

House Engrossed Senate Bill

~~violations of state law; schools~~
(now: school districts; parent complaints; reporting)

State of Arizona
Senate
Fifty-sixth Legislature
First Regular Session
2023

SENATE BILL 1410

AN ACT

AMENDING SECTION 15-102, ARIZONA REVISED STATUTES; AMENDING TITLE 15, CHAPTER 2, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTION 15-231.01; AMENDING TITLE 15, CHAPTER 3, ARTICLE 3, ARIZONA REVISED STATUTES, BY ADDING SECTION 15-342.06; RELATING TO THE RIGHTS OF STUDENTS AND PARENTS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 15-102, Arizona Revised Statutes, is amended to
3 read:

4 15-102. Parental involvement in the school; definition

5 A. Each school district governing board, in consultation with
6 parents, teachers and administrators, shall develop and adopt a policy to
7 promote the involvement of parents and guardians of children enrolled in
8 the schools within the school district, including:

9 1. A plan for parent participation in the schools that is designed
10 to improve parent and teacher cooperation in such areas as homework,
11 attendance and discipline. The plan shall provide for the administration
12 of a parent-teacher satisfaction survey.

13 2. Procedures by which parents may learn about the course of study
14 for their children and review learning materials, including the source of
15 any supplemental educational materials.

16 3. Beginning January 1, 2023, procedures by which parents have
17 access to the school's library collection of available books and materials
18 and parents may receive a list of books and materials borrowed from the
19 library by their children. The policy must provide that the following are
20 exempt from the procedures prescribed pursuant to this paragraph:

21 (a) Schools without a full-time library media specialist or an
22 equivalent position.

23 (b) School district libraries that have agreements with county free
24 library districts, municipal libraries or other entities pursuant to
25 section 15-362, subsection D.

26 4. Procedures by which parents who object to any learning material
27 or activity on the basis that the material or activity is harmful may
28 withdraw their children from the activity or from the class or program in
29 which the material is used. Objection to a learning material or activity
30 on the basis that the material or activity is harmful includes objection
31 to the material or activity because it questions beliefs or practices in
32 sex, morality or religion.

33 5. If a school district offers any sex education curricula pursuant
34 to section 15-711 or 15-716 or pursuant to any rules adopted by the state
35 board of education, procedures to prohibit the school district from
36 providing sex education instruction to a pupil unless the pupil's parent
37 provides written permission for the child to participate in the sex
38 education curricula.

39 6. Procedures by which parents will be notified in advance of and
40 given the opportunity to opt their children in to any instruction,
41 learning materials or presentations regarding sexuality, in courses other
42 than formal sex education curricula.

1 7. Procedures by which parents may learn about the nature and
2 purpose of clubs and activities that are part of the school curriculum,
3 extracurricular clubs and activities that have been approved by the
4 school.

5 8. Procedures by which parents may learn about parental rights and
6 responsibilities under the laws of this state, including the following:

7 (a) The right to opt in to a sex education curriculum if one is
8 provided by the school district.

9 (b) Open enrollment rights pursuant to section 15-816.01.

10 (c) The right to opt out of assignments pursuant to this section.

11 (d) The right to opt out of immunizations pursuant to section
12 15-873.

13 (e) The promotion requirements prescribed in section 15-701.

14 (f) The minimum course of study and competency requirements for
15 graduation from high school prescribed in section 15-701.01.

16 (g) The right to opt out of instruction on acquired immune
17 deficiency syndrome pursuant to section 15-716.

18 (h) The right to review test results pursuant to section 15-743.

19 (i) The right to participate in gifted programs pursuant to section
20 15-779.01.

21 (j) The right to access instructional materials pursuant to section
22 15-730.

23 (k) The right to receive a school report card pursuant to section
24 15-746.

25 (l) The attendance requirements prescribed in sections 15-802,
26 15-803 and 15-821.

27 (m) The right to public review of courses of study, textbooks and
28 library books and materials pursuant to sections 15-721 and 15-722.

29 (n) The right to be excused from school attendance for religious
30 purposes pursuant to section 15-806.

31 (o) Policies related to parental involvement pursuant to this
32 section.

33 (p) The right to seek membership on school councils pursuant to
34 section 15-351.

35 (q) Information about the student accountability information system
36 as prescribed in section 15-1041.

37 (r) The right to access the failing schools tutoring fund pursuant
38 to section 15-241.

39 (s) The right to access all written and electronic records of a
40 school district or school district employee concerning the parent's child
41 pursuant to section 15-143.

42 (t) THE RIGHT TO FILE A COMPLAINT PURSUANT TO SECTION 15-342.06 IF
43 THE PARENT BELIEVES THAT THE SCHOOL, THE SCHOOL DISTRICT OR AN EMPLOYEE OR
44 CONTRACTOR OF THE SCHOOL OR SCHOOL DISTRICT HAS VIOLATED ANY OF THE RIGHTS
45 OF THE PARENT OR STUDENT.

1 B. The policy adopted by the governing board pursuant to this
2 section may also include the following components:

3 1. A plan by which parents will be made aware of the district's
4 parental involvement policy and this section, including:

5 (a) Rights under the family educational rights and privacy act of
6 1974 (20 United States Code section 1232g) relating to access to
7 children's official records.

8 (b) The parent's right to inspect the school district policies and
9 curriculum.

10 2. Efforts to encourage the development of parenting skills.

11 3. Communicating to parents techniques that are designed to assist
12 the child's learning experience in the home.

13 4. Efforts to encourage access to community and support services
14 for children and families.

15 5. Promoting communication between the school and parents
16 concerning school programs and the academic progress of the parents'
17 children.

18 6. Identifying opportunities for parents to participate in and
19 support classroom instruction at the school.

20 7. Efforts to support, with appropriate training, parents as shared
21 decision-makers and to encourage membership on school councils.

22 8. Recognizing the diversity of parents and developing guidelines
23 that promote widespread parental participation and involvement in the
24 school at various levels.

25 9. Developing preparation programs and specialized courses for
26 certificated employees and administrators that promote parental
27 involvement.

28 10. Developing strategies and programmatic structures at schools to
29 encourage and enable parents to participate actively in their children's
30 education.

31 C. The governing board may adopt a policy to provide to parents the
32 information required by this section in an electronic form.

33 D. A parent shall submit a written request for information pursuant
34 to this section during regular business hours to either the school
35 principal at the school site or the superintendent of the school district
36 at the office of the school district. Within ten days after receiving the
37 request for information, the school principal or the superintendent of the
38 school district shall either deliver the requested information to the
39 parent or submit to the parent a written explanation of the reasons for
40 denying the requested information. If the request for information is
41 denied or the parent does not receive the requested information within
42 fifteen days after submitting the request for information, the parent may
43 request the information in writing from the school district governing
44 board, which shall formally consider the request at the next scheduled
45 public meeting of the governing board if the request can be properly

1 noticed on the agenda. If the request cannot be properly noticed on the
2 agenda, the governing board shall formally consider the request at the
3 next subsequent public meeting of the governing board.

4 E. For the purposes of this section, "parent" means the natural or
5 adoptive parent or legal guardian of a minor child.

6 Sec. 2. Title 15, chapter 2, article 2, Arizona Revised Statutes,
7 is amended by adding section 15-231.01, to read:

8 15-231.01. Parent complaints; annual report

9 A. THE DEPARTMENT OF EDUCATION SHALL COMPILE A REPORT OF THE PARENT
10 COMPLAINT INFORMATION SUBMITTED BY SCHOOL DISTRICTS PURSUANT TO SECTION
11 15-342.06. THE DEPARTMENT SHALL CREATE A SUMMARY OF THE INFORMATION THAT
12 INCLUDES AT LEAST THE FOLLOWING INFORMATION:

13 1. THE NUMBER OF UNRESOLVED COMPLAINTS AT THE BEGINNING OF THE
14 SCHOOL YEAR, DISAGGREGATED BY THE SUBJECT OF THE COMPLAINT.

15 2. THE NUMBER OF NEW COMPLAINTS THAT WERE FILED DURING THE SCHOOL
16 YEAR, DISAGGREGATED BY THE SUBJECT OF THE COMPLAINT.

17 3. THE NUMBER OF COMPLAINTS FOR EACH SCHOOL DISTRICT DURING THE
18 SCHOOL YEAR THAT EITHER:

19 (a) WERE DISMISSED, TOGETHER WITH THE REASON FOR DISMISSAL.

20 (b) ARE UNDER INVESTIGATION, TOGETHER WITH THE AVERAGE NUMBER OF
21 DAYS BETWEEN THE DATE A COMPLAINT IS FILED AND THE DATE THE COMPLAINT IS
22 RESOLVED.

23 (c) WERE WITHDRAWN, INCLUDING WHETHER THE WITHDRAWAL WAS PURSUANT
24 TO AN AGREEMENT BETWEEN THE COMPLAINANT AND THE SCHOOL OR SCHOOL DISTRICT.

25 4. THE NUMBER OF VIOLATIONS THAT WERE FOUND, INCLUDING ANY
26 CORRECTIVE ACTION TAKEN BY THE SCHOOL OR SCHOOL DISTRICT.

27 B. ON OR BEFORE SEPTEMBER 1, 2024 AND EACH YEAR THEREAFTER, THE
28 DEPARTMENT OF EDUCATION SHALL SUBMIT THE REPORT PRESCRIBED BY SUBSECTION A
29 OF THIS SECTION TO THE GOVERNOR, THE PRESIDENT OF THE SENATE AND THE
30 SPEAKER OF THE HOUSE OF REPRESENTATIVES. THE DEPARTMENT OF EDUCATION
31 SHALL SUBMIT A COPY OF THE REPORT TO THE SECRETARY OF STATE AND TO THE
32 AUDITOR GENERAL.

33 Sec. 3. Title 15, chapter 3, article 3, Arizona Revised Statutes,
34 is amended by adding section 15-342.06, to read:

35 15-342.06. Parent complaints; investigation; resolution;
36 reporting requirement; annual report

37 A. EACH SCHOOL DISTRICT GOVERNING BOARD SHALL PRESCRIBE AND ENFORCE
38 POLICIES AND PROCEDURES TO ESTABLISH A MECHANISM FOR EACH INDIVIDUAL
39 SCHOOL THAT IS OPERATED BY THE SCHOOL DISTRICT TO RECEIVE AND INVESTIGATE
40 COMPLAINTS FILED BY PARENTS OF STUDENTS ALLEGING THAT THE SCHOOL, THE
41 SCHOOL DISTRICT OR AN EMPLOYEE OR CONTRACTOR OF THE SCHOOL OR SCHOOL
42 DISTRICT HAS VIOLATED ANY OF THE RIGHTS OF THE PARENT OR STUDENT. THE
43 POLICIES AND PROCEDURES SHALL REQUIRE EACH INDIVIDUAL SCHOOL TO DO ALL OF
44 THE FOLLOWING:

1 1. AT THE BEGINNING OF EACH SCHOOL YEAR OR AT THE TIME OF A
2 STUDENT'S ENROLLMENT, NOTIFY EACH PARENT OF THE PARENT'S RIGHT TO FILE A
3 FORMAL COMPLAINT, INCLUDING THE PROCESS AND REQUIREMENTS FOR FILING A
4 COMPLAINT.

5 2. DESIGNATE AN ADMINISTRATOR WHO IS RESPONSIBLE FOR RECEIVING,
6 INVESTIGATING AND RESOLVING ALL COMPLAINTS FILED PURSUANT TO THIS SECTION.

7 3. ON AT LEAST A QUARTERLY BASIS, REPORT TO THE SCHOOL DISTRICT
8 GOVERNING BOARD THE FOLLOWING INFORMATION:

9 (a) THE NUMBER OF UNRESOLVED COMPLAINTS AT THE BEGINNING OF THE
10 RELEVANT TIME PERIOD, DISAGGREGATED BY THE SUBJECT OF THE COMPLAINT.

11 (b) THE NUMBER OF NEW COMPLAINTS THAT HAVE BEEN FILED DURING THE
12 RELEVANT TIME PERIOD, DISAGGREGATED BY THE SUBJECT OF THE COMPLAINT.

13 (c) FOR EACH COMPLAINT INCLUDED IN THE REPORT PURSUANT TO
14 SUBDIVISION (a) OR (b) OF THIS PARAGRAPH, ONE OF THE FOLLOWING:

15 (i) IF THE COMPLAINT WAS DISMISSED, THE REASON FOR DISMISSAL.

16 (ii) IF THE COMPLAINT IS UNDER INVESTIGATION, THE DATE ON WHICH THE
17 COMPLAINT WAS FILED AND, IF APPLICABLE, THE DATE OR DATES ON WHICH
18 ADDITIONAL INFORMATION WAS REQUESTED OR RECEIVED BY THE DESIGNATED
19 ADMINISTRATOR.

20 (iii) IF THE COMPLAINT WAS WITHDRAWN BY THE COMPLAINANT, THE REASON
21 FOR THE WITHDRAWAL, IF AVAILABLE, THE DESIGNATED ADMINISTRATOR'S FINDINGS
22 RELATING TO THE COMPLAINT, ANY ACTION TAKEN BY THE SCHOOL TO ADDRESS THE
23 SUBJECT OF THE COMPLAINT AND, IF APPLICABLE, THE TERMS OF THE AGREEMENT
24 BETWEEN THE SCHOOL AND THE COMPLAINANT.

25 (iv) IF THE DESIGNATED ADMINISTRATOR FINDS THAT ONE OR MORE
26 VIOLATIONS ALLEGED IN A COMPLAINT WERE TRUE, WHAT ACTION THE SCHOOL HAS
27 TAKEN OR WILL TAKE TO ADDRESS THE VIOLATION AND TO PREVENT FUTURE
28 VIOLATIONS.

29 B. ON OR BEFORE JULY 1, 2024 AND EACH YEAR THEREAFTER, EACH SCHOOL
30 DISTRICT GOVERNING BOARD SHALL COMPILE THE INFORMATION REPORTED PURSUANT
31 TO SUBSECTION A, PARAGRAPH 3 OF THIS SECTION DURING THE IMMEDIATELY
32 PRECEDING SCHOOL YEAR AND SHALL SUBMIT THE COMPILED INFORMATION TO THE
33 DEPARTMENT OF EDUCATION IN THE FORM AND MANNER PRESCRIBED BY THE
34 DEPARTMENT.