

REFERENCE TITLE: schools; transportation support; enrollment policies

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

SB 1684

Introduced by
Senators Boyer: Gray, Mesnard, Shope

AN ACT

AMENDING TITLE 15, CHAPTER 2, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 15-217; AMENDING SECTIONS 15-341, 15-816 AND 15-816.01, ARIZONA REVISED STATUTES; AMENDING TITLE 15, CHAPTER 9, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTION 15-924; APPROPRIATING MONIES; RELATING TO SCHOOL ATTENDANCE.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Title 15, chapter 2, article 1, Arizona Revised
3 Statutes, is amended by adding section 15-217, to read:

4 15-217. Transportation support for enrollment options grant
5 program; rules; program termination

6 A. THE STATE BOARD OF EDUCATION SHALL ESTABLISH THE TRANSPORTATION
7 SUPPORT FOR ENROLLMENT OPTIONS GRANT PROGRAM. BEGINNING IN THE 2021-2022
8 SCHOOL YEAR, THE PARENT OF A STUDENT IN THIS STATE MAY APPLY FOR MONTHLY
9 TRANSPORTATION GRANTS BASED ON AVAILABLE MONIES NOT TO EXCEED \$80 A MONTH
10 IF BOTH OF THE FOLLOWING APPLY:

11 1. THE PARENT'S CHILD OR CHILDREN ATTEND EITHER:

12 (a) A SCHOOL UNDER CHAPTER 8, ARTICLE 1.1 OF THIS TITLE.

13 (b) A CHARTER SCHOOL.

14 2. THE PARENT EITHER:

15 (a) NEEDS FINANCIAL SUPPORT TO EXERCISE THE OPTION PRESCRIBED IN
16 PARAGRAPH 1 OF THIS SUBSECTION.

17 (b) LIVES WITHIN TWENTY MILES OF THE SCHOOL DISTRICT BOUNDARY OF
18 THE SELECTED SCHOOL UNDER CHAPTER 8, ARTICLE 1.1 OF THIS TITLE, BUT A BUS
19 PROGRAM IS NOT AVAILABLE TO PICK UP THE STUDENT IN THE PARENT'S
20 NEIGHBORHOOD.

21 B. THE STATE BOARD OF EDUCATION SHALL ADOPT RULES TO ADMINISTER THE
22 PROGRAM ESTABLISHED PURSUANT TO THIS SECTION.

23 C. THE PROGRAM ESTABLISHED PURSUANT TO THIS SECTION ENDS ON JULY 1,
24 2031 PURSUANT TO SECTION 41-3102.

25 Section 2. Section 15-341, Arizona Revised Statutes, is amended to
26 read:

27 15-341. General powers and duties; immunity; delegation

28 A. The governing board shall:

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

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

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

42 4. Acquire school furniture, apparatus, equipment, library books
43 and supplies for ~~the use of the~~ schools TO USE.

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

- 1 6. Furnish, repair and insure, at full insurable value, the school
2 property of the district.
- 3 7. Construct school buildings on approval by a vote of the district
4 electors.
- 5 8. ~~Make~~ In the name of the district, ~~conveyances of~~ CONVEY property
6 belonging to the district and sold by the board.
- 7 9. Purchase school sites when authorized by a vote of the district
8 at an election conducted as nearly as practicable in the same manner as
9 the election provided in section 15-481 and held on a date prescribed in
10 section 15-491, subsection E, but such authorization shall not necessarily
11 specify the site to be purchased and such authorization shall not be
12 necessary to exchange unimproved property as provided in section 15-342,
13 paragraph 23.
- 14 10. Construct, improve and furnish buildings used for school
15 purposes when such buildings or premises are leased from the national park
16 service.
- 17 11. Purchase school sites or construct, improve and furnish school
18 buildings from the proceeds of the sale of school property only on
19 approval by a vote of the district electors.
- 20 12. Hold pupils to strict account for disorderly conduct on school
21 property.
- 22 13. Discipline students for disorderly conduct on the way to and
23 from school.
- 24 14. Except as provided in section 15-1224, deposit all monies
25 received by the district as gifts, grants and devises with the county
26 treasurer who shall credit the deposits as designated in the uniform
27 system of financial records. If not inconsistent with the terms of the
28 gifts, grants and devises given, any balance remaining after expenditures
29 for the intended purpose of the monies have been made shall be used for
30 reduction of school district taxes for the budget year, except that in the
31 case of accommodation schools the county treasurer shall carry the balance
32 forward for use by the county school superintendent for accommodation
33 schools for the budget year.
- 34 15. Provide that, if a parent or legal guardian chooses not to
35 accept a decision of the teacher as provided in paragraph 42 of this
36 subsection, the parent or legal guardian may request in writing that the
37 governing board review the teacher's decision. This paragraph does not
38 release school districts from any liability relating to a child's
39 promotion or retention.
- 40 16. Provide for adequate supervision over pupils in instructional
41 and noninstructional activities by certificated or noncertificated
42 personnel.
- 43 17. Use school monies received from the state and county school
44 apportionment exclusively ~~for payment of~~ TO PAY salaries of teachers and
45 other employees and contingent expenses of the district.

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

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

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

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

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

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

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

9 (a) The provision of water.

10 (b) Guidelines, information and forms, developed in consultation
11 with a statewide private entity that supervises interscholastic
12 activities, to inform and educate coaches, pupils and parents of the
13 dangers of concussions and head injuries and the risks of continued
14 participation in athletic activity after a concussion. The policies and
15 procedures shall require that, before a pupil participates in an athletic
16 activity, the pupil and the pupil's parent must sign an information form
17 at least once each school year that states that the parent is aware of the
18 nature and risk of concussion. The policies and procedures shall require
19 that a pupil who is suspected of sustaining a concussion in a practice
20 session, game or other interscholastic athletic activity be immediately
21 removed from the athletic activity and that the pupil's parent or guardian
22 be notified. A coach from the pupil's team or an official or a licensed
23 health care provider may remove a pupil from play. A team parent may also
24 remove the parent's own child from play. A pupil may return to play on
25 the same day if a health care provider rules out a suspected concussion at
26 the time the pupil is removed from play. On a subsequent day, the pupil
27 may return to play if the pupil has been evaluated by and received written
28 clearance to resume participation in athletic activity from a health care
29 provider who has been trained in the evaluation and management of
30 concussions and head injuries. A health care provider who is a volunteer
31 and who provides clearance to participate in athletic activity on the day
32 of the suspected injury or on a subsequent day is immune from civil
33 liability with respect to all decisions made and actions taken that are
34 based on good faith implementation of the requirements of this
35 subdivision, except in cases of gross negligence or wanton or wilful
36 neglect. A school district, school district employee, team coach,
37 official or team volunteer or a parent or guardian of a team member is not
38 subject to civil liability for any act, omission or policy undertaken in
39 good faith to comply with the requirements of this subdivision or for a
40 decision made or an action taken by a health care provider. A group or
41 organization that uses property or facilities owned or operated by a
42 school district for athletic activities shall comply with the requirements
43 of this subdivision. A school district and its employees and volunteers
44 are not subject to civil liability for any other person or organization's
45 failure or alleged failure to comply with the requirements of this

1 subdivision. This subdivision does not apply to teams that are based in
 2 another state and that participate in an athletic activity in this state.
 3 For the purposes of this subdivision, athletic activity does not include
 4 dance, rhythmic gymnastics, competitions or exhibitions of academic skills
 5 or knowledge or other similar forms of physical noncontact activities,
 6 civic activities or academic activities, whether engaged in for the
 7 purposes of competition or recreation. For the purposes of this
 8 subdivision, "health care provider" means a physician who is licensed
 9 pursuant to title 32, chapter 13 or 17, an athletic trainer who is
 10 licensed pursuant to title 32, chapter 41, a nurse practitioner who is
 11 licensed pursuant to title 32, chapter 15, and a physician assistant who
 12 is licensed pursuant to title 32, chapter 25.

13 (c) Guidelines, information and forms that are developed in
 14 consultation with a statewide private entity that supervises
 15 interscholastic activities to inform and educate coaches, pupils and
 16 parents of the dangers of heat-related illnesses, sudden cardiac death and
 17 prescription opioid use. Before a pupil participates in any
 18 district-sponsored practice session or game or other interscholastic
 19 athletic activity, the pupil and the pupil's parent must be provided with
 20 information at least once each school year on the risks of heat-related
 21 illnesses, sudden cardiac death and prescription opioid addiction.

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

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

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

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

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

43 30. Report to local law enforcement agencies any suspected crime
 44 against a person or property that is a serious offense as defined in
 45 section 13-706 or that involves a deadly weapon or dangerous instrument or

1 serious physical injury and any conduct that poses a threat of death or
2 serious physical injury to employees, students or anyone on the property
3 of the school. This paragraph does not limit or preclude the reporting by
4 a school district or an employee of a school district of suspected crimes
5 other than those required to be reported by this paragraph. For the
6 purposes of this paragraph, "dangerous instrument", "deadly weapon" and
7 "serious physical injury" have the same meanings prescribed in section
8 13-105.

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

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

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

34 34. Prescribe and enforce policies and procedures:

35 (a) Allowing pupils who have been diagnosed with anaphylaxis by a
36 health care provider licensed pursuant to title 32, chapter 13, 14, 17 or
37 25 or by a registered nurse practitioner licensed and certified pursuant
38 to title 32, chapter 15 to carry and self-administer emergency
39 medications, including epinephrine auto-injectors, while at school and at
40 school-sponsored activities. The pupil's name on the prescription label
41 on the medication container or on the medication device and annual written
42 documentation from the pupil's parent or guardian to the school that
43 authorizes possession and self-administration is sufficient proof that the
44 pupil is entitled to the possession and self-administration of the
45 medication. The policies shall require a pupil who uses an epinephrine

1 auto-injector while at school and at school-sponsored activities to notify
2 the nurse or the designated school staff person of the use of the
3 medication as soon as practicable. A school district and its employees
4 are immune from civil liability with respect to all decisions made and
5 actions taken that are based on good faith implementation of the
6 requirements of this subdivision, except in cases of wanton or wilful
7 neglect.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

44 (f) A formal process for notifying the residents and parents or
45 guardians of the affected area as to the decision of the governing board

1 on the school district's website, if the school district maintains a
2 website.

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

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

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

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

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

1 in the survey. The letter grade scale used on the parental satisfaction
2 survey shall direct parents to assign one of the following letter grades:

- 3 (i) A letter grade of "A" if the school district is excellent.
- 4 (ii) A letter grade of "B" if the school district is above average.
- 5 (iii) A letter grade of "C" if the school district is average.
- 6 (iv) A letter grade of "D" if the school district is below average.
- 7 (v) A letter grade of "F" if the school district is a failure.

8 (c) Twenty-five percent of the performance pay shall be determined
9 by the percentage of teachers who are employed at the school district and
10 who assign a letter grade of "A" to the school on a survey of teacher
11 satisfaction with the school. The teacher satisfaction survey shall be
12 administered and scored by an independent entity that is selected by the
13 governing board and that demonstrates sufficient expertise and experience
14 to accurately measure the results of the survey. The teacher satisfaction
15 survey shall use standard random sampling procedures and provide anonymity
16 and confidentiality to each teacher who participates in the survey. The
17 letter grade scale used on the teacher satisfaction survey shall direct
18 teachers to assign one of the following letter grades:

- 19 (i) A letter grade of "A" if the school district is excellent.
- 20 (ii) A letter grade of "B" if the school district is above average.
- 21 (iii) A letter grade of "C" if the school district is average.
- 22 (iv) A letter grade of "D" if the school district is below average.
- 23 (v) A letter grade of "F" if the school district is a failure.

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

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

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

- 37 (a) Are designed to improve principal performance and improve
38 student achievement.
- 39 (b) Include the use of quantitative data on the academic progress
40 for all students, which shall account for between twenty percent and
41 thirty-three percent of the evaluation outcomes.
- 42 (c) Include four performance classifications, designated as highly
43 effective, effective, developing and ineffective.

1 (d) Describe both of the following:

2 (i) The methods used to evaluate the performance of principals,
3 including the data used to measure student performance and job
4 effectiveness.

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

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

13 43. Prescribe and enforce policies and procedures for the emergency
14 administration by an employee of a school district pursuant to section
15 36-2267 of naloxone hydrochloride or any other opioid antagonist approved
16 by the United States food and drug administration.

17 44. In addition to the notification requirements prescribed in
18 paragraph 36 of this subsection, prescribe and enforce reasonable and
19 appropriate policies to notify a pupil's parent or guardian if any person
20 engages in harassing, threatening or intimidating conduct against that
21 pupil. A school district and its officials and employees are immune from
22 civil liability with respect to all decisions made and actions taken that
23 are based on good faith implementation of the requirements of this
24 paragraph, except in cases of gross negligence or wanton or wilful
25 neglect. A person engages in threatening or intimidating if the person
26 threatens or intimidates by word or conduct to cause physical injury to
27 another person or serious damage to the property of another on school
28 grounds. A person engages in harassment if, with intent to harass or with
29 knowledge that the person is harassing another person, the person
30 anonymously or otherwise contacts, communicates or causes a communication
31 with another person by verbal, electronic, mechanical, telephonic or
32 written means in a manner that harasses on school grounds or substantially
33 disrupts the school environment.

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

38 C. If any school district acquires real or personal property,
39 whether by purchase, exchange, condemnation, gift or otherwise, the
40 governing board shall pay to the county treasurer any taxes on the
41 property that were unpaid as of the date of acquisition, including
42 penalties and interest. The lien for unpaid delinquent taxes, penalties
43 and interest on property acquired by a school district:

44 1. Is not abated, extinguished, discharged or merged in the title
45 to the property.

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

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

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

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

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

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

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

6 J. FOR THE PURPOSES OF SUBSECTION A, PARAGRAPH 37 OF THIS SECTION:

7 1. ATTENDANCE BOUNDARIES MAY NOT BE USED TO REQUIRE STUDENTS TO
8 ATTEND CERTAIN SCHOOLS BASED ON THE STUDENT'S PLACE OF RESIDENCE.

9 2. "CHANGING OR ADOPTING ATTENDANCE BOUNDARIES" MEANS DEFINING THE
10 GEOGRAPHIC AREA FOR EACH SCHOOL WITHIN THE SCHOOL DISTRICT ONLY FOR THE
11 PURPOSES OF ESTABLISHING ENROLLMENT PREFERENCES FOR STUDENTS WITHIN THE
12 ATTENDANCE AREA IF A SCHOOL OR A GRADE LEVEL WITHIN THE DISTRICT REACHES
13 CAPACITY.

14 Sec. 3. Section 15-816, Arizona Revised Statutes, is amended to
15 read:

16 15-816. Definitions

17 In this article, unless the context otherwise requires:

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

21 2. "Open enrollment" means a policy adopted and implemented by a
22 school district governing board to allow resident transfer pupils to
23 enroll in any school within the school district, to allow resident pupils
24 to enroll in any school located within other school districts in this
25 state and to allow nonresident pupils to enroll in any school within the
26 district pursuant to section 15-816.01.

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

29 ~~3.~~ 4. "Resident school" means a school within the designated
30 attendance area in which a pupil resides.

31 ~~4.~~ 5. "Resident transfer pupil" means a resident pupil who is
32 enrolled in or seeking enrollment in a school that is within the school
33 district but outside the attendance area of the pupil's residence.

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

36 15-816.01. Open enrollment policies; preference; selection
37 process; transportation; reporting requirements

38 A. School district governing boards shall establish policies and
39 shall implement an open enrollment policy without charging tuition.
40 Tuition may be charged to nonresident pupils only if the tuition is
41 authorized under section 15-764, subsection C, section 15-797, subsection
42 C, section 15-823, subsection A, section 15-824, subsection A or section
43 15-825 or if two school districts have entered into a voluntary agreement
44 for the payment of tuition for certain pupils. These policies shall
45 include ~~admission criteria, application procedures and transportation~~

1 ~~provisions~~ BOTH THE BASIC INFORMATION NEEDED TO REQUEST ENROLLMENT AS
2 DETERMINED BY THE STATE BOARD OF EDUCATION THAT IS CONSISTENT WITH
3 GUIDANCE REGARDING PUPIL PRIVACY AND CIVIL RIGHTS AND INFORMATION
4 REGARDING THE PROVISION OF TRANSPORTATION OR RESOURCES FOR TRANSPORTATION.
5 THE POLICIES MUST BE EASILY ACCESSIBLE FROM THE HOME PAGE ON EACH SCHOOL'S
6 WEB PAGE AND BE AVAILABLE IN ENGLISH AND SPANISH. SCHOOLS SHALL ACCEPT
7 PUPILS THROUGHOUT THE SCHOOL YEAR AS CAPACITY ALLOWS. IF PUPILS ARE
8 DENIED ACCESS DUE TO CAPACITY, THEY SHALL BE INFORMED THAT THEY ARE ON A
9 WAIT LIST AND OF THE DETAILS REGARDING THE PROCESS PRESCRIBED IN
10 SUBSECTION E OF THIS SECTION. PUPILS SHALL BE SELECTED AS SEATS BECOME
11 AVAILABLE. SCHOOLS MAY NOT ASK PARENTS FOR INFORMATION NEEDED FOR PUPIL
12 REGISTRATION UNTIL ENROLLMENT IS APPROVED.

13 B. A SCHOOL DISTRICT SHALL GIVE ENROLLMENT PREFERENCE TO AND
14 RESERVE CAPACITY FOR ALL OF THE FOLLOWING:

- 15 1. RESIDENT PUPILS.
- 16 2. PUPILS RETURNING TO THE SCHOOL FROM THE PRIOR YEAR.
- 17 3. SIBLINGS OF PUPILS ALREADY ENROLLED.

18 C. A school district may give enrollment preference to children who
19 EITHER:

- 20 1. Are in foster care.
- 21 2. MEET THE DEFINITION OF UNACCOMPANIED YOUTH PRESCRIBED IN THE
22 MCKINNEY-VENTO HOMELESS ASSISTANCE ACT (P.L. 100-77; 101 STAT. 482; 42
23 UNITED STATES CODE SECTION 11434a).

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

- 26 1. Pupils who are children of persons who are employed by or at a
27 school in the school district. ~~A copy of the district policies for open
28 enrollment shall be posted on the district's website and shall be
29 available to the public on request.~~
- 30 2. RESIDENT TRANSFER PUPILS AND THEIR SIBLINGS.

31 E. IF THE NUMBER OF ENROLLMENT REQUESTS OR APPLICATIONS EXCEEDS THE
32 CAPACITY OF A PROGRAM, CLASS, GRADE LEVEL OR BUILDING, THE SCHOOL THAT IS
33 OPERATED BY A SCHOOL DISTRICT SHALL SELECT PUPILS THROUGH AN EQUITABLE
34 SELECTION PROCESS, SUCH AS A TRANSPARENT LOTTERY, EXCEPT THAT PREFERENCE
35 SHALL BE GIVEN TO SIBLINGS OF A PUPIL SELECTED THROUGH THE EQUITABLE
36 SELECTION PROCESS.

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

- 39 1. LIMIT ADMISSION BASED ON ANY OF THE FOLLOWING:
 - 40 (a) ETHNICITY.
 - 41 (b) NATIONAL ORIGIN.
 - 42 (c) GENDER.
 - 43 (d) INCOME LEVEL.
 - 44 (e) DISABLING CONDITION.

- 1 (f) PROFICIENCY IN THE ENGLISH LANGUAGE.
- 2 (g) ATHLETIC ABILITY.
- 3 2. REQUIRE THE SUBMISSION OF ANY OF THE FOLLOWING UNTIL ENROLLMENT
- 4 HAS BEEN GRANTED AND THE SCHOOL BEGINS THE REGISTRATION PROCESS FOR THE
- 5 ACCEPTED PUPIL:
- 6 (a) TEST SCORES.
- 7 (b) PLACEMENT TESTS.
- 8 (c) INDIVIDUALIZED EDUCATION PROGRAMS.
- 9 (d) SECTION 504 PLANS AS DEFINED IN SECTION 15-731.
- 10 (e) ENGLISH LANGUAGE PAPERWORK.
- 11 (f) FREE OR REDUCED-PRICE LUNCH PAPERWORK.
- 12 (g) DOCUMENTS RELATED TO TAX CREDIT OPPORTUNITIES.
- 13 (h) PARENT TEACHER ASSOCIATION CONTRIBUTIONS.
- 14 (i) EXTRACURRICULAR ACTIVITY FEES.
- 15 ~~B.~~ G. The governing board of the district educating the pupil may
- 16 provide transportation ~~limited to no more than twenty miles each way~~ to
- 17 and from the school of attendance or to and from a pickup point on a
- 18 regular transportation route or for the total miles traveled each day to
- 19 an adjacent district for eligible nonresident pupils who meet the economic
- 20 eligibility requirements established under the national school lunch and
- 21 child nutrition acts (42 United States Code sections 1751 through ~~1785~~
- 22 ~~1793~~) for free or ~~reduced price~~ REDUCED-PRICE lunches.
- 23 ~~C.~~ H. The governing board of the district educating the pupil
- 24 shall provide transportation ~~limited to no more than twenty miles each way~~
- 25 to and from the school of attendance or to and from a pickup point on a
- 26 regular transportation route or for the total miles traveled each day to
- 27 an adjacent district for nonresident pupils with disabilities whose
- 28 individualized education program specifies that transportation is
- 29 necessary ~~for fulfillment of~~ TO FULFILL the program.
- 30 I. THE STATE BOARD OF EDUCATION SHALL PRESCRIBE A STANDARD FORMAT
- 31 FOR DESCRIBING OPEN ENROLLMENT OPTIONS TO ENSURE CLARITY AND CONSISTENCY
- 32 FOR PARENTS IN UNDERSTANDING THEIR ENROLLMENT OPTIONS AS DESCRIBED IN THIS
- 33 SECTION AND ENROLLMENT CAPACITY AT EACH SCHOOL THROUGHOUT THE YEAR,
- 34 INCLUDING THE ABILITY TO CHOOSE ANY SCHOOL WITHIN THE SCHOOL DISTRICT OF
- 35 RESIDENCE OR ANY OTHER SCHOOL DISTRICT OR ANY CHARTER SCHOOL. LOCAL
- 36 EDUCATION AGENCIES SHALL SHARE THIS INFORMATION WITH EACH ENROLLED
- 37 HOUSEHOLD EACH JANUARY, OR AT LEAST ONE MONTH BEFORE THE FIRST OPPORTUNITY
- 38 TO ENROLL IN THE LOCAL EDUCATION AGENCY FOR THE FOLLOWING SCHOOL YEAR.
- 39 THE STATE BOARD OF EDUCATION SHALL RECOMMEND THE FREQUENCY A LOCAL
- 40 EDUCATION AGENCY MUST UPDATE ON ITS WEBSITE ITS SCHOOL CAPACITY AND THE
- 41 NUMBER OF STUDENTS ON THE LOCAL EDUCATION AGENCY'S WAITLIST, EXCEPT THAT A
- 42 LOCAL EDUCATION AGENCY SHALL UPDATE THIS INFORMATION AT LEAST ONCE EVERY
- 43 EIGHT WEEKS BY GRADE LEVEL AND SCHOOL UNLESS THERE ARE NO CHANGES TO
- 44 REPORT.

1 J. THE DEPARTMENT OF EDUCATION SHALL DEVELOP A REPORTING PROCESS
2 THAT INFORMS THE PUBLIC AND POLICYMAKERS OF THE OPEN ENROLLMENT
3 PARTICIPATION RATE BY SCHOOL DISTRICT, SCHOOL AND COUNTY, INCLUDING THE
4 NUMBER OF PUPILS IN EACH SCHOOL AND SCHOOL DISTRICT THAT ARE OPEN ENROLLED
5 AS RESIDENT PUPILS, RESIDENT TRANSFER PUPILS OR NONRESIDENT PUPILS FOR
6 EACH SCHOOL DISTRICT AND THE SCHOOL DISTRICTS AND ZIP CODES FROM WHICH
7 STUDENTS ARE ENROLLING. BY FISCAL YEAR 2022-2023, THIS SCHOOL CHOICE
8 PARTICIPATION REPORT SHALL ALSO INCLUDE THE NUMBER OF PUPILS ENROLLED IN
9 CHARTER SCHOOLS AND THE SCHOOL DISTRICTS FROM WHICH THOSE PUPILS ARE
10 ENROLLING.

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

14 1. COMMUNICATE TO THE PUBLIC THE ABILITY TO CHOOSE ANY PUBLIC
15 SCHOOL IN THIS STATE.

16 2. DIRECT THE PUBLIC TO RESOURCES TO LEARN ABOUT SCHOOL CHOICE
17 OPTIONS IN THIS STATE.

18 3. INSTRUCT THE PUBLIC ON HOW TO REQUEST ENROLLMENT FOR PUPILS.

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

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

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

27 2. THE DEPARTMENT OF EDUCATION IN CONNECTING PARENTS AND THE PUBLIC
28 TO RESOURCES.

29 Sec. 5. Title 15, chapter 9, article 2, Arizona Revised Statutes,
30 is amended by adding section 15-924, to read:

31 15-924. Parent options for school transportation grant
32 program: program termination

33 A. BEGINNING IN THE 2021-2022 SCHOOL YEAR, THE DEPARTMENT OF
34 EDUCATION SHALL ESTABLISH THE PARENT OPTIONS FOR SCHOOL TRANSPORTATION
35 GRANT PROGRAM. SCHOOL DISTRICTS AND CHARTER SCHOOLS MAY APPLY TO THE
36 DEPARTMENT OF EDUCATION TO PARTICIPATE IN THE PROGRAM. NOTWITHSTANDING
37 ANY OTHER LAW, A PARTICIPATING SCHOOL DISTRICT OR CHARTER SCHOOL MAY USE A
38 PORTION OF ITS TRANSPORTATION FUNDING TO PROVIDE TRANSPORTATION GRANTS TO
39 PARENTS OF STUDENTS IN THAT SCHOOL OR DISTRICT. EACH PARTICIPATING SCHOOL
40 DISTRICT AND CHARTER SCHOOL SHALL REPORT TO THE DEPARTMENT OF EDUCATION ON
41 A MONTHLY BASIS THE AMOUNT OF GRANT MONIES AWARDED UNDER THIS SECTION.

42 B. THE PROGRAM ESTABLISHED PURSUANT TO THIS SECTION ENDS ON JULY 1,
43 2031 PURSUANT TO SECTION 41-3102.

1 Sec. 6. Appropriation; state board of education; public
2 school transportation modernization grants; family
3 transportation stipend grants; improved municipal
4 bus route grants; transportation solution committee

5 A. The sum of \$10,000,000 is appropriated from the state general
6 fund in fiscal year 2021-2022 to the state board of education to
7 distribute public school transportation modernization grants, family
8 transportation stipend grants and improved municipal bus route grants as
9 provided in this section. The state board of education shall collaborate
10 with the state board for charter schools in both:

11 1. Developing grant applications and application procedures,
12 including a requirement that an applicant explain how it would use grant
13 monies to both:

14 (a) Improve access to transportation for students.

15 (b) Support transportation innovations and efficiencies.

16 2. Determining grant recipients.

17 B. The state board of education, in collaboration with the state
18 board for charter schools, may appoint a transportation solution committee
19 consisting of any combination of the following members:

20 1. County school superintendents.

21 2. Parents.

22 3. Community advocates.

23 4. Education and regional transportation policy experts.

24 C. At the request of the state board of education, in collaboration
25 with the state board for charter schools, the transportation solution
26 committee may do any of the following:

27 1. Consider and approve approaches to solving the challenge of
28 helping students access safe and affordable transportation to school.

29 2. Assist in developing grant applications and application
30 procedures.

31 3. Assist in selecting grant recipients.

32 D. The state board of education shall distribute the \$10,000,000
33 appropriated in subsection A of this section as follows:

34 1. \$5,000,000 to school districts and charter schools as public
35 school transportation modernization grants. The state board shall award
36 at least twenty-five percent of these grants to support rural and remote
37 proposals, except that if an insufficient number of rural and remote
38 proposals are submitted, the state board may award fewer than twenty-five
39 percent of these grants to rural and remote public proposals. A school
40 district or charter school shall use public school transportation
41 modernization grants to support the development and implementation of
42 innovations in public school transportation, including for any of the
43 following:

44 (a) Transportation resource sharing with neighboring school
45 districts or charter schools.

1 (b) Developing or contracting with rideshare programs.

2 (c) Developing options for reducing costs and improving
3 efficiencies while improving access to transportation for families,
4 including exploring the use of vans instead of buses and engaging
5 neighborhood carpool strategies.

6 (d) Options to address personnel challenges.

7 2. \$3,000,000 to school districts and charter schools as family
8 transportation stipend grants. The state board of education shall award
9 at least twenty-five percent of these grants to support rural and remote
10 proposals, except that if an insufficient number of rural and remote
11 proposals are submitted, the state board of education may award fewer than
12 twenty-five percent of these grants to rural and remote public proposals.
13 A school district or charter school shall use these grant monies to issue
14 grants to families to help cover the costs of any of the following:

15 (a) Driving students to school.

16 (b) Neighborhood carpools.

17 (c) Bus fare.

18 3. \$2,000,000 to municipalities as improved municipal bus route
19 grants. A municipality shall use these grant monies to do any of the
20 following:

21 (a) Plan for and build capacity to ensure bus stops exist in front
22 of multifamily and low-income housing and every public school within the
23 municipality's boundaries.

24 (b) In partnership with school district and charter school leaders,
25 reevaluate bus routes to eliminate ride time for students in kindergarten
26 programs and grades one through twelve and families wishing to engage with
27 the public schools in the municipality.

28 (c) Develop creative partnerships with public schools in the
29 municipality and community partners to ensure students' safe passage to
30 school.