

REFERENCE TITLE: schools; teachers; pupils; discipline

State of Arizona  
House of Representatives  
Fiftieth Legislature  
Second Regular Session  
2012

# HB 2011

Introduced by  
Representative Fillmore

AN ACT

AMENDING SECTIONS 15-341, 15-841 AND 15-843, ARIZONA REVISED STATUTES;  
RELATING TO SCHOOL DISTRICTS.

(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. THIS PARAGRAPH DOES NOT SUPERSEDE OR INTERFERE WITH A TEACHER'S  
37 AUTHORITY, WHICH IS NOT SUBJECT TO REVIEW OR APPEAL BY ANY OTHER PERSON OR  
38 ENTITY, TO REMOVE PUPILS FROM THE CLASSROOM OR TO SUSPEND PUPILS.  
39 14. Except as provided in section 15-1224, deposit all monies received  
40 by the district as gifts, grants and devises with the county treasurer who  
41 shall credit the deposits as designated in the uniform system of financial  
42 records. If not inconsistent with the terms of the gifts, grants and devises  
43 given, any balance remaining after expenditures for the intended purpose of  
44 the monies have been made shall be used for reduction of school district  
45 taxes for the budget year, except that in the case of accommodation schools

1 the county treasurer shall carry the balance forward for use by the county  
2 school superintendent for accommodation schools for the budget year.

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

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

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

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

19 19. Deposit all monies received by school districts other than student  
20 activities monies or monies from auxiliary operations as provided in sections  
21 15-1125 and 15-1126 with the county treasurer to the credit of the school  
22 district except as provided in paragraph 20 of this subsection and sections  
23 15-1223 and 15-1224, and the board shall expend the monies as provided by law  
24 for other school funds.

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

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

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

1 action shall not include suspension with pay or suspension without pay for a  
2 period of time longer than ten school days. The procedures shall include  
3 notice, hearing and appeal provisions for violations that are cause for  
4 disciplinary action. The governing board may designate a person or persons  
5 to act on behalf of the board on these matters. For violations that are  
6 cause for dismissal, the provisions of notice, hearing and appeal in chapter  
7 5, article 3 of this title shall apply. The filing of a timely request for a  
8 hearing suspends the imposition of a suspension without pay or a dismissal  
9 pending completion of the hearing.

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

14 24. Prescribe and enforce policies and procedures relating to the  
15 health and safety of all pupils participating in district sponsored practice  
16 sessions or games or other interscholastic athletic activities, including:

17 (a) The provision of water.

18 (b) Guidelines, information and forms, developed in consultation with  
19 a statewide private entity that supervises interscholastic activities, to  
20 inform and educate coaches, pupils and parents of the dangers of concussions  
21 and head injuries and the risks of continued participation in athletic  
22 activity after a concussion. The policies and procedures shall require that,  
23 before a pupil participates in an athletic activity, the pupil and the  
24 pupil's parent must sign an information form at least once each school year  
25 that states that the parent is aware of the nature and risk of concussion.  
26 The policies and procedures shall require that a pupil who is suspected of  
27 sustaining a concussion in a practice session, game or other interscholastic  
28 athletic activity be immediately removed from the athletic activity. A coach  
29 from the pupil's team or an official or a licensed health care provider may  
30 remove a pupil from play. A team parent may also remove ~~his or her~~ THE  
31 PARENT'S own child from play. A pupil may return to play on the same day if  
32 a health care provider rules out a suspected concussion at the time the pupil  
33 is removed from play. On a subsequent day, the pupil may return to play if  
34 the pupil has been evaluated by and received written clearance to resume  
35 participation in athletic activity from a health care provider who has been  
36 trained in the evaluation and management of concussions and head injuries. A  
37 health care provider who is a volunteer and who provides clearance to  
38 participate in athletic activity on the day of the suspected injury or on a  
39 subsequent day is immune from civil liability with respect to all decisions  
40 made and actions taken that are based on good faith implementation of the  
41 requirements of this subdivision, except in cases of gross negligence or  
42 wanton or wilful neglect. A school district, school district employee, team  
43 coach, official, ~~OR~~ team volunteer or a parent or guardian of a team member  
44 is not subject to civil liability for any act, omission or policy undertaken  
45 in good faith to comply with the requirements of this subdivision or for a

1 decision made or an action taken by a health care provider. A group or  
2 organization that uses property or facilities owned or operated by a school  
3 district for athletic activities shall comply with the requirements of this  
4 subdivision. A school district and its employees and volunteers are not  
5 subject to civil liability for any other person or organization's failure or  
6 alleged failure to comply with the requirements of this subdivision. This  
7 subdivision does not apply to teams that are based in another state and that  
8 participate in an athletic activity in this state. For the purposes of this  
9 subdivision, athletic activity does not include dance, rhythmic gymnastics,  
10 competitions or exhibitions of academic skills or knowledge or other similar  
11 forms of physical noncontact activities, civic activities or academic  
12 activities, whether engaged in for the purposes of competition or recreation.  
13 For the purposes of this subdivision, "~~a~~ health care provider" means a  
14 physician who is licensed pursuant to title 32, chapter 13 or 17, an athletic  
15 trainer who is licensed pursuant to title 32, chapter 41, a nurse  
16 practitioner who is licensed pursuant to title 32, chapter 15, and a  
17 physician assistant who is licensed pursuant to title 32, chapter 25.

18 25. Prescribe and enforce policies and procedures regarding the smoking  
19 of tobacco within school buildings. The policies and procedures shall be  
20 adopted in consultation with school district personnel and members of the  
21 community and shall state whether smoking is prohibited in school buildings.

22 If smoking in school buildings is not prohibited, the policies and  
23 procedures shall clearly state the conditions and circumstances under which  
24 smoking is permitted, those areas in a school building that may be designated  
25 as smoking areas and those areas in a school building that may not be  
26 designated as smoking areas.

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

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

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

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

38 30. Keep on file the resumes of all current and former employees who  
39 provide instruction to pupils at a school. Resumes shall include an  
40 individual's educational and teaching background and experience in a  
41 particular academic content subject area. A school district shall inform  
42 parents and guardians of the availability of the resume information and shall  
43 make the resume information available for inspection on request of parents  
44 and guardians of pupils enrolled at a school. ~~Nothing in~~ This paragraph  
45 shall NOT be construed to require any school to release personally

1 identifiable information in relation to any teacher or employee, including  
2 the teacher's or employee's address, salary, social security number or  
3 telephone number.

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

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

19 33. Provide written notice to the parents or guardians of all students  
20 affected in the school district at least ten days prior to a public meeting  
21 to discuss closing a school within the school district. The notice shall  
22 include the reasons for the proposed closure and the time and place of the  
23 meeting. The governing board shall fix a time for a public meeting on the  
24 proposed closure no less than ten days before voting in a public meeting to  
25 close the school. The school district governing board shall give notice of  
26 the time and place of the meeting. At the time and place designated in the  
27 notice, the school district governing board shall hear reasons for or against  
28 closing the school. The school district governing board is exempt from this  
29 paragraph if it is determined by the governing board that the school shall be  
30 closed because it poses a danger to the health or safety of the pupils or  
31 employees of the school. A governing board may consult with the school  
32 facilities board for technical assistance and for information on the impact  
33 of closing a school. The information provided from the school facilities  
34 board shall not require the governing board to take or not take any action.

35 34. Incorporate instruction on Native American history into appropriate  
36 existing curricula.

37 35. Prescribe and enforce policies and procedures allowing pupils who  
38 have been diagnosed with anaphylaxis by a health care provider licensed  
39 pursuant to title 32, chapter 13, 14, 17 or 25 or by a registered nurse  
40 practitioner licensed and certified pursuant to title 32, chapter 15 to carry  
41 and self-administer emergency medications, including auto-injectable  
42 epinephrine, while at school and at school sponsored activities. The pupil's  
43 name on the prescription label on the medication container or on the  
44 medication device and annual written documentation from the pupil's parent or  
45 guardian to the school that authorizes possession and self-administration is

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

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

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

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

31 (b) A requirement that school district employees report in writing  
32 suspected incidents of harassment, intimidation or bullying to the  
33 appropriate school official and a description of appropriate disciplinary  
34 procedures for employees who fail to report suspected incidents that are  
35 known to the employee.

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

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

44 (e) A formal process for the documentation of reported incidents of  
45 harassment, intimidation or bullying and for the confidentiality, maintenance

1 and disposition of this documentation. School districts shall maintain  
2 documentation of all incidents reported pursuant to this paragraph for at  
3 least six years. The school shall not use that documentation to impose  
4 disciplinary action unless the appropriate school official has investigated  
5 and determined that the reported incidents of harassment, intimidation or  
6 bullying occurred. If a school provides documentation of reported incidents  
7 to persons other than school officials or law enforcement, all individually  
8 identifiable information shall be redacted.

9 (f) A formal process for the investigation by the appropriate school  
10 officials of suspected incidents of harassment, intimidation or bullying,  
11 including procedures for notifying the alleged victim on completion and  
12 disposition of the investigation.

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

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

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

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

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

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

26 (b) A procedure to notify the parents or guardians of the students  
27 affected.

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

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

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

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

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

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

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

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

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

31           (b) Twenty-five per cent of the performance pay shall be determined by  
32 the percentage of parents of pupils who are enrolled at the school district  
33 who assign a letter grade of "A" to the school on a survey of parental  
34 satisfaction with the school district. The parental satisfaction survey  
35 shall be administered and scored by an independent entity that is selected by  
36 the governing board and that demonstrates sufficient expertise and experience  
37 to accurately measure the results of the survey. The parental satisfaction  
38 survey shall use standard random sampling procedures and provide anonymity  
39 and confidentiality to each parent who participates in the survey. The  
40 letter grade scale used on the parental satisfaction survey shall direct  
41 parents to assign one of the following letter grades:

- 42           (i) A letter grade of "A" if the school district is excellent.
- 43           (ii) A letter grade of "B" if the school district is above average.
- 44           (iii) A letter grade of "C" if the school district is average.
- 45           (iv) A letter grade of "D" if the school district is below average.

1 (v) A letter grade of "F" if the school district is a failure.  
2 (c) Twenty-five per cent of the performance pay shall be determined by  
3 the percentage of teachers who are employed at the school district and who  
4 assign a letter grade of "A" to the school on a survey of teacher  
5 satisfaction with the school. The teacher satisfaction survey shall be  
6 administered and scored by an independent entity that is selected by the  
7 governing board and that demonstrates sufficient expertise and experience to  
8 accurately measure the results of the survey. The teacher satisfaction  
9 survey shall use standard random sampling procedures and provide anonymity  
10 and confidentiality to each teacher who participates in the survey. The  
11 letter grade scale used on the teacher satisfaction survey shall direct  
12 teachers to assign one of the following letter grades:  
13 (i) A letter grade of "A" if the school district is excellent.  
14 (ii) A letter grade of "B" if the school district is above average.  
15 (iii) A letter grade of "C" if the school district is average.  
16 (iv) A letter grade of "D" if the school district is below average.  
17 (v) A letter grade of "F" if the school district is a failure.  
18 (d) Twenty-five per cent of the performance pay shall be determined by  
19 other criteria selected by the governing board.  
20 41. Maintain and store permanent public records of the school district  
21 as required by law. Notwithstanding section 39-101, the standards adopted by  
22 the Arizona state library, archives and public records for the maintenance  
23 and storage of school district public records shall allow school districts to  
24 elect to satisfy the requirements of this paragraph by maintaining and  
25 storing these records either on paper or in an electronic format, or a  
26 combination of a paper and electronic format.  
27 B. Notwithstanding subsection A, paragraphs 7, 9 and 11 of this  
28 section, the county school superintendent may construct, improve and furnish  
29 school buildings or purchase or sell school sites in the conduct of an  
30 accommodation school.  
31 C. If any school district acquires real or personal property, whether  
32 by purchase, exchange, condemnation, gift or otherwise, the governing board  
33 shall pay to the county treasurer any taxes on the property that were unpaid  
34 as of the date of acquisition, including penalties and interest. The lien  
35 for unpaid delinquent taxes, penalties and interest on property acquired by a  
36 school district:  
37 1. Is not abated, extinguished, discharged or merged in the title to  
38 the property.  
39 2. Is enforceable in the same manner as other delinquent tax liens.  
40 D. The governing board may not locate a school on property that is  
41 less than one-fourth mile from agricultural land regulated pursuant to  
42 section 3-365, except that the owner of the agricultural land may agree to  
43 comply with the buffer zone requirements of section 3-365. If the owner  
44 agrees in writing to comply with the buffer zone requirements and records the  
45 agreement in the office of the county recorder as a restrictive covenant

1 running with the title to the land, the school district may locate a school  
2 within the affected buffer zone. The agreement may include any stipulations  
3 regarding the school, including conditions for future expansion of the school  
4 and changes in the operational status of the school that will result in a  
5 breach of the agreement.

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

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

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

34 H. Subsections C through G of this section apply to a county board of  
35 supervisors and a county school superintendent when operating and  
36 administering an accommodation school.

37 Sec. 2. Section 15-841, Arizona Revised Statutes, is amended to read:

38 15-841. Responsibilities of pupils; expulsion; alternative  
39 education programs; community service; placement  
40 review committee

41 A. Pupils shall comply with the rules, pursue the required course of  
42 study and submit to the authority of the teachers, the administrators and the  
43 governing board. **A TEACHER HAS THE AUTHORITY TO REMOVE PUPILS FROM THE**  
44 **CLASSROOM AND SUSPEND PUPILS, AND THE TEACHER'S DECISION TO REMOVE OR SUSPEND**  
45 **A PUPIL IS NOT SUBJECT TO REVIEW OR APPEAL BY ANY OTHER PERSON OR ENTITY. A**

1 teacher may send a pupil to the principal's office in order to maintain  
2 effective discipline in the classroom. If a pupil is sent to the principal's  
3 office pursuant to this subsection, the principal shall employ appropriate  
4 discipline management techniques that are consistent with rules adopted by  
5 the school district governing board. A teacher may remove a pupil from the  
6 classroom if either of the following conditions exists:

7 1. The teacher has documented that the pupil has repeatedly interfered  
8 with the teacher's ability to communicate effectively with the other pupils  
9 in the classroom or with the ability of the other pupils to learn.

10 2. The teacher has determined that the pupil's behavior is so unruly,  
11 disruptive or abusive that it seriously interferes with the teacher's ability  
12 to communicate effectively with the other pupils in the classroom or with the  
13 ability of the other pupils to learn.

14 B. A pupil may be expelled for continued open defiance of authority,  
15 continued disruptive or disorderly behavior, violent behavior that includes  
16 use or display of a dangerous instrument or a deadly weapon as defined in  
17 section 13-105, use or possession of a gun, or excessive absenteeism. A  
18 pupil may be expelled for excessive absenteeism only if the pupil has reached  
19 the age or completed the grade after which school attendance is not required  
20 as prescribed in section 15-802. A school district may expel pupils for  
21 actions other than those listed in this subsection as the school district  
22 deems appropriate.

23 C. A school district may refuse to admit any pupil who has been  
24 expelled from another educational institution or who is in the process of  
25 being expelled from another educational institution.

26 D. A school district, ~~may~~ annually or ~~upon~~ ON the request of any pupil  
27 or the parent or guardian, MAY review the reasons for expulsion and consider  
28 readmission.

29 E. UNLESS THE PUPIL WAS SUSPENDED BY A TEACHER, as an alternative to  
30 suspension or expulsion, the school district may reassign any pupil to an  
31 alternative education program if the pupil does not meet the requirements for  
32 participation in the alternative to suspension program prescribed in  
33 subsection H of this section and if good cause exists for expulsion or for a  
34 long-term suspension.

35 F. UNLESS THE PUPIL WAS REMOVED FROM THE CLASSROOM BY A TEACHER OR  
36 SUSPENDED BY A TEACHER, a school district may also reassign a pupil to an  
37 alternative educational program if the pupil refuses to comply with rules,  
38 refuses to pursue the required course of study or refuses to submit to the  
39 authority of teachers, administrators or the governing board.

40 G. A school district or charter school shall expel from school for a  
41 period of not less than one year a pupil who is determined to have brought a  
42 firearm to a school within the jurisdiction of the school district or the  
43 charter school, except that the school district or charter school may modify  
44 this expulsion requirement for a pupil on a case by case basis. This  
45 subsection shall be construed consistently with the requirements of the

1 individuals with disabilities education act (20 United States Code sections  
2 1400 through 1420). For the purposes of this subsection:

3 1. "Expel" may include removing a pupil from a regular school setting  
4 and providing educational services in an alternative setting.

5 2. "Firearm" means a firearm as defined in 18 United States Code  
6 section 921.

7 H. A school district or charter school shall expel from school for at  
8 least one year a pupil who is determined to have threatened an educational  
9 institution ~~as defined in section 13-2911~~, except that the school district or  
10 charter school may modify this expulsion requirement for a pupil on a case by  
11 case basis if the pupil participates in mediation, community service,  
12 restitution or other programs in which the pupil takes responsibility for the  
13 results of the threat. This subsection shall be construed consistently with  
14 the requirements of the individuals with disabilities education act (20  
15 United States Code sections 1400 through 1420). A school district may  
16 reassign a pupil who is subject to expulsion pursuant to this subsection to  
17 an alternative education program pursuant to subsection E of this section if  
18 the pupil participates in mediation, community service, restitution or other  
19 programs in which the pupil takes responsibility for the threat. A school  
20 district or charter school may require the pupil's parent or guardian to  
21 participate in mediation, community service, restitution or other programs in  
22 which the parent or guardian takes responsibility with the pupil for the  
23 threat. For the purposes of this subsection, "threatened an educational  
24 institution" means to interfere with or disrupt an educational institution **AS**  
25 **DEFINED IN SECTION 13-2911** by doing any of the following:

26 1. For the purpose of causing, or in reckless disregard of causing,  
27 interference with or disruption of an educational institution, threatening to  
28 cause physical injury to any employee of an educational institution or any  
29 person attending an educational institution.

30 2. For the purpose of causing, or in reckless disregard of causing,  
31 interference with or disruption of an educational institution, threatening to  
32 cause damage to any educational institution, the property of any educational  
33 institution, the property of any employee of an educational institution or  
34 the property of any person attending an educational institution.

35 3. Going on or remaining on the property of any educational  
36 institution for the purpose of interfering with or disrupting the lawful use  
37 of the property or in any manner as to deny or interfere with the lawful use  
38 of the property by others.

39 4. Refusing to obey a lawful order to leave the property of an  
40 educational institution.

41 I. ~~By January 1, 2001,~~ Each school district shall establish an  
42 alternative to suspension program in consultation with local law enforcement  
43 officials or school resource officers. The school district governing board  
44 shall adopt policies to determine the requirements for participation in the  
45 alternative to suspension program. **UNLESS THE PUPIL WAS SUSPENDED BY A**

1 **TEACHER**, pupils who would otherwise be subject to suspension pursuant to this  
2 article and who meet the school district's requirements for participation in  
3 the alternative to suspension program shall be transferred to a location on  
4 school premises that is isolated from other pupils or transferred to a  
5 location that is not on school premises. The alternative to suspension  
6 program shall be discipline intensive and require academic work, and may  
7 require community service, groundskeeping and litter control, parent  
8 supervision, and evaluation or other appropriate activities. The community  
9 service, groundskeeping and litter control, ~~and~~ and other appropriate activities  
10 may be performed on school grounds or at any other designated area.

11 J. **EXCEPT FOR PUPILS WHO WERE REMOVED FROM THE CLASSROOM BY A TEACHER**  
12 **OR WHO WERE SUSPENDED BY A TEACHER**, each school shall establish a placement  
13 review committee to determine the placement of a pupil if a teacher refuses  
14 to readmit the pupil to the teacher's class and to make recommendations to  
15 the governing board regarding the readmission of expelled pupils. The  
16 process for determining the placement of a pupil in a new class or  
17 replacement in the existing class shall not exceed three business days from  
18 the date the pupil was first removed from the existing class. The principal  
19 shall not return a pupil to the classroom from which the pupil was removed  
20 without the teacher's consent unless the committee determines that the return  
21 of the pupil to that classroom is the best or only practicable alternative.  
22 The committee shall be composed of two teachers who are employed at the  
23 school and who are selected by the faculty members of the school and one  
24 administrator who is employed by the school and who is selected by the  
25 principal. The faculty members of the school shall select a third teacher to  
26 serve as an alternate member of the committee. If the teacher who refuses to  
27 readmit the pupil is a member of the committee, that teacher shall be excused  
28 from participating in the determination of the pupil's readmission and the  
29 alternate teacher member shall replace that teacher on the committee until  
30 the conclusion of all matters relating to that pupil's readmission.

31 Sec. 3. Section 15-843, Arizona Revised Statutes, is amended to read:

32 **15-843. Pupil disciplinary proceedings**

33 A. An action concerning discipline, suspension or expulsion of a pupil  
34 is not subject to title 38, chapter 3, article 3.1, except that the governing  
35 board of a school district shall post regular notice and shall take minutes  
36 of any hearing held by the governing board concerning the discipline,  
37 suspension or expulsion of a pupil.

38 B. The governing board of any school district, in consultation with  
39 the teachers and parents of the school district, shall prescribe rules for  
40 the discipline, suspension and expulsion of pupils. The rules shall be  
41 consistent with the constitutional rights of pupils and shall include at  
42 least the following:

43 1. Penalties for excessive pupil absenteeism pursuant to section  
44 15-803, including failure in a subject, failure to pass a grade, suspension  
45 or expulsion.

- 1           2. Procedures for the use of corporal punishment if allowed by the  
2 governing board.
- 3           3. Procedures for the reasonable use of physical force by certificated  
4 or classified personnel in self-defense, defense of others and defense of  
5 property.
- 6           4. Procedures for dealing with pupils who have committed or who are  
7 believed to have committed a crime.
- 8           5. **UNLESS THE PUPIL WAS SUSPENDED BY A TEACHER**, a notice and hearing  
9 procedure for cases concerning the suspension of a pupil for more than ten  
10 days.
- 11          6. Procedures and conditions for readmission of a pupil who has been  
12 expelled or suspended for more than ten days.
- 13          7. Procedures for appeal to the governing board of the suspension of a  
14 pupil for more than ten days, if the decision to suspend the pupil was not  
15 made by **A TEACHER OR** the governing board.
- 16          8. Procedures for appeal of the recommendation of the hearing officer  
17 or officers designated by the board as provided in subsection F of this  
18 section at the time the board considers the recommendation.
- 19          C. Penalties adopted pursuant to subsection B, paragraph 1 of this  
20 section for excessive absenteeism shall not be applied to pupils who have  
21 completed the course requirements and whose absence from school is due solely  
22 to illness, disease or accident as certified by a person who is licensed  
23 pursuant to title 32, chapter 7, 13, 15 or 17.
- 24          D. The governing board shall:
  - 25           1. Support and assist teachers in the implementation and enforcement  
26 of the rules prescribed pursuant to subsection B of this section.
  - 27           2. Develop procedures allowing teachers and principals to recommend  
28 the suspension or expulsion of pupils.
  - 29           3. Develop procedures allowing teachers and principals to temporarily  
30 remove disruptive pupils from a class.
  - 31           4. Delegate to the principal the authority to remove a disruptive  
32 pupil from the classroom.
- 33          E. If a pupil withdraws from school after receiving notice of possible  
34 action concerning discipline, expulsion or suspension, the **TEACHER OR**  
35 governing board may continue with the action after the withdrawal and may  
36 record the results of such action in the pupil's permanent file.
- 37          F. In all action concerning the expulsion of a pupil, the governing  
38 board of a school district shall:
  - 39           1. Be notified of the intended action.
  - 40           2. Either:
    - 41           (a) Decide, in executive session, whether to hold a hearing or to  
42 designate one or more hearing officers to hold a hearing to hear the  
43 evidence, prepare a record and bring a recommendation to the board for action  
44 and whether the hearing shall be held in executive session.

1 (b) Provide by policy or vote at its annual organizational meeting  
2 that all hearings concerning the expulsion of a pupil conducted pursuant to  
3 this section will be conducted before a hearing officer selected from a list  
4 of hearing officers approved by the governing board.

5 3. Give written notice, at least five working days before the hearing  
6 by the governing board or the hearing officer or officers designated by the  
7 governing board, to all pupils subject to expulsion and their parents or  
8 guardians of the date, time and place of the hearing. If the governing board  
9 decides that the hearing is to be held in executive session, the written  
10 notice shall include a statement of the right of the parents or guardians or  
11 an emancipated pupil who is subject to expulsion to object to the governing  
12 board's decision to have the hearing held in executive session. Objections  
13 shall be made in writing to the governing board.

14 G. If a parent or guardian or an emancipated pupil who is subject to  
15 expulsion disagrees that the hearing should be held in executive session, it  
16 shall be held in an open meeting unless:

17 1. If only one pupil is subject to expulsion and disagreement exists  
18 between that pupil's parents or guardians, the governing board, after  
19 consultations with the pupil's parents or guardians or the emancipated pupil,  
20 shall decide in executive session whether the hearing will be in executive  
21 session.

22 2. If more than one pupil is subject to expulsion and disagreement  
23 exists between the parents or guardians of different pupils, separate  
24 hearings shall be held subject to this section.

25 H. This section does not prevent the pupil who is subject to expulsion  
26 or suspension, and the pupil's parents or guardians and legal counsel, from  
27 attending any executive session pertaining to the proposed disciplinary  
28 action, from having access to the minutes and testimony of the executive  
29 session or from recording the session at the parent's or guardian's expense.

30 I. **IN ADDITION TO THE AUTHORITY OF TEACHERS TO SUSPEND A PUPIL**  
31 **PURSUANT TO SUBSECTION J OF THIS SECTION,** in schools employing a  
32 superintendent or a principal, the authority to suspend a pupil from school  
33 is vested in the superintendent, principal or other school officials granted  
34 this power by the governing board of the school district.

35 J. ~~In schools that do not have a superintendent or principal,~~ A  
36 teacher may **REMOVE A PUPIL FROM THE CLASSROOM OR** suspend a pupil from school,  
37 **AND THE TEACHER'S DECISION TO REMOVE OR SUSPEND A PUPIL IS NOT SUBJECT TO**  
38 **REVIEW OR APPEAL BY ANY OTHER PERSON OR ENTITY.**

39 K. In all cases of suspension, it shall be for good cause and shall be  
40 reported within five days to the governing board by the **TEACHER, THE**  
41 superintendent or the person imposing the suspension.

42 L. Rules pertaining to the discipline, suspension and expulsion of  
43 pupils shall not be based on race, color, religion, sex, national origin or  
44 ancestry. If the department of education, the auditor general or the  
45 attorney general determines that a school district is substantially and

1 deliberately not in compliance with this subsection and if the school  
2 district has failed to correct the deficiency within ninety days after  
3 receiving notice from the department of education, the superintendent of  
4 public instruction may withhold the monies the school district would  
5 otherwise be entitled to receive from the date of the determination of  
6 noncompliance until the department of education determines that the school  
7 district is in compliance with this subsection.

8 M. The principal of each school shall ensure that a copy of all rules  
9 pertaining to discipline, suspension and expulsion of pupils is distributed  
10 to the parents of each pupil at the time the pupil is enrolled in school.

11 N. The principal of each school shall ensure that all rules pertaining  
12 to the discipline, suspension and expulsion of pupils are communicated to  
13 students at the beginning of each school year, and to transfer students at  
14 the time of their enrollment in the school.