

State of Arizona  
House of Representatives  
Fifty-third Legislature  
Second Regular Session  
2018

**CHAPTER 292**  
**HOUSE BILL 2088**

AN ACT

AMENDING TITLE 15, CHAPTER 1, ARTICLE 8, ARIZONA REVISED STATUTES, BY  
ADDING SECTION 15-186.01; AMENDING SECTION 15-341, ARIZONA REVISED  
STATUTES; RELATING TO SCHOOL DISTRICT GOVERNING BOARDS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:  
2 Section 1. Title 15, chapter 1, article 8, Arizona Revised  
3 Statutes, is amended by adding section 15-186.01, to read:

4 **15-186.01. Parental notification: immunity**

5 A. IN ADDITION TO THE NOTIFICATION REQUIREMENTS PRESCRIBED IN  
6 SECTION 15-186, EACH CHARTER SCHOOL GOVERNING BODY SHALL PRESCRIBE AND  
7 ENFORCE REASONABLE AND APPROPRIATE POLICIES TO NOTIFY A PUPIL'S PARENT OR  
8 GUARDIAN IF ANY PERSON ENGAGES IN THREATENING, HARASSING OR INTIMIDATING  
9 CONDUCT AGAINST THAT PUPIL. A CHARTER SCHOOL AND ITS OFFICIALS AND  
10 EMPLOYEES ARE IMMUNE FROM CIVIL LIABILITY WITH RESPECT TO ALL DECISIONS  
11 MADE AND ACTIONS TAKEN THAT ARE BASED ON GOOD FAITH IMPLEMENTATION OF THE  
12 REQUIREMENTS OF THIS SECTION, EXCEPT IN CASES OF GROSS NEGLIGENCE OR  
13 WANTON OR WILFUL NEGLECT.

14 B. A PERSON COMMITS THREATENING OR INTIMIDATING IF THE PERSON  
15 THREATENS OR INTIMIDATES BY WORD OR CONDUCT TO CAUSE PHYSICAL INJURY TO  
16 ANOTHER PERSON OR SERIOUS DAMAGE TO THE PROPERTY OF ANOTHER ON SCHOOL  
17 GROUNDS. A PERSON COMMITS HARASSMENT IF, WITH INTENT TO HARASS OR WITH  
18 KNOWLEDGE THAT THE PERSON IS HARASSING ANOTHER PERSON, THE PERSON  
19 ANONYMOUSLY OR OTHERWISE CONTACTS, COMMUNICATES OR CAUSES A COMMUNICATION  
20 WITH ANOTHER PERSON BY VERBAL, ELECTRONIC, MECHANICAL, TELEPHONIC OR  
21 WRITTEN MEANS IN A MANNER THAT HARASSES ON SCHOOL GROUNDS OR SUBSTANTIALLY  
22 DISRUPTS THE SCHOOL ENVIRONMENT.

23 Sec. 2. Section 15-341, Arizona Revised Statutes, is amended to  
24 read:

25 **15-341. General powers and duties; immunity; delegation**

26 A. The governing board shall:

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

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

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

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

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

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

41 7. Construct school buildings on approval by a vote of the district  
42 electors.

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

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

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

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

14      12. Hold pupils to strict account for disorderly conduct on school  
15 property.

16      13. Discipline students for disorderly conduct on the way to and  
17 from school.

18      14. Except as provided in section 15-1224, deposit all monies  
19 received by the district as gifts, grants and devises with the county  
20 treasurer who shall credit the deposits as designated in the uniform  
21 system of financial records. If not inconsistent with the terms of the  
22 gifts, grants and devises given, any balance remaining after expenditures  
23 for the intended purpose of the monies have been made shall be used for  
24 reduction of school district taxes for the budget year, except that in the  
25 case of accommodation schools the county treasurer shall carry the balance  
26 forward for use by the county school superintendent for accommodation  
27 schools for the budget year.

28      15. Provide that, if a parent or legal guardian chooses not to  
29 accept a decision of the teacher as provided in ~~section~~ paragraph 42 of  
30 this subsection, the parent or legal guardian may request in writing that  
31 the governing board review the teacher's decision. This paragraph shall  
32 not be construed to release school districts from any liability relating  
33 to a child's promotion or retention.

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

37      17. Use school monies received from the state and county school  
38 apportionment exclusively for payment of salaries of teachers and other  
39 employees and contingent expenses of the district.

40      18. Make an annual report to the county school superintendent on or  
41 before October 1 in the manner and form and on the blanks prescribed by  
42 the superintendent of public instruction or county school superintendent.  
43 The board shall also make reports directly to the county school  
44 superintendent or the superintendent of public instruction whenever  
45 required.

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

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

12       21. Prescribe and enforce policies and procedures for disciplinary  
13 action against a teacher who engages in conduct that is a violation of the  
14 policies of the governing board but that is not cause for dismissal of the  
15 teacher or for revocation of the certificate of the teacher. Disciplinary  
16 action may include suspension without pay for a period of time not to  
17 exceed ten school days. Disciplinary action shall not include suspension  
18 with pay or suspension without pay for a period of time longer than ten  
19 school days. The procedures shall include notice, hearing and appeal  
20 provisions for violations that are cause for disciplinary action. The  
21 governing board may designate a person or persons to act on behalf of the  
22 board on these matters.

23       22. Prescribe and enforce policies and procedures for disciplinary  
24 action against an administrator who engages in conduct that is a violation  
25 of the policies of the governing board regarding duties of administrators  
26 but that is not cause for dismissal of the administrator or for revocation  
27 of the certificate of the administrator. Disciplinary action may include  
28 suspension without pay for a period of time not to exceed ten school days.  
29 Disciplinary action shall not include suspension with pay or suspension  
30 without pay for a period of time longer than ten school days. The  
31 procedures shall include notice, hearing and appeal provisions for  
32 violations that are cause for disciplinary action. The governing board  
33 may designate a person or persons to act on behalf of the board on these  
34 matters. For violations that are cause for dismissal, the provisions of  
35 notice, hearing and appeal in chapter 5, article 3 of this title shall  
36 apply. The filing of a timely request for a hearing suspends the  
37 imposition of a suspension without pay or a dismissal pending completion  
38 of the hearing.

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

43       24. Prescribe and enforce policies and procedures relating to the  
44 health and safety of all pupils participating in ~~district sponsored~~

**DISTRICT-SPONSORED** practice sessions or games or other interscholastic athletic activities, including:

(a) The provision of water.

(b) Guidelines, information and forms, developed in consultation with a statewide private entity that supervises interscholastic activities, to inform and educate coaches, pupils and parents of the dangers of concussions and head injuries and the risks of continued participation in athletic activity after a concussion. The policies and procedures shall require that, before a pupil participates in an athletic activity, the pupil and the pupil's parent must sign an information form at least once each school year that states that the parent is aware of the nature and risk of concussion. The policies and procedures shall require that a pupil who is suspected of sustaining a concussion in a practice session, game or other interscholastic athletic activity be immediately removed from the athletic activity **AND THAT THE PUPIL'S PARENT OR GUARDIAN BE NOTIFIED**. A coach from the pupil's team or an official or a licensed health care provider may remove a pupil from play. A team parent may also remove the parent's own child from play. A pupil may return to play on the same day if a health care provider rules out a suspected concussion at the time the pupil is removed from play. On a subsequent day, the pupil may return to play if the pupil has been evaluated by and received written clearance to resume participation in athletic activity from a health care provider who has been trained in the evaluation and management of concussions and head injuries. A health care provider who is a volunteer and who provides clearance to participate in athletic activity on the day of the suspected injury or on a subsequent day is immune from civil liability with respect to all decisions made and actions taken that are based on good faith implementation of the requirements of this subdivision, except in cases of gross negligence or wanton or wilful neglect. A school district, school district employee, team coach, official or team volunteer or a parent or guardian of a team member is not subject to civil liability for any act, omission or policy undertaken in good faith to comply with the requirements of this subdivision or for a decision made or an action taken by a health care provider. A group or organization that uses property or facilities owned or operated by a school district for athletic activities shall comply with the requirements of this subdivision. A school district and its employees and volunteers are not subject to civil liability for any other person or organization's failure or alleged failure to comply with the requirements of this subdivision. This subdivision does not apply to teams that are based in another state and that participate in an athletic activity in this state. For the purposes of this subdivision, athletic activity does not include dance, rhythmic gymnastics, competitions or exhibitions of academic skills or knowledge or other similar forms of physical noncontact activities, civic activities or academic activities, whether engaged in

1 for the purposes of competition or recreation. For the purposes of this  
2 subdivision, "health care provider" means a physician who is licensed  
3 pursuant to title 32, chapter 13 or 17, an athletic trainer who is  
4 licensed pursuant to title 32, chapter 41, a nurse practitioner who is  
5 licensed pursuant to title 32, chapter 15, and a physician assistant who  
6 is licensed pursuant to title 32, chapter 25.

7 (c) GUIDELINES, INFORMATION AND FORMS THAT ARE DEVELOPED IN  
8 CONSULTATION WITH A STATEWIDE PRIVATE ENTITY THAT SUPERVISES  
9 INTERSCHOLASTIC ACTIVITIES TO INFORM AND EDUCATE COACHES, PUPILS AND  
10 PARENTS OF THE DANGERS OF HEAT-RELATED ILLNESSES, SUDDEN CARDIAC DEATH AND  
11 PRESCRIPTION OPIOID USE. BEFORE A PUPIL PARTICIPATES IN ANY  
12 DISTRICT-SPONSORED PRACTICE SESSION, GAME OR OTHER INTERSCHOLASTIC  
13 ATHLETIC ACTIVITY, THE PUPIL AND THE PUPIL'S PARENT MUST BE PROVIDED WITH  
14 INFORMATION AT LEAST ONCE EACH SCHOOL YEAR ON THE RISKS OF HEAT-RELATED  
15 ILLNESSES, SUDDEN CARDIAC DEATH AND PRESCRIPTION OPIOID ADDICTION.

16 25. Establish an assessment, data gathering and reporting system as  
17 prescribed in chapter 7, article 3 of this title.

18 26. Provide special education programs and related services  
19 pursuant to section 15-764, subsection A to all children with disabilities  
20 as defined in section 15-761.

21 27. Administer competency tests prescribed by the state board of  
22 education for the graduation of pupils from high school.

23 28. Ensure that insurance coverage is secured for all construction  
24 projects for purposes of general liability, property damage and workers'  
25 compensation and secure performance and payment bonds for all construction  
26 projects.

27 29. Keep in the personnel file of all current and former employees  
28 who provide instruction to pupils at a school information about the  
29 employee's educational and teaching background and experience in a  
30 particular academic content subject area. A school district shall inform  
31 parents and guardians of the availability of the information and shall  
32 make the information available for inspection on request of parents and  
33 guardians of pupils enrolled at a school. This paragraph shall not be  
34 construed to require any school to release personally identifiable  
35 information in relation to any teacher or employee, including the  
36 teacher's or employee's address, salary, social security number or  
37 telephone number.

38 30. Report to local law enforcement agencies any suspected crime  
39 against a person or property that is a serious offense as defined in  
40 section 13-706 or that involves a deadly weapon or dangerous instrument or  
41 serious physical injury and any conduct that poses a threat of death or  
42 serious physical injury to employees, students or anyone on the property  
43 of the school. This paragraph does not limit or preclude the reporting by  
44 a school district or an employee of a school district of suspected crimes  
45 other than those required to be reported by this paragraph. For the

1 purposes of this paragraph, "dangerous instrument", "deadly weapon" and  
2 "serious physical injury" have the same meanings prescribed in section  
3 13-105.

4       31. In conjunction with local law enforcement agencies and  
5 emergency response agencies, develop an emergency response plan for each  
6 school in the school district in accordance with minimum standards  
7 developed jointly by the department of education and the division of  
8 emergency management within the department of emergency and military  
9 affairs.

10      32. Provide written notice to the parents or guardians of all  
11 students enrolled in the school district at least ten days prior to a  
12 public meeting to discuss closing a school within the school  
13 district. The notice shall include the reasons for the proposed closure  
14 and the time and place of the meeting. The governing board shall fix a  
15 time for a public meeting on the proposed closure no less than ten days  
16 before voting in a public meeting to close the school. The school  
17 district governing board shall give notice of the time and place of the  
18 meeting. At the time and place designated in the notice, the school  
19 district governing board shall hear reasons for or against closing the  
20 school. The school district governing board is exempt from this paragraph  
21 if it is determined by the governing board that the school shall be closed  
22 because it poses a danger to the health or safety of the pupils or  
23 employees of the school. A governing board may consult with the school  
24 facilities board for technical assistance and for information on the  
25 impact of closing a school. The information provided from the school  
26 facilities board shall not require the governing board to take or not take  
27 any action.

28      33. Incorporate instruction on Native American history into  
29 appropriate existing curricula.

30      34. Prescribe and enforce policies and procedures:

31       (a) Allowing pupils who have been diagnosed with anaphylaxis by a  
32 health care provider licensed pursuant to title 32, chapter 13, 14, 17 or  
33 25 or by a registered nurse practitioner licensed and certified pursuant  
34 to title 32, chapter 15 to carry and self-administer emergency  
35 medications, including epinephrine auto-injectors, while at school and at  
36 school-sponsored activities. The pupil's name on the prescription label  
37 on the medication container or on the medication device and annual written  
38 documentation from the pupil's parent or guardian to the school that  
39 authorizes possession and self-administration is sufficient proof that the  
40 pupil is entitled to the possession and self-administration of the  
41 medication. The policies shall require a pupil who uses an epinephrine  
42 auto-injector while at school and at school-sponsored activities to notify  
43 the nurse or the designated school staff person of the use of the  
44 medication as soon as practicable. A school district and its employees  
45 are immune from civil liability with respect to all decisions made and

1 actions taken that are based on good faith implementation of the  
2 requirements of this subdivision, except in cases of wanton or wilful  
3 neglect.

4 (b) For the emergency administration of epinephrine auto-injectors  
5 by a trained employee of a school district pursuant to section 15-157.

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

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

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

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

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

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

42 (e) A formal process for the documentation of reported incidents of  
43 harassment, intimidation or bullying and for the confidentiality,  
44 maintenance and disposition of this documentation. School districts shall  
45 maintain documentation of all incidents reported pursuant to this

1 paragraph for at least six years. The school shall not use that  
2 documentation to impose disciplinary action unless the appropriate school  
3 official has investigated and determined that the reported incidents of  
4 harassment, intimidation or bullying occurred. If a school provides  
5 documentation of reported incidents to persons other than school officials  
6 or law enforcement, all individually identifiable information shall be  
7 redacted.

8 (f) A formal process for the investigation by the appropriate  
9 school officials of suspected incidents of harassment, intimidation or  
10 bullying, including procedures for notifying the alleged victim ~~UNT~~  
11 ~~completion and disposition of the investigation~~ AND THE ALLEGED VICTIM'S  
12 PARENT OR GUARDIAN WHEN A SCHOOL OFFICIAL OR EMPLOYEE BECOMES AWARE OF THE  
13 SUSPECTED INCIDENT OF HARASSMENT, INTIMIDATION OR BULLYING.

14 (g) Disciplinary procedures for pupils who have admitted or been  
15 found to have committed incidents of harassment, intimidation or bullying.

16 (h) A procedure that sets forth consequences for submitting false  
17 reports of incidents of harassment, intimidation or bullying.

18 (i) Procedures designed to protect the health and safety of pupils  
19 who are physically harmed as the result of incidents of harassment,  
20 intimidation and bullying, including, if appropriate, procedures to  
21 contact emergency medical services or law enforcement agencies, or both.

22 (j) Definitions of harassment, intimidation and bullying.

23 37. Prescribe and enforce policies and procedures regarding  
24 changing or adopting attendance boundaries that include the following  
25 components:

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

28 (b) A procedure to notify the parents or guardians of the students  
29 affected.

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

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

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

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

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

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

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

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

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

43           (i) A letter grade of "A" if the school district is excellent.  
44           (ii) A letter grade of "B" if the school district is above average.  
45           (iii) A letter grade of "C" if the school district is average.

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

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

41. 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:  
(a) The principal evaluation instrument, including the four performance classifications adopted by the governing board pursuant to section 15-203, subsection A, paragraph 38.  
(b) Alignment of professional development opportunities to the principal evaluations.  
(c) Incentives for principals in one of the two highest performance classifications pursuant to section 15-203, subsection A, paragraph 38, which may include:  
(i) Multiyear contracts pursuant to section 15-503.  
(ii) Incentives to work at schools that are assigned a letter grade of D or F pursuant to section 15-241.

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

4           42. Prescribe and enforce policies and procedures that define the  
5        duties of principals and teachers. These policies and procedures shall  
6        authorize teachers to take and maintain daily classroom attendance, make  
7        the decision to promote or retain a pupil in a grade in common school or  
8        to pass or fail a pupil in a course in high school, subject to review by  
9        the governing board in the manner provided in section 15-342,  
10      paragraph 11.

43. Prescribe and enforce policies and procedures for the emergency administration by an employee of a school district pursuant to section 36-2267 of naloxone hydrochloride or any other opioid antagonist approved by the United States food and drug administration.

15       44. IN ADDITION TO THE NOTIFICATION REQUIREMENTS PRESCRIBED IN  
16 PARAGRAPH 36 OF THIS SUBSECTION, PRESCRIBE AND ENFORCE REASONABLE AND  
17 APPROPRIATE POLICIES TO NOTIFY A PUPIL'S PARENT OR GUARDIAN IF ANY PERSON  
18 ENGAGES IN THREATENING, HARASSING OR INTIMIDATING CONDUCT AGAINST THAT  
19 PUPIL. A SCHOOL DISTRICT AND ITS OFFICIALS AND EMPLOYEES ARE IMMUNE FROM  
20 CIVIL LIABILITY WITH RESPECT TO ALL DECISIONS MADE AND ACTIONS TAKEN THAT  
21 ARE BASED ON GOOD FAITH IMPLEMENTATION OF THE REQUIREMENTS OF THIS  
22 PARAGRAPH, EXCEPT IN CASES OF GROSS NEGLIGENCE OR WANTON OR WILFUL  
23 NEGLECT. A PERSON COMMITS THREATENING OR INTIMIDATING IF THE PERSON  
24 THREATENS OR INTIMIDATES BY WORD OR CONDUCT TO CAUSE PHYSICAL INJURY TO  
25 ANOTHER PERSON OR SERIOUS DAMAGE TO THE PROPERTY OF ANOTHER ON SCHOOL  
26 GROUNDS. A PERSON COMMITS HARASSMENT IF, WITH INTENT TO HARASS OR WITH  
27 KNOWLEDGE THAT THE PERSON IS HARASSING ANOTHER PERSON, THE PERSON  
28 ANONYMOUSLY OR OTHERWISE CONTACTS, COMMUNICATES OR CAUSES A COMMUNICATION  
29 WITH ANOTHER PERSON BY VERBAL, ELECTRONIC, MECHANICAL, TELEPHONIC OR  
30 WRITTEN MEANS IN A MANNER THAT HARASSES ON SCHOOL GROUNDS OR SUBSTANTIALLY  
31 DISRUPTS THE SCHOOL ENVIRONMENT.

32           B. Notwithstanding subsection A, paragraphs 7, 9 and 11 of this  
33 section, the county school superintendent may construct, improve and  
34 furnish school buildings or purchase or sell school sites in the conduct  
35 of an accommodation school.

36 C. If any school district acquires real or personal property,  
37 whether by purchase, exchange, condemnation, gift or otherwise, the  
38 governing board shall pay to the county treasurer any taxes on the  
39 property that were unpaid as of the date of acquisition, including  
40 penalties and interest. The lien for unpaid delinquent taxes, penalties  
41 and interest on property acquired by a school district:

42           1. Is not abated, extinguished, discharged or merged in the title  
43 to the property.

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

1       D. The governing board may not locate a school on property that is  
2 less than one-fourth mile from agricultural land regulated pursuant to  
3 section 3-365, except that the owner of the agricultural land may agree to  
4 comply with the buffer zone requirements of section 3-365. If the owner  
5 agrees in writing to comply with the buffer zone requirements and records  
6 the agreement in the office of the county recorder as a restrictive  
7 covenant running with the title to the land, the school district may  
8 locate a school within the affected buffer zone. The agreement may  
9 include any stipulations regarding the school, including conditions for  
10 future expansion of the school and changes in the operational status of  
11 the school that will result in a breach of the agreement.

12     E. A school district, its governing board members, its school  
13 council members and its employees are immune from civil liability for the  
14 consequences of adoption and implementation of policies and procedures  
15 pursuant to subsection A of this section and section 15-342. This waiver  
16 does not apply if the school district, its governing board members, its  
17 school council members or its employees are guilty of gross negligence or  
18 intentional misconduct.

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

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

41     H. Subsections C through G of this section apply to a county board  
42 of supervisors and a county school superintendent when operating and  
43 administering an accommodation school.

1           Sec. 3. Concussion management pilot program for physical  
2           therapists; reports; delayed repeal

3           A. The department of health services, in cooperation with a  
4           statewide private entity that supervises interscholastic activities,  
5           shall:

6           1. Develop and conduct a two-year concussion management pilot  
7           program during the 2018-2019 and 2019-2020 school years for physical  
8           therapists licensed pursuant to title 32, chapter 19, Arizona Revised  
9           Statutes, who hold a sport specialty certification. Notwithstanding  
10           section 15-341, Arizona Revised Statutes, as amended by this act, during  
11           the 2018-2019 and 2019-2020 school years, a physical therapist  
12           participating in the pilot program may assess a pupil with a suspected  
13           concussion, remove a pupil from play and provide a pupil with clearance to  
14           resume participation in athletic activity. Any evaluation by a physical  
15           therapist of cognitive consequences of concussion shall be made in  
16           consultation with a physician licensed pursuant to title 32, chapter 13 or  
17           17, Arizona Revised Statutes. The concussion management pilot program  
18           shall prescribe requirements for physical therapists who participate in  
19           the program, including reporting and data collection which can be used to  
20           evaluate the effectiveness of the program.

21           2. On or before December 31, 2019, submit an initial report to the  
22           governor, the president of the senate and the speaker of the house of  
23           representatives that summarizes the department's findings and conclusions  
24           about the number of physical therapists who participated in the first year  
25           of the pilot program and the effectiveness of the first year of the pilot  
26           program. On or before December 31, 2020, the department shall submit a  
27           final report to the governor, the president of the senate and the speaker  
28           of the house of representatives that summarizes the department's findings  
29           and conclusions regarding the pilot program. The department shall provide  
30           a copy of the reports to the secretary of state.

31           3. Review and report on available health professional workforce  
32           with training and education in concussion management and emergency  
33           response on or before December 31, 2018.

34           B. The department of health services may adopt policies and  
35           procedures to carry out the purposes of the pilot program.

36           C. This section is repealed from and after March 31, 2021.

APPROVED BY THE GOVERNOR MAY 16, 2018.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 16, 2018.