

REFERENCE TITLE: schools; bullying policy; definition

State of Arizona
Senate
Fifty-third Legislature
Second Regular Session
2018

SB 1456

Introduced by
Senators Hobbs: Dalessandro, Otondo, Peshlakai; Representative Alston

AN ACT

AMENDING SECTION 15-101, ARIZONA REVISED STATUTES; AMENDING TITLE 15, CHAPTER 1, ARTICLE 8, ARIZONA REVISED STATUTES, BY ADDING SECTION 15-186.01; AMENDING SECTION 15-341, ARIZONA REVISED STATUTES; RELATING TO STUDENT CONDUCT.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 15-101, Arizona Revised Statutes, is amended to
3 read:

4 15-101. Definitions

5 In this title, unless the context otherwise requires:

6 1. "Accommodation school" means either:

7 (a) A school that is operated through the county board of
8 supervisors and the county school superintendent and that the county
9 school superintendent administers to serve a military reservation or
10 territory that is not included within the boundaries of a school district.

11 (b) A school that provides educational services to homeless
12 children or alternative education programs as provided in section 15-308,
13 subsection B.

14 (c) A school that is established to serve a military reservation,
15 the boundaries of which are coterminous with the boundaries of the
16 military reservation on which the school is located.

17 2. "Assessed valuation" means the valuation derived by applying the
18 applicable percentage as provided in title 42, chapter 15, article 1 to
19 the full cash value or limited property value, whichever is applicable, of
20 the property.

21 3. "BULLYING" MEANS A WRITTEN, VERBAL OR PHYSICAL ACT OR AN
22 ELECTRONIC COMMUNICATION THAT IS INTENDED TO HARM OR THAT A REASONABLE
23 PERSON WOULD KNOW IS LIKELY TO HARM ONE OR MORE PUPILS BY DOING ANY OF THE
24 FOLLOWING:

25 (a) SUBSTANTIALLY INTERFERING WITH THE EDUCATIONAL OPPORTUNITIES,
26 BENEFITS OR PROGRAMS OF A PUPIL.

27 (b) ADVERSELY AFFECTING THE ABILITY OF A PUPIL TO PARTICIPATE IN OR
28 BENEFIT FROM EDUCATIONAL PROGRAMS OR ACTIVITIES BY PLACING THE PUPIL IN
29 REASONABLE FEAR OF PHYSICAL HARM OR BY CAUSING SUBSTANTIAL EMOTIONAL
30 DISTRESS.

31 (c) HAVING AN ACTUAL AND SUBSTANTIAL DETRIMENTAL EFFECT ON A
32 PUPIL'S PHYSICAL OR MENTAL HEALTH.

33 (d) CAUSING SUBSTANTIAL DISRUPTION IN, OR SUBSTANTIAL INTERFERENCE
34 WITH, THE ORDERLY OPERATION OF A SCHOOL.

35 ~~3.~~ 4. "Charter holder" means a person that enters into a charter
36 with the state board for charter schools. For the purposes of this
37 paragraph, "person" means an individual, partnership, corporation,
38 association or public or private organization of any kind.

39 ~~4.~~ 5. "Charter school" means a public school established by
40 contract with the state board of education, the state board for charter
41 schools, a university under the jurisdiction of the Arizona board of
42 regents, a community college district or a group of community college
43 districts pursuant to article 8 of this chapter to provide learning that
44 will improve pupil achievement.

1 ~~5.~~ 6. "Child with a disability" means a child with a disability as
2 defined in section 15-761.
3 ~~6.~~ 7. "Class A bonds" means general obligation bonds approved by a
4 vote of the qualified electors of a school district at an election held on
5 or before December 31, 1998.
6 ~~7.~~ 8. "Class B bonds" means general obligation bonds approved by a
7 vote of the qualified electors of a school district at an election held
8 from and after December 31, 1998.
9 ~~8.~~ 9. "Competency" means a demonstrated ability in a skill at a
10 specified performance level.
11 ~~9.~~ 10. "Course" means organized subject matter in which
12 instruction is offered within a given period of time and for which credit
13 toward promotion, graduation or certification is usually given. A course
14 consists of knowledge selected from a subject for instructional purposes
15 in the schools.
16 ~~10.~~ 11. "Course of study" means a list of required and optional
17 subjects to be taught in the schools.
18 ~~11.~~ 12. "Dual enrollment course" means a college-level course that
19 is conducted on the campus of a high school or on the campus of a joint
20 technical education district, that is applicable to an established
21 community college academic degree or certificate program and that is
22 transferable to a university under the jurisdiction of the Arizona board
23 of regents. A dual enrollment course that is applicable to a community
24 college occupational degree or certificate program may be transferable to
25 a university under the jurisdiction of the Arizona board of regents.
26 ~~12.~~ 13. "Elementary grades" means kindergarten programs and grades
27 one through eight.
28 ~~13.~~ 14. "Fiscal year" means the year beginning July 1 and ending
29 June 30.
30 ~~14.~~ 15. "Governing board" means a body organized for the
31 government and management of the schools within a school district or a
32 county school superintendent in the conduct of an accommodation school.
33 ~~15.~~ 16. "Lease" means an agreement for conveyance and possession
34 of real or personal property.
35 ~~16.~~ 17. "Limited property value" means the value determined
36 pursuant to title 42, chapter 13, article 7. Limited property value shall
37 be used as the basis for assessing, fixing, determining and levying
38 primary property taxes.
39 ~~17.~~ 18. "Nontest" means not relating to knowledge or skills in
40 reading, writing, mathematics, social studies, science or any other
41 course.
42 ~~18.~~ 19. "Parent" means the natural or adoptive parent of a child
43 or a person who has custody of a child.

1 ~~19.~~ 20. "Person who has custody" means a parent or legal guardian
2 of a child, a person to whom custody of the child has been given by order
3 of a court or a person who stands in loco parentis to the child.

4 ~~20.~~ 21. "Primary property taxes" means all ad valorem taxes except
5 for secondary property taxes.

6 ~~21.~~ 22. "Private school" means a nonpublic institution where
7 instruction is imparted.

8 ~~22.~~ 23. "School" or "public school" means any public institution
9 established for the purposes of offering instruction to pupils in programs
10 for preschool children with disabilities, kindergarten programs or any
11 combination of elementary grades or secondary grades one through twelve.

12 ~~23.~~ 24. "School district" means a political subdivision of this
13 state with geographic boundaries organized for the purpose of the
14 administration, support and maintenance of the public schools or an
15 accommodation school.

16 ~~24.~~ 25. "Secondary grades" means grades nine through twelve.

17 ~~25.~~ 26. "Secondary property taxes" means ad valorem taxes used to
18 pay the principal of and the interest and redemption charges on any bonded
19 indebtedness or other lawful long-term obligation issued or incurred for a
20 specific purpose by a school district or a community college district and
21 amounts levied pursuant to an election to exceed a budget, expenditure or
22 tax limitation.

23 ~~26.~~ 27. "Subject" means a division or field of organized
24 knowledge, such as English or mathematics, or a selection from an
25 organized body of knowledge for a course or teaching unit, such as the
26 English novel or elementary algebra.

27 Sec. 2. Title 15, chapter 1, article 8, Arizona Revised Statutes,
28 is amended by adding section 15-186.01, to read:

29 15-186.01. Bullying policies and procedures

30 EACH CHARTER SCHOOL GOVERNING BODY SHALL PRESCRIBE AND ENFORCE
31 POLICIES AND PROCEDURES TO PROHIBIT PUPILS FROM HARASSING, INTIMIDATING
32 AND BULLYING OTHER PUPILS. THESE POLICIES MAY INCLUDE A POLICY
33 PROHIBITING BULLYING, INTIMIDATION AND HARASSMENT AT ANY OFF-CAMPUS
34 LOCATION OR ACTIVITY IF THE ALLEGED ACTIVITY IS REPORTED TO SCHOOL
35 OFFICIALS AND IF THE BULLYING, INTIMIDATION OR HARASSMENT CREATES A
36 HOSTILE ENVIRONMENT FOR THE ALLEGED VICTIM AT SCHOOL, INFRINGES ON THE
37 RIGHTS OF THE ALLEGED VICTIM AT SCHOOL OR MATERIALLY AND SUBSTANTIALLY
38 DISRUPTS THE EDUCATION PROCESS OR THE ORDERLY OPERATION OF THE SCHOOL.
39 THESE POLICIES AND PROCEDURES SHALL INCLUDE ALL OF THE FOLLOWING:

40 1. A POLICY PROHIBITING HARASSMENT, INTIMIDATION AND BULLYING
41 THROUGH THE USE OF ELECTRONIC TECHNOLOGY AND ELECTRONIC COMMUNICATIONS ON
42 SCHOOL GROUNDS, ON SCHOOL PROPERTY, ON SCHOOL BUSES, AT SCHOOL BUS STOPS,
43 AT SCHOOL-SPONSORED EVENTS AND ON SCHOOL COMPUTERS, NETWORKS, FORUMS AND
44 MAILING LISTS.

1 2. A STATEMENT THAT ALL PUPILS ARE PROTECTED UNDER THESE POLICIES
2 AND THAT BULLYING IS PROHIBITED WITHOUT REGARD TO THE SUBJECT MATTER OF
3 THE BULLYING OR THE MOTIVATION OF THE PERPETRATOR.

4 3. A PROCEDURE FOR PUPILS, PARENTS AND CHARTER SCHOOL EMPLOYEES TO
5 CONFIDENTIALLY REPORT TO SCHOOL OFFICIALS INCIDENTS OF HARASSMENT,
6 INTIMIDATION OR BULLYING. THE CHARTER SCHOOL SHALL MAKE AVAILABLE WRITTEN
7 FORMS DESIGNED TO PROVIDE A FULL AND DETAILED DESCRIPTION OF THE INCIDENT
8 AND ANY OTHER RELEVANT INFORMATION ABOUT THE INCIDENT.

9 4. A REQUIREMENT THAT CHARTER SCHOOL EMPLOYEES REPORT IN WRITING
10 SUSPECTED INCIDENTS OF HARASSMENT, INTIMIDATION OR BULLYING TO THE
11 APPROPRIATE SCHOOL OFFICIAL AND A DESCRIPTION OF APPROPRIATE DISCIPLINARY
12 PROCEDURES FOR EMPLOYEES WHO FAIL TO REPORT SUSPECTED INCIDENTS THAT ARE
13 KNOWN TO THE EMPLOYEE.

14 5. A REQUIREMENT THAT, AT THE BEGINNING OF EACH SCHOOL YEAR, SCHOOL
15 OFFICIALS PROVIDE ALL PUPILS WITH A WRITTEN COPY OF THE RIGHTS,
16 PROTECTIONS AND SUPPORT SERVICES AVAILABLE TO A PUPIL WHO IS AN ALLEGED
17 VICTIM OF AN INCIDENT REPORTED PURSUANT TO THIS SECTION.

18 6. IF AN INCIDENT IS REPORTED PURSUANT TO THIS SECTION, A
19 REQUIREMENT THAT SCHOOL OFFICIALS, IN COMPLIANCE WITH STATE RULES AND
20 FEDERAL REGULATIONS ADOPTED TO COMPLY WITH THE FAMILY EDUCATIONAL RIGHTS
21 AND PRIVACY ACT, NOTIFY THE PARENT OR GUARDIAN OF THE ALLEGED VICTIM AND
22 PROVIDE THE ALLEGED VICTIM OF THE INCIDENT WITH A WRITTEN COPY OF THE
23 RIGHTS, PROTECTIONS AND SUPPORT SERVICES AVAILABLE TO THAT PUPIL. IN
24 ORDER TO AVOID ADDITIONAL NEGATIVE CONSEQUENCES TO THE ALLEGED VICTIM'S
25 HEALTH AND WELL-BEING AND BEFORE NOTIFYING THE PARENT OF THE ALLEGED
26 VICTIM, SCHOOL ADMINISTRATORS, IN CONSULTATION WITH ON-SITE SCHOOL
27 COUNSELORS AND SOCIAL WORKERS, IF AVAILABLE, SHALL EVALUATE THE
28 NOTIFICATION IN THE SAME MANNER AS ANY OTHER EDUCATIONALLY RELEVANT
29 DECISION BY CONSIDERING THE HEALTH, WELL-BEING AND SAFETY OF ANY PUPIL
30 INVOLVED IN THE INCIDENT. NOTIFICATION OF THE PARENT OR GUARDIAN OF A
31 PUPIL WHO IS THE ALLEGED PERPETRATOR SHALL BE PROVIDED PURSUANT TO THE
32 CHARTER SCHOOL'S DISCIPLINARY NOTIFICATION POLICIES AND PROCEDURES.

33 7. A FORMAL PROCESS FOR DOCUMENTING REPORTED INCIDENTS OF
34 HARASSMENT, INTIMIDATION OR BULLYING AND PROVIDING FOR THE
35 CONFIDENTIALITY, MAINTENANCE AND DISPOSITION OF THIS DOCUMENTATION.
36 CHARTER SCHOOLS SHALL MAINTAIN DOCUMENTATION OF ALL INCIDENTS REPORTED
37 PURSUANT TO THIS SECTION FOR AT LEAST SIX YEARS. THE CHARTER SCHOOL SHALL
38 NOT USE THAT DOCUMENTATION TO IMPOSE DISCIPLINARY ACTION UNLESS THE
39 APPROPRIATE SCHOOL OFFICIAL HAS INVESTIGATED AND DETERMINED THAT THE
40 REPORTED INCIDENTS OF HARASSMENT, INTIMIDATION OR BULLYING OCCURRED. IF A
41 CHARTER SCHOOL PROVIDES DOCUMENTATION OF REPORTED INCIDENTS TO PERSONS
42 OTHER THAN SCHOOL OFFICIALS OR LAW ENFORCEMENT, ALL INDIVIDUALLY
43 IDENTIFIABLE INFORMATION SHALL BE REDACTED.

44 8. A FORMAL PROCESS FOR THE APPROPRIATE SCHOOL OFFICIALS TO
45 INVESTIGATE SUSPECTED INCIDENTS OF HARASSMENT, INTIMIDATION OR BULLYING,

1 INCLUDING PROCEDURES TO TIMELY NOTIFY THE ALLEGED VICTIM AND THE PARENT OR
2 GUARDIAN OF THE ALLEGED VICTIM ON COMPLETION AND DISPOSITION OF THE
3 INVESTIGATION.

4 9. DISCIPLINARY PROCEDURES FOR PUPILS WHO HAVE ADMITTED COMMITTING
5 OR BEEN FOUND TO HAVE COMMITTED INCIDENTS OF HARASSMENT, INTIMIDATION OR
6 BULLYING.

7 10. A PROCEDURE THAT SETS FORTH CONSEQUENCES FOR SUBMITTING FALSE
8 REPORTS OF INCIDENTS OF HARASSMENT, INTIMIDATION OR BULLYING.

9 11. PROCEDURES DESIGNED TO PROTECT THE HEALTH AND SAFETY OF PUPILS
10 WHO ARE PHYSICALLY OR EMOTIONALLY HARMED, OR BOTH, AS THE RESULT OF AN
11 INCIDENT OF HARASSMENT, INTIMIDATION OR BULLYING, INCLUDING, IF
12 APPROPRIATE, PROCEDURES TO CONTACT EMERGENCY MEDICAL SERVICES OR LAW
13 ENFORCEMENT AGENCIES, OR BOTH.

14 12. AN EDUCATIONAL REQUIREMENT DESIGNED TO PREVENT HARASSMENT,
15 INTIMIDATION OR BULLYING THAT INCLUDES ANNUAL TRAINING FOR ADMINISTRATORS
16 AND CHARTER SCHOOL EMPLOYEES IN PREVENTING, IDENTIFYING, RESPONDING TO AND
17 REPORTING INCIDENTS OF HARASSMENT, INTIMIDATION OR BULLYING. THIS
18 REQUIREMENT SHALL ALSO INCLUDE SIMILAR TRAINING FOR PUPILS AND PARENTS.

19 13. THE SAME DEFINITION OF BULLYING PRESCRIBED IN SECTION 15-101.

20 Sec. 3. Section 15-341, Arizona Revised Statutes, is amended to
21 read:

22 15-341. General powers and duties; immunity; delegation

23 A. The governing board shall:

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

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

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

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

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

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

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

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

42 9. Purchase school sites when authorized by a vote of the district
43 at an election conducted as nearly as practicable in the same manner as
44 the election provided in section 15-481 and held on a date prescribed in
45 section 15-491, subsection E, but such authorization shall not necessarily

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

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

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

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

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

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

24 15. Provide that, if a parent or legal guardian chooses not to
25 accept a decision of the teacher as provided in ~~section~~ paragraph 42 of
26 this subsection, the parent or legal guardian may request in writing that
27 the governing board review the teacher's decision. This paragraph shall
28 not be construed to release school districts from any liability relating
29 to a child's promotion or retention.

30 16. Provide for adequate supervision over pupils in instructional
31 and noninstructional activities by certificated or noncertificated
32 personnel.

33 17. Use school monies received from the state and county school
34 apportionment exclusively for payment of salaries of teachers and other
35 employees and contingent expenses of the district.

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

42 19. Deposit all monies received by school districts other than
43 student activities monies or monies from auxiliary operations as provided
44 in sections 15-1125 and 15-1126 with the county treasurer to the credit of
45 the school district except as provided in paragraph 20 of this subsection

1 and sections 15-1223 and 15-1224, and the board shall expend the monies as
2 provided by law for other school funds.

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

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

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

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

39 24. Prescribe and enforce policies and procedures relating to the
40 health and safety of all pupils participating in ~~district sponsored~~
41 **DISTRICT-SPONSORED** practice sessions or games or other interscholastic
42 athletic activities, including:

43 (a) The provision of water.

44 (b) Guidelines, information and forms, developed in consultation
45 with a statewide private entity that supervises interscholastic

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

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

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

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

8 28. 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 29. Keep in the personnel file of all current and former employees
13 who provide instruction to pupils at a school information about the
14 employee'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 information and shall
17 make the information available for inspection on request of parents and
18 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
21 teacher's or employee's address, salary, social security number or
22 telephone number.

23 30. Report to local law enforcement agencies any suspected crime
24 against a person or property that is a serious offense as defined in
25 section 13-706 or that involves a deadly weapon or dangerous instrument or
26 serious physical injury and any conduct that poses a threat of death or
27 serious physical injury to employees, students or anyone on the property
28 of the school. This paragraph does not limit or preclude the reporting by
29 a school district or an employee of a school district of suspected crimes
30 other than those required to be reported by this paragraph. For the
31 purposes of this paragraph, "dangerous instrument", "deadly weapon" and
32 "serious physical injury" have the same meanings prescribed in section
33 13-105.

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

40 32. Provide written notice to the parents or guardians of all
41 students enrolled in the school district at least ten days prior to a
42 public meeting to discuss closing a school within the school district.
43 The notice shall include the reasons for the proposed closure and the time
44 and place of the meeting. The governing board shall fix a time for a
45 public meeting on the proposed closure no less than ten days before voting

1 in a public meeting to close the school. The school district governing
2 board shall give notice of the time and place of the meeting. At the time
3 and place designated in the notice, the school district governing board
4 shall hear reasons for or against closing the school. The school district
5 governing board is exempt from this paragraph if it is determined by the
6 governing board that the school shall be closed because it poses a danger
7 to the health or safety of the pupils or employees of the school. A
8 governing board may consult with the school facilities board for technical
9 assistance and for information on the impact of closing a school. The
10 information provided from the school facilities board shall not require
11 the governing board to take or not take any action.

12 33. Incorporate instruction on Native American history into
13 appropriate existing curricula.

14 34. Prescribe and enforce policies and procedures:

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

33 (b) For the emergency administration of epinephrine auto-injectors
34 by a trained employee of a school district pursuant to section 15-157.

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

1 are based on a good faith implementation of the requirements of this
2 paragraph.

3 36. Prescribe and enforce policies and procedures to prohibit pupils
4 from harassing, intimidating and bullying other pupils. THESE POLICIES
5 MAY INCLUDE A POLICY PROHIBITING BULLYING, INTIMIDATION AND HARASSMENT AT
6 ANY OFF-CAMPUS LOCATION OR ACTIVITY IF THE ALLEGED ACTIVITY IS REPORTED TO
7 SCHOOL OFFICIALS AND IF THE BULLYING, INTIMIDATION OR HARASSMENT CREATES A
8 HOSTILE ENVIRONMENT FOR THE ALLEGED VICTIM AT SCHOOL, INFRINGES ON THE
9 RIGHTS OF THE ALLEGED VICTIM AT SCHOOL OR MATERIALLY AND SUBSTANTIALLY
10 DISRUPTS THE EDUCATION PROCESS OR THE ORDERLY OPERATION OF THE
11 SCHOOL. THESE POLICIES AND PROCEDURES SHALL INCLUDE ALL OF THE FOLLOWING:

12 (a) A POLICY PROHIBITING HARASSMENT, INTIMIDATION AND BULLYING
13 THROUGH THE USE OF ELECTRONIC TECHNOLOGY AND ELECTRONIC COMMUNICATIONS on
14 school grounds, on school property, on school buses, at school bus stops,
15 at school-sponsored events and ~~activities and through the use of~~
16 ~~electronic technology or electronic communication~~ on school computers,
17 networks, forums and mailing lists. ~~that include the following~~
18 ~~components:~~

19 (b) A STATEMENT THAT ALL PUPILS ARE PROTECTED UNDER THESE POLICIES
20 AND THAT BULLYING IS PROHIBITED WITHOUT REGARD TO THE SUBJECT MATTER OF
21 THE BULLYING OR THE MOTIVATION OF THE PERPETRATOR.

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

27 ~~(b)~~ (d) A requirement that school district employees report in
28 writing suspected incidents of harassment, intimidation or bullying to the
29 appropriate school official and a description of appropriate disciplinary
30 procedures for employees who fail to report suspected incidents that are
31 known to the employee.

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

36 ~~(d)~~ (f) If an incident is reported pursuant to this paragraph, a
37 requirement that school officials, IN COMPLIANCE WITH STATE RULES AND
38 FEDERAL REGULATIONS ADOPTED TO COMPLY WITH THE FAMILY EDUCATIONAL RIGHTS
39 AND PRIVACY ACT, NOTIFY THE PARENT OR GUARDIAN OF THE ALLEGED VICTIM AND
40 ~~provide a pupil who is an~~ THE alleged victim of the incident with a
41 written copy of the rights, protections and support services available to
42 that pupil. IN ORDER TO AVOID ADDITIONAL NEGATIVE CONSEQUENCES TO THE
43 ALLEGED VICTIM'S HEALTH AND WELL-BEING AND BEFORE NOTIFYING THE PARENT OF
44 THE ALLEGED VICTIM, SCHOOL ADMINISTRATORS, IN CONSULTATION WITH ON-SITE
45 SCHOOL COUNSELORS AND SOCIAL WORKERS, IF AVAILABLE, SHALL EVALUATE THE

1 NOTIFICATION IN THE SAME MANNER AS ANY OTHER EDUCATIONALLY RELEVANT
2 DECISION BY CONSIDERING THE HEALTH, WELL-BEING AND SAFETY OF ANY PUPIL
3 INVOLVED IN THE INCIDENT. NOTIFICATION OF THE PARENT OR GUARDIAN OF A
4 PUPIL WHO IS THE ALLEGED PERPETRATOR SHALL BE PROVIDED PURSUANT TO THE
5 SCHOOL DISTRICT'S DISCIPLINARY NOTIFICATION POLICIES AND PROCEDURES.

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

17 ~~(f)~~ (h) A formal process for ~~the investigation by~~ the appropriate
18 school officials ~~of~~ TO INVESTIGATE suspected incidents of harassment,
19 intimidation or bullying, including procedures ~~for notifying~~ TO TIMELY
20 NOTIFY the alleged victim AND THE PARENT OR GUARDIAN OF THE ALLEGED VICTIM
21 on completion and disposition of the investigation.

22 ~~(g)~~ (i) Disciplinary procedures for pupils who have admitted or
23 been found to have committed incidents of harassment, intimidation or
24 bullying.

25 ~~(h)~~ (j) A procedure that sets forth consequences for submitting
26 false reports of incidents of harassment, intimidation or bullying.

27 ~~(i)~~ (k) Procedures designed to protect the health and safety of
28 pupils who are physically OR EMOTIONALLY harmed, OR BOTH, as the result of
29 ~~incidents~~ AN INCIDENT of harassment, intimidation and bullying, including,
30 if appropriate, procedures to contact emergency medical services or law
31 enforcement agencies, or both.

32 ~~(j) Definitions of harassment, intimidation and bullying.~~

33 (l) AN EDUCATIONAL REQUIREMENT DESIGNED TO PREVENT HARASSMENT,
34 INTIMIDATION OR BULLYING THAT INCLUDES ANNUAL TRAINING FOR ADMINISTRATORS
35 AND SCHOOL EMPLOYEES IN PREVENTING, IDENTIFYING, RESPONDING TO AND
36 REPORTING INCIDENTS OF HARASSMENT, INTIMIDATION OR BULLYING. THIS
37 REQUIREMENT SHALL ALSO INCLUDE SIMILAR TRAINING FOR PUPILS AND PARENTS.

38 (m) THE SAME DEFINITION OF BULLYING PRESCRIBED IN SECTION 15-101.

39 37. Prescribe and enforce policies and procedures regarding
40 changing or adopting attendance boundaries that include the following
41 components:

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

44 (b) A procedure to notify the parents or guardians of the students
45 affected.

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

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

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

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

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

16 38. If the state board of education determines that the school
17 district has committed an overexpenditure as defined in section 15-107,
18 provide a copy of the fiscal management report submitted pursuant to
19 section 15-107, subsection H on its website and make copies available to
20 the public on request. The school district shall comply with a request
21 within five business days after receipt.

22 39. Ensure that the contract for the superintendent is structured
23 in a manner in which up to twenty percent of the total annual salary
24 included for the superintendent in the contract is classified as
25 performance pay. This paragraph shall not be construed to require school
26 districts to increase total compensation for superintendents. Unless the
27 school district governing board votes to implement an alternative
28 procedure at a public meeting called for this purpose, the performance pay
29 portion of the superintendent's total annual compensation shall be
30 determined as follows:

31 (a) Twenty-five percent of the performance pay shall be determined
32 based on the percentage of academic gain determined by the department of
33 education of pupils who are enrolled in the school district compared to
34 the academic gain achieved by the highest ranking of the fifty largest
35 school districts in this state. For the purposes of this subdivision, the
36 department of education shall determine academic gain by the academic
37 growth achieved by each pupil who has been enrolled at the same school in
38 a school district for at least five consecutive months measured against
39 that pupil's academic results in the 2008-2009 school year. For the
40 purposes of this subdivision, of the fifty largest school districts in
41 this state, the school district with pupils who demonstrate the highest
42 statewide percentage of overall academic gain measured against academic
43 results for the 2008-2009 school year shall be assigned a score of 100 and
44 the school district with pupils who demonstrate the lowest statewide

1 percentage of overall academic gain measured against academic results for
2 the 2008-2009 school year shall be assigned a score of 0.

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

- 14 (i) A letter grade of "A" if the school district is excellent.
- 15 (ii) A letter grade of "B" if the school district is above average.
- 16 (iii) A letter grade of "C" if the school district is average.
- 17 (iv) A letter grade of "D" if the school district is below average.
- 18 (v) A letter grade of "F" if the school district is a failure.

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

- 30 (i) A letter grade of "A" if the school district is excellent.
- 31 (ii) A letter grade of "B" if the school district is above average.
- 32 (iii) A letter grade of "C" if the school district is average.
- 33 (iv) A letter grade of "D" if the school district is below average.
- 34 (v) A letter grade of "F" if the school district is a failure.

35 (d) Twenty-five percent of the performance pay shall be determined
36 by other criteria selected by the governing board.

37 40. Maintain and store permanent public records of the school
38 district as required by law. Notwithstanding section 39-101, the
39 standards adopted by the Arizona state library, archives and public
40 records for the maintenance and storage of school district public records
41 shall allow school districts to elect to satisfy the requirements of this
42 paragraph by maintaining and storing these records either on paper or in
43 an electronic format, or a combination of a paper and electronic format.

44 41. Adopt in a public meeting and implement ~~by school year~~
45 ~~2013-2014~~ policies for principal evaluations. Before the adoption of

1 principal evaluation policies, the school district governing board shall
2 provide opportunities for public discussion on the proposed policies. The
3 policies shall describe:

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

7 (b) Alignment of professional development opportunities to the
8 principal evaluations.

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

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

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

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

18 42. Prescribe and enforce policies and procedures that define the
19 duties of principals and teachers. These policies and procedures shall
20 authorize teachers to take and maintain daily classroom attendance, make
21 the decision to promote or retain a pupil in a grade in common school or
22 to pass or fail a pupil in a course in high school, subject to review by
23 the governing board in the manner provided in section 15-342,
24 paragraph 11.

25 43. Prescribe and enforce policies and procedures for the emergency
26 administration by an employee of a school district pursuant to section
27 36-2267 of naloxone hydrochloride or any other opioid antagonist approved
28 by the United States food and drug administration.

29 B. Notwithstanding subsection A, paragraphs 7, 9 and 11 of this
30 section, the county school superintendent may construct, improve and
31 furnish school buildings or purchase or sell school sites in the conduct
32 of an accommodation school.

33 C. If any school district acquires real or personal property,
34 whether by purchase, exchange, condemnation, gift or otherwise, the
35 governing board shall pay to the county treasurer any taxes on the
36 property that were unpaid as of the date of acquisition, including
37 penalties and interest. The lien for unpaid delinquent taxes, penalties
38 and interest on property acquired by a school district:

39 1. Is not abated, extinguished, discharged or merged in the title
40 to the property.

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

42 D. The governing board may not locate a school on property that is
43 less than one-fourth mile from agricultural land regulated pursuant to
44 section 3-365, except that the owner of the agricultural land may agree to
45 comply with the buffer zone requirements of section 3-365. If the owner

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

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

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

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

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

40 Sec. 4. Intent

41 The legislature finds and declares that:

42 1. All students have the right to participate fully in the
43 educational process and to be free from bullying, intimidation and
44 harassment.

1 2. A safe and civil environment in school is necessary for students
2 to learn and to achieve high academic standards.

3 3. Bullying, intimidation and harassment, like other disruptive or
4 violent behaviors, are forms of conduct that disrupt both a student's
5 ability to learn and a school's ability to educate its students in a safe
6 environment.

7 4. Staff and volunteers should be expected to demonstrate
8 appropriate behavior, treat others with civility and respect and refuse to
9 tolerate bullying, intimidation and harassment.

10 Sec. 5. [Short title](#)

11 This act may be cited as the "Arizona Safe Schools Act of 2017".