

**GB ©**  
**PERSONNEL POLICIES**

**Personnel Policies**

Personnel policies adopted by the Governing Board are to serve as guidelines for the efficient and successful functioning of the District.

The policies are framed and intended to be interpreted within the context of applicable laws and regulations. Changes in the laws and agency rules, as well as in the needs, conditions, purposes, and objectives of the District may result in revisions, deletions, and additions to the policies. Therefore, to the extent permitted or required by law, District personnel policies may be modified, amended, or repealed at any time as the Board determines to be in the best interest of the District.

No person shall be deemed to have a vested right to continuing employment or benefits associated with District employment except as may be required by law and provided in the respective employee's written contract or employment agreement.

Wherever inconsistencies of interpretation arise, the applicable law and regulations will prevail.

**Personnel Guidelines**

The Board establishes the following guidelines regarding District personnel.

The District prioritizes:

- A. Recruiting, selecting, and employing the best-qualified personnel to staff the school system.
- B. Providing an employee evaluation program that will contribute to the continuous improvement of staff performance.
- C. Providing professional development and training programs for employees that will improve their rates of performance and retention.
- D. Utilizing available personnel as effectively as possible within budgetary constraints.
- F. Offering staff compensation sufficient to attract and retain qualified employees within the fiscal limitations of the District.
- G. Encouraging participation in District decision-making.

Adopted:

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LEGAL REF.:

A.R.S.

15-341

15-342

15-502

15-503

15-546

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**EQUAL EMPLOYMENT OPPORTUNITY AND NON-DISCRIMINATION**

The Board is committed to a policy of nondiscrimination in relation to race, color, religion, sex, age, national origin, and disability, or any other basis prohibited by law. This policy will prevail in all matters concerning staff members, students, the public, educational programs and services, and individuals with whom the Board does business.

Efforts will be made in recruitment and employment to ensure equal opportunity in employment for all qualified persons, which includes but is not limited to hiring, training, promotion, discipline, compensation, benefits and termination of employment. The district is an equal opportunity employer and complies with all applicable federal, state, and local laws regarding equal employment opportunity and anti-discrimination.

Adopted:

LEGAL REF.:

A.R.S.

13-904

15-110

23-341

41-1461 – 41-1468

20 U.S.C. 1681 et seq., Title IX of the Education Amendments of 1972 (sex-based discrimination)

29 U.S.C. 206(d), Equal Pay Act of 1963

29 U.S.C. 621 et seq., Age Discrimination in Employment Act (ADEA)

29 U.S.C. 701 et seq., Rehabilitation Act of 1973

42 U.S.C. 2000c et seq., Title IV of the Civil Rights Act of 1964 (religion)

42 U.S.C. 2000e et seq., Title VII of the Civil Rights Act of 1964 42 U.S.C.

2000e(k), Pregnancy Discrimination Act (PDA)

42 U.S.C. 2000gg et seq., Pregnant Workers Fairness Act (PWFA)

42 U.S.C. 2000ff et seq., Genetic Information Nondiscrimination Act (GINA)

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

Public Law No. 102-166 (codified in multiple sections of 42 U.S.C.),

Civil Rights Act of 1991

CROSS REF.:

AC - Nondiscrimination

ACA - Sexual Harassment

IHBA - Special Instructional Programs and Accommodations for Disabled Students

JB - Equal Educational Opportunities

KED - Public Concerns/Complaints about Facilities or Services

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REGULATION

**EQUAL EMPLOYMENT OPPORTUNITY AND NON-DISCRIMINATION**

**Compliance Officer**

The Superintendent shall be the compliance officer. Any person who feels unlawfully discriminated against or to have been the victim of unlawful discrimination by an agent or employee of the District or who knows of such discrimination against another person should file a complaint with the Superintendent. If the Superintendent is the one alleged to have unlawfully discriminated, the complaint shall be filed with the President of the Board.

**Complaint Procedure**

The District is committed to investigating each complaint and to taking appropriate action on all confirmed violations of policy. The Superintendent shall investigate and document complaints filed pursuant to this regulation as soon as reasonable, within the established timelines. In investigating the complaint, the Superintendent will maintain confidentiality to the extent reasonably possible. The Superintendent shall also investigate incidents of policy violation that are raised by the Governing Board, even though no complaint has been made.

If after the initial investigation the Superintendent has reason to believe that a violation of policy has occurred, the Superintendent shall determine whether or not to hold an administrative hearing and/or to recommend bringing the matter before the Board.

***Violations by a Teacher/Administrator***

If the person alleged to have violated policy is a teacher or an administrator, the due process provisions of the District's Policy GCQF and Regulation GCQF-RA shall apply, except that the supervising administrator may be assigned to conduct the hearing. In cases of serious misconduct, dismissal or suspension proceedings in accordance with A.R.S. [15-539](#) *et seq.*, may be initiated.

***Violations by a Noncertificated Employee***

If the person alleged to have violated policy is a noncertificated employee, the Superintendent will follow Regulation GCQF-RB as applicable. The Superintendent also may recommend a suspension without pay, recommend dismissal, or impose other appropriate discipline.

***Violations by a Student***

If the person alleged to have violated policy is a student, the Superintendent may impose discipline in accordance with Policies JK, JKD and JKE.

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

### **Internal Complaint Process**

The complaint must be filed within thirty (30) calendar days after the complaining party knew or should have known that there were grounds for a complaint/grievance.

Once the written complaint has been filed using the forms provided by the District, the Superintendent shall require the immediate supervisor or site administrator to investigate and respond in writing to the complaining party within five (5) business days.

If the immediate supervisor or site administrator does not respond, the Superintendent will have ten (10) additional business days to respond in writing to the complaining party.

If the Superintendent does not respond within the established time, then the complaining party may request in writing that the issue be brought before the Board. The Board will then review the record of the investigation and have thirty (30) days to respond to the complaining party in writing.

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EXHIBIT

**EQUAL EMPLOYMENT OPPORTUNITY AND NON-DISCRIMINATION**

**COMPLAINT FORM**

**(To be filed with the compliance officer as provided in GBA-R)**

**Please print:**

Name \_\_\_\_\_ Date \_\_\_\_\_

Address \_\_\_\_\_

Telephone \_\_\_\_\_ Another phone where you can be reached \_\_\_\_\_

During the hours of \_\_\_\_\_

E-mail address \_\_\_\_\_

**I wish to complain against:**

Name of person, school (department), program, or activity \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Address \_\_\_\_\_

Specify your complaint by stating the problem as you see it. Describe the incident, the participants, the background to the incident, and any attempts you have made to solve the problem. Be sure to note relevant dates, times, and places.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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INDIAN PREFERENCE IN EMPLOYMENT**

A provision of the 1964 Civil Rights Act allows private and government employers on or near a federal trust Indian reservation to publicly announce and practice a policy giving preferential treatment in hiring to Indian candidates. Indian preference may supersede the equal employment opportunity laws contained in Subchapter VI, Chapter 21 (Civil Rights) of Title 42, U.S. Code.

Therefore, the following exceptions may apply, notwithstanding any other rule, regulation, or policy (e.g., GBA) of the Governing Board.

*Indian* means, for purposes of the District's Indian Preference in Employment policy, "any person who is presently an enrolled member of a federally recognized tribe."

As used in this policy, the term *Indian preference in employment* shall mean that in the selection process Native American candidates who meet or surpass qualifications for a position shall be given preference for positions established by the Governing Board. The preference standards for each position shall be outlined by the Governing Board prior to opening the position for interested applicants.

The Governing Board may waive any of the above requirements by a formal vote. Such waiver shall apply only to individual employment as determined by the Board on a case-by-case basis. In each case where a waiver of Indian preference occurs, the Board shall make a record of the occurrence, which shall be included in the official minutes of the Board.

Adopted:

LEGAL REF.:

Title VII of Civil Rights Act of 1964; 42 U.S.C. 2000e-2(i)

25 U.S.C. 5302

25 U.S.C. 5307

CROSS REF.:

GBA - Equal Employment Opportunity

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**GBEA ©  
ETHICS AND CODE OF CONDUCT**

All employees of the District are expected to conduct themselves in a manner consistent with effective and orderly education and to protect students and District property. No employee shall, by action or inaction, interfere with or disrupt any District activity or encourage any such disruption. All employees shall at all times attempt to maintain order, abide by the policies, rules, and regulations of the District, and carry out all applicable orders issued by the Superintendent.

All employees of the District are expected to maintain high professional standards in their professional capacities. Therefore, the Board adopts the following Code of Conduct standards to which all employees are expected to comply.

**Code of Conduct**

*The school employee:*

- A. Makes the well-being of students the fundamental basis of all decision making and actions.
- B. Maintains fair, courteous, and professional relationships with students, parents, staff members, and other community members.
- C. Protects students from harmful conditions related to health, well-being or safety as reasonably practicable.
- D. Fulfills job responsibilities with honesty and integrity
- E. Supports the principle of due process and protects the civil and human rights of all individuals, as reasonably practicable.
- F. Obeys local, state, and federal laws.
- G. Implements the Governing Board's policies and administrative rules and regulations.
- H. Refrains from using school contacts and privileges to promote political or sectarian religious views or personal agenda of any kind.
- I. Avoids using position for personal gain through political, social, religious, economic, or other influence.
- J. Maintains the standards and seeks to improve the effectiveness of the profession through research and continuing professional development.
- K. Stresses the proper use and protection of all school properties, equipment, and materials.

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L. Honors all contracts until fulfillment or release.

M. Maintains confidentiality in the performance of duties, unless disclosure serves legitimate District purposes or is authorized by law.

### **Consequences**

Potential consequences to employees of the District who violate these rules may include, but are not limited to:

A. Warning.

B. Reprimand.

C. Removal from school grounds.

D. Suspension.

E. Dismissal.

F. Having consideration given to any such violations in the determination of or establishment of any pay or salary in later contracts or employment, if any.

G. Applicable civil and criminal sanctions/penalties.

Adopted:

LEGAL REF.:

A.R.S.

15-203(23)

15-505

A.A.C.

R7-2-205

R7-2-1301 – R7-2-1309

18 U.S.C. 2385

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**GBEA-R ©**

REGULATION

**ETHICS AND CODE OF CONDUCT**

**(Prohibited Conduct)**

No employee, while on or using school property, otherwise acting as an agent, or working in an official capacity for the District shall engage in:

- A. Physical or verbal abuse of, or threat of harm to, anyone.
- B. Causing damage, or threat of damage, to any property located on any premises controlled by the District.
- C. Unauthorized entry to or occupation of District facilities, including buildings and grounds.
- D. Use, possession, distribution, or sale of alcohol or of drugs or other illegal substances.
- E. Use of profane or abusive language, symbols, or conduct.
- F. Failure to comply with lawful direction of District officials, security officers, or any other law-enforcement officer, or failure to identify oneself to such officials or officers when lawfully requested to do so.
- G. The carrying or possession of a weapon on school grounds without authorization from the appropriate school administrator.
- H. A violation of District policies and regulations.
- I. Any conduct violating federal, state, or applicable local law or regulation.
- J. Any other conduct that may obstruct, disrupt, or interfere with teaching, research, service, administrative, or disciplinary functions of the District, or any other activity sponsored or approved by the Board.
- K. The use of District resources, as defined in A.R.S. 15-511 and District Policy GBI, Participation in Political Activities, to influence the outcome of an election.
- L. Inappropriate personal relationships with students, including romantic or sexual conduct.
- M. Improper or unauthorized use of restraint and seclusion techniques, in violation of A.R.S. 15-105 or District Policy JLDB.

Violations shall be considered serious and may result in significant disciplinary action.

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EXHIBIT

**ETHICS AND CODE OF CONDUCT**

**NOTIFICATION CONCERNING  
NONAPPEALABLE OFFENSES**

Notice is herein provided, in accordance with A.R.S. [15-550](#), that any employee of a public school district or charter school in this state who is arrested for or charged with one (1) or more of the offenses listed below as nonappealable offenses precluding that person from receiving a fingerprint clearance card shall immediately report the arrest or charge to the person's supervisor or the person shall be immediately dismissed from employment with the public school district or charter school. A person dismissed from employment for failure to report being arrested for or charged with a nonappealable offense has no right to appeal under the provisions of A.R.S. [15-539](#), subsection F.

1. Sexual abuse of a vulnerable adult.
2. Incest.
3. First or second degree murder.
4. Sexual assault.
5. Sexual exploitation of a minor.
6. Sexual exploitation of a vulnerable adult.
7. Commercial sexual exploitation of a minor.
8. Commercial sexual exploitation of a vulnerable adult.
9. Child prostitution as prescribed in section [13-3212](#).
10. Child abuse.
11. Abuse of a vulnerable adult.
12. Sexual conduct with a minor.
13. Molestation of a child.
14. Molestation of a vulnerable adult.
15. A dangerous crime against children as defined in section [13-705](#).
16. Exploitation of minors involving drug offenses.

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17. Taking a child for the purpose of prostitution as prescribed in section 13-3206.
18. Neglect or abuse of a vulnerable adult.
19. Sex trafficking.
20. Sexual abuse.
21. Production, publication, sale, possession and presentation of obscene items as prescribed in section 13-3502.
22. Furnishing harmful items to minors as prescribed in section 13-3506.
23. Furnishing harmful items to minors by internet activity as prescribed in section 13-3506.01.
24. Obscene or indecent telephone communications to minors for commercial purposes as prescribed in section 13-3512.
25. Luring a minor for sexual exploitation.
26. Enticement of persons for purposes of prostitution.
27. Procurement by false pretenses of person for purposes of prostitution.
28. Procuring or placing persons in a house of prostitution.
29. Receiving earnings of a prostitute.
30. Causing one's spouse to become a prostitute.
31. Detention of persons in a house of prostitution for debt.
32. Keeping or residing in a house of prostitution or employment in prostitution.
33. Pandering.
34. Transporting persons for the purpose of prostitution, polygamy and concubinage.
35. Portraying adult as a minor as prescribed in section 13-3555.
36. Admitting minors to public displays of sexual conduct as prescribed in section 13-3558.
37. Unlawful sale or purchase of children.
38. Child bigamy.

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Further, an employee who is convicted of one (1) or more of the above listed offenses shall immediately:

- A. Surrender any certificates issued by the Department of Education.
- B. Notify the person's employer or potential employer of the conviction.
- C. Notify the Department of Public Safety of the conviction.
- D. Surrender the person's fingerprint clearance card.

By my signature I acknowledge receipt of a copy of this notification concerning nonappealable offenses.

---

Employee signature

---

Date

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**GBEAA ©  
CONFLICT OF INTEREST**

**Employment of Close Relatives**

The Superintendent, Principals, or other administrators with hiring authority may not participate in the hiring of any person related to them within the third degree of consanguinity, affinity, or by law, and no District employee shall be placed in a position where they directly supervise or are directly supervised by such a relative.

No dependent, as defined in A.R.S. 43-1001 (see *also* Internal Revenue Code 26 U.S.C. 152), of a Governing Board member may be employed in the District, except by consent of the Board in accordance with A.R.S. 15-502. Small school Districts, as defined by A.R.S. 15-901, are granted an exception regarding employment of substitute teachers. A.R.S. 15-421(E).

This policy will apply for summer or part-time work as well as for full-time employment.

**Business Relations**

Any Governing Board member, administrator, or employee who has, or whose relative has, a substantial interest in any contract, sale, purchase, or service to the District shall make known that interest in the official records of the District, and shall refrain from participating in any manner as an employee in such contract, sale, or purchase, as provided in A.R.S. 38-501, 38-502 and 38-503.

*Refrain from participating in any manner* means more than just refraining from making a final decision. It means participating in any way in the process leading up to a decision. A Governing Board member, administrator, or employee with a conflict of interest must not make recommendations, give advice, or otherwise communicate in any manner with anyone involved in the decision-making process.

**Vendor Relations**

No employee of the District will accept a gift or benefit from any person, group, or entity doing, or desiring to do, business with the District as described in Policy DJ, Purchasing Ethics.

**District Purchases from Employees**

The District must comply with competitive purchasing rules for any acquisition of goods or services from District employees regardless of the dollar amount. The District may only acquire equipment, material, supplies, or services from its employees under an award or contract after public competitive bidding (A.R.S. 38-503; A.G.O. I06-002). The requirement applies to any purchase using District monies, including extracurricular activities fees, tax credit contributions, and monies held in trust by the District such as student activities monies, when a District employee acts as the vendor.

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## **Employee Guidance and Acknowledgement of Understanding**

The District shall annually provide written guidance to all employees regarding what constitutes a substantial interest, and each employee shall annually complete and sign the District's conflict-of-interest disclosure form (GBEAA-E). Evidence of the guidance provided and signed disclosure forms shall be maintained by the District in compliance with the Uniform System of Financial Records (USFR), and all disclosures shall be kept on file for public inspection as required by A.R.S. 38-509.

## **Investigations**

The District will investigate allegations of inadequate disclosure of substantial interests and/or inappropriate participation when a substantial interest may exist.

Adopted:

### **LEGAL REF.:**

A.R.S.

15-213

15-323

15-421

15-502

38-481

38-501—38-511 (Title 38, Chapter 3, Article 8)

43-1001

Uniform System of Financial Records

26 U.S.C. 152

A.G.O.

I82-004

I83-093

I83-111

I00-013

I03-005

I06-002

Attorney General Arizona Agency Handbook, Chapter 8, Appendix 8.1,  
Conflict of Interest Disclosure Memorandum

### **CROSS REF.:**

BCB - Board Member Conflict of Interest

DJ - Purchasing Ethics

DJE - Bidding/Purchasing Procedures

GBP - Reprisals

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**GBEAA-E ©**

EXHIBIT

**CONFLICT OF INTEREST**

**CONFLICT OF INTEREST DISCLOSURE  
PURSUANT TO A.R.S. 38-501 to 38-511**

**(Instructions)**

1. Employees must file a Conflict-of-Interest Disclosure within five (5) calendar days after commencing work and at least annually thereafter, either identifying any substantial interest the employee or the employee's relative has or stating that neither the employee nor the employee's relative has any substantial interest requiring disclosure.
2. All Conflict-of-Interest Disclosures shall be filed with \_\_\_\_\_ [name District location/department] and maintained in the District's official records in accordance with law.
3. It is the employee's responsibility to update and submit a revised Disclosure to the location/department noted above within fifteen (15) calendar days after any new substantial interest arises following the date of the most recent Disclosure.

**STATEMENT OF CONFLICT**

I, \_\_\_\_\_, do hereby indicate:

1. That I am presently an employee of the \_\_\_\_\_ School District;
2. That I (or my relative[s]: \_\_\_\_\_) have a substantial interest in the contract, sale, purchase, decision, investigation, or other matter by the \_\_\_\_\_ Governing Board as described below.

Identify the contract, sale, purchase, service, decision, investigation, or other matter in which you or your relative may have a "substantial interest" under A.R.S. 38-501 to 38-511. (Use as much space as necessary)

Describe the "substantial interest" referred to above. (Use as much space as necessary)

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**STATEMENT OF DISQUALIFICATION**

***To be completed if you have a conflict as identified above.***

To avoid any possible conflict of interest under A.R.S. 38-501 to 38-511, I will refrain from participating in any manner in the matter identified above.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

**STATEMENT OF NO CONFLICT**

***To be completed only if neither you nor your relative has a substantial interest requiring disclosure.***

I, \_\_\_\_\_, do hereby indicate that I do not have, and none of my relatives has, a substantial interest in any contract, sale, purchase, service, decision, investigation, or other matter of the \_\_\_\_\_ School District.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

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**CONDUCT WITH STUDENTS**

District employees are expected to maintain professional relationships with students at all times, including social media interactions. Expected behaviors include but are not limited to:

- A. Supervise student conduct during the school day, before and after school, and during recess.
- B. Treat students with dignity and respect, avoiding embarrassment or humiliation.
- C. Model social, moral, and professional behavior consistent with community standards and District policy.
- D. Abstain from any conduct that violates ethical or professional standards under law or policy.
- E. Abstain from romantic or sexual conduct with students.
- F. Comply with state law (A.R.S. 15-105) and Board Policy JLDB regarding the use of restraint and seclusion techniques.

Violations of this policy shall be considered serious and may result in severe disciplinary action.

Adopted:

LEGAL REF.:

A.R.S.

13-1401

13-1405

15-341

15-514

CROSS REF.:

JIC - Student Conduct

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**GIFTS TO AND SOLICITATIONS**  
**BY EMPLOYEES**

**Gifts to Employees**

The District discourages the routine giving of gifts from students, parents, or other community members to employees. This provision is not intended to prevent acts of generosity in exceptional circumstances, and modest tokens of appreciation or gratitude shall not be considered violations of this policy.

**Gifts to Students**

Staff members are discouraged from giving gifts to individual students. However, small tokens presented to all students in a class or group on special occasions shall not be regarded as a violation of this policy.

**Solicitations**

Employees shall not use their District position to influence parents or students to purchase books or other merchandise, except for materials approved by the Superintendent for classroom use. Any solicitation of employees or students, whether for profit, nonprofit, or charitable purposes, requires prior approval from the Superintendent. No other solicitations by or of employees are permitted during official duty hours.

Adopted:

LEGAL REF.:

A.R.S.

15-341

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**ALCOHOL AND DRUG - FREE WORKPLACE**

No employee shall violate the law or District policy in the manufacture, distribution, purchasing, dispensing, possession, or use, on or in the workplace, of alcohol or any dangerous drug, narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, precursor chemical or any other controlled substance, as defined in schedules I through V of section 202 of the Controlled Substances Act (21 U.S.C. 812) and as further defined by regulation at 21 C.F.R. 1308.11 through 1308.15.

**Alcohol Or Illegal Drugs**

***Prohibitions***

The use or possession of intoxicants on District property or at District-sponsored activities is prohibited.

***Violations***

Any person in violation of the provisions of this policy shall be subject to removal from school property and shall be subject to prosecution in accordance with the provisions of the law.

Staff members of the District who are in violation of the provisions of this policy shall be subject to disciplinary actions in accordance with the provisions of school regulations.

A staff member who apparently has consumed alcoholic beverages or illegal drugs on or off school property and/or before a school activity will not be allowed to be on school property or to participate in school activities. Staff members who violate this policy will be subject to the same penalties as for possession and/or consumption on school property.

***Exceptions***

This policy does not prohibit the following:

A. A District employee while at a District workplace may possess alcohol in an unopened container in a locked, personal motor vehicle as long as the container cannot be viewed from outside the vehicle.

B. A District employee who, pursuant to local conditions or an employment contract with the District, resides on District property or resides in District housing may possess and use alcohol at the employee's residence subject to the following restrictions:

1. The employee shall not possess (except for possession at said residence), sell, offer to sell, transfer, use, or be under the influence of alcohol while on duty.

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2. Any alcohol consumption that occurs on school property when the employee is not on duty shall be done in moderation and shall occur within the employee's residence.

### **Medical Marijuana**

The District recognizes Arizona's medical marijuana law and 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 District property, at a District event, or during the hours of the person's regular or extended hours of employment, or as proscribed by law.

### **Definitions**

In addition to being defined in schedules I through V of section 202 of the Controlled Substances Act (21 U.S.C. 812) and 21 C.F.R. 1308.11 through 1308.15, "dangerous drug," "narcotic drugs," "marijuana," and "precursor chemical" are also defined in A.R.S. 13-3401.

"Alcohol" means beer, wine, spiritous liquor or any distilled spirits as defined in A.R.S. 4-101.

*Workplace* includes any school building or any school premises and any 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. Off school property, the *workplace* includes any school-sponsored or school-approved activity, event, or function where students or staff members are under the jurisdiction of the District. In addition, the *workplace* shall include all property owned, leased, or used by the District for any educational or District business purpose.

### **Process After Violation**

As a condition of employment, each employee shall abide by the terms of the District policy respecting a drug-free workplace.

The nonmedical use, abuse, or possession of drugs and/or use or possession of alcohol is forbidden on District property or at District-sponsored activities. Employees determined to be in possession of, using, or abusing drugs or alcohol shall be reported immediately to the employee's principal or supervisor. The Superintendent shall be notified immediately.

The Superintendent shall conduct an investigation in consultation with legal counsel as necessary. Employees that violate this policy may be disciplined up to and including termination. If the investigation shows sufficient evidence to suggest that the employee was involved with distribution or otherwise in violation of the law, law enforcement authorities shall be notified.

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## Reporting

Any employee who has been convicted under any criminal drug statute for a violation occurring in the workplace, as defined above, shall notify their supervisor within five (5) calendar days thereof that such conviction has occurred.

Adopted:

LEGAL REF.:

A.R.S.

4-101

13-3401 *et seq.*

15-341

36-2801 *et seq.* Arizona Medical Marijuana Act

41 U.S.C. 8101 *et seq.*, Drug-free workplace requirements for Federal grant recipients

21 CFR 1308.11 *et seq.*

34 CFR Part 84

CROSS REF.:

EEAEA – Bus Driver Requirements, Training, and Responsibilities

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**GBEC-R ©**

REGULATION

**ALCOHOL AND DRUG - FREE WORKPLACE**

In order to comply with federal funding requirements, the District shall:

- A. Gather information relative to availability of local community drug and alcohol counseling, rehabilitation, and reentry programs that are available to employees and make such information available to employees.
- B. Provide each employee a copy of standards of conduct and the statement of disciplinary sanctions that apply to alcohol and drug violations. Use Exhibit GBEC-E to notify employees that compliance with such standards is mandatory.

The District should perform a biennial review of the programs to:

- A. Ensure that disciplinary sanctions for employees are consistently enforced.
- B. Determine program effectiveness and implement change to the program if needed.

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**GBEC-E ©**

EXHIBIT

**ALCOHOL AND DRUG - FREE WORKPLACE**

**NOTICE TO EMPLOYEES**

YOU ARE HEREBY NOTIFIED that it is a violation of Policy GBEC for any employee to violate the law or District policy in the manufacture, distribution, purchasing, dispensing, possession, or use, on or in the workplace, of alcohol or any dangerous drug, narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, precursor chemical or any other controlled substance, as defined in schedules I through V of section 202 of the Controlled Substances Act (21 U.S.C. 812) and as further defined by regulation at 21 C.F.R. 1308.11 through 1308.15.

*Workplace* includes any school building or any school premises and any 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. Off school property, the *workplace* includes any school-sponsored or school-approved activity, event, or function where students or staff members are under the jurisdiction of the District. In addition, the *workplace* shall include all property owned, leased, or used by the District for any educational or District business purpose.

YOU ARE FURTHER NOTIFIED that it is a condition of your employment that you will comply with Policy GBEC, and will notify your supervisor in writing of your conviction under any criminal drug statute for a violation occurring in the workplace, no later than five (5) calendar days after such conviction.

Any employee who violates the terms of the District's alcohol and drug-free workplace policy in any manner is subject to discipline, which may include, but is not limited to, dismissal and/or referral for prosecution.

-----

I have been provided with two (2) copies of this **Notice to Employees** for my review and signature. I understand that a signed copy will be placed in my personnel file.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

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**GBED ©  
SMOKING**

**Prohibitions**

The possession or use of tobacco products, tobacco substitutes, electronic cigarettes, other chemical inhalation devices, or vapor products is prohibited in the following locations:

- A. School grounds.
- B. School buildings.
- C. School parking lots.
- D. School playing fields.
- E. School buses or District vehicles.
- F. Off-campus school-sponsored events.

**Violations**

Under the provisions of A.R.S. 36-798.03, a person who violates the prohibition is guilty of committing a petty offense. Any employee who violates this policy in any manner is subject to discipline, which may include, but is not limited to, dismissal.

**Exceptions**

A. The prohibitions do not apply to an adult when possession or use of the tobacco products is for demonstration purposes as a necessary instructional component of a tobacco prevention or cessation program that is:

- 1. Approved by the school.
- 2. Established in accord with Arizona Revised Statute 15-712.

B. A District employee may possess legal tobacco products, tobacco substitutes, electronic cigarettes, other chemical inhalation devices, or vapor products that are kept in the employee's personal locked motor vehicle as long as the product or device cannot be seen from outside the vehicle. However, the use of such products in said personal vehicle while on district property or at any district-sponsored activity is prohibited.

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LEGAL REF.:

A.R.S.

13-3622

15-341

15-712

36-798.03

20 U.S.C. 6083

CROSS REF.:

JICG - Tobacco Use by Students

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**GBEF ©  
USE OF PORTABLE WIRELESS  
COMMUNICATION DEVICES**

**Social Media**

Social media is the use of web-based and mobile technologies to communicate through interactive dialogue. Social media technologies/platforms include social networking sites, blogs, microblogs, content communities and virtual communities, and any successor protocol to transmit information.

**Mobile Technologies**

Mobile technologies are any devices that: transmit sounds, images, texts, messages, videos, or electronic information; electronically records, plays, or stores information; or accesses the Internet, or private communication or information networks.

**Guidelines**

The Governing Board requires all employees to use wireless communication devices in a professional manner at all times and to follow all applicable state and federal laws.

The Board establishes the following parameters:

District employees:

- A. shall adhere to all Governing Board policies related to technologies including but not limited to the use of District technology, copyright laws, student rights, parent rights, the Family Educational Rights and Privacy Act (FERPA), the Child Internet Protection Act, staff ethics, and staff-student relations;
- B. are responsible for the content of their posting on any form of technology through any form of communication;
- C. shall only use District controlled and approved technologies when communicating with students or parents;
- D. shall ensure that technologies used to communicate with students and District staff are maintained separate from personal technologies used to communicate with others;
- E. shall not use District owned or provided technologies to endorse or promote a product, a cause or a political position or candidate;
- F. in all instances must be aware of his/her association with the District and ensure the related content of any posting is consistent with how they wish to present themselves to colleagues, community members, parents and students;

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G. shall not use District logos or District intellectual property without the written approval of the Superintendent;

H. shall use technologies to enhance and add value to communications with all recipients and be respectful of those with whom they communicate;

I. shall immediately report all misuse or suspected misuse of technology to their direct supervisor/administrator who in turn will immediately report to the Superintendent;

J. shall comply with all applicable records management parameters established by Arizona State Library, Archives and Public Records.

**Operating a Portable  
Wireless Communication  
Device While Driving**

Arizona law (A.R.S. 28-914, effective January 1, 2021), states that a person may not operate a motor vehicle on a street or highway if the person does either of the following:

A. physically holds or supports with any part of the person's body either of the following:

1. portable wireless communication device, except that a person may use a portable wireless communication device with an earpiece, headphone device or device worn on a wrist to conduct a voice-based communication.
2. a stand-alone electronic device.

B. writes, sends or reads any text-based communication, including a text message, instant message, e-mail or Internet data, on a portable wireless communication device or stand-alone electronic device.

This does not apply to either of the following:

A. the use of voice-based communications, including through the use of a portable wireless communication device or stand-alone electronic device, to direct the writing, sending, reading or other communicating of any text-based communication.

B. the use of a portable wireless communication device or stand-alone device when used in a hands-free manner for:

1. navigation of the motor vehicle.
2. use of a global positioning system.
3. obtaining motor vehicle information or information related to driving a motor vehicle.

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This also does not prohibit the operation of a motor vehicle while using a device, including a device that is accessible through an interface that is embedded in a motor vehicle, that allows communication without the use of either of the driver's hands, except to activate or deactivate a function of the device.

An operator may use a portable wireless communication device:

- A. to report illegal activity or summon emergency help.
- B. that was permanently or temporarily affixed to the motor vehicle to relay information in the course of the operator's occupational duties between the operator and either: i) a dispatcher, ii) a digital network or software application service.

## **Definitions**

*Portable wireless communication device:*

A. means a cellular telephone, a portable telephone, a text-messaging device, a personal digital assistant, a stand-alone computer, a global positioning system receiver or a substantially similar portable wireless device that is used to initiate or receive communication, information or data.

B. does not include a radio, citizens band radio, citizens band radio hybrid, commercial two-way radio communication device or its functional equivalent, subscription-based emergency communication device, prescribed medical device, amateur or ham radio device or in-vehicle security, navigation or remote diagnostics system.

*Stand-alone electronic device:*

means a portable device other than a portable wireless communication device that stores audio or video data files to be retrieved on demand by a user.

## **Communication**

The Superintendent shall communicate the above to all employees of the District at the beginning of each school year and to newly hired employees as part of the hiring process.

The Superintendent shall establish which technologies are approved for use by employees to communicate with parents and students. Approved technologies shall be communicated to the Board and employees prior to the start of every school year, to newly elected Board members prior to taking office, and to newly hired employees as part of the hiring process.

The Superintendent shall determine which records retention and management guidelines as established by the Arizona State Library, Archives and Public Records are applicable to this Board policy and communicate these guidelines to the Board and employees prior to the start of every school year, to newly elected Board members prior to taking office, and newly hired employees as part of the hiring process.

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## Violations

Violations of this policy may result in disciplinary action up to and including termination and may constitute a violation of federal or state law in which case appropriate law enforcement shall be notified. The Superintendent shall report violations of this policy to the Board and shall make reports to the appropriate law enforcement agency when determined necessary.

Adopted:

### LEGAL REF.:

A.R.S.

15-341

15-514

28-914

28-963

28-3164

20 U.S.C. § 1232g Family Educational Rights and Privacy Act (FERPA)

47 C.F.R. § 54.520 Child Internet Protection Act

### CROSS REF.:

EEAE - Bus Safety and Student Conduct

EEAEA - Bus Driver Requirements, Training, and Responsibilities

EEA - Student Transportation

EEB - Business and Personnel Transportation Services and Records and Reports

GBEA - Ethics and Code of Conduct

GBEBB - Conduct With Students

GCQF - Discipline, Suspension, and Dismissal

IJNDB - Use of Technology Resources in Instruction

JIC - Student Conduct

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HEALTH**

**Required Compliance Procedures**

The Superintendent shall have procedures for complying with the requirements of the Occupational Safety and Health Administration (OSHA), including an exposure-control plan, methods of compliance, work-practice controls, postexposure evaluation and follow-up, and administering vaccine to employees exposed to Hepatitis B virus.

**Communicable Diseases**

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

***Immunization***

The District shall require vaccination against communicable diseases from all employees unless an exception is requested and granted, consistent with state and federal laws.

***Bloodborne Pathogens Exposure***

All employees who as a result of their employment have had significant exposure to bloodborne pathogens (Hepatitis B/Human Immunodeficiency Virus, HIV-AIDS) are required to report the details of the exposure in writing to the District and are required to follow post-exposure evaluation and follow-up activities in accordance with Arizona and federal laws. An employee who chooses not to complete these reporting requirements will be at risk of losing any claim to rights.

***COVID-19***

The School District shall not:

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

**Universal Precautions**

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

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## **Exclusion from School**

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

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

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

## **Reporting and Notification**

If an outbreak of a communicable disease occurs in a school setting, the Superintendent or the school nurse shall promptly inform staff members who are known to have special vulnerability to infection.

The District does not assume any duty to notify an employee of health risks caused by the presence of a communicable disease in the school setting unless the at-risk employee has notified the District of the conditions when notification is needed.

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

## **Eye Protective Devices**

The Superintendent shall establish procedures for every student, teacher, and visitor in public schools that shall require the wearing of appropriate eye protective ware while participating in or when observing vocational, technical, industrial arts, art, or laboratory science activities.

The Board shall equip the schools with eye protective ware.

Schools may receive and expend federal, state, and local monies to provide eye protective devices.

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## **Confidentiality**

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

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

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

## **Food Service Workers**

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

Adopted:

### LEGAL REF.:

A.R.S.

15-151

15-505

23-901

23-902

23-904

23-906

23-908

23-961

23-962

36-681

36-685

A.A.C.

R9-6-706

R9-6-707

### CROSS REF.:

EBBB - Accident Reports

GBGD - Workers' Compensation

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REGULATION

**HEALTH**

**Immunizations**

Unless legally exempted, all staff members must show proof of immunity to measles and rubella [see Policy GBGA].

**Measles (Rubeola)**

Acceptable proof of immunity to measles shall consist of:

- A. A record of immunization against measles with a live virus vaccine given on or after the first birthday; or
- B. A statement, signed by a licensed physician or a state or local health officer, that affirms serologic evidence of having had measles.
- C. Anyone born prior to January 1, 1957, shall be considered to be immune to measles. (Rubeola)

**German Measles (Rubella)**

Evidence of immunity to rubella shall consist of:

- A. A record of immunization against rubella given on or after the first birthday; or
- B. A statement, signed by a licensed physician or a state or local health officer, that affirms serologic evidence of having had rubella.

**Outbreak Information**

In the event of an outbreak of either disease, self-reported history of immunization or prior disease is not acceptable; written documentation of immunity consistent with the acceptable proof described above is required.

During an outbreak of measles or rubella, nonimmune staff members, including those who utilize the exemption, may be excluded from the workplace at the direction of the local health agency.

Staff members who are excluded from the workplace shall be placed on leave in accordance with Policy GCCA, applicable employment agreements, and applicable state or federal law.

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### **Implementing Policy**

The District shall generate a list of all staff members to identify those who need proof of immunity to measles.

The Superintendent shall distribute information about the District's policy on measles and rubella.

The Superintendent shall collect proof of immunity from staff members and compile a list denoting immunity or nonimmunity of staff members.

Nonimmune staff members shall be referred for vaccine to a physician or the County Health Department. Their records will be updated as they receive the vaccine.

### **Maintaining Policy**

Throughout each school year, new staff members shall be required to show proof of immunity before employment.

A list of nonimmune staff members shall be maintained and updated throughout the year.

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REGULATION

**HEALTH**

**Eye Protective Devices**

Every student, teacher, and visitor in public schools shall wear appropriate eye protective ware while participating in or when observing vocational, technical, industrial arts, art, or laboratory science activities involving exposure to:

- A. Molten metals or other molten materials.
- B. Cutting, shaping, and grinding of materials.
- C. Heat treatment, tempering, or kiln firing of any metal or other materials.
- D. Welding fabrication processes.
- E. Explosive materials.
- F. Caustic solutions.
- G. Radiation materials.

The Board shall equip the schools with eye protective ware.

Schools may receive and expend federal, state, and local monies to provide eye protective devices.

**Definition**

For purposes of this procedure, *eye protective ware* means devices meeting the requirements of the American National Standards Institute's standards for occupational and education eye protection, Z87.1-1989. [A.R.S. 15-151]

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**EXHIBIT**

**HEALTH**

**BLOODBORNE PATHOGEN REQUIREMENTS**

**Exposure Control Plan**

Employee(s) with occupational exposure to human blood, human blood components, products made from human blood, or pathogenic microorganisms, including but not limited to Hepatitis B virus or HIV, shall comply with this Exposure Control Plan designed to eliminate or minimize employee exposure.

This Exposure Control Plan contains the following elements:

- A. The exposure determination outlined below.
- B. The schedule and method of implementation.
- C. The procedure for the evaluation of circumstances surrounding exposure.

A copy of this Exposure Control Plan shall be accessible to employees.

This Exposure Control Plan shall be reviewed and updated at least annually and whenever necessary to reflect new or modified tasks and procedures that affect occupational exposure, and to reflect new or revised employee positions with occupational exposure.

This Exposure Control Plan shall be made available to the Assistant Secretary of Labor and the Director of the Occupational Safety and Health Administration upon request for examination and copying.

**Exposure Determination**

The District has determined that employee positions may involve the following levels of exposure to bloodborne pathogens as a collateral function to the primary job description:

- A. High risk - Coaches, physical education instructors, custodians, certain special education program personnel, playground duty personnel, health services personnel, and security personnel.
- B. Moderate risk - Regular instructional program personnel, other special education program personnel, school level office personnel, maintenance personnel, food services personnel, and special assignment personnel (e.g., counselors, librarians).
- C. Low risk - District level office personnel.

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## Methods of Compliance

*General.* Universal precautions shall be observed by all District employees to prevent contact with blood or other potentially infectious materials. Under circumstances in which differentiation between body fluid types is difficult or impossible, all body fluids shall be considered potentially infectious materials.

Engineering and work practice controls:

A. Engineering and work practice controls shall be used to eliminate or minimize employee exposure. If occupational exposure remains after institution of these controls, personal protective equipment shall also be used.

B. Engineering controls shall be examined and maintained or replaced on a regular schedule to ensure their effectiveness.

C. The District shall provide hand-washing facilities that are readily accessible to employees.

D. When provision of hand-washing facilities is not feasible, the District shall provide either an appropriate antiseptic hand cleanser in conjunction with clean cloth/paper towels or antiseptic towelettes. When antiseptic hand cleansers or towelettes are used, hands shall be washed with soap and running water as soon as feasible.

E. The District requires that employees wash their hands immediately or as soon as feasible after removal of gloves or other personal protective equipment. Supervisory personnel shall ensure compliance.

F. The District requires that employees wash hands and any other skin with soap and water, or flush mucous membranes with water immediately or as soon as feasible following contact of such body areas with blood or other potentially infectious materials. Supervisory personnel shall ensure compliance.

G. Contaminated needles and other contaminated sharps shall not be bent, recapped, or removed except as noted below. Shearing or breaking of contaminated needles is prohibited.

1. Contaminated needles and other contaminated sharps shall not be recapped or removed unless no other alternative is feasible or such action is required by a specific medical procedure as determined by a competent medical professional qualified to make such determination.

2. Such recapping or needle removal must be accomplished through the use of a mechanical device or a one-handed technique.

H. Immediately or as soon as possible after use, contaminated reusable sharps shall be placed in appropriate containers until properly reprocessed.

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I. Eating, drinking, smoking, applying cosmetics or lip balm, and handling contact lenses are prohibited in work areas where there is a reasonable likelihood of occupational exposure.

J. Food and drink shall not be kept in refrigerators, freezers, shelves, or cabinets, or on countertops or benchtops where blood or other potentially infectious materials are present.

K. All procedures involving blood or other potentially infectious materials shall be performed in such a manner as to minimize splashing, spraying, spattering, and generation of droplets of these substances.

L. Mouth pipetting/suctioning of blood or other potentially infectious materials is prohibited.

M. Specimens of blood or other potentially infectious materials shall be placed in a container that prevents leakage during collection, handling, processing, storage, transport, or shipping.

1. The container for storage, transport, or shipping shall be labeled or color coded according to law and closed prior to being stored, transported, or shipped. When a facility utilizes "universal precautions" in the handling of all specimens, the labeling/color coding of specimens is not necessary, provided containers are recognizable as containing specimens. This exemption applies only while such specimens/containers remain with the facility. Labeling or color coding is required when such specimens/containers leave the facility.

2. If outside contamination of the primary container occurs, the primary container shall be placed within a second container that prevents leakage during handling, processing, storage, transport, or shipping and is labeled or color coded according to the requirements of this standard.

3. If the specimen could puncture the primary container, the primary container shall be placed within a secondary container that is puncture resistant in addition to the above characteristics.

N. Equipment that may become contaminated with blood or other potentially infectious materials shall be examined prior to servicing or shipping and shall be decontaminated as necessary, unless the decontamination of such equipment or portions of such equipment is not feasible as determined by a supervisory employee assigned to make such determination.

1. A readily observable label in accordance with law shall be attached to the equipment stating which portions remain contaminated.

2. This information shall be conveyed to all affected employees, the servicing representative, and/or the manufacturer, as appropriate, prior to handling, servicing, or shipping so that appropriate precautions will be taken.

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***Personal protective equipment:***

A. *Provision.* When occupational exposure occurs, the District shall provide, at no cost to the employee, appropriate personal protective equipment such as, but not limited to, gloves, gowns, laboratory coats, face shields or masks and eye protection, and mouthpieces, resuscitation bags, pocket masks, or other ventilation devices. Personal protective equipment will be considered "appropriate" only if it does not permit blood or other potentially infectious materials to pass through to or reach the employee's work clothes, street clothes, undergarments, skin, eyes, mouth, or other mucous membranes under normal conditions of use and for the duration of time that the protective equipment will be used.

B. *Use.* The District requires that all exposed employees use appropriate personal protective equipment unless the District documents that a specific employee temporarily and briefly declined to use personal protective equipment when, under rare and extraordinary circumstances, it was such employee's professional judgment that in the specific instance its use would have prevented the delivery of health care or public safety services or would have posed an increased hazard to the safety of the worker or co-worker. When the employee makes this judgment, the circumstances shall be reported by the employee and investigated and documented by the District in order to determine whether changes can be instituted to prevent such occurrences in the future.

C. *Accessibility.* Appropriate personal protective equipment in the appropriate sizes must be readily accessible at the work site or issued to employees. Hypoallergenic gloves, glove liners, powderless gloves, or other similar alternatives shall be readily accessible to employees who are allergic to the gloves normally provided.

D. *Cleaning, laundering, and disposal.* The District shall clean, launder, and dispose of personal protective equipment required in this standard, at no cost to the employee.

E. *Repair and replacement.* The District shall repair or replace personal protective equipment as needed to maintain its effectiveness, at no cost to the employee.

F. Any garment(s) penetrated by blood or other potentially infectious materials shall be removed immediately or as soon as feasible.

G. All personal protective equipment shall be removed prior to leaving the work area.

H. When personal protective equipment is removed it shall be placed in an appropriately designated area or container for storage, washing, decontamination, or disposal.

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I. *Gloves.* Gloves shall be worn when it can be reasonably anticipated that the employee may have hand contact with blood, other potentially infectious materials, mucous membranes, and nonintact skin; when performing vascular access procedures; and when handling or touching contaminated items or surfaces.

1. Disposable (single-use) gloves, such as surgical or examination gloves, shall be replaced as soon as practical when contaminated or as soon as feasible if they are torn, punctured, or their ability to function as a barrier is compromised.

2. Disposable (single-use) gloves shall not be washed or decontaminated for reuse.

3. Utility gloves may be decontaminated for reuse if the integrity of the gloves is not compromised. However, they must be discarded if they are cracked, peeling, torn, punctured, or exhibit other signs of deterioration or when their ability to function as a barrier is compromised.

***Housekeeping:***

A. *General.* The work site must be maintained in a clean and sanitary condition. The District shall establish, attach hereto, and implement an appropriate written schedule for cleaning and the method of decontamination based upon the location within the facility, type of surface to be cleaned, type of soil present, and tasks or procedures being performed in the area.

B. All school activity areas are cleaned daily.

C. In cleaning operations involving human blood, a cleaning solution consisting of ten to one (10:1) ratio of water and bleach will be used.

D. All equipment and environmental and working surfaces shall be cleaned and decontaminated after contact with blood or other potentially infectious materials.

1. Contaminated work surfaces shall be decontaminated with an appropriate disinfectant after completion of procedures, immediately or as soon as feasible when surfaces are overtly contaminated or after any spill of blood or other potentially infectious materials, and at the end of the work shift if the surface may have become contaminated since the last cleaning.

2. Protective coverings - such as plastic wrap, aluminum foil, or imperviously backed absorbent paper used to cover equipment and environmental surfaces - shall be removed and replaced as soon as feasible when they become overtly contaminated or at the end of the work shift if they may have become contaminated during the shift.

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3. All bins, pails, cans, and similar receptacles intended for reuse that have a reasonable likelihood of becoming contaminated with blood or other potentially infectious materials shall be inspected and decontaminated on a regularly scheduled basis and cleaned and decontaminated immediately or as soon as feasible upon visible contamination.
4. Broken glassware that may be contaminated shall not be picked up directly with the hands. It shall be cleaned up using mechanical means such as a brush and dust pan, tongs, or forceps.
5. Reusable sharps that are contaminated with blood or other potentially infectious materials shall not be stored or processed in a manner that requires employees to reach by hand into the containers where these sharps have been placed.

E. *Regulated waste:*

1. Contaminated sharps discarding and containment:

a. Contaminated sharps shall be discarded immediately or as soon as feasible in containers that are:

- I. Closable.
- II. Puncture resistant.
- III. Leakproof on sides and bottom.
- IV. Labeled or color coded.

b. During use, containers for contaminated sharps shall be:

- I. Easily accessible to personnel and located as close as is feasible to the immediate area where sharps are used or can be reasonably anticipated to be found (e.g., laundries).
- II. Maintained upright throughout use.
- III. Replaced routinely and not be allowed to overfill.

c. When moving containers of contaminated sharps from the area of use, the containers shall be:

- I. Closed immediately prior to removal or replacement to prevent spillage or protrusion of contents during handling, storage, transport, or shipping.

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II. Placed in a secondary container if leakage is possible. The second container shall be:

- i. Closable.
- ii. Constructed to contain all contents and prevent leakage during handling, storage, transport, or shipping.
- iii. Labeled or color coded.

d. Reusable containers shall not be opened, emptied, or cleaned manually or in any other manner that would expose employees to the risk of percutaneous injury.

2. Other regulated waste containment:

a. Regulated waste shall be placed in containers that are:

- I. Closable.
- II. Constructed to contain all contents and prevent leakage of fluids during handling, storage, transport, or shipping.
- III. Labeled or color coded.
- IV. Closed prior to removal to prevent spillage or protrusion of contents during handling, storage, transport, or shipping.

b. If outside contamination of the regulated waste container occurs, it shall be placed in a second container. The second container shall be:

- I. Closable.
- II. Constructed to contain all contents and prevent leakage of fluids during handling, storage, transport, or shipping.
- III. Labeled or color coded.
- IV. Closed prior to removal to prevent spillage or protrusion of contents during handling, storage, transport, or shipping.

3. Disposal of all regulated waste shall be in accordance with applicable regulations of the United States, states, territories, and political subdivisions of states and territories.

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*F. Laundry:*

1. Contaminated laundry shall be handled as little as possible, with a minimum of agitation.
  - a. Contaminated laundry shall be bagged or containerized at the location where it was used and shall not be sorted or rinsed in the location of use.
  - b. Contaminated laundry shall be placed and transported in bags or containers labeled or color coded. When a facility utilizes universal precautions in the handling of all soiled laundry, alternative labeling or color coding is sufficient if it permits all employees to recognize the containers as requiring compliance with universal precautions.
  - c. Whenever contaminated laundry is wet and presents a reasonable likelihood of soak-through or leakage from the bag or container, the laundry shall be placed and transported in bags or containers that prevent soaking-through and/or leakage of fluids to the exterior.
2. Employees who have contact with contaminated laundry must wear protective gloves and other appropriate personal protective equipment.
3. When a facility ships contaminated laundry off-site to a second facility, which does not utilize universal precautions in the handling of all laundry, the facility generating the contaminated laundry must place such laundry in bags or containers that are labeled or color-coded.

**Hepatitis B Vaccination and Postexposure  
Evaluation and Follow-up**

***General:***

**A. The District shall make available the hepatitis B vaccine and vaccination series to all employees who have occupational exposure, and postexposure evaluation and follow-up to all employees who have had an exposure incident.**

B. The District requires that all medical evaluations and procedures, including the hepatitis B vaccine, and vaccination series and postexposure evaluation and follow-up, including prophylaxis, are:

1. Made available at no cost to the employee.
2. Made available to the employee at a reasonable time and place.
3. Performed by or under the supervision of a licensed physician or by or under the supervision of another licensed health care professional.

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4. Provided according to recommendations of the U.S. Public Health Service current at the time these evaluations and procedures take place, except as specified in this section on hepatitis B vaccination and postexposure evaluation and follow-up.

C. The District requires that all laboratory tests be conducted by an accredited laboratory at no cost to the employee.

***Hepatitis B vaccination:***

A. Hepatitis B vaccination shall be made available after the employee has received the training required and within ten (10) business days of initial assignment to all employees who have occupational exposure unless the employee has previously received the complete hepatitis B vaccination series, antibody testing has revealed that the employee is immune, or the vaccine is contraindicated for medical reasons.

B. The District shall not make participation in a prescreening program a prerequisite for receiving hepatitis B vaccination.

C. If the employee initially declines hepatitis B vaccination but at a later date while still covered under the standard decides to accept the vaccination, the District shall make available hepatitis B vaccination at that time.

D. The District requires all employees who decline to accept hepatitis B vaccination that is offered to sign the following statement:

I understand that due to my occupational exposure to blood or other potentially infectious materials I may be at risk of acquiring hepatitis B virus (HBV) infection. I have been given the opportunity to be vaccinated with hepatitis B vaccine, at no charge to myself. However, I decline hepatitis B vaccination at this time. I understand that by declining this vaccine, I continue to be at risk of acquiring hepatitis B, a serious disease. If in the future I continue to have occupational exposure to blood or other potentially infectious materials and I want to be vaccinated with hepatitis B vaccine, I can receive the vaccination series at no charge to me.

E. If a routine booster dose(s) of hepatitis B vaccine is recommended by the U.S. Public Health Service at a future date, such booster dose(s) shall be made available.

***Postexposure evaluation and follow-up.*** Following a report of an exposure incident, the District shall make immediately available to the exposed employee a confidential medical evaluation and follow-up, including at least the following elements:

A. Documentation of the route(s) of exposure, and the circumstances under which the exposure incident occurred.

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B. Identification and documentation of the source individual, unless the District can establish that identification is infeasible or prohibited by state or local law.

1. The source individual's blood shall be tested as soon as feasible, and after consent is obtained, in order to determine HBV and HIV infectivity. If consent is not obtained, the District shall establish that legally required consent cannot be obtained. When the source individual's consent is not required by law, the source individual's blood, if available, shall be tested and the result documented.

2. When the source individual is already known to be infected with HBV or HIV, testing for the source individual's known HBV or HIV status need not be repeated.

3. Results of the source individual's testing shall be made available to the exposed employee, and the employee shall be informed of applicable laws and regulations concerning disclosure of the identity and infectious status of the source individual.

C. Collection and testing of blood for HBV and HIV serological status:

1. The exposed employee's blood shall be collected as soon as feasible and tested after consent is obtained.

2. If the employee consents to base-line blood collection but does not give consent at that time for HIV serologic testing, the sample shall be preserved for at least ninety (90) days. If within ninety (90) days of the exposure incident the employee elects to have the base-line sample tested, such testing shall be done as soon as feasible.

D. Postexposure prophylaxis, when medically indicated, as recommended by the U.S. Public Health Service.

E. Counseling.

F. Evaluation of reported illnesses.

***Information provided to the health care professional:***

A. The health care professional responsible for the employee's hepatitis B vaccination shall be provided a copy of this document.

B. The health care professional evaluating an employee after an exposure incident shall be provided the following information:

1. A copy of this document.

2. A description of the exposed employee's duties as they relate to the exposure incident.

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3. Documentation of the route(s) of exposure and circumstances under which exposure occurred.
4. Results of the source individual's blood testing, if available.
5. All medical records relevant to the appropriate treatment of the employee, including vaccination status, that are the District's responsibility to maintain.

**Health care professional's written opinion.** The District shall obtain and provide the employee with a copy of the evaluating health care professional's written opinion within fifteen (15) days of the completion of the evaluation.

A. The health care professional's written opinion for hepatitis B vaccination shall be limited to whether hepatitis B vaccination is indicated for an employee and whether the employee has received such vaccination.

B. The health care professional's written opinion for postexposure evaluation and follow-up shall be limited to the following information:

1. That the employee has been informed of the results of the evaluation.
2. That the employee has been told about any medical conditions resulting from exposure to blood or other potentially infectious materials that require further evaluation or treatment.

C. All other findings or diagnoses shall remain confidential and shall not be included in the written report.

**Medical record keeping.** Medical records required by this standard shall be maintained.

### **Communication of Hazards to Employees**

#### **Labels:**

A. Warning labels shall be affixed to containers of regulated waste, refrigerators and freezers containing blood or other potentially infectious material, and other containers used to store, transport, or ship blood or other potentially infectious materials, except as provided in law.

B. These labels shall contain the "biohazard" label.

C. These labels shall be fluorescent orange or orange-red or predominantly so, with lettering or symbols in a contrasting color.

D. Labels are required to be affixed as close as feasible to the container by string, wire, adhesive, or other method that prevents their loss or unintentional removal.

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- E. Red bags or red containers may be substituted for labels.
- F. Containers of blood, blood components, or blood products that are labeled as to their contents and have been released for transfusion or other clinical use are exempted from the labeling requirements of this section on communication of hazards to employees.
- G. Individual containers of blood or other potentially infectious materials that are placed in a labeled container during storage, transport, shipment, or disposal are exempted from the labeling requirements.
- H. Labels required for contaminated equipment shall be in accordance with this section and shall also state which portions of the equipment remain contaminated.
- I. Regulated waste that has been decontaminated need not be labeled or color coded.

***Information and training:***

- A. All employees with occupational exposure shall participate in a training program, which must be provided at no cost to the employees and during working hours.
- B. Training shall be provided as follows:
  - 1. At the time of initial assignment to tasks where occupational exposure may take place.
  - 2. Within ninety (90) days after the effective date of the standard.
  - 3. At least annually thereafter.
- C. For employees who have received training on bloodborne pathogens in the year preceding the effective date of the standard, only training with respect to the provisions of the standard that were not included need be provided.
- D. Annual training for all employees shall be provided within one (1) year of their previous training.
- E. The District shall provide additional training when changes such as modification of tasks or procedures or institution of new tasks or procedures affects the employee's occupational exposure. The additional training may be limited to addressing the new exposures created.
- F. Material appropriate in content and vocabulary to educational level, literacy, and language of employees shall be used.

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G. The training program shall contain at a minimum the following elements:

1. An accessible copy of the regulatory text of this standard and an explanation of its contents.
2. A general explanation of the epidemiology and symptoms of bloodborne diseases.
3. An explanation of the modes of transmission of bloodborne pathogens.
4. An explanation of the District's Exposure Control Plan and the means by which the employee can obtain a copy of the written plan.
5. An explanation of the appropriate methods for recognizing tasks and other activities that may involve exposure to blood and other potentially infectious materials.
6. An explanation of the use and limitations of methods that will prevent or reduce exposure, including appropriate engineering controls, work practices, and personal protective equipment.
7. Information on the types, proper use, location, removal, handling, decontamination, and disposal of personal protective equipment.
8. An explanation of the basis for selection of personal protective equipment.
9. Information on the hepatitis B vaccine, including information on its efficacy, safety, method of administration, the benefits of being vaccinated, and that the vaccine and vaccination will be offered free of charge.
10. Information on the appropriate actions to take and persons to contact in an emergency involving blood or other potentially infectious materials.
11. An explanation of the procedure to follow if an exposure incident occurs, including the method of reporting the incident and the medical follow-up that will be made available.
12. Information on the postexposure evaluation and follow-up that the District is required to provide for the employee following an exposure incident.
13. An explanation of the labels and/or color coding required.
14. An opportunity for interactive questions and answers with the person conducting the training session.

H. The person conducting the training shall be knowledgeable in the subject matter covered by the elements contained in the training program as it relates to the workplace that the training will address.

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## **Record Keeping**

### ***Medical records:***

A. The District shall establish and maintain an accurate record for each employee with occupational exposure as defined herein.

B. This record shall include:

1. The name and Social Security number of the employee.
2. A copy of the employee's hepatitis B vaccination status, including the dates of all hepatitis B vaccinations and any medical records relative to the employee's ability to receive vaccination.
3. A copy of all results of examinations, medical testing, and follow-up procedures.
4. The District's copy of the health care professional's written opinion.
5. A copy of the information provided to the health care professional.

C. *Confidentiality.* The District shall ensure that employee medical records required by law are:

1. Kept confidential.
2. Not disclosed or reported, without the employee's express written consent, to any person within or outside the workplace, except as required by law.

D. The District shall maintain the records required by law for at least the duration of employment plus thirty (30) years.

### ***Training records:***

A. Training records shall include the following information:

1. The dates of the training sessions.
2. The contents or a summary of the training sessions.
3. The names and qualifications of persons conducting the training.
4. The names and job titles of all persons attending the training sessions.

B. Training records shall be maintained for three (3) years from the date on which the training occurred.

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***Availability:***

- A. The District shall ensure that all records required to be maintained shall be made available, upon request, to the Assistant Secretary of Labor and the Director of the Occupational Safety and Health Administration for examination and copying.
- B. Employee training records required by law shall be provided upon request for examination and copying to employees, to employee representatives, to the Director of the Occupational Safety and Health Administration, and to the Assistant Secretary of Labor.
- C. Employee medical records required by law shall be provided upon request, for examination and copying, to the subject employee, to anyone having written consent of the subject employee, to the Director of the Occupational Safety and Health Administration, and to the Assistant Secretary of Labor.

***Transfer of records:***

- A. The District shall comply with the legal requirements involving transfer of records.
- B. If the District ceases to do business and there is no successor district to receive and retain the records for the prescribed period, the District shall notify the Director of the Occupational Safety and Health Administration, at least three (3) months prior to their disposal, and transmit them to the Director of the Occupational Safety and Health Administration, if required by the Director of the Occupational Safety and Health Administration to do so, within that three (3) month period.

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EXHIBIT

**HEALTH**

**COMMUNICABLE DISEASES**

**Handling Body Fluids  
in School**

The following guidelines are meant to provide simple and effective precautions against transmission of disease for all people potentially exposed to the blood or body fluids of any person (student and/or school employee). No distinction is made between body fluids from persons with a known disease or those from persons without symptoms or with an undiagnosed disease.

The body fluids of all people should be considered to contain potentially infectious agents. The term *body fluids* includes blood, semen, drainage from scrapes and cuts, feces, urine, vomit, respiratory secretions (such as nasal discharge), and saliva.

- A. Whenever possible, avoid direct skin contact with body fluids. Disposable gloves are recommended when direct hand contact with body fluids is anticipated. If extensive contact is made with body fluids, hands must be washed afterwards. Gloves used for this purpose should be put in a plastic bag, secured, and disposed of daily.
- B. If direct skin contact does occur, hands and other affected skin areas of all exposed people shall be routinely washed with soap and water.
- C. Proper handwashing requires the use of soap and water and vigorous washing under a stream of running water for at least twenty (20) seconds.
- D. Clothing and other nondisposable items that are soaked through with body fluids should be rinsed and placed in plastic bags. If presoaking is required to remove stains, rinse or soak the item in cold water prior to bagging. Clothing should be sent home with the student for washing, with appropriate directions to parents and teachers (*see laundry instructions* below). Always wear gloves when handling items that have come in contact with body fluids.
- E. Contaminated disposable items shall be handled with disposable gloves, put in a plastic bag, secured, and disposed of daily.
- F. Body fluid spills on hard surfaces (i.e., floors, countertops, books, et cetera) shall be disinfected with bleach (diluted to ten [10] parts water and one [1] part bleach), and bleach solution should remain on the surface for at least one (1) minute before wiping. Gloves shall always be worn during cleanup.

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G. Cleaning equipment:

1. Nondisposable cleaning equipment (such as dust pans, brooms, and buckets) shall be disinfected by thoroughly rinsing in diluted bleach (ten [10] parts water and one [1] part bleach). Mops shall be soaked in the disinfectant after use and then rinsed with hot water. The disinfectant solution shall be promptly disposed of down a drain pipe.
2. Disposable cleaning equipment (such as paper towels, the vacuum bag, or sweepings) shall be placed in plastic bags, secured, and disposed of daily. No special handling is required for vacuuming equipment. Gloves shall always be used during cleanup.

H. Laundry instructions:

Clothing soaked with body fluids shall be washed separately from other items. Presoaking may be required for heavily soiled clothing. Otherwise, wash and dry as usual. If the material can be bleached, add one-half (1/2) cup of household bleach to the wash cycle. If the material is not colorfast, add one-half (1/2) cup of all-fabric bleach to the wash cycle.

LEGAL REF.:

A.R.S.

36-621 *et seq.*

A.A.C.

R9-6-101 *et seq.*

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**WORKERS' COMPENSATION**

All employees shall be covered by workers' compensation insurance for any personal injury by accident while on assignment, including a personal injury by accident on school property or while on official business off school property. An employee must report any such accident to the supervisor's office immediately, since a report on the time of the accident, persons involved, and how it happened is required.

Adopted:

LEGAL REF.:

A.R.S.

15-505

23-901

23-902

23-904

23-906

23-908

23-961

23-962

CROSS REF.:

EBBB - Accident Reports

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REGULATION

**WORKERS' COMPENSATION**

**Process When Injured**

Any employee who incurs a personal injury by accident, no matter how slight, while on duty shall notify the supervisor immediately. Failure to follow this procedure could result in the loss of workers' compensation benefits.

After being notified by an employee, the supervisor shall complete and submit the Report of Industrial Injury to the District office.

The Superintendent, upon receiving the supervisor's report, shall, within ten (10) days after notification, submit the Report of Industrial Injury to the insurance carrier and Industrial Commission of Arizona.

**Compensation Claims**

When a job-related personal injury by accident requires medical attention and absence from the workplace, the following conditions shall apply:

- A. The physician will be responsible for reporting the circumstances of the injury to the District, the Industrial Commission, and the District's insurance carrier.
- B. During the first seven (7) days of absence due to a job-related injury, the employee will be placed on sick leave, provided the employee has accumulated sufficient sick leave.
- C. If a job-related injury results in more than seven (7) days absence, the insurance carrier will be responsible for handling the claim for lost pay. During such period the employee may be directed to:
  - 1. Endorse over to the District the payments received from the insurance carrier, continue to receive a regular salary, and be charged sick leave. When the amount of the insurance payment is determined and received by the District, the employee's sick leave record will be adjusted for that fraction of the time paid by the insurance carrier (e.g., the insurance carrier pays one-half [1/2] of the normal salary of the employee, the sick leave will be adjusted on a pro rata basis); or
  - 2. Draw compensation from the insurance carrier, provide the District with a record of such payment, and receive payment for sick leave pay for the uncompensated portion of missed time, up to the limit of accumulated sick leave.
- D. In no event will an employee receive a combined salary and worker's compensation in excess of the employee's regular salary.
- E. An employee who has used all accumulated sick leave will be removed from the payroll and will receive only such amounts as are paid by the District's insurance carrier.

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EXHIBIT

**WORKERS' COMPENSATION**

**EARLY RETURN TO WORK**

**Determining if a Job Offer can be  
Made for Early Return from an  
Illness or Injury**

The District need only consider an early return when a job that can be performed by the early return employee is available. Creation of a position is not required.

When considering an early return assignment the District should:

- A. Analyze the job and determine its purpose and essential functions.
- B. Consult with the employee to determine the precise job limitations imposed by the attending physician.
- C. Determine if the employee can perform the essential functions of the job with or without reasonable accommodation.
- D. Analyze the risk of reinjury or deterioration of the employee's condition.

The District is not required to eliminate essential job functions. Reasonable accommodations will be provided where appropriate, consistent with the Americans with Disabilities Act and applicable workers' compensation law.

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PARTICIPATION IN  
POLITICAL ACTIVITIES**

The Board recognizes the right of its employees, as citizens, to engage in political activity. However, school time, personnel, equipment, supplies, materials, buildings, resources, or any other thing of value of the District may not be used to influence the outcomes of elections.

An employee, a person acting on behalf of the District or a person who aids another person acting on behalf of the District shall be guided by the following:

- A. No employee, while on duty, shall engage in political activities upon property under the jurisdiction of the Board.
- B. The prohibition on the use of public resources to influence the outcome of bond, budget override and other tax-related elections includes the use of School District-focused promotional expenditures that occur after an election is called and through election day. This prohibition does not include routine School District communications which are messages or advertisements that are germane to the functions of the School District and that maintain frequency, scope and distribution consistent with past practices or are necessary for public safety.
- C. Campaigning and other election activities must be done in off-duty hours, when not working in an official capacity or representing the District, and without the participation of District employees or students acting in the capacity of District or school representatives.
- D. Invitations to participate in election activities on a given campus, except when extended by groups leasing or using school facilities, shall be permitted only when such invitations are to all candidates for the office. The rental use of District property by a private person or entity that may lawfully attempt to influence the outcome of an election is permitted if it does not occur at the same time and place as a related District-sponsored forum or debate.
- E. Political circulars or petitions may not be posted or distributed in school.
- F. The collection of campaign funds and/or the solicitation of campaign workers is prohibited on school property.
- G. Students may not be given written materials to influence the outcome of an election or to advocate support for or opposition to pending or proposed legislation.
- H. Students may not be involved in writing, addressing or distribution of material intended to influence the outcome of an election or to advocate support for or opposition to pending or proposed legislation.

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Employees of the District may not use the authority of their position to influence the vote or political activities of any subordinate employee.

District employees who hold elective or appointive office are not entitled to time off from their school duties for reasons incident to such offices, except as such time may qualify under the leave policies of the Board.

The discussion and study of politics and political issues, when such discussion and study are appropriate to classroom studies, are not precluded under the provisions of this policy.

District employees shall be permitted time as provided in statute, if required, to vote in the primary or general election.

The District may distribute informational reports on a proposed budget override election as provided in A.R.S. 15-481 and on a proposed bond election as provided in A.R.S. 15-491 if those informational reports present factual information in a neutral manner, except for those arguments allowed under A.R.S. 15-481.

Nothing in this policy shall preclude the District from producing and distributing impartial information on elections other than District budget override elections or reporting on official actions of the Governing Board.

The District shall not make expenditures for literature associated with a campaign conducted by or for a District official.

Adopted:

LEGAL REF.:

A.R.S.

15-481

15-491

15-511

15-903

16-402

A.G.O.

I15-002

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PERSONNEL RECORDS AND FILES**

The District will maintain a complete and current official personnel file for each District employee.

**Employee Responsibilities**

Certificated employees are required to supply the District office with current and complete official transcripts of all college credits.

It is the duty and responsibility of each certificated employee to keep such certification current.

**Disciplinary/Derogatory Information**

Records reasonably necessary or appropriate to maintain an accurate knowledge of disciplinary actions regarding employees and the employee responses will be maintained. Disciplinary action records shall be open to inspection and copying unless such inspection and disclosure of records or information in the records is contrary to law.

Employees will be advised of, and will be permitted to review and comment on, all information of a derogatory nature to be placed in their respective personnel files. The employee may prepare a written reply to such information, and such reply, if any, will be appended to the information in the file.

**Confidentiality**

The District may create such subfiles within a personnel file as are appropriate to ensure confidentiality of those files made confidential by law and efficient use of the file. Access to personnel files will be limited to authorized District officials and employees authorized to handle personnel files. Individual Board members may only inspect confidential staff files when specifically authorized by the Board, as evidenced by action of a quorum of the Board in a legal meeting properly noticed.

Employees may review their own files by making written requests to the Superintendent. Materials obtained prior to an employee's employment, such as confidential recommendations or interview notes, will not be available for review by the employee.

Documents within a personnel file may be reviewed by the public only to the extent that disclosure is compelled as a public record.

Per A.R.S. 15-537, copies of the evaluation report and performance classification of a certificated teacher retained by the governing board and the department of education are confidential, do not constitute a public record and shall not be released or shown to any person except: 1) the certificated teacher; 2) authorized district officers and employees; 3) to school districts and charter schools; 4) any relevant court action.

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## Personal Identifying Information

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

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

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

Adopted:

LEGAL REF.:

A.R.S.

15-302

15-502

15-537

23-926

23-1361

23-1362

38-233

39-121 *et seq.*

41-1482

44-1373

CROSS REF.:

DKA - Payroll Procedures/Schedules

KDB - Public's Right to Know/Freedom of Information

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REGULATION

**PERSONNEL RECORDS AND FILES**

A person or entity shall not, unless specifically provided by law:

- A. Intentionally communicate or make an individual's social security number available to the general public.
- B. Print an individual's social security number on any card required for the individual to receive services.
- C. Require the transmission of an individual's social security number over the internet unless providing a secure connection or the social security number is encrypted.
- D. Require the use of an individual's social security number to access a web site unless a password or unique personal identification number or other authentication device is also required to access the site.
- E. Print a number that the person or entity knows to be an individual's social security number on any materials that are mailed to the individual unless required by law to place these numbers on the material.

1. This does not preclude the transmission of documents of enrollment, amendment, termination, or contracting for financial services nor does it preclude transmitting documents confirming the accuracy of the numbers previously submitted.

2. No requirement is made to check third party submitted numbers and unless the recipient of the number has actual knowledge that the number is or includes the individual's social security number, the person or entity may print the number on materials that are mailed to the individual.

3. No prohibition on mailing the individual any copy or reproduction of a document that includes a social security number is made if the social security number was included on the original document before January 1, 2005.

4. The exception is that if a social security number has been used inconsistent with the use described above after January 1, 2005, so long as the usage is continuous, the person or entity may continue to use the number subject to the conditions below:

- a. If the use stops for any reason then the social security number cannot be used and the use reverts to the conditions listed above.

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b. Each year the entity must provide the individual with an annual written disclosure of the individual's right to stop the use of the social security number as prohibited above.

c. If an individual requests in writing, the person or entity must stop using the number in any manner conflicting with the law. No fee or charge is allowed, and the entity shall not deny services to the individual because of the request.

The law does not prohibit the collection, use or release of a social security number required by the laws of this state or the United States or for internal verification or administrative purposes.

Unless otherwise provided by law, after January 1, 2005, documents or records recorded and made available on the recording entity's web site shall not contain more than five (5) numbers reasonably identifiable as part of a social security number and shall not contain financial account numbers. A penalty of five hundred dollars (\$500) for each act of recording is possible.

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GRIEVANCES**

The Governing Board may authorize the Superintendent to establish a grievance procedure for employees as the prescribed means of resolving grievances at the earliest date and the lowest possible administrative level.

Such procedure shall provide for Board review of any grievance that cannot be resolved at the administrative level. In such instances, the affected individual may request that the Governing Board review the situation. Such request shall be in writing and shall contain the basis for the appeal, including the act or acts out of which the grievance arose, identification of the Board policies and/or administrative regulations involved, and the remedy sought.

Within five (5) business days following notification of the Superintendent's decision, any written request for appeal shall be submitted to the Superintendent for transmittal to the Board. The Governing Board, at a time of its choosing, shall review the grievance and issue a response within fifteen (15) business days following such review.

The decision of the Governing Board is final.

Adopted:

LEGAL REF.:

A.R.S.

15-341

CROSS REF.:

ACAA – Title IX Sex Discrimination

JII – Student Concerns, Complaints and Grievances

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REGULATION

**GRIEVANCES**

**Definitions**

A *grievance* is a complaint by a District employee alleging a violation or misinterpretation, as to the employee, of any District policy or regulation that directly and specifically governs the employee's terms and conditions of employment. The term *grievance* shall not apply to any matter for which the method of review is prescribed by law, or the Governing Board is without authority to act. The suspension or dismissal of employees is covered by statute and, therefore, is not a grievable matter. Assignment, reassignment, or transfer of an employee to another position or duties is not grievable beyond the Superintendent unless there is a reduction in compensation or the Superintendent requests that it go to the Board.

A *grievant* shall be any employee of the District filing a grievance.

*Terms and conditions of employment* means the hours of employment, the compensation therefor, including fringe benefits, and the employer's personnel policies directly affecting the employee. In the case of certificated employees, the term does not include educational policies of the District.

A *day* is any day during which the District conducts business.

The *immediate supervisor* is the lowest-level administrator having line supervisory authority over the grievant.

**Timeline**

A grievant must initiate a grievance within (15) business days of the date of the violation that is the basis for the grievance.

**Informal Level**

Before filing a formal written grievance, the grievant must attempt to resolve the matter by one (1) or more informal conferences with the immediate supervisor. The first of these informal conferences must be conducted within ten (10) business days after the employee knew, or should have known, of the act or omission giving rise to the grievance. A second or any subsequent conference must occur within five (5) business days after the initial informal conference, or any subsequent conference.

**Formal Level**

**Level I.** Within fifteen (15) business days after the employee knew, or should have known, of the act or omission giving rise to the grievance, the grievant must present the grievance in writing to the immediate supervisor.

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The grievance shall be a clear, concise statement of the circumstances giving rise to the grievance, a citation of the specific article, section, and paragraph of the policy or regulation that directly and specifically governs the employee's terms and conditions of employment that are alleged to have been violated, the decision rendered at the informal conference, and the specific remedy sought.

The immediate supervisor shall communicate a decision to the employee in writing within five (5) business days after receiving the grievance.

Within the above time limits either party may request a personal conference to attempt to resolve the matter.

**Level II.** In the event the grievant is not satisfied with the decision at Level I, the decision may be appealed to the Superintendent within five (5) business days after receipt of the decision.

The appeal shall include a copy of the original grievance, the decision rendered, and a clear, concise statement of the reasons for the appeal. The Superintendent shall communicate a decision within five (5) business days after receiving the appeal. Either the grievant or the Superintendent may request a personal conference within the above time limits.

**Level III.** If the grievant is not satisfied with the decision at Level II, the grievant may, within five (5) business days, submit an appeal in writing to the Superintendent for consideration by the Governing Board.

The decision by the Governing Board is final.

### **General Provisions**

**Section 1.** Failure at any step of this procedure to appeal a grievance to the next step within the specified time limits shall be deemed an acceptance of the decision rendered at that step, and there shall be no further right of appeal. Failure to file a grievance within fifteen (15) business days after the employee knew, or should have known, of the circumstances upon which the grievance is based shall constitute a waiver of that grievance.

**Section 2.** The filing or pendency of any grievance under the provisions of this policy shall in no way operate to impede, delay, or interfere with the jurisdiction of the Governing Board or the Superintendent.

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EXHIBIT

**GRIEVANCES**

LEVEL I

GRIEVANCE FORM A

**FORMAL GRIEVANCE PRESENTATION**

To be completed by grievant within five (5) business days after the last informal conference but no later than fifteen (15) business days after the employee knew or should have known of the act or omission giving rise to the grievance.

Grievant \_\_\_\_\_

Date of last informal presentation \_\_\_\_\_

School \_\_\_\_\_

Immediate supervisor \_\_\_\_\_

Assignment \_\_\_\_\_

Policy or regulation alleged to have been violated \_\_\_\_\_

**Statement of grievance:**

**Action requested:**

\_\_\_\_\_  
Signature of grievant

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EXHIBIT

**GRIEVANCES**

LEVEL I

GRIEVANCE FORM B

**DECISION OF IMMEDIATE SUPERVISOR**

To be completed by immediate supervisor within five (5) business days after formal filing.

Grievant \_\_\_\_\_

Date of formal grievance presentation \_\_\_\_\_

School \_\_\_\_\_

Immediate supervisor \_\_\_\_\_

**Decision of immediate supervisor and reasons therefor:**

Date of decision \_\_\_\_\_  
\_\_\_\_\_ (Signature of immediate supervisor)

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Grievant's response [to be completed by the grievant within five (5) business days after the decision]:

- I accept the above decision of the immediate supervisor.
- I hereby refer the above decision to the Superintendent, with reasons detailing nonacceptance at Level I and any relief sought (Level II).

Date of response \_\_\_\_\_  
\_\_\_\_\_ (Signature of grievant)

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**GBK-EC ©**

EXHIBIT

**GRIEVANCES**

LEVEL II

GRIEVANCE FORM C

**REFERRAL TO SUPERINTENDENT**

To be completed by grievant within five (5) business days of immediate supervisor's response.

Grievant \_\_\_\_\_

Date of formal presentation \_\_\_\_\_

**Detail reasons for nonacceptance of grievance decisions and any relief sought:**

The attached grievance is hereby referred to the Superintendent.

Date of referral \_\_\_\_\_

\_\_\_\_\_  
(Signature of grievant))

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EXHIBIT

**GRIEVANCES**

LEVEL II

GRIEVANCE FORM D

**DECISION OF SUPERINTENDENT**

To be completed by the Superintendent within five (5) business days.

Grievant \_\_\_\_\_

Date of formal grievance presentation \_\_\_\_\_

Date appeal received by Superintendent \_\_\_\_\_

Date hearing held by Superintendent (optional) \_\_\_\_\_

**Decision of Superintendent and reasons therefor:**

Date of decision \_\_\_\_\_  
\_\_\_\_\_  
(Signature of Superintendent)

Grievant's response [to be completed by grievant within five (5) business days after the decision]:

- I accept the above decision of the Superintendent.
- I hereby appeal to the Governing Board for a review of this grievance (Level III).

Date of response \_\_\_\_\_  
\_\_\_\_\_  
(Signature of grievant)

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EXHIBIT

**GRIEVANCES**

LEVEL III (Final Action)

GRIEVANCE FORM E

**REVIEW BY GOVERNING BOARD**

Grievant \_\_\_\_\_

Date of formal grievance receipt \_\_\_\_\_

- The attached grievance is hereby appealed to the Governing Board for a review.

**Detail reasons for nonacceptance of grievance decision at Level II and any relief sought:**

Date appeal received by Governing Board \_\_\_\_\_

**BOARD RESPONSE:**

- The Board affirms the Superintendent's response.
- Board rejects the Superintendent's response.
- Board modifies the Superintendent's response as follows:

**[TO BE COMPLETED WITHIN FIFTEEN (15) BUSINESS DAYS OF REVIEW]**

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REPRISALS**

**Disclosure Protected**

It is a prohibited personnel practice for any District employee, who has control over personnel actions, to take reprisals against another employee for a disclosure of a matter of public concern, by that other employee, to a public body when the employee believes there has been:

- A. A violation of law.
- B. Mismanagement, a gross waste of monies, or an abuse of authority.

An employee, or former employee, who believes that an adverse personnel action taken is the result of such person's disclosure of information under A.R.S. 38-532 shall make a complaint to the Board. The Board shall make a determination pursuant to the rules under A.R.S. 41-783.

**Reporting Protected**

A governing board or school district employee who has control over personnel decisions shall not take unlawful reprisal against an employee for good-faith reports about certificated personnel engaged in conduct involving minors that is reportable under A.R.S. 13-3620 (Reporting Child Abuse).

*Unlawful reprisal* means an action taken by a governing board that results in:

- A. Disciplinary action.
- B. Transfer or reassignment.
- C. Suspension, demotion, or dismissal.
- D. An unfavorable performance evaluation.
- E. Other significant changes in duties or responsibility that are inconsistent with the employee's salary or employment classification.

Adopted:

LEGAL REF.:

A.R.S.

13-3620

15-213

15-514

23-425

38-532

41-783

CROSS REF.:

DJ - Purchasing Ethics

DJE - Bidding/Purchasing Procedures

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COMPENSATION**

**Definitions**

*Administrator:* any school district administrator except a school principal who devotes at least fifty percent of the principal's time to classroom teaching.

*Certificated Teacher:* a person who holds a certificate from the state board of education to work in the schools of this state and who is employed under contract in a school district in a position that requires certification except a psychologist or an administrator who devotes at least fifty percent of the person's time to classroom teaching.

*Noncertificated Personnel:* employees of the District who are not required by state law or by a District policy, regulation, or job description to possess *teaching certificates* from the Arizona Department of Education for the purpose of performing their jobs.

**Compensation**

***Compensation Statement***

Every fiscal year, each School District employee will be provided with a total compensation statement that is broken down by category of benefit or payment and that includes, for that employee, at least all of the following:

- A. Base salary and any additional pay.
- B. Medical benefits and the value of any employer-paid portions of insurance plan premiums.
- C. Retirement benefit plans, including social security.
- D. Legally required benefits.
- E. Any paid leave.
- F. Any other payment made to or on behalf of the employee.
- G. Any other benefit provided to the employee.

***Salaries and Benefits***

Salaries within the District will be set in accordance with assigned duties and responsibilities. The Superintendent will recommend salary and benefit levels to the Governing Board.

Within budgetary limits, the Board may establish employee salaries and benefits for the upcoming year and will review benefit offerings annually during the budget process. Adjustments may be made as needed to serve the best interests of the District.

Eligibility standards for benefits will also be determined by the Board each year.

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## **Employment Status**

### ***Certificated***

*Reduction/Elimination.* Subject to the terms of employment contracts, the Governing Board at any time may reduce salaries or eliminate certificated teachers in the District in order to effectuate economies in the operation of the District or to improve the efficient conduct and administration of the District's schools. Notice of a general salary reduction shall be given to each certificated teacher affected. These provisions do not apply to salary reductions from classroom site fund money.

### ***Noncertificated***

All noncertificated personnel are either term employees or at-will employees of the District.

*Term employee.* A term employee is a noncertificated staff member who is employed by the District pursuant to a written contract that specifies the duration of the employment contract, which shall not exceed one (1) year. All noncertificated staff members who are not term employees are at-will employees.

*At-will employee.* An at-will employee is a noncertificated staff member who is employed by the District for no specific term and who has no right of continued employment. The employment of an at-will employee may be terminated by action of the Governing Board without advance notice. No employee or Governing Board member shall have the authority to make any agreement or contract to the contrary or any agreement with an at-will employee for any specified period of time. No District policy or regulation or item within the District's handbook is intended to - and shall not operate to - create any property or contract rights inconsistent with the at-will employment status of noncertificated staff members.

Adopted:

LEGAL REF.:

A.R.S.

15-341

15-501

15-502

15-503

15-544

15-977

CROSS REF.:

GCF - Professional Staff Hiring

GCO - Evaluations and Contracts

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**GCBA ©  
SALARIES**

**Certificated**

***Administrators***

The Board will enter into an individual contract with each member of the administrative staff commensurate with the requirements of the position. This contract shall describe the general services to be rendered by the employee in return for financial and other considerations. Additionally, the employee's job description, detailing the more specific performance responsibilities of the contracted position, may be incorporated into the contract by reference. All terms and conditions of contracts with administrative staff members are to conform with the requirements of the Arizona Revised Statutes.

***Other Certificated Personnel***

***Salary Schedule***

The salary schedule pertains to personnel holding provisional, basic, or standard certificates at the elementary or secondary levels.

*Initial Placement on Salary Schedule.* New teachers entering the system with prior teaching service, who have met academic and certificated qualifications for Arizona State Department of Education certification, will be given a maximum credit of \_\_\_\_ years for substantiated experience, i.e., placed on the \_\_\_\_ step of the salary schedule.

Verified previous experience recognized for the purpose of placement on the salary schedule is defined as any previous full-time certificated teaching in any public school. For a teacher to receive credit for previous teaching experience, the teacher must furnish the Superintendent full information concerning the previous teaching records. When the experience has been verified, credit will be given by the District.

Days intended for participation in professional association activities are not to be compensated under an employee's contract or other employment agreements. For the purpose of this policy, *certificated association activities* for which compensation is not available do not include in-service training in the certificated employee's assigned area of employment.

**Substitute Teachers**

Pay for substitute teaching will be established by the Board.

**Extra-Duty**

The Superintendent will recommend to the Board an extra-duty pay schedule each year for its review and action.

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## **Advancement on Salary Schedule**

Vertical and horizontal advancement on the salary schedule will be in accordance with the salary schedule currently in effect. Vertical advancement is limited to one (1) step per year.

Vertical advancement on the salary schedule may be withheld for reasons including but not limited to the following:

- A. Failure to demonstrate effective classroom management and student discipline, as documented in formal evaluations.
- B. Failure to meet assigned duties and responsibilities, including instructional preparation, attendance, and participation in required District activities.
- C. Failure to comply with adopted District policies, procedures, and administrative directives.
- D. Failure to maintain professional standards of conduct, as defined by Arizona law and Governing Board policy.

## **Other Provisions**

Any person who does not work the full term as set up by salary schedule shall be paid on a prorated basis for the number of days to be worked for the remainder of the school year; this shall include school days taught plus the number of days required for orientation.

For newly hired, critical, and difficult-to-fill certificated personnel positions placed on the teachers' salary schedule, differentials above the stated schedule may be paid.

A teacher who is or has been employed by or teaching at a charter school, and was previously employed by the School District, shall receive the benefits, protections, and preferences granted under A.R.S. 15-187.

## **Noncertificated**

### ***Wages***

#### *Initial Placement*

Wages for all new noncertificated personnel and for all currently employed personnel selected for another position in the District will be recommended by the Superintendent and approved by the Board at the time of employment. The Superintendent's recommendation will be based on consideration of the candidate's qualifications, relevant job experience, and years of District employment, if applicable.

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*Advancement*

Advancements for regular twelve (12)-month employees are granted only at the beginning of each fiscal year. Annual increases may be withheld if it is determined the employee does not perform at the expected level or does not meet standards for the job.

An employee must work one (1) day more than one-half (1/2) of the year to receive an advancement in wages.

*Supplementary Pay / Overtime*

The Superintendent will recommend extra-duty pay each year for the Board's review and action.

Whenever applicable, pay for extra duty must be coordinated with regular pay in accordance with the requirements of the Fair Labor Standards Act.

Adopted:

LEGAL REF.:

A.R.S.

15-502

15-504

15-941

CROSS REF.:

GCCA - Types of Leaves

GCO-R - Evaluations and Contracts

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**GCCA ©  
TYPES OF LEAVES**

Leaves may be granted to employees by the Board based on state or federal law, policy, employee agreements and/or employment contracts.

Such leaves may include but are not limited to the following classifications:

**Sick Leave**

***Earned Paid Sick Leave***

Per A.R.S. 23-372, each employee shall accrue one (1) hour of earned paid sick time (EPST) for every thirty (30) hours worked. This includes full-time, part-time, and temporary employees. Employees who are exempt from overtime under the Fair Labor Standards Act (FLSA) are assumed to work forty (40) hours per week for EPST purposes, unless their normal week is less than forty (40) hours.

In districts with fifteen (15) or more employees, an employee shall not be entitled to accrue or use more than forty (40) hours of EPST per year, unless the district selects a higher limit.

In districts with fewer than fifteen (15) employees, an employee shall not be entitled to accrue or use more than twenty-four (24) hours of EPST unless the district selects the higher limit.

EPST is carried over to the following year, subject to the forty (40)-hour/twenty-four (24)-hour limits provided above. An employee who separates from employment but is rehired within nine (9) months is entitled to reinstatement of their previously accrued EPST.

A district may provide each employee with an EPST balance for immediate use at the beginning of the year, at the district's sole discretion.

The use of accrued EPST is provided in A.R.S. 23-373.

EPST rights and obligations may be modified pursuant to a valid collective bargaining agreement.

***Communicable Disease Exposure/  
Outbreak Exclusion***

When an employee is excluded from the workplace due to a communicable disease outbreak response, or because the health authorities having jurisdiction determine the employee's presence in the community may jeopardize the health of others due to exposure to a communicable disease, the employee may use available accrued sick leave, consistent with A.R.S. 23-373.

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If the employee does not have accrued paid leave available, or chooses not to use available paid leave, the absence shall be addressed under *Leave of Absence Without Pay* or applicable leave provision of this policy, consistent with employment agreements and law.

### ***Family and Medical Leave***

The District shall comply with all components of the Family and Medical Leave Act (FMLA). Eligible employees are entitled up to twelve (12) or twenty-six (26) weeks of leave as designated in the FMLA. Any employee seeking to understand rights under FMLA may inquire with the benefits department in Human Resources, review posted materials, and/or review Regulation GCCA-RB.

### **Banked Sick Leave**

A district may provide a mechanism for the voluntary transfer of accrued sick leave among employees.

### **Personal Leave**

A district may grant leave for an employee's personal business, bereavement, religious observances, and other approved situations.

### **Crime Victim Leave**

A District with fifty (50) or more employees as determined by law shall allow an employee leave if the employee is the victim of a juvenile or adult crime and is exercising a right to be present at a proceeding as defined in A.R.S. 8-420 and/or 13-4439. While the district is not required to compensate the employee when the employee leaves work to attend such proceedings, the district is prohibited from dismissing the employee or discriminating against the employee in compensation or other terms, conditions, or privileges of employment because the employee exercised their victim leave rights under A.R.S. 8-420 or 13-4439. Leave for this purpose may be limited if the leave creates an undue hardship to the employer's business.

Regardless of the number of employees employed by the District, EPST may also be used for certain absences occasioned by the employee or their family member having been the victim of domestic violence, sexual violence, abuse, or stalking. [A.R.S. 23-373(A)(4), (G), (H), and (I)]

### **Jury Duty Leave**

Jury duty leaves of absence must be provided per A.R.S. 21-236.

### **Voting Leave**

An employee may take time from work to vote in a primary or general election per A.R.S. 16-402.

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### **Military Leave**

An employee who is a member of the Military Reserve or National Guard shall be entitled to leave of absence without loss of pay, time, or efficiency rating when engaged in field training up to the statutory limit [A.R.S. 26-168 and 38-610].

An employee who is a member of the uniformed service may use any vacation leave or other accumulated paid time off during their service or may take unpaid leave of absence.

The District must reemploy uniformed service members, as provided in 38 U.S.C. 4301 *et seq.*, after returning from a period of service.

### **Holiday Leave**

Employees shall be entitled to holidays and breaks as established by the Governing Board and noted on each year's school calendar, consistent with Arizona Revised Statutes. Uncompensated days off will be established by the Board and noted on each year's school calendar. When July 4, Veterans' Day, December 25, or Thanksgiving Day, occurs within the school week, the schools shall be closed, and the compensation of the teachers shall not be diminished on that account. The Governing Board may declare a recess during the Christmas holiday season not to exceed two (2) school weeks, and teachers shall receive compensation during the recess. [A.R.S. 15-801]

### **Vacation Leave**

A district may grant vacation leave as it deems appropriate.

### **Sabbatical Leave**

Sabbatical leave may be granted to certificated teaching and administrative personnel for a maximum of one (1) year when conforming to A.R.S. 15-510 and other applicable Arizona Revised Statutes.

### **Professional Development Leave**

To attend meetings or conferences, employees must obtain approval from the administration at least twenty (20) days prior to the meeting or conference dates (whenever such prior request is possible).

### **Leave of Absence Without Pay**

The District recognizes that on occasion extenuating circumstances arise that may necessitate absence from duty that is not covered by other specific leave provisions of the District. To address such situations, a leave of absence, without pay, may be granted to certificated or noncertificated personnel for not longer than one (1) year when deemed reasonable, for good cause, and not detrimental to education within the School District.

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### ***Requests for Leave***

Each request for a leave of absence without pay shall be in a written application stating the purpose of the leave of absence, the starting date and duration of the leave of absence, the facts as to its necessity or advisability, and any other information the applicant deems relevant to the request.

### ***Approval***

A leave of absence requested pursuant to this policy may be:

- A. Approved by the Superintendent if the leave period does not exceed twelve (12) weeks; or
- B. Recommended by the Superintendent and approved by the Governing Board if the leave period exceeds twelve (12) weeks.

The leave of absence shall be only for the purpose and duration approved and may not be extended without written approval by the District.

### ***Preservation of Rights for Continuing Certificated Teachers***

In accordance with A.R.S. 15-510, all rights of retirement, accrued leave with pay, salary increments and other benefits provided by law shall be preserved and available to the continuing certificated teacher after the termination of the leave of absence.

### ***Absent Without Leave***

An employee shall be deemed "absent without leave" when absent from work because of:

- A. A reason that conforms to a policy currently in effect, but the maximum days provided for in that policy will be exceeded; or
- B. A reason that does not conform to any policy currently in effect; or
- C. Failure to report to work without prior notification to the Superintendent.

Employees shall not be compensated for time lost due to being absent without leave.

An employee who is absent from work without prior approval is subject to disciplinary action, up to and including dismissal, in accordance with applicable law, Governing Board policy, and established district procedures.

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LEGAL REF.:

A.R.S.

8-386

8-420

13-4405

13-4439

15-187

15-341

15-502

15-510

15-801

16-402

21-236

23-363

23-364

23-371

23-372

23-373

23-374

23-375

26-168

38-608

38-610

38-615

29 U.S.C. 2601 *et seq.*

38 U.S.C. 4301 *et seq.*

29 C.F.R. 825.100 *et seq.*

CROSS REF.:

GCBA – Salaries

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REGULATION

**TYPES OF LEAVES**

**(Sick Leave/Earned Paid Sick Time)**

**Use of Earned Paid Sick Time**

Earned paid sick time shall be provided to an employee by an employer for:

- A. An employee's mental or physical illness, injury or health condition or care for a family member with these conditions; an employee's need for medical diagnosis, care, or treatment of a mental or physical illness, injury or health condition or care for a family member with these conditions; an employee's need for preventive medical care or care for a family member with these conditions;
- B. Reasons as described in A.R.S. 23-373, including but not limited to: public health emergency/exposure circumstances (including workplace closure or a child's school/place of care closure), domestic violence, sexual violence, abuse or stalking, and legal services.

**Employee Request**

Earned paid sick time shall be provided upon the request of an employee made orally, in writing, by electronic means or by any other means acceptable to the employer. When possible, the request shall include the expected duration of the absence.

The employee shall try to provide notice as early as possible and try to schedule the sick time so it disrupts District operations as little as possible.

If an employer requires notice from an employee needing to use earned paid sick time, even when the need was not foreseeable, the employer must provide a written policy of the required procedures for providing such notice. If this is not done, the employer cannot deny earned paid sick time because the employee did not follow the correct procedures.

An employee is not responsible for finding a replacement worker for an absence when using earned paid sick time.

Earned paid sick time may be used in the smallest hourly increments used by the District to account for absences or use of other time.

If an employee requests paid sick time for three or more consecutive work days, the District may request reasonable documentation (documentation signed by a health care professional) indicating that earned paid sick time is necessary. Reasonable documentation in cases of domestic violence, sexual violence, abuse or stalking, is provided in A.R.S. 23-373(G). An employer may not require that document explain the nature of the health condition or the details of the domestic violence, sexual violence, abuse or stalking.

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### **Accrual of Earned Paid Sick Time**

Accrual of earned paid sick time shall be determined in accordance with A.R.S. 23-372(D).

Per A.R.S. 23-372, the following guidelines shall be used in determining accrual of earned paid sick time.

#### ***Number of Employees***

A. Employees of a district with fifteen (15) or more employees shall accrue a minimum of one (1) hour of earned paid sick time for every thirty (30) hours worked, but employees shall not be entitled to accrue or use more than forty (40) hours of earned paid sick time per year, unless the District selects a higher limit.

B. Employees of a district with fewer than fifteen (15) employees shall accrue a minimum of one (1) hour of earned paid sick time for every thirty (30) hours worked, but employees shall not be entitled to accrue or use more than twenty-four (24) hours of earned paid sick time per year, unless the District selects a higher limit.

Number of employees should be determined in accordance with A.R.S. 23-372(C).

#### **District Paid Leave**

A district with a paid leave policy, such as a paid time off policy, that makes available an amount of paid leave sufficient to meet the accrual requirements listed above that may be used for the same purposes and under the same conditions as earned paid sick time under statute is not required to provide additional paid sick time.

#### ***Unused Sick Time***

Nothing in statute shall be construed as requiring financial or other reimbursement to an employee from a district upon the employee's termination, resignation, retirement or other separation from employment for accrued earned paid sick time that has not been used.

#### ***Notice:***

A. A district shall give employees written notice of the following at the commencement of employment: employees are entitled to earned paid sick time and the amount of earned paid sick time, the terms of its use guaranteed in statute, that retaliation against employees who request or use earned paid sick time is prohibited, that each employee has the right to file a complaint if earned paid sick time as required by statute is denied by the District or the employee is subjected to retaliation for requesting or taking earned paid sick time, and the contact information for the Industrial Commission of Arizona where questions about rights and responsibilities under can be answered.

B. The notice required shall be in English, Spanish, and any language that is deemed appropriate by the Industrial Commission of Arizona.

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C. The amount of earned paid sick time available to the employee, the amount of earned paid sick time taken by the employee to date in the year and the amount of pay the employee has received as earned paid sick time shall be recorded in, or on an attachment to, the employee's regular paycheck.

D. A district's violation of the notice requirements shall be subject to a civil penalty as prescribed in A.R.S. 23-364.

### **Retaliation Prohibited**

It is unlawful for a district or any other person to interfere with, restrain, or deny the exercise of, or the attempt to exercise, any right protected in statute.

A district shall not engage in retaliation or discriminate against an employee or former employee because the person has exercised protected rights. Such rights include but are not limited to the right to request or use earned paid sick time pursuant to the statute; the right to file a complaint with the commission or courts or inform any person about a district's alleged violation; the right to participate in an investigation, hearing or proceeding or cooperate with or assist the commission in its investigations of alleged violations and the right to inform any person of his or her potential rights.

It shall be unlawful for a district's absence control policy to count earned paid sick time taken as an absence that may lead to or result in discipline, discharge, demotion, suspension, or any other adverse action.

Protections of this section shall apply to any person who mistakenly but in good faith alleges violations of this policy based on the supporting statutes.

### **Definitions**

As defined in statute (A.R.S. [23-371](#)), "family member" means:

- A. Regardless of age, a biological, adopted or foster child, stepchild or legal ward, a child of a domestic partner, a child to whom the employee stands *in loco parentis*, or an individual to whom the employee stood *in loco parentis* when the individual was a minor;
- B. A biological, foster, stepparent or adoptive parent or legal guardian of an employee or an employee's spouse or domestic partner or a person who stood *in loco parentis* when the employee or employee's spouse or domestic partner was a minor child;
- C. A person to whom the employee is legally married under the laws of any state, or a domestic partner of an employee as registered under the laws of any state or political subdivision;
- D. A grandparent, grandchild or sibling (whether of a biological, foster, adoptive or step relationship) of the employee or the employee's spouse or domestic partner; or
- E. Any other individual related by blood or affinity whose close association with the employee is the equivalent of a family relationship.

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REGULATION

**TYPES OF LEAVES**

**(Family and Medical Leave Act)**

**Family and Medical Leave Act (FMLA) Leave**

***Regulations, Process and Forms***

The District shall fully comply with the Family and Medical Leave Act in accordance with the requirements of federal law and guidance issued by the U.S. Department of Labor. All procedures, forms, and timelines shall conform to these requirements.

Information and resources regarding FMLA rights and responsibilities, including required forms, are available from the U.S. Department of Labor at:

<https://www.dol.gov/agencies/whd/fmla>

<https://www.dol.gov/agencies/whd/fmla/forms>

***Number of Employees***

FMLA applies to any employer that employs fifty (50) or more employees in twenty (20) or more workweeks in the current or preceding calendar year.

The employee must work at a location where the employer employs at least fifty (50) employees within seventy-five (75) miles.

All districts must post required FMLA information regardless of number of employees. Posters are available at the FMLA link above.

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REGULATION

**TYPES OF LEAVES**

**(Professional Development)**

The following guides will be used in granting released time and/or travel expense:

- A. Value of the meeting or conference.
- B. Funds available in the appropriate budgets.
- C. Availability of a substitute, if one is necessary.

With prior approval, expenses associated with authorized employee attendance at meetings and conferences may be eligible for compensation in accordance with District Policy DKC. Staff member travel and expense for participation in student field trips and excursions shall be in accordance with District Policy IJOA.

Employee absences for attendance at or participation in professional association activities are not eligible for compensation under the employee's contract or work agreement. The District may authorize an employee to take other eligible unused accumulated compensated leave for a personal, professional, or other lawful purpose.

For the purpose of this policy, *professional association activities* for which compensation is not available do not include in-service training in the certificated employee's assigned area of employment.

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EXHIBIT

**TYPES OF LEAVES**

**MILITARY / LEGAL LEAVE**

**Part 200 - Regulations Under the Uniformed Services  
Employment and Reemployment Rights Act of 1994  
(Appendix to Part 1002 - Your Rights Under USERRA)**

**The Uniformed Services Employment  
and Reemployment Rights Act**

USERRA protects the job rights of individuals who voluntarily or involuntarily leave employment positions to undertake military service or certain types of service in the National Disaster Medical System. USERRA also prohibits employers from discriminating against past and present members of the uniformed services, and applicants to the uniformed services.

**Reemployment Rights**

You have the right to be reemployed in your civilian job if you leave that job to perform service in the uniformed service and;

- A. you ensure that your employer receives advance written or verbal notice of your service;
- B. you have five (5) years or less of cumulative service in the uniformed services while with that particular employer;
- C. you return to work or apply for reemployment in a timely manner after conclusion of service; and
- D. you have not been separated from service with a disqualifying discharge or under other than honorable conditions.

If you are eligible to be reemployed, you must be restored to the job and benefits you would have attained if you had not been absent due to military service or, in some cases, a comparable job.

**Right to be Free from Discrimination  
and Retaliation**

If you:

- A. are a past or present member of the uniformed service;

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- B. have applied for membership in the uniformed service; or
- C. are obligated to serve in the uniformed service;

then an employer may not deny you:

- A. initial employment;
- B. reemployment;
- C. retention in employment;
- D. promotion; or
- E. any benefit of employment;

because of this status.

In addition, an employer may not retaliate against anyone assisting in the enforcement of USERRA rights, including testifying or making a statement in connection with a proceeding under USERRA, even if that person has no service connection.

***Health Insurance Protection:***

- A. If you leave your job to perform military service, you have the right to elect to continue your existing employer-based health plan coverage for you and your dependents for up to twenty-four (24) months while in the military.
- B. Even if you don't elect to continue coverage during your military service, you have the right to be reinstated in your employer's health plan when you are reemployed, generally without any waiting periods or exclusions (e.g., pre-existing condition exclusions) except for service-connected illnesses or injuries.

***Enforcement:***

- A. The U.S. Department of Labor, Veterans Employment and Training Service (VETS) is authorized to investigate and resolve complaints of USERRA violations.
- B. For assistance in filing a complaint, or for any other information on USERRA, contact VETS at **1-866-4-USA-DOL** or visit its website at <http://www.dol.gov/agencies/vets/programs/userra>. An interactive online USERRA Advisor can be viewed at <https://webapps.dol.gov/elaws/vets/userra/>.
- C. If you file a complaint with VETS and VETS is unable to resolve it, you may request that your case be referred to the Department of Justice for representation.
- D. You may also bypass the VETS process and bring a civil action against an employer for violations of USERRA.

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The rights listed here may vary depending on the circumstances. This notice was prepared by VETS, and may be viewed on the Internet at this address: <http://www.dol.gov/vets/programs/userra/poster.htm>.

Federal law requires employers to notify employees of their rights under USERRA, and employers may meet this requirement by displaying this notice where they customarily place notices for employees.

**U.S. Department of Labor, Veterans  
Employment and Training Service  
Washington, DC 20210  
1-866-487-2365**

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HIRING**

The District will strive to employ and retain the most qualified personnel, ensure competitive compensation, provide safe facilities and favorable working conditions.

**Requirements**

Per A.R.S. 15-505, a school district or charter school may not employ either of the following in a position that requires a valid fingerprint clearance card:

- A. A certificated person whose certificate has been suspended, surrendered or revoked, unless the State Board of Education has subsequently reinstated the person's certificate.
- B. A noncertificated person who has been prohibited from employment at a school district or charter school by the State Board of Education pursuant to A.R.S. 15-505.

Candidates shall disclose whether they have pled guilty, pled no contest, been convicted of or are awaiting trial pursuant to A.R.S. 15-509.

Each school district and charter school shall annually submit to the Department of Education a list of certificated and noncertificated persons who are employed at the school district or charter school. The department shall issue guidance to school districts and charter schools regarding this requirement.

**Selection Process**

The Board approves the employment of all employees but may assign to the Superintendent the process of recruiting and selecting staff members. In carrying out this responsibility, the Superintendent may involve other staff members as needed. All personnel selected for employment must be recommended by the Superintendent and approved by the Board.

**Criteria**

The Board adopts the following general criteria, which shall be utilized in the selection process for initial employment:

- A. There will be no discrimination due to race, color, religion, sex, age, national origin, disability or any other basis prohibited by law in the hiring process of an otherwise qualified individual.
- B. Candidates for all positions shall be mentally and physically qualified for and have the education and/or training necessary to perform the instructional duties or functions for which they have applied.

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C. Each candidate for a certificated position shall provide evidence of meeting state requirements for certification.

D. Each candidate shall be requested to complete a consent-and-release form regarding conduct of a background investigation.

E. A "background investigation" - consisting of communication with the applicant's (or employee's) former employer that concerns education, training, experience, qualifications, and job performance for the purpose of evaluation for employment - shall be conducted on each individual to be considered for a recommendation of employment. Forms developed for this purpose are to be used.

Information obtained about an employee or applicant for employment by the District in the performance of a background investigation, including any records indicating that a current or former employee of a school or school district was disciplined for violating policies of the School District Governing Board pursuant to A.R.S. 15-153, may be retained by that district and may be provided to any school district or other public school that is performing a background investigation.

Any employee's misstatement of fact that is material to qualifications for employment or the determination of salary shall be considered by the Board to constitute grounds for dismissal.

## **Employment**

Before employing a certificated or noncertificated person, school districts and charter schools shall conduct a search of the prospective employee on the educator information system that is maintained by the Department of Education.

Additionally, for positions that require certification, schools or school districts shall verify the applicant's certification and fingerprint status.

Subject to the conditions below, a district may hire and place an employee into service before receiving the results of the mandatory fingerprint check or before a fingerprint clearance card is issued or denied. However, until fingerprint clearance has been received, an applicant who is required or allowed to have unsupervised contact with students shall not be placed into service unless the applicable requirements below are met.

*A. **Certificated:*** The District verifies in writing on a form provided by the Arizona Department of Education (ADE) the necessity for hiring and placing the applicant into service before a fingerprint check is completed.

*Noncertificated:* The District documents in the applicant's file the necessity for hiring and placing the applicant into service before a fingerprint check could be completed or a fingerprint clearance card could be issued.

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B. The District ensures that the Department of Public Safety completes a statewide criminal records check on the applicant. Subsequent statewide criminal records must be completed every one hundred twenty (120) days until the date the fingerprint check is completed, or the fingerprint clearance card is issued or denied, as applicable.

C. *Certificated*: The District completes a search of criminal records in all local jurisdictions outside Arizona where the applicant has lived in the previous five (5) years.

D. The District obtains references from the applicant's current employer and two (2) most recent previous employers, except that for applicants who have been employed for at least five (5) years by the most recent employer, only references from that employer are required.

E. The District provides general supervision of the applicant until permanent certification is issued by ADE or until the date the fingerprint check is completed, or the fingerprint clearance card is issued or denied, as applicable.

F. Before an applicant is employed for a certificated position, the District shall verify the certification and fingerprint status of an applicant.

### ***E-Verify***

Upon recommendation for employment the District shall confirm employment authorization and employment eligibility verification required by A.R.S. 23-214.

## **Fingerprints and Criminal History**

### ***Noncertificated Applicants***

The District must report to the Superintendent of Public Instruction on June 30 and December 31 of each year the number of applicants hired prior to the completion of a fingerprint check or the issuance of a fingerprint clearance card and the number of applicants for whom fingerprint checks or fingerprint clearance cards have not been received after one hundred twenty (120) days and after one hundred seventy-five (175) days of hire.

The District may provide information received as a result of a fingerprint check required by A.R.S. 15-512 to any other school district if requested to do so by the person who was the subject of the fingerprint check or communicate to any school district if requested to do so by the person who applied for a fingerprint clearance card whether the person has been issued or denied a fingerprint clearance card. A copy of any written communication regarding employment must be sent by the employer providing the information to the person's last known address.

The Superintendent of Public Instruction may also impose any additional conditions or restrictions deemed necessary.

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### ***Criminal History***

Any person who permits unauthorized access to criminal history record information, releases criminal history record information, or procures the release or uses criminal history record information other than in accord with A.R.S. 41-1750 is guilty of a Class 6 felony (A.R.S. 41-1756).

### **Acceptance of Contract**

#### ***Certificated Applicant***

A certificated candidate's acceptance of a contract offer must be indicated within \_\_\_\_\_ (\_\_\_\_) business days from the date of the written contract or the offer is revoked. Written notice of the deadline date for acceptance shall be included in the contract offer or an attachment to the contract offer. The candidate accepts the contract by signing the contract and returning it to the Governing Board or by making a written instrument which accepts the terms of the contract and delivering it to the Governing Board. If the written instrument includes terms in addition to the terms of the contract offered by the Board, the candidate fails to accept the contract.

### **Oath Of Office**

Every school employee shall take and subscribe to the oath prescribed for public officers pursuant to A.R.S. 38-231. The person taking the oath shall file a copy of the acknowledged oath in the District office. The District office shall keep such copy on file as long as the employee remains employed by the District and for a period of five (5) years after termination of employment with the District.

Adopted:

LEGAL REF.:

A.R.S.

13-3716

15-153

15-502

15-503

15-505

15-509

15-512

15-534

15-536

15-538.01

15-539

15-550

23-211

23-212

23-214

23-1361

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38-201  
38-231  
38-232  
38-481  
38-766.01  
41-1750  
41-1756

CROSS REF.:

GCB - Compensation

GCFC – Fingerprinting Requirements

GCO - Evaluation and Contracts

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REGULATION

**HIRING**

**Definition**

A *background investigation* is defined as any communication with an applicant's (or employee's) former employer that concerns the education, training, experience, qualifications, and job performance of the individual and that is used for the purpose of evaluation for employment. Background investigation does not include the results of any state or federal criminal history records check.

**Background Investigation Requirements**

Only persons designated by the Superintendent shall perform background investigations. Prior to contacting former employers or other persons, the background investigator shall:

- A. Ascertain that the standard employment application for the type of position has been completed in full.
- B. Obtain from the individual a consent to background investigation and release as determined by the District.
- C. Make certain that the individual has identified at least two (2) persons from each past employer who can verify basic job information and discuss the individual's work performance and reason for leaving.
- D. Examine the application for a complete work history, accounting for any gaps in employment.

Two (2) persons should be contacted at each past employer if possible (any exceptions should be documented). Upon making contact, the contacts or the former employer or employer's agent should be provided the following information:

- A. The name and identifying information of the District.
- B. The name of the District representative making the inquiry and how the representative can be contacted.
- C. The name of the former employee and period of employment as indicated by the individual whose background is being investigated.
- D. The position for which the individual has applied, with descriptive information as to the duties, if requested or necessary to understanding of the inquiry.

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The background investigator shall:

- A. Ask the questions and complete the background check form(s) as provided by the District.
- B. Make impression notes as necessary based upon the questions and responses and determine if there may be cause to contact others or make further inquiries based upon the responses.
- C. Provide the information to the Superintendent.

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EXHIBIT

**HIRING**

**CONSENT TO CONDUCT BACKGROUND  
INVESTIGATION AND RELEASE**

I, \_\_\_\_\_ [applicant's name], have applied for employment with the \_\_\_\_\_ School District for the position of \_\_\_\_\_ [job title]. I understand that in order for the School District to determine my eligibility, qualifications, and suitability for employment, the School District will conduct a background investigation to determine if I am to be considered for an offer of employment. This investigation may include contacting my current employer, any former employer, and any educational institution I have attended regarding my education, training, experience, qualifications, job performance, professional conduct, and evaluations, as well as confirming my dates of employment or enrollment, position(s) held, reason(s) for leaving employment, whether I am eligible for rehire, reasons for not rehiring me (if applicable), and similar information.

I hereby give my consent for any employer or educational institution to release any information requested in connection with this background investigation.

Pursuant to the Family Educational Rights and Privacy Act, I understand that I have the right to inspect most education records maintained by any educational institution.

In light of the preceding paragraph, I waive \_\_\_\_\_/do not waive \_\_\_\_\_ (initial only one [1]) my right to inspect any written reference or other information provided to the School District by any educational institution.

Pursuant to A.R.S. 23-1361, I understand that any employer that provides a written communication to the School District regarding my current or past employment must send me a copy at my last known address. I acknowledge that some employers are unwilling to provide factual written references concerning a current or past employee unless they may do so confidentially, without revealing the references to the employee, and that the School District may discontinue consideration of my application if it is unable to complete its background investigation.

In light of the preceding paragraph, I waive \_\_\_\_\_/do not waive \_\_\_\_\_ (initial only one [1]) my right to receive a copy of any written communication furnished to the School District by any employer.

Whether or not I have waived my right to inspect or receive copies of written references furnished to the School District by employers or educational institutions, I release, hold harmless, and agree not to sue or file any claim of any kind against any current or former employer or educational institution, and any officer or employee thereof, that in good faith furnishes written or oral references requested by this School District to complete its background investigation.

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A copy of this form that shows my signature shall be as valid as an original.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Applicant

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EXHIBIT

**HIRING**

**BACKGROUND CHECK FORM**

Applicant \_\_\_\_\_ Date \_\_\_\_\_

Person contacted \_\_\_\_\_ Telephone \_\_\_\_\_

Address \_\_\_\_\_

E-mail address \_\_\_\_\_

Relationship to applicant:

Former employer - position \_\_\_\_\_

District, business, or other entity \_\_\_\_\_

Personal reference

Method of contact:  Phone  Email  Other \_\_\_\_\_

**QUESTIONS FOR EMPLOYERS**

Dates of employment \_\_\_\_\_

Position held \_\_\_\_\_

Final rate of pay \_\_\_\_\_

Was the person reliable? \_\_\_\_\_ If no, explain \_\_\_\_\_

Was the person's job performance satisfactory? \_\_\_\_\_

If no, explain \_\_\_\_\_

Was there any concern about the person related to punctuality, unauthorized tardiness, or other work schedule matters? \_\_\_\_\_

If yes, explain \_\_\_\_\_

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Was there any concern regarding abuse of leave policies (such as sick leave or personal leave)? \_\_\_\_\_

If yes, explain \_\_\_\_\_

Did the person have any difficulty establishing rapport and communicating with children? \_\_\_\_\_

If yes, explain \_\_\_\_\_

Did the person have any difficulty establishing rapport and communicating with supervisors, parents, or community members? \_\_\_\_\_

If yes, explain \_\_\_\_\_

Did the person ever receive a written counseling statement, letter of direction, or reprimand? \_\_\_\_\_

If yes, describe \_\_\_\_\_

Did the employer ever consider taking action, or take action to suspend, decline to renew, or dismiss the employee? \_\_\_\_\_

If yes, describe \_\_\_\_\_

Was there ever an allegation or complaint involving any of the following:

Abusive language? \_\_\_\_\_

Insulting or derogatory comments? \_\_\_\_\_

Inappropriate contact with a child? \_\_\_\_\_

Verbal or physical contact of a sexual nature? \_\_\_\_\_

Dishonesty? \_\_\_\_\_

Substance abuse? \_\_\_\_\_

Failure to provide adequate supervision? \_\_\_\_\_

Failure to follow reasonable directions or instructions? \_\_\_\_\_

If yes to any of the above, explain \_\_\_\_\_

\_\_\_\_\_

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Was the person ever involved in an incident that resulted in injury to an adult or child? \_\_\_\_\_

If yes, explain \_\_\_\_\_

Would you rehire this person? \_\_\_\_\_

\_\_\_\_\_

Can you identify anyone else who could provide relevant information regarding the applicant's fitness for employment? \_\_\_\_\_

\_\_\_\_\_

Is there any other information I have not asked about that would help us determine this person's eligibility, qualifications, and suitability for employment with our District?

\_\_\_\_\_

#### **QUESTIONS FOR PERSONAL REFERENCE**

How long have you known the applicant? \_\_\_\_\_

What is the nature of your relationship? \_\_\_\_\_

Why do you think the applicant would be a good choice for this position?

\_\_\_\_\_

Do you know of any reasons that would affect the applicant's suitability for the position?

\_\_\_\_\_

Background check form completed by \_\_\_\_\_

Date completed \_\_\_\_\_

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EXHIBIT

**HIRING**

**ACKNOWLEDGEMENT OF A RETIRED EMPLOYEE  
UPON RETURN TO EMPLOYMENT**

To satisfy the requirements of A.R.S. 38-766.01 following my return to employment after a qualified retirement, I affirm by my signature below that I understand and accept the following:

- A. I have attained normal retirement age as defined by the Arizona State Retirement System (ASRS).
- B. I terminated direct employment with an employer at least three hundred sixty-five (365) consecutive days before returning to work.
- C. If I return to work as a certificated teacher, my employment is not subject to the requirements prescribed in A.R.S. 15-536, 15-538, 15-538.01, and 15-539 through 15-543.
- D. I understand that:
  - 1. pursuant to A.R.S. 38-766.01, my election to return to work is irrevocable for the remainder of the employment for which I make this election; and
  - 2. I must make this acknowledgement in writing and file it with my employer within thirty (30) days after returning to work; and
  - 3. during this period of employment, no ASRS contributions will be made on my behalf, and I will not accrue credited service, additional retirement benefits, or long-term disability benefits.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

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EXHIBIT

**HIRING**

**PROCEDURES AND PRACTICES FOR EMPLOYMENT  
AUTHORIZATION AND  
EMPLOYMENT ELIGIBILITY VERIFICATION**

*Anti-Discrimination Notice.* It is unlawful to discriminate in hiring, discharging, or recruiting or referring for a fee because of an individual's national origin or citizenship status, except with respect to an individual who is not authorized to work in the United States (8 U.S.C. 1324a and 1324b). Employers cannot specify which document(s) an employee must present for Form I-9 completion. The refusal to hire an individual because of a future document expiration date may also constitute illegal discrimination.

**Employment Authorization Verification**

Pursuant to the Immigration Reform and Control Act (IRCA) and A.R.S. 23-214, the District shall verify the employment eligibility of all newly hired employees. This verification process includes:

A. Form I-9 Completion

1. Each newly hired employee must complete and sign Section 1 of Form I-9 no later than the first day of employment and only after accepting a job offer.
2. The District, as the employer, must complete and sign Section 2 of Form I-9 within three (3) business days of the employee's first day of employment (8 C.F.R. 274a.2).

B. E-Verify Participation. The District shall comply with A.R.S. sections 23-214 and 41-4401 as applicable to District employees and District contractors and subcontractors.

**Resources**

Information and instructions regarding Form I-9 are available at:  
<https://www.uscis.gov/i-9>.

E-Verify program resources are available at: <https://www.e-verify.gov>.

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EXHIBIT

**HIRING**

**OATH OF OFFICE**

In addition to any other form of oath or affirmation specifically provided by law for an officer or employee, before entering upon the duties of office or employment, any officer or employee shall take and subscribe to the following oath or affirmation:

State of Arizona, County of \_\_\_\_\_, I,  
\_\_\_\_\_ **[type or print name]**, do solemnly swear (or affirm) that I will support the Constitution of the United States and the Constitution and laws of the State of Arizona; that I will bear true faith and allegiance to the same, and defend them against all enemies, foreign and domestic, and that I will faithfully and impartially discharge the duties of the office of \_\_\_\_\_ **[name of office]** according to the best of my ability, so help me God (or so I do affirm).

\_\_\_\_\_  
(Signature of officer or employee)

LEGAL REF.:  
A.R.S.  
38-231

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EXHIBIT

**HIRING**

**NONCERTIFICATED NOTICE OF  
EMPLOYMENT AND WAGE TERMS**

New Hire     Wage/Status Change

Employee: \_\_\_\_\_ Position: \_\_\_\_\_

Supervisor: \_\_\_\_\_

Effective Date: \_\_\_\_ / \_\_\_\_ / \_\_\_\_

Rate: \$\_\_\_\_\_

(If change) Prior Rate: \$\_\_\_\_\_ → New Rate: \$\_\_\_\_\_

Work Schedule (attach if needed): \_\_\_\_\_

Governing Board action on \_\_\_\_ / \_\_\_\_ / \_\_\_\_

Acknowledgments (check all that apply):

- I received the position description and understand the duties and requirements.
- I acknowledge this notice does not alter my employment status (at-will employees have no expectation of continued employment).
- I will comply with Governing Board policies and administrative regulations.
- I received information on hourly rate of pay, pay periods, timekeeping, and overtime rules (if non-exempt).

Employee Signature \_\_\_\_\_ Date \_\_\_\_\_

Superintendent Signature \_\_\_\_\_ Date \_\_\_\_\_

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FINGERPRINTING REQUIREMENTS**

**New Hires**

***Certificated Employees***

All certificated personnel hired by the District shall be fingerprinted as a condition of employment, except those who, as a condition of certification, are required to hold a valid fingerprint clearance card.

Fingerprints shall be submitted, along with the form GCFC-E, immediately upon notification of possible employment. The form shall be part of the application for employment.

An expired fingerprint clearance card may be used if the person signs an affidavit affirming that:

- A. A completed application for renewal was submitted to the Department of Public Safety (DPS) within ninety (90) days before expiration, and
- B. The person is not awaiting trial on, and has not been convicted of, a disqualifying criminal offense.

This does not apply to a fingerprint clearance card that has been denied, suspended or revoked or to a person who has requested a good cause exception hearing.

***Noncertificated Employees***

All newly hired noncertificated personnel, and unpaid personnel who are not the parent or guardian of a student but who provide direct services to students without the supervision of a certificated employee, shall be fingerprinted as a condition of employment under A.R.S. 15-512, except:

- A. Personnel fingerprinted as a condition of licensing, if the license is required for employment.
- B. Personnel previously employed by the District and reemployed within one (1) year of termination.

***Additional provisions:***

- A. The District may require noncertificated or unpaid personnel to obtain a fingerprint clearance card as a condition of employment.
- B. For the purposes of this policy, *Supervision* means under the direction of and, except for brief periods, within sight of a certificated employee while providing direct services to students.

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C. If a fingerprint clearance card is not required, such personnel may still apply for one, and the District may share results or status with other school districts for employment purposes.

D. Fingerprints and the form GCFC-E must be submitted within twenty (20) days of beginning work. Employment may be terminated if information on the affidavit is inconsistent with the fingerprint check or fingerprint clearance card results.

E. The District may fingerprint or require a fingerprint clearance card for any other employee or applicant not otherwise required by law.

**All Employees:**

A. The District shall assume the cost of fingerprint checks and clearance card applications but may assess paid employees for actual costs. Unpaid personnel will not be charged.

B. Individuals shall complete the form GCFC-E, certifying whether they are awaiting trial on, or have been convicted of or admitted to, any of the following criminal offenses in Arizona or similar offenses in other jurisdictions, including charges or convictions that have been vacated, set aside, or expunged:

1. Sexual abuse of a minor.
2. Incest.
3. First- or second-degree murder.
4. Kidnapping.
5. Arson.
6. Sexual assault.
7. Sexual exploitation of a minor.
8. Felony offenses involving contributing to the delinquency of a minor.
9. Commercial sexual exploitation of a minor.
10. Felony offenses involving the sale, distribution, or transportation of marijuana, dangerous drugs, or narcotic drugs.
11. Felony offenses involving possession or use of marijuana, dangerous drugs, or narcotic drugs.
12. Misdemeanor offenses involving possession or use of marijuana or dangerous drugs.
13. Burglary in the first degree.
14. Burglary in the second or third degree.
15. Aggravated or armed robbery.

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16. Robbery.
17. A dangerous crime against children as defined in A.R.S. 13-705.
18. Child abuse.
19. Sexual conduct with a minor.
20. Molestation of a child.
21. Manslaughter.
22. Aggravated assault.
23. Assault.
24. Exploitation of minors involving drug offenses.
25. Sexual abuse under A.R.S. 13-1404 or sexual assault under 13-1406 in which the victim was a minor.
26. An act committed in another jurisdiction that if committed in this state would fall under the above Arizona provisions.
27. Any crime requiring sex offender registration pursuant to A.R.S. 13-3821.
28. Preparatory offenses (A.R.S. 13-1001) of any crime listed above.

False statements on the form GCFC-E are a Class 3 misdemeanor. The District may refuse to hire or may review or terminate personnel convicted of or who have admitted to such offenses, consistent with A.R.S. 15-512. In making determinations, the Governing Board shall consider the statutory factors. Before termination under A.R.S. 15-512, a hearing shall be held.

#### **Identity Verified Prints (IVP) Fingerprint Clearance Card Requirements**

The following individuals must obtain an IVP Fingerprint Clearance Card pursuant to A.R.S. 15-106:

- A. Applicants for a new teaching certificate to teach in a school district.
- B. Participants in field experience or student teaching in Arizona.
- C. Applicants for renewal of a teaching certificate in order to continue teaching in a school district.
- D. Applicants required for the first time to be fingerprinted to teach in a charter school and applicants required to renew fingerprints to continue teaching in a charter school under A.R.S. 15-183.
- E. Applicants required to be fingerprinted under A.R.S. 15-512.
- F. Individuals contracted by this state, a school district, or a charter school to provide tutoring services.

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**Exceptions:**

A. A person who participates in a teacher preparation program that is approved by the State Board of Education and who does not participate in field experience or student teaching in Arizona shall not be required to obtain a fingerprint clearance card pursuant to A.R.S. 15-106.

B. A person who has a set of identity verified fingerprints on file with the Department of Public Safety pursuant to A.R.S. 15-106 shall not be required to submit a new set of fingerprints to the DPS to renew the person's fingerprint clearance card.

**Required Employment Process**

The Superintendent shall develop and implement procedures to ensure compliance with this policy and A.R.S. 15-106, 15-512, and 41-1750, including:

A. Providing for fingerprinting of covered employees.

B. Submitting fingerprint checks pursuant to A.R.S. 41-1750.

C. Collecting and depositing fingerprinting fees with the county treasurer as required by A.R.S. 15-512.

Adopted:

LEGAL REF.:

A.R.S.

13-705

15-183

15-503

15-509

15-512

15-534

15-782.02

15-1330

15-1881

23-1361

41-1750

41-1758.07

CROSS REF.:

GCF - Hiring

GCG - Part-Time and Substitute Employment

IJOC - School Volunteers

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**GCG ©  
PART - TIME AND SUBSTITUTE  
EMPLOYMENT**

**Substitute Teachers**

The Board will establish the daily pay rate for substitute teachers.

The Superintendent will screen all applicants for substitute positions and recommend substitute teachers to the Board for approval. The Superintendent will establish regulations to ensure that all substitutes used in the schools are on the Board-approved substitute list.

**Part-Time Employees**

The Superintendent may employ, when conditions warrant, temporary or part-time personnel on a per diem or time-card basis. This authority is subject to the following conditions:

- A. Continued employment of any such person shall be subject to confirmation and approval by the Board at its next official meeting.
- B. The employee shall be hired on a per diem basis and shall be compensated in accordance with the requirements and limitations of existing contracts that cover similar positions or employees.
- C. In addition to the conditions set forth above, the temporary assignment of a person to a supervisory or administrative position shall be preceded by notification to the Board. The Superintendent will detail the circumstances that created the need for the part-time employment.

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***Optional language:* The following outlined item (to the next double line) is available for inclusion in whole or in part at the discretion of school districts having only one (1) school or fewer than 600 students as determined by the local Governing Board.**

**Small School Districts;  
Substitute Teachers**

A *small school district*, as defined in A.R.S. 15-901, is allowed to employ a substitute teacher who is related to a member of the Governing Board as the member’s spouse or immediate family and who has had the same household of residence within the preceding four (4) years. If a small school district employs a substitute teacher in these circumstances, the member of the Governing Board who is related to the substitute teacher must recuse themselves from voting on any matter relating to substitute teachers.

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Adopted:

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LEGAL REF.:

A.R.S.

15-341

15-421

15-502

15-503

15-901

A.A.C.

R7-2-603

R7-2-614

CROSS REF.:

GCF -Hiring

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**GCH ©  
ORIENTATION AND TRAINING**

The Superintendent will establish a program to provide orientation for all new District employees. At a minimum, this program will cover the following items:

- A. Goals, objectives, and programs of the District.
- B. Personnel policies.
- C. Sexual harassment.
- D. Terms of employment.
- E. General disciplinary rules and procedures.
- F. Salary and benefit plans.
- G. Professional development opportunities.
- H. The evaluation program and name(s) of evaluator(s).
- I. Handling of body fluids.
- J. Child abuse reporting responsibilities.

School districts and charter schools may not require an employee to engage in and shall not use public monies for training, orientation or therapy that presents any form of blame or judgment on the basis of race, ethnicity, or sex. This does not preclude any training on sexual harassment or lessons on recognizing and reporting abuse.

"Blame or judgment on the basis of race, ethnicity or sex" is defined in A.R.S. 41-1494 by seven (7) concepts.

Adopted:

LEGAL REF.:

A.R.S.

13-3620

15-153

15-341

41-1494

29 CFR 1910.1030

CROSS REF.:

IHAMD - Instruction and Training in Suicide Prevention

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**GCK ©  
ASSIGNMENTS AND TRANSFERS**

The procedure for assignment and transfer of staff members, as well as the resolution of any conflicts regarding transfers, will be based on employee qualifications, the needs of the instructional program, the needs of the students, and the overall needs of the District as defined by the Superintendent.

**Assignments**

The Superintendent shall have the responsibility for the assignment of all personnel throughout the District.

No right to school, grade, or subject assignment shall be inferred from a teacher's contract.

**Transfers**

***Certificated Employees***

The transfer of teachers from one school to another school within the District shall take into consideration the needs of the students in the District and the current distribution of teachers across all of the four (4) performance classifications as adopted by the State Board of Education.

A teacher who has been employed by the District for the major portion of three (3) or more consecutive school years and who is currently designated in the lowest performance classification for two (2) consecutive school years shall not be transferred as a teacher to another school in the District unless: 1) the District has issued a preliminary notice of inadequacy of classroom performance, 2) the performance plan has been approved, and 3) the Governing Board has approved the new placement as in the best interests of the students in the school.

Following a transfer under this provision, a teacher who continues to be designated in one (1) of the two (2) lowest performance classifications shall not be permitted to transfer to another school. A teacher shall not be transferred more than once under the provisions of this paragraph.

***Noncertificated Employees***

The transfer/reassignment of noncertificated employees will be determined by the needs of the District and employee qualifications.

***Transfer Across Pay Grades***

The above applies to transfers/reassignments within the same job classification and pay grade. Transfer/reassignment of an employee to a position of greater or lesser pay requires Board approval.

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*Voluntary Transfers*

All staff members may apply for transfer or reassignment, whether or not a vacancy exists. Transfers will not be approved during the school year unless the needs of the District dictate such approval.

*Prohibited Transfer/Re-assignment Basis*

An employer cannot transfer or reassign an employee due to the employee's good faith report required under A.R.S. 13-3620 or A.R.S. 15-514.

Adopted:

LEGAL REF.:

A.R.S.

13-3620

15-341

15-502

15-503

15-514

15-537 – 15-541

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**GCMF ©  
DUTIES AND RESPONSIBILITIES**

**Certificated Employees**

***Schedules***

Certificated employees are expected to be in their respective rooms or work areas as the schedule prescribes so that they may see students, parents, and/or attend to other duties as assigned. Family members are not allowed in teacher work areas during scheduled duty hours.

In order to ensure the safety of students and the security of school campuses, teachers may be assigned supervisory duty during the teaching day. These duty assignments shall be considered a regular part of a teacher's duties and shall be fulfilled accordingly.

Teachers will perform duties other than classroom teaching, including taking and maintaining daily classroom attendance. The Superintendent may alter or extend the school day for meetings, special events, and activities; extra duty assignments may be made by the Superintendent.

***Arrangements for Substitute Teachers***

The Superintendent will establish procedures for reporting the need for and arranging for substitutes.

**Noncertificated Employees**

***Schedules***

All noncertificated employees shall report to their duty stations on time each workday and shall, as scheduled, be available there until the designated time(s) they are scheduled to leave.

The normal workweek for noncertificated employees will not exceed forty (40) hours per week. Usually, the week will be based on eight (8) hours per day, five (5) days per week; however, the Superintendent may designate other workweek structures to meet varying conditions and needs of the District. Employees will be notified at least one (1) week in advance of any modification to the workweek plan.

Individual employee work schedules will be based on the position held by the respective employees and on District needs as identified during the employment process.

For the purpose of calculating regular and overtime hours in accordance with wage and hour requirements, the District's designated workweek shall begin at 12:01 a.m. Sunday and conclude at 12:00 midnight the following Saturday.

***Overtime***

A noncertificated employee may work overtime, provided that advance authorization is obtained from the supervisor in charge or, in the case of an emergency, authorization is obtained immediately upon completion of the work or as soon thereafter as practicable.

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## **All Employees**

### ***Meetings***

The Superintendent will arrange for and hold staff meetings as the need may arise. This authority may be delegated to the school principals or supervisors, who may hold such meetings on a regularly scheduled basis or as they may arise.

All appropriate employees are required to attend any such meetings unless officially excused by the principal, supervisor or the Superintendent prior to the meeting.

Grade-level staff meetings or departmental staff meetings are allowed during the regular school day, as long as the minimum number of classroom minutes for the grade level has been met. Arrangements for such meetings shall be made with the Superintendent through the school principals.

Adopted:

#### LEGAL REF.:

A.R.S.

15-153

15-203

15-341

15-342

15-502

15-535

15-539

15-550

15-717.01

15-901

23-391

41-1758.03

A.A.C.

R7-2-614

Arizona Constitution, Article 18, Section 1

29 U.S.C. 207, Fair Labor Standards Act

29 C.F.R. 516 *et seq.*, Fair Labor Standards Act

#### CROSS REF.:

GBEA- Ethics and Code of Conduct

GCO - Evaluations and Contracts

IKACA - Parent Conferences

JLIA - Supervision of Students

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REGULATION

**DUTIES AND RESPONSIBILITIES**

**(Noncertificated Employee Workload)**

**Fair Labor Standards Act:  
Overtime Compensation**

Per 29 U.S.C. 207(o), nonexempt employees who work more than forty (40) hours per week shall be awarded "compensatory time" at the rate of one and one-half (1 1/2) hours for each hour of overtime work, in lieu of overtime compensation, as stated in the employee's agreement or contract. Compensatory time ("comp time") accrual, use, and payout shall occur pursuant to 29 U.S.C. 207(o).

In cases of emergency, when the employee cannot be immediately released for comp time, the Superintendent will either pay the employee overtime compensation at the rate of time and one-half or have the employee use the comp time at a future date, consistent with law.

The hours must be approved by the immediate supervisor before an employee works overtime or, in the case of an emergency, immediately upon completion of the work or as soon thereafter as possible.

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REGULATION

**DUTIES AND RESPONSIBILITIES**

**(Arrangements For Substitute  
Staff Members)**

When utilizing the leave policies of the District, it shall be the responsibility of the teacher to notify the principal, as soon as possible, of the need for a substitute teacher. In the event the principal is not available, the principal's designee will be notified.

If the teacher knows in advance that a return to duty will be assured on a certain day, the principal should be so notified in order that the substitute may be informed.

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**GCO ©  
EVALUATIONS AND CONTRACTS**

**Definitions**

In this policy:

A. ***Certificated teacher*** means a person who holds a certificate from the State Board of Education to work in the schools of this state and who is employed under contract in a position that requires certification, except a psychologist or an administrator devoting at least fifty percent (50%) of the person's time to classroom teaching.

B. ***Continuing teacher*** means a certificated teacher who has been and is currently employed by the School District for the major portion of three (3) consecutive school years and who has not been designated in the lowest performance classification for the previous school year or who has not regained continuing status after being designated as a probationary teacher.

C. ***Probationary teacher*** means a certificated teacher who is not a continuing teacher.

D. ***Inadequacy of classroom performance*** means the definition of inadequacy of classroom performance adopted by the Governing Board.

E. ***Performance classifications*** means the four (4) performance classifications for teachers and the principal performance evaluation system as adopted by the Governing Board.

F. ***Qualified evaluator*** means a school principal or other person who is trained to evaluate teachers and who is designated by the Governing Board to evaluate certificated teachers.

A continuing teacher becomes a probationary teacher in the school year following having been designated in the lowest performance classification and shall remain a probationary teacher until that teacher's performance classification is designated in either of the two (2) highest performance classifications.

**Evaluations**

The Governing Board shall adopt teacher evaluation policies pursuant to A.R.S. 15-537.

In developing the District's evaluation systems, the Governing Board may review and consider the Arizona Department of Education's teacher and principal evaluation system best practices.

Information regarding the evaluation process can be found in GCO-R.

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### ***Certificated Employees***

The District teacher performance evaluation system shall do the following:

- A. Be designed to improve teacher performance and improve student achievement;
- B. Include quantitative data on the academic progress for all students, which shall account for between twenty percent (20%) and thirty-three percent (33%) of the evaluation outcomes;
- C. Include four (4) performance classifications, designated as highly effective, effective, developing, and ineffective.

The District will involve its certificated teachers in the development and periodic evaluation of the teacher performance evaluation system. The Governing Board shall ensure that its teacher evaluation system and policies describe teacher incentives, protections, performance improvement plans, and dismissal and nonrenewal procedures as required by A.R.S. 15-537, including:

- A. *Incentives* for teachers in the highest performance classification, which may include multiyear contracts not to exceed three (3) years. The offer and acceptance of a multiyear contract does not exclude that teacher from the application of A.R.S. 15-538.01, 15-540, 15-541, or 15-549, and the teacher may accept a multiyear contract offer or decline and accept a one (1) year contract.
- B. *Incentives* for teachers in the two (2) highest performance classifications to work at schools that are assigned a letter grade of D or F pursuant to A.R.S. 15-241.
- C. *Protections* for teachers who are transferred to schools that are assigned a letter grade of D or F pursuant to A.R.S. 15-241.
- D. *Protections* for teachers if the principal of the school is designated in the lowest performance classification.
- E. *Performance improvement plans* for teachers designated in the lowest performance classification.
- F. *Dismissal or nonrenewal procedures* pursuant to A.R.S. 15-536 or 15-539 for teachers who continue to be designated in the lowest performance classification. The procedures shall require that the School District issue the preliminary notice of inadequacy of classroom performance no later than the second consecutive year that the teacher is designated in one (1) of the two (2) lowest performance classifications unless the teacher is in the first or second year of employment with the School District or has been reassigned to teach a new subject or grade level for the preceding or current school year.

The Governing Board shall also ensure that its teacher evaluation system includes procedures as prescribed by 15-537(F), (G), (H), (I) & (J).

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**The District teacher evaluation will address the following (to be inserted in this location BEFORE adoption by the Board).**

In this policy the Board shall describe:

- 1) *performance improvement plans.*
- 2) *dismissal or nonrenewal procedures pursuant to A.R.S. 15-536 or 15-539 for teachers who continue to be designated in the lowest performance classification.*
- 3) *inadequacy of Classroom Performance.*

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***Principals, other Administrators  
and Psychologists***

The Board authorizes the Superintendent to establish a system for the evaluation of principals, other administrators, and certificated school psychologists. Advice will be sought from those to be evaluated in the development of the performance evaluation system for each of these employee classifications.

*Principals*

The Governing Board shall adopt policies that:

- A. are designed to improve principal performance and improve student achievement.
- B. include the use of quantitative data on the academic progress for all students, which shall account for between twenty percent (20%) and thirty-three percent (33%) of the evaluation outcomes.
- C. include four (4) performance classifications, designated as highly effective, effective, developing and ineffective.
- D. describe both of the following:
  1. the methods used to evaluate the performance of principals, including the data used to measure student performance and job effectiveness.
  2. the formula used to determine evaluation outcomes.

The evaluation system for the evaluation of the performance of principals may include the overall instructional program, student progress, personnel, curriculum, and facilities. Principals will be given a review of evaluation procedures prior to beginning the process.

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Subject to statutory limitations, the Board shall make available the evaluation and performance classification pursuant to A.R.S. 15-503 of each principal in the District to school districts and charter schools that are inquiring about the performance of the principal for hiring purposes.

#### *Other Administrators*

The format for the evaluation system for other administrators (other than the Superintendent) will be developed under the leadership of the Superintendent, focusing on the responsibilities and outcomes which support the overall instructional program and needs of the District. Evaluation procedures, timelines, and methods to be used for the communication of evaluation results will be reviewed with each employee prior to beginning the process.

#### *Certificated School Psychologists*

The evaluation system for certificated school psychologists shall include the following:

- A. Recommendations as to areas of improvement in the performance of the certificated school psychologist if the performance warrants improvement.
- B. After transmittal of an assessment, a Board designee shall confer with the certificated school psychologist to make specific recommendations as to areas of improvement in performance.
- C. The Board designee shall provide assistance and opportunities for the certificated school psychologist to improve his/her performance and shall follow up after a reasonable period of time for the purpose of ascertaining that adequate performance is being demonstrated.
- D. Appeal procedures for certificated school psychologists who disagree with the evaluation of their performance, if the evaluation is for use as criteria for establishing compensation or dismissal.

#### ***Noncertificated Employees:***

- A. All noncertificated personnel shall be evaluated by the designated supervisor or administrator.
- B. A written evaluation of each employee's effectiveness shall be completed during the first year of employment, no later than ninety (90) days after the employee's start date.
- C. A second evaluation shall be conducted within the first year, on or before the employee's anniversary date.
- D. Each noncertificated employee shall be evaluated at least once annually thereafter.
- E. Evaluations shall be used to support the improvement of job performance and to inform decisions regarding continued employment.

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## **Contracts**

### ***Certificated Employees***

The Governing Board may transmit and receive contracts of certificated employees in an electronic format and may accept electronic signatures on those contracts. The Superintendent will develop procedures for the implementation of this discretionary process.

The Governing Board may adopt requirements that require electronic signatures to be followed by original signatures within a specified time period.

Adopted:

#### LEGAL REF.:

A.R.S.

15-153

15-189.06

15-203

15-241

15-341

15-501

15-502

15-503

15-512

15-536

15-537

15-537.01

15-538

15-538.01

15-539 *et seq.*

15-544

15-549

15-918.02

15-977

15-1326

A.A.C.

R7-2-605

#### CROSS REF.:

GBEA- Ethics and Code of Conduct

GCB - Compensation

GCF - Hiring

GCK - Assignments and Transfers

GCMF - Duties and Responsibilities

GCQF - Discipline, Suspension, and Dismissal

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REGULATION

**EVALUATIONS AND CONTRACTS**

**Performance Classifications**

Teachers shall be evaluated using the following four (4) performance classifications: Highly Effective, Effective, Developing, and Ineffective. The teacher performance evaluation system shall be designed to improve teacher performance and improve student achievement. The instrument shall include the use of quantitative data on the academic progress for all students, and that data shall account for between twenty (20) percent and thirty-three (33) percent of the evaluation outcomes. The objectives of the evaluation system are to improve instruction and maintain instructional strengths.

In accordance with A.R.S. 15-537, the Governing Board shall adopt teacher evaluation policies in a public meeting, following opportunities for public discussion.

**Teacher Participation**

The Governing Board shall involve certificated teachers in the development and periodic evaluation of the teacher performance evaluation system.

**Evaluation Process**

***Certificated Teachers***

The District's teacher evaluation system shall:

- A. Provide at least one (1) annual evaluation of each certificated teacher by a qualified evaluator, unless the teacher is participating in an alternative cycle as provided in A.R.S. 15-537(B).
- B. Incorporate quantitative data on the academic progress of all students, accounting for between twenty (20) percent and thirty-three (33) percent of evaluation outcomes. The District shall implement a plan for the appropriate use of quantitative data of student academic progress in evaluations of all certificated teachers. The plan may make distinctions between certificated teachers who provide direct instruction to students and certificated teachers who do not provide direct instruction to students. The plan may include data for multiple school years and may limit the use of data for certificated teachers who have taught for less than two (2) complete years.
- C. Include at least two (2) actual classroom observations of a complete and uninterrupted lesson by a qualified evaluator, with at least sixty (60) calendar days between the first and last observations.
  1. The last observation may follow the issuance of a preliminary notice of inadequacy of classroom performance and be used to determine whether the teacher has corrected inadequacies and has demonstrated adequate classroom performance.

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2. An observation shall not be conducted within two (2) instructional days of any scheduled period in which school is not in session for one (1) week or more.
  3. Each evaluation shall include recommendations as to areas of improvement in the performance of a certificated teacher if performance warrants improvement. After transmittal of an evaluation, the qualified evaluator or other Board designee shall confer with the teacher to make specific recommendations as to areas of improvement in the teacher's performance. The qualified evaluator or other Board designee shall provide professional development opportunities for the certificated teacher to improve performance and follow up after a reasonable period of time for the purpose of ascertaining that the teacher is demonstrating adequate performance.
  4. The requirement of a second classroom observation may be waived for a continuing teacher whose teaching performance based on the first classroom observation places the teacher in one (1) of the two (2) highest performance classifications for the current school year, unless the teacher requests a second observation.
- D. Require that written feedback be provided to the teacher within ten (10) business days after each observation.
- E. Require that the results of an annual evaluation be in writing or electronic format and a copy provided to the teacher within five (5) days after completion.
- F. Permit the teacher to submit a written reaction or response to the evaluation.
- G. Maintain the confidentiality of evaluation reports and performance classifications, releasing them only as authorized by law. Copies of the evaluation report and performance classifications of a certificated teacher retained by the Governing Board and the Department of Education are confidential, do not constitute a public record and shall not be released or shown to any person except: 1) to the certificated teacher; 2) to authorized District officers and employees for personnel matters; 3) to school districts and charter schools that inquire about the performance of the teacher for prospective employment purposes (and any district or charter school receiving the information shall use it solely for employment purposes and shall not release it or allow access to it by any other person or entity); and 4) for introduction in evidence or discovery in a court action as provided by law.
- H. If the evaluation is used as criteria for establishing compensation, permit the teacher to appeal the evaluation pursuant to appeal procedures adopted by the Governing Board.
- I. Include specific and reasonable plans for the improvement of teacher performance.
- J. Include training requirements for qualified evaluators, as prescribed by the Governing Board.

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The District may permit an alternative performance evaluation cycle subject to the following:

- A. Expedited reviews shall be conducted in years when a formal evaluation is not required and may include factors such as teamwork and support for lower-performing teachers.
- B. Teacher performance may be classified in categories that include teamwork and support for lower-performing teachers.
- C. Only teachers who have been evaluated and designated in the highest performance classification for at least three (3) consecutive years by the same school district may participate.
- D. A teacher who does not maintain the highest performance classification shall return to the regular evaluation cycle.

*Preliminary Notice of Inadequacy:*

- A. A teacher whose performance is found inadequate shall be issued a preliminary notice of inadequacy of classroom performance if dismissal or nonrenewal is being considered. The notice shall specify the deficiencies and provide at least forty-five (45) instructional days to correct them.
- B. A preliminary notice may be issued by the Superintendent or another authorized employee of the Governing Board, and its issuance shall be reported to the Governing Board within ten (10) school days.
- C. Each notice shall be accompanied by a performance improvement plan.
- D. The Governing Board shall adopt a definition of inadequacy of classroom performance aligned with the performance classifications.

*Nonrenewal/Dismissal:*

- A. The Governing Board shall issue notices of dismissal or nonrenewal as required by law.
- B. Notices shall include a copy of relevant evaluations and state the reasons for dismissal or nonrenewal.
- C. Notices shall be delivered personally or sent by registered or certified mail to the teacher's address of record.
- D. No notice of dismissal or nonrenewal based on inadequacy shall be issued until the statutory observation and performance plan process has been completed.

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*Contracts:*

- A. The Governing Board shall offer contracts to certificated teachers as provided in statute, except where proper notice of dismissal or nonrenewal has been given.
- B. Teachers must accept contracts within fifteen (15) business days after receipt, or the offer is revoked. Receipt is deemed to occur when the contract is personally delivered, placed in the school-provided mailbox (including email), or two (2) days after being placed in the U.S. mail. Acceptance occurs by signing and returning the contract or by delivering a written instrument accepting its terms.
- C. A continuing teacher designated in the lowest performance classification for the current school year shall become a probationary teacher for the subsequent school year and shall remain probationary until designated in one (1) of the top two (2) performance classifications.

***Principals, Administrators, and  
Psychologists:***

- A. The evaluation system for certificated school psychologists shall include all components required by A.R.S. 15-503.
- B. On or before May 15, the Governing Board shall offer a contract for the next school year to each certified administrator and certificated school psychologist who is in the last year of their contract, unless notice of nonrenewal is given on or before April 15.
- C. Notice of nonrenewal shall be delivered personally or sent by certified mail, postmarked on or before the statutory deadline.
- D. The administrator's or certificated school psychologist's acceptance of the contract shall be indicated within thirty (30) days after the date of the written contract or the offer is revoked. The administrator or certificated school psychologist accepts the contract by signing and returning the contract to the Governing Board or by making a written instrument that accepts the terms of the contract and delivering it to the Governing Board.

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EXHIBIT

**EVALUATIONS AND CONTRACTS**

**NONCERTIFICATED STAFF**

**Rating Scale Definitions**

**Highly Proficient** – Consistently exceeds job expectations; demonstrates initiative and produces work of superior quality.

**Proficient** – Fully meets job expectations; dependable performance and satisfactory results.

**Progressing** – Inconsistently meets job expectations; improvement is needed to ensure consistent performance.

**Ineffectual** – Does not meet job expectations; performance is inadequate and requires immediate improvement.

**Performance Report**

Employee: \_\_\_\_\_

Department/Position: \_\_\_\_\_

Supervisor: \_\_\_\_\_

Date of Evaluation: \_\_\_\_\_

**Evaluation Categories**

<i>Category</i>	<b>Highly Proficient</b>	<b>Proficient</b>	<b>Progressing</b>	<b>Ineffectual</b>
<b>1. Quality of Work</b> – Accuracy, completeness, and thoroughness of job performance.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>2. Quantity of Work</b> – Volume of work performed in relation to expectations.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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<b>3. Job Knowledge and Skills –</b> Understanding of duties, methods, materials, and ability to apply them effectively.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>4. Adaptability and Problem-Solving –</b> Ability to adjust to change, handle new assignments, and respond to challenges.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>5. Work Habits and Organization –</b> Efficiency, use of time, organization of tasks, and compliance with procedures.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>6. Teamwork and Collaboration –</b> Ability to work cooperatively with students, staff, and supervisors.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>7. Dependability and Attendance –</b> Reliability in completing assignments, punctuality, and consistent attendance.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>8. Attitude and Professionalism –</b> Demonstrates a positive approach, ethical conduct, and willingness to support the organization.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>9. Communication –</b> Effectiveness in oral, written, and interpersonal communication.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>10. Judgment and Decision-Making –</b> Ability to make sound, practical decisions appropriate to the job.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Overall Rating</b> (should reflect above ratings)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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**Comments**

1. Strengths (explain any “Highly Proficient” ratings):

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2. Areas for Growth (explain any “Progressing” or “Ineffectual” ratings):

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3. General Comments:

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***Signatures indicate discussion of the Performance Report.***

Employee’s Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Evaluator’s Signature: \_\_\_\_\_ Date: \_\_\_\_\_

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REDUCTION IN FORCE**

**Certificated Employees**

The number and type of certificated staff positions required to implement the District's educational program will be determined by the Board after recommendation from the Superintendent. In the event the Board decides to release certificated employees, the following guidelines will be in effect:

The Superintendent shall submit to the Board recommendations for the termination of specific staff members. The criteria used in formulating these recommendations shall include, but shall not be limited to:

1. Qualifications and certification of staff members to accomplish the District's educational program, including certification requirements for specialty categories and designation as a highly qualified teacher.
2. Overall teaching experience, academic training, and ability.
3. Past contributions to the educational program of the District.

Teacher tenure and seniority shall not be considerations in retention determinations.

**Noncertificated Employees**

In the event the Board decides to release noncertificated employees, the following guidelines will be in effect:

A. Normal attrition due to terminations will be relied upon as the first means of reducing staff.

B. If attrition does not accomplish the required reduction in staff, the Superintendent shall submit to the Board recommendations for the termination of specific employees. The criteria used in formulating these recommendations shall include, but shall not be limited to:

1. Qualifications of staff members to accomplish the District's program.
2. Overall experience, training, and ability.
3. Past contributions to the program of the District.
4. All other factors being equal, length of service in the District.

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Criteria for selection of staff members to be released will be applied separately to employees within specialty categories.

Personnel to be released shall be notified as soon as practical.

Adopted:

LEGAL REF.:

A.R.S.

15-341

15-502

15-503

15-544

A.G.O.

I78-286

CROSS REF.:

GCB - Compensation

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RESIGNATION**

**Certificated Employees**

All resignations or requests to be released from contract shall be presented in writing to the Board for approval. A release from an uncompleted contract may be granted contingent upon the availability of a well-qualified, certificated teacher as a replacement.

A teacher who resigns contrary to this policy shall be deemed to have committed an unprofessional act and shall be subject to the penalty as provided under Arizona statutes and State Board of Education regulations.

**Noncertificated Employees**

Employees voluntarily terminating their service with the District are expected to give advance notice of not less than ten (10) business days. This notice should be submitted to the supervisor in writing and should specify both the last day of work and the reason for termination.

Adopted:

LEGAL REF.:

A.R.S.

15-545

23-352

23-353

A.A.C.

R7-2-205

CROSS REF.:

GCMF – Duties and Responsibility

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DISCIPLINE, SUSPENSION, AND  
DISMISSAL**

An employee may be disciplined for unprofessional or immoral conduct, violations of policy, violation of the District's Ethics and Code of Conduct, and/or violations of the following expected standards of professional conduct. Consequences for misconduct may include disciplinary and/or non-disciplinary action.

**Conduct**

***All Employees***

*Unprofessional Conduct*

Any District employee or applicant for District employment who is arrested for or charged with any nonappealable offense listed in A.R.S. [41-1758.03](#), subsection B and who does not immediately report the arrest or charge to their supervisor is guilty of unprofessional conduct and shall be immediately dismissed from employment with the School District.

*Required Conduct*

In addition to the conduct required under the District's Ethics and Code of Conduct, employees shall:

- A. Make reasonable efforts to protect students from conditions harmful to learning, health, or safety;
- B. Account for all funds collected from students, parents, or school personnel;
- C. Adhere to provisions of the Uniform System of Financial Records related to use of school property, resources, or equipment; and
- D. Abide by copyright restrictions, security, or administration procedures for a test or assessment.

*Prohibited Conduct*

In addition to the conduct prohibited under the District's Ethics and Code of Conduct, employees shall not:

- A. Discriminate against or harass any students or school employee on the basis of race, national origin, religion, sex, including sexual orientation, disability, color or age;
- B. Deliberately suppress or distort information or facts relevant to a student's academic progress;

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C. Misrepresent or falsify student, classroom, school, or District-level data from the administration of a test or assessment;

D. Engage in a pattern of conduct for the sole purpose or with the sole intent of embarrassing or disparaging a student;

E. Use professional position or relationships with students, parents, or colleagues for improper personal gain or advantage;

F. Falsify or misrepresent documents, records, or facts related to professional qualifications or educational history or character;

G. Assist in the professional certification or employment of a person the certificate holder knows to be unqualified to hold a position;

H. Accept gratuities or gifts that influence judgment in the exercise of professional duties;

I. Possess, consume, or be under the influence of alcohol on school premises or at school-sponsored activities;

J. Illegally possess, use, or be under the influence of marijuana, dangerous drugs, or narcotic drugs, as each is defined in A.R.S. 13-3401;

K. Make any sexual advance towards a student or child, either verbal, written, or physical;

L. Engage in sexual activity, a romantic relationship, or dating of a student or child;

M. Submit fraudulent requests for reimbursement of expenses or for pay;

N. Use school equipment to access pornographic, obscene, or illegal materials; or

O. Engage in conduct which would discredit the District or the teaching profession.

### **Statutory Requirements for Discipline**

Certificated staff members disciplined under A.R.S. [15-341](#), A.R.S. [15-539](#), or other applicable statutes:

A. May not be suspended with or without pay for a period exceeding ten (10) school days under A.R.S. [15-341](#).

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B. May be suspended without pay for a period of time greater than ten (10) school days or dismissed under A.R.S. [15-539](#).

C. Shall be disciplined under procedures that provide for notice, hearing, and appeal, subject to the requirements of A.R.S. [15-341](#) or A.R.S. [15-539](#), whichever is appropriate.

D. Shall, if disciplined under A.R.S. [15-539](#) or other applicable statutes, excluding A.R.S. [15-341](#), receive notice in writing served upon the certificated staff member personally or by United States registered or certified mail addressed to the employee's last-known address. A copy of charges specifying instances of behavior and the acts of omissions constituting the charge(s), together with a copy of all applicable statutes, shall be attached to the notice.

### **Statutory Requirements for Suspension and Dismissal**

Certificated staff members disciplined under A.R.S. [15-341](#), A.R.S. [15-539](#), or other applicable statutes:

Shall have the right to a hearing in accordance with the following:

1. *Suspension under A.R.S. [15-341](#)*. The supervising administrator will schedule a meeting not less than two (2) days nor more than ten (10) days after the date the certificated staff member receives the notice.
2. *Dismissal or dismissal with suspension included under A.R.S. [15-539](#)*. A certificated staff member's written request for a hearing shall be filed with the Board within ten (10) days after service of notice. The filing of a timely request shall suspend the imposition of a suspension without pay or a dismissal pending completion of the hearing.

### **Teachers Working Under a Short-Term Certification**

A teacher who holds a teaching intern certificate, an emergency teaching certificate or another type of nonstandard certificate, that is valid for one (1) year or less, may be dismissed by the Board effective ten (10) days after delivery of the notice of dismissal to the teacher without complying with the requirements of A.R.S. conditions found in [15-537](#), [15-538](#), or [15-541](#). Notice of the Board's authority to dismiss pursuant to this shall be included in each teacher's contract.

Adopted:

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LEGAL REF.:

A.R.S.

13-2911

13-3401

15-153

15-203

15-341

15-342

15-350

15-502

15-503

15-505

15-507

15-508

15-512

15-514

15-536

15-538

15-538.01

15-538.02

15-539

15-540

15-541

15-542

15-543

15-549

15-550

15-551

23-1501

41-770

41-773

AAC:

R7-2-1308

20 U.S.C. 1681

CROSS REF.:

DK – Payment and Payroll Procedures

GCO - Evaluations and Contracts

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REGULATION

**DISCIPLINE, SUSPENSION, AND  
DISMISSAL**

**(Certificated Employee)**

**Provisions**

General provisions for discipline are as follows:

A. *Informal consultation.* Nothing contained herein will limit a supervising administrator's prerogative to engage in informal consultation with a certificated employee to discuss matters of concern related to the employee's performance, conduct, et cetera; however, when it is apparent that disciplinary action toward a certificated employee is likely to become a part of the certificated staff member's personnel record as permitted by A.R.S. 15-341, the procedures outlined herein shall be followed.

B. *Persons authorized to impose discipline.* Any supervising administrator who is the immediate or primary supervisor of a certificated staff member is authorized to impose a penalty or penalties, short of dismissal. Only the Board may dismiss a certificated staff member.

C. *Notice.* Any person who is required by Policy GCQF and this regulation to give written notice to any other person affected by Policy GCQF and this regulation may do so by any means reasonably calculated to give the recipient actual knowledge of the notice within a reasonable amount of time. When time is calculated from the date a notice is received, the notice is deemed to be received on the date it is hand delivered or three (3) calendar days after it is placed in the mail.

D. *Administrative discretion.* In adopting these policies and procedures, it is the intention of the District that they be interpreted and applied in a reasonable fashion. The policies and regulations are not intended to restrict or eliminate the discretion traditionally afforded to supervising administrators to determine whether discipline is appropriate. Supervising administrators are therefore directed to continue to use reasonable discretion in determining whether a particular alleged violation merits discipline.

E. *Right not to impose discipline.* The District reserves the right not to discipline a certificated staff member for conduct that violates Policy GCQF and this regulation.

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F. *Definition of business days.* For the purposes of Policy GCQF and this regulation, a *business day* is any day that the District's central administrative office is open for business.

G. *Additional reasons for discipline.* A certificated staff member may be disciplined for conduct that has occurred but that, at or near the time of misconduct, was not the subject of or identified as a reason for a specific proceeding under Policy GCQF and this regulation.

## **Procedures**

The following procedures will be used to impose any discipline that 1) shall become a part of the certificated staff member's personnel record and 2) is permitted under A.R.S. 15-341:

### **Step 1 - Notice:**

Upon the supervising administrator's determination of the existence of cause to impose discipline, the supervising administrator shall notify the certificated staff member of intent to impose discipline. The notice shall be in writing and shall be delivered in person or by first-class mail. The notice shall include the following:

1. The conduct or omission on the part of the certificated staff member that constitutes the reason for discipline.
2. A scheduled meeting time between the supervising administrator and the certificated staff member. Such meeting shall be scheduled not more than ten (10) business days after the date the certificated staff member receives the notice.
3. A statement of the disciplinary action the supervising administrator intends to impose, including, if applicable, the number of days of suspension with or without pay.
4. Copies of any available relevant documentation, at the discretion of the supervising administrator.

### **Step 2 - Discipline Hearing:**

A. At the hearing, the supervising administrator shall discuss with the certificated staff member the conduct that warrants disciplinary action and shall provide the certificated staff member with any appropriate evidence and a copy of relevant documentation if not previously provided.

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B. The supervising administrator shall conduct the hearing in an informal manner, without adherence to the rules of evidence and procedure required in judicial proceedings.

**Step 3 - Decision (in writing):**

At the hearing, or within ten (10) business days following the hearing, the supervising administrator shall, in writing, inform the certificated staff member of the decision. If the decision is to impose discipline, written notice of the discipline shall be enclosed. The written notice of the decision shall state that a copy of the notice, decision, and a record of the disciplinary action shall be placed in the certificated staff member's personnel file and shall specify the date the discipline shall be imposed unless the certificated staff member files a written request for appeal within five (5) business days after the decision is delivered to the certificated staff member. If the certificated staff member requests an appeal of the decision, the imposition of any discipline shall be suspended pending the outcome of the appeal.

**Step 4 - Appeal:**

Discipline imposed may be appealed at the next organizational level, in writing, to the appropriate assistant superintendent or the Superintendent. Only when the discipline is determined by the Superintendent shall the appeal be to the Board, which, at its discretion, may appoint a hearing officer. The appeal shall contain a brief statement of the reasons why the certificated staff member believes the administrator's decision is incorrect. Appeal is limited to one (1) organizational level above the level of the supervising administrator who imposed the discipline.

The appeal shall specifically describe the part of the determination with which the certificated staff member disagrees:

- A. Determination was founded upon error of construction or application of any pertinent regulations or policies.
- B. Determination was unsupported by any evidence as disclosed by the entire record.
- C. Determination was materially affected by unlawful procedure.
- D. Determination was based on violation of any statutory or constitutional right.
- E. Determination was arbitrary and capricious.
- F. The penalty was excessive.

**Decision**

The supervising administrator, the Superintendent, or, when appropriate, the Board or the Board-appointed hearing officer may, at the conclusion of the appeal, uphold the discipline, modify the decision, or refer the matter back to the level from which it was

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appealed for rehearing and additional information. Such decision, along with specific direction as to the effective date of any discipline, shall be communicated to the certificated staff member within a reasonable amount of time following the appeal, not to exceed seven (7) business days.

The assigned hearing officer shall, by use of a mechanical device, make a record of the appeal hearing.

### **Actions Not Covered**

This regulation, under A.R.S. 15-341, does not apply to dismissal of a certificated staff member except to the extent that the Board may find, subsequent to dismissal proceedings, that a lesser form of discipline as set forth in Policy GCQF and this regulation should be imposed.

Not all administrative actions regarding a certificated staff member are considered "discipline," even though they may involve alleged or possible violations by the certificated staff member. This regulation addresses only discipline and has no application to any of the following:

- A. The certificated staff member evaluation procedure or the resulting evaluations as they pertain to the adequacy of the certificated staff member's classroom performance.
- B. Letters or memorandums directed to a certificated staff member containing directives or instructions for future conduct.
- C. Counseling of a certificated staff member concerning expectations of future conduct.
- D. Nonrenewal of a contract of a certificated staff member employed by the District for less than the major portion of three (3) consecutive school years (noncontinuing certificated staff member).

### **Suspension Without Pay or Dismissal**

#### **Step 1 - Notice:**

A. The Governing Board, except as otherwise provided by A.R.S. 15-539, shall upon receipt of a written statement of charges from the Superintendent that cause exists for the suspension of a certificated teacher without pay for a period longer than ten (10) school days or dismissal, shall give notice to the teacher of the Board's intention to suspend without pay or dismiss the teacher at the expiration of ten (10) days from the date of service of the notice.

1. If charges presented to the Board for dismissal of a certificated person allege immoral conduct, the charge or a resignation involving such charges shall be reported to the Department of Education.

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2. Whenever the statement of charges by the Superintendent allege immoral or unprofessional conduct as the cause for dismissal, the Board may adopt a resolution to file a complaint with the State Department of Education. Pending disciplinary action by the State Board, the certificated teacher may be reassigned by the Superintendent or the Governing Board may place the teacher on administrative leave and give notice to the teacher of the administrative leave of absence pursuant to A.R.S. 15-540.

3. As used in this regulation, *immoral conduct* means any conduct that is contrary to the moral standards of the community and that reflects an unfitness to perform the duties assigned to the certificated staff member.

B. The Governing Board, upon adoption of a written statement charging a certificated teacher with cause for suspension without pay or dismissal, may immediately place the teacher on administrative leave of absence and give the teacher notice of the administrative leave of absence.

C. Written notice of the administrative leave of absence shall be served on the teacher personally or by United States registered mail addressed to the teacher at the teacher's last known address.

**Step 2 – Hearing for Suspension Without Pay or Dismissal:**

A. The Governing Board shall decide whether to hold a hearing on the dismissal or suspension of a certificated teacher without pay for a period of time longer than ten (10) days as provided in A.R.S. 15-541.

**PLEASE CHOOSE OPTION** - The Governing Board may provide, **(A)** *by policy* or **(B)** *vote* at its annual organizational meeting, that all hearings conducted pursuant to this section shall be conducted before a hearing officer.

B. If the Governing Board decides not to hold a hearing, the Board shall designate a hearing officer to:

1. hold the hearing,
2. hear the evidence,
3. prepare a record of the hearing, and
4. issue a recommendation to the Board for action.

C. If the parties cannot mutually agree on a hearing officer, a hearing officer shall be selected by the Governing Board from a list provided by the State Department of Education or the American Arbitration Association.

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D. A hearing held pursuant to A.R.S. 15-541 may not be conducted by any hearing officer having a personal interest which would conflict with the hearing officer's objectivity in the hearing.

E. The hearing shall be held:

1. not less than fifteen (15) days, nor
2. not more than thirty (30) days.
3. after the request is filed, unless all parties to the hearing mutually agree to a different hearing date.

F. Notice of the time and place of the hearing shall be given to the teacher not less than three (3) days before the date of the hearing.

G. The teacher may request that the hearing be conducted in public or private.

H. The Governing Board shall provide any officer, appointee, or employee to be considered or discussed at a meeting with written notice of the executive session as is appropriate but not less than twenty-four (24) hours for the officer, appointee, or employee to determine whether the discussion or consideration should occur at a public meeting.

I. At the hearing the teacher may appear in person and by counsel, if desired, and may present any testimony, evidence or statements, either oral or in writing, in the teacher's behalf.

J. An official record of the hearing, including all testimony recorded manually or by mechanical device, and exhibits shall be prepared by the Governing Board or the hearing officer.

K. The teacher who is the subject of the hearing may not request that the testimony be transcribed unless the teacher agrees in writing to pay the actual cost of the transcription.

L. Within ten (10) days after a hearing conducted by the Governing Board the Board shall:

1. determine whether there existed good and just cause for the notice of dismissal or suspension, and
2. affirm or withdraw the notice of dismissal or suspension.

M. Within ten (10) days after a hearing conducted by a hearing officer, the hearing officer shall:

deliver a written recommendation to the Governing Board that includes findings of fact and conclusions.

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N. Parties to the hearing have the right to object to the findings of the hearing officer and present oral and written arguments to the Governing Board.

O. The Governing Board has an additional ten (10) days to determine whether good and just cause existed for the notice of dismissal or suspension and shall render its decision accordingly, either affirming or withdrawing the notice of suspension or dismissal.

Good and just cause does not include religious or political beliefs or affiliations unless they are in violation of the oath of the teacher.

### **Additional Provisions and Conditions**

During the pendency of a hearing, neither the certificated staff member nor the supervising administrator shall contact the Superintendent or a Board member to discuss the merits of the supervising administrator's recommendation or charges and proposed discipline except as provided by Policy GCQF and this regulation. No attempt shall be made during such period to discuss the merits of the charges with the person designated to act as hearing officer.

The Governing Board shall keep confidential the name of a student involved in a hearing for dismissal, discipline, or action on a teacher's certificate, with exceptions as noted in A.R.S. 15-551.

### **State Board of Education**

The highest ranking official of a school or school district (that employs the person or to whom the person has applied for employment) may request from the State Board of Education information relating to allegations that a certificated or noncertificated person engaged in conduct that, if true, constitutes grounds for disciplinary action if the certificated or noncertificated person resigned or otherwise separated from employment with a school before the State Board of Education either investigates the allegations or determines whether to take disciplinary action against the person.

The State Board of Education, after verifying the official's identity, shall provide the requested information, if available, to the official or designee. If providing the requested information might impede the State Board of Education's investigation of the allegations, the State Board of Education may deny the official's request or provide the information to the official or administrator after the State Board of Education completes the investigation.

*Amendments.* The District reserves the right to amend Policy GCQF and this regulation in any way at any time. Any amendment shall have prospective application only.

*Severability.* If any provision of Policy GCQF and this regulation is held to be invalid for any reason, such action shall not invalidate the remainder of Policy GCQF and this regulation. If any provision of Policy GCQF and this regulation conflict with any provisions in any other policies adopted by the District, the provisions of Policy GCQF and this regulation shall prevail.

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**REGULATION**

**DISCIPLINE, SUSPENSION, AND  
DISMISSAL**

**(Noncertificated Employees)**

**Definitions**

*At-will employee*, as used in this Section GCQF-RB, means a noncertificated employee whose employment relationship is severable at the pleasure of either the employee or the District unless a written contract or applicable law expressly provides otherwise.

*Term employee*, as used in this Section GCQF-RB, means a noncertificated employee working under a written employment contract or other written employment arrangement for a specified duration of time or otherwise expressly restricting the District's right to terminate the employment relationship.

*Cause*, as used in this Section GCQF-RB, means unprofessional or immoral conduct, violation of Policy GCQF, violation of Board policy or regulation, violation of the District's Ethics and Code of Conduct, or other conduct that, in the judgment of the District, warrants corrective/disciplinary action—including, but not limited to: Fraud or misrepresentation in securing appointment; Incompetency; Inefficiency; Neglect of duty; Insubordination; Dishonesty; Being impaired by alcohol or drugs while on duty; Illegal use or illegal possession of a narcotic or habit-forming drug; Unauthorized absence or absence without leave; Commission of any crime classified as a felony or involving moral turpitude; Discourteous treatment of the public or other employees; Improper political activity; Willful disobedience; and/or Misuse or unauthorized use of government property.

**Grounds for Discipline**

A noncertificated employee may be disciplined for unprofessional or immoral conduct, violation of Policy GCQF, violation of Board policy or regulation, violation of the District's Ethics and Code of Conduct, or other conduct that, in the judgment of the District, warrants corrective/disciplinary action.

**Disciplinary Action**

The District may impose progressive discipline, up to and including dismissal, that may include verbal or written reprimand, suspension without pay, or other appropriate action.

The Superintendent may investigate alleged misconduct and may place an employee on administrative leave, with or without pay as permitted by law, pending investigation.

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### ***Suspension Without Pay***

*At-will employees.* An at-will employee may be suspended without pay for conduct that, in the judgment of the Superintendent, warrants such action. Before suspending an at-will employee without pay, the employee shall be informed of the nature of the concerns and given an opportunity to respond, unless immediate action is necessary to protect students, employees, property, or District operations. The Superintendent's decision will be final unless otherwise provided by Board policy.

*Term employees.* A term employee may be suspended without pay during the term of employment for cause. If the Superintendent recommends suspension without pay of a term employee, the employee shall be given written notice of the recommendation and the reasons for it. The employee may request a hearing in accordance with the hearing procedures set forth below for suspension without pay or dismissal of a term employee. If no hearing is requested within the time provided, the recommended suspension without pay may be imposed.

Minor disciplinary action that does not include dismissal or suspension without pay may be imposed without use of the hearing procedures set forth below unless otherwise required by contract or law.

### ***Dismissal***

*At-will employees.* An at-will employee may be dismissed by the Governing Board at any time, subject to applicable law and any written contract. If the Superintendent recommends dismissal of an at-will employee, the recommendation shall be submitted to the Governing Board in writing, and a copy of the recommendation shall be delivered to the employee. The at-will employee may submit a written response to the Governing Board before the Board considers the recommendation. If the at-will employee attends the Board meeting at which the recommendation is considered, the Governing Board may, in its discretion and consistent with applicable law, permit the employee to address the Governing Board concerning the recommendation.

*Term employees.* A term employee may be dismissed for cause by the Governing Board at any time prior to the expiration of the term of employment.

### ***Term Employee: Process for Suspension Without Pay or Dismissal***

If the Superintendent recommends suspension without pay or dismissal of a term employee, a copy of the recommendation shall be delivered to the employee.

The employee may request a hearing within five (5) business days after receipt of the recommendation. If a hearing is requested, the Superintendent shall deliver written notice of the time and place of the hearing and a written statement of the reasons for the recommendation. The notice may also include a list of persons whom the Superintendent expects to testify and a general description of any other evidence that may be presented at the hearing in support of the recommendation.

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The hearing shall be conducted by the Governing Board or by a hearing officer designated by the Governing Board within not less than five (5) business days and not more than thirty (30) calendar days after a request for hearing is submitted, unless postponed by agreement of the parties or by the Governing Board or hearing officer for good cause.

The employee may be represented at the hearing by counsel, at the employee's expense. The employee shall have the opportunity to present witnesses and other relevant evidence and to question witnesses presented by the District. Formal rules of evidence shall not apply. A record of the hearing shall be made by mechanical or electronic means.

If a hearing officer is used, the hearing officer shall prepare written findings and a disciplinary recommendation for the Governing Board within ten (10) business days after the conclusion of the hearing. The Governing Board shall review the findings and recommendation and render a final decision whether to accept, reject, or modify the hearing officer's findings and/or recommendation.

If the Governing Board conducts the hearing, it shall render a decision within ten (10) business days after the conclusion of the hearing.

If the employee does not timely request a hearing, the employee shall be deemed to have waived the right to a hearing, and the Governing Board may act on the recommendation.

The Governing Board's decision shall be final.

### **State Board of Education Discipline/Duty to Report**

A noncertificated employee who meets the definition of noncertificated person in A.R.S. 15-505 may also be subject to investigation and discipline by the State Board of Education for immoral or unprofessional conduct as provided by law and State Board rules.

Nothing in this regulation limits or replaces any duty to report suspected conduct involving minors, suspected immoral or unprofessional conduct, arrest or charge information, criminal conviction information, or other legally reportable matters to law enforcement, the State Board of Education, the Department of Public Safety, or other authorities as required by law.

The District shall not accept the resignation of a certificated or noncertificated person when there is a reasonable suspicion or allegation of conduct involving minors that must be reported to the State Board of Education as required by law until the required report has been made.

### **General Matters**

None of the procedures of this regulation shall alter the status of an at-will employee.

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Failure to timely request a hearing or otherwise timely respond as provided in this regulation shall constitute a waiver of further review under this regulation.

The filing or pendency of a complaint or other form of grievance under another policy shall not limit or delay action authorized by this regulation unless otherwise required by contract or law.

This regulation does not apply to:

- A. nonrenewal of a term employee at the expiration of the employee's contract, unless otherwise expressly provided by contract or law;
- B. ratings, comments, or recommendations made in the course of an evaluation;
- C. placement on administrative leave; or
- D. counseling, directives, or supervisory instructions regarding future conduct or performance.

**GCR ©  
NONSCHOOL EMPLOYMENT**

A regular, full-time employee's position in the District shall be given precedence over any type of outside work or self-employment. District facilities, equipment, or school(s) are not to be used, except as provided by policy, and the outside work or self-employment must not interfere with the employees' performance of District-assigned duties.

The outside work or self-employment by a staff member is of concern to the Board if it may:

- A. Prevent the employee from performing assigned responsibilities in an effective manner.
- B. Be prejudicial to proper effectiveness in the position or compromise the District.
- C. Raise a question of conflict of interest - for example, where the employee's position in the District permits access to information or other advantage useful to the outside employer.

An employee may not perform any duties related to outside work or self-employment during regular District working hours or during the additional time that is needed to fulfill the responsibilities of the District position. Employees who violate this policy are subject to reprimand, suspension, or termination.

Adopted:

LEGAL REF.:

A.R.S.

15-321

15-341

CROSS REF.:

EDB - Maintenance and Control of Materials and Equipment  
and Instructional Materials

KF - Community Use of School Facilities

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**TUTORING FOR PAY**

Except by prior written authorization from the Superintendent:

A. School buildings are not to be used for private tutoring or classes for which students pay a fee to a staff member unless a rental contract has been entered into with the District.

B. A staff member is not permitted to provide tutoring for pay to any student who attends or is registered in any of the staff member's own classes.

Any person contracted by the state or District to provide tutoring services directly to students shall be required to obtain a fingerprint clearance card prior to such services being provided.

Adopted:

LEGAL REF.:

A.R.S.

15-341

15-512

15-534

15-1105

A.G.O.

R97-023

CROSS REF:

GCF – Hiring

KF - Community Use of School Facilities

LDA - Student Teaching and Internships

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PROFESSIONAL RESEARCH  
AND PUBLISHING**

**Proprietary Rights**

The Board has proprietary rights to publications, instructional materials, and devices prepared by employees unless prepared by such employees on their own time and without use of school facilities and/or equipment.

A. The Board authorizes the Superintendent to review material prepared by staff members prior to copyright or patent for subsequent publication or distribution, and to recommend waiving all or part of the Board's proprietary rights in favor of the employees involved in preparing such materials, subject to Board approval.

B. Any staff member who submits professional materials for publication in which the District is mentioned will submit all such material to the Superintendent prior to release for publication, including materials developed on the employee's own time.

Adopted:

LEGAL REF.:

A.R.S.

15-341

17 U.S.C. 201

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VANDALISM AND REPORTING  
SUSPECTED CRIMES**

**Vandalism**

The Superintendent is authorized to sign a criminal complaint and to press charges against perpetrators of vandalism against school property.

Students who destroy school property through vandalism or arson, or who create a hazard to the safety of other people on school property, may be referred to law enforcement authorities. Such students who are caught vandalizing school property shall be subject to disciplinary action, including but not limited to suspension and expulsion. A conference with the student's parents will be required.

Parents and students shall be made aware that the law provides that parents are liable for the willful destruction of property by a minor in their custody or control.

The District may file suit to recover the cost of vandalism from the student and/or parent(s).

**Reporting Suspected  
Crimes or Incidents**

Staff members are to report any suspected crime against a person or property that is a serious offense, involves a deadly weapon or dangerous instrument or serious physical injury, and any conduct that poses a threat of death or serious physical injury to employees, students or others on school property.

All such reports shall be documented and communicated to the principal or other school administrator in accordance with District procedures. The administrator shall ensure the matter is promptly reported to the Superintendent who shall be responsible for reporting to local law enforcement as required by Governing Board policy and law.

"Serious offense" is defined in A.R.S. 13-706; "deadly weapon," "dangerous instrument," and "serious physical injury" are defined in A.R.S. 13-105. Conduct that is considered to be bullying, harassment or intimidation shall be addressed according to Policy JICK as required in A.R.S. 15-341(A)(36).

**Observed Weapons and Drug-Free  
School Zone Violations**

In addition to the reporting requirements above, and as required by law, any school employee who observes 1) a violation of A.R.S. 13-3102(A)(12) (possession of a deadly weapon on school grounds) or 2) A.R.S. 13-3111 (minor in possession of a firearm) shall immediately report the violation to a school administrator, and the administrator shall immediately report the violation to a peace officer, as required by A.R.S. 15-515.

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Any school employee who observes a violation of A.R.S. 13-3411 (drug-free school zone violations) shall immediately report the violation to a school administrator, and the administrator shall immediately report the violation to a peace officer; failure to report as required is unlawful.

Subject to the requirements of federal law, the school district or charter school shall notify the parent or guardian of each student who is involved in a suspected crime or any conduct that is described above.

If a peace officer takes a juvenile into temporary custody pursuant to A.R.S. 8-303 on school property, an employee of the school, after consultation with the investigating law enforcement agency to ensure notification would not pose a risk to the juvenile or the investigation, shall immediately notify the juvenile's parents, guardian or custodian of the juvenile's custody. If the juvenile is a ward of the state, the school employee shall notify the Department of Child Safety.

The District shall post the reporting policies and procedures prescribed by A.R.S. 15-153 on the District's website.

If the District maintains an online Manual of policies and procedures, the District may post a link to that manual with a reference to the appropriate policies and procedures.

A person who violates the reporting requirements may be disciplined for violating the policies of the School District Governing Board pursuant to A.R.S. 15-341 and notwithstanding A.R.S. 15-341, may be subject to dismissal. Each school district governing board shall prescribe and enforce policies and procedures that require the School District to maintain a record on any person who is disciplined pursuant to this policy and, on request, shall make that record available to any public school, school district governing board or charter school governing body that is considering hiring that person.

Adopted: Adoption Date

LEGAL REF.:

A.R.S.

8-303

12-661

13-105

13-706

13-3102

13-3111

13-3411

15-153

15-341

15-515

15-842

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**ECAC-R ©**

REGULATION

**VANDALISM AND REPORTING  
SUSPECTED CRIMES**

***Vandalism Reporting***

The principal will establish a system through which students and members of the school community can report any instance of vandalism or suspected vandalism. Each employee of the District shall report to the principal or other administrator every perceived incident of vandalism and, if known, the names of those involved.

***Suspected Crimes or  
Incidents Reporting:***

- A. Any employee who becomes aware of conduct described in Policy ECAC shall document and report the matter to the principal or other school administrator in accordance with District procedures.
- B. The administrator shall ensure the matter is promptly reported to the Superintendent and report to local law enforcement as required by Governing Board policy and law.
- C. The administrator shall ensure any required immediate reporting to a peace officer occurs without delay when applicable.
- D. Any school employee who observes a violation of A.R.S. 13-3102(A)(12) or A.R.S. 13-3111 on school premises shall immediately report the violation to a school administrator. The administrator shall immediately report the violation to a peace officer.
- E. Any school employee who observes a violation of A.R.S. 13-3411 shall immediately report the violation to a school administrator. The administrator shall immediately report the violation to a peace officer.

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TEACHING ABOUT RELIGION**

Standards pertaining to instruction on the historical study of biblical text may be found in the State Board of Education Standards in history or English arts, or both, as concepts that include the history and literature of the Old Testament era and the history and literature of the New Testament era. The standards do not require that students who do not enroll in the elective course prescribed in this section receive instruction on the historical study of biblical text.

The instructional program of the District may include content in an elective course pertaining to how the Bible has influenced western culture for students in grades nine (9) through twelve (12). A school may offer this course as an online course. The School District may develop a new curriculum or use an existing curriculum that includes teachers' guides and that is currently in use in public schools in this state or in other states. An existing curriculum that is used by a school district shall meet the standards and guidelines prescribed in this section as indicated below:

A. Before a school offers a course under this section, a legal review shall be conducted to ensure that the course complies with the First Amendment to the United States Constitution.

B. A course offered under this section shall be designed to:

1. Familiarize students with the contents, characters, poetry and narratives that are prerequisites to understanding society and culture, including literature, art, music, mores, oratory and public policy.

2. Familiarize students with the following:

a. The contents of the Old Testament and the New Testament.

b. The history recorded by the Old Testament and the New Testament.

c. The literary style and structure of the Old Testament and the New Testament.

d. The influence of the Old Testament and the New Testament on laws, history, government, literature, art, music, customs, morals, values and culture.

C. A course offered under this section shall follow applicable law and all federal and state guidelines in maintaining religious neutrality and accommodating the diverse religious or nonreligious views, traditions and perspectives of students. This section is not intended to violate any provision of the United States Constitution, the constitution of Arizona or state law or any rules, guidelines or regulations adopted by the United States Department of Education, the State Board of Education or the Arizona Department of Education.

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D. A student shall not be required to use a specific translation as the sole text of the Old Testament or the New Testament and may use as the basic textbook a different translation of the Old Testament or the New Testament from that chosen by the School District Governing Board or the student's teacher.

E. Personnel shall not be assigned to teach a course offered under this section based on a religious or nonreligious test, a profession of faith or lack of faith, or prior or current religious affiliation or a lack of religious affiliation.

F. A teacher who instructs a course offered under this section in its appropriate historical context and in good faith shall be immune from civil liability and disciplinary action pursuant to A.R.S. 15-535.

This program will conform to all applicable Arizona Revised Statutes and Arizona Administrative Codes. The program and materials used in the elective course are not prohibited under A.R.S. 15-341(A)(2), A.R.S. 15-362(B)(2), or A.R.S. 15-535 when offered pursuant to A.R.S. 15-717.01 in a neutral, historical, nonsectarian manner.

### **Prohibited Sectarian Instruction**

A teacher who uses sectarian or denominational books or teaches any sectarian doctrine or conducts any religious exercises in school is guilty of unprofessional conduct and his/her certificate shall be revoked. This section shall not be construed to prohibit a teacher from teaching the elective course permitted by A.R.S. 15-717.01.

Adopted: Adoption Date

LEGAL REF.:

A.R.S.

15-341

15-362

15-535

15-717.01

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