

REFERENCE TITLE: schools; bullying prevention and intervention

State of Arizona
House of Representatives
Fifty-first Legislature
Second Regular Session
2014

HB 2673

Introduced by
Representative Shope

AN ACT

AMENDING TITLE 15, CHAPTER 1, ARTICLE 5, ARIZONA REVISED STATUTES, BY ADDING SECTION 15-158; AMENDING SECTION 15-341, ARIZONA REVISED STATUTES; RELATING TO SCHOOL SAFETY.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Title 15, chapter 1, article 5, Arizona Revised Statutes,
3 is amended by adding section 15-158, to read:

4 15-158. School bullying; prohibition; bullying prevention and
5 intervention plans; definitions

6 A. BULLYING IS PROHIBITED:

7 1. ON SCHOOL GROUNDS, ON PROPERTY IMMEDIATELY ADJACENT TO SCHOOL
8 GROUNDS AND AT A SCHOOL-SPONSORED OR SCHOOL-RELATED ACTIVITY, FUNCTION OR
9 PROGRAM WHETHER ON OR OFF SCHOOL GROUNDS.

10 2. AT A SCHOOL BUS STOP AND ON A SCHOOL BUS OR OTHER VEHICLE THAT IS
11 OWNED, LEASED OR USED BY A SCHOOL DISTRICT OR CHARTER SCHOOL.

12 3. THROUGH THE USE OF TECHNOLOGY OR AN ELECTRONIC DEVICE THAT IS
13 OWNED, LEASED OR USED BY A SCHOOL DISTRICT OR CHARTER SCHOOL.

14 4. AT A LOCATION, ACTIVITY, FUNCTION OR PROGRAM THAT IS NOT SCHOOL
15 RELATED, OR THROUGH THE USE OF TECHNOLOGY OR AN ELECTRONIC DEVICE THAT IS NOT
16 OWNED, LEASED OR USED BY A SCHOOL DISTRICT OR CHARTER SCHOOL, IF THE BULLYING
17 CREATES A HOSTILE ENVIRONMENT AT SCHOOL FOR THE VICTIM, INFRINGES ON THE
18 RIGHTS OF THE VICTIM AT SCHOOL OR MATERIALLY AND SUBSTANTIALLY DISRUPTS THE
19 EDUCATION PROCESS OR THE ORDERLY OPERATION OF A SCHOOL. THIS PARAGRAPH DOES
20 NOT REQUIRE SCHOOLS TO STAFF ANY ACTIVITY, FUNCTION OR PROGRAM THAT IS NOT
21 SCHOOL RELATED.

22 B. A PERSON SHALL NOT RETALIATE AGAINST ANOTHER PERSON WHO REPORTS
23 BULLYING, PROVIDES INFORMATION DURING AN INVESTIGATION OF BULLYING OR
24 WITNESSES OR HAS RELIABLE INFORMATION ABOUT BULLYING.

25 C. EACH SCHOOL DISTRICT AND CHARTER SCHOOL SHALL PROVIDE
26 AGE-APPROPRIATE, EVIDENCE-BASED INSTRUCTION ON BULLYING PREVENTION IN EACH
27 GRADE THAT IS INCORPORATED INTO THE CURRICULUM OF THE SCHOOL DISTRICT OR
28 CHARTER SCHOOL.

29 D. EACH SCHOOL DISTRICT AND CHARTER SCHOOL SHALL DEVELOP, ADHERE TO
30 AND UPDATE A BULLYING PREVENTION AND INTERVENTION PLAN IN CONSULTATION WITH
31 TEACHERS, SCHOOL STAFF, PROFESSIONAL SUPPORT PERSONNEL, SCHOOL VOLUNTEERS,
32 ADMINISTRATORS, COMMUNITY REPRESENTATIVES, LOCAL LAW ENFORCEMENT AGENCIES,
33 PUPILS, PARENTS AND GUARDIANS. THE CONSULTATION MUST INCLUDE NOTICE AND A
34 PUBLIC COMMENT PERIOD. EACH SCHOOL DISTRICT AND CHARTER SCHOOL SHALL UPDATE
35 ITS PLAN AT LEAST ONCE EVERY TWO YEARS.

36 E. EACH BULLYING PREVENTION AND INTERVENTION PLAN MUST INCLUDE THE
37 FOLLOWING COMPONENTS:

38 1. DESCRIPTIONS OF AND STATEMENTS PROHIBITING BULLYING, CYBERBULLYING
39 AND RETALIATION.

40 2. CLEAR PROCEDURES FOR PUPILS, STAFF, PARENTS, GUARDIANS AND OTHER
41 PERSONS TO REPORT BULLYING OR RETALIATION.

42 3. A PROVISION THAT REPORTS OF BULLYING OR RETALIATION MAY BE MADE
43 ANONYMOUSLY AND THAT DISCIPLINARY ACTION WILL NOT BE TAKEN AGAINST A PUPIL
44 SOLELY ON THE BASIS OF AN ANONYMOUS REPORT.

- 1 4. CLEAR PROCEDURES FOR PROMPTLY RESPONDING TO AND INVESTIGATING
2 REPORTS OF BULLYING OR RETALIATION.
- 3 5. THE RANGE OF DISCIPLINARY ACTIONS THAT MAY BE TAKEN AGAINST A
4 PERPETRATOR FOR BULLYING OR RETALIATION AND THAT BALANCE THE NEED FOR
5 ACCOUNTABILITY WITH THE NEED TO TEACH APPROPRIATE BEHAVIOR.
- 6 6. CLEAR PROCEDURES FOR RESTORING A SENSE OF SAFETY FOR A VICTIM AND
7 ASSESSING THAT VICTIM'S NEEDS FOR PROTECTION.
- 8 7. STRATEGIES FOR PROTECTING A PERSON FROM BULLYING OR RETALIATION IF
9 THE PERSON REPORTS BULLYING, PROVIDES INFORMATION DURING AN INVESTIGATION OF
10 BULLYING OR WITNESSES OR HAS RELIABLE INFORMATION ABOUT AN ACT OF BULLYING.
- 11 8. PROCEDURES CONSISTENT WITH STATE AND FEDERAL LAW FOR PROMPTLY
12 NOTIFYING THE PARENTS OR GUARDIANS OF BULLYING VICTIMS AND PERPETRATORS OF
13 BULLYING AND PROCEDURES TO NOTIFY THE PARENTS OR GUARDIANS OF BULLYING
14 VICTIMS OF THE ACTION TAKEN TO PREVENT ANY FURTHER ACTS OF BULLYING OR
15 RETALIATION. THE PROCEDURES ADOPTED PURSUANT TO THIS PARAGRAPH MUST PROVIDE
16 FOR IMMEDIATE NOTIFICATION BY THE PRINCIPAL OR CHIEF ADMINISTRATOR OF THE
17 SCHOOL TO THE LOCAL LAW ENFORCEMENT AGENCY IF APPROPRIATE.
- 18 9. A PROVISION THAT A PUPIL WHO KNOWINGLY MAKES A FALSE ACCUSATION OF
19 BULLYING OR RETALIATION IS SUBJECT TO DISCIPLINARY ACTION.
- 20 10. A STRATEGY FOR PROVIDING COUNSELING OR REFERRAL TO APPROPRIATE
21 SERVICES FOR PERPETRATORS AND VICTIMS AND FOR APPROPRIATE FAMILY MEMBERS OF
22 THESE PUPILS.
- 23 11. PROVISIONS AFFORDING ALL PUPILS THE SAME PROTECTION REGARDLESS OF
24 THE PUPIL'S LEGAL STATUS.
- 25 F. A SCHOOL DISTRICT OR CHARTER SCHOOL MAY ESTABLISH SEPARATE
26 DISCRIMINATION OR HARASSMENT POLICIES THAT INCLUDE CATEGORIES OF PUPILS.
27 THIS SUBSECTION DOES NOT PREVENT A SCHOOL DISTRICT OR CHARTER SCHOOL FROM
28 REMEDIATING ANY DISCRIMINATION OR HARASSMENT BASED ON A PERSON'S MEMBERSHIP
29 IN A LEGALLY PROTECTED CATEGORY UNDER FEDERAL, STATE OR LOCAL LAW.
- 30 G. THE BULLYING PREVENTION AND INTERVENTION PLAN DEVELOPED BY EACH
31 SCHOOL DISTRICT AND CHARTER SCHOOL MUST INCLUDE A PROVISION FOR ONGOING
32 PROFESSIONAL DEVELOPMENT TO IMPROVE THE SKILLS OF ALL PERSONS WHO ARE
33 EMPLOYED BY OR WHO VOLUNTEER AT THE SCHOOL TO PREVENT, IDENTIFY AND RESPOND
34 TO BULLYING. THE DEPARTMENT OF EDUCATION SHALL IDENTIFY AND OFFER
35 INFORMATION ON ALTERNATIVE METHODS FOR FULFILLING THE PROFESSIONAL
36 DEVELOPMENT REQUIREMENTS OF THIS SUBSECTION, AT LEAST ONE OF WHICH IS
37 AVAILABLE AT NO COST TO SCHOOL DISTRICTS AND CHARTER SCHOOLS. THE
38 PROFESSIONAL DEVELOPMENT MUST INCLUDE THE FOLLOWING COMPONENTS:
- 39 1. DEVELOPMENTALLY APPROPRIATE STRATEGIES TO PREVENT BULLYING
40 INCIDENTS.
- 41 2. DEVELOPMENTALLY APPROPRIATE STRATEGIES FOR IMMEDIATE, EFFECTIVE
42 INTERVENTIONS TO STOP BULLYING INCIDENTS.
- 43 3. INFORMATION REGARDING THE COMPLEX INTERACTION AND POWER
44 DIFFERENTIAL THAT CAN TAKE PLACE BETWEEN A PERPETRATOR, A VICTIM AND
45 WITNESSES TO A BULLYING INCIDENT.

- 1 4. RESEARCH FINDINGS ON BULLYING, INCLUDING INFORMATION ABOUT SPECIFIC
- 2 CATEGORIES OF PUPILS WHO HAVE BEEN SHOWN TO BE PARTICULARLY AT RISK FOR
- 3 BULLYING IN THE SCHOOL ENVIRONMENT.
- 4 5. INFORMATION ON THE INCIDENCE AND NATURE OF CYBERBULLYING.
- 5 6. INTERNET SAFETY ISSUES RELATING TO CYBERBULLYING.
- 6 H. EACH BULLYING PREVENTION AND INTERVENTION PLAN MUST INCLUDE
- 7 PROVISIONS FOR INFORMING PARENTS AND GUARDIANS ABOUT THE BULLYING PREVENTION
- 8 CURRICULUM OF THE SCHOOL DISTRICT OR CHARTER SCHOOL, INCLUDING INFORMATION
- 9 ABOUT THE FOLLOWING:
- 10 1. SUGGESTIONS ABOUT HOW PARENTS AND GUARDIANS CAN REINFORCE THE
- 11 CURRICULUM AT HOME AND SUPPORT THE BULLYING PREVENTION AND INTERVENTION PLAN
- 12 ADOPTED BY THE SCHOOL DISTRICT OR CHARTER SCHOOL.
- 13 2. THE DYNAMICS OF BULLYING.
- 14 3. ONLINE SAFETY AND CYBERBULLYING.
- 15 I. EACH SCHOOL DISTRICT AND CHARTER SCHOOL SHALL PROVIDE TO PUPILS AND
- 16 PARENTS OR GUARDIANS, IN AGE-APPROPRIATE TERMS AND IN THE LANGUAGES THAT ARE
- 17 MOST PREVALENT AMONG THE PUPILS, PARENTS OR GUARDIANS, ANNUAL WRITTEN NOTICE
- 18 OF THE RELEVANT PUPIL-RELATED SECTIONS OF THE BULLYING PREVENTION AND
- 19 INTERVENTION PLAN ADOPTED BY THE SCHOOL DISTRICT OR CHARTER SCHOOL.
- 20 J. EACH SCHOOL DISTRICT AND CHARTER SCHOOL SHALL PROVIDE TO ALL SCHOOL
- 21 STAFF ANNUAL WRITTEN NOTICE OF THE BULLYING PREVENTION AND INTERVENTION PLAN
- 22 ADOPTED BY THE SCHOOL DISTRICT OR CHARTER SCHOOL.
- 23 K. THE FACULTY AND STAFF AT EACH SCHOOL MUST RECEIVE ANNUAL TRAINING
- 24 ON THE BULLYING PREVENTION AND INTERVENTION PLAN, AND RELEVANT PORTIONS OF
- 25 THE PLAN RELATING TO THE DUTIES OF FACULTY AND STAFF MUST BE INCLUDED IN AN
- 26 EMPLOYEE HANDBOOK PROVIDED BY THE SCHOOL DISTRICT OR CHARTER SCHOOL.
- 27 L. EACH SCHOOL DISTRICT AND CHARTER SCHOOL SHALL POST ON ITS WEBSITE
- 28 ITS BULLYING PREVENTION AND INTERVENTION PLAN.
- 29 M. EACH PRINCIPAL OR CHIEF ADMINISTRATOR AT A SCHOOL IS RESPONSIBLE
- 30 FOR THE IMPLEMENTATION AND OVERSIGHT OF THE BULLYING PREVENTION AND
- 31 INTERVENTION PLAN AT THAT SCHOOL.
- 32 N. A PERSON WHO IS EMPLOYED AT A SCHOOL OR WHO VOLUNTEERS AT A SCHOOL
- 33 SHALL IMMEDIATELY REPORT ANY INSTANCE OF BULLYING OR RETALIATION THAT THE
- 34 PERSON HAS WITNESSED OR BECOMES AWARE OF TO THE SCHOOL PRINCIPAL OR THE OTHER
- 35 PERSON WHO IS DESIGNATED IN THE BULLYING PREVENTION AND INTERVENTION PLAN AS
- 36 THE PERSON RESPONSIBLE FOR RECEIVING SUCH REPORTS. ON RECEIPT OF SUCH A
- 37 REPORT, THE SCHOOL PRINCIPAL OR OTHER DESIGNEE SHALL PROMPTLY CONDUCT AN
- 38 INVESTIGATION. IF THE SCHOOL PRINCIPAL OR OTHER DESIGNEE DETERMINES THAT
- 39 BULLYING OR RETALIATION HAS OCCURRED, THE SCHOOL PRINCIPAL OR THE DESIGNEE
- 40 SHALL DO ALL OF THE FOLLOWING:
- 41 1. NOTIFY THE LOCAL LAW ENFORCEMENT AGENCY IF THE SCHOOL PRINCIPAL OR
- 42 THE DESIGNEE BELIEVES THAT CRIMINAL CHARGES MAY BE PURSUED AGAINST THE
- 43 PERPETRATOR.
- 44 2. TAKE APPROPRIATE DISCIPLINARY ACTION.
- 45 3. NOTIFY THE PARENTS OR GUARDIANS OF THE PERPETRATOR.

1 4. NOTIFY THE PARENTS OR GUARDIANS OF THE VICTIM, AND, TO THE EXTENT
2 PERMITTED BY STATE AND FEDERAL LAW, NOTIFY THE PARENTS OR GUARDIANS OF ACTION
3 TAKEN BY THE SCHOOL TO PREVENT ANY FURTHER ACTS OF BULLYING OR RETALIATION.

4 O. IF AN INCIDENT OF BULLYING OR RETALIATION INVOLVES PUPILS FROM MORE
5 THAN ONE SCHOOL DISTRICT OR CHARTER SCHOOL, THE SCHOOL DISTRICT OR CHARTER
6 SCHOOL THAT WAS FIRST INFORMED OR MADE AWARE OF THE BULLYING OR RETALIATION
7 SHALL PROMPTLY NOTIFY, TO THE EXTENT PERMITTED BY STATE AND FEDERAL LAW, THE
8 APPROPRIATE ADMINISTRATOR OF THE OTHER SCHOOL DISTRICT OR CHARTER SCHOOL SO
9 THAT BOTH ENTITIES MAY TAKE APPROPRIATE ACTION. IF AN INCIDENT OF BULLYING
10 OR RETALIATION OCCURS ON SCHOOL GROUNDS AND INVOLVES A FORMER PUPIL WHO IS
11 UNDER TWENTY-ONE YEARS OF AGE AND WHO IS NO LONGER ENROLLED IN A LOCAL SCHOOL
12 DISTRICT OR CHARTER SCHOOL, THE SCHOOL DISTRICT OR CHARTER SCHOOL SHALL
13 IMMEDIATELY REPORT THE INCIDENT TO LAW ENFORCEMENT.

14 P. THE DEPARTMENT OF EDUCATION, AFTER CONSULTATION WITH THE DEPARTMENT
15 OF HEALTH SERVICES, THE ATTORNEY GENERAL, COUNTY ATTORNEYS AND EXPERTS ON
16 BULLYING, SHALL:

17 1. PUBLISH A MODEL BULLYING PREVENTION AND INTERVENTION PLAN FOR
18 SCHOOL DISTRICTS AND CHARTER SCHOOLS TO CONSIDER WHEN CREATING BULLYING
19 PREVENTION AND INTERVENTION PLANS.

20 2. COMPILE A LIST OF BULLYING PREVENTION AND INTERVENTION RESOURCES,
21 EVIDENCE-BASED CURRICULA, BEST PRACTICES AND ACADEMIC-BASED RESEARCH THAT IS
22 MADE AVAILABLE TO SCHOOLS. THE RESOURCES MAY INCLUDE PRINT, AUDIO, VIDEO OR
23 DIGITAL MEDIA, SUBSCRIPTION-BASED ONLINE SERVICES AND ON-SITE OR
24 TECHNOLOGY-ENABLED PROFESSIONAL DEVELOPMENT AND TRAINING SESSIONS.

25 3. UPDATE THE MODEL BULLYING PREVENTION AND INTERVENTION PLAN AND THE
26 LIST OF THE RESOURCES, CURRICULA, BEST PRACTICES AND RESEARCH ONCE EVERY TWO
27 YEARS AND POST THIS INFORMATION ON THE DEPARTMENT'S WEBSITE.

28 Q. THIS SECTION DOES NOT SUPERSEDE OR REPLACE EXISTING RIGHTS OR
29 REMEDIES UNDER ANY OTHER GENERAL OR SPECIAL LAW OR CREATE A PRIVATE RIGHT OF
30 ACTION.

31 R. THE STATE BOARD OF EDUCATION SHALL ADOPT RULES TO CARRY OUT THE
32 PURPOSES OF THIS SECTION.

33 S. FOR THE PURPOSES OF THIS SECTION:

34 1. "BULLYING" MEANS THE REPEATED USE BY ONE OR MORE PUPILS OF A
35 WRITTEN, VERBAL OR ELECTRONIC EXPRESSION OR A PHYSICAL ACT OR GESTURE OR ANY
36 COMBINATION OF THESE ACTIONS THAT IS DIRECTED AT A VICTIM AND THAT DOES ONE
37 OR MORE OF THE FOLLOWING:

38 (a) RESULTS IN PHYSICAL OR EMOTIONAL HARM TO THE VICTIM OR DAMAGE TO
39 THE VICTIM'S PROPERTY.

40 (b) PLACES THE VICTIM IN REASONABLE FEAR OF HARM TO THE VICTIM OR
41 DAMAGE TO THE VICTIM'S PROPERTY.

42 (c) CREATES A HOSTILE ENVIRONMENT AT SCHOOL FOR THE VICTIM.

43 (d) INFRINGES ON THE RIGHTS OF THE VICTIM AT SCHOOL.

44 (e) MATERIALLY AND SUBSTANTIALLY DISRUPTS THE EDUCATION PROCESS OR THE
45 ORDERLY OPERATION OF A SCHOOL.

1 2. "CYBERBULLYING" MEANS BULLYING THROUGH THE USE OF TECHNOLOGY OR ANY
2 ELECTRONIC COMMUNICATION. CYBERBULLYING INCLUDES:

3 (a) ANY TRANSFER OF SIGNS, SIGNALS, WRITING, IMAGES, SOUNDS, DATA OR
4 INTELLIGENCE OF ANY NATURE TRANSMITTED IN WHOLE OR IN PART BY A WIRE, A
5 RADIO, AN ELECTROMAGNETIC, PHOTOELECTRONIC OR PHOTO OPTICAL SYSTEM, E-MAIL,
6 AN INTERNET COMMUNICATION, AN INSTANT MESSAGE OR A FACSIMILE COMMUNICATION.

7 (b) THE CREATION OF A WEB PAGE OR BLOG IN WHICH THE CREATOR ASSUMES
8 THE IDENTITY OF ANOTHER PERSON OR KNOWINGLY IMPERSONATES ANOTHER PERSON AS
9 THE AUTHOR OF POSTED CONTENT OR MESSAGES IF THE CREATION OR IMPERSONATION
10 DOES ONE OR MORE OF THE FOLLOWING:

11 (i) RESULTS IN PHYSICAL OR EMOTIONAL HARM TO THE VICTIM OR DAMAGE TO
12 THE VICTIM'S PROPERTY.

13 (ii) PLACES THE VICTIM IN REASONABLE FEAR OF HARM TO THE VICTIM OR
14 DAMAGE TO THE VICTIM'S PROPERTY.

15 (iii) CREATES A HOSTILE ENVIRONMENT AT SCHOOL FOR THE VICTIM.

16 (iv) INFRINGES ON THE RIGHTS OF THE VICTIM AT SCHOOL.

17 (v) MATERIALLY AND SUBSTANTIALLY DISRUPTS THE EDUCATION PROCESS OR THE
18 ORDERLY OPERATION OF A SCHOOL.

19 (c) THE DISTRIBUTION BY ELECTRONIC MEANS OF A COMMUNICATION TO MORE
20 THAN ONE PERSON OR THE POSTING OF MATERIAL ON AN ELECTRONIC MEDIUM THAT MAY
21 BE ACCESSED BY ONE OR MORE PERSONS, IF THE DISTRIBUTION OR POSTING DOES ONE
22 OR MORE OF THE FOLLOWING:

23 (i) RESULTS IN PHYSICAL OR EMOTIONAL HARM TO THE VICTIM OR DAMAGE TO
24 THE VICTIM'S PROPERTY.

25 (ii) PLACES THE VICTIM IN REASONABLE FEAR OF HARM TO THE VICTIM OR
26 DAMAGE TO THE VICTIM'S PROPERTY.

27 (iii) CREATES A HOSTILE ENVIRONMENT AT SCHOOL FOR THE VICTIM.

28 (iv) INFRINGES ON THE RIGHTS OF THE VICTIM AT SCHOOL.

29 (v) MATERIALLY AND SUBSTANTIALLY DISRUPTS THE EDUCATION PROCESS OR THE
30 ORDERLY OPERATION OF A SCHOOL.

31 3. "HOSTILE ENVIRONMENT" MEANS A SITUATION IN WHICH BULLYING CAUSES
32 THE SCHOOL ENVIRONMENT TO BE PERMEATED WITH INTIMIDATION, RIDICULE OR INSULT
33 THAT IS SUFFICIENTLY SEVERE OR PERVASIVE TO ALTER THE CONDITIONS OF A PUPIL'S
34 EDUCATION.

35 4. "PERPETRATOR" MEANS A PUPIL WHO ENGAGES IN BULLYING OR RETALIATION.

36 5. "SCHOOL GROUNDS" MEANS PROPERTY ON WHICH A SCHOOL BUILDING OR
37 FACILITY IS LOCATED OR THAT IS OWNED, LEASED OR USED BY A SCHOOL DISTRICT OR
38 CHARTER SCHOOL FOR A SCHOOL-SPONSORED ACTIVITY, FUNCTION OR PROGRAM OR FOR
39 INSTRUCTION OR TRAINING.

40 6. "VICTIM" MEANS A PUPIL AGAINST WHOM BULLYING OR RETALIATION HAS
41 BEEN COMMITTED.

42 Sec. 2. Section 15-341, Arizona Revised Statutes, is amended to read:
43 15-341. General powers and duties; immunity; delegation

44 A. The governing board shall:

- 1 1. Prescribe and enforce policies and procedures for the governance of
2 the schools, not inconsistent with law or rules prescribed by the state board
3 of education.
- 4 2. Exclude from schools all books, publications, papers or audiovisual
5 materials of a sectarian, partisan or denominational character. This
6 paragraph shall not be construed to prohibit the elective course permitted by
7 section 15-717.01.
- 8 3. Manage and control the school property within its district.
- 9 4. Acquire school furniture, apparatus, equipment, library books and
10 supplies for the use of the schools.
- 11 5. Prescribe the curricula and criteria for the promotion and
12 graduation of pupils as provided in sections 15-701 and 15-701.01.
- 13 6. Furnish, repair and insure, at full insurable value, the school
14 property of the district.
- 15 7. Construct school buildings on approval by a vote of the district
16 electors.
- 17 8. Make in the name of the district conveyances of property belonging
18 to the district and sold by the board.
- 19 9. Purchase school sites when authorized by a vote of the district at
20 an election conducted as nearly as practicable in the same manner as the
21 election provided in section 15-481 and held on a date prescribed in section
22 15-491, subsection E, but such authorization shall not necessarily specify
23 the site to be purchased and such authorization shall not be necessary to
24 exchange unimproved property as provided in section 15-342, paragraph 23.
- 25 10. Construct, improve and furnish buildings used for school purposes
26 when such buildings or premises are leased from the national park service.
- 27 11. Purchase school sites or construct, improve and furnish school
28 buildings from the proceeds of the sale of school property only on approval
29 by a vote of the district electors.
- 30 12. Hold pupils to strict account for disorderly conduct on school
31 property.
- 32 13. Discipline students for disorderly conduct on the way to and from
33 school.
- 34 14. Except as provided in section 15-1224, deposit all monies received
35 by the district as gifts, grants and devises with the county treasurer who
36 shall credit the deposits as designated in the uniform system of financial
37 records. If not inconsistent with the terms of the gifts, grants and devises
38 given, any balance remaining after expenditures for the intended purpose of
39 the monies have been made shall be used for reduction of school district
40 taxes for the budget year, except that in the case of accommodation schools
41 the county treasurer shall carry the balance forward for use by the county
42 school superintendent for accommodation schools for the budget year.
- 43 15. Provide that, if a parent or legal guardian chooses not to accept a
44 decision of the teacher as provided in section 15-521, paragraph 4, the
45 parent or legal guardian may request in writing that the governing board

1 review the teacher's decision. This paragraph shall not be construed to
2 release school districts from any liability relating to a child's promotion
3 or retention.

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

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

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

14 19. Deposit all monies received by school districts other than student
15 activities monies or monies from auxiliary operations as provided in sections
16 15-1125 and 15-1126 with the county treasurer to the credit of the school
17 district except as provided in paragraph 20 of this subsection and sections
18 15-1223 and 15-1224, and the board shall expend the monies as provided by law
19 for other school funds.

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

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

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

1 cause for dismissal, the provisions of notice, hearing and appeal in chapter
2 5, article 3 of this title shall apply. The filing of a timely request for a
3 hearing suspends the imposition of a suspension without pay or a dismissal
4 pending completion of the hearing.

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

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

12 (a) The provision of water.

13 (b) Guidelines, information and forms, developed in consultation with
14 a statewide private entity that supervises interscholastic activities, to
15 inform and educate coaches, pupils and parents of the dangers of concussions
16 and head injuries and the risks of continued participation in athletic
17 activity after a concussion. The policies and procedures shall require that,
18 before a pupil participates in an athletic activity, the pupil and the
19 pupil's parent must sign an information form at least once each school year
20 that states that the parent is aware of the nature and risk of concussion.
21 The policies and procedures shall require that a pupil who is suspected of
22 sustaining a concussion in a practice session, game or other interscholastic
23 athletic activity be immediately removed from the athletic activity. A coach
24 from the pupil's team or an official or a licensed health care provider may
25 remove a pupil from play. A team parent may also remove the parent's own
26 child from play. A pupil may return to play on the same day if a health care
27 provider rules out a suspected concussion at the time the pupil is removed
28 from play. On a subsequent day, the pupil may return to play if the pupil
29 has been evaluated by and received written clearance to resume participation
30 in athletic activity from a health care provider who has been trained in the
31 evaluation and management of concussions and head injuries. A health care
32 provider who is a volunteer and who provides clearance to participate in
33 athletic activity on the day of the suspected injury or on a subsequent day
34 is immune from civil liability with respect to all decisions made and actions
35 taken that are based on good faith implementation of the requirements of this
36 subdivision, except in cases of gross negligence or wanton or wilful neglect.
37 A school district, school district employee, team coach, official or team
38 volunteer or a parent or guardian of a team member is not subject to civil
39 liability for any act, omission or policy undertaken in good faith to comply
40 with the requirements of this subdivision or for a decision made or an action
41 taken by a health care provider. A group or organization that uses property
42 or facilities owned or operated by a school district for athletic activities
43 shall comply with the requirements of this subdivision. A school district
44 and its employees and volunteers are not subject to civil liability for any
45 other person or organization's failure or alleged failure to comply with the

1 requirements of this subdivision. This subdivision does not apply to teams
2 that are based in another state and that participate in an athletic activity
3 in this state. For the purposes of this subdivision, athletic activity does
4 not include dance, rhythmic gymnastics, competitions or exhibitions of
5 academic skills or knowledge or other similar forms of physical noncontact
6 activities, civic activities or academic activities, whether engaged in for
7 the purposes of competition or recreation. For the purposes of this
8 subdivision, "health care provider" means a physician who is licensed
9 pursuant to title 32, chapter 13 or 17, an athletic trainer who is licensed
10 pursuant to title 32, chapter 41, a nurse practitioner who is licensed
11 pursuant to title 32, chapter 15, and a physician assistant who is licensed
12 pursuant to title 32, chapter 25.

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

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

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

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

29 29. Ensure that insurance coverage is secured for all construction
30 projects for purposes of general liability, property damage and workers'
31 compensation and secure performance and payment bonds for all construction
32 projects.

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

1 31. Report to local law enforcement agencies any suspected crime
2 against a person or property that is a serious offense as defined in section
3 13-706 or that involves a deadly weapon or dangerous instrument or serious
4 physical injury and any conduct that poses a threat of death or serious
5 physical injury to employees, students or anyone on the property of the
6 school. This paragraph does not limit or preclude the reporting by a school
7 district or an employee of a school district of suspected crimes other than
8 those required to be reported by this paragraph. For the purposes of this
9 paragraph, "dangerous instrument", "deadly weapon" and "serious physical
10 injury" have the same meanings prescribed in section 13-105.

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

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

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

34 35. Prescribe and enforce policies and procedures:

35 (a) Allowing pupils who have been diagnosed with anaphylaxis by a
36 health care provider licensed pursuant to title 32, chapter 13, 14, 17 or 25
37 or by a registered nurse practitioner licensed and certified pursuant to
38 title 32, chapter 15 to carry and self-administer emergency medications,
39 including auto-injectable epinephrine, while at school and at
40 school-sponsored activities. The pupil's name on the prescription label on
41 the medication container or on the medication device and annual written
42 documentation from the pupil's parent or guardian to the school that
43 authorizes possession and self-administration is sufficient proof that the
44 pupil is entitled to the possession and self-administration of the
45 medication. The policies shall require a pupil who uses auto-injectable

1 epinephrine while at school and at school-sponsored activities to notify the
2 nurse or the designated school staff person of the use of the medication as
3 soon as practicable. A school district and its employees are immune from
4 civil liability with respect to all decisions made and actions taken that are
5 based on good faith implementation of the requirements of this subdivision,
6 except in cases of wanton or wilful neglect.

7 (b) For the emergency administration of auto-injectable epinephrine by
8 a trained employee of a school district pursuant to section 15-157.

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

20 37. Prescribe and enforce policies and procedures [PURSUANT TO SECTION](#)
21 [15-158](#) to prohibit pupils from harassing, intimidating and bullying other
22 pupils. ~~on school grounds, on school property, on school buses, at school~~
23 ~~bus stops, at school-sponsored events and activities and through the use of~~
24 ~~electronic technology or electronic communication on school computers,~~
25 ~~networks, forums and mailing lists that include the following components:~~

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

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

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

40 ~~(d) If an incident is reported pursuant to this paragraph, a~~
41 ~~requirement that school officials provide a pupil who is an alleged victim of~~
42 ~~the incident with a written copy of the rights, protections and support~~
43 ~~services available to that pupil.~~

44 ~~(e) A formal process for the documentation of reported incidents of~~
45 ~~harassment, intimidation or bullying and for the confidentiality, maintenance~~

1 ~~and disposition of this documentation. School districts shall maintain~~
2 ~~documentation of all incidents reported pursuant to this paragraph for at~~
3 ~~least six years. The school shall not use that documentation to impose~~
4 ~~disciplinary action unless the appropriate school official has investigated~~
5 ~~and determined that the reported incidents of harassment, intimidation or~~
6 ~~bullying occurred. If a school provides documentation of reported incidents~~
7 ~~to persons other than school officials or law enforcement, all individually~~
8 ~~identifiable information shall be redacted.~~

9 ~~(f) A formal process for the investigation by the appropriate school~~
10 ~~officials of suspected incidents of harassment, intimidation or bullying,~~
11 ~~including procedures for notifying the alleged victim on completion and~~
12 ~~disposition of the investigation.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 (v) A letter grade of "F" if the school district is a failure.
2 (c) Twenty-five per cent of the performance pay shall be determined by
3 the percentage of teachers who are employed at the school district and who
4 assign a letter grade of "A" to the school on a survey of teacher
5 satisfaction with the school. The teacher satisfaction survey shall be
6 administered and scored by an independent entity that is selected by the
7 governing board and that demonstrates sufficient expertise and experience to
8 accurately measure the results of the survey. The teacher satisfaction
9 survey shall use standard random sampling procedures and provide anonymity
10 and confidentiality to each teacher who participates in the survey. The
11 letter grade scale used on the teacher satisfaction survey shall direct
12 teachers to assign one of the following letter grades:
13 (i) A letter grade of "A" if the school district is excellent.
14 (ii) A letter grade of "B" if the school district is above average.
15 (iii) A letter grade of "C" if the school district is average.
16 (iv) A letter grade of "D" if the school district is below average.
17 (v) A letter grade of "F" if the school district is a failure.
18 (d) Twenty-five per cent of the performance pay shall be determined by
19 other criteria selected by the governing board.
20 41. Maintain and store permanent public records of the school district
21 as required by law. Notwithstanding section 39-101, the standards adopted by
22 the Arizona state library, archives and public records for the maintenance
23 and storage of school district public records shall allow school districts to
24 elect to satisfy the requirements of this paragraph by maintaining and
25 storing these records either on paper or in an electronic format, or a
26 combination of a paper and electronic format.
27 42. Adopt in a public meeting and implement by school year 2013-2014
28 policies for principal evaluations. Before the adoption of principal
29 evaluation policies, the school district governing board shall provide
30 opportunities for public discussion on the proposed policies. The policies
31 shall describe:
32 (a) The principal evaluation instrument, including the four
33 performance classifications adopted by the governing board pursuant to
34 section 15-203, subsection A, paragraph 38.
35 (b) Alignment of professional development opportunities to the
36 principal evaluations.
37 (c) Incentives for principals in one of the two highest performance
38 classifications pursuant to section 15-203, subsection A, paragraph 38, which
39 may include:
40 (i) Multiyear contracts pursuant to section 15-503.
41 (ii) Incentives to work at schools that are assigned a letter grade of
42 D or F pursuant to section 15-241.
43 (d) Transfer and contract processes for principals designated in the
44 lowest performance classification pursuant to section 15-203, subsection A,
45 paragraph 38.

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

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

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

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

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

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

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

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

1 exceed one year. The sale of equipment that results in a reduction that
2 falls below the equipment requirements prescribed in section 15-2011,
3 subsection B is subject to commensurate withholding of school district
4 district additional assistance monies pursuant to the direction of the school
5 facilities board. Except as provided in section 15-342, paragraph 10,
6 proceeds from the sale of school sites, buildings or other equipment shall be
7 deposited in the school plant fund as provided in section 15-1102.
8 H. Subsections C through G of this section apply to a county board of
9 supervisors and a county school superintendent when operating and
10 administering an accommodation school.