



Standard School Policies Guide

What follows are Great Hearts policies that apply to all Arizona Network Schools. The enclosed policies are to be reviewed and revised annually as necessary as needed by the Governing Board of Directors for each academy. This Guide is to be used in conjunction with the Family Handbook for each Academy which is reviewed and adopted by the Governing Board of Directors each academic year.

All policies referred to are incorporated here by reference and have been reviewed and adopted by the Governing Board of Directors of each academy pursuant to Arizona Revised Statute ("A.R.S.") §15-183 (E)(8).

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ORGANIZATION AND GOVERNANCE

OUR CHARTER, ACCREDITATION, AND AFFILIATIONS

All 21 Great Hearts academies (“GH Academies”) are public charter schools authorized by the Arizona State Board for Charter Schools.

All GreatHearts schools are accredited by the North Central Association Commission on Accreditation and School Improvement (NCA CASI), the Northwest Accreditation Commission (NWAC) and the Southern Association of Colleges and Schools Council on Accreditation and School Improvement (SACS CASI) approved by the Cognia Global Commission.

GH Academies are individual non-profit 501(c)(3) corporations governed by a Governing Board of Directors (“Governing Board”) and each is a part of the Great Hearts network of schools. The Governing Board approves policies, budgets, and other requirements as established by law. Great Hearts Arizona, a private non-profit organization, supports each Arizona public 501(c)(3) charter academy in the Great Hearts network. Each academy receives a set of professional management services in areas including curriculum development, human resources, data management, business management (such as accounting), finance, legal, facilities, development/fundraising, enrollment/admissions, and special education. Professional services fees ranging from 8-10% of each academy’s state aid will be included each year in the individual academy’s approved annual budget.

OFFICIAL GREAT HEARTS WEBSITE

The GH Academies websites are an important tool for communication. Families are encouraged to visit the website regularly to view communiqués, faculty contact information, updates on athletic and extra-curricular schedules and locations, and other academy related events and information. GH Academies are committed to making their websites usable by all people, including those with disabilities, by meeting or exceeding the requirements of the Web Content Accessibility Guidelines 2.0 Level AA (WCAG 2.0 AA).

GH Academies strive to make their sites an equal playing field for everyone and continually monitor the site to make sure that all content provided is accessible to all visitors. To assist in this process, GH Academies have engaged an accessibility consulting company to help ensure their web presence is in conformance with the WCAG 2.0 AA. The efforts to improve the website are ongoing.

GOVERNING BOARD OF DIRECTORS

The Governing Board of Directors for each academy is responsible for adopting policies, adopting yearly budgets, and oversees disciplinary proceedings for each academy.

Each Governing Board member serves without compensation for their services.

Open Meeting Law

The Governing Board is subject to Open Meeting Law and complies with all requirements including but not limited to the following:

- Posting of Meeting Notices and Agendas
- Holding Public Meetings
- Availability of Meeting Minutes/Recordings

During its Open Public Meetings, the Governing Board welcomes public commentary during the agenda item “Call to the Public.” Those wishing to address the Governing Board need not request permission in advance. The Governing Board members may not discuss any issues with the public or amongst themselves or take legal action on any issue that was not previously part of the public agenda. Action taken as a result of public comment on issues not part of the public agenda will be limited to directing staff to study the matter and/or scheduling the matter for further consideration and action at a later date.

A calendar of the Governing Board meetings for each academic year is available on each academy’s website.

Conflict of Interest

Our Conflict-of-Interest Policy exists to protect the Great Hearts network of schools, and to assist the Governing Board members, Great Hearts Lead Office, Faculty, and Staff in making ethical decisions that benefit the GH Academies as a whole.

A conflict of interest arises when someone associated with our institution does not place the institution’s interest above their own interests or those of a third party. Everyone associated with Great Hearts should place the well-being, reputation, and health of our academies and community above other interests.

Each employee shall avoid any activity, business interest or relationship that would create, or might appear to create, a conflict of interest with Great Hearts.

The Great Hearts Conflict of Interest policy applies to everyone associated with our academies, including:

- Governing Board Members, including Committee and Sub-Committee Members
- Administration
- Faculty
- Staff Members (including contractors)

As a person associated with Great Hearts, all persons listed above are required to disclose, on an annual basis or as a situation arises, other obligations that might prevent them from acting in the best interest of Great Hearts. Reports of potential Conflicts of Interest should be reported to the Headmaster, or to the Great Hearts Director of Faculty/Staff Services and Training, or to the Great Hearts CEO, as appropriate to the situation. The appropriate parties will investigate the circumstances and make a determination. Depending upon the determination, the individual may be asked to remove themselves from participation in discussions, decisions, actions, votes, or other activities related to the conflict or potential conflict.

Examples of Potential Conflicts:

- A relative’s company or other business that benefits the individual personally, bids on a contract from Great Hearts or otherwise gains financially from Great Hearts.
- An opportunity exists to further the interests of or give preference to another institution over our institution.
- A familial or personal relationship exists with someone else in the Great Hearts community.
- An action in which the individual stands to personally gain, directly or indirectly from the results.

These are just a few examples – please seek guidance from the Headmaster or Great Hearts Lead Office Staff for clarification. Governing Board members of the academies are subject to additional specific State statutes regarding conflict of interest. Please refer to A.R.S. §38-501 through §38-511 for more information.

Post-Employment Contact with Great Hearts Students, Parents/Guardians, and Staff:

Parents/guardians, students, and GH Academies staff are advised that once a GH Academies employee has separated from employment, the separated employee no longer represents GH Academies in any personal, political, or professional activities or relationships. Great Hearts’ responsibility for monitoring background checks and fingerprint clearances terminates with the employee’s separation from GH Academies.

STUDENTS AND PARENTS

See Appendix 1 for the link to the current Enrollment Policies and Procedures

RIGHTS AND RESPONSIBILITIES

Policy on Non-Discrimination

GH Academies do not discriminate on the basis of race, color, national origin, immigration status, sex, disability, sexual orientation, age or McKinney-Vento eligibility in its programs and activities and provides equal access to the Scouts and other designated youth groups. The following person has been designated to handle complaints regarding the non- discrimination policies:

Disabilities:

Exceptional Student Service Director
Great Hearts Arizona
(602) 438-7045 EXT 345

All Other:

Executive Director of Upper/Lower Schools
Great Hearts Arizona
602) 438-7045

See Appendix 2 for the Title IX Policy and Form

Policy on Harassment, Intimidation, or Bullying of Students

Each GH Academy prohibits acts of harassment, intimidation, or bullying of students. “Harassment, intimidation, or bullying” means any gesture or written, verbal or physical act toward a student that takes place on academy property, on social media, or at a school-sponsored activity and that: Is motivated by any actual or perceived characteristic of the student, such as race, ethnicity, religion, ancestry, sex or sexual orientation, socio- economic status, or disability; or

1. Harms the student or damages the student’s property or threatens personal harm or damage to his property; or
2. Insults, demeans, or intimidates the student or a group of students in such a way as to substantially interfere with the student or students’ educational or social activities at academy or cause a substantial disruption of the orderly operation of the academy.

Each GH Academy expects students to conduct themselves in keeping with their levels of development, maturity and demonstrated capabilities with a proper regard for the rights and welfare of other students

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and academy staff, the educational purpose underlying all academy activities, and the care of academy facilities, and equipment.

The Dean of Students is the first person responsible for receiving complaints alleging violations of this policy. All academy employees are required to report alleged violations of this policy to the Dean of Students. All other members of the academy community, including students, parents/guardians, volunteers, and visitors, are encouraged to report any act that may be a violation of this policy. Oral reports also shall be considered official reports. Reports may be made anonymously, but formal disciplinary action may not be based solely on the basis of an anonymous report.

The Dean of Students, in consultation with the Headmaster, will determine whether an alleged act constitutes a violation of this policy. In so doing, the Dean of Students shall conduct a prompt and thorough investigation of the alleged incident. The Dean of Students may conclude that the alleged violation occurred or did not occur, or that the evidence is inconclusive. If the Dean of Students concludes that the alleged violation did not occur or that the evidence is inconclusive, no written report of the matter will be maintained in a student's file.

In advising the Headmaster on the appropriate response to students who commit one or more acts of harassment, intimidation or bullying, the Dean of Students will consider the following factors: the developmental and maturity levels of the parties involved, the levels of harm, the surrounding circumstances, the nature of the behaviors, past incidences or past or continuing patterns of behavior, the relationships between the parties involved and the context in which the alleged incidents occurred. Concluding whether a particular action or incident constitutes a violation of this policy requires a determination based on all of the facts and surrounding circumstances. It is only after meaningful consideration of these factors that an appropriate consequence should be determined, consistent with the academy's policies and applicable law.

Consequences and appropriate remedial action for students who commit acts of harassment, intimidation or bullying may range from positive behavioral interventions up to and including suspension or expulsion. Some acts of harassment, intimidation or bullying may be isolated incidents requiring that the academy respond appropriately to the individuals committing the acts. Other acts may be so serious that they require a response by law enforcement officials. Any act of harassment, intimidation or bullying that may constitute sexual abuse or any other form of child abuse, and threats of violence against students, teachers, or staff, shall be reported to law enforcement officials as required by state law.

Each GH Academy prohibits retaliation against any person who reports an act of harassment, intimidation, or bullying. The consequence and appropriate remedial action for a person who engages in reprisal or retaliation shall be determined by the Headmaster after consideration of the nature and circumstances of the act, in accordance with applicable academy policies and law.

Policy on Hazing

Hazing, solicitation to engage in hazing, and aiding and abetting another person who is engaged in hazing is strictly prohibited. A person is considered a "student" who has enrolled, who has been accepted for enrollment, or intends to enroll within the next 12 calendar months. This policy applies to all students until graduation, transfer, promotion, or withdrawal from the academy.

“Hazing” is defined as any intentional, knowing, or reckless act committed by a student, whether individually or in concert with other persons, against another student, and in which both of the following apply:

1. The act is committed in connection with an initiation into, an affiliation with or the maintenance of membership in any organization that is affiliated with an educational institution; and
2. The act contributes to a substantial risk of potential physical injury, mental harm or degradation or causes physical injury, mental harm, or personal degradation.

“Organization” means an athletic team, association, order, society, corps, cooperative, club or other similar group that is affiliated with an educational institution and whose membership consists primarily of students enrolled at that educational institution. Violations of this policy do not include customary athletic events, contests or competitions that are sponsored by an educational institution or any activity or conduct that furthers the goals of a legitimate educational curriculum or legitimate extracurricular program.

It is no defense to a violation of this policy if the victim consented or acquiesced to hazing. All students, teachers, and staff shall take reasonable measures within the scope of their individual authority to prevent violations of this policy.

Students and others should report hazing to the Headmaster but may also report hazing to another professional staff member. If an individual besides the Headmaster receives the report, the individual receiving the report will submit a report of the incident to the Headmaster. The individual shall respect the confidentiality of those involved, disclosing the incident only to those with a need to know or as required by law. Any incident of hazing that includes possible violation of state or federal statutes shall be treated as required by statutory requirements and reported to law enforcement.

A professional staff member who fails to inform the Headmaster of an incident of hazing no less than the next school day after the member becomes aware of the incident may be subject to discipline.

All violations of this policy shall be treated in accordance with the discipline procedures and penalties in effect for violation of the academy’s Behavior Code and Discipline.

If an organization knowingly permitted, authorized, or condoned hazing activity, its permission to conduct operations at the academy may be revoked or suspended.

Policy on Privacy Practice and Accommodations

1. GH Academies will comply with all settled law (statute, controlling case law and administrative regulations) for the jurisdictions in which it operates schools;
2. GH Academies will take into account each student’s privacy and safety;
3. EVERY STUDENT entrusted to our academies is to be educated with exactly the same level of care and respect for his/her dignity.
4. At the request of the parents/guardians, accommodations and/or modifications to standard policies and procedures will be considered through a formal process.

Student Enrollment and Instruction

1. GH Academies will record and identify each enrolled student as required by state law.
2. GH Academies will record and report the legal name of the student as recorded in enrollment documents submitted by the family. academy staff will upon request refer to the student by a

variant name or nickname sanctioned by the student and both his/her custodial parents or guardians.

Use of Academy Facilities

1. GH Academies shall maintain single sex restroom and locker room facilities and shall also provide single-occupant restroom and changing facilities. Students may use the single-sex facilities that correspond to their current academy records described above, and single-occupant restrooms and locker/changing rooms that are open to use by all students.
2. This section shall not apply to a person or persons who enter a single-sex facility for purposes of:
 - a. Maintenance
 - b. Providing medical assistance
 - c. Protecting a student/students from a threat to good order or safety
 - d. Shelter in an emergency
3. No student shall be compelled to use a single-sex restroom or locker/changing room facility against their wishes; access to private, single occupant facilities will be provided.

Participation in Academy Activities

Students are eligible to participate in athletic activities based on requirements of the specific league or ruling body for the athletic activity.

Policy on Book Deposits

Textbooks will be issued to each student for use during the academic year, but they remain the property of the academy. A one-time book deposit fee is required upon enrollment to the academy and is refunded when the student graduates or withdraws from the academy as long as all textbooks have been returned in good condition each year. If a student misplaces a book, he or she will be charged for the full replacement cost of the book, which is significantly more than the per-book deposit amount. (Students may also be charged a return fee by the reception desk to return assigned textbooks found by staff on the campus.). **Deposits are due when you submit your completed registration packet to the school. Financial assistance for book deposits is available in certain circumstances. Please speak with the Headmaster or Front Office staff for information.**

In addition to textbooks, which are and remain the property of the academy, each student is required to have a set of consumable books (workbooks, paperbacks, etc.). Because these consumable books, unlike the textbooks, will be the student's to keep and will grow to create an impressive library of classic literature over the course of his/her academic career with Great Hearts, families are invited to purchase these materials for their students in order to offset the expense to the academy, but are not required to do so; these materials will be provided on the first day of school to any student who has not purchased them already. Families may purchase the consumable books from a variety of local or online vendors, after first obtaining the ISBN#s of the books from their academy's Office Manager to ensure purchase of the correct editions.

Official Transcripts

To request a school transcript, please submit a request to your academy's Office Manager. To request a high school transcript, please submit a request to the school's Registrar or College Counselor. Please make note of whether an unofficial or official transcript is needed. Unofficial transcripts are given directly to the parent/guardian. However, official transcripts will be sent directly to the requesting

educational institution. Exceptions may be made in extenuating circumstances, but official transcripts are usually requested to be sent directly from the school. Take note to include a business-sized envelope with the complete address of the college or university where you want the transcript to be mailed. Parents/guardians are responsible for addressing the envelopes correctly. Sufficient notice (at least one week) needs to be given to allow for adequate time to process the request.

Policy on Official Social Media Accounts

Great Hearts recognizes the importance and benefits of communicating through social media. Social media is a powerful vehicle through which Great Hearts may disseminate relevant news to its community, listen to voices and perceptions of the Great Hearts community, connect, and build goodwill. Social networks and other online media are great tools for engagement and two-way communication, but there is the potential for significant risks associated with inappropriate use. Existing legal responsibilities and policies remain in place when Great Hearts employees use social media.

Audience for this Policy

- This policy is intended for all students, staff, and parent volunteers who manage or contribute to official Great Hearts social media channels, which are defined as channels that speak on behalf of Great Hearts and have some oversight by Great Hearts staff. These include, but are not limited to, channels for academies, athletic and extracurricular departments, and offices at Great Hearts. Social media channels can include blogs, wikis, and social networks such as Facebook, Twitter, YouTube, Instagram, Tumblr, and LinkedIn, but are not limited to these.
- This policy DOES NOT pertain to student groups or to the personal and private use of social media by students, parents/guardians, and staff. The Employee Social Media Policy is contained in the Employee Handbook.

Policy

This policy ONLY applies to people who are authorized to speak on behalf of Great Hearts through social media including students, faculty, staff, and parent volunteers. This includes anyone managing or contributing to a social media channel on behalf of an academy, academic department, office, or other official entity at Great Hearts. Social media channels can include blogs, wikis, social networks (e.g., Facebook, Twitter, YouTube, LinkedIn, etc.), and other media yet to be developed in a dynamic communications field. This policy only applies to those individuals when they are posting on such official sites and/or when they otherwise speak as an authorized representative of the Great Hearts. It does not apply to other social media communications and postings that such individuals may make on personal social media sites so long as such communications do not indicate that the individual is speaking on behalf of Great Hearts.

This is intended to be a living document, which will reflect Great Hearts' current needs and may adjust to future changes in social media.

Authorized Communications

Before creating any official social media account at Great Hearts, you must fill out and submit the Social Media Account Request Form. If applicable, the communications lead at your academy will meet with you to discuss communications strategies specific to your academy or department. If any social media channels are approved by your communications lead, you will then meet with the Digital Communications team to discuss social media policies at Great Hearts as well as strategy, goals,

messaging, and best practices. All official social media accounts at Great Hearts, with the name and contact information for the account manager, must be registered with Great Hearts. You should only post on behalf of Great Hearts or its affiliates in an official capacity where you have been explicitly authorized to do so. You should only create an account in the name of a recognized Great Hearts entity if you are authorized to represent that entity. Discuss with your supervisor whether you are empowered to respond directly to users and when you may need approval to respond, or when you have questions about the appropriateness of content for posting. Take a moment to think about what you are posting before you hit the publish/post button.

Confidentiality

Do not post confidential or proprietary information about Great Hearts, or Great Hearts employees, students, parents/guardians, affiliates, or alumni that would violate such persons' rights to privacy under applicable federal and state laws and regulations such as the Health Insurance Portability and Accountability Act of 1996 (HIPAA) and the Family Educational Rights Privacy Act (FERPA) and Great Hearts policies. Non-disclosure agreements that prohibit Great Hearts from disclosing information also bind its employees from disclosing such information.

Privacy

Do not post anything to an official social media channel that should not be shared publicly. In particular, do not discuss a situation involving named or pictured individuals on a social media site without their knowledge or permission. This does not include photos from the Great Hearts Digital Collections and Archives or photos in which individuals are not clearly recognizable. Keep in mind that for reasons of privacy or security some students may not want it publicly known that they attend Great Hearts. Never share Social Security numbers, addresses or other private information.

Remember that whatever you share may be public for an indefinite period of time, even if you attempt to modify or delete it.

Responsibility

Use of social media on an official Great Hearts channel must be managed responsibly because it reflects on Great Hearts, its faculty, students, parents/guardians, alumni, and its employees.

- **Emergencies and Crisis Situations:** In the event of an emergency or crisis situation, managers of official Great Hearts accounts are asked to share only official information provided by the main Great Hearts social media accounts and shared in official Great Hearts messages. Sharing information found online or not approved by Great Hearts may lead to false or confusing information reaching the community and spreading online. Official accounts are also asked to delete or postpone any previously scheduled tweets or posts during an emergency or crisis situation.
- **HIPAA/FERPA Violation:** Social media account managers should take steps in advance to prevent the exposure of confidential medical or student information. Confidential information should never be posted online. Photos should also be inspected closely before publication to make sure no confidential, personal information, such as Social Security numbers, addresses, or academic records, can be seen. Never publish a name or photo without that individual's permission.
- **Other Users:** Other users, including student groups at Great Hearts, may have different interests, attitudes and opinions than official Great Hearts social media accounts. Before

retweeting or sharing content posted by others on official Great Hearts channels, be careful that such content is accurate and reflects Great Hearts' position.

- Fake Accounts: Employees should never create fake social media accounts (i.e., an account that seems to be the work of a third party) or share false or misleading information through a Great Hearts account.
- Correcting Information: If you unintentionally post something online that is incorrect, correct it visibly and publicly as quickly as possible. Doing so will earn you respect in the online community.

Transparency

To both protect the Great Hearts name and build trust with users, social media such as blogs, Facebook pages, Twitter feeds, etc. that are established on behalf of Great Hearts entities should be explicit regarding the nature of the relationship of such media to Great Hearts. Similarly, in keeping with Great Hearts' non-profit status, social media should not be used for any private business or financial transactions including revenue from advertising, nor should any staff with administrative responsibilities realize any personal monetary profit from Great Hearts-related social media.

Social media may be used for fundraising as long as a transaction does not occur on the social media platform itself.

Content shared via official Great Hearts social media channels, as well as pages or accounts that these channels like or follow, should reflect the mission and values of Great Hearts. Official Great Hearts accounts should refrain from posting content and liking or following users or pages that reflect personal interests or that may be in conflict with Great Hearts' mission or values.

Official Great Hearts accounts should encourage engagement and interaction with and among followers; however, they should reserve the right to remove content that is spam, commercial, obscene, harassing, or derogatory. If the social network allows for it in the "Bio" or "About" section, official accounts should post a disclaimer similar to this: "Third- party posts on this wall do not imply endorsement of that content by Great Hearts. We reserve the right to remove content that is spam, commercial, obscene, harassing, and/or derogatory."

Use of the Great Hearts Name

In addition to meeting the requirements set forth in the Guidelines on use of Great Hearts names and insignias/crests, there are unique challenges associated with using the Great Hearts name in social media, such as the potential need to abbreviate a program or entity name for a Twitter account.

- Use of the Great Hearts seal or wordmark as a profile photo on Facebook, Twitter, or other social media account is not allowed.
- Be as clear as possible when naming your social media accounts, while keeping in mind character limits. Avoid using acronyms that may not be universally recognized.

Copyright

Great Hearts official accounts must follow the Great Hearts Policy on Fair Use of Copyrighted Materials when posting intellectual property, including photos and videos, online.

- Materials posted online should be your property, in the public domain, have a Creative Commons license, or fall under fair use. For all other instances, you should seek permission from the copyright holder.

- Photos from Great Hearts. Photos should only be posted with permission.
- Where possible, best practice is to include credit/attribution.
 - Due to character limitations and platform norms, credit is not necessary on Twitter or Instagram.
 - On Facebook and YouTube/Vimeo, Great Hearts Photo and the Great Hearts Digital Collections and Archives (DCA) ask that you include a credit.
- Please see the Multimedia Production Guide details on fair use and tips for locating royalty free music, and images and photographs that permit re-use with Creative Commons licenses.

Terms of Service

Official social media accounts (Facebook, Twitter, YouTube, Tumblr, Instagram, Vimeo) at Great Hearts must follow the Terms of Service set forth by the social media channels they are using.

Best Practices

Great Hearts has created best practices and guidelines for the most popular social media platforms. Official channels should follow the best practices for each platform. In some cases, deviation from best practices is warranted, but failure to follow best practices to the detriment of the Great Hearts may result in, but not be limited to, exclusion from official Great Hearts social media lists or platforms, lack of promotion from the main Great Hearts channels, and possible deactivation or deletion of the offending account. Deactivation and deletion will be carried out by contacting and working with the academy's communications director or the Headmaster.

Inactive Accounts

Social media channels at Great Hearts must be continually updated and monitored. Accounts that have been inactive for more than one month may be subject to deactivation or deletion. Deactivation and deletion will be carried out by contacting and working with the academy's communications director or the Headmaster.

Accessibility

Great Hearts is committed to ensuring effective access to communications materials for all members of the Great Hearts community, including individuals with disabilities.

- Visually impaired individuals and those with other disabilities may confront significant barriers when accessing certain information through social media. Accordingly, individuals who maintain social media on behalf of the Great Hearts should take steps to reduce barriers to access for individuals with disabilities. For example, enabling screen reader compatibility, captioning and descriptive tags on images can help reduce barriers to accessing information for individuals with disabilities. Most major social media platforms (including Facebook, YouTube and Twitter) provide access solutions for individuals with disabilities, including application programming interfaces (API) that enable the creation of applications that enhance accessibility of content.
- It is important to keep in mind that APIs do not eliminate or resolve all accessibility challenges. For additional and more current resources on improving access to Great Hearts-related social media and Great Hearts websites for individuals with disabilities, please contact Great Hearts directly at Feedback@GreatHeartsAmerica.org.

Personnel Recruitment

While social media continues to evolve and develop as an effective tool for advertising jobs at the Great Hearts and for recruiting candidates, it does not replace or otherwise eliminate the need to use the Great Hearts' existing recruitment systems and processes for posting positions, collecting applications, conducting background checks, making offers of employment and other related activities. Offers of employment should only be extended through existing and accepted processes and should not be communicated through social media.

Policy and Procedures for School Campus Visitors, Tours, and Observations

Pursuant to Arizona Revised Statute §15-184(J), our Governing Board of Directors for the Arizona Networks Academies has developed and adopted the following policies and procedures regarding school campus visits, tours, and observations of all classrooms by parents/guardians of enrolled student and/or parents/guardians who wish to enroll their student in a Great Hearts academy, unless it is determined this may threaten the health and safety of students and staff.

School campus visits, tours, and observations will need to be conducted during the regular school days and hours.

ALL visitors will be required to submit to all security-related procedures for entry onto the school campus, including presentation of photographic identification and, a point-in-time background check using the school's Raptor or similar technology system. All visitors must leave the school through the school office.

All school campus tours, observations, and visits, may be canceled and/or postponed at any time if it is determined this may threaten the health and safety of students and staff.

Tour the Academy

Tours are available to current parents/guardians and/or parents/guardians of prospective students who are interested in learning more about Great Hearts academies.

During a tour, parents/guardians will be accompanied by a school administrator or other staff members for the entire tour. Parents/guardians will learn about Great Hearts' classical liberal arts education, be provided with a brief tour of the campus, and receive answers to any questions families may have.

Great Hearts will only allow parents/guardians of prospective students to visit/observe classrooms through a scheduled tour.

To schedule a tour, please contact the applicable Great Hearts academy or visit their website to get a list of the upcoming campus tour schedule.

Observations for Parents/Guardians of an Enrolled Student

Great Hearts believes that current parents/guardians should have the opportunity to visit and observe their student's classroom. Observations are restricted to the classrooms.

Parents/Guardians are not permitted to observe in the hallways or common areas, e.g. the cafeteria.

Requesting an Observation:

To request a classroom observation, parents/guardians will be asked to submit a Classroom Observation Requests (attached) in writing to the Headmaster including the following information:

- School Information
- Student's name.
- Parent's/guardian's name, telephone and/or email contact information.
- Student's classroom teacher(s) and assigned grade.
- Purpose of the observation, including any particular part of the school day the observer wishes to see, and the desired outcome of the observation.

The Headmaster will notify the teachers involved, determine the appropriateness of the specific date requested, and respond to the parent/guardian request as soon as possible.

Great Hearts academies do not generally schedule observations for certain portions of the year such as during state testing, during the first couple of weeks of school, and/or during the last days of the quarter/semester.

The Headmaster and school staff retains the right and obligation to restrict classroom observations where necessary to protect the safety of students and staff, or the integrity of academic program in session.

Expectations during the Observation

During an observational visit, as opposed to volunteering, and to limit the distractibility this may cause in the classroom, below are some expectations Great Hearts requires visiting parents/guardians to follow:

- Limit their classroom observations to no more than 45 minutes, and no more frequently than once a quarter.
- The number of people scheduled to observe a student or classroom at one time shall be limited to two and no children may accompany parent/guardian observers.
- There should not be any interaction with students or the teacher.
- Observers will be seated in an area that will not disrupt instruction.
- Staff members (and/or student greeters) involved in a classroom observation will briefly welcome observers to the class but will not interact with the observers before, during, or immediately after the observation period. Discussion of the observation may take place at a subsequent conference.
- Those observing shall respect student confidentiality and shall not share any impressions of other students with anyone. The signature of observers on the sign-in sheet represents an agreement to not disclose any personally identifiable or confidential information regarding students noted during the course of an observation.
- Electronic devices such as laptops, cameras, audio or video recording devices are not permitted in observations, without prior consent of the Headmaster. Cell phones must be turned off while in the classrooms.

- School safety procedures will be adhered to at all times. All visitors must register in the main office upon arriving and sign out when leaving. Any visitor who fails to comply with school regulations will be asked to leave the school grounds immediately.
- Headmasters retain the authority to exercise their discretion at any time to reschedule or terminate an observation in the event of a building emergency or a disruption that impacts the physical or emotional wellbeing of the students in the school or the program being observed, or when necessary to protect:
 - The safety of the students in the program during the observation.
 - The integrity of the academic program during the observation.
 - Students in the program from disclosure by an observer of confidential or personally identifiable information he/she may obtain while observing the class.

Staff strongly encourages parents/guardians to write down questions/impressions from their classroom observations and leave such notes for the teacher(s) and Headmasters to review, and potentially discuss in a follow up meeting.

Visitors

Each Great Hearts academy is a closed campus. This means that students are not permitted to leave the campus for any reason during school hours or during after-school activities, unless accompanied by an authorized adult. Parents/guardians may come to the school and sign their student out and accompany them off-campus for lunch. Parents/guardians who do so must then accompany their student back to school and sign them in at the office.

Students' friends from other schools are never permitted to visit the campus socially before, during, or after school. All persons who come onto campus without official business are considered to be trespassing. Official signs are posted that prohibit trespassing, stating that each Great Hearts academy is a public school, and that visitors must come directly to the school office, where they must sign in and obtain an official school visitor's pass to wear visibly on their outer clothing. Former Great Hearts academy students who transferred out or otherwise did not graduate are also not permitted to visit the campus before, during, or after school hours. Alumni/graduates of the school may visit the campus before or after school hours but must still sign in at the school office. Alumni are not permitted to drop onto campus during the school day without an appointment and/or parents/guardians of prospective students.

School safety procedures will be adhered to at all times. All visitors must register in the main office upon arriving and sign out when leaving. Any visitor who fails to comply with school regulations will be asked to leave the school grounds immediately.

STUDENT DISCIPLINE

Discipline Policy

All of the following information below is directed toward the common good of the Academy and its maintenance as a place of learning and moral development. At the Academy, it is the belief that habits of behavior play a significant part in forming habits of mind. The Academy's teachers will make every

effort to enforce the rules below consistently, informatively, and with a heart of mercy for the student's overall wellbeing.

Students at the Academy strive to make the most of their educational opportunities. No less than their parents/guardians and the faculty, all students appreciate the overall environment that they help maintain for the good of the entire school community. It does not take long for students to recognize the benefits of mutual encouragement, respect, courtesy, and helpfulness. As many students and parents/guardians will gratefully attest, the Academy is a very good place to be.

Nevertheless, students are young and human, and they will make mistakes in speech or behavior— they are still learning how appropriately to comport themselves. Many such behavioral mistakes, while requiring correction, need not be punished. Sometimes, however, their mistakes can be disruptive to other students and to our teachers. Therefore, for the sake of orderly and productive community life, it is necessary to discuss school expectations and sanctions so that students and families can have a blueprint for conduct which contributes to a wholesome academic environment and to each student's self-esteem and success.

The philosophy of the Academy is that students are young adults in the making who will learn civil, polite, and respectful conduct by the example of their teachers and other adults. Consequently, students will be treated with respect and courtesy by the Academy staff and will be expected to treat not only all adults on campus with such respect, but one another as well. Several very obvious signs of such respect are a student's willingness to refrain from talking in class when others have the floor; a respect for the property of the school and of other students; a willingness to refrain from sarcastic or critical comments towards others; and a willingness to ask (and give) forgiveness when someone has been wronged.

In conjunction with parents/guardians, the Academy has the goal of developing not only habits of good scholarship and critical inquiry, but the character traits of courtesy, promptness, forgiveness, self-control, responsibility, diligence, courage, generosity, and magnanimity. Good behavior is expected of all students and will not be specially rewarded at school. It is its own reward in the esteem the student earns from his teachers and his fellow students.

The Academy's guiding policy is to be fair, firm, and consistent in the application of discipline for inappropriate behavior. However, the following guidelines for discipline are not intended to be exhaustive. The school reserves the right to exercise reasonable judgment as an individual circumstance might dictate.

Please note that a student may be disciplined for violating the behavior code while off campus in the neighborhood of the Academy.

Detention

Students may be assigned detention or lose the privilege of lunch-time recess or extra-curricular activity, or be required to perform some work detail, such as cleaning, depending on the nature and frequency of offenses such as: littering; possession and/or chewing of gum on campus; being late to class; talking out of turn or otherwise disrupting class; use of profanity or disrespectful speech toward other students; uniform and dress code violations; or other inappropriate behaviors. If a student repeatedly violates any of the above, the parent/guardian may be contacted, and other disciplinary measures may be taken.

Students may not skip detention. Any student who fails to report to detention at the scheduled time will receive additional penalties (typically an additional detention). Students should not ordinarily ask to have a detention rescheduled; detentions are by their very nature inconvenient, and students should view the inconvenience that detention causes to be a direct result of the misbehavior that incurred the punishment in the first place. Exceptions may be made in the event of a family emergency or serious scheduling conflict. All matters pertaining to the scheduling and serving of detentions should be directed to the Dean of Students, or the faculty member designated as the Detention supervisor.

Detentions can be serious in nature and a high number of detentions can indicate a student's general unwillingness to cooperate with the school. If a student has received five detentions for any reason in a school year, then he or she may be suspended for a duration determined by the Headmaster. If a student has received six detentions for any reason in a quarter, then he or she will be suspended for a duration determined by the Headmaster. A student may be suspended for a lesser number of detentions if many of the detentions are received for the same offense (such as tardiness), or if the Headmaster and Dean determine that the accumulated detentions are of a serious nature and warrant immediate action.

In the case of more serious misbehavior, such as forging a parent/guardian's signature, lying to an adult, cheating on exams and/or academic assignments, fighting, theft, willful destruction of property, defiance of authority, disrespect of adults, leaving campus without permission, skipping class, etc., the parent/guardian will be contacted, and other disciplinary measures taken.

Please see the Academy Honor Code above for special information on academic dishonesty.

Threats of violence and physical, verbal, or sexual harassment are illegal and will result in parent contact and, depending on the nature of the offense, may result in other disciplinary measures, including notification of law enforcement authorities, suspension, and expulsion.

Suspension

The Headmaster or Assistant Headmaster may suspend any student for up to 10 school days for serious cause, including, but not limited to the following:

- Defiance of authority of Academy staff
- Disregard or disobedience of school rules and regulations as outlined in the Family Handbook
- Verbal abuse of adults or students
- Disruptive or disorderly behavior
- Violent or threatening behavior
- Bullying or harassment
- Fighting
- Destruction or theft of school property or personal property
- Truancy
- Persistent absenteeism that is not due to certifiable medical illness or disability
- Persistent tardiness
- Excessive accumulation of infractions

The school officials involved shall make reasonable efforts to verify facts and statements prior to recommending a discipline.

In cases of suspension for students in grades K-4th, academies will only suspend a student in the aforementioned grades under the specified circumstances identified in A.R.S. §15-843(K).

In cases of suspension from school, the parent/guardian will receive a formal written notice of suspension identifying the reasons and evidence and be provided an informal opportunity to respond. Depending on the severity of the offense, the student's past behavior, and other circumstances, the school may choose to impose in-school or out-of-school suspension. There is no right to appeal a short-term (less than 10 days) suspension imposed by the Academy. There will be no corporal punishment of students at the Academy, though staff may use reasonable, necessary force to restrain a student who is harming themselves or others.

If the Academy is unable to contact the parents/guardians to inform them of a suspension, a suspended student will be held at school until the end of the day. The parent/guardian shall be held liable for all damages caused by the student.

Long-Term Suspension and Expulsion

The Headmaster may recommend to the Disciplinary Hearing Committee suspension for over 10 days and/or expulsion of a student for serious cause. The parent/guardian will be notified of the intent to suspend for over 10 school days or expel the student, and a hearing shall be held in accordance with the Academy's policies and procedures. If a student is being recommended for a long-term suspension or expulsion, the parent/guardian will be provided with a complete copy of the Academy's Long-Term Suspension and Expulsion Policy and Procedure regarding these discipline procedures.

The Academy has the right to deny admission of a student who has been expelled or is in the process of being expelled from another educational institution.

In cases of suspension for students in grades K-4th, academies will only long-term suspend or expel a student in the aforementioned grades under the specified circumstances identified in A.R.S. §15-843(K).

The Academy will meet all requirements of Section 504 of the Rehabilitation Act, the IDEA, and state laws regarding disciplining of students with disabilities.

Policy on Long-Term Suspension and Expulsion

Background

Every student is entitled to due process before he/she may be long-term suspended or expelled from school. Such action requires a reasonable basis for the imposition of discipline.

An action concerning discipline, suspension, or expulsion of a student is not subject to title 38, chapter 3, article 3.1 (A.R.S. §38-431 et seq. "Public Meetings and Proceedings") except that the Governing Board of Directors ("Board") shall post regular notice and shall take minutes of any hearing held by the Board concerning the discipline, suspension, or expulsion of a student.

Pursuant to Arizona law, the Board may either:

1. Decide in executive session, whether to hold a hearing or to designate one or more hearing officers to hold a hearing and bring a recommendation to the board for action and whether the hearing shall be held in executive session; or
2. By policy, provide that all hearings concerning the expulsion of a pupil will be conducted before a hearing officer(s) selected from a list of hearing officers approved by the Board.

The Board of all 22 Great Hearts schools in Arizona approve the following hearing officers to sit as the Disciplinary Hearing Committee (“Committee”) for all Great Hearts schools:

Disciplinary Hearing Committee Board Members:

- Mac Esau, Executive Director of Upper Schools
- Leanne Fawcett, Executive Director of Lower Schools
- Thomas Doeblner, National Director of Exceptional Student Services
- Silvia Hayakawa, Online Platform Manager
- Dmitri O’Brien, Behavior Support Specialist

Long-Term Suspension Procedures

A long-term suspension is defined as the exclusion of a student from class for a period of more than ten (10) school days.

Due Process Rights

If it is determined by the administration that the alleged student misconduct is serious enough to recommend a suspension of more than ten (10) school days, notification of a formal due process hearing shall be made to the parent(s) or guardian(s) at least five (5) school days prior to the hearing.

The parent(s) or guardian(s) shall be notified by certified and regular mail of:

- The time, date, and location of the hearing;
- A description of the alleged misconduct;
- The Board Policy or administrative regulation violated, and discipline prescribed therein;
- A copy of A.R.S. §15-843;
- A statement that they shall have a right to present witnesses and cross-examine witnesses

The students and parent(s) or guardian(s) shall also be advised that:

- They have a right to be represented by legal counsel;
- Notice must be given to the appropriate campus administrator at least 48 hours before the hearing if the student or his/her parent(s) or guardian(s) shall have an attorney or other representative present.
- There shall be no more than two (2) representatives present in a student discipline hearing.

Notice of Decision

At the conclusion of the hearing, the Committee or hearing officer may render a decision immediately or notify the parents/guardians and student within 48 hours. In either event, written notification must be made within 48 hours. The notification shall be made by certified and regular mail.

During the period of time between the alleged misconduct and the day of the hearing, the student may remain in school unless it has been determined by the appropriate administrator that he/she is a clear and present danger to him/herself or other persons.

The Board shall be notified of all long-term suspensions within five days of the decision.

Appeal Process for Long-Term Suspension

Parents/guardians have five (5) school days to appeal a long-term suspension.

Step One Appeal: Headmaster

The first appeal should be written to the Headmaster of the school indicating any violations of due process during the long-term suspension hearing or any new evidence not presented during the hearing. Pending the resolution of such appeal(s), the student shall be returned to class or placed on In-School Suspension and required to complete assignments unless it is determined that he/ she is a clear and present danger to self or others.

The Headmaster shall review the evidence and respond to the parents/guardians appeal within five (5) school days after receipt of the appeal letter.

Step Two Appeal: Executive Director

Parents/guardians may appeal long-term student suspensions to the Executive Director or designee. *This may be done only after the Headmaster has made a determination.*

Appeals to the Executive Director designee must be made within five (5) school days after receipt of a decision regarding long-term suspension from the Headmaster.

The appeal letter must describe any objections to the hearing process, or the decision rendered to date. Upon reviewing the student file, the Disciplinary Hearing Committee or designated Hearing Officer may decide to conference with the student and parent/guardian or to hold a new hearing if the review determines that the student was not afforded his/her due process rights.

The decision or modifications of the Committee or designated Hearing Officer occurring as a result of this appeal are final and not subject to further review.

A decision for long term suspension made by the Board is not subject to appeal.

Expulsion Procedure

Expulsion is defined as the exclusion of a student from school permanently.

Due Process Rights

Student due process procedures regarding expulsion hearing notification, right to legal counsel, right to cross examine and present witnesses, are the same as for long term suspension and detailed below. Notification of a formal due process hearing shall be made to the parents/guardians at least five (5) school days prior to the hearing.

The student, parents/guardians shall be notified by certified and regular mail of the hearing including specifically:

- The time, date, and location of the hearing;
- If the expulsion hearing is to be held in Executive session, the written notice must contain a statement that the parents/guardians or emancipated student may object to the decision to have the hearing held in executive session. The objection must be in writing to the Board
- A description of the alleged misconduct;
- The Board Policy or administrative regulation violated, and discipline prescribed therein;
- A copy of A.R.S. §15-843;

The students and parents/guardians shall also be advised that:

- They have a right to be represented by legal counsel;
- A statement that they shall have a right to present witnesses and cross-examine witnesses;

- Notice must be given to the appropriate campus administrator at least 48 hours before the hearing if the student or his/her parent(s) or guardian(s) shall have an attorney or other representative present.
- There shall be no more than two (2) representatives for the parents/guardians and student present in a student discipline hearing.
- If the services of an interpreter are needed at the hearing, the parents/guardians shall contact the school and request an interpreter at least 48 hours before the hearing.

Notice of Decision

At the conclusion of the hearing, the Committee or designated hearing officer may render a decision immediately or notify the parents/guardians and student within 48 hours. In either event, written notification of the decision reached must be made within 48 hours. The notification shall be made by certified and regular mail.

During the period of time between the alleged misconduct and the day of the hearing, the student may remain in school unless it has been determined by the appropriate administrator that he/she is a clear and present danger to him/herself or other persons.

If a pupil withdraws from school after receiving notification of possible action concerning discipline, expulsion or suspension, the Board may continue with the action after the withdrawal and may record the results of such action in the pupils permanent file pursuant to A.R.S. §15-843(E).

The Committee, either collectively or individually have the authority to conduct an expulsion hearing to consider evidence, prepare a record, and bring a recommendation to the Board for action.

The Committee or one of its designated hearing shall make any recommendations to expel a student to the Board based upon the results of a student due process hearing. The Board may meet by properly noticed telephonic meeting to render the decision on discipline.

The final decision to expel or reinstate a student rests with the Board. There is no administrative appeal from the Board's decision to impose discipline.

Alternative to Suspension or Expulsion Program

Alternative to suspension or expulsion may include removing a student from a regular school setting and providing educational services in an alternative setting.

Such a program is discipline intensive and requires academic work, and may require community service, grounds keeping, and litter control, parent/guardian supervision, and evaluation or other appropriate activities, which could include, but are not limited to, parent conference, behavior plan, behavioral contract, interventions to include probation which will include weekly meeting with a social worker or counselors, or assignment to a mentor.

For a student who is determined to have threatened an education institution, the School and Board may modify the expulsion requirement on a case-by-case basis.

The student may be transferred to an alternative to suspension or expulsion program at a location on school premises that is isolated from other students or transferred to a location that is not on school premises.

The student may participate in mediation, community service, restitution, or other programs in which the student takes responsibility for the results of the threat.

The School may require the student's parent/guardian to participate in mediation, community service, restitution, or other programs in which the parent/guardian takes responsibility with the student for the threat, as a condition of student participation in this alternative program.

Discipline for students with disabilities

All students should expect to be disciplined pursuant to the same standards of conduct and due process procedures. When misconduct occurs by a student with a disability, the district will comply with the requirements of the IDEA and/or Section 504 of the Rehabilitation Act as they relate to disciplinary measures taken with a student with a disability.

For information pertaining to student discipline for a student protected under Section 504 contact your student's school counselor.

For questions regarding student discipline for a student who is considered to have a disability and receiving special education services on an IEP, contact National Exceptional Student Services Director, Thomas Doeblner.

Primary Language Other Than English

If the student's parents/guardians inform the Executive Director that the primary language used in the home is other than English, all documents pertaining to student discipline sent the student or parents/guardians shall be in both English and, if practicable, the primary language used in the home.

If the services of an interpreter are needed at the hearing, the parents/guardians shall contact the school and request an interpreter at least 48 hours before the hearing.

Definitions

Attendance: Attendance: A student is to be counted present if (a) he/she is in attendance more than half a class period or (b) if he/she is participating in a school-authorized activity. Types of Absences:

Excused: A health care professional (doctor, dentist, health plan, etc.) or parent/guardian or person responsible for a student must verify student absences, with submittal of a signed excuse stating the reason for the absence upon the student's return to school. Parents/guardians are to call the school's attendance office, if possible, on or before the day of the absence.

Explained: An explained absence (not due to illness, doctor's appointment, serious illness, or death of a family member) is when a parent/guardian takes the student out of school with the school's prior knowledge and approval. Parents/guardians are to call the school's attendance office, if possible, on or before the day of the absence.

Extra-Curricular Activity Absences: Students are allowed an excused absence for a school related or school sponsored event. Extra-curricular activities include, but are not limited to field trips, athletic games and student activities.

Unexcused: An absence in which the student is out of school that does not qualify as excused or explained. When a parent or guardian does not call in to report an absence, the absence will be marked unexcused.

Discipline: Clear and Present Danger: The term clear and present danger means a threat to the health, safety, or welfare of the public. “Clear” means that the threat of danger is real or actual, not speculative or imagined. “Present” means that which currently exists as opposed to what does not yet exist or has ceased to exist.

Due Process: Due process consists of a set of constitutionally required procedures designed to ensure that every student is treated fairly in determining whether or not the student’s conduct justifies discipline.

Gun-Free Schools Act (“GSFA”): Requires that each state or outlying area receiving federal funds under the Elementary and Secondary Education Act (ESEA) have a law that requires all local educational agencies (LEAs) in the state or outlying area to expel from school for at least one year any student found bringing a firearm to school or possessing a firearm at school. State laws must also authorize the LEA chief administering officer to modify, in writing, any such expulsion on a case-by-case basis. In addition, the GSFA states that the law must be construed so as to be consistent with the Individuals with Disabilities Education Act (IDEA).

Notification to Law Enforcement: Arizona law requires school officials to notify law enforcement for: (1) any suspected crime against a person or property that is a serious offense as defined by ARS 13-604(W)(4); (2) any suspected crime against a person or property that involves a deadly weapon or dangerous instrument or serious physical injury as defined by ARS 13-604(W)(4); (3) any conduct that poses a threat of death or serious physical injury to employees, students or anyone on the property of the school as defined by ARS 13-604(W)(4); (4) any violation of ARS 13-3102 (A) (12) (Possessing a deadly weapon on school grounds) or A.R.S. 13-3111 (a minor in possession of a firearm); (5) any possession, use, sale or transfer of marijuana, peyote, prescription drugs, dangerous drugs or narcotic drugs or manufacture of dangerous drugs in a drug free school zone to local law enforcement as defined by ARS 13-3411(F); (6) any situation in which school personnel reasonably believe that a minor is or has been a victim of physical injury, abuse, child abuse, a reportable offense or neglect that appears to have been inflicted by other than accidental means or that is not explained by the available medical history as defined by A.R.S. 13-3620.

Off-Campus Suspensions (OCS): Temporary removal of a student from the school building for a specified period of time. A suspended student shall be ineligible to participate in school-related activities including but not limited to graduation ceremonies, athletic events, after-school organizations or school-sponsored activities. Off-campus suspension should be used as a last resort and only when no other in-school interventions are available.

Restitution: Repaying or compensating for loss or damage.

Substance Assessment: Screening survey involving a series of questions which help identify warning signs of substance abuse. Substance assessment can be self-administered and/or administered by a social worker and looks for/assesses frequency of use (i.e. daily, monthly, or yearly) or duration of use (i.e. how long abuse may have occurred).

Suspension: Suspension is defined as the temporary withdrawal of the privilege of attending a school for a specified period of time. Long-term: the exclusion of a student from class for a period of more than ten (10) school days.

Threat Assessment: A gathering of available information to determine relevant causal factors via a multi-phased procedure as adopted by the School Safety and Prevention Division of the Arizona Department of Education including initial incident investigation to be followed-up (as deemed necessary) with a collection of education records, interviews, with others involved or knowledgeable of the situation, a possible brief screen and/or full clinical risk and protective factors assessment. Information is reviewed by the Threat Management Team to determine the degree of potential danger posed and the appropriate recommendations to manage the student and/or situation.

HEALTH OFFICE

See Appendix 1 for the link to the current Health Policies and Forms

Policy on Non-Prescription or Over-the-Counter (“OTC”) Medications

Parents/guardians will complete a consent to dispense Over-the Counter medications form in Power School. This allows health staff and designated staff to provide (OTC) medications as well as their prescription medications.

Some schools may choose to have OTC stock medications available. The stock supply will be limited to cough drops, ibuprofen, antacids, acetaminophen, diphenhydramine and antibiotic ointment. If parents/guardians would like to have school stock medications available to their student as an option to manage intermittent minor illnesses during the school day, the consent must be completed electronically in Power School.

The designated school personnel or school nurse may call and consult the parent/guardian before administering the medication.

If a student must take prescription or regular doses of non-prescription (OTC) drugs while at school, the parent/guardian must bring the non-prescription/OTC medication to the academy office and complete an additional Consent to Dispense Form with signed instructions for administration. Dosage requested by the parent/guardian shall be in keeping with the manufacturer’s recommendations. Each instance of administration of a non-prescription or OTC drug shall be documented in Power School by the administering health office staff. The academy will maintain a limited supply of OTC medications in the office for dispensation to students in acute need (not chronic). This includes cough drops, ibuprofen, antacids, acetaminophen, diphenhydramine and antibiotic ointment. Written permission to take specific OTC medications must be electronically on file in in Power School before a student will be administered any by staff. If health office staff reasonably believe that a student is misusing school-stocked OTC medications, such as seeking them every day, staff may refuse to issue requested OTC meds to a student.

Students are not permitted to keep prescription or OTC medications on their person or in their lockers on campus (all drugs, including cough drops, are kept locked in the health office). Academy administration must be notified immediately of students suspected of breaching these regulations. Violation of these policies places the student and others at great risk of personal harm, and as such, will result in disciplinary action.

Policy on Asthma and Anaphylaxis (life-threatening allergies)

It is the responsibility of an anaphylactic/potentially anaphylactic student's parents/guardians to inform the Academy health personnel of their student's allergy. Anaphylactic students who have been cleared by their physician to carry their own auto-injector (EpiPen) may do so. The physician will need to provide the Academy with an Action Plan to support the self-carry instructions.

If a student has a chronic illness such as diabetes, severe allergies that require an Epinephrine pen, asthma diagnosis, or seizure disorder, parents/guardians must provide a health care plan prior to the start of school. If medication is required, the health care plan should accompany the medication.

Policy on Hearing and Vision Guidance

Pursuant to A.R.S. §36-899.10 and the rules promulgated by the Arizona Department of Health Services, all GH Academies follow the Hearing & Vision Screening Guidance. In May 2024, the Arizona Department of Health Services updated the Hearing Screening and Vision Screening Rules. All GH Academies follow the updated Hearing & Vision Screening Guidance as follows:

The screening rules are a minimum standard expectation. While the students in specific grades and special circumstances (new students, specific referrals, etc.) listed in the rules need to be screened in alignment with the criteria outlined in the rules, schools and districts have the authority to establish internal policies to screen beyond the state requirements.

As programs determine if and how they will screen additional students that are outside the requirements in the rules, the Sensory Screening Program strongly suggests doing so in alignment with best practice recommendations from national pediatric health organizations.

Vision Screening

Students Included in Vision Screening Population	
All grades	Every enrolled student, within 90 school days after initial enrollment to school if the school does not have documentation of a previous vision screening within the last 12 months. Additional screening applicable to every student if one of the following applies: <ol style="list-style-type: none">1. The student receives or is being considered for special education services pursuant to A.R.S. Title 15, Chapter 7, Article 4, and A.A.C. Title 7, Chapter 2, Article 4, and who has not been screened in the last year;2. A teacher has requested a screening for the student, and the student has not been screened in the previous year; or3. The student is not reading at the proficient level by the third grade pursuant to the state assessment required in A.R.S. §15-741.
Preschool	Every enrolled student, if initial entry
Kindergarten	Every enrolled student, if initial entry
Grade 3	Every enrolled student.
Grade 7	Every enrolled student.

Students Not Included in Vision Screening Population			
<div><div>1.</div><div>A student whose parent objects to the student receiving a vision screening, as specified in A.R.S. §36-899.10;</div></div> <div><div>2.</div><div>A student who has been diagnosed as being legally blind or having vision impairment;</div></div> <div><div>3.</div><div>A student enrolled in a private education program, as specified in A.R.S. §36-899(5);</div></div> <div><div>4.</div><div>A student who is an “emancipated person” defined in A.R.S. §12-2451 and objects to receiving a vision screening; or</div></div> <div><div>5.</div><div>A student enrolled in a child care facility regulated pursuant to A.R.S. Title 36, Chapter 7.1.</div></div>			
Screening Type	Distance and Near Visual Acuity	Stereoacuity	Color Vision Deficiency
Grade Level	Initial Entry to Preschool or Kindergarten (if able to participate)	Initial Entry to Preschool or Kindergarten (if able to participate)	Initial Entry to Preschool or Kindergarten
	Grade 3	Grade 3	
	Grade 7		
	A student who is not reading at a proficient level by the third grade or who meets the criteria in Table 13.2 (A)(5)		
Passing Criteria	<div>Able to identify the majority of the optotypes at the:</div> <div><div>•</div><div>20/50 line if 3 years old,</div></div> <div><div>•</div><div>20/40 line if 4 years old,</div></div> <div><div>•</div><div>20/32 line if 5 years or older</div></div>	According to the manufacturer’s criteria	
Autorefractor/Photoscreener Vision Screening			
<div><div>1.</div><div>Autorefractors/photoscreeners may be used to screen the following populations:</div><div><div>a.</div><div>Students who are between the ages of one year but less than six years of age who cannot participate in optotype visual acuity screening.</div></div><div><div>b.</div><div>Students who are six years of age and older who cannot participate in optotype visual acuity screenings, for example, children with special healthcare needs and children with developmental delays or disabilities.</div></div></div> <div><div>2.</div><div>Autorefractors/photoscreeners do not measure visual acuity but identify the presence of risk factors that could lead to problems with visual acuity. Therefore, Autorefractors/photoscreeners should not be used in lieu of near or distance optotype visual acuity screening for students that are able to participate.</div></div> <div><div>3.</div><div>A student has passed an instrument-based vision screening if the display screen of the device indicates the results as passed.</div></div>			

Equipment

The ADHS Sensory Screening Program does not require a specific manufacturer for vision screening equipment, rather we rely on recommendations by national associations for children’s vision and overall health to recommend the most appropriate vision screening types among children and adolescents.

Distance and Near Visual Acuity

- HOTV Letters
- LEA Symbols
- Sloan Letters (Start using once child is 6 years of age or can name letters)

Stereoacuity

- Random Dot “E”
- Butterfly Test

Color Deficiency (only conducted once)

- Pseudoisochromatic plates

Autorefractors/Photoscreeners

- Welch Allyn® Spot™ Vision Screener
- Plusoptix S12C Vision Screener
- Retinomax (Right Mfg. Co Ltd.- Tokyo, Japan)
- SureSight Vision Screener (SureSight) (Welch-Allyn, Inc.- Skaneateles Falls, NY) (Software version 2.25)

Computer based screening options - These programs may offer a variety of screening types. Please ensure you still follow ADHS guidelines for the required screening types for specific student groups.

- EyeSpy 20/20
- Go Check Kids

Vision Screener Training:

The Sensory Screening Program will roll out vision screening training Summer 2024!

Training will be provided in a hybrid format. Participants will log on to the training site and access the complete course which can be watched asynchronously at their own pace. An in person equipment competency is the final component of the training and will be scheduled on a case by case basis.

There will be no cost to participants for training.

Hearing Screening

Students Included in the Hearing Screening Population	
All grades	Every student, within 90 school days after initial enrollment to school if the school does not have documentation of a previous hearing screening within the last 12 months.
	<p>Additional screening is applicable to every student if one of the following applies:</p> <ol style="list-style-type: none"> 1. The student receives or is being considered for special education services pursuant to A.R.S. Title 15, Chapter 7, Article 4, and A.A.C. Title 7, Chapter 2, Article 4, 2. A teacher has requested a screening for the student; 3. The student did not pass a hearing rescreening during the previous school year; or 4. The student is repeating a grade.

Preschool	Every enrolled student		
Kindergarten	Every enrolled student		
Grade 1	Every enrolled student		
Grade 3	Every enrolled student		
Grade 5	Every enrolled student		
Grade 7	Every enrolled student		
Grade 9	Every enrolled student		
Grades 10, 11, and 12	Every enrolled student for whom the school does not have documentation that the student received and passed a hearing screening in or after grade 9.		
Students Not Included in the Hearing Screening Population			
<div>1. A student whose parent has objected to the student receiving a hearing screening, as specified in A.R.S. §36-899.04.</div> <div>2. A student who has been diagnosed as being deaf or hard of hearing.</div> <div>3. A student who is at least 16 years of age and has requested not to receive a hearing screening according to A.R.S. §36-899.01.</div> <div>4. A student enrolled in a child care facility regulated pursuant to A.R.S. Title 36, Chapter 7.1.</div>			
Screening Type	Pure Tone Audiometry	Pure Tone Audiometry & Tympanometry	Otoacoustic Emissions
Grade Level	All students who are cognitively and behaviorally able to participate.	Tympanometry may be added to pure tone screenings at the discretion of the screening program.	Initial Entry to Preschool or Kindergarten
			Students who are cognitively or behaviorally limited in their ability to participate in pure tone screenings
Passing Criteria	Screen each student’s ears, with the response recorded at the following criteria:		
	1000 Hz at 20 dB HL, 2000 Hz at 20 dB HL, and 4000 Hz at 20 dB HL;	The height of the peak acoustic immittance is > 0.3 mmho, mL, or compliance; or The tympanometric width or gradient is < 250	The display screen of the otoacoustic emissions device indicates results that the student has passed
		1000 Hz at 20 dB HL, 2000 Hz at 20 dB HL, and 4000 Hz at 20 dB HL;	
Otoacoustic Emissions Screening			

1. Otoacoustic Emissions devices may be used to screen the following populations:
 - a. Students who are between the ages of one year but less than six years of age who cannot participate in pure tone hearing screening.
 - b. Students who are six years of age and older who cannot participate in pure tone hearing screenings, for example children with special healthcare needs and children with developmental delays or disabilities.
2. Otoacoustic emissions screenings do not measure the child's ability to detect or respond to sound but measure the response of inner ear structures to auditory stimulation. Therefore, otoacoustic emissions screening should not be used in lieu of pure tone audiometry screening for those students that are able to participate.

Hearing Screener Training:

Training will continue to be provided in a hybrid format. Participants will log on to the training site and access the complete course which can be watched asynchronously at their own pace. An in person equipment competency is the final component of the training and will be scheduled on a case by case basis.

There will be no cost to participants for training.

Equipment

The ADHS Sensory Screening Program does not require a specific manufacturer for hearing screening equipment. Hearing screening equipment should be calibrated annually and maintained in good working condition.

The Sensory Screening Program will provide continuous updates throughout the year based on programmatic updates, local trends, and statewide data. All questions and inquiries should be emailed to sensoryprogram@azdhs.gov.

Policy on Head Lice

Great Hearts Academies are committed to utilizing evidence-based best practice for lice management in a manner that respects the privacy of students and families. We are committed to taking appropriate measures ensuring the health and safety of all our students and staff members.

Students diagnosed with live head lice do not need to be sent home from school early and disrupt the educational process; they can go home at the end of the day, be treated, and return to class after appropriate treatment has begun. Nits may be persistent after treatment, but successful treatment will kill active lice.

Upon confirmation of live lice, the parent/guardian will be notified and instructed to pick up the student at the end of the school day. The Siblings of the student will also be examined for active lice and or nits. In the event there is a second finding of live lice in an individual classroom, letters will be sent to the parents/guardians of children in that classroom.

Evidence-Based Practice

The evidence shows that, "The American Academy of Pediatrics and the National Association of School Nurses discourage "no-nit policies that exclude children from school" This information was Retrieved at this link: <https://pediatrics.aappublications.org/content/135/5/e1355#sec-32>

1. Management of head lice may be accomplished without exclusion from school thus promoting attendance and academic achievement.
2. Head lice does not cause serious illness or carry disease.
3. Presence of nits does not definitively indicate active infestation.
4. Lice are rarely transmittable in the school setting.
5. Outbreaks of lice are not related to students with nits returning to class.
6. No pediculicide is 100% ovicidal, and resistance is evident with most of the products.
7. Lice are primarily spread through prolonged head-to-head contact. Rarely it is spread through sharing items such as combs, brushes and hats.
8. Given that lice are rarely spread in the classroom setting, class-wide screenings are not appropriate or necessary, especially to protect student privacy and prevent stigmatization of the student.

SUPPORTS AND RELATED SERVICES FOR ELIGIBLE STUDENTS

McKinney-Vento Act

The McKinney-Vento Act is to ensure that homeless children and youth have access to a free, appropriate public education, comparable to that provided to the children of any Arizona resident and consistent with Arizona's mandatory school attendance laws.

GH Academies supports and provides services under the McKinney-Vento Act. GH Academies will work with existing families to provide the required and necessary transportation to and from the academy.

Homeless Education

The Arizona Homeless Education Program is to ensure that homeless children and youth have access to a free, appropriate public education, comparable to that provided to the children of any Arizona resident and consistent with Arizona's mandatory school attendance laws and requires:

- Children and youths experiencing homelessness are immediately enrolled in the academy and have educational opportunities equal to those of their non-homeless peers.
- Every public charter holder to designate a Homeless Liaison to ensure that homeless students are identified, and their needs are being met.

McKinney-Vento Act

The McKinney-Vento Act defines homeless children as "individuals who lack a fixed, regular, and adequate nighttime residence."

Who are they?

- Children and youth sharing housing due to loss of housing, economic hardship, or a similar reason.
- Children living in motels, trailer parks, or campgrounds due to lack of alternative accommodations.
- Children and youth living in emergency or transitional shelters.
- Children and youth abandoned in hospitals.
- Children and youth whose primary nighttime residence is not ordinarily used as a regular sleeping accommodation (e.g. park benches, etc.).

- Children and youth living in cars, parks, public spaces, abandoned buildings, substandard housing, bus, or train stations.
- Migratory children and youth living in any of the above situations.

Definitions

The ***school of origin*** is the school the child or youth attended when permanently housed or the school in which the child or youth was last enrolled.

The terms ***enroll*** and ***enrollment*** mean attending school and participating fully in school activities.

The term ***unaccompanied youth*** includes a youth not in the physical custody of a parent or guardian. This includes runaway shelters, abandoned buildings, cars, on the streets, or in other inadequate housing and children, youth denied housing by their families.

McKinney-Vento Academy Liaisons

The McKinney-Vento Liaisons are Local Educational Agency (LEA) or academy staff responsible for ensuring the identification, academy enrollment, attendance, and opportunities for academic success of students in homeless situations. Some of these activities may be performed by the local liaison himself or herself, while others are accomplished by coordinating the efforts of other staff.

Responsibilities

- Serve as a point of contact for academy faculty, parents, and guardians regarding homeless issues.
- Post informational materials (posters) at your academy and ensure informational brochures are available in your academy's front office.
- Keep a current list/file of identified homeless students available. This should include all residency questionnaires that indicate homelessness.
- Design a procedure for your registrar, front office staff, and teachers to keep you informed of any student that becomes homeless during the year.
- Coordinate services for the identified homeless children and youth at your school. You will need to work with all appropriate personnel e.g. classroom teacher, school nurse, school counselor etc.

Homeless Education Procedures

Homeless children and youth will be provided the opportunity to receive a free and appropriate public education and receive comparable services regardless of their residency status. The program will provide procedural guidelines to ensure that homeless students are not denied enrollment due to the lack of registration documentation at the time of enrollment.

- Homeless children and youth will be enrolled immediately.
- Seeks to remove barriers and provide exemptions as need to the enrollment and retention of homeless children and youth.
- Ensures homeless children and youth are not stigmatized, segregated, or separated in another education programs, based on their status as homeless.
- Follows the requirements of the McKinney-Vento Assistance Act.

Identification of Students

1. The academy will use a Residency Questionnaire to facilitate the identify of homeless children.

2. The parent or guardian will complete the questionnaire at the beginning of the school year or when enrolling their child or when they become homeless during the academic school year.
3. The McKinney-Vento Academy Liaison will maintain a HIPPA/FERPA compliant file folder of all Residency Questionnaires that indicate homelessness. Under no circumstances should these questionnaires be maintained in the student cumulative folder.
4. Students can attend their school of origin, the academy, and remain there for the duration of homelessness. If the child or youth becomes permanently housed during an academic year, the student has the right to continue in the academy, their school of origin.

Enrollment

1. Children and youth have the right to enroll in school **immediately**, based on the waitlist and seat availability, even if they do not have required documents, such as school records, medical records, proof of residency, birth certificate, social security number, proof of guardianship or other documents.
2. Unaccompanied youth must also be immediately enrolled in school. They may either enroll themselves or be enrolled by a parent, non-parent caretaker, or liaison.
3. If a student does not have immunizations, or immunization or medical records, the liaison must immediately assist in obtaining them, **and the student must be enrolled in the interim.**

Services

Homeless students shall be provided all rights and services comparable to those offered to other Great Hearts students including but not limited to, transportation services; school lunch; programs for students with limited English proficiency, and educational services for which students meet eligibility criteria, such as programs for students with disabilities, Title I targeted assistance programs, and before and after school programs, if their living circumstance meets the definition of “homeless” (page 1).

Each academy shall determine how best to support students needing uniforms, meals, transportation, supplies, field trips etc. related to homelessness. Funding may be available through Title I Targeted Assistance Funds and the academy liaison will need to speak with their headmaster and Melissa Penniman, Executive Director of Data, Intervention, and Title I Education regarding the use of these funds to support homeless students. The academy PSO’s may also be able to help with uniforms, meals, supplies, and field trips etc.

1. Options for Uniforms- uniform company vouchers, clothing closets (used uniforms), or PSO. The academy shall determine the quantity and limit of uniforms per year, per student.
2. The academy shall determine how best to provide meals to homeless students.
3. The academy shall determine how best to provide homeless student’s with school supplies and required materials, clubs, and sports fees.
4. The academy shall determine how best to provide transportation for homeless students at cost to the academy. The academy may:
 - a. Ask the parent or guardian if they can provide transportation for the student.
 - b. Coordinate transportation with the homeless shelter.
 - c. Coordinate shared transportation with the school district in which the child resides (see Great Hearts Transportation Request Form).
 - d. Purchase gas cards for the parent or guardian to use for the purpose of drop- off and pick- up (to and from the academy). The gas card must be used on school days, not exceed the per gallon cost of gas associated with the mileage from the student’s

residence to the academy and return trip from the academy to the student's residence. The academy must receive, retain, and file the gas receipts.

- e. Purchase bus passes for the student and for the parent or guardian to accompany the child or youth to drop-off or pick-up the student at the academy.

Access to Services

1. Once a student has been identified as homeless, he/she has access to services for one academic school year.
2. If students experience homelessness beyond one academic school year, the services are still accessible to these students, and:
 - a. Students must be re-identified and coded into PowerSchool; and
 - b. Access to services must be repeated.
3. If the homeless student becomes permanently housed during the school year, in general, all rights and services remain for the full academic school year except in cases in which the parent or guardian requests termination of services.
4. The following year in which a student is permanently housed, students no longer meet the definition of "homeless".
5. When applying any policy regarding tardiness or absences, any tardiness or absence related to a child's or youth's living situation shall be excused.
6. The Academy McKinney-Vento Liaison shall refer children and youth to appropriate health care services, including dental and mental health services.
7. Academy personnel must also inform the parent or guardian of all educational and related opportunities available to their child.
8. The academy must provide the parent or guardian with meaningful opportunities to participate in their child's education.
9. All parent or guardian information regarding "Services" must be provided in a form, manner, and language understandable to each parent or guardian.

Individual Education Plan (IEP)

1. If the child or youth has an IEP the enrolling academy shall immediately implement it.
2. Any necessary IEP meetings or re-evaluations shall then be conducted expeditiously.
3. If complete records are not available, IEP teams must use good judgement in choosing the best course of action.
4. In all cases, the goal will be to avoid any disruption in appropriate services.

Placement

Placement in a Great Hearts Academy shall, according to the child's best interest:

1. Continue the child's or youth's education in the school or origin for the duration of homelessness, in any case in which the family becomes homeless between academic years or during an academic year, if the child or youth becomes permanently housed during an academic year.
2. Enroll the child or youth in the academy that non-homeless students are eligible to attend.
3. In the case of unaccompanied youth, assist with placement or enrollment decisions considering the requests of the unaccompanied youth. The choice regarding placement shall be made regardless of whether the child or youth lives with the homeless parents or guardian or has been temporarily placed elsewhere.

4. The academy will immediately enroll the student and begin instruction, even if the student, parent, or guardian is unable to produce records normally required for enrollment. However, the academy may require the parent or guardian to submit contact information.
5. The academy will request records from the previous charter or school district.
6. If the academy is unable to determine the student's grade level due to missing or complete records, the academy shall administer tests or utilize appropriate means to determine the student's placement.

Point of Contact

Melissa Penniman, Executive Director of Data, Intervention, and Title I Education;
mpenniman@greatheartsaz.org.

See Appendix 1 for the link to the most current McKinney-Vento/Homeless Education Information

Foster Care Student Policy

Foster Care Admission

The passage of the Fostering Connections Act (2008) and Every Student Succeeds Act (2015) supports the importance of school and educational stability for children in foster care in Federal and State law.

Under the federal Fostering Connections Act and Every Student Succeeds Act, students in foster care have laws in place to help ensure their right to an education and collaboration between child welfare and educational agencies. The Department of Child Safety (DCS), the Arizona Department of Education (ADE), the Local Education Agency (LEA) or charter entity share responsibility for the educational stability of students in foster care.

Definitions

1. **Foster Care:** Means 24-hour substitute care for children placed away from their parents or guardians and for whom the child welfare agency (DCS, tribal, or local) has placement and care responsibility. This includes, but is not limited to, placements in foster family homes, foster homes of relatives, group homes, emergency shelters, residential facilities, childcare institutions, and pre-adoptive homes.

Children in foster care are no longer McKinney-Vento except for children or youth living in transitional shelters or motels.

2. **School of Origin:** Is the school in which a child is enrolled at the time of placement in foster care. If a child's foster care placement changes, the school of origin would then be considered the school in which the child is enrolled at the time of the placement change.
3. **Immediate Enrollment and Records Transfer:** Means a foster youth must be enrolled even in the absence of required enrollment documents like transcripts, immunization records, etc. and provide all of the child's education records to the new school, if remaining in the same school is not in the child's best interest.
4. **Notice to Provider** is a document serving to confirm a child or youth is in the care, custody, and control of DCS or another out-of-home provider. The notice is used by DCS or out-of-home provider to enroll a foster care child in school.
5. **Best Interest Determination** is a process of collaboration that includes the academy POC, DCS or child welfare agency and should include the child, out-of-home caregiver, parent, guardian,

and/or custodian, if appropriate and is completed each time a student comes into placement or changes placement.

Summary of Key Provisions for Admission

1. Right to remain in school of origin unless it is not in their best interest of the student to do so.
2. Immediate enrollment in the school of origin.
3. A Best Interest Determination (BID) to be completed each time a student comes into placement or changes placement. The BID is a process of collaboration that includes the child, out-of-home caregiver, the Local Education Agency (LEA)/school, and the parent, guardian, and/or custodian, if appropriate.
4. If it is determined that it is in the student's best interests to be enrolled in a *new* school, the student is to be immediately enrolled in the new school.
5. It is the responsibility of the new school to contact the school of origin immediately to obtain the student's educational records and other relevant documents. Transfer of school records includes- special education services/plans, previous grades and attendance, extracurricular involvement and student strengths, discipline issues, student promotion and retention.
6. Youth in foster care, 14 years or older must be provided copies of their personal records- including school transcripts, medical records, birth certificate, social security card, etc.
7. School transportation must be provided when necessary to maintain school stability.

School Stability Rationale

Foster Care youth are more likely to experience adverse educational outcomes including:

- High mobility (frequent school changes),
- Lack of friendships,
- Educational discontinuity that results from placement and school changes,
- Poor attendance,
- Academic achievement gaps,
- Grade retention; and
- Low graduation rates (high school and college).

Terms Related to Foster Care Guidance and Procedures

Acronyms

- ADE-Arizona Department of Education
- DCS- Department of Child Safety
- CWA- Child Welfare Agency (in Arizona, DCS or tribal)
- POC- Point of Contact
- LEA- Local Education Agency (the Great Hearts academies are the LEA)
- ESSA- Every Student Succeeds Act (2015)
- POC- Point of Contact

Foster Care Academy Point of Contacts

The Foster Care Point of Contact serves as the academy child welfare education liaison and collaborates with DCS and child welfare agencies to support school stability for foster children. The Headmaster will designate the Foster Care POC (the McKinney-Vento may serve as the POC).

Responsibilities

In collaboration with DCS or CWA to maintain school stability:

- Establish procedure to continue student's education in the school of origin,
- Ensure the best interest of the child in determining best school placement,
- Ensure immediate enrollment and records transfer,
- Ensure school transportation (when necessary) is provided, arranged, and funded in collaboration with DCS or CWA.
- Collaborate with headmaster and appropriate academy personnel to report annually on academic achievement and graduation rates for children in foster care.

Best Interest Determination

DCS or CWA will work in collaboration with the Academy in determining the best interest of a child in foster care. The DCS or CWA is the final decision maker regarding a foster child's school selection if any conflict cannot be resolved. The cost of transportation cannot be considered when determining the best interest of the child.

The BID process covers:

- Placement in school of origin,
- School placement,
- Immediate enrollment
- Records and transcripts
- Course placement; and
- Transportation needs

BID factors include the following:

- Wishes of the parent/guardian and caregiver,
- Student's preferences and feelings of connectivity in their existing school,
- Safety of the child,
- Projected duration of out-of-home placement,
- Distance and time for the child to travel to and from the school the child is attending at the time of placement, the toll of the commute,
- Child's age, connections, social, and emotional state,
- The child's academic, developmental, language, and socialization needs,
- Anticipated length of stay in the current living arrangement,
- Effect a school change will have on the child's learning, academic strength, and grade placement; and
- Any potential loss of credits due to changing schools in the middle of a term or semester.

School Enrollment

A school-aged child placed in foster care should be maintained in the home school (where they were enrolled prior to entering foster care) unless it is in their best interests to enroll in a new school. The child's Service Team (including the DCS Specialist, Academy, parents/guardians, Foster Caregivers, and IDEA parent, if different from the biological parents and if applicable, and others) should complete the Best Interests Determination/Transportation Plan to guide the decision-making process. If it is a child's best interests to be enrolled in a new school, ***enroll the child as soon as possible or within five days of the date of placement.***

Great Hearts will enroll a school-aged child in foster care as soon as possible based on waitlist and seat availability. Great Hearts will work to address capacity issues by assisting the parent/guardian with the application process, enrollment procedures, and placing the student on the waitlist, as appropriate.

The Notice to Providers (Out-of-home, Education, and Medical) is provided to Foster Caregivers at the time of placement or within five days of the date of placement. The Notice to Providers contains information that is necessary to enroll the child in school. Foster Caregivers may enlist the help of the DCS Specialist with enrollment if necessary. A school aged child should be enrolled in public school unless alternative education arrangements, such as private, charter, or home schooling, have been approved by DCS. A school must immediately enroll the child even if documents or supplies (such as a school uniform) are not readily available.

GreatHearts Arizona Foster Care Transportation Policy

The GreatHearts Arizona Foster Care Transportation Policy is designed in compliance with state and federal law to maintain children in foster care in their school of origin and provide, arrange, and coordinate funding for the Foster Student's transportation for duration of the time in foster care. The Great Hearts procedures specifically require that:

Children in foster care needing transportation to the school of origin will promptly receive transportation in a cost-effective manner and in accordance with section 475(4)(A) of the Social Security Act (42 U.S.C. 675(4)(A)); and

“(ii) ensure that, if there are additional costs incurred in providing transportation to maintain children in foster care in their schools of origin, the local educational agency will provide transportation to the school of origin if—

“(I) the local child welfare agency agrees to reimburse the local educational agency for the cost of such transportation; ‘

‘(II) the local educational agency agrees to pay for the cost of such transportation; or

Summary of Key Provisions for Transportation

1. Children are entitled to school stability transportation for the duration of their time in foster care.
2. Transportation costs are a shared responsibility of the LEA and DCS. Additional transportation options include caregiver or another responsible adult transporting the child directly to school; carpool approved by caregiver; public transportation, if appropriate to the child's age and safety needs; or use of a DCS transportation vendor.
3. When other options are exhausted and the transportation will require “additional cost,”
 - The LEA/charter will assess whether the child's transportation expenses may be covered by other state or local funds.
 - DCS may assess whether resources are available for kinship providers/foster parents to provide transportation with mileage reimbursement or other adult ride-share to the school or to a stop on a school existing route; provision of bus passes or public transportation vouchers; contract with private transportation service.
4. If remaining costs cannot be addressed as detailed above or through other cost-effective solutions, one of the following options must be implemented:

- DCS agrees to pay additional cost,
 - LEA/school agrees to pay additional cost, or
 - DCS and school share the additional cost (based on distance or time, splitting the costs evenly, or another cost-sharing agreement).
5. If the school and DCS cannot resolve a dispute about transportation cost, a Dispute Resolution may be filed by the LEA or DCS with ADE.
 6. While a dispute is pending, the school/school district must ensure transportation is provided or arranged for the student.

The Best Interests Determination/Transportation Plan provides several areas to consider when discussing what is in the child's best interest, including:

- the safety of the child,
- the wishes of the child and parent/guardian,
- the distance and time for the child to travel to and from the school he/she is attending at the time of placement,
- the child's academic, developmental, and socialization needs,
- the effect a school change will have on the child's learning; and for
- any potential for loss of credits which may occur due to changing schools in the middle of a term or semester, etc.

School Breakfasts and Lunches

Children in foster care are eligible for free meals through their school. The schools accept the "Notice to Provider" as verification of a child's foster care status. There is no income testing for the foster child or for the foster family. If the school does ask about income, the child's annual income is usually "\$0."

Appointments not During School

DCS, foster parents and kinship caregivers are to make every reasonable effort not to remove a child from school during regular school hours for appointments, visitation or activities not related to school. Visitation between the child and his/her family including parents and siblings should be scheduled during non-school hours. Medical and dental appointments should be scheduled before or after school, on early release days or dates school is out for a break. Health care providers and other service providers who have extended office hours may be identified on dcs.az.gov/cmdp. For a child who wishes to attend a court hearing (particularly older youth), consult with the DCS Specialists or child's attorney to make a request that the court schedule the hearing after the child's school hours.

Special Education

Generally, foster children retain all legal rights to access to a FAPE under IDEA that any other child has. This section clarifies the process for selecting and designating the special education parent/educational advocate member of the evaluation or IEP team, in cooperation with DCS or CWA.

If a child enrolled at an academy requires a special education evaluation and/or services, it is the responsibility of the academy to determine who will act as the special education parent. The DCS Specialist cooperates with and assists the academy in meeting this obligation.

When the identity and whereabouts of the biological or adoptive parent are known, the academy must contact the parent to ensure the parent's consent for special education evaluation and/or services.

The biological or adoptive parent has parental decision-making authority for special education evaluation and/or services for a foster child, except when:

- parental rights have been terminated,
- a parent cannot be identified or located; and/or
- a court has suspended the parent's education rights or appointed a guardian or issued an order permitting others to serve.

When the foster child's parent does not attempt to serve as the special education parent for a child in out-of-home care, the DCS Specialist ensures that the academy obtains a special education parent for the child. DCS's preference order for a special education parent for a foster child is: a court appointed legal guardian but not the State or an employee of a contractor of the State kinship caregiver or licensed foster parent with whom the child resides; and surrogate parent.

Point of Contact

Melissa Penniman, Academy Support Specialist, mpenniman@GreatHeartsaz.org

THE DISPUTE RESOLUTION PROCESS

If an LEA seeks to place a child in foster care in a school other than the school of origin or the school requested by the educational decision-maker, the educational decision-maker shall be provided written notice of his/her right to appeal the decision (see Exhibit 3 for written notice template), including:

1. The contact information for the LEA foster care point of contact (if the LEA has designated a point of contact after receiving written notice from the child welfare agency that it has designated a point of contact for the LEA) and the SEA foster care point of contact.
2. An explanation of the reasons for the LEA's decision.
3. A step-by-step description of how to dispute the LEA's decision (Level I procedure), including a dispute form (see Exhibit 4 for a sample dispute form).
4. An explanation that if the educational decision-maker chooses to initiate a dispute, the student shall remain in the school of origin, receiving all appropriate educational services, until the dispute reaches its final resolution.
5. Timelines for resolution of the dispute at each level.
6. Notice of the right to appeal to the ADE if the local-level resolution is not satisfactory.

See Appendix 3 for the Foster Care Transportation Form for Authorization of Cost, Transportation Procedures, Written Notice Template, and Educational Decision-Maker Dispute Form Template

Individuals with Disabilities Education Act (IDEA)

IDEA is a federal law that protects the rights of students with disabilities. In addition to standard academy records, for children with disabilities education records could include evaluation and testing materials, medical and health information, Individualized Education Programs and related notices and consents, progress reports, materials related to disciplinary actions, and mediation agreements. Such information is gathered from a number of sources, including the student's parents/guardians and staff of the academy of attendance. Also, with parental permission, information may be gathered from additional pertinent sources, such as doctors and other health care providers. This information is collected to assure the child is identified, evaluated, and provided a Free Appropriate Public Education in accordance with state and federal special education laws.

Each agency participating under Part B of IDEA must assure that at all stages of gathering, storing, retaining and disclosing education records to third parties that it complies with the federal confidentiality laws. In addition, the destruction of any education records of a child with a disability must be in accordance with IDEA regulatory requirements.

For additional information or to file a complaint, you may call the federal government at (202) 260-3887 (voice) or 1-800-877-8339 (TDD), or the Arizona Department of Education (ADE/ESS) at (602) 542-4013.

Or you may contact:

Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue, SW
Washington, D.C. 20202-5901

Arizona Department of Education
Exceptional Student Services
1535 West Jefferson, BIN 24
Phoenix, AZ 85007

This notice is available in English and Spanish on the ADE website at <http://www.ade.az.gov/ess/resources> under forms.

For assistance in obtaining this notice in other languages, contact the ADE/ESS at the above phone/address.

Procedural Safeguards Notice Parents/Guardians' Rights under IDEA

IDEA, the Federal law concerning the education of students with disabilities, requires schools to provide parents/guardians of a child with a disability with a notice containing a full explanation of the procedural safeguards available under the IDEA and U.S. Department of Education regulations. A copy of this notice must be given to parents/guardians only one time a school year, except that a copy must be given to the parents/guardians: (1) upon initial referral or parent request for evaluation; (2) upon receipt of the first State complaint under 34 CFR §§300.151 through 300.153 and upon receipt of the first due process complaint under §300.507 in a school year; (3) when a decision is made to take a disciplinary action that constitutes a change of placement; and (4) upon parent request. [34 CFR §300.504(a)]

This procedural safeguards notice must include a full explanation of all of the procedural safeguards available under §300.148 (unilateral placement at private school at public expense), §§300.151 through 300.153 (State complaint procedures), §300.300 (consent), §§300.502 through 300.503, §§300.505 through 300.518, and §§300.530 through 300.536 (procedural safeguards in Subpart E of the Part B regulations), and §§300.610 through 300.625 (confidentiality of information provisions in Subpart F).

This document uses the term “school district” to mean the educational agency in which your child is enrolled. In Arizona, that might be a public school district, public charter school, state supported institution, or secure care facility.

General Information

Prior Written Notice, 34 CFR §300.503

Your school district must give you written notice (provide you certain information in writing), whenever it:

1. Proposes to initiate or to change the identification, evaluation, or educational placement of your child, or the provision of a FAPE to your child; or
2. Refuses to initiate or to change the identification, evaluation, or educational placement of your child, or the provision of FAPE to your child.

Content of Notice

The written notice must:

1. Describe the action that your school district proposes or refuses to take;
2. Explain why your school district is proposing or refusing to take the action;
3. Describe each evaluation procedure, assessment, record, or report your school district used in deciding to propose or refuse the action;
4. Include a statement that you have protections under the procedural safeguards provisions in Part B of the IDEA;
5. Tell you how you can obtain a description of the procedural safeguards if the action that your school district is proposing or refusing is not an initial referral for evaluation;
6. Include resources for you to contact for help in understanding Part B of the IDEA;
7. Describe any other choices that your child's individualized education program (IEP) Team considered and the reasons why those choices were rejected; and
8. Provide a description of other reasons why your school district proposed or refused the action.

Notice in Understandable Language

The notice must be:

1. Written in language understandable to the general public; and
2. Provided in your native language or other mode of communication you use, unless it is clearly not feasible to do so.

If your native language or other mode of communication is not a written language, your school district must ensure that:

1. The notice is translated for you orally by other means in your native language or other mode of communication;
2. You understand the content of the notice; and
3. There is written evidence that 1 and 2 have been met.

Native Language, 34 CFR §300.29

Native language, when used with an individual who has limited English proficiency, means the following:

1. The language normally used by that person, or, in the case of a child, the language normally used by the child's parents/guardians;
2. In all direct contact with a child (including evaluation of the child), the language normally used by the child in the home or learning environment.

For a person with deafness or blindness, or for a person with no written language, the mode of communication is what the person normally uses (such as sign language, Braille, or oral communication).

Electronic Mail, 34 CFR §300.505

If your school district offers parents/guardians the choice of receiving documents by e-mail, you may choose to receive the following by e-mail:

1. Prior written notice;
2. Procedural safeguards notice; and
3. Notices related to a due process complaint.

Parental Consent – Definition, 34 CFR §300.9

“Consent” means, you have been fully informed in your native language or other mode of communication (such as sign language, Braille, or oral communication) of all information about the action for which you are giving consent.

1. You understand and agree in writing to that action, and the consent describes that action and lists the records (if any) that will be released and to whom; and
2. You understand that the consent is voluntary on your part and you may withdraw your consent at any time.

Your withdrawal of consent does not negate (undo) an action that has occurred after you gave your consent and before you withdrew it.

Parental Consent, 34 CFR §300.300

Consent for Initial Evaluation

Your school district cannot conduct an initial evaluation of your child to determine whether your child is eligible under Part B of the IDEA to receive special education and related services without first providing you with prior written notice of the proposed action and without obtaining your consent as described under the heading Parental Consent.

Your school district must make reasonable efforts to obtain your informed consent for an initial evaluation to decide whether your child is a child with a disability.

Your consent for initial evaluation does not mean that you have also given your consent for the school district to start providing special education and related services to your child.

If your child is enrolled in public school or you are seeking to enroll your child in a public school and you have refused to provide consent or failed to respond to a request to provide consent for an initial evaluation, your school district may, but is not required to, seek to conduct an initial evaluation of your child by utilizing the Act's mediation or due process procedures. Your school district will not violate its obligations to locate, identify and evaluate your child if it does not pursue an evaluation of your child in these circumstances.

Special Rules for Initial Evaluation of Wards of the State

If a child is a ward of the State and is not living with his/her parent, the school district does not need consent from the parent for an initial evaluation to determine if the child is a child with a disability if:

1. Despite reasonable efforts to do so, the school district cannot find the child's parent;
2. The rights of the parents/guardians have been terminated in accordance with State law; or
3. A judge has assigned the right to make educational decisions and to consent for an initial evaluation to an individual other than the parent.

Ward of the State, as used in the IDEA, means a child who, as determined by the State where the child lives, is:

1. A foster child;
2. Considered a ward of the State under State law; or
3. In the custody of a public child welfare agency.

Ward of the State does not include a foster child who has a foster parent.

Parental Consent for Services

Your school district must obtain your informed consent before providing special education and related services to your child for the first time.

The school district must make reasonable efforts to obtain your informed consent before providing special education and related services to your child for the first time.

If you do not respond to a request to provide your consent for your child to receive special education and related services for the first time, or if you refuse to give such consent, your school district may not use the procedural safeguards (i.e., mediation or an impartial due process hearing) in order to obtain agreement or a ruling that the special education and related services (recommended by your child's IEP Team) may be provided to your child without your consent.

If you refuse to give your consent for your child to receive special education and related services for the first time, or if you do not respond to a request to provide such consent and the school district does not provide your child with the special education and related services for which it sought your consent, your school district:

1. Is not in violation of the requirement to make a free appropriate public education (FAPE) available to your child for its failure to provide those services to your child; and
2. Is not required to have an individualized education program (IEP) meeting or develop an IEP for your child for the special education and related services for which your consent was requested.

Parental Consent for Reevaluations

Your school district must obtain your informed consent before it reevaluates your child, unless your school district can demonstrate that:

1. It took reasonable steps to obtain your consent for your child's reevaluation; and
2. You did not respond.

If you refuse to consent to your child's reevaluation, the school district may, but is not required to, pursue your child's reevaluation by using the mediation or impartial due process hearing procedures to seek to override your refusal to consent to your child's reevaluation. As with initial evaluations, your school district does not violate its obligations under Part B of the IDEA if it declines to pursue the reevaluation in this manner.

Documentation of Reasonable Efforts to Obtain Parental Consent

Your school must maintain documentation of reasonable efforts to obtain parental consent for initial evaluations, to provide special education and related services for the first time, to reevaluate and to locate parents/guardians of wards of the State for initial evaluations. The documentation must include a record of the school district's attempts in these areas, such as:

1. Detailed records of telephone calls made or attempted and the results of those calls;

2. Copies of correspondence sent to the parents/guardians and any responses received; and
3. Detailed records of visits made to the parent's home or place of employment and the results of those visits.

Revocation of Consent

If, at any time after the school district's initial provision of special education and related services, you revoke consent in writing for the continued provision of special education and related services, the school:

1. May not continue to provide special education and related services to your child, but must provide prior written notice before ceasing provision of special education and related services;
2. May not utilize mediation or the due process procedures in order to obtain agreement or a ruling that the services may be provided to your child;
3. Will not be considered to be in violation of the requirement to make FAPE available to your child because of the failure to provide your child with further special education and related services; and
4. Is not required to convene an IEP Team meeting or develop an IEP for your child for further provision of special education and related services.

Other Consent Requirements

Your consent is not required before your school district may:

1. Review existing data as part of your child's evaluation or a reevaluation; or
2. Give your child a test or other evaluation that is given to all children unless, before that test or evaluation, consent is required from all parents/guardians of all children.

Your school district may not use your refusal to consent to one service or activity to deny you or your child any other service, benefit, or activity.

If you have enrolled your child in a private school at your own expense or if you are home schooling your child, and you do not provide your consent for your child's initial evaluation or your child's reevaluation, or you fail to respond to a request to provide your consent, the school district may not use its consent override procedures (i.e., mediation or impartial due process hearing procedures) and is not required to consider your child as eligible to receive equitable services (services made available to parentally-placed private school children with disabilities).

Independent Educational Evaluations, 34 CFR §300.502

General

As described below, you have the right to obtain an independent educational evaluation (IEE) of your child if you disagree with the evaluation of your child that was obtained by your school district.

If you request an independent educational evaluation, the school district must provide you with information about where you may obtain an independent educational evaluation and about the school district's criteria that apply to independent educational evaluations.

Definitions

"Independent educational evaluation" means, an evaluation conducted by a qualified examiner who is not employed by the school district responsible for the education of your child.

“Public expense” means, that the school district either pays for the full cost of the evaluation or ensures that the evaluation is otherwise provided at no cost to you, consistent with the provisions of Part B of the IDEA, which allow each State to use whatever State, local, Federal and private sources of support available in the State to meet the requirements of Part B of the Act.

Parent right to evaluation at public expense

You have the right to an independent educational evaluation of your child at public expense if you disagree with an evaluation of your child obtained by your school district, subject to the following conditions:

1. If you request an independent educational evaluation of your child at public expense, your school district must, without unnecessary delay, either: (a) File a due process complaint to request a hearing to show that its evaluation of your child is appropriate; or (b) Provide an independent educational evaluation at public expense, unless the school district demonstrates in a hearing that the evaluation of your child that you obtained did not meet the school district’s criteria.
2. If your school district requests a hearing and the final decision is that your school district’s evaluation of your child is appropriate, you still have the right to an independent educational evaluation, but not at public expense.
3. If you request an independent educational evaluation of your child, the school district may ask why you object to the evaluation of your child obtained by your school district. However, your school district may not require an explanation and may not unreasonably delay either providing the independent educational evaluation of your child at public expense or filing a due process complaint to request a due process hearing to defend the school district’s evaluation of your child.

You are entitled to only one independent educational evaluation of your child at public expense each time your school district conducts an evaluation of your child with which you disagree.

Parent-initiated Evaluations

If you obtain an independent educational evaluation of your child at public expense or you share with the school district an evaluation of your child that you obtained at private expense:

1. Your school district must consider the results of the evaluation of your child, if it meets the school district’s criteria for independent educational evaluations, in any decision made with respect to the provision of a free appropriate public education (FAPE) to your child; and
2. You or your school district may present the evaluation as evidence at a due process hearing regarding your child.

Requests for Evaluations by Hearing Officers

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

If an independent educational evaluation is at public expense, the criteria under which the evaluation is obtained, including the location of the evaluation and the qualifications of the examiner, must be the same as the criteria that the school district uses when it initiates an evaluation (to the extent those criteria are consistent with your right to an independent educational evaluation).

Except for the criteria described above, a school district may not impose conditions or timelines related to obtaining an independent educational evaluation at public expense.

Provision of FAPE During Unscheduled School Closure

In the event of extended and unforeseen school closure, Great Hearts will provide special education and related services in accordance with students' IEPs, to the extent possible and feasible, utilizing alternative means of delivery. Delivery of special education and related services may include, and is not limited to, synchronous learning (e.g. via video conference), asynchronous instruction and learning (e.g. recorded lectures, readings and worksheets provided electronically or delivered as paper copies), or a hybrid which incorporates both synchronous and asynchronous learning opportunities. The student may receive synchronous services individually or in a small group. Special educators and related service providers will collaborate with classroom teachers to ensure students are provided adequate supports to access the general education curriculum and instruction, although these supports may necessarily differ from those detailed in the IEP. The school will actively seek to cooperatively problem-solve for barriers to service delivery, such as technology (equipment and access), concerns about security of the platforms in use, and scheduling challenges. Regardless of the manner in which students access specially designed instruction, parents will be provided progress reports as stated in the student's IEP.

Provision of FAPE During Periods of Remote Learning by Family Choice

When families opt into the remote learning model, due to health and safety concerns arising from a public health crisis, Great Hearts will provide special education and related services in accordance with the student's IEP, to the extent possible and feasible. Alternate means of delivery will be utilized, supports to access general education instruction will be implemented, and progress reports will be provided to parents, as outlined above. The personnel serving the student during remote learning may vary from the special education team and related service providers who deliver services when the student is physically attending school on-site.

Confidentiality of Information

[Definitions, 34 CFR §300.611](#)

As used under the heading Confidentiality of Information:

- Destruction means physical destruction or removal of personal identifiers from information so that the information is no longer personally identifiable.
- Education records means the type of records covered under the definition of "education records" in 34 CFR Part 99 (the regulations implementing the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. 1232g (FERPA)).
- Participating agency means any school district, agency or institution that collects, maintains, or uses personally identifiable information, or from which information is obtained, under Part B of the IDEA.

[Personally Identifiable, 34 CFR §300.32](#)

Personally identifiable means information that has:

1. Your child's name, your name as the parent, or the name of another family member;
2. Your child's address;
3. A personal identifier, such as your child's social security number or student number; or
4. A list of personal characteristics or other information that would make it possible to identify your child with reasonable certainty.

Notice to Parents, 34 CFR §300.612

The school district must give notice that is adequate to fully inform parents/guardians about confidentiality of personally identifiable information, including:

1. A description of the extent to which the notice is given in the native languages of the various population groups in the State;
2. A description of the children on whom personally identifiable information is maintained, the types of information sought, the methods the State intends to use in gathering the information (including the sources from whom information is gathered), and the uses to be made of the information;
3. A summary of the policies and procedures that agencies must follow regarding storage, disclosure to third parties, retention, and destruction of personally identifiable information; and
4. A description of all of the rights of parents/guardians and children regarding this information, including the rights under the Family Educational Rights and Privacy Act (FERPA) and its implementing regulations in 34 CFR Part 99.

Before any major identification, location, or evaluation activity (also known as “child find”), the notice must be published or announced in newspapers or other media, or both, with circulation adequate to notify parents/guardians throughout the State of the activity to locate, identify, and evaluate children in need of special education and related services.

Access Rights, 34 CFR §300.613

The school district must permit you to inspect and review any education records relating to your child that are collected, maintained, or used by your school district under Part B of the IDEA. The district must comply with your request to inspect and review any education records on your child without unnecessary delay and before any meeting regarding an individualized education program (IEP), or any impartial due process hearing (including a resolution meeting or a hearing regarding discipline), and in no case more than 45 calendar days after you have made a request.

Your right to inspect and review education records includes:

1. Your right to a response from the school district to your reasonable requests for explanations and interpretations of the records;
2. Your right to request that the school district provide copies of the records if you cannot effectively inspect and review the records unless you receive those copies; and
3. Your right to have your representative inspect and review the records.

The school district may presume that you have authority to inspect and review records relating to your child unless advised that you do not have the authority under applicable State law governing such matters as guardianship, or separation and divorce.

Record of Access, 34 CFR §300.614

The school district must keep a record of parties obtaining access to education records collected, maintained, or used under Part B of the IDEA (except access by parents/guardians and authorized employees of the school district), including the name of the party, the date access was given, and the purpose for which the party is authorized to use the records.

[Records on More than One Child, 34 CFR §300.615](#)

If any education record includes information on more than one child, the parents/guardians of those children have the right to inspect and review only the information relating to their child or to be informed of that specific information.

[List of Types and Locations of Information, 34 CFR §300.616](#)

On request, the school district must provide you with a list of the types and locations of education records collected, maintained, or used by the agency.

[Fees, 34 CFR §300.617](#)

The school district may charge a fee for copies of records that are made for you under Part B of the IDEA, if the fee does not effectively prevent you from exercising your right to inspect and review those records. The school district may not charge a fee to search for or to retrieve information under Part B of the IDEA.

[Amendment of Records at Parent's Request, 34 CFR §300.618](#)

If you believe that information in the education records regarding your child collected, maintained, or used under Part B of the IDEA is inaccurate, misleading, or violates the privacy or other rights of your child, you may request the school district that maintains the information to change the information.

The school district must decide whether to change the information in accordance with your request within a reasonable period of time of receipt of your request.

If the school district refuses to change the information in accordance with your request, it must inform you of the refusal and advise you of the right to a hearing for this purpose as described under the heading Opportunity For a Hearing.

[Opportunity for a Hearing, 34 CFR §300.619](#)

The school district must, on request, provide you an opportunity for a hearing to challenge information in education records regarding your child to ensure that it is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of your child.

[Hearing Procedures, 34 CFR §300.621](#)

A hearing to challenge information in education records must be conducted according to the procedures for such hearings under the Family Educational Rights and Privacy Act (FERPA).

[Result of Hearing, 34 CFR §300.620](#)

If, as a result of the hearing, the school district decides that the information is inaccurate, misleading or otherwise in violation of the privacy or other rights of the child, it must change the information accordingly and inform you in writing. If, as a result of the hearing, the school district decides that the information is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of your child, it must inform you of your right to place in the records that it maintains on your child a statement commenting on the information or providing any reasons you disagree with the decision of the school district.

Such an explanation placed in the records of your child must:

1. Be maintained by the school district as part of the records of your child as long as the record or contested portion is maintained by the school district; and

2. If the school district discloses the records of your child or the challenged portion to any party, the explanation must also be disclosed to that party.

[Consent for Disclosure of Personally Identifiable Information, 34 CFR §300.622](#)

Unless the information is contained in education records, and the disclosure is authorized without parental consent under the Family Educational Rights and Privacy Act (FERPA), your consent must be obtained before personally identifiable information is disclosed to parties other than officials of participating agencies. Except under the circumstances specified below, your consent is not required before personally identifiable information is released to officials of participating agencies for purposes of meeting a requirement of Part B of the IDEA.

Your consent, or consent of an eligible child who has reached the age of majority under State law, must be obtained before personally identifiable information is released to officials of participating agencies providing or paying for transition services.

If your child is in, or is going to go to, a private school that is not located in the same school district you reside in, your consent must be obtained before any personally identifiable information about your child is released between officials in the school district where the private school is located and officials in the school district where you reside.

[Safeguards, 34 CFR §300.623](#)

The school district must protect the confidentiality of personally identifiable information at collection, storage, disclosure, and destruction stages.

One official at the school district must assume responsibility for ensuring the confidentiality of any personally identifiable information.

All persons collecting or using personally identifiable information must receive training or instruction regarding your State's policies and procedures regarding confidentiality under Part B of the IDEA and the Family Educational Rights and Privacy Act (FERPA).

The school district must maintain, for public inspection, a current listing of the names and positions of those employees within the agency who may have access to personally identifiable information.

[Destruction of Information, 34 CFR §300.624](#)

Your school district must inform you when personally identifiable information collected, maintained, or used is no longer needed to provide educational services to your child.

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

State Complaint Procedures

[Difference Between Due Process Hearing Complaint and State Complaint Procedures](#)

The regulations for Part B of IDEA set forth separate procedures for State complaints and for due process complaints and hearings. As explained below, any individual or organization may file a State complaint alleging a violation of any Part B requirement by a school district, the Department of Education, or any other public agency. Only you or a school district may file a due process complaint on

any matter relating to a proposal or a refusal to initiate or change the identification, evaluation or educational placement of a child with a disability, or the provision of a free appropriate public education (FAPE) to the child. While staff of the Department of Education generally must resolve a State complaint within a 60-calendar-day timeline, unless the timeline is properly extended, an impartial due process hearing officer must hear a due process complaint (if not resolved through a resolution meeting or through mediation) and issue a written decision within 45-calendar-days after the end of the resolution period, as described in this document under the heading Resolution Process, unless the hearing officer grants a specific extension of the timeline at your request or the school district's request. The State complaint and due process complaint, resolution and hearing procedures are described more fully below.

[Adoption of State Complaint Procedures, 34 CFR §300.151](#)

General

The Arizona Department of Education must have written procedures for:

1. Resolving any complaint, including a complaint filed by an organization or individual from another State;
2. The filing of a complaint with the Arizona Department of Education;
3. Widely disseminating the State complaint procedures to parents/guardians and other interested individuals, including parent training and information centers, protection and advocacy agencies, independent living centers, and other appropriate entities.

Remedies for Denial of Appropriate Services

In resolving a State complaint in which the Arizona Department of Education has found a failure to provide appropriate services, the Arizona Department of Education must address:

1. The failure to provide appropriate services, including corrective action appropriate to address the needs of the child; and
2. Appropriate future provision of services for all children with disabilities.

[Minimum State Complaint Procedures, 34 CFR §300.152](#)

Time Limit; Minimum Procedures

The Arizona Department of Education must include in its State complaint procedures a time limit of 60 calendar days after a complaint is filed to:

1. Carry out an independent on-site investigation, if the Arizona Department of Education determines that an investigation is necessary;
2. Give the complainant the opportunity to submit additional information, either orally or in writing, about the allegations in the complaint;
3. Provide the school district or other public agency with the opportunity to respond to the complaint, including, at a minimum: (a) at the option of the agency, a proposal to resolve the complaint; and (b) an opportunity for a parent who has filed a complaint and the agency to agree voluntarily to engage in mediation;
4. Review all relevant information and make an independent determination as to whether the school district or other public agency is violating a requirement of Part B of the IDEA; and
5. Issue a written decision to the complainant that addresses each allegation in the complaint and contains: (a) findings of fact and conclusions; and (b) the reasons for the Arizona Department of Education's final decision.

Time Extension; Final Decision; Implementation

The Arizona Department of Education's procedures described above also must:

1. Permit an extension of the 60 calendar-day time limit only if: (a) exceptional circumstances exist with respect to a particular State complaint; or (b) the parent and the school district or other public agency involved voluntarily agree to extend the time to resolve the matter through mediation or alternative means of dispute resolution, if available in the State.
2. Include procedures for effective implementation of the Arizona Department of Education's final decision, if needed, including: (a) technical assistance activities; (b) negotiations; and (c) corrective actions to achieve compliance.

State Complaints and Due Process Hearings

If a written State complaint is received that is also the subject of a due process hearing as described below under the heading Filing a Due Process Complaint, or the State complaint contains multiple issues of which one or more are part of such a hearing, the State must set aside the State complaint, or any part of the State complaint that is being addressed in the due process hearing until the hearing is over. Any issue in the State complaint that is not a part of the due process hearing must be resolved using the time limit and procedures described above.

If an issue raised in a State complaint has previously been decided in a due process hearing involving the same parties (you and the school district), then the due process hearing decision is binding on that issue and the Arizona Department of Education must inform the complainant that the decision is binding.

A complaint alleging a school district's or other public agency's failure to implement a due process hearing decision must be resolved by the Arizona Department of Education.

Filing a Complaint, 34 CFR §300.153

An organization or individual may file a signed written State complaint under the procedures described above. The State complaint must include:

1. A statement that a school district or other public agency has violated a requirement of Part B of the IDEA or its regulations;
2. The facts on which the statement is based;
3. The signature and contact information for the complainant; and,
4. If alleging violations regarding a specific child:
 - a. The name of the child and address of the residence of the child;
 - b. The name of the school the child is attending;
 - c. In the case of a homeless child or youth, available contact information for the child, and the name of the school the child is attending;
 - d. A description of the nature of the problem of the child, including facts relating to the problem; and,
 - e. A proposed resolution of the problem to the extent known and available to the party filing the complaint at the time the complaint is filed.

The complaint must allege a violation that occurred not more than one year prior to the date that the complaint is received as described under the heading Adoption of State Complaint Procedures.

The party filing the State complaint must forward a copy of the complaint to the school district or other public agency serving the child at the same time the party files the complaint with the Arizona Department of Education.

Due Process Complaint Procedures

[Filing a Due Process Complaint, 34 CFR §300.507](#)

General

You or the school district may file a due process complaint on any matter relating to a proposal or a refusal to initiate or change the identification, evaluation or educational placement of your child, or the provision of a free appropriate public education (FAPE) to your child.

The due process complaint must allege a violation that happened not more than two years before you or the school district knew or should have known about the alleged action that forms the basis of the due process complaint.

The above timeline does not apply to you if you could not file a due process complaint within the timeline because:

1. The school district specifically misrepresented that it had resolved the issues identified in the complaint; or
2. The school district withheld information from you that it was required to provide you under Part B of the IDEA.

Information for Parents/guardians

The school district must inform you of any free or low-cost legal and other relevant services available in the area if you request the information, or if you or the school district file a due process complaint.

[Due Process Complaint, 34 CFR §300.508](#)

General

In order to request a hearing, you or the school district (or your attorney or the school district's attorney) must submit a due process complaint to the other party. That complaint must contain all of the content listed below and must be kept confidential.

You or the school district, whichever one filed the complaint, must also provide the Arizona Department of Education with a copy of the complaint.

Content of the Complaint

The due process complaint must include:

1. The name of the child;
2. the address of the child's residence;
3. the name of the child's school;
4. if the child is a homeless child or youth, the child's contact information and the name of the child's school;
5. a description of the nature of the problem of the child relating to the proposed or refused action, including facts relating to the problem; and
6. a proposed resolution of the problem to the extent known and available to you or the school district at the time.

Notice Required Before a Hearing on a Due Process Complaint

You or the school district may not have a due process hearing until you or the school district (or your attorney or the school district's attorney), files a due process complaint that includes the information listed above.

Sufficiency of Complaint

In order for a due process complaint to go forward, it must be considered sufficient. The due process complaint will be considered sufficient (to have met the content requirements above) unless the party receiving the due process complaint (you or the school district) notifies the hearing officer and the other party in writing, within 15 calendar days of receiving the complaint, that the receiving party believes that the due process complaint does not meet the requirements listed above.

Within five calendar days of receiving the notification the receiving party (you or the school district) considers a due process complaint insufficient, the hearing officer must decide if the due process complaint meets the requirements listed above, and notify you and the school district in writing immediately.

Complaint Amendment

You or the school district may make changes to the complaint only if:

1. The other party approves of the changes in writing and is given the chance to resolve the due process complaint through a resolution meeting, described below; or
2. By no later than five days before the due process hearing begins, the hearing officer grants permission for the changes.

If the complaining party (you or the school district) makes changes to the due process complaint, the timelines for the resolution meeting (within 15 calendar days of receiving the complaint) and the time period for resolution (within 30 calendar days of receiving the complaint) start again on the date the amended complaint is filed.

Local Educational Agency (LEA) or School District Response to a Due Process Complaint

If the school district has not sent a prior written notice to you, as described under the heading Prior Written Notice, regarding the subject matter contained in your due process complaint, the school district must, within 10 calendar days of receiving the due process complaint, send to you a response that includes:

1. An explanation of why the school district proposed or refused to take the action raised in the due process complaint;
2. A description of other options that your child's individualized education program (IEP) Team considered and the reasons why those options were rejected;
3. A description of each evaluation procedure, assessment, record, or report the school district used as the basis for the proposed or refused action; and
4. A description of the other factors that are relevant to the school district's proposed or refused action.

Providing the information in items 1-4 above does not prevent the school district from asserting that your due process complaint was insufficient.

Other Party Response to a Due Process Complaint

Except as stated under the sub-heading immediately above, Local educational agency (LEA) or school district response to a due process complaint, the party receiving a due process complaint must, within 10 calendar days of receiving the complaint, send the other party a response that specifically addresses the issues in the complaint.

Model Forms, 34 CFR §300.509

The Arizona Department of Education has developed model forms to help you file a due process complaint and a State complaint. However, you are not required to use these model forms. In fact, you can use this form or another appropriate model form, so long as it contains the required information for filing a due process complaint or a State complaint. Model forms can be found at www.azed.gov/special-education/dispute/

Mediation, 34 CFR §300.506

General

The school district must make mediation available to allow you and the school district to resolve disagreements involving any matter under Part B of the IDEA, including matters arising prior to the filing of a due process complaint. Thus, mediation is available to resolve disputes under Part B of the IDEA, whether or not you have filed a due process complaint to request a due process hearing as described under the heading *Filing a Due Process Complaint*.

Requirements

The procedures must ensure the mediation process:

1. Is voluntary on your part and the school district's part;
2. Is not used to deny or delay your right to a due process hearing, or to deny any other rights you have under Part B of the IDEA; and
3. Is conducted by a qualified and impartial mediator who is trained in effective mediation techniques.

The school district may develop procedures that offer parents/guardians and schools that choose not to use the mediation process, an opportunity to meet, at a time and location convenient to you, with a disinterested party:

1. Who is under contract with an appropriate alternative dispute resolution entity, or a parent training and information center or community parent resource center in the State; and
2. Who would explain the benefits and encourage the use of the mediation process to you. The State has a list of people who are qualified mediators and know the laws and regulations relating to the provision of special education and related services. The Arizona Department of Education selects mediators on a random, rotational, or other impartial basis.

The State is responsible for the cost of the mediation process, including the costs of meetings.

Each meeting in the mediation process must be scheduled in a timely manner and held at a place that is convenient for you and the school district.

If you and the school district resolve a dispute through the mediation process, both parties must enter into a legally binding agreement that sets forth the resolution and that:

1. States that all discussions that happened during the mediation process will remain confidential and may not be used as evidence in any subsequent due process hearing or civil proceeding; and

2. Is signed by both you and a representative of the school district who has the authority to bind the school district.

A written, signed mediation agreement is enforceable in any State court of competent jurisdiction (a court that has the authority under State law to hear this type of case) or in a district court of the United States.

Discussions that happened during the mediation process must be confidential. They cannot be used as evidence in any future due process hearing or civil proceeding of any Federal court or State court of a State receiving assistance under Part B of IDEA.

Impartiality of the Mediator

The mediator:

1. May not be an employee of the Arizona Department of Education or the school district that is involved in the education or care of your child; and
2. Must not have a personal or professional interest which conflicts with the mediator's objectivity.

A person who otherwise qualifies as a mediator is not an employee of a school district or State agency solely because he or she is paid by the agency or school district to serve as a mediator. Attorney fees may not be awarded for mediation.

[The Child's Placement while the Due Process Complaint and Hearing are Pending, 34 CFR §300.518](#)

Except as provided below under the heading PROCEDURES WHEN DISCIPLINING CHILDREN WITH DISABILITIES, once a due process complaint is sent to the other party, during the resolution process time period, and while waiting for the decision of any impartial due process hearing or court proceeding, unless you and the State or school district agree otherwise, your child must remain in his or her current educational placement.

If the due process complaint involves an application for initial admission to public school, your child, with your consent, must be placed in the regular public school program until the completion of all such proceedings.

If the due process complaint involves an application for initial services under Part B of the IDEA for a child who is transitioning from being served under Part C of the IDEA to Part B of the IDEA and who is no longer eligible for Part C services because the child has turned three, the school district is not required to provide the Part C services that the child has been receiving.

If the child is found eligible under Part B of the IDEA and you consent for the child to receive special education and related services for the first time, then, pending the outcome of the proceedings, the school district must provide those special education and related services that are not in dispute (those which you and the school district both agree upon).

[Resolution Process, 34 CFR §300.510](#)

Resolution Meeting

Within 15 calendar days of receiving notice of your due process complaint, and before the due process hearing begins, the school district must convene a meeting with you and the relevant member or

members of the individualized education program (IEP) Team who have specific knowledge of the facts identified in your due process complaint.

The meeting:

1. Must include a representative of the school district who has decision-making authority on behalf of the school district; and
2. May not include an attorney of the school district unless you are accompanied by an attorney.

You and the school district determine the relevant members of the IEP Team to attend the meeting. The purpose of the meeting is for you to discuss your due process complaint, and the facts that form the basis of the complaint, so that the school district has the opportunity to resolve the dispute.

The resolution meeting is not necessary if:

1. You and the school district agree in writing to waive the meeting; or
2. You and the school district agree to use the mediation process, as described under the heading Mediation.

Resolution Period

If the school district has not resolved the due process complaint to your satisfaction within 30 calendar days of the receipt of the due process complaint (during the time period for the resolution process), the due process hearing may occur.

The 45-calendar-day timeline for issuing a final decision begins at the expiration of the 30-calendar-day resolution period, with certain exceptions for adjustments made to the 30-calendar-day resolution period, as described below.

Except where you and the school district have both agreed to waive the resolution process or to use mediation, your failure to participate in the resolution meeting will delay the timelines for the resolution process and due process hearing until you agree to participate in a meeting.

If after making reasonable efforts and documenting such efforts, the school district is not able to obtain your participation in the resolution meeting, the school district may, at the end of the 30-calendar-day resolution period, request that a hearing officer dismiss your due process complaint. Documentation of such efforts must include a record of the school district's attempts to arrange a mutually agreed upon time and place, such as:

1. Detailed records of telephone calls made or attempted and the results of those calls;
2. Copies of correspondence sent to you and any responses received; and
3. Detailed records of visits made to your home or place of employment and the results of those visits.

If the school district fails to hold the resolution meeting within 15 calendar days of receiving notice of your due process complaint or fails to participate in the resolution meeting, you may ask a hearing officer to order that the 45-calendar-day due process hearing timeline begin.

Adjustments to the 30-calendar-day Resolution Period

If you and the school district agree in writing to waive the resolution meeting, then the 45-calendar-day timeline for the due process hearing starts the next day.

After the start of mediation or the resolution meeting and before the end of the 30-calendar-day resolution period, if you and the school district agree in writing that no agreement is possible, then the 45-calendar-day timeline for the due process hearing starts the next day.

If you and the school district agree to use the mediation process, at the end of the 30-calendar-day resolution period, both parties can agree in writing to continue the mediation until an agreement is reached. However, if either you or the school district withdraws from the mediation process, then the 45-calendar-day timeline for the due process hearing starts the next day.

Written Settlement Agreement

If a resolution to the dispute is reached at the resolution meeting, you and the school district must enter into a legally binding agreement that is:

1. Signed by you and a representative of the school district who has the authority to bind the school district; and
2. Enforceable in any State court of competent jurisdiction (a State court that has authority to hear this type of case) or in a district court of the United States or by the Arizona Department of Education, if your State has another mechanism or procedures that permit parties to seek enforcement of resolution agreements.

Agreement Review Period

If you and the school district enter into an agreement as a result of a resolution meeting, either party (you or the school district) may void the agreement within three (3) business days of the time that both you and the school district signed the agreement.

Hearing on Due Process Complaints

[Impartial Due Process Hearing, 34 CFR §300.511](#)

General

Whenever a due process complaint is filed, you or the school district involved in the dispute must have an opportunity for an impartial due process hearing, as described in the Due Process Complaint and Resolution Process sections.

Impartial Hearing Officer

At a minimum, a hearing officer:

1. Must not be an employee of the Arizona Department of Education or the school district that is involved in the education or care of the child. However, a person is not an employee of the agency solely because he/she is paid by the agency to serve as a hearing officer;
2. Must not have a personal or professional interest that conflicts with the hearing officer's objectivity in the hearing;
3. Must be knowledgeable and understand the provisions of the IDEA, and Federal and State regulations pertaining to the IDEA, and legal interpretations of the IDEA by Federal and State courts; and
4. Must have the knowledge and ability to conduct hearings, and to make and write decisions, consistent with appropriate, standard legal practice.

Subject Matter of Due Process Hearing

The party (you or the school district) that requests the due process hearing may not raise issues at the due process hearing that were not addressed in the due process complaint, unless the other party agrees.

Timeline for Requesting a Hearing

You or the school district must request an impartial hearing on a due process complaint within two years of the date you or the school district knew or should have known about the issue addressed in the complaint.

Exceptions to the Timeline

The above timeline does not apply to you if you could not file a due process complaint because:

1. The school district specifically misrepresented that it had resolved the problem or issue that you are raising in your complaint; or
2. The school district withheld information from you that it was required to provide to you under Part B of the IDEA.

Hearing Rights, 34 CFR §300.512

General

Any party to a due process hearing (including a hearing relating to disciplinary procedures) has the right to:

1. Be accompanied and advised by a lawyer and/or person with special knowledge or training regarding the problems of children with disabilities;
2. Present evidence and confront, cross-examine, and require the attendance of witnesses;
3. Prohibit the introduction of any evidence at the hearing that has not been disclosed to that party at least five business days before the hearing;
4. Obtain a written, or, at your option, electronic, word-for-word record of the hearing; and
5. Obtain written, or, at your option, electronic findings of fact and decisions.

Additional Disclosure of Information

At least five business days prior to a due process hearing, you and the school district must disclose to each other all evaluations completed by that date and recommendations based on those evaluations that you or the school district intend to use at the hearing.

A hearing officer may prevent any party that fails to comply with this requirement from introducing the relevant evaluation or recommendation at the hearing without the consent of the other party.

Parental Rights at Hearings

You must be given the right to:

1. Have your child present;
2. Open the hearing to the public; and
3. Have the record of the hearing, the findings of fact and decisions provided to you at no cost.

Hearing Decisions, 34 CFR §300.513

Decision of Hearing Officer

A hearing officer's decision on whether your child received a free appropriate public education (FAPE) must be based on substantive grounds.

In matters alleging a procedural violation, a hearing officer may find that your child did not receive FAPE only if the procedural inadequacies:

1. Interfered with your child's right to a free appropriate public education (FAPE);
2. Significantly interfered with your opportunity to participate in the decision-making process regarding the provision of a free appropriate public education (FAPE) to your child; or
3. Caused a deprivation of an educational benefit.

Construction Clause

None of the provisions described above can be interpreted to prevent a hearing officer from ordering a school district to comply with the requirements in the procedural safeguards section of the Federal regulations under Part B of the IDEA (34 CFR §§300.500 through 300.536)

Separate Request for a Due Process Hearing

Nothing in the procedural safeguards section of the Federal regulations under Part B of the IDEA (34 CFR §§300.500 through 300.536) can be interpreted to prevent you from filing a separate due process complaint on an issue separate from a due process complaint already filed.

Findings and decision to advisory panel and general public

The Arizona Department of Education after deleting any personally identifiable information, must:

1. Provide the findings and decisions in the due process hearing or appeal to the State special education advisory panel; and
2. Make those findings and decisions available to the public.

Appeals

[Finality of Decision; Appeal; Impartial Review, 34 CFR §300.514](#)

Finality of Hearing Decision

A decision made in a due process hearing (including a hearing relating to disciplinary procedures) is final, except that any party involved in the hearing (you or the school district) may appeal the decision by bringing a civil action, as described below.

[Timelines and Convenience of Hearings and Reviews, 34 CFR §300.515](#)

The Arizona Department of Education must ensure that not later than 45 calendar days after the expiration of the 30-calendar-day period for resolution meetings or, as described under the sub-heading Adjustments to the 30-calendar-day resolution period, not later than 45 calendar days after the expiration of the adjusted time period:

1. A final decision is reached in the hearing; and
2. A copy of the decision is mailed to each of the parties.

A hearing officer may grant specific extensions of time beyond the 45-calendar-day time period described above at the request of either party. Each hearing must be conducted at a time and place that is reasonably convenient to you and your child.

[Civil Actions, Including the Time Period in Which to File Those Actions, 34 CFR §300.516](#)

General

Any party (you or the school district) who does not agree with the findings and decision in the due process hearing (including a hearing relating to disciplinary procedures) has the right to bring a civil action with respect to the matter that was the subject of the due process hearing. The action may be

brought in a State court of competent jurisdiction (a State court that has authority to hear this type of case) or in a district court of the United States without regard to the amount in dispute.

Time Limitation

The party (you or the school district) bringing the action shall have 35 calendar days from the date of the decision of the hearing officer to file a civil action.

Additional Procedures

In any civil action, the court:

1. Receives the records of the administrative proceedings;
2. Hears additional evidence at your request or at the school district's request; and
3. Bases its decision on the preponderance of the evidence and grants the relief that the court determines to be appropriate.

Jurisdiction of District Courts

The district courts of the United States have authority to rule on actions brought under Part B of the IDEA without regard to the amount in dispute.

Rule of Construction

Nothing in Part B of the IDEA restricts or limits the rights, procedures, and remedies available under the U.S. Constitution, the Americans with Disabilities Act of 1990, Title V of the Rehabilitation Act of 1973 (Section 504), or other Federal laws protecting the rights of children with disabilities, except that before the filing of a civil action under these laws seeking relief that is also available under Part B of the IDEA, the due process procedures described above must be exhausted to the same extent as would be required if the party filed the action under Part B of the IDEA. This means that you may have remedies available under other laws that overlap with those available under the IDEA, but in general, to obtain relief under those other laws, you must first use the available administrative remedies under the IDEA (i.e., the due process complaint, resolution meeting, and impartial due process hearing procedures) before going directly into court.

Attorney's Fees, 34 CFR §300.517

General

In any action or proceeding brought under Part B of the IDEA, if you prevail, the court, in its discretion, may award reasonable attorneys' fees as part of the costs to you.

In any action or proceeding brought under Part B of the IDEA, the court, in its discretion, may award reasonable attorneys' fees as part of the costs to a prevailing Arizona Department of Education or school district, to be paid by your attorney, if the attorney: (a) filed a complaint or court case that the court finds is frivolous, unreasonable, or without foundation; or (b) continued to litigate after the litigation clearly became frivolous, unreasonable, or without foundation; or

In any action or proceeding brought under Part B of the IDEA, the court, in its discretion, may award reasonable attorneys' fees as part of the costs to a prevailing Arizona Department of Education or school district, to be paid by you or your attorney, if your request for a due process hearing or later court case was presented for any improper purpose, such as to harass, to cause unnecessary delay, or to unnecessarily increase the cost of the action or proceeding.

Award of Fees

A court awards reasonable attorneys' fees as follows:

1. Fees must be based on rates prevailing in the community in which the action or hearing arose for the kind and quality of services furnished. No bonus or multiplier may be used in calculating the fees awarded.
2. Fees may not be awarded and related costs may not be reimbursed in any action or proceeding under Part B of the IDEA for services performed after a written offer of settlement to you if:
 - a. The offer is made within the time prescribed by Rule 68 of the Federal Rules of Civil Procedure or, in the case of a due process hearing or State-level review, at any time more than 10 calendar days before the proceeding begins;
 - b. The offer is not accepted within 10 calendar days; and
 - c. The court or administrative hearing officer finds that the relief finally obtained by you is not more favorable to you than the offer of settlement.

Despite these restrictions, an award of attorneys' fees and related costs may be made to you if you prevail and you were substantially justified in rejecting the settlement offer.

3. Fees may not be awarded relating to any meeting of the individualized education program (IEP) Team unless the meeting is held as a result of an administrative proceeding or court action.

A resolution meeting, as described under the heading Resolution meeting, is not considered a meeting convened as a result of an administrative hearing or court action, and also is not considered an administrative hearing or court action for purposes of these attorneys' fees provisions.

The court reduces, as appropriate, the amount of the attorneys' fees awarded under Part B of the IDEA, if the court finds that:

1. You, or your attorney, during the course of the action or proceeding, unreasonably delayed the final resolution of the dispute;
2. The amount of the attorneys' fees otherwise authorized to be awarded unreasonably exceeds the hourly rate prevailing in the community for similar services by attorneys of reasonably similar skill, reputation, and experience;
3. The time spent and legal services furnished were excessive considering the nature of the action or proceeding; or
4. The attorney representing you did not provide to the school district the appropriate information in the due process request notice as described under the heading Due Process Complaint.

However, the court may not reduce fees if the court finds that the State or school district unreasonably delayed the final resolution of the action or proceeding or there was a violation under the procedural safeguards provisions of Part B of the IDEA.

Procedures When Disciplining Children with Disabilities

[Authority of School Personnel, 34 CFR §300.530](#)

Case-by-Case Determination

School personnel may consider any unique circumstances on a case-by-case basis, when determining whether a change of placement, made in accordance with the following requirements related to discipline, is appropriate for a child with a disability who violates a school code of student conduct.

General

To the extent that they also take such action for children without disabilities, school personnel may, for not more than 10 school days in a row, remove a child with a disability who violates a code of student conduct from his or her current placement to an appropriate interim alternative educational setting (which must be determined by the child's individualized education program (IEP) Team), another setting, or suspension. School personnel may also impose additional removals of the child of not more than 10 school days in a row in that same school year for separate incidents of misconduct; as long as those removals do not constitute a change of placement (see Change of Placement Because of Disciplinary Removals for the definition, below).

Once a child with a disability has been removed from his or her current placement for a total of 10 school days in the same school year, the school district must, during any subsequent days of removal in that school year, provide services to the extent required below under the sub-heading Services.

Additional Authority

If the behavior that violated the student code of conduct was not a manifestation of the child's disability (see Manifestation determination, below) and the disciplinary change of placement would exceed 10 school days in a row, school personnel may apply the disciplinary procedures to that child with a disability in the same manner and for the same duration as it would to children without disabilities, except that the school must provide services to that child as described below under Services. The child's IEP Team determines the interim alternative educational setting for such services.

Services

The services that must be provided to a child with a disability who has been removed from the child's current placement may be provided in an interim alternative educational setting.

A school district is only required to provide services to a child with a disability who has been removed from his or her current placement for 10 school days or less in that school year, if it provides services to a child without disabilities who has been similarly removed.

A child with a disability who is removed from the child's current placement for more than 10 school days must:

1. Continue to receive educational services, so as to enable the child to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the child's IEP; and
2. Receive, as appropriate, a functional behavioral assessment, and behavioral intervention services and modifications, that are designed to address the behavior violation so that it does not happen again.

After a child with a disability has been removed from his or her current placement for 10 school days in that same school year, and if the current removal is for 10 school days in a row or less and if the removal is not a change of placement (see definition below), then school personnel, in consultation with at least one of the child's teachers, determine the extent to which services are needed to enable the child to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the child's IEP.

If the removal is a change of placement (see definition below), the child's IEP Team determines the appropriate services to enable the child to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the child's IEP.

Manifestation Determination

Within 10 school days of any decision to change the placement of a child with a disability because of a violation of a code of student conduct (except for a removal that is for 10 school days in a row or less and not a change of placement), the school district, the parent, and relevant members of the IEP Team (as determined by the parent and the school district) must review all relevant information in the student's file, including the child's IEP, any teacher observations, and any relevant information provided by the parents/guardians to determine:

1. If the conduct in question was caused by, or had a direct and substantial relationship to, the child's disability; or
2. If the conduct in question was the direct result of the school district's failure to implement the child's IEP.

If the school district, the parent, and relevant members of the child's IEP Team determine that either of those conditions was met, the conduct must be determined to be a manifestation of the child's disability.

If the school district, the parent, and relevant members of the child's IEP Team determine that the conduct in question was the direct result of the school district's failure to implement the IEP, the school district must take immediate action to remedy those deficiencies.

Determination that Behavior was a Manifestation of the Child's Disability

If the school district, the parent, and relevant members of the IEP Team determine that the conduct was a manifestation of the child's disability, the IEP Team must either:

1. Conduct a functional behavioral assessment, unless the school district had conducted a functional behavioral assessment before the behavior that resulted in the change of placement occurred, and implement a behavioral intervention plan for the child; or
2. If a behavioral intervention plan already has been developed, review the behavioral intervention plan, and modify it, as necessary, to address the behavior.

Except as described below under the sub-heading Special Circumstances, the school district must return the child to the placement from which the child was removed, unless the parent and the district agree to a change of placement as part of the modification of the behavioral intervention plan.

Special Circumstances

Whether or not the behavior was a manifestation of the child's disability, school personnel may remove a student to an interim alternative educational setting (determined by the child's IEP Team) for up to 45 school days, if the child:

1. Carries a weapon (see the definition below) to school or has a weapon at school, on school premises, or at a school function under the jurisdiction of the Arizona Department of Education or a school district;
2. Knowingly has or uses illegal drugs (see the definition below), or sells or solicits the sale of a controlled substance, (see the definition below), while at school, on school premises, or at a

school function under the jurisdiction of the Arizona Department of Education or a school district; or

3. Has inflicted serious bodily injury (see the definition below) upon another person while at school, on school premises, or at a school function under the jurisdiction of the Arizona Department of Education or a school district.

Definitions

Controlled substance means a drug or other substance identified under schedules I, II, III, IV, or V in section 202(c) of the Controlled Substances Act (21 U.S.C. 812(c)).

Illegal drug means a controlled substance; but does not include a controlled substance that is legally possessed or used under the supervision of a licensed health-care professional or that is legally possessed or used under any other authority under that Act or under any other provision of Federal law.

Serious bodily injury has the meaning given the term “serious bodily injury” under paragraph (3) of subsection (h) of section 1365 of title 18, United States Code.

Weapon has the meaning given the term “dangerous weapon” under paragraph (2) of the first subsection (g) of section 930 of title 18, United States Code.

Notification

On the date it makes the decision to make a removal that is a change of placement of the child because of a violation of a code of student conduct, the school district must notify the parents/guardians of that decision, and provide the parents/guardians with a procedural safeguards notice.

[Change of Placement Because of Disciplinary Removals, 34 CFR §300.536](#)

1. A removal of a child with a disability from the child’s current educational placement is a change of placement if:
2. The removal is for more than 10 school days in a row; or
 - a. The child has been subjected to a series of removals that constitute a pattern because:
 - b. The series of removals total more than 10 school days in a school year;
 - c. The child’s behavior is substantially similar to the child’s behavior in previous incidents that resulted in the series of removals; and
 - d. Of such additional factors as the length of each removal, the total amount of time the child has been removed, and the proximity of the removals to one another;

Whether a pattern of removals constitutes a change of placement is determined on a case-by-case basis by the school district and, if challenged, is subject to review through due process and judicial proceedings.

[Determination of Setting, 34 CFR § 300.531](#)

The individualized education program (IEP) Team must determine the interim alternative educational setting for removals that are changes of placement, and removals under the headings Additional authority and Special circumstances, above.

[Appeal, 34 CFR § 300.532](#)

General

The parent of a child with a disability may file a due process complaint (see above) to request a due process hearing if he or she disagrees with:

1. Any decision regarding placement made under these discipline provisions; or
2. The manifestation determination described above.

The school district may file a due process complaint (see above) to request a due process hearing if it believes that maintaining the current placement of the child is substantially likely to result in injury to the child or to others.

Authority of Hearing Officer

A hearing officer that meets the requirements described under the sub-heading Impartial Hearing Officer must conduct the due process hearing and make a decision. The hearing officer may:

1. Return the child with a disability to the placement from which the child was removed if the hearing officer determines that the removal was a violation of the requirements described under the heading Authority of School Personnel, or that the child's behavior was a manifestation of the child's disability; or
2. Order a change of placement of the child with a disability to an appropriate interim alternative educational setting for not more than 45 school days if the hearing officer determines that maintaining the current placement of the child is substantially likely to result in injury to the child or to others.

These hearing procedures may be repeated, if the school district believes that returning the child to the original placement is substantially likely to result in injury to the child or to others.

Whenever a parent or a school district files a due process complaint to request such a hearing, a hearing must be held that meets the requirements described under the headings Due Process Complaint Procedures, Hearings on Due Process Complaints except as follows:

1. The Arizona Department of Education must arrange for an expedited due process hearing, which must occur within 20 school days of the date the hearing is requested and must result in a determination within 10 school days after the hearing.
2. Unless the parents/guardians and the school district agree in writing to waive the meeting, or agree to use mediation, a resolution meeting must occur within seven calendar days of receiving notice of the due process complaint. The hearing may proceed unless the matter has been resolved to the satisfaction of both parties within 15 calendar days of receipt of the due process complaint.
3. A State may establish different procedural rules for expedited due process hearings than it has established for other due process hearings, but except for the timelines, those rules must be consistent with the rules in this document regarding due process hearings.

A party may appeal the decision in an expedited due process hearing in the same way as they may for decisions in other due process hearings (see Appeals, above).

Placement During Appeals, 34 CFR §300.533

When, as described above, the parent or school district has filed a due process complaint related to disciplinary matters, the child must (unless the parent and the Arizona Department of Education or school district agree otherwise) remain in the interim alternative educational setting pending the

decision of the hearing officer, or until the expiration of the time period of removal as provided for and described under the heading Authority of School Personnel, whichever occurs first.

[Protections for Children Not Yet Eligible for Special Education and Related Services, 34 CFR §300.534](#)

General

If a child has not been determined eligible for special education and related services and violates a code of student conduct, but the school district had knowledge (as determined below) before the behavior that brought about the disciplinary action occurred, that the child was a child with a disability, then the child may assert any of the protections described in this notice.

Basis of Knowledge for Disciplinary Matters

A school district must be deemed to have knowledge that a child is a child with a disability if, before the behavior that brought about the disciplinary action occurred:

1. The parent of the child expressed concern in writing that the child is in need of special education and related services to supervisory or administrative personnel of the appropriate educational agency, or a teacher of the child;
2. The parent requested an evaluation related to eligibility for special education and related services under Part B of the IDEA; or
3. The child's teacher, or other school district personnel, expressed specific concerns about a pattern of behavior demonstrated by the child directly to the school district's director of special education or to other supervisory personnel of the school district.

Exception

A school district would not be deemed to have such knowledge if:

1. The child's parent has not allowed an evaluation of the child or refused special education services; or
2. The child has been evaluated and determined to not be a child with a disability under Part B of the IDEA.

Conditions that Apply if There is no Basis of Knowledge

If prior to taking disciplinary measures against the child, a school district does not have knowledge that a child is a child with a disability, as described above under the sub-headings Basis of knowledge for disciplinary matters and Exception, the child may be subjected to the disciplinary measures that are applied to children without disabilities who engaged in comparable behaviors

However, if a request is made for an evaluation of a child during the time period in which the child is subjected to disciplinary measures, the evaluation must be conducted in an expedited manner.

Until the evaluation is completed, the child remains in the educational placement determined by school authorities, which can include suspension or expulsion without educational services.

If the child is determined to be a child with a disability, taking into consideration information from the evaluation conducted by the school district, and information provided by the parents/guardians, the school district must provide special education and related services in accordance with Part B of the IDEA, including the disciplinary requirements described above.

[Referral to and Action by Law Enforcement and Judicial Authorities, 34 CFR §300.535](#)

Part B of the IDEA does not:

1. Prohibit an agency from reporting a crime committed by a child with a disability to appropriate authorities; or
2. Prevent State law enforcement and judicial authorities from exercising their responsibilities with regard to the application of Federal and State law to crimes committed by a child with a disability.

Transmittal of Records

If a school district reports a crime committed by a child with a disability, the school district:

1. Must ensure that copies of the child's special education and disciplinary records are transmitted for consideration by the authorities to whom the agency reports the crime; and
2. May transmit copies of the child's special education and disciplinary records only to the extent permitted by the Family Educational Rights and Privacy Act (FERPA).

Requirements for Unilateral Placement by Parents/guardians of Children in Private Schools at Public Expense

[General, 34 CFR §300.148](#)

Part B of the IDEA does not require a school district to pay for the cost of education, including special education and related services, of your child with a disability at a private school or facility if the school district made a free appropriate public education (FAPE) available to your child and you choose to place the child in a private school or facility. However, the school district where the private school is located must include your child in the population whose needs are addressed under the Part B provisions regarding children who have been placed by their parents/guardians in a private school under 34 CFR §§300.131 through 300.144.

Reimbursement for Private School Placement

If your child previously received special education and related services under the authority of a school district, and you choose to enroll your child in a private preschool, elementary school, or secondary school without the consent of or referral by the school district, a court or a hearing officer may require the agency to reimburse you for the cost of that enrollment if the court or hearing officer finds that the agency had not made a free appropriate public education (FAPE) available to your child in a timely manner prior to that enrollment and that the private placement is appropriate.

A hearing officer or court may find your placement to be appropriate, even if the placement does not meet the State standards that apply to education provided by the Arizona Department of Education and school districts.

Limitation on Reimbursement

The cost of reimbursement described in the paragraph above may be reduced or denied:

1. If: (a) At the most recent individualized education program (IEP) meeting that you attended prior to your removal of your child from the public school, you did not inform the IEP Team that you were rejecting the placement proposed by the school district to provide FAPE to your child, including stating your concerns and your intent to enroll your child in a private school at public expense; or (b) At least 10 business days (including any holidays that occur on a business day)

prior to your removal of your child from the public school, you did not give written notice to the school district of that information;

2. If, prior to your removal of your child from the public school, the school district provided prior written notice to you of its intent to evaluate your child (including a statement of the purpose of the evaluation that was appropriate and reasonable), but you did not make the child available for the evaluation; or
3. Upon a court's finding that your actions were unreasonable.

However, the cost of reimbursement:

1. Must not be reduced or denied for failure to provide the notice if: (a) The school prevented you from providing the notice; (b) You had not received notice of your responsibility to provide the notice described above; or (c) Compliance with the requirements above would likely result in physical harm to your child; and
2. May, in the discretion of the court or a hearing officer, not be reduced or denied for the parents/guardians' failure to provide the required notice if: (a) The parent is not literate or cannot write in English; or (b) Compliance with the above requirement would likely result in serious emotional harm to the child.

Arizona Early Intervention Program's ("AzEIP") – Child Find

AzEIP intent is to ensure that all children from birth through 21 with delays or disabilities are identified, located and evaluated with minimal cost to parents.

Anyone who has contact with the child may refer him or her to AzEIP. Contact AzEIP if you have concerns about how a child plays and interacts with others, learns, communicates, moves, sees or hears.

When children are "found", they are referred to a specialist to screen their development. The screening helps "identify" any areas of concern that need to be evaluated further. In order to receive early intervention or special education services, a child must be evaluated to confirm they have a delay or disability that falls under state definitions.

If needed, the child is evaluated using state criteria for specific delays or disabilities. If eligible, the AzEIP or a public-school system will offer early intervention or special education services according to the child's needs:

- Early intervention supports and services assist families of children who are eligible by helping children ages birth to three years develop to their full potential. In Arizona, early intervention services are provided through the AzEIP.
- Preschool special education services for children ages 3 to 5 provide special strategies to help children reach their developmental milestones.
- Special education services for school-aged children in kindergarten through the age of 21 provide specialized instruction and services to assist children in the educational environment.

Evaluations During Unscheduled School Closure

In the event of extended school closures, Great Hearts will delay meetings of the Multi-Disciplinary Evaluation Team for the purpose of reviewing existing data until schools reopen. If face-to-face meetings are not advisable due to public health concerns, assessments that require test administrators and students to meet in person will likewise be suspended until it is safe to meet. In this case, the school will

request a 30-day extension of the evaluation timeline. If all required assessments have been completed when the school closure is announced, the Multi-Disciplinary Evaluation Team may convene eligibility meetings remotely. Should a delay in the evaluation process be deemed necessary for the health and safety of the child and team members, the evaluation will be completed without undue delay when school buildings are open and school has resumed.

Contact information:

Parent Information Network Exceptional Student Services; Arizona Department of Education
Becky Raabe, Child Find Coordinator
2384 North Steves Boulevard, Flagstaff, AZ 86004
Tel: (928) 679-8106 or (800) 352-4558 Fax: (928) 679-8124

For older children, aged 2 years, 9 months to 5 years, you may also contact the local school district

See Appendix 4 for the Special Education Policies and Procedures

See Appendix 5 for the Section 504 Handbook

SCHOOL ORGANIZATION

TRANSPORTATION AND TRAVEL

Transportation

For issues of safety and liability, students may not be transported by the academy (or through academy arranged carpooling) in 15-passenger vans.

Excepting rare situations like the ones noted below, it is GH policy that faculty and staff members do not transport students in their personal vehicles. Furthermore, faculty and staff may not drive a school vehicle, leased or owned by the school, without a valid driver's license, a good driving record and an unrestricted Fingerprint Clearance Card. Faculty and staff who transport students in school owned or leased vehicles must also notify the school if their driver's license or driving record changes. This policy is not intended to prohibit a teacher from driving his or her own children to and from school or school functions, nor is it intended to prohibit faculty and staff from transporting students when they are acting in some other non-Great Hearts capacity (for example, as a camp counselor or church leader) and parental permission for such transportation is freely and explicitly granted.

Field Trips

GH Academies understands that students involved in extra-curricular activities will travel in state for events.

Students will have the opportunity to take field trips from time to time. Students involved in clubs and sports will also have the opportunity to travel; in some cases, trips will extend overnight and even take students out of the state. Some trip guidelines for families are:

1. All families must sign a liability waiver before the student travels;
2. All students must have the proper insurance and have submitted proof of that insurance to the trip director prior to leaving campus; and
3. The student traveling must follow all the rules established by the school and trip director.

For its part, the academy will maintain the safest travel conditions possible and provide appropriate supervision by the chaperones. On all trips, the Academy maintains a reasonable student-teacher chaperone ratio. For overnight trips, the chaperones will engage in periodic room checks to ensure that the travelers are adhering to the set curfew; students and adult chaperones will never share rooms. Parents/guardians who agree to be chaperones on trips must follow the guidelines established by the trip director and have their fingerprint clearance on file with the front office. Students may not drive on trips off campus.

Inter-state and International Travel

The Headmaster and Governing Board must approve all trips out of state that are associated with the academy, led by the academy, marketed at the academy, and/or which include a staff member traveling with one or more students (other than a staff member who is traveling with his or her own children who are also students.)

For the board to approve an out of state trip within the United States, the following conditions must be met first by the submission of a Trip Request Application Packet at least 7 days prior to a regularly convened board meeting.

The Headmaster must submit the following:

1. A one-page narrative with a clear articulation of how the trip furthers the academic and cultural mission of the academy for a significant number of students.
2. A signed affirmation that no administrator, staff member, student, or parent/guardians, is benefiting financially through the execution of the trip in anyway.
3. A signed affirmation that the trip is financially viable and self-sufficient and will not impact the academy budget in any way. All funds and deposits are paid in advance of the trip. Very strict rules are outlined for record-keeping and financial accountability.
4. A detailed chaperone plan for the trip with a minimum chaperone ratio of 1 authorized and fingerprinted chaperone for every 10 students and a day-by-day student mobility plan of how the students will be chaperoned in the specific circumstances that this trip presents.
5. In a binder, the Headmaster must submit for each staff member, chaperone, or student who will travel:
 - Participant's application, with all relevant contact information
 - Permission to treat form
 - Prescription Drug Policy form
 - Permission and Behavioral Contract
 - Trip requirements checklist
 - Roommate request/fulfillment process

International Travel: Due to matters of significant liability that could threaten the overall wellbeing of the academy, there are very limited opportunities for international travel of any kind. In addition to the requirements for out of state travel outlined above, ANY international travel associated with any GH academy must meet all requirements for insurance coverage established by the network administration. Proof of insurance coverage must be approved by the Great Hearts Arizona Finance Department and timely submitted to the Governing Board of the Academy as part of the Trip Request Application Packet.

SECURITY/SAFETY AND EMERGENCY PROCEDURES

Policy on Anonymous Reports of Suspicious Activity

Parents/guardians or students who would like to provide an anonymous report to the academy regarding bullying, illegal activity, or suspected abuse can do so by mailing a note to the academy, addressing it to the attention of the Headmaster. We encourage anyone who has such concerns to report them, either anonymously or in person.

Policy on Emergency Evacuation Drills

Pursuant to the State Fire Code, the Governing Board of the academy prescribes and enforces the following policies and procedures for emergency evacuation drills:

- **First emergency evacuation drill:** The first emergency evacuation drill of each school year shall be conducted within 10 days of the beginning of classes.
- **Frequency:** Required emergency evacuation drills shall be held monthly or more frequently where necessary to familiarize all occupants with the drill procedure.
- **Time of day:** Emergency evacuation drills shall be conducted at different hours of the day or evening, during the changing of classes, when the academy is at assembly, during the recess or gymnastic periods, or during other times to avoid distinction between drills and actual fires.
- **Assembly Points:** Outdoor assembly points shall be designated and shall be located a safe distance from the building being evacuated so as to avoid interference with fire department operations. The assembly areas shall be arranged to keep each class separate to provide accountability of all individuals.
- **Leadership:** Responsibility for the planning and conduct of drills shall be assigned to competent persons designated to exercise leadership.
- **Time:** Drills shall be held at unexpected times and under varying conditions to simulate the unusual conditions that occur in case of fire.
- **Record Keeping:** Records shall be maintained of required emergency evacuation drills and include the following information:
 1. Identity of the person conducting the drill
 2. Date and time of the drill
 3. Notification method used
 4. Staff members on duty and participating
 5. Number of occupants evacuated
 6. Special conditions simulated
 7. Problems encountered
 8. Weather conditions when occupants were evacuated
 9. Time required to accomplish complete evacuation
- **Notification:** Where required by the fire code official, prior notification of emergency evacuation drills shall be given to the fire code official.
- **Initiation:** Where a fire alarm system is provided, emergency evacuation drills shall be initiated by activating the fire alarm system.
- **Accountability:** As building occupants arrive at the assembly point, efforts shall be made to determine if all occupants have been successfully evacuated or have been accounted for.

- **Recall and Reentry:** An electrically or mechanically operated signal used to recall occupants after an evacuation shall be separate and distinct from the signal used to initiate the evacuation. The recall signal initiation means shall be manually operated and under the control of the person in charge of the premises or the official in charge of the incident. No one shall reenter the premises until authorized to do so by the official in charge.

PERSONNEL PRACTICES

Policy on Mandatory Reporting of Suspected Child Abuse

Pursuant to A.R.S. §13-3620, school personnel, including substitute teachers, any member of a Charter School Governing Body or any person who has responsibility for the care or treatment of a minor, who reasonably believes that a minor has been the victim of physical injury, abuse, child abuse, a reportable offense or neglect that appears to have been inflicted on the minor by other than accidental means or that is not explained by the available medical history as being accidental in nature or who reasonably believes there has been a denial or deprivation of necessary medical treatment or surgical care or nourishment with the intent to cause or allow the death of an infant shall immediately report or cause reports to be made of this information to a peace officer or to Child Protective Services in the Department of Economic Security.

This means that if there are any facts from which one could reasonably conclude that a child has been the victim of one of the below listed offenses, the person knowing those facts is required to report those facts to the appropriate authorities. This immediate report is to be made regardless of who the alleged perpetrator is. The duty is to report, not to investigate. Failure to report known or suspected child abuse or neglect is a crime under Arizona state law.

Definitions of Abuse:

"Abuse" pursuant to A.R.S. §8-201(2) means the infliction or allowing of physical injury, impairment of bodily function or disfigurement or the infliction of or allowing another person to cause serious emotional damage as evidenced by severe anxiety, depression, withdrawal or untoward aggressive behavior and which emotional damage is diagnosed by a medical doctor or psychologist and is caused by the acts or omissions of an individual who has the care, custody and control of a child. Abuse includes:

- a) Inflicting or allowing sexual abuse pursuant to section A.R.S. §13-1404, sexual conduct with a minor pursuant to section A.R.S. §13-1405, sexual assault pursuant to section A.R.S. §13-1406, molestation of a child pursuant to section A.R.S. §13-1410, commercial sexual exploitation of a minor pursuant to section A.R.S. §13-3552, sexual exploitation of a minor pursuant to section A.R.S. §13-3553, incest pursuant to section A.R.S. §13-3608 or child sex trafficking pursuant to section A.R.S. §13-3212.
- b) Physical injury that results from permitting a child to enter or remain in any structure or vehicle in which volatile, toxic or flammable chemicals are found or equipment is possessed by any person for the purpose of manufacturing a dangerous drug as defined in section A.R.S. §13-3401.
- c) Unreasonable confinement of a child.

Physical Abuse

"Physical Injury" pursuant to A.R.S. §13-3623(4) means the impairment of physical condition and includes any skin bruising, pressure sores, bleeding, failure to thrive, malnutrition, dehydration, burns, fracture of any bone, subdural hematoma, soft tissue swelling, injury to any internal organ or any physical condition that imperils health or welfare.

"Serious Physical Injury" pursuant to A.R.S. §13-3623(5) means physical injury that creates a reasonable risk of death or that causes serious or permanent disfigurement, serious impairment of health or loss or protracted impairment of the function of any bodily organ or limb.

Neglect

"Neglect" or "Neglected" pursuant to A.R.S. §8-201 (25)(A), means the inability or unwillingness of a parent, guardian or custodian of a child to provide that child with supervision, food, clothing, shelter or medical care if that inability or unwillingness causes unreasonable risk of harm to the child's health or welfare, except if the inability of a parent, guardian or custodian to provide services to meet the needs of a child with a disability or chronic illness is solely the result of the unavailability of reasonable services.

Sexual Abuse

"Sexual Abuse" pursuant to A.R.S. §13-1404(A), a person commits sexual abuse by intentionally or knowingly engaging in sexual contact with any person who is fifteen or more years of age without consent of that person or with any person who is under fifteen years of age if the sexual contact involves only the female breast.

"Sexual Conduct with a Minor" pursuant to A.R.S. §13-1405(A), a person commits sexual conduct with a minor by intentionally or knowingly engaging in sexual intercourse or oral sexual contact with any person who is under eighteen years of age (*This statute has been interpreted by the courts to include attempts to engage in this behavior, even if the attempt is only verbal*).

"Sexual Assault" pursuant to A.R.S. §13-1406(A), a person commits sexual assault by intentionally or knowingly engaging in sexual intercourse or oral sexual contact with any person without consent of such person.

"Molestation of a child" pursuant to A.R.S. §13-1410(A), a person commits molestation of a child by intentionally or knowingly engaging in or causing a person to engage in sexual contact, except sexual contact with the female breast, with a child who is under fifteen years of age.

"Child Sex Trafficking" pursuant to A.R.S. §13-3212(A), a person commits child sex trafficking by knowingly:

1. Causing any minor to engage in prostitution.
2. Using any minor for the purposes of prostitution.
3. Permitting a minor who is under the person's custody or control to engage in prostitution.
4. Receiving any benefit for or on account of procuring or placing a minor in any place or in the charge or custody of any person for the purpose of prostitution.
5. Receiving any benefit pursuant to an agreement to participate in the proceeds of prostitution of a minor.

6. Financing, managing, supervising, controlling or owning, either alone or in association with others, prostitution activity involving a minor.
7. Transporting or financing the transportation of any minor with the intent that the minor engage in prostitution.
8. Providing a means by which a minor engages in prostitution.
9. Enticing, recruiting, harboring, providing, transporting, making available to another or otherwise obtaining a minor with the intent to cause the minor to engage in prostitution or any sexually explicit performance.
10. Enticing, recruiting, harboring, providing, transporting, making available to another or otherwise obtaining a minor with the knowledge that the minor will engage in prostitution or any sexually explicit performance.

“Commercial Sexual Exploitation of a Minor” pursuant to A.R.S. §13-3552(A), a person commits commercial sexual exploitation of a minor by knowingly:

1. Using, employing, persuading, enticing, inducing or coercing a minor to engage in or assist others to engage in exploitive exhibition or other sexual conduct for the purpose of producing any visual depiction or live act depicting such conduct.
2. Using, employing, persuading, enticing, inducing or coercing a minor to expose the genitals or anus or the areola or nipple of the female breast for financial or commercial gain.
3. Permitting a minor under the person's custody or control to engage in or assist others to engage in exploitive exhibition or other sexual conduct for the purpose of producing any visual depiction or live act depicting such conduct.
4. Transporting or financing the transportation of any minor through or across this state with the intent that the minor engage in prostitution, exploitive exhibition or other sexual conduct for the purpose of producing a visual depiction or live act depicting such conduct.
5. Using an advertisement for prostitution as defined in section 13-3211 that contains a visual depiction of a minor.

“Sexual Exploitation of a Minor” pursuant to A.R.S. §13-3553(A), a person commits sexual exploitation of a minor by knowingly:

1. Recording, filming, photographing, developing or duplicating any visual depiction in which a minor is engaged in exploitive exhibition or other sexual conduct.
2. Distributing, transporting, exhibiting, receiving, selling, purchasing, electronically transmitting, possessing or exchanging any visual depiction in which a minor is engaged in exploitive exhibition or other sexual conduct.

“Incest” pursuant to A.R.S. §13-3608, means persons who are eighteen or more years of age and are within the degrees of consanguinity within which marriages are declared by law to be incestuous and void, who knowingly intermarry with each other, or who knowingly commit fornication or adultery with each other.

Emotional Abuse

A.R.S. §8-821 permits a CPS Specialist or peace officer to take temporary custody of a child who is suffering serious emotional damage which can only be diagnosed by a medical doctor or psychologist. The child shall be immediately examined and after the examination the child shall be released to the custody of the parent, guardian, or custodian unless the examination reveals abuse.

The legal definition of emotional abuse is contained in A.R.S. §8-201(2) “.....serious emotional damage as evidenced by severe anxiety, depression, withdrawal or untoward aggressive behavior and which emotional damage is diagnosed by a medical doctor or psychologist and is caused by the acts or omissions of an individual who has the care, custody and control of a child.

Responsibilities of school personnel:

1. Record the information provided by the child. ONLY these exact questions should be asked as needed to complete the information:
 - a. What happened?
 - b. Who did it?
 - c. Where were you when it happened?
 - d. When did it happen?
2. Meet with your school’s Child Abuse Coordinator (Headmaster, Dean of Students, etc.) to share the information and document on the report form.
3. Phone in report to DCS Hotline at 1-888-767-2445 or make an online report
4. Call your local Police Department, if you are reporting sexual abuse OR the child is in imminent danger.

Avondale PD.....(623)932-3660
Buckeye PD.....(623)386-4421
Chandler PD.....(480)782-4130
El Mirage PD.....(623)933-1341
Gilbert PD.....(480)503-6500
Glendale PD.....(623)930-3000
Goodyear PD.....(623)932-1220
Mesa PD.....(480)644-2211
Paradise Valley PD.....(480)948-7410
Peoria PD.....(623)773-7061
Phoenix PD.....(602)262-6151
Scottsdale PD.....(480)312-5000
Surprise PD.....(623)583-1085 x3
Tempe PD.....(480)966-6211
Tolleson PD.....(623)936-7186

5. **Child Abuse Report form is submitted within 72 hours to:**
DCS Phone Intake P.O. Box 44240 Phoenix, Arizona 85064-4240
Or fax a copy to: (602) 530-1832
6. Be available to work with DCS and police who come to the school to investigate.
7. Follow these additional guidelines:
 - a. Refer all inquiries to police and DCS do not contact or provide information to parents/guardians.
 - b. Maintain confidentiality of all information regarding issue.
 - c. Treat the child with respect and support and do not be judgmental.
 - d. Make no promises to the victim- let them know you are reporting for their safety.
8. Also, to access training on mandatory reporting, please click [here](#).

Policy on Mandatory Reporting of Suspected Serious Crime Against a Person or Property

1. All academy personnel must report to local law enforcement any suspected crime against a person or property that:
 - a. is a “serious offense” or involves a “deadly weapon” or “dangerous instrument” or “serious physical injury;” and
 - b. any conduct that poses a threat of death or “serious physical injury” to an employee, student or other person on academy property.
2. All academy personnel must notify the parent/guardian of each student who is involved in a suspected crime or any conduct described above.
3. Definition of Serious Offense or Crime pursuant to A.R.S. §13-706: “Serious offense” which requires mandatory reporting under this policy means any of the following offenses if committed in this state or any offense committed outside this state that if committed in this state would constitute one of the following enumerated offenses, or that involves a deadly weapon or serious physical injury, and any conduct that poses a threat of death or serious physical injury to any employee, student or other person on the academy property:
 - a. First degree murder
 - b. Second degree murder
 - c. Manslaughter
 - d. Aggravated assault resulting in serious physical injury or involving the discharge, use or threatening exhibition of a deadly weapon or dangerous instrument
 - e. Sexual assault
 - f. Any dangerous crime against children
 - g. Arson of an occupied structure
 - h. Armed robbery
 - i. Burglary in the first degree
 - j. Kidnapping
 - k. Sexual conduct with a minor under fifteen years of age
 - l. Child sex trafficking
4. “Violent or aggravated felony” means any of the following offenses:
 - a. First degree murder
 - b. Second degree murder
 - c. Aggravated assault resulting in serious physical injury or involving the discharge, use or threatening exhibition of a deadly weapon or dangerous instrument
 - d. Dangerous or deadly assault by prisoner
 - e. Committing assault with intent to incite to riot or participate in riot
 - f. Drive by shooting
 - g. Discharging a firearm at a residential structure if the structure is occupied
 - h. Kidnapping
 - i. Sexual conduct with a minor that is a class 2 felony
 - j. Sexual assault
 - k. Molestation of a child
 - l. Continuous sexual abuse of a child
 - m. Violent sexual assault

- n. Burglary in the first degree committed in a residential structure if the structure is occupied
 - o. Arson of an occupied structure
 - p. Arson of an occupied jail or prison facility
 - q. Armed robbery
 - r. Participating in or assisting a criminal syndicate or leading or participating in a criminal street gang
 - s. Terrorism
 - t. Taking a child for the purpose of prostitution
 - u. Child sex trafficking
 - v. Commercial sexual exploitation of a minor
 - w. Sexual exploitation of a minor
 - x. Unlawful introduction of disease or parasite as prescribed by A.R.S. §13-2912, subsection A, paragraph 2 or 3.
5. Additional Duties of Supervisor or Administrator to file Report: Any person who is employed as the immediate or next higher-level supervisor to or administrator of any academy personnel is a MANDATORY REPORTER and has additional reporting responsibilities. Specifically,
- a. If in the course of the supervisor's or administrator's employment, the administrator or supervisor develops a reasonable belief that a minor is or has been:
 - i. the victim of physical injury, abuse, child abuse, a reportable offense or neglect that appears to have been inflicted on the minor by other than accidental means or that is not explained by the available medical history as being accidental in nature; or
 - ii. who reasonably believes there has been a denial or deprivation of necessary medical treatment or surgical care or nourishment with the intent to cause or allow the death of an infant who is protected under A.R.S. §36-2281;
 - b. The administrator or supervisor must immediately report or cause reports to be made of this information to;
 - i. a peace officer;
 - ii. to the Department of Child Safety;
 - iii. or to a tribal law enforcement or social services agency for any Indian minor who resides on an Indian reservation; except if the report concerns a person who does not have care, custody or control of the minor, the report shall be made to a peace officer only.
 - c. If the supervisor or administrator reasonably believes that the report has been made by a person who is required to report, the supervisor or administrator is not required to independently report.
6. All GH Academies personnel must comply with reporting requirements as described in this policy.
7. All GH Academies shall maintain a record regarding any employee who is disciplined under this policy, and on request, make that record available to any public school that is considering hiring the individual who was disciplined for non-compliance with the policy.

8. Conduct that is considered to be bullying, harassment or intimidation shall be addressed according to Great Hearts Anti Bullying, Anti-Hazing, Anti-Harassment, and Anti-Discrimination Policies.

Policy on Teacher Performance Evaluation Systems & Headmaster and Assistant Headmaster Evaluation

1. Each GH Academy's Governing Board shall establish a system to evaluate the performance of teachers in the charter school that results in at least one evaluation of each teacher by a qualified evaluator each school year.
 - a. The teacher performance evaluation system must meet all of the following criteria:
 - i. Are designed to improve teacher performance and student achievement.
 - ii. Include the use of quantitative data on the academic progress for all students, which shall account for between twenty percent and thirty-three percent of the evaluation outcomes.
 - iii. Include four performance classifications, designated as highly effective, effective, developing and ineffective.
 - iv. Pursuant to ADE rules, the teacher performance policy shall also allow for certification for substitute teachers who can demonstrate primary teaching responsibility in a classroom as defined by the state board of education to use the time spent in that classroom toward the required capstone experience for standard teaching certification.
2. Each GH Academy's Governing Board shall establish a system to evaluate the performance of **each charter school's instructional leaders** whose primary responsibility is to oversee the academic performance of the charter school. This does not apply to an officer, director, member or partner of the charter holder.
 - a. The policies for evaluation of Headmasters and Assistant Headmasters shall be adopted by the Governing Board in a public meeting.
 - b. Before adopting Headmaster and Assistant Headmaster evaluation policies, the Governing Board will provide opportunities for public discussion on the proposed policies.
 - c. The evaluation process for Headmaster and Assistant Headmasters shall require at least one evaluation of each instructional leader by a qualified evaluator each school year.
 - d. The policies and evaluation must meet the following criteria:
 - i. Are designed to improve principal performance and student achievement.
 - ii. Include the use of quantitative data on the academic progress for all students, which shall account for between twenty percent and thirty-three percent of the evaluation outcomes.
 - iii. Include four performance classifications, designated as highly effective, effective, developing and ineffective.
 - iv. 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.

Policy on Suicide Prevention Training

In compliance with A.R.S. §15-119, the Arizona health care cost containment system administration suicide prevention training, and the list of state approved training materials, all GH Academies shall provide training in suicide awareness and prevention for school guidance counselors, teachers, principals and other academy personnel who work with pupils in grades six through twelve.

1. Each person who is required to obtain training pursuant to this policy shall complete that training at least once every three years.
2. The training must include:
 - a. Training in suicide prevention.
 - b. Training to identify the warning signs of suicidal behavior in adolescents and teens.
 - c. Appropriate intervention and referral techniques.
3. The training:
 - a. Must use evidence-based training materials.
 - b. May be provided within the framework of existing in-service training programs offered by the school district or charter school or as part of professional development activities.
4. School personnel, entities or any other persons are not civilly liable for any actions taken in good faith pursuant these requirements except in cases of gross negligence, willful misconduct or intentional wrongdoing.
5. The auditor general shall classify any costs incurred by school districts in implementing this section as classroom spending for the purposes of the annual report prepared pursuant to A.R.S. §41-1279.03, subsection A, paragraph 9.

Policy for Whistleblowers

Great Hearts requires all its directors, officers, and employees to observe high standards of business and personal ethics in the conduct of their duties and responsibilities. As employees and representatives of Great Hearts, we must practice honesty and integrity in fulfilling our responsibilities and comply with all applicable laws and regulations.

Reporting Responsibility

This Whistleblower Policy is intended to encourage and enable employees and others to raise serious concerns internally so that Great Hearts can address and correct inappropriate conduct and actions. It is the responsibility of all board members, officers, employees and volunteers to report concerns about violations of Great Hearts' code of ethics or suspected violations of law or regulations that govern Great Hearts' operations.

No Retaliation

It is contrary to the values of Great Hearts for anyone to retaliate against any board member, officer, employee, or volunteer who in good faith reports an ethics violation, or a suspected violation of law, such as a complaint of discrimination, or suspected fraud, or suspected violation of any regulation governing the operations of Great Hearts. An employee who retaliates against someone who has reported a violation in good faith is subject to discipline up to and including termination of employment.

Reporting Procedure

Great Hearts has an open-door policy and suggests that employees share their questions, concerns, suggestions or complaints with their supervisor. If you are not comfortable speaking with your

supervisor or you are not satisfied with your supervisor's response, you are encouraged to speak with Robert Wagner, Chief Administrative Officer of Great Hearts Arizona. Supervisors and managers are required to report complaints or concerns about suspected ethical and legal violations in writing to Robert Wagner, who has the responsibility to investigate all reported complaints. Employees with concerns or complaints may also submit their concerns in writing directly to their supervisor or Robert Wagner. Robert Wagner is responsible for ensuring that all complaints about unethical or illegal conduct are investigated and resolved. Robert Wagner will advise the CEO of Great Hearts America and/or the Board of Directors of Great Hearts Arizona of all complaints and their resolution and will report at least annually to the Governing Board of each Academy on compliance activity relating to accounting or alleged financial improprieties.

Accounting and Auditing Matters

Robert Wagner shall immediately notify the Finance Committee of any concerns or complaint regarding corporate accounting practices, internal controls, or auditing and work with the committee until the matter is resolved.

APPENDIX 1: LINKS TO CURRENT POLICIES AND FORMS

- [Enrollment Policies and Procedures](#)
- [Health Office, Policies and Forms](#)
- [McKinney-Vento/Homeless Education](#)

APPENDIX 2: TITLE IX POLICY AND FORM



TITLE IX

SEXUAL DISCRIMINATION POLICY AND SEXUAL HARASSMENT GRIEVANCE PROCEDURES

Revised June 2024: Effective August 1, 2024

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

Title IX Coordinator

The Academy's designated and authorized Title IX Coordinator can be reached as follows:

Melissa Penniman, Title IX Coordinator
Great Hearts Academies
4801 East Washington Street, Suite 250
Phoenix, AZ 85034
(480) 297-7676
mpenniman@greatheartsaz.org

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

Notification

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

In addition, the Academy will notify students, parents or guardians of students, employees, applicants for admission and employment, and employee professional organizations that have an agreement with the Academy of this Policy and the grievance procedures included in this

Policy, including how to report sexual harassment and how the Academy will respond to such reports. The required notification may be accomplished in any way that the Academy deems appropriate and effective.

Definitions

Sex-Based Harassment:

Sex-based harassment prohibited by this part is a form of sex discrimination and means sexual harassment and other harassment on the basis of sex, including on the bases described in section 106.10, that is:

- 1) Quid-pro-quo harassment. An employee, agent or other person authorized by the recipient to provide an aid, benefit, or service under the recipient's education program or activity explicitly or impliedly conditioning the provision of such an aid, benefit, or service on a person's participation in unwelcome sexual conduct;
- 2) Hostile environment harassment. Unwelcome sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person's ability to participate in or benefit from the recipient's education program or activity (i.e. that creates a hostile environment);
- 3) Conduct that constitutes sexual assault, dating violence, domestic violence or stalking under the Clery Act, 20 U.S.C. § 1092(F)(6)(A)(v), or the Violence Against Women Act of 1994, 34 U.S.C. § 12291(a)(10).

Hostile Environment:

Hostile Environment is a fact-specific inquiry that includes consideration of the following:

- 1) The degree to which the conduct affected the complainant's ability to access the recipient's education program or activity;
- 2) The type, frequency, and duration of the conduct;
- 3) The parties' ages, roles within the recipient's education program or activity, previous interactions, and other factors about each party that may be relevant to evaluating the effects of the conduct;
- 4) The location of the conduct and context in which the conduct occurred; and
- 5) Other sex-based harassment in the recipient's education program or activity.

Educational Programs or Activities:

Title IX prohibits sex discrimination in education programs and activities that receive Federal financial assistance. Title IX obligates all recipients to comply with Title IX and the Department's Title IX regulations, with some limited exceptions set out in the statute and regulations. When "Title IX" is referenced in this Resource, the term refers to Title IX and the regulations.

Grievance Procedures for Complaints of Sexual Harassment

The Academy has adopted grievance procedures that provide for the prompt and equitable resolution of complaints made by students, employees, or other individuals who are participating or attempting to participate in its education program or activity, or by the Title IX Coordinator, alleging any action that would be prohibited by Title IX or the Title IX regulations. The following people have a right to make a complaint of sex discrimination, including complaints of sex-based harassment, requesting that the Academy investigate and make a determination about alleged discrimination under Title IX:

Complaints

A “complainant,” which includes:

- 1) a student or employee of the Academy who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX; or
- 2) a person other than a student or employee of the Academy who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX at a time when that individual was participating or attempting to participate in the Academy’s education program or activity;
- 3) A parent, guardian, or other authorized legal representative with the legal right to act on behalf of a complainant;
- 4) or the Academy Title IX Coordinator.

Note that a person is entitled to make a complaint of sex-based harassment only if they themselves are alleged to have been subjected to the sex-based harassment, if they have a legal right to act on behalf of such person, or if the Title IX Coordinator initiates a complaint consistent with the requirements of 34 C.F.R. § 106.44(f)(1)(v).

With respect to complaints of sex discrimination other than sex-based harassment, in addition to the people listed above, the following persons have a right to make a complaint:

- 1) Any student or employee the Academy; or
- 2) Any person other than a student or employee who was participating or attempting to participate in the Academy’s education program or activity at the time of the alleged sex discrimination.

The Academy may consolidate complaints of sex discrimination against more than one respondent, or by more than one complainant against one or more respondents, or by one party against another party, when the allegations of sex discrimination arise out of the same facts or circumstances. When more than one complainant or more than one respondent is involved, references below to a party, complainant, or respondent include the plural, as applicable.

Reports of Sexual Harassment

The Academy will also respond to alleged sex discrimination whenever any Great Hearts employee has explicit or implied knowledge of potential sex discrimination or allegations of sex discrimination. Employees must report such knowledge immediately to the Title IX Coordinator.

Initial Contact with Complainant

The Academy will treat complainants and respondents equitably. The Academy requires that any Title IX Coordinator, Investigator, or Decision Maker not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent. A Decision Maker may be the same person as the Title IX Coordinator or Investigator.

The Academy presumes that the respondent is not responsible for the alleged sex discrimination until a determination is made at the conclusion of its grievance procedures. The Academy will take reasonable steps to protect the privacy of the parties and witnesses during its grievance procedures.

The Academy will objectively evaluate all evidence that is relevant and not otherwise impermissible—including both inculpatory and exculpatory evidence. Credibility determinations will not be based on a person's status as a complainant, respondent, or witness. Upon initiation of The Academy's Title IX grievance procedures, The Academy will notify the parties.

Investigation

The Academy will provide for adequate, reliable, and impartial investigation of complaints.

Supportive Measures

The Title IX Coordinator shall offer supportive measures to both the Complainant and alleged Respondent, during the Academy's grievance procedures or during the appeal process. The supportive measures are non-disciplinary, non-punitive, individualized services and shall be designed to restore or preserve equal access to the Academy's educational program and activities, without unreasonably burdening the other party, and shall be offered without charge. Supportive measures may include counseling, class modifications or class schedule changes, and/or increased monitoring and supervision, as deemed appropriate by the Title IX Coordinator.

Emergency Removal/Administrative Leave

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

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

General Principles Governing Grievance Process for Responding to Complaints

Following the filing of a complaint, the Title IX Coordinator or an assigned Investigator who has had training in Title IX investigations will conduct an investigation of the allegations, unless they are summarily dismissed. The investigation will include an evaluation of all available evidence, and may include witness interviews, review of relevant documents, and consultation with other staff members as necessary. The Title IX Coordinator or Investigator must be free from any conflicts of interest or bias.

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

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

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

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

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

Written Notice of Complaint

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

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

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

Dismissal of Allegation:

The Title IX Coordinator may dismiss a complaint of sexual harassment. To make this fact-specific determination, the Title IX Coordinator must consider, at a minimum, the following factors:

- 1) Complainant's request not to proceed
- 2) Complainant's reasonable safety concerns regarding initiation of complaint
- 3) Risk that additional acts of sex discrimination would occur if complaint is not initiated
- 4) Severity of the alleged sex discrimination

- 5) Age and relationship of the parties, including whether the respondent is an employee
- 6) Scope of the alleged sex discrimination, including information suggesting a pattern, ongoing sex discrimination or sex discrimination alleged to have impacted multiple individuals
- 7) Availability of the evidence to assist a Decision Maker
- 8) Whether the recipient could end the alleged sex discrimination and prevent its recurrence without initiating the grievance procedures
- 9) If the respondent cannot be identified or the respondent is not participating in the Academy's education program or activity

Complainants will be notified of dismissal and complainants may appeal a dismissal if instances of procedural irregularities; new evidence; and the Title IX Coordinator, Investigator or Decision Maker had a conflict of interest/bias. If a complaint is summarily dismissed, the Academy may nevertheless take whatever additional disciplinary action it deems appropriate against the Respondent under its Student Code of Conduct or Employee Handbook and procedures related thereto.

Submission of Evidence to Title IX Coordinator or Investigator

The Academy will review all evidence gathered through the investigation and determine what evidence is impermissible regardless of relevance. Both the Complainant and the Respondent will have a reasonable opportunity to present witnesses and other evidence to the Title IX Coordinator or Investigator, provided, however, that such evidence must be submitted within 21 calendar days of the date on which written notice of the complaint is provided to the Complainant and Respondent. The Title IX Coordinator or Investigator will meet with each party and give them at least 24 hours' advance written notice of the date, time, location, and purpose of the meeting.

Before the Title IX Coordinator or Investigator prepares the final investigation report, the Complainant, the Respondent and their advisors (if any) will be provided with an equal opportunity to review all evidence that is directly related to the allegations in the formal complaint. If possible, the evidence will be provided to the parties in an electronic format and manner that does not permit copying or downloading of the evidence. The evidence provided must include any evidence that the Title IX Coordinator or Investigator does not intend to rely upon, and any exculpatory or inculpatory evidence from any source. Within 10 calendar days of the date on which they were provided with access to the evidence, the parties may prepare and submit to the Title IX Coordinator or Investigator a written response to the evidence, which the Title IX Coordinator or Investigator must consider before preparing a final, written investigation report. Following the expiration of the date on which the parties may provide responses to the evidence, the Title IX Coordinator or Investigator will promptly prepare and issue a written

investigation report that fairly summarizes the relevant evidence discovered during the investigation.

Determination of Whether Sex Discrimination Occurred

The Academy will not hold a live hearing in connection with determining responsibility for any violations of this Policy. The Academy will provide a process that enables the Decision Maker to question parties and witnesses to adequately assess a party's or witness's credibility to the extent credibility is both in dispute and relevant to evaluating one or more allegations of sex discrimination. The written investigation report and any responses submitted by the Complainant and/or Respondent will be provided to the Decision Maker, who will make the determination regarding responsibility. This individual must be someone different than the Title IX Coordinator or Investigator. The Decision Maker will provide each party with an opportunity to submit written, relevant questions for any party or witness within 5 calendar days of the date on which the Decision Maker is provided with a copy of the final written investigation report and any responses to the report. If written questions are submitted to the Decision Maker, the Decision Maker will promptly provide the questions to the appropriate party so that the party can provide answers to the questions. Answers to the questions must be provided to the Decision Maker within 5 calendar days of the date on which they are provided to a party. The Decision Maker will promptly provide each party with the answers to the questions and allow for additional, limited follow-up questions in writing from both the Complainant and Respondent within 3 calendar days. If written follow-up questions are submitted to the Decision Maker, the Decision Maker will promptly provide the questions to the appropriate party so that the party can provide answers to the questions. Any answers to those additional questions must be submitted to the Decision Maker within 3 calendar days of the date on which they are provided to a party. The Decision Maker will promptly provide the responses to the additional questions to both parties. Any questions regarding a Complainant's prior sexual behavior or sexual predisposition will be deemed irrelevant unless they are offered to provide that someone other than the Respondent committed the alleged misconduct or are offered to prove consent.

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

- A statement of the allegations;
- A description of the procedures used to investigate the allegations;
- The findings of fact;
- A determination of responsibility for each allegation;
- Any sanctions that will be imposed on the Respondent for violations;

- Whether remedies to restore or preserve the Complainant's and/or others' equal access to the Academy's educational program or activities will be provided; and
- A description of the right to an appeal, how to request and appeal, and the permitted bases for an appeal.

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

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

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

Timing of Resolution of - Complaints

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

Appeal of Determination

Either the Complainant or the Respondent may appeal from: (a) the Determination regarding a complaint, (b) the Academy's handling of a report, or (c) the dismissal of a complaint, by submitting a notice of appeal that includes the bases of the appeal to the Decision Maker within 10 calendar days of the date of the Determination. Written notice of the appeal will be provided to both parties by the Academy. Either party may file a written response in support of or challenging the Determination and the bases for the appeal within 5 calendar days of the date on which written notice of the appeal was provided to all parties.

An appeal may be filed on the following bases only:

- A procedural irregularity affected the outcome of the matter,

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

The appeal will be decided by the Executive Director on written submissions from the parties only. No hearing will be held for an appeal.

The Executive Director will simultaneously provide the parties with a written decision regarding the appeal, which will describe the result of the appeal and the rationale for the decision.

Informal Resolution

Allegations may be resolved informally only if a complaint is filed and only if the complaint does not allege that an Academy employee engaged in sex-based harassment of an elementary school or secondary school student, or when such process would conflict with Federal, State or local law. Both parties to a formal complaint must voluntarily agree in writing to participate in a potential informal resolution. As part of the informal resolution process, the Title IX Coordinator or Investigator may engage in interviews and other fact finding. Available methods of informal resolution include arbitration, mediation, and restorative justice procedures. Either party may withdraw from an informal resolution at any time before agreeing to a resolution and resume the grievance process. Once an informal resolution is agreed to by the parties, it becomes binding. The Title IX Coordinator or the Investigator has the discretion to decline informal resolution for some complaints, including complaints of sexual violence, and instead require their formal investigation.

Disciplinary Sanctions and Remedies

Following a determination that sex-based harassment occurred, the Academy may impose disciplinary sanctions, which may include but are not limited to in school/out of school suspension up to and including expulsion. The Academy may also provide remedies, which may include but are not limited to: stay away orders; modified class schedules; re-assigned desk or locker; escorts for victims when moving through classes and activities; counseling/medical services; academic support; allowing victims to re-take courses or withdraw from courses as needed.

Retaliation

Title IX prohibits retaliation for reporting or participating in an investigation of a report regarding sex discrimination or harassment. No person shall be retaliated against by the

Academy in any way or subjected to discharge, suspension, discipline, harassment, or any form of discrimination for having participated in any proceeding under this Policy. In addition, it shall be a violation of this Policy for any person to retaliate against another individual for the purposes of interfering with that individual's Title IX rights or because an individual has participated or refused to participate in proceedings under this Policy. Individuals may be subject to actions under this Policy and/or under the Student Code of Conduct or the employee handbook for retaliation in violation of this Policy.

Recordkeeping

The Academy will maintain all documents related to allegations of sexual harassment for at least seven years. The records maintained by the Academy will document that the Academy's response to allegations of sexual harassment was not deliberately indifferent and that measures were taken to restore or preserve equal access to the Academy's educational program or activity. If the Academy did not offer supportive measures in response to a report made under this Policy, the Academy's records will document why that response was not clearly unreasonable under the circumstances known at the time.

Training

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

APPENDIX 3: FOSTER CARE TRANSPORTATION DOCUMENTATIONS

Exhibit 1

Foster Care Transportation Form for Authorization of Cost (used with permission as developed by ABA Center on Children and the Law, Juvenile Law Center, Education Law Center.)

Great Hearts (Name of Academy)

Transportation Plan to Ensure School Stability for Students in Foster Care

Local Educational Agency (LEA)- Name of Academy [\[Click here to enter text.\]](#)

- LEA Foster Care Point of Contact (Name and Contact Info): [\[Click here to enter text.\]](#)
- Transportation Office contact (Name and Contact Info): [\[Click here to enter text.\]](#)
- Other (Name and Contact Info): [\[Click here to enter text.\]](#)

Duration of Transportation

If transportation to school of origin is required to maintain school stability for students in foster care, [\[Enter LEA name here.\]](#), in collaboration with the local child welfare agency (CWA), will ensure that said transportation will be provided for the duration of the child(ren)'s time in foster care.

How Transportation Will Be Provided, Arranged, and Funded

1. Interim transportation should be addressed to ensure no delays for the student in foster care while transportation is being worked out between the parties. Describe how this LEA will promptly provide, arrange, and fund interim transportation for children in foster care as they collaborate with the CWA to institute a child's long term transportation plan (*be sure to include the duration of transportation, method of transportation, etc.*): [\[Click here to enter text.\]](#)
2. Describe how this LEA will examine existing transportation options available for students in foster care (*i.e., transportation covered by other LEA programs, state contracts, etc.*): [\[Click here to enter text.\]](#)
3. Describe how this LEA will ensure that children in foster care will promptly receive transportation to their school of origin in a cost effective manner & in accordance with section 475(4)(A) of the Social Security Act (42 U.S.C. 675 (4)(A)) (*be sure to include no or low cost options to pursue, which occurrences this LEA will agree to pay for the cost of transportation, which occurrences this LEA will pursue reimbursement from the local CWA for the cost of transportation, which occurrences this LEA will seek a cost sharing agreement with the local CWA for the cost of transportation, methods of transportation to be used and when such methods would be used, procedures to ensure student safety, etc.*): [\[Click here to enter text.\]](#)

These transportation procedures were instituted on the following date: [\[Click here to enter text.\]](#)

Authorized Signature (Headmaster or designee) [\[Enter LEA name here.\]](#)

Exhibit 2

Foster Care Transportation Procedures (ADE)

Procedure for Team Determination of Foster Care Transportation Arrangements and Funding

Once a child in foster care is identified, the Local Educational Agency's (LEA- Academy) Foster Care Point of Contact (POC) shall be notified. The LEA Foster Care POC will execute the procedure for ensuring children in foster care that need transportation to their school of origin will promptly receive transportation in a cost-effective manner and in accordance with section 475(4)(A) of the Social Security Act (42 U.S.C. 675(4)(A)) & how that transportation will be provided, arranged, and funded. Transportation to the school of origin for children in foster care is a shared responsibility between the child welfare agency & the school of origin. This collaboration requires great partnership, creative problem-solving skills, and a student-focused mindset so children in foster care would be affirmingly supported by all foster care education stakeholders.

Local Educational Agency (name of the academy) [[Click here to enter text.](#)]

- School (Academy Name and Contact Info): [[Click here to enter text.](#)]
- LEA Foster Care POC (Name and Contact Info): [[Click here to enter text.](#)]
- Transportation Office contact (Name and Contact Info): [[Click here to enter text.](#)]

- Student(s) (Name and DOB): [[Click here to enter text.](#)] Grade: [[Click here to enter text.](#)]
- Placement/Caregiver (Name and Contact Info): [[Click here to enter text.](#)]

- Child Welfare Agency (CWA) POC (Name and Contact Info): [[Click here to enter text.](#)]
- CWA Specialist (Name and Contact Info): [[Click here to enter text.](#)]
- CWA Specialist's Supervisor (Name and Contact Info): [[Click here to enter text.](#)]

Foster Caregiver Address: [[Click here to enter text.](#)]

School Address: [[Click here to enter text.](#)]

Procedure

Is the child in foster care placed in this LEA's district boundaries (if applicable)?

YES ☐ **NO** ☐

- If yes, this LEA shall transport this child in the same manner as the rest of their students. If this LEA does not have boundaries or does not transport their students continue with this procedure.
- If no, continue with this procedure.

Is the child in foster care receiving transportation through another LEA program (i.e., the child's IEP has transportation as a related service, in which, that transportation is funded through the IDEA Act,

the child was deemed McKinney-Vento eligible (aka 'homeless') before entering foster care and was transported through that program, etc.)?

YES ☐ **NO** ☐

- If yes, this LEA shall transport this child through the stated program. State the details of the transportation option to be employed and how this transportation option will be provided, arranged, and funded: [[Click here to enter text.](#)]
- If no, continue with this procedure.

Is the child in foster care placed in congregate care (i.e., a foster group home)?

YES ☐ **NO** ☐

- If yes, request the child welfare agency to provide the current transportation requirements for congregate care providers. Collaborate with the child welfare agency to ensure that if the congregate care provider is bound by contract to provide transportation to school, that transportation option is prioritized given the requirement to provide transportation in the most cost-effective & prompt manner. Enter the name and contact information (or vendor service name and contact information) of the person transporting the child in foster care and the details of the transportation: [[Click here to enter text.](#)]
- If no, continue with this procedure.

Is the child in foster care's caregiver or other responsible adult willing to transport the child to their school (one or both ways) or a stop on the LEA's existing bus route (or to a mutually agreed upon location)? **YES** ☐ **NO** ☐

- If yes, enter the name and contact information of the person transporting the child in foster care and the details of the transportation: [[Click here to enter text.](#)]
- If no, continue with this procedure.

Can an LEA's existing bus route be modified in such a manner that it would produce a negligible burden on this LEA? **YES** ☐ **NO** ☐

- If yes, this LEA shall transport the child in foster care in this manner. State the details of this transportation option: [[Click here to enter text.](#)]
- If no, continue with this procedure.

Is the child in foster care of an appropriate age and can they deploy or acquire the aptitude to take advantage of public transportation options? **YES** ☐ **NO** ☐

- If yes, state which entity (the LEA, CWA, both, or other) will fund this transportation, the details of this transportation option (i.e., bus numbers and route, expected time of travel, etc.) and the safety protocols in place for the child in foster care: [[Click here to enter text.](#)]
- If no, continue with this procedure.

Can this child in foster care be transported by this LEA in any other low or no-cost method that is not stated above? **YES** ☐ **NO** ☐

- If yes, state the details of the transportation option to be employed and how this transportation option will be provided, arranged, and funded: [[Click here to enter text.](#)]
- If no, continue with this procedure.

For educational stability for children in foster care, will this LEA solely provide, arrange, and fund transportation for this child in foster care? YES ☐ NO ☐

- If yes, state the details of the transportation option to be employed and how this transportation option will be provided, arranged, and funded: [[Click here to enter text.](#)]
- If no, continue with this procedure.

For educational stability for children in foster care, will this LEA provide, arrange, and fund transportation for this child in foster care, if the CWA (Child Welfare Agency) reimburses this LEA? YES ☐ NO ☐

- If yes, state the details of the transportation option to be employed and how this transportation option will be provided, arranged, and funded: [[Click here to enter text.](#)]
- If no, continue with this procedure.

For educational stability for children in foster care, will the CWA solely provide, arrange, and fund transportation for this child in foster care? YES ☐ NO ☐

- If yes, state the details of the transportation option to be employed and how this transportation option will be provided, arranged, and funded: [[Click here to enter text.](#)]
- If no, continue with this procedure.

Can this child in foster care be transported by the CWA in any other low or no-cost method that is not stated above? YES ☐ NO ☐

- If yes, state the details of the transportation option to be employed and how this transportation option will be provided, arranged, and funded: [[Click here to enter text.](#)]
- If no, continue with this procedure.

For educational stability for children in foster care, will this LEA and the CWA enter into a cost sharing agreement to provide, arrange, and fund transportation for this child in foster care? YES ☐ NO ☐

- If yes, state the details of the transportation option to be employed and how this transportation option will be provided, arranged, and funded: [[Click here to enter text.](#)]
- If no, state which dispute resolution process this LEA and CWA will employ and how transportation for this child in foster care will be provided, arranged, and funded during the time the dispute is being resolved (*ADE has provided a sample dispute resolution process [here](#) that either party can instigate*): [[Click here to enter text.](#)]
 - Once the dispute has been resolved, state the details of the transportation option to be employed and how this transportation option will be provided, arranged, and funded: [[Click here to enter text.](#)]

Exhibit 3

Written Notice Template

DATE:

To: EDUCATIONAL DECISION-MAKER NAME

Delivered via: (preferably a reliable email address to ensure delivery)

SCHOOL NAME has determined that the appropriate school placement for STUDENT NAME is SCHOOL NAME. We understand this is neither the school of origin nor the school requested by the student's educational decision-maker. Therefore, we are providing this explanation of our decision and information about how the educational decision-maker may appeal the decision.

We have determined that it is in the student's best interest to attend SCHOOL NAME because:

The educational decision-maker may appeal this decision by completing the attached Dispute Form, signing it, dating it, and submitting it by DATE (insert date ten school days from date of this letter).

If the educational decision-maker chooses to initiate a dispute, the student shall remain in the school of origin, receiving all appropriate educational services including transportation, until the dispute reaches its final resolution. Once the Dispute Form is received, the superintendent or designee will arrange for a personal conference with the educational decision-maker, the student (if appropriate), and at least one representative from the local child welfare agency within ten (10) business days, and the conference will take place as expeditiously as possible.

Within five (5) business days of the personal conference, the superintendent or designee will inform the educational decision-maker of the decision in writing. The educational decision-maker will be able to appeal to the ADE if the local resolution is not satisfactory.

If you have questions about this decision or how to appeal it, please contact:

School Name FOSTER CARE POC, NAME, EMAIL, PHONE NUMBER

ADE FOSTER CARE POC, NAME, EMAIL, PHONE NUMBER

Exhibit 4

Educational Decision-Maker Dispute Form Template

To appeal the school's decision, please complete this form and submit it by the date indicated on the Written Notice you received from the school. You may submit this form by any of the following methods:

- Scan and email it to EMAIL ADDRESS with the subject "Foster Child Appeal";
- Return the paper form to the school; or
- Submit the paper form directly to the office of the superintendent at ADDRESS.

Student Name: _____

School in which enrollment is sought: _____

I am the educational decision-maker for this student, and I believe the school in which we are seeking enrollment is in the student's best interest because:

I believe the student has a right to attend this school because:

If you would like to provide additional information, please attach it to this form.

The student shall remain in the school of origin, receiving all appropriate educational services including transportation, until the dispute reaches its final resolution.

Once this Dispute Form is received, the superintendent or designee will arrange for a personal conference with the educational decision-maker, the student (if appropriate), and at least one representative from the local child welfare agency within ten (10) business days, and the conference will take place as expeditiously as possible.

Within five (5) business days of the personal conference, the superintendent or designee will inform the educational decision-maker of the decision in writing.

The educational decision-maker will be able to appeal to the State if the local resolution is not satisfactory.

Educational decision-maker name: _____

Email: _____ Phone: _____

Exhibit 5

ADE Foster Care Dispute Resolution Procedure and Form

[Dispute Resolution Procedure and Form](#)

References

ARS 15-816.01-15-816.07

[ESSA Foster Care Statute](#)

[Fostering Connections Act of 2008](#)

[FosterED- ESSA Provisions Summary](#)

[Arizona Department of Child Safety](#)

<https://www.azed.gov/fostercare>

APPENDIX 4: SPECIAL EDUCATION POLICIES AND PROCEDURES

Great Hearts Academies
Special Education Policies and Procedures

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Child Find Policy & Procedures

POLICY

Great Hearts Academies will ensure that all children with disabilities within the boundaries of the public education agency, including children with disabilities who are homeless or wards of the State, and children with disabilities attending private schools or home schools, regardless of the severity of their disability, and who are in need of special education and related services are identified, located, and evaluated.

PROCEDURES

Individuals with Disabilities Education Act (IDEA '04) 34 CFR §300.111 Child Find

Unified School Districts, Elementary School Districts, and Union High School Districts will identify, locate, and evaluate all children with disabilities within **their geographic boundaries** who are in need of special education and related services.

This must include:

Children who are homeless;
Children who are highly mobile, including migrant children;
Children who are wards of the state; and,
Children who are attending private schools or home schools.

Charter Schools will identify, locate, and evaluate all children with disabilities within the population they serve who are in need of special education and related services.

Child find must also include children who are suspected of being children with a disability and are in need of special education, even though:

They are advancing from grade to grade or
They are highly mobile children, including those who are migrant children.

Great Hearts Academies will maintain a record of children who are receiving special education and related services.

AAC R7-2-401.C Public Awareness

- 1) Great Hearts Academies shall inform the general public and all parents within the its boundaries of responsibility of the availability of special education services for students aged 3 through 21 years and how to access those services. This includes information regarding early intervention services for children aged birth through 2 years.
- 2) School districts are responsible for public awareness in private schools located within their boundaries of responsibility.

AAC R7-2-401.D Child Identification and Referral

- 1) Great Hearts Academies shall establish, implement, and make available (either in writing or electronically) to its school-based personnel and all parents within its boundaries of responsibility, written procedures for the identification and referral of all children with disabilities aged birth through 21, including children with disabilities attending private schools and home schools, regardless of the severity of their disability.
- 2) Great Hearts Academies shall require appropriate school-based personnel to review the written procedures related to child identification and referral on an annual basis. Great Hearts Academies shall maintain documentation of school-based personnel review.

- 3) Procedures for child identification and referral shall meet the requirements of the IDEA and its regulations, A.R.S. Title 15, Chapter 7, and the State Board of Education rules R7-2-401.
- 4) The public education agency is responsible for child identification activities in the school district in which the parents reside unless:
 - a) The student is enrolled in a charter school or another public education agency that is not a school district. In that event, the charter school or other public education agency is responsible for child identification activities;
 - b) The student is enrolled in a nonprofit private school. In that event, the school district within whose boundaries the private school is located is responsible for child identification activities.
- 5) Identification (screening for possible disabilities) shall be completed within 45 calendar days after:
 - a) Entry of each preschool or kindergarten student and any student enrolling without appropriate records of screening, evaluation, and progress in school; or
 - b) Notification to Great Hearts Academies by parents of concerns regarding developmental or educational progress by their child (aged 3 years through 21 years).
- 6) Screening procedures shall include vision and hearing status and consideration of the following areas: cognitive or academic; communication; motor; social or behavioral; and adaptive development. Screening does not include detailed individualized comprehensive evaluation procedures.
- 7) For a student transferring in to the school, Great Hearts Academies shall review enrollment data and educational performance in the prior school. If there is a history of special education for a student not currently eligible for special education, or of poor progress, the name of the student shall be submitted to the administrator for consideration of the need for a referral for a full and individual evaluation or other services.
- 8) If a concern about a student is identified through screening procedures or through a review of records, Great Hearts Academies shall notify the parents of the student of the concern within 10 school days and inform them of Great Hearts Academies's procedures to follow up on the student's needs.
- 9) Great Hearts Academies shall maintain documentation of the identification procedures used, the dates of entry into school or the notification by parents made pursuant to subsection (D)(5), and the dates of screening. The results shall be maintained in the student's permanent records in a location designated by the administrator. In the case of a student not enrolled, the results shall be maintained in a location designated by the administrator.
- 10) If the identification process indicates a possible disability, the name of the student shall be submitted to the administrator for consideration of the need for a referral for a full and individual evaluation or other services. A parent or a student who has reached the age of majority may request an evaluation of the student. For parentally placed private school students, the school district within whose boundaries the nonprofit private school is located is responsible for such evaluation.
- 11) If, after consultation with the parent, Great Hearts Academies determines that a full and individual evaluation is not warranted, Great Hearts Academies shall provide prior written notice and procedural safeguards notice to the parent in a timely manner.

Evaluation Policy & Procedures

POLICY

A full and individual initial evaluation will be conducted by Great Hearts Academies before the initial provision of special education and related services to a child with a disability in accordance with 34 CFR §§300.300–300.311 of the IDEA regulations. A reevaluation of each child with a disability will be conducted by Great Hearts Academies in accordance with §§300.300–300.311 of the IDEA regulations.

PROCEDURES

§300.300 Parental Consent

- 1) When Great Hearts Academies is proposing to conduct an initial evaluation to determine if a child qualifies as a child with a disability, and after reviewing existing data with the parents and providing prior written notice, will obtain informed consent from the parent of the child before collecting any additional data.
 - a) Parental consent for initial evaluation must not be construed as consent for initial provision of special education and related services.
 - b) Great Hearts Academies must make reasonable efforts to obtain the informed consent from the parent for an initial evaluation.
- 2) For initial evaluations only, if the child is a ward of the state and is not residing with the child's parent, Great Hearts Academies is not required to obtain consent from the parent if:
 - a) Despite reasonable efforts to do so, Great Hearts Academies cannot discover the whereabouts of the parents of the child;
 - b) The rights of the parents of the child have been terminated by the court;
 - c) The rights of the parent to make educational decisions have been subrogated by a judge and consent for an initial evaluation has been given by an individual appointed by the judge to represent the child.
- 3) Great Hearts Academies may, but is not required to, seek informed consent through due process procedures if the parent of a child who is enrolled or seeking to enroll in Great Hearts Academies refuses consent for an initial evaluation.
- 4) Great Hearts Academies must obtain informed consent from the parent of the child before the initial provision of special education and related services to the child and must make reasonable efforts to obtain that consent.
- 5) If a parent refuses consent for the initial provision of special education and related services, Great Hearts Academies may not seek consent through due process hearing procedures. Great Hearts Academies:
 - a) Will not be considered in violation for not providing FAPE;
 - b) Is not required to convene an IEP team meeting or develop an IEP for the child.
- 6) Great Hearts Academies must obtain informed consent prior to conducting any reevaluation of a child with a disability.
 - a) If the parent refuses consent, Great Hearts Academies may use due process hearing procedures to seek consent, but does not violate its obligation if it declines to pursue the evaluation or the reevaluation.
 - b) The informed parental consent for reevaluation need not be obtained if Great Hearts Academies can demonstrate that:
 - i) it made reasonable efforts to obtain such consent and has documented those attempts;
 - ii) the child's parent has failed to respond.
- 7) Parental consent is not required before:
 - a) Reviewing existing data as part of an evaluation or reevaluation; or

- b) Administering a test or other evaluation that is administered to all children unless consent is required of parents of all children prior to administration.
- 8) Great Hearts Academies may not use a parent's refusal to consent to one service or activity under this section to deny the parent or child any other service, benefit, or activity of the Great Hearts Academies, except as required by this part.
- 9) If a parent of a child who is home schooled or placed in a private school by the parents at their own expense does not provide consent for the initial evaluation or the reevaluation, or the parent fails to respond to a request to provide consent, Great Hearts Academies may not utilize due process hearing procedures to seek consent.

§300.301 Initial Evaluations

- 1) Consistent with consent requirements of §300.300, either a parent of a child or Great Hearts Academies may initiate a request for an initial evaluation to determine if a child is a child with a disability.
- 2) The initial evaluation must:
 - a) Be completed within 60 days of receiving parental consent for the evaluation, unless:
 - i) The parents and Great Hearts Academies agree that it is in the best interest of the child to extend the timeline to complete the evaluation for an additional 30 days;
 - ii) The child enrolls in Great Hearts Academies from another public education agency after the parent has provided consent and before the determination of eligibility by the other agency (In that event, the other agency will ensure prompt completion of the evaluation); or
 - iii) The parent of a child with a disability repeatedly fails or refuses to produce the child for the evaluation.
 - b) Consist of procedures to determine if the child is a child with a disability and to determine the educational needs of the child.

§300.303 Reevaluations

- 1) Great Hearts Academies will conduct a reevaluation of a child with a disability if:
 - a) The agency determines that the educational or related service needs, including improved academic achievement and functional performance, of the child warrant a reevaluation, or
 - b) If the child's parents or teacher requests a reevaluation, except that
 - c) Great Hearts Academies will not conduct a reevaluation more than once a year unless the parent and agency agree otherwise.
- 2) Great Hearts Academies will conduct a reevaluation at least once every 3 years, unless the parent and the agency agree that a reevaluation is unnecessary.

§300.304 Evaluation Procedures

- 1) Great Hearts Academies will provide prior written notice to the parents of a child who has or who is suspected of having a disability that describes the evaluation procedures that the agency proposes to conduct.
- 2) In conducting an evaluation or reevaluation, Great Hearts Academies will:
 - a) Use a variety of assessment tools and strategies to gather relevant functional, developmental, and academic information about the child, including information provided by the parent in order to determine:
 - i) Whether the child is a child with a disability; and

- ii) If the child is a child with a disability, information related to enabling the child to be involved in and progress in the general education curriculum (or for a preschool child, to participate in appropriate activities).
 - b) Not use any single measure or assessment as the sole criterion for determining whether a child is a child with a disability and for determining an appropriate educational program for the child; and
 - c) Use technically sound instruments that may assess the relative contribution of cognitive and behavioral factors, in addition to physical or developmental factors.
- 3) Great Hearts Academies will ensure that evaluation materials and strategies:
- a) Are selected and administered so as not to be discriminatory on a racial or cultural basis;
 - b) Are administered in the child's native language or other mode of communication and in the form most likely to yield accurate information on what the child knows and can do academically, developmentally, and functionally, unless it is clearly not feasible to do so;
 - c) Are used for the purposes for which the assessment(s) or measure(s) are valid and reliable;
 - d) Are administered by trained and knowledgeable personnel;
 - e) Are administered in accordance with the instructions provided by the assessment publisher;
 - f) Are selected and administered so as to ensure that if administered to a child with impaired sensory, manual, or speaking skills, the assessment results accurately reflect the child's aptitude or achievement level or whatever other factors the test purports to measure rather than reflecting the child's impairments (unless those skills are the factors being measured).
 - g) Assess the child in all areas related to the suspected disability, including, if appropriate, health, vision, hearing, social and emotional status, general intelligence, academic performance, adaptive behavior, communicative status, and motor abilities; and
 - h) Are sufficiently comprehensive to identify all of the child's special education and related service(s) needs, whether or not those needs are commonly associated with the child's disability.
 - i) Provide relevant information that directly assists in determining the educational needs of the child.
- 4) Evaluations of children who transfer to or from another public education agency in the same school year are coordinated with the prior and subsequent schools, in order to expedite the completion of a full evaluation.

§300.305 Additional Evaluation Requirements

- 1) As part of an initial evaluation (if appropriate), and as part of any reevaluation, the IEP team and other qualified professionals, as appropriate, will:
- a) Review existing evaluation data on the child including:
 - i) Evaluations and information provided by the parents;
 - ii) Current classroom-based, local, and statewide assessments, and classroom-based observations; and
 - iii) Observations by teachers and related services providers.
 - b) On the basis of that review and input from the child's parents, identify what additional data, if any, are needed to determine:
 - i) Whether the child is or continues to be a child with a disability and if so, the educational needs of the child;
 - ii) The present levels of academic achievement and related developmental needs of the child; and
 - iii) Whether the child needs special education and related services to enable the child to meet measurable annual IEP goals and to participate, as appropriate, in the general education curriculum.
 - c) The IEP team may conduct the review without a meeting.

- 2) If additional data are needed, Great Hearts Academies will administer the assessments required to obtain the additional data.
- 3) If additional data are not needed to determine whether the child continues to be a child with a disability and to determine the child's educational needs, Great Hearts Academies will notify the parents of:
 - a) The determination and the reasons for the determination; and
 - b) The right of the parents to request an assessment to determine whether the child continues to be a child with a disability and to determine the child's educational needs.
- 4) Great Hearts Academies will evaluate a child before determining that the child is no longer a child with a disability except when the termination is due to graduation with a regular high school diploma or the child's reaching age 22.
- 5) When the child's eligibility terminates because of graduation or reaching age 22, Great Hearts Academies will provide a summary of the child's academic achievement and functional performance that includes recommendations on how to assist the child in meeting the child's postsecondary goals.

§300.306 Determination of Eligibility

- 1) Upon completion of the evaluation process, Great Hearts Academies will ensure that:
 - a) A group of qualified professionals and the parent of the child determine:
 - i) If the child is a child with a disability under the Individuals with Disabilities Education Act and the Arizona State Statutes; and
 - ii) If so, the educational needs of the child.
 - b) The parents are provided, at no cost, a copy of the evaluation report and eligibility determination.
- 2) A child will not be determined to be a child with a disability if the primary factor for the determination is:
 - a) Lack of appropriate instruction in reading, including the essential components of reading instruction (as defined in section 1208(3) of the ESEA as such section was in effect on the day before the date of enactment of the Every Student Succeeds Act (December 9, 2015));
 - b) Lack of appropriate instruction in math; or
 - c) Limited English proficiency.
- 3) The eligibility determination, including education needs, will be based on all of the information sources used in the evaluation process, and if the child is deemed eligible and in need of special education and related services, an IEP will be developed in accordance with §§300.320 through 300.324.

§300.307 Additional Procedures for Identifying Children with Specific Learning Disabilities

Great Hearts Academies will establish a criteria for determining whether a child has a specific learning disability through the identification of a severe discrepancy between intellectual ability and achievement in conformity with IDEA Regulations §§300.307–300.311.

§300.308 Additional Group Members

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

§300.309 Determining the Existence of a Specific Learning Disability

- 1) A child may be determined to have a specific learning disability if:
 - a) The child does not achieve adequately for the child's age or to meet State-approved grade-level standards in one or more of the following areas, when provided with learning experiences and instruction appropriate for the child's age or meet State-approved grade-level standards:
 - i) Oral expression
 - ii) Listening comprehension
 - iii) Written expression
 - iv) Basic reading skill
 - v) Reading fluency skills
 - vi) Reading comprehension
 - vii) Mathematics calculation
 - viii) Mathematics problem solving
 - b) The child does not make sufficient progress to meet age or State-approved grade-level standards in one or more of the areas in (1)(a) when using a process based on the child's response to scientific, research-based intervention; or
 - c) The child exhibits a pattern of strengths and weaknesses in performance, achievement, or both, relative to age, State-approved grade-level standards, or intellectual development, that is determined by the group to be relevant to the identification of a specific learning disability, using appropriate assessments.
- 2) The findings of this section are not primarily the result of:
 - a) A visual, hearing, or motor disability;
 - b) Mental retardation;
 - c) Emotional disturbance;
 - d) Cultural factors;
 - e) Environmental or economic disadvantage; or
 - f) Limited English proficiency.
- 3) The group must ensure that the underachievement is not due to a lack of appropriate instruction in reading or math and must consider:
 - a) Data that demonstrate that prior to, or as part of, the referral process, the child was provided appropriate instruction in regular education settings, delivered by qualified personnel; and
 - b) Data-based documentation of repeated assessments of achievement at reasonable intervals, reflecting formal assessment of student progress during instruction, which was provided to the child's parents.

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

§300.310 Observation

- 1) Great Hearts Academies must ensure that the child is observed in his/her learning environment, including the regular classroom setting, to document the child's academic performance and behavior in the areas of difficulty.
- 2) In the case of a child of less than school age or who is out of school, a group member must observe the child in an environment appropriate for a child of that age.

§300.311 Specific Documentation for the Eligibility Determination

- 1) For a child suspected of having a specific learning disability, the eligibility determination must contain a statement of:
 - a) Whether the child has a specific learning disability;
 - b) The basis for making the determination, including an assurance the determination was made in accordance with the Individuals with Disabilities Education Act;
 - c) The relevant behavior, if any, noted during the observation and the relationship of that behavior to the child's academic functioning;
 - d) The educationally relevant medical findings, if any;
 - e) Whether the child does not achieve adequately for his/her age or to meet State-approved grade-level standards consistent with (1)(a); and does not make sufficient progress to meet age or State-approved grade-level standards consistent with (1)(b); or
 - f) The child exhibits a pattern of strengths and weaknesses in performance, achievement, or both, relative to age, State-approved grade-level standards or intellectual development consistent with (1)(c).
 - g) The determination of the group concerning the effects of a visual, hearing, or motor disability; mental retardation; emotional disturbance; cultural factors; environmental or economic disadvantage; or limited English proficiency of the child's achievement level.
- 2) If the child participated in a process that assessed the child's response to scientific, research-based intervention, the determination must include:
 - a) The instructional strategies used and the student-centered data collected;
 - b) Documentation that the child's parents were notified about the State's policies regarding the amount and nature of student performance that would be collected and the general education services that would be provided;
 - c) Strategies for increasing the rate of learning; and
 - d) The parent's right to request an evaluation.
- 3) Each group member must certify in writing whether the report reflects the member's conclusion. If it does not, the group member must submit a separate statement presenting the member's conclusions.

AAC R7-2-401.E Evaluation/Reevaluation

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

- 2) Procedures for the initial full and individual evaluation of children suspected of having a disability and for the reevaluation of students with disabilities shall meet the requirements of IDEA and its regulations, state statutes, and State Board of Education rules.
- 3) The initial evaluation of a child being considered for special education, or the reevaluation per a parental request of a student already receiving special education services, shall be conducted within 60 calendar days from Great Hearts Academies's receipt of the parent's informed written consent and shall conclude with the date of the multidisciplinary evaluation team (MET) determination of eligibility.
- 4) If the parent requests the evaluation, Great Hearts Academies must, within a reasonable amount of time not to exceed 15 school days from the date it receives a parent's written request for an evaluation, either begin the evaluation by reviewing existing data or provide prior written notice refusing to conduct the requested evaluation. The 60-day evaluation period shall commence upon Great Hearts Academies's receipt of the parent's informed written consent.
- 5) The 60-day evaluation period may be extended for an additional 30 days, provided it is in the best interest of the child and the parent and Great Hearts Academies agree in writing to such an extension. Neither the 60-day evaluation period nor any extension shall cause a reevaluation to exceed the timelines for a reevaluation within three years of the previous evaluation.
- 6) Great Hearts Academies may accept current information about the student from another state, public agency, public education agency, or through an independent educational evaluation. In such instances, the multidisciplinary evaluation team shall be responsible for reviewing and approving or supplementing an evaluation to meet the requirements identified in subsections (E)(1) through (7).
- 7) For the following disabilities, the full and individual initial evaluation shall include:
 - a) Emotional disability: verification of a disorder by a qualified professional.
 - b) Hearing impairment:
 - i) An audiological evaluation by a qualified professional, and
 - ii) An evaluation of communication/language proficiency.
 - c) Other health impairment: verification of a health impairment by a qualified professional.
 - d) Specific learning disability: a determination of whether the child exhibits a pattern of strengths and weaknesses in performance, achievement, or both, relative to age, state-approved grade-level standards, or intellectual development that meets Great Hearts Academies criteria through one of the following methods:
 - i) A discrepancy between achievement and ability;
 - ii) The child's response to scientific, research-based interventions; or
 - iii) Other alternative research-based procedures.
 - e) Orthopedic impairment: verification of the physical disability by a qualified professional.
 - f) Speech/language impairment: an evaluation by a qualified professional.
 - g) For students whose speech impairments appear to be limited to articulation, voice, or fluency problems, the written evaluation may be limited to:
 - i) An audiometric screening within the past calendar year,
 - ii) A review of academic history and classroom functioning,
 - iii) An assessment of the speech problem by a speech therapist, or
 - iv) An assessment of the student's functional communication skills.
 - h) Traumatic brain injury: verification of the injury by a qualified professional.
 - i) Visual impairment: verification of a visual impairment by a qualified professional.
- 8) The Department shall develop a list, subject to review and approval of the State Board of Education, of qualified professionals eligible to conduct the appropriate evaluations prescribed in subsection (E)(7).

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

Free Appropriate Public Education (FAPE) Policy & Procedures

POLICY

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

PROCEDURES

§300.306 Determination of Eligibility, §300.308 Additional Group Members

All public education agencies will make the determination that a child is eligible for special education and related services on an individual basis by a properly constituted team.

§300.101 Free Appropriate Public Education

1) For Preschool Children (3 to 5)

Unified districts and elementary districts will:

- a) Make FAPE available no later than the child's third birthday;
- b) Ensure that an IEP or an IFSP is in effect for each child by that date;
- c) Ensure that a child's IEP team determines the date when services under the IEP or IFSP will begin if a child's third birthday occurs during the summer.

Union high school districts and charter schools will:

Refer any children who are suspected of having a disability to the appropriate unified district or elementary district for evaluation and, if appropriate, for services.

2) For School-Aged Children (5 to 21)

All Public Education Agencies will make FAPE available to any child who needs special education and related services, even though the child has not failed or been retained in a course or grade, and is advancing from grade to grade.

ARS 15-764.A(5) Powers of the School District Governing Board or County School Superintendent

The governing board of each school district or the county school superintendent shall establish policy with regard to allowable pupil-teacher ratios and pupil-staff ratios within the school district or county for provision of special education services.

ARS 15-764.B Powers of the School District Governing Board or County School Superintendent

The special education programs and services established pursuant to this section and section 15-765 shall be conducted only in a school facility which houses regular education classes or in other facilities approved by the division of special education.

§300.105 Assistive Technology

- 1) Great Hearts Academies will ensure that assistive technology devices or services or both will be available to a child with a disability, if required, as a part of:
 - a) Special education,
 - b) Related services, and
 - c) Supplementary aids and services.
- 2) On a case-by-case basis, Great Hearts Academies will ensure the use of school-purchased assistive technology devices in a child's home or other setting if the child's IEP team determines that the child needs access to those devices in order to receive FAPE.

§300.106 Extended School Year Services (ESY)

- 1) Great Hearts Academies will make extended school year services available as necessary to provide FAPE to children with disabilities.
 - a) ESY services will be provided only if a child's IEP team determines, in accordance with §§300.320–300.324, that the services are necessary for the provision of FAPE.
 - b) Services will not be:
 - i) Limited to a particular category of disability; or
 - ii) Unilaterally limited to the type, amount, or duration of services.
- 2) The ESY services that are provided to a child with a disability will:
 - a) Be provided beyond the normal school year of the agency;
 - b) Be provided in accordance with the child's IEP;
 - c) Be provided at no cost to the parents of the child; and
 - d) Meet the standards of the State.

§300.107 Nonacademic Services

- 1) Great Hearts Academies will afford children with disabilities an equal opportunity for participation in nonacademic and extracurricular services and activities including, as determined appropriate and necessary by the child's IEP team, the provision of supplementary aids and services.
- 2) Nonacademic and extracurricular services and activities may include counseling services, athletics, transportation, health services, recreational activities, special interest groups or clubs sponsored by Great Hearts Academies, referrals to agencies that provide assistance to individuals with disabilities, and employment of students, including both employment by Great Hearts Academies and assistance in making outside employment available.

§300.108 Physical Education

- 1) Great Hearts Academies will make regular physical education services available to children with disabilities to the same extent that the agency provides those services to children without disabilities, unless:
 - a) The child is enrolled full time in a separate facility; or
 - b) The child needs specially designed physical education as prescribed in the child's IEP.
- 2) If a child is enrolled in a separate facility, Great Hearts Academies will ensure that the child receives appropriate physical education services.
- 3) If special physical education is prescribed in a child's IEP, Great Hearts Academies will provide for those services, either directly or through other public or private programs.

§300.110 Program Options

- 1) Great Hearts Academies will ensure that children with disabilities have available to them the variety of educational programs and services that are available to nondisabled children, including art, music, industrial arts, consumer and homemaking education, and vocational education.

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

- 1) Great Hearts Academies will ensure that the hearing aids worn in school by children with hearing impairments are functioning properly; and
- 2) The external components of surgically implanted medical devices (e.g., cochlear implants) are functioning properly, except that the agency will not be responsible for any post-surgical maintenance, programming, or replacement of any component, external or internal, of the medical device.

§300.154 Methods of Ensuring Services

- 1) Great Hearts Academies may use the Medicaid or other public benefits or insurance programs in which a child participates to provide or pay for services required under IDEA, as permitted under the public benefits or insurance program, except that Great Hearts Academies:
 - a) May not require parents to sign up for or enroll in public benefits or insurance programs to receive FAPE;
 - b) May not require parents to incur out-of-pocket expenses such as payment of a deductible or co-pay for services required by IDEA, but may pay the cost that parents otherwise would be required to pay;
 - c) May not use a child's public benefit if that use would:
 - i) Decrease lifetime benefits;
 - ii) Result in the family paying for nonschool services that would otherwise be paid for by public benefits;
 - iii) Increase premiums or lead to discontinuation of benefits; or
 - iv) Risk loss of eligibility.
- 2) Great Hearts Academies must notify parents that their refusal to allow access to their public benefits does not relieve the agency of its responsibility to provide all required IDEA services.
- 3) Great Hearts Academies must obtain a one-time written consent from the parent, after providing written notification and before accessing the child's or the parent's public benefits for the first time. The consent must specify:
 - a) The personally identifiable information that may be disclosed;
 - b) The purpose of the disclosure; and
 - c) The agency to which the disclosure may be made.

- 4) Great Hearts Academies must provide a written notification to the child's parents before accessing the child's or parent's public benefits or insurance for the first time and prior to obtaining the one-time parental consent and annually thereafter.

AAC R7-2-401.F Parental Consent

- 1) Great Hearts Academies shall obtain informed written consent from the parent of the child with a disability before the initial provision of special education and related services to the child.
- 2) If the parent of a child fails to respond to a request for, or refuses to consent to, the initial provision of special education and related services, Great Hearts Academies may not use mediation or due process procedures in order to obtain agreement or a ruling that the services may be provided to the child.
- 3) If the parent of the child refuses to consent to the initial provision of special education and related services, or the parent fails to respond to a request to provide consent for the initial provision of special education and related services, Great Hearts Academies:
 - a) Will not be considered to be in violation of the requirement to make available FAPE to the child because of the failure to provide the child with the special education and related services for which the parent refuses to or fails to provide consent, and
 - b) Is not required to convene an IEP team meeting or develop an IEP in accordance with these rules.
- 4) If, at any time after the initial provision of special education and related services, the parent of a child revokes consent in writing for the continued provision of special education and related services, Great Hearts Academies:
 - a) May not continue to provide special education and related services to the child, but shall provide prior written notice before ceasing the provision of special education and related services;
 - b) May not use the mediation procedures or the due process procedures in order to obtain agreement or a ruling that the services may be provided to the child;
 - c) Will not be considered to be in violation of the requirement to make FAPE available to the child because of the failure to provide the child with further special education and related services; and
 - d) Is not required to convene an IEP team meeting or develop an IEP for the child for further provision of special education and related services.
- 5) If a parent revokes consent in writing for the child's receipt of special education services after the child is initially provided special education and related services, Great Hearts Academies is not required to amend the child's education records to remove any references to the child's receipt of special education and related services because of the revocation of consent.

Least Restrictive Environment (LRE) Policy & Procedures

POLICY

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

PROCEDURES

§300.114 LRE Requirements

Great Hearts Academies will ensure that special classes, separate schooling, or other removals of children with disabilities from the regular educational environment occur only if the nature or severity of the disability is

such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

§300.115 Continuum of Alternative Placements

- 1) Great Hearts Academies will make available a continuum of alternative placements to meet the needs of children with disabilities for special education and related services.
- 2) The continuum of alternative placements will include:
 - a) Instruction in regular classes, special classes, special schools, home instruction, and instruction in hospitals and institutions;
 - b) Supplementary services, such as a resource room or itinerant instruction, to be provided in conjunction with regular class placement.

§300.116 Placements

- 1) The placement decision for each child will be:
 - a) Made by a group that includes the parents and other persons knowledgeable about the child, about the meaning of the evaluation data, and about the placement options;
 - b) In conformity with the LRE provisions of the IDEA regulations;
 - c) Determined at least annually;
 - d) Based on the child's IEP; and
 - e) As close as possible to the child's home.
- 2) Unless the IEP of a child requires some other arrangement, the child will be educated in the school that he or she would attend if not disabled.
- 3) In selecting the LRE, consideration will be given to any potential harmful effect on the child or on the quality of services that she or he needs.
- 4) A child with a disability will not be removed from age-appropriate regular classrooms solely because of needed modifications in the general education curriculum.

§300.117 Nonacademic Settings

- 1) In providing or arranging for the provision of nonacademic and extracurricular services and activities, including meals, recess periods, and other nonacademic activities, Great Hearts Academies must ensure that each child with a disability participates with nondisabled children in the extracurricular services and activities to the maximum extent appropriate to the needs of that child.
- 2) Great Hearts Academies will ensure that the supplementary aids and services determined by the IEP team to be appropriate and necessary are provided to allow the child to participate in nonacademic settings.

AAC R7-2-401.H Least Restrictive Environment

- 1) Great Hearts Academies shall establish, implement, and make available to its school-based personnel and parents, written procedures to ensure the delivery of special education services in the least restrictive environment as identified by IDEA and its regulations, the state statutes, and the State Board of Education rules.
- 2) A continuum of services and supports for students with disabilities shall be available through each public education agency.

Individualized Education Program (IEP) Policy & Procedures

POLICY

Great Hearts Academies shall ensure that an IEP is developed and implemented for each eligible child served by Great Hearts Academies and for each eligible child placed in or referred to a private school or facility by Great Hearts Academies in accordance with §§300.320–300.325 of the IDEA regulations.

PROCEDURES

§300.320 Contents of the IEP

- 1) The contents of each IEP will include a statement of:
 - a) The child's present levels of academic achievement and functional performance, including:
 - i) How the child's disability affects the child's involvement and progress in the general education curriculum; or
 - ii) For preschool children, as appropriate, how the disability affects the child's participation in appropriate activities;
 - b) Measurable annual goals, including academic and functional goals designed to:
 - i) Meet the child's needs that result from the child's disability to enable the child to be involved in and make progress in the general education curriculum; and
 - ii) Meet each of the child's other educational needs that result from the child's disability;
 - iii) For children with disabilities who take alternate assessments aligned to alternate achievement standards (MSAA and AIMS A), a description of benchmarks or short-term objectives;
 - c) How the child's progress toward meeting the IEP goals will be measured and when periodic reports on the child's progress toward the goals will be provided;
 - d) The special education and related services to be provided to the child, the supplementary aids and services to be provided to the child or on behalf of the child, and the program modifications or supports for school personnel that will be provided to enable the child:
 - i) To advance appropriately toward attaining the annual goals; and
 - ii) To be involved in and progress in the general education curriculum and to participate in extracurricular and other nonacademic activities with other children with disabilities and nondisabled children.
 - e) The extent, if any, to which the child will not participate with nondisabled children in the regular class and in extracurricular and other nonacademic activities;
 - f) Any individual accommodations that are needed to measure the academic achievement and functional performance of the child on State and district-wide assessments;
 - g) If the IEP team determines that the child must take an alternate assessment instead of a particular regular State or district-wide assessment of student achievement, a statement of why:
 - i) the child cannot participate in the regular assessment; and
 - ii) the particular alternate assessment selected is appropriate for the child;
 - h) The projected date for the beginning of the services and modifications and the anticipated frequency, location, and duration of those services and modifications.
 - i) Transition services for students will be in effect in the IEP in place when the student ends 9th grade or age 16, whichever is first, or earlier, as determined necessary by the student's IEP team:
 - i) Appropriate measurable postsecondary goals based upon age-appropriate transition assessments related to training, education, employment, and where appropriate, independent living skills;
 - ii) Transition services (including courses of study) needed to assist the child in reaching those goals.

- j) Beginning not later than one year before a student reaches the age of 18, the IEP will include a statement that the parents and the student have been informed of the rights under Part B, if any, that will transfer to the student on reaching the age of 18.
- k) The student's estimated graduation date will be included in their IEP, aligned with the transition plan.
- l) The school will provide written notification to parent(s) of a student's anticipated graduation date at least one year before the anticipated high school graduation date.

§300.321 The IEP Team

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

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

§300.322 Parent Participation

- 1) The agency will take steps to ensure the parents of a child with a disability are present at each IEP meeting or are afforded the opportunity to participate by:
 - a) Notifying parents of the meeting early enough to ensure that they will have an opportunity to attend; and
 - b) Scheduling the meeting at a mutually agreed on time and place.
- 2) The meeting notice will:
 - a) Indicate the purpose, time, and location of the meeting and who will be in attendance; and
 - b) Inform the parents of the provisions relating to the participation of other individuals who have knowledge or special expertise about the child and of representatives of the AzEIP (if the meeting is for an initial IEP of a child transitioning from AzEIP).
- 3) Beginning not later than the first IEP to be in effect when the child turns 16, the notice will also:
 - a) Indicate that a purpose of the meeting will be the consideration of postsecondary goals and transition services;
 - b) Indicate that the agency will invite the student; and
 - c) Identify any other agency that will be invited to send a representative.
- 4) If neither parent can attend, Great Hearts Academies will use other methods to ensure parent participation, including individual or conference telephone calls.
- 5) A meeting may be conducted without a parent in attendance if Great Hearts Academies is unable to convince the parents that they should attend. In this case, Great Hearts Academies will maintain a record of its attempts to arrange a mutually agreed on time and place, such as:
 - a) Detailed records of telephone calls made or attempted and the results of those calls;
 - b) Copies of correspondence sent to the parents and any responses received; and
 - c) Detailed records of visits made to the parent's home or place of employment and the results of those visits.
- 6) Great Hearts Academies will take whatever action is necessary to help the parent understand the proceedings at the IEP meeting, including arranging for an interpreter for parents with deafness or whose native language is other than English.
- 7) Great Hearts Academies will give the parent a copy of the child's IEP at no cost to the parent.

§300.323 When IEPs Must be in Effect

- 1) At the beginning of each school year, Great Hearts Academies must have in effect for each child with a disability in its jurisdiction, an IEP as defined in §300.320.
- 2) Great Hearts Academies will ensure that:
 - a) A meeting to develop an IEP for an eligible child is conducted within 30 days of a determination of eligibility for special education and related services.
 - b) As soon as possible following the development of the IEP, the services indicated in the IEP are made available to the child.
 - c) An IEP will be in effect at the beginning of each school year.
- 3) For children aged 2 years 9 months through 5 years who were previously served by AzEIP, the IEP team will consider the contents of the child's IFSP. An IFSP may serve as the IEP of the child if:

- a) The agency has provided the parents with a detailed explanation of the differences between an IEP and an IFSP;
 - b) The parent and the agency agree in writing to the use of an IFSP;
 - c) The IFSP contains an educational component that promotes school readiness and includes pre-literacy, language, and numeric skills; and
 - d) The IFSP is developed in accordance with IEP procedures.
- 4) Great Hearts Academies will ensure that each child's IEP is accessible to each regular education teacher, special education teacher, related service provider, and any other service provider who is responsible for implementing the IEP.
- a) Each teacher and related service provider will be informed of his or her specific responsibilities in implementing the IEP; and
 - b) The specific accommodations, modifications, and supports that must be provided for the child in accordance with the IEP.
- 5) For a child with an IEP who transfers in to Great Hearts Academies from another public education agency in Arizona, Great Hearts Academies, in consultation with the parents, will provide a free appropriate public education (including services comparable to the services described in the existing IEP) until Great Hearts Academies:
- a) Reviews and adopts the child's IEP from the previous public education agency or
 - b) Develops, adopts, and implements a new IEP.
- 6) For a child with an IEP who transfers in to Great Hearts Academies from another state, Great Hearts Academies, in consultation with the parents, will provide a free appropriate public education (including services comparable to the services described in the existing IEP) until Great Hearts Academies:
- a) Conducts an evaluation for eligibility for special education in Arizona or determines that such an evaluation is unnecessary; and
 - b) Develops, adopts, and implements a new IEP, if appropriate.
- 7) To facilitate the transition of a child enrolling from another public education agency, either from within or from outside of Arizona, Great Hearts Academies will take reasonable steps to promptly obtain the child's education records, including all records pertaining to special education, from the previous public education agency in which the child was enrolled.
- 8) When a records request is received from another public agency, from either within or outside of Arizona, Great Hearts Academies will promptly respond to the request.

§300.324 Development, Review, and Revision of an IEP

- 1) In developing each child's IEP, the IEP team will consider:
 - a) The strengths of the child and the concerns of the parents for enhancing the education of their child;
 - b) The results of the initial or most recent evaluation of the child; and
 - c) The academic, developmental, and functional needs of the child.
- 2) In consideration of special factors, the IEP team must:
 - a) In the case of a child whose behavior impedes his or her learning or that of others, consider the use of positive behavioral interventions and supports and other strategies to address that behavior;
 - b) In the case of a child with limited English proficiency, consider the language needs of the child as those needs relate to the child's IEP;
 - c) In the case of a child who is blind or visually impaired, provide for instruction in Braille and the use of Braille unless the IEP team determines, after an evaluation of the child's reading and writing skills, needs, and appropriate reading and writing media (including an evaluation of the child's future needs

for instruction in Braille or the use of Braille) that instruction in Braille or the use of Braille is not appropriate for the child;

- d) Consider the communication needs of the child, and in the case of a child who is deaf or hard of hearing, consider the child's language and communication needs, opportunities for direct communication with peers and professional personnel in the child's language and communication mode, academic levels and full range of needs, including opportunities for direct instruction in the child's language and communication mode;
 - e) Consider whether the child requires assistive technology devices and services.
- 3) The regular education teacher of a child with a disability, as a member of the IEP team, must, to the extent appropriate, participate in the development, review, and revision of the child's IEP, including the determination of:
- a) Appropriate positive behavioral interventions and strategies for the child; and
 - b) Supplementary aids and services, program modifications, and/or supports for school personnel that will be provided for the child, consistent with §300.320(a)(4).
- 4) In making changes to the IEP after the annual IEP meeting, the parent and Great Hearts Academies may agree to amend the IEP without a meeting to make those changes and instead, develop a written document to amend or modify the child's current IEP. Great Hearts Academies must:
- a) Inform all members of the child's IEP team of those changes and
 - b) Upon request, provide the parents with the revised copy of the IEP.
- 5) To the extent possible, Great Hearts Academies will encourage the consolidation of evaluation, reevaluation, and IEP meetings for a child.
- 6) Great Hearts Academies will ensure that the IEP team reviews the child's IEP periodically, but not less than annually, to determine if goals are being achieved and revises the IEP, when appropriate, to address:
- a) Any lack of expected progress toward the annual goals and in the general education curriculum, if appropriate;
 - b) The results of any reevaluation;
 - c) Information about the child provided to, or by, the parents;
 - d) The child's anticipated needs, or other matters.
- 7) If a participating agency other than Great Hearts Academies fails to provide the transition services in an IEP, Great Hearts Academies must reconvene the IEP team to identify alternative strategies to meet the child's transition outcomes.

§300.325 Private School Placements by Great Hearts Academies

- 1) Before Great Hearts Academies places a child with a disability in a private school or facility, Great Hearts Academies must initiate and conduct a meeting to develop an IEP for the child and ensure that a representative of the private school or facility attends the meeting in person or by conference call.
- 2) Subsequent IEP reviews may be initiated and conducted by the private school at the discretion of Great Hearts Academies. However, Great Hearts Academies must ensure that:
 - a) The parents and Great Hearts Academies representative are involved in any decisions about the child's IEP; and
 - b) They agree to any proposed changes in the IEP before those changes are implemented.
- 3) Great Hearts Academies remains responsible for ensuring FAPE to a child placed by Great Hearts Academies in a private school or facility.

§300.327 Educational Placements

Great Hearts Academies must ensure that the parents of a child with a disability are members of any group that makes decisions on the educational placement of their child.

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

- 1) Great Hearts Academies shall establish, implement, and make available to its school-based personnel and parents written procedures for the development, implementation, review, and revision of IEPs.
- 2) Procedures for IEPs shall meet the requirements of the IDEA and its regulations, the state statutes, and the State Board of Education rules.
- 3) Procedures shall include the incorporation of Arizona academic standards as adopted by the State Board of Education into the development of each IEP and address grade-level expectations and grade-level content instruction.
- 4) Each IEP of a student with a disability shall be developed in accordance with IDEA and its regulations, state statutes, and State Board of Education rules. If appropriate to meet the needs of a student and to ensure access to the general curriculum, an IEP team may include specially designed instruction in the IEP that may be delivered in a variety of educational settings by a general education teacher or other certificated personnel provided that certificated special education personnel are involved in the planning, progress monitoring, and when appropriate, the delivery of the specially designed instruction.
- 5) Each student with a disability who has an IEP shall participate in the state assessment system. Students with disabilities can test with or without accommodations or modifications as indicated in the student's IEP. Students who are determined to have a significant cognitive disability based on the established eligibility criteria will be assessed with the state's alternate assessments as determined by the IEP team.
- 6) A meeting of the IEP team shall be conducted to review and revise each student's IEP at least annually, or more frequently if the student's progress substantially deviates from what was anticipated. Great Hearts Academies shall provide written notice of the meeting to the parents of the student to ensure that parents have the opportunity to participate in the meeting. After the annual review, Great Hearts Academies and parent may agree not to convene an IEP team meeting for the purposes of making changes, and instead may develop a written document to amend or modify the student's current IEP.
- 7) A parent or Great Hearts Academies may request in writing a review of the IEP, and shall identify the basis for requesting review. Such review shall take place within 45 school days of the receipt of the request at a mutually agreed upon date and time.

Procedural Safeguards Policy & Procedures

POLICY

Great Hearts Academies will establish, maintain, and implement procedural safeguards that meet the requirements of §§300.500 through 300.536 of the IDEA regulations.

PROCEDURES

§300.501 Opportunity to Examine Records; Parent Participation in Meetings

- 1) Great Hearts Academies will ensure that the parents of a child with a disability shall be given an opportunity to inspect and review all education records with respect to the identification, evaluation, educational placement, and the provision of FAPE to the child.
- 2) Great Hearts Academies will ensure that the parents of a child with a disability shall:
 - a) Be given an opportunity to participate in meetings with respect to the identification, evaluation, educational placement, and the provision of FAPE to the child.

- b) Be provided notice consistent with §300.322 to ensure they have the opportunity to participate in meetings.
- c) Be members of any group that makes decisions on the educational placement of their child.
- 3) If neither parent can participate in a meeting in which a decision is to be made relating to the educational placement of their child, Great Hearts Academies must use other methods to ensure their participation, including individual or conference telephone calls, or video conferencing.
- 4) A placement decision may be made by a group without the involvement of the parent, if Great Hearts Academies is unable to obtain the parent's participation and has maintained a record of its attempts to ensure their involvement.

§300.502 Independent Educational Evaluation

- 1) The parents of a child with a disability have the right to obtain an independent educational evaluation of their child. Great Hearts Academies must provide to parents, upon request for an independent educational evaluation:
 - a) Information about where an independent educational evaluation may be obtained; and
 - b) Great Hearts Academies's criteria applicable for independent educational evaluations. Great Hearts Academies's criteria for the independent educational evaluation must be the same as the criteria Great Hearts Academies uses when it conducts an evaluation, to the extent consistent with the parent's right to an evaluation.
- 2) A parent has the right to an independent educational evaluation at public expense if the parent disagrees with an evaluation obtained by Great Hearts Academies. If a parent requests an independent educational evaluation at public expense, Great Hearts Academies must, without unnecessary delay, either:
 - a) File for a due process hearing to show that its evaluation is appropriate; or
 - b) Ensure that an independent educational evaluation is provided at public expense, unless Great Hearts Academies demonstrates in a hearing that the evaluation obtained by the parent did not meet criteria.
- 3) If a due process hearing decision is that Great Hearts Academies's evaluation is appropriate, the parent still has the right to an independent educational evaluation, but not at public expense.
- 4) If a parent requests an independent educational evaluation, Great Hearts Academies may ask for the parent's reasons for the objections, but may not require the parent to provide an explanation and may not unreasonably delay either providing the independent educational evaluation at public expense or filing a request for due process to defend its evaluation.
- 5) A parent is entitled to only one independent educational evaluation at public expense each time Great Hearts Academies conducts an evaluation with which the parent disagrees.
- 6) The results of any independent educational evaluation that is obtained by or provided to Great Hearts Academies:
 - a) Must be considered by Great Hearts Academies if it meets agency criteria in any decision with respect to the provision of FAPE to the child; and
 - b) May be presented by any party as evidence in a due process hearing.
- 7) If a hearing officer requests an independent educational evaluation as part of a due process hearing, the cost of the evaluation must be at public expense.

§300.503 Prior Notice by Great Hearts Academies; Content of Notice

- 1) Written notice must be given to the parents of a child with a disability a reasonable time before Great Hearts Academies:
 - a) Proposes to initiate or change the identification, evaluation, or educational placement of the child or the provision of FAPE to the child; or

- b) Refuses to initiate or change the identification, evaluation, or educational placement of the child or the provision of FAPE to the child.
- 2) The notice must include:
 - a) A description of the action proposed or refused by Great Hearts Academies;
 - b) An explanation of why the agency proposes or refuses to take the action;
 - c) A description of each evaluation procedure, assessment, record, or report Great Hearts Academies used as a basis for the proposed or refused action;
 - d) A statement that the parents of a child with a disability have protection under the procedural safeguards of this part, and if this notice is not an initial referral for evaluation, how a copy of a description of the procedural safeguards can be obtained;
 - e) Sources for parents to contact to obtain assistance in understanding the provisions of this part;
 - f) A description of other options that the IEP team considered and the reasons why those options were rejected;
 - g) A description of other factors that are relevant to Great Hearts Academies's proposal or refusal.
- 3) The notice must be written in language understandable to the general public and provided in the native language or other mode of communication used by the parent.
- 4) If the native language or other mode of communication used by the parent is not a written language, Great Hearts Academies must ensure:
 - a) The notice is translated orally or by other means to the parent in his or her native language or other mode of communication;
 - b) That the parent understands the content of the notice;
 - c) That there is written evidence of these requirements.

§300.504 Procedural Safeguards Notice

- 1) A copy of the procedural safeguards available to the parent of a child with a disability must be given to the parents only one time a school year, except that a copy also must be given to the parents:
 - a) Upon initial referral or parent request for evaluation;
 - b) Upon receipt of a first complaint to the State or first request for a due process hearing in a school year;
 - c) When a disciplinary change of placement/removal has been initiated; or
 - d) Upon request by a parent.
- 2) The procedural safeguards notice must include a full explanation of all the procedural safeguards available under §300.148, §§300.151–300.153, §300.300, §§300.502–300.503, §§300.505–300.515, §300.520, §§300.530–300.536, and §§300.610–300.625 relating to:
 - a) Independent educational evaluations;
 - b) Prior written notice;
 - c) Parental consent;
 - d) Access to education records;
 - e) Opportunity to present and resolve complaints through the due process hearing and State complaint procedures, including:
 - i) The time period in which to file a complaint;
 - ii) The opportunity for Great Hearts Academies to resolve the complaint;
 - iii) The difference between due process hearing and State complaint procedures, jurisdictions, issues that may be raised, timelines, and relevant procedures.
 - f) The availability of mediation;
 - g) The child's placement during the due process hearing;

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

§300.505 Electronic Mail

The parent of a child with a disability may elect to receive required notices by an electronic mail communication if Great Hearts Academies makes that option available.

§300.506 Mediation

- 1) Great Hearts Academies will establish procedures to allow parties to dispute (including those matters arising prior to a request for a due process hearing) to resolve disputes through mediation. Procedures will ensure that the mediation process:
 - a) Is voluntary on the part of the parties;
 - b) Is not used to deny or delay a parent's right to a due process hearing or any other right under the IDEA; and
 - c) Is conducted by a qualified and impartial mediator who is trained in effective mediation techniques.
- 2) Great Hearts Academies may establish procedures to offer parents and schools that choose not to use mediation an opportunity to meet at a time and location convenient to the parties with a disinterested party:
 - a) Who is under contract with an appropriate alternative dispute resolution entity, a parent training and information center, or community parent resource center; and
 - b) Who would explain the benefits of and encourage the mediation process to the parents.

§300.507 Filing a Due Process Complaint

- 1) A parent or Great Hearts Academies may file a request for a due process hearing relating to the identification, evaluation, or educational placement of a child with a disability.
- 2) The request for a due process hearing must allege a violation that occurred not more than two years before the date the parent or Great Hearts Academies knew or should have known about the alleged violation.
- 3) Great Hearts Academies must inform the parent of any free or low cost legal and other relevant services available in the area upon parent request.

§300.508 Due Process Complaint (Hearing)

- 1) Great Hearts Academies will have procedures that require either party, or the attorney representing a party, to provide to the other party a confidential due process complaint.
- 2) The party filing the notice for a hearing must forward a copy of the request to the State.
- 3) The due process hearing complaint must include the following in order for the complaint to be heard:
 - a) The name of the child;
 - b) The residential address of the child;
 - c) The school of attendance;

- d) A description of the nature of the problem of the child relating to the proposed or refused initiation or change, including facts relating to the problem; and
- e) A proposed resolution of the problem to the extent known and available to the party at the time.
- 4) The due process complaint will be deemed sufficient unless the party receiving the complaint notifies the hearing officer and the other party in writing, within 15 days of receipt of the complaint, that it believes the complaint does not meet the content requirements.
- 5) Within five days of receipt of notice, the hearing officer must determine whether the complaint meets the requirements and notify the parties, in writing, of that determination.
- 6) A party may amend its due process complaint only if:
 - a) The other party consents in writing and is given an opportunity to resolve the complaint through the resolution process; or
 - b) The hearing officer grants permission, but in no case is it amended later than five days before the due process hearing begins.
- 7) If a party files an amended complaint, the relevant timelines begin again.
- 8) If Great Hearts Academies has not sent a prior written notice to the parent regarding the subject matter contained in the due process complaint, it must do so within 10 days of receiving the complaint.
- 9) Within 10 days of receiving the complaint, the receiving party will send to the other party a response that specifically addresses the issues raised in the due process complaint.

§300.510 Resolution Process

- 1) Within 15 days of receiving the notice of the parent's due process complaint and prior to the initiation of a due process hearing, Great Hearts Academies must convene a meeting with the parent and the relevant members of the IEP team who have specific knowledge of the facts identified in the complaint that:
 - a) Includes a representative of Great Hearts Academies who has agency decision-making authority;
 - b) May not include an attorney of Great Hearts Academies unless the parent is accompanied by an attorney.
- 2) The purpose of the meeting is for the parent of the child to discuss the due process complaint and the factual basis of the complaint so Great Hearts Academies has the opportunity to resolve the dispute.
- 3) The resolution meeting need not be held if:
 - a) The parent and Great Hearts Academies agree in writing to waive the meeting; or
 - b) The parent and Great Hearts Academies agree to use the mediation process.
- 4) The parent and Great Hearts Academies determine the relevant IEP team members to attend the meeting.
- 5) If Great Hearts Academies has not resolved the complaint to the satisfaction of the parent within 30 days of the receipt of the complaint, the due process hearing may occur. The timeline for issuing a final decision begins at the end of this 30-day period.
- 6) The failure of the parent to participate in the resolution meeting that has not been mutually agreed to be waived will delay the timelines for the resolution process and due process hearing until the meeting is held.
- 7) If Great Hearts Academies is unable to obtain the participation of the parent after reasonable efforts have been made and documented, Great Hearts Academies may, at the end of the 30-day period, request that the hearing officer dismiss the parent's due process complaint.
- 8) If Great Hearts Academies fails to hold the resolution meeting within 15 days of receiving the complaint or fails to participate in the meeting, the parent may request that the hearing officer begin the hearing timeline.
- 9) The 45-day timeline for the due process hearing starts the day after:
 - a) Both parties agree in writing to waive the resolution meeting; OR

- b) After either the mediation or resolution meeting starts but before the end of the 30-day resolution period, the parties agree in writing that no agreement is possible; OR
 - c) If both parties agree in writing to continue the mediation at the end of the 30-day resolution period, but later, one party withdraws from the mediation process.
- 10) If a resolution is reached at the meeting, the parties must execute a legally binding agreement that is:
- a) Signed by both the parent and Great Hearts Academies representative who has authority to legally bind the agency; and
 - b) Enforceable in any state court of competent jurisdiction or in a district court of the United States.
- 11) Either party may void the agreement within 3 business days of the agreement's execution.

§300.518 Child's Status during Proceedings

- 1) The child involved in the due process hearing complaint must remain in his or her current educational placement:
 - a) Unless a discipline appeal has been filed as provided in §300.533;
 - b) During the pendency of any administrative or judicial proceeding regarding a due process complaint notice requesting a due process hearing under §300.507; or
 - c) Unless Great Hearts Academies and parents of the child agree otherwise.
- 2) If the complaint involves an application for initial admission to public school, the child, with the consent of the parents, must be placed in the public school until the completion of all the proceedings.
- 3) If the complaint involves an application for initial services for a child who has turned 3 and is transitioning from Part C to Part B, Great Hearts Academies is not required to provide the Part C services the child had been receiving. If the child is found eligible for special education and related services under Part B and the parent consents to the initial provision of services under §300.300(b), then Great Hearts Academies must provide those services that are not in dispute.
- 4) If the hearing officer agrees with the child's parents that a change of placement is appropriate, that placement must be treated as an agreement between the State and parent for the purposes of (1)(c) of this section.

§300.519 Surrogate Parents

- 1) Great Hearts Academies will ensure that the rights of a child are protected by assigning an individual to act as a surrogate for the parents when:
 - a) No parent can be identified;
 - b) After reasonable efforts are made, no parent can be located;
 - c) The child is a ward of the State (with no foster parent); or
 - d) The child is an unaccompanied homeless youth as defined by the McKinney-Vento Homeless Assistance Act;
- 2) Great Hearts Academies will have a method for determining when a surrogate parent is needed and for making surrogate parent assignments.
- 3) Great Hearts Academies will ensure that a person selected as a surrogate parent:
 - a) Is not an employee of the State, Great Hearts Academies, or any other agency that is involved in the education or care of the child;
 - b) Has no personal or professional interest that conflicts with the interest of the child the surrogate parent represents; and
 - c) Has knowledge and skills that ensure adequate representation of the child.

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

§300.520 Transfer of Parental Rights at Age of Majority

- 1) When a child with a disability reaches age 18, unless that child has been determined to be incompetent:
 - a) Great Hearts Academies will provide any notice required by the IDEA regulations to both the child and the parents; and
 - b) All rights accorded to parents under Part B of the Act transfer to the child.
- 2) When the rights are transferred, Great Hearts Academies will provide notice to the child and parent of the transfer of rights.

AAC R7-2-401.I Procedural Safeguards

- 1) Great Hearts Academies shall establish, implement, and make available to school-based personnel and parents of students with disabilities written procedures to ensure children with disabilities and their parents are afforded the procedural safeguards required by federal statute and regulation and state statute. These procedures shall include dissemination of information to parents about Great Hearts Academies's and the state's dispute resolution options.
- 2) In accordance with the requirements of IDEA, prior written notice shall be provided to the parents of a child within a reasonable time after Great Hearts Academies proposes to initiate or change, or refuses to initiate or change, the identification, evaluation, educational placement or the provision of FAPE to the child, but before the decision is implemented.

Discipline Policy & Procedures

POLICY

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

PROCEDURES

§300.530 Authority of School Personnel

- 1) On a case-by-case basis and in consideration of any unique circumstances, school personnel may remove a child with a disability who violates a student code of conduct from his or her current placement to an appropriate interim alternative educational setting, another setting, or suspension, for not more than 10 consecutive school days (to the extent those alternatives are applied to children without disabilities), and for additional removals of not more than 10 consecutive school days in that same school year for separate incidents of misconduct, as long as those removals do not constitute a change of placement under §300.536.
- 2) After a child with a disability has been removed from his or her current placement for 10 school days in the same school year, during any subsequent days of removal, Great Hearts Academies must provide services to the extent required to:
 - a) Enable the child to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting his/her IEP goals; and

- b) Receive, as appropriate, a functional behavioral assessment, behavioral intervention services, and modifications that are designed to address the behavior violation so that it does not recur.
- 3) Great Hearts Academies is only required to provide services during periods of removal to a child with a disability who has been removed from his or her current placement for 10 days or less in that school year, if it provides services to nondisabled children similarly removed.
- 4) After a child with a disability has been removed from his or her current placement for 10 school days and the current removal is for not more than 10 consecutive school days and not a change of placement, school personnel, in consultation with at least one of the child's teachers, determine the extent to which services are needed, so as to enable the child to continue to participate in the general education curriculum and to progress toward meeting the IEP goals.
- 5) If the removal is a change in placement, the child's IEP team determines the appropriate services.
- 6) Within 10 school days of any decision to change the placement of a child with a disability because of a violation of a code of student conduct, Great Hearts Academies, the parent(s), and relevant members of the IEP team must review all relevant information in the student's file, the IEP, teacher observations, and any relevant information to determine:
 - a) If the conduct was caused by, or had a direct and substantial relationship to, the child's disability; or
 - b) If the conduct in question was the direct result of the public education agency's failure to implement the IEP.
- 7) The conduct must be determined to be a manifestation of the disability if either (6)(a) or (b) occurred, and if the IEP was not implemented, Great Hearts Academies must take immediate steps to remedy that deficiency.
- 8) If Great Hearts Academies, the parent(s), and relevant members of the IEP team determine that the conduct was a manifestation of the child's disability, the child must be returned to the placement from which the child was removed, unless the parent and Great Hearts Academies agree to a change of placement. The IEP team must either:
 - a) Conduct a functional behavioral assessment, unless one has already been done, and implement a behavioral intervention plan; or
 - b) If a behavioral intervention plan has already been developed, review the plan and modify it, as necessary, to address the behavior.
- 9) School personnel may remove a student to an interim alternative educational setting for not more than 45 school days without regard to manifestation of disability if the child:
 - a) Carries a weapon to or possesses a weapon at school, on school premises, or to or at a school function under the jurisdiction of a state or public education agency;
 - b) Knowingly possesses or uses illegal drugs, or sells or solicits the sale of a controlled substance, while at school, on school premises, or at a school function under the jurisdiction of a state or public education agency; or
 - c) Has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of a state or public education agency.
- 10) Great Hearts Academies will notify parents and provide notice of procedural safeguards on the day Great Hearts Academies determines the student has violated the code of conduct and the violation constitutes a change of placement (i.e., interim alternative education setting).

AAC R7-2-401.P Suspension and Expulsion

- 1) Great Hearts Academies shall establish, implement, and make available to personnel and parents written procedures for the suspension and expulsion of students with disabilities.
- 2) Great Hearts Academies shall require all school-based staff involved in the disciplinary process to review the policies and procedures related to suspension and expulsion on an annual basis. Great Hearts Academies shall maintain documentation of staff review.
- 3) Procedures for such suspensions and expulsions shall meet the requirements of the IDEA and its regulations, and state statutes.

§300.531 Determination of Setting

The child's IEP team determines the interim alternative educational setting for services.

Confidentiality Policy & Procedures

POLICY

Great Hearts Academies will ensure that protection of the confidentiality of any personally identifiable data, information, and records collected or maintained by the agency will be in accordance with 34 CFR §§300.611–300.627.

PROCEDURES

§300.613 Access Rights

- 1) Great Hearts Academies must permit parents to inspect and review any education records relating to their children that are collected, maintained, or used by the agency under IDEA. Great Hearts Academies must comply with a request without unnecessary delay and in no case more than 45 days after the request has been made and before:
 - a) Any IEP meeting;
 - b) Any hearing involving a due process complaint or disciplinary hearing; or
 - c) Any resolution session.
- 2) The right to inspect and review education records includes:
 - a) The right to a response from Great Hearts Academies to reasonable requests for explanations and interpretations of the records;
 - b) The right to request that Great Hearts Academies provide copies of the records if failure to provide those copies would effectively prevent the parent from exercising the right to inspect and review the records; and
 - c) The right to have a representative of the parent inspect and review the records.
- 3) Great Hearts Academies may presume that the parent has authority to inspect and review records relating to his or her child unless Great Hearts Academies has been advised to the contrary by legal proceeding involving guardianship, separation, and divorce.

§300.614 Record of Access

Great Hearts Academies will keep a record of parties obtaining access to education records collected, maintained, or used under IDEA (except access by parents and authorized employees of the agency), including:

- a) The name of the party;
- b) The date access was given; and
- c) The purpose for which the party is authorized to use the records.

§300.615 Records on More Than One Child

If any education record includes information on more than one child, the parents of those children have the right to inspect and review only the information relating to their child.

§300.616 Lists of Types and Locations of Information

Great Hearts Academies must provide parents on request a list of the types and locations of education records collected, maintained, or used by Great Hearts Academies.

§300.617 Fees

- 1) Great Hearts Academies may charge a fee for copies of records that are made for parents if the fee does not effectively prevent the parents from exercising their right to inspect and review records.
- 2) Great Hearts Academies may not charge a fee to search for or to retrieve information.

§300.618 Amendment of Records at Parent's Request

- 1) A parent who believes that information in the education records collected, maintained, or used by Great Hearts Academies is inaccurate or misleading or violates the privacy or other rights of the child may request the agency to amend the information.
- 2) Great Hearts Academies must decide whether to amend the information in accordance with the request within a reasonable period of time of receipt of the request.
- 3) If Great Hearts Academies refuses to amend the information in accordance with the request, it must inform the parent of the refusal and advise the parent of the right to a hearing under §300.619.

§300.619 Opportunity for a Hearing

Great Hearts Academies must, on request, provide an opportunity for a hearing to challenge information in education records to ensure that it is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the child.

§300.620 Result of Hearing

- 1) If, as a result of a hearing, Great Hearts Academies decides to amend information determined inaccurate, misleading, or otherwise in violation of the privacy or other rights of the child, it must do so accordingly and so inform the parent in writing.
- 2) If, as a result of a hearing, Great Hearts Academies decides that the information is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the child, it must inform the parent of the parent's right to place in the maintained records a statement commenting on the information or setting forth any reasons for disagreeing with Great Hearts Academies decision.

§300.622 Consent

- 1) Parental consent must be obtained before personally identifiable information is disclosed to parties other than participating agencies, unless the information is contained in education records and the disclosure is authorized without parent consent under FERPA.
- 2) Parental consent must be obtained before personally identifiable information is released to officials of participating agencies providing or paying for transition services in accordance with §300.321.
- 3) If a child is enrolled, or is going to enroll, in a private school that is not located in the boundaries of the district of the parent's residence, parental consent must be obtained before any personally identifiable information about the child is released between officials in the district where the private school is located and officials in the district of the parent's residence.

AAC R7-2-401.J(4) Confidentiality

Upon receiving a written request, Great Hearts Academies shall forward special education records to any other public education agency in which a student has enrolled or is seeking to enroll. Records shall be forwarded within the time-frame specified in A.R.S. § 15-828(F). Great Hearts Academies shall also forward records to any other person or agency for which the parents have given signed consent.

§300.623 Safeguards

- 1) Great Hearts Academies must protect the confidentiality of personally identifiable information at collection, storage, disclosure, and destruction stages.
- 2) One official at Great Hearts Academies must assume responsibility for ensuring the confidentiality of any personally identifiable information.
- 3) All persons collecting or using personally identifiable information must receive training or instruction regarding the State's policies and procedures under 300.123 and FERPA (34 CFR part 99).
- 4) Great Hearts Academies must maintain, for public inspection, a current listing of the names and positions of its employees who may have access to personally identifiable information.

AAC R7-2-401.J(1) Confidentiality

Great Hearts Academies shall establish, implement, and make available to its personnel and parents written policies and procedures to ensure the confidentiality of records and information in accordance with the IDEA and its regulations, the Family Educational Rights and Privacy Act (FERPA) and its regulations, and state statutes.

§300.624 Destruction of Information

- 1) Great Hearts Academies must inform parents when personally identifiable information collected, maintained, or used for IDEA purposes is no longer needed to provide educational services to the child.
- 2) The information must be destroyed at the request of the parents. However, a permanent record of a student's name, address, and phone number, his or her grades, attendance record, classes attended, grade level completed, and year completed may be maintained without time limitation.

AAC R7-2-401.J(2) Confidentiality

Parents shall be fully informed about the requirements of the IDEA and regulations, including an annual notice of the policies and procedures that Great Hearts Academies shall follow regarding storage, disclosure to a third party, retention, and destruction of personally identifiable information.

§300.625 Children's Rights

- 1) The rights of the parents regarding educational records are transferred to the student at age 18 under FERPA.
- 2) If the rights of the parents regarding educational records are transferred to the student at age 18 under the IDEA, Great Hearts Academies must provide any notice required under the procedural safeguards provisions.

AAC R7-2-401.J(3) Confidentiality

The rights of parents regarding education records are transferred to the student at age 18, unless the student has been adjudicated incapacitated, or the student has executed a delegation of rights to make educational decisions pursuant to A.R.S. §15-773.

§300.532 Appeal

- 1) The parent of a child with a disability who disagrees with any decision regarding placement under §§300.530 and 300.531 or the manifestation determination may appeal the decision by requesting an expedited due process hearing in conformance with §§300.310 through 300.314 and AAC R7-2-405.I.
- 2) Great Hearts Academies that believes that maintaining the current placement of the child is substantially likely to cause injury to the child or others may appeal the decision by requesting an expedited due process hearing in conformance with §§300.310 through 300.314 and AAC R7-2-405.I.

§300.533 Placement during Appeals

The student must remain in the interim alternative educational setting pending the decision of the hearing officer or expiration of the interim setting, whichever comes first, unless the parent and Great Hearts Academies agree otherwise.

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

- 1) A student who has not been determined eligible and who engaged in a behavior that violated a code of student conduct may assert protections if Great Hearts Academies had knowledge that the child was a child with a disability before the behavior that precipitated the disciplinary action occurred. Great Hearts Academies must be deemed to have such knowledge if:
 - a) The parent of the child expressed concern in writing to supervisory or administrative personnel of Great Hearts Academies, or a teacher of the child, that the child is in need of special education and related services;
 - b) The parent of the child requested an evaluation of the child pursuant to §§300.300 through 300.311; or
 - c) The teacher of the child, or other personnel of Great Hearts Academies, expressed specific concerns about a pattern of behavior demonstrated by the child directly to the director of special education or to other supervisory personnel of Great Hearts Academies.
- 2) Great Hearts Academies would not be deemed to have knowledge if the parent of the child:
 - a) Has not allowed an IDEA evaluation of the child;
 - b) Has refused special education services for the child; or
 - c) The child has been evaluated and determined to not be a child with a disability under IDEA.
- 3) If Great Hearts Academies does not have knowledge that a child is a child with a disability prior to taking disciplinary measures against the child, the child may be disciplined as other children without disabilities who engage in comparable behaviors.
- 4) If an evaluation is requested during the time in which a child is subjected to disciplinary measures, the evaluation must be conducted in an expedited manner.
 - a) Until the evaluation is completed, the child remains in the educational placement determined by Great Hearts Academies, which can include suspension or expulsion without educational services.
 - b) If the child is determined to be a child with a disability, Great Hearts Academies must provide special education and related services in accordance with this part, including the requirements of §§300.530 through 300.536.

§300.535 Referral to and Action by Law Enforcement and Judicial Authorities

- 1) Great Hearts Academies may report a crime committed by a child with a disability to appropriate authorities to enable Great Hearts Academies to exercise its responsibilities.
- 2) When Great Hearts Academies reports a crime committed by a child with a disability, it will ensure that copies of the special education and disciplinary records of the child are transmitted for consideration by the appropriate authorities to whom Great Hearts Academies reports the crime, but only to the extent permitted by FERPA.

§300.536 Change of Placement Because of Disciplinary Removals

- 1) A change of placement occurs if:
 - a) The removal is for more than 10 consecutive school days; or
 - b) The child has been subjected to a series of removals that constitute a pattern:
 - i) because the series of removals total more than 10 school days in a school year;
 - ii) because the child's behavior is substantially similar to the behavior in previous incidents that resulted in a series of removals; and
 - iii) because of such additional factors as the length of each removal, the total amount of time the child has been removed, and the proximity of the removals to one another.
- 2) Great Hearts Academies will determine on a case-by-case basis whether a pattern of removals constitutes a change of placement, and such determinations are subject to review through due process and judicial proceedings.

Graduation Policy & Procedures

POLICY

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

PROCEDURES

ARS 15-701.01(B) and AAC R7-2-301(D)(1)

- 1) The public agency ensures that the governing board shall prescribe graduation criteria for students with disabilities from its high schools, which shall include accomplishment of the academic standards in at least reading, writing, mathematics, science, and social studies, as determined by district assessment.
- 2) The public agency ensures that the governing board shall develop a course of study and graduation and promotion requirements for all students placed in special education programs in accordance with R7-2-401 et seq.

§300.102 Limitation—Exception to FAPE for Certain Ages

- 1) The public agency will not be obligated to provide FAPE to students with disabilities who have graduated from high school with a regular high school diploma.
- 2) The exception does not apply to children who have graduated from high school but have not been awarded a regular high school diploma.
- 3) Graduation from high school with a regular high school diploma constitutes a change of placement requiring prior written notice in accordance with §300.503.

§300.305 Additional Requirements for Evaluations and Reevaluations

- 1) An evaluation is not required before the termination of a child's eligibility due to graduation from secondary school with a regular diploma or due to the child's exceeding 21 years of age.
- 2) For a child no longer eligible due to graduation or exceeding the age of eligibility, a public agency must provide the child with a summary of the child's academic achievement and functional performance, which shall include recommendations on how to assist the child in meeting the child's postsecondary goals.

ARS 15-701.01(3) High School Graduation Requirements

Pupils with disabilities as defined in ARS 15-761 or children who receive special education as defined in 15-763 shall not be required to achieve passing scores on competency tests (AIMS) in order to graduate from high school unless the pupil is learning at a level appropriate for the pupil's grade level in a specific academic area and unless a passing score on a competency test is specifically required in a specific academic area by the pupil's IEP as mutually agreed on by the pupil's parents (or 18-year-old student) and the IEP Team.

APPENDIX 5: SECTION 504 / TITLE II OF ADA POLICY AND FORMS



Section 504 / Title II of the ADA

Policies and Procedures

Handbook

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Introduction

This handbook is intended to help parents and staff understand Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act.

Section 504 of the Rehabilitation Act is a civil rights statute designed to prevent discrimination against individuals with disabilities and to assure that students with disabilities have educational opportunities and benefits equal to those provided to non-disabled students.

It provides that:

No otherwise qualified individual with disabilities in the United States... shall, solely by reason of her or his disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

Congress enacted a similar civil rights statute, the Americans with Disabilities Act (ADA), in 1990, also for the purpose of preventing discrimination against individuals with disabilities. While Section 504 only applies to recipients of federal financial assistance, the ADA protects individuals from discrimination by both public and private entities.

This handbook will focus on the Great Hearts Academies' compliance with Section 504. Both Section 504 and Title II of the ADA include similar nondiscrimination requirements. Since Title II applies to public institutions such as state governments, not just to schools, it does not include the same level of detail as Section 504 with regard to certain obligations of schools in educating students with disabilities (*e.g.*, in providing students a free appropriate public education [FAPE]). Practically speaking, when this handbook refers to specific FAPE requirements under Section 504, those same requirements will be followed in order to comply with Title II of the ADA. However, if you would like more information about ADA and Title II, please visit our website (www.greatheartamerica.org) and navigate through the "Finance and Compliance" link on the home page for contact information.

Section 504 of the Rehabilitation Act:

No two students learn alike or have the same educational need. Some students who need extra help at school in order to learn may need 504 services due to a disability that substantially limits one or more life activity. Such services include regular or special education and related aids and services, or ancillary services that are designed to meet individualized educational needs of students with disabilities as adequately as the needs of non-disabled students. Section 504 does not guarantee certain results (*e.g.*, "A" grades in class) but ensures, through an individualized process, that qualified students with disabilities have an equal opportunity to achieve those results.

Great Hearts Academies has an affirmative obligation to identify and evaluate students suspected of being individuals with disabilities. The 504 Teams at Great Hearts Academies follow certain steps outlined by the U.S. Department of Education's Office for Civil Rights when deciding whether or not a student's needs should be met by providing 504 services. Every attempt is made to meet the student's needs in the regular classroom. A team approach is used with built-in checks and balances to ensure that children with disabilities who need 504 accommodations will receive the appropriate services.

Students benefit more from their education when their parents are involved and well informed. Parents are important team members and are entitled to participate with the 504 Team in planning their child's program. Parent and student rights and procedural safeguards are included as an integral part of the 504 process.

What is Section 504?

Section 504 is part of the Rehabilitation Act of 1973 that prohibits discrimination against persons with a disability in any program receiving federal financial assistance. The federal act defines a person with a disability as anyone who:

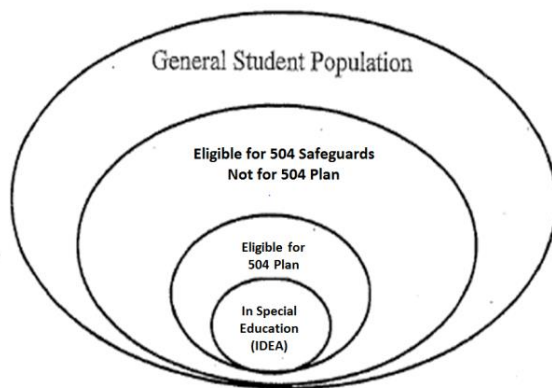
1. has a mental or physical impairment which substantially limits one or more major life activity (major life activities include activities such as learning, walking, seeing, hearing, speaking, breathing, caring for one's self, performing manual tasks and working);
2. has a record of such impairment; or
3. is regarded as having such an impairment.

In order to fulfill its obligation under Section 504, Great Hearts Academies prohibits discrimination in policies and practices regarding its personnel and students. Discrimination against any person with a disability will not be permitted.

As a network of public schools, the Great Hearts Academies have specific responsibilities under the Act which include the responsibility to identify, evaluate, and if the child is determined to be eligible under Section 504, to afford access to appropriate educational services.

What is the difference between 504 and Special Education?

The Individuals with Disabilities Education Act (IDEA) is a federal statute that funds state special education programs and attaches specific conditions to the receipt of IDEA funding (as opposed to Section 504 and Title II, which prohibit discrimination on the basis of disability but do not provide any type of funding). Section 504 and IDEA have different criteria for determining who is protected under those laws. Many students with disabilities are protected under both IDEA and Section 504/Title II, and districts may comply with certain 504 requirements for students by following IDEA procedures. However, students who are not eligible under IDEA may nonetheless be eligible for protection (and for services) under Section 504. To be protected under IDEA, a child must have a particular disability listed in IDEA and need special education and related services. Under Section 504, a student with a disability is protected regardless of whether the student needs special education. The following diagram illustrates the relationship between 504 and IDEA:



All students that qualify for IDEA also qualify for protection under Section 504. The reverse, however, is not true. When a student has an Individual Education Program (IEP), the student does not need a separate 504 document.

Regarding Section 504 eligibility, it is important to recognize that even if a student is not eligible for special education services under the IDEA, a Great Hearts Academy will consider the student for eligibility under Section 504 of the Rehabilitation Act of 1973, including the provision of “special education or related services” or other accommodations.

When is eligibility for a 504 plan considered?

In order for a student to be eligible for a 504 plan, he/she must have a mental or physical impairment that substantially limits one or more major life activity. *A medical diagnosis does not automatically qualify a student for services. However, a medical diagnosis may trigger an evaluation as it may give Great Hearts Academies a reason to suspect the student has a disability.* To be eligible for services, the student must need appropriate educational services to have his or her needs met as adequately as the needs of students without disabilities. For example, if a student has Attention Deficit Hyperactivity Disorder and the symptoms are being effectively controlled through medical intervention, he/she may be able to progress in the general curriculum without accommodations.

Great Hearts Academies has an affirmative obligation to identify and evaluate students suspected of being individuals with disabilities, including but not limited to upon parent request. There are several ways that a student might be referred or identified for consideration of eligibility under Section 504:

1) Referral from student, school staff, outside professional, or parent:

If a student is having difficulty progressing adequately in the general curriculum, a Student Study Team could be convened to discuss the concerns. Any documentation of medical diagnoses or any evaluation reports would also be considered. Interventions would be developed and implemented to assist the student.

If the interventions are unsuccessful after a reasonable period of time the 504 Team could be convened to consider eligibility under Section 504 and if the student was found eligible a Section 504 plan would be developed. It is important to highlight that while a parent can initiate this process, it is not a requirement that they do; Great Hearts Academies has an affirmative obligation to identify and evaluate students suspected of being individuals with disabilities, and that obligation extends beyond simply responding to the requests parents. Teachers, counselors, and other school staff should be aware of the responsibility to evaluate students who may need special education or related services and, thus, should refer for evaluation students they suspect might have a disability.

2) Student previously eligible under IDEA:

Students who were previously eligible under IDEA may be considered for eligibility under Section 504. For example, once students demonstrate that they no longer need specialized instruction and related services through special education, they may be referred to the 504 Team to determine whether they need accommodations to continue to progress academically.

3) Transfer from another public school:

If a student has already been determined eligible for a 504 Plan at a previous school, the 504 Team will convene to review the student's needs and whether the accommodations are sufficient and appropriate to meet the student's individual needs. Until the team can convene and develop an appropriate plan for the student, the existing 504 plan will be implemented. The school will request all school records from the previous school within five school days of the student's enrollment (A.R.S. 15-828 (f)). To ensure a smooth transition, the family should provide any previous documentation upon enrollment.

What is the 504 evaluation/eligibility determination process?

Eligibility for protection and services under Section 504 is considered by a team comprising people who have knowledge about the student, knowledge about the meaning of the evaluation data, and knowledge about the placement options. This occurs before the child's initial placement in a regular or special education program and before any subsequent significant change in placement. The team typically includes the parents/guardians, general education teachers, the 504 Coordinator and an administrator or designee. If necessary, other professionals may be invited such as the school nurse, school counselor and/or the college counselor. The family may also wish to invite any relevant outside person(s).

In addition to the input provided by parents, information from a variety of sources is reviewed by the team. This may include:

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

After reviewing all of the relevant and available information, the team addresses the following questions:

1. Does the student have a **physical or mental impairment**? Some examples include asthma, diabetes, allergies, arthritis, ADHD, cystic fibrosis, anxiety, depression, renal disorders, temporary conditions such as a broken limb, conditions in remission such as cancer, and episodic conditions such as seizures.
2. Does the impairment substantially limit **one or more major life activity**? Some examples include learning, walking, seeing, hearing, speaking, breathing, caring for one's self, performing manual tasks and working. This does not mean a severe restriction or inability in performing the major life activity.
3. What are the child's individual education needs? Needs are identified by looking to a variety of evaluation sources, including those listed above.

A student who is eligible for safeguards (right to written notice; right to review records; right to an impartial hearing; right to a review procedure) under Section 504 may not be eligible for a placement that includes services.

To document the process of eligibility, the 504 Eligibility Determination form is completed (please refer to the sample form in the last section of the Handbook).

What is the 504 placement process?

After the student has been evaluated and the team determines that the student is eligible for a 504 Plan under Section 504, the team decides upon the student's placement. "Placement" is broader than simply physical placement or setting and includes all appropriate educational services designed to meet the individual needs of students with disabilities as adequately as the needs of students without disabilities are met.

To determine a student's placement, the team carefully considers the evaluation/eligibility information from a variety of sources and all significant factors impacting the student's ability to receive a FAPE. The team documents all the information considered and does not rely on assumptions regarding persons with disabilities or classes of such persons. The student's individual circumstances are considered in determining the weight accorded various information sources. The types of placements are (1) regular education, (2) regular education with supplementary services, and/or (3) special education and related services. All students will be educated with non-disabled students to the maximum extent appropriate to the needs of the student with a disability. Placement should be in regular education unless an appropriate education cannot be achieved satisfactorily with supplementary aids and services. The student's placement is documented on a Section 504 Plan, as is a date for review/assessment (please refer to the sample form in the last section of the Handbook).

How is a 504 Plan implemented and reviewed?

The 504 Plan is implemented within the student's classes and on campus and school activities and is periodically reviewed for effectiveness. The school is responsible for making sure that each teacher, as well as relevant staff members, is aware of the plan and their responsibilities to the student. The student and parents may also advocate for student needs with support, as needed, from school staff.

The team will reconvene on an annual basis, or more often if needed, to review and revise the plan. At these meetings, the following are some questions that may be asked:

1. Is there new information that needs to be considered?
2. Are the accommodations working?
3. Do any changes need to be made to the Plan?

How are concerns or complaints resolved?

Any individual who believes that he or she is a victim of discrimination prohibited by the regulation may file a complaint. Complaints on behalf of classes of individuals are also permitted.

Please see the attached complaint procedure for a complete description of Great Hearts Academies' process

for fielding, investigating, and responding to complaints.

The availability and use of this grievance procedure does not prevent a person from filing a complaint of discrimination on the basis of disability with the U. S. Department of Education, Office for Civil Rights, 1244 Speer Blvd., Ste. 310, Denver, CO 80204, (303) 844-5695, fax (303) 844-4303, <https://ocras.ed.gov/>.

Questions and Further Information:

If you have additional questions or need further information, please contact Great Hearts Academies' Section 504 Coordinator or ADA/Title II Coordinator:

Great Hearts Section 504 Coordinator
Great Hearts Academies
3102 N. 56th Street, Suite 300
Phoenix, AZ 85018

Great Hearts ADA/Title II Coordinator
Great Hearts Academies
3102 N. 56th Street, Suite 300
Phoenix, AZ 85018

Discipline for Students Protected Under Section 504
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A child with a disability under Section 504 is subject to the same disciplinary action as a non-disabled student when the discipline does not constitute a significant change in placement. Discipline that does constitute a significant change in placement triggers the need for a re-evaluation *before* the discipline is imposed.

Significant Change in Placement

Short-term exclusionary discipline of 10 days or less (such as a single 1-day suspension) does not constitute a significant change in placement and the academy will follow the same policy and procedure as for non-disabled students.

Exclusionary discipline of more than 10 consecutive days (such as out-of-school suspension/expulsion of 11 consecutive days) constitutes a significant change in placement.

A series of exclusionary discipline that are each under 10 days but total more than 10 days may create a pattern of exclusion and thus constitute a significant change in placement. The determination as to whether a series of exclusionary discipline has created a pattern of exclusion is done on a case-by-case basis. Factors to be considered include: the length of each suspension, the proximity of one suspension to another, the nature of the behavior, and the total amount of time the student is excluded from school.

Re-evaluation/Manifestation Determination

Section 504 requires a re-evaluation *before* the academy takes disciplinary action that constitutes a significant change in placement. This re-evaluation should include (at a minimum) a “manifestation determination,” in which the student’s Section 504 Team determines whether the conduct in question was a manifestation of the student’s disability. The academy uses the Section 504 Manifestation Determination Form to conduct this process.

1. If the 504 Team concludes that the conduct is a manifestation of the student’s disability, the discipline process will end. The proposed discipline will not be imposed, but the 504 Team, consistent with evaluation and placement procedures, will review the 504 Plan to determine if changes are appropriate.
2. If the 504 Team concludes that the conduct is not a manifestation of the student’s disability, the student will be subject to the same disciplinary action that any non-disabled student would receive for the same violation.

Note: Section 504 has no explicit provision stating that the school district must provide Free and Appropriate Public Education (FAPE) to students who are suspended or expelled.

The Manifestation Determination Team

The manifestation determination will be made by a 504 Team that, consistent with the academy’s evaluation and placement procedures, consists of persons who have knowledge of the student, the meaning of the information that will be reviewed, and the placement options. When possible, the members of the 504 Team will be the same members who designed the student’s 504 Plan. School personnel responsible for school disciplinary procedures, such as the academy headmaster or dean of discipline, may present pertinent student information to the 504 Team to consider when making their decision. The student’s parent is to be afforded due process rights with regard to the manifestation determination.

The Manifestation Determination Procedure

The 504 Team will use the Section 504 Manifestation Determination Form. The Section 504 Team will review relevant information when making a manifestation determination. Such information might include any relevant information provided by the parents, any teacher observations, and all relevant information in the student's file, including the sources of evaluation data listed on the student's Section 504 Eligibility Determination. The manifestation determination must be based on *current* evaluation data and not be presumed based on the category of the student's disability.

Using this information, the 504 Team will determine whether the conduct in question (1) was caused by, or had a direct and substantial relationship to, the child's disability; or (2) was the direct result of the academy's failure to implement the student's 504 Plan. Note that this determination involves more than whether the student knew right from wrong. If the 504 Team determines the conduct in question was the direct result of the academy's failure to implement the 504 Plan, the academy must take immediate steps to remedy those deficiencies. Those steps will be consistent with the academy's evaluation and placement procedures.

If the 504 Team answers either question in the affirmative, then the behavior is a manifestation of the student's disability and the proposed disciplinary action can be taken.

If the 504 Team answers both questions in the negative, the behavior is not a manifestation of the disability, and the academy may impose whatever long-term discipline it would impose under the same circumstances if a non-disabled student were the offender. The academy has no obligation to continue to provide educational services (FAPE) to the student during the period of a long-term suspension or expulsion.

SECTION 504 MANIFESTATION DETERMINATION FORM

*Conduct a review before finalizing preliminary disciplinary decision.

Notice Date:

Student Name:	SAIS #:
DOB:	Grade:

- | | YES | NO | |
|----|--------------------------|--------------------------|--|
| 1. | <input type="checkbox"/> | <input type="checkbox"/> | Has the parent received prior notice of this meeting*? Attach notice. |
| | <input type="checkbox"/> | <input type="checkbox"/> | Has the parent received Notice of Rights under Section 504 of the Rehabilitation Act of 1973/Title II of the Americans with Disabilities Act of 1990? |
| | <input type="checkbox"/> | <input type="checkbox"/> | Are the required Section 504 team members (person(s) with knowledge of child, person(s) with knowledge of program, person(s) with knowledge of interpreting data) in attendance? Sign below. |

If NO is checked in response to ANY of the above questions, this conference must be discontinued.

*Meeting may proceed if parents are not in attendance and school has made multiple attempts to have parent(s) attend or parent(s) have indicated they would not attend. Attach attempts to notice, or indication they would not attend.

2. Description of incident causing consideration of discipline:

3. THE 504 TEAM HAS REVIEWED THE STUDENT CONDUCT REPORT AND THE CUMULATIVE RECORD AND HAS CONSIDERED ALL RELEVANT INFORMATION INCLUDING BUT NOT LIMITED TO THE ITEMS CHECKED BELOW:

- | | |
|--|---|
| <input type="checkbox"/> Current Evaluation and diagnostic results | <input type="checkbox"/> Observations of the student |
| <input type="checkbox"/> Information provided by the parents | <input type="checkbox"/> The student 504 Eligibility and Section 504 Plan |
| <input type="checkbox"/> Other: _____ | |

Student Name:	SAIS #:
DOB:	Grade:

4. MANIFESTATION DETERMINATION Question 1: The 504 Team has reviewed the above information and has determined that the conduct in question

☐ WAS ☐ WAS NOT **caused by, or in direct and substantial relationship to, the student's disability.**

Comments:

5. MANIFESTATION DETERMINATION Question 2: The 504 Team has reviewed the above information and has determined that the conduct in question
☐ WAS ☐ WAS NOT **the direct result of the academy's failure to implement the student's Section 504 Plan.**

Comments:

If the 504 Team checks "was," the academy must take immediate steps to remedy those deficiencies. Those steps will be consistent with the academy's evaluation and placement procedures. Describe those steps or other actions to be taken here:

6. FINAL MANIFESTATION DETERMINATION: If the answer to Manifestation Determinations Questions 1 and 2 were both answered "Was Not," then the conduct WAS NOT a manifestation of the student's disability. If either Manifestation Determination Question 1 or 2 was answered "Was," then the conduct WAS a manifestation of the student's disability. Check the appropriate box:
The conduct WAS ☐ WAS NOT ☐ a manifestation of the student's disability.

504 TEAM PARTICIPANTS

Knowledge of program:

Knowledge of interpreting data:

Knowledge of student:

Knowledge of student:

Knowledge of student:

I have received and reviewed, and I understand the attached rights afforded by Section 504 of the Rehabilitation Act of 1973/Title II of the Americans with Disabilities Act of 1990.

Signature of Parent(s)/Legal Guardian(s)/Surrogate: _____ Date: _____

I ☐ Agree ☐ Disagree with the Manifestation Determination as noted above.

If not in attendance, the Manifestation Determination Form and Notice of Rights was sent to the parent on _____

by Name/Title: _____ Date: _____

Copies:
*Parent
*504 Folder
*Cumm File

NOTICE OF RIGHTS FOR STUDENTS WITH DISABILITIES AND THEIR PARENTS UNDER § 504 OF THE REHABILITATION ACT OF 1973 AND TITLE II OF THE AMERICANS WITH DISABILITIES ACT OF 1990

The rehabilitation act of 1973, commonly known in the schools as “Section 504” (§ 504) is a federal law passed by the United States Congress with the purpose of prohibiting discrimination against persons with disabilities who may participate in, or receive benefits from, programs receiving federal financial assistance. In the public (and public charter) schools specifically, § 504 applies to, among other things, ensure that eligible students with disabilities are provided with educational benefits and opportunities equal to those provided to non-disabled students. Congress enacted a similar civil rights statute, the Americans with Disabilities Act (ADA), in 1990, also for the purpose of preventing discrimination against individuals with disabilities. Practically speaking, when this notice refers to specific requirements under Section 504, those same requirements will be followed in order to comply with the ADA.

Under § 504, a student is considered an “individual with a disability” if he or she has a physical or mental impairment that substantially limits one or more of their major life activities, such as learning, walking, seeing, hearing, breathing, caring for one’s self, working, and performing manual tasks. § 504 also applies to students with a record of such an impairment, or who are regarded as having such an impairment even if they do not. Students who are not eligible for special education under the Individuals with Disabilities Education Act (IDEA) may nonetheless be eligible for protection (and services) under § 504.

The purpose of this notice is to inform parents and students of the rights granted to them under § 504 and the ADA:

1. You have the right to be informed about your rights under § 504. [34 CFR 104.32] This document represents written notice of rights as required under § 504. If you have questions about your rights, contact your school or the district’s § 504 Office (contact information below) and they will assist you in understanding your rights.
2. You have the right to have your child take part in and receive benefits from public education programs without discrimination based on disability. [34 CFR 104.4]
3. Your child has the right to a free appropriate education. This includes the right to be educated with students without disabilities to the maximum extent appropriate. It also includes the right to accommodations to allow your child an equal opportunity to participate in school and school-related activities. [34 CFR 104.33]

4. Your child has the right to services, facilities, and activities comparable to those provided to non-disabled students. [34 CFR 104.34]
5. Your child has the right to an equal opportunity to participate in non-academic and extracurricular activities offered by the Charter School or District.
6. Your child has the right to an evaluation prior to determining his or her appropriate educational placement, and also before every subsequent significant change in placement. [34 CFR 104.35]
7. Testing and other evaluation procedures must comply with the requirements of § 504 regarding test validity, proper method of administration, and appropriate test selection. [34 CFR 104.35] The Charter School or District will consider information from a variety of sources in making its determinations, including, for example: aptitude and achievement tests, teacher recommendations, reports of physical condition, social and cultural background, adaptive behavior, health records, report cards, progress notes, parent observations, scores on tests of state standards or Stanford 10 tests, among others. [34 CFR 104.35]
8. Evaluation, eligibility, and placement decisions regarding your child must be made by a group of persons (a § 504 committee) knowledgeable about your child, the meaning of the evaluation data, possible placement options, and the requirement that to the maximum extent appropriate, students with disabilities should be educated with non-disabled children and in comparable facilities. [34 CFR 104.35]
9. If your child is identified as eligible under § 504, he or she has a right to periodic re-evaluations. Generally, an evaluation will take place at least every three years. [34 CFR 104.35]
10. You have the right to be notified in writing by the Charter School or District prior to any action regarding the identification, evaluation, or placement of your child. [34 CFR 104.36]
11. You have the right to examine relevant documents and records regarding your child (generally documents relating to identification, evaluation, and placement of your child). [34 CFR 104.36]
12. You have the right to an impartial hearing with respect to the Charter School's or District's actions regarding your child's identification, evaluation, or educational placement, with opportunity for participation by you and your child and representation by an attorney. [34 CFR 104.36]

13. The individuals responsible for coordinating compliance with § 504/ADA are:

Great Hearts Section 504 Coordinator
Great Hearts Academies
3102 N. 56th Street, Suite 300
Phoenix, AZ 85018

Great Hearts ADA/Title II Coordinator
Great Hearts Academies
3102 N. 56th Street, Suite 300
Phoenix, AZ 85018

14. **Grievance Process:** Any person who believes she or he has been subjected to discrimination on the basis of disability may file a grievance. It is against the law for Great Hearts Academies to retaliate against anyone who files a grievance or cooperates in the investigation of a grievance. Great Hearts Academies will make appropriate arrangements to ensure that disabled persons are provided other accommodations, if needed, to participate in this grievance process. Such arrangements may include, but are not limited to, providing interpreters for the deaf, providing taped cassettes of material for the blind, or assuring a barrier-free location for the proceedings. The § 504 Coordinator will be responsible for such arrangements. Please see the attachment titled “**Section 504 and Title II Grievance Procedure**” for a complete description of the grievance process procedure, or find it here:

<http://www.greatheartamerica.org/finance-compliance/>

15. You also have the right to file a complaint with the U.S. Department of Education Office for Civil Rights:

United States Department of Education
Office for Civil Rights – Region VIII
1244 Speer Boulevard, Suite 310
Denver, CO 80204
(303) 844-5695
OCR.Denver@ed.gov
<https://ocras.ed.gov/>

16. For more information regarding § 504/ADA in Arizona and for additional help in many areas of your child’s education, contact:

Raising Special Kids

2400 N Central Avenue, Suite 200

Phoenix, AZ 85004

Tel: (602)242-4366

Fax: (602)242-4306

Toll Free: (800)237-3007

Email: info@raisingspecialkids.org

www.raisingspecialkids.org



Section 504 and Title II Grievance Procedure

It is the policy of Great Hearts Academies not to discriminate on the basis of disability. Great Hearts has adopted an internal grievance procedure providing for prompt and equitable resolution of complaints alleging any action prohibited by Title II of the Americans with Disabilities Act (42 U.S.C. § 12131) or Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 794) or of the U.S. Department of Education regulations implementing the Act. Section 504 prohibits discrimination on the basis of disability in any program or activity receiving federal financial assistance, and Title II extends that protection to all the activities of state and local governments regardless of whether or not they receive federal funds. Programs and activities at Great Hearts Academies, as public schools, fall under both of these laws.

Title II Law and Regulations may be examined in the office of the **HR Director**, who has been designated to coordinate the efforts of Great Hearts Academies to comply with Title II.

Section 504 Law and Regulations may be examined in the office of the **National Director of Exceptional Student Services**, who has been designated to coordinate the efforts of Great Hearts Academies to comply with Section 504.

Any person who believes she or he has been subjected to discrimination on the basis of disability may file a grievance under this procedure. This procedure applies to complaints of discrimination, including harassment, carried out by employees, other students, or third parties. It is against the law for Great Hearts to retaliate against anyone who files a grievance or cooperates in the investigation of a grievance.

The availability and use of this grievance procedure does not prevent a person from filing a complaint of discrimination on the basis of disability with the U. S. Department of Education, Office for Civil Rights, 1244 Speer Blvd., Ste. 310, Denver, CO 80204, (303) 844-5695, fax (303) 844-4303, <https://ocracas.ed.gov>

Great Hearts Academies will make appropriate arrangements to ensure that disabled persons are provided other accommodations, if needed, to participate in this grievance process. Such arrangements may include, but are not limited to, providing interpreters for the deaf, providing audio recordings of material for the blind, or assuring a barrier-free location for the proceedings. The Title II or Section 504 Coordinator will be responsible for such arrangements.

Process	Guidance
Stage 1 If parents/guardians or student has a grievance it should be discussed informally with the teacher, Headmaster, coach, or staff member directly involved in the matter. The Academy hopes that the majority of concerns will be resolved at this stage.	<i>Informal discussions should resolve the vast majority of grievances. NOTE: Grievance or information involving an ongoing or imminent threat to a student's well-being should skip this stage and be immediately directed to the Headmaster.</i>

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<p>Stage 2</p> <p>If the matter is not satisfactorily resolved, the matter may be raised, in writing, with the Headmaster, who must give a response within 5 school days. This response may take the form of a letter and/or follow-up meeting with the family and any employee(s) involved in the matter. This meeting will be led by the Headmaster.</p>	<p><i>The Headmaster is the acting supervisor over all school employees.</i></p>
<p>Stage 3</p> <p>If the matter is still not satisfactorily resolved, the matter may be raised to the Executive Director's Office by addressing the matter in writing to the Executive Director of Lower Schools or Upper Schools, who must give a response within 10 school days. This response may take the form of a letter and/or follow-up meeting.</p>	<p><i>The Executive Director's office oversees the Headmasters.</i></p>
<p>Stage 4</p> <p>If the matter is not resolved satisfactorily, and the parent/guardian wishes to pursue the matter further, the grievance should be put in writing to the President of the Governing Board of Directors. The President will formally respond by setting a meeting or taking another course of action within 30 school days. If the Board as a whole is convened to address the grievance, all applicable public open meeting laws will be followed, including prior notice and the right of the employee(s) directly involved in the matter to request an open meeting or an executive session for the hearing. The Board's decision is final.</p>	<p><i>Stages 1, 2, and 3 must be completed before the action is brought to the Governing Board of Directors. A response by the Board may include a dismissal of the grievance, a formal reprimand of the school employee(s), or Headmaster, and/or a directive for staff to develop an additional policy recommendation for Board consideration.</i></p>

SECTION 504 PLAN/NOTES

Student Name:		SAIS #:
DOB:		Grade:
Eligibility Date:	Meeting Date:	Annual Review Date:
		Periodic Review Date:

MEETING TYPE:

- ☐ Initial Meeting
 ☐ Modify Current Plan
 ☐ Annual review
 ☐ Periodic review
 ☐ Other _____

DESCRIBE THE STUDENT'S PHYSICAL OR MENTAL IMPAIRMENT THAT SUBSTANTIALLY LIMITS ONE OR MORE MAJOR LIFE ACTIVITIES (refer to the Section 504 Eligibility Determination):

[NOTE THE PHYSICAL OR MENTAL IMPAIRMENT]

[DESCRIBE HOW THE IMPAIRMENT SUBSTANTIALLY LIMITS ONE OR MORE MAJOR LIFE ACTIVITIES USING THE EVALUATIVE INFORMATION/DATA]

DESCRIBE THE STUDENT'S INDIVIDUAL EDUCATION NEEDS (refer to the Section 504 Eligibility Determination):

[Note what the student needs (accommodations, etc.) relative to the limits to the student's major life activity]

ACCOMMODATIONS:

Teacher Responsibility:

	Specific Need/Setting ¹	Accommodations/Services/Other	Who Will Implement	Standard Testing Accommodation
1.				<input type="checkbox"/>
2.				<input type="checkbox"/>
3.				<input type="checkbox"/>
4.				<input type="checkbox"/>
5.				<input type="checkbox"/>
6.				<input type="checkbox"/>
7.				<input type="checkbox"/>
8.				<input type="checkbox"/>

¹ May include learning environment, lesson presentations, assignments/test taking, related services, any other special considerations or needs of the student.

Parent's Responsibility, if any:

1.	
2.	
3.	
4.	

Student's Responsibility, if any:

1.	
2.	
3.	
4.	

OTHER RELEVANT INFORMATION:

Student Name:	DOB:	Meeting Date:
---------------	------	---------------

504 Plan Participants:

My signature indicates that I have been informed and received notice of this Section 504 Plan and further acknowledge I am familiar with my rights and responsibilities pursuant to Section 504 of the Rehabilitation Act.

I was provided the Notice of Rights _____ on _____.
(Parent signature) (date)

Name & Role	Signature	This Person has Knowledge of	
			The child
			The program options
			The meaning of the evaluation data
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			The program options
			The meaning of the evaluation data

Parental Rights:

I was provided the Notice of Rights _____ on _____.
(Parent signature) (date)

I ☐ Agree ☐ Disagree with the Section 504 Eligibility Determination as noted above.

Copies:

- * Parent
- * 504 Folder
- * Cumulative File

SECTION 504 ELIGIBILITY DETERMINATION

Student Name:		SAIS #:	
DOB:	Grade:	Meeting Date:	Re-evaluation Date:

Meeting Type:

☐ Initial Evaluation

☐ Re-evaluation

Section 504 Eligibility Inquiry: "Does the student have a physical or mental impairment that substantially limits one or more major life activities?" This breaks down into the following questions for the 504 Team to answer.

Question 1: Does the student have a physical or mental impairment? Per OCR's January 2012 guidance, a handful of impairments will, in virtually every case, result in eligibility. They are: diabetes, epilepsy, bipolar disorder, autism. Other examples of impairments that result in eligibility include asthma, allergies, arthritis, ADHD, cystic fibrosis, anxiety, depression, renal disorders, temporary conditions such as a broken limb, conditions in remission such as cancer, and episodic conditions such as seizures.

Sources of Evaluation Information: (indicate each one used and attach supporting documents)

- | | | |
|--|--|---|
| <input type="checkbox"/> Parental Input | <input type="checkbox"/> Aptitude Tests | <input type="checkbox"/> Adaptive Behavior |
| <input type="checkbox"/> Medical Report (including hearing, vision, medications, any relevant developmental history, medication) | <input type="checkbox"/> Teacher Reports/Observations | <input type="checkbox"/> Discipline Records |
| Diagnosis _____ | <input type="checkbox"/> Grades/Transcripts | <input type="checkbox"/> Attendance Records |
| <input type="checkbox"/> Cognitive Assessments | <input type="checkbox"/> Student Work Examples | <input type="checkbox"/> Primary Language (home and student, including PHLOTE Form) |
| <input type="checkbox"/> Achievement Tests | <input type="checkbox"/> Parent Feedback | <input type="checkbox"/> Hearing and Vision Screening |
| | <input type="checkbox"/> Social and Health History | <input type="checkbox"/> Other (specify) _____ |
| | <input type="checkbox"/> Social or Cultural Background | |

Describe the nature of the impairment/document reasoning here (attach extra sheets if needed):

Team Conclusion as to Question 1: ☐ Yes ☐ No

Question 2: Does the impairment substantially limit one or more major life activity? This does not mean a severe restriction or inability in performing the major life activity. Specify the major life activity:

- | | | |
|--|---|--|
| <input type="checkbox"/> Hearing | <input type="checkbox"/> Learning or access to learning | <input type="checkbox"/> Major bodily functions |
| <input type="checkbox"/> Walking | <input type="checkbox"/> Reading | <input type="checkbox"/> Functions of the immune system |
| <input type="checkbox"/> Breathing | <input type="checkbox"/> Writing | <input type="checkbox"/> Cell growth |
| <input type="checkbox"/> Seeing | <input type="checkbox"/> Motor aspect of writing | <input type="checkbox"/> Digestive, bladder, and bowel functions |
| <input type="checkbox"/> Caring for oneself | <input type="checkbox"/> Math calculation | <input type="checkbox"/> Neurological and brain functions |
| <input type="checkbox"/> Performing manual tasks | <input type="checkbox"/> Concentrating | <input type="checkbox"/> Respiratory and circulatory functions |
| <input type="checkbox"/> Eating | <input type="checkbox"/> Processing | <input type="checkbox"/> Endocrine functions |
| <input type="checkbox"/> Sleeping | <input type="checkbox"/> Communicating | <input type="checkbox"/> Reproductive functions |
| <input type="checkbox"/> Standing | <input type="checkbox"/> Working fluency | <input type="checkbox"/> Other (specify) _____ |
| <input type="checkbox"/> Lifting | <input type="checkbox"/> Other (specify) _____ | |
| <input type="checkbox"/> Bending | | |
| <input type="checkbox"/> Speaking | | |
| <input type="checkbox"/> Other (specify) _____ | | |

Describe how the impairment substantially limits the life activity(ies)/document reasoning here (attach extra sheets if needed):

Team Conclusion as to Question 2: ☐ Yes ☐ No

If both Questions 1 and 2 above were answered "Yes," then the Student is eligible under Section 504, and the Team should go on to answer Question 3. If either Question 1 or Question 2 were answered "No," then the Student is not eligible for a Section 504 Plan, and the Team should skip Question 3.

Question 3: What are the student's individual education needs? Needs are identified by looking to a variety of evaluation sources, including those listed above. Consider whether the student needs regular or special education or related aids or services, including adjustments or accommodations, for his/her educational needs to be met as adequately as those of non-disabled peers.

Describe the student's educational needs/document reasoning here (attach extra sheets if needed):

ELIGIBILITY DETERMINATIONS

☐ **Not Section 504 eligible.** The student is not eligible under Section 504 as the impairment does not meet the criteria in Questions 1 and 2 above.

☐ **Section 504 Eligible + No Plan.** The student is eligible under Section 504 but does not require a 504 Plan at this time. The student is eligible for safeguards under Section 504, including manifestation determination, procedural safeguards, periodic Re-Evaluation or more often as needed, as well as the nondiscrimination protections of Section 504. Should need for a Plan develop, the 504 team will reconvene to evaluate the new information and develop an appropriate Section 504 Plan if necessary.

☐ **Section 504 Eligible + Plan.** The student is eligible under Section 504 and will receive a Section 504 Plan that governs the provision of a free appropriate public education to the student. The student will receive manifestation determination, procedural safeguards, periodic re-evaluation or more often as needed, as well as the nondiscrimination protections of Section 504. The Team should continue on now to develop the Section 504 Plan appropriate for the student, or schedule a subsequent meeting for this purpose.

☐ **Section 504 Dismissal.** The student is no longer eligible for Section 504 and is exited from the program. The student will now receive regular education without a Section 504 Plan. The student will receive the nondiscrimination protections of Section 504 as a student with a record of impairment, together with procedural safeguards, but will not receive manifestation determination, or periodic Re-Evaluation.

☐ **IDEA Eligible.** The student has been determined special education eligible by an IEP Team. Consequently, the student will not be served through a Section 504 team. If the student has been determined eligible for Section 504, the student will be exited from the program. The student will receive a free appropriate education through the IEP Team, together with the nondiscrimination protections and procedural safeguards of Section 504.

TEAM SIGNATURE: Section 504 requires “a group of persons, including persons knowledgeable about the child, the meaning of the evaluation data, and the placement options” to make eligibility and placement/services decisions.

I agree with the Section 504 Eligibility Determination as noted above:

Name	Signature	This Person has Knowledge of	
			The child
			The program options
			The meaning of the evaluation data
			The child
			The program options
			The meaning of the evaluation data
			The child
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			The meaning of the evaluation data

Parental Rights:

I was provided the Notice of Rights _____ on _____.
 (Parent signature) (date)

I ☐ Agree ☐ Disagree with the Section 504 Eligibility Determination as noted above.

Copies:
 *Parent
 *504 Folder
 *Cumulative File

INVITATION TO SECTION 504 MEETING

Notice Date:

Student Name:	SAIS #:
DOB:	Grade:

Dear Parent(s),

We are convening the Section 504 team for the following purpose(s):

- ☐ Initial Meeting
 ☐ Transitional Meeting (entering new school with existing 504 plan)
 ☐ Other _____
- ☐ Modify Current Plan
 ☐ Review eligibility
- ☐ Annual review

You're invited to be part of the team as a valued member with knowledge of the student. The following members have been invited to be part of the team because they have knowledge of the student or the program/placement options, or are able to evaluate the data and information:

Knowledge of
 program/placement options:
 Knowledge of interpreting data:
 Knowledge of student:
 Knowledge of student:
 Knowledge of student:
 Knowledge of student:
 Knowledge of student:
 Knowledge of student:

If you would like to invite someone from outside the school to the meeting because you feel they would be able to add to the team's knowledge of the student please let me know at least 48 hours prior to the meeting.

The meeting is scheduled for:

Date: _____ Time: _____
 Location: _____ Rm. # _____

If you have questions or would prefer an alternate date, please contact me:

Academy 504 Coordinator _____ Tel # _____

PLEASE SIGN AND RETURN TO SCHOOL

- ☐ Yes, I plan to attend
 ☐ No, I'm not able to attend
- ☐ Please call about another meeting time. I can be reached at (tel. #): _____

Parent Signature _____ Date _____

SCHOOL USE ONLY

Date of 2nd Notice _____ Method of Notice _____
 Date of 3rd Notice _____ Method of Notice _____

Copies:

- * Parent
- * 504 Folder
- * Cumm File