

PROPOSED

HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2281

(Reference to printed bill)

1 Strike everything after the enacting clause and insert:

2 "Section 1. Title 15, chapter 1, article 1, Arizona Revised Statutes,
3 is amended by adding sections 15-111 and 15-112, to read:

4 15-111. Declaration of policy

5 THE LEGISLATURE FINDS AND DECLARES THAT PUBLIC SCHOOL PUPILS SHOULD BE
6 TAUGHT TO TREAT AND VALUE EACH OTHER AS INDIVIDUALS AND NOT BE TAUGHT TO
7 RESENT OR HATE OTHER RACES OR CLASSES OF PEOPLE.

8 15-112. Prohibited courses and classes; enforcement

9 A. A SCHOOL DISTRICT OR CHARTER SCHOOL IN THIS STATE SHALL NOT INCLUDE
10 IN ITS PROGRAM OF INSTRUCTION ANY COURSES OR CLASSES THAT EITHER:

11 1. PROMOTE THE OVERTHROW OF THE UNITED STATES GOVERNMENT.

12 2. PROMOTE RESENTMENT TOWARD A RACE OR CLASS OF PEOPLE.

13 B. IF THE STATE BOARD OF EDUCATION DETERMINES THAT A SCHOOL DISTRICT
14 OR CHARTER SCHOOL IS IN VIOLATION OF SUBSECTION A, THE STATE BOARD OF
15 EDUCATION SHALL DIRECT THE SUPERINTENDENT OF PUBLIC INSTRUCTION TO NOTIFY THE
16 SCHOOL DISTRICT OR CHARTER SCHOOL THAT IT IS IN VIOLATION OF
17 SUBSECTION A. IF THE STATE BOARD OF EDUCATION DETERMINES THAT THE SCHOOL
18 DISTRICT OR CHARTER SCHOOL HAS FAILED TO COMPLY WITH SUBSECTION A WITHIN
19 SIXTY DAYS AFTER A NOTICE HAS BEEN ISSUED PURSUANT TO THIS SUBSECTION, THE
20 STATE BOARD OF EDUCATION MAY DIRECT THE DEPARTMENT OF EDUCATION TO WITHHOLD
21 UP TO TEN PER CENT OF THE MONTHLY APPORTIONMENT OF STATE AID THAT WOULD
22 OTHERWISE BE DUE THE SCHOOL DISTRICT OR CHARTER SCHOOL. THE DEPARTMENT OF
23 EDUCATION SHALL ADJUST THE SCHOOL DISTRICT OR CHARTER SCHOOL'S APPORTIONMENT
24 ACCORDINGLY. WHEN THE STATE BOARD OF EDUCATION DETERMINES THAT THE SCHOOL
25 DISTRICT OR CHARTER SCHOOL IS IN COMPLIANCE WITH SUBSECTION A, THE DEPARTMENT
26 OF EDUCATION SHALL RESTORE THE FULL AMOUNT OF STATE AID PAYMENTS TO THE
27 SCHOOL DISTRICT OR CHARTER SCHOOL.

28 C. ACTIONS TAKEN UNDER THIS SECTION ARE SUBJECT TO APPEAL PURSUANT TO
29 TITLE 41, CHAPTER 6, ARTICLE 10.

30 D. THIS SECTION SHALL NOT BE CONSTRUED TO RESTRICT OR PROHIBIT:

1 1. COURSES OR CLASSES FOR NATIVE AMERICAN PUPILS THAT ARE REQUIRED TO
2 COMPLY WITH FEDERAL LAW.

3 2. THE GROUPING OF PUPILS ACCORDING TO ACADEMIC PERFORMANCE, INCLUDING
4 CAPABILITY IN THE ENGLISH LANGUAGE, THAT MAY RESULT IN A DISPARATE IMPACT BY
5 ETHNICITY.

6 3. AFRICAN-AMERICAN STUDIES COURSES OR CLASSES WHICH ARE OPEN TO ALL
7 STUDENTS, UNLESS THERE IS A VIOLATION OF SUBSECTION A.

8 Sec. 2. Section 15-843, Arizona Revised Statutes, is amended to read:

9 15-843. Pupil disciplinary proceedings

10 A. An action concerning discipline, suspension or expulsion of a pupil
11 is not subject to title 38, chapter 3, article 3.1, except that the governing
12 board of a school district shall post regular notice and shall take minutes
13 of any hearing held by the governing board concerning the discipline,
14 suspension or expulsion of a pupil.

15 B. The governing board of any school district, in consultation with
16 the teachers and parents of the school district, shall prescribe rules for
17 the discipline, suspension and expulsion of pupils. The rules shall be
18 consistent with the constitutional rights of pupils and shall include at
19 least the following:

20 1. Penalties for excessive pupil absenteeism pursuant to section
21 15-803, including failure in a subject, failure to pass a grade, suspension
22 or expulsion.

23 2. Procedures for the use of corporal punishment if allowed by the
24 governing board.

25 3. Procedures for the reasonable use of physical force by certificated
26 or classified personnel in self-defense, defense of others and defense of
27 property.

28 4. Procedures for dealing with pupils who have committed or who are
29 believed to have committed a crime.

30 5. A notice and hearing procedure for cases concerning the suspension
31 of a pupil for more than ten days.

32 6. Procedures and conditions for readmission of a pupil who has been
33 expelled or suspended for more than ten days.

1 7. Procedures for appeal to the governing board of the suspension of a
2 pupil for more than ten days, if the decision to suspend the pupil was not
3 made by the governing board.

4 8. Procedures for appeal of the recommendation of the hearing officer
5 or officers designated by the board as provided in subsection F of this
6 section at the time the board considers the recommendation.

7 C. Penalties adopted pursuant to subsection B, paragraph 1 of this
8 section for excessive absenteeism shall not be applied to pupils who have
9 completed the course requirements and whose absence from school is due solely
10 to illness, disease or accident as certified by a person who is licensed
11 pursuant to title 32, chapter 7, 13, 15 or 17.

12 D. The governing board shall:

13 1. Support and assist teachers in the implementation and enforcement
14 of the rules prescribed pursuant to subsection B of this section.

15 2. Develop procedures allowing teachers and principals to recommend
16 the suspension or expulsion of pupils.

17 3. Develop procedures allowing teachers and principals to temporarily
18 remove disruptive pupils from a class.

19 4. Delegate to the principal the authority to remove a disruptive
20 pupil from the classroom.

21 E. If a pupil withdraws from school after receiving notice of possible
22 action concerning discipline, expulsion or suspension, the governing board
23 may continue with the action after the withdrawal and may record the results
24 of such action in the pupil's permanent file.

25 F. In all action concerning the expulsion of a pupil, the governing
26 board of a school district shall:

27 1. Be notified of the intended action.

28 2. Either:

29 (a) Decide, in executive session, whether to hold a hearing or to
30 designate one or more hearing officers to hold a hearing to hear the
31 evidence, prepare a record and bring a recommendation to the board for action
32 and whether the hearing shall be held in executive session.

1 (b) Provide by policy or vote at its annual organizational meeting
2 that all hearings concerning the expulsion of a pupil conducted pursuant to
3 this section will be conducted before a hearing officer selected from a list
4 of hearing officers approved by the governing board.

5 3. Give written notice, at least five working days before the hearing
6 by the governing board or the hearing officer or officers designated by the
7 governing board, to all pupils subject to expulsion and their parents or
8 guardians of the date, time and place of the hearing. If the governing board
9 decides that the hearing is to be held in executive session, the written
10 notice shall include a statement of the right of the parents or guardians or
11 an emancipated pupil who is subject to expulsion to object to the governing
12 board's decision to have the hearing held in executive session. Objections
13 shall be made in writing to the governing board.

14 G. If a parent or guardian or an emancipated pupil who is subject to
15 expulsion disagrees that the hearing should be held in executive session, it
16 shall be held in an open meeting unless:

17 1. If only one pupil is subject to expulsion and disagreement exists
18 between that pupil's parents or guardians, the governing board, after
19 consultations with the pupil's parents or guardians or the emancipated pupil,
20 shall decide in executive session whether the hearing will be in executive
21 session.

22 2. If more than one pupil is subject to expulsion and disagreement
23 exists between the parents or guardians of different pupils, separate
24 hearings shall be held subject to this section.

25 H. This section does not prevent the pupil who is subject to expulsion
26 or suspension, and the pupil's parents or guardians and legal counsel, from
27 attending any executive session pertaining to the proposed disciplinary
28 action, from having access to the minutes and testimony of the executive
29 session or from recording the session at the parent's or guardian's expense.

30 I. In schools employing a superintendent or a principal, the authority
31 to suspend a pupil from school is vested in the superintendent, principal or
32 other school officials granted this power by the governing board of the
33 school district.

1 J. In schools that do not have a superintendent or principal, a
2 teacher may suspend a pupil from school.

3 K. In all cases of suspension, it shall be for good cause and shall be
4 reported within five days to the governing board by the superintendent or the
5 person imposing the suspension.

6 L. RULES PERTAINING TO THE DISCIPLINE, SUSPENSION AND EXPULSION OF
7 PUPILS SHALL NOT BE BASED ON RACE, COLOR, RELIGION, SEX, NATIONAL ORIGIN OR
8 ANCESTRY. IF THE DEPARTMENT OF EDUCATION, THE AUDITOR GENERAL OR THE
9 ATTORNEY GENERAL DETERMINES THAT A SCHOOL DISTRICT IS SUBSTANTIALLY AND
10 DELIBERATELY NOT IN COMPLIANCE WITH THIS SUBSECTION AND IF THE SCHOOL
11 DISTRICT HAS FAILED TO CORRECT THE DEFICIENCY WITHIN NINETY DAYS AFTER
12 RECEIVING NOTICE FROM THE DEPARTMENT OF EDUCATION, THE SUPERINTENDENT OF
13 PUBLIC INSTRUCTION MAY WITHHOLD THE MONIES THE SCHOOL DISTRICT WOULD
14 OTHERWISE BE ENTITLED TO RECEIVE FROM THE DATE OF THE DETERMINATION OF
15 NONCOMPLIANCE UNTIL THE DEPARTMENT OF EDUCATION DETERMINES THAT THE SCHOOL
16 DISTRICT IS IN COMPLIANCE WITH THIS SUBSECTION.

17 ~~L.~~ M. The principal of each school shall ensure that a copy of all
18 rules pertaining to discipline, suspension and expulsion of pupils is
19 distributed to the parents of each pupil at the time the pupil is enrolled in
20 school.

21 ~~M.~~ N. The principal of each school shall ensure that all rules
22 pertaining to the discipline, suspension and expulsion of pupils are
23 communicated to students at the beginning of each school year, and to
24 transfer students at the time of their enrollment in the school."

25 Amend title to conform

RICH CRANDALL

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