

REFERENCE TITLE: school districts; competitive bidding; filing

State of Arizona
Senate
Fiftieth Legislature
First Regular Session
2011

SB 1420

Introduced by
Senator Bundgaard

AN ACT

AMENDING SECTIONS 11-952 AND 15-213, ARIZONA REVISED STATUTES; AMENDING SECTION 15-342, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2010, CHAPTER 332, SECTION 9; AMENDING SECTION 15-342, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2010, CHAPTER 332, SECTION 10; REPEALING SECTION 15-342, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2010, CHAPTER 117, SECTION 6; BLENDING MULTIPLE ENACTMENTS; RELATING TO SCHOOL DISTRICT PROCUREMENT.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 11-952, Arizona Revised Statutes, is amended to
3 read:

4 11-952. Intergovernmental agreements and contracts

5 A. If authorized by their legislative or other governing bodies, two
6 or more public agencies or public procurement units by direct contract or
7 agreement may contract for services or jointly exercise any powers common to
8 the contracting parties and may enter into agreements with one another for
9 joint or cooperative action or may form a separate legal entity, including a
10 nonprofit corporation, to contract for or perform some or all of the services
11 specified in the contract or agreement or exercise those powers jointly held
12 by the contracting parties.

13 B. Any such contract or agreement shall specify the following:

14 1. Its duration.

15 2. Its purpose or purposes.

16 3. The manner of financing the joint or cooperative undertaking and of
17 establishing and maintaining a budget for the undertaking.

18 4. The permissible method or methods to be employed in accomplishing
19 the partial or complete termination of the agreement and for disposing of
20 property on such partial or complete termination.

21 5. If a separate legal entity is formed pursuant to subsection A, the
22 precise organization, composition, title and nature of the entity.

23 6. Any other necessary and proper matters.

24 C. ~~No~~ AN agreement made pursuant to this article ~~shall~~ DOES NOT
25 relieve any public agency of any obligation or responsibility imposed on it
26 by law.

27 D. Except as provided in subsection E, every agreement or contract
28 involving any public agency or public procurement unit of this state made
29 pursuant to this article, before its execution, shall be submitted to the
30 attorney for each such public agency or public procurement unit, who shall
31 determine whether the agreement is in proper form and is within the powers
32 and authority granted under the laws of this state to such public agency or
33 public procurement unit.

34 E. A federal department or agency or public agency of another state
35 that is a party to an agreement or contract made pursuant to this article is
36 not required to submit the agreement or contract to the attorney for the
37 department or agency unless required under federal law or the law of the
38 other state.

39 F. ANY AGREEMENT OR CONTRACT SUBMITTED TO THE ATTORNEY GENERAL SHALL
40 BE FILED WITH THE SECRETARY OF STATE AND SHALL BECOME EFFECTIVE ON THE DATE
41 PROVIDED IN THE AGREEMENT. THE SECRETARY OF STATE SHALL PREPARE A
42 CROSS-INDEX OF THE NAMES OF ALL PUBLIC AGENCIES THAT COORDINATE WITH THE
43 ATTORNEY GENERAL AND SECRETARY OF STATE AND FILE AN AGREEMENT UNDER THIS
44 SECTION.

1 G. ANY AGREEMENT OR CONTRACT SUBMITTED TO AN ATTORNEY OTHER THAN THE
2 ATTORNEY GENERAL SHALL BE FILED WITH THE SECRETARY OF STATE IF THE AGREEMENT
3 AFFECTS MORE THAN ONE COUNTY AND SHALL BE FILED WITH THE COUNTY RECORDER IF
4 ONLY ONE COUNTY IS AFFECTED AND SHALL BECOME EFFECTIVE ON THE DATE PROVIDED
5 IN THE AGREEMENT.

6 ~~F.~~ H. Appropriate action by ordinance or resolution or otherwise
7 pursuant to the laws applicable to the governing bodies of the participating
8 agencies approving or extending the duration of the agreement or contract
9 shall be necessary before any such agreement, contract or extension may be
10 filed or become effective.

11 ~~G.~~ I. IF A SCHOOL DISTRICT IS A PARTY TO AN AGREEMENT MADE PURSUANT
12 TO SUBSECTION A, THE PARTIES TO THAT AGREEMENT MAY EXTEND THE DURATION OF THE
13 AGREEMENT BY NOTIFICATION TO THE SECRETARY OF STATE IF THE AGREEMENT IS FILED
14 PURSUANT TO SUBSECTION F. SUCH an agreement ~~or contract~~ may be extended as
15 many times as is desirable, but each extension may not exceed the duration of
16 the previous agreement.

17 ~~H.~~ J. Payment for services under this section shall not be made
18 unless pursuant to a fully approved written contract.

19 ~~I.~~ K. A person who authorizes payment of any monies in violation of
20 this section is liable for the monies paid plus twenty per cent of such
21 amount and legal interest from the date of payment.

22 ~~J.~~ L. Notwithstanding any other provision of law, public agencies may
23 enter into a contract or agreement pursuant to this section with the superior
24 court, justice courts and police courts for related services and facilities
25 of such courts for a term not to exceed ten years, with the approval of such
26 contract or agreement by the presiding judge of the superior court in the
27 county in which the court or courts that provide the facilities or services
28 are located.

29 Sec. 2. Section 15-213, Arizona Revised Statutes, is amended to read:

30 15-213. Procurement practices of school districts and charter
31 schools; definitions

32 A. The state board of education shall adopt rules prescribing
33 procurement practices for all school districts in this state as follows:

34 1. The state board shall submit to the auditor general proposed rules
35 consistent with the procurement practices prescribed in title 41, chapter 23,
36 modifying the provisions for public notice of invitation for bids, requests
37 for proposals and requests for qualifications to allow a governing board to
38 give public notice of the invitation for bids, requests for proposals and
39 requests for qualifications by publication in the official newspaper of the
40 county as defined in section 11-255, modifying the provisions relating to
41 disposal of materials to comply with section 15-342, paragraph 18, providing
42 for governing board delegation of procurement authority and modifying as
43 necessary other provisions that the state board determines are not
44 appropriate for school districts. The rules shall include provisions
45 specifying that school districts are not required to engage in competitive

1 bidding in order to make the decision to participate in programs pursuant to
2 section 15-382 and that a program authorized by section 15-382 is not
3 required to engage in competitive bidding for the services necessary to
4 administer the program or for purchase of insurance or reinsurance. ~~The~~
5 ~~rules shall include provisions specifying that school districts are not~~
6 ~~required to engage in competitive bidding in order to place a pupil in a~~
7 ~~private school that provides special education services if such placement is~~
8 ~~prescribed in the pupil's individualized education program and the private~~
9 ~~school has been approved by the department of education division of special~~
10 ~~education pursuant to section 15-765, subsection D.~~ This placement is not
11 subject to rules adopted by the state board of education before November 24,
12 2009 pursuant to this section. The rules for procurement of construction
13 projects shall include provisions specifying that surety bonds furnished as
14 bid security and performance and payment bonds shall be executed and
15 furnished as required by title 34, chapter 2 or 6, as applicable. The rules
16 shall specify the total cost of a procurement that is subject to invitations
17 for bids, requests for proposals and requests for clarification, using the
18 aggregate dollar amount limits for procurements prescribed in section
19 41-2535.

20 2. The state board of education shall adopt rules for procurements
21 involving construction not exceeding one hundred fifty thousand dollars,
22 which shall be known as the simplified school construction procurement
23 program. At a minimum, the rules for a simplified construction procurement
24 program shall require that:

25 (a) A list be maintained by each county school superintendent of
26 persons who desire to receive solicitations to bid on construction projects
27 to which additions shall be permitted throughout the year.

28 (b) The list of persons be available for public inspection.

29 (c) A performance bond and a payment bond as required by this section
30 be provided for contracts for construction by contractors.

31 (d) All bids for construction be opened at a public opening and the
32 bids shall remain confidential until the public opening.

33 (e) All persons desiring to submit bids be treated equitably and the
34 information related to each project be available to all eligible persons.

35 (f) Competition for construction projects under the simplified school
36 construction procurement program be encouraged to the maximum extent
37 possible. At a minimum, a school district shall submit information on each
38 project to all persons listed with the county school superintendent by any
39 school district within that county.

40 (g) A provision, covenant, clause or understanding in, collateral to
41 or affecting a construction contract that makes the contract subject to the
42 laws of another state or that requires any litigation, arbitration or other
43 dispute resolution proceeding arising from the contract to be conducted in
44 another state is against this state's public policy and is void and
45 unenforceable.

1 3. The state board of education shall adopt rules for the procurement
2 of goods and information services by school districts and charter schools
3 using electronic, online bidding. The rules adopted by the state board shall
4 include the use of reverse auctions and shall be consistent with the
5 procurement practices prescribed in title 41, chapter 23, article 13,
6 modifying as necessary those provisions and the rules adopted pursuant to
7 that article that the state board determines are not appropriate for school
8 districts and charter schools. Until the rules are adopted, school districts
9 and charter schools may procure goods and information services pursuant to
10 title 41, chapter 23, article 13 using the rules adopted by the department of
11 administration in implementing that article.

12 4. The auditor general shall review the proposed rules to determine
13 whether the rules are consistent with the procurement practices prescribed in
14 title 41, chapter 23 and any modifications are required to adapt the
15 procedures for school districts.

16 5. If the auditor general approves the proposed rules, the auditor
17 general shall notify the state board in writing and the state board shall
18 adopt such rules.

19 6. If the auditor general objects to the proposed rules, the auditor
20 general shall notify the state board of the objections in writing and the
21 state board, in adopting the rules, shall conform the proposed rules to meet
22 the objections of the auditor general or revise the proposed rules to which
23 an objection has been made and submit the revisions to the auditor general
24 for approval.

25 B. After the bids submitted in response to an invitation for bids are
26 opened and the award is made or after the proposals or qualifications are
27 submitted in response to a request for proposals or a request for
28 qualifications and the award is made, the governing board shall make
29 available for public inspection all information, all bids, proposals and
30 qualifications submitted and all findings and other information considered in
31 determining whose bid conforms to the invitation for bids and will be the
32 most advantageous with respect to price, conformity to the specifications and
33 other factors or whose proposal or qualifications are to be selected for the
34 award. The invitation for bids, request for proposals or request for
35 qualifications shall include a notice that all information and bids,
36 proposals and qualifications submitted will be made available for public
37 inspection. The rules adopted by the state board shall prohibit the use in
38 connection with procurement of specifications in any way proprietary to one
39 supplier unless the specification includes all of the following:

40 1. A statement of the reasons why no other specification is
41 practicable.

42 2. A description of the essential characteristics of the specified
43 product.

44 3. A statement specifically permitting an acceptable alternative
45 product to be supplied.

1 C. No project or purchase may be divided or sequenced into separate
2 projects or purchases in order to avoid the limits prescribed by the state
3 board under subsection A of this section.

4 D. A contract for the procurement of construction or construction
5 services shall include a provision that provides for negotiations between the
6 school district and the contractor for the recovery of damages related to
7 expenses incurred by the contractor for a delay for which the school district
8 is responsible, which is unreasonable under the circumstances and which was
9 not within the contemplation of the parties to the contract. This subsection
10 shall not be construed to void any provision in the contract that requires
11 notice of delays, provides for arbitration or other procedure for settlement
12 or provides for liquidated damages.

13 E. The auditor general may conduct discretionary reviews,
14 investigations and audits of the financial and operational procurement
15 activities of school districts, nonexempt charter schools and school
16 purchasing cooperatives. The auditor general has final review and approval
17 authority over all school district, nonexempt charter school and school
18 purchasing cooperative audit contracts and any audit reports issued in
19 accordance with this section.

20 F. In addition to the requirements of sections 15-914 and 15-914.01,
21 school districts, nonexempt charter schools and school purchasing
22 cooperatives, in connection with any audit conducted by a certified public
23 accountant, shall contract for a systematic review of purchasing practices
24 using methodology consistent with sampling guidelines established by the
25 auditor general. The auditor general shall consider cost when establishing
26 guidelines pursuant to this subsection and to the extent possible shall
27 attempt to minimize the cost of the review. The purpose of the review is to
28 determine whether the school district, nonexempt charter school or school
29 purchasing cooperative is in compliance with the procurement laws and
30 applicable procurement rules of this state. A copy of the review shall be
31 submitted on completion to the auditor general. The auditor general may
32 conduct discretionary reviews of school districts, nonexempt charter schools
33 and school purchasing cooperatives not required to contract for independent
34 audits.

35 G. The attorney general or county attorney has jurisdiction to enforce
36 this section. The attorney general or county attorney may seek relief for
37 any violation of this section through an appropriate civil or criminal action
38 in superior court, including an action to enjoin a threatened or pending
39 violation of this section and including an action to enforce compliance with
40 any request for documents made by the auditor general pursuant to this
41 section.

42 H. The department of education shall enact policies and procedures for
43 the acceptance and disposition of complaints from the public regarding school
44 procurement practices and shall forward all school procurement complaints to
45 the attorney general. Notwithstanding rules adopted by the state board,

1 school districts shall not be required to prepare or submit an annual report
2 on the benefits associated with the use of construction-manager-at-risk,
3 design-build, qualified select bidders list and job-order-contracting
4 methods.

5 I. The state board of education shall adopt, and the auditor general
6 shall review, rules authorizing school districts to procure construction
7 services by construction-manager-at-risk, design-build, qualified select
8 bidders list and job-order-contracting methods of project delivery.

9 J. A school district or charter school may evaluate United States
10 general services administration contracts for materials and services. The
11 governing board or governing body may authorize purchases under a current
12 contract for materials or services without complying with the requirements of
13 the procurement rules adopted by the state board of education if the
14 governing board or governing body determines in writing that all of the
15 following apply:

16 1. The price for materials or services is equal to or less than the
17 contractor's current federal supply contract price with the general services
18 administration.

19 2. The contractor has indicated in writing that the contractor is
20 willing to extend the current federal supply contract pricing, terms and
21 conditions to the school district or charter school.

22 3. The purchase order adequately identifies the federal supply
23 contract on which the order is based.

24 4. The purchase contract is cost effective and is in the best
25 interests of the school district or charter school.

26 K. For the purposes of this section:

27 1. "Nonexempt charter school" means a charter school that is not
28 exempted from procurement laws pursuant to section 15-183, subsection E,
29 paragraph 6.

30 2. "School purchasing cooperative" means an entity engaged in
31 cooperative purchasing as defined in section 41-2631.

32 3. "Total cost" means the cost of all materials and services,
33 including the cost of labor performed by employees of the school district,
34 for all construction as provided in subsection A of this section.

35 Sec. 3. Section 15-342, Arizona Revised Statutes, as amended by Laws
36 2010, chapter 332, section 9, is amended to read:

37 15-342. Discretionary powers

38 The governing board may:

39 1. Expel pupils for misconduct.

40 2. Exclude from grades one through eight children under six years of
41 age.

42 3. Make such separation of groups of pupils as it deems advisable.

43 4. Maintain such special schools during vacation as deemed necessary
44 for the benefit of the pupils of the school district.

1 5. Permit a superintendent or principal or representatives of the
2 superintendent or principal to travel for a school purpose, as determined by
3 a majority vote of the board. The board may permit members and members-elect
4 of the board to travel within or without the school district for a school
5 purpose and receive reimbursement. Any expenditure for travel and
6 subsistence pursuant to this paragraph shall be as provided in title 38,
7 chapter 4, article 2. The designated post of duty referred to in section
8 38-621 shall be construed, for school district governing board members, to be
9 the member's actual place of residence, as opposed to the school district
10 office or the school district boundaries. Such expenditures shall be a
11 charge against the budgeted school district funds. The governing board of a
12 school district shall prescribe procedures and amounts for reimbursement of
13 lodging and subsistence expenses. Reimbursement amounts shall not exceed the
14 maximum amounts established pursuant to section 38-624, subsection C.

15 6. Construct or provide in rural districts housing facilities for
16 teachers and other school employees which the board determines are necessary
17 for the operation of the school.

18 7. Sell or lease to the state, a county, a city or a tribal government
19 agency any school property required for a public purpose, provided the sale
20 or lease of the property will not affect the normal operations of a school
21 within the school district.

22 8. Annually budget and expend funds for membership in an association
23 of school districts within this state.

24 9. Enter into leases or lease-purchase agreements for school buildings
25 or grounds, or both, as lessor or as lessee, for periods of less than five
26 years subject to voter approval for construction of school buildings as
27 prescribed in section 15-341, subsection A, paragraph 7.

28 10. Subject to chapter 16 of this title, sell school sites or enter
29 into leases or lease-purchase agreements for school buildings and grounds, as
30 lessor or as lessee, for a period of five years or more, but not to exceed
31 ninety-nine years, if authorized by a vote of the school district electors in
32 an election called by the governing board as provided in section 15-491,
33 except that authorization by the school district electors in an election is
34 not required if one of the following requirements is met:

35 (a) The market value of the school property is less than fifty
36 thousand dollars or the property is procured through an energy performance
37 contract, which among other items includes a renewable energy power service
38 agreement, or a simplified energy performance contract pursuant to section
39 15-213.01.

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

42 (c) The transaction involves the sale of improved or unimproved
43 property pursuant to an agreement with the school facilities board in which
44 the school district agrees to sell the improved or unimproved property and
45 transfer the proceeds of the sale to the school facilities board in exchange

1 for monies from the school facilities board for the acquisition of a more
2 suitable school site. For a sale of property acquired by a school district
3 prior to July 9, 1998, a school district shall transfer to the school
4 facilities board that portion of the proceeds that equals the cost of the
5 acquisition of a more suitable school site. If there are any remaining
6 proceeds after the transfer of monies to the school facilities board, a
7 school district shall only use those remaining proceeds for future land
8 purchases approved by the school facilities board, or for capital
9 improvements not funded by the school facilities board for any existing or
10 future facility.

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

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

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

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

31 11. Review the decision of a teacher to promote a pupil to a grade or
32 retain a pupil in a grade in a common school or to pass or fail a pupil in a
33 course in high school. The pupil has the burden of proof to overturn the
34 decision of a teacher to promote, retain, pass or fail the pupil. In order
35 to sustain the burden of proof, the pupil shall demonstrate to the governing
36 board that the pupil has mastered the academic standards adopted by the state
37 board of education pursuant to sections 15-701 and 15-701.01. If the
38 governing board overturns the decision of a teacher pursuant to this
39 paragraph, the governing board shall adopt a written finding that the pupil
40 has mastered the academic standards. Notwithstanding title 38, chapter 3,
41 article 3.1, the governing board shall review the decision of a teacher to
42 promote a pupil to a grade or retain a pupil in a grade in a common school or
43 to pass or fail a pupil in a course in high school in executive session
44 unless a parent or legal guardian of the pupil or the pupil, if emancipated,
45 disagrees that the review should be conducted in executive session and then

1 the review shall be conducted in an open meeting. If the review is conducted
2 in executive session, the board shall notify the teacher of the date, time
3 and place of the review and shall allow the teacher to be present at the
4 review. If the teacher is not present at the review, the board shall consult
5 with the teacher before making its decision. Any request, including the
6 written request as provided in section 15-341, the written evidence presented
7 at the review and the written record of the review, including the decision of
8 the governing board to accept or reject the teacher's decision, shall be
9 retained by the governing board as part of its permanent records.

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

13 13. Enter into intergovernmental agreements and contracts with school
14 districts or other governing bodies as provided in section 11-952.
15 ~~Intergovernmental agreements and contracts between school districts or~~
16 ~~between a school district and other governing bodies as provided in section~~
17 ~~11-952 are exempt from competitive bidding under the procurement rules~~
18 ~~adopted by the state board of education pursuant to section 15-213.~~

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

26 15. Suspend a teacher or administrator from the teacher's or
27 administrator's duties without pay for a period of time of not to exceed ten
28 school days, if the board determines that suspension is warranted pursuant to
29 section 15-341, subsection A, paragraphs 21 and 22.

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

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

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

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

39 18. Donate surplus or outdated learning materials to nonprofit
40 community organizations where the governing board determines that the
41 anticipated cost of selling the learning materials equals or exceeds the
42 estimated market value of the materials.

43 19. Prescribe policies for the assessment of reasonable fees for
44 students to use district-provided parking facilities. The fees are to be
45 applied by the district solely against costs incurred in operating or

1 securing the parking facilities. Any policy adopted by the governing board
 2 pursuant to this paragraph shall include a fee waiver provision in
 3 appropriate cases of need or economic hardship.

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

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

13 22. Require students to wear uniforms.

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

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

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

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

44 25. Notwithstanding section 15-341, subsection A, paragraphs 7 and 9,
 45 construct school buildings and purchase or lease school sites, without a vote

1 of the school district electors, if the buildings and sites are totally
2 funded from one or more of the following:

3 (a) Monies in the unrestricted capital outlay fund, except that the
4 estimated cost shall not exceed two hundred fifty thousand dollars for a
5 district that utilizes section 15-949.

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

8 (c) Monies specifically donated for the purpose of constructing school
9 buildings.

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

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

22 27. Unless otherwise prohibited by law, sell advertising as follows:

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

27 (b) Advertising approved by the governing board for the exterior of
28 school buses may appear only on the sides of the bus in the following areas:

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

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

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

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

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

39 (c) The school district shall establish an advertisement fund that is
40 composed of revenues from the sale of advertising. The monies in an
41 advertisement fund are not subject to reversion.

42 28. Assess reasonable damage deposits to pupils in grades seven through
43 twelve for the use of textbooks, musical instruments, band uniforms or other
44 equipment required for academic courses. The governing board shall adopt
45 policies on any damage deposits assessed pursuant to this paragraph at a

1 public meeting called for this purpose after providing notice to all parents
2 of pupils in grades seven through twelve in the school district. Principals
3 of individual schools within the district may waive the damage deposit
4 requirement for any textbook or other item if the payment of the damage
5 deposit would create an economic hardship for the pupil. The school district
6 shall return the full amount of the damage deposit for any textbook or other
7 item if the pupil returns the textbook or other item in reasonably good
8 condition within the time period prescribed by the governing board. For the
9 purposes of this paragraph, "in reasonably good condition" means the textbook
10 or other item is in the same or a similar condition as it was when the pupil
11 received it, plus ordinary wear and tear.

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

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

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

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

27 (a) The policy may provide reasonable exceptions to the parental
28 notification requirement.

29 (b) The policy shall set forth whether and under what circumstances a
30 parent may be present when a law enforcement officer interviews the pupil,
31 including reasonable exceptions to the circumstances under which a parent may
32 be present when a law enforcement officer interviews the pupil, and shall
33 specify a reasonable maximum time after a parent is notified that an
34 interview of a pupil by a law enforcement officer may be delayed to allow the
35 parent to be present.

36 33. Enter into voluntary partnerships with any party to finance with
37 funds other than school district funds and cooperatively design school
38 facilities that comply with the adequacy standards prescribed in section
39 15-2011 and the square footage per pupil requirements pursuant to section
40 15-2041, subsection D, paragraph 3, subdivision (b). The design plans and
41 location of any such school facility shall be submitted to the school
42 facilities board for approval pursuant to section 15-2041, subsection 0. If
43 the school facilities board approves the design plans and location of any
44 such school facility, the party in partnership with the school district may
45 cause to be constructed and the district may begin operating the school

1 facility before monies are distributed from the school facilities board
2 pursuant to section 15-2041. Monies distributed from the new school
3 facilities fund to a school district in a partnership with another party to
4 finance and design the school facility shall be paid to the school district
5 pursuant to section 15-2041. The school district shall reimburse the party
6 in partnership with the school district from the monies paid to the school
7 district pursuant to section 15-2041, in accordance with the voluntary
8 partnership agreement. Before the school facilities board distributes any
9 monies pursuant to this subsection, the school district shall demonstrate to
10 the school facilities board that the facilities to be funded pursuant to
11 section 15-2041, subsection 0 meet the minimum adequacy standards prescribed
12 in section 15-2011. If the cost to construct the school facility exceeds the
13 amount that the school district receives from the new school facilities fund,
14 the partnership agreement between the school district and the other party
15 shall specify that, except as otherwise provided by the other party, any such
16 excess costs shall be the responsibility of the school district. The school
17 district governing board shall adopt a resolution in a public meeting that an
18 analysis has been conducted on the prospective effects of the decision to
19 operate a new school with existing monies from the school district's
20 maintenance and operations budget and how this decision may affect other
21 schools in the school district. If a school district acquires land by
22 donation at an appropriate school site approved by the school facilities
23 board and a school facility is financed and built on the land pursuant to
24 this paragraph, the school facilities board shall distribute an amount equal
25 to twenty per cent of the fair market value of the land that can be used for
26 academic purposes. The school district shall place the monies in the
27 unrestricted capital outlay fund and increase the unrestricted capital budget
28 limit by the amount of the monies placed in the fund. Monies distributed
29 under this paragraph shall be distributed from the new school facilities fund
30 pursuant to section 15-2041. If a school district acquires land by donation
31 at an appropriate school site approved by the school facilities board and a
32 school facility is financed and built on the land pursuant to this paragraph,
33 the school district shall not receive monies from the school facilities board
34 for the donation of real property pursuant to section 15-2041, subsection F.
35 It is unlawful for:

36 (a) A county, city or town to require as a condition of any land use
37 approval that a landowner or landowners that entered into a partnership
38 pursuant to this paragraph provide any contribution, donation or gift, other
39 than a site donation, to a school district. This subdivision only applies to
40 the property in the voluntary partnership agreement pursuant to this
41 paragraph.

42 (b) A county, city or town to require as a condition of any land use
43 approval that the landowner or landowners located within the geographic
44 boundaries of the school subject to the voluntary partnership pursuant to

1 this paragraph provide any donation or gift to the school district except as
2 provided in the voluntary partnership agreement pursuant to this paragraph.

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

6 (d) A school district to enter into an agreement pursuant to this
7 paragraph with any party other than a master planned community party. Any
8 land area consisting of at least three hundred twenty acres that is the
9 subject of a development agreement with a county, city or town entered into
10 pursuant to section 9-500.05 or 11-1101 shall be deemed to be a master
11 planned community. For the purposes of this subdivision, "master planned
12 community" means a land area consisting of at least three hundred twenty
13 acres, which may be noncontiguous, that is the subject of a zoning ordinance
14 approved by the governing body of the county, city or town in which the land
15 is located that establishes the use of the land area as a planned area
16 development or district, planned community development or district, planned
17 unit development or district or other land use category or district that is
18 recognized in the local ordinance of such county, city or town and that
19 specifies the use of such land is for a master planned development.

20 34. Enter into an intergovernmental agreement with a presiding judge
21 of the juvenile court to implement a law related education program as defined
22 in section 15-154. The presiding judge of the juvenile court may assign
23 juvenile probation officers to participate in a law related education program
24 in any school district in the county. The cost of juvenile probation
25 officers who participate in the program implemented pursuant to this
26 paragraph shall be funded by the school district.

27 Sec. 4. Section 15-342, Arizona Revised Statutes, as amended by Laws
28 2010, chapter 332, section 10, is amended to read:

29 15-342. Discretionary powers

30 The governing board may:

- 31 1. Expel pupils for misconduct.
- 32 2. Exclude from grades one through eight children under six years of
33 age.
- 34 3. Make such separation of groups of pupils as it deems advisable.
- 35 4. Maintain such special schools during vacation as deemed necessary
36 for the benefit of the pupils of the school district.

37 5. Permit a superintendent or principal or representatives of the
38 superintendent or principal to travel for a school purpose, as determined by
39 a majority vote of the board. The board may permit members and members-elect
40 of the board to travel within or without the school district for a school
41 purpose and receive reimbursement. Any expenditure for travel and
42 subsistence pursuant to this paragraph shall be as provided in title 38,
43 chapter 4, article 2. The designated post of duty referred to in section
44 38-621 shall be construed, for school district governing board members, to be
45 the member's actual place of residence, as opposed to the school district

1 office or the school district boundaries. Such expenditures shall be a
2 charge against the budgeted school district funds. The governing board of a
3 school district shall prescribe procedures and amounts for reimbursement of
4 lodging and subsistence expenses. Reimbursement amounts shall not exceed the
5 maximum amounts established pursuant to section 38-624, subsection C.

6 6. Construct or provide in rural districts housing facilities for
7 teachers and other school employees which the board determines are necessary
8 for the operation of the school.

9 7. Sell or lease to the state, a county, a city or a tribal government
10 agency any school property required for a public purpose, provided the sale
11 or lease of the property will not affect the normal operations of a school
12 within the school district.

13 8. Annually budget and expend funds for membership in an association
14 of school districts within this state.

15 9. Enter into leases or lease-purchase agreements for school buildings
16 or grounds, or both, as lessor or as lessee, for periods of less than five
17 years subject to voter approval for construction of school buildings as
18 prescribed in section 15-341, subsection A, paragraph 7.

19 10. Subject to chapter 16 of this title, sell school sites or enter
20 into leases or lease-purchase agreements for school buildings and grounds, as
21 lessor or as lessee, for a period of five years or more, but not to exceed
22 ninety-nine years, if authorized by a vote of the school district electors in
23 an election called by the governing board as provided in section 15-491,
24 except that authorization by the school district electors in an election is
25 not required if one of the following requirements is met:

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

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

30 (c) The transaction involves the sale of improved or unimproved
31 property pursuant to an agreement with the school facilities board in which
32 the school district agrees to sell the improved or unimproved property and
33 transfer the proceeds of the sale to the school facilities board in exchange
34 for monies from the school facilities board for the acquisition of a more
35 suitable school site. For a sale of property acquired by a school district
36 prior to July 9, 1998, a school district shall transfer to the school
37 facilities board that portion of the proceeds that equals the cost of the
38 acquisition of a more suitable school site. If there are any remaining
39 proceeds after the transfer of monies to the school facilities board, a
40 school district shall only use those remaining proceeds for future land
41 purchases approved by the school facilities board, or for capital
42 improvements not funded by the school facilities board for any existing or
43 future facility.

44 (d) The transaction involves the sale of improved or unimproved
45 property pursuant to a formally adopted plan and the school district uses the

1 proceeds of this sale to purchase other property that will be used for
2 similar purposes as the property that was originally sold, provided that the
3 sale proceeds of the improved or unimproved property are used within two
4 years after the date of the original sale to purchase the replacement
5 property. If the sale proceeds of the improved or unimproved property are
6 not used within two years after the date of the original sale to purchase
7 replacement property, the sale proceeds shall be used towards payment of any
8 outstanding bonded indebtedness. If any sale proceeds remain after paying
9 for outstanding bonded indebtedness, or if the district has no outstanding
10 bonded indebtedness, sale proceeds shall be used to reduce the district's
11 primary tax levy. A school district shall not use this subdivision unless
12 all of the following conditions exist:

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

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

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

19 11. Review the decision of a teacher to promote a pupil to a grade or
20 retain a pupil in a grade in a common school or to pass or fail a pupil in a
21 course in high school. The pupil has the burden of proof to overturn the
22 decision of a teacher to promote, retain, pass or fail the pupil. In order
23 to sustain the burden of proof, the pupil shall demonstrate to the governing
24 board that the pupil has mastered the academic standards adopted by the state
25 board of education pursuant to sections 15-701 and 15-701.01. If the
26 governing board overturns the decision of a teacher pursuant to this
27 paragraph, the governing board shall adopt a written finding that the pupil
28 has mastered the academic standards. Notwithstanding title 38, chapter 3,
29 article 3.1, the governing board shall review the decision of a teacher to
30 promote a pupil to a grade or retain a pupil in a grade in a common school or
31 to pass or fail a pupil in a course in high school in executive session
32 unless a parent or legal guardian of the pupil or the pupil, if emancipated,
33 disagrees that the review should be conducted in executive session and then
34 the review shall be conducted in an open meeting. If the review is conducted
35 in executive session, the board shall notify the teacher of the date, time
36 and place of the review and shall allow the teacher to be present at the
37 review. If the teacher is not present at the review, the board shall consult
38 with the teacher before making its decision. Any request, including the
39 written request as provided in section 15-341, the written evidence presented
40 at the review and the written record of the review, including the decision of
41 the governing board to accept or reject the teacher's decision, shall be
42 retained by the governing board as part of its permanent records.

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

1 13. Enter into intergovernmental agreements and contracts with school
2 districts or other governing bodies as provided in section 11-952.
3 ~~Intergovernmental agreements and contracts between school districts or~~
4 ~~between a school district and other governing bodies as provided in section~~
5 ~~11-952 are exempt from competitive bidding under the procurement rules~~
6 ~~adopted by the state board of education pursuant to section 15-213.~~

7 14. Include in the curricula which it prescribes for high schools in
8 the school district career and technical education, vocational education and
9 technology education programs and career and technical, vocational and
10 technology program improvement services for the high schools, subject to
11 approval by the state board of education. The governing board may contract
12 for the provision of career and technical, vocational and technology
13 education as provided in section 15-789.

14 15. Suspend a teacher or administrator from the teacher's or
15 administrator's duties without pay for a period of time of not to exceed ten
16 school days, if the board determines that suspension is warranted pursuant to
17 section 15-341, subsection A, paragraphs 21 and 22.

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

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

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

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

27 18. Donate surplus or outdated learning materials to nonprofit
28 community organizations where the governing board determines that the
29 anticipated cost of selling the learning materials equals or exceeds the
30 estimated market value of the materials.

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

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

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

1 22. Require students to wear uniforms.
2 23. Exchange unimproved property or improved property, including school
3 sites, where the governing board determines that the improved property is
4 unnecessary for the continued operation of the school district without
5 requesting authorization by a vote of the school district electors if the
6 governing board determines that the exchange is necessary to protect the
7 health, safety or welfare of pupils or when the governing board determines
8 that the exchange is based on sound business principles for either:
9 (a) Unimproved or improved property of equal or greater value.
10 (b) Unimproved property that the owner contracts to improve if the
11 value of the property ultimately received by the school district is of equal
12 or greater value.
13 24. For common and high school pupils, assess reasonable fees for
14 optional extracurricular activities and programs conducted when the common or
15 high school is not in session, except that no fees shall be charged for
16 pupils' access to or use of computers or related materials. For high school
17 pupils, the governing board may assess reasonable fees for fine arts and
18 vocational education courses and for optional services, equipment and
19 materials offered to the pupils beyond those required to successfully
20 complete the basic requirements of any other course, except that no fees
21 shall be charged for pupils' access to or use of computers or related
22 materials. Fees assessed pursuant to this paragraph shall be adopted at a
23 public meeting after notice has been given to all parents of pupils enrolled
24 at schools in the district and shall not exceed the actual costs of the
25 activities, programs, services, equipment or materials. The governing board
26 shall authorize principals to waive the assessment of all or part of a fee
27 assessed pursuant to this paragraph if it creates an economic hardship for a
28 pupil. For the purposes of this paragraph, "extracurricular activity" means
29 any optional, noncredit, educational or recreational activity which
30 supplements the education program of the school, whether offered before,
31 during or after regular school hours.
32 25. Notwithstanding section 15-341, subsection A, paragraphs 7 and 9,
33 construct school buildings and purchase or lease school sites, without a vote
34 of the school district electors, if the buildings and sites are totally
35 funded from one or more of the following:
36 (a) Monies in the unrestricted capital outlay fund, except that the
37 estimated cost shall not exceed two hundred fifty thousand dollars for a
38 district that utilizes section 15-949.
39 (b) Monies distributed from the school facilities board established by
40 section 15-2001.
41 (c) Monies specifically donated for the purpose of constructing school
42 buildings.
43 Nothing in this paragraph shall be construed to eliminate the requirement for
44 an election to raise revenues for a capital outlay override pursuant to
45 section 15-481 or a bond election pursuant to section 15-491.

1 26. Conduct a background investigation that includes a fingerprint
2 check conducted pursuant to section 41-1750, subsection G for certificated
3 personnel and personnel who are not paid employees of the school district, as
4 a condition of employment. A school district may release the results of a
5 background check to another school district for employment purposes. The
6 school district may charge the costs of fingerprint checks to its
7 fingerprinted employee, except that the school district may not charge the
8 costs of fingerprint checks for personnel who are not paid employees of the
9 school district.

10 27. Unless otherwise prohibited by law, sell advertising as follows:

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

15 (b) Advertising approved by the governing board for the exterior of
16 school buses may appear only on the sides of the bus in the following areas:

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

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

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

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

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

27 (c) The school district shall establish an advertisement fund that is
28 composed of revenues from the sale of advertising. The monies in an
29 advertisement fund are not subject to reversion.

30 28. Assess reasonable damage deposits to pupils in grades seven through
31 twelve for the use of textbooks, musical instruments, band uniforms or other
32 equipment required for academic courses. The governing board shall adopt
33 policies on any damage deposits assessed pursuant to this paragraph at a
34 public meeting called for this purpose after providing notice to all parents
35 of pupils in grades seven through twelve in the school district. Principals
36 of individual schools within the district may waive the damage deposit
37 requirement for any textbook or other item if the payment of the damage
38 deposit would create an economic hardship for the pupil. The school district
39 shall return the full amount of the damage deposit for any textbook or other
40 item if the pupil returns the textbook or other item in reasonably good
41 condition within the time period prescribed by the governing board. For the
42 purposes of this paragraph, "in reasonably good condition" means the textbook
43 or other item is in the same or a similar condition as it was when the pupil
44 received it, plus ordinary wear and tear.

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

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

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

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

16 (a) The policy may provide reasonable exceptions to the parental
17 notification requirement.

18 (b) The policy shall set forth whether and under what circumstances a
19 parent may be present when a law enforcement officer interviews the pupil,
20 including reasonable exceptions to the circumstances under which a parent may
21 be present when a law enforcement officer interviews the pupil, and shall
22 specify a reasonable maximum time after a parent is notified that an
23 interview of a pupil by a law enforcement officer may be delayed to allow the
24 parent to be present.

25 33. Enter into voluntary partnerships with any party to finance with
26 funds other than school district funds and cooperatively design school
27 facilities that comply with the adequacy standards prescribed in section
28 15-2011 and the square footage per pupil requirements pursuant to section
29 15-2041, subsection D, paragraph 3, subdivision (b). The design plans and
30 location of any such school facility shall be submitted to the school
31 facilities board for approval pursuant to section 15-2041, subsection 0. If
32 the school facilities board approves the design plans and location of any
33 such school facility, the party in partnership with the school district may
34 cause to be constructed and the district may begin operating the school
35 facility before monies are distributed from the school facilities board
36 pursuant to section 15-2041. Monies distributed from the new school
37 facilities fund to a school district in a partnership with another party to
38 finance and design the school facility shall be paid to the school district
39 pursuant to section 15-2041. The school district shall reimburse the party
40 in partnership with the school district from the monies paid to the school
41 district pursuant to section 15-2041, in accordance with the voluntary
42 partnership agreement. Before the school facilities board distributes any
43 monies pursuant to this subsection, the school district shall demonstrate to
44 the school facilities board that the facilities to be funded pursuant to
45 section 15-2041, subsection 0 meet the minimum adequacy standards prescribed

1 in section 15-2011. If the cost to construct the school facility exceeds the
2 amount that the school district receives from the new school facilities fund,
3 the partnership agreement between the school district and the other party
4 shall specify that, except as otherwise provided by the other party, any such
5 excess costs shall be the responsibility of the school district. The school
6 district governing board shall adopt a resolution in a public meeting that an
7 analysis has been conducted on the prospective effects of the decision to
8 operate a new school with existing monies from the school district's
9 maintenance and operations budget and how this decision may affect other
10 schools in the school district. If a school district acquires land by
11 donation at an appropriate school site approved by the school facilities
12 board and a school facility is financed and built on the land pursuant to
13 this paragraph, the school facilities board shall distribute an amount equal
14 to twenty per cent of the fair market value of the land that can be used for
15 academic purposes. The school district shall place the monies in the
16 unrestricted capital outlay fund and increase the unrestricted capital budget
17 limit by the amount of the monies placed in the fund. Monies distributed
18 under this paragraph shall be distributed from the new school facilities fund
19 pursuant to section 15-2041. If a school district acquires land by donation
20 at an appropriate school site approved by the school facilities board and a
21 school facility is financed and built on the land pursuant to this paragraph,
22 the school district shall not receive monies from the school facilities board
23 for the donation of real property pursuant to section 15-2041, subsection F.
24 It is unlawful for:

25 (a) A county, city or town to require as a condition of any land use
26 approval that a landowner or landowners that entered into a partnership
27 pursuant to this paragraph provide any contribution, donation or gift, other
28 than a site donation, to a school district. This subdivision only applies to
29 the property in the voluntary partnership agreement pursuant to this
30 paragraph.

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

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

39 (d) A school district to enter into an agreement pursuant to this
40 paragraph with any party other than a master planned community party. Any
41 land area consisting of at least three hundred twenty acres that is the
42 subject of a development agreement with a county, city or town entered into
43 pursuant to section 9-500.05 or 11-1101 shall be deemed to be a master
44 planned community. For the purposes of this subdivision, "master planned
45 community" means a land area consisting of at least three hundred twenty

1 acres, which may be noncontiguous, that is the subject of a zoning ordinance
2 approved by the governing body of the county, city or town in which the land
3 is located that establishes the use of the land area as a planned area
4 development or district, planned community development or district, planned
5 unit development or district or other land use category or district that is
6 recognized in the local ordinance of such county, city or town and that
7 specifies the use of such land is for a master planned development.

8 34. Enter into an intergovernmental agreement with a presiding judge
9 of the juvenile court to implement a law related education program as defined
10 in section 15-154. The presiding judge of the juvenile court may assign
11 juvenile probation officers to participate in a law related education program
12 in any school district in the county. The cost of juvenile probation
13 officers who participate in the program implemented pursuant to this
14 paragraph shall be funded by the school district.

15 Sec. 5. Repeal

16 Section 15-342, Arizona Revised Statutes, as amended by Laws 2010,
17 chapter 117, section 6, is repealed.

18 Sec. 6. Effective date

19 Section 15-342, Arizona Revised Statutes, as amended by Laws 2010,
20 chapter 332, section 10 and this act, is effective from and after June 30,
21 2013.