

REFERENCE TITLE: schools; corporal punishment; prohibition.

State of Arizona  
House of Representatives  
Fifty-fifth Legislature  
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2022

## HB 2075

Introduced by  
Representatives Pawlik: Butler, Dalessandro, Epstein, Hernandez M,  
Jermaine, Liguori, Longdon, Powers Hannley, Quiñonez, Schwiebert, Solorio,  
Senators Bowie, Marsh

### AN ACT

AMENDING SECTION 15-105, ARIZONA REVISED STATUTES; AMENDING TITLE 15,  
CHAPTER 1, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION  
15-120.02; AMENDING SECTION 15-843, ARIZONA REVISED STATUTES; RELATING TO  
PUPIL DISCIPLINE.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 15-105, Arizona Revised Statutes, is amended to  
3 read:

4 15-105. Use of restraint and seclusion techniques;  
5 requirements; definitions

6 A. A school may ~~permit~~ ALLOW the use of restraint or seclusion  
7 techniques on any pupil if both of the following apply:

8 1. The pupil's behavior presents an imminent danger of bodily harm  
9 to the pupil or others.

10 2. Less restrictive interventions appear insufficient to mitigate  
11 the imminent danger of bodily harm.

12 B. If a restraint or seclusion technique is used on a pupil:

13 1. School personnel shall maintain continuous visual observation  
14 and monitoring of the pupil while the restraint or seclusion technique is  
15 in use.

16 2. The restraint or seclusion technique shall end when the pupil's  
17 behavior no longer presents an imminent danger to the pupil or others.

18 3. The restraint or seclusion technique shall be used only by  
19 school personnel who are trained in the safe and effective use of  
20 restraint and seclusion techniques unless an emergency situation does not  
21 allow sufficient time to summon trained personnel.

22 4. The restraint technique employed may not impede the pupil's  
23 ability to breathe.

24 5. The restraint technique may not be out of proportion to the  
25 pupil's age or physical condition.

26 C. Schools may establish policies and procedures for ~~the use of~~  
27 USING restraint or seclusion techniques in a school safety or crisis  
28 intervention plan if the plan is not specific to any individual pupil.

29 D. Schools shall establish reporting and documentation procedures  
30 to be followed when a restraint or seclusion technique has been used on a  
31 pupil. The procedures shall include the following requirements:

32 1. School personnel shall provide the pupil's parent or guardian  
33 with written or oral notice on the same day that the incident occurred,  
34 unless circumstances prevent same-day notification. If the notice is not  
35 provided on the same day of the incident, notice shall be given within  
36 twenty-four hours after the incident.

37 2. Within a reasonable time following the incident, school  
38 personnel shall provide the pupil's parent or guardian with written  
39 documentation that includes information about any persons, locations or  
40 activities that may have triggered the behavior, if known, and specific  
41 information about the behavior and its precursors, the type of restraint  
42 or seclusion technique used and the duration of its use.

3. Schools shall review strategies used to address a pupil's dangerous behavior if there has been repeated use of restraint or seclusion techniques for the pupil during a school year. The review shall include a review of the incidents in which A restraint or seclusion technique were WAS used and an analysis of how future incidents may be avoided, including whether the pupil requires a functional behavioral assessment.

E. If a school district or charter school summons law enforcement instead of using a restraint or seclusion technique on a pupil, the school shall comply with the reporting, documentation and review procedures established under subsection D of this section. Notwithstanding this section, school resource officers are authorized to respond to situations that present the imminent danger of bodily harm according to protocols established by their law enforcement agency.

F. This section does not prohibit schools from adopting policies pursuant to section 15-843, subsection B, paragraph ~~3~~ 2.

G. For the purposes of this section:

1. "Restraint" means any method or device that immobilizes or reduces the ability of a pupil to move the pupil's torso, arms, legs or head freely, including physical force or mechanical devices. Restraint does not include any of the following:

(a) Methods or devices implemented by trained school personnel or used by a pupil for the specific and approved therapeutic or safety purposes for which the method or device is designed and, if applicable, prescribed.

(b) The temporary touching or holding of the hand, wrist, arm, shoulder or back for the purpose of inducing a pupil to comply with a reasonable request or to go to a safe location.

(c) The brief holding of a pupil by one adult for the purpose of calming or comforting the pupil.

(d) Physical force used to take a weapon away from a pupil or to separate and remove a pupil from another person when the pupil is engaged in a physical assault on another person.

2. "School" means a school district, a charter school, a public or private special education school that provides services to pupils placed by a public school, the Arizona state schools for the deaf and the blind and a private school.

3. "Seclusion" means the involuntary confinement of a pupil alone in a room from which egress is prevented. Seclusion does not include the use of a voluntary behavior management technique, including a timeout location, as part of a pupil's education plan, individual safety plan, behavioral plan or individualized education program that involves the pupil's separation from a larger group for purposes of calming.

1       Sec. 2. Title 15, chapter 1, article 1, Arizona Revised Statutes,  
2 is amended by adding section 15-120.02, to read:

3       15-120.02. Corporal punishment; prohibition; definition

4       A. A TEACHER, PRINCIPAL OR OTHER PERSON EMPLOYED BY A SCHOOL  
5 DISTRICT OR CHARTER SCHOOL MAY NOT SUBJECT A PUPIL TO CORPORAL PUNISHMENT.  
6 THE PROHIBITION ON CORPORAL PUNISHMENT DOES NOT PREVENT THE USE OF  
7 RESTRAINT OR SECLUSION TECHNIQUES THAT COMPLY WITH SECTION 15-105. IN  
8 DETERMINING WHETHER A PERSON WAS COMPLYING WITH A RESTRAINT OR SECLUSION  
9 TECHNIQUE, CONSIDERATION SHALL BE GIVEN TO REASONABLE JUDGMENTS THAT WERE  
10 MADE AT THE TIME OF THE EVENT BY A TEACHER, PRINCIPAL OR OTHER PERSON  
11 EMPLOYED BY THE SCHOOL DISTRICT OR CHARTER SCHOOL.

12       B. FOR THE PURPOSES OF THIS SECTION, "CORPORAL PUNISHMENT":

13       1. MEANS INFLECTING, OR CAUSING THE INFLECTION OF, PHYSICAL PAIN ON  
14 A PUPIL AS A MEANS OF DISCIPLINE.

15       2. DOES NOT INCLUDE PHYSICAL PAIN, INJURY OR DISCOMFORT CAUSED BY  
16 USING INCIDENTAL, MINOR OR REASONABLE PHYSICAL CONTACT OR OTHER ACTIONS  
17 DESIGNED TO MAINTAIN ORDER, CONTROL AND SAFETY IN THE SCHOOL OR CLASSROOM  
18 SETTING.

19       Sec. 3. Section 15-843, Arizona Revised Statutes, is amended to  
20 read:

21       15-843. Pupil disciplinary proceedings; definition

22       A. An action concerning discipline, suspension or expulsion of a  
23 pupil is not subject to title 38, chapter 3, article 3.1, except that the  
24 governing board of a school district shall post regular notice and shall  
25 take minutes of any hearing held by the governing board concerning the  
26 discipline, suspension or expulsion of a pupil.

27       B. The governing board of any school district, in consultation with  
28 the teachers and parents of the school district, shall prescribe rules for  
29 the discipline, suspension and expulsion of pupils. The rules shall be  
30 consistent with the constitutional rights of pupils and shall include at  
31 least the following:

32       1. Penalties for excessive pupil absenteeism pursuant to section  
33 15-803, including failure in a subject, failure to pass a grade,  
34 suspension or expulsion.

35       ~~2. Procedures for using corporal punishment if allowed by the~~  
36 ~~governing board.~~

37       ~~3.~~ 2. Procedures for the reasonable use of physical force by  
38 certificated or classified personnel in self-defense, defense of others  
39 and defense of property.

40       ~~4.~~ 3. Procedures for dealing with pupils who have committed or who  
41 are believed to have committed a crime.

42       ~~5.~~ 4. A notice and hearing procedure for cases concerning the  
43 suspension of a pupil for more than ten days.

44       ~~6.~~ 5. Procedures and conditions for readmitting a pupil who has  
45 been expelled or suspended for more than ten days.

~~7.~~ 6. Procedures to appeal to the governing board the suspension of a pupil for more than ten days, if the decision to suspend the pupil was not made by the governing board.

~~8.~~ 7. Procedures to appeal the recommendation of the hearing officer or officers designated by the board as provided in subsection F of this section at the time the board considers the recommendation.

~~9.~~ 8. Disciplinary policies for confining pupils WHO ARE left alone in an enclosed space. These policies shall include the following:

(a) A process for prior written parental notification that confinement may be used for disciplinary purposes and that is included in the pupil's enrollment packet or admission form.

(b) A process for prior written parental consent before confinement is allowed for any pupil in the school district. The policies shall provide for an exemption to prior written parental consent if a school principal or teacher determines that the pupil poses imminent physical harm to self or others. The school principal or teacher shall make reasonable attempts to notify the pupil's parent or guardian in writing by the end of the same day that confinement was used.

~~10.~~ 9. Procedures that require the school district to annually report to the department of education in a manner prescribed by the department the number of suspensions and expulsions that involve the possession, use or sale of an illegal substance under title 13, chapter 34 and the type of illegal substance involved in each suspension or expulsion. The department of education shall compile this information and annually post the information on its website. The information shall comply with the family educational rights and privacy act of 1974 (P.L. 93-380; 88 Stat. ~~57~~ 571; 20 United States Code section 1232g), shall not include personally identifiable information and shall show the number of suspensions and expulsions associated with each illegal substance aggregated statewide and by county.

C. Penalties adopted pursuant to subsection B, paragraph 1 of this section for excessive absenteeism shall not be applied to pupils who have completed the course requirements and whose absence from school is due solely to illness, disease or accident as certified by a person who is licensed pursuant to title 32, chapter 7, 13, 14, 15 or 17.

D. The governing board shall:

1. Support and assist teachers in implementing and enforcing the rules prescribed pursuant to subsection B of this section.

2. Develop procedures allowing teachers and principals to recommend the suspension or expulsion of pupils.

3. Develop procedures allowing teachers and principals to temporarily remove disruptive pupils from a class.

4. Delegate to the principal the authority to remove a disruptive pupil from the classroom.

1 E. If a pupil withdraws from school after receiving notice of  
2 possible action concerning discipline, expulsion or suspension, the  
3 governing board may continue with the action after the withdrawal and may  
4 record the results of such action in the pupil's permanent file.

5 F. In all actions concerning the expulsion of a pupil, the  
6 governing board of a school district shall:

7 1. Be notified of the intended action.

8 2. Either:

9 (a) Decide, in executive session, whether to hold a hearing or to  
10 designate one or more hearing officers to hold a hearing to hear the  
11 evidence, prepare a record and bring a recommendation to the board for  
12 action and whether the hearing shall be held in executive session.

13 (b) Provide by policy or vote at its annual organizational meeting  
14 that all hearings concerning the expulsion of a pupil conducted pursuant  
15 to this section will be conducted before a hearing officer selected from a  
16 list of hearing officers approved by the governing board.

17 3. Give written notice, at least five working days before the  
18 hearing by the governing board or the hearing officer or officers  
19 designated by the governing board, to all pupils subject to expulsion and  
20 their parents or guardians of the date, time and place of the hearing. If  
21 the governing board decides that the hearing is to be held in executive  
22 session, the written notice shall include a statement of the right of the  
23 parents or guardians or an emancipated pupil who is subject to expulsion  
24 to object to the governing board's decision to have the hearing held in  
25 executive session. Objections shall be made in writing to the governing  
26 board.

27 G. If a parent or guardian or an emancipated pupil who is subject  
28 to expulsion disagrees that the hearing should be held in executive  
29 session, the hearing shall be held in an open meeting unless:

30 1. If only one pupil is subject to expulsion and disagreement  
31 exists between that pupil's parents or guardians, the governing board,  
32 after consultations with the pupil's parents or guardians or the  
33 emancipated pupil, shall decide in executive session whether the hearing  
34 will be in executive session.

35 2. If more than one pupil is subject to expulsion and disagreement  
36 exists between the parents or guardians of different pupils, separate  
37 hearings shall be held subject to this section.

38 H. This section does not prevent the pupil who is subject to  
39 expulsion or suspension, and the pupil's parents or guardians and legal  
40 counsel, from attending any executive session pertaining to the proposed  
41 disciplinary action, from having access to the minutes and testimony of  
42 the executive session or from recording the session at the parent's or  
43 guardian's expense.

1 I. In schools employing a superintendent or a principal, the  
2 authority to suspend a pupil from school is vested in the superintendent,  
3 principal or other school officials granted this power by the governing  
4 board of the school district.

5 J. In schools that do not have a superintendent or principal, a  
6 teacher may suspend a pupil from school.

7 K. Unless required by section 15-841, subsection G, a school  
8 district or charter school may suspend or expel a pupil who is enrolled in  
9 a kindergarten program, first grade, second grade, third grade or fourth  
10 grade only if all of the following apply:

11 1. The pupil is seven years of age or older.

12 2. The pupil engaged in conduct on school grounds that meets one of  
13 the following criteria:

14 (a) Involves the possession of a dangerous weapon without  
15 authorization from the school.

16 (b) Involves the possession, use or sale of a dangerous drug as  
17 defined in section 13-3401 or a narcotic drug as defined in section  
18 13-3401 or a violation of section 13-3411.

19 (c) Immediately endangers the health or safety of others.

20 (d) The pupil's behavior is determined by the school district  
21 governing board or charter school governing body to qualify as aggravating  
22 circumstances and ~~that~~ all of the following apply:

23 (i) The pupil is engaged in persistent behavior that has been  
24 documented by the school and that prevents other pupils from learning or  
25 prevents the teacher from maintaining control of the classroom  
26 environment.

27 (ii) The pupil's ongoing behavior is unresponsive to targeted  
28 interventions as documented through an established intervention process  
29 that includes consultation with a school counselor, school psychologist or  
30 other mental health professional or social worker if available within the  
31 school district or charter school or through a state-sponsored program.

32 (iii) The pupil's parent or guardian was notified and consulted  
33 about the ongoing behavior.

34 (iv) Before a long-term suspension or expulsion, the school  
35 provides the pupil with a disability screening and the screening finds  
36 that the behavioral issues were not the result of a disability.

37 3. Failing to remove the pupil from the school building would  
38 create a safety threat that cannot otherwise reasonably be addressed or  
39 qualifies as aggravating circumstances as specified in paragraph 2 of this  
40 subsection.

41 4. Before suspending or expelling the pupil, the school district or  
42 charter school considers and, if feasible while maintaining the health and  
43 safety of others, in consultation with the pupil's parent or guardian to  
44 the extent possible, employs alternative behavioral and disciplinary  
45 interventions that are available to the school district or charter school,

1 that are appropriate to the circumstances and that are considerate of  
2 health and safety. The school district or charter school shall document  
3 the alternative behavioral and disciplinary interventions it considers and  
4 employs.

5 5. The school district or charter school, by policy, provides for  
6 both:

7 (a) A readmission procedure for pupils who are in kindergarten  
8 programs, first grade, second grade, third grade and fourth grade and who  
9 have served at least five school days of a suspension from the school that  
10 exceeds ten school days to be considered for readmission on appeal of the  
11 pupil's parent or guardian.

12 (b) A readmission procedure for pupils who are in kindergarten  
13 programs, first grade, second grade, third grade and fourth grade and who  
14 are expelled from or subject to alternative reassignment at the school to  
15 be considered for readmission on appeal of the pupil's parent or guardian  
16 at least twenty school days after the effective date of the expulsion or  
17 alternative reassignment.

18 L. All cases of suspension shall be for good cause and shall be  
19 reported within five days to the governing board by the superintendent or  
20 the person imposing the suspension.

21 M. Rules pertaining to the discipline, suspension and expulsion of  
22 pupils shall not be based on race, color, religion, sex, national origin  
23 or ancestry. If the department of education, the auditor general or the  
24 attorney general determines that a school district is substantially and  
25 deliberately not in compliance with this subsection and if the school  
26 district has failed to correct the deficiency within ninety days after  
27 receiving notice from the department of education, the superintendent of  
28 public instruction may withhold the monies the school district would  
29 otherwise be entitled to receive from the date of the determination of  
30 noncompliance until the department of education determines that the school  
31 district is in compliance with this subsection.

32 N. The principal of each school shall ensure that a copy of all  
33 rules pertaining to discipline, suspension and expulsion of pupils is  
34 distributed to the parents of each pupil at the time the pupil is enrolled  
35 in [THE](#) school.

36 O. The principal of each school shall ensure that all rules  
37 pertaining to the discipline, suspension and expulsion of pupils are  
38 communicated to students at the beginning of each school year, and to  
39 transfer students at the time of their enrollment in the school.

40 P. School districts may refer a pupil who has been subject to  
41 discipline, suspension or expulsion pursuant to this section to a career  
42 and college readiness program for at-risk students established pursuant to  
43 section 15-707.

- 1           Q. For the purposes of this section, "aggravating circumstances"
- 2 means the pupil is engaged in persistent behavior that:
- 3           1. Has been documented by the school.
- 4           2. Prevents other students from learning or prevents the teacher
- 5 from maintaining control of the classroom environment.
- 6           3. Is unresponsive to targeted interventions as documented through
- 7 an established intervention process.