

REFERENCE TITLE: public schools; student discipline; absenteeism

State of Arizona  
House of Representatives  
Fifty-sixth Legislature  
Second Regular Session  
2024

## **HB 2218**

Introduced by  
Representatives Terech: Gillette, Gutierrez, Hendrix, Marshall, Pawlik,  
Schwiebert; Senators Bennett, Carroll, Kavanagh, Marsh, Shope, Wadsack

AN ACT

AMENDING TITLE 15, CHAPTER 1, ARTICLE 8, ARIZONA REVISED STATUTES, BY  
ADDING SECTION 15-186.02; AMENDING SECTION 15-843, ARIZONA REVISED  
STATUTES; RELATING TO THE SUSPENSION AND EXPULSION OF PUPILS.

(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 1, article 8, Arizona Revised  
3 Statutes, is amended by adding section 15-186.02, to read:

4 15-186.02. Student discipline; absenteeism

5 ANY PENALTY IMPOSED BY A CHARTER SCHOOL FOR A STUDENT'S UNEXCUSED  
6 ABSENCE OR ABSENCES MAY NOT INCLUDE SUSPENSION.

7 Sec. 2. Section 15-843, Arizona Revised Statutes, is amended to  
8 read:

9 15-843. Student disciplinary proceedings; definition

10 A. An action concerning discipline, suspension or expulsion of a  
11 ~~pupit~~ STUDENT is not subject to title 38, chapter 3, article 3.1, except  
12 that the governing board of a school district shall post regular notice  
13 and shall take minutes of any hearing held by the governing board  
14 concerning the discipline, suspension or expulsion of a ~~pupit~~ STUDENT.

15 B. The governing board of any school district, in consultation with  
16 the teachers and parents of the school district, shall prescribe rules for  
17 the discipline, suspension and expulsion of ~~pupit~~s STUDENTS. The rules  
18 shall be consistent with the constitutional rights of ~~pupit~~s STUDENTS and  
19 shall include at least the following:

20 1. Penalties for excessive ~~pupit~~ STUDENT absenteeism pursuant to  
21 section 15-803, including failure in a subject, failure to pass a  
22 grade, ~~suspension~~ or expulsion. PENALTIES ADOPTED PURSUANT TO THIS  
23 PARAGRAPH MAY NOT INCLUDE SUSPENSION.

24 2. Procedures for using corporal punishment if allowed by the  
25 governing board.

26 3. Procedures for the reasonable use of physical force by  
27 certificated or classified personnel in self-defense, defense of others  
28 and defense of property.

29 4. Procedures for dealing with ~~pupit~~s STUDENTS who have committed  
30 or who are believed to have committed a crime.

31 5. A notice and hearing procedure for cases concerning the  
32 suspension of a ~~pupit~~ STUDENT for more than ten days.

33 6. Procedures and conditions for readmitting a ~~pupit~~ STUDENT who  
34 has been expelled or suspended for more than ten days.

35 7. Procedures to appeal to the governing board the suspension of a  
36 ~~pupit~~ STUDENT for more than ten days, if the decision to suspend the ~~pupit~~  
37 STUDENT was not made by the governing board.

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

41 9. Disciplinary policies for confining ~~pupit~~s STUDENTS who are left  
42 alone in an enclosed space. These policies shall include the following:

43 (a) A process for prior written parental notification that  
44 confinement may be used for disciplinary purposes and that is included in  
45 the ~~pupit~~'s STUDENT'S enrollment packet or admission form.

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

8 10. Procedures that require the school district to annually report  
9 to the department of education in a manner prescribed by the department  
10 the number of suspensions and expulsions that involve the possession, use  
11 or sale of an illegal substance under title 13, chapter 34 and the type of  
12 illegal substance involved in each suspension or expulsion. The  
13 department of education shall compile this information and annually post  
14 the information on its website. The information shall comply with the  
15 family educational rights and privacy act of 1974 (P.L. 93-380; 88 Stat.  
16 571; 20 United States Code section 1232g), shall not include personally  
17 identifiable information and shall show the number of suspensions and  
18 expulsions associated with each illegal substance aggregated statewide and  
19 by county.

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

25 D. The governing board shall:

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

28 2. Develop procedures allowing teachers and principals to recommend  
29 the suspension or expulsion of ~~pupit's~~ STUDENTS.

30 3. Develop procedures allowing teachers and principals to  
31 temporarily remove disruptive ~~pupit's~~ STUDENTS from a class.

32 4. Delegate to the principal the authority to remove a disruptive  
33 ~~pupit~~ STUDENT from the classroom.

34 E. If a ~~pupit~~ STUDENT withdraws from school after receiving notice  
35 of possible action concerning discipline, expulsion or suspension, the  
36 governing board may continue with the action after the withdrawal and may  
37 record the results of such action in the ~~pupit's~~ STUDENT'S permanent file.

38 F. In all actions concerning the expulsion of a ~~pupit~~ STUDENT, the  
39 governing board of a school district shall:

40 1. Be notified of the intended action.

41 2. Either:

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

1 (b) Provide by policy or vote at its annual organizational meeting  
2 that all hearings concerning the expulsion of a ~~pupit~~ STUDENT conducted  
3 pursuant to this section will be conducted before a hearing officer  
4 selected from a list of hearing officers approved by the governing board.

5 3. Give written notice, at least five working days before the  
6 hearing by the governing board or the hearing officer or officers  
7 designated by the governing board, to all ~~pupits~~ STUDENTS subject to  
8 expulsion and their parents or guardians of the date, time and place of  
9 the hearing. If the governing board decides that the hearing is to be  
10 held in executive session, the written notice shall include a statement of  
11 the right of the parents or guardians or an emancipated ~~pupit~~ STUDENT who  
12 is subject to expulsion to object to the governing board's decision to  
13 have the hearing held in executive session. Objections shall be made in  
14 writing to the governing board.

15 G. If a parent or guardian or an emancipated ~~pupit~~ STUDENT who is  
16 subject to expulsion disagrees that the hearing should be held in  
17 executive session, the hearing shall be held in an open meeting unless:

18 1. If only one ~~pupit~~ STUDENT is subject to expulsion and  
19 disagreement exists between that ~~pupit's~~ STUDENT'S parents or guardians,  
20 the governing board, after consultations with the ~~pupit's~~ STUDENT'S  
21 parents or guardians or the emancipated ~~pupit~~ STUDENT, shall decide in  
22 executive session whether the hearing will be in executive session.

23 2. If more than one ~~pupit~~ STUDENT is subject to expulsion and  
24 disagreement exists between the parents or guardians of different ~~pupits~~  
25 STUDENTS, separate hearings shall be held subject to this section.

26 H. This section does not prevent the ~~pupit~~ STUDENT who is subject  
27 to expulsion or suspension, and the ~~pupit's~~ STUDENT'S parents or guardians  
28 and legal counsel, from attending any executive session pertaining to the  
29 proposed disciplinary action, from having access to the minutes and  
30 testimony of the executive session or from recording the session at the  
31 parent's or guardian's expense.

32 I. In schools employing a superintendent or a principal, the  
33 authority to suspend a ~~pupit~~ STUDENT from school is vested in the  
34 superintendent, principal or other school officials granted this power by  
35 the governing board of the school district.

36 J. In schools that do not have a superintendent or principal, a  
37 teacher may suspend a ~~pupit~~ STUDENT from school.

38 K. Except as provided in subsection L of this section, a school  
39 district or charter school may suspend or expel a ~~pupit~~ STUDENT who is  
40 enrolled in a kindergarten program, first grade, second grade, third grade  
41 or fourth grade only if all of the following apply:

- 42 1. The ~~pupit~~ STUDENT is seven years of age or older.
- 43 2. The ~~pupit~~ STUDENT engaged in conduct on school grounds ~~that~~  
44 ~~meets~~ AND AT LEAST one of the following criteria APPLIES:

1 (a) ~~THE CONDUCT~~ involves the possession of a dangerous weapon  
2 without authorization from the school.

3 (b) ~~THE CONDUCT~~ involves the possession, use or sale of a dangerous  
4 drug as defined in section 13-3401 or a narcotic drug as defined in  
5 section 13-3401 or a violation of section 13-3411.

6 (c) ~~THE CONDUCT~~ immediately endangers the health or safety of  
7 others.

8 (d) The ~~pupil's~~ ~~STUDENT'S~~ behavior is determined by the school  
9 district governing board or charter school governing body to qualify as  
10 aggravating circumstances and all of the following apply:

11 (i) The ~~pupil~~ ~~STUDENT~~ is engaged in persistent behavior that has  
12 been documented by the school and that prevents other ~~pupils~~ ~~STUDENTS~~ from  
13 learning or prevents the teacher from maintaining control of the classroom  
14 environment.

15 (ii) The ~~pupil's~~ ~~STUDENT'S~~ ongoing behavior is unresponsive to  
16 targeted interventions as documented through an established intervention  
17 process that includes consultation with a school counselor, school  
18 psychologist or other mental health professional or social worker if  
19 available within the school district or charter school or through a  
20 state-sponsored program.

21 (iii) The ~~pupil's~~ ~~STUDENT'S~~ parent or guardian was notified and  
22 consulted about the ongoing behavior.

23 (iv) Before a long-term suspension or expulsion, the school  
24 provides the ~~pupil~~ ~~STUDENT~~ with a disability screening and the screening  
25 finds that the behavioral issues were not the result of a disability.

26 3. Failing to remove the ~~pupil~~ ~~STUDENT~~ from the school building  
27 would create a safety threat that cannot otherwise reasonably be addressed  
28 or qualifies as aggravating circumstances as specified in paragraph 2 of  
29 this subsection.

30 4. Before suspending or expelling the ~~pupil~~ ~~STUDENT~~, the school  
31 district or charter school considers and, if feasible while maintaining  
32 the health and safety of others, in consultation with the ~~pupil's~~  
33 ~~STUDENT'S~~ parent or guardian to the extent possible, employs alternative  
34 behavioral and disciplinary interventions that are available to the school  
35 district or charter school, that are appropriate to the circumstances and  
36 that are considerate of health and safety. The school district or charter  
37 school shall document the alternative behavioral and disciplinary  
38 interventions it considers and employs.

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

41 (a) A readmission procedure for ~~pupils~~ ~~STUDENTS~~ who are in  
42 kindergarten programs, first grade, second grade, third grade and fourth  
43 grade and who have served at least five school days of a suspension from  
44 the school that exceeds ten school days to be considered for readmission  
45 on appeal of the ~~pupil's~~ ~~STUDENT'S~~ parent or guardian.

1 (b) A readmission procedure for ~~pupils~~ STUDENTS who are in  
2 kindergarten programs, first grade, second grade, third grade and fourth  
3 grade and who are expelled from or subject to alternative reassignment at  
4 the school to be considered for readmission on appeal of the ~~pupils~~  
5 STUDENT'S parent or guardian at least twenty school days after the  
6 effective date of the expulsion or alternative reassignment.

7 L. Subsection K of this section does not apply if either:

8 1. Expulsion is required pursuant to section 15-841, subsection G.

9 2. The school district or charter school is suspending the ~~pupil~~  
10 STUDENT for two or fewer days and the aggregate suspensions for the ~~pupil~~  
11 STUDENT do not exceed ten days within the school year.

12 M. All cases of suspension shall be for good cause, MAY NOT BE  
13 SOLELY BASED ON A STUDENT'S ABSENTEEISM and shall be reported within five  
14 days to the governing board by the superintendent or the person imposing  
15 the suspension.

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

27 O. The principal of each school shall ensure that a copy of all  
28 rules pertaining to the discipline, suspension and expulsion of ~~pupils~~  
29 STUDENTS is distributed to the parents of each ~~pupil~~ STUDENT at the time  
30 the ~~pupil~~ STUDENT is enrolled in the school.

31 P. The principal of each school shall ensure that all rules  
32 pertaining to the discipline, suspension and expulsion of ~~pupils~~ STUDENTS  
33 are communicated to students at the beginning of each school year, and to  
34 transfer students at the time of their enrollment in the school.

35 Q. School districts may refer a ~~pupil~~ STUDENT who has been subject  
36 to discipline, suspension or expulsion pursuant to this section to a  
37 career and college readiness program for at-risk students established  
38 pursuant to section 15-707.

39 R. For the purposes of this section, "aggravating circumstances"  
40 means the ~~pupil~~ STUDENT is engaged in persistent behavior that:

41 1. Has been documented by the school.

42 2. Prevents other students from learning or prevents the teacher  
43 from maintaining control of the classroom environment.

44 3. Is unresponsive to targeted interventions as documented through  
45 an established intervention process.