

REFERENCE TITLE: schools; bullying policy; definition

State of Arizona  
Senate  
Fifty-second Legislature  
Second Regular Session  
2016

## **SB 1408**

Introduced by  
Senators Hobbs, Bradley, Cajero Bedford, Sherwood: Contreras, Dalessandro,  
Farley, 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~~ COLLEGE-LEVEL  
21 course that is conducted on the campus of a high school or on the campus of a  
22 joint technical education district, that is applicable to an established  
23 community college academic degree or certificate program and that is  
24 transferable to a university under the jurisdiction of the Arizona board of  
25 regents. A dual enrollment course that is applicable to a community college  
26 occupational degree or certificate program may be transferable to a  
27 university under the 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 ~~(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~~ 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.

- 1 (v) A letter grade of "F" if the school district is a failure.
- 2 (c) Twenty-five ~~per-cent~~ PERCENT of the performance pay shall be
- 3 determined by the percentage of teachers who are employed at the school
- 4 district and who assign a letter grade of "A" to the school on a survey of
- 5 teacher satisfaction with the school. The teacher satisfaction survey shall
- 6 be 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~~ 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.
- 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 2016".