

REFERENCE TITLE: schools; bullying policies; definition

State of Arizona
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2014

SB 1373

Introduced by
Senators Hobbs, Dalessandro, Farley, Gallardo, Tovar; Representative
Steele; Senators Ableser, Begay; Representatives Alston, Gabaldón

AN ACT

AMENDING SECTION 15-101, ARIZONA REVISED STATUTES; AMENDING TITLE 15, CHAPTER 1, ARTICLE 8, ARIZONA REVISED STATUTES, BY ADDING SECTION 15-186; AMENDING SECTION 15-341, ARIZONA REVISED STATUTES; RELATING TO STUDENT CONDUCT.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 15-101, Arizona Revised Statutes, is amended to
3 read:

4 15-101. Definitions

5 In this title, unless the context otherwise requires:

6 1. "Accommodation school" means either:

7 (a) A school that is operated through the county board of supervisors
8 and the county school superintendent and that the county school
9 superintendent administers to serve a military reservation or territory that
10 is not included within the boundaries of a school district.

11 (b) A school that provides educational services to homeless children
12 or alternative education programs as provided in section 15-308,
13 subsection B.

14 (c) A school that is established to serve a military reservation, the
15 boundaries of which are coterminous with the boundaries of the military
16 reservation on which the school is located.

17 2. "Assessed valuation" means the valuation derived by applying the
18 applicable percentage as provided in title 42, chapter 15, article 1 to the
19 full cash value or limited property value, whichever is applicable, of the
20 property.

21 3. "BULLYING" MEANS ANY WRITTEN, VERBAL OR PHYSICAL ACT OR ANY
22 ELECTRONIC COMMUNICATION THAT IS INTENDED TO HARM OR THAT A REASONABLE PERSON
23 WOULD KNOW IS LIKELY TO HARM ONE OR MORE PUPILS BY DOING ANY OF THE
24 FOLLOWING:

25 (a) SUBSTANTIALLY INTERFERING WITH THE EDUCATIONAL OPPORTUNITIES,
26 BENEFITS OR PROGRAMS OF ONE OR MORE PUPILS.

27 (b) ADVERSELY AFFECTING THE ABILITY OF A PUPIL TO PARTICIPATE IN OR
28 BENEFIT FROM EDUCATIONAL PROGRAMS OR ACTIVITIES BY PLACING THE PUPIL IN
29 REASONABLE FEAR OF PHYSICAL HARM OR BY CAUSING SUBSTANTIAL EMOTIONAL
30 DISTRESS.

31 (c) HAVING AN ACTUAL AND SUBSTANTIAL DETRIMENTAL EFFECT ON A PUPIL'S
32 PHYSICAL OR MENTAL HEALTH.

33 (d) CAUSING SUBSTANTIAL DISRUPTION IN, OR SUBSTANTIAL INTERFERENCE
34 WITH, THE ORDERLY OPERATION OF A SCHOOL.

35 ~~3.~~ 4. "Charter holder" means a person that enters into a charter with
36 the state board for charter schools. For the purposes of this paragraph,
37 "person" means an individual, partnership, corporation, association or public
38 or private organization of any kind.

39 ~~4.~~ 5. "Charter school" means a public school established by contract
40 with a district governing board, the state board of education, the state
41 board for charter schools, a university under the jurisdiction of the Arizona
42 board of regents, a community college district with enrollment of more than
43 fifteen thousand full-time equivalent students or a group of community
44 college districts with a combined enrollment of more than fifteen thousand

1 full-time equivalent students pursuant to article 8 of this chapter to
2 provide learning that will improve pupil achievement.

3 ~~5-~~ 6. "Child with a disability" means a child with a disability as
4 defined in section 15-761.

5 ~~6-~~ 7. "Class A bonds" means general obligation bonds approved by a
6 vote of the qualified electors of a school district at an election held on or
7 before December 31, 1998.

8 ~~7-~~ 8. "Class B bonds" means general obligation bonds approved by a
9 vote of the qualified electors of a school district at an election held from
10 and after December 31, 1998.

11 ~~8-~~ 9. "Competency" means a demonstrated ability in a skill at a
12 specified performance level.

13 ~~9-~~ 10. "Course" means organized subject matter in which instruction
14 is offered within a given period of time and for which credit toward
15 promotion, graduation or certification is usually given. A course consists
16 of knowledge selected from a subject for instructional purposes in the
17 schools.

18 ~~10-~~ 11. "Course of study" means a list of required and optional
19 subjects to be taught in the schools.

20 ~~11-~~ 12. "Dual enrollment course" means a college level course that is
21 conducted on the campus of a high school or on the campus of a joint
22 technical education district, that is applicable to an established community
23 college academic degree or certificate program and that is transferable to a
24 university under the jurisdiction of the Arizona board of regents. A dual
25 enrollment course that is applicable to a community college occupational
26 degree or certificate program may be transferable to a university under the
27 jurisdiction of the Arizona board of regents.

28 ~~12-~~ 13. "Fiscal year" means the year beginning July 1 and ending
29 June 30.

30 ~~13-~~ 14. "Governing board" means a body organized for the government
31 and management of the schools within a school district or a county school
32 superintendent in the conduct of an accommodation school.

33 ~~14-~~ 15. "Lease" means an agreement for conveyance and possession of
34 real or personal property.

35 ~~15-~~ 16. "Limited property value" means the value determined pursuant
36 to title 42, chapter 13, article 7. Limited property value shall be used as
37 the basis for assessing, fixing, determining and levying primary property
38 taxes.

39 ~~16-~~ 17. "Parent" means the natural or adoptive parent of a child or a
40 person who has custody of a child.

41 ~~17-~~ 18. "Person who has custody" means a parent or legal guardian of a
42 child, a person to whom custody of the child has been given by order of a
43 court or a person who stands in loco parentis to the child.

44 ~~18-~~ 19. "Primary property taxes" means all ad valorem taxes except for
45 secondary property taxes.

1 ~~19.~~ 20. "Private school" means a nonpublic institution where
2 instruction is imparted.

3 ~~20.~~ 21. "School" means any public institution established for the
4 purposes of offering instruction to pupils in programs for preschool children
5 with disabilities, kindergarten programs or any combination of grades one
6 through twelve.

7 ~~21.~~ 22. "School district" means a political subdivision of this state
8 with geographic boundaries organized for the purpose of the administration,
9 support and maintenance of the public schools or an accommodation school.

10 ~~22.~~ 23. "Secondary property taxes" means ad valorem taxes used to pay
11 the principal of and the interest and redemption charges on any bonded
12 indebtedness or other lawful long-term obligation issued or incurred for a
13 specific purpose by a school district or a community college district and
14 amounts levied pursuant to an election to exceed a budget, expenditure or tax
15 limitation.

16 ~~23.~~ 24. "Subject" means a division or field of organized knowledge,
17 such as English or mathematics, or a selection from an organized body of
18 knowledge for a course or teaching unit, such as the English novel or
19 elementary algebra.

20 Sec. 2. Title 15, chapter 1, article 8, Arizona Revised Statutes, is
21 amended by adding section 15-186, to read:

22 15-186. Bullying policies and procedures

23 CHARTER SCHOOLS SHALL PRESCRIBE AND ENFORCE POLICIES AND PROCEDURES TO
24 PROHIBIT PUPILS FROM HARASSING, INTIMIDATING AND BULLYING OTHER PUPILS.
25 THESE POLICIES MAY INCLUDE A POLICY PROHIBITING BULLYING, INTIMIDATION AND
26 HARASSMENT AT ANY OFF-CAMPUS LOCATION OR ACTIVITY IF THE ALLEGED ACTIVITY IS
27 REPORTED TO SCHOOL OFFICIALS AND IF THE BULLYING, INTIMIDATION OR HARASSMENT
28 CREATES A HOSTILE ENVIRONMENT FOR THE ALLEGED VICTIM AT SCHOOL, INFRINGES ON
29 THE RIGHTS OF THE ALLEGED VICTIM AT SCHOOL OR MATERIALLY AND SUBSTANTIALLY
30 DISRUPTS THE EDUCATION PROCESS OR THE ORDERLY OPERATION OF THE SCHOOL. THESE
31 POLICIES AND PROCEDURES SHALL INCLUDE ALL OF THE FOLLOWING:

32 1. A POLICY PROHIBITING HARASSMENT, INTIMIDATION AND BULLYING THROUGH
33 THE USE OF ELECTRONIC TECHNOLOGY AND ELECTRONIC COMMUNICATIONS ON SCHOOL
34 GROUNDS, ON SCHOOL PROPERTY, ON SCHOOL BUSES, AT SCHOOL BUS STOPS, AT
35 SCHOOL-SPONSORED EVENTS AND ON SCHOOL COMPUTERS, NETWORKS, FORUMS AND MAILING
36 LISTS.

37 2. A STATEMENT THAT ALL PUPILS ARE PROTECTED UNDER THESE POLICIES AND
38 THAT BULLYING IS PROHIBITED WITHOUT REGARD TO THE SUBJECT MATTER OF THE
39 BULLYING OR THE MOTIVATION OF THE PERPETRATOR.

40 3. A PROCEDURE FOR PUPILS, PARENTS AND CHARTER SCHOOL EMPLOYEES TO
41 CONFIDENTIALLY REPORT TO SCHOOL OFFICIALS INCIDENTS OF HARASSMENT,
42 INTIMIDATION OR BULLYING. THE CHARTER SCHOOL SHALL MAKE AVAILABLE WRITTEN
43 FORMS DESIGNED TO PROVIDE A FULL AND DETAILED DESCRIPTION OF THE INCIDENT AND
44 ANY OTHER RELEVANT INFORMATION ABOUT THE INCIDENT.

1 4. A REQUIREMENT THAT CHARTER SCHOOL EMPLOYEES REPORT IN WRITING
2 SUSPECTED INCIDENTS OF HARASSMENT, INTIMIDATION OR BULLYING TO THE
3 APPROPRIATE SCHOOL OFFICIAL AND A DESCRIPTION OF APPROPRIATE DISCIPLINARY
4 PROCEDURES FOR EMPLOYEES WHO FAIL TO REPORT SUSPECTED INCIDENTS THAT ARE
5 KNOWN TO THE EMPLOYEE.

6 5. A REQUIREMENT THAT, AT THE BEGINNING OF EACH SCHOOL YEAR, SCHOOL
7 OFFICIALS PROVIDE ALL PUPILS WITH A WRITTEN COPY OF THE RIGHTS, PROTECTIONS
8 AND SUPPORT SERVICES AVAILABLE TO A PUPIL WHO IS AN ALLEGED VICTIM OF AN
9 INCIDENT REPORTED PURSUANT TO THIS SECTION.

10 6. IF AN INCIDENT IS REPORTED PURSUANT TO THIS SECTION, A REQUIREMENT
11 THAT SCHOOL OFFICIALS, IN COMPLIANCE WITH STATE RULES AND FEDERAL REGULATIONS
12 ADOPTED TO COMPLY WITH THE FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT, NOTIFY
13 THE PARENT OR GUARDIAN OF THE ALLEGED VICTIM AND PROVIDE THE ALLEGED VICTIM
14 OF THE INCIDENT WITH A WRITTEN COPY OF THE RIGHTS, PROTECTIONS AND SUPPORT
15 SERVICES AVAILABLE TO THAT PUPIL. IN ORDER TO AVOID ADDITIONAL NEGATIVE
16 CONSEQUENCES TO THE ALLEGED VICTIM'S HEALTH AND WELL-BEING AND BEFORE
17 NOTIFYING THE PARENT OF THE ALLEGED VICTIM, SCHOOL ADMINISTRATORS, IN
18 CONSULTATION WITH ON-SITE SCHOOL COUNSELORS AND SOCIAL WORKERS, IF AVAILABLE,
19 SHALL EVALUATE THE NOTIFICATION IN THE SAME MANNER AS ANY OTHER EDUCATIONALLY
20 RELEVANT DECISION BY CONSIDERING THE HEALTH, WELL-BEING AND SAFETY OF ANY
21 PUPILS INVOLVED IN THE INCIDENT. NOTIFICATION OF THE PARENT OR GUARDIAN OF A
22 PUPIL WHO IS THE ALLEGED PERPETRATOR SHALL BE PROVIDED PURSUANT TO THE
23 CHARTER SCHOOL'S DISCIPLINARY NOTIFICATION POLICIES AND PROCEDURES.

24 7. A FORMAL PROCESS FOR THE DOCUMENTATION OF REPORTED INCIDENTS OF
25 HARASSMENT, INTIMIDATION OR BULLYING AND FOR THE CONFIDENTIALITY, MAINTENANCE
26 AND DISPOSITION OF THIS DOCUMENTATION. CHARTER SCHOOLS SHALL MAINTAIN
27 DOCUMENTATION OF ALL INCIDENTS REPORTED PURSUANT TO THIS SECTION FOR AT LEAST
28 SIX YEARS. THE CHARTER SCHOOL SHALL NOT USE THAT DOCUMENTATION TO IMPOSE
29 DISCIPLINARY ACTION UNLESS THE APPROPRIATE SCHOOL OFFICIAL HAS INVESTIGATED
30 AND DETERMINED THAT THE REPORTED INCIDENTS OF HARASSMENT, INTIMIDATION OR
31 BULLYING OCCURRED. IF A CHARTER SCHOOL PROVIDES DOCUMENTATION OF REPORTED
32 INCIDENTS TO PERSONS OTHER THAN SCHOOL OFFICIALS OR LAW ENFORCEMENT, ALL
33 INDIVIDUALLY IDENTIFIABLE INFORMATION SHALL BE REDACTED.

34 8. A FORMAL PROCESS FOR THE INVESTIGATION BY THE APPROPRIATE SCHOOL
35 OFFICIALS OF SUSPECTED INCIDENTS OF HARASSMENT, INTIMIDATION OR BULLYING,
36 INCLUDING PROCEDURES FOR THE TIMELY NOTIFICATION OF THE ALLEGED VICTIM AND
37 THE PARENT OR GUARDIAN OF THE ALLEGED VICTIM ON COMPLETION AND DISPOSITION OF
38 THE INVESTIGATION.

39 9. DISCIPLINARY PROCEDURES FOR PUPILS WHO HAVE ADMITTED COMMITTING OR
40 BEEN FOUND TO HAVE COMMITTED INCIDENTS OF HARASSMENT, INTIMIDATION OR
41 BULLYING.

42 10. A PROCEDURE THAT SETS FORTH CONSEQUENCES FOR SUBMITTING FALSE
43 REPORTS OF INCIDENTS OF HARASSMENT, INTIMIDATION OR BULLYING.

44 11. PROCEDURES DESIGNED TO PROTECT THE HEALTH AND SAFETY OF PUPILS WHO
45 ARE PHYSICALLY OR EMOTIONALLY HARMED, OR BOTH, AS THE RESULT OF AN INCIDENT

1 OF HARASSMENT, INTIMIDATION OR BULLYING, INCLUDING, IF APPROPRIATE,
2 PROCEDURES TO CONTACT EMERGENCY MEDICAL SERVICES OR LAW ENFORCEMENT AGENCIES,
3 OR BOTH.

4 12. AN EDUCATION REQUIREMENT DESIGNED TO PREVENT HARASSMENT,
5 INTIMIDATION OR BULLYING THAT INCLUDES ANNUAL TRAINING FOR ADMINISTRATORS AND
6 CHARTER SCHOOL EMPLOYEES IN PREVENTING, IDENTIFYING, RESPONDING TO AND
7 REPORTING INCIDENTS OF HARASSMENT, INTIMIDATION OR BULLYING. THIS
8 REQUIREMENT SHALL ALSO INCLUDE SIMILAR TRAINING FOR PUPILS AND PARENTS.

9 13. THE SAME DEFINITION OF BULLYING PRESCRIBED IN SECTION 15-101.

10 Sec. 3. Section 15-341, Arizona Revised Statutes, is amended to read:

11 15-341. General powers and duties; immunity; delegation

12 A. The governing board shall:

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

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

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

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

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

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

27 7. Construct school buildings on approval by a vote of the district
28 electors.

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

31 9. Purchase school sites when authorized by a vote of the district at
32 an election conducted as nearly as practicable in the same manner as the
33 election provided in section 15-481 and held on a date prescribed in section
34 15-491, subsection E, but such authorization shall not necessarily specify
35 the site to be purchased and such authorization shall not be necessary to
36 exchange unimproved property as provided in section 15-342, paragraph 23.

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

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

42 12. Hold pupils to strict account for disorderly conduct on school
43 property.

44 13. Discipline students for disorderly conduct on the way to and from
45 school.

1 14. Except as provided in section 15-1224, deposit all monies received
2 by the district as gifts, grants and devises with the county treasurer who
3 shall credit the deposits as designated in the uniform system of financial
4 records. If not inconsistent with the terms of the gifts, grants and devises
5 given, any balance remaining after expenditures for the intended purpose of
6 the monies have been made shall be used for reduction of school district
7 taxes for the budget year, except that in the case of accommodation schools
8 the county treasurer shall carry the balance forward for use by the county
9 school superintendent for accommodation schools for the budget year.

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

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

18 17. Use school monies received from the state and county school
19 apportionment exclusively for payment of salaries of teachers and other
20 employees and contingent expenses of the district.

21 18. Make an annual report to the county school superintendent on or
22 before October 1 in the manner and form and on the blanks prescribed by the
23 superintendent of public instruction or county school superintendent. The
24 board shall also make reports directly to the county school superintendent or
25 the superintendent of public instruction whenever required.

26 19. Deposit all monies received by school districts other than student
27 activities monies or monies from auxiliary operations as provided in sections
28 15-1125 and 15-1126 with the county treasurer to the credit of the school
29 district except as provided in paragraph 20 of this subsection and sections
30 15-1223 and 15-1224, and the board shall expend the monies as provided by law
31 for other school funds.

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

37 21. Prescribe and enforce policies and procedures for disciplinary
38 action against a teacher who engages in conduct that is a violation of the
39 policies of the governing board but that is not cause for dismissal of the
40 teacher or for revocation of the certificate of the teacher. Disciplinary
41 action may include suspension without pay for a period of time not to exceed
42 ten school days. Disciplinary action shall not include suspension with pay
43 or suspension without pay for a period of time longer than ten school days.
44 The procedures shall include notice, hearing and appeal provisions for

1 violations that are cause for disciplinary action. The governing board may
2 designate a person or persons to act on behalf of the board on these matters.

3 22. Prescribe and enforce policies and procedures for disciplinary
4 action against an administrator who engages in conduct that is a violation of
5 the policies of the governing board regarding duties of administrators but
6 that is not cause for dismissal of the administrator or for revocation of the
7 certificate of the administrator. Disciplinary action may include suspension
8 without pay for a period of time not to exceed ten school days. Disciplinary
9 action shall not include suspension with pay or suspension without pay for a
10 period of time longer than ten school days. The procedures shall include
11 notice, hearing and appeal provisions for violations that are cause for
12 disciplinary action. The governing board may designate a person or persons
13 to act on behalf of the board on these matters. For violations that are
14 cause for dismissal, the provisions of notice, hearing and appeal in chapter
15 5, article 3 of this title shall apply. The filing of a timely request for a
16 hearing suspends the imposition of a suspension without pay or a dismissal
17 pending completion of the hearing.

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

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

25 (a) The provision of water.

26 (b) Guidelines, information and forms, developed in consultation with
27 a statewide private entity that supervises interscholastic activities, to
28 inform and educate coaches, pupils and parents of the dangers of concussions
29 and head injuries and the risks of continued participation in athletic
30 activity after a concussion. The policies and procedures shall require that,
31 before a pupil participates in an athletic activity, the pupil and the
32 pupil's parent must sign an information form at least once each school year
33 that states that the parent is aware of the nature and risk of concussion.
34 The policies and procedures shall require that a pupil who is suspected of
35 sustaining a concussion in a practice session, game or other interscholastic
36 athletic activity be immediately removed from the athletic activity. A coach
37 from the pupil's team or an official or a licensed health care provider may
38 remove a pupil from play. A team parent may also remove the parent's own
39 child from play. A pupil may return to play on the same day if a health care
40 provider rules out a suspected concussion at the time the pupil is removed
41 from play. On a subsequent day, the pupil may return to play if the pupil
42 has been evaluated by and received written clearance to resume participation
43 in athletic activity from a health care provider who has been trained in the
44 evaluation and management of concussions and head injuries. A health care
45 provider who is a volunteer and who provides clearance to participate in

1 athletic activity on the day of the suspected injury or on a subsequent day
2 is immune from civil liability with respect to all decisions made and actions
3 taken that are based on good faith implementation of the requirements of this
4 subdivision, except in cases of gross negligence or wanton or wilful neglect.
5 A school district, school district employee, team coach, official or team
6 volunteer or a parent or guardian of a team member is not subject to civil
7 liability for any act, omission or policy undertaken in good faith to comply
8 with the requirements of this subdivision or for a decision made or an action
9 taken by a health care provider. A group or organization that uses property
10 or facilities owned or operated by a school district for athletic activities
11 shall comply with the requirements of this subdivision. A school district
12 and its employees and volunteers are not subject to civil liability for any
13 other person or organization's failure or alleged failure to comply with the
14 requirements of this subdivision. This subdivision does not apply to teams
15 that are based in another state and that participate in an athletic activity
16 in this state. For the purposes of this subdivision, athletic activity does
17 not include dance, rhythmic gymnastics, competitions or exhibitions of
18 academic skills or knowledge or other similar forms of physical noncontact
19 activities, civic activities or academic activities, whether engaged in for
20 the purposes of competition or recreation. For the purposes of this
21 subdivision, "health care provider" means a physician who is licensed
22 pursuant to title 32, chapter 13 or 17, an athletic trainer who is licensed
23 pursuant to title 32, chapter 41, a nurse practitioner who is licensed
24 pursuant to title 32, chapter 15, and a physician assistant who is licensed
25 pursuant to title 32, chapter 25.

26 25. Prescribe and enforce policies and procedures regarding the smoking
27 of tobacco within school buildings. The policies and procedures shall be
28 adopted in consultation with school district personnel and members of the
29 community and shall state whether smoking is prohibited in school buildings.
30 If smoking in school buildings is not prohibited, the policies and procedures
31 shall clearly state the conditions and circumstances under which smoking is
32 permitted, those areas in a school building that may be designated as smoking
33 areas and those areas in a school building that may not be designated as
34 smoking areas.

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

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

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

42 29. Ensure that insurance coverage is secured for all construction
43 projects for purposes of general liability, property damage and workers'
44 compensation and secure performance and payment bonds for all construction
45 projects.

1 30. Keep on file the resumes of all current and former employees who
2 provide instruction to pupils at a school. Resumes shall include an
3 individual's educational and teaching background and experience in a
4 particular academic content subject area. A school district shall inform
5 parents and guardians of the availability of the resume information and shall
6 make the resume information available for inspection on request of parents
7 and guardians of pupils enrolled at a school. This paragraph shall not be
8 construed to require any school to release personally identifiable
9 information in relation to any teacher or employee, including the teacher's
10 or employee's address, salary, social security number or telephone number.

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

21 32. In conjunction with local law enforcement agencies and local
22 medical facilities, develop an emergency response plan for each school in the
23 school district in accordance with minimum standards developed jointly by the
24 department of education and the division of emergency management within the
25 department of emergency and military affairs.

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

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

1 35. Prescribe and enforce policies and procedures:
2 (a) Allowing pupils who have been diagnosed with anaphylaxis by a
3 health care provider licensed pursuant to title 32, chapter 13, 14, 17 or 25
4 or by a registered nurse practitioner licensed and certified pursuant to
5 title 32, chapter 15 to carry and self-administer emergency medications,
6 including auto-injectable epinephrine, while at school and at
7 school-sponsored activities. The pupil's name on the prescription label on
8 the medication container or on the medication device and annual written
9 documentation from the pupil's parent or guardian to the school that
10 authorizes possession and self-administration is sufficient proof that the
11 pupil is entitled to the possession and self-administration of the
12 medication. The policies shall require a pupil who uses auto-injectable
13 epinephrine while at school and at school-sponsored activities to notify the
14 nurse or the designated school staff person of the use of the medication as
15 soon as practicable. A school district and its employees are immune from
16 civil liability with respect to all decisions made and actions taken that are
17 based on good faith implementation of the requirements of this subdivision,
18 except in cases of wanton or wilful neglect.

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

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

32 37. Prescribe and enforce policies and procedures to prohibit pupils
33 from harassing, intimidating and bullying other pupils. **THESE POLICIES MAY**
34 **INCLUDE A POLICY PROHIBITING BULLYING, INTIMIDATION AND HARASSMENT AT ANY**
35 **OFF-CAMPUS LOCATION OR ACTIVITY IF THE ALLEGED ACTIVITY IS REPORTED TO SCHOOL**
36 **OFFICIALS AND IF THE BULLYING, INTIMIDATION OR HARASSMENT CREATES A HOSTILE**
37 **ENVIRONMENT FOR THE ALLEGED VICTIM AT SCHOOL, INFRINGES ON THE RIGHTS OF THE**
38 **ALLEGED VICTIM AT SCHOOL OR MATERIALLY AND SUBSTANTIALLY DISRUPTS THE**
39 **EDUCATION PROCESS OR THE ORDERLY OPERATION OF THE SCHOOL. THESE POLICIES AND**
40 **PROCEDURES SHALL INCLUDE ALL OF THE FOLLOWING:**

41 (a) **A POLICY PROHIBITING HARASSMENT, INTIMIDATION AND BULLYING THROUGH**
42 **THE USE OF ELECTRONIC TECHNOLOGY AND ELECTRONIC COMMUNICATIONS** on school
43 grounds, on school property, on school buses, at school bus stops, at
44 school-sponsored events and ~~activities and through the use of electronic~~

1 ~~technology or electronic communication~~ on school computers, networks, forums
2 and mailing lists. ~~that include the following components:-~~

3 (b) A STATEMENT THAT ALL PUPILS ARE PROTECTED UNDER THESE POLICIES AND
4 THAT BULLYING IS PROHIBITED WITHOUT REGARD TO THE SUBJECT MATTER OF THE
5 BULLYING OR THE MOTIVATION OF THE PERPETRATOR.

6 ~~(a)~~ (c) A procedure for pupils, parents and school district employees
7 to confidentially report to school officials incidents of harassment,
8 intimidation or bullying. The school shall make available written forms
9 designed to provide a full and detailed description of the incident and any
10 other relevant information about the incident.

11 ~~(b)~~ (d) A requirement that school district employees report in
12 writing suspected incidents of harassment, intimidation or bullying to the
13 appropriate school official and a description of appropriate disciplinary
14 procedures for employees who fail to report suspected incidents that are
15 known to the employee.

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

20 ~~(d)~~ (f) If an incident is reported pursuant to this paragraph, a
21 requirement that school officials, IN COMPLIANCE WITH STATE RULES AND FEDERAL
22 REGULATIONS ADOPTED TO COMPLY WITH THE FAMILY EDUCATIONAL RIGHTS AND PRIVACY
23 ACT, NOTIFY THE PARENT OR GUARDIAN OF THE ALLEGED VICTIM AND provide ~~a pupil~~
24 ~~who is an~~ THE alleged victim of the incident with a written copy of the
25 rights, protections and support services available to that pupil. IN ORDER
26 TO AVOID ADDITIONAL NEGATIVE CONSEQUENCES TO THE ALLEGED VICTIM'S HEALTH AND
27 WELL-BEING AND BEFORE NOTIFYING THE PARENT OF THE ALLEGED VICTIM, SCHOOL
28 ADMINISTRATORS, IN CONSULTATION WITH ON-SITE SCHOOL COUNSELORS AND SOCIAL
29 WORKERS, IF AVAILABLE, SHALL EVALUATE THE NOTIFICATION IN THE SAME MANNER AS
30 ANY OTHER EDUCATIONALLY RELEVANT DECISION BY CONSIDERING THE HEALTH,
31 WELL-BEING AND SAFETY OF ANY PUPILS INVOLVED IN THE INCIDENT. NOTIFICATION
32 OF THE PARENT OR GUARDIAN OF A PUPIL WHO IS THE ALLEGED PERPETRATOR SHALL BE
33 PROVIDED PURSUANT TO THE SCHOOL DISTRICT'S DISCIPLINARY NOTIFICATION POLICIES
34 AND PROCEDURES.

35 ~~(e)~~ (g) A formal process for the documentation of reported incidents
36 of harassment, intimidation or bullying and for the confidentiality,
37 maintenance and disposition of this documentation. School districts shall
38 maintain documentation of all incidents reported pursuant to this paragraph
39 for at least six years. The school shall not use that documentation to
40 impose disciplinary action unless the appropriate school official has
41 investigated and determined that the reported incidents of harassment,
42 intimidation or bullying occurred. If a school provides documentation of
43 reported incidents to persons other than school officials or law enforcement,
44 all individually identifiable information shall be redacted.

1 ~~(f)~~ (h) A formal process for the investigation by the appropriate
2 school officials of suspected incidents of harassment, intimidation or
3 bullying, including procedures for ~~notifying~~ THE TIMELY NOTIFICATION OF the
4 alleged victim AND THE PARENT OR GUARDIAN OF THE ALLEGED VICTIM on completion
5 and disposition of the investigation.

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

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

10 ~~(i)~~ (k) Procedures designed to protect the health and safety of
11 pupils who are physically OR EMOTIONALLY harmed, OR BOTH, as the result of
12 ~~incidents~~ AN INCIDENT of harassment, intimidation and bullying, including, if
13 appropriate, procedures to contact emergency medical services or law
14 enforcement agencies, or both.

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

16 (l) AN EDUCATION REQUIREMENT DESIGNED TO PREVENT HARASSMENT,
17 INTIMIDATION OR BULLYING THAT INCLUDES ANNUAL TRAINING FOR ADMINISTRATORS AND
18 SCHOOL EMPLOYEES IN PREVENTING, IDENTIFYING, RESPONDING TO AND REPORTING
19 INCIDENTS OF HARASSMENT, INTIMIDATION OR BULLYING. THIS REQUIREMENT SHALL
20 ALSO INCLUDE SIMILAR TRAINING FOR PUPILS AND PARENTS.

21 (m) THE SAME DEFINITION OF BULLYING PRESCRIBED IN SECTION 15-101.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 1 (v) A letter grade of "F" if the school district is a failure.
- 2 (c) Twenty-five per cent of the performance pay shall be determined by
- 3 the percentage of teachers who are employed at the school district and who
- 4 assign a letter grade of "A" to the school on a survey of teacher
- 5 satisfaction with the school. The teacher satisfaction survey shall be
- 6 administered and scored by an independent entity that is selected by the
- 7 governing board and that demonstrates sufficient expertise and experience to
- 8 accurately measure the results of the survey. The teacher satisfaction
- 9 survey shall use standard random sampling procedures and provide anonymity
- 10 and confidentiality to each teacher who participates in the survey. The
- 11 letter grade scale used on the teacher satisfaction survey shall direct
- 12 teachers to assign one of the following letter grades:
- 13 (i) A letter grade of "A" if the school district is excellent.
- 14 (ii) A letter grade of "B" if the school district is above average.
- 15 (iii) A letter grade of "C" if the school district is average.
- 16 (iv) A letter grade of "D" if the school district is below average.
- 17 (v) A letter grade of "F" if the school district is a failure.
- 18 (d) Twenty-five per cent of the performance pay shall be determined by
- 19 other criteria selected by the governing board.

20 41. Maintain and store permanent public records of the school district
21 as required by law. Notwithstanding section 39-101, the standards adopted by
22 the Arizona state library, archives and public records for the maintenance
23 and storage of school district public records shall allow school districts to
24 elect to satisfy the requirements of this paragraph by maintaining and
25 storing these records either on paper or in an electronic format, or a
26 combination of a paper and electronic format.

27 42. Adopt in a public meeting and implement by school year 2013-2014
28 policies for principal evaluations. Before the adoption of principal
29 evaluation policies, the school district governing board shall provide
30 opportunities for public discussion on the proposed policies. The policies
31 shall describe:

32 (a) The principal evaluation instrument, including the four
33 performance classifications adopted by the governing board pursuant to
34 section 15-203, subsection A, paragraph 38.

35 (b) Alignment of professional development opportunities to the
36 principal evaluations.

37 (c) Incentives for principals in one of the two highest performance
38 classifications pursuant to section 15-203, subsection A, paragraph 38, which
39 may include:

40 (i) Multiyear contracts pursuant to section 15-503.

41 (ii) Incentives to work at schools that are assigned a letter grade of
42 D or F pursuant to section 15-241.

43 (d) Transfer and contract processes for principals designated in the
44 lowest performance classification pursuant to section 15-203, subsection A,
45 paragraph 38.

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

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

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

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

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

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

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

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

1 exceed one year. The sale of equipment that results in a reduction that
2 falls below the equipment requirements prescribed in section 15-2011,
3 subsection B is subject to commensurate withholding of school district
4 district additional assistance monies pursuant to the direction of the school
5 facilities board. Except as provided in section 15-342, paragraph 10,
6 proceeds from the sale of school sites, buildings or other equipment shall be
7 deposited in the school plant fund as provided in section 15-1102.

8 H. Subsections C through G of this section apply to a county board of
9 supervisors and a county school superintendent when operating and
10 administering an accommodation school.

11 Sec. 4. Intent

12 The legislature finds and declares that:

13 1. All students have the right to participate fully in the educational
14 process, free from bullying, intimidation and harassment.

15 2. A safe and civil environment in school is necessary for students to
16 learn and to achieve high academic standards.

17 3. Bullying, intimidation and harassment, like other disruptive or
18 violent behaviors, are forms of conduct that disrupt both a student's ability
19 to learn and a school's ability to educate its students in a safe
20 environment.

21 4. Staff and volunteers should be expected to demonstrate appropriate
22 behavior, treat others with civility and respect and refuse to tolerate
23 bullying, intimidation and harassment.

24 Sec. 5. Short title

25 This act may be cited as the "Arizona safe schools act of 2014".