

REFERENCE TITLE: school district superintendents; performance-based pay

State of Arizona  
House of Representatives  
Fifty-seventh Legislature  
Second Regular Session  
2026

## **HB 2386**

Introduced by  
Representatives Gress: Carter N, Gillette; Senators Angius, Werner

AN ACT

AMENDING SECTION 15-341, ARIZONA REVISED STATUTES; AMENDING TITLE 15, CHAPTER 5, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 15-503.01; RELATING TO SCHOOL EMPLOYEES.

(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. 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.

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

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

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

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

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

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

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

39           21. Prescribe and enforce policies and procedures for disciplinary  
40 action against a teacher who engages in conduct that is a violation of the  
41 policies of the governing board but that is not cause for dismissal of the  
42 teacher or for revocation of the certificate of the teacher. Disciplinary  
43 action may include suspension without pay for a period of time not to  
44 exceed ten school days. Disciplinary action shall not include suspension  
45 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.

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

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

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

16           30. Report to local law enforcement agencies any suspected crime  
17 against a person or property that is a serious offense as defined in  
18 section 13-706 or that involves a deadly weapon or dangerous instrument or  
19 serious physical injury and any conduct that poses a threat of death or  
20 serious physical injury to employees, students or anyone on the property  
21 of the school. This paragraph does not limit or preclude the reporting by  
22 a school district or an employee of a school district of suspected crimes  
23 other than those required to be reported by this paragraph. For the  
24 purposes of this paragraph, "dangerous instrument", "deadly weapon" and  
25 "serious physical injury" have the same meanings prescribed in section  
26 13-105.

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

35           32. Provide written notice to the parents or guardians of all  
36 students enrolled in the school district at least ten days before a public  
37 meeting to discuss closing a school within the school district. The  
38 notice shall include the reasons for the proposed closure and the time and  
39 place of the meeting. The governing board shall fix a time for a public  
40 meeting on the proposed closure not less than ten days before voting in a  
41 public meeting to close the school. The school district governing board  
42 shall give notice of the time and place of the meeting. At the time and  
43 place designated in the notice, the school district governing board shall  
44 hear reasons for or against closing the school. The school district  
45 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 delivery systems, while at school and  
 17 at school-sponsored activities. The pupil's name on the prescription  
 18 label on the medication container or on the medication 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  
 22 medication. The policies shall require a pupil who uses an epinephrine  
 23 delivery system while at school and at school-sponsored activities to  
 24 notify the nurse or the designated school staff person of the use of the  
 25 medication as soon as practicable. A school district and its employees  
 26 are immune from civil liability with respect to all decisions made and  
 27 actions taken that are based on good faith implementation of the  
 28 requirements of this subdivision, except in cases of wanton or wilful  
 29 neglect.

30 (b) For the emergency administration of epinephrine delivery  
 31 systems by a trained employee of a school district pursuant to section  
 32 15-157.

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

44 36. Prescribe and enforce policies and procedures to prohibit  
 45 pupils from harassing, intimidating and bullying other pupils on school

1 grounds, on school property, on school buses, at school bus stops, at  
2 school-sponsored events and activities and through the use of electronic  
3 technology or electronic communication on school computers, networks,  
4 forums and mailing lists that include the following components:

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

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

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

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

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

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

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

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

43 (i) Procedures designed to protect the health and safety of pupils  
44 who are physically harmed as the result of incidents of harassment,

1 intimidation and bullying, including, if appropriate, procedures to  
2 contact emergency medical services or law enforcement agencies, or both.

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

4 37. Prescribe and enforce policies and procedures regarding  
5 changing or adopting attendance boundaries that include the following  
6 components:

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

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

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

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

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

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

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

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

34 39. **SUBJECT TO THE REQUIREMENTS PRESCRIBED IN SECTION 15-503.01,**  
35 ensure that the contract for the superintendent is structured in a manner  
36 in which up to twenty percent of the total annual salary included for the  
37 superintendent in the contract is classified as performance pay. This  
38 paragraph does not require school districts to increase total compensation  
39 for superintendents. ~~Unless~~ The school district governing board ~~votes to~~  
40 ~~implement~~ **MAY ADOPT BY AN UNANIMOUS VOTE** an alternative procedure at a  
41 public meeting called for this purpose. **IF THE GOVERNING BOARD DOES NOT**  
42 **ADOPT AN ALTERNATIVE PROCEDURE PURSUANT TO THIS PARAGRAPH,** the performance  
43 pay portion of the superintendent's total annual compensation shall be  
44 determined as follows:

1 (a) Twenty-five percent of the performance pay shall be determined  
 2 based on the percentage of academic gain determined by the department of  
 3 education of pupils who are enrolled in the school district compared to  
 4 the academic gain achieved by the highest ranking of the fifty largest  
 5 school districts in this state. For the purposes of this subdivision, the  
 6 department of education shall determine academic gain by the academic  
 7 growth achieved by each pupil who has been enrolled at the same school in  
 8 a school district for at least five consecutive months measured against  
 9 that pupil's academic results in the 2008-2009 school year. For the  
 10 purposes of this subdivision, of the fifty largest school districts in  
 11 this state, the school district with pupils who demonstrate the highest  
 12 statewide percentage of overall academic gain measured against academic  
 13 results for the 2008-2009 school year shall be assigned a score of 100 and  
 14 the school district with pupils who demonstrate the lowest statewide  
 15 percentage of overall academic gain measured against academic results for  
 16 the 2008-2009 school year shall be assigned a score of 0.

17 (b) Twenty-five percent of the performance pay shall be determined  
 18 by the percentage of parents of pupils who are enrolled at the school  
 19 district who assign a letter grade of "A" to the school on a survey of  
 20 parental satisfaction with the school district. The parental satisfaction  
 21 survey shall be administered and scored by an independent entity that is  
 22 selected by the governing board and that demonstrates sufficient expertise  
 23 and experience to accurately measure the results of the survey. The  
 24 parental satisfaction survey shall use standard random sampling procedures  
 25 and provide anonymity and confidentiality to each parent who participates  
 26 in the survey. The letter grade scale used on the parental satisfaction  
 27 survey shall direct parents to assign one of the following letter grades:

- 28 (i) A letter grade of "A" if the school district is excellent.
- 29 (ii) A letter grade of "B" if the school district is above average.
- 30 (iii) A letter grade of "C" if the school district is average.
- 31 (iv) A letter grade of "D" if the school district is below average.
- 32 (v) A letter grade of "F" if the school district is a failure.

33 (c) Twenty-five percent of the performance pay shall be determined  
 34 by the percentage of teachers who are employed at the school district and  
 35 who assign a letter grade of "A" to the school on a survey of teacher  
 36 satisfaction with the school. The teacher satisfaction survey shall be  
 37 administered and scored by an independent entity that is selected by the  
 38 governing board and that demonstrates sufficient expertise and experience  
 39 to accurately measure the results of the survey. The teacher satisfaction  
 40 survey shall use standard random sampling procedures and provide anonymity  
 41 and confidentiality to each teacher who participates in the survey. The  
 42 letter grade scale used on the teacher satisfaction survey shall direct  
 43 teachers to assign one of the following letter grades:

- 44 (i) A letter grade of "A" if the school district is excellent.
- 45 (ii) A letter grade of "B" if the school district is above average.

1 (iii) A letter grade of "C" if the school district is average.

2 (iv) A letter grade of "D" if the school district is below average.

3 (v) A letter grade of "F" if the school district is a failure.

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

6 40. Maintain and store permanent public records of the school  
7 district as required by law. Notwithstanding section 39-101, the  
8 standards adopted by the Arizona state library, archives and public  
9 records for the maintenance and storage of school district public records  
10 shall allow school districts to elect to satisfy the requirements of this  
11 paragraph by maintaining and storing these records either on paper or in  
12 an electronic format, or a combination of a paper and electronic format.

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

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

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

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

24 (d) Describe both of the following:

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

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

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

36 43. Prescribe and enforce policies and procedures for the emergency  
37 administration by an employee of a school district pursuant to section  
38 36-2267 of naloxone hydrochloride or any other opioid antagonist approved  
39 by the United States food and drug administration.

40 44. In addition to the notification requirements prescribed in  
41 paragraph 36 of this subsection, prescribe and enforce reasonable and  
42 appropriate policies to notify a pupil's parent or guardian if any person  
43 engages in harassing, threatening or intimidating conduct against that  
44 pupil. A school district and its officials and employees are immune from  
45 civil liability with respect to all decisions made and actions taken that

1 are based on good faith implementation of the requirements of this  
2 paragraph, except in cases of gross negligence or wanton or wilful  
3 neglect. A person engages in threatening or intimidating if the person  
4 threatens or intimidates by word or conduct to cause physical injury to  
5 another person or serious damage to the property of another on school  
6 grounds. A person engages in harassment if, with intent to harass or with  
7 knowledge that the person is harassing another person, the person  
8 anonymously or otherwise contacts, communicates or causes a communication  
9 with another person by verbal, electronic, mechanical, telephonic or  
10 written means in a manner that harasses on school grounds or substantially  
11 disrupts the school environment.

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

- 16 (a) Base salary and any additional pay.
- 17 (b) Medical benefits and the value of any employer-paid portions of  
18 insurance plan premiums.
- 19 (c) Retirement benefit plans, including social security.
- 20 (d) Legally required benefits.
- 21 (e) Any paid leave.
- 22 (f) Any other payment made to or on behalf of the employee.
- 23 (g) Any other benefit provided to the employee.

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

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

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

- 40 1. Is not abated, extinguished, discharged or merged in the title  
41 to the property.
- 42 2. Is enforceable in the same manner as other delinquent tax liens.

43 D. The governing board may not locate a school on property that is  
44 less than one-fourth mile from agricultural land regulated pursuant to  
45 section 3-365, except that the owner of the agricultural land may agree to

1 comply with the buffer zone requirements of section 3-365. If the owner  
2 agrees in writing to comply with the buffer zone requirements and records  
3 the agreement in the office of the county recorder as a restrictive  
4 covenant running with the title to the land, the school district may  
5 locate a school within the affected buffer zone. The agreement may  
6 include any stipulations regarding the school, including conditions for  
7 future expansion of the school and changes in the operational status of  
8 the school that will result in a breach of the agreement.

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

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

19 G. Notwithstanding any other provision of this title, a school  
20 district governing board shall not take any action that would result in a  
21 reduction of pupil square footage unless the governing board notifies the  
22 school facilities oversight board established by section 41-5701.02 of the  
23 proposed action and receives written approval from the school facilities  
24 oversight board to take the action. A reduction includes an increase in  
25 administrative space that results in a reduction of pupil square footage  
26 or sale of school sites or buildings, or both. A reduction includes a  
27 reconfiguration of grades that results in a reduction of pupil square  
28 footage of any grade level. This subsection does not apply to temporary  
29 reconfiguration of grades to accommodate new school construction if the  
30 temporary reconfiguration does not exceed one year. The sale of equipment  
31 that results in a reduction that falls below the equipment requirements  
32 prescribed in section 41-5711, subsection B is subject to commensurate  
33 withholding of school district district additional assistance monies  
34 pursuant to the direction of the school facilities oversight board.  
35 Except as provided in section 15-342, paragraph 10, proceeds from the sale  
36 of school sites, buildings or other equipment shall be deposited in the  
37 school plant fund as provided in section 15-1102.

38 H. Subsections C through G of this section apply to a county board  
39 of supervisors and a county school superintendent when operating and  
40 administering an accommodation school.

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

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

4 Sec. 2. Title 15, chapter 5, article 1, Arizona Revised Statutes,  
5 is amended by adding section 15-503.01, to read:

6 15-503.01. Superintendents; performance-based pay; reporting  
7 requirements; enforcement; civil penalty

8 A. NOTWITHSTANDING ANY OTHER LAW, A SCHOOL DISTRICT MAY AWARD  
9 PERFORMANCE-BASED PAY TO A SUPERINTENDENT WHO IS EMPLOYED PURSUANT TO  
10 SECTION 15-503 ONLY IF ALL OF THE FOLLOWING REQUIREMENTS ARE MET:

11 1. THE SUPERINTENDENT HAS MET THE PERFORMANCE PAY GOALS ESTABLISHED  
12 BY SECTION 15-341, SUBSECTION A, PARAGRAPH 39 OR PERFORMANCE PAY GOALS  
13 ESTABLISHED BY AN ALTERNATIVE PROCEDURE THAT IS ADOPTED PURSUANT TO  
14 SECTION 15-341, SUBSECTION A, PARAGRAPH 39.

15 2. THE AVERAGE STATEWIDE ASSESSMENT SCORES FOR THE SCHOOL DISTRICT  
16 ARE NOT LOWER THAN THE AVERAGE STATEWIDE ASSESSMENT SCORES FOR THE STATE.

17 3. THE GOVERNING BOARD APPROVES THE SUPERINTENDENT'S  
18 PERFORMANCE-BASED PAY IN A PUBLIC MEETING WITH AN AFFIRMATIVE VOTE OF AT  
19 LEAST TWO-THIRDS OF THE GOVERNING BOARD MEMBERS.

20 B. ON OR BEFORE AUGUST 1 OF EACH YEAR, EACH SCHOOL DISTRICT SHALL  
21 SUBMIT TO THE COUNTY SCHOOL SUPERINTENDENT OF EACH COUNTY IN WHICH THE  
22 SCHOOL DISTRICT IS LOCATED, IN A FORM AND MANNER PRESCRIBED BY THE COUNTY  
23 SCHOOL SUPERINTENDENT, INFORMATION RELATING TO ALL PERFORMANCE-BASED PAY  
24 THAT THE SCHOOL DISTRICT AWARDED TO A SUPERINTENDENT DURING THE  
25 IMMEDIATELY PRECEDING FISCAL YEAR, INCLUDING THE AMOUNT OF  
26 PERFORMANCE-BASED PAY THAT WAS AWARDED. EACH COUNTY SCHOOL SUPERINTENDENT  
27 THAT RECEIVES INFORMATION PURSUANT TO THIS SUBSECTION SHALL:

28 1. DETERMINE WHETHER THE SCHOOL DISTRICT COMPLIED WITH THE  
29 REQUIREMENTS PRESCRIBED IN SUBSECTION A OF THIS SECTION FOR ANY  
30 PERFORMANCE-BASED PAY THAT THE SCHOOL DISTRICT AWARDED TO A  
31 SUPERINTENDENT.

32 2. SUBMIT TO THE DEPARTMENT, IN A FORM AND MANNER PRESCRIBED BY THE  
33 DEPARTMENT OF EDUCATION, A COPY OF ALL INFORMATION THAT THE COUNTY SCHOOL  
34 SUPERINTENDENT RECEIVED FROM THE SCHOOL DISTRICT PURSUANT TO THIS  
35 SUBSECTION, TOGETHER WITH THE COUNTY SCHOOL SUPERINTENDENT'S DETERMINATION  
36 PURSUANT TO PARAGRAPH 1 OF THIS SUBSECTION.

37 C. ON OR BEFORE SEPTEMBER 1 OF EACH YEAR, THE DEPARTMENT OF  
38 EDUCATION SHALL:

39 1. COMPILE THE INFORMATION AND DETERMINATIONS THAT ARE SUBMITTED TO  
40 THE DEPARTMENT PURSUANT TO SUBSECTION B OF THIS SECTION INTO A REPORT AND  
41 POST THE REPORT ON THE DEPARTMENT'S WEBSITE.

42 2. SUBMIT THE REPORT THAT IS COMPILED PURSUANT TO PARAGRAPH 1 OF  
43 THIS SUBSECTION TO THE SPEAKER OF THE HOUSE OF REPRESENTATIVES, THE  
44 PRESIDENT OF THE SENATE, THE CHAIRPERSONS OF THE EDUCATION COMMITTEES OF

1 THE SENATE AND THE HOUSE OF REPRESENTATIVES, OR THEIR SUCCESSOR  
2 COMMITTEES, AND THE SECRETARY OF STATE.

3 D. IF THE COUNTY SCHOOL SUPERINTENDENT FOR A COUNTY IN WHICH A  
4 SCHOOL DISTRICT IS LOCATED NOTIFIES THE ATTORNEY GENERAL OR COUNTY  
5 ATTORNEY THAT THE SCHOOL DISTRICT IS VIOLATING THE REQUIREMENTS PRESCRIBED  
6 IN SUBSECTION A OF THIS SECTION, THE ATTORNEY GENERAL OR THE COUNTY  
7 ATTORNEY SHALL INVESTIGATE THE ALLEGATIONS AND MAY BRING AN ACTION IN A  
8 COURT OF COMPETENT JURISDICTION TO ENJOIN A VIOLATION OF THIS SECTION.  
9 FOR EACH VIOLATION OF THIS SECTION, THE COURT MAY IMPOSE A CIVIL PENALTY  
10 OF NOT MORE THAN \$1,000 AGAINST EACH MEMBER OF THE GOVERNING BOARD THAT  
11 APPROVED THE PERFORMANCE-BASED PAY IN VIOLATION OF THIS SECTION. EACH  
12 GOVERNING BOARD MEMBER IS PERSONALLY RESPONSIBLE FOR PAYING ALL CIVIL  
13 PENALTIES IMPOSED AGAINST THAT MEMBER PURSUANT TO THIS SUBSECTION. THE  
14 SCHOOL DISTRICT MAY NOT PAY A CIVIL PENALTY THAT IS IMPOSED PURSUANT TO  
15 THIS SUBSECTION ON BEHALF OF, OR OTHERWISE REIMBURSE, ANY GOVERNING BOARD  
16 MEMBER AGAINST WHOM THE CIVIL PENALTY IS IMPOSED.

17 E. IF A SCHOOL DISTRICT GOVERNING BOARD MEMBER IS FOUND BY A COURT  
18 OF COMPETENT JURISDICTION TO BE RESPONSIBLE FOR A VIOLATION OF THIS  
19 SECTION, THE GOVERNING BOARD MEMBER IS ELIGIBLE FOR REELECTION ONLY IF,  
20 THE GOVERNING BOARD MEMBER PAYS ANY CIVIL PENALTY IMPOSED AGAINST THE  
21 GOVERNING BOARD MEMBER PURSUANT TO SUBSECTION D OF THIS SECTION AND SEEKS  
22 TO RECOUP ALL PERFORMANCE-BASED PAY THAT WAS AWARDED TO THE SUPERINTENDENT  
23 IN VIOLATION OF THIS SECTION.