

Senate Engrossed House Bill

~~unused tax credit; termination; time.~~
(now: attendance boundaries; schools; open enrollment)

State of Arizona
House of Representatives
Fifty-fifth Legislature
First Regular Session
2021

HOUSE BILL 2427

AN ACT

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

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Section 15-341, Arizona Revised Statutes, is amended to
3 read:
4 15-341. General powers and duties; immunity; delegation
5 A. The governing board shall:
6 1. Prescribe and enforce policies and procedures ~~for the governance~~
7 ~~of~~ TO GOVERN the schools that are not inconsistent with law or rules
8 prescribed by the state board of education.
9 2. Exclude from schools all books, publications, papers or
10 audiovisual materials of a sectarian, partisan or denominational
11 character. This paragraph does not prohibit the elective course permitted
12 by section 15-717.01.
13 3. Manage and control the school property within its district,
14 except that a district may enter into a partnership with an entity,
15 including a charter school, another school district or a military base, to
16 operate a school or offer educational services in a district building,
17 including at a vacant or partially used building, or in any building on
18 the entity's property pursuant to a written agreement between the parties.
19 4. Acquire school furniture, apparatus, equipment, library books
20 and supplies for ~~the use of the~~ schools TO USE.
21 5. Prescribe the curricula and criteria for the promotion and
22 graduation of pupils as provided in sections 15-701 and 15-701.01.
23 6. Furnish, repair and insure, at full insurable value, the school
24 property of the district.
25 7. Construct school buildings on approval by a vote of the district
26 electors.
27 8. ~~Make~~ In the name of the district, ~~conveyances of~~ CONVEY property
28 belonging to the district and sold by the board.
29 9. Purchase school sites when authorized by a vote of the district
30 at an election conducted as nearly as practicable in the same manner as
31 the election provided in section 15-481 and held on a date prescribed in
32 section 15-491, subsection E, but such authorization shall not necessarily
33 specify the site to be purchased and such authorization shall not be
34 necessary to exchange unimproved property as provided in section 15-342,
35 paragraph 23.
36 10. Construct, improve and furnish buildings used for school
37 purposes when such buildings or premises are leased from the national park
38 service.
39 11. Purchase school sites or construct, improve and furnish school
40 buildings from the proceeds of the sale of school property only on
41 approval by a vote of the district electors.
42 12. Hold pupils to strict account for disorderly conduct on school
43 property.
44 13. Discipline students for disorderly conduct on the way to and
45 from school.

1 14. Except as provided in section 15-1224, deposit all monies
2 received by the district as gifts, grants and devises with the county
3 treasurer who shall credit the deposits as designated in the uniform
4 system of financial records. If not inconsistent with the terms of the
5 gifts, grants and devises given, any balance remaining after expenditures
6 for the intended purpose of the monies have been made shall be used for
7 reduction of school district taxes for the budget year, except that in the
8 case of accommodation schools the county treasurer shall carry the balance
9 forward for use by the county school superintendent for accommodation
10 schools for the budget year.

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

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

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

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

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

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

40 21. Prescribe and enforce policies and procedures for disciplinary
41 action against a teacher who engages in conduct that is a violation of the
42 policies of the governing board but that is not cause for dismissal of the
43 teacher or for revocation of the certificate of the teacher. Disciplinary
44 action may include suspension without pay for a period of time not to
45 exceed ten school days. Disciplinary action shall not include suspension

1 with pay or suspension without pay for a period of time longer than ten
2 school days. The procedures shall include notice, hearing and appeal
3 provisions for violations that are cause for disciplinary action. The
4 governing board may designate a person or persons to act on behalf of the
5 board on these matters.

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

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

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

30 (a) The provision of water.

31 (b) Guidelines, information and forms, developed in consultation
32 with a statewide private entity that supervises interscholastic
33 activities, to inform and educate coaches, pupils and parents of the
34 dangers of concussions and head injuries and the risks of continued
35 participation in athletic activity after a concussion. The policies and
36 procedures shall require that, before a pupil participates in an athletic
37 activity, the pupil and the pupil's parent must sign an information form
38 at least once each school year that states that the parent is aware of the
39 nature and risk of concussion. The policies and procedures shall require
40 that a pupil who is suspected of sustaining a concussion in a practice
41 session, game or other interscholastic athletic activity be immediately
42 removed from the athletic activity and that the pupil's parent or guardian
43 be notified. A coach from the pupil's team or an official or a licensed
44 health care provider may remove a pupil from play. A team parent may also
45 remove the parent's own child from play. A pupil may return to play on

1 the same day if a health care provider rules out a suspected concussion at
2 the time the pupil is removed from play. On a subsequent day, the pupil
3 may return to play if the pupil has been evaluated by and received written
4 clearance to resume participation in athletic activity from a health care
5 provider who has been trained in the evaluation and management of
6 concussions and head injuries. A health care provider who is a volunteer
7 and who provides clearance to participate in athletic activity on the day
8 of the suspected injury or on a subsequent day is immune from civil
9 liability with respect to all decisions made and actions taken that are
10 based on good faith implementation of the requirements of this
11 subdivision, except in cases of gross negligence or wanton or wilful
12 neglect. A school district, school district employee, team coach,
13 official or team volunteer or a parent or guardian of a team member is not
14 subject to civil liability for any act, omission or policy undertaken in
15 good faith to comply with the requirements of this subdivision or for a
16 decision made or an action taken by a health care provider. A group or
17 organization that uses property or facilities owned or operated by a
18 school district for athletic activities shall comply with the requirements
19 of this subdivision. A school district and its employees and volunteers
20 are not subject to civil liability for any other person or organization's
21 failure or alleged failure to comply with the requirements of this
22 subdivision. This subdivision does not apply to teams that are based in
23 another state and that participate in an athletic activity in this state.
24 For the purposes of this subdivision, athletic activity does not include
25 dance, rhythmic gymnastics, competitions or exhibitions of academic skills
26 or knowledge or other similar forms of physical noncontact activities,
27 civic activities or academic activities, whether engaged in for the
28 purposes of competition or recreation. For the purposes of this
29 subdivision, "health care provider" means a physician who is licensed
30 pursuant to title 32, chapter 13 or 17, an athletic trainer who is
31 licensed pursuant to title 32, chapter 41, a nurse practitioner who is
32 licensed pursuant to title 32, chapter 15, and a physician assistant who
33 is licensed pursuant to title 32, chapter 25.

34 (c) Guidelines, information and forms that are developed in
35 consultation with a statewide private entity that supervises
36 interscholastic activities to inform and educate coaches, pupils and
37 parents of the dangers of heat-related illnesses, sudden cardiac death and
38 prescription opioid use. Before a pupil participates in any
39 district-sponsored practice session or game or other interscholastic
40 athletic activity, the pupil and the pupil's parent must be provided with
41 information at least once each school year on the risks of heat-related
42 illnesses, sudden cardiac death and prescription opioid addiction.

43 25. Establish an assessment, data gathering and reporting system as
44 prescribed in chapter 7, article 3 of this title.

1 26. Provide special education programs and related services
2 pursuant to section 15-764, subsection A to all children with disabilities
3 as defined in section 15-761.

4 27. Administer competency tests prescribed by the state board of
5 education for the graduation of pupils from high school.

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

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

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

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

37 32. Provide written notice to the parents or guardians of all
38 students enrolled in the school district at least ten days before a public
39 meeting to discuss closing a school within the school district. The
40 notice shall include the reasons for the proposed closure and the time and
41 place of the meeting. The governing board shall fix a time for a public
42 meeting on the proposed closure not less than ten days before voting in a
43 public meeting to close the school. The school district governing board
44 shall give notice of the time and place of the meeting. At the time and
45 place designated in the notice, the school district governing board shall

1 hear reasons for or against closing the school. The school district
2 governing board is exempt from this paragraph if the governing board
3 determines that the school shall be closed because it poses a danger to
4 the health or safety of the pupils or employees of the school. A
5 governing board may consult with the school facilities board for technical
6 assistance and for information on the impact of closing a school. The
7 information provided from the school facilities board shall not require
8 the governing board to take or not take any action.

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

11 34. Prescribe and enforce policies and procedures:

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

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

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

44 36. Prescribe and enforce policies and procedures to prohibit
45 pupils from harassing, intimidating and bullying other pupils on school

1 grounds, on school property, on school buses, at school bus stops, at
2 school-sponsored events and activities and through the use of electronic
3 technology or electronic communication on school computers, networks,
4 forums and mailing lists that include the following components:

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

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

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

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

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

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

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

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

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

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

6 37. Prescribe and enforce policies and procedures regarding
7 changing or adopting attendance boundaries that include the following
8 components:

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

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

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

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

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

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

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

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

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

44 (a) Twenty-five percent of the performance pay shall be determined
45 based on the percentage of academic gain determined by the department of

1 education of pupils who are enrolled in the school district compared to
2 the academic gain achieved by the highest ranking of the fifty largest
3 school districts in this state. For the purposes of this subdivision, the
4 department of education shall determine academic gain by the academic
5 growth achieved by each pupil who has been enrolled at the same school in
6 a school district for at least five consecutive months measured against
7 that pupil's academic results in the 2008-2009 school year. For the
8 purposes of this subdivision, of the fifty largest school districts in
9 this state, the school district with pupils who demonstrate the highest
10 statewide percentage of overall academic gain measured against academic
11 results for the 2008-2009 school year shall be assigned a score of 100 and
12 the school district with pupils who demonstrate the lowest statewide
13 percentage of overall academic gain measured against academic results for
14 the 2008-2009 school year shall be assigned a score of 0.

15 (b) Twenty-five percent of the performance pay shall be determined
16 by the percentage of parents of pupils who are enrolled at the school
17 district who assign a letter grade of "A" to the school on a survey of
18 parental satisfaction with the school district. The parental satisfaction
19 survey shall be administered and scored by an independent entity that is
20 selected by the governing board and that demonstrates sufficient expertise
21 and experience to accurately measure the results of the survey. The
22 parental satisfaction survey shall use standard random sampling procedures
23 and provide anonymity and confidentiality to each parent who participates
24 in the survey. The letter grade scale used on the parental satisfaction
25 survey shall direct parents to assign one of the following letter grades:

- 26 (i) A letter grade of "A" if the school district is excellent.
- 27 (ii) A letter grade of "B" if the school district is above average.
- 28 (iii) A letter grade of "C" if the school district is average.
- 29 (iv) A letter grade of "D" if the school district is below average.
- 30 (v) A letter grade of "F" if the school district is a failure.

31 (c) Twenty-five percent of the performance pay shall be determined
32 by the percentage of teachers who are employed at the school district and
33 who assign a letter grade of "A" to the school on a survey of teacher
34 satisfaction with the school. The teacher satisfaction survey shall be
35 administered and scored by an independent entity that is selected by the
36 governing board and that demonstrates sufficient expertise and experience
37 to accurately measure the results of the survey. The teacher satisfaction
38 survey shall use standard random sampling procedures and provide anonymity
39 and confidentiality to each teacher who participates in the survey. The
40 letter grade scale used on the teacher satisfaction survey shall direct
41 teachers 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.
- 45 (iv) A letter grade of "D" if the school district is below average.

1 (v) A letter grade of "F" if the school district is a failure.

2 (d) Twenty-five percent of the performance pay shall be determined
3 by other criteria selected by the governing board.

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

11 41. Adopt in a public meeting and implement policies for principal
12 evaluations. Before adopting principal evaluation policies, the school
13 district governing board shall provide opportunities for public discussion
14 on the proposed policies. The governing board shall adopt policies that:

15 (a) Are designed to improve principal performance and improve
16 student achievement.

17 (b) Include the use of quantitative data on the academic progress
18 for all students, which shall account for between twenty percent and
19 thirty-three percent of the evaluation outcomes.

20 (c) Include four performance classifications, designated as highly
21 effective, effective, developing and ineffective.

22 (d) Describe both of the following:

23 (i) The methods used to evaluate the performance of principals,
24 including the data used to measure student performance and job
25 effectiveness.

26 (ii) The formula used to determine evaluation outcomes.

27 42. Prescribe and enforce policies and procedures that define the
28 duties of principals and teachers. These policies and procedures shall
29 authorize teachers to take and maintain daily classroom attendance, make
30 the decision to promote or retain a pupil in a grade in common school or
31 to pass or fail a pupil in a course in high school, subject to review by
32 the governing board in the manner provided in section 15-342,
33 paragraph 11.

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

38 44. In addition to the notification requirements prescribed in
39 paragraph 36 of this subsection, prescribe and enforce reasonable and
40 appropriate policies to notify a pupil's parent or guardian if any person
41 engages in harassing, threatening or intimidating conduct against that
42 pupil. A school district and its officials and employees are immune from
43 civil liability with respect to all decisions made and actions taken that
44 are based on good faith implementation of the requirements of this
45 paragraph, except in cases of gross negligence or wanton or wilful

1 neglect. A person engages in threatening or intimidating if the person
2 threatens or intimidates by word or conduct to cause physical injury to
3 another person or serious damage to the property of another on school
4 grounds. A person engages in harassment if, with intent to harass or with
5 knowledge that the person is harassing another person, the person
6 anonymously or otherwise contacts, communicates or causes a communication
7 with another person by verbal, electronic, mechanical, telephonic or
8 written means in a manner that harasses on school grounds or substantially
9 disrupts the school environment.

10 B. Notwithstanding subsection A, paragraphs 7, 9 and 11 of this
11 section, the county school superintendent may construct, improve and
12 furnish school buildings or purchase or sell school sites in the conduct
13 of an accommodation school.

14 C. If any school district acquires real or personal property,
15 whether by purchase, exchange, condemnation, gift or otherwise, the
16 governing board shall pay to the county treasurer any taxes on the
17 property that were unpaid as of the date of acquisition, including
18 penalties and interest. The lien for unpaid delinquent taxes, penalties
19 and interest on property acquired by a school district:

20 1. Is not abated, extinguished, discharged or merged in the title
21 to the property.

22 2. Is enforceable in the same manner as other delinquent tax liens.

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

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

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

44 G. Notwithstanding any other provision of this title, a school
45 district governing board shall not take any action that would result in a

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

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

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

26 J. FOR THE PURPOSES OF SUBSECTION A, PARAGRAPH 37 OF THIS SECTION,
27 ATTENDANCE BOUNDARIES MAY NOT BE USED TO REQUIRE STUDENTS TO ATTEND
28 CERTAIN SCHOOLS BASED ON THE STUDENT'S PLACE OF RESIDENCE.

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

31 15-816. Definitions

32 In this article, unless the context otherwise requires:

33 1. "Nonresident pupil" means a pupil who resides in this state and
34 who is enrolled in or is seeking enrollment in a school district other
35 than the school district in which the pupil resides.

36 2. "Open enrollment" means a policy THAT IS adopted and implemented
37 by a school district governing board to allow resident transfer pupils to
38 enroll in any school within the school district, to allow resident pupils
39 to enroll in any school located within other school districts in this
40 state and to allow nonresident pupils to enroll in any school within the
41 district pursuant to section 15-816.01.

42 3. "RESIDENT PUPIL" MEANS A PUPIL WHOSE RESIDENCE IS WITHIN THE
43 ATTENDANCE AREA OF A SCHOOL.

44 ~~3.~~ 4. "Resident school" means a school THAT IS within the
45 designated attendance area in which a pupil resides.

1 ~~4.~~ 5. "Resident transfer pupil" means a resident pupil who is
2 enrolled in or seeking enrollment in a school that is within the school
3 district but outside the attendance area of the pupil's residence.

4 Sec. 3. Section 15-816.01, Arizona Revised Statutes, is amended to
5 read:

6 15-816.01. Open enrollment policies; preference; selection
7 process; transportation; reporting requirements;
8 public awareness effort; definition

9 A. School district governing boards shall establish policies and
10 shall implement an open enrollment policy without charging
11 tuition. Tuition may be charged to nonresident pupils only if the tuition
12 is authorized under section 15-764, subsection C, section 15-797,
13 subsection C, section 15-823, subsection A, section 15-824, subsection A
14 or section 15-825 or if two school districts have entered into a voluntary
15 agreement for the payment of tuition for certain pupils. These policies
16 shall include ~~admission criteria, application procedures and~~
17 ~~transportation provisions~~ THE INFORMATION REQUIRED BY SUBSECTION I OF THIS
18 SECTION, BASIC INFORMATION THAT IS NEEDED TO REQUEST ENROLLMENT AS
19 DETERMINED BY THE STATE BOARD OF EDUCATION AND THAT IS CONSISTENT WITH
20 GUIDANCE AND STATE AND FEDERAL LAW REGARDING PUPIL PRIVACY AND CIVIL
21 RIGHTS, AND INFORMATION REGARDING THE PROVISION OF TRANSPORTATION OR
22 RESOURCES FOR TRANSPORTATION. THE POLICIES MUST BE EASILY ACCESSIBLE FROM
23 THE HOME PAGE ON EACH SCHOOL'S WEBSITE AND BE AVAILABLE IN ENGLISH AND IN
24 SPANISH OR IN ANY OTHER LANGUAGE USED BY A MAJORITY OF THE POPULATIONS
25 SERVED BY THE SCHOOL OR SCHOOL DISTRICT. A SCHOOL DISTRICT SHALL UPDATE
26 ON EACH SCHOOL'S WEBSITE BOTH THE OPEN SEAT CAPACITY AND THE NUMBER OF
27 STUDENTS ON THE WAIT LIST FOR ENROLLMENT, BY GRADE LEVEL, AT LEAST ONCE
28 EVERY TWELVE WEEKS UNLESS THERE ARE NO CHANGES TO REPORT FOR THE
29 INDIVIDUAL SCHOOL. IF A SCHOOL HAS A SEPARATE CAPACITY BY SPECIALIZED
30 PROGRAM, THE INFORMATION REQUIRED PURSUANT TO THIS SUBSECTION SHALL ALSO
31 BE POSTED BY PROGRAM. SCHOOLS SHALL ACCEPT PUPILS THROUGHOUT THE SCHOOL
32 YEAR AS CAPACITY ALLOWS. PUPILS WHO ARE DENIED ACCESS DUE TO CAPACITY
33 SHALL BE INFORMED THAT THEY ARE ON A WAIT LIST AND OF THE DETAILS
34 REGARDING THE PROCESS PRESCRIBED IN SUBSECTION E OF THIS SECTION. PUPILS
35 SHALL BE SELECTED AS SEATS BECOME AVAILABLE. SCHOOLS MAY NOT ASK PARENTS
36 FOR INFORMATION NEEDED FOR PUPIL REGISTRATION UNTIL ENROLLMENT IS
37 APPROVED.

38 B. A SCHOOL DISTRICT SHALL ENROLL AT ANY TIME ANY RESIDENT PUPIL
39 WHO APPLIES FOR ENROLLMENT TO THE SCHOOL DISTRICT PURSUANT TO THIS
40 SECTION. A SCHOOL DISTRICT SHALL GIVE ENROLLMENT PREFERENCE TO AND
41 RESERVE CAPACITY FOR ALL OF THE FOLLOWING:

- 42 1. RESIDENT PUPILS.
- 43 2. PUPILS RETURNING TO THE SCHOOL FROM THE PRIOR YEAR.
- 44 3. SIBLINGS OF PUPILS ALREADY ENROLLED.

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

3 1. Are in foster care.

4 2. MEET THE DEFINITION OF UNACCOMPANIED YOUTH PRESCRIBED IN THE
5 MCKINNEY-VENTO HOMELESS ASSISTANCE ACT (P.L. 100-77; 101 STAT. 482; 42
6 UNITED STATES CODE SECTION 11434a).

7 3. ATTEND A SCHOOL THAT IS CLOSING.

8 D. A school district may give enrollment preference to and reserve
9 capacity for BOTH:

10 1. Pupils who are children of persons who are employed by or at a
11 school in the school district. ~~A copy of the district policies for open~~
12 ~~enrollment shall be posted on the district's website and shall be~~
13 ~~available to the public on request.~~

14 2. RESIDENT TRANSFER PUPILS AND THEIR SIBLINGS.

15 E. IF REMAINING CAPACITY AT A SCHOOL, AS DETERMINED BY THE SCHOOL
16 DISTRICT GOVERNING BOARD, IS INSUFFICIENT TO ENROLL ALL PUPILS WHO SUBMIT
17 A TIMELY REQUEST, THE SCHOOL OR SCHOOL DISTRICT SHALL SELECT PUPILS
18 THROUGH AN EQUITABLE SELECTION PROCESS SUCH AS A LOTTERY, EXCEPT THAT
19 PREFERENCE SHALL BE GIVEN TO THE SIBLINGS OF A PUPIL SELECTED THROUGH AN
20 EQUITABLE SELECTION PROCESS SUCH AS A LOTTERY.

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

23 1. LIMIT ADMISSION BASED ON ANY OF THE FOLLOWING:

24 (a) ETHNICITY OR RACE.

25 (b) NATIONAL ORIGIN.

26 (c) SEX.

27 (d) INCOME LEVEL.

28 (e) DISABILITY.

29 (f) PROFICIENCY IN THE ENGLISH LANGUAGE.

30 (g) ATHLETIC ABILITY.

31 2. REQUIRE THE SUBMISSION OF ANY DOCUMENTATION OF ANY KIND BEFORE
32 GRANTING ENROLLMENT TO THE PUPIL, OTHER THAN DOCUMENTATION TO DEMONSTRATE
33 PROOF OF AGE AND RESIDENCY. THE STATE BOARD OF EDUCATION SHALL ADOPT
34 RULES PURSUANT TO THIS PARAGRAPH.

35 ~~B.~~ G. The governing board of the district educating the pupil may
36 provide transportation limited to no more than ~~twenty~~ THIRTY miles each
37 way to and from the school of attendance or to and from a pickup point on
38 a regular transportation route or for the total miles traveled each day to
39 an adjacent district for eligible nonresident pupils who meet the economic
40 eligibility requirements established under the national school lunch and
41 child nutrition acts (42 United States Code sections 1751 through ~~1785~~
42 ~~1793~~) for free or ~~reduced price~~ REDUCED-PRICE lunches.

43 ~~C.~~ H. The governing board of the district educating the pupil
44 shall provide transportation limited to no more than ~~twenty~~ THIRTY miles
45 each way to and from the school of attendance or to and from a pickup

1 point on a regular transportation route or for the total miles traveled
2 each day to an adjacent district for nonresident pupils with disabilities
3 whose individualized education program specifies that transportation is
4 necessary ~~for fulfillment of~~ TO FULFILL the program.

5 I. THE STATE BOARD OF EDUCATION SHALL PRESCRIBE A STANDARD FORMAT
6 FOR DESCRIBING OPEN ENROLLMENT OPTIONS TO ENSURE CLARITY AND CONSISTENCY
7 FOR PARENTS IN UNDERSTANDING THEIR ENROLLMENT OPTIONS AS DESCRIBED IN THIS
8 SECTION AND ENROLLMENT CAPACITY AT EACH SCHOOL THROUGHOUT THE YEAR,
9 INCLUDING THE ABILITY TO CHOOSE ANY SCHOOL WITHIN THE SCHOOL DISTRICT OF
10 RESIDENCE OR ANY OTHER SCHOOL DISTRICT IN THIS STATE. LOCAL EDUCATION
11 AGENCIES SHALL SHARE THIS INFORMATION WITH EACH ENROLLED HOUSEHOLD EACH
12 JANUARY, OR AT LEAST ONE MONTH BEFORE THE FIRST OPPORTUNITY TO ENROLL IN
13 THE LOCAL EDUCATION AGENCY FOR THE FOLLOWING SCHOOL YEAR.

14 J. THE DEPARTMENT OF EDUCATION SHALL DEVELOP A REPORTING PROCESS
15 THAT INFORMS THE PUBLIC AND POLICYMAKERS OF THE OPEN ENROLLMENT
16 PARTICIPATION RATE BY SCHOOL DISTRICT, SCHOOL AND COUNTY, INCLUDING THE
17 NUMBER OF PUPILS IN EACH SCHOOL AND SCHOOL DISTRICT THAT ARE OPEN ENROLLED
18 AS RESIDENT PUPILS, RESIDENT TRANSFER PUPILS OR NONRESIDENT PUPILS FOR
19 EACH SCHOOL DISTRICT AND THE SCHOOL DISTRICTS AND ZIP CODES FROM WHICH
20 STUDENTS ARE ENROLLING. BY FISCAL YEAR 2022-2023, THIS PARTICIPATION
21 REPORT SHALL ALSO INCLUDE THE NUMBER OF PUPILS ENROLLED IN CHARTER SCHOOLS
22 AND THE SCHOOL DISTRICTS FROM WHICH THOSE PUPILS ARE ENROLLING.

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

26 1. COMMUNICATE TO THE PUBLIC THE ABILITY TO CHOOSE ANY PUBLIC
27 SCHOOL IN THIS STATE.

28 2. DIRECT THE PUBLIC TO RESOURCES TO LEARN ABOUT SCHOOL CHOICE
29 OPTIONS IN THIS STATE.

30 3. INSTRUCT THE PUBLIC HOW TO REQUEST ENROLLMENT FOR PUPILS.

31 L. THE STATE BOARD OF EDUCATION MAY INCLUDE OTHER OPTIONS IN ITS
32 INFORMATIONAL MATERIALS AND MESSAGING DEVELOPED UNDER SUBSECTION K OF THIS
33 SECTION.

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

37 1. PUBLIC AND PRIVATE PARTNERS TO ASSIST THE STATE BOARD IN
38 ACHIEVING THE OBJECTIVES PRESCRIBED IN SUBSECTION K OF THIS SECTION.

39 2. THE DEPARTMENT OF EDUCATION IN PROVIDING PARENTS AND THE PUBLIC
40 WITH INFORMATIONAL RESOURCES.

1 N. FOR THE PURPOSES OF THIS SECTION "SPECIALIZED PROGRAM" INCLUDES
2 DUAL LANGUAGE PROGRAMS AND CAREER AND TECHNICAL EDUCATION OR ANY OTHER
3 PROGRAM OUTSIDE OF A GENERAL EDUCATION COURSE OF STUDY AND SHALL NOT
4 INCLUDE SPECIAL EDUCATION PROGRAMS. A WHOLE SCHOOL MAY NOT BE IDENTIFIED
5 AS A SPECIALIZED PROGRAM UNLESS THE SCHOOL IS AN ALREADY ESTABLISHED
6 MAGNET SCHOOL.