

State of Arizona
Senate
Fiftieth Legislature
First Regular Session
2011

SENATE BILL 1521

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~~ games or other interscholastic athletic activities, including:

15 (a) The provision of water.

16 (b) GUIDELINES, INFORMATION AND FORMS, DEVELOPED IN CONSULTATION WITH
17 A STATEWIDE PRIVATE ENTITY THAT SUPERVISES INTERSCHOLASTIC ACTIVITIES, TO
18 INFORM AND EDUCATE COACHES, PUPILS AND PARENTS OF THE DANGERS OF CONCUSSIONS
19 AND HEAD INJURIES AND THE RISKS OF CONTINUED PARTICIPATION IN ATHLETIC
20 ACTIVITY AFTER A CONCUSSION. THE POLICIES AND PROCEDURES SHALL REQUIRE THAT,
21 BEFORE A PUPIL PARTICIPATES IN AN ATHLETIC ACTIVITY, THE PUPIL AND THE
22 PUPIL'S PARENT MUST SIGN AN INFORMATION FORM AT LEAST ONCE EACH SCHOOL YEAR
23 THAT STATES THAT THE PARENT IS AWARE OF THE NATURE AND RISK OF CONCUSSION.
24 THE POLICIES AND PROCEDURES SHALL REQUIRE THAT A PUPIL WHO IS SUSPECTED OF
25 SUSTAINING A CONCUSSION IN A PRACTICE SESSION, GAME OR OTHER INTERSCHOLASTIC
26 ATHLETIC ACTIVITY BE IMMEDIATELY REMOVED FROM THE ATHLETIC ACTIVITY. A COACH
27 OR PARENT FROM THE PUPIL'S TEAM OR AN OFFICIAL OR LICENSED HEALTH CARE
28 PROVIDER, MAY REMOVE A PUPIL FROM PLAY. A PUPIL MAY RETURN TO PLAY ON THE
29 SAME DAY IF A HEALTH CARE PROVIDER RULES OUT A SUSPECTED CONCUSSION AT THE
30 TIME THE PUPIL IS REMOVED FROM PLAY. ON A SUBSEQUENT DAY, THE PUPIL MAY
31 RETURN TO PLAY IF THE PUPIL HAS BEEN EVALUATED BY AND RECEIVED WRITTEN
32 CLEARANCE TO RESUME PARTICIPATION IN ATHLETIC ACTIVITY FROM A HEALTH CARE
33 PROVIDER WHO HAS BEEN TRAINED IN THE EVALUATION AND MANAGEMENT OF CONCUSSIONS
34 AND HEAD INJURIES. A HEALTH CARE PROVIDER INCLUDES A PHYSICIAN WHO IS
35 LICENSED PURSUANT TO TITLE 32, CHAPTER 13 OR 17, AN ATHLETIC TRAINER WHO IS
36 LICENSED PURSUANT TO TITLE 32, CHAPTER 41, A NURSE PRACTITIONER WHO IS
37 LICENSED PURSUANT TO TITLE 32, CHAPTER 15, AND A PHYSICIAN ASSISTANT WHO IS
38 LICENSED PURSUANT TO TITLE 32, CHAPTER 25. A HEALTH CARE PROVIDER WHO IS A
39 VOLUNTEER AND WHO PROVIDES WRITTEN CLEARANCE TO PARTICIPATE IN ATHLETIC
40 ACTIVITY IS IMMUNE FROM CIVIL LIABILITY WITH RESPECT TO ALL DECISIONS MADE
41 AND ACTIONS TAKEN THAT ARE BASED ON GOOD FAITH IMPLEMENTATION OF THE
42 REQUIREMENTS OF THIS SUBDIVISION, EXCEPT IN CASES OF GROSS NEGLIGENCE OR
43 WANTON OR WILFUL NEGLIGENCE. THIS SUBDIVISION APPLIES TO ANY GROUP OR
44 ORGANIZATION THAT USES PROPERTY OR FACILITIES OWNED OR OPERATED BY THE SCHOOL
45 DISTRICT FOR ATHLETIC ACTIVITIES. THIS SUBDIVISION DOES NOT APPLY TO TEAMS

1 THAT ARE BASED IN ANOTHER STATE AND THAT PARTICIPATE IN AN ATHLETIC ACTIVITY
2 IN THIS STATE. FOR THE PURPOSES OF THIS SUBDIVISION, ATHLETIC ACTIVITY DOES
3 NOT INCLUDE DANCE, RHYTHMIC GYMNASTICS, COMPETITIONS OR EXHIBITIONS OF
4 ACADEMIC SKILLS OR KNOWLEDGE OR OTHER SIMILAR FORMS OF PHYSICAL NON-CONTACT
5 ACTIVITIES, CIVIC ACTIVITIES OR ACADEMIC ACTIVITIES, WHETHER ENGAGED IN FOR
6 THE PURPOSES OF COMPETITION OR RECREATION.

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

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

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

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

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

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

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

1 paragraph, "dangerous instrument", "deadly weapon" and "serious physical
2 injury" have the same meanings prescribed in section 13-105.

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

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

21 34. Incorporate instruction on Native American history into appropriate
22 existing curricula.

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

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

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

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

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

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

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

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

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

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

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

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

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

35 (b) A procedure to notify the parents or guardians of the students
36 affected.

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

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

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

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

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

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

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

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

26 (a) Twenty-five per cent of the performance pay shall be determined
27 based on the percentage of academic gain determined by the department of
28 education of pupils who are enrolled in the school district compared to the
29 academic gain achieved by the highest ranking of the fifty largest school
30 districts in this state. For the purposes of this subdivision, the
31 department of education shall determine academic gain by the academic growth
32 achieved by each pupil who has been enrolled at the same school in a school
33 district for at least five consecutive months measured against that pupil's
34 academic results in the 2008-2009 school year. For the purposes of this
35 subdivision, of the fifty largest school districts in this state, the school
36 district with pupils who demonstrate the highest statewide percentage of
37 overall academic gain measured against academic results for the 2008-2009
38 school year shall be assigned a score of 100 and the school district with
39 pupils who demonstrate the lowest statewide percentage of overall academic
40 gain measured against academic results for the 2008-2009 school year shall be
41 assigned a score of 0.

42 (b) Twenty-five per cent of the performance pay shall be determined by
43 the percentage of parents of pupils who are enrolled at the school district
44 who assign a letter grade of "A" to the school on a survey of parental
45 satisfaction with the school district. The parental satisfaction survey

1 shall be administered and scored by an independent entity that is selected by
2 the governing board and that demonstrates sufficient expertise and experience
3 to accurately measure the results of the survey. The parental satisfaction
4 survey shall use standard random sampling procedures and provide anonymity
5 and confidentiality to each parent who participates in the survey. The
6 letter grade scale used on the parental satisfaction survey shall direct
7 parents to assign one of the following letter grades:

8 (i) A letter grade of "A" if the school district is excellent.

9 (ii) A letter grade of "B" if the school district is above average.

10 (iii) A letter grade of "C" if the school district is average.

11 (iv) A letter grade of "D" if the school district is below average.

12 (v) A letter grade of "F" if the school district is a failure.

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

24 (i) A letter grade of "A" if the school district is excellent.

25 (ii) A letter grade of "B" if the school district is above average.

26 (iii) A letter grade of "C" if the school district is average.

27 (iv) A letter grade of "D" if the school district is below average.

28 (v) A letter grade of "F" if the school district is a failure.

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

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

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

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

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

44 D. The governing board may not locate a school on property that is
45 less than one-fourth mile from agricultural land regulated pursuant to

1 section 3-365, except that the owner of the agricultural land may agree to
2 comply with the buffer zone requirements of section 3-365. If the owner
3 agrees in writing to comply with the buffer zone requirements and records the
4 agreement in the office of the county recorder as a restrictive covenant
5 running with the title to the land, the school district may locate a school
6 within the affected buffer zone. The agreement may include any stipulations
7 regarding the school, including conditions for future expansion of the school
8 and changes in the operational status of the school that will result in a
9 breach of the agreement.

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

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

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

38 H. Subsections C through G of this section apply to a county board of
39 supervisors and a county school superintendent when operating and
40 administering an accommodation school.