

PROPOSED

HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2521

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

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

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

4           12. Hold pupils to strict account for disorderly conduct on school  
5 property.

6           13. Discipline students for disorderly conduct on the way to and from  
7 school.

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

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

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

25           17. Use school monies received from the state and county school  
26 apportionment exclusively for payment of salaries of teachers and other  
27 employees and contingent expenses of the district.

28           18. Make an annual report to the county school superintendent on or  
29 before October 1 in the manner and form and on the blanks prescribed by the  
30 superintendent of public instruction or county school superintendent. The  
31 board shall also make reports directly to the county school superintendent or  
32 the superintendent of public instruction whenever required.

1           19. Deposit all monies received by school districts other than student  
2 activities monies or monies from auxiliary operations as provided in sections  
3 15-1125 and 15-1126 with the county treasurer to the credit of the school  
4 district except as provided in paragraph 20 of this subsection and sections  
5 15-1223 and 15-1224, and the board shall expend the monies as provided by law  
6 for other school funds.

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

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

22           22. Prescribe and enforce policies and procedures for disciplinary  
23 action against an administrator who engages in conduct that is a violation of  
24 the policies of the governing board regarding duties of administrators but  
25 that is not cause for dismissal of the administrator or for revocation of the  
26 certificate of the administrator. Disciplinary action may include suspension  
27 without pay for a period of time not to exceed ten school days. Disciplinary  
28 action shall not include suspension with pay or suspension without pay for a  
29 period of time longer than ten school days. The procedures shall include  
30 notice, hearing and appeal provisions for violations that are cause for  
31 disciplinary action. The governing board may designate a person or persons  
32 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 23. 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 24. 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 25. 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 buildings.  
17 If smoking in school buildings is not prohibited, the policies and procedures  
18 shall clearly state the conditions and circumstances under which smoking is  
19 permitted, those areas in a school building that may be designated as smoking  
20 areas and those areas in a school building that may not be designated as  
21 smoking areas.

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

24 27. 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 28. Administer competency tests prescribed by the state board of  
28 education for the graduation of pupils from high school.

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

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

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

21           32. In conjunction with local law enforcement agencies and local  
22 medical facilities, develop an emergency response plan for each school in the  
23 school district in accordance with minimum standards developed jointly by the  
24 department of education and the division of emergency management within the  
25 department of emergency and military affairs.

26           33. Provide written notice to the parents or guardians of all students  
27 affected in the school district at least thirty days prior to a public  
28 meeting to discuss closing a school within the school district. The notice  
29 shall include the reasons for the proposed closure and the time and place of  
30 the meeting. The governing board shall fix a time for a public meeting on  
31 the proposed closure no less than thirty days before voting in a public  
32 meeting to close the school. The school district governing board shall give

1 notice of the time and place of the meeting. At the time and place  
2 designated in the notice, the school district governing board shall hear  
3 reasons for or against closing the school. The school district governing  
4 board is exempt from this paragraph if it is determined by the governing  
5 board that the school shall be closed because it poses a danger to the health  
6 or safety of the pupils or employees of the school.

7 34. Incorporate instruction on Native American history into appropriate  
8 existing curricula.

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

26 36. Allow the possession and self-administration of prescription  
27 medication for breathing disorders in handheld inhaler devices by pupils who  
28 have been prescribed that medication by a health care professional licensed  
29 pursuant to title 32. The pupil's name on the prescription label on the  
30 medication container or on the handheld inhaler device and annual written  
31 documentation from the pupil's parent or guardian to the school that  
32 authorizes possession and self-administration shall be sufficient proof that

1 the pupil is entitled to the possession and self-administration of the  
2 medication. A school district and its employees are immune from civil  
3 liability with respect to all decisions made and actions taken that are based  
4 on a good faith implementation of the requirements of this paragraph.

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

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

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

14 (c) A requirement that school district employees report suspected  
15 incidents of harassment, intimidation or bullying to the appropriate school  
16 official.

17 (d) A formal process for the documentation of reported incidents of  
18 harassment, intimidation or bullying and for the confidentiality, maintenance  
19 and disposition of this documentation. If a school maintains documentation  
20 of reported incidents of harassment, intimidation or bullying, the school  
21 shall not use that documentation to impose disciplinary action unless the  
22 appropriate school official has investigated and determined that the reported  
23 incidents of harassment, intimidation or bullying occurred.

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

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

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

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

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

3 (b) A procedure to notify the parents or guardians of the students  
4 affected.

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

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

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

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

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

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

22 39. If the state board of education determines that the school district  
23 has committed an overexpenditure as defined in section 15-107, provide a copy  
24 of the fiscal management report submitted pursuant to section 15-107,  
25 subsection H on its website and make copies available to the public on  
26 request. The school district shall comply with a request within five  
27 business days after receipt.

28 40. ENSURE THAT THE CONTRACT FOR THE SUPERINTENDENT IS STRUCTURED IN A  
29 MANNER WHERE AT LEAST TWENTY PER CENT OF THE TOTAL ANNUAL COMPENSATION AND  
30 BENEFITS INCLUDED FOR THE SUPERINTENDENT IN THE CONTRACT IS CLASSIFIED AS  
31 PERFORMANCE PAY.

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

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

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

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

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

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

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

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

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

25 Amend title to conform

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1:49 PM  
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