

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

CHAPTER 247
SENATE BILL 1161

AN ACT

AMENDING TITLE 15, CHAPTER 1, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 15-119; REPEALING SECTION 15-189, ARIZONA REVISED STATUTES; AMENDING SECTION 15-341, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2018, CHAPTER 285, SECTION 8 AND CHAPTER 292, SECTION 2; REPEALING SECTION 15-341, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2018, CHAPTER 329, SECTION 1; AMENDING SECTION 15-342, ARIZONA REVISED STATUTES; AMENDING TITLE 15, CHAPTER 3, ARTICLE 3, ARIZONA REVISED STATUTES, BY ADDING SECTION 15-342.04; AMENDING SECTIONS 15-491 AND 15-2002, ARIZONA REVISED STATUTES; RELATING TO SCHOOL FACILITIES.

(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. Vacant and partially used facilities: management;**
flexibility; updates; definitions

5 A. THE SCHOOL FACILITIES BOARD, IN CONJUNCTION WITH THE DEPARTMENT
6 OF ADMINISTRATION, SHALL ANNUALLY PUBLISH A LIST OF VACANT BUILDINGS AND
7 PARTIALLY USED BUILDINGS THAT ARE OWNED BY THIS STATE OR BY SCHOOL
8 DISTRICTS IN THIS STATE AND THAT MAY BE SUITABLE FOR THE OPERATION OF A
9 SCHOOL. THE SCHOOL FACILITIES BOARD SHALL MAKE THE LIST PUBLICLY
10 AVAILABLE ON THE WEBSITE OF THE SCHOOL FACILITIES BOARD AND ON REQUEST TO
11 APPLICANTS FOR CHARTER SCHOOLS, TO APPLICANTS APPLYING TO THE SCHOOL
12 FACILITIES BOARD FOR ADDITIONAL SPACE AND TO EXISTING DISTRICT AND CHARTER
13 SCHOOLS. THE LIST SHALL INCLUDE THE ADDRESS OF EACH BUILDING, A SHORT
14 DESCRIPTION OF THE BUILDING, THE NAME OF THE OWNER OF THE BUILDING AND ANY
15 OTHER PERTINENT INFORMATION RELATED TO THE VACANCY AND CAPACITY OF THE
16 BUILDING. THE SCHOOL FACILITIES BOARD SHALL ANNUALLY SUBMIT THE LIST TO
17 THE GOVERNOR, THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE OF
18 REPRESENTATIVES AND PROVIDE A COPY OF THE LIST TO THE SECRETARY OF STATE
19 AND THE STATE BOARD FOR CHARTER SCHOOLS.

20 B. IF A SCHOOL DISTRICT DECIDES TO SELL OR LEASE A VACANT BUILDING
21 OR PARTIALLY USED BUILDING, THE SCHOOL DISTRICT MAY NOT PROHIBIT A CHARTER
22 SCHOOL OR A PRIVATE SCHOOL FROM NEGOTIATING TO BUY OR LEASE THE PROPERTY
23 IN THE SAME MANNER AS OTHER POTENTIAL BUYERS OR LESSEES. A SCHOOL
24 DISTRICT MAY NOT ACCEPT AN OFFER FOR THE SALE OR LEASE OF THE VACANT
25 BUILDING OR PARTIALLY USED BUILDING FROM A POTENTIAL BUYER OR LESSEE THAT
26 IS LESS THAN AN OFFER FROM A CHARTER SCHOOL OR PRIVATE SCHOOL. THIS
27 SECTION DOES NOT REQUIRE THE OWNER OF A BUILDING ON THE LIST TO SELL OR
28 LEASE THE BUILDING OR A PORTION OF THE BUILDING TO A CHARTER SCHOOL, TO
29 ANY OTHER SCHOOL OR TO ANY OTHER PROSPECTIVE BUYER OR TENANT, EXCEPT THAT
30 THE OWNER OF A BUILDING ON THE LIST MAY NOT WITHDRAW THE PROPERTY FROM
31 SALE OR LEASE SOLELY BECAUSE A CHARTER SCHOOL OR PRIVATE SCHOOL IS THE
32 HIGHEST BIDDER. AT THE CONCLUSION OF A LEASE FOR AN EXISTING TENANT THAT
33 IS A PUBLIC SCHOOL OR THAT IS PROVIDING SERVICES TO PUBLIC SCHOOL
34 STUDENTS, THE LEASE MAY BE TERMINATED, RENEWED ACCORDING TO THE TERMS OF
35 THE EXISTING AGREEMENT, OR RENEWED WITH A NEGOTIATED INCREASE. THE
36 BUILDING OWNER MUST PROVIDE THE RATIONALE FOR A PROPOSED INCREASE TO THE
37 LESSEE, WHICH MAY INCLUDE CONSIDERATIONS FOR THE PERCENTAGE OF REVENUE
38 THAT SHOULD BE DEDICATED TO EDUCATIONAL FACILITIES, INFLATORS RELATED TO
39 STUDENT ENROLLMENT INCREASES OR THE ANNUAL GDP PRICE DEFLATOR AS DEFINED
40 IN SECTION 41-563, OR EXPENSES FOR BUILDING AND PARKING LOT MAINTENANCE
41 AND UPGRADES.

42 C. A SCHOOL DISTRICT MAY SELL USED EQUIPMENT TO A CHARTER SCHOOL OR
43 PRIVATE SCHOOL BEFORE THE SCHOOL DISTRICT ATTEMPTS TO SELL OR DISPOSE OF
44 THE EQUIPMENT BY OTHER MEANS.

1 D. BUILDINGS THAT ARE USED FOR CAREER AND TECHNICAL EDUCATION,
2 SPECIAL EDUCATION SERVICES, PRESCHOOL PROGRAMS, SCHOOLS THAT HAVE BEEN
3 OPEN FOR LESS THAN FIVE YEARS OR MAGNET SCHOOLS ARE NOT CONSIDERED
4 PARTIALLY USED BUILDINGS FOR THE PURPOSES OF THIS SECTION, EXCEPT THAT
5 THESE EXEMPTIONS MAY NOT BE APPLIED TO MORE THAN TWENTY-FIVE PERCENT OF A
6 DISTRICT'S SCHOOL BUILDINGS.

7 E. FOR THE PURPOSES OF THIS SECTION:

8 1. "PARTIALLY USED BUILDING" MEANS A BUILDING WITH AT LEAST FOUR
9 THOUSAND FIVE HUNDRED SQUARE FEET OF CONTIGUOUS, UNUSED SPACE.

10 2. "VACANT BUILDING" MEANS A BUILDING THAT HAS BEEN VACANT AND
11 UNUSED FOR AT LEAST TWO YEARS.

12 Sec. 2. Repeal

13 Section 15-189, Arizona Revised Statutes, is repealed.

14 Sec. 3. Section 15-341, Arizona Revised Statutes, as amended by
15 Laws 2018, chapter 285, section 8 and chapter 292, section 2, is amended
16 to read:

17 15-341. General powers and duties; immunity; delegation

18 A. The governing board shall:

19 1. Prescribe and enforce policies and procedures for the governance
20 of the schools that are not inconsistent with law or rules prescribed by
21 the state board of education.

22 2. Exclude from schools all books, publications, papers or
23 audiovisual materials of a sectarian, partisan or denominational
24 character. This paragraph does not prohibit the elective course permitted
25 by section 15-717.01.

26 3. Manage and control the school property within its district,
27 EXCEPT THAT A DISTRICT MAY ENTER INTO A PARTNERSHIP WITH AN ENTITY,
28 INCLUDING A CHARTER SCHOOL, ANOTHER SCHOOL DISTRICT OR A MILITARY BASE, TO
29 OPERATE A SCHOOL OR OFFER EDUCATIONAL SERVICES IN A DISTRICT BUILDING,
30 INCLUDING AT A VACANT OR PARTIALLY USED BUILDING, OR IN ANY BUILDING ON
31 THE ENTITY'S PROPERTY PURSUANT TO A WRITTEN AGREEMENT BETWEEN THE PARTIES.

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

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

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

38 7. Construct school buildings on approval by a vote of the district
39 electors.

40 8. Make in the name of the district conveyances of property
41 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 paragraph 42 of this
30 subsection, the parent or legal guardian may request in writing that the
31 governing board review the teacher's decision. This paragraph does not
32 release school districts from any liability relating to a child's
33 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 practice sessions or games or other interscholastic athletic activities,
2 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 state.
42 For the purposes of this subdivision, athletic activity does not include
43 dance, rhythmic gymnastics, competitions or exhibitions of academic skills
44 or knowledge or other similar forms of physical noncontact activities,
45 civic activities or academic activities, whether engaged in for the

1 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, ~~OR~~ 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 does not require
34 any school to release personally identifiable information in relation to
35 any teacher or employee, including the teacher's or employee's address,
36 salary, social security number or telephone number.

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

1 "serious physical injury" have the same meanings prescribed in section
2 13-105.

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

9 32. Provide written notice to the parents or guardians of all
10 students enrolled in the school district at least ten days before a public
11 meeting to discuss closing a school within the school district. The
12 notice shall include the reasons for the proposed closure and the time and
13 place of the meeting. The governing board shall fix a time for a public
14 meeting on the proposed closure not less than ten days before voting in a
15 public meeting to close the school. The school district governing board
16 shall give notice of the time and place of the meeting. At the time and
17 place designated in the notice, the school district governing board shall
18 hear reasons for or against closing the school. The school district
19 governing board is exempt from this paragraph if the governing board
20 determines that the school shall be closed because it poses a danger to
21 the health or safety of the pupils or employees of the school. A
22 governing board may consult with the school facilities board for technical
23 assistance and for information on the impact of closing a school. The
24 information provided from the school facilities board shall not require
25 the governing board to take or not take any action.

26 33. Incorporate instruction on Native American history into
27 appropriate existing curricula.

28 34. Prescribe and enforce policies and procedures:

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

1 requirements of this subdivision, except in cases of wanton or wilful
2 neglect.

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

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

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

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

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

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

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

41 (e) A formal process for the documentation of reported incidents of
42 harassment, intimidation or bullying and for the confidentiality,
43 maintenance and disposition of this documentation. School districts shall
44 maintain documentation of all incidents reported pursuant to this
45 paragraph for at least six years. The school shall not use that

1 documentation to impose disciplinary action unless the appropriate school
2 official has investigated and determined that the reported incidents of
3 harassment, intimidation or bullying occurred. If a school provides
4 documentation of reported incidents to persons other than school officials
5 or law enforcement, all individually identifiable information shall be
6 redacted.

7 (f) A formal process for the investigation by the appropriate
8 school officials of suspected incidents of harassment, intimidation or
9 bullying, including procedures for notifying the alleged victim and the
10 alleged victim's parent or guardian when a school official or employee
11 becomes aware of the suspected incident of harassment, intimidation or
12 bullying.

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

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

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

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

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

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

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

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

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

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

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

40 (g) A formal process for updating attendance boundaries on the
41 school district's website within ninety days of an adopted boundary
42 change. The school district shall send a direct link to the school
43 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 does not require school districts to
11 increase total compensation for superintendents. Unless the school
12 district governing board votes to implement an alternative procedure at a
13 public meeting called for this purpose, the performance pay portion of the
14 superintendent's total annual compensation shall be determined as follows:

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

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

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

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

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

41. Adopt in a public meeting and implement policies for principal evaluations. Before ~~the adoption of~~ ADOPTING principal evaluation policies, the school district governing board shall provide opportunities for public discussion on the proposed policies. The policies shall describe:
(a) The principal evaluation instrument, including the four performance classifications adopted by the governing board pursuant to section 15-203, subsection A, paragraph 38.
(b) Alignment of professional development opportunities to the principal evaluations.
(c) Incentives for principals in one of the two highest performance classifications pursuant to section 15-203, subsection A, paragraph 38, which may include:
(i) Multiyear contracts pursuant to section 15-503.
(ii) Incentives to work at schools that are assigned a letter grade of D or F pursuant to section 15-241.

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

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

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

15 44. In addition to the notification requirements prescribed in
16 paragraph 36 of this subsection, prescribe and enforce reasonable and
17 appropriate policies to notify a pupil's parent or guardian if any person
18 engages in harassing, threatening or intimidating conduct against that
19 pupil. A school district and its officials and employees are immune from
20 civil liability with respect to all decisions made and actions taken that
21 are based on good faith implementation of the requirements of this
22 paragraph, except in cases of gross negligence or wanton or wilful
23 neglect. A person ~~commits~~ ENGAGES IN threatening or intimidating if the
24 person threatens or intimidates by word or conduct to cause physical
25 injury to another person or serious damage to the property of another on
26 school grounds. A person ~~commits~~ ENGAGES IN harassment if, with intent to
27 harass or with knowledge that the person is harassing another person, the
28 person anonymously or otherwise contacts, communicates or causes a
29 communication with another person by verbal, electronic, mechanical,
30 telephonic or written means in a manner that harasses on school grounds or
31 substantially 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 I. A school district governing board may delegate authority in
2 writing to the superintendent of the school district to submit plans for
3 new school facilities to the school facilities board for the purpose of
4 certifying that the plans meet the minimum school facility adequacy
5 guidelines prescribed in section 15-2011.

6 Sec. 4. Repeal

7 Section 15-341, Arizona Revised Statutes, as amended by Laws 2018,
8 chapter 329, section 1, is repealed.

9 Sec. 5. Section 15-342, Arizona Revised Statutes, is amended to
10 read:

11 15-342. Discretionary powers

12 The governing board may:

13 1. Expel pupils for misconduct.

14 2. Exclude from grades one through eight children under six years
15 of age.

16 3. Make such separation of groups of pupils as it deems advisable.

17 4. Maintain such special schools during vacation as deemed
18 necessary for the benefit of the pupils of the school district.

19 5. Permit a superintendent or principal or representatives of the
20 superintendent or principal to travel for a school purpose, as determined
21 by a majority vote of the board. The board may permit members and
22 members-elect of the board to travel within or without the school district
23 for a school purpose and receive reimbursement. Any expenditure for
24 travel and subsistence pursuant to this paragraph shall be as provided in
25 title 38, chapter 4, article 2. The designated post of duty referred to
26 in section 38-621 shall be construed, for school district governing board
27 members, to be the member's actual place of residence, as opposed to the
28 school district office or the school district boundaries. Such
29 expenditures shall be a charge against the budgeted school district funds.
30 The governing board of a school district shall prescribe procedures and
31 amounts for reimbursement of lodging and subsistence expenses.
32 Reimbursement amounts shall not exceed the maximum amounts established
33 pursuant to section 38-624, subsection C.

34 6. Construct or provide in rural districts housing facilities for
35 teachers and other school employees that the board determines are
36 necessary for the operation of the school.

37 7. Sell or lease to the state, a county, a city, another school
38 district or a tribal government agency any school property required for a
39 public purpose, provided the sale or lease of the property will not affect
40 the normal operations of a school within the school district.

41 8. Annually budget and expend funds for membership in an
42 association of school districts within this state.

43 9. Enter into leases or lease-purchase agreements for school
44 buildings or grounds, or both, as lessor or as lessee, for periods of less
45 than ~~fifteen~~ TWENTY years subject to voter approval for construction of

1 school buildings as prescribed in section 15-341, subsection A,
2 paragraph 7.

3 10. Subject to chapter 16 of this title, sell school sites or enter
4 into leases or lease-purchase agreements for school buildings and grounds,
5 as lessor or as lessee, for a period of ~~fifteen~~ TWENTY years or more, but
6 not to exceed ninety-nine years, if authorized by a vote of the school
7 district electors in an election called by the governing board as provided
8 in section 15-491, except that authorization by the school district
9 electors in an election is not required if one of the following
10 requirements is met:

11 (a) The market value of the school property is less than ~~fifty~~
12 ~~thousand dollars~~ \$50,000 or the property is procured through a renewable
13 energy development agreement, an energy performance contract, which among
14 other items includes a renewable energy power service agreement, or a
15 simplified energy performance contract pursuant to section 15-213.01.

16 (b) The buildings and sites are completely funded with monies
17 distributed by the school facilities board.

18 (c) The transaction involves the sale of improved or unimproved
19 property pursuant to an agreement with the school facilities board in
20 which the school district agrees to sell the improved or unimproved
21 property and transfer the proceeds of the sale to the school facilities
22 board in exchange for monies from the school facilities board for the
23 acquisition of a more suitable school site. For a sale of property
24 acquired by a school district prior to July 9, 1998, a school district
25 shall transfer to the school facilities board that portion of the proceeds
26 that equals the cost of the acquisition of a more suitable school site.
27 If there are any remaining proceeds after the transfer of monies to the
28 school facilities board, a school district shall only use those remaining
29 proceeds for future land purchases approved by the school facilities
30 board, or for capital improvements not funded by the school facilities
31 board for any existing or future facility.

32 (d) The transaction involves the sale of improved or unimproved
33 property pursuant to a formally adopted plan and the school district uses
34 the proceeds of this sale to purchase other property that will be used for
35 similar purposes as the property that was originally sold, provided that
36 the sale proceeds of the improved or unimproved property are used within
37 two years after the date of the original sale to purchase the replacement
38 property. If the sale proceeds of the improved or unimproved property are
39 not used within two years after the date of the original sale to purchase
40 replacement property, the sale proceeds shall be used towards payment of
41 any outstanding bonded indebtedness. If any sale proceeds remain after
42 paying for outstanding bonded indebtedness, or if the district has no
43 outstanding bonded indebtedness, sale proceeds shall be used to reduce the
44 district's primary tax levy. A school district shall not use this
45 subdivision unless all of the following conditions exist:

6 (iii) The transaction does not violate section 15-341,
7 subsection G.

8 11. Review the decision of a teacher to promote a pupil to a grade
9 or retain a pupil in a grade in a common school or to pass or fail a pupil
10 in a course in high school. The pupil has the burden of proof to overturn
11 the decision of a teacher to promote, retain, pass or fail the pupil. In
12 order to sustain the burden of proof, the pupil shall demonstrate to the
13 governing board that the pupil has mastered the academic standards adopted
14 by the state board of education pursuant to sections 15-701 and 15-701.01.
15 If the governing board overturns the decision of a teacher pursuant to
16 this paragraph, the governing board shall adopt a written finding that the
17 pupil has mastered the academic standards. Notwithstanding title 38,
18 chapter 3, article 3.1, the governing board shall review the decision of a
19 teacher to promote a pupil to a grade or retain a pupil in a grade in a
20 common school or to pass or fail a pupil in a course in high school in
21 executive session unless a parent or legal guardian of the pupil or the
22 pupil, if emancipated, disagrees that the review should be conducted in
23 executive session and then the review shall be conducted in an open
24 meeting. If the review is conducted in executive session, the board shall
25 notify the teacher of the date, time and place of the review and shall
26 allow the teacher to be present at the review. If the teacher is not
27 present at the review, the board shall consult with the teacher before
28 making its decision. Any request, including the written request as
29 provided in section 15-341, the written evidence presented at the review
30 and the written record of the review, including the decision of the
31 governing board to accept or reject the teacher's decision, shall be
32 retained by the governing board as part of its permanent records.

33 12. Provide transportation or site transportation loading and
34 unloading areas for any child or children if deemed for the best interest
35 of the district, whether within or without the district, county or state.

36 13. Enter into intergovernmental agreements and contracts with
37 school districts or other governing bodies as provided in section 11-952.
38 Intergovernmental agreements and contracts between school districts or
39 between a school district and other governing bodies as provided in
40 section 11-952 are exempt from competitive bidding under the procurement
41 rules adopted by the state board of education pursuant to section 15-213.

42 14. Include in the curricula it prescribes for high schools in the
43 school district career and technical education, vocational education and
44 technology education programs and career and technical, vocational and
45 technology program improvement services for the high schools, subject to

1 approval by the state board of education. The governing board may
2 contract for the provision of career and technical, vocational and
3 technology education as provided in section 15-789.

4 15. Suspend a teacher or administrator from the teacher's or
5 administrator's duties without pay for a period of time of not to exceed
6 ten school days, if the board determines that suspension is warranted
7 pursuant to section 15-341, subsection A, paragraphs 21 and 22.

8 16. Dedicate school property within an incorporated city or town to
9 such city or town or within a county to that county for use as a public
10 right-of-way if both of the following apply:

11 (a) Pursuant to an ordinance adopted by such city, town or county,
12 there will be conferred upon the school district privileges and benefits
13 that may include benefits related to zoning.

14 (b) The dedication will not affect the normal operation of any
15 school within the district.

16 17. Enter into option agreements for the purchase of school sites.

17 18. Donate surplus or outdated learning materials, educational
18 equipment and furnishings to nonprofit community organizations where the
19 governing board determines that the anticipated cost of selling the
20 learning materials, educational equipment or furnishings equals or exceeds
21 the estimated market value of the materials.

22 19. Prescribe policies for the assessment of reasonable fees for
23 students to use district-provided parking facilities. The fees are to be
24 applied by the district solely against costs incurred in operating or
25 securing the parking facilities. Any policy adopted by the governing
26 board pursuant to this paragraph shall include a fee waiver provision in
27 appropriate cases of need or economic hardship.

28 20. Establish alternative educational programs that are consistent
29 with the laws of this state to educate pupils, including pupils who have
30 been reassigned pursuant to section 15-841, subsection E or F.

31 21. Require a period of silence to be observed at the commencement
32 of the first class of the day in the schools. If a governing board
33 chooses to require a period of silence to be observed, the teacher in
34 charge of the room in which the first class is held shall announce that a
35 period of silence not to exceed one minute in duration will be observed
36 for meditation, and during that time no activities shall take place and
37 silence shall be maintained.

38 22. Require students to wear uniforms.

39 23. Exchange unimproved property or improved property, including
40 school sites, where the governing board determines that the improved
41 property is unnecessary for the continued operation of the school district
42 without requesting authorization by a vote of the school district electors
43 if the governing board determines that the exchange is necessary to
44 protect the health, safety or welfare of pupils or when the governing

1 board determines that the exchange is based on sound business principles
2 for either:

3 (a) Unimproved or improved property of equal or greater value.
4 (b) Unimproved property that the owner contracts to improve if the
5 value of the property ultimately received by the school district is of
6 equal or greater value.

7 24. For common and high school pupils, assess reasonable fees for
8 optional extracurricular activities and programs conducted when the common
9 or high school is not in session, except that no fees shall be charged for
10 pupils' access to or use of computers or related materials. For high
11 school pupils, the governing board may assess reasonable fees for fine
12 arts and vocational education courses and for optional services, equipment
13 and materials offered to the pupils beyond those required to successfully
14 complete the basic requirements of any other course, except that no fees
15 shall be charged for pupils' access to or use of computers or related
16 materials. Fees assessed pursuant to this paragraph shall be adopted at a
17 public meeting after notice has been given to all parents of pupils
18 enrolled at schools in the district and shall not exceed the actual costs
19 of the activities, programs, services, equipment or materials. The
20 governing board shall authorize principals to waive the assessment of all
21 or part of a fee assessed pursuant to this paragraph if it creates an
22 economic hardship for a pupil. For the purposes of this paragraph,
23 "extracurricular activity" means any optional, noncredit, educational or
24 recreational activity that supplements the education program of the
25 school, whether offered before, during or after regular school hours.

26 25. Notwithstanding section 15-341, subsection A, paragraphs 7 and
27 9, construct school buildings and purchase or lease school sites, without
28 a vote of the school district electors, if the buildings and sites are
29 totally funded from one or more of the following:

30 (a) Monies in the unrestricted capital outlay fund, except that the
31 estimated cost shall not exceed ~~two hundred fifty thousand dollars~~
32 \$250,000 for a district that utilizes section 15-949.

33 (b) Monies distributed from the school facilities board established
34 by section 15-2001.

35 (c) Monies specifically donated for the purpose of constructing
36 school buildings.

37 This paragraph shall not be construed to eliminate the requirement for an
38 election to raise revenues for a capital outlay override pursuant to
39 section 15-481 or a bond election pursuant to section 15-491.

40 26. Conduct a background investigation that includes a fingerprint
41 check conducted pursuant to section 41-1750, subsection G for certificated
42 personnel and personnel who are not paid employees of the school district,
43 as a condition of employment. A school district may release the results
44 of a background check to another school district for employment purposes.
45 The school district may charge the costs of fingerprint checks to its

1 fingerprinted employee, except that the school district may not charge the
2 costs of fingerprint checks for personnel who are not paid employees of
3 the school district.

4 27. Unless otherwise prohibited by law, sell advertising as
5 follows:

6 (a) Advertisements shall be age appropriate and not contain
7 promotion of any substance that is illegal for minors such as alcohol,
8 tobacco and drugs or gambling. Advertisements shall comply with the state
9 sex education policy of abstinence.

10 (b) Advertising approved by the governing board for the exterior of
11 school buses may appear only on the sides of the bus in the following
12 areas:

13 (i) The signs shall be below the seat level rub rail and not extend
14 above the bottom of the side windows.

15 (ii) The signs shall be at least three inches from any required
16 lettering, lamp, wheel well or reflector behind the service door or stop
17 signal arm.

18 (iii) The signs shall not extend from the body of the bus so as to
19 allow a handhold or present a danger to pedestrians.

20 (iv) The signs shall not interfere with the operation of any door
21 or window.

22 (v) The signs shall not be placed on any emergency doors.

23 (c) The school district shall establish an advertisement fund that
24 is composed of revenues from the sale of advertising. The monies in an
25 advertisement fund are not subject to reversion.

26 28. Assess reasonable damage deposits to pupils in grades seven
27 through twelve for the use of textbooks, musical instruments, band
28 uniforms or other equipment required for academic courses. The governing
29 board shall adopt policies on any damage deposits assessed pursuant to
30 this paragraph at a public meeting called for this purpose after providing
31 notice to all parents of pupils in grades seven through twelve in the
32 school district. Principals of individual schools within the district may
33 waive the damage deposit requirement for any textbook or other item if the
34 payment of the damage deposit would create an economic hardship for the
35 pupil. The school district shall return the full amount of the damage
36 deposit for any textbook or other item if the pupil returns the textbook
37 or other item in reasonably good condition within the time period
38 prescribed by the governing board. For the purposes of this paragraph,
39 "in reasonably good condition" means the textbook or other item is in the
40 same or a similar condition as it was when the pupil received it, plus
41 ordinary wear and tear.

42 29. Notwithstanding section 15-1105, expend surplus monies in the
43 civic center school fund for maintenance and operations or unrestricted
44 capital outlay, if sufficient monies are available in the fund after
45 meeting the needs of programs established pursuant to section 15-1105.

1 30. Notwithstanding section 15-1143, expend surplus monies in the
2 community school program fund for maintenance and operations or
3 unrestricted capital outlay, if sufficient monies are available in the
4 fund after meeting the needs of programs established pursuant to section
5 15-1142.

6 31. Adopt guidelines for standardization of the format of the
7 school report cards required by section 15-746 for schools within the
8 district.

9 32. Adopt policies that require parental notification when a law
10 enforcement officer interviews a pupil on school grounds. Policies
11 adopted pursuant to this paragraph shall not impede a peace officer from
12 the performance of the peace officer's duties. If the school district
13 governing board adopts a policy that requires parental notification:

14 (a) The policy may provide reasonable exceptions to the parental
15 notification requirement.

16 (b) The policy shall set forth whether and under what circumstances
17 a parent may be present when a law enforcement officer interviews the
18 pupil, including reasonable exceptions to the circumstances under which a
19 parent may be present when a law enforcement officer interviews the pupil,
20 and shall specify a reasonable maximum time after a parent is notified
21 that an interview of a pupil by a law enforcement officer may be delayed
22 to allow the parent to be present.

23 33. Enter into voluntary partnerships with any party to finance
24 with funds other than school district funds and cooperatively design
25 school facilities that comply with the adequacy standards prescribed in
26 section 15-2011 and the square footage per pupil requirements pursuant to
27 section 15-2041, subsection D, paragraph 3, subdivision (b). The design
28 plans and location of any such school facility shall be submitted to the
29 school facilities board for approval pursuant to section 15-2041,
30 subsection 0. If the school facilities board approves the design plans
31 and location of any such school facility, the party in partnership with
32 the school district may cause to be constructed and the district may begin
33 operating the school facility before monies are distributed from the
34 school facilities board pursuant to section 15-2041. Monies distributed
35 from the new school facilities fund to a school district in a partnership
36 with another party to finance and design the school facility shall be paid
37 to the school district pursuant to section 15-2041. The school district
38 shall reimburse the party in partnership with the school district from the
39 monies paid to the school district pursuant to section 15-2041, in
40 accordance with the voluntary partnership agreement. Before the school
41 facilities board distributes any monies pursuant to this subsection, the
42 school district shall demonstrate to the school facilities board that the
43 facilities to be funded pursuant to section 15-2041, subsection 0 meet the
44 minimum adequacy standards prescribed in section 15-2011. If the cost to
45 construct the school facility exceeds the amount that the school district

1 receives from the new school facilities fund, the partnership agreement
2 between the school district and the other party shall specify that, except
3 as otherwise provided by the other party, any such excess costs shall be
4 the responsibility of the school district. The school district governing
5 board shall adopt a resolution in a public meeting that an analysis has
6 been conducted on the prospective effects of the decision to operate a new
7 school with existing monies from the school district's maintenance and
8 operations budget and how this decision may affect other schools in the
9 school district. If a school district acquires land by donation at an
10 appropriate school site approved by the school facilities board and a
11 school facility is financed and built on the land pursuant to this
12 paragraph, the school facilities board shall distribute an amount equal to
13 twenty percent of the fair market value of the land that can be used for
14 academic purposes. The school district shall place the monies in the
15 unrestricted capital outlay fund and increase the unrestricted capital
16 budget limit by the amount of the monies placed in the fund. Monies
17 distributed under this paragraph shall be distributed from the new school
18 facilities fund pursuant to section 15-2041. If a school district
19 acquires land by donation at an appropriate school site approved by the
20 school facilities board and a school facility is financed and built on the
21 land pursuant to this paragraph, the school district shall not receive
22 monies from the school facilities board for the donation of real property
23 pursuant to section 15-2041, subsection F. It is unlawful for:

24 (a) A county, city or town to require as a condition of any land
25 use approval that a landowner or landowners that entered into a
26 partnership pursuant to this paragraph provide any contribution, donation
27 or gift, other than a site donation, to a school district. This
28 subdivision only applies to the property in the voluntary partnership
29 agreement pursuant to this paragraph.

30 (b) A county, city or town to require as a condition of any land
31 use approval that the landowner or landowners located within the
32 geographic boundaries of the school subject to the voluntary partnership
33 pursuant to this paragraph provide any donation or gift to the school
34 district except as provided in the voluntary partnership agreement
35 pursuant to this paragraph.

36 (c) A community facilities district established pursuant to title
37 48, chapter 4, article 6 to be used for reimbursement of financing the
38 construction of a school pursuant to this paragraph.

39 (d) A school district to enter into an agreement pursuant to this
40 paragraph with any party other than a master planned community party. Any
41 land area consisting of at least three hundred twenty acres that is the
42 subject of a development agreement with a county, city or town entered
43 into pursuant to section 9-500.05 or 11-1101 shall be deemed to be a
44 master planned community. For the purposes of this subdivision, "master
45 planned community" means a land area consisting of at least three hundred

1 twenty acres, which may be noncontiguous, that is the subject of a zoning
2 ordinance approved by the governing body of the county, city or town in
3 which the land is located that establishes the use of the land area as a
4 planned area development or district, planned community development or
5 district, planned unit development or district or other land use category
6 or district that is recognized in the local ordinance of such county, city
7 or town and that specifies the use of such land is for a master planned
8 development.

9 34. Enter into an intergovernmental agreement with a presiding
10 judge of the juvenile court to implement a law-related education program
11 as defined in section 15-154. The presiding judge of the juvenile court
12 may assign juvenile probation officers to participate in a law-related
13 education program in any school district in the county. The cost of
14 juvenile probation officers who participate in the program implemented
15 pursuant to this paragraph shall be funded by the school district.

16 35. Offer to sell outdated learning materials, educational
17 equipment or furnishings at a posted price commensurate with the value of
18 the items to pupils who are currently enrolled in that school district
19 before those materials are offered for public sale.

20 36. If the school district is a small school district as defined in
21 section 15-901, and if permitted by federal law, opt out of federal grant
22 opportunities if the governing board determines that the federal
23 requirements impose unduly burdensome reporting requirements.

24 37. Prescribe and enforce policies and procedures for the emergency
25 administration of inhalers by trained employees of the school district and
26 nurses who are under contract with the school district pursuant to section
27 15-158.

28 38. Develop policies and procedures to allow principals to budget
29 for or assist with budgeting federal, state and local monies.

30 Sec. 6. Title 15, chapter 3, article 3, Arizona Revised Statutes,
31 is amended by adding section 15-342.04, to read:

32 15-342.04. Sale or lease of vacant and partially used school
33 buildings

34 NOTWITHSTANDING SECTION 15-342, AN ELECTION IS NOT REQUIRED FOR THE
35 SALE OR LEASE OF A BUILDING OR A PARTIALLY USED BUILDING IF THE BUILDING
36 HAS BEEN VACANT OR PARTIALLY USED PURSUANT TO SECTION 15-119 FOR AT LEAST
37 THREE YEARS.

38 Sec. 7. Section 15-491, Arizona Revised Statutes, is amended to
39 read:

40 15-491. Elections on school property: exceptions

41 A. The governing board of a school district may, and on petition of
42 fifteen percent of the school electors as shown by the poll list at the
43 last preceding annual school election shall, call an election for the
44 following purposes:

45 1. To locate or change the location of school buildings.

1 2. To purchase or sell school sites or buildings or sell school
2 sites pursuant to section 15-342 or to build school buildings, but the
3 authorization by vote of the school district shall not necessarily specify
4 the site to be purchased.

5 3. To decide whether the bonds of the school district shall be
6 issued and sold for the purpose of raising money for purchasing or leasing
7 school lots, for building or renovating school buildings, for supplying
8 school buildings with furniture, equipment and technology, for improving
9 school grounds, for purchasing pupil transportation vehicles or for
10 liquidating any indebtedness already incurred for such purposes. Bonds
11 issued for furniture, equipment and technology, other than fixtures, shall
12 mature no later than the July 1 that follows the fifth year after the
13 bonds were issued. A school district shall not issue class B bonds until
14 the school district has obligated in contract the entire proceeds of any
15 class A bonds issued by the school district. The total amount of class A
16 and class B bonds issued by a school district shall not exceed the debt
17 limitations prescribed in article IX, sections 8 and 8.1, Constitution of
18 Arizona.

19 4. To lease for ~~ten~~ TWENTY or more years, as lessor or as lessee,
20 school buildings or grounds. Approval by a majority of the school
21 district electors voting authorizes the governing board to negotiate for
22 and enter into a lease. The ballot shall list the school buildings or
23 grounds for which a lease is sought. If the governing board does not
24 enter into a lease of ~~ten~~ TWENTY or more years of the school buildings or
25 grounds listed on the ballot within ~~ten~~ TWENTY years of the date of the
26 election and the board continues to seek such a lease, the governing board
27 shall call a special election to reauthorize the board to negotiate for
28 and to enter into a lease of ten or more years.

29 5. To change the list of capital projects or the purposes
30 authorized by prior voter approval to issue bonds.

31 6. To extend from six to ten years the time period to issue class B
32 bonds authorized in 2009 or earlier. Elections pursuant to this paragraph
33 may not be held later than the sixth November after the election approving
34 the issuance of the bonds.

35 B. No petition shall be required for the holding of the first
36 election to be held in a joint common school district for any of the
37 purposes specified in subsection A of this section. The certification of
38 election results required by section 15-493 shall be made to the board of
39 supervisors of the jurisdictional county.

40 C. When the election is called to determine whether or not bonds of
41 the school district shall be issued and sold for the purposes enumerated
42 in the call for the election, the question shall be submitted to the vote
43 of the qualified electors of the school district as defined in section
44 15-401 and subject to section 15-402.

1 D. The governing board shall order the election to be held and the
2 election notice and procedures to be conducted in the manner prescribed in
3 title 35, chapter 3, article 3. If a petition for an election has been
4 filed with the governing board as provided in subsection A of this
5 section, the board shall act on the petition within sixty days by ordering
6 the election to be held as provided in this subsection. If a school
7 district bond election is scheduled for the same date a school district
8 will hold an override election, the governing body shall deliver a copy of
9 the notice of election and ballot to the county school superintendent who
10 shall include the notice of election and ballot with the informational
11 pamphlet and ballot prepared for the override election. Mailing of the
12 information required for both the override and bond elections shall
13 constitute compliance with the notice provisions of this section.

14 E. The elections to be held pursuant to this section shall only be
15 held on dates prescribed by section 16-204, except that elections held
16 pursuant to this section to decide whether class B bonds shall be issued,
17 or any other obligation incurred that will require the assessment of
18 secondary property taxes, shall only be held on the first Tuesday after
19 the first Monday of November.

20 F. Subsection A, paragraph 2 of this section does not apply to the
21 sale of school property if the market value of the school property is less
22 than fifty thousand dollars.

23 G. Bond counsel fees, financial advisory fees, printing costs and
24 paying agent and registrar fees for bonds issued pursuant to an election
25 under this section shall be paid from either the amount authorized by the
26 qualified electors of the school district or current operating funds.
27 Bond election expenses shall be paid from current operating funds only.

28 H. For any election conducted to decide whether class B bonds will
29 be issued pursuant to this section:

30 1. Except as provided in paragraph 2 of this subsection, the ballot
31 shall include the following statement:

32 The capital improvements that are proposed to be funded
33 through this bond issuance are to exceed the state standards
34 and are in addition to monies provided by the state.

35 _____ school district is proposing to issue class B
36 general obligation bonds totaling \$_____ to fund capital
37 improvements over and above those funded by the state. Under
38 the students first capital funding system, _____ school
39 district is entitled to state monies for new construction and
40 renovation of school buildings in accordance with state law.

41 2. For a school district that is a career technical education
42 district, the ballot shall include the following statement:

43 _____, a career technical education district, is
44 proposing to issue class B general obligation bonds totaling
45 \$_____ to fund capital improvements at a campus owned or

operated and maintained by the career technical education district.

3. The ballot shall conform to the requirements of title 35, chapter 3, article 3.

4. At least eighty-five days before the election, the school district shall submit proposed ballot language to the county school superintendent and the director of the Arizona legislative council. The director of the Arizona legislative council shall review the proposed ballot language to determine whether the proposed ballot language complies with this section. If the director of the Arizona legislative council determines that the proposed ballot language does not comply with this section, the director, within ten calendar days of the receipt of the proposed ballot language, shall notify the school district and the county school superintendent of the director's objections and the school district shall resubmit revised ballot language to the director for approval.

5. No later than thirty-five days before a class B bond election conducted pursuant to this section, the school district shall mail an informational pamphlet prepared by the county school superintendent to each household that contains a qualified elector in the school district. The informational pamphlet shall contain, at a minimum, the following information:

(a) An executive summary of the school district's most recent capital plan submitted to the school facilities board.

(b) A complete list of each proposed capital improvement that will be funded with the proceeds of the bonds and a description of the proposed cost of each improvement, including a separate aggregation of capital improvements for administrative purposes as defined by the school facilities board.

(c) The tax rate associated with each of the proposed capital improvements and the estimated cost of each capital improvement for the owner of a single family home that is valued at one hundred thousand dollars.

I. For any election conducted to decide whether impact aid revenue bonds shall be issued pursuant to this section:

1. The ballot shall include the following statement:

The capital improvements that are proposed to be funded through this bond issuance are to exceed the state standards and are in addition to monies provided by the state.

_____ school district is proposing to issue impact aid revenue bonds totaling \$_____ to fund capital improvements over and above those funded by the state. Under the students first capital funding system, _____ school district is entitled to state monies for new construction and renovation of school buildings in accordance with state law.

1 2. The ballot shall contain the words "bond approval, yes" and
2 "bond approval, no", and the voter shall signify the voter's desired
3 choice.

4 3. At least eighty-five days before the election, the school
5 district shall submit proposed ballot language to the director of the
6 legislative council. The director of the legislative council shall review
7 the proposed ballot language to determine whether the proposed ballot
8 language complies with this section. If the director of the legislative
9 council determines that the proposed ballot language does not comply with
10 this section, the director, within ten calendar days of the receipt of the
11 proposed ballot language, shall notify the school district of the
12 director's objections and the school district shall resubmit revised
13 ballot language to the director for approval.

14 4. No later than thirty-five days before an impact aid revenue bond
15 election conducted pursuant to this section, the school district shall
16 mail an informational pamphlet prepared by the county school
17 superintendent to each household that contains a qualified elector in the
18 school district. The informational pamphlet shall contain, at a minimum,
19 the following information:

20 (a) The date of the election.

21 (b) The voter's polling place and the times it is open.

22 (c) An executive summary of the school district's most recent
23 capital plan submitted to the school facilities board.

24 (d) A complete list of each proposed capital improvement that will
25 be funded with the proceeds of the bonds and a description of the proposed
26 cost of each improvement, including a separate aggregation of capital
27 improvements for administrative purposes as defined by the school
28 facilities board.

29 (e) A statement that impact aid revenue bonds will be fully funded
30 by aid that the school district receives from the federal government and
31 do not require a levy of taxes in the district.

32 (f) A statement that if the bonds are approved, the first priority
33 for the impact aid will be to pay the debt service for the bonds and that
34 other uses of the monies are prohibited until the debt service obligation
35 is met.

36 (g) A statement that if the impact aid revenue bonds are approved,
37 the school district shall not issue or sell class B bonds while the
38 district has existing indebtedness from impact aid revenue bonds, except
39 for bonds issued to refund any bonds issued by the board.

40 J. If the voters approve the issuance of school district class B
41 bonds or impact aid revenue bonds, the school district shall not use the
42 bond proceeds for any purposes other than the proposed capital
43 improvements listed in the informational pamphlet, except that up to ten
44 percent of the bond proceeds may be used for general capital expenses,
45 including cost overruns of proposed capital improvements. The proposed

1 capital improvements may be changed by a subsequent election as provided
2 by this section.

3 K. Each school district that issues bonds under this section is
4 required to hold a public meeting each year between September 1 and
5 October 31, until the bond proceeds are spent, at which an update of the
6 progress of capital improvements financed through bonding is discussed and
7 at which the public is permitted an opportunity to comment. At a minimum,
8 the update shall include a comparison of the current status and the
9 original projections on the construction of capital improvements, the
10 costs of capital improvements and the costs of capital improvements in
11 progress or completed since the prior meeting and the future capital
12 bonding plans of the school district. The school district shall include
13 in the public meeting a discussion of the school district's use of state
14 capital aid and voter-approved capital overrides in funding capital
15 improvements, if any.

16 L. If an election is held to change the purpose or list of capital
17 projects authorized by prior voter approval to issue bonds pursuant to
18 subsection A, paragraph 5 of this section, the following requirements
19 apply:

20 1. The election may be held only on the first Tuesday after the
21 first Monday in November.

22 2. No later than thirty-five days before the election, the school
23 district shall mail an informational pamphlet prepared by the county
24 school superintendent to each household in the school district that
25 contains a qualified elector. The informational pamphlet shall contain,
26 at a minimum, the following information:

27 (a) The date of the election.

28 (b) The voter's polling place and the times it is open.

29 (c) A statement as to why the election was called.

30 (d) A complete list of each proposed capital improvement that is in
31 addition to the initial capital improvements presented in the
32 informational pamphlet when the bonds were approved and the proposed cost
33 of each improvement, including a separate aggregation of capital
34 improvements for administrative purposes as defined by the school
35 facilities board.

36 (e) A complete list of each capital improvement that was presented
37 in the informational pamphlet when the bonds were initially approved and
38 that is proposed to be eliminated or to have its cost reduced, and the
39 proposed cost of each improvement, including a separate aggregation of
40 capital improvements for administrative purposes as defined by the school
41 facilities board.

42 (f) Arguments for and against the proposed change, if submitted, as
43 provided by section 15-481, subsection B, paragraph 9. The ballot
44 arguments for the proposed change shall be signed as the governing board

1 of the school district without listing any member's individual name for
2 the arguments for the proposed change.

3 3. The ballot shall contain the words "change capital improvements,
4 yes" and "change capital improvements, no", and the voter shall signify
5 the voter's desired choice.

6 4. If the election is to add a purpose that was not on the initial
7 ballot, the ballot shall list the purpose that is proposed to be added.

8 M. If an election is held to extend the time to issue bonds
9 pursuant to subsection A, paragraph 6 of this section, the following
10 requirements apply:

11 1. The election may be held only on the first Tuesday after the
12 first Monday in November.

13 2. No later than thirty-five days before the election, the school
14 district shall mail an informational pamphlet prepared by the county
15 school superintendent to each household in the school district that
16 contains a qualified elector. The informational pamphlet shall contain,
17 at a minimum, the following information:

18 (a) The date of the election.
19 (b) The voter's polling place and the times it is open.
20 (c) A statement as to why the election was called.
21 (d) Arguments for and against the proposed change, if submitted, as
22 provided in section 15-481, subsection B, paragraph 9. The ballot
23 arguments for the proposed change shall be signed as the governing board
24 of the school district without listing any member's individual name for
25 the arguments for the proposed change.

26 3. The ballot shall contain the words "extend time to issue bonds,
27 yes" and "extend time to issue bonds, no", and the voter shall signify the
28 voter's desired choice.

29 Sec. 8. Section 15-2002, Arizona Revised Statutes, is amended to
30 read:

31 15-2002. Powers and duties; executive director; staffing;
32 reporting requirements

33 A. The school facilities board shall:

34 1. Make assessments of school facilities and equipment deficiencies
35 and approve the distribution of grants as appropriate.

36 2. Maintain a database of school facilities to administer the
37 building renewal grant fund and new school facilities formula. The
38 facilities listed in the database must include all buildings that are
39 owned by school districts. The school facilities board shall ensure that
40 the database is updated on at least an annual basis. Each school district
41 shall report to the school facilities board no later than September 1 of
42 each year information as required by the school facilities board for the
43 administration of the building renewal grant fund and computation of new
44 school facilities formula distributions, including the nature and cost of
45 major repairs, renovations or physical improvements to or replacement of

1 building systems or equipment that were made in the previous year and that
2 were paid for either with local monies or monies provided by the school
3 facilities board from the building renewal grant fund. Each school
4 district shall report any school or school buildings that have been
5 closed, **THAT ARE VACANT OR PARTIALLY USED PURSUANT TO SECTION 15-119 AND**
6 that have been leased to another entity or that operate as a charter
7 school. The school facilities board **SHALL DEVELOP GUIDELINES AND**
8 **DEFINITIONS FOR THE REPORTING PRESCRIBED IN THIS PARAGRAPH AND** may review
9 or audit the information, or both, to confirm the information submitted by
10 a school district. Notwithstanding any other provision of this chapter,
11 if a school district converts space that is listed in the database
12 maintained pursuant to this paragraph to space that will be used for
13 administrative purposes, the school district is responsible for any costs
14 associated with the conversion, maintenance and replacement of that space.
15 If a building is significantly upgraded or remodeled, the school
16 facilities board shall adjust the age of that school facility in the
17 database as follows:

- 18 (a) Determine the building capacity value as follows:
 - 19 (i) Multiply the student capacity of the building by the per pupil
20 square foot capacity established by section 15-2041.
 - 21 (ii) Multiply the product determined in item (i) of this
22 subdivision by the cost per square foot established by section 15-2041.
- 23 (b) Divide the cost of the renovation by the building capacity
24 value determined in subdivision (a) of this paragraph.
- 25 (c) Multiply the quotient determined in subdivision (b) of this
26 paragraph by the currently listed age of the building in the database.
- 27 (d) Subtract the product determined in subdivision (c) of this
28 paragraph from the currently listed age of the building in the database,
29 rounded to the nearest whole number. If the result is a negative number,
30 use zero.

31 3. Inspect school buildings at least once every five years to
32 ensure compliance with the building adequacy standards prescribed in
33 section 15-2011, **THE ACCURACY OF THE REPORTING OF VACANT AND PARTIALLY**
34 **USED BUILDINGS PURSUANT TO THIS SUBSECTION** and routine preventive
35 maintenance guidelines as prescribed in this section with respect to
36 construction of new buildings and maintenance of existing buildings. The
37 school facilities board shall randomly select twenty school districts
38 every thirty months and inspect them pursuant to this paragraph.

39 4. Review and approve student population projections submitted by
40 school districts to determine to what extent school districts are entitled
41 to monies to construct new facilities pursuant to section 15-2041. The
42 board shall make a final determination within five months after the
43 receipt of an application by a school district for monies from the new
44 school facilities fund.

1 5. Certify that plans for new school facilities meet the building
2 adequacy standards prescribed in section 15-2011.

3 6. Develop prototypical elementary and high school designs. The
4 board shall review the design differences between the schools with the
5 highest academic productivity scores and the schools with the lowest
6 academic productivity scores. The board shall also review the results of
7 a valid and reliable survey of parent quality rating in the highest
8 performing schools and the lowest performing schools in this state. The
9 survey of parent quality rating shall be administered by the department of
10 education. The board shall consider the design elements of the schools
11 with the highest academic productivity scores and parent quality ratings
12 in the development of elementary and high school designs. The board shall
13 develop separate school designs for elementary, middle and high schools
14 with varying pupil capacities.

15 7. Develop application forms, reporting forms and procedures to
16 carry out the requirements of this article, including developing and
17 implementing policies and procedures to:

18 (a) Ensure that the board notifies school districts in a uniform
19 manner of the services and funding available for school districts from the
20 board for facility construction, renovation and repair projects. The
21 policies and procedures shall require the board to provide at least one
22 annual communication to school districts in a manner prescribed by the
23 board and shall require each school district to develop and maintain a
24 list of persons who are responsible for facilities management at that
25 school district.

26 (b) Establish a project eligibility assessment for all projects
27 submitted for building renewal grant funding or emergency deficiencies
28 correction funding, including establishing standardized criteria for
29 project eligibility. Before the board formally approves a project, the
30 staff of the board may review the costs and scope of the proposed project
31 with persons and entities that have submitted bids on the project.

32 (c) Ensure that the board maintains standardized documentation of
33 all projects submitted to the board for consideration to receive services
34 or a financial award from the board. The board shall maintain
35 standardized documentation of any project awarded monies by the board,
36 including records of payments to school districts in a manner prescribed
37 by the board. The standardized documentation shall include the following
38 as part of the eligibility determination criteria:

39 (i) Whether the problem that the proposed project intends to
40 address caused the building or facility to fall below the minimum school
41 facility adequacy guidelines prescribed in section 15-2011.

42 (ii) Whether the school district performed the routine preventive
43 maintenance required pursuant to section 15-2032 on the building or
44 facility.

5 (e) Require a school district to provide justification for each
6 proposed project, including all of the following:

(i) The school district's use or planned use of the facility.

(ii) A detailed description of the problem and the school district's recommended solution.

0 (iii) Any completed professional study regarding the proposed
1 project.

(iv) Any citation or report from government entities.

(v) The estimated cost of the proposed project, with documentation.

(vi) The project category.

5 (vii) A description of any local funding that will be used for the
6 proposed project.

(viii) Documentation on associated insurance coverage, if

8 applicable.
9 (f) If the application is for monies from the building renewal
10 grant fund established by section 15-2032, require the school district to
11 report the preventive maintenance activities completed during the previous

22 twelve months for the facility for which the monies are being requested.
23 (g) Require that an initial application not be considered complete
24 until all necessary information is submitted.

25 (h) Allow a school district to submit an incomplete application and
26 request technical assistance from the staff of the board if the school

district is unable to provide sufficient information in the initial application.

(i) Require that a complete application be received by the board at

(1) Require that a complete application be received by the board at least fifteen business days before the next regularly scheduled board meeting in order for the application to be considered at that meeting. An incomplete application may be considered at that meeting if both the staff of the board and the superintendent of the school district deem the project critical.

35 (j) Allow the staff of the board to notify a school district in
36 writing before review by the board that the proposed project does not meet
37 eligibility criteria prescribed in this chapter. The written notification
38 shall include documentation to support the staff's determination that the
39 proposed project does not meet the eligibility criteria prescribed in this
40 chapter. The school district may directly appeal the staff's
41 determination of ineligibility to the executive director of the board.
42 The school district may directly appeal the executive director's
43 determination of ineligibility to the board.

1 (k) Prohibit the staff of the board from requesting that a school
2 district withdraw a project application from review by the board if the
3 initial staff review determines that the proposed project may be
4 ineligible for monies from the board.

5 8. Review and approve or reject requests submitted by school
6 districts to take actions pursuant to section 15-341, subsection G.

7 9. Submit electronically an annual report on or before December 15
8 to the speaker of the house of representatives, the president of the
9 senate, the superintendent of public instruction, the secretary of state
10 and the governor that includes the following information:

11 (a) A detailed description of the amount of monies distributed by
12 the school facilities board in the previous fiscal year.

13 (b) A list of each capital project that received monies from the
14 school facilities board during the previous fiscal year, a brief
15 description of each project that was funded and a summary of the board's
16 reasons for the distribution of monies for the project.

17 (c) A summary of the findings and conclusions of the building
18 maintenance inspections conducted pursuant to this article during the
19 previous fiscal year.

20 (d) A summary of the findings of common design elements and
21 characteristics of the highest performing schools and the lowest
22 performing schools based on academic productivity, including the results
23 of the parent quality rating survey. For the purposes of this
24 subdivision, "academic productivity" means academic year advancement per
25 calendar year as measured with student-level data using the statewide
26 nationally standardized norm-referenced achievement test.

27 10. On or before December 1 of each year, report electronically to
28 the joint committee on capital review the amounts necessary to fulfill the
29 requirements of sections 15-2022 and 15-2041 for the following three
30 fiscal years. In developing the amounts necessary for this report, the
31 school facilities board shall use the most recent average daily membership
32 data available. On request from the board, the department of education
33 shall make available the most recent average daily membership data for use
34 in calculating the amounts necessary to fulfill the requirements of
35 section 15-2041 for the following three fiscal years. The board shall
36 provide copies of the report to the president of the senate, the speaker
37 of the house of representatives and the governor.

38 11. Adopt minimum school facility adequacy guidelines to provide
39 the minimum quality and quantity of school buildings and the facilities
40 and equipment necessary and appropriate to enable pupils to achieve the
41 educational goals of the Arizona state schools for the deaf and the blind.
42 The school facilities board shall establish minimum school facility
43 adequacy guidelines applicable to the Arizona state schools for the deaf
44 and the blind.

1 12. In each even-numbered year, report electronically to the joint
2 committee on capital review the amounts necessary to fulfill the
3 requirements of section 15-2041 for the Arizona state schools for the deaf
4 and the blind for the following two fiscal years. The Arizona state
5 schools for the deaf and the blind shall incorporate the findings of the
6 report in any request for new school facilities monies. Any monies
7 provided to the Arizona state schools for the deaf and the blind for new
8 school facilities are subject to legislative appropriation.

9 13. On or before June 15 of each year, submit electronically
10 detailed information regarding demographic assumptions, a proposed
11 construction schedule and new school construction cost estimates for
12 individual projects approved in the current fiscal year and expected
13 project approvals for the upcoming fiscal year to the joint committee on
14 capital review for its review. A copy of the report shall also be
15 submitted electronically to the governor's office of strategic planning
16 and budgeting. The joint legislative budget committee staff, the
17 governor's office of strategic planning and budgeting staff and the school
18 facilities board staff shall agree on the format of the report.

19 14. Every two years, provide school districts with information on
20 improving and maintaining the indoor environmental quality in school
21 buildings.

22 15. On or before December 31 of each year, report to the joint
23 legislative budget committee on all class B bond approvals by school
24 districts in that year. Each school district shall report to the school
25 facilities board on or before December 1 of each year information required
26 by the school facilities board for the report prescribed in this
27 paragraph.

28 16. Validate proposed adjacent ways projects submitted by school
29 districts as prescribed in section 15-995.

30 B. The school facilities board may contract for the following
31 services in compliance with the procurement practices prescribed in title
32 41, chapter 23:

33 1. Private services.

34 2. Construction project management services.

35 3. Assessments for school buildings to determine if the buildings
36 have outlived their useful life pursuant to section 15-2041, subsection G.

37 4. Services related to land acquisition and development of a school
38 site.

39 C. The governor shall appoint an executive director of the school
40 facilities board pursuant to section 38-211. The executive director is
41 eligible to receive compensation as determined pursuant to section 38-611
42 and may hire and fire necessary staff subject to title 41, chapter 4,
43 article 4 and as approved by the legislature in the budget. The executive
44 director shall have demonstrated competency in school finance, facilities
45 design or facilities management, either in private business or government

1 service. The executive director serves at the pleasure of the governor.
2 The staff of the school facilities board is exempt from title 41, chapter
3 4, articles 5 and 6. The executive director:

4 1. Shall analyze applications for monies submitted to the board by
5 school districts.

6 2. Shall assist the board in developing forms and procedures for
7 the distribution and review of applications and the distribution of monies
8 to school districts.

9 3. May review or audit, or both, the expenditure of monies by a
10 school district for deficiencies corrections and new school facilities.

11 4. Shall assist the board in the preparation of the board's annual
12 report.

13 5. Shall research and provide reports on issues of general interest
14 to the board.

15 6. May aid school districts in the development of reasonable and
16 cost-effective school designs in order to avoid statewide duplicated
17 efforts and unwarranted expenditures in the area of school design.

18 7. May assist school districts in facilitating the development of
19 multijurisdictional facilities.

20 8. Shall assist the board in any other appropriate matter or method
21 as directed by the members of the board.

22 9. Shall establish procedures to ensure compliance with the notice
23 and hearing requirements prescribed in section 15-905. The notice and
24 hearing procedures adopted by the board shall include the requirement,
25 with respect to the board's consideration of any application filed after
26 July 1, 2001 or after December 31 of the year in which the property
27 becomes territory in the vicinity of a military airport or ancillary
28 military facility as defined in section 28-8461 for monies to fund the
29 construction of new school facilities proposed to be located in territory
30 in the vicinity of a military airport or ancillary military facility, that
31 the military airport receive notification of the application by first
32 class mail at least thirty days before any hearing concerning the
33 application.

34 10. May expedite any request for monies in which the local match
35 was not obtained for a project that received preliminary approval by the
36 state board for school capital facilities.

37 11. Shall expedite any request for monies in which the school
38 district governing board submits an application that shows an immediate
39 need for a new school facility.

40 12. Shall make a determination as to administrative completion
41 within one month after the receipt of an application by a school district
42 for monies from the new school facilities fund.

43 13. Shall provide technical support to school districts as
44 requested by school districts in connection with the construction of new
45 school facilities and the maintenance of existing school facilities and

1 may contract directly with construction project managers pursuant to
2 subsection B of this section. This paragraph does not restrict a school
3 district from contracting with a construction project manager using
4 district or state resources.

5 D. When appropriate, the school facilities board shall review and
6 use the statewide school facilities inventory and needs assessment
7 conducted by the joint committee on capital review and issued in July,
8 1995.

9 E. The school facilities board shall contract with one or more
10 private building inspectors to complete an initial assessment of school
11 facilities and equipment and shall inspect each school building in this
12 state at least once every five years to ensure compliance with section
13 15-2011. A copy of the inspection report, together with any
14 recommendations for building maintenance, shall be provided to the school
15 facilities board and the governing board of the school district.

16 F. The school facilities board may consider appropriate
17 combinations of facilities or uses in making assessments of and curing
18 deficiencies pursuant to subsection A, paragraph 1 of this section and in
19 certifying plans for new school facilities pursuant to subsection A,
20 paragraph 5 of this section.

21 G. The board shall not award any monies to fund new facilities that
22 are financed by class A bonds that are issued by the school district.

23 H. The board shall not distribute monies to a school district for
24 replacement or repair of facilities if the costs associated with the
25 replacement or repair are covered by insurance or a performance or payment
26 bond.

27 I. The board may contract for construction services and materials
28 that are necessary to correct existing deficiencies in school district
29 facilities. The board may procure the construction services necessary
30 pursuant to this subsection by any method, including
31 construction-manager-at-risk, design-build, design-bid-build or
32 job-order-contracting as provided by title 41, chapter 23. The
33 construction planning and services performed pursuant to this subsection
34 are exempt from section 41-791.01.

35 J. The school facilities board may enter into agreements with
36 school districts to allow school facilities board staff and contractors
37 access to school property for the purposes of performing the construction
38 services necessary pursuant to subsection I of this section.

39 K. Each school district shall develop routine preventive
40 maintenance guidelines for its facilities. The guidelines shall include
41 plumbing systems, electrical systems, heating, ventilation and air
42 conditioning systems, special equipment and other systems and for roofing
43 systems shall recommend visual inspections performed by district staff for
44 signs of structural stress and weakness. The guidelines shall be
45 submitted to the school facilities board for review and approval. If on

1 inspection by the school facilities board it is determined that a school
2 district facility was inadequately maintained pursuant to the school
3 district's routine preventive maintenance guidelines, the school district
4 shall return the building to compliance with the school district's routine
5 preventive maintenance guidelines.

6 L. The school facilities board may temporarily transfer monies
7 between the capital reserve fund established by section 15-2003, the
8 emergency deficiencies correction fund established by section 15-2022 and
9 the new school facilities fund established by section 15-2041 if all of
10 the following conditions are met:

11 1. The transfer is necessary to avoid a temporary shortfall in the
12 fund into which the monies are transferred.

13 2. The transferred monies are restored to the fund where the monies
14 originated as soon as practicable after the temporary shortfall in the
15 other fund has been addressed.

16 3. The school facilities board reports to the joint committee on
17 capital review the amount of and the reason for any monies transferred.

18 M. After notifying each school district, and if a written objection
19 from the school district is not received by the school facilities board
20 within thirty days of the notification, the school facilities board may
21 access public utility company records of power, water, natural gas,
22 telephone and broadband usage to assemble consistent and accurate data on
23 utility consumption at school facilities to determine the effectiveness of
24 facility design, operation and maintenance measures intended to reduce
25 energy and water consumption and costs. Any public utility that provides
26 service to a school district in this state shall provide the data
27 requested by the school facilities board pursuant to this subsection.

28 N. The school facilities board shall not require a common school
29 district that provides instruction to pupils in grade nine to obtain
30 approval from the school facilities board to reconfigure its school
31 facilities. A common school district that provides instruction to pupils
32 in grade nine is not entitled to additional monies from the school
33 facilities board for facilities to educate pupils in grade nine.

34 O. A school district may appeal the denial of a request for monies
35 pursuant to this chapter or any other appealable agency action by the
36 school facilities board pursuant to title 41, chapter 6, article 10. For
37 the purposes of this subsection, "appealable agency action" has the same
38 meaning prescribed in section 41-1092.

APPROVED BY THE GOVERNOR MAY 22, 2019.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 22, 2019.