

State of Arizona  
House of Representatives  
Fiftieth Legislature  
Second Regular Session  
2012

# HOUSE BILL 2563

AN ACT

AMENDING SECTIONS 15-341, 15-362 AND 15-535, ARIZONA REVISED STATUTES;  
AMENDING TITLE 15, CHAPTER 7, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING  
SECTION 15-717.01; RELATING TO SCHOOL CURRICULUM.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 15-341, Arizona Revised Statutes, is amended to  
3 read:

4 15-341. General powers and duties; immunity; delegation

5 A. 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. **THIS**  
11 **PARAGRAPH SHALL NOT BE CONSTRUED TO PROHIBIT THE ELECTIVE COURSE PERMITTED BY**  
12 **SECTION 15-717.01.**

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

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

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

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

20 7. Construct school buildings on approval by a vote of the district  
21 electors.

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

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

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

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

35 12. Hold pupils to strict account for disorderly conduct on school  
36 property.

37 13. Discipline students for disorderly conduct on the way to and from  
38 school.

39 14. Except as provided in section 15-1224, deposit all monies received  
40 by the district as gifts, grants and devises with the county treasurer who  
41 shall credit the deposits as designated in the uniform system of financial  
42 records. If not inconsistent with the terms of the gifts, grants and devises  
43 given, any balance remaining after expenditures for the intended purpose of  
44 the monies have been made shall be used for reduction of school district  
45 taxes for the budget year, except that in the case of accommodation schools

1 the county treasurer shall carry the balance forward for use by the county  
2 school superintendent for accommodation schools for the budget year.

3 15. Provide that, if a parent or legal guardian chooses not to accept a  
4 decision of the teacher as provided in section 15-521, paragraph ~~2~~ 3, the  
5 parent or legal guardian may request in writing that the governing board  
6 review the teacher's decision. ~~Nothing in~~ This paragraph shall NOT be  
7 construed to release school districts from any liability relating to a  
8 child's promotion or retention.

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

11 17. Use school monies received from the state and county school  
12 apportionment exclusively for payment of salaries of teachers and other  
13 employees and contingent expenses of the district.

14 18. Make an annual report to the county school superintendent on or  
15 before October 1 in the manner and form and on the blanks prescribed by the  
16 superintendent of public instruction or county school superintendent. The  
17 board shall also make reports directly to the county school superintendent or  
18 the superintendent of public instruction whenever required.

19 19. Deposit all monies received by school districts other than student  
20 activities monies or monies from auxiliary operations as provided in sections  
21 15-1125 and 15-1126 with the county treasurer to the credit of the school  
22 district except as provided in paragraph 20 of this subsection and sections  
23 15-1223 and 15-1224, and the board shall expend the monies as provided by law  
24 for other school funds.

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

30 21. Prescribe and enforce policies and procedures for disciplinary  
31 action against a teacher who engages in conduct that is a violation of the  
32 policies of the governing board but that is not cause for dismissal of the  
33 teacher or for revocation of the certificate of the teacher. Disciplinary  
34 action may include suspension without pay for a period of time not to exceed  
35 ten school days. Disciplinary action shall not include suspension with pay  
36 or suspension without pay for a period of time longer than ten school days.  
37 The procedures shall include notice, hearing and appeal provisions for  
38 violations that are cause for disciplinary action. The governing board may  
39 designate a person or persons to act on behalf of the board on these matters.

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

1 action shall not include suspension with pay or suspension without pay for a  
2 period of time longer than ten school days. The procedures shall include  
3 notice, hearing and appeal provisions for violations that are cause for  
4 disciplinary action. The governing board may designate a person or persons  
5 to act on behalf of the board on these matters. For violations that are  
6 cause for dismissal, the provisions of notice, hearing and appeal in chapter  
7 5, article 3 of this title shall apply. The filing of a timely request for a  
8 hearing suspends the imposition of a suspension without pay or a dismissal  
9 pending completion of the hearing.

10 23. Notwithstanding sections 13-3108 and 13-3120, prescribe and enforce  
11 policies and procedures that prohibit a person from carrying or possessing a  
12 weapon on school grounds unless the person is a peace officer or has obtained  
13 specific authorization from the school administrator.

14 24. Prescribe and enforce policies and procedures relating to the  
15 health and safety of all pupils participating in district sponsored practice  
16 sessions or games or other interscholastic athletic activities, including:

17 (a) The provision of water.

18 (b) Guidelines, information and forms, developed in consultation with  
19 a statewide private entity that supervises interscholastic activities, to  
20 inform and educate coaches, pupils and parents of the dangers of concussions  
21 and head injuries and the risks of continued participation in athletic  
22 activity after a concussion. The policies and procedures shall require that,  
23 before a pupil participates in an athletic activity, the pupil and the  
24 pupil's parent must sign an information form at least once each school year  
25 that states that the parent is aware of the nature and risk of concussion.  
26 The policies and procedures shall require that a pupil who is suspected of  
27 sustaining a concussion in a practice session, game or other interscholastic  
28 athletic activity be immediately removed from the athletic activity. A coach  
29 from the pupil's team or an official or a licensed health care provider may  
30 remove a pupil from play. A team parent may also remove ~~his or her~~ THE  
31 PARENT'S own child from play. A pupil may return to play on the same day if  
32 a health care provider rules out a suspected concussion at the time the pupil  
33 is removed from play. On a subsequent day, the pupil may return to play if  
34 the pupil has been evaluated by and received written clearance to resume  
35 participation in athletic activity from a health care provider who has been  
36 trained in the evaluation and management of concussions and head injuries. A  
37 health care provider who is a volunteer and who provides clearance to  
38 participate in athletic activity on the day of the suspected injury or on a  
39 subsequent day is immune from civil liability with respect to all decisions  
40 made and actions taken that are based on good faith implementation of the  
41 requirements of this subdivision, except in cases of gross negligence or  
42 wanton or wilful neglect. A school district, school district employee, team  
43 coach, official, ~~OR~~ team volunteer or a parent or guardian of a team member  
44 is not subject to civil liability for any act, omission or policy undertaken  
45 in good faith to comply with the requirements of this subdivision or for a

1 decision made or an action taken by a health care provider. A group or  
2 organization that uses property or facilities owned or operated by a school  
3 district for athletic activities shall comply with the requirements of this  
4 subdivision. A school district and its employees and volunteers are not  
5 subject to civil liability for any other person or organization's failure or  
6 alleged failure to comply with the requirements of this subdivision. This  
7 subdivision does not apply to teams that are based in another state and that  
8 participate in an athletic activity in this state. For the purposes of this  
9 subdivision, athletic activity does not include dance, rhythmic gymnastics,  
10 competitions or exhibitions of academic skills or knowledge or other similar  
11 forms of physical noncontact activities, civic activities or academic  
12 activities, whether engaged in for the purposes of competition or recreation.  
13 For the purposes of this subdivision, "~~a~~ health care provider" means a  
14 physician who is licensed pursuant to title 32, chapter 13 or 17, an athletic  
15 trainer who is licensed pursuant to title 32, chapter 41, a nurse  
16 practitioner who is licensed pursuant to title 32, chapter 15, and a  
17 physician assistant who is licensed pursuant to title 32, chapter 25.

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

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

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

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

34 29. Ensure that insurance coverage is secured for all construction  
35 projects for purposes of general liability, property damage and workers'  
36 compensation and secure performance and payment bonds for all construction  
37 projects.

38 30. Keep on file the resumes of all current and former employees who  
39 provide instruction to pupils at a school. Resumes shall include an  
40 individual's educational and teaching background and experience in a  
41 particular academic content subject area. A school district shall inform  
42 parents and guardians of the availability of the resume information and shall  
43 make the resume information available for inspection on request of parents  
44 and guardians of pupils enrolled at a school. ~~Nothing in~~ This paragraph  
45 shall NOT be construed to require any school to release personally

1 identifiable information in relation to any teacher or employee, including  
2 the teacher's or employee's address, salary, social security number or  
3 telephone number.

4 31. Report to local law enforcement agencies any suspected crime  
5 against a person or property that is a serious offense as defined in section  
6 13-706 or that involves a deadly weapon or dangerous instrument or serious  
7 physical injury and any conduct that poses a threat of death or serious  
8 physical injury to employees, students or anyone on the property of the  
9 school. This paragraph does not limit or preclude the reporting by a school  
10 district or an employee of a school district of suspected crimes other than  
11 those required to be reported by this paragraph. For the purposes of this  
12 paragraph, "dangerous instrument", "deadly weapon" and "serious physical  
13 injury" have the same meanings prescribed in section 13-105.

14 32. In conjunction with local law enforcement agencies and local  
15 medical facilities, develop an emergency response plan for each school in the  
16 school district in accordance with minimum standards developed jointly by the  
17 department of education and the division of emergency management within the  
18 department of emergency and military affairs.

19 33. Provide written notice to the parents or guardians of all students  
20 affected in the school district at least ten days prior to a public meeting  
21 to discuss closing a school within the school district. The notice shall  
22 include the reasons for the proposed closure and the time and place of the  
23 meeting. The governing board shall fix a time for a public meeting on the  
24 proposed closure no less than ten days before voting in a public meeting to  
25 close the school. The school district governing board shall give notice of  
26 the time and place of the meeting. At the time and place designated in the  
27 notice, the school district governing board shall hear reasons for or against  
28 closing the school. The school district governing board is exempt from this  
29 paragraph if it is determined by the governing board that the school shall be  
30 closed because it poses a danger to the health or safety of the pupils or  
31 employees of the school. A governing board may consult with the school  
32 facilities board for technical assistance and for information on the impact  
33 of closing a school. The information provided from the school facilities  
34 board shall not require the governing board to take or not take any action.

35 34. Incorporate instruction on Native American history into appropriate  
36 existing curricula.

37 35. Prescribe and enforce policies and procedures allowing pupils who  
38 have been diagnosed with anaphylaxis by a health care provider licensed  
39 pursuant to title 32, chapter 13, 14, 17 or 25 or by a registered nurse  
40 practitioner licensed and certified pursuant to title 32, chapter 15 to carry  
41 and self-administer emergency medications, including auto-injectable  
42 epinephrine, while at school and at school sponsored activities. The pupil's  
43 name on the prescription label on the medication container or on the  
44 medication device and annual written documentation from the pupil's parent or  
45 guardian to the school that authorizes possession and self-administration is

1 sufficient proof that the pupil is entitled to the possession and  
2 self-administration of the medication. The policies shall require a pupil  
3 who uses auto-injectable epinephrine while at school and at school sponsored  
4 activities to notify the nurse or the designated school staff person of the  
5 use of the medication as soon as practicable. A school district and its  
6 employees are immune from civil liability with respect to all decisions made  
7 and actions taken that are based on good faith implementation of the  
8 requirements of this paragraph, except in cases of wanton or wilful neglect.

9 36. Allow the possession and self-administration of prescription  
10 medication for breathing disorders in handheld inhaler devices by pupils who  
11 have been prescribed that medication by a health care professional licensed  
12 pursuant to title 32. The pupil's name on the prescription label on the  
13 medication container or on the handheld inhaler device and annual written  
14 documentation from the pupil's parent or guardian to the school that  
15 authorizes possession and self-administration shall be sufficient proof that  
16 the pupil is entitled to the possession and self-administration of the  
17 medication. A school district and its employees are immune from civil  
18 liability with respect to all decisions made and actions taken that are based  
19 on a good faith implementation of the requirements of this paragraph.

20 37. Prescribe and enforce policies and procedures to prohibit pupils  
21 from harassing, intimidating and bullying other pupils on school grounds, on  
22 school property, on school buses, at school bus stops, at school sponsored  
23 events and activities and through the use of electronic technology or  
24 electronic communication on school computers, networks, forums and mailing  
25 lists that include the following components:

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

31 (b) A requirement that school district employees report in writing  
32 suspected incidents of harassment, intimidation or bullying to the  
33 appropriate school official and a description of appropriate disciplinary  
34 procedures for employees who fail to report suspected incidents that are  
35 known to the employee.

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

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

1 (e) A formal process for the documentation of reported incidents of  
2 harassment, intimidation or bullying and for the confidentiality, maintenance  
3 and disposition of this documentation. School districts shall maintain  
4 documentation of all incidents reported pursuant to this paragraph for at  
5 least six years. The school shall not use that documentation to impose  
6 disciplinary action unless the appropriate school official has investigated  
7 and determined that the reported incidents of harassment, intimidation or  
8 bullying occurred. If a school provides documentation of reported incidents  
9 to persons other than school officials or law enforcement, all individually  
10 identifiable information shall be redacted.

11 (f) A formal process for the investigation by the appropriate school  
12 officials of suspected incidents of harassment, intimidation or bullying,  
13 including procedures for notifying the alleged victim on completion and  
14 disposition of the investigation.

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

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

19 (i) Procedures designed to protect the health and safety of pupils who  
20 are physically harmed as the result of incidents of harassment, intimidation  
21 and bullying, including, if appropriate, procedures to contact emergency  
22 medical services or law enforcement agencies, or both.

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

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

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

28 (b) A procedure to notify the parents or guardians of the students  
29 affected.

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

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

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

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

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



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

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

10 40. Ensure that the contract for the superintendent is structured in a  
11 manner in which up to twenty per cent of the total annual salary included for  
12 the superintendent in the contract is classified as performance pay. ~~Nothing~~  
13 ~~is~~ This paragraph shall NOT be construed to require school districts to  
14 increase total compensation for superintendents. Unless the school district  
15 governing board votes to implement an alternative procedure at a public  
16 meeting called for this purpose, the performance pay portion of the  
17 superintendent's total annual compensation shall be determined as follows:

18 (a) Twenty-five per cent of the performance pay shall be determined  
19 based on the percentage of academic gain determined by the department of  
20 education of pupils who are enrolled in the school district compared to the  
21 academic gain achieved by the highest ranking of the fifty largest school  
22 districts in this state. For the purposes of this subdivision, the  
23 department of education shall determine academic gain by the academic growth  
24 achieved by each pupil who has been enrolled at the same school in a school  
25 district for at least five consecutive months measured against that pupil's  
26 academic results in the 2008-2009 school year. For the purposes of this  
27 subdivision, of the fifty largest school districts in this state, the school  
28 district with pupils who demonstrate the highest statewide percentage of  
29 overall academic gain measured against academic results for the 2008-2009  
30 school year shall be assigned a score of 100 and the school district with  
31 pupils who demonstrate the lowest statewide percentage of overall academic  
32 gain measured against academic results for the 2008-2009 school year shall be  
33 assigned a score of 0.

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

- 1 (i) A letter grade of "A" if the school district is excellent.  
2 (ii) A letter grade of "B" if the school district is above average.  
3 (iii) A letter grade of "C" if the school district is average.  
4 (iv) A letter grade of "D" if the school district is below average.  
5 (v) A letter grade of "F" if the school district is a failure.  
6 (c) Twenty-five per cent of the performance pay shall be determined by  
7 the percentage of teachers who are employed at the school district and who  
8 assign a letter grade of "A" to the school on a survey of teacher  
9 satisfaction with the school. The teacher satisfaction survey shall be  
10 administered and scored by an independent entity that is selected by the  
11 governing board and that demonstrates sufficient expertise and experience to  
12 accurately measure the results of the survey. The teacher satisfaction  
13 survey shall use standard random sampling procedures and provide anonymity  
14 and confidentiality to each teacher who participates in the survey. The  
15 letter grade scale used on the teacher satisfaction survey shall direct  
16 teachers to assign one of the following letter grades:  
17 (i) A letter grade of "A" if the school district is excellent.  
18 (ii) A letter grade of "B" if the school district is above average.  
19 (iii) A letter grade of "C" if the school district is average.  
20 (iv) A letter grade of "D" if the school district is below average.  
21 (v) A letter grade of "F" if the school district is a failure.  
22 (d) Twenty-five per cent of the performance pay shall be determined by  
23 other criteria selected by the governing board.  
24 41. Maintain and store permanent public records of the school district  
25 as required by law. Notwithstanding section 39-101, the standards adopted by  
26 the Arizona state library, archives and public records for the maintenance  
27 and storage of school district public records shall allow school districts to  
28 elect to satisfy the requirements of this paragraph by maintaining and  
29 storing these records either on paper or in an electronic format, or a  
30 combination of a paper and electronic format.  
31 B. Notwithstanding subsection A, paragraphs 7, 9 and 11 of this  
32 section, the county school superintendent may construct, improve and furnish  
33 school buildings or purchase or sell school sites in the conduct of an  
34 accommodation school.  
35 C. If any school district acquires real or personal property, whether  
36 by purchase, exchange, condemnation, gift or otherwise, the governing board  
37 shall pay to the county treasurer any taxes on the property that were unpaid  
38 as of the date of acquisition, including penalties and interest. The lien  
39 for unpaid delinquent taxes, penalties and interest on property acquired by a  
40 school district:  
41 1. Is not abated, extinguished, discharged or merged in the title to  
42 the property.  
43 2. Is enforceable in the same manner as other delinquent tax liens.  
44 D. The governing board may not locate a school on property that is  
45 less than one-fourth mile from agricultural land regulated pursuant to

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

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

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

20 G. Notwithstanding any other provision of this title, a school  
21 district governing board shall not take any action that would result in a  
22 reduction of pupil square footage unless the governing board notifies the  
23 school facilities board established by section 15-2001 of the proposed action  
24 and receives written approval from the school facilities board to take the  
25 action. A reduction includes an increase in administrative space that  
26 results in a reduction of pupil square footage or sale of school sites or  
27 buildings, or both. A reduction includes a reconfiguration of grades that  
28 results in a reduction of pupil square footage of any grade level. This  
29 subsection does not apply to temporary reconfiguration of grades to  
30 accommodate new school construction if the temporary reconfiguration does not  
31 exceed one year. The sale of equipment that results in a reduction that  
32 falls below the equipment requirements prescribed in section 15-2011,  
33 subsection B is subject to commensurate withholding of school district  
34 capital outlay revenue limit monies pursuant to the direction of the school  
35 facilities board. Except as provided in section 15-342, paragraph 10,  
36 proceeds from the sale of school sites, buildings or other equipment shall be  
37 deposited in the school plant fund as provided in section 15-1102.

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

41 Sec. 2. Section 15-362, Arizona Revised Statutes, is amended to read:

42 15-362. Libraries; powers and duties; authority to contract  
43 with a county free library or other public library

44 A. The governing board of a school district may establish and maintain  
45 libraries. Such libraries shall be under control of the board. The board

1 shall be accountable for the care of the libraries, but it may appoint  
2 district librarians, or it may put the libraries under direct charge of a  
3 teacher or other qualified person. When requested, the board shall report on  
4 the libraries to the county school superintendent on forms supplied by the  
5 superintendent of public instruction.

6 B. The governing board shall:

7 1. Enforce the rules prescribed for government of school libraries.

8 2. Exclude from school libraries all books, publications and papers of  
9 a sectarian, partisan or denominational character. THIS PARAGRAPH SHALL NOT  
10 BE CONSTRUED TO PROHIBIT ANY MATERIALS FOR THE ELECTIVE COURSE PERMITTED BY  
11 SECTION 15-717.01.

12 C. A district library shall be free to all pupils of suitable age who  
13 attend the school. Residents of the district may become entitled to library  
14 privileges by payment of fees and compliance with regulations prescribed by  
15 the board. The governing board may enter into a contract or agreement with  
16 the proper authorities of a county free library or other public library  
17 possessing facilities for rendering the desired service for the procurement  
18 of reference or other library books or the extension services of such  
19 library. The amount so expended shall not exceed two per cent of the total  
20 school district budget for the school year during which the services are  
21 utilized.

22 Sec. 3. Section 15-535, Arizona Revised Statutes, is amended to read:  
23 15-535. Sectarian instruction prohibited

24 A teacher who uses sectarian or denominational books or teaches any  
25 sectarian doctrine or conducts any religious exercises in school is guilty of  
26 unprofessional conduct and his certificate shall be revoked. THIS SECTION  
27 SHALL NOT BE CONSTRUED TO PROHIBIT A TEACHER FROM TEACHING THE ELECTIVE  
28 COURSE PERMITTED BY SECTION 15-717.01.

29 Sec. 4. Title 15, chapter 7, article 1, Arizona Revised Statutes, is  
30 amended by adding section 15-717.01, to read:

31 15-717.01. Bible influence; elective course; requirements;  
32 immunity

33 A. THE STATE BOARD OF EDUCATION SHALL INCLUDE IN HISTORY OR ENGLISH  
34 ARTS STANDARDS, OR BOTH, CONCEPTS THAT INCLUDE:

35 1. THE HISTORY AND LITERATURE OF THE OLD TESTAMENT ERA.

36 2. THE HISTORY AND LITERATURE OF THE NEW TESTAMENT ERA.

37 B. THE STANDARDS ADOPTED PURSUANT TO SUBSECTION A OF THIS SECTION  
38 SHALL NOT REQUIRE THAT PUPILS WHO DO NOT ENROLL IN THE ELECTIVE COURSE  
39 PRESCRIBED IN THIS SECTION RECEIVE INSTRUCTION ON THE HISTORICAL STUDY OF  
40 BIBLICAL TEXT.

41 C. A SCHOOL DISTRICT OR CHARTER SCHOOL MAY OFFER AN ELECTIVE COURSE  
42 PERTAINING TO HOW THE BIBLE HAS INFLUENCED WESTERN CULTURE FOR PUPILS IN  
43 GRADES NINE THROUGH TWELVE. A SCHOOL MAY OFFER THIS COURSE AS AN ONLINE  
44 COURSE. A SCHOOL DISTRICT OR CHARTER SCHOOL MAY DEVELOP A NEW CURRICULUM OR  
45 USE AN EXISTING CURRICULUM THAT INCLUDES TEACHER'S GUIDES AND THAT IS

1 CURRENTLY IN USE IN PUBLIC SCHOOLS IN THIS STATE OR IN OTHER STATES. AN  
2 EXISTING CURRICULUM THAT IS USED BY A SCHOOL DISTRICT OR CHARTER SCHOOL SHALL  
3 MEET THE STANDARDS AND GUIDELINES PRESCRIBED IN THIS SECTION.

4 D. BEFORE A SCHOOL OFFERS A COURSE UNDER THIS SECTION, A LEGAL REVIEW  
5 SHALL BE CONDUCTED TO ENSURE THAT THE COURSE COMPLIES WITH THE FIRST  
6 AMENDMENT TO THE UNITED STATES CONSTITUTION.

7 E. A COURSE OFFERED UNDER THIS SECTION SHALL BE DESIGNED TO:

8 1. FAMILIARIZE PUPILS WITH THE CONTENTS, CHARACTERS, POETRY AND  
9 NARRATIVES THAT ARE PREREQUISITES TO UNDERSTANDING SOCIETY AND CULTURE,  
10 INCLUDING LITERATURE, ART, MUSIC, MORES, ORATORY AND PUBLIC POLICY.

11 2. FAMILIARIZE PUPILS WITH THE FOLLOWING:

12 (a) THE CONTENTS OF THE OLD TESTAMENT AND THE NEW TESTAMENT.

13 (b) THE HISTORY RECORDED BY THE OLD TESTAMENT AND THE NEW TESTAMENT.

14 (c) THE LITERARY STYLE AND STRUCTURE OF THE OLD TESTAMENT AND THE NEW  
15 TESTAMENT.

16 (d) THE INFLUENCE OF THE OLD TESTAMENT AND THE NEW TESTAMENT ON LAWS,  
17 HISTORY, GOVERNMENT, LITERATURE, ART, MUSIC, CUSTOMS, MORALS, VALUES AND  
18 CULTURE.

19 F. A COURSE OFFERED UNDER THIS SECTION SHALL FOLLOW APPLICABLE LAW AND  
20 ALL FEDERAL AND STATE GUIDELINES IN MAINTAINING RELIGIOUS NEUTRALITY AND  
21 ACCOMMODATING THE DIVERSE RELIGIOUS OR NONRELIGIOUS VIEWS, TRADITIONS AND  
22 PERSPECTIVES OF PUPILS. THIS SECTION IS NOT INTENDED TO VIOLATE ANY  
23 PROVISION OF THE UNITED STATES CONSTITUTION, THE CONSTITUTION OF ARIZONA OR  
24 STATE LAW OR ANY RULES, GUIDELINES OR REGULATIONS ADOPTED BY THE UNITED  
25 STATES DEPARTMENT OF EDUCATION, THE STATE BOARD OF EDUCATION OR THE ARIZONA  
26 DEPARTMENT OF EDUCATION.

27 G. A PUPIL SHALL NOT BE REQUIRED TO USE A SPECIFIC TRANSLATION AS THE  
28 SOLE TEXT OF THE OLD TESTAMENT OR THE NEW TESTAMENT AND MAY USE AS THE BASIC  
29 TEXTBOOK A DIFFERENT TRANSLATION OF THE OLD TESTAMENT OR THE NEW TESTAMENT  
30 FROM THAT CHOSEN BY THE SCHOOL DISTRICT GOVERNING BOARD, THE CHARTER SCHOOL  
31 GOVERNING BODY OR THE PUPIL'S TEACHER.

32 H. PERSONNEL SHALL NOT BE ASSIGNED TO TEACH A COURSE OFFERED UNDER  
33 THIS SECTION BASED ON ANY OF THE FOLLOWING:

34 1. A RELIGIOUS OR NONRELIGIOUS TEST.

35 2. A PROFESSION OF FAITH OR LACK OF FAITH.

36 3. PRIOR OR CURRENT RELIGIOUS AFFILIATION OR A LACK OF RELIGIOUS  
37 AFFILIATION.

38 I. A TEACHER WHO INSTRUCTS A COURSE OFFERED UNDER THIS SECTION IN ITS  
39 APPROPRIATE HISTORICAL CONTEXT AND IN GOOD FAITH SHALL BE IMMUNE FROM CIVIL  
40 LIABILITY AND DISCIPLINARY ACTION PURSUANT TO SECTION 15-535.