

REFERENCE TITLE: solar school grant program

State of Arizona
Senate
Fifty-first Legislature
Second Regular Session
2014

SB 1030

Introduced by
Senator Farley

AN ACT

AMENDING TITLE 15, CHAPTER 2, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTIONS 15-213.04 AND 15-213.05; AMENDING SECTION 15-341, ARIZONA REVISED STATUTES; AMENDING TITLE 41, CHAPTER 10, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 41-1510.02; AMENDING TITLE 42, CHAPTER 5, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 10; RELATING TO THE SOLAR SCHOOL GRANT PROGRAM.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Title 15, chapter 2, article 1, Arizona Revised Statutes,
3 is amended by adding sections 15-213.04 and 15-213.05, to read:

4 15-213.04. State solar grants program fund

5 A. THE STATE SOLAR GRANTS PROGRAM FUND IS ESTABLISHED CONSISTING OF
6 MONIES TRANSFERRED BY THE ARIZONA COMMERCE AUTHORITY PURSUANT TO SECTION
7 41-1510.02. THE DEPARTMENT OF EDUCATION SHALL ADMINISTER THE FUND. MONIES
8 IN THE FUND ARE CONTINUOUSLY APPROPRIATED AND ARE EXEMPT FROM THE PROVISIONS
9 OF SECTION 35-190 RELATING TO LAPSING OF APPROPRIATIONS.

10 B. THE DEPARTMENT OF EDUCATION MAY USE THE MONIES IN THE FUND TO
11 PROVIDE GRANTS TO SCHOOL DISTRICTS FOR SOLAR EDUCATION PROGRAMS IN SCHOOLS
12 THAT USE SOLAR TECHNOLOGY. THE SOLAR EDUCATION PROGRAMS MAY INCLUDE SOLAR
13 OPEN HOUSES AND OTHER DEMONSTRATION PROJECTS. SCHOOL DISTRICTS MAY APPLY TO
14 THE DEPARTMENT OF EDUCATION FOR GRANTS FROM THE FUND. THE DEPARTMENT OF
15 EDUCATION SHALL PRESCRIBE THE FORMAT OF THE APPLICATIONS, APPLICATION
16 PROCEDURES AND SELECTION CRITERIA.

17 15-213.05. Solar conversion of schools; notification

18 THE STATE BOARD OF EDUCATION SHALL NOTIFY THE CHIEF EXECUTIVE OFFICER
19 OF THE ARIZONA COMMERCE AUTHORITY AND THE DIRECTOR OF THE DEPARTMENT OF
20 REVENUE IN WRITING WHEN ALL SCHOOLS IN ALL SCHOOL DISTRICTS IN THIS STATE
21 HAVE CONVERTED TO SOLAR TECHNOLOGY.

22 Sec. 2. Section 15-341, Arizona Revised Statutes, is amended to read:

23 15-341. General powers and duties; immunity; delegation

24 A. The governing board shall:

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

28 2. Exclude from schools all books, publications, papers or audiovisual
29 materials of a sectarian, partisan or denominational character. This
30 paragraph shall not be construed to prohibit the elective course permitted by
31 section 15-717.01.

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

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

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

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

39 7. Construct school buildings on approval by a vote of the district
40 electors.

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

43 9. Purchase school sites when authorized by a vote of the district at
44 an election conducted as nearly as practicable in the same manner as the
45 election provided in section 15-481 and held on a date prescribed in section

1 15-491, subsection E, but such authorization shall not necessarily specify
2 the site to be purchased and such authorization shall not be necessary to
3 exchange unimproved property as provided in section 15-342, paragraph 23.

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

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

9 12. Hold pupils to strict account for disorderly conduct on school
10 property.

11 13. Discipline students for disorderly conduct on the way to and from
12 school.

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

22 15. Provide that, if a parent or legal guardian chooses not to accept a
23 decision of the teacher as provided in section 15-521, paragraph 4, the
24 parent or legal guardian may request in writing that the governing board
25 review the teacher's decision. This paragraph shall not be construed to
26 release school districts from any liability relating to a child's promotion
27 or retention.

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

30 17. Use school monies received from the state and county school
31 apportionment exclusively for payment of salaries of teachers and other
32 employees and contingent expenses of the district.

33 18. Make an annual report to the county school superintendent on or
34 before October 1 in the manner and form and on the blanks prescribed by the
35 superintendent of public instruction or county school superintendent. The
36 board shall also make reports directly to the county school superintendent or
37 the superintendent of public instruction whenever required.

38 19. Deposit all monies received by school districts other than student
39 activities monies or monies from auxiliary operations as provided in sections
40 15-1125 and 15-1126 with the county treasurer to the credit of the school
41 district except as provided in paragraph 20 of this subsection and sections
42 15-1223 and 15-1224, and the board shall expend the monies as provided by law
43 for other school funds.

44 20. Establish bank accounts in which the board during a month may
45 deposit miscellaneous monies received directly by the district. The board

1 shall remit monies deposited in the bank accounts at least monthly to the
2 county treasurer for deposit as provided in paragraph 19 of this subsection
3 and in accordance with the uniform system of financial records.

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

14 22. Prescribe and enforce policies and procedures for disciplinary
15 action against an administrator who engages in conduct that is a violation of
16 the policies of the governing board regarding duties of administrators but
17 that is not cause for dismissal of the administrator or for revocation of the
18 certificate of the administrator. Disciplinary action may include suspension
19 without pay for a period of time not to exceed ten school days. Disciplinary
20 action shall not include suspension with pay or suspension without pay for a
21 period of time longer than ten school days. The procedures shall include
22 notice, hearing and appeal provisions for violations that are cause for
23 disciplinary action. The governing board may designate a person or persons
24 to act on behalf of the board on these matters. For violations that are
25 cause for dismissal, the provisions of notice, hearing and appeal in chapter
26 5, article 3 of this title shall apply. The filing of a timely request for a
27 hearing suspends the imposition of a suspension without pay or a dismissal
28 pending completion of the hearing.

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

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

36 (a) The provision of water.

37 (b) Guidelines, information and forms, developed in consultation with
38 a statewide private entity that supervises interscholastic activities, to
39 inform and educate coaches, pupils and parents of the dangers of concussions
40 and head injuries and the risks of continued participation in athletic
41 activity after a concussion. The policies and procedures shall require that,
42 before a pupil participates in an athletic activity, the pupil and the
43 pupil's parent must sign an information form at least once each school year
44 that states that the parent is aware of the nature and risk of concussion.
45 The policies and procedures shall require that a pupil who is suspected of

1 sustaining a concussion in a practice session, game or other interscholastic
2 athletic activity be immediately removed from the athletic activity. A coach
3 from the pupil's team or an official or a licensed health care provider may
4 remove a pupil from play. A team parent may also remove the parent's own
5 child from play. A pupil may return to play on the same day if a health care
6 provider rules out a suspected concussion at the time the pupil is removed
7 from play. On a subsequent day, the pupil may return to play if the pupil
8 has been evaluated by and received written clearance to resume participation
9 in athletic activity from a health care provider who has been trained in the
10 evaluation and management of concussions and head injuries. A health care
11 provider who is a volunteer and who provides clearance to participate in
12 athletic activity on the day of the suspected injury or on a subsequent day
13 is immune from civil liability with respect to all decisions made and actions
14 taken that are based on good faith implementation of the requirements of this
15 subdivision, except in cases of gross negligence or wanton or wilful neglect.
16 A school district, school district employee, team coach, official or team
17 volunteer or a parent or guardian of a team member is not subject to civil
18 liability for any act, omission or policy undertaken in good faith to comply
19 with the requirements of this subdivision or for a decision made or an action
20 taken by a health care provider. A group or organization that uses property
21 or facilities owned or operated by a school district for athletic activities
22 shall comply with the requirements of this subdivision. A school district
23 and its employees and volunteers are not subject to civil liability for any
24 other person or organization's failure or alleged failure to comply with the
25 requirements of this subdivision. This subdivision does not apply to teams
26 that are based in another state and that participate in an athletic activity
27 in this state. For the purposes of this subdivision, athletic activity does
28 not include dance, rhythmic gymnastics, competitions or exhibitions of
29 academic skills or knowledge or other similar forms of physical noncontact
30 activities, civic activities or academic activities, whether engaged in for
31 the purposes of competition or recreation. For the purposes of this
32 subdivision, "health care provider" means a physician who is licensed
33 pursuant to title 32, chapter 13 or 17, an athletic trainer who is licensed
34 pursuant to title 32, chapter 41, a nurse practitioner who is licensed
35 pursuant to title 32, chapter 15, and a physician assistant who is licensed
36 pursuant to title 32, chapter 25.

37 25. Prescribe and enforce policies and procedures regarding the smoking
38 of tobacco within school buildings. The policies and procedures shall be
39 adopted in consultation with school district personnel and members of the
40 community and shall state whether smoking is prohibited in school buildings.
41 If smoking in school buildings is not prohibited, the policies and procedures
42 shall clearly state the conditions and circumstances under which smoking is
43 permitted, those areas in a school building that may be designated as smoking
44 areas and those areas in a school building that may not be designated as
45 smoking areas.

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

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

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

8 29. Ensure that insurance coverage is secured for all construction
9 projects for purposes of general liability, property damage and workers'
10 compensation and secure performance and payment bonds for all construction
11 projects.

12 30. Keep on file the resumes of all current and former employees who
13 provide instruction to pupils at a school. Resumes shall include an
14 individual's educational and teaching background and experience in a
15 particular academic content subject area. A school district shall inform
16 parents and guardians of the availability of the resume information and shall
17 make the resume information available for inspection on request of parents
18 and guardians of pupils enrolled at a school. This paragraph shall not be
19 construed to require any school to release personally identifiable
20 information in relation to any teacher or employee, including the teacher's
21 or employee's address, salary, social security number or telephone number.

22 31. Report to local law enforcement agencies any suspected crime
23 against a person or property that is a serious offense as defined in section
24 13-706 or that involves a deadly weapon or dangerous instrument or serious
25 physical injury and any conduct that poses a threat of death or serious
26 physical injury to employees, students or anyone on the property of the
27 school. This paragraph does not limit or preclude the reporting by a school
28 district or an employee of a school district of suspected crimes other than
29 those required to be reported by this paragraph. For the purposes of this
30 paragraph, "dangerous instrument", "deadly weapon" and "serious physical
31 injury" have the same meanings prescribed in section 13-105.

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

37 33. Provide written notice to the parents or guardians of all students
38 affected in the school district at least ten days prior to a public meeting
39 to discuss closing a school within the school district. The notice shall
40 include the reasons for the proposed closure and the time and place of the
41 meeting. The governing board shall fix a time for a public meeting on the
42 proposed closure no less than ten days before voting in a public meeting to
43 close the school. The school district governing board shall give notice of
44 the time and place of the meeting. At the time and place designated in the
45 notice, the school district governing board shall hear reasons for or against

1 closing the school. The school district governing board is exempt from this
2 paragraph if it is determined by the governing board that the school shall be
3 closed because it poses a danger to the health or safety of the pupils or
4 employees of the school. A governing board may consult with the school
5 facilities board for technical assistance and for information on the impact
6 of closing a school. The information provided from the school facilities
7 board shall not require the governing board to take or not take any action.

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

10 35. Prescribe and enforce policies and procedures:

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

28 (b) For the emergency administration of auto-injectable epinephrine by
29 a trained employee of a school district pursuant to section 15-157.

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

41 37. Prescribe and enforce policies and procedures to prohibit pupils
42 from harassing, intimidating and bullying other pupils on school grounds, on
43 school property, on school buses, at school bus stops, at school-sponsored
44 events and activities and through the use of electronic technology or

1 electronic communication on school computers, networks, forums and mailing
2 lists that include the following components:

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

8 (b) A requirement that school district employees report in writing
9 suspected incidents of harassment, intimidation or bullying to the
10 appropriate school official and a description of appropriate disciplinary
11 procedures for employees who fail to report suspected incidents that are
12 known to the employee.

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

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

21 (e) A formal process for the documentation of reported incidents of
22 harassment, intimidation or bullying and for the confidentiality, maintenance
23 and disposition of this documentation. School districts shall maintain
24 documentation of all incidents reported pursuant to this paragraph for at
25 least six years. The school shall not use that documentation to impose
26 disciplinary action unless the appropriate school official has investigated
27 and determined that the reported incidents of harassment, intimidation or
28 bullying occurred. If a school provides documentation of reported incidents
29 to persons other than school officials or law enforcement, all individually
30 identifiable information shall be redacted.

31 (f) A formal process for the investigation by the appropriate school
32 officials of suspected incidents of harassment, intimidation or bullying,
33 including procedures for notifying the alleged victim on completion and
34 disposition of the investigation.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

28 40. Ensure that the contract for the superintendent is structured in a
29 manner in which up to twenty per cent of the total annual salary included for
30 the superintendent in the contract is classified as performance pay. This
31 paragraph shall not be construed to require school districts to increase
32 total compensation for superintendents. Unless the school district governing
33 board votes to implement an alternative procedure at a public meeting called
34 for this purpose, the performance pay portion of the superintendent's total
35 annual compensation shall be determined as follows:

36 (a) Twenty-five per cent of the performance pay shall be determined
37 based on the percentage of academic gain determined by the department of
38 education of pupils who are enrolled in the school district compared to the
39 academic gain achieved by the highest ranking of the fifty largest school
40 districts in this state. For the purposes of this subdivision, the
41 department of education shall determine academic gain by the academic growth
42 achieved by each pupil who has been enrolled at the same school in a school
43 district for at least five consecutive months measured against that pupil's
44 academic results in the 2008-2009 school year. For the purposes of this
45 subdivision, of the fifty largest school districts in this state, the school

1 district with pupils who demonstrate the highest statewide percentage of
2 overall academic gain measured against academic results for the 2008-2009
3 school year shall be assigned a score of 100 and the school district with
4 pupils who demonstrate the lowest statewide percentage of overall academic
5 gain measured against academic results for the 2008-2009 school year shall be
6 assigned a score of 0.

7 (b) Twenty-five per cent of the performance pay shall be determined by
8 the percentage of parents of pupils who are enrolled at the school district
9 who assign a letter grade of "A" to the school on a survey of parental
10 satisfaction with the school district. The parental satisfaction survey
11 shall be administered and scored by an independent entity that is selected by
12 the governing board and that demonstrates sufficient expertise and experience
13 to accurately measure the results of the survey. The parental satisfaction
14 survey shall use standard random sampling procedures and provide anonymity
15 and confidentiality to each parent who participates in the survey. The
16 letter grade scale used on the parental satisfaction survey shall direct
17 parents to assign one of the following letter grades:

- 18 (i) A letter grade of "A" if the school district is excellent.
- 19 (ii) A letter grade of "B" if the school district is above average.
- 20 (iii) A letter grade of "C" if the school district is average.
- 21 (iv) A letter grade of "D" if the school district is below average.
- 22 (v) A letter grade of "F" if the school district is a failure.

23 (c) Twenty-five per cent of the performance pay shall be determined by
24 the percentage of teachers who are employed at the school district and who
25 assign a letter grade of "A" to the school on a survey of teacher
26 satisfaction with the school. The teacher satisfaction survey shall be
27 administered and scored by an independent entity that is selected by the
28 governing board and that demonstrates sufficient expertise and experience to
29 accurately measure the results of the survey. The teacher satisfaction
30 survey shall use standard random sampling procedures and provide anonymity
31 and confidentiality to each teacher who participates in the survey. The
32 letter grade scale used on the teacher satisfaction survey shall direct
33 teachers to assign one of the following letter grades:

- 34 (i) A letter grade of "A" if the school district is excellent.
- 35 (ii) A letter grade of "B" if the school district is above average.
- 36 (iii) A letter grade of "C" if the school district is average.
- 37 (iv) A letter grade of "D" if the school district is below average.
- 38 (v) A letter grade of "F" if the school district is a failure.

39 (d) Twenty-five per cent of the performance pay shall be determined by
40 other criteria selected by the governing board.

41 41. Maintain and store permanent public records of the school district
42 as required by law. Notwithstanding section 39-101, the standards adopted by
43 the Arizona state library, archives and public records for the maintenance
44 and storage of school district public records shall allow school districts to
45 elect to satisfy the requirements of this paragraph by maintaining and

1 storing these records either on paper or in an electronic format, or a
2 combination of a paper and electronic format.

3 42. Adopt in a public meeting and implement by school year 2013-2014
4 policies for principal evaluations. Before the adoption of principal
5 evaluation policies, the school district governing board shall provide
6 opportunities for public discussion on the proposed policies. The policies
7 shall describe:

8 (a) The principal evaluation instrument, including the four
9 performance classifications adopted by the governing board pursuant to
10 section 15-203, subsection A, paragraph 38.

11 (b) Alignment of professional development opportunities to the
12 principal evaluations.

13 (c) Incentives for principals in one of the two highest performance
14 classifications pursuant to section 15-203, subsection A, paragraph 38, which
15 may include:

16 (i) Multiyear contracts pursuant to section 15-503.

17 (ii) Incentives to work at schools that are assigned a letter grade of
18 D or F pursuant to section 15-241.

19 (d) Transfer and contract processes for principals designated in the
20 lowest performance classification pursuant to section 15-203, subsection A,
21 paragraph 38.

22 43. PRESCRIBE AND ENFORCE POLICIES AND PROCEDURES TO INSTALL SOLAR
23 TECHNOLOGY IN THE SCHOOLS IN THE SCHOOL DISTRICT. SCHOOLS THAT USE SOLAR
24 TECHNOLOGY SHALL PERFORM AN ENERGY AUDIT, USE ENERGY EFFICIENT TECHNOLOGIES
25 AND BEST PRACTICES AND MEET THE RENEWABLE PORTFOLIO STANDARDS ESTABLISHED BY
26 THE ARIZONA CORPORATION COMMISSION. EACH SCHOOL DISTRICT THAT USES SOLAR
27 TECHNOLOGY SHALL ESTABLISH A SOLAR SCHOOL FUND AND DEPOSIT ANY REVENUES FROM
28 NET METERING IN THE SOLAR SCHOOL FUND. WHEN THE STATE BOARD OF EDUCATION
29 NOTIFIES THE ARIZONA COMMERCE AUTHORITY PURSUANT TO SECTION 15-213.05, THE
30 SCHOOL DISTRICT SHALL TRANSFER THE REVENUES IN THE SOLAR SCHOOL FUND TO THE
31 MAINTENANCE AND OPERATION SECTION OF THE BUDGET. THE GOVERNING BOARD SHALL
32 DISTRIBUTE MONIES RECEIVED FROM THE ARIZONA COMMERCE AUTHORITY PURSUANT TO
33 SECTION 41-1510.02 TO SCHOOLS IN THE SCHOOL DISTRICT FOR THE INSTALLATION OF
34 SOLAR TECHNOLOGY IN THE FOLLOWING PRIORITY:

35 (a) IN NEW SCHOOL FACILITIES.

36 (b) IN EXISTING SCHOOL FACILITIES, WITH INITIAL PRIORITY GIVEN TO THE
37 SMALLER SCHOOLS IN THE SCHOOL DISTRICT.

38 B. Notwithstanding subsection A, paragraphs 7, 9 and 11 of this
39 section, the county school superintendent may construct, improve and furnish
40 school buildings or purchase or sell school sites in the conduct of an
41 accommodation school.

42 C. If any school district acquires real or personal property, whether
43 by purchase, exchange, condemnation, gift or otherwise, the governing board
44 shall pay to the county treasurer any taxes on the property that were unpaid
45 as of the date of acquisition, including penalties and interest. The lien

1 for unpaid delinquent taxes, penalties and interest on property acquired by a
2 school district:

3 1. Is not abated, extinguished, discharged or merged in the title to
4 the property.

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

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

17 E. A school district, its governing board members, its school council
18 members and its employees are immune from civil liability for the
19 consequences of adoption and implementation of policies and procedures
20 pursuant to subsection A of this section and section 15-342. This waiver
21 does not apply if the school district, its governing board members, its
22 school council members or its employees are guilty of gross negligence or
23 intentional misconduct.

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

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

1 H. Subsections C through G of this section apply to a county board of
2 supervisors and a county school superintendent when operating and
3 administering an accommodation school.

4 Sec. 3. Title 41, chapter 10, article 1, Arizona Revised Statutes, is
5 amended by adding section 41-1510.02, to read:

6 41-1510.02. Solar school grant program; fund; program
7 termination

8 A. THE ARIZONA COMMERCE AUTHORITY SHALL ESTABLISH THE SOLAR SCHOOL
9 GRANT PROGRAM TO ENCOURAGE THE INSTALLATION OF SOLAR TECHNOLOGY IN SCHOOLS IN
10 THIS STATE.

11 B. THE SOLAR SCHOOL GRANT PROGRAM FUND IS ESTABLISHED CONSISTING OF
12 THE FOLLOWING:

13 1. MONIES COLLECTED PURSUANT TO SECTION 42-5501, SUBSECTION A.

14 2. MONIES RECEIVED THROUGH GIFTS, GRANTS AND DONATIONS.

15 C. THE CHIEF EXECUTIVE OFFICER SHALL ADMINISTER THE PROGRAM AND THE
16 FUND. MONIES IN THE FUND ARE CONTINUOUSLY APPROPRIATED AND ARE EXEMPT FROM
17 THE PROVISIONS OF SECTION 35-190 RELATING TO LAPSING OF APPROPRIATIONS. NOT
18 MORE THAN FIVE PER CENT OF MONIES DEPOSITED IN THE FUND ANNUALLY SHALL BE
19 USED FOR THE COST OF ADMINISTERING THE FUND. ON NOTICE FROM THE CHIEF
20 EXECUTIVE OFFICER, THE STATE TREASURER SHALL INVEST AND DIVEST MONIES IN THE
21 FUND AS PROVIDED BY SECTION 35-313, AND MONIES EARNED FROM INVESTMENT SHALL
22 BE CREDITED TO THE FUND.

23 D. BEGINNING MARCH 1, 2016 AND EACH MARCH 1 THEREAFTER, THE CHIEF
24 EXECUTIVE OFFICER SHALL DISBURSE MONIES IN THE SOLAR SCHOOL GRANT PROGRAM
25 FUND AS FOLLOWS:

26 1. ONE PER CENT OF THE MONIES IN THE FUND OR TWO HUNDRED FIFTY
27 THOUSAND DOLLARS, WHICHEVER IS LESS, TO THE DEPARTMENT OF EDUCATION FOR
28 GRANTS FOR SOLAR EDUCATION PROGRAMS PURSUANT TO SECTION 15-213.04.

29 2. THE REMAINDER OF THE MONIES TO SCHOOL DISTRICTS ON A PER PUPIL
30 BASIS FOR THE INSTALLATION OF SOLAR TECHNOLOGY AS PRESCRIBED IN SECTION
31 15-341, SUBSECTION A, PARAGRAPH 43 IN AN AMOUNT PRORATED TO CORRESPOND TO THE
32 RATIO THE SCHOOL DISTRICT'S STUDENT COUNT BEARS TO THE TOTAL STUDENT COUNT OF
33 ALL SCHOOL DISTRICTS IN THIS STATE.

34 E. MONIES IN THE FUND SHALL BE USED TO SUPPLEMENT, NOT SUPPLANT,
35 MONIES THAT WOULD OTHERWISE BE MADE AVAILABLE TO SCHOOLS AND THE DEPARTMENT
36 OF EDUCATION.

37 F. NOTWITHSTANDING SECTION 41-3102, ON NOTIFICATION BY THE STATE BOARD
38 OF EDUCATION PURSUANT TO SECTION 15-213.05, THE PROGRAM ESTABLISHED BY THIS
39 SECTION ENDS ON THE DATE INDICATED ON THE NOTICE.

40 Sec. 4. Title 42, chapter 5, Arizona Revised Statutes, is amended by
41 adding article 10, to read:

42 ARTICLE 10. ELECTRICITY CONSUMPTION TAX

43 42-5501. Levy of tax; exemption; termination

44 A. FOR TAXABLE YEARS BEGINNING FROM AND AFTER DECEMBER 31, 2014, THERE
45 IS LEVIED AND THE DEPARTMENT SHALL COLLECT A TAX ON THE BUSINESS OF

1 DELIVERING ELECTRICITY FOR CONSUMPTION. THE TAX IS LEVIED AT THE FOLLOWING
2 RATES:

3 1. .05 OF ONE CENT PER KILOWATT HOUR OF ELECTRICITY DELIVERED TO A
4 RESIDENTIAL CUSTOMER FOR RESIDENTIAL CONSUMPTION.

5 2. .07 OF ONE CENT PER KILOWATT HOUR OF ELECTRICITY DELIVERED TO A
6 COMMERCIAL CUSTOMER FOR COMMERCIAL CONSUMPTION.

7 3. .07 OF ONE CENT PER KILOWATT HOUR OF ELECTRICITY DELIVERED TO AN
8 INDUSTRIAL CUSTOMER FOR INDUSTRIAL CONSUMPTION.

9 4. .07 OF ONE CENT PER KILOWATT HOUR OF ELECTRICITY DELIVERED TO ANY
10 CUSTOMER THAT IS NOT INCLUDED IN PARAGRAPH 1, 2 OR 3 OF THIS SUBSECTION.

11 B. THE TAX UNDER THIS SECTION DOES NOT APPLY TO ANY KILOWATT HOUR OF
12 ELECTRICITY THAT IS GENERATED FROM RENEWABLE SOURCES.

13 C. THE TAX IS DUE AND PAYABLE TO THE DEPARTMENT FOR EACH CALENDAR YEAR
14 ON OR BEFORE FEBRUARY 15 OF THE FOLLOWING YEAR. THE DEPARTMENT SHALL
15 PRESCRIBE AND FURNISH ANNUAL RETURN FORMS FOR REPORTING AND PAYING THE TAX.

16 D. ON NOTIFICATION BY THE STATE BOARD OF EDUCATION PURSUANT TO SECTION
17 15-213.05, THE TAX UNDER THIS ARTICLE TERMINATES AND THE DEPARTMENT SHALL
18 CEASE COLLECTING THE TAX.

19 42-5502. Administration; disposition of revenues

20 A. UNLESS THE CONTEXT OTHERWISE REQUIRES, ARTICLE 1 OF THIS CHAPTER
21 GOVERNS THE ADMINISTRATION OF THE TAX IMPOSED BY THIS ARTICLE.

22 B. A SEPARATE BOND IS NOT REQUIRED OF EMPLOYEES OF THE DEPARTMENT IN
23 ADMINISTERING THIS ARTICLE.

24 C. THE DEPARTMENT SHALL SEPARATELY ACCOUNT FOR THE MONIES PAID UNDER
25 THIS ARTICLE AND SHALL DEPOSIT, PURSUANT TO SECTIONS 35-146 AND 35-147, THE
26 NET REVENUES COLLECTED UNDER THIS ARTICLE IN THE SOLAR SCHOOL GRANT PROGRAM
27 FUND ESTABLISHED BY SECTION 41-1510.02.

28 Sec. 5. Requirements for enactment; two-thirds vote

29 Pursuant to article IX, section 22, Constitution of Arizona, this act
30 is effective only on the affirmative vote of at least two-thirds of the
31 members of each house of the legislature and is effective immediately on the
32 signature of the governor or, if the governor vetoes this act, on the
33 subsequent affirmative vote of at least three-fourths of the members of each
34 house of the legislature.