

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 NEGLIGENCE.

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~~

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

3 (a) The provision of water.

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

- 1 (iv) A letter grade of "D" if the school district is below average.
2 (v) A letter grade of "F" if the school district is a failure.
3 (c) Twenty-five percent of the performance pay shall be determined
4 by the percentage of teachers who are employed at the school district and
5 who assign a letter grade of "A" to the school on a survey of teacher
6 satisfaction with the school. The teacher satisfaction survey shall be
7 administered and scored by an independent entity that is selected by the
8 governing board and that demonstrates sufficient expertise and experience
9 to accurately measure the results of the survey. The teacher satisfaction
10 survey shall use standard random sampling procedures and provide anonymity
11 and confidentiality to each teacher who participates in the survey. The
12 letter grade scale used on the teacher satisfaction survey shall direct
13 teachers to assign one of the following letter grades:
14 (i) A letter grade of "A" if the school district is excellent.
15 (ii) A letter grade of "B" if the school district is above average.
16 (iii) A letter grade of "C" if the school district is average.
17 (iv) A letter grade of "D" if the school district is below average.
18 (v) A letter grade of "F" if the school district is a failure.
19 (d) Twenty-five percent of the performance pay shall be determined
20 by other criteria selected by the governing board.
21 40. Maintain and store permanent public records of the school
22 district as required by law. Notwithstanding section 39-101, the
23 standards adopted by the Arizona state library, archives and public
24 records for the maintenance and storage of school district public records
25 shall allow school districts to elect to satisfy the requirements of this
26 paragraph by maintaining and storing these records either on paper or in
27 an electronic format, or a combination of a paper and electronic format.
28 41. Adopt in a public meeting and implement ~~by school year~~
29 ~~2013-2014~~ policies for principal evaluations. Before the adoption of
30 principal evaluation policies, the school district governing board shall
31 provide opportunities for public discussion on the proposed policies. The
32 policies shall describe:
33 (a) The principal evaluation instrument, including the four
34 performance classifications adopted by the governing board pursuant to
35 section 15-203, subsection A, paragraph 38.
36 (b) Alignment of professional development opportunities to the
37 principal evaluations.
38 (c) Incentives for principals in one of the two highest performance
39 classifications pursuant to section 15-203, subsection A, paragraph 38,
40 which may include:
41 (i) Multiyear contracts pursuant to section 15-503.
42 (ii) Incentives to work at schools that are assigned a letter grade
43 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.

11 43. Prescribe and enforce policies and procedures for the emergency
12 administration by an employee of a school district pursuant to section
13 36-2267 of naloxone hydrochloride or any other opioid antagonist approved
14 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 NEGLIGENCE. 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.