

REFERENCE TITLE: school personnel; reporting; drug offenses

State of Arizona
Senate
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SB 1532

Introduced by
Senators Alston: Bowie, Hatathlie; Representatives Andrade, Hernandez M,
Longdon

AN ACT

AMENDING SECTIONS 13-3411 AND 15-746, ARIZONA REVISED STATUTES; RELATING
TO DRUGS ON SCHOOL GROUNDS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 13-3411, Arizona Revised Statutes, is amended to
3 read:

4 13-3411. Possession, use, sale or transfer of marijuana,
5 peyote, prescription drugs, dangerous drugs or
6 narcotic drugs or manufacture of dangerous drugs
7 in a drug free school zone; definitions

8 A. It is unlawful for a person to do any of the following:

9 1. Intentionally be present in a drug free school zone to sell or
10 transfer marijuana, peyote, prescription-only drugs, dangerous drugs or
11 narcotic drugs.

12 2. Possess or use marijuana, peyote, dangerous drugs or narcotic
13 drugs in a drug free school zone.

14 3. Manufacture dangerous drugs in a drug free school zone.

15 B. A person who violates subsection A of this section is guilty of
16 the same class of felony that the person would otherwise be guilty of had
17 the violation not occurred within a drug free school zone, except that the
18 presumptive, minimum and maximum sentence shall be increased by one year.
19 The additional sentence imposed under this subsection is in addition to
20 any enhanced punishment that may be applicable under section 13-703,
21 section 13-704, section 13-708, subsection D or any provision in this
22 chapter. A person is not eligible for suspension of sentence, probation,
23 pardon or release from confinement on any basis except pursuant to section
24 31-233, subsection A or B until the sentence imposed by the court has been
25 served or commuted.

26 C. In addition to any other penalty prescribed by this title, the
27 court shall order a person who is convicted of a violation of this section
28 to pay a fine of ~~not less than two thousand dollars~~ AT LEAST \$2,000 or
29 three times the value as determined by the court of the drugs involved in
30 or giving rise to the charge, whichever is greater, and not more than the
31 maximum authorized by chapter 8 of this title. A judge shall not suspend
32 any part or all of the imposition of any fine required by this subsection.

33 D. Each school district's governing board or its designee, or the
34 chief administrative officer in the case of a nonpublic school, shall
35 place and maintain permanently affixed signs located in a visible manner
36 at the main entrance of each school that identifies the school and its
37 accompanying grounds as a drug free school zone.

38 E. The drug free school zone map prepared pursuant to title 15
39 shall constitute an official record as to the location and boundaries of
40 each drug free school zone. The school district's governing board or its
41 designee, or the chief administrative officer in the case of any nonpublic
42 school, shall promptly notify the county attorney of any changes in the
43 location and boundaries of any school property and shall file with the
44 county recorder the original map prepared pursuant to title 15.

~~F. All school personnel who observe a violation of this section shall immediately report the violation to a school administrator. The administrator shall immediately report the violation to a peace officer. It is unlawful for any school personnel or school administrator to fail to report a violation as prescribed in this section.~~

~~G.~~ F. School personnel having custody or control of school records of a student involved in an alleged violation of this section shall make the records available to a peace officer ~~upon~~ ON written request signed by a magistrate. Records disclosed pursuant to this subsection are confidential and may be used only in a judicial or administrative proceeding. A person furnishing records required under this subsection or a person participating in a judicial or administrative proceeding or investigation resulting from the furnishing of records required under this subsection is immune from civil or criminal liability by reason of such action unless the person acted with malice.

~~H. A person who violates subsection F of this section is guilty of a class 3 misdemeanor.~~

~~F.~~ G. For the purposes of this section:

1. "Drug free school zone" means the area within three hundred feet of a school or its accompanying grounds, any public property within one thousand feet of a school or its accompanying grounds, a school bus stop or on any school bus or bus contracted to transport pupils to any school.

2. "School" means any public or nonpublic kindergarten program, common school or high school.

Sec. 2. Section 15-746, Arizona Revised Statutes, is amended to read:

15-746. School report cards; distribution; annual report

A. Each school shall distribute an annual report card that contains at least the following information:

1. A description of the school's regular, magnet and special instructional programs.

2. A description of the school's current academic goals.

3. A summary of each of the following:

(a) The results achieved by pupils WHO ARE enrolled at the school during the prior three school years as measured by the statewide assessment and the nationally standardized norm-referenced achievement test as designated by the state board and as reported in the annual report prescribed by section 15-743.

(b) Pupil progress on an ongoing and annual basis, showing the trends in gain or loss in pupil achievement over time in reading, language arts and mathematics for all years in which pupils are enrolled in the school district for an entire school year and for which this information is available.

(c) Pupil progress for pupils who are not enrolled in a district for an entire school year.

1 4. The attendance rate of pupils WHO ARE enrolled at the school as
2 reflected in the school's average daily membership as defined in section
3 15-901.

4 5. The total number of incidents that occurred on the school
5 grounds, at school bus stops, on school buses and at school-sponsored
6 events and that required the contact of a local, county, tribal, state or
7 federal law enforcement officer pursuant to ~~section 13-3411, subsection F,~~
8 section 13-3620, section 15-341, subsection A, paragraph 30 or section
9 15-515. The total number of incidents reported shall only include reports
10 that law enforcement officers report to the school AND that are supported
11 by probable cause. For the purposes of this paragraph, a certified peace
12 officer who serves as a school resource officer is a law enforcement
13 officer. A school may provide clarifying information if the school has a
14 school resource officer on campus.

15 6. The percentage of pupils who have either graduated to the next
16 grade level or graduated from high school.

17 7. A description of the social services available at the school
18 site.

19 8. The school calendar, including the length of the school day and
20 hours of operations.

21 9. The total number of pupils WHO WERE enrolled at the school
22 during the previous school year.

23 10. The transportation services available.

24 11. A description of the responsibilities of parents of children
25 WHO ARE enrolled at the school.

26 12. A description of the responsibilities of the school to the
27 parents of the children WHO ARE enrolled at the school, including dates
28 the report cards are delivered to the home.

29 13. A description of the composition and duties of the school
30 council as prescribed in section 15-351 if such a school council exists.

31 14. For the most recent year available, the average current
32 expenditure per pupil for administrative functions compared to the
33 predicted average current expenditure per pupil for administrative
34 functions according to an analysis of administrative cost data by the
35 joint legislative budget committee staff.

36 15. If the school provides instruction to pupils in kindergarten
37 programs and grades one through three, the ratio of pupils to teachers in
38 each classroom where instruction is provided in kindergarten programs and
39 grades one through three.

40 16. The average class size per grade level for all grade levels,
41 kindergarten programs and grades one through eight. For the purposes of
42 this paragraph, "average class size" means the weighted average of each
43 class.

1 B. The department of education shall develop a standardized report
2 card format that meets the requirements of subsection A of this section.
3 The department shall modify the standardized report card as necessary on
4 an annual basis. The department shall distribute to each school in this
5 state a copy of the standardized report card that includes the required
6 test scores for each school. Additional copies of the standardized report
7 card shall be available on request.

8 C. After each school has completed the report card distributed to
9 it by the department of education, the school, in addition to distributing
10 the report card as prescribed in subsection A of this section, shall send
11 a copy of the report card to the department. The department shall prepare
12 an annual report that contains the report card from each school in this
13 state.

14 D. The school shall distribute report cards to parents of pupils
15 WHO ARE enrolled at the school, not later than the last day of school of
16 each fiscal year, and shall present a summary of the contents of the
17 report cards at an annual public meeting held at the school. The school
18 shall give notice at least two weeks before the public meeting that
19 clearly states the purposes, time and place of the meeting.

20 E. Beginning in fiscal year 2021-2022, the school report card
21 prescribed by this section shall include a link to access the information
22 required by section 15-747.