

State of Arizona  
House of Representatives  
Fifty-fourth Legislature  
First Regular Session  
2019

# HB 2017

Introduced by  
Representative Townsend

AN ACT

AMENDING TITLE 15, CHAPTER 1, ARTICLE 1, ARIZONA REVISED STATUTES, BY  
ADDING SECTION 15-119; AMENDING SECTIONS 15-511 AND 15-806, ARIZONA  
REVISED STATUTES; RELATING TO SCHOOL OPERATIONS.

(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 1, Arizona Revised  
3 Statutes, is amended by adding section 15-119, to read:

4 15-119. School closures; prohibition; exceptions; guidelines;  
5 legal opinions; civil penalty

6 A. EXCEPT AS PRESCRIBED IN SUBSECTION B OF THIS SECTION AND  
7 NOTWITHSTANDING ANY OTHER LAW, A SCHOOL DISTRICT OR CHARTER SCHOOL MAY NOT  
8 CEASE OPERATIONS OR OTHERWISE CLOSE A SCHOOL OR ANY PART OF A SCHOOL  
9 DURING REGULAR SCHOOL HOURS WHEN THE SCHOOL IS SCHEDULED TO BE OPEN FOR  
10 STUDENT ATTENDANCE TO MEET THE NECESSARY NUMBER OF DAYS OF STUDENT  
11 INSTRUCTION DURING THE SCHOOL YEAR AS PREVIOUSLY APPROVED BY THE SCHOOL  
12 DISTRICT GOVERNING BOARD, CHARTER SCHOOL GOVERNING BODY OR DEPARTMENT OF  
13 EDUCATION.

14 B. A SCHOOL DISTRICT OR CHARTER SCHOOL MAY CEASE OPERATIONS OR  
15 OTHERWISE CLOSE A SCHOOL OR ANY PART OF A SCHOOL DURING REGULAR SCHOOL  
16 HOURS WHEN THE SCHOOL IS SCHEDULED TO BE OPEN FOR STUDENT ATTENDANCE  
17 DURING THE SCHOOL YEAR ONLY FOR ANY OF THE FOLLOWING:

- 18 1. AN INVASION, HOSTILE ATTACK, RIOT, INSURRECTION OR OTHER ACT OF  
19 VIOLENCE.
- 20 2. AN EPIDEMIC OF DISEASE OR PLAGUE OF INSECTS.
- 21 3. A FLOOD OR FLOODWATERS.
- 22 4. AN ACT OF GOD OR ANY MAJOR DISASTER.
- 23 5. A WILDFIRE.
- 24 6. INCLEMENT WEATHER THAT PREVENTS THE SAFE TRANSPORTATION OF  
25 STUDENTS TO OR FROM SCHOOL.
- 26 7. A PLANNED VACATION OR HOLIDAY BREAK THAT IS PREVIOUSLY APPROVED  
27 BY THE SCHOOL DISTRICT GOVERNING BOARD OR CHARTER SCHOOL GOVERNING BODY.
- 28 8. ANY OTHER BONA FIDE THREAT TO THE SAFETY OR SECURITY OF THE  
29 SCHOOL.

30 C. THE ATTORNEY GENERAL SHALL PUBLISH AND DISTRIBUTE TO SCHOOL  
31 DISTRICTS AND CHARTER SCHOOLS DETAILED GUIDELINES REGARDING SCHOOL  
32 CLOSURES PROHIBITED UNDER THIS SECTION. THE ATTORNEY GENERAL MAY  
33 DISTRIBUTE THESE GUIDELINES THROUGH A WEBSITE OR ELECTRONICALLY.

34 D. AN ATTORNEY ACTING ON BEHALF OF A SCHOOL DISTRICT OR CHARTER  
35 SCHOOL MAY REQUEST A LEGAL OPINION FROM THE COUNTY ATTORNEY FOR THE COUNTY  
36 WHERE AN ALLEGED VIOLATION OF THIS SECTION OCCURS OR FROM THE ATTORNEY  
37 GENERAL AS TO WHETHER A PROPOSED CLOSURE OF A SCHOOL DISTRICT OR CHARTER  
38 SCHOOL WOULD VIOLATE THIS SECTION.

39 E. THE ATTORNEY GENERAL OR THE COUNTY ATTORNEY FOR THE COUNTY WHERE  
40 AN ALLEGED VIOLATION OF THIS SECTION OCCURS SHALL INITIATE A SUIT IN  
41 SUPERIOR COURT IN THE COUNTY WHERE THE SCHOOL DISTRICT OR CHARTER SCHOOL  
42 IS LOCATED FOR THE PURPOSE OF COMPLYING WITH THIS SECTION. ANY PERSON MAY  
43 INITIATE A SUIT IN SUPERIOR COURT IN THE COUNTY WHERE THE SCHOOL DISTRICT  
44 OR CHARTER SCHOOL IS LOCATED FOR THE PURPOSE OF COMPLYING WITH THIS  
45 SECTION.

1 F. FOR EACH VIOLATION OF THIS SECTION, THE COURT MAY IMPOSE A CIVIL  
2 PENALTY OF NOT MORE THAN \$5,000 AGAINST A PERSON WHO KNOWINGLY VIOLATES OR  
3 KNOWINGLY AIDS ANOTHER PERSON IN VIOLATING THIS SECTION. THE PERSON  
4 DETERMINED TO BE OUT OF COMPLIANCE WITH THIS SECTION SHALL PAY ALL  
5 PENALTIES. SCHOOL DISTRICT AND CHARTER SCHOOL MONIES OR INSURANCE  
6 PAYMENTS MAY NOT BE USED TO PAY THESE PENALTIES.

7 G. ALL CIVIL PENALTIES COLLECTED BY THE COURT FOR A SUIT INITIATED  
8 IN SUPERIOR COURT BY:

9 1. THE ATTORNEY GENERAL SHALL BE PAID TO THE ATTORNEY GENERAL FOR  
10 THE USE AND REIMBURSEMENT OF COSTS OF PROSECUTION PURSUANT TO THIS  
11 SECTION.

12 2. A COUNTY ATTORNEY SHALL BE PAID TO THE COUNTY TREASURER OF THE  
13 COUNTY IN WHICH THE ACTION IS BROUGHT FOR THE USE AND REIMBURSEMENT OF  
14 COSTS OF PROSECUTION PURSUANT TO THIS SECTION.

15 3. A PERSON OTHER THAN THE ATTORNEY GENERAL OR A COUNTY ATTORNEY  
16 SHALL BE PAID TO THAT PERSON FOR THE USE AND REIMBURSEMENT OF COSTS OF  
17 PROSECUTION PURSUANT TO THIS SECTION.

18 Sec. 2. Section 15-511, Arizona Revised Statutes, is amended to  
19 read:

20 15-511. Use of school district or charter school resources or  
21 employees to influence elections or coordinate  
22 school closures; prohibition; exceptions;  
23 guidelines; legal opinions; civil penalty;  
24 definitions

25 A. A person acting on behalf of a school district or a person who  
26 aids another person acting on behalf of a school district shall not spend  
27 or use school district or charter school resources, including the use or  
28 expenditure of monies, accounts, credit, facilities, vehicles, postage,  
29 telecommunications, computer hardware and software, web pages, personnel,  
30 equipment, materials, buildings or any other thing of value of the school  
31 district or charter school, for the purpose of influencing the outcomes of  
32 elections **OR COORDINATING THE CLOSURE OF A SCHOOL**. Notwithstanding this  
33 section, a school district may distribute informational pamphlets on a  
34 proposed budget override election as provided in section 15-481,  
35 subsections B and C or informational pamphlets on a proposed bond election  
36 as provided in section 15-491, subsection D if those informational  
37 pamphlets present factual information in a neutral manner, except for  
38 those arguments presented as prescribed in section 15-481, subsection B,  
39 paragraph 9. ~~Nothing in~~ This section ~~precludes~~ **DOES NOT PROHIBIT** a school  
40 district from reporting on official actions of the governing board.

41 B. The prohibition on ~~the use of~~ **USING** public resources to  
42 influence the outcome of bond, budget override and other tax-related  
43 elections includes the use of school district-focused promotional  
44 expenditures that occur after an election is called and through election

1 day. This prohibition does not include routine school district  
2 communications.

3 C. This section does not prohibit ~~the use of~~ USING school district  
4 or charter school resources, including facilities and equipment, for  
5 government-sponsored forums or debates if the government sponsor remains  
6 impartial and the events are purely informational and provide an equal  
7 opportunity to all viewpoints. The rental and use of a public facility by  
8 a private person or entity that may lawfully attempt to influence the  
9 outcome of an election is permitted if it does not occur at the same time  
10 and place as a government-sponsored forum or debate.

11 D. An employee of a school district or charter school who is acting  
12 as an agent of or working in an official capacity for the school district  
13 or charter school may not give pupils written materials to influence the  
14 outcome of an election, ~~or~~ to advocate support for or opposition to  
15 pending or proposed legislation OR TO COORDINATE THE CLOSURE OF A SCHOOL.

16 E. Employees of a school district or charter school may not use the  
17 authority of their positions to influence the vote or political activities  
18 of any subordinate employee OR TO COORDINATE THE CLOSURE OF A SCHOOL.

19 F. Notwithstanding section 15-342, paragraph 8, a school district  
20 shall not spend monies for membership in an association that attempts to  
21 influence the outcome of an election OR TO COORDINATE THE CLOSURE OF A  
22 SCHOOL.

23 G. This section does not deny the civil and political liberties of  
24 any person as guaranteed by the United States and Arizona Constitutions.

25 H. The attorney general shall publish and distribute to school  
26 districts and charter schools ~~a~~ detailed ~~guideline~~ GUIDELINES regarding  
27 activities THAT ARE prohibited under this section. The attorney general  
28 may distribute these guidelines through a website or electronically.

29 ~~K.~~ I. An attorney acting on behalf of a public school may request  
30 a legal opinion ~~of~~ FROM the county attorney FOR THE COUNTY WHERE AN  
31 ALLEGED VIOLATION OF THIS SECTION OCCURS or FROM THE attorney general as  
32 to whether a proposed use of school district resources would violate this  
33 section.

34 ~~I.~~ J. The attorney general or the county attorney for the county  
35 in which an alleged violation of this section occurred may initiate a suit  
36 in the superior court in the county ~~in which~~ WHERE the school district or  
37 charter school is located for the purpose of complying with this section.  
38 ANY PERSON MAY INITIATE A SUIT IN THE SUPERIOR COURT IN THE COUNTY WHERE  
39 THE SCHOOL DISTRICT OR CHARTER SCHOOL IS LOCATED FOR THE PURPOSE OF  
40 COMPLYING WITH THIS SECTION.

41 ~~J.~~ K. For each violation of this section, the court may impose a  
42 civil penalty not to exceed ~~five thousand dollars~~ \$5,000 plus any amount  
43 of misused ~~funds~~ MONIES subtracted from the school district budget against  
44 a person who knowingly violates or a person who knowingly aids another  
45 person in violating this section. The person determined to be out of

1 compliance with this section shall ~~be responsible for the payment of~~ PAY  
2 all penalties and misused ~~funds~~ MONIES. School district ~~funds~~ MONIES or  
3 insurance payments shall not be used to pay these penalties or misused  
4 ~~funds~~ MONIES. All misused ~~funds~~ MONIES collected pursuant to this section  
5 shall be returned to the school district or charter school whose ~~funds~~  
6 MONIES were misused.

7 L. All penalties collected by the court for a suit initiated in  
8 superior court by:

9 1. The attorney general shall be paid to the office of the attorney  
10 general for the use and reimbursement of costs of prosecution pursuant to  
11 this section. ~~All penalties collected by the court for a suit initiated~~  
12 ~~in superior court by~~

13 2. A county attorney shall be paid to the county treasurer of the  
14 county in which the court is held for the use and reimbursement of costs  
15 of prosecution pursuant to this section.

16 3. A PERSON OTHER THAN THE ATTORNEY GENERAL OR A COUNTY ATTORNEY  
17 SHALL BE PAID TO THAT PERSON FOR THE USE AND REIMBURSEMENT OF COSTS OF  
18 PROSECUTION PURSUANT TO THIS SECTION.

19 M. For the purposes of this section:

20 1. "CLOSURE OF A SCHOOL" MEANS THE CESSATION OF OPERATIONS OR OTHER  
21 CLOSURE OF A SCHOOL OR ANY PART OF A SCHOOL WITHIN A SCHOOL DISTRICT, AN  
22 ENTIRE SCHOOL DISTRICT OR A CHARTER SCHOOL FOR ANY PORTION OF A DAY DURING  
23 REGULAR SCHOOL HOURS WHEN THE SCHOOL IS SCHEDULED TO BE OPEN FOR STUDENT  
24 ATTENDANCE DURING THE SCHOOL YEAR PURSUANT TO SECTION 15-119.

25 ~~1.~~ 2. "Government-sponsored forum or debate" means any event, ~~or~~  
26 part of an event or meeting, ~~in~~ in which the government is an official  
27 sponsor, ~~which~~ THAT is open to the public or to invited members of the  
28 public, and whose purpose is to inform the public about an issue or  
29 proposition that is before the voters.

30 ~~2.~~ 3. "Influencing the outcomes of elections" means supporting or  
31 opposing a candidate for nomination or election to public office or the  
32 recall of a public officer or supporting or opposing a ballot measure,  
33 question or proposition, including any bond, budget or override election  
34 and supporting or opposing the circulation of a petition for the recall of  
35 a public officer or a petition for a ballot measure, question or  
36 proposition in any manner that is not impartial or neutral.

37 ~~3.~~ 4. "Misused ~~funds~~ MONIES" means school district monies or  
38 resources THAT ARE used unlawfully pursuant to this section.

39 ~~4.~~ 5. "Routine school district communications" means messages or  
40 advertisements that are germane to the functions of the school district  
41 and that maintain the frequency, scope and distribution consistent with  
42 past practices or are necessary for public safety.

1           Sec. 3. Section 15-806, Arizona Revised Statutes, is amended to  
2 read:

3           15-806. Excuse from school attendance

4           ~~A.~~ The governing board of each school district and the governing  
5 body of each charter school shall adopt a policy governing the excuse of  
6 pupils for religious purposes. The policy may permit a pupil to be  
7 excused from school attendance for religious purposes, including  
8 participation in religious exercises or religious instruction. If the  
9 policy permits a pupil to be excused for religious purposes, the policy  
10 shall stipulate the conditions under which the excuse will be  
11 granted. These conditions shall include at least the following:

12           1. The person who has custody of the pupil has given written  
13 consent.

14           2. Any religious instruction or exercise takes place at a suitable  
15 place away from school property designated by the church or religious  
16 denomination or group.

17           ~~B. The governing board of each school district and the governing  
18 body of each charter school shall adopt a policy governing the excuse of  
19 pupils from school attendance. The policy shall require the school  
20 district to apply to the department of education for authorization of  
21 school closure for the following reasons:~~

22           ~~1. Widespread illness for any period of three consecutive days or  
23 more.~~

24           ~~2. Adverse weather conditions for any period of three consecutive  
25 days or more.~~

26           ~~3. Concerted refusal by students to attend classes for any period  
27 of three consecutive days or more.~~

28           ~~4. Threats of violence against school property, school personnel or  
29 pupils for any period of one day or more.~~

30           ~~5. Situations affecting the safety of persons or property resulting  
31 from fire, flooding or floodwater, an earthquake, a hazardous material  
32 event or another cause if approved by the department of education.~~

33           Sec. 4. Intent

34           It is the intent of the legislature that public schools in this  
35 state remain open at all times, as regularly scheduled, to promote a  
36 stable and safe learning environment for students. Public schools in this  
37 state should close only when the health, safety or well-being of students  
38 is at risk.