State of Arizona  
Senate  
Fifty-fifth Legislature  
First Regular Session  
2021  

SB 1685  
Introduced by  
Senators Boyer: Barto, Gray, Shope  

AN ACT  

AMENDING SECTIONS 15-341, 15-816 AND 15-816.01, ARIZONA REVISED STATUTES; RELATING TO SCHOOL ATTENDANCE.  

(TEXT OF BILL BEGINS ON NEXT PAGE)
Be it enacted by the Legislature of the State of Arizona:

Section 1. Section 15-341, Arizona Revised Statutes, is amended to read:

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

A. The governing board shall:

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

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

3. Manage and control the school property within its district, except that a district may enter into a partnership with an entity, including a charter school, another school district or a military base, to operate a school or offer educational services in a district building, including at a vacant or partially used building, or in any building on the entity's property pursuant to a written agreement between the parties.

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

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

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

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

8. Make conveyances of property belonging to the district and sold by the board.

9. Purchase school sites when authorized by a vote of the district at an election conducted as nearly as practicable in the same manner as the election provided in section 15-481 and held on a date prescribed in section 15-491, subsection E, but such authorization shall not necessarily specify the site to be purchased and such authorization shall not be necessary to exchange unimproved property as provided in section 15-342, paragraph 23.

10. Construct, improve and furnish buildings used for school purposes when such buildings or premises are leased from the national park service.

11. Purchase school sites or construct, improve and furnish school buildings from the proceeds of the sale of school property only on approval by a vote of the district electors.

12. Hold pupils to strict account for disorderly conduct on school property.

13. Discipline students for disorderly conduct on the way to and from school.
14. Except as provided in section 15-1224, deposit all monies received by the district as gifts, grants and devises with the county treasurer who shall credit the deposits as designated in the uniform system of financial records. If not inconsistent with the terms of the gifts, grants and devises given, any balance remaining after expenditures for the intended purpose of the monies have been made shall be used for reduction of school district taxes for the budget year, except that in the case of accommodation schools the county treasurer shall carry the balance forward for use by the county school superintendent for accommodation schools for the budget year.

15. Provide that, if a parent or legal guardian chooses not to accept a decision of the teacher as provided in paragraph 42 of this subsection, the parent or legal guardian may request in writing that the governing board review the teacher's decision. This paragraph does not release school districts from any liability relating to a child's promotion or retention.

16. Provide for adequate supervision over pupils in instructional and noninstructional activities by certificated or noncertificated personnel.

17. Use school monies received from the state and county school apportionment exclusively for payment of TO PAY salaries of teachers and other employees and contingent expenses of the district.

18. Make an annual report to the county school superintendent on or before October 1 in the manner and form and on the blanks prescribed by the superintendent of public instruction or county school superintendent. The board shall also make reports directly to the county school superintendent or the superintendent of public instruction whenever required.

19. Deposit all monies received by school districts other than student activities monies or monies from auxiliary operations as provided in sections 15-1125 and 15-1126 with the county treasurer to the credit of the school district except as provided in paragraph 20 of this subsection and sections 15-1223 and 15-1224, and the board shall expend the monies as provided by law for other school funds.

20. Establish bank accounts in which the board during a month may deposit miscellaneous monies received directly by the district. The board shall remit monies deposited in the bank accounts at least monthly to the county treasurer for deposit as provided in paragraph 19 of this subsection and in accordance with the uniform system of financial records.

21. Prescribe and enforce policies and procedures for disciplinary action against a teacher who engages in conduct that is a violation of the policies of the governing board but that is not cause for dismissal of the teacher or for revocation of the certificate of the teacher. Disciplinary action may include suspension without pay for a period of time not to exceed ten school days. Disciplinary action shall not include suspension with pay or suspension without pay for a period of time longer than ten
school days. The procedures shall include notice, hearing and appeal provisions for violations that are cause for disciplinary action. The governing board may designate a person or persons to act on behalf of the board on these matters.

22. Prescribe and enforce policies and procedures for disciplinary action against an administrator who engages in conduct that is a violation of the policies of the governing board regarding duties of administrators but that is not cause for dismissal of the administrator or for revocation of the certificate of the administrator. Disciplinary action may include suspension without pay for a period of time not to exceed ten school days. Disciplinary action shall not include suspension with pay or suspension without pay for a period of time longer than ten school days. The procedures shall include notice, hearing and appeal provisions for violations that are cause for disciplinary action. The governing board may designate a person or persons to act on behalf of the board on these matters. For violations that are cause for dismissal, the provisions of notice, hearing and appeal in chapter 5, article 3 of this title shall apply. The filing of a timely request for a hearing suspends the imposition of a suspension without pay or a dismissal pending completion of the hearing.

23. Notwithstanding sections 13-3108 and 13-3120, prescribe and enforce policies and procedures that prohibit a person from carrying or possessing a weapon on school grounds unless the person is a peace officer or has obtained specific authorization from the school administrator.

24. Prescribe and enforce policies and procedures relating to the health and safety of all pupils participating in district-sponsored practice sessions or games or other interscholastic athletic activities, including:

(a) The provision of water.

(b) Guidelines, information and forms, developed in consultation with a statewide private entity that supervises interscholastic activities, to inform and educate coaches, pupils and parents of the dangers of concussions and head injuries and the risks of continued participation in athletic activity after a concussion. The policies and procedures shall require that, before a pupil participates in an athletic activity, the pupil and the pupil's parent must sign an information form at least once each school year that states that the parent is aware of the nature and risk of concussion. The policies and procedures shall require that a pupil who is suspected of sustaining a concussion in a practice session, game or other interscholastic athletic activity be immediately removed from the athletic activity and that the pupil's parent or guardian be notified. A coach from the pupil's team or an official or a licensed health care provider may remove a pupil from play. A team parent may also remove the parent's own child from play. A pupil may return to play on the same day if a health care provider rules out a suspected concussion at the time the pupil is removed from play. On a subsequent day, the pupil
may return to play if the pupil has been evaluated by and received written
clearance to resume participation in athletic activity from a health care
provider who has been trained in the evaluation and management of
concussions and head injuries. A health care provider who is a volunteer
and who provides clearance to participate in athletic activity on the day
of the suspected injury or on a subsequent day is immune from civil
liability with respect to all decisions made and actions taken that are
based on good faith implementation of the requirements of this
subdivision, except in cases of gross negligence or wanton or wilful
neglect. A school district, school district employee, team coach,
official or team volunteer or a parent or guardian of a team member is not
subject to civil liability for any act, omission or policy undertaken in
good faith to comply with the requirements of this subdivision or for a
decision made or an action taken by a health care provider. A group or
organization that uses property or facilities owned or operated by a
school district for athletic activities shall comply with the requirements
of this subdivision. A school district and its employees and volunteers
are not subject to civil liability for any other person or organization's
failure or alleged failure to comply with the requirements of this
subdivision. This subdivision does not apply to teams that are based in
another state and that participate in an athletic activity in this state.
For the purposes of this subdivision, athletic activity does not include
dance, rhythmic gymnastics, competitions or exhibitions of academic skills
or knowledge or other similar forms of physical noncontact activities,
civic activities or academic activities, whether engaged in for the
purposes of competition or recreation. For the purposes of this
subdivision, "health care provider" means a physician who is licensed
pursuant to title 32, chapter 13 or 17, an athletic trainer who is
licensed pursuant to title 32, chapter 41, a nurse practitioner who is
licensed pursuant to title 32, chapter 15, and a physician assistant who
is licensed pursuant to title 32, chapter 25.
(c) Guidelines, information and forms that are developed in
consultation with a statewide private entity that supervises
interscholastic activities to inform and educate coaches, pupils and
parents of the dangers of heat-related illnesses, sudden cardiac death and
prescription opioid use. Before a pupil participates in any
district-sponsored practice session or game or other interscholastic
athletic activity, the pupil and the pupil's parent must be provided with
information at least once each school year on the risks of heat-related
illnesses, sudden cardiac death and prescription opioid addiction.
25. Establish an assessment, data gathering and reporting system as
prescribed in chapter 7, article 3 of this title.
26. Provide special education programs and related services
pursuant to section 15-764, subsection A to all children with disabilities
as defined in section 15-761.
27. Administer competency tests prescribed by the state board of education for the graduation of pupils from high school.

28. Ensure that insurance coverage is secured for all construction projects for purposes of general liability, property damage and workers' compensation and secure performance and payment bonds for all construction projects.

29. Keep in the personnel file of all current and former employees who provide instruction to pupils at a school information about the employee's educational and teaching background and experience in a particular academic content subject area. A school district shall inform parents and guardians of the availability of the information and shall make the information available for inspection on request of parents and guardians of pupils enrolled at a school. This paragraph does not require any school to release personally identifiable information in relation to any teacher or employee, including the teacher's or employee's address, salary, social security number or telephone number.

30. Report to local law enforcement agencies any suspected crime against a person or property that is a serious offense as defined in section 13-706 or that involves a deadly weapon or dangerous instrument or serious physical injury and any conduct that poses a threat of death or serious physical injury to employees, students or anyone on the property of the school. This paragraph does not limit or preclude the reporting by a school district or an employee of a school district of suspected crimes other than those required to be reported by this paragraph. For the purposes of this paragraph, "dangerous instrument", "deadly weapon" and "serious physical injury" have the same meanings prescribed in section 13-105.

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

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

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

34. Prescribe and enforce policies and procedures:
   (a) Allowing pupils who have been diagnosed with anaphylaxis by a health care provider licensed pursuant to title 32, chapter 13, 14, 17 or 25 or by a registered nurse practitioner licensed and certified pursuant to title 32, chapter 15 to carry and self-administer emergency medications, including epinephrine auto-injectors, while at school and at school-sponsored activities. The pupil's name on the prescription label on the medication container or on the medication device and annual written documentation from the pupil's parent or guardian to the school that authorizes possession and self-administration is sufficient proof that the pupil is entitled to the possession and self-administration of the medication. The policies shall require a pupil who uses an epinephrine auto-injector while at school and at school-sponsored activities to notify the nurse or the designated school staff person of the use of the medication as soon as practicable. A school district and its employees are immune from civil liability with respect to all decisions made and actions taken that are based on good faith implementation of the requirements of this subdivision, except in cases of wanton or wilful neglect.
   (b) For the emergency administration of epinephrine auto-injectors by a trained employee of a school district pursuant to section 15-157.

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

36. Prescribe and enforce policies and procedures to prohibit pupils from harassing, intimidating and bullying other pupils on school grounds, on school property, on school buses, at school bus stops, at school-sponsored events and activities and through the use of electronic technology or electronic communication on school computers, networks, forums and mailing lists that include the following components:
(a) A procedure for pupils, parents and school district employees to confidentially report to school officials incidents of harassment, intimidation or bullying. The school shall make available written forms designed to provide a full and detailed description of the incident and any other relevant information about the incident.

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

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

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

(e) A formal process for the documentation of reported incidents of harassment, intimidation or bullying and for the confidentiality, maintenance and disposition of this documentation. School districts shall maintain documentation of all incidents reported pursuant to this paragraph for at least six years. The school shall not use that documentation to impose disciplinary action unless the appropriate school official has investigated and determined that the reported incidents of harassment, intimidation or bullying occurred. If a school provides documentation of reported incidents to persons other than school officials or law enforcement, all individually identifiable information shall be redacted.

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

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

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

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

(j) Definitions of harassment, intimidation and bullying.

37. Prescribe and enforce policies and procedures regarding changing or adopting attendance boundaries FOR ENROLLMENT PREFERENCE IF
THE SCHOOL OR A GRADE LEVEL REACHES CAPACITY PURSUANT TO SECTION 15-816.01
that include the following components:

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

(b) A procedure to notify the parents or guardians of the students
affected, INCLUDING ASSURANCE THAT STUDENTS ASSIGNED TO A NEW ATTENDANCE
AREA MAY STAY ENROLLED IN THEIR CURRENT SCHOOL IF THAT SCHOOL REMAINS OPEN
AS PART OF THE BOUNDARY CHANGE.

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

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

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

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

(g) A formal process for updating attendance boundaries on the
school district's website within ninety days AFTER an adopted boundary
change. The school district shall send a direct link to the school
district's attendance boundaries website to the department of real estate.

38. If the state board of education determines that the school
district has committed an overexpenditure as defined in section 15-107,
provide a copy of the fiscal management report submitted pursuant to
section 15-107, subsection H on its website and make copies available to
the public on request. The school district shall comply with a request
within five business days after receipt.

39. Ensure that the contract for the superintendent is structured
in a manner in which up to twenty percent of the total annual salary
included for the superintendent in the contract is classified as
performance pay. This paragraph does not require school districts to
increase total compensation for superintendents. Unless the school
district governing board votes to implement an alternative procedure at a
public meeting called for this purpose, the performance pay portion of the
superintendent's total annual compensation shall be determined as follows:

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

(b) Twenty-five percent of the performance pay shall be determined by the percentage of parents of pupils who are enrolled at the school district who assign a letter grade of "A" to the school on a survey of parental satisfaction with the school district. The parental 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 parental satisfaction survey shall use standard random sampling procedures and provide anonymity and confidentiality to each parent who participates in the survey. The letter grade scale used on the parental satisfaction survey shall direct parents 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.

(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 adopting principal evaluation policies, the school district governing board shall provide opportunities for public discussion on the proposed policies. The governing board shall adopt policies that:
   (a) Are designed to improve principal performance and improve student achievement.
   (b) Include the use of quantitative data on the academic progress for all students, which shall account for between twenty percent and thirty-three percent of the evaluation outcomes.
   (c) Include four performance classifications, designated as highly effective, effective, developing and ineffective.
   (d) Describe both of the following:
      (i) The methods used to evaluate the performance of principals, including the data used to measure student performance and job effectiveness.
      (ii) The formula used to determine evaluation outcomes.

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

44. In addition to the notification requirements prescribed in paragraph 36 of this subsection, prescribe and enforce reasonable and appropriate policies to notify a pupil's parent or guardian if any person engages in harassing, threatening or intimidating conduct against that pupil. A school district and its officials and employees are immune from civil liability with respect to all decisions made and actions taken that are based on good faith implementation of the requirements of this paragraph, except in cases of gross negligence or wanton or wilful neglect. A person engages in threatening or intimidating if the person threatens or intimidates by word or conduct to cause physical injury to another person or serious damage to the property of another on school grounds. A person engages in harassment if, with intent to harass or with knowledge that the person is harassing another person, the person anonymously or otherwise contacts, communicates or causes a communication with another person by verbal, electronic, mechanical, telephonic or written means in a manner that harasses on school grounds or substantially disrupts the school environment.
B. Notwithstanding subsection A, paragraphs 7, 9 and 11 of this section, the county school superintendent may construct, improve and furnish school buildings or purchase or sell school sites in the conduct of an accommodation school.

C. If any school district acquires real or personal property, whether by purchase, exchange, condemnation, gift or otherwise, the governing board shall pay to the county treasurer any taxes on the property that were unpaid as of the date of acquisition, including penalties and interest. The lien for unpaid delinquent taxes, penalties and interest on property acquired by a school district:
   1. Is not abated, extinguished, discharged or merged in the title to the property.
   2. Is enforceable in the same manner as other delinquent tax liens.

D. The governing board may not locate a school on property that is less than one-fourth mile from agricultural land regulated pursuant to section 3-365, except that the owner of the agricultural land may agree to comply with the buffer zone requirements of section 3-365. If the owner agrees in writing to comply with the buffer zone requirements and records the agreement in the office of the county recorder as a restrictive covenant running with the title to the land, the school district may locate a school within the affected buffer zone. The agreement may include any stipulations regarding the school, including conditions for future expansion of the school and changes in the operational status of the school that will result in a breach of the agreement.

E. A school district, its governing board members, its school council members and its employees are immune from civil liability for the consequences of adoption and implementation of policies and procedures pursuant to subsection A of this section and section 15-342. This waiver does not apply if the school district, its governing board members, its school council members or its employees are guilty of gross negligence or intentional misconduct.

F. A governing board may delegate in writing to a superintendent, principal or head teacher the authority to prescribe procedures that are consistent with the governing board's policies.

G. Notwithstanding any other provision of this title, a school district governing board shall not take any action that would result in a reduction of pupil square footage unless the governing board notifies the school facilities board established by section 15-2001 of the proposed action and receives written approval from the school facilities board to take the action. A reduction includes an increase in administrative space that results in a reduction of pupil square footage or sale of school sites or buildings, or both. A reduction includes a reconfiguration of grades that results in a reduction of pupil square footage of any grade level. This subsection does not apply to temporary reconfiguration of grades to accommodate new school construction if the temporary reconfiguration does not exceed one year. The sale of equipment that
results in a reduction that falls below the equipment requirements prescribed in section 15-2011, subsection B is subject to commensurate withholding of school district district additional assistance monies pursuant to the direction of the school facilities board. Except as provided in section 15-342, paragraph 10, proceeds from the sale of school sites, buildings or other equipment shall be deposited in the school plant fund as provided in section 15-1102.

H. Subsections C through G of this section apply to a county board of supervisors and a county school superintendent when operating and administering an accommodation school.

I. A school district governing board may delegate authority in writing to the superintendent of the school district to submit plans for new school facilities to the school facilities board for the purpose of certifying that the plans meet the minimum school facility adequacy guidelines prescribed in section 15-2011.

J. FOR THE PURPOSES OF SUBSECTION A, PARAGRAPH 37 OF THIS SECTION:
1. ATTENDANCE BOUNDARIES MAY NOT BE USED TO REQUIRE STUDENTS TO ATTEND CERTAIN SCHOOLS BASED ON THE STUDENT'S PLACE OF RESIDENCE.
2. "CHANGING OR ADOPTING ATTENDANCE BOUNDARIES" MEANS DEFINING THE GEOGRAPHIC AREA FOR EACH SCHOOL WITHIN THE SCHOOL DISTRICT ONLY FOR THE PURPOSES OF ESTABLISHING ENROLLMENT PREFERENCES FOR STUDENTS WITHIN THE ATTENDANCE AREA IF A SCHOOL OR A GRADE LEVEL WITHIN THE DISTRICT REACHES CAPACITY.

Sec. 2. Section 15-816, Arizona Revised Statutes, is amended to read:

15-816. Definitions
In this article, unless the context otherwise requires:
1. "Nonresident pupil" means a pupil who resides in this state and who is enrolled in or is seeking enrollment in a school district other than the school district in which the pupil resides.
2. "Open enrollment" means a policy adopted and implemented by a school district governing board to allow resident transfer pupils to enroll in any school within the school district, to allow resident pupils to enroll in any school located within other school districts in this state and to allow nonresident pupils to enroll in any school within the district pursuant to section 15-816.01.
3. "RESIDENT PUPIL" MEANS A PUPIL WHOSE RESIDENCE IS WITHIN THE ATTENDANCE AREA OF A SCHOOL.
4. "Resident school" means a school within the designated attendance area in which a pupil resides.
5. "Resident transfer pupil" means a resident pupil who is enrolled in or seeking enrollment in a school that is within the school district but outside the attendance area of the pupil's residence.
Sec. 3. Section 15-816.01, Arizona Revised Statutes, is amended to read:

15-816.01. Open enrollment policies; preference; selection process; transportation; reporting requirements

A. School district governing boards shall establish policies and shall implement an open enrollment policy without charging tuition. Tuition may be charged to nonresident pupils only if the tuition is authorized under section 15-764, subsection C, section 15-797, subsection C, section 15-823, subsection A, section 15-824, subsection A or section 15-825 or if two school districts have entered into a voluntary agreement for the payment of tuition for certain pupils. These policies shall include admission criteria, application procedures and transportation provisions both the basic information needed to request enrollment as determined by the State Board of Education that is consistent with guidance regarding pupil privacy and civil rights and information regarding the provision of transportation or resources for transportation. The policies must be easily accessible from the home page on each school's web page and be available in English and Spanish. Schools shall accept pupils throughout the school year as capacity allows. If pupils are denied access due to capacity, they shall be informed that they are on a wait list and of the details regarding the process prescribed in subsection E of this section. Pupils shall be selected as seats become available. Schools may not ask parents for information needed for pupil registration until enrollment is approved.

B. A school district shall give enrollment preference to and reserve capacity for all of the following:

1. Resident pupils.
2. Pupils returning to the school from the prior year.
3. Siblings of pupils already enrolled.

C. A school district may give enrollment preference to children who either:

1. Are in foster care.

D. A school district may give enrollment preference to and reserve capacity for both:

1. Pupils who are children of persons who are employed by or at a school in the school district. A copy of the district policies for open enrollment shall be posted on the district’s website and shall be available to the public on request.
2. Resident Transfer pupils and their siblings.

E. If the number of enrollment requests or applications exceeds the capacity of a program, class, grade level or building, the school that is operated by a school district shall select pupils through an equitable selection process, such as a transparent lottery, except that preference
SHALL BE GIVEN TO SIBLINGS OF A PUPIL SELECTED THROUGH THE EQUITABLE SELECTION PROCESS.

F. EXCEPT AS PROVIDED IN SUBSECTIONS A THROUGH E OF THIS SECTION, A SCHOOL THAT IS OPERATED BY A SCHOOL DISTRICT MAY NOT EITHER:

1. LIMIT ADMISSION BASED ON ANY OF THE FOLLOWING:
   (a) ETHNICITY.
   (b) NATIONAL ORIGIN.
   (c) GENDER.
   (d) INCOME LEVEL.
   (e) DISABLING CONDITION.
   (f) PROFICIENCY IN THE ENGLISH LANGUAGE.
   (g) ATHLETIC ABILITY.

2. REQUIRE THE SUBMISSION OF ANY OF THE FOLLOWING UNTIL ENROLLMENT HAS BEEN GRANTED AND THE SCHOOL BEGINS THE REGISTRATION PROCESS FOR THE ACCEPTED PUPIL:
   (a) TEST SCORES.
   (b) PLACEMENT TESTS.
   (c) INDIVIDUALIZED EDUCATION PROGRAMS.
   (d) SECTION 504 PLANS AS DEFINED IN SECTION 15-731.
   (e) ENGLISH LANGUAGE PAPERWORK.
   (f) FREE OR REDUCED-PRICE LUNCH PAPERWORK.
   (g) DOCUMENTS RELATED TO TAX CREDIT OPPORTUNITIES.
   (h) PARENT TEACHER ASSOCIATION CONTRIBUTIONS.
   (i) EXTRACURRICULAR ACTIVITY FEES.

G. The governing board of the district educating the pupil may provide transportation limited to no more than twenty miles each way and from the school of attendance or to and from a pickup point on a regular transportation route or for the total miles traveled each day to an adjacent district for eligible nonresident pupils who meet the economic eligibility requirements established under the national school lunch and child nutrition acts (42 United States Code sections 1751 through 1793) for free or reduced-price lunches.

H. The governing board of the district educating the pupil shall provide transportation limited to no more than twenty miles each way to and from the school of attendance or to and from a pickup point on a regular transportation route or for the total miles traveled each day to an adjacent district for nonresident pupils with disabilities whose individualized education program specifies that transportation is necessary for fulfillment of the program.

I. THE STATE BOARD OF EDUCATION SHALL PRESCRIBE A STANDARD FORMAT FOR DESCRIBING OPEN ENROLLMENT OPTIONS TO ENSURE CLARITY AND CONSISTENCY FOR PARENTS IN UNDERSTANDING THEIR ENROLLMENT OPTIONS AS DESCRIBED IN THIS SECTION AND ENROLLMENT CAPACITY AT EACH SCHOOL THROUGHOUT THE YEAR, INCLUDING THE ABILITY TO CHOOSE ANY SCHOOL WITHIN THE SCHOOL DISTRICT OF RESIDENCE OR ANY OTHER SCHOOL DISTRICT OR ANY CHARTER SCHOOL. LOCAL EDUCATION AGENCIES SHALL SHARE THIS INFORMATION WITH EACH ENROLLED
HOUSEHOLD EACH JANUARY, OR AT LEAST ONE MONTH BEFORE THE FIRST OPPORTUNITY TO ENROLL IN THE LOCAL EDUCATION AGENCY FOR THE FOLLOWING SCHOOL YEAR. THE STATE BOARD OF EDUCATION SHALL RECOMMEND THE FREQUENCY A LOCAL EDUCATION AGENCY MUST UPDATE ON ITS WEBSITE ITS SCHOOL CAPACITY AND THE NUMBER OF STUDENTS ON THE LOCAL EDUCATION AGENCY'S WAITLIST, EXCEPT THAT A LOCAL EDUCATION AGENCY SHALL UPDATE THIS INFORMATION AT LEAST ONCE EVERY EIGHT WEEKS BY GRADE LEVEL AND SCHOOL UNLESS THERE ARE NO CHANGES TO REPORT.


K. SUBJECT TO THE AVAILABILITY OF APPROPRIATED MONIES, EACH JANUARY THE STATE BOARD OF EDUCATION SHALL DESIGN A PUBLIC AWARENESS EFFORT AND DISTRIBUTE MATERIALS THAT DO ALL OF THE FOLLOWING:

1. COMMUNICATE TO THE PUBLIC THE ABILITY TO CHOOSE ANY PUBLIC SCHOOL IN THIS STATE.
2. DIRECT THE PUBLIC TO RESOURCES TO LEARN ABOUT SCHOOL CHOICE OPTIONS IN THIS STATE.
3. INSTRUCT THE PUBLIC ON HOW TO REQUEST ENROLLMENT FOR PUPILS.

L. THE STATE BOARD OF EDUCATION MAY INCLUDE OTHER OPTIONS IN ITS INFORMATIONAL MATERIALS AND MESSAGING DEVELOPED UNDER SUBSECTION K OF THIS SECTION, INCLUDING ARIZONA EMPOWERMENT SCHOLARSHIP ACCOUNTS.

M. IN DESIGNING THE PUBLIC AWARENESS EFFORT AND DISTRIBUTING MATERIALS UNDER SUBSECTION K OF THIS SECTION, THE STATE BOARD OF EDUCATION MAY COLLABORATE WITH BOTH:

1. PUBLIC AND PRIVATE PARTNERS TO ASSIST THE STATE BOARD IN ACHIEVING THE OBJECTIVES PRESCRIBED IN SUBSECTION K OF THIS SECTION.
2. THE DEPARTMENT OF EDUCATION IN CONNECTING PARENTS AND THE PUBLIC TO RESOURCES.