

State of Arizona
Senate
Fiftieth Legislature
Second Regular Session
2012

SENATE BILL 1462

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 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 INVESTIGATED BY A LAW ENFORCEMENT AGENCY,
28 AND IF THE BULLYING, INTIMIDATION OR HARASSMENT CREATES A HOSTILE ENVIRONMENT
29 FOR THE VICTIM AT SCHOOL, INFRINGES ON THE RIGHTS OF THE VICTIM AT SCHOOL OR
30 MATERIALLY AND SUBSTANTIALLY DISRUPTS THE EDUCATION PROCESS OR THE ORDERLY
31 OPERATION OF THE SCHOOL. THESE POLICIES AND PROCEDURES SHALL INCLUDE ALL OF
32 THE FOLLOWING:

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

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

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

1 4. A REQUIREMENT THAT CHARTER SCHOOL EMPLOYEES REPORT IN WRITING
2 SUSPECTED INCIDENTS OF HARASSMENT, INTIMIDATION OR BULLYING TO THE
3 APPROPRIATE SCHOOL OFFICIAL AND A DESCRIPTION OF APPROPRIATE DISCIPLINARY
4 PROCEDURES FOR EMPLOYEES WHO FAIL TO REPORT SUSPECTED INCIDENTS THAT ARE
5 KNOWN TO THE EMPLOYEE.

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

10 6. IF AN INCIDENT IS REPORTED PURSUANT TO THIS SECTION, A REQUIREMENT
11 THAT SCHOOL OFFICIALS, IN COMPLIANCE WITH STATE RULES AND FEDERAL REGULATIONS
12 ADOPTED TO COMPLY WITH THE FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT, NOTIFY
13 THE PARENT OR GUARDIAN OF THE ALLEGEDLY BULLIED PUPIL AND PROVIDE A PUPIL WHO
14 IS AN ALLEGED VICTIM OF THE INCIDENT WITH A WRITTEN COPY OF THE RIGHTS,
15 PROTECTIONS AND SUPPORT SERVICES AVAILABLE TO THAT PUPIL. IN ORDER TO AVOID
16 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 CHARTER SCHOOL.

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

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

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

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

1 11. PROCEDURES DESIGNED TO PROTECT THE HEALTH AND SAFETY OF PUPILS WHO
2 ARE PHYSICALLY OR EMOTIONALLY HARMED, OR BOTH, AS THE RESULT OF AN INCIDENT
3 OF HARASSMENT, INTIMIDATION OR BULLYING, INCLUDING, IF APPROPRIATE,
4 PROCEDURES TO CONTACT EMERGENCY MEDICAL SERVICES OR LAW ENFORCEMENT AGENCIES,
5 OR BOTH.

6 12. AN EDUCATION REQUIREMENT DESIGNED TO PREVENT HARASSMENT,
7 INTIMIDATION OR BULLYING THAT INCLUDES ANNUAL TRAINING FOR ADMINISTRATORS OR
8 CHARTER SCHOOL EMPLOYEES, IF A NONPROFIT ORGANIZATION PROVIDES TRAINING
9 MATERIALS FREE OF CHARGE. THIS REQUIREMENT SHALL ALSO INCLUDE TRAINING FOR
10 PUPILS AND PARENTS IN PREVENTING, IDENTIFYING, RESPONDING TO AND REPORTING
11 INCIDENTS OF HARASSMENT, INTIMIDATION OR BULLYING. THE TRAINING PROVIDED
12 PURSUANT TO THIS SECTION SHALL NOT BE FOCUSED ON A PARTICULAR BULLIED CLASS
13 BUT RATHER THAT BULLYING IS PROHIBITED WITHOUT REGARD TO THE SUBJECT MATTER
14 OF THE BULLYING OR THE MOTIVATION OF THE PERPETRATOR. THE SCHOOL SHALL
15 NOTIFY ALL PARENTS PRIOR TO CONDUCTING STUDENT TRAINING UNDER THIS PROVISION
16 AND SHALL NOT PROVIDE TRAINING TO A STUDENT WHOSE PARENT OR GUARDIAN HAS NOT
17 EXPRESSLY APPROVED OF THE STUDENT'S PARTICIPATION IN THE TRAINING.

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

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

20 15-341. General powers and duties; immunity; delegation

21 A. The governing board shall:

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

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

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

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

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

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

34 7. Construct school buildings on approval by a vote of the district
35 electors.

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

38 9. Purchase school sites when authorized by a vote of the district at
39 an election conducted as nearly as practicable in the same manner as the
40 election provided in section 15-481 and held on a date prescribed in section
41 15-491, subsection E, but such authorization shall not necessarily specify
42 the site to be purchased and such authorization shall not be necessary to
43 exchange unimproved property as provided in section 15-342, paragraph 23.

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

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

4 12. Hold pupils to strict account for disorderly conduct on school
5 property.

6 13. Discipline students for disorderly conduct on the way to and from
7 school.

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

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

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

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

28 18. Make an annual report to the county school superintendent on or
29 before October 1 in the manner and form and on the blanks prescribed by the
30 superintendent of public instruction or county school superintendent. The
31 board shall also make reports directly to the county school superintendent or
32 the superintendent of public instruction whenever required.

33 19. Deposit all monies received by school districts other than student
34 activities monies or monies from auxiliary operations as provided in sections
35 15-1125 and 15-1126 with the county treasurer to the credit of the school
36 district except as provided in paragraph 20 of this subsection and sections
37 15-1223 and 15-1224, and the board shall expend the monies as provided by law
38 for other school funds.

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

44 21. Prescribe and enforce policies and procedures for disciplinary
45 action against a teacher who engages in conduct that is a violation of the

1 policies of the governing board but that is not cause for dismissal of the
2 teacher or for revocation of the certificate of the teacher. Disciplinary
3 action may include suspension without pay for a period of time not to exceed
4 ten school days. Disciplinary action shall not include suspension with pay
5 or suspension without pay for a period of time longer than ten school days.
6 The procedures shall include notice, hearing and appeal provisions for
7 violations that are cause for disciplinary action. The governing board may
8 designate a person or persons to act on behalf of the board on these matters.

9 22. Prescribe and enforce policies and procedures for disciplinary
10 action against an administrator who engages in conduct that is a violation of
11 the policies of the governing board regarding duties of administrators but
12 that is not cause for dismissal of the administrator or for revocation of the
13 certificate of the administrator. Disciplinary action may include suspension
14 without pay for a period of time not to exceed ten school days. Disciplinary
15 action shall not include suspension with pay or suspension without pay for a
16 period of time longer than ten school days. The procedures shall include
17 notice, hearing and appeal provisions for violations that are cause for
18 disciplinary action. The governing board may designate a person or persons
19 to act on behalf of the board on these matters. For violations that are
20 cause for dismissal, the provisions of notice, hearing and appeal in chapter
21 5, article 3 of this title shall apply. The filing of a timely request for a
22 hearing suspends the imposition of a suspension without pay or a dismissal
23 pending completion of the hearing.

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

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

31 (a) The provision of water.

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

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

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

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

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

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

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

7 30. Keep on file the resumes of all current and former employees who
8 provide instruction to pupils at a school. Resumes shall include an
9 individual's educational and teaching background and experience in a
10 particular academic content subject area. A school district shall inform
11 parents and guardians of the availability of the resume information and shall
12 make the resume information available for inspection on request of parents
13 and guardians of pupils enrolled at a school. Nothing in this paragraph
14 shall be construed to require any school to release personally identifiable
15 information in relation to any teacher or employee, including the teacher's
16 or employee's address, salary, social security number or telephone number.

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

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

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

1 of closing a school. The information provided from the school facilities
2 board shall not require the governing board to take or not take any action.

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

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

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

33 37. Prescribe and enforce policies and procedures to prohibit pupils
34 from harassing, intimidating and bullying other pupils. **THESE POLICIES MAY**
35 **INCLUDE A POLICY PROHIBITING BULLYING, INTIMIDATION AND HARASSMENT AT ANY**
36 **OFF-CAMPUS LOCATION OR ACTIVITY IF THE ALLEGED ACTIVITY IS REPORTED TO SCHOOL**
37 **OFFICIALS AND INVESTIGATED BY A LAW ENFORCEMENT AGENCY, AND IF THE BULLYING,**
38 **INTIMIDATION OR HARASSMENT CREATES A HOSTILE ENVIRONMENT FOR THE VICTIM AT**
39 **SCHOOL, INFRINGES ON THE RIGHTS OF THE VICTIM AT SCHOOL OR MATERIALLY AND**
40 **SUBSTANTIALLY DISRUPTS THE EDUCATION PROCESS OR THE ORDERLY OPERATION OF THE**
41 **SCHOOL. THESE POLICIES AND PROCEDURES SHALL INCLUDE ALL OF THE FOLLOWING:**

42 (a) **A POLICY PROHIBITING HARASSING, INTIMIDATING AND BULLYING THROUGH**
43 **THE USE OF ELECTRONIC TECHNOLOGY AND ELECTRONIC COMMUNICATIONS** on school
44 grounds, on school property, on school buses, at school bus stops, at school
45 sponsored events and ~~activities and through the use of electronic technology~~

1 ~~or electronic communication~~ on school computers, networks, forums and mailing
2 lists. ~~that include the following components:~~

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

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

11 ~~(b)~~ (d) A requirement that school district employees report in
12 writing suspected incidents of harassment, intimidation or bullying to the
13 appropriate school official and a description of appropriate disciplinary
14 procedures for employees who fail to report suspected incidents that are
15 known to the employee.

16 ~~(e)~~ (e) A requirement that, at the beginning of each school year,
17 school officials provide all pupils with a written copy of the rights,
18 protections and support services available to a pupil who is an alleged
19 victim of an incident reported pursuant to this paragraph.

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

35 ~~(e)~~ (g) A formal process for the documentation of reported incidents
36 of harassment, intimidation or bullying and for the confidentiality,
37 maintenance and disposition of this documentation. School districts shall
38 maintain documentation of all incidents reported pursuant to this paragraph
39 for at least six years. The school shall not use that documentation to
40 impose disciplinary action unless the appropriate school official has
41 investigated and determined that the reported incidents of harassment,
42 intimidation or bullying occurred. If a school provides documentation of
43 reported incidents to persons other than school officials or law enforcement,
44 all individually identifiable information shall be redacted.

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

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

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

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

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

17 **(1) AN EDUCATION REQUIREMENT DESIGNED TO PREVENT HARASSMENT,**
18 **INTIMIDATION OR BULLYING THAT INCLUDES ANNUAL TRAINING FOR ADMINISTRATORS AND**
19 **SCHOOL EMPLOYEES IN PREVENTING, IDENTIFYING, RESPONDING TO AND REPORTING**
20 **INCIDENTS OF HARASSMENT, INTIMIDATION OR BULLYING, IF A NONPROFIT**
21 **ORGANIZATION PROVIDES TRAINING MATERIALS FREE OF CHARGE. THIS REQUIREMENT**
22 **SHALL ALSO INCLUDE TRAINING FOR PUPILS AND PARENTS IN PREVENTING,**
23 **IDENTIFYING, RESPONDING TO AND REPORTING INCIDENTS OF HARASSMENT,**
24 **INTIMIDATION OR BULLYING. THE TRAINING PROVIDED PURSUANT TO THIS PARAGRAPH**
25 **SHALL NOT BE FOCUSED ON A PARTICULAR BULLIED CLASS BUT RATHER THAT BULLYING**
26 **IS PROHIBITED WITHOUT REGARD TO THE SUBJECT MATTER OF THE BULLYING OR THE**
27 **MOTIVATION OF THE PERPETRATOR. THE SCHOOL SHALL NOTIFY ALL PARENTS PRIOR TO**
28 **CONDUCTING STUDENT TRAINING UNDER THIS PROVISION AND SHALL NOT PROVIDE**
29 **TRAINING TO A STUDENT WHOSE PARENT OR GUARDIAN HAS NOT EXPRESSLY APPROVED OF**
30 **THE STUDENT'S PARTICIPATION IN THE TRAINING.**

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

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

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

36 (b) A procedure to notify the parents or guardians of the students
37 affected.

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

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

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

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

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

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

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

17 40. Ensure that the contract for the superintendent is structured in a
18 manner in which up to twenty per cent of the total annual salary included for
19 the superintendent in the contract is classified as performance pay. Nothing
20 in this paragraph shall be construed to require school districts to increase
21 total compensation for superintendents. Unless the school district governing
22 board votes to implement an alternative procedure at a public meeting called
23 for this purpose, the performance pay portion of the superintendent's total
24 annual compensation shall be determined as follows:

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

41 (b) Twenty-five per cent of the performance pay shall be determined by
42 the percentage of parents of pupils who are enrolled at the school district
43 who assign a letter grade of "A" to the school on a survey of parental
44 satisfaction with the school district. The parental satisfaction survey
45 shall be administered and scored by an independent entity that is selected by

1 the governing board and that demonstrates sufficient expertise and experience
2 to accurately measure the results of the survey. The parental satisfaction
3 survey shall use standard random sampling procedures and provide anonymity
4 and confidentiality to each parent who participates in the survey. The
5 letter grade scale used on the parental satisfaction survey shall direct
6 parents to assign one of the following letter grades:

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

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

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

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

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

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

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

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

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

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

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

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

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

37 B. Notwithstanding subsection A, paragraphs 7, 9 and 11 of this
38 section, the county school superintendent may construct, improve and furnish
39 school buildings or purchase or sell school sites in the conduct of an
40 accommodation school.

41 C. If any school district acquires real or personal property, whether
42 by purchase, exchange, condemnation, gift or otherwise, the governing board
43 shall pay to the county treasurer any taxes on the property that were unpaid
44 as of the date of acquisition, including penalties and interest. The lien

1 for unpaid delinquent taxes, penalties and interest on property acquired by a
2 school district:

3 1. Is not abated, extinguished, discharged or merged in the title to
4 the property.

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

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

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

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

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

1 H. Subsections C through G of this section apply to a county board of
2 supervisors and a county school superintendent when operating and
3 administering an accommodation school.

4 Sec. 4. Intent

5 The legislature finds and declares that:

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

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

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

13 4. Staff and volunteers should be expected to demonstrate appropriate
14 behavior, treat others with civility and respect and refuse to tolerate
15 bullying and harassment.

16 Sec. 5. Short title

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