

REFERENCE TITLE: sex education; child abuse prevention

State of Arizona
House of Representatives
Fifty-fifth Legislature
Second Regular Session
2022

HB 2285

Introduced by
Representative Fillmore

AN ACT

AMENDING SECTIONS 15-102 AND 15-711, ARIZONA REVISED STATUTES; AMENDING TITLE 15, CHAPTER 7, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 15-711.02; AMENDING SECTION 15-716, ARIZONA REVISED STATUTES; AMENDING SECTION 15-977, ARIZONA REVISED STATUTES; APPROPRIATING MONIES; RELATING TO SCHOOL CURRICULA.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 15-102, Arizona Revised Statutes, is amended to
3 read:

4 15-102. Parental involvement in the school; definition

5 A. The governing board, in consultation with parents, teachers and
6 administrators, shall develop and adopt a policy to promote the
7 involvement of parents and guardians of children enrolled in the schools
8 within the school district, including:

9 1. A plan for parent participation in the schools that is designed
10 to improve parent and teacher cooperation in such areas as homework,
11 attendance and discipline. The plan shall provide for the administration
12 of a parent-teacher satisfaction survey.

13 2. Procedures by which parents may learn about the course of study
14 for their children and review learning materials, including the source of
15 any supplemental educational materials.

16 3. Procedures by which parents who object to any learning material
17 or activity on the basis that the material or activity is harmful may
18 withdraw their children from the activity or from the class or program in
19 which the material is used. Objection to a learning material or activity
20 on the basis that the material or activity is harmful includes objection
21 to the material or activity because it questions beliefs or practices in
22 sex, morality or religion.

23 4. If a school district offers any sex education ~~curricula~~
24 INSTRUCTION pursuant to section 15-711 or INSTRUCTION ON ACQUIRED IMMUNE
25 DEFICIENCY SYNDROME PURSUANT TO SECTION 15-716, or pursuant to any rules
26 adopted by the state board of education, procedures to prohibit the school
27 district from providing sex education instruction OR INSTRUCTION ON
28 ACQUIRED IMMUNE DEFICIENCY SYNDROME to a pupil unless the pupil's parent
29 provides written permission for the child to participate in the ~~sex~~
30 ~~education curricula~~ INSTRUCTION.

31 5. Procedures by which parents will be notified in advance of and
32 given the opportunity to opt their children in to any instruction,
33 learning materials or presentations regarding sexuality, in courses other
34 than formal sex education curricula.

35 6. Procedures by which parents may learn about the nature and
36 purpose of clubs and activities that are part of the school curriculum,
37 extracurricular clubs and activities that have been approved by the
38 school.

39 7. Procedures by which parents may learn about parental rights and
40 responsibilities under the laws of this state, including the following:

41 (a) The right to opt in to a sex education curriculum if one is
42 provided by the school district.

43 (b) Open enrollment rights pursuant to section 15-816.01.

44 (c) The right to opt out of assignments pursuant to this section.

45 (d) The right to opt out of immunizations pursuant to section
46 15-873.

- 1 (e) The promotion requirements prescribed in section 15-701.
- 2 (f) The minimum course of study and competency requirements for
3 graduation from high school prescribed in section 15-701.01.
- 4 (g) The right to opt ~~out of~~ **IN TO SEX EDUCATION INSTRUCTION**
5 **PURSUANT TO SECTION 15-711 OR** instruction on acquired immune deficiency
6 syndrome pursuant to section 15-716.
- 7 (h) The right to review test results pursuant to section 15-743.
- 8 (i) The right to participate in gifted programs pursuant to section
9 15-779.01.
- 10 (j) The right to access instructional materials pursuant to section
11 15-730.
- 12 (k) The right to receive a school report card pursuant to section
13 15-746.
- 14 (l) The attendance requirements prescribed in sections 15-802,
15 15-803 and 15-821.
- 16 (m) The right to public review of courses of study and textbooks
17 pursuant to sections 15-721 and 15-722.
- 18 (n) The right to be excused from school attendance for religious
19 purposes pursuant to section 15-806.
- 20 (o) Policies related to parental involvement pursuant to this
21 section.
- 22 (p) The right to seek membership on school councils pursuant to
23 section 15-351.
- 24 (q) Information about the student accountability information system
25 as prescribed in section 15-1041.
- 26 (r) The right to access the failing schools tutoring fund pursuant
27 to section 15-241.
- 28 ~~B. The policy adopted by the governing board pursuant to this~~
29 ~~section may also include the following components:~~
- 30 ~~1.~~ **8.** A plan by which parents will be made aware of the district's
31 parental involvement policy and this section, including:
- 32 (a) Rights under the family educational rights and privacy act of
33 1974 (20 United States Code section 1232g) relating to access to
34 children's official records.
- 35 (b) The parent's right to inspect the school district policies and
36 curriculum.
- 37 ~~2.~~ **9.** Efforts to encourage the development of parenting skills.
- 38 ~~3.~~ **10.** Communicating to parents techniques that are designed to
39 assist the child's learning experience in the home.
- 40 ~~4.~~ **11.** Efforts to encourage access to community and support
41 services for children and families.
- 42 ~~5.~~ **12.** Promoting communication between the school and parents
43 concerning school programs and the academic progress of the parents'
44 children.
- 45 ~~6.~~ **13.** Identifying opportunities for parents to participate in and
46 support classroom instruction at the school.

1 ~~7.~~ 14. Efforts to support, with appropriate training, parents as
2 shared decision-makers and to encourage membership on school councils.

3 ~~8.~~ 15. Recognizing the diversity of parents and developing
4 guidelines that promote widespread parental participation and involvement
5 in the school at various levels.

6 ~~9.~~ 16. Developing preparation programs and specialized courses for
7 certificated employees and administrators that promote parental
8 involvement.

9 ~~10.~~ 17. Developing strategies and programmatic structures at
10 schools to encourage and enable parents to participate actively in their
11 children's education.

12 ~~E.~~ B. The governing board may adopt a policy to provide to parents
13 the information required by this section in an electronic form.

14 ~~F.~~ C. A parent shall submit a written request for information
15 pursuant to this section during regular business hours to either the
16 school principal at the school site or the superintendent of the school
17 district at the office of the school district. Within ten days after
18 receiving the request for information, the school principal or the
19 superintendent of the school district shall either deliver the requested
20 information to the parent or submit to the parent a written explanation of
21 the reasons for denying the requested information. If the request for
22 information is denied or the parent does not receive the requested
23 information within fifteen days after submitting the request for
24 information, the parent may submit a written request for the information
25 to the school district governing board, which shall formally consider the
26 request at the next scheduled public meeting of the governing board if the
27 request can be properly noticed on the agenda. If the request cannot be
28 properly noticed on the agenda, the governing board shall formally
29 consider the request at the next subsequent public meeting of the
30 governing board.

31 ~~F.~~ D. For the purposes of this section, "parent" means the natural
32 or adoptive parent or legal guardian of a minor child.

33 Sec. 2. Section 15-711, Arizona Revised Statutes, is amended to
34 read:

35 15-711. Sex education instruction; minimum grade; parental
36 permission required; parental review of curricula;
37 sexual conduct with a minor; review and approval of
38 course of study; public hearings and input; civil
39 penalty

40 A. School districts and charter schools may not provide sex
41 education instruction before grade ~~five~~ SIX. A SCHOOL DISTRICT OR CHARTER
42 SCHOOL SHALL PROVIDE INSTRUCTION TO PUPILS IN KINDERGARTEN PROGRAMS AND
43 GRADES ONE THROUGH FIVE AS PRESCRIBED IN SECTION 15-712.02. IF A SCHOOL
44 DISTRICT OR CHARTER SCHOOL OFFERS SEX EDUCATION INSTRUCTION:

45 1. THE INSTRUCTION SHALL MEET BOTH OF THE FOLLOWING:

46 (a) BE MEDICALLY AND FACTUALLY ACCURATE.

1 (b) EMPHASIZE BIOLOGICAL SEX AND NOT GENDER IDENTITIES.

2 2. THE SCHOOL DISTRICT OR CHARTER SCHOOL MAY NOT PROVIDE THE
3 INSTRUCTION TO A PUPIL UNLESS THE PUPIL'S PARENT PROVIDES WRITTEN
4 PERMISSION FOR THE PUPIL TO PARTICIPATE IN THE INSTRUCTION. IF THE PARENT
5 DOES NOT PROVIDE WRITTEN PERMISSION, THE PUPIL SHALL BE EXCUSED FROM THE
6 INSTRUCTION.

7 3. ALL SEX EDUCATION MATERIALS AND INSTRUCTION SHALL PROMOTE HONOR
8 AND RESPECT FOR MONOGAMOUS MARRIAGE.

9 B. Before a parent provides written permission for the parent's
10 child to participate in any sex education curricula, the school district
11 or charter school shall make the sex education curricula available for the
12 parent's review online and in person pursuant to section 15-102,
13 subsection A, paragraph 2. The school district or charter school shall
14 notify parents where the sex education curricula are available for review
15 at least two weeks before any instruction is offered pursuant to this
16 section.

17 C. Each school district or charter school with existing sex
18 education curricula shall include instruction on the laws relating to
19 sexual conduct with a minor for pupils in grades seven, eight, nine, ten,
20 eleven and twelve.

21 D. Each school district or charter school may develop its own sex
22 education course of study or adopt an existing sex education course of
23 study to meet the requirements of this section.

24 E. Before a school district or charter school offers sex education
25 instruction, the school district governing board or charter school
26 governing body shall review and approve the sex education course of study
27 that is developed, adopted, revised or updated pursuant to this section.
28 The governing board or governing body:

29 1. Shall provide parents with a meaningful opportunity to
30 participate in, review and provide input on any proposed sex education
31 course of study before it is ~~adopted~~ APPROVED.

32 2. May not approve a course of study unless it complies with this
33 section.

34 F. Before approving any sex education course of study developed,
35 adopted, revised or updated pursuant to this section, the school district
36 governing board or charter school governing body shall do all of the
37 following:

38 1. Require that all meetings of committees that are authorized for
39 the purposes of reviewing and selecting the sex education course of study
40 be publicly noticed at least two weeks before occurring and be open to the
41 public pursuant to title 38, chapter 3, article 3.1.

42 2. Make any proposed sex education course of study available and
43 accessible for review and public comment for at least sixty days before
44 the governing board or governing body decides whether to approve that
45 course of study.

1 3. Conduct at least two public hearings within the sixty-day period
2 before the governing board or governing body decides whether to approve
3 any course of study. Public comment may include written comments, oral
4 comments and comments submitted through email.

5 G. A school district or charter school is not required to provide
6 sex education instruction to pupils. If a school district or charter
7 school decides to provide sex education instruction after school hours,
8 this section and section 15-102 apply.

9 H. This section does not prohibit age and grade appropriate
10 classroom instruction regarding child assault awareness and abuse
11 prevention.

12 I. THE DEPARTMENT OF EDUCATION SHALL IMPOSE A CIVIL PENALTY OF
13 \$15,000 PER VIOLATION AGAINST A SCHOOL DISTRICT OR CHARTER SCHOOL THAT
14 VIOLATES THIS SECTION. THE DEPARTMENT SHALL DEPOSIT, PURSUANT TO SECTIONS
15 35-146 AND 35-147, PENALTIES COLLECTED PURSUANT TO THIS SUBSECTION IN THE
16 CLASSROOM SITE FUND ESTABLISHED BY SECTION 15-977.

17 Sec. 3. Title 15, chapter 7, article 1, Arizona Revised Statutes,
18 is amended by adding section 15-711.02, to read:

19 15-711.02. Education and training on child abuse prevention:
20 students; school personnel; posting; opt out

21 A. BEGINNING IN THE 2022-2023 SCHOOL YEAR, SCHOOL DISTRICTS AND
22 CHARTER SCHOOLS SHALL ESTABLISH EDUCATION AND TRAINING ON CHILD ABUSE
23 PREVENTION FOR BOTH SCHOOL EMPLOYEES WHO ARE REQUIRED TO REPORT PURSUANT
24 TO SECTION 13-3620 AND FOR STUDENTS IN KINDERGARTEN PROGRAMS AND GRADES
25 ONE THROUGH FIVE. THIS EDUCATION AND TRAINING MUST BE DESIGNED TO PROMOTE
26 SELF-PROTECTION AND ACCOUNTABILITY AND TO PREVENT THE ABUSE OF CHILDREN,
27 INCLUDING SEXUAL ABUSE.

28 B. EACH SCHOOL DISTRICT AND CHARTER SCHOOL MAY CHOOSE THE DELIVERY
29 METHOD OF THE EDUCATION AND TRAINING PRESCRIBED IN THIS SECTION FOR
30 EMPLOYEES AND STUDENTS. THE INSTRUCTION MUST:

31 1. USE AN AGE-APPROPRIATE AND DEVELOPMENTALLY APPROPRIATE,
32 RESEARCH-BASED CURRICULUM TO TEACH STUDENTS ABUSE-PREVENTION AND
33 RISK-REDUCTION STRATEGIES, INCLUDING:

- 34 (a) IDENTIFYING DANGEROUS SITUATIONS.
- 35 (b) IDENTIFYING PERSONAL BOUNDARY VIOLATIONS.
- 36 (c) ENSURING THEIR SAFETY BY CHECKING WITH AN ADULT.
- 37 (d) RESISTING DANGEROUS APPROACHES AND INVITATIONS.
- 38 (e) SUMMONING HELP.
- 39 (f) WHAT TO DO IF ABUSE OCCURS.

40 2. ENCOURAGE PARENTAL INVOLVEMENT WITH THE ABUSE-PREVENTION
41 TRAINING, INCLUDING INFORMATION ON CHILD ABUSE PREVENTION, RISK-REDUCTION
42 STRATEGIES, ABUSE REPORTING AND SUPPORT SERVICE AVAILABILITY.

43 3. BE PROVIDED FOR STUDENTS AT LEAST ONCE EACH YEAR.

44 C. TO PROVIDE THE EDUCATION AND TRAINING REQUIRED BY THIS SECTION,
45 A SCHOOL DISTRICT OR CHARTER SCHOOL MAY DEVELOP ITS OWN TRAINING OR MAY
46 USE A CURRICULUM APPROVED BY THE STATE BOARD OF EDUCATION. THE SCHOOL

1 DISTRICT OR CHARTER SCHOOL MAY PAY FOR THE COST OF THE TRAINING AND
2 CURRICULUM OR MAY ENTER INTO AN AGREEMENT WITH A QUALIFYING COMMUNITY
3 ORGANIZATION TO PROVIDE THE TRAINING AT NO COST TO THE SCHOOL DISTRICT OR
4 CHARTER SCHOOL. THE STATE BOARD SHALL APPROVE AND MAINTAIN A LIST OF
5 APPROVED CURRICULA FOR THE STUDENT EDUCATION AND TRAINING REQUIRED BY THIS
6 SECTION. IN ORDER TO BE APPROVED, CURRICULA MUST BE AGE-APPROPRIATE,
7 DEVELOPMENTALLY APPROPRIATE AND RESEARCH-BASED AND MUST COVER, AT A
8 MINIMUM, THE INSTRUCTION AREAS LISTED IN SUBSECTION B OF THIS SECTION.
9 THE STATE BOARD SHALL INCLUDE AS MANY APPROVED CURRICULAR OPTIONS AS
10 POSSIBLE THAT REQUIRE NOT MORE THAN ONE HUNDRED EIGHTY MINUTES OF
11 INSTRUCTIONAL CLASSROOM TIME AND THAT INCLUDE AT LEAST ONE CURRICULAR
12 OPTION THAT IS DELIVERED THROUGH ONLINE INSTRUCTION.

13 D. EDUCATION AND TRAINING ON PREVENTION TECHNIQUES FOR AND
14 RECOGNITION OF CHILD ABUSE, INCLUDING SEXUAL ABUSE, AND PROCEDURES FOR A
15 CHILD WHO IS AT RISK FOR ABUSE TO SEEK ASSISTANCE SHALL BE PROVIDED FOR
16 EACH NEW SCHOOL DISTRICT AND CHARTER SCHOOL EMPLOYEE WHO IS REQUIRED TO
17 REPORT PURSUANT TO SECTION 13-3620 AS PART OF THE NEW EMPLOYEE'S
18 ORIENTATION AND FOR EXISTING EMPLOYEES ON A SCHEDULE ADOPTED BY THE SCHOOL
19 DISTRICT OR CHARTER SCHOOL. AT A MINIMUM, THIS EDUCATION AND TRAINING
20 MUST INCLUDE INFORMATION REGARDING ALL OF THE FOLLOWING:

- 21 1. FACTORS INDICATING THAT A CHILD IS AT RISK FOR ABUSE.
- 22 2. LIKELY WARNING SIGNS INDICATING THAT A CHILD MAY BE A VICTIM OF
23 ABUSE.
- 24 3. INTERNAL PROCEDURES FOR A CHILD WHO IS AT RISK FOR ABUSE TO SEEK
25 ASSISTANCE.
- 26 4. METHODS FOR REDUCING A CHILD'S RISK OF BEING A VICTIM OF ABUSE.

27 E. SCHOOL EMPLOYEES WHO RECEIVE TRAINING REGARDING THE DUTY TO
28 REPORT PURSUANT TO SECTION 13-3620 SATISFY THE REQUIREMENTS OF THIS
29 SECTION FOR THE ACADEMIC YEAR IN WHICH THEY RECEIVE THE TRAINING.
30 TEACHERS AND ADMINISTRATORS WHO RECEIVE PREVENTION TRAINING ON ISSUES
31 CONCERNING CHILD ABUSE PURSUANT TO SECTION 15-218 SATISFY THE REQUIREMENTS
32 OF THIS SECTION FOR THE ACADEMIC YEAR IN WHICH THEY RECEIVE THE TRAINING.

33 F. EACH SCHOOL DISTRICT AND CHARTER SCHOOL SHALL INCLUDE A
34 DESCRIPTION OF THE EDUCATION AND TRAINING PRESCRIBED BY THIS SECTION IN AN
35 INFORMATIONAL HANDBOOK AND ON THE SCHOOL DISTRICT'S OR CHARTER SCHOOL'S
36 WEBSITE.

37 G. THIS SECTION DOES NOT IMPAIR OR LIMIT THE IMMUNITY AVAILABLE TO
38 SCHOOL PERSONNEL PURSUANT TO SECTION 13-3620 OR ANY OTHER IMMUNITY
39 AVAILABLE BY LAW.

40 H. EACH SCHOOL THAT IS OPERATED BY A SCHOOL DISTRICT AND EACH
41 CHARTER SCHOOL SHALL POST A SIGN THAT MEETS ALL OF THE FOLLOWING:

- 42 1. IS IN A CLEARLY VISIBLE LOCATION IN A PUBLIC AREA OF THE SCHOOL.
- 43 2. IS READILY ACCESSIBLE TO STUDENTS AND PLACED AT STUDENTS' EYE
44 LEVEL.
- 45 3. IS AT LEAST ELEVEN INCHES BY SEVENTEEN INCHES.

1 4. CONTAINS THE FOLLOWING INFORMATION IN ENGLISH AND SPANISH AND IN
2 LARGE PRINT:

3 (a) IN BOLDFACED TYPE, THE TELEPHONE NUMBER OF THE CENTRALIZED
4 INTAKE HOTLINE CONCERNING SUSPECTED ABUSE AND NEGLECT OF CHILDREN THAT IS
5 ESTABLISHED PURSUANT TO SECTION 8-455.

6 (b) INSTRUCTIONS TO CALL 911 FOR EMERGENCIES.

7 (c) DIRECTIONS FOR ACCESSING THE WEBSITE OF THE DEPARTMENT OF CHILD
8 SAFETY FOR MORE INFORMATION ON REPORTING CHILD ABUSE, CHILD NEGLECT AND
9 THE EXPLOITATION OF CHILDREN.

10 I. SCHOOL DISTRICTS AND CHARTER SCHOOLS MAY USE MONIES FROM ANY
11 AVAILABLE FEDERAL SOURCE, INCLUDING GRANT MONIES ALLOCATED PURSUANT TO THE
12 EVERY STUDENT SUCCEEDS ACT (P.L. 114-95; 129 STAT. 1802; 20 UNITED STATES
13 CODE SECTIONS 7101 THROUGH 7122), FOR THE PURPOSES PRESCRIBED IN THIS
14 SECTION.

15 J. THIS SECTION DOES NOT REQUIRE SCHOOL DISTRICTS AND CHARTER
16 SCHOOLS TO PROVIDE SEX EDUCATION INSTRUCTION.

17 K. ON WRITTEN REQUEST TO THE PRINCIPAL OF THE SCHOOL WHERE THE
18 STUDENT IS ENROLLED, THE PARENT OR GUARDIAN OF A STUDENT WHO IS UNDER
19 EIGHTEEN YEARS OF AGE MAY REVIEW THE MATERIALS FOR THE EDUCATION AND
20 TRAINING REQUIRED BY THIS SECTION. PARENTS MAY OPT THEIR CHILD OUT OF THE
21 EDUCATION AND TRAINING REQUIRED BY THIS SECTION REGARDLESS OF WHETHER THEY
22 MAKE A WRITTEN REQUEST TO REVIEW THE MATERIALS.

23 L. THIS SECTION DOES NOT VOID OR IMPAIR ANY RIGHT GUARANTEED TO
24 PARENTS BY SECTION 15-102 OR 15-730 OR ANY OTHER LAW.

25 Sec. 4. Section 15-716, Arizona Revised Statutes, is amended to
26 read:

27 15-716. Instruction on AIDS and HIV; minimum grade;
28 department review and assistance; parental
29 permission required; civil penalty

30 A. Each common, high and unified school district may provide
31 instruction to pupils in ~~kindergarten programs and~~ grades ~~one~~ SIX through
32 twelve on acquired immune deficiency syndrome and the human
33 immunodeficiency virus. A SCHOOL DISTRICT OR CHARTER SCHOOL MAY NOT
34 PROVIDE INSTRUCTION ON ACQUIRED IMMUNE DEFICIENCY SYNDROME AND THE HUMAN
35 IMMUNODEFICIENCY VIRUS TO A PUPIL BEFORE GRADE SIX.

36 B. Each school district may develop its own course of study for
37 each grade. At a minimum, instruction shall:

- 38 1. Be appropriate to the grade level in which it is offered.
- 39 2. Be medically AND FACTUALLY accurate.
- 40 3. Promote abstinence.
- 41 4. Discourage drug abuse.
- 42 5. Dispel myths regarding transmission of the human
- 43 immunodeficiency virus.
- 44 6. EMPHASIZE BIOLOGICAL SEX AND NOT GENDER IDENTITIES.
- 45 7. PROMOTE HONOR AND RESPECT FOR MONOGAMOUS MARRIAGE.

1 C. At the request of a school district, the department of health
2 services or the department of education shall review instruction materials
3 to determine their medical accuracy.

4 D. At the request of a school district, the department of education
5 shall provide the following assistance:

- 6 1. A suggested course of study.
- 7 2. Teacher training.
- 8 3. A list of available films and other teaching aids.

9 E. ~~At the request of a parent,~~ A SCHOOL DISTRICT MAY NOT PROVIDE
10 INSTRUCTION TO A PUPIL ON ACQUIRED IMMUNE DEFICIENCY SYNDROME AND THE
11 HUMAN IMMUNODEFICIENCY VIRUS AS PROVIDED IN SUBSECTION A OF THIS SECTION
12 UNLESS THE PUPIL'S PARENT PROVIDES WRITTEN PERMISSION FOR THE PUPIL TO
13 PARTICIPATE IN THE INSTRUCTION. IF THE PARENT DOES NOT PROVIDE WRITTEN
14 PERMISSION, THE pupil shall be excused from THE instruction ~~on the~~
15 ~~acquired immune deficiency syndrome and the human immunodeficiency virus~~
16 ~~as provided in subsection A of this section.~~ The school district shall
17 provide a description of the course curriculum to all parents and notify
18 all parents ~~of their ability to withdraw their child from the instruction~~
19 THAT INSTRUCTION WILL NOT BE PROVIDED UNLESS THE PARENT PROVIDES WRITTEN
20 PERMISSION PURSUANT TO THIS SUBSECTION.

21 F. THE DEPARTMENT OF EDUCATION SHALL IMPOSE A CIVIL PENALTY OF
22 \$15,000 PER VIOLATION AGAINST A SCHOOL DISTRICT OR CHARTER SCHOOL THAT
23 VIOLATES SUBSECTION E OF SECTION. THE DEPARTMENT SHALL DEPOSIT, PURSUANT
24 TO SECTIONS 35-146 AND 35-147, PENALTIES COLLECTED PURSUANT TO THIS
25 SUBSECTION IN THE CLASSROOM SITE FUND ESTABLISHED BY SECTION 15-977.

26 Sec. 5. Section 15-977, Arizona Revised Statutes, is amended to
27 read:

28 15-977. Classroom site fund; definitions

29 A. The classroom site fund is established consisting of MONIES
30 DEPOSITED PURSUANT TO SECTION 15-711, SUBSECTION I AND SECTION 15-716,
31 SUBSECTION F AND monies transferred to the fund pursuant to section
32 37-521, subsection B, section 42-5029, subsection E, paragraph 10 and
33 section 42-5029.02, subsection A. The department of education shall
34 administer the fund. School districts and charter schools may not
35 supplant existing school site funding with revenues from the fund. All
36 monies distributed from the fund are intended for use at the school
37 site. Teacher compensation distributed pursuant to this section shall
38 supplement, and not supplant, teacher compensation monies from any other
39 sources. The school district or charter school shall notify each school
40 principal of the amount available to the school by April 15 of each year.
41 The district or charter school shall request from the school's principal
42 each school's priority for the allocation of the funds available to the
43 school for each program listed under subsection H of this section. The
44 amount budgeted by the school district or charter school pursuant to this
45 section shall not be included in the allowable budget balance carryforward
46 calculated pursuant to section 15-943.01.

1 B. A school district governing board must adopt a performance based
2 compensation system at a public hearing to allocate funding from the
3 classroom site fund pursuant to subsection A of this section. Individual
4 teacher performance shall be a component of allocation for teacher
5 compensation.

6 C. A school district governing board shall vote on a performance
7 based compensation system that includes the following elements:

- 8 1. School district performance and school performance.
- 9 2. Individual teacher performance.
- 10 3. Measures of academic progress toward the academic standards
11 adopted by the state board of education.
- 12 4. Other measures of academic progress.
- 13 5. Dropout or graduation rates.
- 14 6. Attendance rates.
- 15 7. Ratings of school quality by parents.
- 16 8. Ratings of school quality by students.
- 17 9. The input of teachers and administrators.
- 18 10. Approval of the performance based compensation system based on
19 an affirmative vote of at least seventy percent of the teachers eligible
20 to participate in the performance based compensation system.
- 21 11. An appeals process for teachers who have been denied
22 performance based compensation.
- 23 12. Regular evaluation for effectiveness.

24 D. A performance based compensation system shall include teacher
25 professional development programs that are aligned with the elements of
26 the performance based compensation system.

27 E. A school district governing board may modify the elements
28 contained in subsection C of this section and consider additional elements
29 when adopting a performance based compensation system. A school district
30 governing board shall adopt any modifications or additional elements and
31 specify the criteria used at a public hearing.

32 F. Until December 31, 2009, each school district shall develop an
33 assessment plan for its performance based compensation system and submit
34 the plan to the department of education by December 31 of each year. A
35 copy of the performance based compensation system and assessment plan
36 adopted by the school district governing board shall be included in the
37 report submitted to the department of education.

38 G. Monies in the fund are continuously appropriated, are exempt
39 from the provisions of section 35-190 relating to lapsing of
40 appropriations and shall be distributed as follows:

- 41 1. By March 30 of each year, the staff of the joint legislative
42 budget committee shall determine a per pupil amount from the fund for the
43 budget year using the estimated statewide weighted count for the current
44 year pursuant to section 15-943, paragraph 2, subdivision (a) and based on
45 estimated available resources in the classroom site fund for the budget
46 year adjusted for any prior year carryforward or shortfall.

1 2. The allocation to each charter school and school district for a
2 fiscal year shall equal the per pupil amount established in paragraph 1 of
3 this subsection for the fiscal year multiplied by the weighted student
4 count for the school district or charter school for the fiscal year
5 pursuant to section 15-943, paragraph 2, subdivision (a). For the
6 purposes of this paragraph, the weighted student count for a school
7 district that serves as the district of attendance for nonresident pupils
8 shall be increased to include nonresident pupils who attend school in the
9 school district.

10 H. Monies distributed from the classroom site fund shall be spent
11 for the following purposes:

12 1. Class size reduction.

13 2. Teacher compensation, including a base pay and performance pay
14 component.

15 3. Assessment intervention programs.

16 4. Teacher development.

17 5. Dropout prevention programs.

18 6. Teacher liability insurance premiums.

19 7. Student support services.

20 I. The district governing board or charter school shall allocate
21 the classroom site fund monies to include, if possible, the priorities
22 identified by the principals of the schools while ensuring that the monies
23 maximize classroom opportunities and conform to the authorized
24 expenditures identified in subsection A of this section.

25 J. School districts and charter schools that receive monies from
26 the classroom site fund shall submit a report by November 15 of each year
27 to the superintendent of public instruction that provides an accounting of
28 the expenditures of monies distributed from the fund during the previous
29 fiscal year and a summary of the results of district and school programs
30 funded with monies distributed from the fund. The department of education
31 in conjunction with the auditor general shall prescribe the format of the
32 report under this subsection.

33 K. School districts and charter schools that receive monies from
34 the classroom site fund shall receive these monies monthly in an amount
35 not to exceed one-twelfth of the monies estimated pursuant to subsection G
36 of this section, except that if there are insufficient monies in the fund
37 that month to make payments, the distribution for that month shall be
38 prorated for each school district or charter school. The department of
39 education may make an additional payment in the current month for any
40 prior month or months in which school districts or charter schools
41 received a prorated payment if there are sufficient monies in the fund
42 that month for the additional payments. The state is not required to make
43 payments to a school district or charter school classroom site fund if the
44 state classroom site fund revenue collections are insufficient to meet the
45 estimated allocations to school districts and charter schools pursuant to
46 subsection G of this section.

1 L. The state education system for committed youth shall receive
2 monies from the classroom site fund in the same manner as school districts
3 and charter schools. The Arizona state schools for the deaf and the blind
4 shall receive monies from the classroom site fund in an amount that
5 corresponds to the weighted student count for the current year pursuant to
6 section 15-943, paragraph 2, subdivision (b) for each pupil enrolled in
7 the Arizona state schools for the deaf and the blind. Except as otherwise
8 provided in this subsection, the Arizona state schools for the deaf and
9 the blind and the state education system for committed youth are subject
10 to this section in the same manner as school districts and charter
11 schools.

12 M. Each school district and charter school, including school
13 districts that unify pursuant to section 15-448 or consolidate pursuant to
14 section 15-459, shall establish a local level classroom site fund to
15 receive allocations from the state level classroom site fund. The local
16 level classroom site fund shall be a budgetary controlled account.
17 Interest charges for any registered warrants for the local level classroom
18 site fund shall be a charge against the local level classroom site fund.
19 Interest earned on monies in the local level classroom site fund shall be
20 added to the local level classroom site fund as provided in section
21 15-978. This state shall not be required to make payments to a school
22 district or charter school local level classroom site fund that are in
23 addition to monies transferred to the state level classroom site fund
24 pursuant to section 37-521, subsection B, section 42-5029, subsection E,
25 paragraph 10 and section 42-5029.02, subsection A.

26 N. Monies distributed from the classroom site fund for class size
27 reduction, assessment intervention and dropout prevention programs shall
28 only be used for instructional purposes in the instruction function as
29 defined in the uniform system of financial records, except that monies
30 shall not be used for school-sponsored athletics.

31 O. For the purposes of this section:

32 1. "Assessment intervention" means summer programs, after school
33 programs, before school programs or tutoring programs that are
34 specifically designed to ensure that pupils meet the Arizona academic
35 standards as measured by the statewide assessment prescribed by section
36 15-741.

37 2. "Class size reduction" means any maintenance and operations
38 expenditure that is designed to reduce the ratio of pupils to classroom
39 teachers, including the use of persons who serve as aides to classroom
40 teachers.

41 3. "Student support services" means any expenditure in the student
42 support services function as defined in the uniform system of financial
43 records.

1 Sec. 6. Appropriation; department of education; education and
2 training on child abuse prevention

3 The sum of \$415,000 is appropriated from the state general fund in
4 fiscal year 2022-2023 to the department of education to distribute to
5 school districts and charter schools to establish education and training
6 on child abuse prevention as prescribed in section 15-711.02, Arizona
7 Revised Statutes, as added by this act.