

REFERENCE TITLE: student discipline; schools

State of Arizona
Senate
Fifty-fifth Legislature
Second Regular Session
2022

SB 1439

Introduced by
Senator Quezada

AN ACT

AMENDING SECTIONS 15-184 AND 15-186, ARIZONA REVISED STATUTES; AMENDING TITLE 15, CHAPTER 2, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTION 15-240; AMENDING SECTIONS 15-707 AND 15-840, ARIZONA REVISED STATUTES; AMENDING TITLE 15, CHAPTER 8, ARTICLE 3, ARIZONA REVISED STATUTES, BY ADDING SECTION 15-840.01; AMENDING SECTIONS 15-841, 15-843, 15-844 AND 15-871, ARIZONA REVISED STATUTES; RELATING TO STUDENT DISCIPLINE.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 15-184, Arizona Revised Statutes, is amended to
3 read:

4 15-184. Charter schools; admissions requirements

5 A. A charter school shall enroll all eligible pupils who submit a
6 timely application, unless the number of applications exceeds the capacity
7 of a program, class, grade level or building.

8 B. A charter school shall give enrollment preference to pupils WHO
9 ARE returning to the charter school in the second or any subsequent year
10 of its operation and to siblings of pupils WHO ARE already enrolled in the
11 charter school.

12 C. A charter school may give enrollment preference to children who
13 are in foster care or meet the definition of unaccompanied youth
14 prescribed in the McKinney-Vento homeless assistance act (42 United States
15 Code section 11434a).

16 D. A charter school may give enrollment preference to and reserve
17 capacity for pupils who either:

18 1. Are children, grandchildren or legal wards of any of the
19 following:

20 (a) Employees of the school.

21 (b) Employees of the charter holder.

22 (c) Members of the governing body of the school.

23 (d) Directors, officers, partners or board members of the charter
24 holder.

25 2. Attended another charter school or are the siblings of that
26 pupil if the charter school previously attended by the pupil has the
27 identical charter holder, board and governing board membership as the
28 enrolling charter school or is managed by the same educational management
29 organization, charter management organization or educational service
30 provider as determined by the charter authorizer.

31 E. If remaining capacity is insufficient to enroll all pupils who
32 submit a timely application, the charter school shall select pupils
33 through an equitable selection process such as a lottery, except that
34 preference shall be given to siblings of a pupil WHO IS selected through
35 an equitable selection process such as a lottery.

36 F. Except as provided in subsections A through D of this section, a
37 charter school shall not limit admission based on ethnicity, national
38 origin, gender, income level, disabling condition, proficiency in the
39 English language or athletic ability.

40 G. A charter school may limit admission to pupils within a given
41 age group or grade level.

42 H. A charter school may provide instruction to pupils of a single
43 gender with the approval of the sponsor of the charter school. An
44 existing charter school may amend its charter to provide instruction to
45 pupils of a single gender, and, if approved by the sponsor of the charter

1 school, may provide instruction to pupils of a single gender at the
2 beginning of the next school year.

3 I. A charter school may refuse to admit any pupil who ~~has been~~
4 EITHER:

5 1. IS CURRENTLY expelled from another educational institution. ~~or~~
6 ~~who~~

7 2. Is in the process of being expelled from another educational
8 institution.

9 3. WAS PREVIOUSLY EXPELLED FROM THAT CHARTER SCHOOL AND WHO, AFTER
10 SERVING THE PUPIL'S EXPULSION, CONTINUES TO ENDANGER THE HEALTH OR SAFETY
11 OF OTHERS BY CONTINUING TO THREATEN VIOLENCE AS DETERMINED BY THE CHARTER
12 SCHOOL AFTER PROPER NOTICE AND A HEARING IN ACCORDANCE WITH SECTION
13 15-843.

14 Sec. 2. Section 15-186, Arizona Revised Statutes, is amended to
15 read:

16 15-186. Pupil disciplinary information; reporting
17 requirements

18 Each charter school governing body shall develop procedures that
19 require ~~the~~ EACH charter school to DO ALL OF THE FOLLOWING:

20 1. Annually report to the department of education in a manner
21 prescribed by the department the number of suspensions and expulsions that
22 involve the possession, use or sale of an illegal substance under title
23 13, chapter 34 and the type of illegal substance involved in each
24 suspension or expulsion. The department of education shall compile this
25 information and annually post the information on its website. The
26 information shall not include personally identifiable information, shall
27 comply with the family educational rights and privacy act of 1974 (P.L.
28 93-380; 88 Stat. ~~57~~ 571; 20 United States Code section 1232g) and shall
29 show the number of suspensions and expulsions associated with each illegal
30 substance aggregated statewide and by county.

31 2. QUARTERLY REPORT TO THE DEPARTMENT OF EDUCATION IN A MANNER
32 PRESCRIBED BY THE DEPARTMENT PURSUANT TO SECTION 15-240 ON ALL OF THE
33 FOLLOWING FOR THE FIRST DAY OF THE SCHOOL YEAR AND FOR THE FIRST DAY OF
34 EACH MONTH THEREAFTER THAT SCHOOL IS IN SESSION:

35 (a) THE TOTAL NUMBER OF PUPILS WHO:

36 (i) WERE ENROLLED IN THE CHARTER SCHOOL.

37 (ii) RECEIVED AN IN-SCHOOL SUSPENSION.

38 (iii) RECEIVED AN OUT-OF-SCHOOL SUSPENSION OF ONE DAY OR LESS.

39 (iv) RECEIVED AN OUT-OF-SCHOOL SUSPENSION OF AT LEAST TWO BUT NOT
40 MORE THAN FIVE DAYS.

41 (v) RECEIVED AN OUT-OF-SCHOOL SUSPENSION OF AT LEAST SIX BUT NOT
42 MORE THAN TEN DAYS.

43 (vi) RECEIVED AN OUT-OF-SCHOOL SUSPENSION OF MORE THAN TEN DAYS.

- 1 (vii) WERE EXPELLED.
- 2 (viii) WERE REASSIGNED TO ALTERNATIVE EDUCATION SETTINGS.
- 3 (ix) WITHDREW FOR OTHER REASONS.
- 4 (b) THE NUMBER OF INSTANCES A RESTRAINT TECHNIQUE WAS USED. FOR
- 5 THE PURPOSES OF THIS SUBDIVISION, "RESTRAINT" HAS THE SAME MEANING
- 6 PRESCRIBED IN SECTION 15-105.
- 7 (c) THE NUMBER OF INSTANCES A SECLUSION TECHNIQUE WAS USED. FOR
- 8 THE PURPOSES OF THIS SUBDIVISION, "SECLUSION" HAS THE SAME MEANING
- 9 PRESCRIBED IN SECTION 15-105.

10 3. QUARTERLY REPORT TO THE DEPARTMENT OF EDUCATION IN A MANNER
11 PRESCRIBED BY THE DEPARTMENT PURSUANT TO SECTION 15-240 THE AGE, GENDER,
12 RACE, ETHNICITY, ENGLISH LANGUAGE LEARNER STATUS AND DISABILITY STATUS OF
13 ALL PUPILS WHO ARE SUSPENDED, EXPELLED OR REASSIGNED TO AN ALTERNATIVE
14 EDUCATION SETTING.

15 Sec. 3. Title 15, chapter 2, article 2, Arizona Revised Statutes,
16 is amended by adding section 15-240, to read:

17 15-240. School reporting; student disciplinary and
18 demographic information; posting

19 NOTWITHSTANDING SECTION 15-1042, SUBSECTION J, THE DEPARTMENT OF
20 EDUCATION SHALL PRESCRIBE A FORMAT FOR SCHOOL DISTRICTS AND CHARTER
21 SCHOOLS TO REPORT THE INFORMATION REQUIRED BY SECTION 15-186, PARAGRAPHS 2
22 AND 3 AND SECTION 15-843, SUBSECTION B, PARAGRAPH 10, SUBDIVISIONS (b),
23 (c) AND (d). THE DEPARTMENT SHALL COMPILE THE STUDENT DISCIPLINARY AND
24 DEMOGRAPHIC INFORMATION SUBMITTED BY CHARTER SCHOOLS PURSUANT TO SECTION
25 15-186, PARAGRAPHS 2 AND 3 AND SCHOOL DISTRICTS PURSUANT TO SECTION
26 15-843, SUBSECTION B, PARAGRAPH 10, SUBDIVISIONS (b), (c) AND (d) AND
27 ANNUALLY POST THE INFORMATION ON ITS WEBSITE. THE INFORMATION MUST COMPLY
28 WITH THE FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT OF 1974 (P.L. 93-380;
29 88 STAT. 57; 20 UNITED STATES CODE SECTION 1232g), MAY NOT INCLUDE
30 PERSONALLY IDENTIFIABLE INFORMATION AND MUST SHOW THE NUMBER OF
31 ALTERNATIVE EDUCATION REASSIGNMENTS, SUSPENSIONS AND EXPULSIONS WITH
32 STUDENT DEMOGRAPHIC DATA AGGREGATED STATEWIDE AND BY COUNTY.

33 Sec. 4. Section 15-707, Arizona Revised Statutes, is amended to
34 read:

35 15-707. College and career readiness program for at-risk
36 students; requirements; annual report; definition

37 A. A school district or charter school that provides high school
38 instruction may establish a college and career readiness program for
39 at-risk students. A program established pursuant to this section shall
40 meet the following requirements:

- 41 1. Consist of at least nine consecutive months of academic support,
42 including tutoring and remediation, to ensure that participating students
43 meet the academic standards adopted by the state board of education.

1 2. Consist of comprehensive instruction on workplace skills as
2 adopted by the state board of education.

3 3. Consist of instruction on leadership and civic duty.

4 4. Require students who participate in the program to earn credits
5 toward graduation from high school.

6 5. Require students who participate in the program to perform
7 volunteer activities or community service.

8 6. Require students who participate in the program to continue to
9 participate in the program for twelve months after graduation from high
10 school, during which time the school district or charter school shall
11 provide follow-up assistance that is designed to assist the student's
12 transition to postsecondary education, vocational or job training,
13 military service or employment. A participating school district or
14 charter school may develop a dual enrollment course program in order to
15 meet the requirements of this paragraph.

16 7. Be administered through a private entity selected by the
17 department of education.

18 B. School districts and charter schools that participate in the
19 program shall annually report the following information to the department
20 of education:

21 1. The percentage of students who participate in the program and
22 who graduate from high school or obtain a general equivalency diploma on
23 or within twelve months after the scheduled graduation date for that
24 student's classmates.

25 2. The percentage of students who participate in the program, who
26 graduate from high school or obtain a general equivalency diploma and who
27 begin participation in postsecondary education, employment, vocational or
28 job training or military service within twelve months after the scheduled
29 graduation date for that student's classmates.

30 3. The percentage of students who participate in the program and
31 who are either enrolled full time at a postsecondary education
32 institution, employed full time, enrolled in a full-time vocational or job
33 training program or on active duty in the armed forces of the United
34 States, or any combination of these activities that in totality amounts to
35 full-time activity, within twelve months after the scheduled graduation
36 date for that student's classmates.

37 4. The percentage of students who participate in the program and
38 their achievement scores on the statewide assessment adopted by the state
39 board of education prescribed in section 15-741.

40 C. On or before September 15 of each year, the department of
41 education shall submit a report to the governor, the president of the
42 senate and the speaker of the house of representatives that summarizes the
43 information submitted pursuant to subsection B of this section. The
44 department of education shall provide a copy of the annual report to the
45 secretary of state.

1 D. For the purposes of this section, "at-risk student" means a
2 pupil in grade eleven or twelve who either:

- 3 1. Is likely to drop out of high school without graduating.
- 4 2. Has documented academic, personal or vocational barriers to
5 success in high school and the workplace, including having been subject to
6 discipline, ALTERNATIVE EDUCATION REASSIGNMENT, suspension or expulsion
7 pursuant to section 15-843.

8 Sec. 5. Heading change

9 The article heading of title 15, chapter 8, article 3, Arizona
10 Revised Statutes, is changed from "SUSPENSION AND EXPULSION OF PUPILS" to
11 "STUDENT DISCIPLINE".

12 Sec. 6. Section 15-840, Arizona Revised Statutes, is amended to
13 read:

14 15-840. Definitions

15 In this article, unless the context otherwise requires:

16 1. "ALTERNATIVE EDUCATION REASSIGNMENT" MEANS REASSIGNMENT TO AN
17 ALTERNATIVE EDUCATION SETTING.

18 ~~1.~~ 2. "Expulsion" means the ~~permanent~~ withdrawal of ~~the privilege~~
19 ~~of attending~~ A PUPIL'S RIGHT TO ATTEND a school FOR UP TO ONE YEAR unless
20 the governing board reinstates the ~~privilege of attending~~ PUPIL'S RIGHT TO
21 ATTEND the school.

22 ~~2.~~ 3. "Suspension" means the temporary withdrawal of ~~the privilege~~
23 ~~of attending~~ A PUPIL'S RIGHT TO ATTEND a school for a specified period of
24 time NOT TO EXCEED FIFTEEN SCHOOL DAYS PER DISCIPLINARY ACTION.

25 Sec. 7. Title 15, chapter 8, article 3, Arizona Revised Statutes,
26 is amended by adding section 15-840.01, to read:

27 15-840.01. Expulsions and suspensions; limit; educational
28 services; alternative education settings

29 A. A SCHOOL DISTRICT OR CHARTER SCHOOL MAY NOT IMPOSE AN EXPULSION
30 THAT EXCEEDS ONE YEAR OR A SUSPENSION THAT EXCEEDS FIFTEEN SCHOOL DAYS.

31 B. IF A PUPIL IS EXPELLED FROM A SCHOOL DISTRICT OR CHARTER SCHOOL,
32 THE SCHOOL DISTRICT OR CHARTER SCHOOL:

33 1. MAY PROVIDE EDUCATIONAL SERVICES FOR THE PUPIL IN AN ALTERNATIVE
34 EDUCATION SETTING, INCLUDING ANY OF THE FOLLOWING:

- 35 (a) AN ALTERNATIVE EDUCATION PROGRAM OR ALTERNATIVE SCHOOL.
- 36 (b) A HOME TUTORING OR OTHER HOME-BASED EDUCATIONAL OPTION.
- 37 (c) AN ONLINE EDUCATION PROGRAM.
- 38 (d) A COLLEGE AND CAREER READINESS PROGRAM FOR AT-RISK STUDENTS

39 ESTABLISHED PURSUANT TO SECTION 15-707.

40 2. WITHIN FIVE DAYS AFTER THE EXPULSION DETERMINATION, THE SCHOOL
41 DISTRICT OR CHARTER SCHOOL SHALL NOTIFY THE PUPIL AND THE PUPIL'S PARENT
42 OR GUARDIAN OF AND PROVIDE THE PUPIL AND THE PUPIL'S PARENT OR GUARDIAN
43 WITH RESOURCES REGARDING AT LEAST THREE ACCESSIBLE ALTERNATIVE EDUCATIONAL
44 OPTIONS THAT ARE CURRENTLY AVAILABLE TO THE PUPIL AND THE CONTACT
45 INFORMATION OF THOSE ACCESSIBLE ALTERNATIVE EDUCATIONAL OPTIONS. THE

1 SCHOOL MUST PROVIDE AT LEAST TWO ALTERNATIVE EDUCATIONAL OPTIONS
2 PHYSICALLY LOCATED WITHIN FIFTY MILES OF THE PUPIL'S CURRENT SCHOOL, IF
3 AVAILABLE, AND AT LEAST ONE AVAILABLE ONLINE ALTERNATIVE EDUCATIONAL
4 OPTION. THE INFORMATION PROVIDED TO A PUPIL AND THE PUPIL'S PARENT OR
5 GUARDIAN UNDER THIS PARAGRAPH MUST INCLUDE TELEPHONE NUMBERS AND ONLINE
6 RESOURCES TO HELP FAMILIES RESEARCH OR, IF APPLICABLE, APPLY FOR THESE
7 ACCESSIBLE ALTERNATIVE EDUCATIONAL OPTIONS. NONGOVERNMENTAL RESOURCES,
8 SUCH AS A SEARCH ENGINES, MAY BE INCLUDED IN THE INFORMATION PROVIDED
9 UNDER THIS PARAGRAPH. A SCHOOL DISTRICT OR CHARTER SCHOOL MAY PROVIDE
10 MORE INFORMATION THAN IS REQUIRED UNDER THIS PARAGRAPH BUT MAY NOT PROVIDE
11 LESS INFORMATION THAN IS REQUIRED UNDER THIS PARAGRAPH.

12 C. AS AN ALTERNATIVE TO EXPULSION, AFTER NOTICE AND A HEARING, A
13 SCHOOL DISTRICT OR CHARTER SCHOOL MAY PROVIDE EDUCATIONAL SERVICES FOR THE
14 PUPIL THROUGH ALTERNATIVE EDUCATION REASSIGNMENT IN AN ALTERNATIVE
15 EDUCATION SETTING, BY TRANSFERRING THE PUPIL TO AN ALTERNATIVE EDUCATION
16 SCHOOL OR PLACING THE PUPIL IN AN ALTERNATIVE EDUCATION PROGRAM.

17 D. IF A PUPIL IS SUSPENDED FROM A SCHOOL DISTRICT OR CHARTER SCHOOL
18 FOR MORE THAN FIVE SCHOOL DAYS, THE SCHOOL DISTRICT OR CHARTER SCHOOL
19 SHALL PROVIDE EDUCATIONAL SERVICES FOR THE PUPIL IN AN ALTERNATIVE
20 EDUCATION SETTING FOR THE REMAINDER OF THE SUSPENSION. A PUPIL MAY NOT
21 REMAIN IN THE ALTERNATIVE EDUCATION SETTING FOR LONGER THAN THE LENGTH OF
22 THE SUSPENSION UNLESS THE PUPIL'S PARENT OR GUARDIAN REQUESTS ALTERNATIVE
23 REASSIGNMENT FOR THE PUPIL. AN ALTERNATIVE EDUCATION SETTING MAY INCLUDE
24 ANY OF THE FOLLOWING:

- 25 1. AN ALTERNATIVE EDUCATION PROGRAM OR ALTERNATIVE SCHOOL.
- 26 2. A HOME TUTORING OR OTHER HOME-BASED EDUCATIONAL OPTION.
- 27 3. AN ONLINE EDUCATION PROGRAM.
- 28 4. A COLLEGE AND CAREER READINESS PROGRAM FOR AT-RISK STUDENTS
29 ESTABLISHED PURSUANT TO SECTION 15-707.

30 Sec. 8. Section 15-841, Arizona Revised Statutes, is amended to
31 read:

32 15-841. Responsibilities of pupils; expulsion; alternative
33 education programs; alternative to suspension
34 programs; placement review committee

35 A. Pupils shall comply with the rules, pursue the required course
36 of study and ~~submit~~ ADHERE to the authority of the teachers, the
37 administrators and the governing board. A teacher may send a pupil to the
38 principal's office in order to maintain effective discipline in the
39 classroom. If a pupil is sent to the principal's office pursuant to this
40 subsection, the principal shall employ appropriate discipline management
41 techniques that are CONSIDERATE OF THE PUPIL'S DEVELOPMENTAL LEVEL AND
42 consistent with rules adopted by the school district governing board. A
43 teacher may remove a pupil from the classroom if either of the following
44 conditions exists:

1 1. The teacher has documented that the pupil has repeatedly
2 interfered with the teacher's ability to communicate effectively with the
3 other pupils in the classroom or with the ability of the other pupils to
4 learn.

5 2. The teacher has determined that the pupil's behavior is so
6 unruly, disruptive or abusive that it seriously interferes with the
7 teacher's ability to communicate effectively with the other pupils in the
8 classroom or with the ability of the other pupils to learn.

9 B. A pupil may be expelled for continued open defiance of
10 authority, continued disruptive or disorderly behavior, violent behavior
11 that includes use or display of a dangerous instrument or a deadly weapon
12 as defined in section 13-105, ~~OR use or possession of a gun, or excessive~~
13 ~~absenteeism. A pupil may be expelled for excessive absenteeism only if~~
14 ~~the pupil has reached the age or completed the grade after which school~~
15 ~~attendance is not required as prescribed in section 15-802. A school~~
16 ~~district may expel pupils for actions other than those listed in this~~
17 ~~subsection as the school district deems appropriate. A SCHOOL DISTRICT~~
18 ~~SHALL CONSIDER, ON A CASE-BY-CASE BASIS, DISCIPLINARY ACTIONS OTHER THAN~~
19 ~~EXPULSIONS BEFORE USING EXPULSION.~~ Any expulsions of pupils in a
20 ~~PRESCHOOL PROGRAM, A~~ kindergarten program and grades one through four must
21 comply with section 15-843, subsection K.

22 C. A school district may refuse to admit any pupil who ~~has been~~
23 EITHER:

24 1. IS CURRENTLY expelled from another educational institution. ~~OR~~
25 ~~who~~

26 2. Is in the process of being expelled from another educational
27 institution.

28 3. WAS PREVIOUSLY EXPELLED FROM THAT SCHOOL DISTRICT AND WHO, AFTER
29 SERVING THE PUPIL'S EXPULSION, CONTINUES TO ENDANGER THE HEALTH OR SAFETY
30 OF OTHERS BY CONTINUING TO THREATEN VIOLENCE AS DETERMINED BY THE SCHOOL
31 DISTRICT AFTER PROPER NOTICE AND A HEARING.

32 D. A school district, ~~annually~~ SEMIANNUALLY or on the request of
33 any pupil or the PUPIL'S parent or guardian, ~~may~~ SHALL review the reasons
34 for the pupil's expulsion and consider readmission.

35 E. As an alternative to suspension or expulsion, the school
36 district may reassign any pupil to an alternative education program if ALL
37 OF THE FOLLOWING APPLY:

38 1. The pupil does not meet the requirements for participation in
39 the alternative to suspension program prescribed in subsection I of this
40 section. ~~and if~~

41 2. Good cause exists for expulsion or for a ~~long-term~~ suspension
42 EXCEEDING TEN SCHOOL DAYS.

1 3. THE SCHOOL DISTRICT PROVIDES PROPER NOTICE AND A HEARING.

2 F. A school district may reassign a pupil to an alternative
3 education program if the pupil refuses to comply with rules, refuses to
4 pursue the required course of study or refuses to ~~submit~~ ADHERE to the
5 authority of teachers, administrators or the governing board AND IF THE
6 SCHOOL DISTRICT PROVIDES PROPER NOTICE AND A HEARING.

7 G. A school district or charter school ~~shall~~ MAY expel from school
8 ~~for a period of not less than one year~~ a pupil who is determined to have
9 brought a firearm to a school within the jurisdiction of the school
10 district or the charter school. ~~;~~ ~~except that~~ The school district or
11 charter school may modify ~~this AN expulsion requirement~~ PURSUANT TO THIS
12 SUBSECTION for a pupil on a case-by-case basis. This subsection shall be
13 construed consistently with the requirements of the individuals with
14 disabilities education act (20 United States Code sections 1400 through
15 1420). For the purposes of this subsection, ~~:-~~

16 ~~1. "Expel" may include removing a pupil from a regular school~~
17 ~~setting and providing educational services in an alternative setting.~~

18 ~~2.~~ "firearm" means a firearm as defined in 18 United States Code
19 section 921.

20 H. A school district or charter school ~~shall~~ MAY expel from school
21 ~~for at least one year~~ a pupil who is determined to have threatened an
22 educational institution. ~~;~~ ~~except that the~~ A school district or charter
23 school may modify ~~this AN expulsion requirement for a pupil~~ PURSUANT TO
24 THIS SUBSECTION on a case-by-case basis, ~~if~~ GIVING SPECIAL CONSIDERATION
25 TO WHETHER the pupil participates in mediation, community service,
26 restitution or other programs in which the pupil takes responsibility for
27 the results of the threat. This subsection shall be construed consistently
28 with the requirements of the individuals with disabilities education act
29 (20 United States Code sections 1400 through 1420). AFTER PROPER NOTICE
30 AND A HEARING, a school district may reassign a pupil who is subject to
31 expulsion pursuant to this subsection to an alternative education program
32 pursuant to subsection E of this section if the pupil participates in
33 mediation, community service, restitution or other programs ~~in which the~~
34 ~~pupil takes responsibility for the threat. A school district or charter~~
35 ~~school may require the pupil's parent or guardian to participate in~~
36 ~~mediation, community service, restitution or other programs in which the~~
37 ~~parent or guardian takes responsibility with the pupil for the threat.~~ For
38 the purposes of this subsection, "threatened an educational institution"
39 means ~~to interfere~~ INTERFERING with or ~~disrupt~~ DISRUPTING an educational
40 institution as defined in section 13-2911 by ~~doing any of the following:~~

41 ~~1. For the purpose of causing, or in reckless disregard of causing,~~
42 ~~interference with or disruption of an educational institution;~~ threatening
43 to cause physical injury to any employee of an educational institution or
44 any person attending an educational institution.

1 ~~2. For the purpose of causing, or in reckless disregard of causing,~~
2 ~~interference with or disruption of an educational institution, threatening~~
3 ~~to cause damage to any educational institution, the property of any~~
4 ~~educational institution, the property of any employee of an educational~~
5 ~~institution or the property of any person attending an educational~~
6 ~~institution.~~

7 ~~3. Going on or remaining on the property of any educational~~
8 ~~institution for the purpose of interfering with or disrupting the lawful~~
9 ~~use of the property or in any manner as to deny or interfere with the~~
10 ~~lawful use of the property by others.~~

11 ~~4. Refusing to obey a lawful order to leave the property of an~~
12 ~~educational institution.~~

13 I. Each school district shall establish an alternative to
14 suspension program in consultation with ~~local law enforcement officials or~~
15 ~~school resource officers~~ SCHOOL COUNSELORS, SCHOOL SOCIAL WORKERS, SCHOOL
16 PSYCHOLOGISTS AND OTHER SCHOOL-BASED BEHAVIORAL HEALTH PROFESSIONALS. The
17 school district governing board shall adopt policies to determine the
18 requirements for participation in the alternative to suspension program.
19 Pupils who would otherwise be subject to suspension pursuant to this
20 article and who meet the school district's requirements for participation
21 in the alternative to suspension program ~~shall~~ MAY be transferred to a
22 location on school premises that is isolated from other pupils or
23 transferred to a location that is not on school premises. The alternative
24 to suspension program shall ~~be discipline intensive and~~ require academic
25 work, ~~and~~ may require community service, ~~groundskeeping and litter~~
26 ~~control, parent supervision, and evaluation~~ MEETING WITH A SCHOOL-BASED
27 BEHAVIORAL HEALTH PROFESSIONAL or other DEVELOPMENTALLY appropriate
28 activities. The community service, ~~groundskeeping and litter control,~~ and
29 other DEVELOPMENTALLY appropriate activities may be performed on school
30 grounds or at any other designated area.

31 J. Each school shall establish a placement review committee to
32 determine the placement of a pupil if a teacher refuses to readmit the
33 pupil to the teacher's class and to make recommendations to the governing
34 board regarding the readmission of expelled pupils. The process for
35 determining the placement of a pupil in a new class or replacement in the
36 existing class shall not exceed three business days after the date the
37 pupil was first removed from the existing class. The principal shall not
38 return a pupil to the classroom from which the pupil was removed without
39 the teacher's consent unless the committee determines that the return of
40 the pupil to that classroom is the best or only practicable alternative.
41 The committee shall be composed of two teachers who are employed at the
42 school and who are selected by the faculty members of the school, TWO
43 SCHOOL-BASED BEHAVIORAL HEALTH PROFESSIONALS WHO ARE EMPLOYED AT THE
44 SCHOOL, IF AVAILABLE, AND WHO ARE SELECTED BY THE PRINCIPAL and one
45 administrator who is employed by the school and who is selected by the

1 principal. The faculty members of the school shall select a third teacher
2 to serve as an alternate member of the committee. If the teacher who
3 refuses to readmit the pupil is a member of the committee, that teacher
4 shall be excused from participating in the determination of the pupil's
5 readmission and the alternate teacher member shall replace that teacher on
6 the committee until the conclusion of all matters relating to that pupil's
7 readmission.

8 Sec. 9. Section 15-843, Arizona Revised Statutes, is amended to
9 read:

10 15-843. Pupil disciplinary proceedings: reporting
11 requirements; definition

12 A. An action concerning discipline, ALTERNATIVE EDUCATION
13 REASSIGNMENT, suspension or expulsion of a pupil is not subject to title
14 38, chapter 3, article 3.1, except that the governing board of a school
15 district OR THE GOVERNING BODY OF A CHARTER SCHOOL shall post regular
16 notice and shall take minutes of any hearing held by the governing board
17 OR GOVERNING BODY concerning the discipline, ALTERNATIVE EDUCATION
18 REASSIGNMENT, suspension or expulsion of a pupil.

19 B. The governing board of any school district OR THE GOVERNING BODY
20 OF ANY CHARTER SCHOOL, in consultation with ~~the teachers and~~ parents AND
21 GUARDIANS of PUPILS, TEACHERS, SCHOOL COUNSELORS, SCHOOL SOCIAL WORKERS,
22 SCHOOL PSYCHOLOGISTS AND OTHER SCHOOL-BASED BEHAVIORAL HEALTH
23 PROFESSIONALS OF the school district OR CHARTER SCHOOL, shall prescribe
24 rules for the discipline, ALTERNATIVE EDUCATION REASSIGNMENT, suspension
25 and expulsion of pupils. The rules shall be consistent with the
26 constitutional rights of pupils, SHALL BE DEVELOPMENTALLY APPROPRIATE and
27 shall include at least the following:

28 1. Penalties for excessive pupil absenteeism pursuant to section
29 15-803, including failure in a subject, failure to pass a
30 grade, ~~suspension or expulsion~~ OR ALTERNATIVE EDUCATION REASSIGNMENT.

31 2. Procedures for using corporal punishment if allowed by the
32 governing board OR GOVERNING BODY.

33 3. Procedures for the reasonable use of physical force by
34 certificated or classified personnel in self-defense, defense of others
35 and defense of property.

36 4. Procedures for dealing with pupils who have committed or who are
37 believed to have committed a crime.

38 5. A notice and hearing procedure for cases concerning the
39 ALTERNATIVE EDUCATION REASSIGNMENT OF A PUPIL FOR DISCIPLINARY REASONS,
40 THE EXPULSION OF A PUPIL OR THE suspension of a pupil for more than ten
41 SCHOOL days.

42 6. Procedures and conditions for readmitting a pupil who has been
43 REASSIGNED TO AN ALTERNATIVE EDUCATION SETTING FOR DISCIPLINARY REASONS,
44 WHO HAS BEEN expelled or WHO HAS BEEN suspended for more than ten SCHOOL
45 days.

1 7. Procedures to appeal to the governing board ~~the~~ OR GOVERNING
2 BODY A PUPIL'S ALTERNATIVE EDUCATION REASSIGNMENT FOR DISCIPLINARY
3 REASONS, EXPULSION OR suspension ~~of a pupil~~ for more than ten SCHOOL days,
4 if the decision to REASSIGN, EXPEL OR suspend the pupil was not made by
5 the governing board OR GOVERNING BODY.

6 8. Procedures to appeal the recommendation of the hearing officer
7 or officers designated by the GOVERNING board OR GOVERNING BODY as
8 provided in subsection F of this section at the time the GOVERNING board
9 OR GOVERNING BODY considers the recommendation.

10 9. Disciplinary policies for confining pupils WHO ARE left alone in
11 an enclosed space. These policies shall include the following:

12 (a) A process for prior written ~~parental~~ notification TO A PARENT
13 OR GUARDIAN that confinement may be used for disciplinary purposes and
14 that is included in the pupil's enrollment packet or admission form.

15 (b) A process for prior written ~~parental~~ consent FROM A PARENT OR
16 GUARDIAN before confinement is allowed for any pupil in the school
17 district OR CHARTER SCHOOL. The policies shall provide for an exemption
18 to prior written ~~parental~~ consent FROM THE PARENT OR GUARDIAN if a school
19 principal or teacher determines that the pupil poses imminent physical
20 harm to self or others. The school principal or teacher shall make
21 reasonable attempts to notify the pupil's parent or guardian in writing by
22 the end of the same day that confinement was used.

23 10. FOR SCHOOL DISTRICTS, procedures that require the school
24 district to DO ALL OF THE FOLLOWING:

25 (a) Annually report to the department of education in a manner
26 prescribed by the department the number of suspensions and expulsions that
27 involve the possession, use or sale of an illegal substance under title
28 13, chapter 34 and the type of illegal substance involved in each
29 suspension or expulsion. The department ~~of education~~ shall compile this
30 information and annually post the information on its website. The
31 information shall comply with the family educational rights and privacy
32 act of 1974 (P.L. 93-380; 88 Stat. ~~57~~ 571; 20 United States Code section
33 1232g), shall not include personally identifiable information and shall
34 show the number of suspensions and expulsions associated with each illegal
35 substance aggregated statewide and by county.

36 (b) QUARTERLY REPORT TO THE DEPARTMENT OF EDUCATION IN A MANNER
37 PRESCRIBED BY THE DEPARTMENT PURSUANT TO SECTION 15-240 ON ALL OF THE
38 FOLLOWING FOR THE FIRST DAY OF THE SCHOOL YEAR AND THE FIRST DAY OF EACH
39 MONTH THEREAFTER THAT SCHOOL IS IN SESSION THE TOTAL NUMBER OF PUPILS WHO:

40 (i) WERE ENROLLED IN THE SCHOOL DISTRICT.

41 (ii) RECEIVED AN IN-SCHOOL SUSPENSION.

42 (iii) RECEIVED AN OUT-OF-SCHOOL SUSPENSION OF ONE DAY OR LESS.

1 (iv) RECEIVED AN OUT-OF-SCHOOL SUSPENSION OF AT LEAST TWO BUT NOT
2 MORE THAN FIVE DAYS.

3 (v) RECEIVED AN OUT-OF-SCHOOL SUSPENSION OF AT LEAST SIX BUT NOT
4 MORE THAN TEN DAYS.

5 (vi) RECEIVED AN OUT-OF-SCHOOL SUSPENSION OF MORE THAN TEN DAYS.

6 (vii) WERE EXPELLED.

7 (viii) WERE REASSIGNED TO ALTERNATIVE EDUCATION SETTINGS.

8 (ix) WITHDREW FOR OTHER REASONS.

9 (c) QUARTERLY REPORT TO THE DEPARTMENT OF EDUCATION IN A MANNER
10 PRESCRIBED BY THE DEPARTMENT PURSUANT TO SECTION 15-240 BOTH OF THE
11 FOLLOWING:

12 (i) THE NUMBER OF INSTANCES A RESTRAINT TECHNIQUE WAS USED. FOR
13 THE PURPOSES OF THIS ITEM, "RESTRAINT" HAS THE SAME MEANING PRESCRIBED IN
14 SECTION 15-105.

15 (ii) THE NUMBER OF INSTANCES A SECLUSION TECHNIQUE WAS USED. FOR
16 THE PURPOSES OF THIS ITEM, "SECLUSION" HAS THE SAME MEANING PRESCRIBED IN
17 SECTION 15-105.

18 (d) QUARTERLY REPORT TO THE DEPARTMENT OF EDUCATION IN A MANNER
19 PRESCRIBED BY THE DEPARTMENT PURSUANT TO SECTION 15-240 THE AGE, GENDER,
20 RACE, ETHNICITY, ENGLISH LANGUAGE LEARNER STATUS AND DISABILITY STATUS OF
21 ALL PUPILS WHO ARE SUSPENDED, EXPELLED OR REASSIGNED TO AN ALTERNATIVE
22 EDUCATION SETTING.

23 C. Penalties adopted pursuant to subsection B, paragraph 1 of this
24 section for excessive absenteeism shall not be applied to pupils who have
25 completed the course requirements and whose absence from school is due
26 solely to illness, disease or accident as certified by a person who is
27 licensed pursuant to title 32, chapter 7, 13, 14, 15 or 17.

28 D. The governing board OR GOVERNING BODY shall:

29 1. Support and assist teachers in implementing and enforcing the
30 rules prescribed pursuant to subsection B of this section.

31 2. Develop procedures allowing teachers and principals to recommend
32 ~~the suspension~~ SUSPENDING or ~~expulsion of~~ EXPELLING pupils.

33 3. Develop procedures allowing teachers and principals to
34 temporarily remove disruptive pupils from a class.

35 4. Delegate to the principal the authority to remove a disruptive
36 pupil from the classroom.

37 5. DEVELOP PROCEDURES NOTIFYING, IF AVAILABLE, SCHOOL COUNSELORS,
38 SCHOOL SOCIAL WORKERS, SCHOOL PSYCHOLOGISTS AND OTHER SCHOOL-BASED
39 BEHAVIORAL HEALTH PROFESSIONALS IN ADVANCE OF A PUPIL'S COMPLETION OF A
40 SUSPENSION OF BOTH:

41 (a) THE DATE ON WHICH THE PUPIL IS SUSPENDED.

42 (b) THE DATE ON WHICH THE PUPIL WILL RETURN TO SCHOOL.

1 6. DEVELOP PROCEDURES ALLOWING TEACHERS TO REQUEST THAT A PUPIL
2 SPEAK WITH A SCHOOL COUNSELOR, SCHOOL SOCIAL WORKER, SCHOOL PSYCHOLOGIST
3 OR OTHER SCHOOL-BASED BEHAVIORAL HEALTH PROFESSIONAL, IF AVAILABLE,
4 INSTEAD OF OR IN ADDITION TO A SUSPENSION.

5 E. If a pupil withdraws from school after receiving notice of
6 possible action concerning discipline, ALTERNATIVE EDUCATION REASSIGNMENT,
7 expulsion or suspension, the governing board OR GOVERNING BODY may
8 continue with the action after the withdrawal and may record the results
9 of such action in the pupil's permanent file.

10 F. In all actions concerning ~~the~~ A PUPIL'S ALTERNATIVE EDUCATION
11 REASSIGNMENT, SUSPENSION EXCEEDING TEN SCHOOL DAYS OR expulsion ~~of a~~
12 ~~pupil~~, the governing board of a school district OR GOVERNING BODY OF A
13 CHARTER SCHOOL shall:

14 1. Be notified of the intended action.

15 2. Either:

16 (a) Decide, in executive session, whether to hold a hearing or to
17 designate one or more hearing officers to hold a hearing to hear the
18 evidence, prepare a record and bring a recommendation to the GOVERNING
19 board OR GOVERNING BODY for action and whether the hearing shall be held
20 in executive session.

21 (b) Provide by policy or vote at its annual organizational meeting
22 that all hearings concerning ~~the~~ A PUPIL'S ALTERNATIVE EDUCATION
23 REASSIGNMENT, SUSPENSION EXCEEDING TEN SCHOOL DAYS OR expulsion ~~of a pupil~~
24 conducted pursuant to this section will be conducted before a hearing
25 officer selected from a list of hearing officers approved by the governing
26 board OR GOVERNING BODY.

27 3. Give written notice, at least five working days before the
28 hearing by the governing board OR GOVERNING BODY or the hearing officer or
29 officers designated by the governing board OR GOVERNING BODY, to all
30 pupils subject to ALTERNATIVE EDUCATION REASSIGNMENT, SUSPENSION EXCEEDING
31 TEN SCHOOL DAYS OR expulsion and their parents or guardians of the date,
32 time and place of the hearing. If the governing board OR GOVERNING BODY
33 decides that the hearing is to be held in executive session, the written
34 notice shall include a statement of the right of the parents or guardians
35 or an emancipated pupil who is subject to ALTERNATIVE EDUCATION
36 REASSIGNMENT, SUSPENSION EXCEEDING TEN SCHOOL DAYS OR expulsion to object
37 to the governing board's OR GOVERNING BODY'S decision to have the hearing
38 held in executive session. Objections shall be made in writing to the
39 governing board OR GOVERNING BODY.

40 4. EXCEPT AS PROVIDED IN SUBSECTION K, PARAGRAPH 5 OF THIS SECTION,
41 PROVIDE BY POLICY A READMISSION PROCEDURE FOR ALL PUPILS WHO ARE SUBJECT
42 TO ALTERNATIVE EDUCATION REASSIGNMENT OR WHO ARE EXPELLED AND ARE TO BE
43 CONSIDERED FOR READMISSION AFTER EXCLUSION FROM SCHOOL WITHIN THIRTY
44 SCHOOL DAYS.

1 G. If a parent or guardian or an emancipated pupil who is subject
2 to ALTERNATIVE EDUCATION REASSIGNMENT, SUSPENSION EXCEEDING TEN SCHOOL
3 DAYS OR expulsion disagrees that the hearing should be held in executive
4 session, the hearing shall be held in an open meeting unless:

5 1. If only one pupil is subject to ALTERNATIVE EDUCATION
6 REASSIGNMENT, SUSPENSION EXCEEDING TEN SCHOOL DAYS OR expulsion and
7 disagreement exists between that pupil's parents or guardians, the
8 governing board OR GOVERNING BODY, after consultations with the pupil's
9 parents or guardians or the emancipated pupil, shall decide in executive
10 session whether the hearing will be in executive session.

11 2. If more than one pupil is subject to ALTERNATIVE EDUCATION
12 REASSIGNMENT, SUSPENSION EXCEEDING TEN SCHOOL DAYS OR expulsion and
13 disagreement exists between the parents or guardians of different pupils,
14 separate hearings shall be held subject to this section.

15 H. This section does not prevent the pupil who is subject to
16 ALTERNATIVE EDUCATION REASSIGNMENT, SUSPENSION EXCEEDING TEN SCHOOL DAYS
17 OR expulsion ~~or suspension~~, and the pupil's parents or guardians and legal
18 counsel, from attending any executive session pertaining to the proposed
19 disciplinary action, from having access to the minutes and testimony of
20 the executive session or from recording the session at the parent's or
21 guardian's expense.

22 I. In schools employing a superintendent or a principal, the
23 authority to suspend a pupil from school is vested in the superintendent,
24 principal or other school officials granted this power by the governing
25 board of the school district OR THE GOVERNING BODY OF THE CHARTER SCHOOL.

26 J. In schools that do not have a superintendent or principal, a
27 teacher may suspend a pupil from school.

28 K. ~~Unless required by section 15-841, subsection 6,~~ A school
29 district or charter school may suspend or expel a pupil who is enrolled in
30 a PRESCHOOL PROGRAM, A kindergarten program, first grade, second grade,
31 third grade or fourth grade only if all of the following apply:

32 1. The pupil is seven years of age or older.

33 2. The pupil engaged in conduct on school grounds that meets one of
34 the following criteria:

35 (a) Involves the possession of a dangerous weapon without
36 authorization from the school.

37 (b) Involves the possession, use or sale of a dangerous drug as
38 defined in section 13-3401 or a narcotic drug as defined in section
39 13-3401 or a violation of section 13-3411.

40 (c) Immediately endangers the health or safety of others.

41 (d) The pupil's behavior is determined by the school district
42 governing board or charter school governing body to qualify as aggravating
43 circumstances and ~~that~~ all of the following apply:

1 (i) The pupil is engaged in persistent behavior that has been
2 documented by the school and that prevents other pupils from learning or
3 prevents the teacher from maintaining control of the classroom
4 environment.

5 (ii) The pupil's ongoing behavior is unresponsive to targeted
6 interventions as documented through an established intervention process
7 that includes consultation with a school counselor, school psychologist or
8 other mental health professional or social worker if available within the
9 school district or charter school or through a state-sponsored program.

10 (iii) The pupil's parent or guardian was notified and consulted
11 about the ongoing behavior.

12 (iv) Before a long-term suspension or expulsion, the school
13 provides the pupil with a disability screening and the screening finds
14 that the behavioral issues were not the result of a disability.

15 3. Failing to remove the pupil from the school building would
16 create a safety threat that cannot otherwise reasonably be addressed or
17 qualifies as aggravating circumstances as specified in paragraph 2 of this
18 subsection.

19 4. Before suspending or expelling the pupil AND ON A CASE-BY-CASE
20 BASIS, the school district or charter school considers and, if feasible
21 while maintaining the health and safety of others, in consultation with
22 the pupil's parent or guardian to the extent possible, employs alternative
23 behavioral and disciplinary interventions that are available to the school
24 district or charter school, that are appropriate to the circumstances and
25 that are considerate of health and safety. The school district or charter
26 school shall document the alternative behavioral and disciplinary
27 interventions it considers and employs.

28 5. The school district or charter school, by policy, provides for
29 both:

30 (a) A readmission procedure for pupils who are in PRESCHOOL
31 PROGRAMS, kindergarten programs, first grade, second grade, third grade
32 and fourth grade and who have served at least five school days of a
33 suspension from the school that exceeds ten school days to be considered
34 for readmission on appeal of the pupil's parent or guardian.

35 (b) A readmission procedure for pupils who are in PRESCHOOL
36 PROGRAMS, kindergarten programs, first grade, second grade, third grade
37 and fourth grade and who are expelled from or subject to alternative
38 reassignment at the school to be considered for readmission on appeal of
39 the pupil's parent or guardian at least twenty school days after the
40 effective date of the expulsion or alternative reassignment.

41 L. All cases of suspension shall be for good cause and shall be
42 reported within five days to the governing board OR GOVERNING BODY by the
43 superintendent or the person imposing the suspension.

1 M. Rules pertaining to the discipline, **ALTERNATIVE EDUCATION**
2 **REASSIGNMENT**, suspension and expulsion of pupils shall not be based on
3 race, color, religion, sex, national origin or ancestry. If the
4 department of education, the auditor general or the attorney general
5 determines that a school district **OR CHARTER SCHOOL** is substantially and
6 deliberately not in compliance with this subsection and if the school
7 district **OR CHARTER SCHOOL** has failed to correct the deficiency within
8 ninety days after receiving notice from the department of education, the
9 superintendent of public instruction may withhold the monies the school
10 district **OR CHARTER SCHOOL** would otherwise be entitled to receive from the
11 date of the determination of noncompliance until the department of
12 education determines that the school district **OR CHARTER SCHOOL** is in
13 compliance with this subsection.

14 N. The principal of each school shall ensure that a copy of all
15 rules pertaining to discipline, **ALTERNATIVE EDUCATION REASSIGNMENT**,
16 suspension and expulsion of pupils is distributed to the parents **AND**
17 **GUARDIANS** of each pupil at the time the pupil is enrolled in school.

18 O. The principal of each school shall ensure that all rules
19 pertaining to the discipline, **ALTERNATIVE EDUCATION REASSIGNMENT**,
20 suspension and expulsion of pupils are communicated to students at the
21 beginning of each school year, and to transfer students at the time of
22 their enrollment in the school.

23 ~~P. School districts may refer a pupil who has been subject to~~
24 ~~discipline, suspension or expulsion pursuant to this section to a career~~
25 ~~and college readiness program for at-risk students established pursuant to~~
26 ~~section 15-707.~~

27 ~~P.~~ P. For the purposes of this section, "aggravating
28 circumstances" means the pupil is engaged in persistent behavior that:

- 29 1. Has been documented by the school.
30 2. Prevents other students from learning or prevents the teacher
31 from maintaining control of the classroom environment.
32 3. Is unresponsive to targeted interventions as documented through
33 an established intervention process.

34 Sec. 10. Section 15-844, Arizona Revised Statutes, is amended to
35 read:

36 15-844. Alternative education reassignment, suspension and
37 expulsion proceedings for children with
38 disabilities; screening

39 A. Notwithstanding sections 15-841, ~~and~~ 15-842 **AND** 15-843, the
40 **ALTERNATIVE EDUCATION REASSIGNMENT**, suspension or expulsion of children
41 with disabilities, as defined in section 15-761, shall be in accordance
42 with the individuals with disabilities education act (20 United States
43 Code sections 1410 through 1485) and federal regulations issued pursuant
44 to the individuals with disabilities education act.

1 B. EACH SCHOOL DISTRICT AND CHARTER SCHOOL SHALL DEVELOP PROCEDURES
2 TO REQUEST TO INITIATE A SCREENING FOR DISABILITIES WITH PARENT OR
3 GUARDIAN CONSENT WITHIN THIRTY DAYS, PURSUANT TO 20 UNITED STATES CODE
4 SECTION 1414, FOR ANY PUPIL WHO IS ENROLLED IN A PRESCHOOL PROGRAM, A
5 KINDERGARTEN PROGRAM, FIRST GRADE, SECOND GRADE, THIRD GRADE OR FOURTH
6 GRADE AND WHO HAS ACCUMULATED FIVE OR MORE DAYS OF MISSED SCHOOL DUE TO
7 SUSPENSION OR ALTERNATIVE EDUCATION REASSIGNMENT WITHIN ONE SCHOOL YEAR.

8 Sec. 11. Section 15-871, Arizona Revised Statutes, is amended to
9 read:

10 15-871. Definitions

11 In this article, unless the context otherwise requires:

12 1. "Documentary proof" means written evidence that a pupil has been
13 immunized or has laboratory evidence of immunity that conforms with the
14 standards ~~promulgated~~ ADOPTED pursuant to section 15-872.

15 2. "Dose" means the number in a series of immunizations that may be
16 prescribed pursuant to section 36-672.

17 3. "Health agency" means a local health department or similar
18 governmental agency established pursuant to the laws of another state or
19 country and its officers and employees.

20 4. "Homeless pupil" means a pupil who has a primary residence that
21 is:

22 (a) A supervised publicly or privately operated shelter designed to
23 provide temporary living accommodations.

24 (b) An institution that provides a temporary residence for
25 individuals intended to be institutionalized.

26 (c) A public or private place not designed for, or ordinarily used
27 as a regular sleeping accommodation for, human beings.

28 5. "Immunization" means the process of ~~inoculation~~ INOCULATING A
29 PERSON with a specific antigen to promote antibody formation in the
30 PERSON'S body.

31 6. "Immunized" means the required initial immunization and boosters
32 or reimmunization prescribed pursuant to section 36-672.

33 7. "Laboratory evidence of immunity" means written evidence of
34 serologic confirmation of the presence of specific antibodies against an
35 immunization-preventable disease that is signed by a physician or an
36 authorized representative of a health agency.

37 8. "Local health department" means a local health department
38 established pursuant to title 36, chapter 1, article 4.

39 9. "Physician" means a person WHO IS licensed pursuant to title 32,
40 chapter 13, 17 or 29 or a person WHO IS licensed to practice allopathic or
41 osteopathic medicine under the laws of another state or country.

1 10. "Pupil" means a person who is eligible to receive instruction
2 at a school and includes ~~pre-kindergarten-age~~ PREKINDERGARTEN-AGE children
3 receiving either services for children with disabilities or day care on a
4 school campus THAT IS otherwise exempt from day care rules pursuant to
5 section 36-884.

6 11. "Registered nurse practitioner" has the same meaning prescribed
7 in section 32-1601.

8 12. "School" means a public, private or parochial school that
9 offers instruction at any level or grade through twelfth grade, except for
10 day care facilities regulated pursuant to title 36, chapter 7.1.

11 13. "School administrator" means the principal or person having
12 general daily control and supervision of the school or that person's
13 designee.

14 14. "Suspension" or "suspended" means:

15 (a) For a pupil attending a public school, the temporary withdrawal
16 of the ~~privilege of attending~~ PUPIL'S RIGHT TO ATTEND school pursuant to
17 section 15-843.

18 (b) For a pupil attending a private or parochial school, the
19 temporary withdrawal of the privilege of attending school pursuant to the
20 policies and procedures of the private or parochial school.