

*Sponsorship has changed since the bill was introduced

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REFERENCE TITLE: school counselors; parental consent

State of Arizona
House of Representatives
Fifty-sixth Legislature
First Regular Session
2023

HB 2317

*Introduced by
Representatives Jones: Diaz, Harris, McGarr, Senator Wadsack

AN ACT

AMENDING SECTION 15-154, ARIZONA REVISED STATUTES; AMENDING TITLE 15, CHAPTER 5, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 15-509; AMENDING SECTION 15-843, ARIZONA REVISED STATUTES; RELATING TO SCHOOL COUNSELING.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 15-154, Arizona Revised Statutes, is amended to
3 read:

4 15-154. School safety program; purpose; program proposals;
5 requirements; annual report; definitions

6 A. The school safety program is established within the department
7 of education to support, promote and enhance safe and effective learning
8 environments for all students by supporting the costs of placing school
9 resource officers, juvenile probation officers, school counselors and
10 school social workers on school campuses. A school district or charter
11 school may apply to participate in the school safety program as provided
12 in this section for up to three fiscal years by submitting by April 15 a
13 program proposal to the department of education. A school district or
14 charter school that receives approval for a three-year program under this
15 subsection may annually submit a modified spending plan for its approved
16 program.

17 B. A program proposal submitted by a school district or charter
18 school for supporting the costs of placing school resource officers or
19 juvenile probation officers, or both, on a school campus shall contain:

20 1. A detailed description of the school safety needs of the charter
21 school or school district.

22 2. A plan for implementing a law-related education program or a
23 plan that demonstrates the existence of a law-related education program as
24 a school safety prevention strategy.

25 3. A plan to use trained school resource officers or juvenile
26 probation officers in the school, or both.

27 4. If the school district or charter school has already
28 participated in the school safety program, information on the success,
29 compliance and implementation of the most recent grant.

30 C. A program proposal submitted by a school district or charter
31 school for supporting the costs of placing school counselors or school
32 social workers, or both, on a school campus shall contain:

33 1. A detailed description of the school safety needs of the charter
34 school or school district.

35 2. A plan for implementing a school guidance and counseling program
36 that includes the following:

37 (a) A detailed description of the relationship between the school
38 counselor or the social worker, or both, and local community resources.

39 (b) A plan for using school counselor and school social worker
40 services in the school, or both.

41 (c) A detailed description of the methods for evaluating the
42 effectiveness of the school guidance and counseling plan.

43 (d) Policies on confidentiality under the school guidance and
44 counseling plan.

1 (e) Policies on notifying parents and other family members of
2 issues or concerns as identified in the school guidance and counseling
3 plan.

4 (f) A detailed description of the school's, school district's or
5 charter school's referral procedures to the appropriate community entities
6 and state agencies.

7 (g) **POLICIES ON PROVIDING PARENTS WITH SCHOOL COUNSELING CONSENT**
8 **FORMS AS REQUIRED UNDER SECTION 15-509.**

9 3. If the school district or charter school has already
10 participated in the school safety program, information on the success,
11 compliance and implementation of the most recent approved program
12 proposal.

13 D. The department of education shall review and administer the
14 school resource officers and juvenile probation officers program proposals
15 in cooperation with the courts, law enforcement agencies and law-related
16 education providers awarded a contract pursuant to section 41-2534,
17 subject to review and approval by the state board of education. The
18 department of education shall use relevant crime statistics to assess the
19 needs of each program proposal and shall visit school districts and
20 charter schools that submit program proposals in order to verify the
21 information contained in the program proposals. The department of
22 education shall contract to provide guidelines, curricula and support
23 resources for school resource officers and juvenile probation officers to
24 use in implementing a law-related education program.

25 E. The department of education shall review and administer the
26 school counselors and school social workers program proposals in
27 cooperation with school administrators, principals, teachers, parents and
28 community mental health professionals. The department of education shall
29 use relevant school-level academic, social and emotional statistics to
30 assess the needs of each program proposal and shall visit school districts
31 and charter schools that submit program proposals in order to verify the
32 information contained in the program proposals.

33 F. The department of education, subject to the review and approval
34 of the state board of education, shall distribute monies to the school
35 districts and charter schools that are in compliance with program
36 requirements and whose program proposals have been approved by the state
37 board of education.

38 G. The department of education shall review program proposals
39 submitted by school districts and charter schools for participation in the
40 school safety program and shall select school sites that are eligible to
41 receive funding based on school safety needs pursuant to this section.
42 The department of education may prioritize program proposals for school
43 resource officer and juvenile probation officer grants to school districts
44 and charter schools that have agreements to share the cost of the school

1 resource officer or juvenile probation officer with a law enforcement
2 agency or the courts.

3 H. The department of education shall evaluate the effectiveness of
4 all the approved program proposals submitted pursuant to subsections B and
5 C of this section within the school safety program and report on the
6 activities of the program and the participants in the school safety
7 program to the president of the senate, the speaker of the house of
8 representatives and the governor on or before November 1 of each year and
9 shall provide a copy of this report to the secretary of state. The
10 evaluation and report shall include survey results from participating
11 schools and data from participating schools on the impact of participating
12 in the school safety program. The department shall establish data
13 guidelines for school safety program participants to follow in reporting
14 pursuant to this subsection.

15 I. The school safety program established by this section shall
16 include a school safety program guidance manual adopted by the department
17 of education that requires a dispute resolution process to be included in
18 the service agreement between a school district or charter school that
19 submitted a program proposal and received a school resource officer grant
20 from the school safety program and the law enforcement agency that
21 provides services to the school district or charter school.

22 J. Any appropriations that are made to the department of education
23 for the approved program proposals within the school safety program are
24 exempt from the provisions of section 35-190 relating to lapsing of
25 appropriations. All monies that are not used for an approved program
26 proposal within the school safety program during the fiscal year for which
27 the monies were appropriated revert to the department of education for
28 distribution to the program in the following fiscal year.

29 K. Monies received by a school district or charter school under the
30 program shall be spent to implement the approved program proposals.

31 L. The auditor general shall include the school safety program as
32 part of its ongoing sunset review of agencies and programs.

33 M. For the purposes of this section:

34 1. "Law-related education" means interactive education to equip
35 children and youth with knowledge and skills pertaining to the law, school
36 safety and effective citizenship.

37 2. "Law-related education program" means a program designed to
38 provide children and youth with knowledge, skills and activities
39 pertaining to the law and legal process and to promote law-abiding
40 behavior with the purpose of preventing children and youth from engaging
41 in delinquency or violence and enabling them to become productive
42 citizens.

43 3. "School counselor" means a professional educator who holds a
44 valid school counselor certificate issued by the department of education.

1 4. "School guidance and counseling program" means a counseling
2 program that supports, promotes and enhances the academic, ~~personal,~~
3 social, ~~emotional~~ and career development of all students.

4 5. "School resource officer" means a peace officer or a
5 full-authority reserve peace officer who is certified by the Arizona peace
6 officer standards and training board.

7 6. "School social worker" means a professional educator who holds a
8 valid school social worker certificate issued by the department of
9 education.

10 Sec. 2. Title 15, chapter 5, article 1, Arizona Revised Statutes,
11 is amended by adding section 15-509, to read:

12 15-509. School counselors; consent form

13 A. AT THE BEGINNING OF EACH SCHOOL YEAR, EACH PUBLIC SCHOOL THAT
14 OFFERS THE SERVICES OF A SCHOOL COUNSELOR SHALL PROVIDE THE PARENT OF EACH
15 STUDENT ENROLLED IN THE PUBLIC SCHOOL WITH A SCHOOL COUNSELING CONSENT
16 FORM. EACH PARENT MAY INDICATE ON THE SCHOOL COUNSELING CONSENT FORM ANY
17 TOPIC OR TOPICS THAT THE SCHOOL COUNSELOR IS PROHIBITED FROM DISCUSSING
18 WITH THE PARENT'S CHILD. EXCEPT AS PRESCRIBED IN SUBSECTION B OF THIS
19 SECTION, A SCHOOL COUNSELOR MAY NOT DISCUSS ANY TOPIC WITH A STUDENT THAT
20 THE STUDENT'S PARENT HAS INDICATED ON THE SCHOOL COUNSELOR CONSENT FORM.

21 B. A PARENT MAY NOT PROHIBIT A SCHOOL COUNSELOR FROM DISCUSSING
22 EITHER OF THE FOLLOWING WITH THE PARENT'S CHILD:

23 1. ANY MATTER THAT THE SCHOOL COUNSELOR WOULD BE REQUIRED TO REPORT
24 UNDER SECTION 13-3620.

25 2. STUDENT SAFETY CONCERNS.

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

28 15-843. Pupil disciplinary proceedings; definition

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

34 B. The governing board of any school district, in consultation with
35 the teachers and parents of the school district, shall prescribe rules for
36 the discipline, suspension and expulsion of pupils. The rules shall be
37 consistent with the constitutional rights of pupils and shall include at
38 least the following:

39 1. Penalties for excessive pupil absenteeism pursuant to section
40 15-803, including failure in a subject, failure to pass a grade,
41 suspension or expulsion.

42 2. Procedures for using corporal punishment if allowed by the
43 governing board.

- 1 3. Procedures for the reasonable use of physical force by
2 certificated or classified personnel in self-defense, defense of others
3 and defense of property.
- 4 4. Procedures for dealing with pupils who have committed or who are
5 believed to have committed a crime.
- 6 5. A notice and hearing procedure for cases concerning the
7 suspension of a pupil for more than ten days.
- 8 6. Procedures and conditions for readmitting a pupil who has been
9 expelled or suspended for more than ten days.
- 10 7. Procedures to appeal to the governing board the suspension of a
11 pupil for more than ten days, if the decision to suspend the pupil was not
12 made by the governing board.
- 13 8. Procedures to appeal the recommendation of the hearing officer
14 or officers designated by the board as provided in subsection F of this
15 section at the time the board considers the recommendation.
- 16 9. Disciplinary policies for confining pupils WHO ARE left alone in
17 an enclosed space. These policies shall include the following:
- 18 (a) A process for prior written parental notification that
19 confinement may be used for disciplinary purposes ~~and~~ that is included in
20 the pupil's enrollment packet or admission form.
- 21 (b) A process for prior written parental consent before confinement
22 is allowed for any pupil in the school district. The policies shall
23 provide for an exemption to prior written parental consent if a school
24 principal or teacher determines that the pupil poses imminent physical
25 harm to self or others. The school principal or teacher shall make
26 reasonable attempts to notify the pupil's parent or guardian in writing by
27 the end of the same day that confinement was used.
- 28 10. Procedures that require the school district to annually report
29 to the department of education in a manner prescribed by the department
30 the number of suspensions and expulsions that involve the possession, use
31 or sale of an illegal substance under title 13, chapter 34 and the type of
32 illegal substance involved in each suspension or expulsion. The
33 department of education shall compile this information and annually post
34 the information on its website. The information shall comply with the
35 family educational rights and privacy act of 1974 (P.L. 93-380; 88 Stat.
36 ~~57~~ 571; 20 United States Code section 1232g), shall not include personally
37 identifiable information and shall show the number of suspensions and
38 expulsions associated with each illegal substance aggregated statewide and
39 by county.
- 40 C. Penalties adopted pursuant to subsection B, paragraph 1 of this
41 section for excessive absenteeism shall not be applied to pupils who have
42 completed the course requirements and whose absence from school is due
43 solely to illness, disease or accident as certified by a person who is
44 licensed pursuant to title 32, chapter 7, 13, 14, 15 or 17.

1 D. The governing board shall:
2 1. Support and assist teachers in implementing and enforcing the
3 rules prescribed pursuant to subsection B of this section.
4 2. Develop procedures allowing teachers and principals to recommend
5 the suspension or expulsion of pupils.
6 3. Develop procedures allowing teachers and principals to
7 temporarily remove disruptive pupils from a class.
8 4. Delegate to the principal the authority to remove a disruptive
9 pupil from the classroom.

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

14 F. In all actions concerning the expulsion of a pupil, the
15 governing board of a school district shall:
16 1. Be notified of the intended action.
17 2. Either:
18 (a) Decide, in executive session, whether to hold a hearing or to
19 designate one or more hearing officers to hold a hearing to hear the
20 evidence, prepare a record and bring a recommendation to the board for
21 action and whether the hearing shall be held in executive session.
22 (b) Provide by policy or vote at its annual organizational meeting
23 that all hearings concerning the expulsion of a pupil conducted pursuant
24 to this section will be conducted before a hearing officer selected from a
25 list of hearing officers approved by the governing board.

26 3. Give written notice, at least five working days before the
27 hearing by the governing board or the hearing officer or officers
28 designated by the governing board, to all pupils subject to expulsion and
29 their parents or guardians of the date, time and place of the hearing. If
30 the governing board decides that the hearing is to be held in executive
31 session, the written notice shall include a statement of the right of the
32 parents or guardians or an emancipated pupil who is subject to expulsion
33 to object to the governing board's decision to have the hearing held in
34 executive session. Objections shall be made in writing to the governing
35 board.

36 G. If a parent or guardian or an emancipated pupil who is subject
37 to expulsion disagrees that the hearing should be held in executive
38 session, the hearing shall be held in an open meeting unless:
39 1. If only one pupil is subject to expulsion and disagreement
40 exists between that pupil's parents or guardians, the governing board,
41 after consultations with the pupil's parents or guardians or the
42 emancipated pupil, shall decide in executive session whether the hearing
43 will be in executive session.

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

4 H. This section does not prevent the pupil who is subject to
5 expulsion or suspension, and the pupil's parents or guardians and legal
6 counsel, from attending any executive session pertaining to the proposed
7 disciplinary action, from having access to the minutes and testimony of
8 the executive session or from recording the session at the parent's or
9 guardian's expense.

10 I. In schools employing a superintendent or a principal, the
11 authority to suspend a pupil from school is vested in the superintendent,
12 principal or other school officials granted this power by the governing
13 board of the school district.

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

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

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

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

23 (a) Involves the possession of a dangerous weapon without
24 authorization from the school.

25 (b) Involves the possession, use or sale of a dangerous drug as
26 defined in section 13-3401 or a narcotic drug as defined in section
27 13-3401 or a violation of section 13-3411.

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

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

32 (i) The pupil is engaged in persistent behavior that has been
33 documented by the school and that prevents other pupils from learning or
34 prevents the teacher from maintaining control of the classroom
35 environment.

36 (ii) The pupil's ongoing behavior is unresponsive to targeted
37 interventions as documented through an established intervention process
38 that includes **DISCUSSION WITH THE PUPIL'S PARENT OR GUARDIAN AND**
39 consultation with a school counselor, school psychologist or other mental
40 health professional or social worker if available within the school
41 district or charter school or through a state-sponsored program.

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

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

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

8 4. Before suspending or expelling the pupil, the school district or
9 charter school considers and, if feasible while maintaining the health and
10 safety of others, in consultation with the pupil's parent or guardian to
11 the extent possible, employs alternative behavioral and disciplinary
12 interventions that are available to the school district or charter school,
13 that are appropriate to the circumstances and that are considerate of
14 health and safety. The school district or charter school shall document
15 the alternative behavioral and disciplinary interventions it considers and
16 employs.

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

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

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

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

33 M. Rules pertaining to the discipline, suspension and expulsion of
34 pupils shall not be based on race, color, religion, sex, national origin
35 or ancestry. If the department of education, the auditor general or the
36 attorney general determines that a school district is substantially and
37 deliberately not in compliance with this subsection and if the school
38 district has failed to correct the deficiency within ninety days after
39 receiving notice from the department of education, the superintendent of
40 public instruction may withhold the monies the school district would
41 otherwise be entitled to receive from the date of the determination of
42 noncompliance until the department of education determines that the school
43 district is in compliance with this subsection.

1 N. The principal of each school shall ensure that a copy of all
2 rules pertaining to THE discipline, suspension and expulsion of pupils is
3 distributed to the parents of each pupil at the time the pupil is enrolled
4 in THE school.

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

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

13 Q. For the purposes of this section, "aggravating circumstances"
14 means the pupil is engaged in persistent behavior that:

- 15 1. Has been documented by the school.
- 16 2. Prevents other students from learning or prevents the teacher
17 from maintaining control of the classroom environment.
- 18 3. Is unresponsive to targeted interventions as documented through
19 an established intervention process.