

REFERENCE TITLE: school districts; policies; bullying; definition

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HB 2648

Introduced by
Representatives Gutierrez: Austin, Contreras P, De Los Santos, Hernandez
C, Mathis, Ortiz, Pawlik, Quiñonez, Salman, Sandoval, Schwiebert, Seaman,
Sun, Terech

AN ACT

AMENDING SECTION 15-341, ARIZONA REVISED STATUTES; RELATING TO THE POWERS
AND DUTIES OF 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 15-341, Arizona Revised Statutes, is amended to
3 read:
4 15-341. General powers and duties; immunity; delegation
5 A. The governing board shall:
6 1. Prescribe and enforce policies and procedures to govern the
7 schools that are not inconsistent with the laws or rules prescribed by the
8 state board of education.
9 2. Exclude from schools all books, publications, papers or
10 audiovisual materials of a sectarian, partisan or denominational
11 character. This paragraph does not prohibit the elective course allowed
12 by section 15-717.01.
13 3. Manage and control the school property within its district,
14 except that a district may enter into a partnership with an entity,
15 including a charter school, another school district or a military base, to
16 operate a school or offer educational services in a district building,
17 including at a vacant or partially used building, or in any building on
18 the entity's property pursuant to a written agreement between the parties.
19 4. Acquire school furniture, apparatus, equipment, library books
20 and supplies for the schools to use.
21 5. Prescribe the curricula and criteria for the promotion and
22 graduation of pupils as provided in sections 15-701 and 15-701.01.
23 6. Furnish, repair and insure, at full insurable value, the school
24 property of the district.
25 7. Construct school buildings on approval by a vote of the district
26 electors.
27 8. In the name of the district, convey property belonging to the
28 district and sold by the board.
29 9. Purchase school sites when authorized by a vote of the district
30 at an election conducted as nearly as practicable in the same manner as
31 the election provided in section 15-481 and held on a date prescribed in
32 section 15-491, subsection E, but such authorization shall not necessarily
33 specify the site to be purchased and such authorization shall not be
34 necessary to exchange unimproved property as provided in section 15-342,
35 paragraph 23.
36 10. Construct, improve and furnish buildings used for school
37 purposes when such buildings or premises are leased from the national park
38 service.
39 11. Purchase school sites or construct, improve and furnish school
40 buildings from the proceeds of the sale of school property only on
41 approval by a vote of the district electors.
42 12. Hold pupils to strict account for disorderly conduct on school
43 property.
44 13. Discipline students for disorderly conduct on the way to and
45 from school.

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

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

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

20 17. Use school monies received from the state and county school
21 apportionment exclusively to pay salaries of teachers and other employees
22 and contingent expenses of the district.

23 18. Annually report to the county school superintendent on or
24 before October 1 in the manner and form and on the blanks prescribed by
25 the superintendent of public instruction or county school superintendent.
26 The board shall also report directly to the county school superintendent
27 or the superintendent of public instruction whenever required.

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

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

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

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

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

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

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

29 (a) The provision of water.

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

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

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

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

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

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

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

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

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

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

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

1 the health or safety of the pupils or employees of the school. A
2 governing board may consult with the division of school facilities within
3 the department of administration for technical assistance and for
4 information on the impact of closing a school. The information provided
5 from the division of school facilities within the department of
6 administration shall not require the governing board to take or not take
7 any action.

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

10 34. Prescribe and enforce policies and procedures:

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

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

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

42 36. Prescribe and enforce policies and procedures to prohibit
43 pupils from harassing, intimidating and bullying other pupils on school
44 grounds, on school property, on school buses, at school bus stops, at
45 school-sponsored events and activities and through the use of electronic

1 technology or electronic communication on school computers, networks,
2 forums and mailing lists that include the following components:

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

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

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

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

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

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

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

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

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

1 (j) Definitions of harassment, intimidation and bullying. POLICIES
2 AND PROCEDURES ADOPTED PURSUANT TO THIS PARAGRAPH SHALL DEFINE "BULLYING"
3 TO INCLUDE CONDUCT THAT ADVERSELY AFFECTS THE ABILITY OF ONE OR MORE
4 STUDENTS TO PARTICIPATE IN OR BENEFIT FROM THE SCHOOL'S EDUCATIONAL
5 PROGRAMS OR ACTIVITIES BY PLACING A STUDENT IN FEAR OF PHYSICAL HARM AND
6 THAT IS BASED ON ONE OR MORE OF THE FOLLOWING:

7 (i) A STUDENT'S ACTUAL OR PERCEIVED RACE, COLOR, NATIONAL ORIGIN,
8 SEX, DISABILITY STATUS, SEXUAL ORIENTATION, GENDER IDENTITY, GENDER
9 EXPRESSION, ETHNICITY OR RELIGION.

10 (ii) A STUDENT'S DISTINGUISHING CHARACTERISTICS.

11 (iii) A STUDENT'S ASSOCIATION WITH AN INDIVIDUAL OR GROUP OF
12 INDIVIDUALS DESCRIBED IN ITEMS (i) AND (ii) OF THIS SUBDIVISION.

13 (iv) ANY OTHER BASIS IDENTIFIED BY THE GOVERNING BOARD.

14 37. Prescribe and enforce policies and procedures regarding
15 changing or adopting attendance boundaries that include the following
16 components:

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

19 (b) A procedure to notify the parents or guardians of the students
20 affected, including assurance that, if that school remains open as part of
21 the boundary change and capacity is available, students assigned to a new
22 attendance area may stay enrolled in their current school.

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

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

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

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

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

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

44 39. Ensure that the contract for the superintendent is structured
45 in a manner in which up to twenty percent of the total annual salary

1 included for the superintendent in the contract is classified as
2 performance pay. This paragraph does not require school districts to
3 increase total compensation for superintendents. Unless the school
4 district governing board votes to implement an alternative procedure at a
5 public meeting called for this purpose, the performance pay portion of the
6 superintendent's total annual compensation shall be determined as follows:

7 (a) Twenty-five percent of the performance pay shall be determined
8 based on the percentage of academic gain determined by the department of
9 education of pupils who are enrolled in the school district compared to
10 the academic gain achieved by the highest ranking of the fifty largest
11 school districts in this state. For the purposes of this subdivision, the
12 department of education shall determine academic gain by the academic
13 growth achieved by each pupil who has been enrolled at the same school in
14 a school district for at least five consecutive months measured against
15 that pupil's academic results in the 2008-2009 school year. For the
16 purposes of this subdivision, of the fifty largest school districts in
17 this state, the school district with pupils who demonstrate the highest
18 statewide percentage of overall academic gain measured against academic
19 results for the 2008-2009 school year shall be assigned a score of 100 and
20 the school district with pupils who demonstrate the lowest statewide
21 percentage of overall academic gain measured against academic results for
22 the 2008-2009 school year shall be assigned a score of 0.

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

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

39 (c) Twenty-five percent of the performance pay shall be determined
40 by the percentage of teachers who are employed at the school district and
41 who assign a letter grade of "A" to the school on a survey of teacher
42 satisfaction with the school. The teacher satisfaction survey shall be
43 administered and scored by an independent entity that is selected by the
44 governing board and that demonstrates sufficient expertise and experience
45 to accurately measure the results of the survey. The teacher satisfaction

1 survey shall use standard random sampling procedures and provide anonymity
2 and confidentiality to each teacher who participates in the survey. The
3 letter grade scale used on the teacher satisfaction survey shall direct
4 teachers to assign one of the following letter grades:

5 (i) A letter grade of "A" if the school district is excellent.

6 (ii) A letter grade of "B" if the school district is above average.

7 (iii) A letter grade of "C" if the school district is average.

8 (iv) A letter grade of "D" if the school district is below average.

9 (v) A letter grade of "F" if the school district is a failure.

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

12 40. Maintain and store permanent public records of the school
13 district as required by law. Notwithstanding section 39-101, the
14 standards adopted by the Arizona state library, archives and public
15 records for the maintenance and storage of school district public records
16 shall allow school districts to elect to satisfy the requirements of this
17 paragraph by maintaining and storing these records either on paper or in
18 an electronic format, or a combination of a paper and electronic format.

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

23 (a) Are designed to improve principal performance and improve
24 student achievement.

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

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

30 (d) Describe both of the following:

31 (i) The methods used to evaluate the performance of principals,
32 including the data used to measure student performance and job
33 effectiveness.

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

35 42. Prescribe and enforce policies and procedures that define the
36 duties of principals and teachers. These policies and procedures shall
37 authorize teachers to take and maintain daily classroom attendance, make
38 the decision to promote or retain a pupil in a grade in common school or
39 to pass or fail a pupil in a course in high school, subject to review by
40 the governing board in the manner provided in section 15-342,
41 paragraph 11.

42 43. Prescribe and enforce policies and procedures for the emergency
43 administration by an employee of a school district pursuant to section
44 36-2267 of naloxone hydrochloride or any other opioid antagonist approved
45 by the United States food and drug administration.

1 44. In addition to the notification requirements prescribed in
2 paragraph 36 of this subsection, prescribe and enforce reasonable and
3 appropriate policies to notify a pupil's parent or guardian if any person
4 engages in harassing, threatening or intimidating conduct against that
5 pupil. A school district and its officials and employees are immune from
6 civil liability with respect to all decisions made and actions taken that
7 are based on good faith implementation of the requirements of this
8 paragraph, except in cases of gross negligence or wanton or wilful
9 neglect. A person engages in threatening or intimidating if the person
10 threatens or intimidates by word or conduct to cause physical injury to
11 another person or serious damage to the property of another on school
12 grounds. A person engages in harassment if, with intent to harass or with
13 knowledge that the person is harassing another person, the person
14 anonymously or otherwise contacts, communicates or causes a communication
15 with another person by verbal, electronic, mechanical, telephonic or
16 written means in a manner that harasses on school grounds or substantially
17 disrupts the school environment.

18 45. Each fiscal year, provide to each school district employee a
19 total compensation statement that is broken down by category of benefit or
20 payment and that includes, for that employee, at least all of the
21 following:

- 22 (a) Base salary and any additional pay.
- 23 (b) Medical benefits and the value of any employer-paid portions of
24 insurance plan premiums.
- 25 (c) Retirement benefit plans, including social security.
- 26 (d) Legally required benefits.
- 27 (e) Any paid leave.
- 28 (f) Any other payment made to or on behalf of the employee.
- 29 (g) Any other benefit provided to the employee.

30 46. Develop and adopt in a public meeting policies to allow for
31 visits, tours and observations of all classrooms by parents of enrolled
32 pupils and parents who wish to enroll their children in the school
33 district unless a visit, tour or observation threatens the health and
34 safety of pupils and staff. These policies and procedures must be easily
35 accessible from the home page on each school's website.

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

40 C. If any school district acquires real or personal property,
41 whether by purchase, exchange, condemnation, gift or otherwise, the
42 governing board shall pay to the county treasurer any taxes on the
43 property that were unpaid as of the date of acquisition, including
44 penalties and interest. The lien for unpaid delinquent taxes, penalties
45 and interest on property acquired by a school district:

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

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

4 D. The governing board may not locate a school on property that is
5 less than one-fourth mile from agricultural land regulated pursuant to
6 section 3-365, except that the owner of the agricultural land may agree to
7 comply with the buffer zone requirements of section 3-365. If the owner
8 agrees in writing to comply with the buffer zone requirements and records
9 the agreement in the office of the county recorder as a restrictive
10 covenant running with the title to the land, the school district may
11 locate a school within the affected buffer zone. The agreement may
12 include any stipulations regarding the school, including conditions for
13 future expansion of the school and changes in the operational status of
14 the school that will result in a breach of the agreement.

15 E. A school district, its governing board members, its school
16 council members and its employees are immune from civil liability for the
17 consequences of adopting and implementing policies and procedures pursuant
18 to subsection A of this section and section 15-342. This waiver does not
19 apply if the school district, its governing board members, its school
20 council members or its employees are guilty of gross negligence or
21 intentional misconduct.

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

25 G. Notwithstanding any other provision of this title, a school
26 district governing board shall not take any action that would result in a
27 reduction of pupil square footage unless the governing board notifies the
28 school facilities oversight board established by section 41-5701.02 of the
29 proposed action and receives written approval from the school facilities
30 oversight board to take the action. A reduction includes an increase in
31 administrative space that results in a reduction of pupil square footage
32 or sale of school sites or buildings, or both. A reduction includes a
33 reconfiguration of grades that results in a reduction of pupil square
34 footage of any grade level. This subsection does not apply to temporary
35 reconfiguration of grades to accommodate new school construction if the
36 temporary reconfiguration does not exceed one year. The sale of equipment
37 that results in a reduction that falls below the equipment requirements
38 prescribed in section 41-5711, subsection B is subject to commensurate
39 withholding of school district district additional assistance monies
40 pursuant to the direction of the school facilities oversight
41 board. Except as provided in section 15-342, paragraph 10, proceeds from
42 the sale of school sites, buildings or other equipment shall be deposited
43 in the school plant fund as provided in section 15-1102.

1 H. Subsections C through G of this section apply to a county board
2 of supervisors and a county school superintendent when operating and
3 administering an accommodation school.

4 I. A school district governing board may delegate authority in
5 writing to the superintendent of the school district to submit plans for
6 new school facilities to the school facilities oversight board for the
7 purpose of certifying that the plans meet the minimum school facility
8 adequacy guidelines prescribed in section 41-5711.

9 J. For the purposes of subsection A, paragraph 37 of this section,
10 attendance boundaries may not be used to require students to attend
11 certain schools based on the student's place of residence.