

State of Arizona
Senate
Fiftieth Legislature
Second Regular Session
2012

SENATE BILL 1066

AN ACT

AMENDING SECTIONS 15-203 AND 15-341, ARIZONA REVISED STATUTES; RELATING TO
THE STATE BOARD OF EDUCATION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Section 15-203, Arizona Revised Statutes, is amended to
3 read:
4 15-203. Powers and duties
5 A. The state board of education shall:
6 1. Exercise general supervision over and regulate the conduct of the
7 public school system and adopt any rules and policies it deems necessary to
8 accomplish this purpose.
9 2. Keep a record of its proceedings.
10 3. Make rules for its own government.
11 4. Determine the policy and work undertaken by it.
12 5. Appoint its employees, on the recommendation of the superintendent
13 of public instruction.
14 6. Prescribe the duties of its employees if not prescribed by statute.
15 7. Delegate to the superintendent of public instruction the execution
16 of board policies and rules.
17 8. Recommend to the legislature changes or additions to the statutes
18 pertaining to schools.
19 9. Prepare, publish and distribute reports concerning the educational
20 welfare of this state.
21 10. Prepare a budget for expenditures necessary for proper maintenance
22 of the board and accomplishment of its purposes and present the budget to the
23 legislature.
24 11. Aid in the enforcement of laws relating to schools.
25 12. Prescribe a minimum course of study in the common schools, minimum
26 competency requirements for the promotion of pupils from the third grade and
27 minimum course of study and competency requirements for the promotion of
28 pupils from the eighth grade. The state board of education shall prepare a
29 fiscal impact statement of any proposed changes to the minimum course of
30 study or competency requirements and, on completion, shall send a copy to the
31 director of the joint legislative budget committee and the executive director
32 of the school facilities board. The state board of education shall not adopt
33 any changes in the minimum course of study or competency requirements in
34 effect on July 1, 1998 that will have a fiscal impact on school capital
35 costs.
36 13. Prescribe minimum course of study and competency requirements for
37 the graduation of pupils from high school. The state board of education
38 shall prepare a fiscal impact statement of any proposed changes to the
39 minimum course of study or competency requirements and, on completion, shall
40 send a copy to the director of the joint legislative budget committee and the
41 executive director of the school facilities board. The state board of
42 education shall not adopt any changes in the minimum course of study or
43 competency requirements in effect on July 1, 1998 that will have a fiscal
44 impact on school capital costs.

1 14. Supervise and control the certification of persons engaged in
2 instructional work directly as any classroom, laboratory or other teacher or
3 indirectly as a supervisory teacher, speech therapist, principal or
4 superintendent in a school district, including school district preschool
5 programs, or any other educational institution below the community college,
6 college or university level, and prescribe rules for certification, including
7 rules for certification of teachers who have teaching experience and who are
8 trained in other states, ~~which~~ THAT are not unnecessarily restrictive and are
9 substantially similar to the rules prescribed for the certification of
10 teachers trained in this state. The rules shall:

11 (a) Allow a variety of alternative teacher and administrator
12 preparation programs, with variations in program sequence and design, to
13 apply for program approval. The state board shall adopt rules pursuant to
14 this subdivision designed to allow for a variety of formats and shall not
15 require a prescribed answer or design from the program provider in order to
16 obtain approval from the state board. The state board shall evaluate each
17 program provider based on the program's ability to prepare teachers and
18 administrators and to recruit teachers and administrators with a variety of
19 experiences and talents. The state board shall permit universities under the
20 jurisdiction of the Arizona board of regents, community colleges in this
21 state, private postsecondary institutions licensed by this state, school
22 districts, charter schools and professional organizations to apply for
23 program approval and shall create application procedures and certification
24 criteria that are less restrictive than those for traditional preparation
25 programs. Alternative preparation program graduates shall:

26 (i) Hold a bachelor's degree from an accredited postsecondary
27 education institution.

28 (ii) Demonstrate professional knowledge and subject knowledge
29 proficiency pursuant to section 15-533.

30 (iii) Obtain a fingerprint clearance card pursuant to section 15-534.

31 (iv) Complete training in structured English immersion as prescribed
32 by the state board.

33 (v) Complete training in research based systematic phonics instruction
34 as prescribed in subdivision (b) of this paragraph.

35 (vi) Demonstrate the required proficiency in the constitutions of the
36 United States and Arizona as prescribed in section 15-532.

37 (b) Require applicants for all certificates for common school
38 instruction to complete a minimum of forty-five classroom hours or three
39 college level credit hours, or the equivalent, of training in research based
40 systematic phonics instruction from a public or private provider.

41 (c) Not require a teacher to obtain a master's degree or to take any
42 additional graduate courses as a condition of certification or
43 recertification.

44 (d) Allow a general equivalency diploma to be substituted for a high
45 school diploma in the certification of emergency substitute teachers.

1 (e) Allow but shall not require the superintendent of a school
2 district to obtain certification from the state board of education.

3 15. Adopt a list of approved tests for determining special education
4 assistance to gifted pupils as defined in and as provided in chapter 7,
5 article 4.1 of this title. The adopted tests shall provide separate scores
6 for quantitative reasoning, verbal reasoning and nonverbal reasoning and
7 shall be capable of providing reliable and valid scores at the highest ranges
8 of the score distribution.

9 16. Adopt rules governing the methods for the administration of all
10 proficiency examinations.

11 17. Adopt proficiency examinations for its use. The state board of
12 education shall determine the passing score for the proficiency examination.

13 18. Include within its budget the cost of contracting for the purchase,
14 distribution and scoring of the examinations as provided in paragraphs 16 and
15 17 of this subsection.

16 19. Supervise and control the qualifications of professional
17 nonteaching school personnel and prescribe standards relating to
18 qualifications. The standards shall not require the business manager of a
19 school district to obtain certification from the state board of education.

20 20. Impose such disciplinary action, including the issuance of a letter
21 of censure, suspension, suspension with conditions or revocation of a
22 certificate, upon a finding of immoral or unprofessional conduct.

23 21. Establish an assessment, data gathering and reporting system for
24 pupil performance as prescribed in chapter 7, article 3 of this title.

25 22. Adopt a rule to promote braille literacy pursuant to section
26 15-214.

27 23. Adopt rules prescribing procedures for the investigation by the
28 department of education of every written complaint alleging that a
29 certificated person has engaged in immoral conduct.

30 24. For purposes of federal law, serve as the state board for
31 vocational and technological education and meet at least four times each year
32 solely to execute the powers and duties of the state board for vocational and
33 technological education.

34 25. Develop and maintain a handbook for use in the schools of this
35 state that provides guidance for the teaching of moral, civic and ethical
36 education. The handbook shall promote existing curriculum frameworks and
37 shall encourage school districts to recognize moral, civic and ethical values
38 within instructional and programmatic educational development programs for
39 the general purpose of instilling character and ethical principles in pupils
40 in kindergarten programs and grades one through twelve.

41 26. Require pupils to recite the following passage from the declaration
42 of independence for pupils in grades four through six at the commencement of
43 the first class of the day in the schools, except that a pupil shall not be
44 required to participate if the pupil or the pupil's parent or guardian
45 objects:

1 We hold these truths to be self-evident, that all men are
2 created equal, that they are endowed by their creator with
3 certain unalienable rights, that among these are life, liberty
4 and the pursuit of happiness. That to secure these rights,
5 governments are instituted among men, deriving their just powers
6 from the consent of the governed. . . .

7 27. Adopt rules that provide for teacher certification reciprocity.
8 The rules shall provide for a one year reciprocal teaching certificate with
9 minimum requirements, including valid teacher certification from a state with
10 substantially similar criminal history or teacher fingerprinting requirements
11 and proof of the submission of an application for a fingerprint clearance
12 card pursuant to title 41, chapter 12, article 3.1. For teachers who provide
13 Arizona online instruction pursuant to section 15-808, the rules shall allow
14 automatic certification reciprocity with other states that have similar
15 programs.

16 28. Adopt rules that provide for the presentation of an honorary high
17 school diploma to a person who has never obtained a high school diploma and
18 who meets both of the following requirements:

19 (a) Currently resides in this state.

20 (b) Provides documented evidence from the Arizona department of
21 veterans' services that the person enlisted in the armed forces of the United
22 States and served in World War I, World War II, the Korean conflict or the
23 Vietnam conflict.

24 29. Cooperate with the Arizona-Mexico commission in the governor's
25 office and with researchers at universities in this state to collect data and
26 conduct projects in the United States and Mexico on issues that are within
27 the scope of the duties of the department of education and that relate to
28 quality of life, trade and economic development in this state in a manner
29 that will help the Arizona-Mexico commission to assess and enhance the
30 economic competitiveness of this state and of the Arizona-Mexico region.

31 30. Adopt rules to define and provide guidance to schools as to the
32 activities that would constitute immoral or unprofessional conduct of
33 certificated persons.

34 31. Adopt guidelines to encourage pupils in grades nine, ten, eleven
35 and twelve to volunteer for twenty hours of community service before
36 graduation from high school. A school district that complies with the
37 guidelines adopted pursuant to this paragraph is not liable for damages
38 resulting from a pupil's participation in community service unless the school
39 district is found to have demonstrated wanton or reckless disregard for the
40 safety of the pupil and other participants in community service. For the
41 purposes of this paragraph, "community service" may include service learning.
42 The guidelines shall include the following:

43 (a) A list of the general categories in which community service may be
44 performed.

1 (b) A description of the methods by which community service will be
2 monitored.

3 (c) A consideration of risk assessment for community service projects.

4 (d) Orientation and notification procedures of community service
5 opportunities for pupils entering grade nine, including the development of a
6 notification form. The notification form shall be signed by the pupil and
7 the pupil's parent or guardian, except that a pupil shall not be required to
8 participate in community service if the parent or guardian notifies the
9 principal of the pupil's school in writing that the parent or guardian does
10 not wish the pupil to participate in community service.

11 (e) Procedures for a pupil in grade nine to prepare a written proposal
12 that outlines the type of community service that the pupil would like to
13 perform and the goals that the pupil hopes to achieve as a result of
14 community service. The pupil's written proposal shall be reviewed by a
15 faculty advisor, a guidance counselor or any other school employee who is
16 designated as the community service program coordinator for that school. The
17 pupil may alter the written proposal at any time before performing community
18 service.

19 (f) Procedures for a faculty advisor, a guidance counselor or any
20 other school employee who is designated as the community service program
21 coordinator to evaluate and certify the completion of community service
22 performed by pupils.

23 (g) PROCEDURES ESTABLISHED IN COOPERATION WITH THE GOVERNOR'S OFFICE
24 TO ENCOURAGE PUPILS TO PERFORM TWO HUNDRED HOURS OF COMMUNITY SERVICE
25 PURSUANT TO THE GUIDELINES ADOPTED IN THIS PARAGRAPH IN ORDER TO APPLY FOR A
26 COMMUNITY SERVICE COMMENDATION FROM THE GOVERNOR.

27 32. To facilitate the transfer of military personnel and their
28 dependents to and from the public schools of this state, pursue, in
29 cooperation with the Arizona board of regents, reciprocity agreements with
30 other states concerning the transfer credits for military personnel and their
31 dependents. A reciprocity agreement entered into pursuant to this paragraph
32 shall:

33 (a) Address procedures for each of the following:

34 (i) The transfer of student records.

35 (ii) Awarding credit for completed course work.

36 (iii) Permitting a student to satisfy the graduation requirements
37 prescribed in section 15-701.01 through the successful performance on
38 comparable exit-level assessment instruments administered in another state.

39 (b) Include appropriate criteria developed by the state board of
40 education and the Arizona board of regents.

41 33. Adopt guidelines that school district governing boards shall use in
42 identifying pupils who are eligible for gifted programs and in providing
43 gifted education programs and services. The state board of education shall
44 adopt any other guidelines and rules that it deems necessary in order to
45 carry out the purposes of chapter 7, article 4.1 of this title.

1 34. For each of the alternative textbook formats of human-voiced audio,
2 large-print and braille, designate alternative media producers to adapt
3 existing standard print textbooks or to provide specialized textbooks, or
4 both, for pupils with disabilities in this state. Each alternative media
5 producer shall be capable of producing alternative textbooks in all relevant
6 subjects in at least one of the alternative textbook formats. The board
7 shall post the designated list of alternative media producers on its website.

8 35. Adopt a list of approved professional development training
9 providers for use by school districts as provided in section 15-107,
10 subsection J. The professional development training providers shall meet the
11 training curriculum requirements determined by the state board of education
12 in at least the areas of school finance, governance, employment, staffing,
13 inventory and human resources, internal controls and procurement.

14 36. Adopt rules to prohibit a person who violates the notification
15 requirements prescribed in section 15-183, subsection C, paragraph 8 or
16 section 15-550, subsection C from certification pursuant to this title until
17 the person is no longer charged or is acquitted of any offenses listed in
18 section 41-1758.03, subsection B. The board shall also adopt rules to
19 prohibit a person who violates the notification requirements, certification
20 surrender requirements or fingerprint clearance card surrender requirements
21 prescribed in section 15-183, subsection C, paragraph 9 or section 15-550,
22 subsection D from certification pursuant to this title for at least ten years
23 after the date of the violation.

24 37. Adopt rules for the alternative certification of teachers of
25 nontraditional foreign languages that allow for the passing of a nationally
26 accredited test to substitute for the education coursework required for
27 certification.

28 38. On or before December 15, 2011, adopt and maintain a model
29 framework for a teacher and principal evaluation instrument that includes
30 quantitative data on student academic progress that accounts for between
31 thirty-three per cent and fifty per cent of the evaluation outcomes and best
32 practices for professional development and evaluator training. School
33 districts and charter schools shall use an instrument that meets the data
34 requirements established by the state board of education to annually evaluate
35 individual teachers and principals beginning in school year 2012-2013.

36 B. The state board of education may:

37 1. Contract.

38 2. Sue and be sued.

39 3. Distribute and score the tests prescribed in chapter 7, article 3
40 of this title.

41 4. Provide for an advisory committee to conduct hearings and
42 screenings to determine whether grounds exist to impose disciplinary action
43 against a certificated person, whether grounds exist to reinstate a revoked
44 or surrendered certificate and whether grounds exist to approve or deny an
45 initial application for certification or a request for renewal of a

1 certificate. The board may delegate its responsibility to conduct hearings
2 and screenings to its advisory committee. Hearings shall be conducted
3 pursuant to title 41, chapter 6, article 6.

4 5. Proceed with the disposal of any complaint requesting disciplinary
5 action or with any disciplinary action against a person holding a certificate
6 as prescribed in subsection A, paragraph 14 of this section after the
7 suspension or expiration of the certificate or surrender of the certificate
8 by the holder.

9 6. Assess costs and reasonable attorney fees against a person who
10 files a frivolous complaint or who files a complaint in bad faith. Costs
11 assessed pursuant to this paragraph shall not exceed the expenses incurred by
12 the state board in the investigation of the complaint.

13 Sec. 2. Section 15-341, Arizona Revised Statutes, is amended to read:

14 15-341. General powers and duties; immunity; delegation

15 A. The governing board shall:

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

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

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

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

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

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

28 7. Construct school buildings on approval by a vote of the district
29 electors.

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

32 9. Purchase school sites when authorized by a vote of the district at
33 an election conducted as nearly as practicable in the same manner as the
34 election provided in section 15-481 and held on a date prescribed in section
35 15-491, subsection E, but such authorization shall not necessarily specify
36 the site to be purchased and such authorization shall not be necessary to
37 exchange unimproved property as provided in section 15-342, paragraph 23.

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

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

43 12. Hold pupils to strict account for disorderly conduct on school
44 property.

1 13. Discipline students for disorderly conduct on the way to and from
2 school.

3 14. Except as provided in section 15-1224, deposit all monies received
4 by the district as gifts, grants and devises with the county treasurer who
5 shall credit the deposits as designated in the uniform system of financial
6 records. If not inconsistent with the terms of the gifts, grants and devises
7 given, any balance remaining after expenditures for the intended purpose of
8 the monies have been made shall be used for reduction of school district
9 taxes for the budget year, except that in the case of accommodation schools
10 the county treasurer shall carry the balance forward for use by the county
11 school superintendent for accommodation schools for the budget year.

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

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

20 17. Use school monies received from the state and county school
21 apportionment exclusively for payment of salaries of teachers and other
22 employees and contingent expenses of the district.

23 18. Make an annual report to the county school superintendent on or
24 before October 1 in the manner and form and on the blanks prescribed by the
25 superintendent of public instruction or county school superintendent. The
26 board shall also make reports directly to the county school superintendent or
27 the superintendent of public instruction whenever required.

28 19. Deposit all monies received by school districts other than student
29 activities monies or monies from auxiliary operations as provided in sections
30 15-1125 and 15-1126 with the county treasurer to the credit of the school
31 district except as provided in paragraph 20 of this subsection and sections
32 15-1223 and 15-1224, and the board shall expend the monies as provided by law
33 for other school funds.

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

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

1 The procedures shall include notice, hearing and appeal provisions for
2 violations that are cause for disciplinary action. The governing board may
3 designate a person or persons to act on behalf of the board on these matters.

4 22. Prescribe and enforce policies and procedures for disciplinary
5 action against an administrator who engages in conduct that is a violation of
6 the policies of the governing board regarding duties of administrators but
7 that is not cause for dismissal of the administrator or for revocation of the
8 certificate of the administrator. Disciplinary action may include suspension
9 without pay for a period of time not to exceed ten school days. Disciplinary
10 action shall not include suspension with pay or suspension without pay for a
11 period of time longer than ten school days. The procedures shall include
12 notice, hearing and appeal provisions for violations that are cause for
13 disciplinary action. The governing board may designate a person or persons
14 to act on behalf of the board on these matters. For violations that are
15 cause for dismissal, the provisions of notice, hearing and appeal in chapter
16 5, article 3 of this title shall apply. The filing of a timely request for a
17 hearing suspends the imposition of a suspension without pay or a dismissal
18 pending completion of the hearing.

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

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

26 (a) The provision of water.

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

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

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

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

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

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

43 29. Ensure that insurance coverage is secured for all construction
44 projects for purposes of general liability, property damage and workers'

1 compensation and secure performance and payment bonds for all construction
2 projects.

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

14 31. Report to local law enforcement agencies any suspected crime
15 against a person or property that is a serious offense as defined in section
16 13-706 or that involves a deadly weapon or dangerous instrument or serious
17 physical injury and any conduct that poses a threat of death or serious
18 physical injury to employees, students or anyone on the property of the
19 school. This paragraph does not limit or preclude the reporting by a school
20 district or an employee of a school district of suspected crimes other than
21 those required to be reported by this paragraph. For the purposes of this
22 paragraph, "dangerous instrument", "deadly weapon" and "serious physical
23 injury" have the same meanings prescribed in section 13-105.

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

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

1 34. Incorporate instruction on Native American history into appropriate
2 existing curricula.

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

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

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

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

42 (b) A requirement that school district employees report in writing
43 suspected incidents of harassment, intimidation or bullying to the
44 appropriate school official and a description of appropriate disciplinary

1 procedures for employees who fail to report suspected incidents that are
2 known to the employee.

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

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

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

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

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

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

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

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

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

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

38 (b) A procedure to notify the parents or guardians of the students
39 affected.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

39 42. PRESCRIBE CRITERIA AND ADOPT POLICES AND PROCEDURES FOR PUPILS WHO
40 WISH TO APPLY FOR A COMMUNITY SERVICE COMMENDATION FROM THE GOVERNOR UNDER
41 THE GUIDELINES ADOPTED BY THE STATE BOARD OF EDUCATION PURSUANT TO SECTION
42 15-203.

43 B. Notwithstanding subsection A, paragraphs 7, 9 and 11 of this
44 section, the county school superintendent may construct, improve and furnish

1 school buildings or purchase or sell school sites in the conduct of an
2 accommodation school.

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

9 1. Is not abated, extinguished, discharged or merged in the title to
10 the property.

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

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

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

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

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

1 subsection B is subject to commensurate withholding of school district
2 capital outlay revenue limit monies pursuant to the direction of the school
3 facilities board. Except as provided in section 15-342, paragraph 10,
4 proceeds from the sale of school sites, buildings or other equipment shall be
5 deposited in the school plant fund as provided in section 15-1102.

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

9 Sec. 3. Retroactivity

10 This act is effective retroactively to from and after January 1, 2012.