

State of Arizona
House of Representatives
Fiftieth Legislature
Second Regular Session
2012

CHAPTER 270
HOUSE BILL 2563

AN ACT

AMENDING SECTIONS 15-341, 15-362 AND 15-535, ARIZONA REVISED STATUTES;
AMENDING TITLE 15, CHAPTER 7, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING
SECTION 15-717.01; RELATING TO SCHOOL CURRICULUM.

(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 ~~2~~ 3, the
5 parent or legal guardian may request in writing that the governing board
6 review the teacher's decision. ~~Nothing in~~ This paragraph shall NOT be
7 construed to release school districts from any liability relating to a
8 child's promotion 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
46 action shall not include suspension with pay or suspension without pay for a

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

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

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

16 (a) The provision of water.

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

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

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 NOT be construed to require any school to release personally
44 identifiable information in relation to any teacher or employee, including
45 the teacher's or employee's address, salary, social security number or
46 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 allowing pupils who
35 have been diagnosed with anaphylaxis by a health care provider licensed
36 pursuant to title 32, chapter 13, 14, 17 or 25 or by a registered nurse
37 practitioner licensed and certified pursuant to title 32, chapter 15 to carry
38 and self-administer emergency medications, including auto-injectable
39 epinephrine, while at school and at school sponsored activities. The pupil's
40 name on the prescription label on the medication container or on the
41 medication device and annual written documentation from the pupil's parent or
42 guardian to the school that authorizes possession and self-administration is
43 sufficient proof that the pupil is entitled to the possession and
44 self-administration of the medication. The policies shall require a pupil
45 who uses auto-injectable epinephrine while at school and at school sponsored
46 activities to notify the nurse or the designated school staff person of the

1 use of the medication as soon as practicable. A school district and its
2 employees are immune from civil liability with respect to all decisions made
3 and actions taken that are based on good faith implementation of the
4 requirements of this paragraph, except in cases of wanton or wilful neglect.

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

16 37. Prescribe and enforce policies and procedures to prohibit pupils
17 from harassing, intimidating and bullying other pupils on school grounds, on
18 school property, on school buses, at school bus stops, at school sponsored
19 events and activities and through the use of electronic technology or
20 electronic communication on school computers, networks, forums and mailing
21 lists that include the following components:

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

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

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

36 (d) If an incident is reported pursuant to this paragraph, a
37 requirement that school officials provide a pupil who is an alleged victim of
38 the incident with a written copy of the rights, protections and support
39 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.

44 (h) If the land that a school was built on was donated within the past
45 five years, a formal process to notify the entity that donated the land
46 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. ~~Nothing~~
10 ~~is~~ This paragraph shall NOT be construed to require school districts to
11 increase total compensation for superintendents. Unless the school district
12 governing board votes to implement an alternative procedure at a public
13 meeting called for this purpose, the performance pay portion of the
14 superintendent's total 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.
- 46 (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 41. Maintain and store permanent public records of the school district
20 as required by law. Notwithstanding section 39-101, the standards adopted by
21 the Arizona state library, archives and public records for the maintenance
22 and storage of school district public records shall allow school districts to
23 elect to satisfy the requirements of this paragraph by maintaining and
24 storing these records either on paper or in an electronic format, or a
25 combination of a paper and electronic format.

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

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

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

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

39 D. The governing board may not locate a school on property that is
40 less than one-fourth mile from agricultural land regulated pursuant to
41 section 3-365, except that the owner of the agricultural land may agree to
42 comply with the buffer zone requirements of section 3-365. If the owner
43 agrees in writing to comply with the buffer zone requirements and records the
44 agreement in the office of the county recorder as a restrictive covenant
45 running with the title to the land, the school district may locate a school
46 within the affected buffer zone. The agreement may include any stipulations

1 regarding the school, including conditions for future expansion of the school
2 and changes in the operational status of the school that will result in a
3 breach of the agreement.

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

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

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

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

35 Sec. 2. Section 15-362, Arizona Revised Statutes, is amended to read:

36 15-362. Libraries; powers and duties; authority to contract
37 with a county free library or other public library

38 A. The governing board of a school district may establish and maintain
39 libraries. Such libraries shall be under control of the board. The board
40 shall be accountable for the care of the libraries, but it may appoint
41 district librarians, or it may put the libraries under direct charge of a
42 teacher or other qualified person. When requested, the board shall report on
43 the libraries to the county school superintendent on forms supplied by the
44 superintendent of public instruction.

45 B. The governing board shall:

46 1. Enforce the rules prescribed for government of school libraries.

1 2. Exclude from school libraries all books, publications and papers of
2 a sectarian, partisan or denominational character. **THIS PARAGRAPH SHALL NOT**
3 **BE CONSTRUED TO PROHIBIT ANY MATERIALS FOR THE ELECTIVE COURSE PERMITTED BY**
4 **SECTION 15-717.01.**

5 C. A district library shall be free to all pupils of suitable age who
6 attend the school. Residents of the district may become entitled to library
7 privileges by payment of fees and compliance with regulations prescribed by
8 the board. The governing board may enter into a contract or agreement with
9 the proper authorities of a county free library or other public library
10 possessing facilities for rendering the desired service for the procurement
11 of reference or other library books or the extension services of such
12 library. The amount so expended shall not exceed two per cent of the total
13 school district budget for the school year during which the services are
14 utilized.

15 Sec. 3. Section 15-535, Arizona Revised Statutes, is amended to read:
16 **15-535. Sectarian instruction prohibited**

17 A teacher who uses sectarian or denominational books or teaches any
18 sectarian doctrine or conducts any religious exercises in school is guilty of
19 unprofessional conduct and his certificate shall be revoked. **THIS SECTION**
20 **SHALL NOT BE CONSTRUED TO PROHIBIT A TEACHER FROM TEACHING THE ELECTIVE**
21 **COURSE PERMITTED BY SECTION 15-717.01.**

22 Sec. 4. Title 15, chapter 7, article 1, Arizona Revised Statutes, is
23 amended by adding section 15-717.01, to read:

24 **15-717.01. Bible influence; elective course; requirements;**
25 **immunity**

26 A. THE STATE BOARD OF EDUCATION SHALL INCLUDE IN HISTORY OR ENGLISH
27 ARTS STANDARDS, OR BOTH, CONCEPTS THAT INCLUDE:

- 28 1. THE HISTORY AND LITERATURE OF THE OLD TESTAMENT ERA.
29 2. THE HISTORY AND LITERATURE OF THE NEW TESTAMENT ERA.

30 B. THE STANDARDS ADOPTED PURSUANT TO SUBSECTION A OF THIS SECTION
31 SHALL NOT REQUIRE THAT PUPILS WHO DO NOT ENROLL IN THE ELECTIVE COURSE
32 PRESCRIBED IN THIS SECTION RECEIVE INSTRUCTION ON THE HISTORICAL STUDY OF
33 BIBLICAL TEXT.

34 C. A SCHOOL DISTRICT OR CHARTER SCHOOL MAY OFFER AN ELECTIVE COURSE
35 PERTAINING TO HOW THE BIBLE HAS INFLUENCED WESTERN CULTURE FOR PUPILS IN
36 GRADES NINE THROUGH TWELVE. A SCHOOL MAY OFFER THIS COURSE AS AN ONLINE
37 COURSE. A SCHOOL DISTRICT OR CHARTER SCHOOL MAY DEVELOP A NEW CURRICULUM OR
38 USE AN EXISTING CURRICULUM THAT INCLUDES TEACHER'S GUIDES AND THAT IS
39 CURRENTLY IN USE IN PUBLIC SCHOOLS IN THIS STATE OR IN OTHER STATES. AN
40 EXISTING CURRICULUM THAT IS USED BY A SCHOOL DISTRICT OR CHARTER SCHOOL SHALL
41 MEET THE STANDARDS AND GUIDELINES PRESCRIBED IN THIS SECTION.

42 D. BEFORE A SCHOOL OFFERS A COURSE UNDER THIS SECTION, A LEGAL REVIEW
43 SHALL BE CONDUCTED TO ENSURE THAT THE COURSE COMPLIES WITH THE FIRST
44 AMENDMENT TO THE UNITED STATES CONSTITUTION.

45 E. A COURSE OFFERED UNDER THIS SECTION SHALL BE DESIGNED TO:

- 1 1. FAMILIARIZE PUPILS WITH THE CONTENTS, CHARACTERS, POETRY AND
2 NARRATIVES THAT ARE PREREQUISITES TO UNDERSTANDING SOCIETY AND CULTURE,
3 INCLUDING LITERATURE, ART, MUSIC, MORES, ORATORY AND PUBLIC POLICY.
4 2. FAMILIARIZE PUPILS WITH THE FOLLOWING:
5 (a) THE CONTENTS OF THE OLD TESTAMENT AND THE NEW TESTAMENT.
6 (b) THE HISTORY RECORDED BY THE OLD TESTAMENT AND THE NEW TESTAMENT.
7 (c) THE LITERARY STYLE AND STRUCTURE OF THE OLD TESTAMENT AND THE NEW
8 TESTAMENT.
9 (d) THE INFLUENCE OF THE OLD TESTAMENT AND THE NEW TESTAMENT ON LAWS,
10 HISTORY, GOVERNMENT, LITERATURE, ART, MUSIC, CUSTOMS, MORALS, VALUES AND
11 CULTURE.
12 F. A COURSE OFFERED UNDER THIS SECTION SHALL FOLLOW APPLICABLE LAW AND
13 ALL FEDERAL AND STATE GUIDELINES IN MAINTAINING RELIGIOUS NEUTRALITY AND
14 ACCOMMODATING THE DIVERSE RELIGIOUS OR NONRELIGIOUS VIEWS, TRADITIONS AND
15 PERSPECTIVES OF PUPILS. THIS SECTION IS NOT INTENDED TO VIOLATE ANY
16 PROVISION OF THE UNITED STATES CONSTITUTION, THE CONSTITUTION OF ARIZONA OR
17 STATE LAW OR ANY RULES, GUIDELINES OR REGULATIONS ADOPTED BY THE UNITED
18 STATES DEPARTMENT OF EDUCATION, THE STATE BOARD OF EDUCATION OR THE ARIZONA
19 DEPARTMENT OF EDUCATION.
20 G. A PUPIL SHALL NOT BE REQUIRED TO USE A SPECIFIC TRANSLATION AS THE
21 SOLE TEXT OF THE OLD TESTAMENT OR THE NEW TESTAMENT AND MAY USE AS THE BASIC
22 TEXTBOOK A DIFFERENT TRANSLATION OF THE OLD TESTAMENT OR THE NEW TESTAMENT
23 FROM THAT CHOSEN BY THE SCHOOL DISTRICT GOVERNING BOARD, THE CHARTER SCHOOL
24 GOVERNING BODY OR THE PUPIL'S TEACHER.
25 H. PERSONNEL SHALL NOT BE ASSIGNED TO TEACH A COURSE OFFERED UNDER
26 THIS SECTION BASED ON ANY OF THE FOLLOWING:
27 1. A RELIGIOUS OR NONRELIGIOUS TEST.
28 2. A PROFESSION OF FAITH OR LACK OF FAITH.
29 3. PRIOR OR CURRENT RELIGIOUS AFFILIATION OR A LACK OF RELIGIOUS
30 AFFILIATION.
31 I. A TEACHER WHO INSTRUCTS A COURSE OFFERED UNDER THIS SECTION IN ITS
32 APPROPRIATE HISTORICAL CONTEXT AND IN GOOD FAITH SHALL BE IMMUNE FROM CIVIL
33 LIABILITY AND DISCIPLINARY ACTION PURSUANT TO SECTION 15-535.

APPROVED BY THE GOVERNOR APRIL 17, 2012.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 17, 2012.