REFERENCE TITLE: schools; bullying policies; definition

State of Arizona
Senate
Fifty-first Legislature
First Regular Session
2013

SB 1423

Introduced by
Senator Hobbs

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)

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

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

15-101. Definitions

In this title, unless the context otherwise requires:

1. "Accommodation school" means either:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

15-186. Bullying policies and procedures

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

1. A POLICY PROHIBITING HARASSMENT, INTIMIDATION AND BULLYING THROUGH THE USE OF ELECTRONIC TECHNOLOGY AND ELECTRONIC COMMUNICATIONS ON SCHOOL GROUNDS, ON SCHOOL PROPERTY, ON SCHOOL BUSES, AT SCHOOL BUS STOPS, AT SCHOOL-SPONSORED EVENTS AND ON SCHOOL COMPUTERS, NETWORKS, FORUMS AND MAILING LISTS.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

A. The governing board shall:

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

2. Exclude from schools all books, publications, papers or audiovisual materials of a sectarian, partisan or denominational character. This paragraph shall not be construed to prohibit the elective course permitted by section 15-717.01.

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

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

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

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

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

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

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

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

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

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

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

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

15. Provide that, if a parent or legal guardian chooses not to accept a decision of the teacher as provided in section 15-521, paragraph ~~3~~ 4, the parent or legal guardian may request in writing that the governing board review the teacher's decision. This paragraph shall not be construed to release school districts from any liability relating to a child's promotion or retention.

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

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

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

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

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

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

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

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

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

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

(a) The provision of water.

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

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

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

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

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

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

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

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

30. Keep on file the resumes of all current and former employees who provide instruction to pupils at a school. Resumes shall include an individual's educational and teaching background and experience in a particular academic content subject area. A school district shall inform parents and guardians of the availability of the resume information and shall make the resume information available for inspection on request of parents and guardians of pupils enrolled at a school. This paragraph shall not be construed to require any school to release personally identifiable information in relation to any teacher or employee, including the teacher's or employee's address, salary, social security number or telephone number.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~(f)~~ (h) A formal process for the investigation by the appropriate school officials of suspected incidents of harassment, intimidation or bullying, including procedures for ~~notifying~~ THE TIMELY NOTIFICATION OF the

alleged victim AND THE PARENT OR GUARDIAN OF THE ALLEGED VICTIM on completion and disposition of the investigation.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

40. Ensure that the contract for the superintendent is structured in a manner in which up to twenty per cent of the total annual salary included for the superintendent in the contract is classified as performance pay. This paragraph shall not be construed to require school districts to increase total compensation for superintendents. Unless the school district governing board votes to implement an alternative procedure at a public meeting called for this purpose, the performance pay portion of the superintendent's total annual compensation shall be determined as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

42. Adopt in a public meeting and implement by school year 2013-2014 policies for principal evaluations. Before the adoption of principal evaluation policies, the school district governing board shall provide opportunities for public discussion on the proposed policies. The policies shall describe:

(a) The principal evaluation instrument, including the four performance classifications adopted by the governing board pursuant to section 15-203, subsection A, paragraph 38.

(b) Alignment of professional development opportunities to the principal evaluations.

(c) Incentives for principals in one of the two highest performance classifications pursuant to section 15-203, subsection A, paragraph 38, which may include:

(i) Multiyear contracts pursuant to section 15-503.

(ii) Incentives to work at schools that are assigned a letter grade of D or F pursuant to section 15-241.

(d) Transfer and contract processes for principals designated in the lowest performance classification pursuant to section 15-203, subsection A, paragraph 38.

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

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

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

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

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

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

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

G. Notwithstanding any other provision of this title, a school district governing board shall not take any action that would result in a reduction of pupil square footage unless the governing board notifies the school facilities board established by section 15-2001 of the proposed action and receives written approval from the school facilities board to take the action. A reduction includes an increase in administrative space that results in a reduction of pupil square footage or sale of school sites or buildings, or both. A reduction includes a reconfiguration of grades that results in a reduction of pupil square footage of any grade level. This subsection does not apply to temporary reconfiguration of grades to accommodate new school construction if the temporary reconfiguration does not

exceed one year. The sale of equipment that results in a reduction that falls below the equipment requirements prescribed in section 15-2011, subsection B is subject to commensurate withholding of school district capital outlay revenue limit monies pursuant to the direction of the school facilities board. Except as provided in section 15-342, paragraph 10, proceeds from the sale of school sites, buildings or other equipment shall be deposited in the school plant fund as provided in section 15-1102.

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

Sec. 4. Intent

The legislature finds and declares that:

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

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

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

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

Sec. 5. Short title

This act may be cited as the "Arizona safe schools act of 2013".