

REFERENCE TITLE: schools; bullying policies; definition

State of Arizona  
Senate  
Fiftieth Legislature  
Second Regular Session  
2012

# **SB 1462**

Introduced by  
Senator Schapira

AN ACT

AMENDING SECTION 15-101, ARIZONA REVISED STATUTES; AMENDING TITLE 15, CHAPTER 1, ARTICLE 8, ARIZONA REVISED STATUTES, BY ADDING SECTION 15-186; AMENDING SECTION 15-341, ARIZONA REVISED STATUTES; RELATING TO STUDENT CONDUCT.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 15-101, Arizona Revised Statutes, is amended to  
3 read:

4 15-101. Definitions

5 In this title, unless the context otherwise requires:

6 1. "Accommodation school" means either:

7 (a) A school that is operated through the county board of supervisors  
8 and the county school superintendent and that the county school  
9 superintendent administers to serve a military reservation or territory that  
10 is not included within the boundaries of a school district.

11 (b) A school that provides educational services to homeless children  
12 or alternative education programs as provided in section 15-308,  
13 subsection B.

14 (c) A school that is established to serve a military reservation, the  
15 boundaries of which are coterminous with the boundaries of the military  
16 reservation on which the school is located.

17 2. "Assessed valuation" means the valuation derived by applying the  
18 applicable percentage as provided in title 42, chapter 15, article 1 to the  
19 full cash value or limited property value, whichever is applicable, of the  
20 property.

21 3. "BULLYING" MEANS ANY WRITTEN, VERBAL OR PHYSICAL ACT OR ANY  
22 ELECTRONIC COMMUNICATION THAT IS INTENDED TO HARM OR THAT A REASONABLE PERSON  
23 WOULD KNOW IS LIKELY TO HARM ONE OR MORE PUPILS BY DOING ANY OF THE  
24 FOLLOWING:

25 (a) SUBSTANTIALLY INTERFERING WITH EDUCATIONAL OPPORTUNITIES, BENEFITS  
26 OR PROGRAMS OF ONE OR MORE PUPILS.

27 (b) ADVERSELY AFFECTING THE ABILITY OF A PUPIL TO PARTICIPATE IN OR  
28 BENEFIT FROM EDUCATIONAL PROGRAMS OR ACTIVITIES BY PLACING THE PUPIL IN  
29 REASONABLE FEAR OF PHYSICAL HARM OR BY CAUSING SUBSTANTIAL EMOTIONAL  
30 DISTRESS.

31 (c) HAVING AN ACTUAL AND SUBSTANTIAL DETRIMENTAL EFFECT ON A PUPIL'S  
32 PHYSICAL OR MENTAL HEALTH.

33 (d) CAUSING SUBSTANTIAL DISRUPTION IN, OR SUBSTANTIAL INTERFERENCE  
34 WITH, THE ORDERLY OPERATION OF A SCHOOL.

35 ~~3.~~ 4. "Charter holder" means a person that enters into a charter with  
36 the state board for charter schools. For the purposes of this paragraph,  
37 "person" means an individual, partnership, corporation, association or public  
38 or private organization of any kind.

39 ~~4.~~ 5. "Charter school" means a public school established by contract  
40 with a district governing board, the state board of education, the state  
41 board for charter schools, a university under the jurisdiction of the Arizona  
42 board of regents, a community college district with enrollment of more than  
43 fifteen thousand full-time equivalent students or a group of community  
44 college districts with a combined enrollment of more than fifteen thousand

1 full-time equivalent students pursuant to article 8 of this chapter to  
2 provide learning that will improve pupil achievement.

3 ~~5-~~ 6. "Child with a disability" means a child with a disability as  
4 defined in section 15-761.

5 ~~6-~~ 7. "Class A bonds" means general obligation bonds approved by a  
6 vote of the qualified electors of a school district at an election held on or  
7 before December 31, 1998.

8 ~~7-~~ 8. "Class B bonds" means general obligation bonds approved by a  
9 vote of the qualified electors of a school district at an election held from  
10 and after December 31, 1998.

11 ~~8-~~ 9. "Competency" means a demonstrated ability in a skill at a  
12 specified performance level.

13 ~~9-~~ 10. "Course" means organized subject matter in which instruction  
14 is offered within a given period of time and for which credit toward  
15 promotion, graduation or certification is usually given. A course consists  
16 of knowledge selected from a subject for instructional purposes in the  
17 schools.

18 ~~10-~~ 11. "Course of study" means a list of required and optional  
19 subjects to be taught in the schools.

20 ~~11-~~ 12. "Dual enrollment course" means a college level course that is  
21 conducted on the campus of a high school or on the campus of a joint  
22 technical education district, that is applicable to an established community  
23 college academic degree or certificate program and that is transferable to a  
24 university under the jurisdiction of the Arizona board of regents. A dual  
25 enrollment course that is applicable to a community college occupational  
26 degree or certificate program may be transferable to a university under the  
27 jurisdiction of the Arizona board of regents.

28 ~~12-~~ 13. "Fiscal year" means the year beginning July 1 and ending  
29 June 30.

30 ~~13-~~ 14. "Governing board" means a body organized for the government  
31 and management of the schools within a school district or a county school  
32 superintendent in the conduct of an accommodation school.

33 ~~14-~~ 15. "Lease" means an agreement for conveyance and possession of  
34 real or personal property.

35 ~~15-~~ 16. "Limited property value" means the value determined pursuant  
36 to title 42, chapter 13, article 7. Limited property value shall be used as  
37 the basis for assessing, fixing, determining and levying primary property  
38 taxes.

39 ~~16-~~ 17. "Parent" means the natural or adoptive parent of a child or a  
40 person who has custody of a child.

41 ~~17-~~ 18. "Person who has custody" means a parent or legal guardian of a  
42 child, a person to whom custody of the child has been given by order of a  
43 court or a person who stands in loco parentis to the child.

44 ~~18-~~ 19. "Primary property taxes" means all ad valorem taxes except for  
45 secondary property taxes.

1 ~~19.~~ 20. "Private school" means a nonpublic institution where  
2 instruction is imparted.

3 ~~20.~~ 21. "School" means any public institution established for the  
4 purposes of offering instruction to pupils in programs for preschool children  
5 with disabilities, kindergarten programs or any combination of grades one  
6 through twelve.

7 ~~21.~~ 22. "School district" means a political subdivision of this state  
8 with geographic boundaries organized for the purpose of the administration,  
9 support and maintenance of the public schools or an accommodation school.

10 ~~22.~~ 23. "Secondary property taxes" means ad valorem taxes used to pay  
11 the principal of and the interest and redemption charges on any bonded  
12 indebtedness or other lawful long-term obligation issued or incurred for a  
13 specific purpose by a school district or a community college district and  
14 amounts levied pursuant to an election to exceed a budget, expenditure or tax  
15 limitation.

16 ~~23.~~ 24. "Subject" means a division or field of organized knowledge,  
17 such as English or mathematics, or a selection from an organized body of  
18 knowledge for a course or teaching unit, such as the English novel or  
19 elementary algebra.

20 Sec. 2. Title 15, chapter 1, article 8, Arizona Revised Statutes, is  
21 amended by adding section 15-186, to read:

22 ~~15-186.~~ Bullying policies and procedures

23 CHARTER SCHOOLS SHALL PRESCRIBE AND ENFORCE POLICIES AND PROCEDURES TO  
24 PROHIBIT PUPILS FROM HARASSING, INTIMIDATING AND BULLYING OTHER PUPILS.  
25 THESE POLICIES MAY INCLUDE A POLICY PROHIBITING BULLYING, INTIMIDATION AND  
26 HARASSMENT AT ANY OFF-CAMPUS LOCATION OR ACTIVITY IF THE ALLEGED ACTIVITY IS  
27 REPORTED TO SCHOOL OFFICIALS AND IF THE BULLYING, INTIMIDATION OR HARASSMENT  
28 CREATES A HOSTILE ENVIRONMENT FOR THE VICTIM AT SCHOOL, INFRINGES ON THE  
29 RIGHTS OF THE VICTIM AT SCHOOL OR MATERIALLY AND SUBSTANTIALLY DISRUPTS THE  
30 EDUCATION PROCESS OR THE ORDERLY OPERATION OF THE SCHOOL. THESE POLICIES AND  
31 PROCEDURES SHALL INCLUDE ALL OF THE FOLLOWING:

32 1. A POLICY PROHIBITING HARASSING, INTIMIDATING AND BULLYING THROUGH  
33 THE USE OF ELECTRONIC TECHNOLOGY AND ELECTRONIC COMMUNICATIONS ON SCHOOL  
34 GROUNDS, ON SCHOOL PROPERTY, ON SCHOOL BUSES, AT SCHOOL BUS STOPS, AT SCHOOL  
35 SPONSORED EVENTS AND ON SCHOOL COMPUTERS, NETWORKS, FORUMS AND MAILING LISTS.

36 2. A STATEMENT THAT ALL PUPILS ARE PROTECTED UNDER THESE POLICIES AND  
37 THAT BULLYING IS PROHIBITED WITHOUT REGARD TO THE SUBJECT MATTER OF THE  
38 BULLYING OR THE MOTIVATION OF THE PERPETRATOR.

39 3. A PROCEDURE FOR PUPILS, PARENTS AND CHARTER SCHOOL EMPLOYEES TO  
40 CONFIDENTIALLY REPORT TO SCHOOL OFFICIALS INCIDENTS OF HARASSMENT,  
41 INTIMIDATION OR BULLYING. THE CHARTER SCHOOL SHALL MAKE AVAILABLE WRITTEN  
42 FORMS DESIGNED TO PROVIDE A FULL AND DETAILED DESCRIPTION OF THE INCIDENT AND  
43 ANY OTHER RELEVANT INFORMATION ABOUT THE INCIDENT.

44 4. A REQUIREMENT THAT CHARTER SCHOOL EMPLOYEES REPORT IN WRITING  
45 SUSPECTED INCIDENTS OF HARASSMENT, INTIMIDATION OR BULLYING TO THE

1 APPROPRIATE SCHOOL OFFICIAL AND A DESCRIPTION OF APPROPRIATE DISCIPLINARY  
2 PROCEDURES FOR EMPLOYEES WHO FAIL TO REPORT SUSPECTED INCIDENTS THAT ARE  
3 KNOWN TO THE EMPLOYEE.

4 5. A REQUIREMENT THAT, AT THE BEGINNING OF EACH SCHOOL YEAR, SCHOOL  
5 OFFICIALS PROVIDE ALL PUPILS WITH A WRITTEN COPY OF THE RIGHTS, PROTECTIONS  
6 AND SUPPORT SERVICES AVAILABLE TO A PUPIL WHO IS AN ALLEGED VICTIM OF AN  
7 INCIDENT REPORTED PURSUANT TO THIS SECTION.

8 6. IF AN INCIDENT IS REPORTED PURSUANT TO THIS SECTION, A REQUIREMENT  
9 THAT SCHOOL OFFICIALS, IN COMPLIANCE WITH STATE RULES AND FEDERAL REGULATIONS  
10 ADOPTED TO COMPLY WITH THE FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT, NOTIFY  
11 THE PARENT OR GUARDIAN OF THE ALLEGEDLY BULLIED PUPIL AND PROVIDE A PUPIL WHO  
12 IS AN ALLEGED VICTIM OF THE INCIDENT WITH A WRITTEN COPY OF THE RIGHTS,  
13 PROTECTIONS AND SUPPORT SERVICES AVAILABLE TO THAT PUPIL. IN ORDER TO AVOID  
14 ADDITIONAL NEGATIVE CONSEQUENCES TO THE ALLEGED VICTIM'S HEALTH AND  
15 WELL-BEING AND BEFORE NOTIFYING THE PARENT OF THE ALLEGED VICTIM, SCHOOL  
16 ADMINISTRATORS, IN CONSULTATION WITH ON-SITE SCHOOL COUNSELORS AND SOCIAL  
17 WORKERS, IF AVAILABLE, SHALL EVALUATE THE NOTIFICATION IN THE SAME MANNER AS  
18 ANY OTHER EDUCATIONALLY RELEVANT DECISION BY CONSIDERING THE HEALTH,  
19 WELL-BEING AND SAFETY OF ANY PUPILS INVOLVED IN THE INCIDENT. NOTIFICATION  
20 OF THE PARENT OR GUARDIAN OF A PUPIL WHO IS THE ALLEGED PERPETRATOR SHALL BE  
21 PROVIDED PURSUANT TO THE DISCIPLINARY NOTIFICATION POLICIES AND PROCEDURES OF  
22 THE CHARTER SCHOOL.

23 7. A FORMAL PROCESS FOR THE DOCUMENTATION OF REPORTED INCIDENTS OF  
24 HARASSMENT, INTIMIDATION OR BULLYING AND FOR THE CONFIDENTIALITY, MAINTENANCE  
25 AND DISPOSITION OF THIS DOCUMENTATION. CHARTER SCHOOLS SHALL MAINTAIN  
26 DOCUMENTATION OF ALL INCIDENTS REPORTED PURSUANT TO THIS SECTION FOR AT LEAST  
27 SIX YEARS. THE CHARTER SCHOOL SHALL NOT USE THAT DOCUMENTATION TO IMPOSE  
28 DISCIPLINARY ACTION UNLESS THE APPROPRIATE SCHOOL OFFICIAL HAS INVESTIGATED  
29 AND DETERMINED THAT THE REPORTED INCIDENTS OF HARASSMENT, INTIMIDATION OR  
30 BULLYING OCCURRED. IF A CHARTER SCHOOL PROVIDES DOCUMENTATION OF REPORTED  
31 INCIDENTS TO PERSONS OTHER THAN SCHOOL OFFICIALS OR LAW ENFORCEMENT, ALL  
32 INDIVIDUALLY IDENTIFIABLE INFORMATION SHALL BE REDACTED.

33 8. A FORMAL PROCESS FOR THE INVESTIGATION BY THE APPROPRIATE SCHOOL  
34 OFFICIALS OF SUSPECTED INCIDENTS OF HARASSMENT, INTIMIDATION OR BULLYING,  
35 INCLUDING PROCEDURES FOR THE TIMELY NOTIFICATION OF THE ALLEGED VICTIM AND  
36 THE PARENT OR GUARDIAN OF THE ALLEGED VICTIM ON COMPLETION AND DISPOSITION OF  
37 THE INVESTIGATION.

38 9. DISCIPLINARY PROCEDURES FOR PUPILS WHO HAVE ADMITTED COMMITTING OR  
39 BEEN FOUND TO HAVE COMMITTED INCIDENTS OF HARASSMENT, INTIMIDATION OR  
40 BULLYING.

41 10. A PROCEDURE THAT SETS FORTH CONSEQUENCES FOR SUBMITTING FALSE  
42 REPORTS OF INCIDENTS OF HARASSMENT, INTIMIDATION OR BULLYING.

43 11. PROCEDURES DESIGNED TO PROTECT THE HEALTH AND SAFETY OF PUPILS WHO  
44 ARE PHYSICALLY OR EMOTIONALLY HARMED, OR BOTH, AS THE RESULT OF AN INCIDENT  
45 OF HARASSMENT, INTIMIDATION OR BULLYING, INCLUDING, IF APPROPRIATE,

1 PROCEDURES TO CONTACT EMERGENCY MEDICAL SERVICES OR LAW ENFORCEMENT AGENCIES,  
2 OR BOTH.

3 12. AN EDUCATION REQUIREMENT DESIGNED TO PREVENT HARASSMENT,  
4 INTIMIDATION OR BULLYING THAT INCLUDES ANNUAL TRAINING FOR ADMINISTRATORS OR  
5 CHARTER SCHOOL EMPLOYEES. THIS REQUIREMENT SHALL ALSO INCLUDE TRAINING FOR  
6 PUPILS AND PARENTS IN PREVENTING, IDENTIFYING, RESPONDING TO AND REPORTING  
7 INCIDENTS OF HARASSMENT, INTIMIDATION OR BULLYING.

8 13. THE SAME DEFINITION OF BULLYING PRESCRIBED IN SECTION 15-101.

9 Sec. 3. Section 15-341, Arizona Revised Statutes, is amended to read:

10 15-341. General powers and duties; immunity; delegation

11 A. The governing board shall:

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

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

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

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

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

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

24 7. Construct school buildings on approval by a vote of the district  
25 electors.

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

28 9. Purchase school sites when authorized by a vote of the district at  
29 an election conducted as nearly as practicable in the same manner as the  
30 election provided in section 15-481 and held on a date prescribed in section  
31 15-491, subsection E, but such authorization shall not necessarily specify  
32 the site to be purchased and such authorization shall not be necessary to  
33 exchange unimproved property as provided in section 15-342, paragraph 23.

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

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

39 12. Hold pupils to strict account for disorderly conduct on school  
40 property.

41 13. Discipline students for disorderly conduct on the way to and from  
42 school.

43 14. Except as provided in section 15-1224, deposit all monies received  
44 by the district as gifts, grants and devises with the county treasurer who  
45 shall credit the deposits as designated in the uniform system of financial

1 records. If not inconsistent with the terms of the gifts, grants and devises  
2 given, any balance remaining after expenditures for the intended purpose of  
3 the monies have been made shall be used for reduction of school district  
4 taxes for the budget year, except that in the case of accommodation schools  
5 the county treasurer shall carry the balance forward for use by the county  
6 school superintendent for accommodation schools for the budget year.

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

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

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

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

23 19. Deposit all monies received by school districts other than student  
24 activities monies or monies from auxiliary operations as provided in sections  
25 15-1125 and 15-1126 with the county treasurer to the credit of the school  
26 district except as provided in paragraph 20 of this subsection and sections  
27 15-1223 and 15-1224, and the board shall expend the monies as provided by law  
28 for other school funds.

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

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

44 22. Prescribe and enforce policies and procedures for disciplinary  
45 action against an administrator who engages in conduct that is a violation of

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

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

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

21 (a) The provision of water.

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

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

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

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

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

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

38 29. Ensure that insurance coverage is secured for all construction  
39 projects for purposes of general liability, property damage and workers'  
40 compensation and secure performance and payment bonds for all construction  
41 projects.

42 30. Keep on file the resumes of all current and former employees who  
43 provide instruction to pupils at a school. Resumes shall include an  
44 individual's educational and teaching background and experience in a  
45 particular academic content subject area. A school district shall inform

1 parents and guardians of the availability of the resume information and shall  
2 make the resume information available for inspection on request of parents  
3 and guardians of pupils enrolled at a school. Nothing in this paragraph  
4 shall be construed to require any school to release personally identifiable  
5 information in relation to any teacher or employee, including the teacher's  
6 or employee's address, salary, social security number or telephone number.

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

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

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

38 34. Incorporate instruction on Native American history into appropriate  
39 existing curricula.

40 35. Prescribe and enforce policies and procedures allowing pupils who  
41 have been diagnosed with anaphylaxis by a health care provider licensed  
42 pursuant to title 32, chapter 13, 14, 17 or 25 or by a registered nurse  
43 practitioner licensed and certified pursuant to title 32, chapter 15 to carry  
44 and self-administer emergency medications, including auto-injectable  
45 epinephrine, while at school and at school sponsored activities. The pupil's

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

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

23 37. Prescribe and enforce policies and procedures to prohibit pupils  
 24 from harassing, intimidating and bullying other pupils. THESE POLICIES MAY  
 25 INCLUDE A POLICY PROHIBITING BULLYING, INTIMIDATION AND HARASSMENT AT ANY  
 26 OFF-CAMPUS LOCATION OR ACTIVITY IF THE ALLEGED ACTIVITY IS REPORTED TO SCHOOL  
 27 OFFICIALS AND IF THE BULLYING, INTIMIDATION OR HARASSMENT CREATES A HOSTILE  
 28 ENVIRONMENT FOR THE VICTIM AT SCHOOL, INFRINGES ON THE RIGHTS OF THE VICTIM  
 29 AT SCHOOL OR MATERIALLY AND SUBSTANTIALLY DISRUPTS THE EDUCATION PROCESS OR  
 30 THE ORDERLY OPERATION OF THE SCHOOL. THESE POLICIES AND PROCEDURES SHALL  
 31 INCLUDE ALL OF THE FOLLOWING:

32 (a) A POLICY PROHIBITING HARASSING, INTIMIDATING AND BULLYING THROUGH  
 33 THE USE OF ELECTRONIC TECHNOLOGY AND ELECTRONIC COMMUNICATIONS on school  
 34 grounds, on school property, on school buses, at school bus stops, at school  
 35 sponsored events and ~~activities and through the use of electronic technology~~  
 36 ~~or electronic communication~~ on school computers, networks, forums and mailing  
 37 lists. ~~that include the following components:~~

38 (b) A STATEMENT THAT ALL PUPILS ARE PROTECTED UNDER THESE POLICIES AND  
 39 THAT BULLYING IS PROHIBITED WITHOUT REGARD TO THE SUBJECT MATTER OF THE  
 40 BULLYING OR THE MOTIVATION OF THE PERPETRATOR.

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

1           ~~(b)~~ (d) A requirement that school district employees report in  
2 writing 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           ~~(e)~~ (e) A requirement that, at the beginning of each school year,  
7 school officials provide all pupils with a written copy of the rights,  
8 protections and support services available to a pupil who is an alleged  
9 victim of an incident reported pursuant to this paragraph.

10           ~~(d)~~ (f) If an incident is reported pursuant to this paragraph, a  
11 requirement that school officials, **IN COMPLIANCE WITH STATE RULES AND FEDERAL**  
12 **REGULATIONS ADOPTED TO COMPLY WITH THE FAMILY EDUCATIONAL RIGHTS AND PRIVACY**  
13 **ACT, NOTIFY THE PARENT OR GUARDIAN OF THE ALLEGEDLY BULLIED PUPIL AND** provide  
14 a pupil who is an alleged victim of the incident with a written copy of the  
15 rights, protections and support services available to that pupil. **IN ORDER**  
16 **TO AVOID ADDITIONAL NEGATIVE CONSEQUENCES TO THE ALLEGED VICTIM'S HEALTH AND**  
17 **WELL-BEING AND BEFORE NOTIFYING THE PARENT OF THE ALLEGED VICTIM, SCHOOL**  
18 **ADMINISTRATORS, IN CONSULTATION WITH ON-SITE SCHOOL COUNSELORS AND SOCIAL**  
19 **WORKERS, IF AVAILABLE, SHALL EVALUATE THE NOTIFICATION IN THE SAME MANNER AS**  
20 **ANY OTHER EDUCATIONALLY RELEVANT DECISION BY CONSIDERING THE HEALTH,**  
21 **WELL-BEING AND SAFETY OF ANY PUPILS INVOLVED IN THE INCIDENT. NOTIFICATION**  
22 **OF THE PARENT OR GUARDIAN OF A PUPIL WHO IS THE ALLEGED PERPETRATOR SHALL BE**  
23 **PROVIDED PURSUANT TO THE DISCIPLINARY NOTIFICATION POLICIES AND PROCEDURES OF**  
24 **THE SCHOOL DISTRICT.**

25           ~~(e)~~ (g) A formal process for the documentation of reported incidents  
26 of harassment, intimidation or bullying and for the confidentiality,  
27 maintenance and disposition of this documentation. School districts shall  
28 maintain documentation of all incidents reported pursuant to this paragraph  
29 for at least six years. The school shall not use that documentation to  
30 impose disciplinary action unless the appropriate school official has  
31 investigated and determined that the reported incidents of harassment,  
32 intimidation or bullying occurred. If a school provides documentation of  
33 reported incidents to persons other than school officials or law enforcement,  
34 all individually identifiable information shall be redacted.

35           ~~(f)~~ (h) A formal process for the investigation by the appropriate  
36 school officials of suspected incidents of harassment, intimidation or  
37 bullying, including procedures for ~~notifying~~ **TIMELY NOTIFICATION OF** the  
38 alleged victim **AND THE PARENT OR GUARDIAN OF THE ALLEGED VICTIM** on completion  
39 and disposition of the investigation.

40           ~~(g)~~ (i) Disciplinary procedures for pupils who have admitted  
41 **COMMITTING** or been found to have committed incidents of harassment,  
42 intimidation or bullying.

43           ~~(h)~~ (j) A procedure that sets forth consequences for submitting false  
44 reports of incidents of harassment, intimidation or bullying.

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

6           ~~(j) Definitions of harassment, intimidation and bullying.~~

7           (1) AN EDUCATION REQUIREMENT DESIGNED TO PREVENT HARASSMENT,  
8 INTIMIDATION OR BULLYING THAT INCLUDES ANNUAL TRAINING FOR ADMINISTRATORS AND  
9 SCHOOL EMPLOYEES IN PREVENTING, IDENTIFYING, RESPONDING TO AND REPORTING  
10 INCIDENTS OF HARASSMENT, INTIMIDATION OR BULLYING. THIS REQUIREMENT SHALL  
11 ALSO INCLUDE TRAINING FOR PUPILS AND PARENTS IN PREVENTING, IDENTIFYING,  
12 RESPONDING TO AND REPORTING INCIDENTS OF HARASSMENT, INTIMIDATION OR  
13 BULLYING.

14           (m) THE SAME DEFINITION OF BULLYING PRESCRIBED IN SECTION 15-101.

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

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

19           (b) A procedure to notify the parents or guardians of the students  
20 affected.

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

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

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

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

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

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

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

44           40. Ensure that the contract for the superintendent is structured in a  
45 manner in which up to twenty per cent of the total annual salary included for

1 the superintendent in the contract is classified as performance pay. Nothing  
2 in this paragraph shall be construed to require school districts to increase  
3 total compensation for superintendents. Unless the school district governing  
4 board votes to implement an alternative procedure at a public meeting called  
5 for this purpose, the performance pay portion of the superintendent's total  
6 annual compensation shall be determined as follows:

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

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

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

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

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

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

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

39 (c) Twenty-five per cent of the performance pay shall be determined by  
40 the percentage of teachers who are employed at the school district and who  
41 assign a letter grade of "A" to the school on a survey of teacher  
42 satisfaction with the school. The teacher satisfaction survey shall be  
43 administered and scored by an independent entity that is selected by the  
44 governing board and that demonstrates sufficient expertise and experience to  
45 accurately measure the results of the survey. The teacher satisfaction

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

- 5 (i) A letter grade of "A" if the school district is excellent.
- 6 (ii) A letter grade of "B" if the school district is above average.
- 7 (iii) A letter grade of "C" if the school district is average.
- 8 (iv) A letter grade of "D" if the school district is below average.
- 9 (v) A letter grade of "F" if the school district is a failure.

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

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

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

23 C. If any school district acquires real or personal property, whether  
24 by purchase, exchange, condemnation, gift or otherwise, the governing board  
25 shall pay to the county treasurer any taxes on the property that were unpaid  
26 as of the date of acquisition, including penalties and interest. The lien  
27 for unpaid delinquent taxes, penalties and interest on property acquired by a  
28 school district:

29 1. Is not abated, extinguished, discharged or merged in the title to  
30 the property.

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

32 D. The governing board may not locate a school on property that is  
33 less than one-fourth mile from agricultural land regulated pursuant to  
34 section 3-365, except that the owner of the agricultural land may agree to  
35 comply with the buffer zone requirements of section 3-365. If the owner  
36 agrees in writing to comply with the buffer zone requirements and records the  
37 agreement in the office of the county recorder as a restrictive covenant  
38 running with the title to the land, the school district may locate a school  
39 within the affected buffer zone. The agreement may include any stipulations  
40 regarding the school, including conditions for future expansion of the school  
41 and changes in the operational status of the school that will result in a  
42 breach of the agreement.

43 E. A school district, its governing board members, its school council  
44 members and its employees are immune from civil liability for the  
45 consequences of adoption and implementation of policies and procedures

1 pursuant to subsection A of this section and section 15-342. This waiver  
2 does not apply if the school district, its governing board members, its  
3 school council members or its employees are guilty of gross negligence or  
4 intentional misconduct.

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

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

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

29 Sec. 4. Intent

30 The legislature finds and declares that:

31 1. All students have the right to participate fully in the educational  
32 process, free from bullying and harassment.

33 2. A safe and civil environment in school is necessary for students to  
34 learn and to achieve high academic standards.

35 3. Bullying and harassment, like other disruptive or violent  
36 behaviors, are forms of conduct that disrupt both a student's ability to  
37 learn and a school's ability to educate its students in a safe environment.

38 4. Staff and volunteers should be expected to demonstrate appropriate  
39 behavior, treat others with civility and respect and refuse to tolerate  
40 bullying and harassment.

41 Sec. 5. Short title

42 This act may be cited as the "Arizona safe schools act of 2012".