

State of Arizona
House of Representatives
Forty-seventh Legislature
Second Regular Session
2006

HOUSE BILL 2555

AN ACT

AMENDING SECTIONS 15-308, 15-341 AND 15-1001, ARIZONA REVISED STATUTES;
RELATING TO SCHOOLS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 15-308, Arizona Revised Statutes, is amended to
3 read:

4 15-308. Providing educational services of an accommodation
5 school

6 A. The county school superintendent may provide educational services
7 of an accommodation school to the school districts in the county using the
8 facilities of the accommodation school. The county school superintendent
9 shall administer the program and shall develop a fiscal year budget according
10 to the process specified for school districts, WHICH SHALL BE PRESENTED TO
11 THE COUNTY BOARD OF SUPERVISORS FOR CONSIDERATION, MODIFICATION AND ADOPTION.

12 B. A county may offer educational services to homeless children or
13 alternative education programs as defined in section 15-796 through an
14 accommodation school.

15 C. THE COUNTY SCHOOL SUPERINTENDENT SHALL ANNUALLY PROVIDE A REPORT TO
16 THE COUNTY BOARD OF SUPERVISORS BY JULY 1, ON THE COUNTY SCHOOL
17 SUPERINTENDENT'S ACADEMIC AND FINANCIAL PLANS FOR THE NEXT SCHOOL YEAR AND
18 THE FINANCIAL STATUS OF THE ACCOMMODATION SCHOOL, INCLUDING THE NUMBER OF
19 ACCOMMODATION SCHOOLS IN THE ACCOMMODATION DISTRICT, THE NUMBER OF STUDENTS
20 AT EACH ACCOMMODATION SCHOOL, THE FISCAL SOUNDNESS OF THE ACCOMMODATION
21 DISTRICT AND ANY OTHER FINANCIAL INFORMATION THE COUNTY BOARD OF SUPERVISORS
22 REQUESTS.

23 Sec. 2. Section 15-341, Arizona Revised Statutes, is amended to read:

24 15-341. General powers and duties; immunity; delegation

25 A. The governing board shall:

26 1. Prescribe and enforce policies and procedures for the governance of
27 the schools, not inconsistent with law or rules prescribed by the state board
28 of education.

29 2. Maintain the schools established by it for the attendance of each
30 pupil for a period of not less than one hundred seventy-five school days or
31 two hundred school days, as applicable, or its equivalent as approved by the
32 superintendent of public instruction for a school district operating on a
33 year-round operation basis, to offer an educational program on the basis of a
34 four day school week or to offer an alternative kindergarten program on the
35 basis of a three day school week, in each school year, and if the funds of
36 the district are sufficient, for a longer period, and as far as practicable
37 with equal rights and privileges.

38 3. Exclude from schools all books, publications, papers or audiovisual
39 materials of a sectarian, partisan or denominational character.

40 4. Manage and control the school property within its district.

41 5. Acquire school furniture, apparatus, equipment, library books and
42 supplies for the use of the schools.

43 6. Prescribe the curricula and criteria for the promotion and
44 graduation of pupils as provided in sections 15-701 and 15-701.01.

- 1 7. Furnish, repair and insure, at full insurable value, the school
2 property of the district.
- 3 8. Construct school buildings on approval by a vote of the district
4 electors.
- 5 9. Make in the name of the district conveyances of property belonging
6 to the district and sold by the board.
- 7 10. Purchase school sites when authorized by a vote of the district at
8 an election conducted as nearly as practicable in the same manner as the
9 election provided in section 15-481 and held on a date prescribed in section
10 15-491, subsection E, but such authorization shall not necessarily specify
11 the site to be purchased and such authorization shall not be necessary to
12 exchange unimproved property as provided in section 15-342, paragraph 23.
- 13 11. Construct, improve and furnish buildings used for school purposes
14 when such buildings or premises are leased from the national park service.
- 15 12. Purchase school sites or construct, improve and furnish school
16 buildings from the proceeds of the sale of school property only on approval
17 by a vote of the district electors.
- 18 13. Hold pupils to strict account for disorderly conduct on school
19 property.
- 20 14. Discipline students for disorderly conduct on the way to and from
21 school.
- 22 15. Except as provided in section 15-1224, deposit all monies received
23 by the district as gifts, grants and devises with the county treasurer who
24 shall credit the deposits as designated in the uniform system of financial
25 records. If not inconsistent with the terms of the gifts, grants and devises
26 given, any balance remaining after expenditures for the intended purpose of
27 the monies have been made shall be used for reduction of school district
28 taxes for the budget year, except that in the case of accommodation schools
29 the county treasurer shall carry the balance forward for use by the county
30 school superintendent, **WITH THE APPROVAL OF THE COUNTY BOARD OF SUPERVISORS,**
31 for accommodation schools for the budget year.
- 32 16. Provide that, if a parent or legal guardian chooses not to accept a
33 decision of the teacher as provided in section 15-521, paragraph 3, the
34 parent or legal guardian may request in writing that the governing board
35 review the teacher's decision. Nothing in this paragraph shall be construed
36 to release school districts from any liability relating to a child's
37 promotion or retention.
- 38 17. Provide for adequate supervision over pupils in instructional and
39 noninstructional activities by certificated or noncertificated personnel.
- 40 18. Use school monies received from the state and county school
41 apportionment exclusively for payment of salaries of teachers and other
42 employees and contingent expenses of the district.
- 43 19. Make an annual report to the county school superintendent on or
44 before October 1 each year in the manner and form and on the blanks
45 prescribed by the superintendent of public instruction or county school

1 superintendent. The board shall also make reports directly to the county
2 school superintendent or the superintendent of public instruction whenever
3 required.

4 20. Deposit all monies received by school districts other than student
5 activities monies or monies from auxiliary operations as provided in sections
6 15-1125 and 15-1126 with the county treasurer to the credit of the school
7 district except as provided in paragraph 21 of this subsection and sections
8 15-1223 and 15-1224, and the board shall expend the monies as provided by law
9 for other school funds.

10 21. Establish a bank account in which the board during a month may
11 deposit miscellaneous monies received directly by the district. The board
12 shall remit monies deposited in the bank account at least monthly to the
13 county treasurer for deposit as provided in paragraph 20 of this subsection
14 and in accordance with the uniform system of financial records.

15 22. Employ an attorney admitted to practice in this state whose
16 principal practice is in the area of commercial real estate, or a real estate
17 broker who is licensed by this state and who is employed by a reputable
18 commercial real estate company, to negotiate a lease of five or more years
19 for the school district if the governing board decides to enter into a lease
20 of five or more years as lessor of school buildings or grounds as provided in
21 section 15-342, paragraph 7 or 10. Any lease of five or more years
22 negotiated pursuant to this paragraph shall provide that the lessee is
23 responsible for payment of property taxes pursuant to the requirements of
24 section 42-11104.

25 23. Prescribe and enforce policies and procedures for disciplinary
26 action against a teacher who engages in conduct that is a violation of the
27 policies of the governing board but that is not cause for dismissal of the
28 teacher or for revocation of the certificate of the teacher. Disciplinary
29 action may include suspension without pay for a period of time not to exceed
30 ten school days. Disciplinary action shall not include suspension with pay
31 or suspension without pay for a period of time longer than ten school
32 days. The procedures shall include notice, hearing and appeal provisions for
33 violations that are cause for disciplinary action. The governing board may
34 designate a person or persons to act on behalf of the board on these matters.

35 24. Prescribe and enforce policies and procedures for disciplinary
36 action against an administrator who engages in conduct that is a violation of
37 the policies of the governing board regarding duties of administrators but
38 that is not cause for dismissal of the administrator or for revocation of the
39 certificate of the administrator. Disciplinary action may include suspension
40 without pay for a period of time not to exceed ten school days. Disciplinary
41 action shall not include suspension with pay or suspension without pay for a
42 period of time longer than ten school days. The procedures shall include
43 notice, hearing and appeal provisions for violations that are cause for
44 disciplinary action. The governing board may designate a person or persons
45 to act on behalf of the board on these matters. For violations that are

1 cause for dismissal, the provisions of notice, hearing and appeal in chapter
2 5, article 3 of this title shall apply. The filing of a timely request for a
3 hearing suspends the imposition of a suspension without pay or a dismissal
4 pending completion of the hearing.

5 25. Notwithstanding section 13-3108, prescribe and enforce policies and
6 procedures that prohibit a person from carrying or possessing a weapon on
7 school grounds unless the person is a peace officer or has obtained specific
8 authorization from the school administrator.

9 26. Prescribe and enforce policies and procedures relating to the
10 health and safety of all pupils participating in district sponsored practice
11 sessions, games or other interscholastic athletic activities, including the
12 provision of water.

13 27. Prescribe and enforce policies and procedures regarding the smoking
14 of tobacco within school buildings. The policies and procedures shall be
15 adopted in consultation with school district personnel and members of the
16 community and shall state whether smoking is prohibited in school
17 buildings. If smoking in school buildings is not prohibited, the policies
18 and procedures shall clearly state the conditions and circumstances under
19 which smoking is permitted, those areas in a school building that may be
20 designated as smoking areas and those areas in a school building that may not
21 be designated as smoking areas.

22 28. Establish an assessment, data gathering and reporting system as
23 prescribed in chapter 7, article 3 of this title.

24 29. Provide special education programs and related services pursuant to
25 section 15-764, subsection A to all children with disabilities as defined in
26 section 15-761.

27 30. Administer competency tests prescribed by the state board of
28 education for the graduation of pupils from high school.

29 31. Secure insurance coverage for all construction projects for
30 purposes of general liability, property damage and workers' compensation and
31 secure performance and payment bonds for all construction projects.

32 32. Keep on file the resumes of all current and former employees who
33 provide instruction to pupils at a school. Resumes shall include an
34 individual's educational and teaching background and experience in a
35 particular academic content subject area. A school district shall inform
36 parents and guardians of the availability of the resume information and shall
37 make the resume information available for inspection on request of parents
38 and guardians of pupils enrolled at a school. Nothing in this paragraph
39 shall be construed to require any school to release personally identifiable
40 information in relation to any teacher or employee including the teacher's or
41 employee's address, salary, social security number or telephone number.

42 33. Report to local law enforcement agencies any suspected crime
43 against a person or property that is a serious offense as defined in section
44 13-604 or that involves a deadly weapon or dangerous instrument or serious
45 physical injury and any conduct that poses a threat of death or serious

1 physical injury to employees, students or anyone on the property of the
2 school. This paragraph does not limit or preclude the reporting by a school
3 district or an employee of a school district of suspected crimes other than
4 those required to be reported by this paragraph. For the purposes of this
5 paragraph, "dangerous instrument", "deadly weapon" and "serious physical
6 injury" have the same meaning prescribed in section 13-105.

7 34. In conjunction with local law enforcement agencies and local
8 medical facilities, develop an emergency response plan for each school in the
9 school district in accordance with minimum standards developed jointly by the
10 department of education and the division of emergency management within the
11 department of emergency and military affairs.

12 35. Annually assign at least one school district employee to
13 participate in a multihazard crisis training program developed or selected by
14 the governing board.

15 36. Provide written notice to the parents or guardians of all students
16 affected in the school district at least thirty days prior to a public
17 meeting to discuss closing a school within the school district. The notice
18 shall include the reasons for the proposed closure and the time and place of
19 the meeting. The governing board shall fix a time for a public meeting on
20 the proposed closure no less than thirty days before voting in a public
21 meeting to close the school. The school district governing board shall give
22 notice of the time and place of the meeting. At the time and place
23 designated in the notice, the school district governing board shall hear
24 reasons for or against closing the school. The school district governing
25 board is exempt from this paragraph if it is determined by the governing
26 board that the school shall be closed because it poses a danger to the health
27 or safety of the pupils or employees of the school.

28 37. Incorporate instruction on Native American history into appropriate
29 existing curricula.

30 38. Prescribe and enforce policies and procedures allowing pupils who
31 have been diagnosed with anaphylaxis by a health care provider licensed
32 pursuant to title 32, chapter 13, 14, 17 or 25 or by a registered nurse
33 practitioner licensed and certified pursuant to title 32, chapter 15 to carry
34 and self-administer emergency medications including auto-injectable
35 epinephrine while at school and at school sponsored activities. The pupil's
36 name on the prescription label on the medication container or on the
37 medication device and annual written documentation from the pupil's parent or
38 guardian to the school that authorizes possession and self-administration is
39 sufficient proof that the pupil is entitled to the possession and
40 self-administration of the medication. The policies shall require a pupil
41 who uses auto-injectable epinephrine while at school and at school sponsored
42 activities to notify the nurse or the designated school staff person of the
43 use of the medication as soon as practicable. A school district and its
44 employees are immune from civil liability with respect to all decisions made

1 and actions taken that are based on good faith implementation of the
2 requirements of this paragraph, except in cases of wanton or wilful neglect.

3 39. Allow the possession and self-administration of prescription
4 medication for breathing disorders in handheld inhaler devices, by pupils who
5 have been prescribed that medication by a health care professional licensed
6 pursuant to title 32. The pupil's name on the prescription label on the
7 medication container or on the handheld inhaler device and annual written
8 documentation from the pupil's parent or guardian to the school that
9 authorizes possession and self-administration shall be sufficient proof that
10 the pupil is entitled to the possession and self-administration of the
11 medication. A school district and its employees are immune from civil
12 liability with respect to all decisions made and actions taken that are based
13 on a good faith implementation of the requirements of this paragraph.

14 40. Prescribe and enforce policies and procedures to prohibit pupils
15 from harassing, intimidating and bullying other pupils on school grounds, on
16 school property, on school buses, at school bus stops and at school sponsored
17 events and activities that include the following components:

18 (a) A procedure for pupils to confidentially report to school
19 officials incidents of harassment, intimidation or bullying.

20 (b) A procedure for parents and guardians of pupils to submit written
21 reports to school officials of suspected incidents of harassment,
22 intimidation or bullying.

23 (c) A requirement that school district employees report suspected
24 incidents of harassment, intimidation or bullying to the appropriate school
25 official.

26 (d) A formal process for the documentation of reported incidents of
27 harassment, intimidation or bullying, except that no documentation shall be
28 maintained unless the harassment, intimidation or bullying has been proven.

29 (e) A formal process for the investigation by the appropriate school
30 officials of suspected incidents of harassment, intimidation or bullying.

31 (f) Disciplinary procedures for pupils who have admitted or been found
32 to have committed incidents of harassment, intimidation or bullying.

33 (g) A procedure that sets forth consequences for submitting false
34 reports of incidents of harassment, intimidation or bullying.

35 B. Notwithstanding subsection A, paragraphs 8, 10 and 12 of this
36 section, the county school superintendent may construct, improve and furnish
37 school buildings or purchase or sell school sites in the conduct of an
38 accommodation school.

39 C. If any school district acquires real or personal property, whether
40 by purchase, exchange, condemnation, gift or otherwise, the governing board
41 shall pay to the county treasurer any taxes on the property that were unpaid
42 as of the date of acquisition, including penalties and interest. The lien
43 for unpaid delinquent taxes, penalties and interest on property acquired by a
44 school district:

1 1. Is not abated, extinguished, discharged or merged in the title to
2 the property.

3 2. Is enforceable in the same manner as other delinquent tax liens.

4 D. The governing board may not locate a school on property that is
5 less than one-fourth mile from agricultural land regulated pursuant to
6 section 3-365, except that the owner of the agricultural land may agree to
7 comply with the buffer zone requirements of section 3-365. If the owner
8 agrees in writing to comply with the buffer zone requirements and records the
9 agreement in the office of the county recorder as a restrictive covenant
10 running with the title to the land, the school district may locate a school
11 within the affected buffer zone. The agreement may include any stipulations
12 regarding the school, including conditions for future expansion of the school
13 and changes in the operational status of the school that will result in a
14 breach of the agreement.

15 E. A school district, its governing board members, its school council
16 members and its employees are immune from civil liability for the
17 consequences of adoption and implementation of policies and procedures
18 pursuant to subsection A of this section and section 15-342. This waiver
19 does not apply if the school district, its governing board members, its
20 school council members or its employees are guilty of gross negligence or
21 intentional misconduct.

22 F. A governing board may delegate in writing to a superintendent,
23 principal or head teacher the authority to prescribe procedures that are
24 consistent with the governing board's policies.

25 G. Notwithstanding any other provision of this title, a school
26 district governing board shall not take any action that would result in an
27 immediate reduction or a reduction within three years of pupil square footage
28 that would cause the school district to fall below the minimum adequate gross
29 square footage requirements prescribed in section 15-2011, subsection C,
30 unless the governing board notifies the school facilities board established
31 by section 15-2001 of the proposed action and receives written approval from
32 the school facilities board to take the action. A reduction includes an
33 increase in administrative space that results in a reduction of pupil square
34 footage or sale of school sites or buildings, or both. A reduction includes
35 a reconfiguration of grades that results in a reduction of pupil square
36 footage of any grade level. This subsection does not apply to temporary
37 reconfiguration of grades to accommodate new school construction if the
38 temporary reconfiguration does not exceed one year. The sale of equipment
39 that results in an immediate reduction or a reduction within three years that
40 falls below the equipment requirements prescribed in section 15-2011,
41 subsection B is subject to commensurate withholding of school district
42 capital outlay revenue limit monies pursuant to the direction of the school
43 facilities board. Except as provided in section 15-342, paragraph 10,
44 proceeds from the sale of school sites, buildings or other equipment shall be
45 deposited in the school plant fund as provided in section 15-1102.

1 H. Subsections C through G of this section apply to a county board of
2 supervisors and a county school superintendent when operating and
3 administering an accommodation school.

4 I. Until the state board of education and the auditor general adopt
5 rules pursuant to section 15-213, subsection ~~I~~, a school district may
6 procure construction services, including services for new school construction
7 pursuant to section 15-2041, by the construction-manager-at-risk,
8 design-build and job-order-contracting methods of project delivery as
9 provided in title 41, chapter 23, except that the rules adopted by the
10 director of the department of administration do not apply to procurements
11 pursuant to this subsection. Any procurement commenced pursuant to this
12 subsection may be completed pursuant to this subsection.

13 Sec. 3. Section 15-1001, Arizona Revised Statutes, is amended to read:

14 15-1001. Special county school reserve fund

15 A. The board of supervisors of each county shall annually budget for
16 the special county school reserve fund an amount to meet the requirements of
17 that fund, **AS DETERMINED IN THE SOLE DISCRETION OF THE COUNTY BOARD OF**
18 **SUPERVISORS**. Warrants drawn on the special county school reserve fund shall
19 be approved prior to payment by the board of supervisors, as other county
20 warrants are approved, or this responsibility may be delegated by the board
21 of supervisors to the county school superintendent. The budgeted amounts for
22 the special county school reserve fund shall be itemized and estimated to
23 meet the following needs:

24 1. For transportation of school children to and from one-room and
25 two-room rural schools that are determined by the county school
26 superintendent to be in need of such aid.

27 2. For transportation to and from unorganized territory to school
28 districts of children who are eligible to receive state aid.

29 3. For transportation to and from the nearest high school of pupils
30 residing in common school districts which are contiguous or not contiguous to
31 and which are not within a high school district if it is determined by the
32 county school superintendent that such common school districts are in need of
33 such aid to supplement the monies received as provided in subsection B of
34 this section.

35 4. For one-room and two-room school districts, an amount which when
36 added to the state aid for a school district will provide not more than five
37 thousand dollars for a one-room school and not more than nine thousand
38 dollars for a two-room school, provided that such schools are maintained for
39 a minimum of one hundred seventy-five days or two hundred days, as
40 applicable, per year.

41 5. For necessary expenses for the establishment and conduct of
42 accommodation schools pursuant to section 15-308, **AS DETERMINED IN THE SOLE**
43 **DISCRETION OF THE COUNTY BOARD OF SUPERVISORS**.

1 6. For expenditures necessary to establish and maintain, for the first
2 year of operation, a county special education program for children with
3 disabilities as provided in chapter 7, article 4 of this title.

4 B. The county school superintendent shall determine the eligibility
5 for transportation aid for the transportation of children from unorganized
6 territory to school districts within that county in the manner provided in
7 this chapter for other school districts and shall certify the eligibility to
8 the department of education.

9 C. The county school superintendent shall determine the amount of
10 transportation aid for transportation of children from unorganized territory
11 to school districts within that county based ~~upon the provisions of~~ ON
12 section 15-945, subsection A, paragraphs 1 and 2, except that such
13 transportation aid shall not exceed the actual cost of providing such
14 transportation. The county school superintendent shall certify the amount to
15 the department of education, which shall apportion the monies no later than
16 the second Monday in September, December, March and June.