

REFERENCE TITLE: school pupils; academic intervention

State of Arizona
House of Representatives
Fifty-second Legislature
First Regular Session
2015

HB 2228

Introduced by
Representative Meyer

AN ACT

AMENDING SECTION 15-341, ARIZONA REVISED STATUTES; RELATING TO SCHOOL DISTRICT GOVERNING BOARDS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 15-341, Arizona Revised Statutes, is amended to
3 read:

4 15-341. General powers and duties; immunity; delegation

5 A. The governing board shall:

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

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

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

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

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

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

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

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

24 9. Purchase school sites when authorized by a vote of the district at
25 an election conducted as nearly as practicable in the same manner as the
26 election provided in section 15-481 and held on a date prescribed in section
27 15-491, subsection E, but such authorization shall not necessarily specify
28 the site to be purchased and such authorization shall not be necessary to
29 exchange unimproved property as provided in section 15-342, paragraph 23.

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

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

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

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

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

1 the county treasurer shall carry the balance forward for use by the county
2 school superintendent for accommodation schools for the budget year.

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

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

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

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

19 19. Deposit all monies received by school districts other than student
20 activities monies or monies from auxiliary operations as provided in sections
21 15-1125 and 15-1126 with the county treasurer to the credit of the school
22 district except as provided in paragraph 20 of this subsection and sections
23 15-1223 and 15-1224, and the board shall expend the monies as provided by law
24 for other school funds.

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

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

40 22. Prescribe and enforce policies and procedures for disciplinary
41 action against an administrator who engages in conduct that is a violation of
42 the policies of the governing board regarding duties of administrators but
43 that is not cause for dismissal of the administrator or for revocation of the
44 certificate of the administrator. Disciplinary action may include suspension
45 without pay for a period of time not to exceed ten school days. Disciplinary

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

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

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

17 (a) The provision of water.

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

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

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

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

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

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

34 29. Ensure that insurance coverage is secured for all construction
35 projects for purposes of general liability, property damage and workers'
36 compensation and secure performance and payment bonds for all construction
37 projects.

38 30. Keep on file the resumes of all current and former employees who
39 provide instruction to pupils at a school. Resumes shall include an
40 individual's educational and teaching background and experience in a
41 particular academic content subject area. A school district shall inform
42 parents and guardians of the availability of the resume information and shall
43 make the resume information available for inspection on request of parents
44 and guardians of pupils enrolled at a school. This paragraph shall not be
45 construed to require any school to release personally identifiable

1 information in relation to any teacher or employee, including the teacher's
2 or employee's address, salary, social security number or telephone number.

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

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

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

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

36 35. Prescribe and enforce policies and procedures:

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

1 pupil is entitled to the possession and self-administration of the
2 medication. The policies shall require a pupil who uses auto-injectable
3 epinephrine while at school and at school-sponsored activities to notify the
4 nurse or the designated school staff person of the use of the medication as
5 soon as practicable. A school district and its employees are immune from
6 civil liability with respect to all decisions made and actions taken that are
7 based on good faith implementation of the requirements of this subdivision,
8 except in cases of wanton or wilful neglect.

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

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

22 37. Prescribe and enforce policies and procedures to prohibit pupils
23 from harassing, intimidating and bullying other pupils on school grounds, on
24 school property, on school buses, at school bus stops, at school-sponsored
25 events and activities and through the use of electronic technology or
26 electronic communication on school computers, networks, forums and mailing
27 lists that include the following components:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 1 (i) Multiyear contracts pursuant to section 15-503.
- 2 (ii) Incentives to work at schools that are assigned a letter grade of
- 3 D or F pursuant to section 15-241.
- 4 (d) Transfer and contract processes for principals designated in the
- 5 lowest performance classification pursuant to section 15-203, subsection A,
- 6 paragraph 38.

7 43. BEGINNING IN THE 2017-2018 SCHOOL YEAR, IF SUFFICIENT MONIES ARE
8 AVAILABLE FOR THIS PURPOSE, MAINTAIN A CONFIDENTIAL LIST OF PUPILS WITH A
9 GRADE-POINT AVERAGE OF 2.0 OR LOWER ON A 4.0 SCALE, OR THE EQUIVALENT. THE
10 SCHOOL DISTRICT SHALL PROVIDE ACADEMIC INTERVENTIONS TO THE PUPILS ON THE
11 LIST UNTIL THEIR GRADE-POINT AVERAGE EXCEEDS 2.0 ON A 4.0 SCALE, OR THE
12 EQUIVALENT. THE ACADEMIC INTERVENTIONS PROVIDED PURSUANT TO THIS PARAGRAPH
13 SHALL BE DETERMINED BY THE GOVERNING BOARD AND MAY INCLUDE TUTORING,
14 ADDITIONAL CLASS TIME, SESSIONS WITH A SPECIALIST IN A PARTICULAR ACADEMIC
15 SUBJECT OR ANY OTHER APPROPRIATE INTERVENTION.

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

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

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

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

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

40 E. A school district, its governing board members, its school council
41 members and its employees are immune from civil liability for the
42 consequences of adoption and implementation of policies and procedures
43 pursuant to subsection A of this section and section 15-342. This waiver
44 does not apply if the school district, its governing board members, its

1 school council members or its employees are guilty of gross negligence or
2 intentional misconduct.

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

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

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