

REFERENCE TITLE: schools; attendance boundaries; open enrollment

State of Arizona
Senate
Fifty-fifth Legislature
First Regular Session
2021

SB 1685

Introduced by
Senators Boyer: Barto, Gray, Shope

AN ACT

AMENDING SECTIONS 15-341, 15-816 AND 15-816.01, ARIZONA REVISED STATUTES;
RELATING TO SCHOOL ATTENDANCE.

(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~~
7 ~~of~~ TO GOVERN the schools that are not inconsistent with law or rules
8 prescribed by the state board of education.

9 2. Exclude from schools all books, publications, papers or
10 audiovisual materials of a sectarian, partisan or denominational
11 character. This paragraph does not prohibit the elective course permitted
12 by section 15-717.01.

13 3. Manage and control the school property within its district,
14 except that a district may enter into a partnership with an entity,
15 including a charter school, another school district or a military base, to
16 operate a school or offer educational services in a district building,
17 including at a vacant or partially used building, or in any building on
18 the entity's property pursuant to a written agreement between the parties.

19 4. Acquire school furniture, apparatus, equipment, library books
20 and supplies for ~~the use of the~~ schools TO USE.

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

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

25 7. Construct school buildings on approval by a vote of the district
26 electors.

27 8. ~~Make~~ In the name of the district, ~~conveyances of~~ CONVEY property
28 belonging to the district and sold by the board.

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

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

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

42 12. Hold pupils to strict account for disorderly conduct on school
43 property.

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

1 14. Except as provided in section 15-1224, deposit all monies
2 received by the district as gifts, grants and devises with the county
3 treasurer who shall credit the deposits as designated in the uniform
4 system of financial records. If not inconsistent with the terms of the
5 gifts, grants and devises given, any balance remaining after expenditures
6 for the intended purpose of the monies have been made shall be used for
7 reduction of school district taxes for the budget year, except that in the
8 case of accommodation schools the county treasurer shall carry the balance
9 forward for use by the county school superintendent for accommodation
10 schools for the budget year.

11 15. Provide that, if a parent or legal guardian chooses not to
12 accept a decision of the teacher as provided in paragraph 42 of this
13 subsection, the parent or legal guardian may request in writing that the
14 governing board review the teacher's decision. This paragraph does not
15 release school districts from any liability relating to a child's
16 promotion or retention.

17 16. Provide for adequate supervision over pupils in instructional
18 and noninstructional activities by certificated or noncertificated
19 personnel.

20 17. Use school monies received from the state and county school
21 apportionment exclusively ~~for payment of TO PAY~~ salaries of teachers and
22 other employees and contingent expenses of the district.

23 18. ~~Make an annual~~ ANNUALLY report to the county school
24 superintendent on or before October 1 in the manner and form and on the
25 blanks prescribed by the superintendent of public instruction or county
26 school superintendent. The board shall also make reports directly to the
27 county school superintendent or the superintendent of public instruction
28 whenever required.

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

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

40 21. Prescribe and enforce policies and procedures for disciplinary
41 action against a teacher who engages in conduct that is a violation of the
42 policies of the governing board but that is not cause for dismissal of the
43 teacher or for revocation of the certificate of the teacher. Disciplinary
44 action may include suspension without pay for a period of time not to
45 exceed ten school days. Disciplinary action shall not include suspension
46 with pay or suspension without pay for a period of time longer than ten

1 school days. The procedures shall include notice, hearing and appeal
2 provisions for violations that are cause for disciplinary action. The
3 governing board may designate a person or persons to act on behalf of the
4 board on these matters.

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

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

25 24. Prescribe and enforce policies and procedures relating to the
26 health and safety of all pupils participating in district-sponsored
27 practice sessions or games or other interscholastic athletic activities,
28 including:

29 (a) The provision of water.

30 (b) Guidelines, information and forms, developed in consultation
31 with a statewide private entity that supervises interscholastic
32 activities, to inform and educate coaches, pupils and parents of the
33 dangers of concussions and head injuries and the risks of continued
34 participation in athletic activity after a concussion. The policies and
35 procedures shall require that, before a pupil participates in an athletic
36 activity, the pupil and the pupil's parent must sign an information form
37 at least once each school year that states that the parent is aware of the
38 nature and risk of concussion. The policies and procedures shall require
39 that a pupil who is suspected of sustaining a concussion in a practice
40 session, game or other interscholastic athletic activity be immediately
41 removed from the athletic activity and that the pupil's parent or guardian
42 be notified. A coach from the pupil's team or an official or a licensed
43 health care provider may remove a pupil from play. A team parent may also
44 remove the parent's own child from play. A pupil may return to play on
45 the same day if a health care provider rules out a suspected concussion at
46 the time the pupil is removed from play. On a subsequent day, the pupil

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

32 (c) Guidelines, information and forms that are developed in
33 consultation with a statewide private entity that supervises
34 interscholastic activities to inform and educate coaches, pupils and
35 parents of the dangers of heat-related illnesses, sudden cardiac death and
36 prescription opioid use. Before a pupil participates in any
37 district-sponsored practice session or game or other interscholastic
38 athletic activity, the pupil and the pupil's parent must be provided with
39 information at least once each school year on the risks of heat-related
40 illnesses, sudden cardiac death and prescription opioid addiction.

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

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

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

3 28. Ensure that insurance coverage is secured for all construction
4 projects for purposes of general liability, property damage and workers'
5 compensation and secure performance and payment bonds for all construction
6 projects.

7 29. Keep in the personnel file of all current and former employees
8 who provide instruction to pupils at a school information about the
9 employee's educational and teaching background and experience in a
10 particular academic content subject area. A school district shall inform
11 parents and guardians of the availability of the information and shall
12 make the information available for inspection on request of parents and
13 guardians of pupils enrolled at a school. This paragraph does not require
14 any school to release personally identifiable information in relation to
15 any teacher or employee, including the teacher's or employee's address,
16 salary, social security number or telephone number.

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

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

34 32. Provide written notice to the parents or guardians of all
35 students enrolled in the school district at least ten days before a public
36 meeting to discuss closing a school within the school district. The
37 notice shall include the reasons for the proposed closure and the time and
38 place of the meeting. The governing board shall fix a time for a public
39 meeting on the proposed closure not less than ten days before voting in a
40 public meeting to close the school. The school district governing board
41 shall give notice of the time and place of the meeting. At the time and
42 place designated in the notice, the school district governing board shall
43 hear reasons for or against closing the school. The school district
44 governing board is exempt from this paragraph if the governing board
45 determines that the school shall be closed because it poses a danger to
46 the health or safety of the pupils or employees of the school. A

1 governing board may consult with the school facilities board for technical
2 assistance and for information on the impact of closing a school. The
3 information provided from the school facilities board shall not require
4 the governing board to take or not take any action.

5 33. Incorporate instruction on Native American history into
6 appropriate existing curricula.

7 34. Prescribe and enforce policies and procedures:

8 (a) Allowing pupils who have been diagnosed with anaphylaxis by a
9 health care provider licensed pursuant to title 32, chapter 13, 14, 17 or
10 25 or by a registered nurse practitioner licensed and certified pursuant
11 to title 32, chapter 15 to carry and self-administer emergency
12 medications, including epinephrine auto-injectors, while at school and at
13 school-sponsored activities. The pupil's name on the prescription label
14 on the medication container or on the medication device and annual written
15 documentation from the pupil's parent or guardian to the school that
16 authorizes possession and self-administration is sufficient proof that the
17 pupil is entitled to the possession and self-administration of the
18 medication. The policies shall require a pupil who uses an epinephrine
19 auto-injector while at school and at school-sponsored activities to notify
20 the nurse or the designated school staff person of the use of the
21 medication as soon as practicable. A school district and its employees
22 are immune from civil liability with respect to all decisions made and
23 actions taken that are based on good faith implementation of the
24 requirements of this subdivision, except in cases of wanton or wilful
25 neglect.

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

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

40 36. Prescribe and enforce policies and procedures to prohibit
41 pupils from harassing, intimidating and bullying other pupils on school
42 grounds, on school property, on school buses, at school bus stops, at
43 school-sponsored events and activities and through the use of electronic
44 technology or electronic communication on school computers, networks,
45 forums and mailing lists that include the following components:

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

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

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

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

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

30 (f) A formal process for the investigation by the appropriate
31 school officials of suspected incidents of harassment, intimidation or
32 bullying, including procedures for notifying the alleged victim and the
33 alleged victim's parent or guardian when a school official or employee
34 becomes aware of the suspected incident of harassment, intimidation or
35 bullying.

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

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

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

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

45 37. Prescribe and enforce policies and procedures regarding
46 changing or adopting attendance boundaries FOR ENROLLMENT PREFERENCE IF

1 THE SCHOOL OR A GRADE LEVEL REACHES CAPACITY PURSUANT TO SECTION 15-816.01
2 that include the following components:

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

5 (b) A procedure to notify the parents or guardians of the students
6 affected, INCLUDING ASSURANCE THAT STUDENTS ASSIGNED TO A NEW ATTENDANCE
7 AREA MAY STAY ENROLLED IN THEIR CURRENT SCHOOL IF THAT SCHOOL REMAINS OPEN
8 AS PART OF THE BOUNDARY CHANGE.

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

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

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

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

20 (g) A formal process for updating attendance boundaries on the
21 school district's website within ninety days ~~of~~ AFTER an adopted boundary
22 change. The school district shall send a direct link to the school
23 district's attendance boundaries website to the department of real estate.

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

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

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

1 purposes of this subdivision, of the fifty largest school districts in
2 this state, the school district with pupils who demonstrate the highest
3 statewide percentage of overall academic gain measured against academic
4 results for the 2008-2009 school year shall be assigned a score of 100 and
5 the school district with pupils who demonstrate the lowest statewide
6 percentage of overall academic gain measured against academic results for
7 the 2008-2009 school year shall be assigned a score of 0.

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

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

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

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

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

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

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

3 41. Adopt in a public meeting and implement policies for principal
4 evaluations. Before adopting principal evaluation policies, the school
5 district governing board shall provide opportunities for public discussion
6 on the proposed policies. The governing board shall adopt policies that:

7 (a) Are designed to improve principal performance and improve
8 student achievement.

9 (b) Include the use of quantitative data on the academic progress
10 for all students, which shall account for between twenty percent and
11 thirty-three percent of the evaluation outcomes.

12 (c) Include four performance classifications, designated as highly
13 effective, effective, developing and ineffective.

14 (d) Describe both of the following:

15 (i) The methods used to evaluate the performance of principals,
16 including the data used to measure student performance and job
17 effectiveness.

18 (ii) The formula used to determine evaluation outcomes.

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

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

30 44. In addition to the notification requirements prescribed in
31 paragraph 36 of this subsection, prescribe and enforce reasonable and
32 appropriate policies to notify a pupil's parent or guardian if any person
33 engages in harassing, threatening or intimidating conduct against that
34 pupil. A school district and its officials and employees are immune from
35 civil liability with respect to all decisions made and actions taken that
36 are based on good faith implementation of the requirements of this
37 paragraph, except in cases of gross negligence or wanton or wilful
38 neglect. A person engages in threatening or intimidating if the person
39 threatens or intimidates by word or conduct to cause physical injury to
40 another person or serious damage to the property of another on school
41 grounds. A person engages in harassment if, with intent to harass or with
42 knowledge that the person is harassing another person, the person
43 anonymously or otherwise contacts, communicates or causes a communication
44 with another person by verbal, electronic, mechanical, telephonic or
45 written means in a manner that harasses on school grounds or substantially
46 disrupts the school environment.

1 B. Notwithstanding subsection A, paragraphs 7, 9 and 11 of this
2 section, the county school superintendent may construct, improve and
3 furnish school buildings or purchase or sell school sites in the conduct
4 of an accommodation school.

5 C. If any school district acquires real or personal property,
6 whether by purchase, exchange, condemnation, gift or otherwise, the
7 governing board shall pay to the county treasurer any taxes on the
8 property that were unpaid as of the date of acquisition, including
9 penalties and interest. The lien for unpaid delinquent taxes, penalties
10 and interest on property acquired by a school district:

11 1. Is not abated, extinguished, discharged or merged in the title
12 to the property.

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

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

25 E. A school district, its governing board members, its school
26 council members and its employees are immune from civil liability for the
27 consequences of adoption and implementation of policies and procedures
28 pursuant to subsection A of this section and section 15-342. This waiver
29 does not apply if the school district, its governing board members, its
30 school council members or its employees are guilty of gross negligence or
31 intentional misconduct.

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

35 G. Notwithstanding any other provision of this title, a school
36 district governing board shall not take any action that would result in a
37 reduction of pupil square footage unless the governing board notifies the
38 school facilities board established by section 15-2001 of the proposed
39 action and receives written approval from the school facilities board to
40 take the action. A reduction includes an increase in administrative space
41 that results in a reduction of pupil square footage or sale of school
42 sites or buildings, or both. A reduction includes a reconfiguration of
43 grades that results in a reduction of pupil square footage of any grade
44 level. This subsection does not apply to temporary reconfiguration of
45 grades to accommodate new school construction if the temporary
46 reconfiguration does not exceed one year. The sale of equipment that

1 results in a reduction that falls below the equipment requirements
2 prescribed in section 15-2011, subsection B is subject to commensurate
3 withholding of school district district additional assistance monies
4 pursuant to the direction of the school facilities board. Except as
5 provided in section 15-342, paragraph 10, proceeds from the sale of school
6 sites, buildings or other equipment shall be deposited in the school plant
7 fund as provided in section 15-1102.

8 H. Subsections C through G of this section apply to a county board
9 of supervisors and a county school superintendent when operating and
10 administering an accommodation school.

11 I. A school district governing board may delegate authority in
12 writing to the superintendent of the school district to submit plans for
13 new school facilities to the school facilities board for the purpose of
14 certifying that the plans meet the minimum school facility adequacy
15 guidelines prescribed in section 15-2011.

16 J. FOR THE PURPOSES OF SUBSECTION A, PARAGRAPH 37 OF THIS SECTION:

17 1. ATTENDANCE BOUNDARIES MAY NOT BE USED TO REQUIRE STUDENTS TO
18 ATTEND CERTAIN SCHOOLS BASED ON THE STUDENT'S PLACE OF RESIDENCE.

19 2. "CHANGING OR ADOPTING ATTENDANCE BOUNDARIES" MEANS DEFINING THE
20 GEOGRAPHIC AREA FOR EACH SCHOOL WITHIN THE SCHOOL DISTRICT ONLY FOR THE
21 PURPOSES OF ESTABLISHING ENROLLMENT PREFERENCES FOR STUDENTS WITHIN THE
22 ATTENDANCE AREA IF A SCHOOL OR A GRADE LEVEL WITHIN THE DISTRICT REACHES
23 CAPACITY.

24 Sec. 2. Section 15-816, Arizona Revised Statutes, is amended to
25 read:

26 15-816. Definitions

27 In this article, unless the context otherwise requires:

28 1. "Nonresident pupil" means a pupil who resides in this state and
29 who is enrolled in or is seeking enrollment in a school district other
30 than the school district in which the pupil resides.

31 2. "Open enrollment" means a policy adopted and implemented by a
32 school district governing board to allow resident transfer pupils to
33 enroll in any school within the school district, to allow resident pupils
34 to enroll in any school located within other school districts in this
35 state and to allow nonresident pupils to enroll in any school within the
36 district pursuant to section 15-816.01.

37 3. "RESIDENT PUPIL" MEANS A PUPIL WHOSE RESIDENCE IS WITHIN THE
38 ATTENDANCE AREA OF A SCHOOL.

39 ~~3.~~ 4. "Resident school" means a school within the designated
40 attendance area in which a pupil resides.

41 ~~4.~~ 5. "Resident transfer pupil" means a resident pupil who is
42 enrolled in or seeking enrollment in a school that is within the school
43 district but outside the attendance area of the pupil's residence.

1 Sec. 3. Section 15-816.01, Arizona Revised Statutes, is amended to
2 read:

3 15-816.01. Open enrollment policies; preference; selection
4 process; transportation; reporting requirements

5 A. School district governing boards shall establish policies and
6 shall implement an open enrollment policy without charging tuition.
7 Tuition may be charged to nonresident pupils only if the tuition is
8 authorized under section 15-764, subsection C, section 15-797, subsection
9 C, section 15-823, subsection A, section 15-824, subsection A or section
10 15-825 or if two school districts have entered into a voluntary agreement
11 for the payment of tuition for certain pupils. These policies shall
12 include ~~admission criteria, application procedures and transportation~~
13 ~~provisions~~ BOTH THE BASIC INFORMATION NEEDED TO REQUEST ENROLLMENT AS
14 DETERMINED BY THE STATE BOARD OF EDUCATION THAT IS CONSISTENT WITH
15 GUIDANCE REGARDING PUPIL PRIVACY AND CIVIL RIGHTS AND INFORMATION
16 REGARDING THE PROVISION OF TRANSPORTATION OR RESOURCES FOR TRANSPORTATION.
17 THE POLICIES MUST BE EASILY ACCESSIBLE FROM THE HOME PAGE ON EACH SCHOOL'S
18 WEB PAGE AND BE AVAILABLE IN ENGLISH AND SPANISH. SCHOOLS SHALL ACCEPT
19 PUPILS THROUGHOUT THE SCHOOL YEAR AS CAPACITY ALLOWS. IF PUPILS ARE
20 DENIED ACCESS DUE TO CAPACITY, THEY SHALL BE INFORMED THAT THEY ARE ON A
21 WAIT LIST AND OF THE DETAILS REGARDING THE PROCESS PRESCRIBED IN
22 SUBSECTION E OF THIS SECTION. PUPILS SHALL BE SELECTED AS SEATS BECOME
23 AVAILABLE. SCHOOLS MAY NOT ASK PARENTS FOR INFORMATION NEEDED FOR PUPIL
24 REGISTRATION UNTIL ENROLLMENT IS APPROVED.

25 B. A SCHOOL DISTRICT SHALL GIVE ENROLLMENT PREFERENCE TO AND
26 RESERVE CAPACITY FOR ALL OF THE FOLLOWING:

- 27 1. RESIDENT PUPILS.
- 28 2. PUPILS RETURNING TO THE SCHOOL FROM THE PRIOR YEAR.
- 29 3. SIBLINGS OF PUPILS ALREADY ENROLLED.

30 C. A school district may give enrollment preference to children who
31 EITHER:

- 32 1. Are in foster care.
- 33 2. MEET THE DEFINITION OF UNACCOMPANIED YOUTH PRESCRIBED IN THE
34 MCKINNEY-VENTO HOMELESS ASSISTANCE ACT (P.L. 100-77; 101 STAT. 482; 42
35 UNITED STATES CODE SECTION 11434a).

36 D. A school district may give enrollment preference to and reserve
37 capacity for BOTH:

- 38 1. Pupils who are children of persons who are employed by or at a
39 school in the school district. ~~A copy of the district policies for open~~
40 ~~enrollment shall be posted on the district's website and shall be~~
41 ~~available to the public on request.~~
- 42 2. RESIDENT TRANSFER PUPILS AND THEIR SIBLINGS.

43 E. IF THE NUMBER OF ENROLLMENT REQUESTS OR APPLICATIONS EXCEEDS THE
44 CAPACITY OF A PROGRAM, CLASS, GRADE LEVEL OR BUILDING, THE SCHOOL THAT IS
45 OPERATED BY A SCHOOL DISTRICT SHALL SELECT PUPILS THROUGH AN EQUITABLE
46 SELECTION PROCESS, SUCH AS A TRANSPARENT LOTTERY, EXCEPT THAT PREFERENCE

1 SHALL BE GIVEN TO SIBLINGS OF A PUPIL SELECTED THROUGH THE EQUITABLE
2 SELECTION PROCESS.

3 F. EXCEPT AS PROVIDED IN SUBSECTIONS A THROUGH E OF THIS SECTION, A
4 SCHOOL THAT IS OPERATED BY A SCHOOL DISTRICT MAY NOT EITHER:

5 1. LIMIT ADMISSION BASED ON ANY OF THE FOLLOWING:

- 6 (a) ETHNICITY.
- 7 (b) NATIONAL ORIGIN.
- 8 (c) GENDER.
- 9 (d) INCOME LEVEL.
- 10 (e) DISABLING CONDITION.
- 11 (f) PROFICIENCY IN THE ENGLISH LANGUAGE.
- 12 (g) ATHLETIC ABILITY.

13 2. REQUIRE THE SUBMISSION OF ANY OF THE FOLLOWING UNTIL ENROLLMENT
14 HAS BEEN GRANTED AND THE SCHOOL BEGINS THE REGISTRATION PROCESS FOR THE
15 ACCEPTED PUPIL:

- 16 (a) TEST SCORES.
- 17 (b) PLACEMENT TESTS.
- 18 (c) INDIVIDUALIZED EDUCATION PROGRAMS.
- 19 (d) SECTION 504 PLANS AS DEFINED IN SECTION 15-731.
- 20 (e) ENGLISH LANGUAGE PAPERWORK.
- 21 (f) FREE OR REDUCED-PRICE LUNCH PAPERWORK.
- 22 (g) DOCUMENTS RELATED TO TAX CREDIT OPPORTUNITIES.
- 23 (h) PARENT TEACHER ASSOCIATION CONTRIBUTIONS.
- 24 (i) EXTRACURRICULAR ACTIVITY FEES.

25 ~~B.~~ G. The governing board of the district educating the pupil may
26 provide transportation ~~limited to no more than twenty miles each way~~ to
27 and from the school of attendance or to and from a pickup point on a
28 regular transportation route or for the total miles traveled each day to
29 an adjacent district for eligible nonresident pupils who meet the economic
30 eligibility requirements established under the national school lunch and
31 child nutrition acts (42 United States Code sections 1751 through ~~1785~~
32 ~~1793~~) for free or ~~reduced price~~ REDUCED-PRICE lunches.

33 ~~C.~~ H. The governing board of the district educating the pupil
34 shall provide transportation ~~limited to no more than twenty miles each way~~
35 to and from the school of attendance or to and from a pickup point on a
36 regular transportation route or for the total miles traveled each day to
37 an adjacent district for nonresident pupils with disabilities whose
38 individualized education program specifies that transportation is
39 necessary ~~for fulfillment of~~ TO FULFILL the program.

40 I. THE STATE BOARD OF EDUCATION SHALL PRESCRIBE A STANDARD FORMAT
41 FOR DESCRIBING OPEN ENROLLMENT OPTIONS TO ENSURE CLARITY AND CONSISTENCY
42 FOR PARENTS IN UNDERSTANDING THEIR ENROLLMENT OPTIONS AS DESCRIBED IN THIS
43 SECTION AND ENROLLMENT CAPACITY AT EACH SCHOOL THROUGHOUT THE YEAR,
44 INCLUDING THE ABILITY TO CHOOSE ANY SCHOOL WITHIN THE SCHOOL DISTRICT OF
45 RESIDENCE OR ANY OTHER SCHOOL DISTRICT OR ANY CHARTER SCHOOL. LOCAL
46 EDUCATION AGENCIES SHALL SHARE THIS INFORMATION WITH EACH ENROLLED

1 HOUSEHOLD EACH JANUARY, OR AT LEAST ONE MONTH BEFORE THE FIRST OPPORTUNITY
2 TO ENROLL IN THE LOCAL EDUCATION AGENCY FOR THE FOLLOWING SCHOOL YEAR.
3 THE STATE BOARD OF EDUCATION SHALL RECOMMEND THE FREQUENCY A LOCAL
4 EDUCATION AGENCY MUST UPDATE ON ITS WEBSITE ITS SCHOOL CAPACITY AND THE
5 NUMBER OF STUDENTS ON THE LOCAL EDUCATION AGENCY'S WAITLIST, EXCEPT THAT A
6 LOCAL EDUCATION AGENCY SHALL UPDATE THIS INFORMATION AT LEAST ONCE EVERY
7 EIGHT WEEKS BY GRADE LEVEL AND SCHOOL UNLESS THERE ARE NO CHANGES TO
8 REPORT.

9 J. THE DEPARTMENT OF EDUCATION SHALL DEVELOP A REPORTING PROCESS
10 THAT INFORMS THE PUBLIC AND POLICYMAKERS OF THE OPEN ENROLLMENT
11 PARTICIPATION RATE BY SCHOOL DISTRICT, SCHOOL AND COUNTY, INCLUDING THE
12 NUMBER OF PUPILS IN EACH SCHOOL AND SCHOOL DISTRICT THAT ARE OPEN ENROLLED
13 AS RESIDENT PUPILS, RESIDENT TRANSFER PUPILS OR NONRESIDENT PUPILS FOR
14 EACH SCHOOL DISTRICT AND THE SCHOOL DISTRICTS AND ZIP CODES FROM WHICH
15 STUDENTS ARE ENROLLING. BY FISCAL YEAR 2022-2023, THIS SCHOOL CHOICE
16 PARTICIPATION REPORT SHALL ALSO INCLUDE THE NUMBER OF PUPILS ENROLLED IN
17 CHARTER SCHOOLS AND THE SCHOOL DISTRICTS FROM WHICH THOSE PUPILS ARE
18 ENROLLING.

19 K. SUBJECT TO THE AVAILABILITY OF APPROPRIATED MONIES, EACH JANUARY
20 THE STATE BOARD OF EDUCATION SHALL DESIGN A PUBLIC AWARENESS EFFORT AND
21 DISTRIBUTE MATERIALS THAT DO ALL OF THE FOLLOWING:

- 22 1. COMMUNICATE TO THE PUBLIC THE ABILITY TO CHOOSE ANY PUBLIC
23 SCHOOL IN THIS STATE.
- 24 2. DIRECT THE PUBLIC TO RESOURCES TO LEARN ABOUT SCHOOL CHOICE
25 OPTIONS IN THIS STATE.
- 26 3. INSTRUCT THE PUBLIC ON HOW TO REQUEST ENROLLMENT FOR PUPILS.

27 L. THE STATE BOARD OF EDUCATION MAY INCLUDE OTHER OPTIONS IN ITS
28 INFORMATIONAL MATERIALS AND MESSAGING DEVELOPED UNDER SUBSECTION K OF THIS
29 SECTION, INCLUDING ARIZONA EMPOWERMENT SCHOLARSHIP ACCOUNTS.

30 M. IN DESIGNING THE PUBLIC AWARENESS EFFORT AND DISTRIBUTING
31 MATERIALS UNDER SUBSECTION K OF THIS SECTION, THE STATE BOARD OF EDUCATION
32 MAY COLLABORATE WITH BOTH:

- 33 1. PUBLIC AND PRIVATE PARTNERS TO ASSIST THE STATE BOARD IN
34 ACHIEVING THE OBJECTIVES PRESCRIBED IN SUBSECTION K OF THIS SECTION.
- 35 2. THE DEPARTMENT OF EDUCATION IN CONNECTING PARENTS AND THE PUBLIC
36 TO RESOURCES.