

House Engrossed
schools; student promotions

State of Arizona
House of Representatives
Fifty-fifth Legislature
First Regular Session
2021

HOUSE BILL 2063

AN ACT

AMENDING SECTIONS 15-341 AND 15-701, ARIZONA REVISED STATUTES; RELATING TO
SCHOOL EMPLOYEES.

(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~~ SCHOOLS TO use ~~of the schools~~.
21 5. Prescribe the curricula and criteria for ~~the promotion~~ PROMOTING
22 and THE 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

1 with pay or suspension without pay for a period of time longer than ten
2 school days. The procedures shall include notice, hearing and appeal
3 provisions for violations that are cause for disciplinary action. The
4 governing board may designate a person or persons to act on behalf of the
5 board on these matters.

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

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

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

30 (a) The provision of water.

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

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

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

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

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

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

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

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

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

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

37 32. Provide written notice to the parents or guardians of all
38 students enrolled in the school district at least ten days before a public
39 meeting to discuss closing a school within the school district. The
40 notice shall include the reasons for the proposed closure and the time and
41 place of the meeting. The governing board shall fix a time for a public
42 meeting on the proposed closure not less than ten days before voting in a
43 public meeting to close the school. The school district governing board
44 shall give notice of the time and place of the meeting. At the time and
45 place designated in the notice, the school district governing board shall

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

9 33. Incorporate instruction on Native American history into
10 appropriate existing curricula.

11 34. Prescribe and enforce policies and procedures:

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

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

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

44 36. Prescribe and enforce policies and procedures to prohibit
45 pupils from harassing, intimidating and bullying other pupils on school

1 grounds, on school property, on school buses, at school bus stops, at
2 school-sponsored events and activities and through the use of electronic
3 technology or electronic communication on school computers, networks,
4 forums and mailing lists that include the following components:

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

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

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

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

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

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

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

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

44 (i) Procedures designed to protect the health and safety of pupils
45 who are physically harmed as the result of incidents of harassment,

1 intimidation and bullying, including, if appropriate, procedures to
2 contact emergency medical services or law enforcement agencies, or both.

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

4 37. Prescribe and enforce policies and procedures regarding
5 changing or adopting attendance boundaries that include the following
6 components:

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

9 (b) A procedure to notify the parents or guardians of the students
10 affected.

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

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

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

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

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

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

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

40 (a) Twenty-five percent of the performance pay shall be determined
41 based on the percentage of academic gain determined by the department of
42 education of pupils who are enrolled in the school district compared to
43 the academic gain achieved by the highest ranking of the fifty largest
44 school districts in this state. For the purposes of this subdivision, the
45 department of education shall determine academic gain by the academic

1 growth achieved by each pupil who has been enrolled at the same school in
2 a school district for at least five consecutive months measured against
3 that pupil's academic results in the 2008-2009 school year. For the
4 purposes of this subdivision, of the fifty largest school districts in
5 this state, the school district with pupils who demonstrate the highest
6 statewide percentage of overall academic gain measured against academic
7 results for the 2008-2009 school year shall be assigned a score of 100 and
8 the school district with pupils who demonstrate the lowest statewide
9 percentage of overall academic gain measured against academic results for
10 the 2008-2009 school year shall be assigned a score of 0.

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

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

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

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

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

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

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

12 (a) Are designed to improve principal performance and improve
13 student achievement.

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

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

19 (d) Describe both of the following:

20 (i) The methods used to evaluate the performance of principals,
21 including the data used to measure student performance and job
22 effectiveness.

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

24 42. Prescribe and enforce policies and procedures that define the
25 duties of principals and teachers. These policies and procedures shall:

26 (a) Authorize teachers to take and maintain daily classroom
27 attendance, ~~make the decision to promote or retain a pupil in a grade in~~
28 ~~common school or~~ AND DECIDE WHETHER to pass or fail a pupil in a course
29 in high school, subject to review by the governing board in the manner
30 provided in section 15-342, paragraph 11.

31 (b) SUBJECT TO REVIEW BY THE GOVERNING BOARD IN THE MANNER PROVIDED
32 IN SECTION 15-342, REQUIRE TEACHERS TO RETAIN A PUPIL IN A KINDERGARTEN
33 PROGRAM OR GRADE ONE, TWO, THREE OR FOUR IF THAT PUPIL DOES NOT MEET THE
34 CRITERIA PRESCRIBED BY THE GOVERNING BOARD UNDER SECTION 15-701.

35 43. Prescribe and enforce policies and procedures for the emergency
36 administration by an employee of a school district pursuant to section
37 36-2267 of naloxone hydrochloride or any other opioid antagonist approved
38 by the United States food and drug administration.

39 44. In addition to the notification requirements prescribed in
40 paragraph 36 of this subsection, prescribe and enforce reasonable and
41 appropriate policies to notify a pupil's parent or guardian if any person
42 engages in harassing, threatening or intimidating conduct against that
43 pupil. A school district and its officials and employees are immune from
44 civil liability with respect to all decisions made and actions taken that
45 are based on good faith implementation of the requirements of this

1 paragraph, except in cases of gross negligence or wanton or wilful
2 neglect. A person engages in threatening or intimidating if the person
3 threatens or intimidates by word or conduct to cause physical injury to
4 another person or serious damage to the property of another on school
5 grounds. A person engages in harassment if, with intent to harass or with
6 knowledge that the person is harassing another person, the person
7 anonymously or otherwise contacts, communicates or causes a communication
8 with another person by verbal, electronic, mechanical, telephonic or
9 written means in a manner that harasses on school grounds or substantially
10 disrupts the school environment.

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

15 C. If any school district acquires real or personal property,
16 whether by purchase, exchange, condemnation, gift or otherwise, the
17 governing board shall pay to the county treasurer any taxes on the
18 property that were unpaid as of the date of acquisition, including
19 penalties and interest. The lien for unpaid delinquent taxes, penalties
20 and interest on property acquired by a school district:

21 1. Is not abated, extinguished, discharged or merged in the title
22 to the property.

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

24 D. The governing board may not locate a school on property that is
25 less than one-fourth mile from agricultural land regulated pursuant to
26 section 3-365, except that the owner of the agricultural land may agree to
27 comply with the buffer zone requirements of section 3-365. If the owner
28 agrees in writing to comply with the buffer zone requirements and records
29 the agreement in the office of the county recorder as a restrictive
30 covenant running with the title to the land, the school district may
31 locate a school within the affected buffer zone. The agreement may
32 include any stipulations regarding the school, including conditions for
33 future expansion of the school and changes in the operational status of
34 the school that will result in a breach of the agreement.

35 E. A school district, its governing board members, its school
36 council members and its employees are immune from civil liability for the
37 consequences of adoption and implementation of policies and procedures
38 pursuant to subsection A of this section and section 15-342. This waiver
39 does not apply if the school district, its governing board members, its
40 school council members or its employees are guilty of gross negligence or
41 intentional misconduct.

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

1 G. Notwithstanding any other provision of this title, a school
2 district governing board shall not take any action that would result in a
3 reduction of pupil square footage unless the governing board notifies the
4 school facilities board established by section 15-2001 of the proposed
5 action and receives written approval from the school facilities board to
6 take the action. A reduction includes an increase in administrative space
7 that results in a reduction of pupil square footage or sale of school
8 sites or buildings, or both. A reduction includes a reconfiguration of
9 grades that results in a reduction of pupil square footage of any grade
10 level. This subsection does not apply to temporary reconfiguration of
11 grades to accommodate new school construction if the temporary
12 reconfiguration does not exceed one year. The sale of equipment that
13 results in a reduction that falls below the equipment requirements
14 prescribed in section 15-2011, subsection B is subject to commensurate
15 withholding of school district additional assistance monies
16 pursuant to the direction of the school facilities board. Except as
17 provided in section 15-342, paragraph 10, proceeds from the sale of school
18 sites, buildings or other equipment shall be deposited in the school plant
19 fund as provided in section 15-1102.

20 H. Subsections C through G of this section apply to a county board
21 of supervisors and a county school superintendent when operating and
22 administering an accommodation school.

23 I. A school district governing board may delegate authority in
24 writing to the superintendent of the school district to submit plans for
25 new school facilities to the school facilities board for the purpose of
26 certifying that the plans meet the minimum school facility adequacy
27 guidelines prescribed in section 15-2011.

28 Sec. 2. Section 15-701, Arizona Revised Statutes, is amended to
29 read:

30 15-701. Common school; promotions; requirements; certificate;
31 supervision of eighth grades by superintendent of
32 high school district; high school admissions;
33 academic credit; definition

34 A. The state board of education shall:

35 1. Prescribe a minimum course of study incorporating the academic
36 standards adopted by the state board of education to be taught in the
37 common schools.

38 2. Prescribe competency requirements for the promotion of pupils
39 from the eighth grade and competency requirements for the promotion of
40 pupils from the third grade incorporating the academic standards in at
41 least the areas of reading, writing, mathematics, science and social
42 studies. The competency requirements for the promotion of pupils from the
43 third grade shall include the following:

44 (a) A requirement that a pupil not be promoted from the third grade
45 if the pupil obtains a score on the reading portion of the statewide

1 assessment that does not demonstrate sufficient reading skills as
2 established by the state board. A pupil may not be retained if data
3 regarding the pupil's performance on the statewide assessment is not
4 available before the end of the current academic year. A pupil who is not
5 retained due to the unavailability of test data must receive
6 evidence-based intervention and remedial strategies pursuant to
7 subdivision (c) of this paragraph if the third grade assessment data
8 subsequently does not demonstrate sufficient reading skills.

9 (b) A mechanism to allow a school district governing board or the
10 governing body of a charter school to promote from the third grade a pupil
11 who does not demonstrate sufficient reading skills pursuant to subdivision
12 (a) of this paragraph if the pupil:

13 (i) Is an English learner or a limited English proficient student
14 as defined in section 15-751 and has had fewer than two years of English
15 language instruction.

16 (ii) Is in the process of a special education referral or
17 evaluation for placement in special education, has been diagnosed as
18 having a significant reading impairment, including dyslexia, or is a child
19 with a disability as defined in section 15-761 if the pupil's
20 individualized education program team and the pupil's parent or guardian
21 agree that promotion is appropriate based on the pupil's individualized
22 education program.

23 (iii) Has demonstrated or subsequently demonstrates sufficient
24 reading skills or adequate progress toward sufficient reading skills of
25 the third grade reading standards as evidenced through a collection of
26 reading assessments approved by the state board of education, which
27 includes an alternative standardized reading assessment approved by the
28 state board.

29 (iv) Receives intervention and remedial services during the summer
30 or a subsequent school year pursuant to subdivision (c) of this paragraph
31 and demonstrates sufficient progress based on guidelines issued pursuant
32 to subsection B, paragraph 6 of this section.

33 (c) Evidence-based intervention and remedial strategies developed
34 by the state board of education for pupils who are not promoted from the
35 third grade. A school district governing board or the governing body of a
36 charter school shall offer more than one of the intervention and remedial
37 strategies developed by the state board of education. The parent or
38 guardian of a pupil who is not promoted from the third grade and the
39 pupil's teacher and principal may choose the most appropriate intervention
40 and remedial strategies that will be provided to that pupil. The
41 intervention and remedial strategies developed by the state board of
42 education shall include:

43 (i) A requirement that the pupil be assigned for evidence-based
44 reading instruction by a different teacher who was designated in that

1 teacher's most recent performance evaluation in one of the top two
2 performance classifications.

3 (ii) Summer school reading instruction.

4 (iii) In the next academic year, intensive reading instruction that
5 occurs before, during or after the regular school day, or any combination
6 of before, during and after the regular school day.

7 (iv) Small group and teacher-led evidence-based reading
8 instruction, which may include computer-based or online reading
9 instruction.

10 (d) A requirement that a school district governing board or charter
11 school governing body that promotes a pupil pursuant to subdivision (b) of
12 this paragraph provide annual reporting to the department of education on
13 or before October 1 that includes information on the total number of
14 pupils subject to the retention provisions of subdivision (a) of this
15 paragraph, the total number of students promoted pursuant to subdivision
16 (b) of this paragraph, the total number of pupils retained in grade three
17 and the interventions administered pursuant to subdivision (c) of this
18 paragraph.

19 3. Provide for universal screening of pupils in preschool programs,
20 kindergarten programs and grades one through three that is designed to
21 identify pupils who have reading deficiencies pursuant to section 15-704.

22 4. Develop evidence-based intervention and remedial strategies
23 pursuant to paragraph 2, subdivision (c) of this subsection for pupils in
24 kindergarten programs and grades one through three who are identified as
25 having reading deficiencies pursuant to section 15-704.

26 5. Distribute guidelines for the school districts to follow in
27 prescribing criteria for the promotion of pupils from grade to grade in
28 the common schools. These guidelines shall include recommended procedures
29 for ensuring that the cultural background of a pupil is taken into
30 consideration when criteria for promotion are being applied.

31 B. School districts and charter schools shall provide annual
32 written notification to parents of pupils in kindergarten programs and
33 first, second and third grades that a pupil who does not demonstrate
34 sufficient reading skills pursuant to subsection A of this section will
35 not be promoted from the third grade. School districts and charter
36 schools shall identify each pupil who is at risk of reading below grade
37 level in kindergarten and grades one, two and three, based on local or
38 statewide assessments, and shall provide to the parent of that pupil a
39 specific written notification of the reading deficiency that includes the
40 following information:

41 1. A description of the pupil's specific individual needs.

42 2. A description of the current reading services provided to the
43 pupil.

1 3. A description of the available supplemental instructional
2 services and supporting programs that are designed to remediate reading
3 deficiencies. Each school district or charter school shall offer more
4 than one evidence-based intervention strategy and more than one remedial
5 strategy developed by the state board of education for pupils with reading
6 deficiencies. The notification shall list the intervention and remedial
7 strategies offered and shall instruct the parent to choose, in
8 consultation with the pupil's teacher, the most appropriate strategies to
9 be provided and implemented for that child.

10 4. Parental strategies to assist the pupil to attain reading
11 proficiency.

12 5. A statement that the pupil will not be promoted from the third
13 grade if the pupil does not demonstrate sufficient reading skills pursuant
14 to subsection A, paragraph 2, subdivision (a) of this section, unless the
15 pupil is exempt from mandatory retention in grade three or the pupil
16 qualifies for an exemption pursuant to subsection A, paragraph 2,
17 subdivision (b) of this section.

18 6. A description of the school district or charter school policies
19 on midyear promotion to a higher grade.

20 C. Pursuant to the guidelines that the state board of education
21 distributes, the governing board of a school district shall:

22 1. Prescribe curricula that include the academic standards in the
23 required subject areas pursuant to subsection A, paragraph 1 of this
24 section.

25 2. Prescribe criteria for the promotion of pupils from grade to
26 grade in the common schools in the school district. These criteria shall
27 include accomplishment of the academic standards in at least reading,
28 writing, mathematics, science and social studies, as determined by
29 district assessment. Other criteria may include additional measures of
30 academic achievement and attendance.

31 D. The governing board may prescribe the course of study and
32 competency requirements for promotion that are in addition to or higher
33 than the course of study and competency requirements the state board
34 prescribes.

35 E. ~~EXCEPT AS PROVIDED IN SUBSECTION F OF THIS SECTION, a teacher~~
36 ~~shall determine whether to~~ MAY NOT promote ~~or~~ AND SHALL retain a pupil in
37 ~~grade in a common school on the basis of~~ A KINDERGARTEN PROGRAM OR GRADE
38 ONE, TWO, THREE OR FOUR IF THE PUPIL DOES NOT MEET the prescribed
39 criteria. The governing board, if it reviews the decision of a teacher to
40 promote or retain a pupil in A grade in a common school as provided in
41 section 15-342, paragraph 11, shall base its decision on the prescribed
42 criteria.

1 F. A TEACHER MAY PROMOTE A PUPIL IN A KINDERGARTEN PROGRAM OR GRADE
2 ONE, TWO, THREE OR FOUR WHO DOES NOT MEET THE PRESCRIBED CRITERIA IF THE
3 PUPIL EITHER:

4 1. IS ELIGIBLE FOR PROMOTION PURSUANT TO EITHER:

5 (a) SUBSECTION A, PARAGRAPH 2, SUBDIVISION (b) OF THIS SECTION.

6 (b) A SPECIAL EXCEPTION THAT THE GOVERNING BOARD PRESCRIBES.

7 2. MEETS ONE OR BOTH OF THE FOLLOWING CRITERIA:

8 (a) IS AN ENGLISH LEARNER OR A LIMITED ENGLISH PROFICIENT STUDENT
9 AS DEFINED IN SECTION 15-751 AND HAS HAD FEWER THAN TWO YEARS OF ENGLISH
10 LANGUAGE INSTRUCTION IF THE PUPIL'S TEACHER AND PARENT OR GUARDIAN AGREE
11 THAT PROMOTION IS APPROPRIATE.

12 (b) IS IN THE PROCESS OF A SPECIAL EDUCATION REFERRAL OR EVALUATION
13 FOR PLACEMENT IN SPECIAL EDUCATION, HAS BEEN DIAGNOSED AS HAVING A
14 SIGNIFICANT READING IMPAIRMENT, INCLUDING DYSLEXIA, OR IS A CHILD WITH A
15 DISABILITY AS DEFINED IN SECTION 15-761 IF THE PUPIL'S INDIVIDUALIZED
16 EDUCATION PROGRAM TEAM AND THE PUPIL'S PARENT OR GUARDIAN AGREE THAT
17 PROMOTION IS APPROPRIATE BASED ON THE PUPIL'S INDIVIDUALIZED EDUCATION
18 PROGRAM.

19 ~~F.~~ G. A governing board may provide and issue certificates of
20 promotion to pupils whom it promotes from the eighth grade of a common
21 school. Such certificates shall be signed by the principal or
22 superintendent of schools. If there is no principal or superintendent of
23 schools, the certificates shall be signed by the teacher of an eighth
24 grade. The certificates shall admit the holders to any high school in the
25 state.

26 ~~G.~~ H. Within any high school district or union high school
27 district, the superintendent of the high school district shall supervise
28 the work of the eighth grade of all schools employing no superintendent or
29 principal.

30 ~~H.~~ I. A school district shall not deny a pupil who is between the
31 ages of sixteen and twenty-one years admission to a high school because
32 the pupil does not hold an eighth grade certificate. Governing boards
33 shall establish procedures for determining the admissibility of pupils who
34 are under sixteen years of age and who do not hold eighth grade
35 certificates.

36 ~~I.~~ J. The state board of education shall adopt rules to allow
37 common school pupils who can demonstrate competency in a particular
38 academic course or subject to obtain academic credit for the course or
39 subject without enrolling in the course or subject.

40 ~~J.~~ K. A school district may conduct a ceremony to honor pupils who
41 have been promoted from the eighth grade.

42 ~~K.~~ L. For the purposes of this section, "dyslexia" means a
43 condition that:

44 1. Is neurological in origin.

1 2. Is characterized by difficulties with accurate or fluent word
2 recognition and by poor spelling and decoding abilities, including
3 difficulties that typically result from a deficit in the phonological
4 component of language that is often unexpected in relation to other
5 cognitive abilities and to the provision of effective classroom
6 instruction.

7 3. May include secondary consequences such as problems with reading
8 comprehension and reduced reading experience that may impede the growth of
9 vocabulary and background knowledge.