

REFERENCE TITLE: schools; pupil discipline; annual report

State of Arizona
Senate
Fifty-fourth Legislature
First Regular Session
2019

SB 1417

Introduced by
Senators Quezada: Dalessandro, Rios; Representative Andrade

AN ACT

AMENDING SECTION 15-843, ARIZONA REVISED STATUTES; RELATING TO THE
SUSPENSION AND EXPULSION OF PUPILS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 15-843, Arizona Revised Statutes, is amended to
3 read:

4 15-843. Pupil disciplinary proceedings: reporting
5 requirements; definitions

6 A. An action concerning discipline, suspension or expulsion of a
7 pupil is not subject to title 38, chapter 3, article 3.1, except that the
8 governing board of a school district shall post regular notice and shall
9 take minutes of any hearing held by the governing board concerning the
10 discipline, suspension or expulsion of a pupil.

11 B. The governing board of any school district, in consultation with
12 the teachers and parents of the school district, shall prescribe rules for
13 the discipline, suspension and expulsion of pupils. The rules shall be
14 consistent with the constitutional rights of pupils and shall include at
15 least the following:

16 1. Penalties for excessive pupil absenteeism pursuant to section
17 15-803, including failure in a subject, failure to pass a grade,
18 suspension or expulsion.

19 2. Procedures ~~for the use of~~ TO USE corporal punishment if allowed
20 by the governing board.

21 3. Procedures for the reasonable use of physical force by
22 certificated or classified personnel in self-defense, defense of others
23 and defense of property.

24 4. Procedures for dealing with pupils who have committed or who are
25 believed to have committed a crime.

26 5. A notice and hearing procedure for cases concerning the
27 suspension of a pupil for more than ten days.

28 6. Procedures and conditions for ~~readmission of~~ READMITTING a pupil
29 who has been expelled or suspended for more than ten days.

30 7. Procedures ~~for~~ TO appeal to the governing board ~~of~~ the
31 suspension of a pupil for more than ten days, if the decision to suspend
32 the pupil was not made by the governing board.

33 8. Procedures ~~for~~ TO appeal ~~of~~ the recommendation of the hearing
34 officer or officers designated by the GOVERNING board as provided in
35 subsection F of this section at the time the board considers the
36 recommendation.

37 9. Disciplinary policies for ~~the confinement of~~ CONFINING pupils
38 left alone in an enclosed space. These policies shall include the
39 following:

40 (a) A process for prior written parental notification that
41 confinement may be used for disciplinary purposes and that is included in
42 the pupil's enrollment packet or admission form.

43 (b) A process for prior written parental consent before confinement
44 is allowed for any pupil in the school district. The policies shall
45 provide for an exemption to prior written parental consent if a school

principal or teacher determines that the pupil poses imminent physical harm to self or others. The school principal or teacher shall make reasonable attempts to notify the pupil's parent or guardian in writing by the end of the same day that confinement was used.

10. Procedures that require the school district to annually report to the department of education in a manner prescribed by the department the number of suspensions and expulsions that involve the possession, use or sale of an illegal substance under title 13, chapter 34 and the type of illegal substance involved in each suspension or expulsion. The department ~~of education~~ shall compile this information and annually post the information on its website. The information shall comply with the family educational rights and privacy act of 1974 (P.L. 93-380; 88 Stat. 57; 20 United States Code section 1232g), ~~and~~ MAY not include personally identifiable information and shall show the number of suspensions and expulsions associated with each illegal substance aggregated statewide and by county.

C. Penalties adopted pursuant to subsection B, paragraph 1 of this section for excessive absenteeism shall not be applied to pupils who have completed the course requirements and whose absence from school is due solely to illness, disease or accident as certified by a person who is licensed pursuant to title 32, chapter 7, 13, 15 or 17.

D. The governing board shall:

1. Support and assist teachers in ~~the implementation~~ IMPLEMENTING and ~~enforcement of~~ ENFORCING the rules prescribed pursuant to subsection B of this section.

2. Develop procedures allowing teachers and principals to recommend ~~the suspension~~ SUSPENDING or ~~expulsion of~~ EXPELLING pupils.

3. Develop procedures allowing teachers and principals to temporarily remove disruptive pupils from a class.

4. Delegate to the principal the authority to remove a disruptive pupil from the classroom.

E. If a pupil withdraws from school after receiving notice of possible action concerning discipline, expulsion or suspension, the governing board may continue with the action after the withdrawal and may record the results of such AN action in the pupil's permanent file.

F. In all ~~action~~ ACTIONS concerning the expulsion of a pupil, the governing board of a school district shall:

1. Be notified of the intended action.

2. Either:

(a) Decide, in executive session, whether to hold a hearing or to designate one or more hearing officers to hold a hearing to hear the evidence, prepare a record and bring a recommendation to the board for action and whether the hearing shall be held in executive session.

(b) Provide by policy or vote at its annual organizational meeting that all hearings concerning the expulsion of a pupil conducted pursuant to this section will be conducted before a hearing officer selected from a list of hearing officers approved by the governing board.

3. Give written notice, at least five working days before the hearing by the governing board or the hearing officer or officers designated by the governing board, to all pupils subject to expulsion and their parents or guardians of the date, time and place of the hearing. If the governing board decides that the hearing is to be held in executive session, the written notice shall include a statement of the right of the parents or guardians or an emancipated pupil who is subject to expulsion to object to the governing board's decision to have the hearing held in executive session. Objections shall be made in writing to the governing board.

G. If a parent or guardian or an emancipated pupil who is subject to expulsion disagrees that the hearing should be held in executive session, ~~it~~ THE HEARING shall be held in an open meeting unless:

1. If only one pupil is subject to expulsion and disagreement exists between that pupil's parents or guardians, the governing board, after consultations with the pupil's parents or guardians or the emancipated pupil, shall decide in executive session whether the hearing will be in executive session.

2. If more than one pupil is subject to expulsion and disagreement exists between the parents or guardians of different pupils, separate hearings shall be held subject to this section.

H. This section does not prevent the pupil who is subject to expulsion or suspension, and the pupil's parents or guardians and legal counsel, from attending any executive session pertaining to the proposed disciplinary action, from having access to the minutes and testimony of the executive session or from recording the session at the parent's or guardian's expense.

I. In schools employing a superintendent or a principal, the authority to suspend a pupil from school is vested in the superintendent, principal or other school officials granted this power by the governing board of the school district.

J. In schools that do not have a superintendent or principal, a teacher may suspend a pupil from school.

K. ~~It~~ All cases of suspension, ~~it~~ shall be for good cause and shall be reported within five days to the governing board by the superintendent or the person imposing the suspension.

L. Rules pertaining to the discipline, suspension and expulsion of pupils shall not be based on race, color, religion, sex, national origin or ancestry. If the department of education, the auditor general or the attorney general determines that a school district is substantially and deliberately not in compliance with this subsection and if the school

1 district has failed to correct the deficiency within ninety days after
 2 receiving notice from the department ~~of education~~, the superintendent of
 3 public instruction may withhold the monies the school district would
 4 otherwise be entitled to receive from the date of the determination of
 5 noncompliance until the department ~~of education~~ determines that the school
 6 district is in compliance with this subsection.

7 M. The principal of each school shall ensure that a copy of all
 8 rules pertaining to discipline, suspension and expulsion of pupils is
 9 distributed to the parents of each pupil at the time the pupil is enrolled
 10 in school.

11 N. The principal of each school shall ensure that all rules
 12 pertaining to the discipline, suspension and expulsion of pupils are
 13 communicated to students at the beginning of each school year, and to
 14 transfer students at the time of their enrollment in the school.

15 O. School districts may refer a pupil who has been subject to
 16 discipline, suspension or expulsion pursuant to this section to a career
 17 and college readiness program for at-risk students established pursuant to
 18 section 15-707.

19 P. ON OR BEFORE SEPTEMBER 1 OF EACH YEAR BEGINNING IN 2020, THE
 20 DEPARTMENT OF EDUCATION SHALL SUBMIT TO THE GOVERNOR, THE PRESIDENT OF THE
 21 SENATE, THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND THE STATE BOARD OF
 22 EDUCATION, AND PROVIDE A COPY TO THE SECRETARY OF STATE, A REPORT THAT
 23 INCLUDES THE FOLLOWING INFORMATION:

24 1. THE TOTAL NUMBER OF STUDENTS ENROLLED IN EACH SCHOOL DISTRICT
 25 AND EACH CHARTER SCHOOL AND IN EACH SUBGROUP.

26 2. THE PERCENTAGE THAT EACH SUBGROUP REPRESENTS OF THE SCHOOL
 27 DISTRICT'S OR CHARTER SCHOOL'S TOTAL ENROLLMENT.

28 3. THE NUMBER OF STUDENTS WHO APPEAR IN MORE THAN ONE SUBGROUP.

29 4. THE DISCIPLINARY RATE FOR EACH DISCIPLINE MEASURE FOR THE TOTAL
 30 STUDENT ENROLLMENT IN A SCHOOL DISTRICT OR CHARTER SCHOOL.

31 5. THE DISCIPLINARY RATE FOR EACH DISCIPLINE MEASURE FOR EACH
 32 SUBGROUP.

33 6. THE RATE OF DISCIPLINARY DISPARITY FOR EACH DISCIPLINE MEASURE
 34 FOR EACH SUBGROUP COMPARED WITH THE SUBGROUP WITH THE LOWEST DISCIPLINARY
 35 RATE.

36 7. DISCIPLINE-RELATED STRATEGIES, ALTERNATIVES AND RESOURCES
 37 AVAILABLE TO SCHOOL DISTRICTS AND CHARTER SCHOOLS.

38 Q. THE REPORT PRESCRIBED IN SUBSECTION P OF THIS SECTION MAY
 39 INCLUDE ADDITIONAL INFORMATION THAT THE DEPARTMENT OF EDUCATION DETERMINES
 40 WILL PROVIDE A BETTER UNDERSTANDING OF THE DISCIPLINARY RATE OR RATE OF
 41 DISCIPLINARY DISPARITY OF A PARTICULAR SCHOOL, CHARTER SCHOOL OR SCHOOL
 42 DISTRICT.

1 R. THE DEPARTMENT OF EDUCATION SHALL:

2 1. TRACK THE PROGRESS THAT SCHOOL DISTRICTS AND CHARTER SCHOOLS IN
3 THIS STATE MAKE IN REDUCING THE DISCIPLINARY RATE AND RATE OF DISCIPLINARY
4 DISPARITY.

5 2. IDENTIFY SCHOOL DISTRICTS AND CHARTER SCHOOLS THAT MAKE PROGRESS
6 IN REDUCING THE DISCIPLINARY RATE AND RATE OF DISCIPLINARY DISPARITY AND
7 ASSESS THE SUCCESSFUL STRATEGIES USED BY THOSE SCHOOL DISTRICTS AND
8 CHARTER SCHOOLS.

9 3. ASSESS THE GAINS, IF ANY, IN STUDENT ACADEMIC ACHIEVEMENT THAT
10 CORRESPOND TO THE REDUCTION OF DISCIPLINARY RATES AND RATES OF
11 DISCIPLINARY DISPARITY.

12 4. SUBMIT ANNUALLY TO THE STATE BOARD OF EDUCATION THE FOLLOWING
13 INFORMATION:

14 (a) THE PROGRESS MADE FOR THE YEAR.

15 (b) SUCCESSFUL STRATEGIES THAT OTHER SCHOOL DISTRICTS AND CHARTER
16 SCHOOLS USE.

17 (c) THE CORRESPONDING GAINS, IF ANY, IN STUDENT ACADEMIC
18 ACHIEVEMENT.

19 5. SURVEY SCHOOL DISTRICTS AND CHARTER SCHOOLS TO DETERMINE WHICH
20 SCHOOL DISTRICTS AND CHARTER SCHOOLS ARE CURRENTLY IMPLEMENTING
21 EVIDENCE-BASED STRATEGIES THAT REFLECT:

22 (a) POSITIVE BEHAVIOR INTERVENTIONS AND SUPPORT SYSTEMS.

23 (b) RESTORATIVE JUSTICE.

24 S. FOR THE PURPOSES OF THIS SECTION:

25 1. "DISCIPLINARY RATE" MEANS A THREE-YEAR AVERAGE FOR EACH
26 DISCIPLINE MEASURE OF THE NUMBER OF STUDENTS IN A SCHOOL DISTRICT OR
27 CHARTER SCHOOL OR IN A SUBGROUP OF THE SCHOOL DISTRICT OR CHARTER SCHOOL
28 WHO HAVE AT LEAST ONE DISCIPLINE MEASURE DIVIDED BY THE CORRESPONDING
29 TOTAL ENROLLMENT IN THE SCHOOL DISTRICT OR CHARTER SCHOOL OR THE TOTAL
30 ENROLLMENT IN THE SUBGROUP.

31 2. "DISCIPLINE MEASURE" MEANS ANY OF THE FOLLOWING:

32 (a) IN-SCHOOL SUSPENSION.

33 (b) OUT-OF-SCHOOL SUSPENSION.

34 (c) EXPULSION.

35 (d) REFERRAL TO LAW ENFORCEMENT.

36 3. "RATE OF DISCIPLINARY DISPARITY" MEANS THE DISCIPLINARY RATE FOR
37 A SUBGROUP SUBTRACTED FROM THE DISCIPLINARY RATE FOR ANOTHER COMPARISON
38 SUBGROUP.

39 4. "SUBGROUP" MEANS ENROLLED STUDENTS WHO ARE IN ONE OF THE
40 FOLLOWING DEMOGRAPHIC GROUPS:

41 (a) WHITE STUDENTS.

42 (b) ASIAN STUDENTS.

43 (c) AMERICAN INDIAN OR ALASKA NATIVE STUDENTS.

44 (d) AFRICAN-AMERICAN STUDENTS.

45 (e) LATINO STUDENTS.

- 1 (f) NATIVE HAWAIIAN OR OTHER PACIFIC ISLANDER STUDENTS.
- 2 (g) LOW-INCOME STUDENTS, INCLUDING STUDENTS WHO ARE ECONOMICALLY
- 3 DISADVANTAGED FOR STANDARDIZED TESTING PURPOSES.
- 4 (h) STUDENTS WHO ARE A CHILD WITH A DISABILITY AS DEFINED IN
- 5 SECTION 15-761.
- 6 (i) STUDENTS WHOSE ACHIEVEMENT IS AT THE BASIC LEVEL OR BELOW BASIC
- 7 LEVEL, OR THE EQUIVALENT, FOR THE SCHOOL YEAR ON THE STATEWIDE ASSESSMENT
- 8 ADOPTED PURSUANT TO SECTION 15-741.