child with a disability.

2) The initial evaluation must: a) Be completed within 60 days of receiving parental consent for the evaluation unless i) the parents and the School agree that it is in the best interest of the child to extend the timeline to complete the evaluation for an additional 30 days; ii) the child enrolls in the School from another public agency after the parent has provided consent and before the determination of eligibility by the other agency. In that event, the School will ensure prompt completion of the evaluation; or iii) the parent of a child with a disability repeatedly fails or refuses to produce the child for

the evaluation; b) Consist of procedures to determine if the child is a child with a disability and to determine the educational needs of the child.

- §300.303 Reevaluations

1) The School will conduct a reevaluation of a child with a disability if: a) The School determines that the educational or related service needs, including improved academic achievement and functional performance, of the child warrant a reevaluation, or b) If the child's parents or teacher requests a reevaluation, except that the School will not conduct a reevaluation more than once a year unless the parent and agency agree otherwise.

2) The School will conduct a reevaluation team meeting at least once every 3 years, unless the parent and the School agree that reevaluation is unnecessary.

- §300.304 Evaluation Procedures

1) The School will provide prior written notice to the parents of a child who has, or who is suspected of having, a disability that describes the evaluation procedures that the School proposes to conduct.

2) In conducting an evaluation or reevaluation, the School will: a) Use a variety of assessment tools and strategies to gather relevant functional, developmental, and academic information about the child, including information provided by the parent in order to determine i) whether the child is a child with a disability; and ii) if the child is a child with a disability, information related to enabling the Child to be involved in and progress in the general education curriculum (or for a preschool child, to participate in appropriate activities); b) Not use any single measure or assessment as the sole criterion for determining whether a child is a child with a disability and for determining an appropriate educational program for the child; and c) Use technically sound instruments that may assess the relative contribution of cognitive and behavioral factors, in addition to physical or developmental factors.

3) The School will ensure that evaluation materials and strategies: a) Are selected and administered so as not to be discriminatory on a racial or cultural basis; b) Are administered in the child's native language or other mode of communication and in the form most likely to yield accurate information on what the child knows and can do academically, developmentally, and functionally, unless it is clearly not feasible to do so; c) Are used for the purposes for which the assessment(s) or measure(s) are valid and reliable; d) Are administered by trained and knowledgeable personnel; e) Are administered in accordance with the instructions provided by the assessment publisher; f) Are selected and administered so as to ensure that if administered to a child with impaired sensory, manual, or speaking skills, the assessment results accurately reflect the child's aptitude or achievement level or whatever other factors the test purports to measure rather than reflecting the child's impairments (unless those skills are the factors being measured); g) Assess the child in all areas related to the suspected disability, including, if appropriate, health, vision, hearing, social and emotional status, general

intelligence, academic performance, adaptive behavior, communicative status, and motor abilities; h) Are sufficiently comprehensive to identify all of the child's special education and related service's needs, whether or not those needs are commonly associated with the child's disability; i) Provide relevant information that directly assists in determining the educational needs of the child.

4) Evaluations of children who transfer to or from another public agency in the same school year are coordinated with the prior and subsequent schools, in order to expedite the completion of a full evaluation.

- §300.305 Additional Evaluation Requirements

1) As part of an initial evaluation (if appropriate), and as part of any reevaluation, the IEP Team and other qualified professionals, as appropriate, will: a) Review existing evaluation data on the child including i) evaluations and information provided by the parents; ii) current classroom-based, local and state-wide assessments, and classroom-based observations; iii) observations by teachers, and related services providers; b) On the basis of that review, and input from the child's parents, identify what additional data, if any, are needed to determine whether: i) the child is or continues to be a child with a disability, and, if so, the educational needs of the child; ii) the present levels of academic achievement and related developmental needs of the child; iii) whether the child needs special education and related services to enable the child to meet measurable annual IEP goals and to participate, as appropriate, in the general education curriculum; c) The IEP Team will meet to review the existing data.

2) If additional data are needed, the School will administer the assessments required to obtain the additional data.

3) If additional data are not needed to determine whether the child continues to be a child with a disability, and to determine the child's educational needs, the School will notify the parents of: a) The determination and the reasons for the determination; and b) The right of the parents to request an assessment to determine whether the child continues to be a child with a disability and to determine the child's educational needs.

4) The School will evaluate a child before determining that the child is no longer a child with a disability except when the termination is due to graduation with a regular high school diploma or the child reaching age 22. When the child's eligibility terminates because of graduation or reaching age 22, the School will provide a summary of the child's academic achievement and functional performance that includes recommendations on how to assist the child in meeting the child's postsecondary goals.

- §300.306 Determination of Eligibility

1) Upon completion of the evaluation process, the School will ensure that: a) A group of qualified professionals and the parent of the child determine: i) if the child is a child with a disability under the Individuals with Disabilities Education Act and the Arizona State Statutes; and ii) if so, the educational needs of the child; b) The parents are provided, at no cost, a copy of the evaluation report and eligibility determination.

2) A child will not be determined to be a child with a disability if the primary factor for the determination is: a) Lack of appropriate instruction in reading, including the essential components of reading instruction (as defined in 1208(3) of the ESEA); b) Lack of appropriate instruction in math; or c) Limited English proficiency.

3) The eligibility determination, including education needs, will be based on all of the information sources used in the evaluation process, and if deemed eligible and in need of special education and related services, an IEP will be developed in accordance with §300.320 through 300.324.

- §300.307 Additional Procedures for Identifying Children with Specific Learning Disabilities

Option 1: The public education agency will use the state-adopted criteria for determining whether a child has a specific learning disability through a process based on the child's response to scientific, research-based intervention in conformity with IDEA Regulations §300.307-311.

Option 2: The public education agency will establish criteria for determining whether a child has a specific learning disability through the identification of a severe discrepancy between intellectual ability and achievement in conformity with IDEA Regulations §300.307-311.

Option 3: The public education agency will determine, on an individual child basis, the criteria for determining whether a child has a specific learning disability using one of the following criteria in conformity with IDEA Regulations §300.307-311: a) The state-adopted criteria based on a child's response to scientific, research-based intervention; or b) The identification of a severe discrepancy between intellectual ability and achievement.

- §300.308 Additional Group Members. The determination of whether a child suspected of having a specific learning disability is a child with a disability must be made by the child's parents and a team of qualified professionals which must include: 1) The child's regular teacher or if the child does not have a regular teacher, then a regular teacher qualified to teach children of that age; 2) For a child of less than school age, an individual qualified by the State to teach children of his/her age; 3) At least one person qualified to conduct individual diagnostic evaluations of children, such as a school psychologist, speech-language pathologist, or remedial reading teacher.

- §300.309 Determining the Existence of a Specific Learning Disability

1) A child may be determined to have a specific learning disability if: a) The child does not achieve adequately for the child's age or to meet State-approved grade-level standards in one or more of the following areas, when provided with learning experiences and instruction appropriate for the child's age, or meet State-approved grade level standards: i) Oral expression; ii) Listening comprehension; iii) Written expression; iv) Basic reading skill; v) Reading fluency skills; vi) Reading comprehension; vii) Mathematics calculation; viii) Mathematics problem solving; b) The child does not make

sufficient progress to meet age or State–approved grade-level standards in one or more of the areas above when using a process based on the child’s response to scientific, research-based intervention; or c) The child exhibits a pattern of strengths and weaknesses in performance, achievement, or both, relative to age, State–approved grade level standards, or intellectual development, that is determined by the group to be relevant to the identification of a specific learning disability, using appropriate assessments.

2) The findings of this section are not primarily the result of: a) A visual, hearing or motor disability; b) Intellectual Disability; c) Emotional disturbance; d) Cultural factors; e) Environmental or economic disadvantage; or f) Limited English proficiency.

3) The group must ensure that the underachievement is not due to a lack of appropriate instruction in reading or math and consider: a) Data that demonstrate that prior to, or as part of, the referral process, the child was provided appropriate instruction in regular education settings, delivered by qualified personnel; and b) Data-based documentation of repeated assessments of achievement at reasonable intervals, reflecting formal assessment of student progress during instruction, which was provided to the child’s parents.

4) The School must promptly request parent consent to evaluate if, prior to referral, the child has not made adequate progress after an appropriate period of time when provided instruction described in (3)(a) and (b).

- §300.310 Observation

1) The School must ensure that the child is observed in his/her learning environment, including the regular classroom setting, to document the child’s academic performance and behavior in the areas of difficulty.

2) In the case of a child less than school age or out of school, a group member must observe the child in an environment appropriate for a child that age.

- §300.311 Specific Documentation for the Eligibility Determination

1) For a child suspected of having a specific learning disability, the eligibility determination must contain a statement of: a) Whether the child has a specific learning disability; b) The basis for making the determination, including an assurance the determination was made in accordance with the Individuals with Disabilities Education Act; c) The relevant behavior, if any, noted during the observation and the relationship of that behavior to the child’s academic functioning; d) The educationally relevant medical findings, if any; e) Whether the child does not achieve adequately for his/her age or to meet State-approved grade level standards consistent with (1)(a); and does not make sufficient progress to meet age or State-approved grade level standards consistent with (1)(b); f) The child exhibits a pattern of strengths and weaknesses in performance, achievement, or both, relative to age, State approved grade level standards or intellectual development consistent with (1)(c); or g) The determination of the group concerning the effects of a visual, hearing, or motor disability; intellectual disability; emotional

disturbance; cultural factors; environmental or economic disadvantage; or limited English proficiency of the child's achievement level.

2) If the child participated in a process that assessed the child's response to scientific, research-based intervention, the determination must include: a) The instructional strategies used and the student-centered data collected; b) The documentation that the child's parents were notified about the State's policies regarding the amount and nature of student performance that would be collected and the general education services that would be provided; c) Strategies for increasing the rate of learning; and d) The parent's right to request an evaluation.

3) Each group member must certify in writing whether the report reflects the member's conclusion. If it does not, the group member must submit a separate statement presenting the member's conclusions.

- AAC R7-2-401.E Evaluation /Reevaluation:

1) The School shall establish, implement, and make available to school-based personnel and parents within its boundaries of responsibility written procedures for the initial full and individual evaluation of students suspected of having a disability, and for the reevaluation of students previously identified as being eligible for special education.

2) Procedures for the initial full and individual evaluation of children suspected of having a disability and for the reevaluation of students with disabilities shall meet the requirements of IDEA and its regulations, state statutes, and State Board of Education rules.

3) The initial evaluation of a child being considered for special education, or the reevaluation per a parental request of a student already receiving special education services, shall be conducted within 60 calendar days from the public education agency's receipt of the parent's informed written consent and shall conclude with date of the multidisciplinary evaluation team (MET) determination of eligibility.

4) If the parent requests the evaluation, the School must, within a reasonable amount of time not to exceed 15 school days from the date it receives a parent's written request for an evaluation, either begin the evaluation by reviewing existing data or provide prior written notice refusing to conduct the requested evaluation. The 60-day evaluation period shall commence upon the School's receipt of the parent's informed written consent.

5) The 60-day evaluation period may be extended for an additional 30 days, provided it is in the best interest of the child and the parent and the School agree in writing to such an extension. Neither the 60-day evaluation period nor any extension shall cause a reevaluation to exceed the timelines for a reevaluation within three years of the previous evaluation

6) The School may accept current information about the student from another state, public agency, public education agency, or through an independent educational

evaluation. In such instances, the multidisciplinary evaluation team shall be responsible for reviewing and approving or supplementing an evaluation to meet the requirements identified in subsections (E)(1) through (7).

7) For the following disabilities, the full and individual initial evaluation shall include:

a) Emotional disability: verification of a disorder by a qualified professional.

b) Hearing impairment: i) An audiological evaluation by a qualified professional, and ii) An evaluation of communication/language proficiency.

c) Other health impairment: verification of a health impairment by a qualified professional.

d) Specific learning disability: a determination of whether the child exhibits a pattern of strengths and weaknesses in performance, achievement, or both, relative to age, state-approved grade-level standards, or intellectual development that meets the public education agency criteria through one of the following methods: i) A discrepancy between achievement and ability; ii) The child's response to scientific, research-based interventions; or iii) Other alternative research-based procedures.

e) Orthopedic impairment: verification of the physical disability by a qualified professional.

f) Speech/language impairment: an evaluation by a qualified professional.

g) For students whose speech impairments appear to be limited to articulation, voice, or fluency problems, the written evaluation may be limited to: i) An audiometric screening within the past calendar year, ii) A review of academic history and classroom functioning, iii) An assessment of the speech problem by a speech therapist, or iv) An assessment of the student's functional communication skills.

h) Traumatic brain injury: verification of the injury by a qualified professional.

i) Visual impairment: verification of a visual impairment by a qualified professional.

8) The Department shall develop a list, subject to review and approval of the State Board of Education, of qualified professionals eligible to conduct the appropriate evaluations prescribed in subsection (E)(7).

9) The multidisciplinary evaluation team shall determine, in accordance with the IDEA and regulations, whether the requirements of subsections (E)(7)(a) through (i) are required for a student's reevaluation.

6.5 Free Appropriate Public Education (FAPE)

Policy: A free appropriate public education (FAPE) will be available to all children within the boundaries of responsibility of the School, including children with disabilities who have been suspended or expelled from school as provided for in §300.530(d) of the IDEA regulations.

Procedures:

- §300.306 Determination of Eligibility (see above)
- §300.308 Additional Group Members. The School will make the determination that a child is eligible for special education and related services on an individual basis by a properly constituted team.
- §300.101 Free Appropriate Public Education
 - 1) For preschool children (3 to 5): The School will refer any children who are suspected of having a disability to the appropriate Unified District or Elementary District for evaluation and, if appropriate, for services.
 - 2) For school-aged children (5 TO 21): The School will make FAPE available to any child who needs special education and related services, even though the child has not failed or been retained in a course or grade, and is advancing from grade to grade.
- A.R.S. § 15-764 Powers and Duties of the School District Governing Board or County School Superintendent
 - 1) The School will establish policy and procedures with regard to allowable pupil-teacher ratios and pupil-staff ratios within the PEA for provision of special education services.
 - 2) The special education programs and services established by the School shall be conducted only in a school facility which houses regular education classes or in other facilities approved by the division of special education.
- §300.105 Assistive Technology
 - 1) The School will ensure that assistive technology devices or services or both will be available to a child with a disability, if required, as a part of: a) Special education; b) Related services; c) Supplementary aids and service.
 - 2) On a case-by-case basis, the School will ensure the use of school-purchased assistive technology devices in a child's home or other setting if the child's IEP Team determines that the child needs access to those devices in order to receive FAPE.
- §300.106 Extended School Year Services (ESY)
 - 1) The School will make extended school year services available as necessary to provide FAPE to children with disabilities. ESY services will be provided only if a child's IEP team determines, in accordance with §§300.320-300.324, that the services are

necessary for the provision of FAPE. Services will not be limited to a particular category of disability or unilaterally limited to the type, amount, or duration of services.

2) The ESY services that are provided to a child with a disability will: a) Be provided beyond the normal school year of the School; b) Be provided in accordance with the child's IEP; c) Be provided at no cost to the parents of the child; and d) Meet the standards of the State.

- §300.107 Nonacademic Services

1) The School will afford children with disabilities and equal opportunity for participation in nonacademic and extracurricular services and activities including, as determined appropriate and necessary by the child's IEP team, the provision of supplementary aids and services.

2) Nonacademic and extracurricular services and activities may include counseling services, athletics, transportation, health services, recreational activities, special interest groups or clubs sponsored by the School, referrals to agencies that provide assistance to individuals with disabilities, and employment of students, including both employment by the School and assistance in making outside employment available.

- §300.108 Physical Education

1) The School will make regular physical education services available to children with disabilities to the same extent that the School provide those services to children without disabilities, unless: a) The child is enrolled full time in a separate facility; or b) The child needs specially designed physical education as prescribed in the child's IEP.

2) If a child is enrolled in a separate facility, the School will ensure that the child receives appropriate physical education services.

3) If special physical education is prescribed in a child's IEP, the School will provide for those services, either directly or through other public or private programs.

- §300.110 Program Options. The School will ensure that children with disabilities have available to them the variety of education programs and services that are available to nondisabled children, including art, music, industrial arts, consumer and homemaking education, and vocational education.

- §300.113 Routine Checking of Hearing Aids and External Components of Surgically Implanted Medical Devices

1) The School will ensure that the hearing aids worn in school by children with hearing impairments are functioning properly; and

2) The external components of surgically implanted medical devices (e.g., cochlear implants) are functioning properly, except that the School will not be responsible for any post-surgical maintenance, programming or replacement of any component, external or internal, of the medical device.

- §300.154 Methods of Ensuring Services

1) The School may use the Medicaid or other public benefits or insurance programs in which a child participates to provide or pay for services required under IDEA, as permitted under the public benefits or insurance program, except that the School: a) May not require parents to sign up for or enroll in public benefits or insurance programs to receive FAPE; b) May not require parents to incur out-of-pocket expenses such as payment of a deductible or co-pay for services required by IDEA, but may pay the cost that parents otherwise would be required to pay; c) May not use a child's public benefit if that use would i) Decrease lifetime benefits; ii) Result in the family paying for non-school services that would otherwise be paid for by public benefits; iii) Increase premiums or lead to discontinuation of benefits; or iv) Risk loss of eligibility.

2) The School must notify parents that their refusal to allow access to their public benefits does not relieve the school of its responsibility to provide all required IDEA services.

3) The School must obtain a one-time written consent from the parent, after providing written notification and before accessing the child's or the parent's public benefits for the first time. The consent must specify a) The personally identifiable information that may be disclosed; b) The purpose of the disclosure; and c) The agency to which the disclosure may be made.

4) The public education agency must provide a written notification to the child's parents before accessing the child's or parent's public benefits for the first time and prior to obtaining the one- time parental consent and annually thereafter

- AAC R7-2-401. F Parental Consent

1) The School shall obtain informed written consent from the parent of the child with a disability before the initial provision of special education and related services to the child.

2) If the parent of a child fails to respond to a request for, or refuses to consent to, the initial provision of special education and related services, the public education agency may not use mediation or due process procedures in order to obtain agreement or a ruling that the services may be provided to the child.

3) If the parent of the child refuses to consent to the initial provision of special education and related services, or the parent fails to respond to a request to provide consent for the initial provision of special education and related services, the School:

a) Will not be considered to be in violation of the requirement to make available FAPE to the child because of the failure to provide the child with the special education and related services for which the parent refuses to or fails to provide consent, and b) Is not required to convene an IEP team meeting or develop an IEP in accordance with these rules.

4) If, at any time after the initial provision of special education and related services, the parent of a child revokes consent in writing for the continued provision of special education and related services, the School: a) May not continue to provide special education and related services to the child, but shall provide prior written notice before ceasing the provision of special education and related services; b) May not use the mediation procedures or the due process procedures in order to obtain agreement or a ruling that the services may be provided to the child; c) Will not be considered to be in violation of the requirement to make FAPE available to the child because of the failure to provide the child with further special education and related services; and d) Is not required to convene an IEP team meeting or develop an IEP for the child for further provision of special education and related services.

5) If a parent revokes consent in writing for the child's receipt of special education services after the child is initially provided special education and related services, the School is not required to amend the child's education records to remove any references to the child's receipt of special education and related services because of the revocation of consent.

6.6 Graduation.

Policy: The School shall provide a FAPE to all eligible students until termination of eligibility due to graduation from secondary school with a regular diploma or due to exceeding 21 years of age, in accordance with §300.305 and A.R.S. § 15-701.01.(A)(3)and (B).

Procedures:

- A.R.S. § 15-701.01(B) and AAC R7-2-301(D)(1)

1) The School shall prescribe graduation criteria for students with disabilities from its high schools, which shall include accomplishment of the academic standards in at least reading, writing, mathematics, science, and social studies, as determined by district assessment.

2) The School shall develop a course of study and graduation and promotion requirements for all students placed in special education programs in accordance with R7-2-401 et seq.

- §300.102 Limitation-Exception to FAPE for Certain Ages

1) The School will not be obligated to provide FAPE to students with disabilities who have graduated from high school with a regular high school diploma.

2) The exception does not apply to children who have graduated from high school but have not been awarded a regular high school diploma.

3) Graduation from high school with a regular high school diploma constitutes a change of placement requiring prior written notice in accordance with §300.503.

- §300.305 Additional Requirements for Evaluations and Reevaluations
 - 1) An evaluation is not required before the termination of a child's eligibility due to graduation from secondary school with a regular diploma or due to exceeding 21 years of age.
 - 2) For a child no longer eligible due to graduation or exceeding the age of eligibility, a public agency must provide the child with a summary of the child's academic achievement and functional performance, which shall include recommendations on how to assist the child in meeting the child's post-secondary goals.
- A.R.S. § 15-701.01(3) High School Graduation; Requirements

Pupils with disabilities as defined in A.R.S. § 15-761 or children who receive special education as defined in 15-763 shall not be required to achieve passing scores on competency tests (AIMS/AZ-Merit) 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 a competency test is specifically required in a specific academic area by the pupil's IEP as mutually agreed on by the pupil's parents (or 18 year old student) and IEP Team.

6.7 Individualized Education Program (IEP)

Policy: The School shall ensure that an IEP is developed and implemented for each eligible child served by the School and for each eligible child placed in or referred to a private school or facility by the School in accordance with §300.320-325 of the IDEA regulations.

Procedures:

- §300.320 Contents of the IEP. The contents of each IEP will include a statement of: a) The child's present levels of academic achievement and functional performance, including i) How the child's disability affects the child's involvement and progress in the general curriculum; or ii) For preschool children, as appropriate, how the disability affects the child's participation in appropriate activities; b) Measurable annual goals, including academic and functional goals designed to: i) Meet the child's needs that result from the child's disability to enable the child to be involved in and make progress in the general education curriculum; and ii) Meet each of the child's other educational needs that result from the child's disability; iii) For children with disabilities who take alternate assessments (AIMS A) aligned to alternate achievement standards, a description of benchmarks or short-term objectives; c) How the child's progress toward meeting the IEP goals will be measured and when periodic reports on the child's progress toward the goals will be provided; d) The special education and related services to be provided to the child, the supplementary aids and services to be provided to the child or on behalf of the child, the program modifications or supports for school personnel that will be provided to enable the child i) To advance appropriately toward attaining the annual goals; ii) To be involved in and progress in the general education curriculum and to participate in extracurricular and other nonacademic activities with other children with disabilities and nondisabled children; e) The extent, if any, to which the child will not participate with

nondisabled children in the regular class and in extracurricular and other nonacademic activities; f) Any individual accommodations that are needed to measure the academic achievement and functional performance of the child on State and district-wide assessments; g) If the IEP team determines that the child must take an alternate assessment instead of a particular regular State or district-wide assessment of student achievement, a statement of why: i) the child cannot participate in the regular assessment; and ii) the particular alternate assessment selected is appropriate for the child; h) The projected date for the beginning of the services and modifications and the anticipated frequency, location, and duration of those services and modifications; i) Beginning not later than the first IEP to be in effect when the child turns 16, or younger if determined appropriate by the IEP team, and updated annually, the IEP will also include a statement of appropriate measurable postsecondary goals based upon age appropriate transition assessments related to training, education, employment, and, where appropriate independent living skills and transition services (including courses of study) needed to assist the child in reaching those goals; j) Beginning not later than one year before a student reaches the age of 18, the IEP will include a statement that the parents and the student have been informed of the rights under Part B, if any, that will transfer to the student on reaching the age of 18.

- §300.321 The IEP Team

1) The IEP team for each child with a disability will include: a) The parents of the child; b) Not less than one regular education teacher of the child (if the child is, or may be, participating in the regular education environment); c) Not less than one special education teacher of the child, or where appropriate, not less than one special education provider of the child; d) A representative of the School who i) is qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of children with disabilities; ii) is knowledgeable about the general education curriculum; and iii) is knowledgeable about the availability of resources of the School; iv) may be a public agency team member described in (b) through (f) if the above criteria are met; e) An individual who can interpret the instructional implications of evaluation results, who may be a member of the team described in (b) through (f); f) At the discretion of the parent or the School, other individuals who have knowledge or special expertise regarding the child, including related services personnel as appropriate; and g) Whenever appropriate, the child with a disability. The School must invite a child with a disability of any age to an IEP meeting if the purpose of the meeting is to consider postsecondary goals and transition services needed to assist the child in reaching the IEP goals. If the student does not attend the transition-related IEP meeting, the School will take other steps to ensure that the student's preferences and interests are considered. To the extent appropriate and with consent of the parents or the adult child, the public agency will invite a representative of any participating agency that is likely to be responsible for providing or paying for transition services. For a child who is transitioning from AzEIP, representatives from AzEIP must be invited to the initial IEP if the parent requests.

2) A member of the IEP team described in (1)(a) through (1)(e) is not required to attend the IEP meeting if the parent and the school agree in writing prior to the meeting that attendance is not necessary because the member's area of curriculum or related services is not being modified or discussed in the meeting.

3) A member of the IEP team described in (1)(a) through (1)(e) may be excused from attending the IEP meeting in whole or part when the meeting involves a modification to or discussion of the member's area of the curriculum or related services if the parent, in writing and the School consent to the excusal, and the member submits, in writing to the IEP team, input into the development of the IEP prior to the meeting.

4) In the case of a child previously served by AzEIP, an invitation to the initial IEP Team meeting must, at the request of the parent, be sent to the AzEIP service coordinator to assist with the smooth transition of services.

- §300.322 Parent Participation

1) The School will take steps to ensure parent(s) of a child with a disability are present at each IEP meeting or are afforded the opportunity to participate by: a) Notifying parents of the meeting early enough to ensure that they will have an opportunity to attend; and b) Scheduling the meeting at a mutually agreed on time and place.

2) The meeting notice will: a) Indicate the purpose, time, and location of the meeting and who will be in attendance; and b) Inform the parents of the provisions relating to the participation of other individuals who have knowledge or special expertise about the child and of representatives of the AzEIP (if the meeting is for an initial IEP of a child transitioning from AzEIP).

3) Beginning not later than the first IEP to be in effect when the child turns 16, the notice will also: a) Indicate that a purpose of the meeting will be the consideration of postsecondary goals and transition services; b) Indicate that the School will invite the student; and c) Identify any other agency that will be invited to send a representative.

4) If neither parent can attend, the School will use other methods to ensure parent participation, including individual or conference telephone calls.

5) A meeting may be conducted without a parent in attendance if the School are unable to convince the parents that they should attend. In this case, the School will maintain a record of its attempts to arrange a mutually agreed on time and place, such as: a) Detailed records of telephone calls made or attempted and the results of those calls; b) Copies of correspondence sent to the parents' and any responses received; and c) Detailed records of visits made to the parent's home or place of employment and the results of those visits.

6) The School will take whatever action is necessary to help the parent understand the proceedings at the IEP meeting, including arranging for an interpreter for parents with deafness or whose native language is other than English.

7) The School will give the parent a copy of the child's IEP at no cost to the parent.

- §300.323 When IEPs Must Be in Effect

1) At the beginning of each school year, the School must have in effect for each child with a disability in its jurisdiction, an IEP as defined in 300.320.

2) The School will ensure that: a) A meeting to develop an IEP for an eligible child is conducted within 30 days of a determination of eligibility for special education and related services; b) As soon as possible following the development of the IEP, the services indicated in the IEP are made available to the child. An IEP will be in effect at the beginning of each school year.

3) For a child aged 2.9-5 years previously served by AZEIP, the IEP team will consider the contents of the child's IFSP. An IFSP may serve as the IEP of the child if: a) The School has provided the parents with a detailed explanation of the differences between an IEP and an IFSP; b) The parent and the School agree in writing to the use of an IFSP; c) The IFSP contains an educational component that promotes school readiness and includes pre-literacy, language and numeric skills; and d) The IFSP is developed in accordance with IEP procedures.

4) The School will ensure that each child's IEP is accessible to each regular education teacher, special education teacher, related service provider and any other service provider who is responsible for implementing the IEP. Each teacher and related service provider will be informed of his or her specific responsibilities in implementing the IEP and the specific accommodations, modifications, and supports that must be provided for the child in accordance with the IEP.

5) For a child with an IEP who transfers into the School from another public agency in Arizona, the School, in consultation with the parents, will provide a free appropriate public education (including services comparable to the services described in the existing IEP) until the School: a) Reviews and adopts the child's IEP from the previous public agency, or b) Develops, adopts, and implements a new IEP.

6) For a child with an IEP who transfers into the School from another state, the School, in consultation with the parents, will provide a free appropriate public education (including services comparable to the services described in the existing IEP) until the School: a) Conducts an evaluation for eligibility for special education in Arizona, or determines that such an evaluation is unnecessary; and b) Develops, adopts, and implements a new IEP, if appropriate.

7) To facilitate the transition of a child enrolling from another public education agency, either from within or from outside of Arizona, the School will take reasonable steps to promptly obtain the child's education records, including all records pertaining to special education, from the previous public agency in which the child was enrolled.

8) When a records request is received from another public agency, from either within or outside of Arizona, the School will promptly respond to the request.

- §300.324 Development, Review, and Revision of an IEP

1) In developing each child's IEP, the IEP team will consider: a) The strengths of the child and the concerns of the parents for enhancing the education of their child; b) The results of the initial or most recent evaluation of the child; and c) The academic, developmental, and functional needs of the child.

2) In consideration of special factors, the IEP team must: a) In the case of a child whose behavior impedes his or her learning or that of others, consider the use of positive behavioral interventions and supports, and other strategies to address that behavior; b) In the case of a child with limited English proficiency, consider the language needs of the child as those needs relate to the child's IEP; c) In the case of a child who is blind or visually impaired, provide for instruction in Braille and the use of Braille unless the IEP Team determines, after an evaluation of the child's reading and writing skills, needs, and appropriate reading and writing media (including an evaluation of the child's future needs for instruction in Braille or the use of Braille) that instruction in Braille or the use of Braille is not appropriate for the child; d) Consider the communication needs of the child, and in the case of a child who is deaf or hard of hearing, consider the child's language and communication needs, opportunities for direct communication with peers and professional personnel in the child's language and communication mode, academic level and full range of needs, including opportunities for direct instruction in the child's language and communication mode; e) Consider whether the child requires assistive technology devices and services.

3) The regular education teacher of a child with a disability, as a member of the IEP team, must, to the extent appropriate, participate in the development, review, and revision of the child's IEP, including the determination of: a) Appropriate positive behavioral interventions and strategies for the child; and b) Supplementary aids and services, program modifications, and/or supports for school personnel that will be provided for the child, consistent with §300.320(a)(4).

4) In making changes to the IEP after the annual IEP meeting, the parent and the School may agree to amend the IEP without a meeting for the purpose of making those changes and, instead, develop a written document to amend or modify the child's current IEP. The School must: a) Inform all members of the child's IEP team of those changes, and b) Upon request, provide the parents with the revised copy of the IEP.

5) To the extent possible, the School will encourage the consolidation of evaluation, reevaluation and IEP meetings for a child.

6) The School will ensure that the IEP team reviews the child's IEP periodically, but not less than annually, to determine if goals are being achieved, and revise the IEP, when appropriate, to address: a) any lack of expected progress toward the annual goals and in the general education curriculum, if appropriate; b) the results of any reevaluation;

c) information about the child provided to, or by the parents; d) the child's anticipated needs, or other matters.

7) If a participating agency other than the School fails to provide the transition services in an IEP, the School must reconvene the IEP team to identify alternative strategies to meet the child's transition outcomes.

- §300.325 Private School Placements by the School

1) Before the School place a child with a disability in a private school or facility, the School must initiate and conduct a meeting to develop an IEP for the child and ensure that a representative of the private school or facility attends the meeting in person or by conference call.

2) Subsequent IEP reviews may be initiated and conducted by the private school at the discretion of the School. However, the School must ensure that: a) The parents and public agency representative are involved in any decisions about the child's IEP; and b) The parents and public agency representative agree to any proposed changes in the IEP before those changes are implemented.

3) The School remains responsible to ensure FAPE to a child placed by the School in a private school or facility.

- §300.327 Educational Placements. The School must ensure that the parents of a child with a disability are members of any group that makes decisions on the educational placement of their child.

- AAC R7-2-401.G Individualized Education Program (IEP)

1) The School shall establish, implement, and make available to its school-based personnel and parents written procedures for the development, implementation, review, and revision of IEPs.

2) Procedures for IEPs shall meet the requirements of the IDEA and its regulations, the state statutes, and the State Board of Education rules.

3) Procedures shall include the incorporation of Arizona academic standards as adopted by the State Board of Education into the development of each IEP and address grade-level expectations and grade-level content instruction.

4) Each IEP of a student with a disability shall be developed in accordance with IDEA and its regulations, state statutes, and State Board of Education rules. If appropriate to meet the needs of a student and to ensure access to the general curriculum, an IEP team may include specially designed instruction in the IEP that may be delivered in a variety of educational settings by a general education teacher or other certificated personnel provided that certificated special education personnel are involved in the planning, progress monitoring, and when appropriate, the delivery of the specially designed instruction.

5) Each student with a disability who has an IEP shall participate in the state assessment system. Students with disabilities can test with or without accommodations or modifications as indicated in the student's IEP. Students who are determined to have a significant cognitive disability based on the established eligibility criteria will be assessed with the state's alternate assessments as determined by the IEP team.

6) A meeting of the IEP team shall be conducted to review and revise each student's IEP at least annually, or more frequently if the student's progress substantially deviates from what was anticipated. The public education agency shall provide written notice of the meeting to the parents of the student to ensure that parents have the opportunity to participate in the meeting. After the annual review, the public education agency and parent may agree not to convene an IEP team meeting for the purposes of making changes, and instead may develop a written document to amend or modify the student's current IEP.

7) A parent or public education agency may request in writing a review of the IEP and shall identify the basis for requesting review. Such review shall take place within 45 school days of the receipt of the request at a mutually agreed upon date and time.

6.8 Least Restrictive Environment (LRE)

Policy: Children with disabilities, including children in public or private institutions or other care facilities, will be educated to the maximum extent appropriate with children who are not disabled in accordance with §§300.114-300.117 of the IDEA regulations.

Procedures:

- §300.114 Least Restrictive Environment (LRE) Requirements. The School will ensure that special classes, separate schooling, or other removal of children with disabilities from the regular educational environment occurs only if the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

- §300.115 Continuum of Alternative Placements

1) The School will make available a continuum of alternative placements to meet the needs of children with disabilities for special education and related services.

2) The continuum of alternative placements will include: a) Instruction in regular classes, special classes, special schools, home instruction, and instruction in hospital and institutions; b) Supplementary services, such as a resource room or itinerant instruction, to be provided in conjunction with regular class placement.

- §300.116 Placements

1) The placement decision for each child will be: a) Made by a group that includes the parents and other persons knowledgeable about the child, the meaning of the evaluation data, and the placement options; b) In conformity with the LRE provisions of

the IDEA regulations; c) Determined at least annually; d) Based on the child's IEP; and e) As close as possible to the child's home.

2) Unless the IEP of a child requires some other arrangement, the child will be educated in the school that he or she would attend if not disabled.

3) In selecting the LRE, consideration will be given to any potential harmful effect on the child or on the quality of services that s/he needs.

4) A child with a disability will not be removed from age-appropriate regular classrooms solely because of needed modifications in the general education curriculum.

- §300.117 Nonacademic Settings

1) In providing or arranging for the provision of nonacademic and extracurricular services and activities, including meals, recess periods, and other nonacademic activities, the School must ensure that each child with a disability participates with nondisabled children in the extracurricular services and activities to the maximum extent appropriate to the needs of that child.

2) The School will ensure that the supplementary aides and services determined by the IEP Team to be appropriate and necessary are provided to allow the child to participate in nonacademic settings.

- AAC R7-2-401.H Least Restrictive Environment

1) The School shall establish, implement, and make available to school-based personnel and parents of students with disabilities written procedures to ensure the delivery of special education services in the least restrictive environment as identified by IDEA and its regulations, the state statutes, and the State Board of Education rules.

2) A continuum of services and supports for students with disabilities shall be available through the School.

6.9 Procedural Safeguards

Policy: The School will establish, maintain, and implement procedural safeguards that meet the requirements of §300.500 through 300.536 of the IDEA Regulations.

Procedures:

- §300.501 Opportunity to Examine Records; Parent Participation in Meetings

1) The School will ensure that the parents of a child with a disability shall be given an opportunity to inspect and review all education records with respect to the identification, evaluation, educational placement, and the provision of FAPE to the child.

2) The School will ensure that the parents of a child with a disability shall: a) Be given an opportunity to participate in meetings with respect to the identification, evaluation, educational placement and the provision of FAPE to the child; b) Be provided notice consistent with §300.322 to ensure they have opportunity to participate in

meetings; c) Be members of any group that makes decisions on the educational placement of their child.

3) If neither parent can participate in a meeting in which a decision is to be made relating to the educational placement of their child, the School must use other methods to ensure their participation, including individual or conference telephone calls, or video conferencing.

4) A placement decision may be made by a group without the involvement of the parent, if the School is unable to obtain the parent's participation and has maintained a record of its attempts to ensure their involvement.

- §300.502 Independent Educational Evaluation

1) The parents of a child with a disability have the right to obtain an independent educational evaluation of their child. The School must provide to parents, upon request for an independent educational evaluation: a) Information about where an independent educational evaluation may be obtained; and b) The School criteria applicable for independent educational evaluations. The School criteria for the independent educational evaluation must be the same as the criteria the School uses when it conducts an evaluation, to the extent consistent with the parent's right to an evaluation.

2) A parent has the right to an independent educational evaluation at public expense if the parent disagrees with an evaluation obtained by the School. If a parent requests an independent educational evaluation at public expense, the School must, without unnecessary delay, either: a) File for a due process hearing to show that its evaluation is appropriate; or b) Ensure that an independent educational evaluation is provided at public expense, unless the School demonstrates in a hearing that the evaluation obtained by the parent did not meet agency criteria.

3) If a due process hearing decision is that the School's evaluation is appropriate, the parent still has the right to an independent educational evaluation, but not at public expense.

4) If a parent requests an independent educational evaluation, the School may ask for the parent's reasons for the objections but may not require the parent to provide an explanation and may not unreasonably delay either providing the independent educational evaluation at public expense or filing a request for due process to defend its evaluation.

5) A parent is entitled to only one independent educational evaluation at public expense each time the School conducts an evaluation with which the parent disagrees.

6) The results of any independent educational evaluation which is obtained by or provided to the School: a) Must be considered by the School, if it meets agency criteria, in any decision with respect to the provision of FAPE to the child; and b) May be presented by any party as evidence in a due process hearing.

7) If a hearing officer requests an independent educational evaluation as part of a due process hearing, the cost of the evaluation must be at public expense.

- §300.503 Prior Notice by the School; Content of Notice

1) Written notice must be given to the parents of a child with a disability a reasonable time before the School: a) Proposes to initiate or change the identification, evaluation or educational placement of the child or the provision of FAPE to the child; or b) Refuses to initiate or change the identification, evaluation or educational placement of the child or the provision of FAPE to the child.

2) The notice must include: a) A description of the action proposed or refused by the School; b) An explanation of why the School proposes or refuses to take the action; c) A description of each evaluation procedure, assessment, record or report the School used as a basis for the proposed or refused action; d) A statement that the parents of a child with a disability have protection under the procedural safeguards of this part and, if this notice is not an initial referral for evaluation, the means by which a copy of a description of the procedural safeguards can be obtained; e) Sources for parents to contact to obtain assistance in understanding the provisions of this part; f) A description of other options that the IEP Team considered and the reasons why those options were rejected; g) A description of other factors that are relevant to the School proposal or refusal.

3) The notice must be written in language understandable to the general public, provided in the native language or other mode of communication used by the parent.

4) If the native language or other mode of communication used by the parent is not a written language, the School must ensure: a) the notice is translated orally or by other means to the parent in his or her native language or other mode of communication; b) That the parent understands the content of the notice; c) That there is written evidence of these requirements.

- §300.504 Procedural Safeguards Notice

1) A copy of the procedural safeguards available to the parent of a child with a disability must be given to the parents only one time a school year, except that a copy also must be given to the parents: a) Upon initial referral or parent request for evaluation; b) Upon receipt of a first complaint to the State or first request for a due process hearing in a school year; c) When a disciplinary change of placement /removal has been initiated; d) Upon request by a parent.

2) The procedural safeguards notice must include a full explanation of all the procedural safeguards available under §300.148, §§300.151 through 300.153, §300.300, §§300.502 through 300.503, §§300.505 through 300.515, §300.520, §§300.530 through 536, and §§300.610 through 300.625 relating to: a) Independent educational evaluations; b) Prior written notice; c) Parental consent; d) Access to education records; e) Opportunity to present and resolve complaints through the due process hearing and State complaint procedures, including: i) The time period in which to file a complaint; ii) The opportunity for Sonoran Science Academy to resolve the complaint; iii) The difference between due process hearing and State complaint procedures, jurisdictions, issues that may be raised, timelines, and relevant procedures; f) The availability of mediation; g)

The child's placement during the due process hearing; h) Procedures for students subject to placement in an interim alternative educational setting; i) Requirements for unilateral placements by parents of children in private schools at public expense; j) Due process hearings including requirements for disclosure of evaluation results and recommendations; k) Civil actions, including timelines and attorneys' fees. This notice must meet the same requirements for understandable language as for the written prior notice described in §300.503.

- §300.505 Electronic Mail. The parent of a child with a disability may elect to receive required notices by an electronic mail communication if the School makes that option available.

- §300.506 Mediation

1) The School offers the procedures available through the Arizona Department of Education's Exceptional Student Services Dispute Resolution to allow parties to disputes, including those matters arising prior to a request for a due process hearing, to resolve disputes through mediation. Procedures will ensure that the mediation process: a) Is voluntary on the part of the parties; b) Is not used to deny or delay a parent's right to a due process hearing or any other right under the IDEA; c) Is conducted by a qualified and impartial mediator who is trained in effective mediation techniques.

2) The School may establish procedures to offer to parents and schools that choose not to use mediation an opportunity to meet, at a time and location convenient to the parties, with a disinterested party: a) Who is under contract with an appropriate alternative dispute resolution entity, or a parent training and information center, or community parent resource center; b) Who would explain the benefits of, and encourage the mediation process to the parents;

- §300.507 Filing a Due Process Complaint

1) A parent or the School may file a request for a due process hearing relating to the identification, evaluation or educational placement of a child with a disability.

2) The request for a due process hearing must allege a violation that occurred not more than two years before the date the parent or public agency knew or should have known about the alleged violation.

3) The School must inform the parent of any free or low cost legal and other relevant services available in the area upon parent request.

- §300.508 Due Process Complaint (Hearing)

1) The School will have procedures that require either party, or the attorney representing a party, to provide to the other party a confidential due process complaint.

2) The party filing the notice for a hearing must forward a copy of the request to the State.

3) The due process hearing complaint must include the following, in order, for the complaint to be heard: a) The name of the child; b) The residential address of the child; c) The school of attendance; d) A description of the nature of the problem of the child relating to the proposed or refused initiation or change, including facts relating to the problem; and e) A proposed resolution of the problem to the extent known and available to the party at the time.

4) The due process complaint will be deemed sufficient unless the party receiving the complaint notifies the hearing officer and the other party in writing, within 15 days of receipt of the complaint, that it believes the complaint does not meet the content requirements.

5) Within five days of receipt of notice, the hearing officer must determine whether the complaint meets the requirements and notify the parties, in writing, of that determination.

6) A party may amend its due process complaint only if: a) The other party consents in writing and is given an opportunity to resolve the complaint through the resolution process; or b) The hearing officer grants permission, but in no case later than five days before the due process hearing begins.

7) If a party files an amended complaint, the relevant timelines begin again.

8) If the School has not sent a prior written notice to the parent regarding the subject matter contained in the due process complaint, it must do so within 10 days of receiving the complaint.

9) Within 10 days of receiving the complaint, the receiving party will send to the other party a response that specifically addresses the issues raised in the due process complaint.

- §300.510 Resolution Process

1) Within 15 days of receiving the notice of the parent's due process complaint, and prior to the initiation of a due process hearing, the School must convene a meeting with the parent and the relevant members of the IEP Team who have specific knowledge of the facts identified in the complaint that: a) Includes a representative of the School who has agency decision-making authority; b) May not include an attorney of the School unless the parent is accompanied by an attorney.

2) The purpose of the meeting is for the parent of the child to discuss the due process complaint, and the factual basis of the complaint, so the School has the opportunity to resolve the dispute.

3) The resolution meeting need not be held if: a) The parent and the School agree in writing to waive the meeting; or b) The parent and the School agree to use the mediation process.

4) The parent and the School determine the relevant IEP Team members to attend the meeting.

5) If the School has not resolved the complaint to the satisfaction of the parent within 30 days of the receipt of the complaint, the due process hearing may occur. The timeline for issuing a final decision begins at the end of this 30-day period.

6) The failure of the parent to participate in the resolution meeting that has not been mutually agreed to be waived, will delay the timelines for the resolution process and due process hearing until the meeting is held.

7) If the School is unable to obtain the participation of the parent after reasonable efforts have been made and documented, the School may, at the conclusion of the 30-day period, request the hearing officer dismiss the parent's due process complaint.

8) If the School fails to hold the resolution meeting within 15 days of receiving the complaint or fails to participate in the meeting, the parent may request that the hearing officer begin the hearing timeline.

9) The 45-day timeline for the due process hearing starts the day after: a) Both parties agree in writing to waive the resolution meeting; or b) After either the mediation or resolution meeting starts but before the end of the 30-day resolution period, the parties agree in writing that no agreement is possible; or c) If both parties agree in writing to continue the mediation at the end of the 30-day resolution period, but later, one party withdraws from the mediation process.

10) If a resolution is reached at the meeting, the parties must execute a legally binding agreement that is: a) Signed by both the parent and public agency representative who has authority to legally bind the School; and b) enforceable in any State court of competent jurisdiction or in a district court of the U.S.

11) Either party may void the agreement within 3 business days of the agreement's execution.

- §300.518 Child's Status During Proceedings

1) The child involved in the due process hearing complaint must remain in his or her current educational placement: a) Unless a discipline appeal has been filed as provided in §300.533; b) During the pendency of any administrative or judicial proceeding regarding a due process complaint notice requesting a due process hearing under §300.507; or c) Unless the School and parents of the child agree otherwise.

2) If the complaint involves an application for initial admission to public school, the child, with the consent if the parents, must be placed in the public school until the completion of all the proceedings.

3) If the complaint involves an application for initial services for a child who has turned three and transitioning from Part C to Part B, the School is not required to provide the Part C services the child had been receiving. If the child is found eligible for special education and related services under Part B, and the parent consents to the initial provision of services under §300.300(b), then the School must provide those services that are not in dispute.

4) If the hearing officer agrees with the child's parents that a change of placement is appropriate, that placement must be treated as an agreement between the State and parent for the purposes of (1)(c) of this section.

- §300.519 Surrogate Parents

1) The School will ensure that the rights of a child are protected by assigning an individual to act as a surrogate for the parents when: a) No parent can be identified; b) After reasonable efforts are made, no parent can be located; c) The child is a ward of the State (with no foster parent); d) The child is an unaccompanied homeless youth as defined by the McKinney-Vento Homeless Assistance Act;

2) The School will have a method for determining when a surrogate parent is needed and for making surrogate parent assignments.

3) The School will ensure that a person selected as a surrogate parent: a) Is not an employee of the State, the School, or any other agency that is involved in the education or care of the child; b) Has no personal or professional interest that conflicts with the interest of the child the surrogate parent represents; and c) Has knowledge and skills that ensure adequate representation of the child.

4) In the case of an unaccompanied homeless youth, appropriate staff of emergency shelters, transitional shelters, independent living programs, and street outreach programs may be appointed as temporary surrogate parents until a surrogate parent can be appointed that meets all the requirements of this section.

- §300.520 Transfer of Parental Rights at Age of Majority

1) When a child with a disability reaches age 18, unless that child has been determined to be incompetent: a) The School will provide any notice required by the IDEA regulations to both the child and the parents; and b) All rights accorded to parents under Part B of the Act transfer to the child

2) When the rights are transferred, the School will provide notice to the child and parent of the transfer of rights.

- AAC R7-2-401.I Procedural Safeguards

1) The School shall establish, implement, and make available to school-based personnel and parents of students with disabilities written procedures to ensure children with disabilities and their parents are afforded the procedural safeguards required by federal statute and regulation and state statute. These procedures shall include dissemination of information to parents about the School's and the state's dispute resolution options.

2) In accordance with the requirements of IDEA, prior written notice shall be provided to the parents of a child within a reasonable time after the School proposes to initiate or change, or refuses to initiate or change, the identification, evaluation,

educational placement or provision of FAPE to the child, but before the decision is implemented.

SECTION 504

It is the responsibility of the School to identify and evaluate students who, within the intent of Section 504 of the Rehabilitation Act of 1973, need special services or programs. For the purposes of this policy, a student who may need special services or programs within the intent of Section 504 is one who has a physical or mental impairment that substantially limits one (1) or more major life activities, including learning; or has a record of such impairment; or is regarded as having such impairment.

Students may be eligible for services under the provisions of Section 504 even though they do not require services pursuant to the IDEA. Students who are eligible for services under the IDEA are addressed above, in Policies 6.1-6.9.

6.10 Identification and Referral Procedures. Any student who needs or is believed to need accommodations under Section 504 may be referred by a parent, teacher, or other certificated school employee for identification and evaluation. The School must have parental consent before conducting an evaluation.

6.11 Evaluation. The decision to qualify a student for Section 504 services is made by a multidisciplinary team, including individuals knowledgeable about the student and the placement options. This team may include parents, guardians, teachers, school psychologists, administrators, and others as determined by the referral for eligibility consideration. The family may also invite any relevant outside person(s). The team will also include persons knowledgeable about the placement options, and persons able to interpret the meaning of evaluation data. 34 CFR 1404.35(c).

In addition to the information provided by the parents, the following information may be reviewed at the meeting:

- Standardized achievement tests
- Medical information including hearing, vision, medications, and any relevant developmental history
- Academic grades and transcripts
- Primary language (home and student)
- Discipline records
- Attendance
- School history
- Teacher reports/observations

Evaluations under Section 504 are not limited to formal evaluation instruments. Because the disabilities that may fall under Section 504 are broader than the specific disabilities listed in IDEA, evaluative information for a student may come from a number of sources, including

aptitude and achievement tests, teacher recommendations, the student's physical condition, the student's social or cultural background, or the student's adaptive behavior.

After reviewing the relevant information, the team will determine whether the student is a student with a disability that significantly impacts a major life activity. In order to be eligible to receive legal protections under Section 504, the student's ability to perform a major life activity, must be substantially limited and the definition of "substantially limited" must be more broadly construed and generally applied than "severely restricted." The purpose of Section 504, as stated by Congress, is to provide "broad coverage of individuals under this Act, to the maximum extent permitted by the terms of this Act." Notwithstanding, the fact that a student has a diagnosed physical or mental impairment does not automatically mean s/he will qualify for an accommodation plan under Section 504.

A final decision will be made by the School in writing, and the parents or guardian of the student shall be notified of the Section 504 procedural safeguards available to them, including the right to an impartial hearing and review.

6.12 Section 504 Accommodation Plans. If the team determines that the student is eligible for Section 504 protections, the team will develop a Section 504 Accommodation Plan.

The Section 504 team determines what accommodations are needed to achieve equality/comparability of access to educational activities for the student with a disability. In addition to the normal and usual academic and school activities, students must also be given the opportunity to participate in non-academic and extracurricular services and activities, such as recreational and athletic activities, and school-sponsored clubs, events and activities. Participation in such non-academic activities may require accommodations. 34 CFR 104.34(b).

The accommodations for the student are documented in the Section 504 Accommodation Plan.

6.13 Implementation of Section 504 Accommodation Plans. All of the professional staff who work with the student will have access to a copy of the student's Section 504 Accommodation Plan. Paraprofessional staff who work with the student should also be thoroughly familiar with any accommodations that the student requires to receive an appropriate education. Staff shall implement the Section 504 Accommodation Plan fully and in a timely manner in alignment with the plan's initiation date.

6.14 Review of Accommodation Plans. On a periodic basis, the team will reconvene to review the plan. At the meeting, the following questions will be asked:

- Is the student still eligible for a 504 plan?
- Is there new information that needs to be considered?
- Are the current accommodations working?
- Do any changes need to be made to the plan?

Based on the answers to the above questions, the team may decide to continue the same accommodation plan, make changes to the plan, or discontinue the plan because the student is no longer eligible.

6.15 Procedural safeguards. Procedural safeguards include notice, an opportunity to examine the student's relevant records, an impartial hearing with the opportunity for participation by the student's parents or guardian and representation of counsel, and a review procedure. The parents shall be notified in writing of all School decisions made under this policy. The parents shall be notified that they may examine relevant records. In general, only those persons with a legitimate educational interest, or "need to know," have access to confidential information concerning the student's disability and education.

6.16. Due Process Hearings. The parents or the School shall have the right to an impartial hearing ("Section 504 due process hearing"), with opportunity for participation by the parents and their counsel. In the notification of any School decision, the parents will be advised that a request for a Section 504 due process hearing should be made within 35 days of the notice. The request shall be made by mailing a written request to the School's Leadership Team at the School's main office.

Parents requesting a hearing should submit a written request to the §504 Coordinator and include the following information:

- The name of the child and the person making the request;
- The address of the residence of the child;
- The name of the school that the child is attending;
- In the case of a homeless child or youth (within the meaning of section 725(2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a(2))) available contact information for the child, and the name of the school that the child is attending;
- A description of the nature of the problem relating to alleged discrimination under §504, including facts relating to the problem;
- A proposed resolution of the problem to the extent known and available to the party at the time;
- A suitable time for the hearing;
- Two possible dates for the hearing; and
- Indication of whether the hearing will be closed or open to the public.

The proceedings will be presided over and decided by an impartial hearing officer. Impartial hearing officer means a person selected to preside at a due process hearing to assure that proper procedures are followed and to assure the protection of the rights of both parties.

If a state due process hearing has been or will be held under the IDEA concerning issues relevant to the Section 504 proceeding, a hearing officer qualified as to IDEA and Section 504 proceedings may preside in a joint hearing. The issues for either an IDEA or Section 504 determination shall be clearly defined at the outset, and determinations by the hearing officer will be separate and distinct.

6.17 Section 504 Due-Process Hearing Procedures.

A notice of hearing shall be provided to the parents at least 20 days prior to the date set for the hearing. The notice shall contain a statement of time, place, and nature of the hearing. The hearing notice will also indicate that parents may be represented by legal counsel and that

the student may be present at the hearing. All written correspondence shall be provided in English and/or interpreted in the primary language.

The impartial hearing officer shall preside at the hearing and shall conduct the proceedings in an impartial manner so that all parties involved have an opportunity to present their evidence and question and cross-examine witnesses who know about the student's disability. In cases where there are language differences, an interpreter shall be provided.

The impartial hearing officer must conduct the due process hearing and render a decision in writing no more than 45 days from the date that the School received the parent's request for the hearing. The impartial hearing officer may grant a continuance at the request of one of the parties, if both parties agree. The hearing officer shall determine whether the School has met all procedural aspects of the accommodation plan. The decision or a separate notification from the School will inform the parties that either may appeal the decision to the appropriate state or federal court.

The decision made by the impartial hearing officer is final, and the parties shall abide by the decision of impartial hearing officer unless the decision is appealed to a federal court of competent jurisdiction and the decision is stayed by the court.

A written or audio recording of the Section 504 due process hearing shall be on file at the School office and will be available for review upon request to the parents and/or any of the involved parties at no cost.

6.18 Additional Procedures. The Leadership Team has the authority to and shall develop any additional procedures that are needed to implement these policies and ensure the rights of parents and students under Section 504.

SECTION 7

STUDENTS

7.1 Equal Educational Opportunities and Freedom from Bullying and Harassment. The right of a student to participate fully in classroom instruction shall not be abridged or impaired because of race, color, religion, sex, age, national origin, and disability, or any other reason not related to the student's individual capabilities. Students also have the right to be free from bullying and harassment. The right of students to participate in extracurricular activities shall be dependent only upon their maintaining the minimum academic and behavioral standards established by the Governing Body, and their individual ability in the extracurricular activity.

The Culture and Engagement Director, or other member of the Leadership Team designated by the same, shall serve as the compliance officer for the purpose of enforcing these student rights. Any student who feels unlawfully discriminated against or to have been the victim of unlawful discrimination by an agent or employee of the School or who knows of such discrimination against another person should file a complaint with the Leadership Team. If a member of the Leadership Team is the one alleged to have unlawfully discriminated, the complaint shall be filed with the Governing Board. Except in extraordinary circumstances and to facilitate a thorough investigation, a complaint must be filed within 30 calendar days after the complaining party knew or should have known that there were grounds for a complaint.

The School is committed to investigating each complaint and to taking appropriate action on all confirmed violations of policy. The Leadership Team shall begin and complete investigations regarding complaints filed as soon as reasonable given the facts and circumstances presented by the complaint. In investigating the complaint, the Leadership Team will maintain confidentiality to the extent reasonably possible to perform an adequate investigation.

If after the initial investigation the Leadership Team has reason to believe that a violation of this policy has occurred, the Leadership Team shall determine what actions are appropriate to remedy the violation and prevent its recurrence to the extent possible. The potential actions may be suspension, termination of employment or other appropriate disciplinary action if the person who violated the policy is an employee. If the person found to have violated policy is a student, the Leadership Team may impose discipline in accordance with student discipline policies.

If the Leadership Team's investigation reveals no reasonable cause to believe policy has been violated, the Leadership Team shall so inform the complaining party in writing.

When School officials have a reasonable belief or an investigation reveals that a reported incident may constitute an unlawful act, law enforcement authorities will be informed.

Retaliatory or intimidating acts against any student who has made a complaint under this policy and its corresponding regulations, or against a student who has testified, assisted or participated in any manner in an investigation relating to a complaint or grievance, are specifically prohibited and constitute grounds for a separate complaint.

Separate policies are provided for alleged violations of Title IX.

7.2 Enrollment. The School does not discriminate in its admissions or enrollment practices on the basis of race, ethnicity, national origin, age, religion, gender, income level, disability, English proficiency or athletic ability.

The Leadership Team shall oversee the preparation and updating of an enrollment form and requirements that mirror state law and any other regulatory requirements. In addition to other requirements, the Leadership Team shall ensure that the School uses and maintains the information and forms required by the Arizona Department of Education regarding verifiable documentation of residency in Arizona. The Leadership Team shall not allow or adopt any requirements regarding U.S. citizenship or that would otherwise curtail children who are not citizens from attending school. The School will provide translated documents and translation services, as necessary, for all enrollment documents.

Although the School may offer tours and informational sessions to potential students and their families, admission will not be conditioned on participation in or attendance at any tour or informational session. Similarly, admission will not be conditioned on optional donations of time and/or money to the School, including parent ability to volunteer at the School.

7.3 Admission Criteria. The Leadership Team, in consultation with other School employees as necessary, shall determine how many students may be admitted each school year for each grade, building or special program, if any, keeping in mind the enrollment cap set by the School's authorizer. The Leadership Team shall make this determination based primarily on the School's capacity to appropriately serve all admitted students, including the physical capacity of the School building and classrooms; availability of staff members to provide necessary services; and the availability of other necessary resources.

A student's eligibility for special education services or a Section 504 Plan will not be considered and is not relevant to admission decisions. However, the School may collect information about whether a prospective student is, or may be, eligible for special education services under federal law to better serve the student promptly and appropriately following admission.

7.4 Enrollment Preferences. In compliance with A.R.S. § 15-184, the School shall give enrollment preference to:

- Students returning to the School and siblings of students already enrolled in the School;
- Students who are the children of employees of the School, the charter holder corporation, members of the School's Governing Board and officers and directors of the charter holder corporation (if different from the School's Governing Board);
- Students who are in foster care; and
- Students who attended another charter school or are the siblings of those students if the charter school previously attended by the students has the identical charter holder, board and governing board membership as the enrolling charter school.

Reenrolling students and their siblings are given first priority among the groups listed above. The School will not give enrollment preferent to any student on any other basis not set forth above.

If remaining capacity is insufficient to enroll all students who submit a timely application the School shall use an equitable and fair lottery system, developed by the Leadership Team. Any students submitting enrollment documents following the lottery will be placed on a waiting list, the order of which will be based on the date and time of receipt of a complete application packet.

7.5 Homeless Students. The Leadership Team shall ensure that any enrollment form and requirements are consistent with the McKinney-Vento Homeless Education Assistance Improvements Act of 2001 and any Arizona law related to the enrollment of homeless students. The Leadership Team will designate an appropriate staff person to serve as a liaison for homeless students and establish appropriate procedures regarding the admission and education of homeless students.

7.6 Expelled Students. The School may refuse to admit any student who has been expelled from or is in the process of being expelled from any other school, whether public or private. The Leadership Team has the sole discretion to determine whether to admit such a student, and the Leadership Team's decision may not be appealed. Failure to disclose this information on a student's enrollment application may result in revocation of the student's acceptance.

7.7 Student Placement. Students who apply for admission to grades 9 through 12 on the basis of prior schooling outside the School will be placed initially at the grade levels they have reached elsewhere. The Leadership Team shall establish procedures for reviewing the appropriate assignment of students to classes and grade levels, which may include a placement test to determine proper placement at an appropriate skill level. The placement test is not used for admission purposes. Previous school records, courses completed, and assessment placement tests are also used for proper academic placement.

7.8 Student Absences. The Leadership Team shall create policies regarding excused student absences, including for chronic health conditions and the conditions set forth in A.R.S. § 15-806, and parental notification to the School of absences. The School shall excuse students for religious purposes, including participation in religious exercises or religious instruction. In order for a religious purpose absence to be excused under this policy, the parents of the student must give their written consent to the absence and any religious instruction or exercise must take place at a suitable place away from School property.

7.9 Student Conduct. The Leadership Team shall establish rules for the conduct of students in School (whether online or in-person), traveling to and from School, at School functions, or at other times that may impact the School's ability to maintain order. In establishing these rules, the Leadership Team may consult with student or staff committees. In addition to compliance with rules established by the Leadership Team, students are expected to comply with any order given by a member of the faculty or staff relating to School activities.

The rules for conduct shall prohibit students from engaging in improper behavior and shall be published in a *Student Handbook*, to be prepared and updated yearly by the Leadership Team.

7.10 Student Discipline. The Leadership Team shall develop policies for the discipline of students who violate the student conduct standards that complies with due process principles for student discipline, including notice and a fair hearing. No appeal shall be available following a student discipline decision, whether short-term or long-term suspension or expulsion. The policies shall, to the extent possible, incorporate collaborative and restorative practices. The School does not allow corporal punishment. The Leadership Team shall ensure that a copy of all rules pertaining to discipline, suspension, and expulsion are distributed to each student's parents each year in the Student Handbook.

Discipline policies related to special education students are set forth in Policy 6.3.

7.11 Student Health. The Leadership Team shall establish procedures for the safe administration of student medications by students or administration. Among other provisions, these procedures shall include the following:

- Under certain circumstances, when it is necessary for a student to take medicine during school hours, the School will cooperate with the family physician and the parents if the following requirements are met: a) There must be a written order from the physician stating the name of the medicine, the dosage, and the time it is to be given; b) There must be written permission from the parent to allow the School or the student to administer the medicine; c) The medicine must come to the School in the most recent prescription container or, if it is over-the-counter medication, in the original container with all warnings and directions intact.
- Students who have been diagnosed with anaphylaxis may carry and self-administer emergency medications including auto-injectable epinephrine provided the student's name is on the prescription label on the medication container or device and annual written documentation from the student's parent or guardian is provided that authorizes possession and self-administration. The student shall notify the School as soon as practicable following the use of the medication.
- For breathing disorders, handheld inhaler devices may be carried for self-administration provided the student's name is on the prescription label on the medication container or on the handheld inhaler device and annual written documentation from the student's parent or guardian is provided that authorizes possession and self-administration.
- Students with diabetes who have a diabetes medical management plan may carry appropriate medications and monitoring equipment and self-administer the medication.

The School reserves the right, in accordance with procedures established by the Leadership Team, to circumscribe or disallow the use or administration of any medication on School premises if the threat of abuse or misuse of the medicine may pose a risk of harm to a member or members of the student population.

7.12 Diabetes Management. The Governing Board adopts, and the Leadership Team shall implement, policies regard students who have been diagnosed with disability to manage their diabetes on School grounds and at School-sponsored activities.

The parent or guardian shall annually submit a diabetes medical management plan to the School that authorizes the student to carry appropriate medications and monitoring equipment and that acknowledges that the student is capable of self-administration of those medications and equipment. The diabetes medical management plan provided by the parent or guardian shall be signed by an appropriately licensed health care practitioner or pharmacist, and shall state that the student is capable of self-monitoring blood glucose and shall list the medications, monitoring equipment and nutritional needs that are medically appropriate for the student to self-administer and that have been prescribed or authorized for that student.

The student must be able to practice proper safety precautions for the handling and disposal of the equipment and medications that the student is authorized to use pursuant to this policy. The student's diabetes medical management plan shall specify a method to dispose of equipment and medications in a manner agreed on by the parent or guardian and the School.

The School may withdraw a student's authorization to monitor blood glucose and self-administer diabetes medication if the student does not practice proper safety precautions as provided in this policy. The Leadership Team has the sole discretion to withdraw this authorization.

Any medication administration services specified in the child's diabetes medical management plan shall be provided.

The School may, but does not have to, designate two or more school employees to serve as voluntary diabetes care assistants. The parent or guardian shall have final approval of the voluntary diabetes care assistants. Voluntary diabetes care assistants are allowed to administer insulin, assist the student with self-administration of insulin, administer glucagon in an emergency situation to a student or perform any combination of these actions if all of the following conditions exist: a) an appropriate health care professional is not immediately available to attend to the student at the time of the emergency; b) the parent or guardian of the student has provided to the School an unexpired glucagon kit for the school year that is prescribed for that student by and appropriately licensed health care practitioner or pharmacist; c) the volunteer diabetes care assistant has provided to the school a written statement signed by an appropriately licensed health care professional that the voluntary diabetes care assistant has received proper training in the administration of glucagon, that meets all of the requirements of A.R.S. § 15-344.01; d) the parent or guardian of the student has provided insulin and all equipment and supplies that are necessary for insulin administration by voluntary diabetes care assistants.

A School employee is not subject to any penalty or disciplinary action for refusing to serve as a voluntary diabetes care assistant.

To the full extent provided by law, the School, members of its Governing Board, its employees, and any volunteers are immune from civil liability related to the consequences of the

implementation, actions take, and decisions made related to this policy and any procedures adopted in compliance with the policy.

7.13 Student Release. Except as allowed by law, no student will be removed from the School grounds or from any School function during school hours except by a person authorized to do so by the student's parent or guardian or someone who has been given authority in writing or verbally to remove the student by the parent or guardian. If verbal authorization is provided, the School administration shall take any necessary steps to ensure the identity of the individual providing the authorization. If any police or court official requests the dismissal of a student during school hours, parents should be notified as soon as possible.

7.14 Student Fees. The School shall not charge any fees for any courses or curriculum or related materials that are necessary to complete the School's course of study for that grade or to graduate. The School may charge appropriate fees for extracurricular courses or activities.

7.15 Tax Credit Contributions. Tax credit contributions will be used for allowable purposes under Arizona law and as designated by the individuals making the contributions. The School shall determine activity eligibility in accordance with applicable law and guidance. If contributors do not designate a specific purpose for tax credit contributions the Leadership Team shall determine, in their sole discretion, how to use the contributions; however, all undesignated and designated but unspent contributions must be accounted for and spent in accordance with applicable law and guidance.

The Governing Board recognizes some students may not be able to pay these fees. Accordingly, the Governing Board authorizes the Leadership Team to waive all or part of the fee if he or she determines the fee creates an economic hardship for the student.

The Leadership Team will establish procedures to assure compliance with all requirements for reporting the receipt and expenditure of contributions eligible for the tax credit in the form and manner required by applicable law and guidance.

7.16 Student Records. The School will comply with the provisions of the Family Educational Rights and Privacy Act (FERPA) and the Individuals with Disabilities Education Act (IDEA), the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001 (USA PATRIOT ACT), and all other applicable state and federal laws in the establishment, maintenance, correction, and disposition of student records. The Leadership Team shall establish procedures for such compliance, including informing parents, students, and the public of the contents.

The Leadership Team will notify parents of their rights under FERPA each year, including providing the required annual FERPA notice, which shall include notification of all rights under FERPA and its implementing regulations. The notice shall also include a) the procedure for exercising the right to inspect and review education records; b) The procedure for requesting amendments of education records that the parent or eligible student believe to be inaccurate, misleading or otherwise a violation of the student's privacy rights; and c) the conditions when prior consent is not required, the criteria for determining who constitutes a school official and what constitutes a legitimate educational interest.

The School has adopted a limited directory information policy under FERPA, under which directory information will be disclosed only for the following specific purposes, or to the following specific parties:

Purposes

- The annual yearbook;
- School publications, including school/class directories, lists, newsletters, flyers;
- Honor rolls or other awards or recognition lists;
- Graduation programs;
- Extracurricular programs, including playbills, concert programs, graduation programs and the like; and
- Sports programs or activity sheets, showing weight and height of team members.

Parties

- Parents or guardian of currently-enrolled students.
- School-recognized parent-teacher organizations.
- Except as otherwise necessary to fulfill one or more of the permissible purposes above, directory information will not be disclosed to parties seeking to use directory information for commercial purposes.

7.17 Transgender Students. The School is committed to creating safe, comfortable and respectful learning environments for all students. In accordance with Title IX, the School does not discriminate against transgender or gender non-conforming students. Any form of discrimination, harassment or bullying is strictly prohibited at the School. Allegations of discrimination, harassment or bullying based on a student's actual or perceived transgender status or gender nonconformity that are reported to the School will be handled in the same manner as other discrimination, bullying or harassment complaints.

The School is required to maintain a permanent student file that includes a student's legal name and legal sex. To the extent that the School is not required to use a student's legal name or legal sex on other school records or documents, the School will use the name and gender marker preferred by the student. The School will change a student's official records upon receipt of documentation indicating that a legal change has been approved, such as a court order or amendment of a state or federally issued identification.

7.18 Dual Credit Policy. Desert Sage School will offer high school credit for college coursework under the following terms and conditions:

- The college or university must be regionally accredited
- Coursework must be college level (100-level or above)

Desert Sage School Policy Manual

- Coursework must be academic in nature and fall under the category of English, mathematics, science, social studies, or world language
- College credit must be reflected on an official college transcript
- The grade must be a “C” or higher (or equivalent percentage or narrative)
- A similar course is not offered, or will not be offered, at Desert Sage School
- Coursework may be in-person, online, or a hybrid

Credit Equivalency: Pursuant to ARS § 15-701.01(F), three (3) semester credits shall equal one (1) high school credit; five (5) quarter credits shall equal one high school credit. Only one (1) full high school credit (Carnegie Unit) shall be transferred to Desert Sage School per course, so long as the course is at *least* three (3) semester credits or five (5) quarter credits.

Financial Assistance: Desert Sage School will reimburse the parent or legal guardian for tuition and required books in an amount up to in-state tuition at an Arizona community college under the following terms and conditions:

- The course meets the guidelines indicated above for credit at Desert Sage School
- The student is enrolled at Desert Sage School during the time of the college course; if a college course is taken during the summer, the student must have been enrolled at Desert Sage School in the term prior to the summer college course and after the summer college course has been completed
- An official transcript is received from the college or university
- A limit of one (1) high school credit may be eligible for tuition reimbursement per semester or during the summer at Desert Sage School

Any non-consumable textbook shall become property of Desert Sage School and must be returned to Desert Sage School for reimbursement. If paying for a course and textbook(s) upfront presents a financial hardship, Desert Sage School will directly pay for the expense. A student may attend *any* regionally accredited college or university; the reimbursement amount shall be equal the actual tuition paid, but shall be capped at cost of an equivalent course at an Arizona community college at resident tuition rates. If the tuition exceeds this amount, the excess cost shall not be reimbursed.

SECTION 8

COMMUNITY RELATIONS

8.1 Parent Classroom Visits, Tours or Observations.

Parents of Enrolled Students. In accordance with Arizona law, parents of students enrolled at the School may request to visit, tour, or observe their child’s classroom (a “campus visit”), subject to the following parameters:

- All campus visit requests must be received by the School at least 24 hours in advance of the proposed visit, provided that the school, in its sole discretion, may waive the 24-hour advance notice requirement on a case-by-case basis.
- Campus visit requests will be promptly reviewed by the Leadership Team, with input from the classroom teacher.
- Campus visit requests will be approved unless they threaten to interfere with the physical, intellectual, social, or emotional health and/or safety of students and staff.

During any approved campus visit, parents will be subject to all policies applicable to campus visitors generally, including safety requirements for providing identification, signing in and out of the campus, and if applicable, being accompanied by School staff.

Parents of Potential Students. In accordance with Arizona law, parents who wish to enroll their child in the School may request a campus visit, subject to the same parameters set forth above for parents of enrolled students. In addition, parents of potential students will be required to be accompanied at all times during any campus visit by a current staff member.

Scheduling. Approved campus visits will be scheduled at a mutually convenient time for the School and the parents, and may be limited to a specific time frame, at the School’s discretion.

Health and Safety Parameters. For purposes of this policy, the following requests threaten to interfere with the physical, intellectual, social, or emotional health and/or safety of students and staff, and are therefore not allowed:

- Requests for campus visits during state testing, other testing periods, or at other times that would clearly interfere with educational instruction or disrupt the educational environment.
- Requests for campus visits by parents who have demonstrated failure to abide by Parent Behavioral Expectations (set forth below), or who have otherwise failed to abide by campus visitation policies of the School.
- Requests that, for other reasons, threaten to interfere with the physical, intellectual, social, or emotional health and/or safety of students and staff.

Parent Behavioral Expectations. During any campus visit, parents are expected and required to comply with all campus visitor procedures and to comport themselves at all times

with appropriate decorum and in a manner that is respectful and conducive to an environment in which the educational objectives of the school can be effectively administered. Consistent with this expectation, any parental behavior that constitutes harassment, bullying, or verbal or physical abuse of staff or students, or that otherwise disrupts the educational environment is expressly prohibited.

In addition, parents may not interfere with instruction or distract from the instructional environment, nor may parents help their child with their schoolwork during a campus visit, unless specifically allowed by the classroom teacher.

Parents who disregard these behavioral expectations while on School grounds will be ejected from campus; may be prohibited from future campus visits or subject to other limitations on future campus visits; and may be subject to other consequences under applicable law or policy.

8.2 Other School Visitors. Except as set forth in Policy 8.1, above, no person shall visit or audit a classroom or other school activity or come upon and remain upon School premises, without approval by the Leadership Team or their authorized representative. Persons attending special School functions shall confine themselves to the specific part of the building related to the functions. All visitors to any School site must first report to the School office. No person other than a peace officer may carry or possess a weapon, including a firearm, on School grounds. Classroom volunteers who are not the parent or guardian of a currently-enrolled student must be fingerprinted before being allowed in a classroom or otherwise spend unsupervised time with students. Any costs associated with fingerprinting will be born by the volunteer.

8.3 School Community Complaints. To the extent not covered by a specific complaint or grievance policy, complaints received from members of the public who are not School employees, parents or students will be handled by the Leadership Team, who may delegate investigation and attempted resolution to an appropriate staff member. Unless otherwise required by policy or law, the Leadership Team's decision regarding public complaints will be final. The Leadership Team will advise the Governing Board of any complaints that may lead to publicity or contacts directly from the member of the public or in such circumstances as the Leadership Team otherwise believes is prudent.

8.4 Community Use of School Facilities. School facilities may be used only by those organizations that are either school related or whose membership is open to the public and whose activities promote the educational mission of the School, to be determined in the sole discretion of the Leadership Team. The Leadership Team may permit the use of the School facilities by these organizations without compensation, except that if the School will incur significant costs as the result of the use, the Leadership Team shall require the organization to pay a reasonable fee for the use of the property and shall determine such other conditions for use as are reasonable. Such fee shall be determined based on the status of the organization (nonprofit v. for-profit) and the resources that will be needed for the use. The Leadership Team may deny a request for use of space by such organizations if it would delay, cancel or interfere with a School-sponsored activity or if the use of the space would jeopardize the safety and welfare of students and/or staff.

8.5 Distribution of Promotional Materials. The Leadership Team shall have the authority to determine what, if any, non-School promotional materials may be distributed or displayed at the School. The determination shall be made based on the perceived benefit of the promotional materials to the School community, and not based on the viewpoint expressed in the materials, if any.

SECTION 9

TITLE IX – SEXUAL DISCRIMINATION POLICY AND SEXUAL HARASSMENT GRIEVANCE PROCEDURES

Title IX of the Education Amendments of 1972 and the Title IX regulations prohibit discrimination on the basis of sex, including gender-based and sexual harassment discrimination, in the School's educational programs and activities, including employment. The School is committed to maintaining an educational and working environment free from sex discrimination and harassment and encourages any student or employee who believes they have been subjected to discrimination on the basis of sex, whether by students or by School employees, to utilize this procedure.

9.1 Title IX Coordinator. The School's designated and authorized Title IX Coordinator can be reached as follows:

Venus-Tyané Kuya, Culture and Engagement Director
Desert Sage School
3434 E Broadway Blvd
Tucson, AZ 85716
520-365-3766
venus.tyane@desertsageschool.org

The Title IX Coordinator is designated and authorized to coordinate the School's compliance with Title IX.

9.2 Notification. The contact information for the Title IX Coordinator and the School's nondiscrimination notice (indicated above) will be prominently posted on the School's website and in any student or employee handbooks. Any documents used to train the Title IX Coordinator, School employees or others who may be involved in the Title IX grievance process will be posted on the School's website.

In addition, the School will notify students, parents or guardians of students, employees, applicants for admission and employment, and unions or similar employee professional organizations that have an agreement with the School of this Policy and the grievance procedures included in this Policy, including how to report sexual harassment and how the School will respond to such reports. The required notification may be accomplished in any way that the School deems appropriate and effective.

9.3 Reports of Sex Discrimination. Any person may report sex discrimination, including sexual harassment, regardless of whether the person is the alleged victim of the conduct, in person, by mail, by telephone or by email to the Title IX Coordinator at any time. Complaints of sex discrimination that is not sexual harassment will be handled pursuant to the School's regular

procedures for resolving student or employee grievances promptly and equitably. Complaints of sexual harassment will be handled using the grievance procedures set forth below.

9.4 Definition of “Sexual Harassment” and Other Terms. For purposes of this policy, “sexual harassment” is any one or more of the following:

- Conduct of a School employee that expressly or impliedly conditions the provision of an aid, benefit or service of the School on an individual’s participation in unwelcome sexual conduct.
- Conduct that a reasonable person would deem to be unwelcome and that is so severe, pervasive and objectively offensive that it effectively denies a student equal access to the School’s educational programs or activities.
- Conduct that constitutes sexual assault, dating violence, domestic violence or stalking under the Clery Act, 20 U.S.C. § 1092(F)(6)(A)(v), or the Violence Against Women Act of 1994, 34 U.S.C. § 12291(a)(10).

The School’s “educational programs or activities” include events and circumstances where the School exercises substantial control over the individual engaging in the alleged harassing behavior and the context in which the alleged harassment occurs, but applies only those educational programs or activities that occur within the United States. All other terms relevant to a Title IX complaint shall be construed in accordance with the current Title IX regulations and any relevant case law.

9.5 Formal Complaints of Sexual Harassment. Any person, including a person who is alleged to be the victim of sexual harassment (a “Complainant”) may report sexual harassment, in person, by mail, by telephone or by email to the Title IX Coordinator at any time. The report must include the nature of alleged violation; names of persons responsible for the alleged violation (when known) (a “Respondent”), and any other relevant background information. A Complainant (or their parent/guardian) or the Title IX Coordinator, but not a third-party reporter, may sign a formal complaint. The Complainant and the Respondent are the parties to any formal complaint, even if it is signed by the Title IX Coordinator. At the time of filing a formal complaint, a Complainant must be participating in or attempting to participate in the School’s educational program or a School activity.

9.6 Actual Knowledge Reports of Sexual Harassment. The School will also respond to alleged sex discrimination whenever any School employee has actual knowledge of potential sex discrimination or allegations of sex discrimination. Employees must report such knowledge immediately to the Title IX Coordinator.

9.7 Initial Contact with Complainant. Upon receiving notification of alleged sexual harassment, whether through a report, a formal complaint or an actual knowledge report from a School employee, the Title IX Coordinator shall promptly and confidentially contact the Complainant to discuss the availability of supportive measures, consider the Complainant’s wishes with respect to supportive measures, inform the Complainant of the availability of supportive measures with or without the filing of a formal complaint, and explain the process for filing a formal complaint, if applicable.

9.8 Supportive Measures. The Title IX Coordinator shall offer supportive measures to both the Complainant and alleged Respondent, either before or after the filing of a formal complaint or following a report where no complaint has been filed. The supportive measures are non-disciplinary, non-punitive, individualized services and shall be designed to restore or preserve equal access to the School's educational program and activities, without unreasonably burdening the other party, and shall be offered without charge. Supportive measures may include counseling, class modifications or class schedule changes, and/or increased monitoring and supervision, as deemed appropriate by the Title IX Coordinator.

9.9 Emergency Removal/Administrative Leave. The School may remove a student who is a Respondent from the School's educational program or activity on an emergency basis, provided that removal is necessary to protect the student or another individual from an immediate threat to physical health or safety. If a student has an IEP or a Section 504 Plan, the decision to remove the student on an emergency basis must be coordinated with the School's special education staff and in compliance with relevant IDEA or Section 504 requirements.

The School may place an employee who is a Respondent on administrative leave while allegations are investigated and resolved in accordance with this Policy.

9.10 General Principles Governing Grievance Process for Responding to Formal Complaints. Following the filing of a formal complaint, the Title IX Coordinator or an assigned investigator who has had training in Title IX investigations will conduct an investigation of the allegations, unless they are summarily dismissed in accordance with Section 9.12 below. The investigation will include an evaluation of all available evidence, and may include witness interviews, review of relevant documents, and consultation with other staff members as necessary. The Title IX Coordinator or investigator must be free from any conflicts of interest or bias.

The investigation will be premised on a presumption that the Respondent is not responsible for the alleged act(s) of sexual harassment, and both parties will be treated equitably during the investigation. The burden of proof is on the School to prove a violation of this Policy by a preponderance of the evidence, which means that it is more likely than not that the Respondent engaged in the prohibited behavior.

Upon a determination that the Respondent engaged in prohibited behavior (pursuant to the procedures set forth below), the School may:

- Offer the Complainant any remedies that will restore or preserve the Complainant's access to the School's educational program and activities, including any supporting measures. These remedies may be kept confidential to the extent deemed necessary by the School.
- Impose any disciplinary sanctions on a Respondent student, including participation in counseling services; revocation of privileges related to extra-curricular programs including sports; no-contact orders; schedule changes; short-term or long-term suspension; or expulsion.

- Impose any disciplinary sanctions on a Respondent employee, including participation in counseling services; no-contact orders; reassignment; suspension without pay; or termination of employment.

This Policy prohibits the Complainant, the Respondent and any witnesses from knowingly making a false statement or providing false evidence in connection with a Title IX investigation. The School may take disciplinary action under the Student Code of Conduct or Employee Handbook against individuals who make such false statements.

9.11 Written Notice of Formal Complaint. The Title IX Coordinator or investigator will provide written notice to the Complainant and the Respondent of the allegations of a formal complaint and the grievance process, including any informal resolution process. The notice of the allegations must include:

- Sufficient detail to allow the Respondent to prepare a response, including a description of the conduct alleged, the date and location of the conduct and the names of the Complainant and other involved parties, if any.
- A statement that the Respondent is presumed not to be responsible for the conduct and that responsibility will be determined at the conclusion of the process.
- A notice of the Complainant's and Respondent's rights to have an attorney or non-attorney advisor.
- The right of Complainant and Respondent to inspect and review any evidence.
- The prohibition on providing false statements or evidence in connection with the investigation of the complaint.

If additional allegations arise during an investigation and will be investigated, the Title IX Coordinator or investigator will provide written notice of those additional allegations to the Complainant and Respondent.

9.12 Summary Dismissal. If the Title IX Coordinator or investigator determines that the allegations in a formal complaint do not meet the definition of "sexual harassment" under the applicable Title IX regulations, did not occur in the School's educational program or activity, or did not occur in the United States, the Title IX Coordinator or investigator *shall* summarily dismiss the formal complaint. The Title IX Coordinator or investigator *may* dismiss a formal complaint if the Complainant requests withdrawal of the complaint, the Respondent withdraws from the School or terminates their employment with the School, or specific circumstances prevent the School from gathering appropriate evidence to make a determination regarding the allegations. Upon dismissal of a formal complaint or any allegations contained in a formal complaint, the Title IX Coordinator or investigator will promptly and simultaneously provide written notice of the dismissal and the reason(s) for the dismissal to the Complainant and Respondent. If a complaint is summarily dismissed, the School may nevertheless take whatever additional disciplinary action it deems appropriate against the Respondent under its Student Code of Conduct and procedures related thereto.

9.13 Submission of Evidence to Title IX Coordinator or Investigator. Both the Complainant and the Respondent will have a reasonable opportunity to present witnesses and

other evidence to the Title IX Coordinator or investigator, provided, however, that such evidence must be submitted within 21 calendar days of the date on which written notice of the formal complaint is provided to the Complainant and Respondent. The Title IX Coordinator or investigator will meet with each party and give them at least 24 hours' advance written notice of the date, time, location, and purpose of the meeting.

Before the Title IX Coordinator or investigator prepares the final investigation report, the Complainant, the Respondent and their advisors (if any) will be provided with an equal opportunity to review all evidence that is directly related to the allegations in the formal complaint. If possible, the evidence will be provided to the parties in an electronic format and manner that does not permit copying or downloading of the evidence. The parties may be asked to sign a Non-Disclosure Agreement prior to being provided with or viewing the evidence. The evidence provided must include any evidence that the Title IX Coordinator or investigator does not intend to rely upon, and any exculpatory or inculpatory evidence from any source.

Within ten (10) calendar days of the date on which they were provided with access to the evidence, the parties may prepare and submit to the Title IX Coordinator or investigator a written response to the evidence, which the Title IX Coordinator or investigator must consider before preparing a final, written investigation report. Following the expiration of the date on which the parties may provide responses to the evidence, the Title IX Coordinator or investigator will promptly prepare and issue a written investigation report that fairly summarizes the relevant evidence discovered during the investigation.

The School will not restrict the ability of either party to discuss the allegations and gather evidence related to the allegations of the formal complaint. However, the parties may not discuss the evidence collected during the investigation with other individuals. Failure to comply with this restriction may result in separate disciplinary action against the Complainant or Respondent.

9.14 Determination of Responsibility. The School will not hold a live hearing in connection with determining responsibility for any violations of this Policy. The written investigation report and any responses submitted by the Complainant and/or Respondent will be provided to the School's Administrative Director (the "Decision Maker"), who will make the determination regarding responsibility. The Decision Maker will provide each party with an opportunity to submit written, relevant questions for any party or witness within five (5) calendar days of the date on which the Decision Maker is provided with a copy of the final written investigation report and any responses to the report. If written questions are submitted to the Decision Maker, the Decision Maker will promptly provide the questions to the appropriate party so that the party can provide answers to the questions. Answers to the questions must be provided to the Decision Maker within five (5) calendar days of the date on which they are provided to a party. The Decision Maker will promptly provide each party with the answers to the questions and allow for additional, limited follow-up questions in writing from both the Complainant and Respondent within three (3) calendar days. If written follow-up questions are submitted to the Decision Maker, the Decision Maker will promptly provide the questions to the appropriate party so that the party can provide answers to the questions. Any answers to those additional questions must be submitted to the Decision Maker within three (3) calendar days of

the date on which they are provided to a party. The Decision Maker will promptly provide the responses to the additional questions to both parties. Any questions regarding a Complainant's prior sexual behavior or sexual predisposition will be deemed irrelevant unless they are offered to provide that someone other than the Respondent committed the alleged misconduct or are offered to prove consent.

No sooner than ten (10) calendar days after receiving the investigation report but no later than forty-five (45) calendar days after receiving the investigation report, the Decision Maker will issue a written determination (the "Determination") that includes:

- A statement of the allegations;
- A description of the procedures used to investigate the allegations;
- The findings of fact;
- A determination of responsibility for each allegation;
- Any sanctions that will be imposed on the Respondent for violations;
- Whether remedies to restore or preserve the Complainant's and/or others' equal access to the School's educational program or activities will be provided; and
- A description of the right to an appeal, how to request and appeal, and the permitted bases for an appeal.

The deadline for the Decision Maker to issue the Determination may be extended for good cause at the Decision Maker's sole discretion.

The Determination must be based upon a preponderance of the evidence (i.e., whether it is more likely than not that the violation occurred). The Complainant and the Respondent will be notified concurrently of the Determination.

Students found to have violated Title IX will be referred for potential disciplinary action. Employees found to have violated Title IX will be subject to employment actions, including discipline or termination of employment.

9.15 Timing of Resolution of Formal Complaints. The School will attempt to resolve all formal complaints alleging a violation of this Policy within 120 days, not including any time for an appeal of the Determination. However, the School may modify this presumptive deadline and any related deadlines for grievance procedures as required by the circumstances of the report and equity to the parties, so long as the matter is resolved in a timely manner. The Title IX Coordinator or investigator will not wait for the conclusion of any law enforcement investigation or criminal proceeding to begin the Title IX investigation, but the Title IX Coordinator or investigator may consider such investigations or proceedings in determining an appropriate timeline in which to resolve a formal complaint. Any extensions of the deadlines will be explained in writing to both parties.

9.16 Appeals. Either the Complainant or the Respondent may appeal from: (a) the Determination regarding a formal complaint, (b) the School's handling of a report, or (c) the dismissal of a formal complaint, by submitting a notice of appeal that includes the bases of the appeal to the Decision Maker within 10 calendar days of the date of the Determination. Written notice of the appeal will be provided to both parties by the School. Either party may file a

written response in support of or challenging the Determination and the bases for the appeal within 5 calendar days of the date on which written notice of the appeal was provided to all parties.

An appeal may be filed on the following bases only:

- A procedural irregularity affected the outcome of the matter,
- There is newly discovered evidence that could affect the outcome of the matter and that was not available at the time the Determination was made, and/or
- The Title IX Coordinator, the investigator or the Decision Maker had a conflict of interest or bias that affected the outcome of the matter.

The appeal will be decided by the School's Governing Board on written submissions from the parties only. No hearing will be held for an appeal.

The School's Governing Board will simultaneously provide the parties with a written decision regarding the appeal, which will describe the result of the appeal and the rationale for the decision.

9.17 Informal Resolution. Allegations may be resolved informally only if a formal complaint is filed and only if the complaint does not allege that a School employee harassed a student. Both parties to a formal complaint must voluntarily agree in writing to participate in a potential informal resolution. As part of the informal resolution process, the Title IX Coordinator or investigator may engage in interviews and other fact finding. Available methods of informal resolution include arbitration, mediation, and restorative procedures. Either party may withdraw from an informal resolution at any time before agreeing to a resolution and resume the grievance process. Once an informal resolution is agreed to by the parties, it becomes binding. The Title IX Coordinator or the investigator has the discretion to decline informal resolution for some complaints, including complaints of sexual violence, and instead require their formal investigation.

9.18 Retaliation. Title IX prohibits retaliation for reporting or participating in an investigation of a report regarding sex discrimination or harassment. No person shall be retaliated against by the School in any way or subjected to discharge, suspension, discipline, harassment, or any form of discrimination for having participated in any proceeding under this Policy. In addition, it shall be a violation of this Policy for any person to retaliate against another individual for the purposes of interfering with that individual's Title IX rights or because an individual has participated or refused to participate in proceedings under this Policy. Individuals may be subject to actions under this Policy and/or under the Student Code of Conduct or the employee handbook for retaliation in violation of this Policy.

9.19 Recordkeeping. The School will maintain all documents related to allegations of sexual harassment for at least seven years. The records maintained by the School will document that the School's response to allegations of sexual harassment was not deliberately indifferent and that measures were taken to restore or preserve equal access to the School's educational program or activity. If the School did not offer supportive measures in response to a report made

under this Policy, the School's records will document why that response was not clearly unreasonable under the circumstances known at the time.

9.20 Training. The School will provide training on the definition of sexual harassment, the School's grievance procedures, how to serve impartially in their roles, and any other required or appropriate subjects to the Title IX Coordinator, any investigators, the Decision Maker, anyone who facilitates informal resolution of formal complaints, and anyone involved in the appeal process at least as often as required by the Title IX regulations.

SECTION 10

CONFLICT OF INTEREST POLICY

The purpose of this policy is to protect the interests and tax-exempt status of the School when it is contemplating entering into a transaction or arrangement that might benefit the private interest of an Interested Person (as defined below) of the School or might result in a possible excess benefit transaction. This policy is intended to supplement but not replace any applicable state or federal laws governing conflicts of interest applicable to nonprofit and charitable organizations, such as the School.

10.1 Definitions.

Interested Person. Any Governing Board member, officer, or member of a Governing Board Committee (as defined below and including any School Governing Body), who has a direct or indirect Financial Interest, is an “Interested Person.”

Financial Interest. A person has a “Financial Interest” if the person has, directly or indirectly, through business, investment, or family:

- a. An ownership or investment interest in any entity with which the School has a transaction or arrangement,
- b. A compensation arrangement with the School or with any entity or individual with which the School has a transaction or arrangement, or
- c. A potential ownership or investment interest in, or compensation arrangement with, any entity or individual with which the School is negotiating a transaction or arrangement.

Compensation includes direct and indirect remuneration as well as gifts or favors that are not insubstantial.

A Financial Interest is not necessarily a conflict of interest. Pursuant to Section 10.2, a person who has a Financial Interest may have a conflict of interest only if the School’s Governing Board or a Board Committee with powers delegated by the Governing Board decides that a conflict of interest exists.

10.2. Procedures.

a. *Duty to Disclose.* In connection with any actual or possible conflict of interest, an Interested Person must disclose the existence of the Financial Interest and be given the opportunity to disclose all material facts to the Governing Board members and/or members of the Board Committee considering the proposed transaction or arrangement, as applicable.

b. *Determining Whether a Conflict of Interest Exists.* After disclosure of the Financial Interest and all material facts, and after any discussion with the Interested Person, he/she shall leave the meeting while the determination of a conflict of interest is discussed and

voted upon. The remaining Governing Board or Board Committee members shall decide if a conflict of interest exists.

c. *Procedures for Addressing the Conflict of Interest.* An Interested Person may make a presentation at the Governing Board or Board Committee meeting, but after the presentation, he/she shall leave the meeting during the discussion of, and the vote on, the transaction or arrangement involving the possible conflict of interest. The chairperson of the Governing Board or Board Committee shall, if appropriate, appoint a disinterested person or committee to investigate alternatives to the proposed transaction or arrangement. After exercising due diligence, the Governing Board or Board Committee shall determine whether the School can obtain with reasonable efforts a more advantageous transaction or arrangement from a person or entity that would not give rise to a conflict of interest. If a more advantageous transaction or arrangement is not reasonably possible under circumstances not producing a conflict of interest, the Governing Board or Board Committee shall determine by a majority vote of the disinterested Governing Board members whether the transaction or arrangement is in the School's best interest, for its own benefit, and whether it is fair and reasonable. In conformity with the above determination, it shall make its decision as to whether to enter into the transaction or arrangement.

d. *Violations of the Conflicts of Interest Policy.* If the Governing Board or Board Committee has reasonable cause to believe an Interested Person has failed to disclose actual or possible conflicts of interest, it shall inform the Interested Person of the basis for such belief and afford the member an opportunity to explain the alleged failure to disclose. After hearing the Interested Person's response and after making further investigation as warranted by the circumstances, if the Governing Board or Board Committee determines the Interested Person has failed to disclose an actual or possible conflict of interest, it shall take appropriate disciplinary and corrective action.

10.3 Records of Proceedings. Meeting minutes of Governing Board and Board Committee meetings shall contain:

a. The names of the persons who disclosed or otherwise were found to have a Financial Interest in connection with an actual or possible conflict of interest, the nature of the Financial Interest, any action taken to determine whether a conflict of interest was present, and the Governing Board's or Board Committee's decision as to whether a conflict of interest in-fact existed.

b. The names of the persons who were present for discussions and votes relating to the transaction or arrangement, the content of the discussion, including any alternatives to the proposed transaction or arrangement, and a record of any votes taken in connection with the proceedings.

10.4 Compensation. Any person who receives compensation, directly or indirectly, from the School for services is precluded from voting on matters relating to their compensation.

10.5 Committee Members. A voting member of any committee whose jurisdiction includes compensation matters and who receives compensation, directly or indirectly, from the School for services is precluded from voting on matters relating to their compensation.

10.6 Ability to Provide Information. Notwithstanding anything the contrary in this policy, members of the Governing Board, or of any committee whose jurisdiction includes compensation matters, who receive compensation, directly or indirectly, from the School, either individually or collectively, are permitted to provide information to the Governing Board or any committee regarding their compensation.

10.7 Annual Conflict of Interest Acknowledgment and Disclosure Statement. Each Governing Board member, officer, key employee, and member of a Board Committee shall annually sign a statement that affirms that person has received a copy of this Policy; has read and understands this Policy; has agreed to comply with this Policy; and understands the School is a tax-exempt nonprofit and, to maintain its federal tax exemption, must engage primarily in activities which accomplish one or more of its tax-exempt purposes. An example of the required conflict disclosure is attached.

10.8 Periodic Reviews. To ensure the School operates in a manner consistent with its charitable purpose and does not engage in activities that could jeopardize its tax-exempt status, periodic reviews shall be conducted. The periodic reviews shall, at a minimum, include the following subjects:

a. Whether compensation arrangements and benefits, if any, are reasonable, based on competent survey information, and the result of arm's length bargaining.

b. Whether partnerships, joint ventures, and arrangements with management organizations conform to the School's written policies, are properly recorded, reflect reasonable investment or payments for goods and services, further the School's tax-exempt purposes and do not result in inurement, impermissible private benefit, or in an excess benefit transaction.

10.9 Use of Outside Experts. When conducting the periodic reviews of this Policy, the School may, but is not required, to use outside advisors. If outside experts are used, their use shall not relieve the Governing Board of its responsibility for ensuring periodic reviews are conducted.

**CONFLICT OF INTEREST POLICY
ACKNOWLEDGMENT AND DISCLOSURE STATEMENT**

The conflict of interest policy adopted by the School’s Governing Board requires each Interested Person (as defined in that policy) to annually complete a conflict of interest acknowledgment and disclosure statement. This form is intended to satisfy that requirement.

_____ I have no Financial Interests (as defined in the Conflict of Interest Policy) to report.

_____ I have the following Financial Interests (as defined in the Conflict of Interest Policy) to report (use additional pages if necessary):

By signing this disclosure, I certify:

- (a) I received, read, and understand the Policy;
- (b) I agree to comply with the Policy;
- (c) I understand the School is a charitable organization whose tax-exempt status under Section 501(c)(3) of the Internal Revenue Code requires the School to engage primarily in activities that accomplish one or more of its tax-exempt purposes;
- (d) My responses above are complete and accurate to the best of my knowledge; and
- (e) I will notify the Governing Board and complete a new disclosure if:
 - I become aware of any Financial Interest not disclosed above;
 - I become aware that any information provided in this disclosure is inaccurate; or
 - I have not complied with the Policy.

Name: _____ Title(s): _____

Signature: _____ Date: _____