

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

HOUSE BILL 2743

AN ACT

AMENDING SECTION 15-342, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2011, CHAPTER 344, SECTION 12; AMENDING SECTION 15-342, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2011, CHAPTER 344, SECTION 13; 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 15-342, Arizona Revised Statutes, as amended by
3 Laws 2011, chapter 344, section 12, is amended to read:
4 15-342. Discretionary powers
5 The governing board may:
6 1. Expel pupils for misconduct.
7 2. Exclude from grades one through eight children under six years of
8 age.
9 3. Make such separation of groups of pupils as it deems advisable.
10 4. Maintain such special schools during vacation as deemed necessary
11 for the benefit of the pupils of the school district.
12 5. Permit a superintendent or principal or representatives of the
13 superintendent or principal to travel for a school purpose, as determined by
14 a majority vote of the board. The board may permit members and members-elect
15 of the board to travel within or without the school district for a school
16 purpose and receive reimbursement. Any expenditure for travel and
17 subsistence pursuant to this paragraph shall be as provided in title 38,
18 chapter 4, article 2. The designated post of duty referred to in section
19 38-621 shall be construed, for school district governing board members, to be
20 the member's actual place of residence, as opposed to the school district
21 office or the school district boundaries. Such expenditures shall be a
22 charge against the budgeted school district funds. The governing board of a
23 school district shall prescribe procedures and amounts for reimbursement of
24 lodging and subsistence expenses. Reimbursement amounts shall not exceed the
25 maximum amounts established pursuant to section 38-624, subsection C.
26 6. Construct or provide in rural districts housing facilities for
27 teachers and other school employees ~~which~~ THAT the board determines are
28 necessary for the operation of the school.
29 7. Sell or lease to the state, a county, a city, another school
30 district or a tribal government agency any school property required for a
31 public purpose, provided the sale or lease of the property will not affect
32 the normal operations of a school within the school district.
33 8. Annually budget and expend funds for membership in an association
34 of school districts within this state.
35 9. Enter into leases or lease-purchase agreements for school buildings
36 or grounds, or both, as lessor or as lessee, for periods of less than five
37 years subject to voter approval for construction of school buildings as
38 prescribed in section 15-341, subsection A, paragraph 7.
39 10. Subject to chapter 16 of this title, sell school sites or enter
40 into leases or lease-purchase agreements for school buildings and grounds, as
41 lessor or as lessee, for a period of five years or more, but not to exceed
42 ninety-nine years, if authorized by a vote of the school district electors in
43 an election called by the governing board as provided in section 15-491,
44 except that authorization by the school district electors in an election is
45 not required if one of the following requirements is met:

1 (a) The market value of the school property is less than fifty
2 thousand dollars or the property is procured through **A RENEWABLE ENERGY**
3 **DEVELOPMENT AGREEMENT**, an energy performance contract, which among other
4 items includes a renewable energy power service agreement, or a simplified
5 energy performance contract pursuant to section 15-213.01.

6 (b) The buildings and sites are completely funded with monies
7 distributed by the school facilities board.

8 (c) The transaction involves the sale of improved or unimproved
9 property pursuant to an agreement with the school facilities board in which
10 the school district agrees to sell the improved or unimproved property and
11 transfer the proceeds of the sale to the school facilities board in exchange
12 for monies from the school facilities board for the acquisition of a more
13 suitable school site. For a sale of property acquired by a school district
14 prior to July 9, 1998, a school district shall transfer to the school
15 facilities board that portion of the proceeds that equals the cost of the
16 acquisition of a more suitable school site. If there are any remaining
17 proceeds after the transfer of monies to the school facilities board, a
18 school district shall only use those remaining proceeds for future land
19 purchases approved by the school facilities board, or for capital
20 improvements not funded by the school facilities board for any existing or
21 future facility.

22 (d) The transaction involves the sale of improved or unimproved
23 property pursuant to a formally adopted plan and the school district uses the
24 proceeds of this sale to purchase other property that will be used for
25 similar purposes as the property that was originally sold, provided that the
26 sale proceeds of the improved or unimproved property are used within two
27 years after the date of the original sale to purchase the replacement
28 property. If the sale proceeds of the improved or unimproved property are
29 not used within two years after the date of the original sale to purchase
30 replacement property, the sale proceeds shall be used towards payment of any
31 outstanding bonded indebtedness. If any sale proceeds remain after paying
32 for outstanding bonded indebtedness, or if the district has no outstanding
33 bonded indebtedness, sale proceeds shall be used to reduce the district's
34 primary tax levy. A school district shall not use this subdivision unless
35 all of the following conditions exist:

36 (i) The school district is the sole owner of the improved or
37 unimproved property that the school district intends to sell.

38 (ii) The school district did not purchase the improved or unimproved
39 property that the school district intends to sell with monies that were
40 distributed pursuant to chapter 16 of this title.

41 (iii) The transaction does not violate section 15-341, subsection G.

42 11. Review the decision of a teacher to promote a pupil to a grade or
43 retain a pupil in a grade in a common school or to pass or fail a pupil in a
44 course in high school. The pupil has the burden of proof to overturn the
45 decision of a teacher to promote, retain, pass or fail the pupil. In order

1 to sustain the burden of proof, the pupil shall demonstrate to the governing
2 board that the pupil has mastered the academic standards adopted by the state
3 board of education pursuant to sections 15-701 and 15-701.01. If the
4 governing board overturns the decision of a teacher pursuant to this
5 paragraph, the governing board shall adopt a written finding that the pupil
6 has mastered the academic standards. Notwithstanding title 38, chapter 3,
7 article 3.1, the governing board shall review the decision of a teacher to
8 promote a pupil to a grade or retain a pupil in a grade in a common school or
9 to pass or fail a pupil in a course in high school in executive session
10 unless a parent or legal guardian of the pupil or the pupil, if emancipated,
11 disagrees that the review should be conducted in executive session and then
12 the review shall be conducted in an open meeting. If the review is conducted
13 in executive session, the board shall notify the teacher of the date, time
14 and place of the review and shall allow the teacher to be present at the
15 review. If the teacher is not present at the review, the board shall consult
16 with the teacher before making its decision. Any request, including the
17 written request as provided in section 15-341, the written evidence presented
18 at the review and the written record of the review, including the decision of
19 the governing board to accept or reject the teacher's decision, shall be
20 retained by the governing board as part of its permanent records.

21 12. Provide transportation or site transportation loading and unloading
22 areas for any child or children if deemed for the best interest of the
23 district, whether within or without the district, county or state.

24 13. Enter into intergovernmental agreements and contracts with school
25 districts or other governing bodies as provided in section 11-952.
26 Intergovernmental agreements and contracts between school districts or
27 between a school district and other governing bodies as provided in section
28 11-952 are exempt from competitive bidding under the procurement rules
29 adopted by the state board of education pursuant to section 15-213.

30 14. Include in the curricula ~~which~~ it prescribes for high schools in
31 the school district career and technical education, vocational education and
32 technology education programs and career and technical, vocational and
33 technology program improvement services for the high schools, subject to
34 approval by the state board of education. The governing board may contract
35 for the provision of career and technical, vocational and technology
36 education as provided in section 15-789.

37 15. Suspend a teacher or administrator from the teacher's or
38 administrator's duties without pay for a period of time of not to exceed ten
39 school days, if the board determines that suspension is warranted pursuant to
40 section 15-341, subsection A, paragraphs 21 and 22.

41 16. Dedicate school property within an incorporated city or town to
42 such city or town or within a county to that county for use as a public
43 right-of-way if both of the following apply:

1 (a) Pursuant to an ordinance adopted by such city, town or county,
2 there will be conferred upon the school district privileges and benefits
3 ~~which~~ THAT may include benefits related to zoning.

4 (b) The dedication will not affect the normal operation of any school
5 within the district.

6 17. Enter into option agreements for the purchase of school sites.

7 18. Donate surplus or outdated learning materials, educational
8 equipment and furnishings to nonprofit community organizations where the
9 governing board determines that the anticipated cost of selling the learning
10 materials, educational equipment or furnishings equals or exceeds the
11 estimated market value of the materials.

12 19. Prescribe policies for the assessment of reasonable fees for
13 students to use district-provided parking facilities. The fees are to be
14 applied by the district solely against costs incurred in operating or
15 securing the parking facilities. Any policy adopted by the governing board
16 pursuant to this paragraph shall include a fee waiver provision in
17 appropriate cases of need or economic hardship.

18 20. Establish alternative educational programs that are consistent with
19 the laws of this state to educate pupils, including pupils who have been
20 reassigned pursuant to section 15-841, subsection E or F.

21 21. Require a period of silence to be observed at the commencement of
22 the first class of the day in the schools. If a governing board chooses to
23 require a period of silence to be observed, the teacher in charge of the room
24 in which the first class is held shall announce that a period of silence not
25 to exceed one minute in duration will be observed for meditation, and during
26 that time no activities shall take place and silence shall be maintained.

27 22. Require students to wear uniforms.

28 23. Exchange unimproved property or improved property, including school
29 sites, where the governing board determines that the improved property is
30 unnecessary for the continued operation of the school district without
31 requesting authorization by a vote of the school district electors if the
32 governing board determines that the exchange is necessary to protect the
33 health, safety or welfare of pupils or when the governing board determines
34 that the exchange is based on sound business principles for either:

35 (a) Unimproved or improved property of equal or greater value.

36 (b) Unimproved property that the owner contracts to improve if the
37 value of the property ultimately received by the school district is of equal
38 or greater value.

39 24. For common and high school pupils, assess reasonable fees for
40 optional extracurricular activities and programs conducted when the common or
41 high school is not in session, except that no fees shall be charged for
42 pupils' access to or use of computers or related materials. For high school
43 pupils, the governing board may assess reasonable fees for fine arts and
44 vocational education courses and for optional services, equipment and
45 materials offered to the pupils beyond those required to successfully

1 complete the basic requirements of any other course, except that no fees
2 shall be charged for pupils' access to or use of computers or related
3 materials. Fees assessed pursuant to this paragraph shall be adopted at a
4 public meeting after notice has been given to all parents of pupils enrolled
5 at schools in the district and shall not exceed the actual costs of the
6 activities, programs, services, equipment or materials. The governing board
7 shall authorize principals to waive the assessment of all or part of a fee
8 assessed pursuant to this paragraph if it creates an economic hardship for a
9 pupil. For the purposes of this paragraph, "extracurricular activity" means
10 any optional, noncredit, educational or recreational activity ~~which~~ THAT
11 supplements the education program of the school, whether offered before,
12 during or after regular school hours.

13 25. Notwithstanding section 15-341, subsection A, paragraphs 7 and 9,
14 construct school buildings and purchase or lease school sites, without a vote
15 of the school district electors, if the buildings and sites are totally
16 funded from one or more of the following:

17 (a) Monies in the unrestricted capital outlay fund, except that the
18 estimated cost shall not exceed two hundred fifty thousand dollars for a
19 district that utilizes section 15-949.

20 (b) Monies distributed from the school facilities board established by
21 section 15-2001.

22 (c) Monies specifically donated for the purpose of constructing school
23 buildings.

24 ~~Nothing in~~ This paragraph shall NOT be construed to eliminate the requirement
25 for an election to raise revenues for a capital outlay override pursuant to
26 section 15-481 or a bond election pursuant to section 15-491.

27 26. Conduct a background investigation that includes a fingerprint
28 check conducted pursuant to section 41-1750, subsection G for certificated
29 personnel and personnel who are not paid employees of the school district, as
30 a condition of employment. A school district may release the results of a
31 background check to another school district for employment purposes. The
32 school district may charge the costs of fingerprint checks to its
33 fingerprinted employee, except that the school district may not charge the
34 costs of fingerprint checks for personnel who are not paid employees of the
35 school district.

36 27. Unless otherwise prohibited by law, sell advertising as follows:

37 (a) Advertisements shall be age appropriate and not contain promotion
38 of any substance that is illegal for minors such as alcohol, tobacco and
39 drugs or gambling. Advertisements shall comply with the state sex education
40 policy of abstinence.

41 (b) Advertising approved by the governing board for the exterior of
42 school buses may appear only on the sides of the bus in the following areas:

43 (i) The signs shall be below the seat level rub rail and not extend
44 above the bottom of the side windows.

1 (ii) The signs shall be at least three inches from any required
2 lettering, lamp, wheel well or reflector behind the service door or stop
3 signal arm.

4 (iii) The signs shall not extend from the body of the bus so as to
5 allow a handhold or present a danger to pedestrians.

6 (iv) The signs shall not interfere with the operation of any door or
7 window.

8 (v) The signs shall not be placed on any emergency doors.

9 (c) The school district shall establish an advertisement fund that is
10 composed of revenues from the sale of advertising. The monies in an
11 advertisement fund are not subject to reversion.

12 28. Assess reasonable damage deposits to pupils in grades seven through
13 twelve for the use of textbooks, musical instruments, band uniforms or other
14 equipment required for academic courses. The governing board shall adopt
15 policies on any damage deposits assessed pursuant to this paragraph at a
16 public meeting called for this purpose after providing notice to all parents
17 of pupils in grades seven through twelve in the school district. Principals
18 of individual schools within the district may waive the damage deposit
19 requirement for any textbook or other item if the payment of the damage
20 deposit would create an economic hardship for the pupil. The school district
21 shall return the full amount of the damage deposit for any textbook or other
22 item if the pupil returns the textbook or other item in reasonably good
23 condition within the time period prescribed by the governing board. For the
24 purposes of this paragraph, "in reasonably good condition" means the textbook
25 or other item is in the same or a similar condition as it was when the pupil
26 received it, plus ordinary wear and tear.

27 29. Notwithstanding section 15-1105, expend surplus monies in the civic
28 center school fund for maintenance and operations or unrestricted capital
29 outlay, if sufficient monies are available in the fund after meeting the
30 needs of programs established pursuant to section 15-1105.

31 30. Notwithstanding section 15-1143, expend surplus monies in the
32 community school program fund for maintenance and operations or unrestricted
33 capital outlay, if sufficient monies are available in the fund after meeting
34 the needs of programs established pursuant to section 15-1142.

35 31. Adopt guidelines for standardization of the format of the school
36 report cards required by section 15-746 for schools within the district.

37 32. Adopt policies that require parental notification when a law
38 enforcement officer interviews a pupil on school grounds. Policies adopted
39 pursuant to this paragraph shall not impede a peace officer from the
40 performance of the peace officer's duties. If the school district governing
41 board adopts a policy that requires parental notification:

42 (a) The policy may provide reasonable exceptions to the parental
43 notification requirement.

44 (b) The policy shall set forth whether and under what circumstances a
45 parent may be present when a law enforcement officer interviews the pupil,

1 including reasonable exceptions to the circumstances under which a parent may
2 be present when a law enforcement officer interviews the pupil, and shall
3 specify a reasonable maximum time after a parent is notified that an
4 interview of a pupil by a law enforcement officer may be delayed to allow the
5 parent to be present.

6 33. Enter into voluntary partnerships with any party to finance with
7 funds other than school district funds and cooperatively design school
8 facilities that comply with the adequacy standards prescribed in section
9 15-2011 and the square footage per pupil requirements pursuant to section
10 15-2041, subsection D, paragraph 3, subdivision (b). The design plans and
11 location of any such school facility shall be submitted to the school
12 facilities board for approval pursuant to section 15-2041, subsection 0. If
13 the school facilities board approves the design plans and location of any
14 such school facility, the party in partnership with the school district may
15 cause to be constructed and the district may begin operating the school
16 facility before monies are distributed from the school facilities board
17 pursuant to section 15-2041. Monies distributed from the new school
18 facilities fund to a school district in a partnership with another party to
19 finance and design the school facility shall be paid to the school district
20 pursuant to section 15-2041. The school district shall reimburse the party
21 in partnership with the school district from the monies paid to the school
22 district pursuant to section 15-2041, in accordance with the voluntary
23 partnership agreement. Before the school facilities board distributes any
24 monies pursuant to this subsection, the school district shall demonstrate to
25 the school facilities board that the facilities to be funded pursuant to
26 section 15-2041, subsection 0 meet the minimum adequacy standards prescribed
27 in section 15-2011. If the cost to construct the school facility exceeds the
28 amount that the school district receives from the new school facilities fund,
29 the partnership agreement between the school district and the other party
30 shall specify that, except as otherwise provided by the other party, any such
31 excess costs shall be the responsibility of the school district. The school
32 district governing board shall adopt a resolution in a public meeting that an
33 analysis has been conducted on the prospective effects of the decision to
34 operate a new school with existing monies from the school district's
35 maintenance and operations budget and how this decision may affect other
36 schools in the school district. If a school district acquires land by
37 donation at an appropriate school site approved by the school facilities
38 board and a school facility is financed and built on the land pursuant to
39 this paragraph, the school facilities board shall distribute an amount equal
40 to twenty per cent of the fair market value of the land that can be used for
41 academic purposes. The school district shall place the monies in the
42 unrestricted capital outlay fund and increase the unrestricted capital budget
43 limit by the amount of the monies placed in the fund. Monies distributed
44 under this paragraph shall be distributed from the new school facilities fund
45 pursuant to section 15-2041. If a school district acquires land by donation

1 at an appropriate school site approved by the school facilities board and a
2 school facility is financed and built on the land pursuant to this paragraph,
3 the school district shall not receive monies from the school facilities board
4 for the donation of real property pursuant to section 15-2041, subsection F.
5 It is unlawful for:

6 (a) A county, city or town to require as a condition of any land use
7 approval that a landowner or landowners that entered into a partnership
8 pursuant to this paragraph provide any contribution, donation or gift, other
9 than a site donation, to a school district. This subdivision only applies to
10 the property in the voluntary partnership agreement pursuant to this
11 paragraph.

12 (b) A county, city or town to require as a condition of any land use
13 approval that the landowner or landowners located within the geographic
14 boundaries of the school subject to the voluntary partnership pursuant to
15 this paragraph provide any donation or gift to the school district except as
16 provided in the voluntary partnership agreement pursuant to this paragraph.

17 (c) A community facilities district established pursuant to title 48,
18 chapter 4, article 6 to be used for reimbursement of financing the
19 construction of a school pursuant to this paragraph.

20 (d) A school district to enter into an agreement pursuant to this
21 paragraph with any party other than a master planned community party. Any
22 land area consisting of at least three hundred twenty acres that is the
23 subject of a development agreement with a county, city or town entered into
24 pursuant to section 9-500.05 or 11-1101 shall be deemed to be a master
25 planned community. For the purposes of this subdivision, "master planned
26 community" means a land area consisting of at least three hundred twenty
27 acres, which may be noncontiguous, that is the subject of a zoning ordinance
28 approved by the governing body of the county, city or town in which the land
29 is located that establishes the use of the land area as a planned area
30 development or district, planned community development or district, planned
31 unit development or district or other land use category or district that is
32 recognized in the local ordinance of such county, city or town and that
33 specifies the use of such land is for a master planned development.

34 34. Enter into an intergovernmental agreement with a presiding judge of
35 the juvenile court to implement a law related education program as defined in
36 section 15-154. The presiding judge of the juvenile court may assign
37 juvenile probation officers to participate in a law related education program
38 in any school district in the county. The cost of juvenile probation
39 officers who participate in the program implemented pursuant to this
40 paragraph shall be funded by the school district.

41 35. Offer to sell outdated learning materials, educational equipment or
42 furnishings at a posted price commensurate with the value of the items to
43 pupils who are currently enrolled in that school district before those
44 materials are offered for public sale.

1 36. If the school district is a small school district as defined in
2 section 15-901, and if permitted by federal law, opt out of federal grant
3 opportunities if the governing board determines that the federal requirements
4 impose unduly burdensome reporting requirements.

5 Sec. 2. Section 15-342, Arizona Revised Statutes, as amended by Laws
6 2011, chapter 344, section 13, is amended to read:

7 15-342. Discretionary powers

8 The governing board may:

9 1. Expel pupils for misconduct.
10 2. Exclude from grades one through eight children under six years of
11 age.

12 3. Make such separation of groups of pupils as it deems advisable.

13 4. Maintain such special schools during vacation as deemed necessary
14 for the benefit of the pupils of the school district.

15 5. Permit a superintendent or principal or representatives of the
16 superintendent or principal to travel for a school purpose, as determined by
17 a majority vote of the board. The board may permit members and members-elect
18 of the board to travel within or without the school district for a school
19 purpose and receive reimbursement. Any expenditure for travel and
20 subsistence pursuant to this paragraph shall be as provided in title 38,
21 chapter 4, article 2. The designated post of duty referred to in section
22 38-621 shall be construed, for school district governing board members, to be
23 the member's actual place of residence, as opposed to the school district
24 office or the school district boundaries. Such expenditures shall be a
25 charge against the budgeted school district funds. The governing board of a
26 school district shall prescribe procedures and amounts for reimbursement of
27 lodging and subsistence expenses. Reimbursement amounts shall not exceed the
28 maximum amounts established pursuant to section 38-624, subsection C.

29 6. Construct or provide in rural districts housing facilities for
30 teachers and other school employees ~~which~~ THAT the board determines are
31 necessary for the operation of the school.

32 7. Sell or lease to the state, a county, a city, another school
33 district or a tribal government agency any school property required for a
34 public purpose, provided the sale or lease of the property will not affect
35 the normal operations of a school within the school district.

36 8. Annually budget and expend funds for membership in an association
37 of school districts within this state.

38 9. Enter into leases or lease-purchase agreements for school buildings
39 or grounds, or both, as lessor or as lessee, for periods of less than five
40 years subject to voter approval for construction of school buildings as
41 prescribed in section 15-341, subsection A, paragraph 7.

42 10. Subject to chapter 16 of this title, sell school sites or enter
43 into leases or lease-purchase agreements for school buildings and grounds, as
44 lessor or as lessee, for a period of five years or more, but not to exceed
45 ninety-nine years, if authorized by a vote of the school district electors in

1 an election called by the governing board as provided in section 15-491,
2 except that authorization by the school district electors in an election is
3 not required if one of the following requirements is met:

4 (a) The market value of the school property is less than fifty
5 thousand dollars OR THE PROPERTY IS PROCURED THROUGH A RENEWABLE ENERGY
6 DEVELOPMENT AGREEMENT.

7 (b) The buildings and sites are completely funded with monies
8 distributed by the school facilities board.

9 (c) The transaction involves the sale of improved or unimproved
10 property pursuant to an agreement with the school facilities board in which
11 the school district agrees to sell the improved or unimproved property and
12 transfer the proceeds of the sale to the school facilities board in exchange
13 for monies from the school facilities board for the acquisition of a more
14 suitable school site. For a sale of property acquired by a school district
15 prior to July 9, 1998, a school district shall transfer to the school
16 facilities board that portion of the proceeds that equals the cost of the
17 acquisition of a more suitable school site. If there are any remaining
18 proceeds after the transfer of monies to the school facilities board, a
19 school district shall only use those remaining proceeds for future land
20 purchases approved by the school facilities board, or for capital
21 improvements not funded by the school facilities board for any existing or
22 future facility.

23 (d) The transaction involves the sale of improved or unimproved
24 property pursuant to a formally adopted plan and the school district uses the
25 proceeds of this sale to purchase other property that will be used for
26 similar purposes as the property that was originally sold, provided that the
27 sale proceeds of the improved or unimproved property are used within two
28 years after the date of the original sale to purchase the replacement
29 property. If the sale proceeds of the improved or unimproved property are
30 not used within two years after the date of the original sale to purchase
31 replacement property, the sale proceeds shall be used towards payment of any
32 outstanding bonded indebtedness. If any sale proceeds remain after paying
33 for outstanding bonded indebtedness, or if the district has no outstanding
34 bonded indebtedness, sale proceeds shall be used to reduce the district's
35 primary tax levy. A school district shall not use this subdivision unless
36 all of the following conditions exist:

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38 unimproved property that the school district intends to sell.

39 (ii) The school district did not purchase the improved or unimproved
40 property that the school district intends to sell with monies that were
41 distributed pursuant to chapter 16 of this title.

42 (iii) The transaction does not violate section 15-341, subsection G.

1 11. Review the decision of a teacher to promote a pupil to a grade or
2 retain a pupil in a grade in a common school or to pass or fail a pupil in a
3 course in high school. The pupil has the burden of proof to overturn the
4 decision of a teacher to promote, retain, pass or fail the pupil. In order
5 to sustain the burden of proof, the pupil shall demonstrate to the governing
6 board that the pupil has mastered the academic standards adopted by the state
7 board of education pursuant to sections 15-701 and 15-701.01. If the
8 governing board overturns the decision of a teacher pursuant to this
9 paragraph, the governing board shall adopt a written finding that the pupil
10 has mastered the academic standards. Notwithstanding title 38, chapter 3,
11 article 3.1, the governing board shall review the decision of a teacher to
12 promote a pupil to a grade or retain a pupil in a grade in a common school or
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16 the review shall be conducted in an open meeting. If the review is conducted
17 in executive session, the board shall notify the teacher of the date, time
18 and place of the review and shall allow the teacher to be present at the
19 review. If the teacher is not present at the review, the board shall consult
20 with the teacher before making its decision. Any request, including the
21 written request as provided in section 15-341, the written evidence presented
22 at the review and the written record of the review, including the decision of
23 the governing board to accept or reject the teacher's decision, shall be
24 retained by the governing board as part of its permanent records.

25 12. Provide transportation or site transportation loading and unloading
26 areas for any child or children if deemed for the best interest of the
27 district, whether within or without the district, county or state.

28 13. Enter into intergovernmental agreements and contracts with school
29 districts or other governing bodies as provided in section 11-952.
30 Intergovernmental agreements and contracts between school districts or
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32 11-952 are exempt from competitive bidding under the procurement rules
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34 14. Include in the curricula ~~which~~ it prescribes for high schools in
35 the school district career and technical education, vocational education and
36 technology education programs and career and technical, vocational and
37 technology program improvement services for the high schools, subject to
38 approval by the state board of education. The governing board may contract
39 for the provision of career and technical, vocational and technology
40 education as provided in section 15-789.

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42 administrator's duties without pay for a period of time of not to exceed ten
43 school days, if the board determines that suspension is warranted pursuant to
44 section 15-341, subsection A, paragraphs 21 and 22.

1 16. Dedicate school property within an incorporated city or town to
2 such city or town or within a county to that county for use as a public
3 right-of-way if both of the following apply:

4 (a) Pursuant to an ordinance adopted by such city, town or county,
5 there will be conferred upon the school district privileges and benefits
6 ~~which~~ THAT may include benefits related to zoning.

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8 within the district.

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17 applied by the district solely against costs incurred in operating or
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21 20. Establish alternative educational programs that are consistent with
22 the laws of this state to educate pupils, including pupils who have been
23 reassigned pursuant to section 15-841, subsection E or F.

24 21. Require a period of silence to be observed at the commencement of
25 the first class of the day in the schools. If a governing board chooses to
26 require a period of silence to be observed, the teacher in charge of the room
27 in which the first class is held shall announce that a period of silence not
28 to exceed one minute in duration will be observed for meditation, and during
29 that time no activities shall take place and silence shall be maintained.

30 22. Require students to wear uniforms.

31 23. Exchange unimproved property or improved property, including school
32 sites, where the governing board determines that the improved property is
33 unnecessary for the continued operation of the school district without
34 requesting authorization by a vote of the school district electors if the
35 governing board determines that the exchange is necessary to protect the
36 health, safety or welfare of pupils or when the governing board determines
37 that the exchange is based on sound business principles for either:

38 (a) Unimproved or improved property of equal or greater value.

39 (b) Unimproved property that the owner contracts to improve if the
40 value of the property ultimately received by the school district is of equal
41 or greater value.

42 24. For common and high school pupils, assess reasonable fees for
43 optional extracurricular activities and programs conducted when the common or
44 high school is not in session, except that no fees shall be charged for
45 pupils' access to or use of computers or related materials. For high school

1 pupils, the governing board may assess reasonable fees for fine arts and
2 vocational education courses and for optional services, equipment and
3 materials offered to the pupils beyond those required to successfully
4 complete the basic requirements of any other course, except that no fees
5 shall be charged for pupils' access to or use of computers or related
6 materials. Fees assessed pursuant to this paragraph shall be adopted at a
7 public meeting after notice has been given to all parents of pupils enrolled
8 at schools in the district and shall not exceed the actual costs of the
9 activities, programs, services, equipment or materials. The governing board
10 shall authorize principals to waive the assessment of all or part of a fee
11 assessed pursuant to this paragraph if it creates an economic hardship for a
12 pupil. For the purposes of this paragraph, "extracurricular activity" means
13 any optional, noncredit, educational or recreational activity ~~which~~ THAT
14 supplements the education program of the school, whether offered before,
15 during or after regular school hours.

16 25. Notwithstanding section 15-341, subsection A, paragraphs 7 and 9,
17 construct school buildings and purchase or lease school sites, without a vote
18 of the school district electors, if the buildings and sites are totally
19 funded from one or more of the following:

20 (a) Monies in the unrestricted capital outlay fund, except that the
21 estimated cost shall not exceed two hundred fifty thousand dollars for a
22 district that utilizes section 15-949.

23 (b) Monies distributed from the school facilities board established by
24 section 15-2001.

25 (c) Monies specifically donated for the purpose of constructing school
26 buildings.

27 ~~Nothing in~~ This paragraph shall NOT be construed to eliminate the requirement
28 for an election to raise revenues for a capital outlay override pursuant to
29 section 15-481 or a bond election pursuant to section 15-491.

30 26. Conduct a background investigation that includes a fingerprint
31 check conducted pursuant to section 41-1750, subsection G for certificated
32 personnel and personnel who are not paid employees of the school district, as
33 a condition of employment. A school district may release the results of a
34 background check to another school district for employment purposes. The
35 school district may charge the costs of fingerprint checks to its
36 fingerprinted employee, except that the school district may not charge the
37 costs of fingerprint checks for personnel who are not paid employees of the
38 school district.

39 27. Unless otherwise prohibited by law, sell advertising as follows:

40 (a) Advertisements shall be age appropriate and not contain promotion
41 of any substance that is illegal for minors such as alcohol, tobacco and
42 drugs or gambling. Advertisements shall comply with the state sex education
43 policy of abstinence.

44 (b) Advertising approved by the governing board for the exterior of
45 school buses may appear only on the sides of the bus in the following areas:

- 1 (i) The signs shall be below the seat level rub rail and not extend
2 above the bottom of the side windows.
- 3 (ii) The signs shall be at least three inches from any required
4 lettering, lamp, wheel well or reflector behind the service door or stop
5 signal arm.
- 6 (iii) The signs shall not extend from the body of the bus so as to
7 allow a handhold or present a danger to pedestrians.
- 8 (iv) The signs shall not interfere with the operation of any door or
9 window.
- 10 (v) The signs shall not be placed on any emergency doors.
- 11 (c) The school district shall establish an advertisement fund that is
12 composed of revenues from the sale of advertising. The monies in an
13 advertisement fund are not subject to reversion.
- 14 28. Assess reasonable damage deposits to pupils in grades seven through
15 twelve for the use of textbooks, musical instruments, band uniforms or other
16 equipment required for academic courses. The governing board shall adopt
17 policies on any damage deposits assessed pursuant to this paragraph at a
18 public meeting called for this purpose after providing notice to all parents
19 of pupils in grades seven through twelve in the school district. Principals
20 of individual schools within the district may waive the damage deposit
21 requirement for any textbook or other item if the payment of the damage
22 deposit would create an economic hardship for the pupil. The school district
23 shall return the full amount of the damage deposit for any textbook or other
24 item if the pupil returns the textbook or other item in reasonably good
25 condition within the time period prescribed by the governing board. For the
26 purposes of this paragraph, "in reasonably good condition" means the textbook
27 or other item is in the same or a similar condition as it was when the pupil
28 received it, plus ordinary wear and tear.
- 29 29. Notwithstanding section 15-1105, expend surplus monies in the civic
30 center school fund for maintenance and operations or unrestricted capital
31 outlay, if sufficient monies are available in the fund after meeting the
32 needs of programs established pursuant to section 15-1105.
- 33 30. Notwithstanding section 15-1143, expend surplus monies in the
34 community school program fund for maintenance and operations or unrestricted
35 capital outlay, if sufficient monies are available in the fund after meeting
36 the needs of programs established pursuant to section 15-1142.
- 37 31. Adopt guidelines for standardization of the format of the school
38 report cards required by section 15-746 for schools within the district.
- 39 32. Adopt policies that require parental notification when a law
40 enforcement officer interviews a pupil on school grounds. Policies adopted
41 pursuant to this paragraph shall not impede a peace officer from the
42 performance of the peace officer's duties. If the school district governing
43 board adopts a policy that requires parental notification:
- 44 (a) The policy may provide reasonable exceptions to the parental
45 notification requirement.

1 (b) The policy shall set forth whether and under what circumstances a
2 parent may be present when a law enforcement officer interviews the pupil,
3 including reasonable exceptions to the circumstances under which a parent may
4 be present when a law enforcement officer interviews the pupil, and shall
5 specify a reasonable maximum time after a parent is notified that an
6 interview of a pupil by a law enforcement officer may be delayed to allow the
7 parent to be present.

8 33. Enter into voluntary partnerships with any party to finance with
9 funds other than school district funds and cooperatively design school
10 facilities that comply with the adequacy standards prescribed in section
11 15-2011 and the square footage per pupil requirements pursuant to section
12 15-2041, subsection D, paragraph 3, subdivision (b). The design plans and
13 location of any such school facility shall be submitted to the school
14 facilities board for approval pursuant to section 15-2041, subsection 0. If
15 the school facilities board approves the design plans and location of any
16 such school facility, the party in partnership with the school district may
17 cause to be constructed and the district may begin operating the school
18 facility before monies are distributed from the school facilities board
19 pursuant to section 15-2041. Monies distributed from the new school
20 facilities fund to a school district in a partnership with another party to
21 finance and design the school facility shall be paid to the school district
22 pursuant to section 15-2041. The school district shall reimburse the party
23 in partnership with the school district from the monies paid to the school
24 district pursuant to section 15-2041, in accordance with the voluntary
25 partnership agreement. Before the school facilities board distributes any
26 monies pursuant to this subsection, the school district shall demonstrate to
27 the school facilities board that the facilities to be funded pursuant to
28 section 15-2041, subsection 0 meet the minimum adequacy standards prescribed
29 in section 15-2011. If the cost to construct the school facility exceeds the
30 amount that the school district receives from the new school facilities fund,
31 the partnership agreement between the school district and the other party
32 shall specify that, except as otherwise provided by the other party, any such
33 excess costs shall be the responsibility of the school district. The school
34 district governing board shall adopt a resolution in a public meeting that an
35 analysis has been conducted on the prospective effects of the decision to
36 operate a new school with existing monies from the school district's
37 maintenance and operations budget and how this decision may affect other
38 schools in the school district. If a school district acquires land by
39 donation at an appropriate school site approved by the school facilities
40 board and a school facility is financed and built on the land pursuant to
41 this paragraph, the school facilities board shall distribute an amount equal
42 to twenty per cent of the fair market value of the land that can be used for
43 academic purposes. The school district shall place the monies in the
44 unrestricted capital outlay fund and increase the unrestricted capital budget
45 limit by the amount of the monies placed in the fund. Monies distributed

1 under this paragraph shall be distributed from the new school facilities fund
2 pursuant to section 15-2041. If a school district acquires land by donation
3 at an appropriate school site approved by the school facilities board and a
4 school facility is financed and built on the land pursuant to this paragraph,
5 the school district shall not receive monies from the school facilities board
6 for the donation of real property pursuant to section 15-2041, subsection F.
7 It is unlawful for:

8 (a) A county, city or town to require as a condition of any land use
9 approval that a landowner or landowners that entered into a partnership
10 pursuant to this paragraph provide any contribution, donation or gift, other
11 than a site donation, to a school district. This subdivision only applies to
12 the property in the voluntary partnership agreement pursuant to this
13 paragraph.

14 (b) A county, city or town to require as a condition of any land use
15 approval that the landowner or landowners located within the geographic
16 boundaries of the school subject to the voluntary partnership pursuant to
17 this paragraph provide any donation or gift to the school district except as
18 provided in the voluntary partnership agreement pursuant to this paragraph.

19 (c) A community facilities district established pursuant to title 48,
20 chapter 4, article 6 to be used for reimbursement of financing the
21 construction of a school pursuant to this paragraph.

22 (d) A school district to enter into an agreement pursuant to this
23 paragraph with any party other than a master planned community party. Any
24 land area consisting of at least three hundred twenty acres that is the
25 subject of a development agreement with a county, city or town entered into
26 pursuant to section 9-500.05 or 11-1101 shall be deemed to be a master
27 planned community. For the purposes of this subdivision, "master planned
28 community" means a land area consisting of at least three hundred twenty
29 acres, which may be noncontiguous, that is the subject of a zoning ordinance
30 approved by the governing body of the county, city or town in which the land
31 is located that establishes the use of the land area as a planned area
32 development or district, planned community development or district, planned
33 unit development or district or other land use category or district that is
34 recognized in the local ordinance of such county, city or town and that
35 specifies the use of such land is for a master planned development.

36 34. Enter into an intergovernmental agreement with a presiding judge of
37 the juvenile court to implement a law related education program as defined in
38 section 15-154. The presiding judge of the juvenile court may assign
39 juvenile probation officers to participate in a law related education program
40 in any school district in the county. The cost of juvenile probation
41 officers who participate in the program implemented pursuant to this
42 paragraph shall be funded by the school district.

43 35. Offer to sell outdated learning materials, educational equipment or
44 furnishings at a posted price commensurate with the value of the items to

1 pupils who are currently enrolled in that school district before those
2 materials are offered for public sale.

3 36. If the school district is a small school district as defined in
4 section 15-901, and if permitted by federal law, opt out of federal grant
5 opportunities if the governing board determines that the federal requirements
6 impose unduly burdensome reporting requirements.

7 Sec. 3. Effective date

8 Section 15-342, Arizona Revised Statutes, as amended by Laws 2011,
9 chapter 344, section 13 and this act, is effective from and after June 30,
10 2013.