

State of Arizona  
House of Representatives  
Fiftieth Legislature  
First Regular Session  
2011

# HOUSE BILL 2670

AN ACT

AMENDING SECTION 15-341, ARIZONA REVISED STATUTES; RELATING TO SCHOOL DISTRICT GOVERNING BOARDS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:  
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.  
30 11. Purchase school sites or construct, improve and furnish school  
31 buildings from the proceeds of the sale of school property only on approval  
32 by a vote of the district electors.  
33 12. Hold pupils to strict account for disorderly conduct on school  
34 property.  
35 13. Discipline students for disorderly conduct on the way to and from  
36 school.  
37 14. Except as provided in section 15-1224, deposit all monies received  
38 by the district as gifts, grants and devises with the county treasurer who  
39 shall credit the deposits as designated in the uniform system of financial  
40 records. If not inconsistent with the terms of the gifts, grants and devises  
41 given, any balance remaining after expenditures for the intended purpose of  
42 the monies have been made shall be used for reduction of school district  
43 taxes for the budget year, except that in the case of accommodation schools  
44 the county treasurer shall carry the balance forward for use by the county  
45 school superintendent for accommodation schools for the budget year.

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

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

9           17. Use school monies received from the state and county school  
10 apportionment exclusively for payment of salaries of teachers and other  
11 employees and contingent expenses of the district.

12           18. Make an annual report to the county school superintendent on or  
13 before October 1 in the manner and form and on the blanks prescribed by the  
14 superintendent of public instruction or county school superintendent. The  
15 board shall also make reports directly to the county school superintendent or  
16 the superintendent of public instruction whenever required.

17           19. Deposit all monies received by school districts other than student  
18 activities monies or monies from auxiliary operations as provided in sections  
19 15-1125 and 15-1126 with the county treasurer to the credit of the school  
20 district except as provided in paragraph 20 of this subsection and sections  
21 15-1223 and 15-1224, and the board shall expend the monies as provided by law  
22 for other school funds.

23           20. Establish bank accounts in which the board during a month may  
24 deposit miscellaneous monies received directly by the district. The board  
25 shall remit monies deposited in the bank accounts at least monthly to the  
26 county treasurer for deposit as provided in paragraph 19 of this subsection  
27 and in accordance with the uniform system of financial records.

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

38           22. Prescribe and enforce policies and procedures for disciplinary  
39 action against an administrator who engages in conduct that is a violation of  
40 the policies of the governing board regarding duties of administrators but  
41 that is not cause for dismissal of the administrator or for revocation of the  
42 certificate of the administrator. Disciplinary action may include suspension  
43 without pay for a period of time not to exceed ten school days. Disciplinary  
44 action shall not include suspension with pay or suspension without pay for a  
45 period of time longer than ten school days. The procedures shall include

1 notice, hearing and appeal provisions for violations that are cause for  
2 disciplinary action. The governing board may designate a person or persons  
3 to act on behalf of the board on these matters. For violations that are  
4 cause for dismissal, the provisions of notice, hearing and appeal in chapter  
5 5, article 3 of this title shall apply. The filing of a timely request for a  
6 hearing suspends the imposition of a suspension without pay or a dismissal  
7 pending completion of the hearing.

8 23. Notwithstanding sections 13-3108 and 13-3120, prescribe and enforce  
9 policies and procedures that prohibit a person from carrying or possessing a  
10 weapon on school grounds unless the person is a peace officer or has obtained  
11 specific authorization from the school administrator.

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

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

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

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

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

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

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

1           31. Report to local law enforcement agencies any suspected crime  
2 against a person or property that is a serious offense as defined in section  
3 13-706 or that involves a deadly weapon or dangerous instrument or serious  
4 physical injury and any conduct that poses a threat of death or serious  
5 physical injury to employees, students or anyone on the property of the  
6 school. This paragraph does not limit or preclude the reporting by a school  
7 district or an employee of a school district of suspected crimes other than  
8 those required to be reported by this paragraph. For the purposes of this  
9 paragraph, "dangerous instrument", "deadly weapon" and "serious physical  
10 injury" have the same meanings prescribed in section 13-105.

11           32. In conjunction with local law enforcement agencies and local  
12 medical facilities, develop an emergency response plan for each school in the  
13 school district in accordance with minimum standards developed jointly by the  
14 department of education and the division of emergency management within the  
15 department of emergency and military affairs.

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

29           34. Incorporate instruction on Native American history into appropriate  
30 existing curricula.

31           35. Prescribe and enforce policies and procedures allowing pupils who  
32 have been diagnosed with anaphylaxis by a health care provider licensed  
33 pursuant to title 32, chapter 13, 14, 17 or 25 or by a registered nurse  
34 practitioner licensed and certified pursuant to title 32, chapter 15 to carry  
35 and self-administer emergency medications, including auto-injectable  
36 epinephrine, while at school and at school sponsored activities. The pupil's  
37 name on the prescription label on the medication container or on the  
38 medication device and annual written documentation from the pupil's parent or  
39 guardian to the school that authorizes possession and self-administration is  
40 sufficient proof that the pupil is entitled to the possession and  
41 self-administration of the medication. The policies shall require a pupil  
42 who uses auto-injectable epinephrine while at school and at school sponsored  
43 activities to notify the nurse or the designated school staff person of the  
44 use of the medication as soon as practicable. A school district and its  
45 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 36. 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 37. 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 and for the confidentiality, maintenance  
28 and disposition of this documentation. If a school maintains documentation  
29 of reported incidents of harassment, intimidation or bullying, the school  
30 shall not use that documentation to impose disciplinary action unless the  
31 appropriate school official has investigated and determined that the reported  
32 incidents of harassment, intimidation or bullying occurred.

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

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

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

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

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

43 (b) A procedure to notify the parents or guardians of the students  
44 affected.

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

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

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

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

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

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

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

24 40. Ensure that the contract for the superintendent is structured in a  
25 manner where at least twenty per cent of the total annual compensation and  
26 benefits included for the superintendent in the contract is classified as  
27 performance pay. Nothing in this paragraph shall be construed to require  
28 school districts to increase total compensation for superintendents. Unless  
29 the school district governing board votes to implement an alternative  
30 procedure at a public meeting called for this purpose, the performance pay  
31 portion of the superintendent's total annual compensation shall be determined  
32 as follows:

33 (a) Twenty-five per cent of the performance pay shall be determined  
34 based on the percentage of academic gain determined by the department of  
35 education of pupils who are enrolled in the school district compared to the  
36 academic gain achieved by the highest ranking of the fifty largest school  
37 districts in this state. For the purposes of this subdivision, the  
38 department of education shall determine academic gain by the academic growth  
39 achieved by each pupil who has been enrolled at the same school in a school  
40 district for at least five consecutive months measured against that pupil's  
41 academic results in the 2008-2009 school year. For the purposes of this  
42 subdivision, of the fifty largest school districts in this state, the school  
43 district with pupils who demonstrate the highest statewide percentage of  
44 overall academic gain measured against academic results for the 2008-2009  
45 school year shall be assigned a score of 100 and the school district with

1 pupils who demonstrate the lowest statewide percentage of overall academic  
2 gain measured against academic results for the 2008-2009 school year shall be  
3 assigned a score of 0.

4 (b) Twenty-five per cent of the performance pay shall be determined by  
5 the percentage of parents of pupils who are enrolled at the school district  
6 who assign a letter grade of "A" to the school on a survey of parental  
7 satisfaction with the school district. The parental satisfaction survey  
8 shall be administered and scored by an independent entity that is selected by  
9 the governing board and that demonstrates sufficient expertise and experience  
10 to accurately measure the results of the survey. The parental satisfaction  
11 survey shall use standard random sampling procedures and provide anonymity  
12 and confidentiality to each parent who participates in the survey. The  
13 letter grade scale used on the parental satisfaction survey shall direct  
14 parents to assign one of the following letter grades:

- 15 (i) A letter grade of "A" if the school district is excellent.
- 16 (ii) A letter grade of "B" if the school district is above average.
- 17 (iii) A letter grade of "C" if the school district is average.
- 18 (iv) A letter grade of "D" if the school district is below average.
- 19 (v) A letter grade of "F" if the school district is a failure.

20 (c) Twenty-five per cent of the performance pay shall be determined by  
21 the percentage of teachers who are employed at the school district and who  
22 assign a letter grade of "A" to the school on a survey of teacher  
23 satisfaction with the school. The teacher satisfaction survey shall be  
24 administered and scored by an independent entity that is selected by the  
25 governing board and that demonstrates sufficient expertise and experience to  
26 accurately measure the results of the survey. The teacher satisfaction  
27 survey shall use standard random sampling procedures and provide anonymity  
28 and confidentiality to each teacher who participates in the survey. The  
29 letter grade scale used on the teacher satisfaction survey shall direct  
30 teachers to assign one of the following letter grades:

- 31 (i) A letter grade of "A" if the school district is excellent.
- 32 (ii) A letter grade of "B" if the school district is above average.
- 33 (iii) A letter grade of "C" if the school district is average.
- 34 (iv) A letter grade of "D" if the school district is below average.
- 35 (v) A letter grade of "F" if the school district is a failure.

36 (d) Twenty-five per cent of the performance pay shall be determined by  
37 other criteria selected by the governing board.

38 41. MAINTAIN AND STORE PERMANENT PUBLIC RECORDS OF THE SCHOOL DISTRICT  
39 AS REQUIRED BY LAW. NOTWITHSTANDING SECTION 39-101, THE STANDARDS ADOPTED BY  
40 THE ARIZONA STATE LIBRARY, ARCHIVES AND PUBLIC RECORDS FOR THE MAINTENANCE  
41 AND STORAGE OF SCHOOL DISTRICT PUBLIC RECORDS SHALL ALLOW SCHOOL DISTRICTS TO  
42 ELECT TO SATISFY THE REQUIREMENTS OF THIS PARAGRAPH BY MAINTAINING AND  
43 STORING THESE RECORDS EITHER ON PAPER OR IN AN ELECTRONIC FORMAT, OR A  
44 COMBINATION OF A PAPER AND ELECTRONIC FORMAT.

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.

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

35           G. Notwithstanding any other provision of this title, a school  
36 district governing board shall not take any action that would result in a  
37 reduction of pupil square footage unless the governing board notifies the  
38 school facilities board established by section 15-2001 of the proposed action  
39 and receives written approval from the school facilities board to take the  
40 action. A reduction includes an increase in administrative space that  
41 results in a reduction of pupil square footage or sale of school sites or  
42 buildings, or both. A reduction includes a reconfiguration of grades that  
43 results in a reduction of pupil square footage of any grade level. This  
44 subsection does not apply to temporary reconfiguration of grades to  
45 accommodate new school construction if the temporary reconfiguration does not

1 exceed one year. The sale of equipment that results in a reduction that  
2 falls below the equipment requirements prescribed in section 15-2011,  
3 subsection B is subject to commensurate withholding of school district  
4 capital outlay revenue limit monies pursuant to the direction of the school  
5 facilities board. Except as provided in section 15-342, paragraph 10,  
6 proceeds from the sale of school sites, buildings or other equipment shall be  
7 deposited in the school plant fund as provided in section 15-1102.

8 H. Subsections C through G of this section apply to a county board of  
9 supervisors and a county school superintendent when operating and  
10 administering an accommodation school.