

COMMITTEE ON EDUCATION
SENATE AMENDMENTS TO H.B. 2610
(Reference to House engrossed bill)

Amendment instruction key:

[GREEN UNDERLINING IN BRACKETS] indicates text added to statute or previously enacted session law.

[Green underlining in brackets] indicates text added to new session law or text restoring existing law.

[~~GREEN STRIKEOUT IN BRACKETS~~] indicates new text removed from statute or previously enacted session law.

[~~Green strikeout in brackets~~] indicates text removed from existing statute, previously enacted session law or new session law.

<<Green carets>> indicate a section added to the bill.

<<~~Green strikeout in carets~~>> indicates a section removed from the bill.

1 The bill as proposed to be amended is reprinted as follows:

2 Section 1. Section 15-103, Arizona Revised Statutes, is amended to
3 read:

4 15-103. School districts; financial mismanagement;
5 intervention; receivership; definitions

6 A. The state board of education shall review allegations of school
7 district insolvency and gross mismanagement. The state board shall give
8 the school district an opportunity to respond to these allegations at a
9 public meeting. If the state board determines that the school district is
10 insolvent or has grossly mismanaged its finances, the state board shall
11 appoint a receiver or fiscal crisis team for that school district.

12 B. The state board shall find a school district insolvent if it
13 finds one or more of the following:

14 1. The school district is unable to pay debts as they fall due or
15 in the usual course of business.

16 2. The salaries of any teachers or other employees have remained
17 unpaid for forty-five days.

18 3. The tuition due another school district or other state
19 institution remains unpaid on or after January 1 of the year following the
20 school year it was due and there is no dispute regarding the validity or
21 amount of the claim.

22 4. The school district has defaulted in payment of its bonds or
23 interest on bonds or in payment of rentals due any state or federal
24 authority or private business for a period of sixty calendar days and no
25 action has been initiated within that period of time to make payment.

26 5. The school district has contracted for any loan not authorized
27 by law.

1 6. The school district has accumulated and has operated with a
2 deficit equal to five ~~per cent~~ PERCENT or more of the school district's
3 revenue control limit for any fiscal year within the past two fiscal years
4 or the conditions prescribed in section 15-107 have occurred.

5 7. The school district's warrants have not been honored for payment
6 by the school district's servicing bank or by the county treasurer and the
7 warrants have remained unpaid for a period of more than sixty calendar
8 days.

9 C. A school district shall not be deemed to be insolvent pursuant
10 to subsection B of this section if the circumstances are the result of the
11 failure of the state to make any payments of monies due the school
12 district at the time payment is due.

13 D. The state board of education ~~shall have~~ HAS jurisdiction over
14 all petitions requesting that a school district be placed in receivership
15 and a receiver be appointed or that a fiscal crisis team be appointed
16 because of the school district's alleged insolvency or gross
17 mismanagement. The state board ~~shall have~~ HAS the burden of demonstrating
18 by a preponderance of the evidence that the school district is insolvent
19 or is engaged in gross mismanagement.

20 E. If the state board of education finds that the school district
21 is insolvent or has engaged in gross mismanagement, the state board may
22 place the school district in receivership and appoint a receiver
23 recommended by the state board. The state board shall develop and adopt a
24 list of qualified receivers to be appointed by the board.

25 F. On appointment, the receiver SHALL PERFORM THE ACTIONS
26 PRESCRIBED IN PARAGRAPH 1 OF THIS SUBSECTION AND may perform any of the
27 actions prescribed in ~~paragraphs 1 through 11~~ PARAGRAPH 2 of this
28 subsection and shall begin a full review and investigation of the school
29 district's financial affairs and submit to the state board of education a
30 detailed report listing the findings of that investigation that ~~shall~~
31 ~~include~~ INCLUDES a financial improvement plan and budget that details how
32 the school district will eliminate any continued gross financial
33 mismanagement and achieve financial solvency. The plan shall include a
34 proposed timeline for achieving financial solvency. The receiver shall
35 submit the report within one hundred twenty days after the receiver's
36 appointment. The financial improvement plan approved by the state board
37 of education:

38 1. SHALL REQUIRE THE RECEIVER TO TERMINATE FOR CAUSE THE SCHOOL
39 DISTRICT SUPERINTENDENT. THE RECEIVER MAY NOT PROVIDE A SEVERANCE OR
40 BUYOUT PACKAGE TO THE SCHOOL DISTRICT SUPERINTENDENT IF THE STATE BOARD OF
41 EDUCATION PLACES THE SCHOOL DISTRICT IN RECEIVERSHIP. A SUPERINTENDENT
42 WHO IS TERMINATED PURSUANT TO THIS PARAGRAPH MAY APPEAL THE TERMINATION TO
43 THE STATE BOARD OF EDUCATION IF THE SUPERINTENDENT FILES AN APPEAL WITH
44 THE STATE BOARD WITHIN THIRTY DAYS AFTER RECEIVING NOTICE OF THE
45 TERMINATION. IF THE SUPERINTENDENT DOES NOT PREVAIL IN AN APPEAL PURSUANT

1 TO THIS PARAGRAPH, THE SUPERINTENDENT SHALL SURRENDER ANY CERTIFICATES
2 ISSUED BY THE DEPARTMENT OF EDUCATION.

3 2. May authorize the receiver to do any of the following:

4 ~~1.~~ (a) Override any decisions of the school district's governing
5 board or the school district superintendent, or both, concerning the
6 management and operation of the school district, and initiate and make
7 decisions concerning the management and operation of the school district.

8 ~~2.~~ (b) Attend any and all meetings of the school district's
9 governing board and administrative staff.

10 ~~3.~~ (c) Supervise the day-to-day activities of the school
11 district's staff, including reassigning the duties and responsibilities of
12 personnel in a manner that, in the determination of the receiver, best
13 suits the needs of the school district.

14 ~~4.~~ (d) Place on extended leave, suspend or terminate for cause the
15 school district's ~~superintendent or~~ chief financial officer, ~~or both~~. The
16 receiver is not authorized to provide a severance or buyout package to the
17 school district's ~~superintendent or~~ chief financial officer if the school
18 district is placed ~~into~~ IN receivership by the state board of education.
19 A ~~person~~ CHIEF FINANCIAL OFFICER WHO IS terminated pursuant to this
20 ~~paragraph~~ SUBDIVISION may appeal the ~~receiver's decision~~ TERMINATION to
21 the state board of education if an appeal is filed with the state board
22 within thirty days ~~of~~ AFTER receiving notice of the termination.

23 ~~5.~~ (e) Authorize pupils to transfer from schools operated by the
24 school district to schools operated by another school district that is not
25 currently in receivership.

26 ~~6.~~ (f) Appoint a chief educational officer who shall possess the
27 powers and duties of a school district superintendent. A chief
28 educational officer who is appointed pursuant to this ~~paragraph~~
29 SUBDIVISION shall hold a valid administrative certificate.

30 ~~7.~~ (g) Appoint a chief fiscal officer who shall possess the powers
31 and duties of the school district's chief school business official and any
32 other duties regarding budgeting, accounting and other financial matters
33 that are assigned to the school district by law.

34 ~~8.~~ (h) Appoint a competent independent public accountant to audit
35 the accounts of the school district.

36 ~~9.~~ (i) Reorganize the school district's financial accounts,
37 management and budgetary systems to improve financial responsibility and
38 reduce financial inefficiency within the district.

39 ~~10.~~ (j) Establish school district fiscal guidelines and a system of
40 internal controls, including internal administrative controls and internal
41 accounting controls, with provisions for internal audits.

42 ~~11.~~ (k) Cancel or renegotiate any contract, other than contracts of
43 certificated teachers who have been employed by the school district in the
44 capacity of a certificated teacher for more than one year immediately
45 before the date the receiver was appointed, to which the governing board

1 or the school district is a party if the cancellation or renegotiation of
2 the contract will produce needed economies in the operation of the
3 district's schools. The receiver may refuse to reemploy any certificated
4 teacher who has not been employed by the school district for more than the
5 major portion of three consecutive school years ~~as provided in section~~
6 ~~15-536~~.

7 G. The receiver's power, authority and duties ~~shall be~~ ARE
8 effective on the date of the receiver's appointment by the state board of
9 education. The receiver shall perform the receiver's duties according to
10 the instructions of the state board of education order and according to
11 law. The receiver shall promptly report any violations of law, including
12 a violation of the uniform system of financial records, to the state board
13 of education.

14 H. On review and approval of the state board of education, the
15 receiver shall take all necessary steps to implement the financial
16 improvement plan and budget ~~utilizing~~ USING those powers identified in the
17 plan as prescribed in subsection F of this section.

18 I. The salary and benefits of the receiver and any officers or
19 employees appointed by the receiver shall be paid by the school district.
20 The state board of education shall determine the salary for the receiver
21 and any officers or employees appointed by the receiver based on amounts
22 recommended by the state board.

23 J. The state board of education shall remove the school district
24 from receivership and dismiss the receiver and dismiss any officer or
25 employee appointed by the receiver thirty days after all of the following
26 have occurred:

27 1. The auditor general certifies that the school district has been
28 financially solvent for one fiscal year.

29 2. The auditor general certifies that the school district's
30 financial records are in compliance with the uniform system of financial
31 records and generally accepted accounting principles.

32 3. The receiver certifies that the school district is no longer
33 engaged in gross mismanagement.

34 4. The state board of education has determined that the school
35 district is able to pay its debts as those debts become due.

36 K. Beginning ninety days after the submission of the first report
37 prescribed in subsection F of this section, the receiver shall submit a
38 quarterly progress report to the state board of education. The state
39 board of education shall review the expenses and costs of the receiver at
40 least once each calendar quarter.

41 L. The state board of education shall formally review the
42 receiver's progress every six months. If, based on the quarterly progress
43 reports, the state board determines that the receiver's progress is
44 insufficient, the state board may remove the current receiver and appoint
45 another receiver for the school district.

1 M. The state board of education may dismiss the receiver for cause
2 or on a majority vote of no confidence in the receiver of the state board.

3 N. The school district shall indemnify the receiver and any officer
4 or employee appointed by the receiver who is made or threatened to be made
5 a party to any litigation by reason of their status under this section if
6 the receiver, officer or employee acted in good faith and in a manner that
7 the receiver, officer or employee reasonably believed to be consistent
8 with the best interest of the school district and if the receiver, officer
9 or employee had no reasonable cause to believe that the conduct was
10 unlawful.

11 O. During the period of time that the school district is in
12 receivership, ~~no~~ A member, officer, employee or agent of the school
13 district may NOT enter into any contract or incur any liability on behalf
14 of the school district for any purpose if the amount of the contract or
15 liability exceeds the receiver's authorized financial plan and budget for
16 the school district. The receiver may discipline, including, if warranted,
17 imposing a suspension from duty without pay, removal from office or
18 termination of, any school district employee or officer who violates this
19 subsection.

20 P. This section does not create a private cause of action against
21 the school district or its officers, directors, board members or
22 employees.

23 Q. The assumption of control of the school district by the receiver
24 shall ~~in no way~~ NOT interfere with the election ~~or reelection~~ of school
25 district governing board members, EXCEPT AS REQUIRED BY SECTION 15-302.01.

26 R. This section shall not interfere with a school district's
27 ability to declare bankruptcy under federal law.

28 S. The state board of education shall continue to monitor and offer
29 technical assistance to a school district for two years after its removal
30 from receivership.

31 T. All information received and records or reports kept by the
32 state board of education during an investigation resulting from a
33 complaint against a receiver appointed pursuant to this section or section
34 15-107 are confidential and not a public record.

35 U. The state board of education or the department of education
36 shall immediately notify the auditor general if the board or department
37 has knowledge that a superintendent or chief financial officer who was
38 employed at the school district at the time the school district was placed
39 in receivership is currently employed in another school district or
40 charter school in this state.

41 V. Notwithstanding any other law, a fiscal crisis team appointed
42 pursuant to this section ~~shall be~~ IS subject to section 15-107,
43 subsections E through H and a school district that is assigned a level two
44 fiscal crisis team pursuant to this section ~~shall be~~ IS subject to section
45 15-107, subsections J, K and L.

1 W. For the purposes of this section:

2 1. "Fiscal crisis team" means either:

3 (a) A level one fiscal crisis team with the duties and authority
4 prescribed in section 15-107, subsection D, paragraph 2.

5 (b) A level two fiscal crisis team with the duties and authority
6 prescribed in section 15-107, subsection D, paragraph 3.

7 2. "Gross mismanagement" means that the school district's officers
8 or employees committed or engaged in gross incompetence or systemic and
9 egregious mismanagement of the school district's finances or financial
10 records.

11 3. "Notice" means written notice personally served or delivered by
12 certified mail, return receipt requested.

13 4. "Receiver" means an individual WHO IS appointed by the state
14 board of education from the persons recommended by the state board for the
15 purpose of managing a school district placed in receivership by the state
16 board of education.

17 5. "Receivership" means the state or condition of being under the
18 control of the receiver appointed by the state board of education.

19 6. "Superintendent" means the chief executive officer of the school
20 district.

21 Sec. 2. Title 15, chapter 3, article 1, Arizona Revised Statutes,
22 is amended by adding section 15-302.01, to read:

23 15-302.01. School district governing board members; vacancy;
24 appointment; election; exceptions

25 A. NOTWITHSTANDING ANY OTHER LAW, IF THE STATE BOARD OF EDUCATION
26 PLACES A SCHOOL DISTRICT IN RECEIVERSHIP PURSUANT TO SECTION 15-103, EACH
27 ~~[MEMBER] [SEAT] OF THE SCHOOL DISTRICT GOVERNING BOARD [SHALL IMMEDIATELY~~
28 ~~RESIGN] [IS DEEMED VACANT BY OPERATION OF LAW] AND THE COUNTY SCHOOL~~
29 SUPERINTENDENT OF THE COUNTY IN WHICH THE SCHOOL DISTRICT IS LOCATED SHALL
30 APPOINT GOVERNING BOARD MEMBERS TO ~~[TEMPORARILY]~~ FILL THE VACANCIES
31 PURSUANT TO SECTION 15-302, EXCEPT THAT:

32 1. THE COUNTY SCHOOL SUPERINTENDENT MAY NOT ACCEPT NAMES FROM THE
33 SCHOOL DISTRICT GOVERNING BOARD FOR CONSIDERATION.

34 2. THE TERM OF AN APPOINTMENT PURSUANT TO THIS SUBSECTION SHALL BE
35 UNTIL ~~[A SPECIAL ELECTION IS HELD TO ELECT NEW GOVERNING BOARD MEMBERS~~
36 ~~PURSUANT TO PARAGRAPH 3 OF THIS SUBSECTION]~~ [THE NEXT GENERAL ELECTION].

37 3. ~~[AS SOON AS PRACTICABLE, THE COUNTY SCHOOL SUPERINTENDENT SHALL~~
38 ~~CALL A SPECIAL ELECTION TO REPLACE ALL GOVERNING BOARD MEMBERS WHO ARE~~
39 ~~TEMPORARILY APPOINTED PURSUANT TO PARAGRAPH 2 OF THIS SUBSECTION.]~~ THE
40 COUNTY SCHOOL SUPERINTENDENT SHALL ASSIGN BY LOT THE NEW GOVERNING BOARD
41 MEMBERS WHO ARE ELECTED ~~[PURSUANT TO THIS PARAGRAPH]~~ [IN THE NEXT GENERAL
42 ELECTION] TO INITIAL TERMS OF TWO AND FOUR YEARS IN OFFICE. THEREAFTER,
43 THE TERM OF OFFICE FOR EACH MEMBER IS FOUR YEARS FROM JANUARY 1 NEXT
44 FOLLOWING THE MEMBER'S ELECTION.

1 4. IF THE SCHOOL DISTRICT IS LOCATED IN TWO OR MORE COUNTIES, EACH
2 VACANCY SHALL BE FILLED BY THE COUNTY SCHOOL SUPERINTENDENT OF THE COUNTY
3 IN WHICH THE FORMER GOVERNING BOARD MEMBER RESIDED AT THE TIME OF REMOVAL.

4 B. A SCHOOL DISTRICT GOVERNING BOARD ~~[MEMBER]~~ ~~[MEMBER'S SEAT]~~ IS
5 NOT ~~[SUBJECT TO THE RESIGNATION REQUIREMENT PRESCRIBED BY]~~ ~~[DEEMED VACANT]~~
6 ~~PURSUANT TO]~~ SUBSECTION A OF THIS SECTION IF ~~[EITHER]~~ ~~[ANY OF THE]~~
7 ~~FOLLOWING APPLIES]:~~

8 1. THE GOVERNING BOARD MEMBER SUBMITTED A WRITTEN COMPLAINT
9 RELATING TO THE SCHOOL DISTRICT'S FINANCIAL PRACTICES TO THE STATE BOARD
10 OF EDUCATION OR THE DEPARTMENT OF EDUCATION BEFORE THE DATE ON WHICH THE
11 DEPARTMENT OF EDUCATION RECOMMENDS THAT THE STATE BOARD OF EDUCATION PLACE
12 THE SCHOOL DISTRICT IN RECEIVERSHIP.

13 2. THE INDIVIDUAL WAS ELECTED OR APPOINTED TO THE OFFICE OF SCHOOL
14 DISTRICT GOVERNING BOARD MEMBER NOT MORE THAN SIX MONTHS BEFORE THE DATE
15 ON WHICH THE DEPARTMENT OF EDUCATION RECOMMENDS THAT THE STATE BOARD OF
16 EDUCATION PLACE THE SCHOOL DISTRICT IN RECEIVERSHIP.

17 [3. THE INDIVIDUAL APPLIES TO THE STATE BOARD OF EDUCATION FOR A
18 WAIVER NOT LATER THAN THIRTY DAYS AFTER THE SCHOOL DISTRICT IS PLACED IN
19 RECEIVERSHIP. ON RECEIPT OF AN APPLICATION PURSUANT TO THIS PARAGRAPH,
20 THE STATE BOARD SHALL INVESTIGATE THE INDIVIDUAL'S PERFORMANCE AS A MEMBER
21 OF THE SCHOOL DISTRICT GOVERNING BOARD AND DETERMINE WHETHER THE
22 INDIVIDUAL KNOWINGLY ENGAGED IN MISCONDUCT. THE STATE BOARD MAY WAIVE THE
23 REQUIREMENT PRESCRIBED BY SUBSECTION A OF THIS SECTION IF THE STATE BOARD
24 DOES NOT FIND THAT THE INDIVIDUAL KNOWINGLY ENGAGED IN MISCONDUCT. FOR
25 THE PURPOSES OF THIS PARAGRAPH, AN INDIVIDUAL KNOWINGLY ENGAGES IN
26 MISCONDUCT IF THE INDIVIDUAL HAS ACTUAL KNOWLEDGE OF OR ACTS WITH
27 DELIBERATE IGNORANCE OR RECKLESS DISREGARD OF ONE OR MORE ETHICAL
28 STANDARDS PRESCRIBED BY THE SCHOOL DISTRICT GOVERNING BOARD OR A LEGAL
29 REQUIREMENT FOR SCHOOL DISTRICT GOVERNING BOARD MEMBERS.]

30 Sec. 3. Section 15-341, Arizona Revised Statutes, is amended to
31 read:

32 15-341. General powers and duties; immunity; delegation

33 A. ~~The~~ EACH SCHOOL DISTRICT governing board shall:

34 1. Prescribe and enforce policies and procedures to govern the
35 schools that are not inconsistent with the laws or rules prescribed by the
36 state board of education.

37 2. Exclude from schools all books, publications, papers or
38 audiovisual materials of a sectarian, partisan or denominational
39 character. This paragraph does not prohibit the elective course allowed
40 by section 15-717.01.

41 3. Manage and control the school property within its district,
42 except that a district may enter into a partnership with an entity,
43 including a charter school, another school district or a military base, to
44 operate a school or offer educational services in a district building,

1 including at a vacant or partially used building, or in any building on
2 the entity's property pursuant to a written agreement between the parties.

3 4. Acquire school furniture, apparatus, equipment, library books
4 and supplies for the schools to use.

5 5. Prescribe the curricula and criteria for the promotion and
6 graduation of pupils as provided in sections 15-701 and 15-701.01.

7 6. Furnish, repair and insure, at full insurable value, the school
8 property of the district.

9 7. Construct school buildings on approval by a vote of the district
10 electors.

11 8. In the name of the district, convey property belonging to the
12 district and sold by the board.

13 9. Purchase school sites when authorized by a vote of the district
14 at an election conducted as nearly as practicable in the same manner as
15 the election provided in section 15-481 and held on a date prescribed in
16 section 15-491, subsection E, but such authorization shall not necessarily
17 specify the site to be purchased and such authorization shall not be
18 necessary to exchange unimproved property as provided in section 15-342,
19 paragraph 23.

20 10. Construct, improve and furnish buildings used for school
21 purposes when such buildings or premises are leased from the national park
22 service.

23 11. Purchase school sites or construct, improve and furnish school
24 buildings from the proceeds of the sale of school property only on
25 approval by a vote of the district electors.

26 12. Hold pupils to strict account for disorderly conduct on school
27 property.

28 13. Discipline students for disorderly conduct on the way to and
29 from school.

30 14. Except as provided in section 15-1224, deposit all monies
31 received by the district as gifts, grants and devises with the county
32 treasurer who shall credit the deposits as designated in the uniform
33 system of financial records. If not inconsistent with the terms of the
34 gifts, grants and devises given, any balance remaining after expenditures
35 for the intended purpose of the monies have been made shall be used to
36 reduce school district taxes for the budget year, except that in the case
37 of accommodation schools the county treasurer shall carry the balance
38 forward for use by the county school superintendent for accommodation
39 schools for the budget year.

40 15. Provide that, if a parent or legal guardian chooses not to
41 accept a decision of the teacher as provided in paragraph 42 of this
42 subsection, the parent or legal guardian may request in writing that the
43 governing board review the teacher's decision. This paragraph does not
44 release school districts from any liability relating to a child's
45 promotion or retention.

1 16. Provide for adequate supervision over pupils in instructional
2 and noninstructional activities by certificated or noncertificated
3 personnel.

4 17. Use school monies received from the state and county school
5 apportionment exclusively to pay salaries of teachers and other employees
6 and contingent expenses of the district.

7 18. Annually report to the county school superintendent on or
8 before October 1 in the manner and form and on the blanks prescribed by
9 the superintendent of public instruction or county school superintendent.
10 The board shall also report directly to the county school superintendent
11 or the superintendent of public instruction whenever required.

12 19. Deposit all monies received by school districts other than
13 student activities monies or monies from auxiliary operations as provided
14 in sections 15-1125 and 15-1126 with the county treasurer to the credit of
15 the school district except as provided in paragraph 20 of this subsection
16 and sections 15-1223 and 15-1224, and the board shall spend the monies as
17 provided by law for other school funds.

18 20. Establish bank accounts in which the board during a month may
19 deposit miscellaneous monies received directly by the district. The board
20 shall remit monies deposited in the bank accounts at least monthly to the
21 county treasurer for deposit as provided in paragraph 19 of this
22 subsection and in accordance with the uniform system of financial records.

23 21. Prescribe and enforce policies and procedures for disciplinary
24 action against a teacher who engages in conduct that is a violation of the
25 policies of the governing board but that is not cause for dismissal of the
26 teacher or for revocation of the certificate of the teacher. Disciplinary
27 action may include suspension without pay for a period of time not to
28 exceed ten school days. Disciplinary action shall not include suspension
29 with pay or suspension without pay for a period of time longer than ten
30 school days. The procedures shall include notice, hearing and appeal
31 provisions for violations that are cause for disciplinary action. The
32 governing board may designate a person or persons to act on behalf of the
33 board on these matters.

34 22. Prescribe and enforce policies and procedures for disciplinary
35 action against an administrator who engages in conduct that is a violation
36 of the policies of the governing board regarding duties of administrators
37 but that is not cause for dismissal of the administrator or for revocation
38 of the certificate of the administrator. Disciplinary action may include
39 suspension without pay for a period of time not to exceed ten school days.
40 Disciplinary action shall not include suspension with pay or suspension
41 without pay for a period of time longer than ten school days. The
42 procedures shall include notice, hearing and appeal provisions for
43 violations that are cause for disciplinary action. The governing board
44 may designate a person or persons to act on behalf of the board on these
45 matters. For violations that are cause for dismissal, the provisions of

1 notice, hearing and appeal in chapter 5, article 3 of this title apply.
2 The filing of a timely request for a hearing suspends the imposition of a
3 suspension without pay or a dismissal pending completion of the hearing.

4 23. Notwithstanding sections 13-3108 and 13-3120, prescribe and
5 enforce policies and procedures that prohibit a person from carrying or
6 possessing a weapon on school grounds unless the person is a peace officer
7 or has obtained specific authorization from the school administrator.

8 24. Prescribe and enforce policies and procedures relating to the
9 health and safety of all pupils participating in district-sponsored
10 practice sessions or games or other interscholastic athletic activities,
11 including:

12 (a) The provision of water.

13 (b) Guidelines, information and forms, developed in consultation
14 with a statewide private entity that supervises interscholastic
15 activities, to inform and educate coaches, pupils and parents of the
16 dangers of concussions and head injuries and the risks of continued
17 participation in athletic activity after a concussion. The policies and
18 procedures shall require that, before a pupil participates in an athletic
19 activity, the pupil and the pupil's parent sign an information form at
20 least once each school year that states that the parent is aware of the
21 nature and risk of concussion. The policies and procedures shall require
22 that a pupil who is suspected of sustaining a concussion in a practice
23 session, game or other interscholastic athletic activity be immediately
24 removed from the athletic activity and that the pupil's parent or guardian
25 be notified. A coach from the pupil's team or an official or a licensed
26 health care provider may remove a pupil from play. A team parent may also
27 remove the parent's own child from play. A pupil may return to play on
28 the same day if a health care provider rules out a suspected concussion at
29 the time the pupil is removed from play. On a subsequent day, the pupil
30 may return to play if the pupil has been evaluated by and received written
31 clearance to resume participation in athletic activity from a health care
32 provider who has been trained in evaluating and managing concussions and
33 head injuries. A health care provider who is a volunteer and who provides
34 clearance to participate in athletic activity on the day of the suspected
35 injury or on a subsequent day is immune from civil liability with respect
36 to all decisions made and actions taken that are based on good faith
37 implementation of the requirements of this subdivision, except in cases of
38 gross negligence or wanton or wilful neglect. A school district, school
39 district employee, team coach, official or team volunteer or a parent or
40 guardian of a team member is not subject to civil liability for any act,
41 omission or policy undertaken in good faith to comply with the
42 requirements of this subdivision or for a decision made or an action taken
43 by a health care provider. A group or organization that uses property or
44 facilities owned or operated by a school district for athletic activities
45 shall comply with the requirements of this subdivision. A school district

1 and its employees and volunteers are not subject to civil liability for
2 any other person or organization's failure or alleged failure to comply
3 with the requirements of this subdivision. This subdivision does not
4 apply to teams that are based in another state and that participate in an
5 athletic activity in this state. For the purposes of this subdivision,
6 athletic activity does not include dance, rhythmic gymnastics,
7 competitions or exhibitions of academic skills or knowledge or other
8 similar forms of physical noncontact activities, civic activities or
9 academic activities, whether engaged in for the purposes of competition or
10 recreation. For the purposes of this subdivision, "health care provider"
11 means a physician who is licensed pursuant to title 32, chapter 13, 14 or
12 17, an athletic trainer who is licensed pursuant to title 32, chapter 41,
13 a nurse practitioner who is licensed pursuant to title 32, chapter 15, and
14 a physician assistant who is licensed pursuant to title 32, chapter 25.

15 (c) Guidelines, information and forms that are developed in
16 consultation with a statewide private entity that supervises
17 interscholastic activities to inform and educate coaches, pupils and
18 parents of the dangers of heat-related illnesses, sudden cardiac death and
19 prescription opioid use. Before a pupil participates in any
20 district-sponsored practice session or game or other interscholastic
21 athletic activity, the pupil and the pupil's parent must be provided with
22 information at least once each school year on the risks of heat-related
23 illnesses, sudden cardiac death and prescription opioid addiction.

24 25. Establish an assessment, data gathering and reporting system as
25 prescribed in chapter 7, article 3 of this title.

26 26. Provide special education programs and related services
27 pursuant to section 15-764, subsection A to all children with disabilities
28 as defined in section 15-761.

29 27. Administer competency tests prescribed by the state board of
30 education for the graduation of pupils from high school.

31 28. Ensure that insurance coverage is secured for all construction
32 projects for purposes of general liability, property damage and workers'
33 compensation and secure performance and payment bonds for all construction
34 projects.

35 29. Collect and maintain information about each current and former
36 teacher's educational and teaching background and experience in a
37 particular academic content subject area. A school district shall either
38 post the information on the school district's website or make the
39 information available for inspection on request of parents and guardians
40 of pupils enrolled at a school. This paragraph does not require any
41 school to release personally identifiable information in relation to any
42 teacher, including the teacher's address, salary, social security number
43 or telephone number.

44 30. Report to local law enforcement agencies any suspected crime
45 against a person or property that is a serious offense as defined in

1 section 13-706 or that involves a deadly weapon or dangerous instrument or
2 serious physical injury and any conduct that poses a threat of death or
3 serious physical injury to employees, students or anyone on the property
4 of the school. This paragraph does not limit or preclude the reporting by
5 a school district or an employee of a school district of suspected crimes
6 other than those required to be reported by this paragraph. For the
7 purposes of this paragraph, "dangerous instrument", "deadly weapon" and
8 "serious physical injury" have the same meanings prescribed in section
9 13-105.

10 31. In conjunction with local law enforcement agencies and
11 emergency response agencies, develop an emergency response plan for each
12 school in the school district in accordance with minimum standards
13 developed jointly by the department of education and the division of
14 emergency management within the department of emergency and military
15 affairs. Any emergency response plan developed pursuant to this paragraph
16 must address how the school and emergency responders will communicate with
17 and provide assistance to students with disabilities.

18 32. Provide written notice to the parents or guardians of all
19 students enrolled in the school district at least ten days before a public
20 meeting to discuss closing a school within the school district. The
21 notice shall include the reasons for the proposed closure and the time and
22 place of the meeting. The governing board shall fix a time for a public
23 meeting on the proposed closure not less than ten days before voting in a
24 public meeting to close the school. The school district governing board
25 shall give notice of the time and place of the meeting. At the time and
26 place designated in the notice, the school district governing board shall
27 hear reasons for or against closing the school. The school district
28 governing board is exempt from this paragraph if the governing board
29 determines that the school shall be closed because it poses a danger to
30 the health or safety of the pupils or employees of the school. A
31 governing board may consult with the division of school facilities within
32 the department of administration for technical assistance and for
33 information on the impact of closing a school. The information provided
34 from the division of school facilities within the department of
35 administration shall not require the governing board to take or not take
36 any action.

37 33. Incorporate instruction on Native American history into
38 appropriate existing curricula.

39 34. Prescribe and enforce policies and procedures:

40 (a) Allowing pupils who have been diagnosed with anaphylaxis by a
41 health care provider licensed pursuant to title 32, chapter 13, 14, 17 or
42 25 or by a registered nurse practitioner licensed and certified pursuant
43 to title 32, chapter 15 to carry and self-administer emergency
44 medications, including epinephrine auto-injectors, while at school and at
45 school-sponsored activities. The pupil's name on the prescription label

1 on the medication container or on the medication device and annual written
2 documentation from the pupil's parent or guardian to the school that
3 authorizes possession and self-administration is sufficient proof that the
4 pupil is entitled to possess and self-administer the medication. The
5 policies shall require a pupil who uses an epinephrine auto-injector while
6 at school and at school-sponsored activities to notify the nurse or the
7 designated school staff person of the use of the medication as soon as
8 practicable. A school district and its employees are immune from civil
9 liability with respect to all decisions made and actions taken that are
10 based on good faith implementation of the requirements of this
11 subdivision, except in cases of wanton or wilful neglect.

12 (b) For the emergency administration of epinephrine auto-injectors
13 by a trained employee of a school district pursuant to section 15-157.

14 35. Allow the possession and self-administration of prescription
15 medication for breathing disorders in handheld inhaler devices by pupils
16 who have been prescribed that medication by a health care professional
17 licensed pursuant to title 32. The pupil's name on the prescription label
18 on the medication container or on the handheld inhaler device and annual
19 written documentation from the pupil's parent or guardian to the school
20 that authorizes possession and self-administration is sufficient proof
21 that the pupil is entitled to possess and self-administer the medication.
22 A school district and its employees are immune from civil liability with
23 respect to all decisions made and actions taken that are based on a good
24 faith implementation of the requirements of this paragraph.

25 36. Prescribe and enforce policies and procedures to prohibit
26 pupils from harassing, intimidating and bullying other pupils on school
27 grounds, on school property, on school buses, at school bus stops, at
28 school-sponsored events and activities and through the use of electronic
29 technology or electronic communication on school computers, networks,
30 forums and mailing lists that include the following components:

31 (a) A procedure for pupils, parents and school district employees
32 to confidentially report to school officials incidents of harassment,
33 intimidation or bullying. The school shall make available written forms
34 designed to provide a full and detailed description of the incident and
35 any other relevant information about the incident.

36 (b) A requirement that school district employees report in writing
37 suspected incidents of harassment, intimidation or bullying to the
38 appropriate school official and a description of appropriate disciplinary
39 procedures for employees who fail to report suspected incidents that are
40 known to the employee.

41 (c) A requirement that, at the beginning of each school year,
42 school officials provide all pupils with a written copy of the rights,
43 protections and support services available to a pupil who is an alleged
44 victim of an incident reported pursuant to this paragraph.

1 (d) If an incident is reported pursuant to this paragraph, a
2 requirement that school officials provide a pupil who is an alleged victim
3 of the incident with a written copy of the rights, protections and support
4 services available to that pupil.

5 (e) A formal process for documenting reported incidents of
6 harassment, intimidation or bullying and providing for the
7 confidentiality, maintenance and disposition of this documentation.
8 School districts shall maintain documentation of all incidents reported
9 pursuant to this paragraph for at least six years. The school shall not
10 use that documentation to impose disciplinary action unless the
11 appropriate school official has investigated and determined that the
12 reported incidents of harassment, intimidation or bullying occurred. If a
13 school provides documentation of reported incidents to persons other than
14 school officials or law enforcement, all individually identifiable
15 information shall be redacted.

16 (f) A formal process for the appropriate school officials to
17 investigate suspected incidents of harassment, intimidation or bullying,
18 including procedures for notifying the alleged victim and the alleged
19 victim's parent or guardian when a school official or employee becomes
20 aware of the suspected incident of harassment, intimidation or bullying.

21 (g) Disciplinary procedures for pupils who have admitted or been
22 found to have committed incidents of harassment, intimidation or bullying.

23 (h) A procedure that sets forth consequences for submitting false
24 reports of incidents of harassment, intimidation or bullying.

25 (i) Procedures designed to protect the health and safety of pupils
26 who are physically harmed as the result of incidents of harassment,
27 intimidation and bullying, including, if appropriate, procedures to
28 contact emergency medical services or law enforcement agencies, or both.

29 (j) Definitions of harassment, intimidation and bullying.

30 37. Prescribe and enforce policies and procedures regarding
31 changing or adopting attendance boundaries that include the following
32 components:

33 (a) A procedure for holding public meetings to discuss attendance
34 boundary changes or adoptions that allows public comments.

35 (b) A procedure to notify the parents or guardians of the students
36 affected, including assurance that, if that school remains open as part of
37 the boundary change and capacity is available, students assigned to a new
38 attendance area may stay enrolled in their current school.

39 (c) A procedure to notify the residents of the households affected
40 by the attendance boundary changes.

41 (d) A process for placing public meeting notices and proposed maps
42 on the school district's website for public review, if the school district
43 maintains a website.

44 (e) A formal process for presenting the attendance boundaries of
45 the affected area in public meetings that allows public comments.

1 (f) A formal process for notifying the residents and parents or
2 guardians of the affected area as to the decision of the governing board
3 on the school district's website, if the school district maintains a
4 website.

5 (g) A formal process for updating attendance boundaries on the
6 school district's website within ninety days after an adopted boundary
7 change. The school district shall send a direct link to the school
8 district's attendance boundaries website to the department of real estate.

9 38. If the state board of education determines that the school
10 district has committed an overexpenditure as defined in section 15-107,
11 provide a copy of the fiscal management report submitted pursuant to
12 section 15-107, subsection H on its website and make copies available to
13 the public on request. The school district shall comply with a request
14 within five business days after receipt.

15 39. Ensure that the contract for the superintendent is structured
16 in a manner in which up to twenty percent of the total annual salary
17 included for the superintendent in the contract is classified as
18 performance pay. This paragraph does not require school districts to
19 increase total compensation for superintendents. Unless the school
20 district governing board votes to implement an alternative procedure at a
21 public meeting called for this purpose, the performance pay portion of the
22 superintendent's total annual compensation shall be determined as follows:

23 (a) Twenty-five percent of the performance pay shall be determined
24 based on the percentage of academic gain determined by the department of
25 education of pupils who are enrolled in the school district compared to
26 the academic gain achieved by the highest ranking of the fifty largest
27 school districts in this state. For the purposes of this subdivision, the
28 department of education shall determine academic gain by the academic
29 growth achieved by each pupil who has been enrolled at the same school in
30 a school district for at least five consecutive months measured against
31 that pupil's academic results in the 2008-2009 school year. For the
32 purposes of this subdivision, of the fifty largest school districts in
33 this state, the school district with pupils who demonstrate the highest
34 statewide percentage of overall academic gain measured against academic
35 results for the 2008-2009 school year shall be assigned a score of 100 and
36 the school district with pupils who demonstrate the lowest statewide
37 percentage of overall academic gain measured against academic results for
38 the 2008-2009 school year shall be assigned a score of 0.

39 (b) Twenty-five percent of the performance pay shall be determined
40 by the percentage of parents of pupils who are enrolled at the school
41 district who assign a letter grade of "A" to the school on a survey of
42 parental satisfaction with the school district. The parental satisfaction
43 survey shall be administered and scored by an independent entity that is
44 selected by the governing board and that demonstrates sufficient expertise
45 and experience to accurately measure the results of the survey. The

1 parental satisfaction survey shall use standard random sampling procedures
2 and provide anonymity and confidentiality to each parent who participates
3 in the survey. The letter grade scale used on the parental satisfaction
4 survey shall direct parents to assign one of the following letter grades:

- 5 (i) A letter grade of "A" if the school district is excellent.
- 6 (ii) A letter grade of "B" if the school district is above average.
- 7 (iii) A letter grade of "C" if the school district is average.
- 8 (iv) A letter grade of "D" if the school district is below average.
- 9 (v) A letter grade of "F" if the school district is a failure.

10 (c) Twenty-five percent of the performance pay shall be determined
11 by the percentage of teachers who are employed at the school district and
12 who assign a letter grade of "A" to the school on a survey of teacher
13 satisfaction with the school. The teacher satisfaction survey shall be
14 administered and scored by an independent entity that is selected by the
15 governing board and that demonstrates sufficient expertise and experience
16 to accurately measure the results of the survey. The teacher satisfaction
17 survey shall use standard random sampling procedures and provide anonymity
18 and confidentiality to each teacher who participates in the survey. The
19 letter grade scale used on the teacher satisfaction survey shall direct
20 teachers to assign one of the following letter grades:

- 21 (i) A letter grade of "A" if the school district is excellent.
- 22 (ii) A letter grade of "B" if the school district is above average.
- 23 (iii) A letter grade of "C" if the school district is average.
- 24 (iv) A letter grade of "D" if the school district is below average.
- 25 (v) A letter grade of "F" if the school district is a failure.

26 (d) Twenty-five percent of the performance pay shall be determined
27 by other criteria selected by the governing board.

28 40. Maintain and store permanent public records of the school
29 district as required by law. Notwithstanding section 39-101, the
30 standards adopted by the Arizona state library, archives and public
31 records for the maintenance and storage of school district public records
32 shall allow school districts to elect to satisfy the requirements of this
33 paragraph by maintaining and storing these records either on paper or in
34 an electronic format, or a combination of a paper and electronic format.

35 41. Adopt in a public meeting and implement policies for principal
36 evaluations. Before adopting principal evaluation policies, the school
37 district governing board shall provide opportunities for public discussion
38 on the proposed policies. The governing board shall adopt policies that:

39 (a) Are designed to improve principal performance and improve
40 student achievement.

41 (b) Include the use of quantitative data on the academic progress
42 for all students, which shall account for between twenty percent and
43 thirty-three percent of the evaluation outcomes.

44 (c) Include four performance classifications, designated as highly
45 effective, effective, developing and ineffective.

1 (d) Describe both of the following:

2 (i) The methods used to evaluate the performance of principals,
3 including the data used to measure student performance and job
4 effectiveness.

5 (ii) The formula used to determine evaluation outcomes.

6 42. Prescribe and enforce policies and procedures that define the
7 duties of principals and teachers. These policies and procedures shall
8 authorize teachers to take and maintain daily classroom attendance, make
9 the decision to promote or retain a pupil in a grade in common school or
10 to pass or fail a pupil in a course in high school, subject to review by
11 the governing board in the manner provided in section 15-342,
12 paragraph 11.

13 43. Prescribe and enforce policies and procedures for the emergency
14 administration by an employee of a school district pursuant to section
15 36-2267 of naloxone hydrochloride or any other opioid antagonist approved
16 by the United States food and drug administration.

17 44. In addition to the notification requirements prescribed in
18 paragraph 36 of this subsection, prescribe and enforce reasonable and
19 appropriate policies to notify a pupil's parent or guardian if any person
20 engages in harassing, threatening or intimidating conduct against that
21 pupil. A school district and its officials and employees are immune from
22 civil liability with respect to all decisions made and actions taken that
23 are based on good faith implementation of the requirements of this
24 paragraph, except in cases of gross negligence or wanton or wilful
25 neglect. A person engages in threatening or intimidating if the person
26 threatens or intimidates by word or conduct to cause physical injury to
27 another person or serious damage to the property of another on school
28 grounds. A person engages in harassment if, with intent to harass or with
29 knowledge that the person is harassing another person, the person
30 anonymously or otherwise contacts, communicates or causes a communication
31 with another person by verbal, electronic, mechanical, telephonic or
32 written means in a manner that harasses on school grounds or substantially
33 disrupts the school environment.

34 45. Each fiscal year, provide to each school district employee a
35 total compensation statement that is broken down by category of benefit or
36 payment and that includes, for that employee, at least all of the
37 following:

38 (a) Base salary and any additional pay.

39 (b) Medical benefits and the value of any employer-paid portions of
40 insurance plan premiums.

41 (c) Retirement benefit plans, including social security.

42 (d) Legally required benefits.

43 (e) Any paid leave.

44 (f) Any other payment made to or on behalf of the employee.

45 (g) Any other benefit provided to the employee.

1 46. Develop and adopt in a public meeting policies to allow for
2 visits, tours and observations of all classrooms by parents of enrolled
3 pupils and parents who wish to enroll their children in the school
4 district unless a visit, tour or observation threatens the health and
5 safety of pupils and staff. These policies and procedures must be easily
6 accessible from the home page on each school's website.

7 [47. BEFORE APPROVING AN EXPENDITURE OR ADOPTING A BUDGET PURSUANT
8 TO SECTION 15-905, REQUIRE THE SCHOOL DISTRICT'S ADMINISTRATORS TO PROVIDE
9 ALL INFORMATION AND RECORDS RELATING TO THE EXPENDITURE OR BUDGET IN A
10 MEETING FOR DISCUSSION AT LEAST ONE WEEK BEFORE THE MEETING IN WHICH THE
11 GOVERNING BOARD WILL VOTE ON THE EXPENDITURE OR BUDGET.

12 48. BEFORE PUBLISHING A PROPOSED BUDGET PURSUANT TO SECTION 15-905,
13 REQUIRE THE SCHOOL DISTRICT'S ADMINISTRATORS TO PROVIDE ALL INFORMATION
14 AND RECORDS RELATING TO THE SCHOOL DISTRICT'S BUDGET IN A MEETING FOR
15 DISCUSSION AT LEAST ONE WEEK BEFORE THE PROPOSED BUDGET IS PUBLISHED.]

16 B. Notwithstanding subsection A, paragraphs 7, 9 and 11 of this
17 section, the county school superintendent may construct, improve and
18 furnish school buildings or purchase or sell school sites in the conduct
19 of an accommodation school.

20 C. If any school district acquires real or personal property,
21 whether by purchase, exchange, condemnation, gift or otherwise, the
22 governing board shall pay to the county treasurer any taxes on the
23 property that were unpaid as of the date of acquisition, including
24 penalties and interest. The lien for unpaid delinquent taxes, penalties
25 and interest on property acquired by a school district:

26 1. Is not abated, extinguished, discharged or merged in the title
27 to the property.

28 2. Is enforceable in the same manner as other delinquent tax liens.

29 D. The governing board may not locate a school on property that is
30 less than one-fourth mile from agricultural land regulated pursuant to
31 section 3-365, except that the owner of the agricultural land may agree to
32 comply with the buffer zone requirements of section 3-365. If the owner
33 agrees in writing to comply with the buffer zone requirements and records
34 the agreement in the office of the county recorder as a restrictive
35 covenant running with the title to the land, the school district may
36 locate a school within the affected buffer zone. The agreement may
37 include any stipulations regarding the school, including conditions for
38 future expansion of the school and changes in the operational status of
39 the school that will result in a breach of the agreement.

40 E. A school district, its governing board members, its school
41 council members and its employees are immune from civil liability for the
42 consequences of adopting and implementing policies and procedures pursuant
43 to subsection A of this section and section 15-342. This waiver does not
44 apply if the school district, its governing board members, its school

1 council members or its employees are guilty of gross negligence or
2 intentional misconduct.

3 F. A governing board may delegate in writing to a superintendent,
4 principal or head teacher the authority to prescribe procedures that are
5 consistent with the governing board's policies.

6 G. Notwithstanding any other provision of this title, a school
7 district governing board shall not **DO EITHER OF THE FOLLOWING:**

8 1. Take any action that would result in a reduction of pupil square
9 footage unless the governing board notifies the school facilities
10 oversight board established by section 41-5701.02 of the proposed action
11 and receives written approval from the school facilities oversight board
12 to take the action. A reduction includes an increase in administrative
13 space that results in a reduction of pupil square footage or sale of
14 school sites or buildings, or both. A reduction includes a
15 reconfiguration of grades that results in a reduction of pupil square
16 footage of any grade level. This **subsection PARAGRAPH** does not apply to
17 temporary reconfiguration of grades to accommodate new school construction
18 if the temporary reconfiguration does not exceed one year. The sale of
19 equipment that results in a reduction that falls below the equipment
20 requirements prescribed in section 41-5711, subsection B is subject to
21 commensurate withholding of school district district additional assistance
22 monies pursuant to the direction of the school facilities oversight
23 board. Except as provided in section 15-342, paragraph 10, proceeds from
24 the sale of school sites, buildings or other equipment shall be deposited
25 in the school plant fund as provided in section 15-1102.

26 2. **ENTER INTO TWO OR MORE REAL ESTATE TRANSACTIONS IN A**
27 **TWELVE-MONTH PERIOD IF THE TRANSACTIONS INVOLVE BOTH THE SAME PARTIES AND**
28 **THE SAME PROPERTY. FOR THE PURPOSES OF THIS PARAGRAPH:**

29 (a) **"PROPERTY" MEANS A SCHOOL SITE, A SCHOOL BUILDING, A SCHOOL**
30 **FACILITY, A PORTION OF A SCHOOL SITE, SCHOOL BUILDING OR SCHOOL FACILITY**
31 **OR A TRACT OF LAND.**

32 (b) **"TRANSACTION" INCLUDES THE SALE, EXCHANGE, PURCHASE OR LEASE,**
33 **IN WHOLE OR IN PART, OF PROPERTY.**

34 H. Subsections C through G of this section apply to a county board
35 of supervisors and a county school superintendent when operating and
36 administering an accommodation school.

37 I. A school district governing board may delegate authority in
38 writing to the superintendent of the school district to submit plans for
39 new school facilities to the school facilities oversight board for the
40 purpose of certifying that the plans meet the minimum school facility
41 adequacy guidelines prescribed in section 41-5711.

42 J. For the purposes of subsection A, paragraph 37 of this section,
43 attendance boundaries may not be used to require students to attend
44 certain schools based on the student's place of residence.

1 Sec. 4. Section 38-201, Arizona Revised Statutes, is amended to
2 read:

3 38-201. General qualifications

4 A. ~~Every~~ EACH officer shall be ~~not less than~~ AT LEAST eighteen
5 years of age, a citizen of the United States and a resident of this state.

6 B. ~~No~~ A person is NOT eligible to any office, employment or service
7 in any public institution in ~~the~~ THIS state, ~~or~~ in any of the several
8 counties ~~thereof~~, OF THIS STATE of any kind or character, whether by
9 election, appointment or contract, unless ~~he~~ THE PERSON is a citizen of
10 the United States, but ~~the provisions of~~ this subsection ~~shall~~ DOES not
11 apply to the employment of any teacher, instructor or professor authorized
12 to teach in the United States under the teacher exchange program as
13 provided by federal statutes or the employment of university or college
14 faculty members.

15 C. A person who is unable to speak, write and read the English
16 language is not eligible to hold a state, county, city, town or precinct
17 office in ~~the~~ THIS state, whether elective or appointive, and ~~no~~ A
18 certificate of election or commission shall NOT issue to a person so
19 disqualified.

20 D. Except as provided in subsection E OF THIS SECTION, a person is
21 not eligible for employment by or service for ~~the~~ THIS state or a
22 political subdivision of ~~the~~ THIS state, including all boards and
23 commissions of ~~the~~ THIS state or political ~~[subdivision]~~ [SUBDIVISIONS] OF
24 THIS STATE, [AND] all multimember governing bodies of departments,
25 agencies, institutions and instrumentalities of ~~the~~ THIS state or
26 political subdivisions OF THIS STATE[,] unless the person has registered
27 with the selective service system if required by the federal military
28 selective service act (62 Stat. 604; 50 United States Code App. section
29 453).

30 E. A person may not be denied a right, privilege or benefit by
31 reason of subsection D OF THIS SECTION if either of the following applies:

32 1. The requirement for the person to so register has terminated or
33 become inapplicable to the person.

34 2. The person shows by a preponderance of the evidence that the
35 failure of the person to register with the selective service system was
36 not a knowing and ~~willful~~ WILFUL failure to register.

37 F. A PERSON IS NOT ELIGIBLE TO HOLD AN APPOINTED STATE, COUNTY,
38 CITY, TOWN OR PRECINCT OFFICE THAT IS ESTABLISHED BY LEGISLATIVE ENACTMENT
39 IF THE PERSON EITHER:

40 1. ~~[IS REQUIRED TO RESIGN FROM THE OFFICE OF]~~ [HELD A] SCHOOL
41 DISTRICT GOVERNING BOARD MEMBER ~~[SEAT THAT WAS DEEMED VACANT]~~ PURSUANT TO
42 SECTION 15-302.01.

43 2. RESIGNED FROM THE OFFICE OF SCHOOL DISTRICT GOVERNING BOARD
44 MEMBER UP TO ONE MONTH BEFORE THE SCHOOL DISTRICT WAS PLACED IN
45 RECEIVERSHIP PURSUANT TO SECTION 15-103.

