

REFERENCE TITLE: **schools; bullying policy; definition**

State of Arizona
Senate
Fifty-second Legislature
First Regular Session
2015

SB 1428

Introduced by
Senators Hobbs, Contreras, Dalessandro, Miranda: Quezada

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. "Elementary grades" means kindergarten programs and grades one
29 through eight.

30 ~~13.~~ 14. "Fiscal year" means the year beginning July 1 and ending
31 June 30.

32 ~~14.~~ 15. "Governing board" means a body organized for the government
33 and management of the schools within a school district or a county school
34 superintendent in the conduct of an accommodation school.

35 ~~15.~~ 16. "Lease" means an agreement for conveyance and possession of
36 real or personal property.

37 ~~16.~~ 17. "Limited property value" means the value determined pursuant
38 to title 42, chapter 13, article 7. Limited property value shall be used as
39 the basis for assessing, fixing, determining and levying primary property
40 taxes.

41 ~~17.~~ 18. "Parent" means the natural or adoptive parent of a child or a
42 person who has custody of a child.

43 ~~18.~~ 19. "Person who has custody" means a parent or legal guardian of a
44 child, a person to whom custody of the child has been given by order of a
45 court or a person who stands in loco parentis to the child.

1 ~~19.~~ 20. "Primary property taxes" means all ad valorem taxes except for
2 secondary property taxes.

3 ~~20.~~ 21. "Private school" means a nonpublic institution where
4 instruction is imparted.

5 ~~21.~~ 22. "School" or "public school" means any public institution
6 established for the purposes of offering instruction to pupils in programs
7 for preschool children with disabilities, kindergarten programs or any
8 combination of elementary grades or secondary grades one through twelve.

9 ~~22.~~ 23. "School district" means a political subdivision of this state
10 with geographic boundaries organized for the purpose of the administration,
11 support and maintenance of the public schools or an accommodation school.

12 ~~23.~~ 24. "Secondary grades" means grades nine through twelve.

13 ~~24.~~ 25. "Secondary property taxes" means ad valorem taxes used to pay
14 the principal of and the interest and redemption charges on any bonded
15 indebtedness or other lawful long-term obligation issued or incurred for a
16 specific purpose by a school district or a community college district and
17 amounts levied pursuant to an election to exceed a budget, expenditure or tax
18 limitation.

19 ~~25.~~ 26. "Subject" means a division or field of organized knowledge,
20 such as English or mathematics, or a selection from an organized body of
21 knowledge for a course or teaching unit, such as the English novel or
22 elementary algebra.

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

25 15-186. Bullying policies and procedures

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

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

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

43 3. A PROCEDURE FOR PUPILS, PARENTS AND CHARTER SCHOOL EMPLOYEES TO
44 CONFIDENTIALLY REPORT TO SCHOOL OFFICIALS INCIDENTS OF HARASSMENT,
45 INTIMIDATION OR BULLYING. THE CHARTER SCHOOL SHALL MAKE AVAILABLE WRITTEN

1 FORMS DESIGNED TO PROVIDE A FULL AND DETAILED DESCRIPTION OF THE INCIDENT AND
2 ANY OTHER RELEVANT INFORMATION ABOUT THE INCIDENT.

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

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

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

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

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

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

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

1 11. PROCEDURES DESIGNED TO PROTECT THE HEALTH AND SAFETY OF PUPILS WHO
2 ARE PHYSICALLY OR EMOTIONALLY HARMED, OR BOTH, AS THE RESULT OF AN INCIDENT
3 OF HARASSMENT, INTIMIDATION OR BULLYING, INCLUDING, IF APPROPRIATE,
4 PROCEDURES TO CONTACT EMERGENCY MEDICAL SERVICES OR LAW ENFORCEMENT AGENCIES,
5 OR BOTH.

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

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

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

13 15-341. General powers and duties; immunity; delegation

14 A. The governing board shall:

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

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

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

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

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

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

29 7. Construct school buildings on approval by a vote of the district
30 electors.

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

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

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

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

44 12. Hold pupils to strict account for disorderly conduct on school
45 property.

1 13. Discipline students for disorderly conduct on the way to and from
2 school.

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

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

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

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

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

28 19. Deposit all monies received by school districts other than student
29 activities monies or monies from auxiliary operations as provided in sections
30 15-1125 and 15-1126 with the county treasurer to the credit of the school
31 district except as provided in paragraph 20 of this subsection and sections
32 15-1223 and 15-1224, and the board shall expend the monies as provided by law
33 for other school funds.

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

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

1 The procedures shall include notice, hearing and appeal provisions for
2 violations that are cause for disciplinary action. The governing board may
3 designate a person or persons to act on behalf of the board on these matters.

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

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

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

26 (a) The provision of water.

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

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

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

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

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

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

43 29. Ensure that insurance coverage is secured for all construction
44 projects for purposes of general liability, property damage and workers'

1 compensation and secure performance and payment bonds for all construction
2 projects.

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

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

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

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

44 34. Incorporate instruction on Native American history into appropriate
45 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 ~~(c)~~ (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 (1) 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~~ PERCENT of the total annual salary
9 included for the superintendent in the contract is classified as performance
10 pay. 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~~ PERCENT of the performance pay shall be
16 determined based on the percentage of academic gain determined by the
17 department of education of pupils who are enrolled in the school district
18 compared to the academic gain achieved by the highest ranking of the fifty
19 largest school districts in this state. For the purposes of this
20 subdivision, the department of education shall determine academic gain by the
21 academic growth achieved by each pupil who has been enrolled at the same
22 school in a school district for at least five consecutive months measured
23 against that pupil's academic results in the 2008-2009 school year. For the
24 purposes of this subdivision, of the fifty largest school districts in this
25 state, the school district with pupils who demonstrate the highest statewide
26 percentage of overall academic gain measured against academic results for the
27 2008-2009 school year shall be assigned a score of 100 and the school
28 district with pupils who demonstrate the lowest statewide percentage of
29 overall academic gain measured against academic results for the 2008-2009
30 school year shall be assigned a score of 0.

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

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~~ PERCENT of the performance pay shall be
19 determined by 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.

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

41 (11) 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

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 2015".