

State of Arizona
House of Representatives
Fiftieth Legislature
First Regular Session
2011

HOUSE BILL 2415

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

1 15. Provide that, if a parent or legal guardian chooses not to accept a
2 decision of the teacher as provided in section 15-521, paragraph 2, the
3 parent or legal guardian may request in writing that the governing board
4 review the teacher's decision. Nothing in this paragraph shall be construed
5 to release school districts from any liability relating to a child's
6 promotion or retention.

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

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

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

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

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

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

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

1 notice, hearing and appeal provisions for violations that are cause for
2 disciplinary action. The governing board may designate a person or persons
3 to act on behalf of the board on these matters. For violations that are
4 cause for dismissal, the provisions of notice, hearing and appeal in chapter
5 5, article 3 of this title shall apply. The filing of a timely request for a
6 hearing suspends the imposition of a suspension without pay or a dismissal
7 pending completion of the hearing.

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

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

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

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

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

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

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

36 30. Keep on file the resumes of all current and former employees who
37 provide instruction to pupils at a school. Resumes shall include an
38 individual's educational and teaching background and experience in a
39 particular academic content subject area. A school district shall inform
40 parents and guardians of the availability of the resume information and shall
41 make the resume information available for inspection on request of parents
42 and guardians of pupils enrolled at a school. Nothing in this paragraph
43 shall be construed to require any school to release personally identifiable
44 information in relation to any teacher or employee, including the teacher's
45 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 thirty days prior to a public
18 meeting to discuss closing a school within the school district. The notice
19 shall include the reasons for the proposed closure and the time and place of
20 the meeting. The governing board shall fix a time for a public meeting on
21 the proposed closure no less than thirty days before voting in a public
22 meeting to close the school. The school district governing board shall give
23 notice of the time and place of the meeting. At the time and place
24 designated in the notice, the school district governing board shall hear
25 reasons for or against closing the school. The school district governing
26 board is exempt from this paragraph if it is determined by the governing
27 board that the school shall be closed because it poses a danger to the health
28 or safety of the pupils or employees of the school.

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

31 35. Prescribe and enforce policies and procedures allowing pupils who
32 have been diagnosed with anaphylaxis by a health care provider licensed
33 pursuant to title 32, chapter 13, 14, 17 or 25 or by a registered nurse
34 practitioner licensed and certified pursuant to title 32, chapter 15 to carry
35 and self-administer emergency medications, including auto-injectable
36 epinephrine, while at school and at school sponsored activities. The pupil's
37 name on the prescription label on the medication container or on the
38 medication device and annual written documentation from the pupil's parent or
39 guardian to the school that authorizes possession and self-administration is
40 sufficient proof that the pupil is entitled to the possession and
41 self-administration of the medication. The policies shall require a pupil
42 who uses auto-injectable epinephrine while at school and at school sponsored
43 activities to notify the nurse or the designated school staff person of the
44 use of the medication as soon as practicable. A school district and its
45 employees are immune from civil liability with respect to all decisions made

1 and actions taken that are based on good faith implementation of the
2 requirements of this paragraph, except in cases of wanton or wilful neglect.

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

14 37. Prescribe and enforce policies and procedures to prohibit pupils
15 from harassing, intimidating and bullying other pupils on school grounds, on
16 school property, on school buses, at school bus stops ~~and~~, at school
17 sponsored events and activities **AND THROUGH THE USE OF ELECTRONIC TECHNOLOGY
18 OR ELECTRONIC COMMUNICATION ON SCHOOL COMPUTERS, NETWORKS, FORUMS AND MAILING
19 LISTS** that include the following components:

20 (a) A procedure for pupils, **PARENTS AND SCHOOL DISTRICT EMPLOYEES** to
21 confidentially report to school officials incidents of harassment,
22 intimidation or bullying. **THE SCHOOL SHALL MAKE AVAILABLE WRITTEN FORMS
23 DESIGNED TO PROVIDE A FULL AND DETAILED DESCRIPTION OF THE INCIDENT AND ANY
24 OTHER RELEVANT INFORMATION ABOUT THE INCIDENT.**

25 ~~(b) A procedure for parents and guardians of pupils to submit written
26 reports to school officials of suspected incidents of harassment,
27 intimidation or bullying.~~

28 ~~(c)~~ (b) A requirement that school district employees report **IN
29 WRITING** suspected incidents of harassment, intimidation or bullying to the
30 appropriate school official **AND A DESCRIPTION OF APPROPRIATE DISCIPLINARY
31 PROCEDURES FOR EMPLOYEES WHO FAIL TO REPORT SUSPECTED INCIDENTS THAT ARE
32 KNOWN TO THE EMPLOYEE.**

33 (c) **A REQUIREMENT THAT, AT THE BEGINNING OF EACH SCHOOL YEAR, SCHOOL
34 OFFICIALS PROVIDE ALL PUPILS WITH A WRITTEN COPY OF THE RIGHTS, PROTECTIONS
35 AND SUPPORT SERVICES AVAILABLE TO A PUPIL WHO IS AN ALLEGED VICTIM OF AN
36 INCIDENT REPORTED PURSUANT TO THIS PARAGRAPH.**

37 (d) **IF AN INCIDENT IS REPORTED PURSUANT TO THIS PARAGRAPH, A
38 REQUIREMENT THAT SCHOOL OFFICIALS PROVIDE A PUPIL WHO IS AN ALLEGED VICTIM OF
39 THE INCIDENT WITH A WRITTEN COPY OF THE RIGHTS, PROTECTIONS AND SUPPORT
40 SERVICES AVAILABLE TO THAT PUPIL.**

41 ~~(d)~~ (e) A formal process for the documentation of reported incidents
42 of harassment, intimidation or bullying and for the confidentiality,
43 maintenance and disposition of this documentation. **SCHOOL DISTRICTS SHALL
44 MAINTAIN DOCUMENTATION OF ALL INCIDENTS REPORTED PURSUANT TO THIS PARAGRAPH
45 FOR AT LEAST SIX YEARS.** ~~If a school maintains documentation of reported~~

1 ~~incidents of harassment, intimidation or bullying,~~ The school shall not use
2 that documentation to impose disciplinary action unless the appropriate
3 school official has investigated and determined that the reported incidents
4 of harassment, intimidation or bullying occurred. IF A SCHOOL PROVIDES
5 DOCUMENTATION OF REPORTED INCIDENTS TO PERSONS OTHER THAN SCHOOL OFFICIALS OR
6 LAW ENFORCEMENT, ALL INDIVIDUALLY IDENTIFIABLE INFORMATION SHALL BE REDACTED.

7 ~~(e)~~ (f) A formal process for the investigation by the appropriate
8 school officials of suspected incidents of harassment, intimidation or
9 bullying, INCLUDING PROCEDURES FOR NOTIFYING THE ALLEGED VICTIM ON COMPLETION
10 AND DISPOSITION OF THE INVESTIGATION.

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

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

15 (i) PROCEDURES DESIGNED TO PROTECT THE HEALTH AND SAFETY OF PUPILS WHO
16 ARE PHYSICALLY HARMED AS THE RESULT OF INCIDENTS OF HARASSMENT, INTIMIDATION
17 AND BULLYING, INCLUDING, IF APPROPRIATE, PROCEDURES TO CONTACT EMERGENCY
18 MEDICAL SERVICES OR LAW ENFORCEMENT AGENCIES, OR BOTH.

19 (j) DEFINITIONS OF HARASSMENT, INTIMIDATION AND BULLYING.

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

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

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

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

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

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

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

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

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

43 39. If the state board of education determines that the school district
44 has committed an overexpenditure as defined in section 15-107, provide a copy
45 of the fiscal management report submitted pursuant to section 15-107,

1 subsection H on its website and make copies available to the public on
2 request. The school district shall comply with a request within five
3 business days after receipt.

4 40. Ensure that the contract for the superintendent is structured in a
5 manner where at least twenty per cent of the total annual compensation and
6 benefits included for the superintendent in the contract is classified as
7 performance pay. Nothing in this paragraph shall be construed to require
8 school districts to increase total compensation for superintendents. Unless
9 the school district governing board votes to implement an alternative
10 procedure at a public meeting called for this purpose, the performance pay
11 portion of the superintendent's total annual compensation shall be determined
12 as follows:

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

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

- 40 (i) A letter grade of "A" if the school district is excellent.
41 (ii) A letter grade of "B" if the school district is above average.
42 (iii) A letter grade of "C" if the school district is average.
43 (iv) A letter grade of "D" if the school district is below average.
44 (v) A letter grade of "F" if the school district is a failure.

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

- 12 (i) A letter grade of "A" if the school district is excellent.
- 13 (ii) A letter grade of "B" if the school district is above average.
- 14 (iii) A letter grade of "C" if the school district is average.
- 15 (iv) A letter grade of "D" if the school district is below average.
- 16 (v) A letter grade of "F" if the school district is a failure.

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

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

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

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

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

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

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

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

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

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

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