

REFERENCE TITLE: school policies; wireless communications devices

State of Arizona
Senate
Fifty-seventh Legislature
First Regular Session
2025

SB 1226

Introduced by
Senators Bolick: Fernandez

AN ACT

AMENDING SECTION 15-341, ARIZONA REVISED STATUTES; RELATING TO SCHOOL DISTRICT GOVERNING BOARDS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 15-341, Arizona Revised Statutes, is amended to
3 read:

4 15-341. General powers and duties; immunity; delegation

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

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

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

13 3. Manage and control the school property within its district,
14 except that a district may enter into a partnership with an entity,
15 including a charter school, another school district or a military base, to
16 operate a school or offer educational services in a district building,
17 including at a vacant or partially used building, or in any building on
18 the entity's property pursuant to a written agreement between the parties.

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

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

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

25 7. Construct school buildings on approval by a vote of the district
26 electors.

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

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

36 10. Construct, improve and furnish buildings used for school
37 purposes when such buildings or premises are leased from the national park
38 service.

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

42 12. Hold pupils to strict account for disorderly conduct on school
43 property.

44 13. Discipline students for disorderly conduct on the way to and
45 from school.

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

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

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

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

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

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

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

21. Prescribe and enforce policies and procedures for disciplinary action against a teacher who engages in conduct that is a violation of the policies of the governing board but that is not cause for dismissal of the teacher or for revocation of the certificate of the teacher. Disciplinary action may include suspension without pay for a period of time not to exceed ten school days. Disciplinary action shall not include suspension with pay or suspension without pay for a period of time longer than ten

1 school days. The procedures shall include notice, hearing and appeal
2 provisions for violations that are cause for disciplinary action. The
3 governing board may designate a person or persons to act on behalf of the
4 board on these matters.

5 22. Prescribe and enforce policies and procedures for disciplinary
6 action against an administrator who engages in conduct that is a violation
7 of the policies of the governing board regarding duties of administrators
8 but that is not cause for dismissal of the administrator or for revocation
9 of the certificate of the administrator. Disciplinary action may include
10 suspension without pay for a period of time not to exceed ten school days.
11 Disciplinary action shall not include suspension with pay or suspension
12 without pay for a period of time longer than ten school days. The
13 procedures shall include notice, hearing and appeal provisions for
14 violations that are cause for disciplinary action. The governing board
15 may designate a person or persons to act on behalf of the board on these
16 matters. For violations that are cause for dismissal, the provisions of
17 notice, hearing and appeal in chapter 5, article 3 of this title apply.
18 The filing of a timely request for a hearing suspends the imposition of a
19 suspension without pay or a dismissal pending completion of the hearing.

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

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

28 (a) The provision of water.

29 (b) Guidelines, information and forms, developed in consultation
30 with a statewide private entity that supervises interscholastic
31 activities, to inform and educate coaches, pupils and parents of the
32 dangers of concussions and head injuries and the risks of continued
33 participation in athletic activity after a concussion. The policies and
34 procedures shall require that, before a pupil participates in an athletic
35 activity, the pupil and the pupil's parent sign an information form at
36 least once each school year that states that the parent is aware of the
37 nature and risk of concussion. The policies and procedures shall require
38 that a pupil who is suspected of sustaining a concussion in a practice
39 session, game or other interscholastic athletic activity be immediately
40 removed from the athletic activity and that the pupil's parent or guardian
41 be notified. A coach from the pupil's team or an official or a licensed
42 health care provider may remove a pupil from play. A team parent may also
43 remove the parent's own child from play. A pupil may return to play on
44 the same day if a health care provider rules out a suspected concussion at
45 the time the pupil is removed from play. On a subsequent day, the pupil

1 may return to play if the pupil has been evaluated by and received written
2 clearance to resume participation in athletic activity from a health care
3 provider who has been trained in evaluating and managing concussions and
4 head injuries. A health care provider who is a volunteer and who provides
5 clearance to participate in athletic activity on the day of the suspected
6 injury or on a subsequent day is immune from civil liability with respect
7 to all decisions made and actions taken that are based on good faith
8 implementation of the requirements of this subdivision, except in cases of
9 gross negligence or wanton or wilful neglect. A school district, school
10 district employee, team coach, official or team volunteer or a parent or
11 guardian of a team member is not subject to civil liability for any act,
12 omission or policy undertaken in good faith to comply with the
13 requirements of this subdivision or for a decision made or an action taken
14 by a health care provider. A group or organization that uses property or
15 facilities owned or operated by a school district for athletic activities
16 shall comply with the requirements of this subdivision. A school district
17 and its employees and volunteers are not subject to civil liability for
18 any other person or organization's failure or alleged failure to comply
19 with the requirements of this subdivision. This subdivision does not
20 apply to teams that are based in another state and that participate in an
21 athletic activity in this state. For the purposes of this subdivision,
22 athletic activity does not include dance, rhythmic gymnastics,
23 competitions or exhibitions of academic skills or knowledge or other
24 similar forms of physical noncontact activities, civic activities or
25 academic activities, whether engaged in for the purposes of competition or
26 recreation. For the purposes of this subdivision, "health care provider"
27 means a physician who is licensed pursuant to title 32, chapter 13, 14 or
28 17, an athletic trainer who is licensed pursuant to title 32, chapter 41,
29 a nurse practitioner who is licensed pursuant to title 32, chapter 15, and
30 a physician assistant who is licensed pursuant to title 32, chapter 25.

31 (c) Guidelines, information and forms that are developed in
32 consultation with a statewide private entity that supervises
33 interscholastic activities to inform and educate coaches, pupils and
34 parents of the dangers of heat-related illnesses, sudden cardiac death and
35 prescription opioid use. Before a pupil participates in any
36 district-sponsored practice session or game or other interscholastic
37 athletic activity, the pupil and the pupil's parent must be provided with
38 information at least once each school year on the risks of heat-related
39 illnesses, sudden cardiac death and prescription opioid addiction.

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

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

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

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

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

30. Report to local law enforcement agencies any suspected crime against a person or property that is a serious offense as defined in section 13-706 or that involves a deadly weapon or dangerous instrument or serious physical injury and any conduct that poses a threat of death or serious physical injury to employees, students or anyone on the property of the school. This paragraph does not limit or preclude the reporting by a school district or an employee of a school district of suspected crimes other than those required to be reported by this paragraph. For the purposes of this paragraph, "dangerous instrument", "deadly weapon" and "serious physical injury" have the same meanings prescribed in section 13-105.

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

32. Provide written notice to the parents or guardians of all students enrolled in the school district at least ten days before a public meeting to discuss closing a school within the school district. The notice shall include the reasons for the proposed closure and the time and place of the meeting. The governing board shall fix a time for a public meeting on the proposed closure not less than ten days before voting in a public meeting to close the school. The school district governing board shall give notice of the time and place of the meeting. At the time and place designated in the notice, the school district governing board shall hear reasons for or against closing the school. The school district governing board is exempt from this paragraph if the governing board

1 determines that the school shall be closed because it poses a danger to
2 the health or safety of the pupils or employees of the school. A
3 governing board may consult with the division of school facilities within
4 the department of administration for technical assistance and for
5 information on the impact of closing a school. The information provided
6 from the division of school facilities within the department of
7 administration shall not require the governing board to take or not take
8 any action.

9 33. Incorporate instruction on Native American history into
10 appropriate existing curricula.

11 34. Prescribe and enforce policies and procedures:

12 (a) Allowing pupils who have been diagnosed with anaphylaxis by a
13 health care provider licensed pursuant to title 32, chapter 13, 14, 17 or
14 25 or by a registered nurse practitioner licensed and certified pursuant
15 to title 32, chapter 15 to carry and self-administer emergency
16 medications, including epinephrine auto-injectors, while at school and at
17 school-sponsored activities. The pupil's name on the prescription label
18 on the medication container or on the medication device and annual written
19 documentation from the pupil's parent or guardian to the school that
20 authorizes possession and self-administration is sufficient proof that the
21 pupil is entitled to possess and self-administer the medication. The
22 policies shall require a pupil who uses an epinephrine auto-injector while
23 at school and at school-sponsored activities to notify the nurse or the
24 designated school staff person of the use of the medication as soon as
25 practicable. A school district and its employees are immune from civil
26 liability with respect to all decisions made and actions taken that are
27 based on good faith implementation of the requirements of this
28 subdivision, except in cases of wanton or wilful neglect.

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

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

42 36. Prescribe and enforce policies and procedures to prohibit
43 pupils from harassing, intimidating and bullying other pupils on school
44 grounds, on school property, on school buses, at school bus stops, at
45 school-sponsored events and activities and through the use of electronic

1 technology or electronic communication on school computers, networks,
2 forums and mailing lists that include the following components:

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

8 (b) A requirement that school district employees report in writing
9 suspected incidents of harassment, intimidation or bullying to the
10 appropriate school official and a description of appropriate disciplinary
11 procedures for employees who fail to report suspected incidents that are
12 known to the employee.

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

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

21 (e) A formal process for documenting reported incidents of
22 harassment, intimidation or bullying and providing for the
23 confidentiality, maintenance and disposition of this documentation.
24 School districts shall maintain documentation of all incidents reported
25 pursuant to this paragraph for at least six years. The school shall not
26 use that documentation to impose disciplinary action unless the
27 appropriate school official has investigated and determined that the
28 reported incidents of harassment, intimidation or bullying occurred. If a
29 school provides documentation of reported incidents to persons other than
30 school officials or law enforcement, all individually identifiable
31 information shall be redacted.

32 (f) A formal process for the appropriate school officials to
33 investigate suspected incidents of harassment, intimidation or bullying,
34 including procedures for notifying the alleged victim and the alleged
35 victim's parent or guardian when a school official or employee becomes
36 aware of the suspected incident of harassment, intimidation or bullying.

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

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

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

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

1 37. Prescribe and enforce policies and procedures regarding
2 changing or adopting attendance boundaries that include the following
3 components:

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

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

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

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

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

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

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

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

31 39. Ensure that the contract for the superintendent is structured
32 in a manner in which up to twenty percent of the total annual salary
33 included for the superintendent in the contract is classified as
34 performance pay. This paragraph does not require school districts to
35 increase total compensation for superintendents. Unless the school
36 district governing board votes to implement an alternative procedure at a
37 public meeting called for this purpose, the performance pay portion of the
38 superintendent's total annual compensation shall be determined as follows:

39 (a) Twenty-five percent of the performance pay shall be determined
40 based on the percentage of academic gain determined by the department of
41 education of pupils who are enrolled in the school district compared to
42 the academic gain achieved by the highest ranking of the fifty largest
43 school districts in this state. For the purposes of this subdivision, the
44 department of education shall determine academic gain by the academic
45 growth achieved by each pupil who has been enrolled at the same school in

1 a school district for at least five consecutive months measured against
2 that pupil's academic results in the 2008-2009 school year. For the
3 purposes of this subdivision, of the fifty largest school districts in
4 this state, the school district with pupils who demonstrate the highest
5 statewide percentage of overall academic gain measured against academic
6 results for the 2008-2009 school year shall be assigned a score of 100 and
7 the school district with pupils who demonstrate the lowest statewide
8 percentage of overall academic gain measured against academic results for
9 the 2008-2009 school year shall be assigned a score of 0.

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

- 37 (i) A letter grade of "A" if the school district is excellent.
- 38 (ii) A letter grade of "B" if the school district is above average.
- 39 (iii) A letter grade of "C" if the school district is average.
- 40 (iv) A letter grade of "D" if the school district is below average.
- 41 (v) A letter grade of "F" if the school district is a failure.

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

44 40. Maintain and store permanent public records of the school
45 district as required by law. Notwithstanding section 39-101, the

standards adopted by the Arizona state library, archives and public records for the maintenance and storage of school district public records shall allow school districts to elect to satisfy the requirements of this paragraph by maintaining and storing these records either on paper or in an electronic format, or a combination of a paper and electronic format.

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

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

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

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

(d) Describe both of the following:

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

(ii) The formula used to determine evaluation outcomes.

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

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

44. In addition to the notification requirements prescribed in paragraph 36 of this subsection, prescribe and enforce reasonable and appropriate policies to notify a pupil's parent or guardian if any person engages in harassing, threatening or intimidating conduct against that pupil. A school district and its officials and employees are immune from civil liability with respect to all decisions made and actions taken that are based on good faith implementation of the requirements of this paragraph, except in cases of gross negligence or wanton or wilful neglect. A person engages in threatening or intimidating if the person threatens or intimidates by word or conduct to cause physical injury to another person or serious damage to the property of another on school grounds. A person engages in harassment if, with intent to harass or with knowledge that the person is harassing another person, the person

1 anonymously or otherwise contacts, communicates or causes a communication
2 with another person by verbal, electronic, mechanical, telephonic or
3 written means in a manner that harasses on school grounds or substantially
4 disrupts the school environment.

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

- 9 (a) Base salary and any additional pay.
- 10 (b) Medical benefits and the value of any employer-paid portions of
- 11 insurance plan premiums.
- 12 (c) Retirement benefit plans, including social security.
- 13 (d) Legally required benefits.
- 14 (e) Any paid leave.
- 15 (f) Any other payment made to or on behalf of the employee.
- 16 (g) Any other benefit provided to the employee.

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

23 47. DEVELOP AND ADOPT IN A PUBLIC MEETING POLICIES TO RESTRICT OR
24 ELIMINATE STUDENTS' USE OF WIRELESS COMMUNICATIONS DEVICES, INCLUDING
25 GAMING DEVICES AND VIDEO PLAYERS, DURING INSTRUCTIONAL TIME. AT THE
26 BEGINNING OF EACH SCHOOL YEAR, THE SCHOOL DISTRICT SHALL PROVIDE TO
27 PARENTS, TEACHERS AND STUDENTS A COPY OF THE POLICY ADOPTED PURSUANT TO
28 THIS PARAGRAPH AND NOTIFY THE PARENTS, TEACHERS AND STUDENTS OF ANY
29 CHANGES TO THE POLICY. THE POLICY ADOPTED PURSUANT TO THIS PARAGRAPH MUST
30 INCLUDE ALL OF THE FOLLOWING:

- 31 (a) A REQUIREMENT THAT EACH STUDENT DEPOSIT THE STUDENT'S WIRELESS
- 32 COMMUNICATIONS DEVICE OR DEVICES INTO A SECURE LOCATION IN A SCHOOL
- 33 BUILDING DURING INSTRUCTIONAL TIME AND PROCEDURES FOR THE DEPOSITS.
- 34 (b) THE CONDITIONS UNDER WHICH A STUDENT MAY RETRIEVE THE STUDENT'S
- 35 WIRELESS COMMUNICATIONS DEVICE OR DEVICES FROM THE SECURE LOCATION AND
- 36 PROCEDURES FOR THE RETRIEVAL.
- 37 (c) PROCEDURES FOR A STUDENT'S PARENT TO CONTACT THE STUDENT DURING
- 38 INSTRUCTIONAL TIME.
- 39 (d) PROCEDURES FOR A STUDENT TO CONTACT THE STUDENT'S PARENT DURING
- 40 INSTRUCTIONAL TIME.
- 41 (e) THE CONDITIONS UNDER WHICH A STUDENT MAY USE THE STUDENT'S
- 42 WIRELESS COMMUNICATIONS DEVICE OR DEVICES DURING INSTRUCTIONAL TIME,
- 43 INCLUDING ALL OF THE FOLLOWING:
- 44 (i) THE STUDENT IS A MEMBER OF A VOLUNTEER FIREFIGHTING COMPANY OR
- 45 AN AMBULANCE OR RESCUE SQUAD.

(ii) THE STUDENT NEEDS THE STUDENT'S WIRELESS COMMUNICATIONS DEVICE BECAUSE THE STUDENT OR A MEMBER OF THE STUDENT'S IMMEDIATE FAMILY HAS A MEDICAL CONDITION.

(iii) THE WIRELESS COMMUNICATIONS DEVICE IS REQUIRED BY THE STUDENT'S INDIVIDUALIZED EDUCATION PROGRAM.

(iv) THE STUDENT IS AN ENGLISH LANGUAGE LEARNER AND USES THE WIRELESS COMMUNICATIONS DEVICE AS A TRANSLATOR.

(v) THE STUDENT HAS OBTAINED PERMISSION FROM THE STUDENT'S TEACHER TO USE THE WIRELESS COMMUNICATIONS DEVICE FOR EDUCATIONAL PURPOSES.

(vi) ANY OTHER CONDITION IDENTIFIED BY THE SCHOOL DISTRICT GOVERNING BOARD.

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

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

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

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

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

E. A school district, its governing board members, its school council members and its employees are immune from civil liability for the consequences of adopting and implementing policies and procedures pursuant to subsection A of this section and section 15-342. This waiver does not apply if the school district, its governing board members, its school council members or its employees are guilty of gross negligence or intentional misconduct.

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

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

20 H. Subsections C through G of this section apply to a county board
21 of supervisors and a county school superintendent when operating and
22 administering an accommodation school.

23 I. A school district governing board may delegate authority in
24 writing to the superintendent of the school district to submit plans for
25 new school facilities to the school facilities oversight board for the
26 purpose of certifying that the plans meet the minimum school facility
27 adequacy guidelines prescribed in section 41-5711.

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