State of Arizona  
House of Representatives  
Fifty-first Legislature  
First Regular Session  
2013

HOUSE BILL 2476

AN ACT

AMENDING SECTION 15-843, ARIZONA REVISED STATUTES; RELATING TO PUPIL DISCIPLINE.

(TEXT OF BILL BEGINS ON NEXT PAGE)
Be it enacted by the Legislature of the State of Arizona:

Section 1. Section 15-843, Arizona Revised Statutes, is amended to read:

15-843. Pupil disciplinary proceedings

A. An action concerning discipline, suspension or expulsion of a pupil is not subject to title 38, chapter 3, article 3.1, except that the governing board of a school district shall post regular notice and shall take minutes of any hearing held by the governing board concerning the discipline, suspension or expulsion of a pupil.

B. The governing board of any school district, in consultation with the teachers and parents of the school district, shall prescribe rules for the discipline, suspension and expulsion of pupils. The rules shall be consistent with the constitutional rights of pupils and shall include at least the following:

1. Penalties for excessive pupil absenteeism pursuant to section 15-803, including failure in a subject, failure to pass a grade, suspension or expulsion.

2. Procedures for the use of corporal punishment if allowed by the governing board.

3. Procedures for the reasonable use of physical force by certificated or classified personnel in self-defense, defense of others and defense of property.

4. Procedures for dealing with pupils who have committed or who are believed to have committed a crime.

5. A notice and hearing procedure for cases concerning the suspension of a pupil for more than ten days.

6. Procedures and conditions for readmission of a pupil who has been expelled or suspended for more than ten days.

7. Procedures for appeal to the governing board of the suspension of a pupil for more than ten days, if the decision to suspend the pupil was not made by the governing board.

8. Procedures for appeal of the recommendation of the hearing officer or officers designated by the board as provided in subsection F of this section at the time the board considers the recommendation.

9. BEGINNING IN SCHOOL YEAR 2013-2014, DISCIPLINARY POLICIES FOR THE CONFINEMENT OF PUPILS LEFT ALONE IN AN ENCLOSED SPACE. THESE POLICIES SHALL INCLUDE THE FOLLOWING:

(a) A PROCESS FOR PRIOR WRITTEN PARENTAL NOTIFICATION THAT CONFINEMENT MAY BE USED FOR DISCIPLINARY PURPOSES THAT IS INCLUDED IN THE PUPIL'S ENROLLMENT PACKET OR ADMISSION FORM.

(b) A PROCESS FOR PRIOR WRITTEN PARENTAL CONSENT BEFORE CONFINEMENT IS ALLOWED FOR ANY PUPIL IN THE SCHOOL DISTRICT. THE POLICIES SHALL PROVIDE FOR AN EXEMPTION TO PRIOR WRITTEN PARENTAL CONSENT IF A SCHOOL PRINCIPAL OR TEACHER DETERMINES THAT THE PUPIL POSES IMMINENT PHYSICAL HARM TO SELF OR OTHERS. THE SCHOOL PRINCIPAL OR TEACHER SHALL MAKE REASONABLE ATTEMPTS TO
NOTIFY THE PUPIL'S PARENT OR GUARDIAN IN WRITING BY THE END OF THE SAME DAY
THAT CONFINEMENT WAS USED.

C. Penalties adopted pursuant to subsection B, paragraph 1 of this
section for excessive absenteeism shall not be applied to pupils who have
completed the course requirements and whose absence from school is due solely
to illness, disease or accident as certified by a person who is licensed
pursuant to title 32, chapter 7, 13, 15 or 17.

D. The governing board shall:
1. Support and assist teachers in the implementation and enforcement
of the rules prescribed pursuant to subsection B of this section.
2. Develop procedures allowing teachers and principals to recommend
the suspension or expulsion of pupils.
3. Develop procedures allowing teachers and principals to temporarily
remove disruptive pupils from a class.
4. Delegate to the principal the authority to remove a disruptive
pupil from the classroom.

E. If a pupil withdraws from school after receiving notice of possible
action concerning discipline, expulsion or suspension, the governing board
may continue with the action after the withdrawal and may record the results
of such action in the pupil's permanent file.

F. In all action concerning the expulsion of a pupil, the governing
board of a school district shall:
1. Be notified of the intended action.
2. Either:
   (a) Decide, in executive session, whether to hold a hearing or to
designate one or more hearing officers to hold a hearing to hear the
evidence, prepare a record and bring a recommendation to the board for action
and whether the hearing shall be held in executive session.
   (b) Provide by policy or vote at its annual organizational meeting
that all hearings concerning the expulsion of a pupil conducted pursuant to
this section will be conducted before a hearing officer selected from a list
of hearing officers approved by the governing board.
3. Give written notice, at least five working days before the hearing
by the governing board or the hearing officer or officers designated by the
governing board, to all pupils subject to expulsion and their parents or
guardians of the date, time and place of the hearing. If the governing board
decides that the hearing is to be held in executive session, the written
notice shall include a statement of the right of the parents or guardians or
an emancipated pupil who is subject to expulsion to object to the governing
board's decision to have the hearing held in executive session. Objections
shall be made in writing to the governing board.

G. If a parent or guardian or an emancipated pupil who is subject to
expulsion disagrees that the hearing should be held in executive session, it
shall be held in an open meeting unless:
1. If only one pupil is subject to expulsion and disagreement exists
between that pupil’s parents or guardians, the governing board, after
consultations with the pupil’s parents or guardians or the emancipated pupil,
shall decide in executive session whether the hearing will be in executive
session.

2. If more than one pupil is subject to expulsion and disagreement
exists between the parents or guardians of different pupils, separate
hearings shall be held subject to this section.

H. This section does not prevent the pupil who is subject to expulsion
or suspension, and the pupil’s parents or guardians and legal counsel, from
attending any executive session pertaining to the proposed disciplinary
action, from having access to the minutes and testimony of the executive
session or from recording the session at the parent’s or guardian’s expense.

I. In schools employing a superintendent or a principal, the authority
to suspend a pupil from school is vested in the superintendent, principal or
other school officials granted this power by the governing board of the
school district.

J. In schools that do not have a superintendent or principal, a
teacher may suspend a pupil from school.

K. In all cases of suspension, it shall be for good cause and shall be
reported within five days to the governing board by the superintendent or the
person imposing the suspension.

L. Rules pertaining to the discipline, suspension and expulsion of
pupils shall not be based on race, color, religion, sex, national origin or
ancestry. If the department of education, the auditor general or the
attorney general determines that a school district is substantially and
deliberately not in compliance with this subsection and if the school
district has failed to correct the deficiency within ninety days after
receiving notice from the department of education, the superintendent of
public instruction may withhold the monies the school district would
otherwise be entitled to receive from the date of the determination of
noncompliance until the department of education determines that the school
district is in compliance with this subsection.

M. The principal of each school shall ensure that a copy of all rules
pertaining to discipline, suspension and expulsion of pupils is distributed
to the parents of each pupil at the time the pupil is enrolled in school.

N. The principal of each school shall ensure that all rules pertaining
to the discipline, suspension and expulsion of pupils are communicated to
students at the beginning of each school year, and to transfer students at
the time of their enrollment in the school.

Sec. 2. Emergency

This act is an emergency measure that is necessary to preserve the
public peace, health or safety and is operative immediately as provided by
law.