

EDUCATION ACCOUNTABILITY AND REFORM

SENATE AMENDMENTS TO S.B. 1308

(Reference to printed bill)

1 Strike everything after the enacting clause and insert:

2 "Section 1. Section 15-341, Arizona Revised Statutes, is amended to
3 read:

4 15-341. General powers and duties; immunity; delegation

5 A. The governing board shall:

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

9 2. Exclude from schools all books, publications, papers or audiovisual
10 materials of a sectarian, partisan or denominational character.

11 3. Manage and control the school property within its district.

12 4. Acquire school furniture, apparatus, equipment, library books and
13 supplies for the use of the schools.

14 5. Prescribe the curricula and criteria for the promotion and
15 graduation of pupils as provided in sections 15-701 and 15-701.01.

16 6. Furnish, repair and insure, at full insurable value, the school
17 property of the district.

18 7. Construct school buildings on approval by a vote of the district
19 electors.

20 8. Make in the name of the district conveyances of property belonging
21 to the district and sold by the board.

22 9. Purchase school sites when authorized by a vote of the district at
23 an election conducted as nearly as practicable in the same manner as the
24 election provided in section 15-481 and held on a date prescribed in section
25 15-491, subsection E, but such authorization shall not necessarily specify

1 the site to be purchased and such authorization shall not be necessary to
2 exchange unimproved property as provided in section 15-342, paragraph 23.

3 10. Construct, improve and furnish buildings used for school purposes
4 when such buildings or premises are leased from the national park service.

5 11. Purchase school sites or construct, improve and furnish school
6 buildings from the proceeds of the sale of school property only on approval
7 by a vote of the district electors.

8 12. Hold pupils to strict account for disorderly conduct on school
9 property.

10 13. Discipline students for disorderly conduct on the way to and from
11 school.

12 14. Except as provided in section 15-1224, deposit all monies received
13 by the district as gifts, grants and devises with the county treasurer who
14 shall credit the deposits as designated in the uniform system of financial
15 records. If not inconsistent with the terms of the gifts, grants and devises
16 given, any balance remaining after expenditures for the intended purpose of
17 the monies have been made shall be used for reduction of school district
18 taxes for the budget year, except that in the case of accommodation schools
19 the county treasurer shall carry the balance forward for use by the county
20 school superintendent for accommodation schools for the budget year.

21 15. Provide that, if a parent or legal guardian chooses not to accept a
22 decision of the teacher as provided in section 15-521, paragraph 2, the
23 parent or legal guardian may request in writing that the governing board
24 review the teacher's decision. Nothing in this paragraph shall be construed
25 to release school districts from any liability relating to a child's
26 promotion or retention.

27 16. Provide for adequate supervision over pupils in instructional and
28 noninstructional activities by certificated or noncertificated personnel.

29 17. Use school monies received from the state and county school
30 apportionment exclusively for payment of salaries of teachers and other
31 employees and contingent expenses of the district.

1 18. Make an annual report to the county school superintendent on or
2 before October 1 in the manner and form and on the blanks prescribed by the
3 superintendent of public instruction or county school superintendent. The
4 board shall also make reports directly to the county school superintendent or
5 the superintendent of public instruction whenever required.

6 19. Deposit all monies received by school districts other than student
7 activities monies or monies from auxiliary operations as provided in sections
8 15-1125 and 15-1126 with the county treasurer to the credit of the school
9 district except as provided in paragraph 20 of this subsection and sections
10 15-1223 and 15-1224, and the board shall expend the monies as provided by law
11 for other school funds.

12 20. Establish a bank account in which the board during a month may
13 deposit miscellaneous monies received directly by the district. The board
14 shall remit monies deposited in the bank account at least monthly to the
15 county treasurer for deposit as provided in paragraph 19 of this subsection
16 and in accordance with the uniform system of financial records.

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

27 22. Prescribe and enforce policies and procedures for disciplinary
28 action against an administrator who engages in conduct that is a violation of
29 the policies of the governing board regarding duties of administrators but
30 that is not cause for dismissal of the administrator or for revocation of the
31 certificate of the administrator. Disciplinary action may include suspension
32 without pay for a period of time not to exceed ten school days. Disciplinary

1 action shall not include suspension with pay or suspension without pay for a
2 period of time longer than ten school days. The procedures shall include
3 notice, hearing and appeal provisions for violations that are cause for
4 disciplinary action. The governing board may designate a person or persons
5 to act on behalf of the board on these matters. For violations that are
6 cause for dismissal, the provisions of notice, hearing and appeal in chapter
7 5, article 3 of this title shall apply. The filing of a timely request for a
8 hearing suspends the imposition of a suspension without pay or a dismissal
9 pending completion of the hearing.

10 23. Notwithstanding section 13-3108, prescribe and enforce policies and
11 procedures that prohibit a person from carrying or possessing a weapon on
12 school grounds unless the person is a peace officer or has obtained specific
13 authorization from the school administrator.

14 24. Prescribe and enforce policies and procedures relating to the
15 health and safety of all pupils participating in district sponsored practice
16 sessions, games or other interscholastic athletic activities, including the
17 provision of water.

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

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

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

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

3 29. Ensure that insurance coverage is secured for all construction
4 projects for purposes of general liability, property damage and workers'
5 compensation and secure performance and payment bonds for all construction
6 projects.

7 30. Keep on file the resumes of all current and former employees who
8 provide instruction to pupils at a school. Resumes shall include an
9 individual's educational and teaching background and experience in a
10 particular academic content subject area. A school district shall inform
11 parents and guardians of the availability of the resume information and shall
12 make the resume information available for inspection on request of parents
13 and guardians of pupils enrolled at a school. Nothing in this paragraph
14 shall be construed to require any school to release personally identifiable
15 information in relation to any teacher or employee, including the teacher's
16 or employee's address, salary, social security number or telephone number.

17 31. Report to local law enforcement agencies any suspected crime
18 against a person or property that is a serious offense as defined in section
19 13-706 or that involves a deadly weapon or dangerous instrument or serious
20 physical injury and any conduct that poses a threat of death or serious
21 physical injury to employees, students or anyone on the property of the
22 school. This paragraph does not limit or preclude the reporting by a school
23 district or an employee of a school district of suspected crimes other than
24 those required to be reported by this paragraph. For the purposes of this
25 paragraph, "dangerous instrument", "deadly weapon" and "serious physical
26 injury" have the same meanings prescribed in section 13-105.

27 32. In conjunction with local law enforcement agencies and local
28 medical facilities, develop an emergency response plan for each school in the
29 school district in accordance with minimum standards developed jointly by the
30 department of education and the division of emergency management within the
31 department of emergency and military affairs.

1 33. Provide written notice to the parents or guardians of all students
2 affected in the school district at least thirty days prior to a public
3 meeting to discuss closing a school within the school district. The notice
4 shall include the reasons for the proposed closure and the time and place of
5 the meeting. The governing board shall fix a time for a public meeting on
6 the proposed closure no less than thirty days before voting in a public
7 meeting to close the school. The school district governing board shall give
8 notice of the time and place of the meeting. At the time and place
9 designated in the notice, the school district governing board shall hear
10 reasons for or against closing the school. The school district governing
11 board is exempt from this paragraph if it is determined by the governing
12 board that the school shall be closed because it poses a danger to the health
13 or safety of the pupils or employees of the school.

14 34. Incorporate instruction on Native American history into appropriate
15 existing curricula.

16 35. Prescribe and enforce policies and procedures allowing pupils who
17 have been diagnosed with anaphylaxis by a health care provider licensed
18 pursuant to title 32, chapter 13, 14, 17 or 25 or by a registered nurse
19 practitioner licensed and certified pursuant to title 32, chapter 15 to carry
20 and self-administer emergency medications, including auto-injectable
21 epinephrine, while at school and at school sponsored activities. The pupil's
22 name on the prescription label on the medication container or on the
23 medication device and annual written documentation from the pupil's parent or
24 guardian to the school that authorizes possession and self-administration is
25 sufficient proof that the pupil is entitled to the possession and
26 self-administration of the medication. The policies shall require a pupil
27 who uses auto-injectable epinephrine while at school and at school sponsored
28 activities to notify the nurse or the designated school staff person of the
29 use of the medication as soon as practicable. A school district and its
30 employees are immune from civil liability with respect to all decisions made
31 and actions taken that are based on good faith implementation of the
32 requirements of this paragraph, except in cases of wanton or wilful neglect.

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

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

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

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

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

24 (d) A formal process for the documentation of reported incidents of
25 harassment, intimidation or bullying and for the confidentiality, maintenance
26 and disposition of this documentation. If a school maintains documentation
27 of reported incidents of harassment, intimidation or bullying, the school
28 shall not use that documentation to impose disciplinary action unless the
29 appropriate school official has investigated and determined that the reported
30 incidents of harassment, intimidation or bullying occurred.

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

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

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

5 38. Prescribe and enforce policies and procedures regarding changing or
6 adopting attendance boundaries that include the following components:

7 (a) A procedure for holding public meetings to discuss attendance
8 boundary changes or adoptions that allows public comments.

9 (b) A procedure to notify the parents or guardians of the students
10 affected.

11 (c) A procedure to notify the residents of the households affected by
12 the attendance boundary changes.

13 (d) A process for placing public meeting notices and proposed maps on
14 the school district's website for public review, if the school district
15 maintains a website.

16 (e) A formal process for presenting the attendance boundaries of the
17 affected area in public meetings that allows public comments.

18 (f) A formal process for notifying the residents and parents or
19 guardians of the affected area as to the decision of the governing board on
20 the school district's website, if the school district maintains a website.

21 (g) A formal process for updating attendance boundaries on the school
22 district's website within ninety days of an adopted boundary change. The
23 school district shall send a direct link to the school district's attendance
24 boundaries website to the department of real estate.

25 (h) If the land that a school was built on was donated within the past
26 five years, a formal process to notify the entity that donated the land
27 affected by the decision of the governing board.

28 39. If the state board of education determines that the school district
29 has committed an overexpenditure as defined in section 15-107, provide a copy
30 of the fiscal management report submitted pursuant to section 15-107,
31 subsection H on its website and make copies available to the public on

1 request. The school district shall comply with a request within five
2 business days after receipt.

3 40. ON OR BEFORE JUNE 30, 2011, PRESCRIBE AND ENFORCE POLICIES AND
4 PROCEDURES TO ADDRESS INCIDENTS OF DATING ABUSE INVOLVING STUDENTS AT SCHOOL
5 THAT MAY BE BASED ON A MODEL DATING ABUSE POLICY DEVELOPED BY THE DEPARTMENT
6 OF EDUCATION. THE POLICIES ADOPTED BY THE SCHOOL DISTRICT GOVERNING BOARD
7 SHALL INCLUDE A STATEMENT THAT DATING ABUSE WILL NOT BE TOLERATED, DATING
8 ABUSE REPORTING PROCEDURES, GUIDELINES TO RESPONDING TO INCIDENTS OF DATING
9 ABUSE AT SCHOOL AND DISCIPLINARY PROCEDURES RELATING TO SUCH INCIDENTS.
10 NOTICE OF THE SCHOOL DISTRICT'S DATING ABUSE POLICY SHALL BE PUBLISHED
11 SETTING FORTH THE COMPREHENSIVE RULES, PROCEDURES AND STANDARDS OF CONDUCT
12 FOR STUDENTS AT SCHOOL. THE POLICIES AND PROCEDURES SHALL REQUIRE DATING
13 ABUSE TRAINING FOR ALL ADMINISTRATORS, TEACHERS, COUNSELORS AND HEALTH CARE
14 PROFESSIONALS WHO ARE EMPLOYED AT JUNIOR HIGH SCHOOLS, MIDDLE SCHOOLS AND
15 HIGH SCHOOLS. THE PRINCIPAL OF EACH JUNIOR HIGH SCHOOL, MIDDLE SCHOOL OR
16 HIGH SCHOOL MAY ALLOW OTHER EMPLOYEES TO ATTEND DATING ABUSE TRAINING. THE
17 DATING ABUSE TRAINING PRESCRIBED IN THIS PARAGRAPH SHALL INCLUDE TRAINING ON
18 THE WARNING SIGNS OF DATING ABUSE AND A REVIEW OF THE SCHOOL DISTRICT'S
19 DATING ABUSE POLICY TO ENSURE THAT EMPLOYEES ARE ABLE TO APPROPRIATELY
20 RESPOND TO INCIDENTS OF DATING ABUSE AT SCHOOL. THE SCHOOL DISTRICT SHALL
21 INFORM PUPILS AND PARENTS AND GUARDIANS OF THE SCHOOL DISTRICT'S DATING ABUSE
22 POLICIES AND PROCEDURES AND SHALL FURNISH COPIES OF THE POLICIES AND
23 PROCEDURES ON REQUEST. THE SCHOOL DISTRICT MAY PROVIDE PARENTS WITH TRAINING
24 AND INFORMATION ABOUT DATING ABUSE. THIS PARAGRAPH DOES NOT LIMIT OR PREVENT
25 THE RIGHTS AFFORDED TO VICTIMS OF CRIMES UNDER ANY OTHER LAW AND DOES NOT
26 SUBJECT PERSONS OR ENTITIES TO ADDITIONAL CIVIL LIABILITY UNDER LAW. FOR THE
27 PURPOSES OF THIS PARAGRAPH:

28 (a) "AT SCHOOL" MEANS A CLASSROOM THAT IS ON OR IMMEDIATELY ADJACENT
29 TO THE SCHOOL PREMISES, A SCHOOL BUS OR OTHER PUPIL TRANSPORTATION VEHICLE, A
30 RECOGNIZED SCHOOL BUS STOP AND ANY ACTIVITY OR EVENT THAT IS SPONSORED BY THE
31 SCHOOL, INCLUDING ACTIVITIES AND EVENTS THAT ARE NOT CONDUCTED ON THE GROUNDS
32 OF THE SCHOOL.

1 (b) "DATING ABUSE" MEANS A PATTERN OF BEHAVIOR IN WHICH ONE PERSON USES
2 OR THREATENS TO USE PHYSICAL, SEXUAL, VERBAL OR EMOTIONAL ABUSE TO CONTROL
3 THE PERSON'S DATING PARTNER.

4 B. Notwithstanding subsection A, paragraphs 7, 9 and 11 of this
5 section, the county school superintendent may construct, improve and furnish
6 school buildings or purchase or sell school sites in the conduct of an
7 accommodation school.

8 C. If any school district acquires real or personal property, whether
9 by purchase, exchange, condemnation, gift or otherwise, the governing board
10 shall pay to the county treasurer any taxes on the property that were unpaid
11 as of the date of acquisition, including penalties and interest. The lien
12 for unpaid delinquent taxes, penalties and interest on property acquired by a
13 school district:

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

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

17 D. The governing board may not locate a school on property that is
18 less than one-fourth mile from agricultural land regulated pursuant to
19 section 3-365, except that the owner of the agricultural land may agree to
20 comply with the buffer zone requirements of section 3-365. If the owner
21 agrees in writing to comply with the buffer zone requirements and records the
22 agreement in the office of the county recorder as a restrictive covenant
23 running with the title to the land, the school district may locate a school
24 within the affected buffer zone. The agreement may include any stipulations
25 regarding the school, including conditions for future expansion of the school
26 and changes in the operational status of the school that will result in a
27 breach of the agreement.

28 E. A school district, its governing board members, its school council
29 members and its employees are immune from civil liability for the
30 consequences of adoption and implementation of policies and procedures
31 pursuant to subsection A of this section and section 15-342. This waiver
32 does not apply if the school district, its governing board members, its

1 school council members or its employees are guilty of gross negligence or
2 intentional misconduct.

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

6 G. Notwithstanding any other provision of this title, a school
7 district governing board shall not take any action that would result in a
8 reduction of pupil square footage unless the governing board notifies the
9 school facilities board established by section 15-2001 of the proposed action
10 and receives written approval from the school facilities board to take the
11 action. A reduction includes an increase in administrative space that
12 results in a reduction of pupil square footage or sale of school sites or
13 buildings, or both. A reduction includes a reconfiguration of grades that
14 results in a reduction of pupil square footage of any grade level. This
15 subsection does not apply to temporary reconfiguration of grades to
16 accommodate new school construction if the temporary reconfiguration does not
17 exceed one year. The sale of equipment that results in a reduction that
18 falls below the equipment requirements prescribed in section 15-2011,
19 subsection B is subject to commensurate withholding of school district
20 capital outlay revenue limit monies pursuant to the direction of the school
21 facilities board. Except as provided in section 15-342, paragraph 10,
22 proceeds from the sale of school sites, buildings or other equipment shall be
23 deposited in the school plant fund as provided in section 15-1102.

24 H. Subsections C through G of this section apply to a county board of
25 supervisors and a county school superintendent when operating and
26 administering an accommodation school.

27 Sec. 2. Title 15, chapter 7, article 1, Arizona Revised Statutes, is
28 amended by adding section 15-712.01, to read:

29 15-712.01. Instruction on dating violence; definitions

30 A. EACH SCHOOL DISTRICT THAT PROVIDES INSTRUCTION IN GRADES SEVEN
31 THROUGH TWELVE SHALL INCORPORATE DATING ABUSE INFORMATION THAT IS

1 AGE-APPROPRIATE INTO THE SCHOOL DISTRICT'S EXISTING HEALTH CURRICULUM FOR
2 PUPILS IN GRADES SEVEN THROUGH TWELVE THAT INCLUDES THE FOLLOWING COMPONENTS:

- 3 1. A DEFINITION OF DATING ABUSE.
- 4 2. THE RECOGNITION OF DATING ABUSE WARNING SIGNS.
- 5 3. THE CHARACTERISTICS OF HEALTHY RELATIONSHIPS.

6 B. THE STATE BOARD OF EDUCATION SHALL PROVIDE ASSISTANCE TO SCHOOL
7 DISTRICTS IN THE DEVELOPMENT OF THE DATING ABUSE INFORMATION PRESCRIBED IN
8 THIS SECTION BY REVIEWING AND APPROVING APPROPRIATE GRADE LEVEL TOPICS.

9 C. ON WRITTEN REQUEST TO THE PRINCIPAL OF THE SCHOOL WHERE A CHILD IS
10 ENROLLED, THE PARENT OR GUARDIAN OF A PUPIL WHO IS UNDER EIGHTEEN YEARS OF
11 AGE, SHALL BE PERMITTED TO REVIEW THE DATING ABUSE INFORMATION INSTRUCTIONAL
12 MATERIALS WITHIN A REASONABLE TIME AFTER SUBMITTING THE WRITTEN REQUEST.

13 D. FOR THE PURPOSES OF THIS SECTION:

14 1. "DATING ABUSE" MEANS A PATTERN OF BEHAVIOR IN WHICH ONE PERSON USES
15 OR THREATENS TO USE PHYSICAL, SEXUAL, VERBAL OR EMOTIONAL ABUSE TO CONTROL
16 THE PERSON'S DATING PARTNER.

17 2. "DATING PARTNER" MEANS ANY PERSON WHO IS INVOLVED IN AN INTIMATE
18 ASSOCIATION WITH ANOTHER PERSON THAT IS PRIMARILY CHARACTERIZED BY THE
19 EXPECTATION OF AFFECTIONATE INVOLVEMENT AND THAT INCLUDES CASUAL, SERIOUS AND
20 LONG-TERM DATING PARTNERS."

21 Amend title to conform

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