

# POLICY SERVICES

## *CHARTER SCHOOL ADVISORY*

Volume 23, Number 1

January 2023

Policy Advisory ..... (**NEW**) Exhibit — IHAMB-EA — Family Life Education  
(**NEW**) Exhibit — IHAMB-EB — Family Life Education

Policy Advisory ..... (**NEW**) Exhibit — IJL-E — Library Materials  
Selection and Adoption

Policy Advisory ..... Policy — JFABDA — Admission of  
Students in Foster Care  
Regulation — JFABDA — Admission of Students in Foster Care

Policy Advisory ..... Exhibit — JHD-EB — Exclusions and Exemptions  
from School Attendance

Policy Advisory ..... (**NEW**) Exhibit — KB-EC — Parental Involvement  
in Education

### **Summary**

Policy Advisory JFABDA – Admission of Students in Foster Care – has been updated to align with Federal Non-Regulatory Guidance issued in 2016. The Policy is amended to conform with school district required actions in educating children in foster care as interpreted by the U.S. Dept. of Education and ADE. The policy advisories attached were created by ASBA policy services to assist districts in complying with Arizona legislation, to wit: HB2439, HB2495, and HB2161. Policy Advisory JHD-EB has been updated to address requests for HIPAA protected information.

***Governing Bodies may review and adopt policy advisory JFABDA consistent with the Policy Adoption process in Policy BGB—First Meeting – the proposal shall be presented for review; Second Meeting – the proposal shall be presented for discussion and action.*** Regulations and exhibits are optional; the Governing Body should be aware of these regulations and exhibits, but Governing Body action is not necessary to utilize them.

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

## **Policy Advisory Discussion**

### **Policy Advisory**

### **Exhibit IHAMB-EA — Family Life Education**

### **Exhibit IHAMB-EB — Family Life Education**

ASBA created exhibits subscribers may utilize to obtain mandatory parental consent if offering a sex education curriculum and/or referring students to sexually explicit materials. *The Policy was updated in August. The exhibits conform with the policy.*

### **Policy Advisory**

### **Exhibit IJL-E — Library Materials Selection and Adoption**

ASBA created an exhibit subscribers may utilize to inform parents that new materials will be purchased for use in the library. The exhibit includes statutory required timelines. Finally, ASBA created a checklist to guide administrators in determining whether they are required to go through the public review period. *The Policy was updated in August. The exhibit conforms with the policy.*

### **Policy Advisory**

### **Policy JFABDA — Admission of Students in Foster Care**

### **Regulation JFABDA— Admission of Students in Foster Care**

This policy and regulation were updated to conform with the law: that educating students in foster care is a collaboration between schools, child welfare agencies and ADE. Mandated collaboration includes assigning a School point of contact for children in foster care *and notifying ADE of the School's point of contact assignee*. Definitions of “children in foster care” “school of origin” and “best interest determination” were amended, or added, to reflect U.S. Department of Education Non-Regulatory Guidance regarding students in foster care.

### **Policy Advisory**

### **Exhibit JHD-EB — Exclusions and Exemptions from School Attendance**

This exhibit is being updated to avoid the potential that a HIPAA violation may occur. A health care practitioner notified ASBA that the previous exhibit required health care practitioners to disclose protected information. The exhibit now indicates that the disclosure to a parent/guardian is a permitted disclosure under HIPAA because it is being requested by the protected party.

### **Policy Advisory No. 743**

### **Exhibit KB-EC — Parental Involvement in Education**

State law requires schools to provide parents a way to request information that pertains to the parental involvement procedures required by A.R.S. §15-102, implemented in Policy KB. This exhibit enables parents to request the relevant KB related information and provides the school administration a mechanism to process and track requests for this information. *The Policy was updated in August. The exhibit conforms with the policy.*

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

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**IHAMB-EA ©**

**EXHIBIT**

**FAMILY LIFE EDUCATION**

**PARENTAL CONSENT FORM FOR  
SEX EDUCATION CURRICULA**

Student Name \_\_\_\_\_

Parent/Guardian Name \_\_\_\_\_

My signature below indicates that I give permission for my child to participate in the Sex Education curricula program approved by our School in conformity with the requirements of Arizona law. I acknowledge that the materials can be found online as required by Arizona law.

\_\_\_\_\_  
Parent/Guardian signature

\_\_\_\_\_  
Date

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

**IHAMB-EB ©**

**EXHIBIT**

**FAMILY LIFE EDUCATION**

**PARENTAL CONSENT FORM FOR  
INSTRUCTIONAL MATERIALS**

Student Name \_\_\_\_\_

Parent/Guardian Name \_\_\_\_\_

The following materials have been determined by the School to possess serious educational value for minors or possess serious literary, artistic, political or scientific value but may contain some material deemed sexually explicit material under A.R.S. §15-120.03(C):

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My signature below indicates that I am aware of and consent to the instructional use of the materials listed above.

\_\_\_\_\_  
Parent/Guardian signature

\_\_\_\_\_  
Date

If you have concerns regarding any of the materials listed above, please indicate which item(s) you would prefer an alternative assignment be provided for your student.

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**IJL-E ©**

**EXHIBIT**

**LIBRARY MATERIALS  
SELECTION AND ADOPTION**

**NOTIFICATION LETTER TO PARENTS FOR PUBLIC  
REVIEW PERIOD OF PURCHASED LIBRARY BOOKS/MATERIALS**

Dear Parents:

This letter is to inform you that we will be purchasing new books/materials for our library on \_\_\_\_\_. State law requires schools to post a list of all library books and materials purchased after January 1, 2023, on the School's website for at least sixty (60) days after the purchase of the items (this does not include replacement books/materials). In addition, state law mandates that schools notify parents of the opening and closing public review period within seven (7) school days prior to the opening date. Therefore, this notice dated \_\_\_\_\_ provides the opening date of the public review period for newly purchased library books/materials as \_\_\_\_\_ and the closing date as \_\_\_\_\_. (A.R.S. §§ [15-721/15-722](#)).

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**For School administration only below this line**

**Checklist for Schools:**

1. Does our School have a full-time library media specialist or an equivalent position? \_\_\_\_\_

If **no**, this **requirement does not apply**. If **yes**, move to question 3.

2. Does our School have an agreement with a county free library district, municipal library, nonprofit or public library, tribal library, private or tribal schools in the county where the School is located?

If **yes**, this **requirement does not apply**; if no, the requirement applies (if the School is not exempted by question 1) and move to question 3. \_\_\_\_\_

3. Did we send out a notification to all parents regarding the opening and closing dates of the public review period within seven (7) school days prior to posting the newly purchased library materials on our website (this list must also be posted on the School's website)? Reminder, these newly purchased library materials must remain on the website for at least sixty (60) days post-purchase. \_\_\_\_\_

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How did we send the notification? Notification sent to parents via \_\_\_\_\_ on \_\_\_\_\_ (seven [7] school days prior to opening public review period date).

4. Does this purchase replace old or damaged item(s)? \_\_\_\_\_

If **yes**, this requirement does not apply.

If no, include item(s) on website for at least sixty (60) days using the process above.

**JFABDA ©**

**ADMISSION OF STUDENTS  
IN FOSTER CARE**

This policy is intended to direct compliance with Arizona State Laws, Arizona Administrative Code, and the Every Student Succeeds Act (ESSA) Foster Care provisions.

**Purpose Statement**

The implementation of this policy shall assure that:

~~A. Children in foster care are not stigmatized or segregated on the basis of their status as foster children;~~

~~A. B.~~ Children in foster care remain ~~are immediately~~ enrolled in their school of origin for the duration of their time in care, unless a determination is made that it is not in such child's best interest to ~~attend~~ remain in their school of origin, which decision shall be based on all factors relating to the child's best interest, including consideration of the appropriateness of the current educational setting and the proximity to the school in which the child is enrolled at the time of placement, among other factors listed in law (see list in JFABD-R);

~~B.C. When~~ If a determination is made that it is not in such child's best interest to remain in the school of origin, the child is immediately enrolled in a new school, even if the child is unable to produce records normally required for enrollment; however, the student may be required to provide their Notice to Providers document;

~~C.D.~~ The enrolling school shall immediately contact the school last attended by any such child to obtain relevant academic and other records;

~~D. E.~~ In collaboration with the State or local Child Welfare Agency, transportation is provided to and from the school of origin or school of placement for the foster child as applicable and found in the law and Policy JFAA; and

~~E. F.~~ The District will work with the Department of Child Safety (or tribal agency) to ensure that the provisions of ESSA relating to foster children are implemented, including assigning a School employee to serve as a Point of Contact (POC) to work in collaboration with the applicable child welfare agency and notify the Arizona Department of Education of the assigned POC.



## Definitions

The term "children in foster care" means children who are under twenty-four (24) hour substitute care while placed away from their parents or guardians and for whom the Child Welfare Agency (Department of Child Safety [DCS] or tribal) 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. A child is in foster care in accordance with this definition regardless of whether the foster care facility is licensed, and payments are made by the state, tribal or local agency for the care of the child, whether adoption subsidy payments are being made prior to the finalization of an adoption, or whether there is federal matching of any payments that are made. (45 C.F.R. § 1355.20(a)) In Arizona, if DCS has received placement care and responsibility, then the child is in "foster care" even if the parent or guardian is permitted to live in the home of placement, such as a kinship home.

The term "school of origin" means the school in which a child is enrolled at the time of placement in foster care, including preschool. 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. the school that the student attended when permanently housed or the school in which the student was last enrolled, including preschool.

## **Liaison or Point of Contact (POC) for Children in Foster Care - Responsibilities**

The Executive Director will designate an appropriate staff person of authority as ~~Liaison or~~ Point of Contact (POC) for children in foster care who will carry out duties as assigned and notify ADE's Statewide Foster Care Education Coordinator of the designated POC. Among those duties will be the responsibility to coordinate activities and programs to work in collaboration with the respective child welfare agency (either DCS or tribal), in the best interest of foster children that will include, but not be limited to, establishment of procedures to:

- A. Continue the student's education in the school of origin or placement;
- B. Collaborate with the Child Welfare Agency to implement the educational stability plan to maintain school stability;
- C. Ensure the best interest is determined regarding school enrollment selection;
- D. Ensure necessary transportation is provided, funded, and arranged in collaboration with the Child Welfare Agency;
- E. Ensure immediate enrollment and transfer of records occurs when the student moves schools; and

F. Ensure school staff are trained on the provisions and educational needs of children in foster care.

### **Other Relevant Policies and Procedures**

Implementation of the Every Student Succeeds Act (ESSA) Foster Care provisions requires the coordination with a number of policies and procedures. These policies and procedures are listed below as cross references and are incorporated in this policy and these procedures by such reference.

Enrollment preference may be given to children who are in foster care.

Adopted: \_\_\_\_\_

#### **LEGAL REF.:**

A.R.S.

15-816 through 15-816.07

15-821

15-823 through 15-825

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

#### **CROSS REF.:**

JF - Student Admissions

JFAA - Admission of Resident Students

JFABD - Admission of Homeless Students

JFB - Open Enrollment

JG - Assignment of Students to Classes and Grade Levels

JLCB - Immunizations of Students

JLH - Missing Students

JR - Student Records

JRCA - Request for Transfer of Records

**JFABDA-R ©**

**REGULATION**

**ADMISSION OF STUDENTS  
IN FOSTER CARE**

**Admission**

The school selected by the child in foster care shall immediately admit the child, even if the student is unable to produce records normally required for enrollment, such as previous academic records, medical records, proof of residency, or other documentation; but the school may require the student to provide their Notice to Provider's document.

The enrolling school shall immediately contact the school last attended by the student to obtain relevant academic and other records.

If the student needs to obtain immunizations, or immunization or medical records, the enrolling school shall immediately refer the Child Welfare Agency Point of Contact to the District ~~Liaison~~/Point of Contact (POC) for children in foster care, who shall assist in obtaining necessary immunizations, or immunization or medical records.

**Admission Disputes**

If a dispute arises over school selection or enrollment in a school:

A. The student shall be immediately admitted to the school in which enrollment is sought, pending resolution of the dispute;

B. the Child Welfare Agency Point of Contact shall be provided with a written explanation of the school's decision regarding school selection or enrollment, including the rights of appeal;

C. the Child Welfare Agency Point of Contact and student shall be referred to the School's Point of Contact ~~liaison for children in foster care~~, who shall carry out the dispute resolution process as expeditiously as possible after receiving notice of the dispute.

**Enrollment Decision**

The decision regarding enrollment shall be made regardless of whether the student lives with the foster parents or has been temporarily placed elsewhere.

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## **Best Interest Determination – Children in Custody of DCS**

School POCs should seek a Best Interest Determination (“BID”) form from DCS. The BID process includes the following:

To determine whether the student should remain in their school of origin and in collaboration with the appropriate child welfare agency, the School must take into consideration all factors relating to a child’s best interest.

These factors include the appropriateness of the current educational setting and proximity of placement.

The SEA, School and child welfare agencies have flexibility in determining which factors should be considered as part of evaluating the appropriateness of the current educational setting, as well as any additional factors that pertain to a child’s best interest.

Though the specific factors may vary depending on context, in order to make a holistic and well-informed determination, a variety of student-centered factors should be considered.

These factors may include:

- A. Preferences of the child;
- B. Preferences of the child’s parent(s) or education decision maker(s);
- C. The child’s attachment to the school, including meaningful relationships with staff and peers;
- D. Placement of the child’s sibling(s);
- E. Influence of the school climate on the child, including safety;
- F. The availability and quality of the services in the school to meet the child’s educational and socioemotional needs;
- G. History of school transfers and how they have impacted the child;
- H. How the length of the commute would impact the child, based on the child’s developmental stage;
- I. Whether the child is a student with a disability under the Individuals with Disabilities Education Act (IDEA) who is receiving special education and related services or a student with a disability under Section 504 who is receiving special education or related aids and services and, if so, the availability of those required services in a school other than the school of origin; and

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J. Whether the child is an EL and is receiving language services, and, if so, the availability of those required services in a school other than the school of origin, consistent with Title VI and the Equal Educational Opportunities Act (EEOA).

Transportation costs should not be considered when determining a child's best interest, which is consistent with the program instruction released by the U.S. Department of Health & Human Services (HHS) subsequent to the passage of the Fostering Connections Act.

### **Best Interest Determination – Children in Custody of Tribal Social Services**

The Arizona Department of Education, Office of Indian Education, has issued guidance on best interest determinations for children in the custody of Tribal Social Services. The BID form provided by DCS may differ with tribal agencies. School Points of Contact are urged to determine best interests for students in collaboration with tribal agencies. See link for guidance; <https://docs.google.com/document/d/1l62BqAF5LhAm8RJ61uoTvqkzCD7bSVaBOxIaBXyjI4/edit?usp=sharing>.

**JHD-EB ©**

**EXHIBIT**

**EXCLUSIONS AND EXEMPTIONS  
FROM SCHOOL ATTENDANCE**

**CERTIFICATION OF STUDENTS WITH  
CHRONIC HEALTH CONDITIONS**

**(Obtained from a certified health professional or nurse practitioner)**

**Acknowledgment of Disclosure of HIPAA protected information:**

The student, through their parent/guardian, is hereby requesting the below information for the benefit of the student's education. Disclosure is permitted by 45 C.F.R. §164.502(a).

Type or print Parent/Guardian Name

Date

Signature of Parent/Guardian

Student's name

Parent's name

Address

District

School

Grade level

Date of birth

Phone number

Date of initial consultation

Certified health professional or nurse practitioner diagnosis:

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Certified health professional or nurse practitioner prognosis:

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Physical limitations affecting physical education activities:

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Anticipated absences due solely to illness, disease, pregnancy complications, an accident or severe health problems of an infant child of a student (include anticipated surgeries, treatments, or hospitalizations that may interfere with school attendance during the \_\_\_\_\_ year):

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Example 1: \_\_\_\_\_'s physical condition may result in frequent absences in the school year that may exceed ten (10) consecutive school days per semester, but I do not anticipate that \_\_\_\_\_ will be absent enough days to require homebound services.

Example 2: \_\_\_\_\_ will require three (3) hospitalizations of approximately four (4) days duration each and three to five (3 - 5) treatments of one (1) day each during the school year.

Other relevant information:

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\_\_\_\_\_  
Type or print Certified health professional or  
nurse practitioner name and licensed title

\_\_\_\_\_  
Date

\_\_\_\_\_  
Certified health professional or nurse practitioner  
signature and title

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**KB-EC ©**

**EXHIBIT**

**PARENTAL INVOLVEMENT  
IN EDUCATION**

**REQUEST FOR INFORMATION PURSUANT TO A.R.S. §15-102(D)**

Parent Name \_\_\_\_\_

Student Name \_\_\_\_\_

**Parent Contact Information**

Address \_\_\_\_\_  
\_\_\_\_\_ (street) \_\_\_\_\_ (city) \_\_\_\_\_ (state) \_\_\_\_\_ (zip)

Phone: \_\_\_\_\_ Home Work or Cell \_\_\_\_\_

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

Date of Request \_\_\_\_\_

Request given to: (circle one [1]) \_\_\_\_\_ Administrator / Executive Director

**Note:** requests must be submitted in written form to the school administrator or Executive Director during business hours. Schools will respond according to the timeline listed below.

**Information Requested** (please be as specific as possible):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
(Printed Name) \_\_\_\_\_ (Signature) \_\_\_\_\_ (Date)

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Pursuant to A.R.S. § 15-102, a parent shall submit a written request for information during regular business hours to either the school principal at the school site or the Executive Director of the School at the office of the School. Within ten (10) days after receiving the request for information, the school administrator or Executive Director of the School shall either deliver the requested information to the parent or submit to the parent a written explanation of the reasons for denying the requested information. If the request for information is denied or the parent does not receive the requested information within fifteen (15) days after submitting the request for information, the parent may request the information in writing from the School Governing Body, which shall formally consider the request at the next scheduled public meeting of the Governing Body if the request can be properly noticed on the agenda. If the request cannot be properly noticed on the agenda, the Governing Body shall formally consider the request at the next subsequent public meeting of the Governing Body.