

State of Arizona  
Senate  
Fiftieth Legislature  
Second Regular Session  
2012

# SENATE BILL 1035

AN ACT

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

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 15-341, Arizona Revised Statutes, is amended to  
3 read:

4 15-341. General powers and duties; immunity; delegation

5 A. The governing board shall:

6 1. Prescribe and enforce policies and procedures for the governance of  
7 the schools, not inconsistent with law or rules prescribed by the state board  
8 of education.

9 2. Exclude from schools all books, publications, papers or audiovisual  
10 materials of a sectarian, partisan or denominational character.

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

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

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

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

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

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

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

28 10. Construct, improve and furnish buildings used for school purposes  
29 when such buildings or premises are leased from the national park service.

30 11. Purchase school sites or construct, improve and furnish school  
31 buildings from the proceeds of the sale of school property only on approval  
32 by a vote of the district electors.

33 12. Hold pupils to strict account for disorderly conduct on school  
34 property.

35 13. Discipline students for disorderly conduct on the way to and from  
36 school.

37 14. Except as provided in section 15-1224, deposit all monies received  
38 by the district as gifts, grants and devises with the county treasurer who  
39 shall credit the deposits as designated in the uniform system of financial  
40 records. If not inconsistent with the terms of the gifts, grants and devises  
41 given, any balance remaining after expenditures for the intended purpose of  
42 the monies have been made shall be used for reduction of school district  
43 taxes for the budget year, except that in the case of accommodation schools  
44 the county treasurer shall carry the balance forward for use by the county  
45 school superintendent for accommodation schools for the budget year.

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

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

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

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

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

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

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

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

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

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

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

15 (a) The provision of water.

16 (b) GUIDELINES, INFORMATION AND TRAINING, DEVELOPED IN CONSULTATION  
17 WITH A STATEWIDE PRIVATE ENTITY THAT SUPERVISES INTERSCHOLASTIC ACTIVITIES,  
18 TO INFORM AND EDUCATE COACHES, PUPILS AND PARENTS ABOUT HEAT INDEX AND THE  
19 DANGERS OF DEHYDRATION, HEAT STROKE AND OTHER HEAT-RELATED SYMPTOMS AND  
20 CONDITIONS. A SCHOOL DISTRICT, SCHOOL DISTRICT EMPLOYEE, TEAM COACH,  
21 OFFICIAL, TEAM VOLUNTEER OR A PARENT OR GUARDIAN OF A TEAM MEMBER IS NOT  
22 SUBJECT TO CIVIL LIABILITY FOR ANY ACT, OMISSION OR POLICY UNDERTAKEN IN GOOD  
23 FAITH TO COMPLY WITH THE REQUIREMENTS OF THIS SUBDIVISION OR FOR A DECISION  
24 MADE OR AN ACTION TAKEN BY A HEALTH CARE PROVIDER. FOR THE PURPOSES OF THIS  
25 SUBDIVISION, "HEALTH CARE PROVIDER" MEANS A PHYSICIAN WHO IS LICENSED  
26 PURSUANT TO TITLE 32, CHAPTER 13 OR 17, AN ATHLETIC TRAINER WHO IS LICENSED  
27 PURSUANT TO TITLE 32, CHAPTER 41, A NURSE PRACTITIONER WHO IS LICENSED  
28 PURSUANT TO TITLE 32, CHAPTER 15 OR A PHYSICIAN ASSISTANT WHO IS LICENSED  
29 PURSUANT TO TITLE 32, CHAPTER 25.

30 ~~(b)~~ (c) Guidelines, information and forms, developed in consultation  
31 with a statewide private entity that supervises interscholastic activities,  
32 to inform and educate coaches, pupils and parents of the dangers of  
33 concussions and head injuries and the risks of continued participation in  
34 athletic activity after a concussion. The policies and procedures shall  
35 require that, before a pupil participates in an athletic activity, the pupil  
36 and the pupil's parent must sign an information form at least once each  
37 school year that states that the parent is aware of the nature and risk of  
38 concussion. The policies and procedures shall require that a pupil who is  
39 suspected of sustaining a concussion in a practice session, game or other  
40 interscholastic athletic activity be immediately removed from the athletic  
41 activity. A coach from the pupil's team or an official or a licensed health  
42 care provider may remove a pupil from play. A team parent may also remove  
43 ~~his or her~~ THE PARENT'S own child from play. A pupil may return to play on  
44 the same day if a health care provider rules out a suspected concussion at  
45 the time the pupil is removed from play. On a subsequent day, the pupil may

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

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

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

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

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

3           29. Ensure that insurance coverage is secured for all construction  
4 projects for purposes of general liability, property damage and workers'  
5 compensation and secure performance and payment bonds for all construction  
6 projects.

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

18           31. Report to local law enforcement agencies any suspected crime  
19 against a person or property that is a serious offense as defined in section  
20 13-706 or that involves a deadly weapon or dangerous instrument or serious  
21 physical injury and any conduct that poses a threat of death or serious  
22 physical injury to employees, students or anyone on the property of the  
23 school. This paragraph does not limit or preclude the reporting by a school  
24 district or an employee of a school district of suspected crimes other than  
25 those required to be reported by this paragraph. For the purposes of this  
26 paragraph, "dangerous instrument", "deadly weapon" and "serious physical  
27 injury" have the same meanings prescribed in section 13-105.

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

33           33. Provide written notice to the parents or guardians of all students  
34 affected in the school district at least ten days prior to a public meeting  
35 to discuss closing a school within the school district. The notice shall  
36 include the reasons for the proposed closure and the time and place of the  
37 meeting. The governing board shall fix a time for a public meeting on the  
38 proposed closure no less than ten days before voting in a public meeting to  
39 close the school. The school district governing board shall give notice of  
40 the time and place of the meeting. At the time and place designated in the  
41 notice, the school district governing board shall hear reasons for or against  
42 closing the school. The school district governing board is exempt from this  
43 paragraph if it is determined by the governing board that the school shall be  
44 closed because it poses a danger to the health or safety of the pupils or  
45 employees of the school. A governing board may consult with the school

1 facilities board for technical assistance and for information on the impact  
2 of closing a school. The information provided from the school facilities  
3 board shall not require the governing board to take or not take any action.

4 34. Incorporate instruction on Native American history into appropriate  
5 existing curricula.

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

23 36. Allow the possession and self-administration of prescription  
24 medication for breathing disorders in handheld inhaler devices by pupils who  
25 have been prescribed that medication by a health care professional licensed  
26 pursuant to title 32. The pupil's name on the prescription label on the  
27 medication container or on the handheld inhaler device and annual written  
28 documentation from the pupil's parent or guardian to the school that  
29 authorizes possession and self-administration shall be sufficient proof that  
30 the pupil is entitled to the possession and self-administration of the  
31 medication. A school district and its employees are immune from civil  
32 liability with respect to all decisions made and actions taken that are based  
33 on a good faith implementation of the requirements of this paragraph.

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

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

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

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

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

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

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

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

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

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

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

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

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

41 (b) A procedure to notify the parents or guardians of the students  
42 affected.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

35 41. Maintain and store permanent public records of the school district  
36 as required by law. Notwithstanding section 39-101, the standards adopted by  
37 the Arizona state library, archives and public records for the maintenance  
38 and storage of school district public records shall allow school districts to  
39 elect to satisfy the requirements of this paragraph by maintaining and  
40 storing these records either on paper or in an electronic format, or a  
41 combination of a paper and electronic format.

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

1 C. If any school district acquires real or personal property, whether  
2 by purchase, exchange, condemnation, gift or otherwise, the governing board  
3 shall pay to the county treasurer any taxes on the property that were unpaid  
4 as of the date of acquisition, including penalties and interest. The lien  
5 for unpaid delinquent taxes, penalties and interest on property acquired by a  
6 school district:

7 1. Is not abated, extinguished, discharged or merged in the title to  
8 the property.

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

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

21 E. A school district, its governing board members, its school council  
22 members and its employees are immune from civil liability for the  
23 consequences of adoption and implementation of policies and procedures  
24 pursuant to subsection A of this section and section 15-342. This waiver  
25 does not apply if the school district, its governing board members, its  
26 school council members or its employees are guilty of gross negligence or  
27 intentional misconduct.

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

31 G. Notwithstanding any other provision of this title, a school  
32 district governing board shall not take any action that would result in a  
33 reduction of pupil square footage unless the governing board notifies the  
34 school facilities board established by section 15-2001 of the proposed action  
35 and receives written approval from the school facilities board to take the  
36 action. A reduction includes an increase in administrative space that  
37 results in a reduction of pupil square footage or sale of school sites or  
38 buildings, or both. A reduction includes a reconfiguration of grades that  
39 results in a reduction of pupil square footage of any grade level. This  
40 subsection does not apply to temporary reconfiguration of grades to  
41 accommodate new school construction if the temporary reconfiguration does not  
42 exceed one year. The sale of equipment that results in a reduction that  
43 falls below the equipment requirements prescribed in section 15-2011,  
44 subsection B is subject to commensurate withholding of school district  
45 capital outlay revenue limit monies pursuant to the direction of the school

1 facilities board. Except as provided in section 15-342, paragraph 10,  
2 proceeds from the sale of school sites, buildings or other equipment shall be  
3 deposited in the school plant fund as provided in section 15-1102.

4 H. Subsections C through G of this section apply to a county board of  
5 supervisors and a county school superintendent when operating and  
6 administering an accommodation school.