



EDUCATION		
4421 Civil Rights Data Collection Process	Effective	01/31/2019
	Replaces	N/A
	Dated	12/24/2018

The Arizona Department of Juvenile Corrections (ADJC) shall collect and report data to the US Department of Education, Office of Civil Rights.

AUTHORITY

U.S. Code	
20 USC § 3413 (c)(1)	U.S. Code- Title 20 Education
20 USC § 33	U.S. Code Title 20 Chapter 33- Education of Individuals with Disabilities
20 USC § 6301	U.S. Code Title 20 Education
29 USC § 701	U.S. Code Title 29 Labor

PROCEDURE INDEX

4421.01	Civil Rights Data Collection
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DEFINITIONS

1. **CIVIL RIGHTS DATA COLLECTION (CRDC)** – the mandatory reporting of data to the US Department of Education, Office of Civil Rights (OCR) regarding students enrolled at the Adobe Mountain School
2. **ENGLISH LEARNER STUDENTS (EL)** (previously referred to as “Limited English Proficient” students) -
 - a. In coordination with the state’s definition based on section 8101(20) of ESEA, as amended by ESSA, the term ‘English learner,’ when used with respect to an individual, means an individual:
 - i. who is aged 3 through 21;
 - ii. who is enrolled or preparing to enroll in an elementary school or a secondary school;
 - iii. (who is i, ii, or iii)
 - (1) who was not born in the United States or whose native languages are languages other than English;
 - (2) (who is I and II)

(i) who is a Native American or Alaska Native, or a native resident of the outlying areas; and

(ii) who comes from an environment where a language other than English has had a significant impact on the individual's level of English language proficiency; or

(iii) who is migratory, whose native language is a language other than English, and who comes from an environment where a language other than English is dominant; and

- b. whose difficulties in speaking, reading, writing, or understanding the English language may be sufficient to deny the individual
- i. the ability to meet the challenging state academic standards;
 - ii. the ability to successfully achieve in classrooms where the language of instruction is English; or
 - iii. the opportunity to participate fully in society.

Note - To be classified as an English learner, an individual must be A, B, C, and D. For C, an individual can be i, ii, or iii. If C-ii, the individual must be I and II. For D, an individual must be denied D-i, D- ii, or D-iii.

3. **EL PROGRAMS** - are English language instruction educational programs designed for **EL** students.
4. **STUDENTS WITH DISABILITIES (IDEA)** - Students with intellectual disabilities; hearing impairment, including deafness; speech or language impairment; visual impairment, including blindness; serious emotional disturbance; orthopedic impairment; autism; traumatic brain injury; developmental delay; other health impairment; specific learning disability; deaf-blindness; or multiple disabilities and who, by reason thereof, receive special education and related services under the Individuals with Disabilities Education Act (IDEA) according to an Individualized Education Program, Individual Family Service Plan, or service plan.
5. **STUDENTS WITH DISABILITIES (SECTION 504 ONLY)** - means students with a disability, who receive related aids and services solely under Section 504 of the Rehabilitation Act of 1973, as amended, and not under the Individuals with Disabilities Education Act (IDEA).
6. **CREDIT RECOVERY PROGRAMS** - (including courses or other instruction) aim to help schools graduate more students by giving students who have fallen behind the chance to "recover" credits through a multitude of different strategies, including online. Different programs allow students to work on their credit recovery

classes over the summer, on school breaks, after school, on weekends, at home on their own, at night in school computer labs, or even during the school day.

7. **TEACHERS** - are staff whose activities are dealing directly with the interaction with students, by providing instruction, learning experiences, and care to students during a particular time period or in a given discipline.
8. **VOCATIONAL/TECHNICAL EDUCATION TEACHERS** - are those who teach typing, business, agriculture, life skills, home economics as well as any other vocational or technical classes.
9. **Certified Teachers** - are teachers who have met all applicable state teacher certification requirements for a standard teaching certificate/license/endorsement issued by the state, or beginning teachers who have met the standard teacher education requirements and who are considered to have met state requirements even they have not completed a state-required probationary period. Teachers working towards certification by way of alternative routes, or a teacher with an emergency, temporary, or provisional credential is not considered to have met state requirements.
10. **INSTRUCTIONAL AIDES** - includes aides or assistants of any type who assist in the instructional process.
11. **SUPPORT SERVICES STAFF** - (for pupils or for instructional staff) includes guidance counselors, nurses, attendance officers, speech pathologists, other staff who provide support services for students, staff involved in curriculum development, staff training, operating the library, media and computer centers.
12. **SCHOOL ADMINISTRATION STAFF** - includes principals and other staff involved in school administration.
13. **STUDENT ENROLLMENT** - refers to the unduplicated count of students on the rolls of the school. The unduplicated count includes students both present and absent and excludes duplicate counts of students within a specific school or students whose membership is reported by another school. Students should be counted in the school where they actually physically attend for more than 50% of the school day .
14. **A NURSE** - is a qualified health care professional who addresses the health needs of students. The provider meets the state standards and requirements for a nurse. Nurses include school nurses.
15. **A PSYCHOLOGIST** - evaluates and analyzes students' behavior by measuring and interpreting their intellectual, emotional, and social development, and diagnosing their educational and personal problems. A psychologist may diagnose and treat mental disorders and learning disabilities. A psychologist may also diagnose and treat cognitive, behavioral, and emotional problems using individual, child, family,

and group therapies. A psychologist is a licensed professional. Psychologists include school psychologists.

16. **A SCHOOL COUNSELOR** - is a professional staff member assigned specific duties and school time for any of the following activities: counseling with students and parents, consulting with other staff members on learning problems, evaluating student abilities, assisting students in making education and career choices, assisting students in personal and social development, providing referral assistance, and/or working with other staff members in planning and conducting guidance programs for students.
17. **A SOCIAL WORKER** - provides social services and assistance to improve the social and psychological functioning of children and their families and to maximize the family well-being and the academic functioning of the children. Typical responsibilities include: 1) preparing a social or developmental history on a student with disabilities; 2) group and individual counseling with a student and his or her family; 3) working with those problems in a student's living situation (home, school, and community) that affect adjustment in school; and 4) mobilizing school and community resources in order to enable the student to receive maximum benefit from his or her educational program. The provider of these services is certified, licensed, or otherwise a qualified professional. Social workers include school social workers.
18. **A SECURITY GUARD** - is an individual who guards, patrols, and/or monitors the school premises to prevent theft, violence, and/or infractions of rules. A security guard may provide protection to individuals, and may operate x-ray and metal detector equipment. A security guard is not a sworn law enforcement officer.
19. **A SWORN LAW ENFORCEMENT OFFICER** - is a career law enforcement officer, with arrest authority. A sworn law enforcement officer may be a school resource officer (who has specialized training and is assigned to work in collaboration with school organizations). A sworn law enforcement officer may be employed by any entity (e.g., police department, school district or school). An officer's duties may include: motor vehicle traffic control; security enforcement and patrol; maintaining school discipline; coordinating with local police and emergency team(s); identifying problems in the school and proactively seeking solutions to those problems; training teachers and staff in school safety or crime prevention; mentoring students; teaching a law-related education course or training students (e.g., drug-related education, criminal law, or criminal prevention courses); recording or reporting discipline problems to school authorities; and providing information to school authorities about the legal definitions of behavior for recording or reporting purposes (e.g., definition assault for school authorities).
20. **RETAINED** means that a student is not promoted to the next grade prior to the beginning of the following school term. Students are not considered retained if

they can proceed to the next grade because they successfully completed a summer school program or for a similar reason. At the high school level, a student who has not accumulated enough credits to be classified as being in the next grade is considered retained.

21. **CORPORAL PUNISHMENT** - refers to paddling, spanking, or other forms of physical punishment imposed on a child.
22. **OUT-OF-SCHOOL SUSPENSION** - means
 - a. For students with disabilities served under IDEA, Out-of-school suspension is an instance in which a child is temporarily removed from his/her regular school for at least half a day for disciplinary purposes to another setting (e.g., home, behavior center). Out-of-school suspensions include both removals in which no individualized family service plan (IFSP) or individualized education plan (IEP) services are provided because the removal is 10 days or less as well as removals in which the child continues to receive services according to his/her IFSP or IEP.
 - b. For students without disabilities and students with disabilities served solely under Section 504 of the Rehabilitation Act, Out-of-school suspension is an instance in which a child is temporarily removed from his/her regular school for at least half a day (but less than the remainder of the school year) for disciplinary purposes to another setting (e.g., home, behavior center). Out-of-school suspensions include removals in which no educational services are provided, and removals in which educational services are provided (e.g., school-provided at home instruction or tutoring).
23. **IN-SCHOOL SUSPENSION** - is an instance in which a child is temporarily removed from his or her regular classroom(s) for at least half a day for disciplinary purposes, but remains under the direct supervision of school personnel. Direct supervision means school personnel are physically in the same location as students under their supervision.
24. **EXPULSION WITH EDUCATIONAL SERVICES** - refers to an action taken by the local educational agency of removing a child from his/her regular school for disciplinary purposes, and providing educational services to the child for the remainder of the school year (or longer) in accordance with local educational agency policy.
25. **EXPULSION WITHOUT EDUCATIONAL SERVICES** - refers to an action taken by the local educational agency of removing a child from his/her regular school for disciplinary purposes, and not providing educational services to the child for the remainder of the school year or longer in accordance with local educational agency policy.

26. **REFERRAL TO LAW ENFORCEMENT** is an action by which a student is reported to any law enforcement agency or official, including a school police unit, for an incident that occurs on school grounds, during school-related events, or while taking school transportation, regardless of whether official action is taken. Citations, tickets, court referrals, and school-related arrests are considered referrals to law enforcement.
27. **SCHOOL-RELATED ARREST** - refers to an arrest of a student for any activity conducted on school grounds, during off-campus school activities (including while taking school transportation), or due to a referral by any school official. All school-related arrests are considered referrals to law enforcement.
28. **AN INCIDENT** - refers to a specific criminal act involving one or more victims and offenders. For example, if two students are robbed without a weapon, at the same time and place, this is classified as two robbery victimizations but only one robbery without a weapon incident.
29. **PHYSICAL ATTACK OR FIGHT** - refers to an actual and intentional touching or striking of another person against his/her will, or the intentional causing of bodily harm to an individual. Physical attack or fight does not include rape.
30. **RAPE** - refers to forced sexual intercourse (vaginal, anal, or oral penetration). This includes sodomy and penetration with a foreign object. Both male and female students can be victims of rape. Rape is not defined as a physical attack or fight.
31. **ROBBERY** - is taking or attempting to take anything of value that is owned by another person or organization, under confrontational circumstances by force or threat of force or violence and/or by putting the victim in fear. A key difference between robbery and theft/larceny is that robbery involves a threat or assault.
32. **SEXUAL ASSAULT** - is an incident that includes threatened rape, fondling, indecent liberties, or child molestation. Both male and female students can be victims of sexual assault. Classification of these incidents should take into consideration the age and developmentally appropriate behavior of the offender(s).
33. **A THREAT** - refers to an act where there was no physical contact between the offender and victim but the victim felt that physical harm could have occurred based on verbal or nonverbal communication by the offender. This includes nonverbal threats (e.g., brandishing a weapon), and verbal threats of physical harm which are made in person. Threats made over the telephone or threatening letters are excluded.
34. **A THREAT OF PHYSICAL ATTACK WITH A WEAPON** - includes displaying, brandishing, or discharging a weapon, but with no actual physical contact of any person. A threat is made in person. Threats made over the telephone or

threatening letters are excluded. A threat of physical attack using words that refer to a weapon would not be considered a threat with a weapon.

35. **A THREAT OF PHYSICAL ATTACK WITHOUT A WEAPON** - refers to a threat without any display, brandishing, or discharge of a weapon, and with no actual physical contact of any person. A threat is made in person. Threats made over the telephone or threatening letters are excluded. A threat of physical attack using words that refer to a weapon would be considered a threat without a weapon.
36. **A WEAPON** - is any instrument or object used with the intent to threaten, injure, or kill. This includes look-alikes if they are used to threaten others.
37. **INCIDENTS AT THE SCHOOL** - refer to incidents that occurred in Education buildings, during transport to school functions, and at places that hold school-sponsored events or activities; it does not refer to incidents which occur at the AMS facility which are not connected to school activities.
38. **AN ALLEGATION** - is a claim or assertion that someone has done something wrong or illegal, which generates an investigation or inquiry into the asserted behavior.
39. **HARASSMENT OR BULLYING** - is intimidation or abusive behavior toward a student; harassing conduct may take many forms, including verbal acts and name calling, as well as non-verbal behavior, such as graphic and written statements, or conduct that is physically threatening, harmful or humiliating. The conduct might be carried out by school employees, other students, and non-employee third parties.
40. **HARASSMENT OR BULLYING ON THE BASIS OF SEX** - includes sexual harassment or bullying and gender-based harassment or bullying.
41. **SEXUAL HARASSMENT OR BULLYING** - is unwelcome conduct of a sexual nature, such as unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature.
42. **GENDER-BASED HARASSMENT OR BULLYING** - is nonsexual intimidation or abusive behavior toward a student based on the student's actual or perceived sex, including harassment based on gender identity, gender expression, and nonconformity with gender stereotypes. Both male and female students can be victims of harassment or bullying on the basis of sex, and the harasser or bully and the victim can be of the same sex. Bullying on the basis of sex constitutes sexual harassment.
43. **HARASSMENT OR BULLYING ON THE BASIS OF RACE, COLOR, OR NATIONAL ORIGIN** - refers to intimidation or abusive behavior toward a student based on actual or perceived race, color or national origin. Bullying on the basis of race, color, or national origin constitutes racial harassment.

- 44. HARASSMENT OR BULLYING ON THE BASIS OF DISABILITY** - refers to intimidation or abusive behavior toward a student based on actual or perceived disability. Bullying on the basis of disability constitutes disability harassment.
- 45. HARASSMENT OR BULLYING ON THE BASIS OF RELIGION** - refers to intimidation or abusive behavior toward a student based on actual or perceived religion. Bullying on the basis of religion constitutes religious harassment.
- 46. HARASSMENT OR BULLYING ON THE BASIS OF SEXUAL ORIENTATION** - refers to intimidation or abusive behavior toward a student based on actual or perceived sexual orientation. Bullying on the basis of sexual orientation constitutes sexual orientation harassment.
- 47. MECHANICAL RESTRAINT** - refers to the use of any device or equipment to restrict a student's freedom of movement. The term does not include devices implemented by trained school personnel, or utilized by a student that have been prescribed by appropriate medical or related services professional and are used for the specific and approved purposes for which such devices were designed, such as:
- a. Adaptive devices or mechanical supports used to achieve proper body position, balance, or alignment to allow greater freedom of mobility than would be possible without the use of such devices or mechanical supports;
 - b. Vehicle safety restraints when used as intended during the transport of a student in a moving vehicle;
 - c. Restraints for medical immobilization; or
 - d. Orthopedically prescribed devices that permit a student to participate in activities without risk of harm.
 - e. Mechanical restraint does not include a student who is handcuffed by law enforcement personnel during an arrest.
- 48. PHYSICAL RESTRAINT** - refers to a personal restriction that immobilizes or reduces the ability of a student to move his or her torso, arms, legs, or head freely. The term physical restraint does not include a physical escort.
- 49. PHYSICAL ESCORT** - means a temporary touching or holding of the hand, wrist, arm, shoulder or back for the purpose of inducing a student who is acting out to walk to a safe location.
- 50. SECLUSION** - refers to the involuntary confinement of a student alone in a room or area from which the student is physically prevented from leaving. It does not include a timeout.

51. **TIMEOUT** - is a behavior management technique that is part of an approved program, involves the monitored separation of the student in a non-locked setting, and is implemented for the purpose of calming.
52. **A JUSTICE FACILITY** - is a public or private facility that confines pre-adjudicated/pre-convicted individuals, post-adjudicated/post-convicted individuals, or both. Justice facilities include short-term (90 calendar days or less) and long-term (more than 90 calendar days) facilities, such as correctional facilities, detention centers, jails, and prisons. These facilities may confine juveniles (individuals typically under 18 years of age), adults (individuals typically 18 years of age and older), or both. The Adobe Mountain facility operated by ADJC is a **JUSTICE FACILITY**.
53. **A JUSTICE FACILITY EDUCATIONAL PROGRAM** - is a program for children and youth (not beyond grade 12) served at a **Justice Facility** that consists of credit-granting courses and classroom instruction in at minimum, basic school subjects, such as reading, English language arts, mathematics, and vocationally-oriented subjects. Credit-granting refers to any course that results in a letter grade or a pass/fail designation and is required of a student to move to the next grade level or complete a program of study and receive a high school diploma. The Adobe Mountain School is a **JUSTICE FACILITY EDUCATIONAL PROGRAM**.
54. **A POST-ADJUDICATION FACILITY** - confines post-adjudicated juveniles. A post-adjudicated juvenile is an individual (typically under 18 years of age) who has been charged and determined to have committed the delinquent act. Adjudication is the court process that determines (judges) if the juvenile committed the act for which he/she is charged. The Adobe Mountain facility is a **POST-ADJUDICATION FACILITY**.

Signature Date

01/29/2019

Approved by

Original Signature on File

Dr. Kim Eger, Education Superintendent

Signature Date

01/30/2019

Effective Date

01/31/2019

Approved by

Original Signature on File

Jeff Hood, Director