

PROPOSED

HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2521

(Reference to printed bill)

1 Strike everything after the enacting clause and insert:

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 governing board shall:

6 1. Prescribe and enforce policies and procedures for the governance of
7 the schools, not inconsistent with law or rules prescribed by the state board
8 of education.

9 2. Exclude from schools all books, publications, papers or audiovisual
10 materials of a sectarian, partisan or denominational character.

11 3. Manage and control the school property within its district.

12 4. Acquire school furniture, apparatus, equipment, library books and
13 supplies for the use of the schools.

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

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

18 7. Construct school buildings on approval by a vote of the district
19 electors.

20 8. Make in the name of the district conveyances of property belonging
21 to the district and sold by the board.

22 9. Purchase school sites when authorized by a vote of the district at
23 an election conducted as nearly as practicable in the same manner as the
24 election provided in section 15-481 and held on a date prescribed in section
25 15-491, subsection E, but such authorization shall not necessarily specify
26 the site to be purchased and such authorization shall not be necessary to
27 exchange unimproved property as provided in section 15-342, paragraph 23.

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

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

4 12. Hold pupils to strict account for disorderly conduct on school
5 property.

6 13. Discipline students for disorderly conduct on the way to and from
7 school.

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

17 15. Provide that, if a parent or legal guardian chooses not to accept a
18 decision of the teacher as provided in section 15-521, paragraph 2, the
19 parent or legal guardian may request in writing that the governing board
20 review the teacher's decision. Nothing in this paragraph shall be construed
21 to release school districts from any liability relating to a child's
22 promotion or retention.

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

25 17. Use school monies received from the state and county school
26 apportionment exclusively for payment of salaries of teachers and other
27 employees and contingent expenses of the district.

28 18. Make an annual report to the county school superintendent on or
29 before October 1 in the manner and form and on the blanks prescribed by the
30 superintendent of public instruction or county school superintendent. The
31 board shall also make reports directly to the county school superintendent or
32 the superintendent of public instruction whenever required.

1 19. Deposit all monies received by school districts other than student
2 activities monies or monies from auxiliary operations as provided in sections
3 15-1125 and 15-1126 with the county treasurer to the credit of the school
4 district except as provided in paragraph 20 of this subsection and sections
5 15-1223 and 15-1224, and the board shall expend the monies as provided by law
6 for other school funds.

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

12 21. Prescribe and enforce policies and procedures for disciplinary
13 action against a teacher who engages in conduct that is a violation of the
14 policies of the governing board but that is not cause for dismissal of the
15 teacher or for revocation of the certificate of the teacher. Disciplinary
16 action may include suspension without pay for a period of time not to exceed
17 ten school days. Disciplinary action shall not include suspension with pay
18 or suspension without pay for a period of time longer than ten school days.
19 The procedures shall include notice, hearing and appeal provisions for
20 violations that are cause for disciplinary action. The governing board may
21 designate a person or persons to act on behalf of the board on these matters.

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

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

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

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

13 25. Prescribe and enforce policies and procedures regarding the smoking
14 of tobacco within school buildings. The policies and procedures shall be
15 adopted in consultation with school district personnel and members of the
16 community and shall state whether smoking is prohibited in school buildings.
17 If smoking in school buildings is not prohibited, the policies and procedures
18 shall clearly state the conditions and circumstances under which smoking is
19 permitted, those areas in a school building that may be designated as smoking
20 areas and those areas in a school building that may not be designated as
21 smoking areas.

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

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

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

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

1 30. Keep on file the resumes of all current and former employees who
2 provide instruction to pupils at a school. Resumes shall include an
3 individual's educational and teaching background and experience in a
4 particular academic content subject area. A school district shall inform
5 parents and guardians of the availability of the resume information and shall
6 make the resume information available for inspection on request of parents
7 and guardians of pupils enrolled at a school. Nothing in this paragraph
8 shall be construed to require any school to release personally identifiable
9 information in relation to any teacher or employee, including the teacher's
10 or employee's address, salary, social security number or telephone number.

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

21 32. In conjunction with local law enforcement agencies and local
22 medical facilities, develop an emergency response plan for each school in the
23 school district in accordance with minimum standards developed jointly by the
24 department of education and the division of emergency management within the
25 department of emergency and military affairs.

26 33. Provide written notice to the parents or guardians of all students
27 affected in the school district at least thirty days prior to a public
28 meeting to discuss closing a school within the school district. The notice
29 shall include the reasons for the proposed closure and the time and place of
30 the meeting. The governing board shall fix a time for a public meeting on
31 the proposed closure no less than thirty days before voting in a public
32 meeting to close the school. The school district governing board shall give

1 notice of the time and place of the meeting. At the time and place
2 designated in the notice, the school district governing board shall hear
3 reasons for or against closing the school. The school district governing
4 board is exempt from this paragraph if it is determined by the governing
5 board that the school shall be closed because it poses a danger to the health
6 or safety of the pupils or employees of the school.

7 34. Incorporate instruction on Native American history into appropriate
8 existing curricula.

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

26 36. Allow the possession and self-administration of prescription
27 medication for breathing disorders in handheld inhaler devices by pupils who
28 have been prescribed that medication by a health care professional licensed
29 pursuant to title 32. The pupil's name on the prescription label on the
30 medication container or on the handheld inhaler device and annual written
31 documentation from the pupil's parent or guardian to the school that
32 authorizes possession and self-administration shall be sufficient proof that

1 the pupil is entitled to the possession and self-administration of the
2 medication. A school district and its employees are immune from civil
3 liability with respect to all decisions made and actions taken that are based
4 on a good faith implementation of the requirements of this paragraph.

5 37. Prescribe and enforce policies and procedures to prohibit pupils
6 from harassing, intimidating and bullying other pupils on school grounds, on
7 school property, on school buses, at school bus stops and at school sponsored
8 events and activities that include the following components:

9 (a) A procedure for pupils to confidentially report to school
10 officials incidents of harassment, intimidation or bullying.

11 (b) A procedure for parents and guardians of pupils to submit written
12 reports to school officials of suspected incidents of harassment,
13 intimidation or bullying.

14 (c) A requirement that school district employees report suspected
15 incidents of harassment, intimidation or bullying to the appropriate school
16 official.

17 (d) A formal process for the documentation of reported incidents of
18 harassment, intimidation or bullying and for the confidentiality, maintenance
19 and disposition of this documentation. If a school maintains documentation
20 of reported incidents of harassment, intimidation or bullying, the school
21 shall not use that documentation to impose disciplinary action unless the
22 appropriate school official has investigated and determined that the reported
23 incidents of harassment, intimidation or bullying occurred.

24 (e) A formal process for the investigation by the appropriate school
25 officials of suspected incidents of harassment, intimidation or bullying.

26 (f) Disciplinary procedures for pupils who have admitted or been found
27 to have committed incidents of harassment, intimidation or bullying.

28 (g) A procedure that sets forth consequences for submitting false
29 reports of incidents of harassment, intimidation or bullying.

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

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

3 (b) A procedure to notify the parents or guardians of the students
4 affected.

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

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

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

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

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

19 (h) If the land that a school was built on was donated within the past
20 five years, a formal process to notify the entity that donated the land
21 affected by the decision of the governing board.

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

28 40. ENSURE THAT THE CONTRACT FOR THE SUPERINTENDENT IS STRUCTURED IN A
29 MANNER WHERE AT LEAST TWENTY PER CENT OF THE TOTAL ANNUAL COMPENSATION AND
30 BENEFITS INCLUDED FOR THE SUPERINTENDENT IN THE CONTRACT IS CLASSIFIED AS
31 PERFORMANCE PAY.

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

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

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

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

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

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

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

4 G. Notwithstanding any other provision of this title, a school
5 district governing board shall not take any action that would result in a
6 reduction of pupil square footage unless the governing board notifies the
7 school facilities board established by section 15-2001 of the proposed action
8 and receives written approval from the school facilities board to take the
9 action. A reduction includes an increase in administrative space that
10 results in a reduction of pupil square footage or sale of school sites or
11 buildings, or both. A reduction includes a reconfiguration of grades that
12 results in a reduction of pupil square footage of any grade level. This
13 subsection does not apply to temporary reconfiguration of grades to
14 accommodate new school construction if the temporary reconfiguration does not
15 exceed one year. The sale of equipment that results in a reduction that
16 falls below the equipment requirements prescribed in section 15-2011,
17 subsection B is subject to commensurate withholding of school district
18 capital outlay revenue limit monies pursuant to the direction of the school
19 facilities board. Except as provided in section 15-342, paragraph 10,
20 proceeds from the sale of school sites, buildings or other equipment shall be
21 deposited in the school plant fund as provided in section 15-1102.

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

25 Amend title to conform

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