

State of Arizona
Senate
Forty-ninth Legislature
Second Regular Session
2010

SENATE BILL 1153

AN ACT

AMENDING TITLE 13, CHAPTER 31, ARIZONA REVISED STATUTES, BY ADDING SECTION 13-3120; AMENDING SECTION 15-341, ARIZONA REVISED STATUTES; RELATING TO WEAPONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Title 13, chapter 31, Arizona Revised Statutes, is amended
3 by adding section 13-3120, to read:

4 13-3120. Knives regulated by state; state preemption;
5 definitions

6 A. EXCEPT AS PROVIDED IN SUBSECTIONS C AND D, A POLITICAL SUBDIVISION
7 OF THIS STATE SHALL NOT ENACT ANY ORDINANCE, RULE OR TAX RELATING TO THE
8 TRANSPORTATION, POSSESSION, CARRYING, SALE, TRANSFER, PURCHASE, GIFT, DEVISE,
9 LICENSING, REGISTRATION OR USE OF A KNIFE OR KNIFE MAKING COMPONENTS IN THIS
10 STATE.

11 B. A POLITICAL SUBDIVISION OF THIS STATE SHALL NOT ENACT ANY RULE OR
12 ORDINANCE THAT RELATES TO THE MANUFACTURE OF A KNIFE AND THAT IS MORE
13 PROHIBITIVE THAN OR THAT HAS A PENALTY THAT IS GREATER THAN ANY RULE OR
14 ORDINANCE THAT IS RELATED TO THE MANUFACTURE OF ANY OTHER COMMERCIAL GOODS.

15 C. THIS SECTION DOES NOT PROHIBIT A POLITICAL SUBDIVISION OF THIS
16 STATE FROM ENACTING AND ENFORCING ANY ORDINANCE OR RULE PURSUANT TO STATE
17 LAW, TO IMPLEMENT OR ENFORCE STATE LAW OR RELATING TO IMPOSING ANY PRIVILEGE
18 OR USE TAX ON THE RETAIL SALE, LEASE OR RENTAL OF, OR THE GROSS PROCEEDS OR
19 GROSS INCOME FROM THE SALE, LEASE OR RENTAL OF, A KNIFE OR ANY KNIFE
20 COMPONENTS AT A RATE THAT APPLIES GENERALLY TO OTHER ITEMS OF TANGIBLE
21 PERSONAL PROPERTY.

22 D. THIS SECTION DOES NOT PROHIBIT A POLITICAL SUBDIVISION OF THIS
23 STATE FROM REGULATING EMPLOYEES OR INDEPENDENT CONTRACTORS OF THE POLITICAL
24 SUBDIVISION WHO ARE ACTING WITHIN THE COURSE AND SCOPE OF THEIR EMPLOYMENT OR
25 CONTRACT.

26 E. A POLITICAL SUBDIVISION'S RULE OR ORDINANCE THAT RELATES TO KNIVES
27 AND THAT IS INCONSISTENT WITH OR MORE RESTRICTIVE THAN STATE LAW, WHETHER
28 ENACTED BEFORE OR AFTER THE EFFECTIVE DATE OF THIS AMENDMENT TO THIS SECTION,
29 IS NULL AND VOID.

30 F. FOR THE PURPOSES OF THIS SECTION:

31 1. "KNIFE" MEANS A CUTTING INSTRUMENT AND INCLUDES A SHARPENED OR
32 POINTED BLADE.

33 2. "POLITICAL SUBDIVISION" INCLUDES ANY COUNTY, CITY, INCLUDING A
34 CHARTER CITY, TOWN, MUNICIPAL CORPORATION OR SPECIAL DISTRICT, ANY BOARD,
35 COMMISSION OR AGENCY OF A COUNTY, CITY, INCLUDING A CHARTER CITY, TOWN,
36 MUNICIPAL CORPORATION OR SPECIAL DISTRICT OR ANY OTHER LOCAL PUBLIC AGENCY.

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

38 15-341. General powers and duties; immunity; delegation

39 A. The governing board shall:

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

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

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

- 1 4. Acquire school furniture, apparatus, equipment, library books and
2 supplies for the use of the schools.
- 3 5. Prescribe the curricula and criteria for the promotion and
4 graduation of pupils as provided in sections 15-701 and 15-701.01.
- 5 6. Furnish, repair and insure, at full insurable value, the school
6 property of the district.
- 7 7. Construct school buildings on approval by a vote of the district
8 electors.
- 9 8. Make in the name of the district conveyances of property belonging
10 to the district and sold by the board.
- 11 9. Purchase school sites when authorized by a vote of the district at
12 an election conducted as nearly as practicable in the same manner as the
13 election provided in section 15-481 and held on a date prescribed in section
14 15-491, subsection E, but such authorization shall not necessarily specify
15 the site to be purchased and such authorization shall not be necessary to
16 exchange unimproved property as provided in section 15-342, paragraph 23.
- 17 10. Construct, improve and furnish buildings used for school purposes
18 when such buildings or premises are leased from the national park service.
- 19 11. Purchase school sites or construct, improve and furnish school
20 buildings from the proceeds of the sale of school property only on approval
21 by a vote of the district electors.
- 22 12. Hold pupils to strict account for disorderly conduct on school
23 property.
- 24 13. Discipline students for disorderly conduct on the way to and from
25 school.
- 26 14. Except as provided in section 15-1224, deposit all monies received
27 by the district as gifts, grants and devises with the county treasurer who
28 shall credit the deposits as designated in the uniform system of financial
29 records. If not inconsistent with the terms of the gifts, grants and devises
30 given, any balance remaining after expenditures for the intended purpose of
31 the monies have been made shall be used for reduction of school district
32 taxes for the budget year, except that in the case of accommodation schools
33 the county treasurer shall carry the balance forward for use by the county
34 school superintendent for accommodation schools for the budget year.
- 35 15. Provide that, if a parent or legal guardian chooses not to accept a
36 decision of the teacher as provided in section 15-521, paragraph 2, the
37 parent or legal guardian may request in writing that the governing board
38 review the teacher's decision. Nothing in this paragraph shall be construed
39 to release school districts from any liability relating to a child's
40 promotion or retention.
- 41 16. Provide for adequate supervision over pupils in instructional and
42 noninstructional activities by certificated or noncertificated personnel.
- 43 17. Use school monies received from the state and county school
44 apportionment exclusively for payment of salaries of teachers and other
45 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
33 action shall not include suspension with pay or suspension without pay for a
34 period of time longer than ten school days. The procedures shall include
35 notice, hearing and appeal provisions for violations that are cause for
36 disciplinary action. The governing board may designate a person or persons
37 to act on behalf of the board on these matters. For violations that are
38 cause for dismissal, the provisions of notice, hearing and appeal in chapter
39 5, article 3 of this title shall apply. The filing of a timely request for a
40 hearing suspends the imposition of a suspension without pay or a dismissal
41 pending completion of the hearing.

42 23. Notwithstanding ~~section~~ **SECTIONS** 13-3108 **AND** 13-3120, prescribe and
43 enforce policies and procedures that prohibit a person from carrying or
44 possessing a weapon on school grounds unless the person is a peace officer or
45 has obtained specific authorization from the school administrator.

1 24. Prescribe and enforce policies and procedures relating to the
2 health and safety of all pupils participating in district sponsored practice
3 sessions, games or other interscholastic athletic activities, including the
4 provision of water.

5 25. Prescribe and enforce policies and procedures regarding the smoking
6 of tobacco within school buildings. The policies and procedures shall be
7 adopted in consultation with school district personnel and members of the
8 community and shall state whether smoking is prohibited in school buildings.
9 If smoking in school buildings is not prohibited, the policies and procedures
10 shall clearly state the conditions and circumstances under which smoking is
11 permitted, those areas in a school building that may be designated as smoking
12 areas and those areas in a school building that may not be designated as
13 smoking areas.

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

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

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

21 29. Ensure that insurance coverage is secured for all construction
22 projects for purposes of general liability, property damage and workers'
23 compensation and secure performance and payment bonds for all construction
24 projects.

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

35 31. Report to local law enforcement agencies any suspected crime
36 against a person or property that is a serious offense as defined in section
37 13-706 or that involves a deadly weapon or dangerous instrument or serious
38 physical injury and any conduct that poses a threat of death or serious
39 physical injury to employees, students or anyone on the property of the
40 school. This paragraph does not limit or preclude the reporting by a school
41 district or an employee of a school district of suspected crimes other than
42 those required to be reported by this paragraph. For the purposes of this
43 paragraph, "dangerous instrument", "deadly weapon" and "serious physical
44 injury" have the same meanings prescribed in section 13-105.

1 32. In conjunction with local law enforcement agencies and local
2 medical facilities, develop an emergency response plan for each school in the
3 school district in accordance with minimum standards developed jointly by the
4 department of education and the division of emergency management within the
5 department of emergency and military affairs.

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

19 34. Incorporate instruction on Native American history into appropriate
20 existing curricula.

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

38 36. Allow the possession and self-administration of prescription
39 medication for breathing disorders in handheld inhaler devices by pupils who
40 have been prescribed that medication by a health care professional licensed
41 pursuant to title 32. The pupil's name on the prescription label on the
42 medication container or on the handheld inhaler device and annual written
43 documentation from the pupil's parent or guardian to the school that
44 authorizes possession and self-administration shall be sufficient proof that
45 the pupil is entitled to the possession and self-administration of the

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

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

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

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

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

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

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

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

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

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

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

33 (b) A procedure to notify the parents or guardians of the students
34 affected.

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

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

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

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

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

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

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

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

18 C. If any school district acquires real or personal property, whether
19 by purchase, exchange, condemnation, gift or otherwise, the governing board
20 shall pay to the county treasurer any taxes on the property that were unpaid
21 as of the date of acquisition, including penalties and interest. The lien
22 for unpaid delinquent taxes, penalties and interest on property acquired by a
23 school district:

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

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

27 D. The governing board may not locate a school on property that is
28 less than one-fourth mile from agricultural land regulated pursuant to
29 section 3-365, except that the owner of the agricultural land may agree to
30 comply with the buffer zone requirements of section 3-365. If the owner
31 agrees in writing to comply with the buffer zone requirements and records the
32 agreement in the office of the county recorder as a restrictive covenant
33 running with the title to the land, the school district may locate a school
34 within the affected buffer zone. The agreement may include any stipulations
35 regarding the school, including conditions for future expansion of the school
36 and changes in the operational status of the school that will result in a
37 breach of the agreement.

38 E. A school district, its governing board members, its school council
39 members and its employees are immune from civil liability for the
40 consequences of adoption and implementation of policies and procedures
41 pursuant to subsection A of this section and section 15-342. This waiver
42 does not apply if the school district, its governing board members, its
43 school council members or its employees are guilty of gross negligence or
44 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 Sec. 3. Legislative intent

26 It is the intent of the legislature to preempt the regulation of knives
27 in this state. Knife regulation is of statewide concern. Therefore, the
28 legislature intends to limit the ability of any political subdivision of this
29 state to regulate knives. This act applies to any ordinance enacted before
30 or after the effective date of this act.