

REFERENCE TITLE: school functions; food; beverages

State of Arizona  
House of Representatives  
Fifty-fourth Legislature  
Second Regular Session  
2020

## **HB 2278**

Introduced by  
Representative Hernandez D

AN ACT

AMENDING SECTION 15-342, ARIZONA REVISED STATUTES; RELATING TO SCHOOL DISTRICT GOVERNING BOARDS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:  
2 Section 1. Section 15-342, Arizona Revised Statutes, is amended to  
3 read:  
4 15-342. Discretionary powers  
5 The governing board may:  
6 1. Expel pupils for misconduct.  
7 2. Exclude from grades one through eight children under six years  
8 of age.  
9 3. Make such separation of groups of pupils as it deems advisable.  
10 4. Maintain such special schools during vacation as deemed  
11 necessary for the benefit of the pupils of the school district.  
12 5. ~~Permit~~ ALLOW a superintendent or principal or representatives of  
13 the superintendent or principal to travel for a school purpose, as  
14 determined by a majority vote of the board. The board may ~~permit~~ ALLOW  
15 members and members-elect of the board to travel within or without the  
16 school district for a school purpose and receive reimbursement. Any  
17 expenditure for travel and subsistence pursuant to this paragraph shall be  
18 as provided in title 38, chapter 4, article 2. The designated post of  
19 duty referred to in section 38-621 shall be construed, for school district  
20 governing board members, to be the member's actual place of residence, as  
21 opposed to the school district office or the school district boundaries.  
22 Such expenditures shall be a charge against the budgeted school district  
23 funds. The governing board of a school district shall prescribe  
24 procedures and amounts for reimbursement of lodging and subsistence  
25 expenses. Reimbursement amounts shall not exceed the maximum amounts  
26 established pursuant to section 38-624, subsection C.  
27 6. Construct or provide in rural districts housing facilities for  
28 teachers and other school employees that the board determines are  
29 necessary ~~for the operation of~~ TO OPERATE the school.  
30 7. Sell or lease to the state, a county, a city, another school  
31 district or a tribal government agency any school property required for a  
32 public purpose, ~~provided~~ IF the sale or lease of the property will not  
33 affect the normal operations of a school within the school district.  
34 8. Annually budget and ~~expend funds~~ SPEND MONIES for membership in  
35 an association of school districts within this state.  
36 9. Enter into leases or lease-purchase agreements for school  
37 buildings or grounds, or both, as lessor or as lessee, for periods of less  
38 than twenty years subject to voter approval for construction of school  
39 buildings as prescribed in section 15-341, subsection A, paragraph 7.  
40 10. Subject to chapter 16 of this title, sell school sites or enter  
41 into leases or lease-purchase agreements for school buildings and grounds,  
42 as lessor or as lessee, for a period of twenty years or more, but not to  
43 exceed ninety-nine years, if authorized by a vote of the school district  
44 electors in an election called by the governing board as provided in  
45 section 15-491, except that authorization by the school district electors

1 in an election is not required if one of the following requirements is  
2 met:

3 (a) The market value of the school property is less than \$50,000 or  
4 the property is procured through a renewable energy development agreement,  
5 an energy performance contract, which among other items includes a  
6 renewable energy power service agreement, or a simplified energy  
7 performance contract pursuant to section 15-213.01.

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

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

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

39 (i) The school district is the sole owner of the improved or  
40 unimproved property that the school district intends to sell.

41 (ii) The school district did not purchase the improved or  
42 unimproved property that the school district intends to sell with monies  
43 that were distributed pursuant to chapter 16 of this title.

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

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

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

29           13. Enter into intergovernmental agreements and contracts with  
30 school districts or other governing bodies as provided in section 11-952.  
31 Intergovernmental agreements and contracts between school districts or  
32 between a school district and other governing bodies as provided in  
33 section 11-952 are exempt from competitive bidding under the procurement  
34 rules adopted by the state board of education pursuant to section 15-213.

35           14. Include in the curricula it prescribes for high schools in the  
36 school district career and technical education, vocational education and  
37 technology education programs and career and technical, vocational and  
38 technology program improvement services for the high schools, subject to  
39 approval by the state board of education. The governing board may  
40 contract for the provision of career and technical, vocational and  
41 technology education as provided in section 15-789.

42           15. Suspend a teacher or administrator from the teacher's or  
43 administrator's duties without pay for a period of time of not to exceed  
44 ten school days, if the board determines that suspension is warranted

1 pursuant to section 15-341, subsection A, ~~paragraphs~~ PARAGRAPH 21 and  
2 OR 22.

3 16. Dedicate school property within an incorporated city or town to  
4 ~~such~~ THAT city or town or within a county to that county for use as a  
5 public right-of-way if both of the following apply:

6 (a) Pursuant to an ordinance adopted by ~~such~~ THE city, town or  
7 county, there will be conferred ~~upon~~ ON the school district privileges and  
8 benefits that may include benefits related to zoning.

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

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

12 18. Donate surplus or outdated learning materials, educational  
13 equipment and furnishings to nonprofit community organizations ~~where~~ IF  
14 the governing board determines that the anticipated cost of selling the  
15 learning materials, educational equipment or furnishings equals or exceeds  
16 the estimated market value of the materials.

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

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

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

33 22. Require students to wear uniforms.

34 23. Exchange unimproved property or improved property, including  
35 school sites, ~~where~~ IF the governing board determines that the improved  
36 property is unnecessary for the continued operation of the school district  
37 without requesting authorization by a vote of the school district electors  
38 AND if the governing board determines that the exchange is necessary to  
39 protect the health, safety or welfare of pupils or ~~when~~ IF the governing  
40 board determines that the exchange is based on sound business principles  
41 for either:

42 (a) Unimproved or improved property of equal or greater value.

43 (b) Unimproved property that the owner contracts to improve if the  
44 value of the property ultimately received by the school district is of  
45 equal or greater value.

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

20           25. Notwithstanding section 15-341, subsection A, paragraphs 7 and  
21 9, construct school buildings and purchase or lease school sites, without  
22 a vote of the school district electors, if the buildings and sites are  
23 totally funded from one or more of the following:

24           (a) Monies in the unrestricted capital outlay fund, except that the  
25 estimated cost shall not exceed \$250,000 for a district that ~~utilizes~~ USES  
26 section 15-949.

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

29           (c) Monies specifically donated for the purpose of constructing  
30 school buildings.

31 This paragraph ~~shall~~ DOES not ~~be construed to~~ eliminate the requirement  
32 for an election to raise revenues for a capital outlay override pursuant  
33 to section 15-481 or a bond election pursuant to section 15-491.

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

43           27. Unless otherwise prohibited by law, sell advertising as  
44 follows:

1 (a) Advertisements shall be age appropriate and not ~~contain~~  
2 ~~promotion of~~ PROMOTE any substance that is illegal for minors such as  
3 alcohol, tobacco and drugs or gambling. Advertisements shall comply with  
4 the state sex education policy of abstinence.

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

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

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

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

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

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

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

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

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

41 30. Notwithstanding section 15-1143, expend surplus monies in the  
42 community school program fund for maintenance and operations or  
43 unrestricted capital outlay, if sufficient monies are available in the  
44 fund after meeting the needs of programs established pursuant to section  
45 15-1142.

1           31. Adopt guidelines for ~~standardization of~~ STANDARDIZING the  
2 format of the school report cards required by section 15-746 for schools  
3 within the district.

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

10           (a) The policy may provide reasonable exceptions to the parental  
11 notification requirement.

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

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



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

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

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

33 (c) A community facilities district established pursuant to title  
 34 48, chapter 4, article 6 to be used for reimbursement of financing the  
 35 construction of a school pursuant to this paragraph.

36 (d) A school district to enter into an agreement pursuant to this  
 37 paragraph with any party other than a master planned community party. Any  
 38 land area consisting of at least three hundred twenty acres that is the  
 39 subject of a development agreement with a county, city or town entered  
 40 into pursuant to section 9-500.05 or 11-1101 shall be deemed to be a  
 41 master planned community. For the purposes of this subdivision, "master  
 42 planned community" means a land area consisting of at least three hundred  
 43 twenty acres, which may be noncontiguous, that is the subject of a zoning  
 44 ordinance approved by the governing body of the county, city or town in  
 45 which the land is located that establishes the use of the land area as a

1 planned area development or district, planned community development or  
2 district, planned unit development or district or other land use category  
3 or district that is recognized in the local ordinance of such county, city  
4 or town and that specifies the use of such land is for a master planned  
5 development.

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

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

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

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

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

27 39. SUBJECT TO POLICIES ADOPTED BY THE DEPARTMENT OF EDUCATION,  
28 PROVIDE FOOD AND BEVERAGES BOTH:

29 (a) AT SCHOOL DISTRICT EVENTS, INCLUDING OFFICIAL SCHOOL FUNCTIONS  
30 AND TRAININGS.

31 (b) THROUGH A CAFÉ THAT IS OPEN TO THE PUBLIC.