

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

# HOUSE BILL 2657

AN ACT

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

4 15-341. General powers and duties; immunity; delegation

5 A. The governing board shall:

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

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

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

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

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

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

20 7. Construct school buildings on approval by a vote of the district  
21 electors.

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

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

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

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

37 12. Hold pupils to strict account for disorderly conduct on school  
38 property.

39 13. Discipline students for disorderly conduct on the way to and  
40 from school.

41 14. Except as provided in section 15-1224, deposit all monies  
42 received by the district as gifts, grants and devises with the county  
43 treasurer who shall credit the deposits as designated in the uniform  
44 system of financial records. If not inconsistent with the terms of the  
45 gifts, grants and devises given, any balance remaining after expenditures

1 for the intended purpose of the monies have been made shall be used for  
2 reduction of school district taxes for the budget year, except that in the  
3 case of accommodation schools the county treasurer shall carry the balance  
4 forward for use by the county school superintendent for accommodation  
5 schools for the budget year.

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

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

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

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

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

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

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

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

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

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

25           (a) The provision of water.

26           (b) Guidelines, information and forms, developed in consultation  
27 with a statewide private entity that supervises interscholastic  
28 activities, to inform and educate coaches, pupils and parents of the  
29 dangers of concussions and head injuries and the risks of continued  
30 participation in athletic activity after a concussion. The policies and  
31 procedures shall require that, before a pupil participates in an athletic  
32 activity, the pupil and the pupil's parent must sign an information form  
33 at least once each school year that states that the parent is aware of the  
34 nature and risk of concussion. The policies and procedures shall require  
35 that a pupil who is suspected of sustaining a concussion in a practice  
36 session, game or other interscholastic athletic activity be immediately  
37 removed from the athletic activity. A coach from the pupil's team or an  
38 official or a licensed health care provider may remove a pupil from play.  
39 A team parent may also remove the parent's own child from play. A pupil  
40 may return to play on the same day if a health care provider rules out a  
41 suspected concussion at the time the pupil is removed from play. On a  
42 subsequent day, the pupil may return to play if the pupil has been  
43 evaluated by and received written clearance to resume participation in  
44 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  
3 day is immune from civil liability with respect to all decisions made and  
4 actions taken that are based on good faith implementation of the  
5 requirements of this subdivision, except in cases of gross negligence or  
6 wanton or wilful neglect. A school district, school district employee,  
7 team coach, official or team volunteer or a parent or guardian of a team  
8 member is not subject to civil liability for any act, omission or policy  
9 undertaken in good faith to comply with the requirements of this  
10 subdivision or for a decision made or an action taken by a health care  
11 provider. A group or organization that uses property or facilities owned  
12 or operated by a school district for athletic activities shall comply with  
13 the requirements of this subdivision. A school district and its employees  
14 and volunteers are not subject to civil liability for any other person or  
15 organization's failure or alleged failure to comply with the requirements  
16 of this subdivision. This subdivision does not apply to teams that are  
17 based in another state and that participate in an athletic activity in  
18 this state. For the purposes of this subdivision, athletic activity does  
19 not include dance, rhythmic gymnastics, competitions or exhibitions of  
20 academic skills or knowledge or other similar forms of physical noncontact  
21 activities, civic activities or academic activities, whether engaged in  
22 for the purposes of competition or recreation. For the purposes of this  
23 subdivision, "health care provider" means a physician who is licensed  
24 pursuant to title 32, chapter 13 or 17, an athletic trainer who is  
25 licensed pursuant to title 32, chapter 41, a nurse practitioner who is  
26 licensed pursuant to title 32, chapter 15, and a physician assistant who  
27 is licensed pursuant to title 32, chapter 25.

28 (c) GUIDELINES, INFORMATION AND FORMS THAT ARE DEVELOPED IN  
29 CONSULTATION WITH A STATEWIDE PRIVATE ENTITY THAT SUPERVISES  
30 INTERSCHOLASTIC ACTIVITIES TO INFORM AND EDUCATE COACHES, PUPILS AND  
31 PARENTS OF THE DANGERS OF HEAT-RELATED ILLNESSES, SUDDEN CARDIAC DEATH AND  
32 PRESCRIPTION OPIOID USE. BEFORE A PUPIL PARTICIPATES IN ANY  
33 DISTRICT-SPONSORED PRACTICE SESSION, GAME OR OTHER INTERSCHOLASTIC  
34 ATHLETIC ACTIVITY, THE PUPIL AND THE PUPIL'S PARENT MUST BE PROVIDED WITH  
35 INFORMATION AT LEAST ONCE EACH SCHOOL YEAR ON THE RISKS OF HEAT-RELATED  
36 ILLNESSES, SUDDEN CARDIAC DEATH AND PRESCRIPTION OPIOID ADDICTION.

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

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

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

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

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

3 29. Keep in the personnel file of all current and former employees  
4 who provide instruction to pupils at a school information about the  
5 employee'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 information and shall  
8 make the information available for inspection on request of parents and  
9 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  
12 teacher's or employee's address, salary, social security number or  
13 telephone number.

14 30. Report to local law enforcement agencies any suspected crime  
15 against a person or property that is a serious offense as defined in  
16 section 13-706 or that involves a deadly weapon or dangerous instrument or  
17 serious physical injury and any conduct that poses a threat of death or  
18 serious physical injury to employees, students or anyone on the property  
19 of the school. This paragraph does not limit or preclude the reporting by  
20 a school district or an employee of a school district of suspected crimes  
21 other than those required to be reported by this paragraph. For the  
22 purposes of this paragraph, "dangerous instrument", "deadly weapon" and  
23 "serious physical injury" have the same meanings prescribed in section  
24 13-105.

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

31 32. Provide written notice to the parents or guardians of all  
32 students enrolled in the school district at least ten days prior to a  
33 public meeting to discuss closing a school within the school district.  
34 The notice shall include the reasons for the proposed closure and the time  
35 and place of the meeting. The governing board shall fix a time for a  
36 public meeting on the proposed closure no less than ten days before voting  
37 in a public meeting to close the school. The school district governing  
38 board shall give notice of the time and place of the meeting. At the time  
39 and place designated in the notice, the school district governing board  
40 shall hear reasons for or against closing the school. The school district  
41 governing board is exempt from this paragraph if it is determined by the  
42 governing board that the school shall be closed because it poses a danger  
43 to the health or safety of the pupils or employees of the school. A  
44 governing board may consult with the school facilities board for technical  
45 assistance and for information on the impact of closing a school. The

1 information provided from the school facilities board shall not require  
2 the governing board to take or not take any action.

3 33. Incorporate instruction on Native American history into  
4 appropriate existing curricula.

5 34. Prescribe and enforce policies and procedures:

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

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

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

38 36. Prescribe and enforce policies and procedures to prohibit  
39 pupils from harassing, intimidating and bullying other pupils on school  
40 grounds, on school property, on school buses, at school bus stops, at  
41 school-sponsored events and activities and through the use of electronic  
42 technology or electronic communication on school computers, networks,  
43 forums and mailing lists that include the following components:

44 (a) A procedure for pupils, parents and school district employees  
45 to confidentially report to school officials incidents of harassment,

1 intimidation or bullying. The school shall make available written forms  
2 designed to provide a full and detailed description of the incident and  
3 any other relevant information about the incident.

4 (b) A requirement that school district employees report in writing  
5 suspected incidents of harassment, intimidation or bullying to the  
6 appropriate school official and a description of appropriate disciplinary  
7 procedures for employees who fail to report suspected incidents that are  
8 known to the employee.

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

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

17 (e) A formal process for the documentation of reported incidents of  
18 harassment, intimidation or bullying and for the confidentiality,  
19 maintenance and disposition of this documentation. School districts shall  
20 maintain documentation of all incidents reported pursuant to this  
21 paragraph for at least six years. The school shall not use that  
22 documentation to impose disciplinary action unless the appropriate school  
23 official has investigated and determined that the reported incidents of  
24 harassment, intimidation or bullying occurred. If a school provides  
25 documentation of reported incidents to persons other than school officials  
26 or law enforcement, all individually identifiable information shall be  
27 redacted.

28 (f) A formal process for the investigation by the appropriate  
29 school officials of suspected incidents of harassment, intimidation or  
30 bullying, including procedures for notifying the alleged victim on  
31 completion and disposition of the investigation.

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

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

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

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

41 37. Prescribe and enforce policies and procedures regarding  
42 changing or adopting attendance boundaries that include the following  
43 components:

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

1 (b) A procedure to notify the parents or guardians of the students  
2 affected.

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

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

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

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

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

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

24 39. Ensure that the contract for the superintendent is structured  
25 in a manner in which up to twenty percent of the total annual salary  
26 included for the superintendent in the contract is classified as  
27 performance pay. This paragraph shall not be construed to require school  
28 districts to increase total compensation for superintendents. Unless the  
29 school district governing board votes to implement an alternative  
30 procedure at a public meeting called for this purpose, the performance pay  
31 portion of the superintendent's total annual compensation shall be  
32 determined as follows:

33 (a) Twenty-five percent of the performance pay shall be determined  
34 based on the percentage of academic gain determined by the department of  
35 education of pupils who are enrolled in the school district compared to  
36 the academic gain achieved by the highest ranking of the fifty largest  
37 school districts in this state. For the purposes of this subdivision, the  
38 department of education shall determine academic gain by the academic  
39 growth achieved by each pupil who has been enrolled at the same school in  
40 a school district for at least five consecutive months measured against  
41 that pupil's academic results in the 2008-2009 school year. For the  
42 purposes of this subdivision, of the fifty largest school districts in  
43 this state, the school district with pupils who demonstrate the highest  
44 statewide percentage of overall academic gain measured against academic  
45 results for the 2008-2009 school year shall be assigned a score of 100 and

1 the school district with pupils who demonstrate the lowest statewide  
2 percentage of overall academic gain measured against academic results for  
3 the 2008-2009 school year shall be assigned a score of 0.

4 (b) Twenty-five percent of the performance pay shall be determined  
5 by the percentage of parents of pupils who are enrolled at the school  
6 district who assign a letter grade of "A" to the school on a survey of  
7 parental satisfaction with the school district. The parental satisfaction  
8 survey shall be administered and scored by an independent entity that is  
9 selected by the governing board and that demonstrates sufficient expertise  
10 and experience to accurately measure the results of the survey. The  
11 parental satisfaction survey shall use standard random sampling procedures  
12 and provide anonymity and confidentiality to each parent who participates  
13 in the survey. The letter grade scale used on the parental satisfaction  
14 survey shall direct parents to assign one of the following letter grades:

- 15 (i) A letter grade of "A" if the school district is excellent.
- 16 (ii) A letter grade of "B" if the school district is above average.
- 17 (iii) A letter grade of "C" if the school district is average.
- 18 (iv) A letter grade of "D" if the school district is below average.
- 19 (v) A letter grade of "F" if the school district is a failure.

20 (c) Twenty-five percent of the performance pay shall be determined  
21 by the percentage of teachers who are employed at the school district and  
22 who assign a letter grade of "A" to the school on a survey of teacher  
23 satisfaction with the school. The teacher satisfaction survey shall be  
24 administered and scored by an independent entity that is selected by the  
25 governing board and that demonstrates sufficient expertise and experience  
26 to accurately measure the results of the survey. The teacher satisfaction  
27 survey shall use standard random sampling procedures and provide anonymity  
28 and confidentiality to each teacher who participates in the survey. The  
29 letter grade scale used on the teacher satisfaction survey shall direct  
30 teachers to assign one of the following letter grades:

- 31 (i) A letter grade of "A" if the school district is excellent.
- 32 (ii) A letter grade of "B" if the school district is above average.
- 33 (iii) A letter grade of "C" if the school district is average.
- 34 (iv) A letter grade of "D" if the school district is below average.
- 35 (v) A letter grade of "F" if the school district is a failure.

36 (d) Twenty-five percent of the performance pay shall be determined  
37 by other criteria selected by the governing board.

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

1           41. Adopt in a public meeting and implement ~~by school year~~  
2 ~~2013-2014~~ policies for principal evaluations. Before the adoption of  
3 principal evaluation policies, the school district governing board shall  
4 provide opportunities for public discussion on the proposed policies. The  
5 policies shall describe:

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

9           (b) Alignment of professional development opportunities to the  
10 principal evaluations.

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

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

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

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

20           42. Prescribe and enforce policies and procedures that define the  
21 duties of principals and teachers. These policies and procedures shall  
22 authorize teachers to take and maintain daily classroom attendance, make  
23 the decision to promote or retain a pupil in a grade in common school or  
24 to pass or fail a pupil in a course in high school, subject to review by  
25 the governing board in the manner provided in section 15-342,  
26 paragraph 11.

27           43. Prescribe and enforce policies and procedures for the emergency  
28 administration by an employee of a school district pursuant to section  
29 36-2267 of naloxone hydrochloride or any other opioid antagonist approved  
30 by the United States food and drug administration.

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

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

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

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

44           D. The governing board may not locate a school on property that is  
45 less than one-fourth mile from agricultural land regulated pursuant to

1 section 3-365, except that the owner of the agricultural land may agree to  
2 comply with the buffer zone requirements of section 3-365. If the owner  
3 agrees in writing to comply with the buffer zone requirements and records  
4 the agreement in the office of the county recorder as a restrictive  
5 covenant running with the title to the land, the school district may  
6 locate a school within the affected buffer zone. The agreement may  
7 include any stipulations regarding the school, including conditions for  
8 future expansion of the school and changes in the operational status of  
9 the school that will result in a breach of the agreement.

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

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

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

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