

State of Arizona
House of Representatives
Forty-ninth Legislature
First Regular Session
2009

HOUSE BILL 2437

AN ACT

AMENDING SECTION 15-342, 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 15-342, Arizona Revised Statutes, is amended to
3 read:
4 15-342. Discretionary powers
5 The governing board may:
6 1. Expel pupils for misconduct.
7 2. Exclude from grades one through eight children under six years of
8 age.
9 3. Make such separation of groups of pupils as it deems advisable.
10 4. Maintain such special schools during vacation as deemed necessary
11 for the benefit of the pupils of the school district.
12 5. Permit a superintendent or principal or representatives of the
13 superintendent or principal to travel for a school purpose, as determined by
14 a majority vote of the board. The board may permit members and members-elect
15 of the board to travel within or without the school district for a school
16 purpose and receive reimbursement. Any expenditure for travel and
17 subsistence pursuant to this paragraph shall be as provided in title 38,
18 chapter 4, article 2. The designated post of duty referred to in section
19 38-621 shall be construed, for school district governing board members, to be
20 the member's actual place of residence, as opposed to the school district
21 office or the school district boundaries. Such expenditures shall be a
22 charge against the budgeted school district funds. The governing board of a
23 school district shall prescribe procedures and amounts for reimbursement of
24 lodging and subsistence expenses. Reimbursement amounts shall not exceed the
25 maximum amounts established pursuant to section 38-624, subsection C.
26 6. Construct or provide in rural districts housing facilities for
27 teachers and other school employees which the board determines are necessary
28 for the operation of the school.
29 7. Sell or lease to the state, a county, a city or a tribal government
30 agency, ~~any~~ school property required for a public purpose, provided the sale
31 or lease of the property will not affect the normal operations of a school
32 within the school district.
33 8. Annually budget and expend funds for membership in an association
34 of school districts within this state.
35 9. Enter into leases or lease-purchase agreements for school buildings
36 or grounds, or both, as lessor or as lessee, for periods of less than five
37 years subject to voter approval for construction of school buildings as
38 prescribed in section 15-341, subsection A, paragraph 8.
39 10. Subject to chapter 16 of this title, sell school sites or enter
40 into leases or lease-purchase agreements for school buildings and grounds, as
41 lessor or as lessee, for a period of five years or more, but not to exceed
42 ninety-nine years, if authorized by a vote of the school district electors in
43 an election called by the governing board as provided in section 15-491,
44 except that authorization by the school district electors in an election is
45 not required if one of the following requirements is met:

1 (a) The market value of the school property is less than fifty
2 thousand dollars.

3 (b) The buildings and sites are completely funded with monies
4 distributed by the school facilities board.

5 (c) The transaction involves the sale of improved or unimproved
6 property pursuant to an agreement with the school facilities board in which
7 the school district agrees to sell the improved or unimproved property and
8 transfer the proceeds of the sale to the school facilities board in exchange
9 for monies from the school facilities board for the acquisition of a more
10 suitable school site. For a sale of property acquired by a school district
11 prior to July 9, 1998, a school district shall transfer to the school
12 facilities board that portion of the proceeds that equals the cost of the
13 acquisition of a more suitable school site. If there are any remaining
14 proceeds after the transfer of monies to the school facilities board, a
15 school district shall only use those remaining proceeds for future land
16 purchases approved by the school facilities board, or for capital
17 improvements not funded by the school facilities board for any existing or
18 future facility.

19 (d) The transaction involves the sale of improved or unimproved
20 property pursuant to a formally adopted plan and the school district uses the
21 proceeds of this sale to purchase other property that will be used for
22 similar purposes as the property that was originally sold, provided that the
23 sale proceeds of the improved or unimproved property are used within two
24 years after the date of the original sale to purchase the replacement
25 property. If the sale proceeds of the improved or unimproved property are
26 not used within two years after the date of the original sale to purchase
27 replacement property, the sale proceeds shall be used towards payment of any
28 outstanding bonded indebtedness. If any sale proceeds remain after paying
29 for outstanding bonded indebtedness, or if the district has no outstanding
30 bonded indebtedness, sale proceeds shall be used to reduce the district's
31 primary tax levy. A school district shall not use ~~the provisions of~~ this
32 subdivision unless all of the following conditions exist:

33 (i) The school district is the sole owner of the improved or
34 unimproved property that the school district intends to sell.

35 (ii) The school district did not purchase the improved or unimproved
36 property that the school district intends to sell with monies that were
37 distributed pursuant to chapter 16 of this title.

38 (iii) The transaction does not violate section 15-341, subsection G.

39 11. Review the decision of a teacher to promote a pupil to a grade or
40 retain a pupil in a grade in a common school or to pass or fail a pupil in a
41 course in high school. The pupil has the burden of proof to overturn the
42 decision of a teacher to promote, retain, pass or fail the pupil. In order
43 to sustain the burden of proof, the pupil shall demonstrate to the governing
44 board that the pupil has mastered the academic standards adopted by the state
45 board of education pursuant to sections 15-701 and 15-701.01. If the

1 governing board overturns the decision of a teacher pursuant to this
2 paragraph, the governing board shall adopt a written finding that the pupil
3 has mastered the academic standards. Notwithstanding title 38, chapter 3,
4 article 3.1, the governing board shall review the decision of a teacher to
5 promote a pupil to a grade or retain a pupil in a grade in a common school or
6 to pass or fail a pupil in a course in high school in executive session
7 unless a parent or legal guardian of the pupil or the pupil, if emancipated,
8 disagrees that the review should be conducted in executive session and then
9 the review shall be conducted in an open meeting. If the review is conducted
10 in executive session, the board shall notify the teacher of the date, time
11 and place of the review and shall allow the teacher to be present at the
12 review. If the teacher is not present at the review, the board shall consult
13 with the teacher before making its decision. Any request, including the
14 written request as provided in section 15-341, the written evidence presented
15 at the review and the written record of the review, including the decision of
16 the governing board to accept or reject the teacher's decision, shall be
17 retained by the governing board as part of its permanent records.

18 12. Provide transportation or site transportation loading and unloading
19 areas for any child or children if deemed for the best interest of the
20 district, whether within or without the district, county or state.

21 13. Enter into intergovernmental agreements and contracts with school
22 districts or other governing bodies as provided in section 11-952.

23 14. Include in the curricula which it prescribes for high schools in
24 the school district career and technical education, vocational education and
25 technology education programs and career and technical, vocational and
26 technology program improvement services for the high schools, subject to
27 approval by the state board of education. The governing board may contract
28 for the provision of career and technical, vocational and technology
29 education as provided in section 15-789.

30 15. Suspend a teacher or administrator from the teacher's or
31 administrator's duties without pay for a period of time of not to exceed ten
32 school days, if the board determines that suspension is warranted pursuant to
33 section 15-341, subsection A, paragraphs 23 and 24.

34 16. Dedicate school property within an incorporated city or town to
35 such city or town or within a county to that county for use as a public
36 right-of-way if both of the following apply:

37 (a) Pursuant to an ordinance adopted by such city, town or county,
38 there will be conferred upon the school district privileges and benefits
39 which may include benefits related to zoning.

40 (b) The dedication will not affect the normal operation of any school
41 within the district.

42 17. Enter into option agreements for the purchase of school sites.

43 18. Donate surplus or outdated learning materials to nonprofit
44 community organizations where the governing board determines that the

1 anticipated cost of selling the learning materials equals or exceeds the
2 estimated market value of the materials.

3 19. Prescribe policies for the assessment of reasonable fees for
4 students to use district-provided parking facilities. The fees are to be
5 applied by the district solely against costs incurred in operating or
6 securing the parking facilities. Any policy adopted by the governing board
7 pursuant to this paragraph shall include a fee waiver provision in
8 appropriate cases of need or economic hardship.

9 20. Establish alternative educational programs that are consistent with
10 the laws of this state to educate pupils, including pupils who have been
11 reassigned pursuant to section 15-841, subsection E or F.

12 21. Require a period of silence to be observed at the commencement of
13 the first class of the day in the schools. If a governing board chooses to
14 require a period of silence to be observed, the teacher in charge of the room
15 in which the first class is held shall announce that a period of silence not
16 to exceed one minute in duration will be observed for meditation, and during
17 that time no activities shall take place and silence shall be maintained.

18 22. Require students to wear uniforms.

19 23. Exchange unimproved property or improved property, including school
20 sites, where the governing board determines that the improved property is
21 unnecessary for the continued operation of the school district without
22 requesting authorization by a vote of the school district electors if the
23 governing board determines that the exchange is necessary to protect the
24 health, safety or welfare of pupils or when the governing board determines
25 that the exchange is based on sound business principles for either:

26 (a) Unimproved or improved property of equal or greater value.

27 (b) Unimproved property that the owner contracts to improve if the
28 value of the property ultimately received by the school district is of equal
29 or greater value.

30 24. For common and high school pupils, assess reasonable fees for
31 optional extracurricular activities and programs conducted when the common or
32 high school is not in session, except that no fees shall be charged for
33 pupils' access to or use of computers or related materials. For high school
34 pupils, the governing board may assess reasonable fees for fine arts and
35 vocational education courses and for optional services, equipment and
36 materials offered to the pupils beyond those required to successfully
37 complete the basic requirements of any other course, except that no fees
38 shall be charged for pupils' access to or use of computers or related
39 materials. Fees assessed pursuant to this paragraph shall be adopted at a
40 public meeting after notice has been given to all parents of pupils enrolled
41 at schools in the district and shall not exceed the actual costs of the
42 activities, programs, services, equipment or materials. The governing board
43 shall authorize principals to waive the assessment of all or part of a fee
44 assessed pursuant to this paragraph if it creates an economic hardship for a
45 pupil. For the purposes of this paragraph, "extracurricular activity" means

1 any optional, noncredit, educational or recreational activity which
2 supplements the education program of the school, whether offered before,
3 during or after regular school hours.

4 25. Notwithstanding section 15-341, subsection A, paragraphs 8 and 10,
5 construct school buildings and purchase or lease school sites, without a vote
6 of the school district electors, if the buildings and sites are totally
7 funded from one or more of the following:

8 (a) Monies in the unrestricted capital outlay fund, except that the
9 estimated cost shall not exceed two hundred fifty thousand dollars for a
10 district that utilizes ~~the provisions of~~ section 15-949.

11 (b) Monies distributed from the school facilities board established by
12 section 15-2001.

13 (c) Monies specifically donated for the purpose of constructing school
14 buildings.

15 Nothing in this paragraph shall be construed to eliminate the requirement for
16 an election to raise revenues for a capital outlay override pursuant to
17 section 15-481 or a bond election pursuant to section 15-491.

18 26. Conduct a background investigation that includes a fingerprint
19 check conducted pursuant to section 41-1750, subsection G for certificated
20 personnel and personnel who are not paid employees of the school district, as
21 a condition of employment. A school district may release the results of a
22 background check to another school district for employment purposes. The
23 school district may charge the costs of fingerprint checks to its
24 fingerprinted employee, except that the school district may not charge the
25 costs of fingerprint checks for personnel who are not paid employees of the
26 school district.

27 27. Sell advertising space on the exterior of school buses as follows:

28 (a) Advertisements shall be age appropriate and not contain promotion
29 of any substance that is illegal for minors, such as alcohol, tobacco and
30 drugs, or gambling. Advertisements shall comply with the state sex education
31 policy of abstinence.

32 (b) Advertising approved by the governing board may appear only on the
33 sides of the bus in the following areas:

34 (i) The signs shall be below the seat level rub rail and not extend
35 above the bottom of the side windows.

36 (ii) The signs shall be at least three inches from any required
37 lettering, lamp, wheel well or reflector behind the service door or stop
38 signal arm.

39 (iii) The signs shall not extend from the body of the bus so as to
40 allow a handhold or present a danger to pedestrians.

41 (iv) The signs shall not interfere with the operation of any door or
42 window.

43 (v) The signs shall not be placed on any emergency doors.

44 (c) **THE SCHOOL DISTRICT SHALL** establish a school bus advertisement
45 fund that is comprised of revenues from the sale of advertising space on

1 school buses. The monies in a school bus advertisement fund are not subject
2 to reversion and shall be used for the following purposes:

3 (i) To comply with the energy conservation measures prescribed in
4 section 15-349 in school districts that are in area A as defined in section
5 49-541, and any remaining monies shall be used to purchase alternative fuel
6 support vehicles and any other pupil related costs as determined by the
7 governing board.

8 (ii) For any pupil related costs as determined by the governing board
9 in school districts not subject to ~~the provisions of~~ item (i) of this
10 subdivision.

11 28. Assess reasonable damage deposits to pupils in grades seven through
12 twelve for the use of textbooks, musical instruments, band uniforms or other
13 equipment required for academic courses. The governing board shall adopt
14 policies on any damage deposits assessed pursuant to this paragraph at a
15 public meeting called for this purpose after providing notice to all parents
16 of pupils in grades seven through twelve in the school district. Principals
17 of individual schools within the district may waive the damage deposit
18 requirement for any textbook or other item if the payment of the damage
19 deposit would create an economic hardship for the pupil. The school district
20 shall return the full amount of the damage deposit for any textbook or other
21 item if the pupil returns the textbook or other item in reasonably good
22 condition within the time period prescribed by the governing board. For the
23 purposes of this paragraph, "in reasonably good condition" means the textbook
24 or other item is in the same or a similar condition as it was when the pupil
25 received it, plus ordinary wear and tear.

26 29. Notwithstanding section 15-1105, expend surplus monies in the civic
27 center school fund for maintenance and operations or unrestricted capital
28 outlay, if sufficient monies are available in the fund after meeting the
29 needs of programs established pursuant to section 15-1105.

30 30. Notwithstanding section 15-1143, expend surplus monies in the
31 community school program fund for maintenance and operations or unrestricted
32 capital outlay, if sufficient monies are available in the fund after meeting
33 the needs of programs established pursuant to section 15-1142.

34 31. Adopt guidelines for standardization of the format of the school
35 report cards required by section 15-746 for schools within the district.

36 32. Adopt policies that require parental notification when a law
37 enforcement officer interviews a pupil on school grounds. Policies adopted
38 pursuant to this paragraph shall not impede a peace officer from the
39 performance of the peace officer's duties. If the school district governing
40 board adopts a policy that requires parental notification:

41 (a) The policy may provide reasonable exceptions to the parental
42 notification requirement.

43 (b) The policy shall set forth whether and under what circumstances a
44 parent may be present when a law enforcement officer interviews the pupil,
45 including reasonable exceptions to the circumstances under which a parent may

1 be present when a law enforcement officer interviews the pupil, and shall
2 specify a reasonable maximum time after a parent is notified that an
3 interview of a pupil by a law enforcement officer may be delayed to allow the
4 parent to be present.

5 33. Enter into voluntary partnerships with any party to finance with
6 funds other than school district funds and cooperatively design school
7 facilities that comply with the adequacy standards prescribed in section
8 15-2011 and the square footage per pupil requirements pursuant to section
9 15-2041, subsection D, paragraph 3, subdivision (b). The design plans and
10 location of any such school facility shall be submitted to the school
11 facilities board for approval pursuant to section 15-2041, subsection 0. If
12 the school facilities board approves the design plans and location of any
13 such school facility, the party in partnership with the school district may
14 cause to be constructed and the district may begin operating the school
15 facility before monies are distributed from the school facilities board
16 pursuant to section 15-2041. Monies distributed from the new school
17 facilities fund to a school district in a partnership with another party to
18 finance and design the school facility shall be paid to the school district
19 pursuant to section 15-2041. The school district shall reimburse the party
20 in partnership with the school district from the monies paid to the school
21 district pursuant to section 15-2041, in accordance with the voluntary
22 partnership agreement. Before the school facilities board distributes any
23 monies pursuant to this subsection, the school district shall demonstrate to
24 the school facilities board that the facilities to be funded pursuant to
25 section 15-2041, subsection 0 meet the minimum adequacy standards prescribed
26 in section 15-2011. If the cost to construct the school facility exceeds the
27 amount that the school district receives from the new school facilities fund,
28 the partnership agreement between the school district and the other party
29 shall specify that, except as otherwise provided by the other party, any such
30 excess costs shall be the responsibility of the school district. The school
31 district governing board shall adopt a resolution in a public meeting that AN
32 analysis has been conducted on the prospective effects of the decision to
33 operate a new school with existing monies from the school district's
34 maintenance and operations budget and how this decision may affect other
35 schools in the school district. If a school district acquires land by
36 donation at an appropriate school site approved by the school facilities
37 board and a school facility is financed and built on the land pursuant to
38 this paragraph, the school facilities board shall distribute an amount equal
39 to twenty per cent of the fair market value of the land that can be used for
40 academic purposes. The school district shall place the monies in the
41 unrestricted capital outlay fund and increase the unrestricted capital budget
42 limit by the amount of the monies placed in the fund. Monies distributed
43 under this paragraph shall be distributed from the new school facilities fund
44 pursuant to section 15-2041. If a school district acquires land by donation
45 at an appropriate school site approved by the school facilities board and a

1 school facility is financed and built on the land pursuant to this paragraph,
2 the school district shall not receive monies from the school facilities board
3 for the donation of real property pursuant to section 15-2041, subsection F.
4 It is unlawful for:

5 (a) A county, city or town to require as a condition of any land use
6 approval that a landowner or landowners that entered into a partnership
7 pursuant to this paragraph provide any contribution, donation or gift, other
8 than a site donation, to a school district. This subdivision only applies to
9 the property in the voluntary partnership agreement pursuant to this
10 paragraph.

11 (b) A county, city or town to require as a condition of any land use
12 approval that the landowner or landowners located within the geographic
13 boundaries of the school subject to the voluntary partnership pursuant to
14 this paragraph provide any donation or gift to the school district except as
15 provided in the voluntary partnership agreement pursuant to this paragraph.

16 (c) A community facilities district established pursuant to title 48,
17 chapter 4, article 6 to be used for reimbursement of financing the
18 construction of a school pursuant to this paragraph.

19 (d) ~~For~~ A school district to enter into an agreement pursuant to this
20 paragraph with any party other than a master planned community party. Any
21 land area consisting of at least three hundred twenty acres that is the
22 subject of a development agreement with a county, city or town entered into
23 pursuant to section 9-500.05 or 11-1101 shall be deemed to be a master
24 planned community. For the purposes of this subdivision, "master planned
25 community" means a land area consisting of at least three hundred twenty
26 acres, which may be noncontiguous, that is the subject of a zoning ordinance
27 approved by the governing body of the county, city or town in which the land
28 is located that establishes the use of the land area as a planned area
29 development or district, planned community development or district, planned
30 unit development or district or other land use category or district that is
31 recognized in the local ordinance of such county, city or town and that
32 specifies the use of such land is for a master planned development.

33 34. SELL ADVERTISING ON THE SCHOOL DISTRICT WEBSITE OR ANY WEBSITE
34 MAINTAINED BY A SCHOOL WITHIN THE SCHOOL DISTRICT AS FOLLOWS:

35 (a) ADVERTISEMENTS SHALL BE AGE APPROPRIATE AND NOT CONTAIN PROMOTION
36 OF ANY SUBSTANCE THAT IS ILLEGAL FOR MINORS, SUCH AS ALCOHOL, TOBACCO AND
37 DRUGS, OR GAMBLING. ADVERTISEMENTS SHALL COMPLY WITH THE STATE SEX EDUCATION
38 POLICY OF ABSTINENCE. THE GOVERNING BOARD HAS DISCRETION TO DECLINE SPECIFIC
39 ADVERTISEMENTS.

40 (b) THE SCHOOL DISTRICT SHALL ESTABLISH A WEBSITE ADVERTISING FUND
41 THAT IS COMPRISED OF REVENUES FROM THE SALE OF ADVERTISING ON THE SCHOOL
42 DISTRICT WEBSITE OR ANY WEBSITE MAINTAINED BY A SCHOOL WITHIN THE SCHOOL
43 DISTRICT. THE MONIES IN A WEBSITE ADVERTISEMENT FUND ARE NOT SUBJECT TO
44 REVERSION AND SHALL BE USED FOR ANY PUPIL RELATED COSTS AS DETERMINED BY THE
45 GOVERNING BOARD OF THE SCHOOL DISTRICT.