

# II. Local Governance

## 2.11 Board – Powers and Duties

Adopted: (date of adoption)

Revised: (date of latest revision and approval)

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**Policy Objectives:** It is the intent of the governing board to ensure that the board acts as in substantial compliance with the applicable laws and regulations of the State of Arizona in carrying out the will of the people of the District in the matter of public education while deriving its authority from the Arizona Constitutions, Arizona Revised Statutes and the regulations of the Arizona Administrative Code.

A. Board powers and duties are identified in Arizona Revised Statutes Title 15, Article 3.

1. Mandatory duties (identified by “shall”) are detailed in ARS 15-341.

2. Discretionary powers (identified by “may”) are detailed in ARS 15-342.

### **LEGAL REF.:**

A.R.S.

Title 15, Article 3

Last Revision Date: June 25, 2022

## 2.21 Organization - Organizational Meeting

Adopted: (date of adoption)

Revised: (date of latest revision and approval)

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Definitions: "Vice President" means the elected board member who shall preside over meetings in the event the President is absent. This may also be referred to as "Clerk".

Policy Objectives: It is the intent of the Board that a new President and Vice President be elected from among the members between January 1 and January 15 of every year in a public meeting.

A. The Governing Board will hold an election of its Board President and Vice President, (from among its membership) who will serve as president in the absence of the president, between January 1 and January 15 every year. The term of office for each officer will be for the calendar year (one [1] year term). The officers will preside during and until an election of new officers takes place. Note: If a quorum is not attained during such regular meeting session during that period of time (January 1-15), then a "special Board meeting" will be called for and held as soon as possible for the purpose of conducting the election.

B. For the purpose of organization of the Governing Board, the Board shall meet at the most convenient public facility in the District. (If a public facility is not available within the District, the Board may meet at any available public facility convenient to all Board members, regardless of the county or school district in which the facility is located.)

C. The meeting shall be called to order by the President of the Board for the preceding year. If that person is not a member of the Board, the meeting shall be called to order by the Vice President for the preceding year. If the preceding year President and Vice President are not members of the Board, a temporary president shall be elected and the meeting shall be called to order by the temporary president. The person calling the meeting to order shall preside until a successor is chosen.

D. The Board President shall ask for nominations for the office of President. A member may nominate him or herself. The President shall ask for acceptance of nominations from those nominated. Immediately after electing a President the Board will take a brief recess. The meeting will resume with the new President conducting the balance of the meeting.

E. The New Board President shall ask for nominations for the office of Vice President. Process in Section D. shall be repeated. The elected Vice President will immediately assume the post and the meeting may resume with additional Board business.

F. Whenever there is a vacancy in the office of President or Vice President, the Board shall elect a new officer to fill the vacancy during the unexpired term of office.

**LEGAL REF.:**  
A.R.S.  
15-321  
38-431 et seq.

Last Revision Date: June 25, 2022

## 2.22 Organization - District Superintendent

Adopted: (date of adoption)

Revised: (date of latest revision and approval)

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**Definitions:** “Superintendent” means a Superintendent, or principal, or both.

**Policy Objectives:** It is the intent of the Board that that the District organization, operations, administration, faculty, staff, methods, practices, and conduct, will be managed through the Superintendent.

- A. The Board determines qualifications of a District Superintendent, which include, but are not limited to background check and fingerprint clearance card. Certification is not required.
- B. The Superintendent shall supervise, either directly or through delegation, all activities and all personnel of the school system according to the laws of the state of Arizona, rules of the Arizona State Board of Education, and adopted policies of the Board.
- C. The Superintendent shall administer the policies of the Board.
- D. The Superintendent makes recommendations to the Board for changes in Board policies and the educational programs.
- E. The Superintendent is responsible to the Board for all functions of the District.

**LEGAL REF.:**

A.R.S.

15-503

15-802

38-201

41-1758

A.A.C.

R7-2-603

Last Revision Date: June 25, 2022

## 2.23 Organization - District Attorney

Adopted: (date of adoption)

Revised: (date of latest revision and approval)

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**Policy Objectives:** It is the intent of the Board to directly seek advice of legal counsel, as necessary, while being mindful of financial resources.

A. If a district lies in two or more counties, the county attorney of the largest county in which the district lies as determined by the last federal decennial census is the attorney for the district.

B. A district board may employ an attorney to represent the district if the county attorney consents. The district board shall state in writing the purpose for which it employs an attorney. The district attorney may report directly to the Board. Any Board member may be authorized to contact in-house counsel.

C. A district board may employ an attorney without the consent of the county attorney if it deems it advisable.

D. Compensation for an attorney whom the district board employs as provided in subsections B and C of this section is payable from district monies.

E. If a district board employs an attorney without the consent of the county attorney, the county attorney has no duty to represent the district with regard to any matter for which the attorney was employed and is not responsible to the district for any exercise of, or failure to exercise, professional judgment by the attorney in his representation of the district.

F. The county attorney is not required to assume the duty to represent the district on a matter for which the district board employs an attorney without the consent of the county attorney.

G. An attorney employed pursuant to subsection B or C of this section shall represent the district with the powers of and the duties otherwise performed by the county attorney pursuant to section 11-532, subsection A, paragraph 11.

H. Any county attorney who issues a legal opinion to a community college district shall promptly transmit a copy of the opinion to the attorney general who shall concur, revise or decline to review the opinion of the county attorney. If the attorney general does not concur, revise, or decline to review the county attorney's opinion within sixty days from its receipt, the opinion shall be deemed affirmed. If the attorney general revises the opinion, the opinion of the attorney general shall prevail.

I. The Board may choose to employ outside counsel, an attorney different than the attorney employed by the District. Compensation and purpose should be determined at the time of hire.

J. The Superintendent, or his or her designee, and the Board President may contact private counsel for Board business. The Superintendent, or his or her designee, and the Board may contact in-house counsel for Board business.

**LEGAL REF.:**

A.R.S.

11-532

15-1448

Last Revision Date: June 25, 2022

## 2.24 Organization - Advisory Committees

Adopted: (date of adoption)

Revised: (date of latest revision and approval)

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**Policy Objectives:** It is the intent of the Board that all committees providing guidance, advice, or recommendations to the Board be established and authorized by the Board and follow Open Meeting Law requirements.

A. The Board may appoint committees which are advisory in nature only and shall be considered public bodies.

B. The Board shall approve guidelines for each committee prior to the first meeting of each committee and will include, but not be limited to:

1. Purpose of the committee.
2. Date or event upon which the committee will be terminated.

C. The Superintendent will ensure:

1. Each committee member will be briefed on the requirements of the Arizona Open Meeting Law (A.R.S. 38-431) as it applies to Board committees.
2. Notices and agendas of all meetings of the committee will be posted.
3. All meetings will be public meetings.
4. If an executive session is authorized, Executive Session requirements will be followed.

D. Minutes will be taken and made available for public inspection three (3) working days after the meeting and archived for public inspection.

1. The minutes shall also include the names of the members who propose each motion and the names of the persons, as given, who make statements or present material to the public body and a reference to the legal action about which they made statements or presented material.

**LEGAL REF.:**

A.R.S.

38-431 et seq.

Last Revision Date: June 25, 2022



## 2.31 Policy - Adoption, Revision, Suspension, and Repeal

Adopted: (date of adoption)

Revised: (date of latest revision and approval)

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**Policy Objectives:** It is the intent of the Board to adopt policies that prioritize students and academic achievement that meets the needs of individual students.

A. The Board shall prescribe and enforce policies and procedures to govern the schools that are not inconsistent with law or rules prescribed by the state board of education.

B. Suggestions regarding the content of policies may originate with a member of the Board, the Superintendent, a staff member, a parent, a student, a consultant, a civic group, or any resident of the District.

C. The Board will review policies annually.

1. The Board is responsible for identifying policies that are out of date or in need of revision.

2. The Board may engage a third party consulting service for policy revision or review.

D. Adoption of new policies or the revision, suspension, or repeal of existing policies is the responsibility of the Board.

1. Best practices suggest two meetings to discuss adoption of new policies or policy revision, suspension or repeal to allow for public review and comment.

E. The Superintendent shall develop administrative procedures, regulations and guidelines that execute Board policies.

1. The Superintendent shall ensure that the Board, employees, and all members of the public have access to a current policy manual that contains the policies, procedures, regulations and guidelines of the District.

F. All adopted policies will remain the property of the District.

### LEGAL REF.:

A.R.S.

15-321

15-341

Last Revision Date: June 25, 2022

## 2.32 Policy - Regulations

Adopted: (date of adoption)

Revised: (date of latest revision and approval)

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**Policy Objectives:** It is the intent of the Board that the Superintendent develop regulations that prioritize students and academic achievement that meets the needs of individual students.

A. The Superintendent has the responsibility for carrying out, through administrative regulations, the policies established by the Board. The administrative regulations shall specify details and required actions which implement the Board approved policy in the spirit in which it was approved.

B. The Superintendent shall provide a copy of each District regulation and the related policy to each Board member prior to distribution. The Board reserves the right to review and provide feedback on all administrative regulations prior to distribution.

C. Before issuance, regulations shall be properly titled and coded in conformance with the policy classification system.

Last Revision Date: June 25, 2022

## 2.41 Ethics - Board Member Removal from Office

Adopted: (date of adoption)

Revised: (date of latest revision and approval)

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**Policy Objectives:** It is the intent of the Board to adhere to Arizona Revised Statutes regarding board member removal from office.

A. A Board member may be removed from office for reasons included in A.R.S. 38-291:

1. Death of the person holding the office.
2. Insanity of the person holding the office, when judicially determined.
3. Resignation of the person holding the office and the lawful acceptance of the resignation.
4. Removal from office of the person holding the office, including the removal of a board or commission member by the appointing power before the expiration of the person's term of office.
5. If the office is elective, the person holding the office ceasing to be a resident of the state, or, if the office is local, or from a legislative or congressional district, the person holding the office ceasing to be a resident of the district, county, city, town or precinct for which the person was elected, or within which the duties of the person's office are required to be discharged.
6. Absence from the state by the person holding the office, without permission of the legislature, beyond the period of three consecutive months.
7. The person holding the office ceasing to discharge the duties of office for the period of three consecutive months.
8. Conviction of the person holding the office of a felony or an offense involving a violation of the person's official duties.
9. Failure of the person elected or appointed to the office to file the person's official oath within the time prescribed by law.
10. A decision of a competent tribunal declaring void the election or appointment of the person elected or appointed to the office.
11. Failure of a person to be elected or appointed to the office.
12. A violation of section 38-296 by the person holding the office.

B. Every public officer holding an elective office, either by election or by appointment, is subject to recall from such office by the qualified electors of the electoral District from which candidates are elected to that office.

### **LEGAL REF.:**

A.R.S.

19-201

19-202

19-202.01

19-209

19-217

38-291

38-431.07

Last Revision Date: June 25, 2022

## 2.42 Ethics - Board Member Conflict of Interest

Adopted: (date of adoption)

Revised: (date of latest revision and approval)

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**Definitions:** "Refrain from participating in any manner" means not participating in any way in the process leading up to a decision. An employee with a conflict of interest must not make recommendations, give advice, or otherwise communicate in any manner with anyone involved in the decision-making process.

"Dependent" has the same meaning prescribed by section 152 of the internal revenue code.

**Policy Objectives:** It is the intent of the Board that members avoid all impropriety and any appearance of impropriety.

A. It is unlawful for a board member to vote on a specific item that concerns the appointment, employment, or remuneration of the member or any person related to the member as a dependent as defined in A.R.S. 43-1001.

B. No dependent of a Board member may be employed in the District in which the person to whom such dependent is so related is a board member, except by consent of the Board.

C. No employee of the District, including a person who directly provides certified or classified services to the District as an employee of a third-party contractor, or the spouse of such employee may hold membership on the Board of the District by which the employee is employed.

D. Any Board member or employee of the District who has, or whose relative has, a substantial interest in any contract, sale, purchase, or service to the District shall make known that interest in the official records of the District and shall refrain from voting upon or otherwise participating in any manner as a Board member or employee in such contract, sale, or purchase.

E. School district procurement rules are required for all purchases of service from Board members, regardless of the dollar amount. Purchases for services may only be made after public competitive bidding. Purchases of supplies, materials, and equipment from Board members are subject to the following:

1. Purchases for supplies, materials, and equipment do not exceed three hundred dollars (\$300) in cost in any single transaction
2. Total purchases do not exceed one thousand dollars (\$1,000), annually
3. The Board has, by majority vote, approved a policy authorizing such purchases annually.

F. The District shall maintain for public inspection in a special file all documents necessary to memorialize all disclosures of substantial interest made known pursuant to A.R.S. Title 38, Article 8.

**LEGAL REF.:**

A.R.S.

15-213

15-323

15-421

15-502

38-481

38-501 et seq

38-503

43-1001

A.G.O.

184-012

187-035

188-013

106-002

Last Revision Date: June 25, 2022

## 2.51 Meetings – Regular, Special, Study Session

Adopted: (date of adoption)

Revised: (date of latest revision and approval)

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**Definitions:** “Meeting” means the gathering, in person or through technological devices, of a quorum of members of a public body to discuss, propose or take legal action, including any deliberations with respect to such action that has been properly noticed, pursuant to Arizona Revised Statutes. A meeting includes a one-way electronic communication by one member of a public body that is sent to a quorum of the members of a public body and that proposes legal action. A meeting also includes an exchange of electronic communications among a quorum of the members of a public body that involves a discussion, deliberation or the taking of legal action by the public body concerning a matter likely to come before the public body for action.

**Policy Objectives:** It is the intent of the Board to conduct all business of the District in the District, in public and with proper notice to maximize transparency and public participation.

A. The Board shall conduct all business at official meetings of the Board. These may be either regular meetings, special meetings, or study sessions, defined as follows:

1. Regular meeting - the usual official legal-action meeting, scheduled and held regularly.
2. Special meeting - an official legal-action meeting called between scheduled regular meetings to consider only specifically identified topics.
3. Study Session - an official non-action meeting called between scheduled regular meetings to study identified topics.

B. The Board shall hold a regular meeting at least once each month during the regular school year and may hold other meetings as often as called.

C. Every meeting of the Board shall be open to the public except for an executive session that is held in accordance with state law.

D. Notice of all Governing Board meetings, regular and special, shall be posted in compliance with the requirements prescribed by A.R.S. 38-431.02.

E. Votes on all motions and resolutions shall be ayes, nays, abstentions or recusals.

1. At the discretion of the Board President or on the request of a member, a show-of-hands or roll-call vote shall be made and the vote of members shall be recorded.
2. On all votes, an indication of how each member voted, the names of the members who propose each motion and the names of the person, as given, who make statements or present material to the public body and a reference to the legal action about which they made statements or presented material shall be recorded in the minutes.

F. All motions shall be carried by a majority of the members who vote, or as otherwise required by law.

**LEGAL REF.:**

A.R.S.

1-216

15-321

38-431 et seq.

A.G.O.

178-237

179-45

184-165

180-198

Attorney General Arizona Agency Handbook, Chapter 7, Open Meetings

ASLAPR General Retention Schedule for School Districts and Charter Schools

Last Revision Date: June 25, 2022

## 2.52 Meetings - Executive Session

Adopted: (date of adoption)

Revised: (date of latest revision and approval)

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**Policy Objectives:** It is the intent of the Board to minimize the occurrence of executive sessions and only meet in executive session in accordance with Arizona Revised Statutes.

A. The Board may enter into executive session, authorized by a vote of the members, pursuant to ARS Title 38 Article 3.1 and statutes referenced by ARS Title 38 Article 3.1.

B. Executive sessions will be conducted in compliance with ARS Title 38 Article 3.1 and statutes referenced by ARS Title 38 Article 3.1.

C. The Board shall reconvene the open meeting after an executive session prior to adjourning the meeting.

### **LEGAL REF.:**

A.R.S.

15-843

38-Article 3.1

A.G.O.

179-45

179-49

179-126

179-136

180-118

180-146

181-058

181-060

181-090

Last Revision Date: June 25, 2022



## 2.53 Meetings - Notice

Adopted: (date of adoption)

Revised: (date of latest revision and approval)

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**Policy Objectives:** It is the intent of the Board to transact all business of the district in the district, in public, and with proper notice to maximize transparency and public participation.

A. The Superintendent shall conspicuously post a statement on the district website stating where all public notices of their meetings will be posted, including the physical and electronic locations.

B. The Superintendent shall give additional public notice as is reasonable and practicable as to all meetings.

C. A technological problem or failure that either prevents the posting of public notices on a website or that temporarily or permanently prevents the use of all or part of the website does not preclude the holding of the meeting for which the notice was posted if the public body complies with all other public notice requirements.

D. Meetings shall not be held without at least twenty-four hours' notice to the members of the public body and to the general public.

1. The twenty-four (24) hour notice period includes Saturday if the public has access to the physical posted location in addition to any website posting, but excludes Sundays and other holidays prescribed in A.R.S. 1-301.

2. A twenty-four (24) hour meeting notice is not required in the case of an actual emergency, however, notice shall be given and procedures followed in accordance with the requirements of A.R.S. 38-431.02 as are appropriate to the circumstances.

3. A meeting may be recessed and resumed with less than twenty-four (24) hour notice when proper initial meeting notice was given and, before recessing, public notice is given specifying the time and place the meeting will be resumed or identifying the method by which such notice shall be publicly given.

E. In case of an actual emergency, a meeting, including an executive session, may be held on such notice as is appropriate to the circumstances. Public notice must be posted within twenty-four hours declaring that an emergency session has been held and setting forth the agenda discussed, including executive session agendas.

### LEGAL REF.:

A.R.S.

1-301

15-341

38-431

38-431.02

A.G.O.

179-45

Last Revision Date: June 25, 2022

## 2.54 Meetings - Agenda

Adopted: (date of adoption)

Revised: (date of latest revision and approval)

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**Policy Objectives:** It is the intent of the Board to prepare agendas in a timely, complete, and transparent manner, providing and to disseminate that agenda to board members in a timely, complete and transparent manner.

A. The Superintendent will prepare Board meeting agendas in consultation with the Board President and/or Vice President.

B. The Superintendent or Board members may place items on the agenda. Any Board member desiring to place an item on the agenda will notify the Superintendent or Board President in writing of the particular item of business at least five (5) working days before the meeting.

C. The agenda of each Board meeting may contain a consent agenda. Consent agenda items will be determined and indicated by the Superintendent, with the concurrence of the Board President, at the time agendas are prepared. All backup material relating to any consent agenda items will be included in the Board's agenda packets.

1. Consent agenda items may be removed for discussion and debate by any member of the Board at the Board meeting. If removed from the consent agenda, the item may be moved to action/discussion, or may be placed on the next Board meeting agenda.

D. The agenda and supporting materials shall be distributed to the Board members not less than twenty-four (24) hours prior to the meeting. Every reasonable attempt will be made to provide the agenda and supporting materials five (5) calendar days in advance of the meeting.

E. Persons with a disability or who need an interpreter may request a reasonable accommodation by contacting the Governing Board Secretary at least 48-hours in advance to arrange services.

F. Copies of the agenda and all documentation provided to the Board in the agenda packet shall be available to the public and the press at least twenty-four (24) hours prior to the meeting.

G. These procedures may be altered by the Superintendent and Board President during an emergency.

### **LEGAL REF.:**

A.R.S.

38-431 et seq.

Last Revision Date: June 25, 2022

## 2.61 Members - Qualifications

Adopted: (date of adoption)

Revised: (date of latest revision and approval)

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**Definitions:** "Household of residence" means the place of abode during applicable time periods or the residence address used by an individual for voter registration or property tax purposes.

Immediate family" means individuals who are married to each other and any children of those individuals.

**Policy Objectives:** It is the intent of the Board to ensure that all governing board members meet minimum qualifications as defined by law.

A. A person who is a registered voter of Arizona and has been a resident of the District for one (1) year immediately preceding the day of election is eligible for election to the office of Board member.

B. No employee of the District, including a person who directly provides certificated or support services to the District as an employee of a third-party contractor, or the spouse of such employee may hold membership on the Board of this District.

C. A person is not eligible to be a candidate for nomination or election to and is not eligible to serve simultaneously on more than one school district governing board, except that a member of a governing board may be a candidate for nomination or election for any other governing board if the member is serving in the last year of a term of office.

D. A member of a Board shall resign the member's seat on the Board before becoming a candidate for nomination or election to the Board of any other school district, unless the member of the Board is serving in the last year of a term of office.

E. Persons related as immediate family who have the same household of residence within four years prior shall not serve simultaneously on the Board of the same school district if the Board is composed of five members.

### **LEGAL REF.:**

A.R.S.

15-421

38-201

38-296.01

Arizona Constitution, Article VII, Section 15

Last Revision Date: June 25, 2022

## 2.62 Members - Oath of Office

Adopted: (date of adoption)

Revised: (date of latest revision and approval)

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**Definitions:** "Officer " means any person elected or appointed either on a part-time or full-time basis, by this state or any of its political subdivisions or any county, city, town, municipal corporation, school district, public educational institution or any board, commission or agency of any county, city, town, municipal corporation, school district or public educational institution.

**Policy Objectives:** It is the intent of the Board to ensure that all governing board members are appropriately sworn into office and documents retained per statute.

A. Board members shall take and subscribe to the oath prescribed for public officers pursuant to A.R.S. 38-231.

B. The official oaths of all officers of school districts shall be filed of record in the school district office.

C. The official oath or affirmation required to be filed of record shall be maintained as an official record throughout the person's term or appointment plus a period of time to be determined pursuant to sections 41-151.15 and 41-151.19.

D. Any Board member having taken the oath of office, and knowingly at the time of subscribing to the oath, or at any time thereafter during the member's term of office, does commit or aid in the commission of any act to overthrow by force, violence or terrorism as defined in section 13-2301 the government of this state or of any of its political subdivisions, or advocates the overthrow by force, violence or terrorism as defined in section 13-2301 of the government of this state or of any of its political subdivisions, is guilty of a class 4 felony and, on conviction under this section, the Board member is deemed discharged from the office and is not entitled to any benefits which may have been incident or appurtenant to the office.

### LEGAL REF.:

A.R.S.

15-426

38-231

38-232

38-233

41-151.15

41-151.19

Attorney General Arizona Agency Handbook, Chapter 7, Open Meetings

Last Revision Date: June 25, 2022

## 2.63 Members - Resignation

Adopted: (date of adoption)

Revised: (date of latest revision and approval)

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**Policy Objectives:** It is the intent of the Board to ensure that all governing board member resignations are filed properly and with full transparency.

A. Any Board member who desires to resign from the Governing Board shall send a letter of resignation, in writing, to the Arizona Secretary of State with the effective date, with copies to the County School Superintendent, Superintendent and each member of the Board prior to the effective date of the resignation.

**LEGAL REF.:**

A.R.S.

38-294

Last Revision Date: June 25, 2022

## 2.64 Members – Communications with Employees

Adopted: (date of adoption)

Revised: (date of latest revision and approval)

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**Policy Objectives:** It is the intent of the Board to welcome the opinion and other input from employees and the public in general on all matters. This policy shall not prevent communications between the Board and all stakeholders, but all such communications must be made in compliance with the Arizona open meeting laws, to the extent applicable.

A. Official communication between the Board and employees will occur as follows:

1. An employee will first communicate on school or employment related matters at the administrative level.
2. Any employee who exhausts the opportunity of discussing an official matter at the various administrative levels may then communicate in writing with the Board on the matter, providing documentation of all prior communications with administration.
3. No anonymous communication will be considered by the Board.
4. Any employee who wishes to address the Board in the employee's capacity as a parent, District resident, or individual, rather than as an employee, may do so by following the procedures outlined in Board Communications with the Public.
5. Official communications, policies, directives, Board concerns, and Board action(s), as appropriate, will be communicated to employees by the Superintendent.

**LEGAL REF.:**

A.R.S.

15-321

15-341

38-431.01

38-431.02

Last Revision Date: June 25, 2022

## 2.65 Members - Communications with the Public

Adopted: (date of adoption)

Revised: (date of latest revision and approval)

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**Policy Objectives:** It is the intent of the Board to welcome the opinion and other input from the public on all matters. This policy shall not prevent communications between the Board and all stakeholders, but all such communications must be made in compliance with the Arizona open meeting laws, to the extent applicable.

- A. Official communication between the Board and the public will occur as follows:
1. The Board asks the public to follow the District's problem solving procedures which outline the concerns and complaint process followed by the District.
    - a. The Superintendent shall prominently display the problem solving procedures on the District website and in the parent handbook.
  2. Any community member who exhausts the opportunity of discussing an official matter at the administrative level may appeal the matter to the Board in writing. Communication should include the writer's name(s) and signature(s), date, full address, daytime phone number, relevant documentation and documentation of all prior communications with District administration and staff.
  3. No anonymous communication will be considered by the Board for formal action.
  4. Generally, neither the Board nor the administration will publicly comment on or publicly respond to anonymous letters that are received by the Board or the District.

Last Revision Date: June 25, 2022

## 2.64 Members - Appointed and Member Elect

Adopted: (date of adoption)

Revised: (date of latest revision and approval)

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**Policy Objectives:** It is the intent of the Board to afford an appointed board member or member-elect, prior to being seated, the Board's and the staff's fullest courtesy and cooperation.

A. The Board and staff will make every effort to assist the appointed board member or member-elect to become fully informed about the Board's functions, policies, and procedures.

B. In the interim between election or appointment and actually assuming office, the member-elect may be invited to attend appropriate meetings and functions of the Board and receive appropriate reports and communications normally sent to Board members.

C. The appointed board member or member-elect is to be provided access to appropriate publications and aids, including the Board's Policy Manual and Administrative Regulations.

D. Appointed board members or members-elect may be encouraged to attend meetings or workshops specifically designed for them. Their expenses at these meetings may be reimbursed by the District in accordance with law.

**LEGAL REF.:**

A.R.S.

15-342

38-431.01

Last Revision Date: June 25, 2022



## 2.65 Members - Training

Adopted: (date of adoption)

Revised: (date of latest revision and approval)

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**Policy Objectives:** It is the intent of the Board to encourage members to attend workshops and training.

A. Professional journals and books in the school libraries shall be available to every Board member upon request.

B. To control the investment of time and funds necessary to implement this policy, the Board establishes these principles and procedures for its guidance:

1. Funds for participation at meetings and conferences will be budgeted on an annual basis and allocated equally to each board member.
2. When funds are limited, the Board will designate which of its members would be the most appropriate to participate at a given meeting.
3. With the prior approval of the Board, Board members may participate in meetings other than those authorized in the budget.
4. When a conference, convention, or workshop is not attended by the full Board, those who do participate will be requested to share information, recommendations, and material acquired at the meeting.

C. No public monies shall be used for training, orientation or therapy that presents any form of blame or judgment on the basis of race, ethnicity or sex. This does not include any training on sexual harassment.

1. Blame or judgment on the basis of race, ethnicity or sex is defined in ARS 41-1494 statute by seven (7) concepts.

### **LEGAL REF.:**

A.R.S.

15-342

41-1494

Last Revision Date: June 25, 2022

## 2.66 Members - Expense Reimbursement

Adopted: (date of adoption)

Revised: (date of latest revision and approval)

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**Policy Objectives:** It is the intent of the Board to reimburse authorized board member expenses related to district business.

A. With prior Board authorization, board members may be reimbursed for expenses incurred in connection with any school business authorized by the Board.

B. Reimbursement amounts shall not exceed the maximum amounts established pursuant to ARS 38-624.

**LEGAL REF.:**

A.R.S.

15-342

38-621 et seq.

Last Revision Date: June 25, 2022

## 2.67 Members - Insurance/Liability Policy

Adopted: (date of adoption)

Revised: (date of latest revision and approval)

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**Definitions:** "Self-insurance program" means programs established and wholly or partially funded by the school district governing board. Self-insurance programs shall not include a decision by the governing board not to carry insurance upon a particular risk or risks.

**Policy Objectives:** It is the intent of the Board to remain compliant with Arizona Revised Statutes regarding board member insurance and liability.

A. Board members are immune from personal liability with respect to all acts done and actions taken in good faith within the scope of their authority during duly constituted regular and special meetings.

B. Board members shall have no personal liability for acts done in reliance upon written opinions of the attorney general or upon written opinions of the county attorney:

1. Which are deemed to be affirmed by the attorney general pursuant to section 15-253.
2. With which the attorney general concurs.
3. Which the attorney general declines to review.
4. As revised by a written opinion of the attorney general.

C. The Board may procure insurance or may establish a self-insurance program for the management and administration of a system for direct payment of benefits, losses, or claims, or any combination of insurance and direct payments, including risk-management consultation, to provide payment of any property loss sustained or lawful claim of liability or fortuitous loss made against the District or its employees or officers, if the employees or officers are acting in the scope of their employment or authority.

D. Board members and their dependents are eligible to participate in health, accident, life, or disability insurance plans made available to employees of the District if the Board members pay the full premiums associated with such coverage and participation of the members and their dependents does not result in an expenditure of District funds. Former Board members, their spouses, dependents, and surviving spouses or dependents of Board members or former Board members may continue to participate in the health, accident, life, or disability insurance benefits provided to employees of the District if the following conditions are met:

1. Former Board members must have served at least four (4) consecutive years on the Board, must have been covered under the insurance plan while serving as Board members, and must pay the full premiums for the insurance coverage.
2. Such participation must not result in an expenditure of District funds.
3. The spouse and dependents of a Board member or former Board member may continue participation in the insurance plan if they pay the full premium for the insurance coverage and their participation does not result in any expenditure of District funds.

4. The surviving spouse and/or dependents of a deceased Board member who was eligible for coverage while in office will be eligible for continued coverage. For a surviving spouse or dependents of a Board member or former Board member to be eligible for continued coverage, the deceased Board member or former Board member must have served four (4) consecutive years and have been covered under the insurance plan while serving on the Board.

**LEGAL REF.:**

A.R.S.

15-341

15-381

15-382

15-387

A.G.O.

190-038

Last Revision Date: June 25, 2022

## 2.68 Members - Memberships

Adopted: (date of adoption)

Revised: (date of latest revision and approval)

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**Policy Objectives:** It is the intent of the Board to allow board members to participate in school board associations, coalitions, or other groups.

A. The district shall not spend monies for memberships in an association, coalition or group that attempts to influence the outcome of an election, as determined by state and federal law.

**LEGAL REF.:**

A.R.S.

15-342

Last Revision Date: June 25, 2022

## 2.71 Superintendent - Contract

Adopted: (date of adoption)

Revised: (date of latest revision and approval)

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**Definitions:** “Superintendent” means a Superintendent, or principal, or both.

**Policy Objectives:** It is the intent of the Board that the administration of the school system is the responsibility of the Superintendent, whose functions shall be carried out in accordance with the policies of the Board.

A. The Board may employ a superintendent or principal, or both.

B. The Board may, jointly with another Board employ a superintendent or a principal, or both.

1. The Boards shall jointly determine the qualifications for the superintendent by action taken at a public meeting.

2. The Boards shall require a superintendent to have a valid fingerprint clearance card that is issued pursuant to title 41, chapter 12, article 3.1.

C. The term of employment of superintendents may be for any period not exceeding three years.

D. If the superintendent's contract with the District is for multiple years the District shall not offer to extend or renegotiate the contract until no earlier than fifteen months before the expiration of the contract.

E. The Board shall communicate the superintendent's duties with respect to the classroom site fund established by section 15-977.

F. The Superintendent shall enforce the statutes and rules of the state of Arizona and the federal government, and the policies of the Governing Board of the District.

G. The Superintendent may establish regulations for the administration of the District that are in compliance with applicable statutes or regulations of the Arizona Administrative Code and the policies of the Governing Board. These regulations are binding on the employees of this District and students in the schools.

H. The Board shall ensure that the contract for the superintendent is structured in a manner in which up to twenty percent (20%) of the total annual salary included for the superintendent in the contract is classified as performance pay.

1. This does not require school districts to increase total compensation for superintendents.

2. Unless the Board votes to implement an alternative procedure at a public meeting called for this purpose, the performance pay portion of the superintendent's total annual compensation shall be determined as follows:

- a. Twenty-five percent (25%) of the performance pay shall be determined based on the percentage of academic gain determined by the department of education of pupils who are enrolled in the school district compared to the academic gain achieved by the highest ranking of the fifty largest school districts in this state.
- b. Twenty-five percent (25%) of the performance pay shall be determined by the percentage of parents of pupils who are enrolled at the school district who assign a letter grade of "A" to the school on a survey of parental satisfaction with the school district.
- c. Twenty-five percent of the performance pay shall be determined by the percentage of teachers who are employed at the school district and who assign a letter grade of "A" to the school on a survey of teacher satisfaction with the school.
- d. Twenty-five percent (25%) of the performance pay shall be determined by other criteria selected by the governing board.

I. The Board views Superintendent performance as identical to District performance so that District accomplishment of Board-prescribed District Goals will be viewed as successful Superintendent performance.

J. The Superintendent may make recommendations to the Board for changes in Board policies and the educational program.

K. On or before May 15 the Governing Board shall offer a contract to the Superintendent for the next school year(s).

**LEGAL REF.:**

A.R.S.

15-341

15-342

15-503

38-201

41-1758 et seq.

A.A.C.

R7-2-603

Last Revision Date: June 25, 2022

## 2.72 Superintendent - Evaluation

Adopted: (date of adoption)

Revised: (date of latest revision and approval)

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**Policy Objectives:** It is the intent of the Board that the District goals shall be the Superintendent's goals. The District goals shall be reviewed annually and be the basis for the areas of focus for the ensuing school year.

- A. The Board shall establish a system for the evaluation of the performance of the superintendent.
- B. The Board shall evaluate the Superintendent at least once each year. The evaluation(s) may relate to the Superintendent's duties, responsibilities, progress toward District goals and/or performance pay goals.
- C. The Superintendent's evaluation instrument, with specified performance targets and expectations, will be approved annually by the Board when the District goals are approved.
- D. The Superintendent's contract may have up to twenty percent (20%) of the total annual salary classified as performance pay. Unless the school district governing board votes to implement an alternative procedure at a public meeting called for this purpose, the performance pay portion of the superintendent's total annual compensation shall be determined as follows and may be considered as part of the superintendent evaluation:
1. Twenty-five percent (25%) of the performance pay shall be determined based on the percentage of academic gain determined by the department of education of pupils who are enrolled in the school district compared to the academic gain achieved by the highest ranking of the fifty largest school districts in this state.
  2. Twenty-five percent (25%) of the performance pay shall be determined by the percentage of parents of pupils who are enrolled at the school district who assign a letter grade of "A" to the school on a survey of parental satisfaction with the school district.
  3. Twenty-five percent (25%) of the performance pay shall be determined by the percentage of teachers who are employed at the school district and who assign a letter grade of "A" to the school on a survey of teacher satisfaction with the school.
  4. Twenty-five percent (25%) of the performance pay shall be determined by other criteria selected by the Board.
- E. Any meetings of the Board to compile evaluative data or to discuss the evaluative feedback with the Superintendent shall be held in executive session unless the Superintendent requests that the meeting be held in open session.
- F. The Superintendent will be given a copy of the written evaluation and another copy shall become a part of the Superintendent's confidential file. The Superintendent may respond in writing to the Board if there is disagreement with the evaluation.



**LEGAL REF.:**

A.R.S.

15-341

15-503

15-1325

Last Revision Date: June 25, 2022

## 2.73 Superintendent – Non-Renewal of Contract

Adopted: (date of adoption)

Revised: (date of latest revision and approval)

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**Definitions:** “Superintendent” means a Superintendent, or principal, or both.

**Policy Objectives:** It is the intent of the Board to meet statutory deadlines on non-renewal of superintendent’s contract.

A. The Board may choose to not renew the superintendent’s contract effective at the end of the contract period.

B. The Board may adopt policies that establish reasons for non-renewal.

C. On or before April 15 preceding the expiration of the superintendent’s contract, if a majority of the board determines that the superintendent’s contract should be considered for non-renewal, the board shall give the superintendent written notice of the Board’s intention to offer or not to offer a new employment contract.

D. Notice of the Board’s intention not to reemploy the superintendent shall be delivered to the Superintendent by certified mail, postmarked on or before the deadline prescribed in Section A of this policy and directed to the place of residence as recorded in the agency’s records.

E. If the Board fails to give notice of proposed non-renewal within the time specified above, the Board shall employ the superintendent in the same professional capacity for the following school year.

**LEGAL REF.:**

A.R.S.

15-341

Last Revision Date: June 25, 2022

## 2.74 Superintendent - Resignation

Adopted: (date of adoption)

Revised: (date of latest revision and approval)

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**Definitions:** “Superintendent” means a Superintendent, or principal, or both.

**Policy Objectives:** It is the intent of the Board to establish procedures related to Superintendent resignations and ensure proper documentation in Human Resource files.

A. A superintendent may leave the employment of the District at the end of the superintendent’s contract, without penalty, by filing a written resignation with the Board which will be placed in the employee file.

B. A superintendent may resign, with the approval of the Board, at any time.

C. A superintendent who resigns without Board approval will be deemed to commit an unprofessional act and, upon request of the Board, shall be subject to disciplinary action, as appropriately allowed within the law and will be documented in the employee file.

**LEGAL REF.:**

A.R.S.

15-341

Last Revision Date: June 25, 2022