

REFERENCE TITLE: school districts; housing facilities; teachers

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

HB 2606

Introduced by
Representatives John: Sierra, Solorio, Udall

AN ACT

AMENDING SECTIONS 15-342 AND 15-1106, ARIZONA REVISED STATUTES; RELATING TO SCHOOL DISTRICT GOVERNING BOARDS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 15-342, Arizona Revised Statutes, is amended to
3 read:

4 15-342. Discretionary powers

5 The governing board may:

6 1. Expel pupils for misconduct.

7 2. Exclude from grades one through eight children under six years
8 of age.

9 3. Make such separation of groups of pupils as it deems advisable.

10 4. Maintain such special schools during vacation as deemed
11 necessary for the benefit of the pupils of the school district.

12 5. Allow a superintendent or principal or representatives of the
13 superintendent or principal to travel for a school purpose, as determined
14 by a majority vote of the board. The board may allow members and
15 members-elect of the board to travel within or without the school district
16 for a school purpose and receive reimbursement. Any expenditure for
17 travel and subsistence pursuant to this paragraph shall be as provided in
18 title 38, chapter 4, article 2. The designated post of duty referred to
19 in section 38-621 shall be construed, for school district governing board
20 members, to be the member's actual place of residence, as opposed to the
21 school district office or the school district boundaries. Such
22 expenditures shall be a charge against the budgeted school district funds.
23 The governing board of a school district shall prescribe procedures and
24 amounts for reimbursement of lodging and subsistence expenses.
25 Reimbursement amounts shall not exceed the maximum amounts established
26 pursuant to section 38-624, subsection C.

27 6. Construct or provide ~~in rural districts~~ housing facilities for
28 teachers and other school employees that the board determines are
29 necessary to operate the school.

30 7. Sell or lease to the state, a county, a city, another school
31 district or a tribal government agency any school property required for a
32 public purpose if the sale or lease of the property will not affect the
33 normal operations of a school within the school district.

34 8. Annually budget and spend monies for membership in an
35 association of school districts within this state.

36 9. Enter into leases or lease-purchase agreements for school
37 buildings or grounds, or both, as lessor or as lessee, for periods of less
38 than twenty years subject to voter approval for construction of school
39 buildings as prescribed in section 15-341, subsection A, paragraph 7.

40 10. Subject to title 41, chapter 56, sell school sites or enter
41 into leases or lease-purchase agreements for school buildings and grounds,
42 as lessor or as lessee, for a period of twenty years or more, but not to
43 exceed ninety-nine years, if authorized by a vote of the school district
44 electors in an election called by the governing board as provided in
45 section 15-491, except that authorization by the school district electors

1 in an election is not required if one of the following requirements is
2 met:

3 (a) The market value of the school property is less than \$50,000 or
4 the property is procured through a renewable energy development agreement,
5 an energy performance contract, which among other items includes a
6 renewable energy power service agreement, or a simplified energy
7 performance contract pursuant to section 15-213.01.

8 (b) The buildings and sites are completely funded with monies
9 distributed by the ~~school facilities~~ division OF SCHOOL FACILITIES within
10 the department of administration or at the direction of the school
11 facilities oversight board, or its predecessor.

12 (c) The transaction involves the sale of improved or unimproved
13 property pursuant to an agreement with the school facilities oversight
14 board in which the school district agrees to sell the improved or
15 unimproved property and transfer the proceeds of the sale to the school
16 facilities oversight board in exchange for monies from the school
17 facilities oversight board for the acquisition of a more suitable school
18 site. For a sale of property acquired by a school district before July 9,
19 1998, a school district shall transfer to the school facilities oversight
20 board that portion of the proceeds that equals the cost of the acquisition
21 of a more suitable school site. If there are any remaining proceeds after
22 the transfer of monies to the school facilities oversight board, a school
23 district shall only use those remaining proceeds for future land purchases
24 approved by the school facilities oversight board, or for capital
25 improvements not funded by the school facilities oversight board for any
26 existing or future facility.

27 (d) The transaction involves the sale of improved or unimproved
28 property pursuant to a formally adopted plan and the school district uses
29 the proceeds of this sale to purchase other property that will be used for
30 similar purposes as the property that was originally sold if the sale
31 proceeds of the improved or unimproved property are used within two years
32 after the date of the original sale to purchase the replacement property.
33 If the sale proceeds of the improved or unimproved property are not used
34 within two years after the date of the original sale to purchase
35 replacement property, the sale proceeds shall be used toward paying any
36 outstanding bonded indebtedness. If any sale proceeds remain after paying
37 for outstanding bonded indebtedness, or if the district has no outstanding
38 bonded indebtedness, sale proceeds shall be used to reduce the district's
39 primary tax levy. A school district shall not use this subdivision unless
40 all of the following conditions exist:

41 (i) The school district is the sole owner of the improved or
42 unimproved property that the school district intends to sell.

43 (ii) The school district did not purchase the improved or
44 unimproved property that the school district intends to sell with monies
45 that were distributed pursuant to title 41, chapter 56.

1 (iii) The transaction does not violate section 15-341,
2 subsection G.

3 11. Review the decision of a teacher to promote a pupil to a grade
4 or retain a pupil in a grade in a common school or to pass or fail a pupil
5 in a course in high school. The pupil has the burden of proof to overturn
6 the decision of a teacher to promote, retain, pass or fail the pupil. In
7 order to sustain the burden of proof, the pupil shall demonstrate to the
8 governing board that the pupil has mastered the academic standards adopted
9 by the state board of education pursuant to sections 15-701 and
10 15-701.01. If the governing board overturns the decision of a teacher
11 pursuant to this paragraph, the governing board shall adopt a written
12 finding that the pupil has mastered the academic standards.
13 Notwithstanding title 38, chapter 3, article 3.1, the governing board
14 shall review the decision of a teacher to promote a pupil to a grade or
15 retain a pupil in a grade in a common school or to pass or fail a pupil in
16 a course in high school in executive session unless a parent or legal
17 guardian of the pupil or the pupil, if emancipated, disagrees that the
18 review should be conducted in executive session and then the review shall
19 be conducted in an open meeting. If the review is conducted in executive
20 session, the board shall notify the teacher of the date, time and place of
21 the review and shall allow the teacher to be present at the review. If
22 the teacher is not present at the review, the board shall consult with the
23 teacher before making its decision. Any request, including the written
24 request as provided in section 15-341, the written evidence presented at
25 the review and the written record of the review, including the decision of
26 the governing board to accept or reject the teacher's decision, shall be
27 retained by the governing board as part of its permanent records.

28 12. Provide transportation or site transportation loading and
29 unloading areas for any child or children if deemed for the best interest
30 of the district, whether within or without the district, county or state.

31 13. Enter into intergovernmental agreements and contracts with
32 school districts or other governing bodies as provided in section 11-952.
33 Intergovernmental agreements and contracts between school districts or
34 between a school district and other governing bodies as provided in
35 section 11-952 are exempt from competitive bidding under the procurement
36 rules adopted by the state board of education pursuant to section 15-213.

37 14. Include in the curricula it prescribes for high schools in the
38 school district career and technical education, vocational education and
39 technology education programs and career and technical, vocational and
40 technology program improvement services for the high schools, subject to
41 approval by the state board of education. The governing board may
42 contract for the provision of career and technical, vocational and
43 technology education as provided in section 15-789.

44 15. Suspend a teacher or administrator from the teacher's or
45 administrator's duties without pay for a period of time of not to exceed

1 ten school days, if the board determines that suspension is warranted
2 pursuant to section 15-341, subsection A, paragraph 21 or 22.

3 16. Dedicate school property within an incorporated city or town to
4 that city or town or within a county to that county for use as a public
5 right-of-way if both of the following apply:

6 (a) Pursuant to an ordinance adopted by the city, town or county,
7 there will be conferred on the school district privileges and benefits
8 that may include benefits related to zoning.

9 (b) The dedication will not affect the normal operation of any
10 school within the district.

11 17. Enter into option agreements for the purchase of school sites.

12 18. Donate surplus or outdated learning materials, educational
13 equipment and furnishings to nonprofit community organizations if the
14 governing board determines that the anticipated cost of selling the
15 learning materials, educational equipment or furnishings equals or exceeds
16 the estimated market value of the materials.

17 19. Prescribe policies to assess reasonable fees for students to
18 use district-provided parking facilities. The fees are to be applied by
19 the district solely against costs incurred in operating or securing the
20 parking facilities. Any policy adopted by the governing board pursuant to
21 this paragraph shall include a fee waiver provision in appropriate cases
22 of need or economic hardship.

23 20. Establish alternative education programs that are consistent
24 with the laws of this state to educate pupils, including pupils who have
25 been reassigned pursuant to section 15-841, subsection E or F.

26 21. Require a period of silence to be observed at the commencement
27 of the first class of the day in the schools. If a governing board
28 chooses to require a period of silence to be observed, the teacher in
29 charge of the room in which the first class is held shall announce that a
30 period of silence not to exceed one minute in duration will be observed
31 for meditation, and during that time no activities shall take place and
32 silence shall be maintained.

33 22. Require students to wear uniforms.

34 23. Exchange unimproved property or improved property, including
35 school sites, if the governing board determines that the improved property
36 is unnecessary for the continued operation of the school district without
37 requesting authorization by a vote of the school district electors and if
38 the governing board determines that the exchange is necessary to protect
39 the health, safety or welfare of pupils or if the governing board
40 determines that the exchange is based on sound business principles for
41 either:

42 (a) Unimproved or improved property of equal or greater value.

43 (b) Unimproved property that the owner contracts to improve if the
44 value of the property ultimately received by the school district is of
45 equal or greater value.

1 24. For common and high school pupils, assess reasonable fees for
2 optional extracurricular activities and programs conducted when the common
3 or high school is not in session, except that fees shall not be charged
4 for pupils' access to or use of computers or related materials. For high
5 school pupils, the governing board may assess reasonable fees for fine
6 arts and vocational education courses and for optional services, equipment
7 and materials offered to the pupils beyond those required to successfully
8 complete the basic requirements of any other course, except that fees
9 shall not be charged for pupils' access to or use of computers or related
10 materials. Fees assessed pursuant to this paragraph shall be adopted at a
11 public meeting after notice has been given to all parents of pupils
12 enrolled at schools in the district and shall not exceed the actual costs
13 of the activities, programs, services, equipment or materials. The
14 governing board shall authorize principals to waive the assessment of all
15 or part of a fee assessed pursuant to this paragraph if it creates an
16 economic hardship for a pupil. For the purposes of this paragraph,
17 "extracurricular activity" means any optional, noncredit, educational or
18 recreational activity that supplements the education program of the
19 school, whether offered before, during or after regular school hours.

20 25. Notwithstanding section 15-341, subsection A, paragraphs 7 and
21 9, construct school buildings and purchase or lease school sites, without
22 a vote of the school district electors, if the buildings and sites are
23 totally funded from one or more of the following:

24 (a) Monies in the unrestricted capital outlay fund, except that the
25 estimated cost shall not exceed \$250,000 for a district that uses section
26 15-949.

27 (b) Monies distributed at the direction of the school facilities
28 oversight board established by section 41-5701.02 or by the ~~school~~
29 ~~facilities~~ division OF SCHOOL FACILITIES within the department of
30 administration pursuant to title 41, chapter 56.

31 (c) Monies specifically donated for the purpose of constructing
32 school buildings.

33 This paragraph does not eliminate the requirement for an election to raise
34 revenues for a capital outlay override pursuant to section 15-481 or a
35 bond election pursuant to section 15-491.

36 26. Conduct a background investigation that includes a fingerprint
37 check conducted pursuant to section 41-1750, subsection G for certificated
38 personnel and personnel who are not paid employees of the school district,
39 as a condition of employment. A school district may release the results
40 of a background check to another school district for employment purposes.
41 The school district may charge the costs of fingerprint checks to its
42 fingerprinted employee, except that the school district may not charge the
43 costs of fingerprint checks for personnel who are not paid employees of
44 the school district.

1 27. Unless otherwise prohibited by law, sell advertising as
2 follows:

3 (a) Advertisements shall be age appropriate and not promote any
4 substance that is illegal for minors such as alcohol, tobacco and drugs or
5 gambling. Advertisements shall comply with the state sex education policy
6 of abstinence.

7 (b) Advertising approved by the governing board for the exterior of
8 school buses may appear only on the sides of the bus in the following
9 areas:

10 (i) The signs shall be below the seat level rub rail and not extend
11 above the bottom of the side windows.

12 (ii) The signs shall be at least three inches from any required
13 lettering, lamp, wheel well or reflector behind the service door or stop
14 signal arm.

15 (iii) The signs shall not extend from the body of the bus so as to
16 allow a handhold or present a danger to pedestrians.

17 (iv) The signs shall not interfere with the operation of any door
18 or window.

19 (v) The signs shall not be placed on any emergency doors.

20 (c) The school district shall establish an advertisement fund that
21 is composed of revenues from the sale of advertising. The monies in an
22 advertisement fund are not subject to reversion.

23 28. Assess reasonable damage deposits to pupils in grades seven
24 through twelve for using textbooks, musical instruments, band uniforms or
25 other equipment required for academic courses. The governing board shall
26 adopt policies on any damage deposits assessed pursuant to this paragraph
27 at a public meeting called for this purpose after providing notice to all
28 parents of pupils in grades seven through twelve in the school district.
29 Principals of individual schools within the district may waive the damage
30 deposit requirement for any textbook or other item if the payment of the
31 damage deposit would create an economic hardship for the pupil. The
32 school district shall return the full amount of the damage deposit for any
33 textbook or other item if the pupil returns the textbook or other item in
34 reasonably good condition within the time period prescribed by the
35 governing board. For the purposes of this paragraph, "in reasonably good
36 condition" means the textbook or other item is in the same or a similar
37 condition as it was when the pupil received it, plus ordinary wear and
38 tear.

39 29. Notwithstanding section 15-1105, expend surplus monies in the
40 civic center school fund for maintenance and operations or unrestricted
41 capital outlay if sufficient monies are available in the fund after
42 meeting the needs of programs established pursuant to section 15-1105.

43 30. Notwithstanding section 15-1143, spend surplus monies in the
44 community school program fund for maintenance and operations or
45 unrestricted capital outlay if sufficient monies are available in the fund

1 after meeting the needs of programs established pursuant to section
2 15-1142.

3 31. Adopt guidelines to standardize the format of the school report
4 cards required by section 15-746 for schools within the district.

5 32. Adopt policies that require parental notification when a law
6 enforcement officer interviews a pupil on school grounds. Policies
7 adopted pursuant to this paragraph shall not impede a peace officer from
8 performing the peace officer's duties. If the school district governing
9 board adopts a policy that requires parental notification:

10 (a) The policy may provide reasonable exceptions to the parental
11 notification requirement.

12 (b) The policy shall set forth whether and under what circumstances
13 a parent may be present when a law enforcement officer interviews the
14 pupil, including reasonable exceptions to the circumstances under which a
15 parent may be present when a law enforcement officer interviews the pupil,
16 and shall specify a reasonable maximum time after a parent is notified
17 that an interview of a pupil by a law enforcement officer may be delayed
18 to allow the parent to be present.

19 33. Enter into voluntary partnerships with any party to finance
20 with monies other than school district monies and cooperatively design
21 school facilities that comply with the adequacy standards prescribed in
22 section 41-5711 and the square footage per pupil requirements pursuant to
23 section 41-5741, subsection D, paragraph 3, subdivision (b). The design
24 plans and location of any such school facility shall be submitted to the
25 school facilities oversight board for approval pursuant to section
26 41-5741, subsection 0. If the school facilities oversight board approves
27 the design plans and location of any such school facility, the party in
28 partnership with the school district may cause to be constructed and the
29 district may begin operating the school facility before monies are
30 distributed at the direction of the school facilities oversight board
31 pursuant to section 41-5741. Monies distributed from the new school
32 facilities fund to a school district in a partnership with another party
33 to finance and design the school facility shall be paid to the school
34 district pursuant to section 41-5741. The school district shall reimburse
35 the party in partnership with the school district from the monies paid to
36 the school district pursuant to section 41-5741, in accordance with the
37 voluntary partnership agreement. Before the school facilities oversight
38 board directs the distribution of any monies pursuant to this subsection,
39 the school district shall demonstrate to the school facilities oversight
40 board that the facilities to be funded pursuant to section 41-5741,
41 subsection 0 meet the minimum adequacy standards prescribed in section
42 41-5711. If the cost to construct the school facility exceeds the amount
43 that the school district receives from the new school facilities fund, the
44 partnership agreement between the school district and the other party
45 shall specify that, except as otherwise provided by the other party, any

1 such excess costs shall be the responsibility of the school district. The
2 school district governing board shall adopt a resolution in a public
3 meeting that an analysis has been conducted on the prospective effects of
4 the decision to operate a new school with existing monies from the school
5 district's maintenance and operations budget and how this decision may
6 affect other schools in the school district. If a school district
7 acquires land by donation at an appropriate school site approved by the
8 school facilities oversight board and a school facility is financed and
9 built on the land pursuant to this paragraph, the school facilities
10 oversight board shall direct the distribution of an amount equal to twenty
11 percent of the fair market value of the land that can be used for academic
12 purposes. The school district shall place the monies in the unrestricted
13 capital outlay fund and increase the unrestricted capital budget limit by
14 the amount of the monies placed in the fund. Monies distributed under
15 this paragraph shall be distributed from the new school facilities fund
16 pursuant to section 41-5741. If a school district acquires land by
17 donation at an appropriate school site approved by the school facilities
18 oversight board and a school facility is financed and built on the land
19 pursuant to this paragraph, the school district shall not receive monies
20 for the donation of real property pursuant to section 41-5741,
21 subsection F. It is unlawful for:

22 (a) A county, city or town to require as a condition of any land
23 use approval that a landowner or landowners that entered into a
24 partnership pursuant to this paragraph provide any contribution, donation
25 or gift, other than a site donation, to a school district. This
26 subdivision only applies to the property in the voluntary partnership
27 agreement pursuant to this paragraph.

28 (b) A county, city or town to require as a condition of any land
29 use approval that the landowner or landowners located within the
30 geographic boundaries of the school subject to the voluntary partnership
31 pursuant to this paragraph provide any donation or gift to the school
32 district except as provided in the voluntary partnership agreement
33 pursuant to this paragraph.

34 (c) A community facilities district established pursuant to title
35 48, chapter 4, article 6 to be used for reimbursement of financing the
36 construction of a school pursuant to this paragraph.

37 (d) A school district to enter into an agreement pursuant to this
38 paragraph with any party other than a master planned community party. Any
39 land area consisting of at least three hundred twenty acres that is the
40 subject of a development agreement with a county, city or town entered
41 into pursuant to section 9-500.05 or 11-1101 shall be deemed to be a
42 master planned community. For the purposes of this subdivision, "master
43 planned community" means a land area consisting of at least three hundred
44 twenty acres, which may be noncontiguous, that is the subject of a zoning
45 ordinance approved by the governing body of the county, city or town in

1 which the land is located that establishes the use of the land area as a
2 planned area development or district, planned community development or
3 district, planned unit development or district or other land use category
4 or district that is recognized in the local ordinance of such county, city
5 or town and that specifies the use of such land is for a master planned
6 development.

7 34. Enter into an intergovernmental agreement with a presiding
8 judge of the juvenile court to implement a law-related education program
9 as defined in section 15-154. The presiding judge of the juvenile court
10 may assign juvenile probation officers to participate in a law-related
11 education program in any school district in the county. The cost of
12 juvenile probation officers who participate in the program implemented
13 pursuant to this paragraph shall be funded by the school district.

14 35. Offer to sell outdated learning materials, educational
15 equipment or furnishings at a posted price commensurate with the value of
16 the items to pupils who are currently enrolled in that school district
17 before those materials are offered for public sale.

18 36. If the school district is a small school district as defined in
19 section 15-901, and if allowed by federal law, opt out of federal grant
20 opportunities if the governing board determines that the federal
21 requirements impose unduly burdensome reporting requirements.

22 37. Prescribe and enforce policies and procedures for the emergency
23 administration of inhalers by trained employees of the school district and
24 nurses who are under contract with the school district pursuant to section
25 15-158.

26 38. Develop policies and procedures to allow principals to budget
27 for or assist with budgeting federal, state and local monies.

28 39. Subject to article IX, section 7, constitution of Arizona, the
29 laws pertaining to travel and subsistence, gifts, grants, including
30 federal grants, or devises and policies adopted by the department of
31 education, provide food and beverages at school district events, including
32 official school functions and trainings.

33 Sec. 2. Section 15-1106, Arizona Revised Statutes, is amended to
34 read:

35 15-1106. Permanent teacherage funds; uses; definition

36 A. A school district governing board, or the superintendent or
37 chief administrative officer with the approval of the governing board, may
38 establish a permanent teacherage fund. ~~Such fund shall be comprised~~
39 **CONSISTING** of proceeds obtained from the lease of teacherages within the
40 school district. Monies in ~~such~~ **A PERMANENT TEACHERAGE** fund may be used
41 for any of the following purposes:

- 42 1. Maintenance and operation of teacherages.
- 43 2. Debt service related to teacherages.

- 1 3. Purchase of houses, including mobile or modular housing, to be
2 used exclusively as teacherages ~~for school districts located on Indian and~~
3 ~~federal lands~~.
- 4 4. Reduction of the local tax levy if accumulation in ~~such~~ A
5 PERMANENT TEACHERAGE fund warrants ~~such~~ THIS use.
- 6 B. Monies in a permanent teacherage fund are not subject to
7 reversion.
- 8 C. For the purposes of this section, "teacherage" means any housing
9 facilities for teachers and other school employees provided by a school
10 district pursuant to section 15-342, paragraph 6.