

COMMITTEE ON EDUCATION

HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2563

(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. EXCEPT AS PROVIDED IN SECTION 15-717.01, exclude from schools all
10 books, publications, papers or audiovisual materials of a sectarian, partisan
11 or denominational character.

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

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

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

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

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

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

23 9. Purchase school sites when authorized by a vote of the district at
24 an election conducted as nearly as practicable in the same manner as the
25 election provided in section 15-481 and held on a date prescribed in section
26 15-491, subsection E, but such authorization shall not necessarily specify
27 the site to be purchased and such authorization shall not be necessary to
28 exchange unimproved property as provided in section 15-342, paragraph 23.

29 10. Construct, improve and furnish buildings used for school purposes
30 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~~ 3, 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 NOT be
21 construed to release school districts from any liability relating to a
22 child's 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 bank accounts 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 accounts 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 sections 13-3108 and 13-3120, prescribe and enforce
6 policies and procedures that prohibit a person from carrying or possessing a
7 weapon on school grounds unless the person is a peace officer or has obtained
8 specific 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 or games or other interscholastic athletic activities, including:

12 (a) The provision of water.

13 (b) Guidelines, information and forms, developed in consultation with
14 a statewide private entity that supervises interscholastic activities, to
15 inform and educate coaches, pupils and parents of the dangers of concussions
16 and head injuries and the risks of continued participation in athletic
17 activity after a concussion. The policies and procedures shall require that,
18 before a pupil participates in an athletic activity, the pupil and the
19 pupil's parent must sign an information form at least once each school year
20 that states that the parent is aware of the nature and risk of concussion.
21 The policies and procedures shall require that a pupil who is suspected of
22 sustaining a concussion in a practice session, game or other interscholastic
23 athletic activity be immediately removed from the athletic activity. A coach
24 from the pupil's team or an official or a licensed health care provider may
25 remove a pupil from play. A team parent may also remove ~~his or her~~ THE
26 PARENT'S own child from play. A pupil may return to play on the same day if
27 a health care provider rules out a suspected concussion at the time the pupil
28 is removed from play. On a subsequent day, the pupil may return to play if
29 the pupil has been evaluated by and received written clearance to resume
30 participation in athletic activity from a health care provider who has been
31 trained in the evaluation and management of concussions and head injuries. A
32 health care provider who is a volunteer and who provides clearance to

1 participate in athletic activity on the day of the suspected injury or on a
2 subsequent day is immune from civil liability with respect to all decisions
3 made and actions taken that are based on good faith implementation of the
4 requirements of this subdivision, except in cases of gross negligence or
5 wanton or wilful neglect. A school district, school district employee, team
6 coach, official, ~~OR~~ OR team volunteer or a parent or guardian of a team member
7 is not subject to civil liability for any act, omission or policy undertaken
8 in good faith to comply with the requirements of this subdivision or for a
9 decision made or an action taken by a health care provider. A group or
10 organization that uses property or facilities owned or operated by a school
11 district for athletic activities shall comply with the requirements of this
12 subdivision. A school district and its employees and volunteers are not
13 subject to civil liability for any other person or organization's failure or
14 alleged failure to comply with the requirements of this subdivision. This
15 subdivision does not apply to teams that are based in another state and that
16 participate in an athletic activity in this state. For the purposes of this
17 subdivision, athletic activity does not include dance, rhythmic gymnastics,
18 competitions or exhibitions of academic skills or knowledge or other similar
19 forms of physical noncontact activities, civic activities or academic
20 activities, whether engaged in for the purposes of competition or recreation.
21 For the purposes of this subdivision, "~~a~~ health care provider" means a
22 physician who is licensed pursuant to title 32, chapter 13 or 17, an athletic
23 trainer who is licensed pursuant to title 32, chapter 41, a nurse
24 practitioner who is licensed pursuant to title 32, chapter 15, and a
25 physician assistant who is licensed pursuant to title 32, chapter 25.

26 25. Prescribe and enforce policies and procedures regarding the smoking
27 of tobacco within school buildings. The policies and procedures shall be
28 adopted in consultation with school district personnel and members of the
29 community and shall state whether smoking is prohibited in school buildings.
30 If smoking in school buildings is not prohibited, the policies and procedures
31 shall clearly state the conditions and circumstances under which smoking is
32 permitted, those areas in a school building that may be designated as smoking

1 areas and those areas in a school building that may not be designated as
2 smoking areas.

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

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

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

10 29. Ensure that insurance coverage is secured for all construction
11 projects for purposes of general liability, property damage and workers'
12 compensation and secure performance and payment bonds for all construction
13 projects.

14 30. Keep on file the resumes of all current and former employees who
15 provide instruction to pupils at a school. Resumes shall include an
16 individual's educational and teaching background and experience in a
17 particular academic content subject area. A school district shall inform
18 parents and guardians of the availability of the resume information and shall
19 make the resume information available for inspection on request of parents
20 and guardians of pupils enrolled at a school. ~~Nothing in~~ This paragraph
21 shall NOT be construed to require any school to release personally
22 identifiable information in relation to any teacher or employee, including
23 the teacher's or employee's address, salary, social security number or
24 telephone number.

25 31. Report to local law enforcement agencies any suspected crime
26 against a person or property that is a serious offense as defined in section
27 13-706 or that involves a deadly weapon or dangerous instrument or serious
28 physical injury and any conduct that poses a threat of death or serious
29 physical injury to employees, students or anyone on the property of the
30 school. This paragraph does not limit or preclude the reporting by a school
31 district or an employee of a school district of suspected crimes other than
32 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 ten days prior to a public meeting
10 to discuss closing a school within the school district. The notice shall
11 include the reasons for the proposed closure and the time and place of the
12 meeting. The governing board shall fix a time for a public meeting on the
13 proposed closure no less than ten days before voting in a public meeting to
14 close the school. The school district governing board shall give notice of
15 the time and place of the meeting. At the time and place designated in the
16 notice, the school district governing board shall hear reasons for or against
17 closing the school. The school district governing board is exempt from this
18 paragraph if it is determined by the governing board that the school shall be
19 closed because it poses a danger to the health or safety of the pupils or
20 employees of the school. A governing board may consult with the school
21 facilities board for technical assistance and for information on the impact
22 of closing a school. The information provided from the school facilities
23 board shall not require the governing board to take or not take any action.

24 34. Incorporate instruction on Native American history into appropriate
25 existing curricula.

26 35. Prescribe and enforce policies and procedures allowing pupils who
27 have been diagnosed with anaphylaxis by a health care provider licensed
28 pursuant to title 32, chapter 13, 14, 17 or 25 or by a registered nurse
29 practitioner licensed and certified pursuant to title 32, chapter 15 to carry
30 and self-administer emergency medications, including auto-injectable
31 epinephrine, while at school and at school sponsored activities. The pupil's
32 name on the prescription label on the medication container or on the

1 medication device and annual written documentation from the pupil's parent or
2 guardian to the school that authorizes possession and self-administration is
3 sufficient proof that the pupil is entitled to the possession and
4 self-administration of the medication. The policies shall require a pupil
5 who uses auto-injectable epinephrine while at school and at school sponsored
6 activities to notify the nurse or the designated school staff person of the
7 use of the medication as soon as practicable. A school district and its
8 employees are immune from civil liability with respect to all decisions made
9 and actions taken that are based on good faith implementation of the
10 requirements of this paragraph, except in cases of wanton or wilful neglect.

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

22 37. Prescribe and enforce policies and procedures to prohibit pupils
23 from harassing, intimidating and bullying other pupils on school grounds, on
24 school property, on school buses, at school bus stops, at school sponsored
25 events and activities and through the use of electronic technology or
26 electronic communication on school computers, networks, forums and mailing
27 lists that include the following components:

28 (a) A procedure for pupils, parents and school district employees to
29 confidentially report to school officials incidents of harassment,
30 intimidation or bullying. The school shall make available written forms
31 designed to provide a full and detailed description of the incident and any
32 other relevant information about the incident.

1 (b) A requirement that school district employees report in writing
2 suspected incidents of harassment, intimidation or bullying to the
3 appropriate school official and a description of appropriate disciplinary
4 procedures for employees who fail to report suspected incidents that are
5 known to the employee.

6 (c) A requirement that, at the beginning of each school year, school
7 officials provide all pupils with a written copy of the rights, protections
8 and support services available to a pupil who is an alleged victim of an
9 incident reported pursuant to this paragraph.

10 (d) If an incident is reported pursuant to this paragraph, a
11 requirement that school officials provide a pupil who is an alleged victim of
12 the incident with a written copy of the rights, protections and support
13 services available to that pupil.

14 (e) A formal process for the documentation of reported incidents of
15 harassment, intimidation or bullying and for the confidentiality, maintenance
16 and disposition of this documentation. School districts shall maintain
17 documentation of all incidents reported pursuant to this paragraph for at
18 least six years. The school shall not use that documentation to impose
19 disciplinary action unless the appropriate school official has investigated
20 and determined that the reported incidents of harassment, intimidation or
21 bullying occurred. If a school provides documentation of reported incidents
22 to persons other than school officials or law enforcement, all individually
23 identifiable information shall be redacted.

24 (f) A formal process for the investigation by the appropriate school
25 officials of suspected incidents of harassment, intimidation or bullying,
26 including procedures for notifying the alleged victim on completion and
27 disposition of the investigation.

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

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

1 (i) Procedures designed to protect the health and safety of pupils who
2 are physically harmed as the result of incidents of harassment, intimidation
3 and bullying, including, if appropriate, procedures to contact emergency
4 medical services or law enforcement agencies, or both.

5 (j) Definitions of harassment, intimidation and bullying.

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

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

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

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

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

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

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

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

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

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

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

3 40. Ensure that the contract for the superintendent is structured in a
4 manner in which up to twenty per cent of the total annual salary included for
5 the superintendent in the contract is classified as performance pay. ~~Nothing~~
6 ~~is~~ This paragraph shall NOT be construed to require school districts to
7 increase total compensation for superintendents. Unless the school district
8 governing board votes to implement an alternative procedure at a public
9 meeting called for this purpose, the performance pay portion of the
10 superintendent's total annual compensation shall be determined as follows:

11 (a) Twenty-five per cent of the performance pay shall be determined
12 based on the percentage of academic gain determined by the department of
13 education of pupils who are enrolled in the school district compared to the
14 academic gain achieved by the highest ranking of the fifty largest school
15 districts in this state. For the purposes of this subdivision, the
16 department of education shall determine academic gain by the academic growth
17 achieved by each pupil who has been enrolled at the same school in a school
18 district for at least five consecutive months measured against that pupil's
19 academic results in the 2008-2009 school year. For the purposes of this
20 subdivision, of the fifty largest school districts in this state, the school
21 district with pupils who demonstrate the highest statewide percentage of
22 overall academic gain measured against academic results for the 2008-2009
23 school year shall be assigned a score of 100 and the school district with
24 pupils who demonstrate the lowest statewide percentage of overall academic
25 gain measured against academic results for the 2008-2009 school year shall be
26 assigned a score of 0.

27 (b) Twenty-five per cent of the performance pay shall be determined by
28 the percentage of parents of pupils who are enrolled at the school district
29 who assign a letter grade of "A" to the school on a survey of parental
30 satisfaction with the school district. The parental satisfaction survey
31 shall be administered and scored by an independent entity that is selected by
32 the governing board and that demonstrates sufficient expertise and experience

1 to accurately measure the results of the survey. The parental satisfaction
2 survey shall use standard random sampling procedures and provide anonymity
3 and confidentiality to each parent who participates in the survey. The
4 letter grade scale used on the parental satisfaction survey shall direct
5 parents to assign one of the following letter grades:

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

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

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

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

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

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

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

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

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

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

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

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

29 41. Maintain and store permanent public records of the school district
30 as required by law. Notwithstanding section 39-101, the standards adopted by
31 the Arizona state library, archives and public records for the maintenance
32 and storage of school district public records shall allow school districts to

1 elect to satisfy the requirements of this paragraph by maintaining and
2 storing these records either on paper or in an electronic format, or a
3 combination of a paper and electronic format.

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

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

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

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

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

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

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

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

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

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

27 Sec. 2. Section 15-362, Arizona Revised Statutes, is amended to read:

28 15-362. Libraries; powers and duties; authority to contract
29 with a county free library or other public library

30 A. The governing board of a school district may establish and maintain
31 libraries. Such libraries shall be under control of the board. The board
32 shall be accountable for the care of the libraries, but it may appoint

1 district librarians, or it may put the libraries under direct charge of a
2 teacher or other qualified person. When requested, the board shall report on
3 the libraries to the county school superintendent on forms supplied by the
4 superintendent of public instruction.

5 B. The governing board shall:

6 1. Enforce the rules prescribed for government of school libraries.

7 2. EXCEPT AS PROVIDED IN SECTION 15-717.01, exclude from school
8 libraries all books, publications and papers of a sectarian, partisan or
9 denominational character.

10 C. A district library shall be free to all pupils of suitable age who
11 attend the school. Residents of the district may become entitled to library
12 privileges by payment of fees and compliance with regulations prescribed by
13 the board. The governing board may enter into a contract or agreement with
14 the proper authorities of a county free library or other public library
15 possessing facilities for rendering the desired service for the procurement
16 of reference or other library books or the extension services of such
17 library. The amount so expended shall not exceed two per cent of the total
18 school district budget for the school year during which the services are
19 utilized.

20 Sec. 3. Title 15, chapter 7, article 1, Arizona Revised Statutes, is
21 amended by adding section 15-717.01, to read:

22 15-717.01. Bible influence; elective course; requirements;
23 immunity

24 A. THE STATE BOARD OF EDUCATION SHALL INCLUDE IN HISTORY OR ENGLISH
25 ARTS STANDARDS, OR BOTH, CONCEPTS THAT INCLUDE:

26 1. THE HISTORY AND LITERATURE OF THE OLD TESTAMENT ERA.

27 2. THE HISTORY AND LITERATURE OF THE NEW TESTAMENT ERA.

28 B. THE STANDARDS ADOPTED PURSUANT TO SUBSECTION A OF THIS SECTION
29 SHALL NOT REQUIRE THAT PUPILS WHO DO NOT ENROLL IN THE ELECTIVE COURSE
30 PRESCRIBED IN THIS SECTION RECEIVE INSTRUCTION ON THE HISTORICAL STUDY OF
31 BIBLICAL TEXT.

1 C. A SCHOOL DISTRICT OR CHARTER SCHOOL MAY OFFER AN ELECTIVE COURSE
2 DESIGNATED AS "THE BIBLE AND ITS INFLUENCE ON WESTERN CULTURE" FOR PUPILS IN
3 GRADES NINE THROUGH TWELVE. A SCHOOL MAY OFFER THIS COURSE AS AN ONLINE
4 COURSE. A SCHOOL DISTRICT OR CHARTER SCHOOL MAY DEVELOP A NEW CURRICULUM OR
5 USE AN EXISTING CURRICULUM THAT INCLUDES TEACHER'S GUIDES AND THAT IS
6 CURRENTLY IN USE IN PUBLIC SCHOOLS IN THIS STATE OR IN OTHER STATES. AN
7 EXISTING CURRICULUM THAT IS USED BY A SCHOOL DISTRICT OR CHARTER SCHOOL SHALL
8 MEET THE STANDARDS AND GUIDELINES PRESCRIBED IN THIS SECTION.

9 D. BEFORE A SCHOOL OFFERS A COURSE UNDER THIS SECTION, A LEGAL REVIEW
10 SHALL BE CONDUCTED TO ENSURE THAT THE COURSE COMPLIES WITH THE FIRST
11 AMENDMENT TO THE UNITED STATES CONSTITUTION.

12 E. A COURSE OFFERED UNDER THIS SECTION SHALL BE DESIGNED TO:

13 1. FAMILIARIZE PUPILS WITH THE CONTENTS, CHARACTERS, POETRY AND
14 NARRATIVES THAT ARE PREREQUISITES TO UNDERSTANDING SOCIETY AND CULTURE,
15 INCLUDING LITERATURE, ART, MUSIC, MORES, ORATORY AND PUBLIC POLICY.

16 2. FAMILIARIZE PUPILS WITH THE FOLLOWING:

17 (a) THE CONTENTS OF THE OLD TESTAMENT AND THE NEW TESTAMENT.

18 (b) THE HISTORY RECORDED BY THE OLD TESTAMENT AND THE NEW TESTAMENT.

19 (c) THE LITERARY STYLE AND STRUCTURE OF THE OLD TESTAMENT AND THE NEW
20 TESTAMENT.

21 (d) THE INFLUENCE OF THE OLD TESTAMENT AND THE NEW TESTAMENT ON LAWS,
22 HISTORY, GOVERNMENT, LITERATURE, ART, MUSIC, CUSTOMS, MORALS, VALUES AND
23 CULTURE.

24 F. A COURSE OFFERED UNDER THIS SECTION SHALL FOLLOW APPLICABLE LAW AND
25 ALL FEDERAL AND STATE GUIDELINES IN MAINTAINING RELIGIOUS NEUTRALITY AND
26 ACCOMMODATING THE DIVERSE RELIGIOUS VIEWS, TRADITIONS AND PERSPECTIVES OF
27 PUPILS. THIS SECTION IS NOT INTENDED TO VIOLATE ANY PROVISION OF THE UNITED
28 STATES CONSTITUTION, THE CONSTITUTION OF ARIZONA OR STATE LAW OR ANY RULES,
29 GUIDELINES OR REGULATIONS ADOPTED BY THE UNITED STATES DEPARTMENT OF
30 EDUCATION, THE STATE BOARD OF EDUCATION OR THE ARIZONA DEPARTMENT OF
31 EDUCATION.

1 G. A PUPIL SHALL NOT BE REQUIRED TO USE A SPECIFIC TRANSLATION AS THE
2 SOLE TEXT OF THE OLD TESTAMENT OR THE NEW TESTAMENT AND MAY USE AS THE BASIC
3 TEXTBOOK A DIFFERENT TRANSLATION OF THE OLD TESTAMENT OR THE NEW TESTAMENT
4 FROM THAT CHOSEN BY THE SCHOOL DISTRICT GOVERNING BOARD, THE CHARTER SCHOOL
5 GOVERNING BODY OR THE PUPIL'S TEACHER.

6 H. PERSONNEL SHALL NOT BE ASSIGNED TO TEACH A COURSE OFFERED UNDER
7 THIS SECTION BASED ON ANY OF THE FOLLOWING:

8 1. A RELIGIOUS TEST.

9 2. A PROFESSION OF FAITH OR LACK OF FAITH.

10 3. PRIOR OR CURRENT RELIGIOUS AFFILIATION OR A LACK OF RELIGIOUS
11 AFFILIATION.

12 I. A TEACHER WHO INSTRUCTS A COURSE OFFERED UNDER THIS SECTION IN ITS
13 APPROPRIATE HISTORICAL CONTEXT AND IN GOOD FAITH SHALL BE IMMUNE FROM CIVIL
14 LIABILITY AND DISCIPLINARY ACTION PURSUANT TO SECTION 15-535."

15 Amend title to conform

and, as so amended, it do pass

DORIS GOODALE
Chairman

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1/30/12
H:lae

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