

REFERENCE TITLE: emergency response plans; community engagement

State of Arizona  
House of Representatives  
Fifty-sixth Legislature  
First Regular Session  
2023

## **HB 2070**

Introduced by  
Representatives Terech: Aguilar, Austin, Bravo, Cano, Contreras P, De Los Santos, Gress, Gutierrez, Longdon, Mathis, Pawlik, Sandoval, Schwiebert, Stahl Hamilton, Travers, Tsosie

AN ACT

AMENDING SECTIONS 15-183 AND 15-341, ARIZONA REVISED STATUTES; RELATING TO PUBLIC SCHOOLS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:  
2 Section 1. Section 15-183, Arizona Revised Statutes, is amended to  
3 read:  
4 15-183. Charter schools; application; requirements; immunity;  
5 exemptions; renewal of application; reprisal; fee;  
6 funds; annual reports  
7 A. An applicant seeking to establish a charter school shall apply  
8 in writing to a proposed sponsor as prescribed in subsection C of this  
9 section. The application, application process and application time frames  
10 shall be posted on the sponsor's website and shall include the following,  
11 as specified in the application adopted by the sponsor:  
12 1. A detailed educational plan.  
13 2. A detailed business plan.  
14 3. A detailed operational plan.  
15 4. Any other materials required by the sponsor.  
16 B. The sponsor of a charter school may contract with a public body,  
17 private person or private organization for the purpose of establishing a  
18 charter school pursuant to this article.  
19 C. The sponsor of a charter school may be either the state board of  
20 education, the state board for charter schools, a university under the  
21 jurisdiction of the Arizona board of regents, a community college district  
22 or a group of community college districts, subject to the following  
23 requirements:  
24 1. An applicant may not apply for sponsorship to any person or  
25 entity other than those prescribed in this subsection.  
26 2. The applicant may apply to the state board of education or the  
27 state board for charter schools. Notwithstanding any other law, neither  
28 the state board for charter schools nor the state board of education shall  
29 grant a charter to a school district governing board for a new charter  
30 school or for the conversion of an existing district public school to a  
31 charter school. The state board of education or the state board for  
32 charter schools may approve the application if the application meets the  
33 requirements of this article and may approve the charter if the proposed  
34 sponsor determines, within its sole discretion, that the applicant is  
35 sufficiently qualified to operate a charter school and that the applicant  
36 is applying to operate as a separate charter holder by considering factors  
37 such as whether:  
38 (a) The schools have separate governing bodies, governing body  
39 membership, staff, facilities and student population.  
40 (b) Daily operations are carried out by different administrators.  
41 (c) The applicant intends to have an affiliation agreement for the  
42 purpose of providing enrollment preferences.  
43 (d) The applicant's charter management organization has multiple  
44 charter holders serving varied grade configurations on one physical site  
45 or nearby sites serving one community.

1 (e) The applicant is reconstituting an existing school site  
2 population at the same or new site.

3 (f) The applicant is reconstituting an existing grade configuration  
4 from a prior charter holder with at least one grade remaining on the  
5 original site with the other grade or grades moving to a new site. The  
6 state board of education or the state board for charter schools may  
7 approve any charter schools transferring charters. If the state board of  
8 education or the state board for charter schools rejects the preliminary  
9 application, the state board of education or the state board for charter  
10 schools shall notify the applicant in writing of the reasons for the  
11 rejection and of suggestions for improving the application. An applicant  
12 may submit a revised application for reconsideration by the state board of  
13 education or the state board for charter schools. The applicant may  
14 request, and the state board of education or the state board for charter  
15 schools may provide, technical assistance to improve the application.

16 3. The applicant may submit the application to a university under  
17 the jurisdiction of the Arizona board of regents, a community college  
18 district or a group of community college districts. A university, a  
19 community college district or a group of community college districts shall  
20 not grant a charter to a school district governing board for a new charter  
21 school or for the conversion of an existing district public school to a  
22 charter school. A university, a community college district or a group of  
23 community college districts may approve the application if it meets the  
24 requirements of this article and if the proposed sponsor determines, in  
25 its sole discretion, that the applicant is sufficiently qualified to  
26 operate a charter school.

27 4. Each applicant seeking to establish a charter school shall  
28 submit a full set of fingerprints to the approving agency for the purpose  
29 of obtaining a state and federal criminal records check pursuant to  
30 section 41-1750 and Public Law 92-544. If an applicant will have direct  
31 contact with students, the applicant shall possess a valid fingerprint  
32 clearance card that is issued pursuant to title 41, chapter 12,  
33 article 3.1. The department of public safety may exchange this  
34 fingerprint data with the federal bureau of investigation. The criminal  
35 records check shall be completed before the issuance of a charter.

36 5. All persons engaged in instructional work directly as a  
37 classroom, laboratory or other teacher or indirectly as a supervisory  
38 teacher, speech therapist or principal and all charter representatives,  
39 charter school governing body members and officers, directors, members and  
40 partners of the charter holder shall have a valid fingerprint clearance  
41 card that is issued pursuant to title 41, chapter 12, article 3.1, unless  
42 the person is a volunteer or guest speaker who is accompanied in the  
43 classroom by a person with a valid fingerprint clearance card. A charter  
44 school shall not employ in any position that requires a valid fingerprint  
45 clearance card a person against whom the state board of education has

1 taken disciplinary action as prescribed in section 15-505 or whose  
 2 certificate has been suspended, surrendered or revoked, unless the  
 3 person's certificate has been subsequently reinstated by the state board  
 4 of education. All other personnel shall be fingerprint checked pursuant  
 5 to section 15-512, or the charter school may require those personnel to  
 6 obtain a fingerprint clearance card issued pursuant to title 41,  
 7 chapter 12, article 3.1. Before employment, the charter school shall make  
 8 documented, good faith efforts to contact previous employers of a person  
 9 to obtain information and recommendations that may be relevant to the  
 10 person's fitness for employment as prescribed in section 15-512,  
 11 subsection F, including checking the educator information system that is  
 12 maintained by the department of education pursuant to section 15-505. The  
 13 charter school shall notify the department of public safety if the charter  
 14 school or sponsor receives credible evidence that a person who possesses a  
 15 valid fingerprint clearance card is arrested for or is charged with an  
 16 offense listed in section 41-1758.03, subsection B. A person who is  
 17 employed at a charter school that has met the requirements of this  
 18 paragraph is not required to meet any additional requirements that are  
 19 established by the department of education or that may be established by  
 20 rule by the state board of education. The state board of education may  
 21 not adopt rules that exceed the requirements for persons who are qualified  
 22 to teach in charter schools prescribed in title I of the every student  
 23 succeeds act (P.L. 114-95) or the individuals with disabilities education  
 24 improvement act of 2004 (P.L. 108-446). Charter schools may hire  
 25 personnel who have not yet received a fingerprint clearance card if proof  
 26 is provided of the submission of an application to the department of  
 27 public safety for a fingerprint clearance card and if the charter school  
 28 that is seeking to hire the applicant does all of the following:

29 (a) Documents in the applicant's file the necessity for hiring and  
 30 placing the applicant before the applicant receives a fingerprint  
 31 clearance card.

32 (b) Ensures that the department of public safety completes a  
 33 statewide criminal records check on the applicant. A statewide criminal  
 34 records check shall be completed by the department of public safety every  
 35 one hundred twenty days until the date that the fingerprint check is  
 36 completed or the fingerprint clearance card is issued or denied.

37 (c) Obtains references from the applicant's current employer and  
 38 the two most recent previous employers except for applicants who have been  
 39 employed for at least five years by the applicant's most recent employer.

40 (d) Provides general supervision of the applicant until the date  
 41 that the fingerprint card is obtained.

42 (e) Completes a search of criminal records in all local  
 43 jurisdictions outside of this state in which the applicant has lived in  
 44 the previous five years.

1 (f) Verifies the fingerprint status of the applicant with the  
2 department of public safety.

3 6. A charter school that complies with the fingerprinting  
4 requirements of this section shall be deemed to have complied with section  
5 15-512 and is entitled to the same rights and protections provided to  
6 school districts by section 15-512.

7 7. If a charter school operator is not already subject to a public  
8 meeting or hearing by the municipality in which the charter school is  
9 located, the operator of a charter school shall conduct a public meeting  
10 at least thirty days before the charter school operator opens a site or  
11 sites for the charter school. The charter school operator shall post  
12 notices of the public meeting in at least three different locations that  
13 are within three hundred feet of the proposed charter school site.

14 8. A person who is employed by a charter school or who is an  
15 applicant for employment with a charter school, who is arrested for or  
16 charged with a nonappealable offense listed in section 41-1758.03,  
17 subsection B and who does not immediately report the arrest or charge to  
18 the person's supervisor or potential employer is guilty of unprofessional  
19 conduct and the person shall be immediately dismissed from employment with  
20 the charter school or immediately excluded from potential employment with  
21 the charter school.

22 9. A person who is employed by a charter school and who is  
23 convicted of any nonappealable offense listed in section 41-1758.03,  
24 subsection B or is convicted of any nonappealable offense that amounts to  
25 unprofessional conduct under section 15-550 shall immediately do all of  
26 the following:

27 (a) Surrender any certificates issued by the department of  
28 education.

29 (b) Notify the person's employer or potential employer of the  
30 conviction.

31 (c) Notify the department of public safety of the conviction.

32 (d) Surrender the person's fingerprint clearance card.

33 D. An entity that is authorized to sponsor charter schools pursuant  
34 to this article has no legal authority over or responsibility for a  
35 charter school sponsored by a different entity. This subsection does not  
36 apply to the state board of education's duty to exercise general  
37 supervision over the public school system pursuant to section 15-203,  
38 subsection A, paragraph 1.

39 E. The charter of a charter school shall do all of the following:

40 1. Ensure compliance with federal, state and local rules,  
41 regulations and statutes relating to health, safety, civil rights and  
42 insurance. The department of education shall publish a list of relevant  
43 rules, regulations and statutes to notify charter schools of their  
44 responsibilities under this paragraph.

- 1           2. Ensure that it is nonsectarian in its programs, admission  
2 policies and employment practices and all other operations.
- 3           3. Ensure that it provides a comprehensive program of instruction  
4 for at least a kindergarten program or any grade between grades one and  
5 twelve, except that a school may offer this curriculum with an emphasis on  
6 a specific learning philosophy or style or certain subject areas such as  
7 mathematics, science, fine arts, performance arts or foreign language.
- 8           4. Ensure that it designs a method to measure pupil progress toward  
9 the pupil outcomes adopted by the state board of education pursuant to  
10 section 15-741.01, including participation in the statewide assessment and  
11 the nationally standardized norm-referenced achievement test as designated  
12 by the state board and the completion and distribution of an annual report  
13 card as prescribed in chapter 7, article 3 of this title.
- 14           5. Ensure that, except as provided in this article and in its  
15 charter, it is exempt from all statutes and rules relating to schools,  
16 governing boards and school districts.
- 17           6. Ensure that, except as provided in this article, it is subject  
18 to the same financial and electronic data submission requirements as a  
19 school district, including the uniform system of financial records as  
20 prescribed in chapter 2, article 4 of this title, procurement rules as  
21 prescribed in section 15-213 and audit requirements. The auditor general  
22 shall conduct a comprehensive review and revision of the uniform system of  
23 financial records to ensure that the provisions of the uniform system of  
24 financial records that relate to charter schools are in accordance with  
25 commonly accepted accounting principles used by private business. A  
26 school's charter may include exceptions to the requirements of this  
27 paragraph that are necessary as determined by the university, the  
28 community college district, the group of community college districts, the  
29 state board of education or the state board for charter schools. The  
30 department of education or the office of the auditor general may conduct  
31 financial, program or compliance audits.
- 32           7. Ensure compliance with all federal and state laws relating to  
33 the education of children with disabilities in the same manner as a school  
34 district.
- 35           8. Ensure that it provides for a governing body for the charter  
36 school that is responsible for the policy decisions of the charter school.  
37 Notwithstanding section 1-216, if there is a vacancy or vacancies on the  
38 governing body, a majority of the remaining members of the governing body  
39 constitute a quorum for the transaction of business, unless that quorum is  
40 prohibited by the charter school's operating agreement.
- 41           9. Ensure that it provides a minimum of one hundred eighty  
42 instructional days before June 30 of each fiscal year unless it is  
43 operating on an alternative calendar approved by its sponsor. The  
44 superintendent of public instruction shall adjust the apportionment

1 schedule accordingly to accommodate a charter school utilizing an  
2 alternative calendar.

3 F. A charter school shall keep in the personnel file of each  
4 current employee who provides instruction to pupils at the charter school  
5 information about the employee's educational and teaching background and  
6 experience in a particular academic content subject area. A charter  
7 school shall inform parents and guardians of the availability of the  
8 information and shall make the information available for inspection on  
9 request of parents and guardians of pupils enrolled at the charter school.  
10 This subsection does not require any charter school to release personally  
11 identifiable information in relation to any teacher or employee, including  
12 the teacher's or employee's address, salary, social security number or  
13 telephone number.

14 G. The charter of a charter school may be amended at the request of  
15 the governing body of the charter school and on the approval of the  
16 sponsor.

17 H. Charter schools may contract, sue and be sued.

18 I. The charter is effective for fifteen years from the first day of  
19 the fiscal year as specified in the charter, subject to the following:

20 1. At least eighteen months before the charter expires, the sponsor  
21 shall notify the charter school that the charter school may apply for  
22 renewal and shall make the renewal application available to the charter  
23 school. A charter school that elects to apply for renewal shall file a  
24 complete renewal application at least fifteen months before the charter  
25 expires. A sponsor shall give written notice of its intent not to renew  
26 the charter school's request for renewal to the charter school at least  
27 twelve months before the expiration of the charter. The sponsor shall  
28 make data used in making renewal decisions available to the school and the  
29 public and shall provide a public report summarizing the evidence basis  
30 for each decision. The sponsor may deny the request for renewal if, in  
31 its judgment, the charter holder has failed to do any of the following:

32 (a) Meet or make sufficient progress toward the academic  
33 performance expectations set forth in the performance framework.

34 (b) Meet the operational performance expectations set forth in the  
35 performance framework or any improvement plans.

36 (c) Meet the financial performance expectations set forth in the  
37 performance framework or any improvement plans.

38 (d) Complete the obligations of the contract.

39 (e) Comply with this article or any provision of law from which the  
40 charter school is not exempt.

41 2. A charter operator may apply for early renewal. At least nine  
42 months before the charter school's intended renewal consideration, the  
43 operator of the charter school shall submit a letter of intent to the  
44 sponsor to apply for early renewal. The sponsor shall review fiscal  
45 audits and academic performance data for the charter school that are

1 annually collected by the sponsor, review the current contract between the  
2 sponsor and the charter school and provide the qualifying charter school  
3 with a renewal application. On submission of a complete application, the  
4 sponsor shall give written notice of its consideration of the renewal  
5 application. The sponsor may deny the request for early renewal if, in  
6 the sponsor's judgment, the charter holder has failed to do any of the  
7 following:

8 (a) Meet or make sufficient progress toward the academic  
9 performance expectations set forth in the performance framework.

10 (b) Meet the operational performance expectations set forth in the  
11 performance framework or any improvement plans.

12 (c) Meet the financial performance expectations set forth in the  
13 performance framework or any improvement plans.

14 (d) Complete the obligations of the contract.

15 (e) Comply with this article or any provision of law from which the  
16 charter school is not exempt.

17 3. A sponsor shall review a charter at five-year intervals using a  
18 performance framework adopted by the sponsor and may revoke a charter at  
19 any time if the charter school breaches one or more provisions of its  
20 charter or if the sponsor determines that the charter holder has failed to  
21 do any of the following:

22 (a) Meet or make sufficient progress toward the academic  
23 performance expectations set forth in the performance framework.

24 (b) Meet the operational performance expectations set forth in the  
25 performance framework or any improvement plans.

26 (c) Meet the financial performance expectations set forth in the  
27 performance framework or any improvement plans.

28 (d) Comply with this article or any provision of law from which the  
29 charter school is not exempt.

30 4. In determining whether to renew or revoke a charter holder, the  
31 sponsor must consider making sufficient progress toward the academic  
32 performance expectations set forth in the sponsor's performance framework  
33 as one of the most important factors.

34 5. Before the sponsor adopts a determination of intent to revoke a  
35 charter, the charter holder shall have at least thirty days to address the  
36 problems, as necessary or applicable, associated with the reason or  
37 reasons for the determination of intent to revoke. The sponsor is not  
38 required to provide the charter holder with thirty days to correct the  
39 problems associated with the reason or reasons for adopting a  
40 determination of intent to revoke if the reason or reasons cannot be  
41 remedied, including a failure to submit required financial audits pursuant  
42 to subsection E, paragraph 6 of this section and section 15-914, or for a  
43 matter of health or safety, or both. Before the sponsor adopts a  
44 determination of intent to revoke a charter, the sponsor shall give  
45 written notice to the charter holder that includes the reason or reasons



1 for the sponsor's consideration to revoke the charter. Notice may be  
2 provided by electronic means or by United States mail and is effective on  
3 the date of email or, if sent by United States mail, the earlier of the  
4 date of receipt by the charter holder or within five days after the notice  
5 is mailed. The determination of whether to proceed to revocation shall be  
6 made at a public meeting called for that purpose.

7 J. The charter may be renewed for successive periods of twenty  
8 years.

9 K. A charter school that is sponsored by the state board of  
10 education, the state board for charter schools, a university, a community  
11 college district or a group of community college districts may not be  
12 located on the property of a school district unless the district governing  
13 board grants this authority.

14 L. A governing board or a school district employee who has control  
15 over personnel actions shall not take unlawful reprisal against another  
16 employee of the school district because the employee is directly or  
17 indirectly involved in an application to establish a charter school. A  
18 governing board or a school district employee shall not take unlawful  
19 reprisal against an educational program of the school or the school  
20 district because an application to establish a charter school proposes to  
21 convert all or a portion of the educational program to a charter school.  
22 For the purposes of this subsection, "unlawful reprisal" means an action  
23 that is taken by a governing board or a school district employee as a  
24 direct result of a lawful application to establish a charter school and  
25 that is adverse to another employee or an education program and:

26 1. With respect to a school district employee, results in one or  
27 more of the following:

- 28 (a) Disciplinary or corrective action.
- 29 (b) Detail, transfer or reassignment.
- 30 (c) Suspension, demotion or dismissal.
- 31 (d) An unfavorable performance evaluation.
- 32 (e) A reduction in pay, benefits or awards.
- 33 (f) Elimination of the employee's position without a reduction in  
34 force by reason of lack of monies or work.
- 35 (g) Other significant changes in duties or responsibilities that  
36 are inconsistent with the employee's salary or employment classification.

37 2. With respect to an educational program, results in one or more  
38 of the following:

- 39 (a) Suspension or termination of the program.
- 40 (b) Transfer or reassignment of the program to a less favorable  
41 department.
- 42 (c) Relocation of the program to a less favorable site within the  
43 school or school district.
- 44 (d) Significant reduction or termination of funding for the  
45 program.

1 M. Charter schools shall secure insurance for liability and  
2 property loss. The governing body of a charter school that is sponsored  
3 by the state board of education or the state board for charter schools may  
4 enter into an intergovernmental agreement or otherwise contract to  
5 participate in an insurance program offered by a risk retention pool  
6 established pursuant to section 11-952.01 or 41-621.01 or the charter  
7 school may secure its own insurance coverage. The pool may charge the  
8 requesting charter school reasonable fees for any services it performs in  
9 connection with the insurance program.

10 N. Charter schools do not have the authority to acquire property by  
11 eminent domain.

12 O. A sponsor, including members, officers and employees of the  
13 sponsor, is immune from personal liability for all acts done and actions  
14 taken in good faith within the scope of its authority.

15 P. Charter school sponsors and this state are not liable for the  
16 debts or financial obligations of a charter school or persons who operate  
17 charter schools.

18 Q. The sponsor of a charter school shall establish procedures to  
19 conduct administrative hearings on determination by the sponsor that  
20 grounds exist to revoke a charter. Procedures for administrative hearings  
21 shall be similar to procedures prescribed for adjudicative proceedings in  
22 title 41, chapter 6, article 10. Except as provided in section  
23 41-1092.08, subsection H, final decisions of the state board of education  
24 and the state board for charter schools from hearings conducted pursuant  
25 to this subsection are subject to judicial review pursuant to title 12,  
26 chapter 7, article 6.

27 R. The sponsoring entity of a charter school shall have oversight  
28 and administrative responsibility for the charter schools that it  
29 sponsors. In implementing its oversight and administrative  
30 responsibilities, the sponsor shall ground its actions in evidence of the  
31 charter holder's performance in accordance with the performance framework  
32 adopted by the sponsor. The performance framework shall be publicly  
33 available, shall be placed on the sponsoring entity's website and shall  
34 include:

35 1. The academic performance expectations of the charter school and  
36 the measurement of sufficient progress toward the academic performance  
37 expectations.

38 2. The operational expectations of the charter school, including  
39 adherence to all applicable laws and obligations of the charter contract.

40 3. The financial expectations of the charter school.

41 4. Intervention and improvement policies.

42 S. Charter schools may pledge, assign or encumber their assets to  
43 be used as collateral for loans or extensions of credit.

44 T. All property accumulated by a charter school shall remain the  
45 property of the charter school.

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

12 V. A transfer of a charter to another sponsor, a transfer of a  
13 charter school site to another sponsor or a transfer of a charter school  
14 site to a different charter shall be completed before the beginning of the  
15 fiscal year that the transfer is scheduled to become effective. An entity  
16 that sponsors charter schools may accept a transferring school after the  
17 beginning of the fiscal year if the transfer is approved by the  
18 superintendent of public instruction. The superintendent of public  
19 instruction shall have the discretion to consider each transfer during the  
20 fiscal year on a case-by-case basis. A charter holder seeking to transfer  
21 sponsors shall comply with the current charter terms regarding assignment  
22 of the charter. A charter holder transferring sponsors shall notify the  
23 current sponsor that the transfer has been approved by the new sponsor.

24 W. Notwithstanding subsection V of this section, a charter holder  
25 on an improvement plan must notify parents or guardians of registered  
26 students of the intent to transfer the charter and the timing of the  
27 proposed transfer. On the approved transfer, the new sponsor shall  
28 enforce the improvement plan but may modify the plan based on performance.

29 X. Notwithstanding subsection Y of this section, the state board  
30 for charter schools shall charge a processing fee to any charter school  
31 that amends its contract to participate in Arizona online instruction  
32 pursuant to section 15-808. The charter Arizona online instruction  
33 processing fund is established consisting of fees collected and  
34 administered by the state board for charter schools. The state board for  
35 charter schools shall use monies in the fund only for processing contract  
36 amendments for charter schools participating in Arizona online  
37 instruction. Monies in the fund are continuously appropriated.

38 Y. The sponsoring entity may not charge any fees to a charter  
39 school that it sponsors unless the sponsor has provided services to the  
40 charter school and the fees represent the full value of those services  
41 provided by the sponsor. On request, the value of the services provided  
42 by the sponsor to the charter school shall be demonstrated to the  
43 department of education.

44 Z. Charter schools may enter into an intergovernmental agreement  
45 with a presiding judge of the juvenile court to implement a law-related

1 education program as defined in section 15-154. The presiding judge of  
2 the juvenile court may assign juvenile probation officers to participate  
3 in a law-related education program in any charter school in the county.  
4 The cost of juvenile probation officers who participate in the program  
5 implemented pursuant to this subsection shall be funded by the charter  
6 school.

7 AA. The sponsor of a charter school shall modify previously  
8 approved curriculum requirements for a charter school that wishes to  
9 participate in the board examination system prescribed in chapter 7,  
10 article 6 of this title.

11 BB. If a charter school decides not to participate in the board  
12 examination system prescribed in chapter 7, article 6 of this title,  
13 pupils enrolled at that charter school may earn a Grand Canyon diploma by  
14 obtaining a passing score on the same board examinations.

15 CC. Notwithstanding subsection Y of this section, a sponsor of  
16 charter schools may charge a new charter application processing fee to any  
17 applicant. The application fee shall fully cover the cost of application  
18 review and any needed technical assistance. Authorizers may approve  
19 policies that allow a portion of the fee to be returned to the applicant  
20 whose charter is approved.

21 DD. A charter school may choose to provide a preschool program for  
22 children with disabilities pursuant to section 15-771.

23 EE. Pursuant to the prescribed graduation requirements adopted by  
24 the state board of education, the governing body of a charter school  
25 operating a high school may approve a rigorous computer science course  
26 that would fulfill a mathematics course required for graduation from high  
27 school. The governing body may approve a rigorous computer science course  
28 only if the rigorous computer science course includes significant  
29 mathematics content and the governing body determines the high school  
30 where the rigorous computer science course is offered has sufficient  
31 capacity, infrastructure and qualified staff, including competent teachers  
32 of computer science.

33 FF. A charter school may allow the use of school property,  
34 including school buildings, grounds, buses and equipment, by any person,  
35 group or organization for any lawful purpose, including a recreational,  
36 educational, political, economic, artistic, moral, scientific, social,  
37 religious or other civic or governmental purpose. The charter school may  
38 charge a reasonable fee for the use of the school property.

39 GG. A charter school and its employees, including the governing  
40 body, or chief administrative officer, are immune from civil liability  
41 with respect to all decisions made and actions taken to allow the use of  
42 school property, unless the charter school or its employees are guilty of  
43 gross negligence or intentional misconduct. This subsection does not  
44 limit any other immunity provisions that are prescribed by law.

1           HH. A GOVERNING BODY SHALL DEVELOP, IN CONJUNCTION WITH LOCAL LAW  
2 ENFORCEMENT AGENCIES AND EMERGENCY RESPONSE AGENCIES, AN EMERGENCY  
3 RESPONSE PLAN FOR EACH SCHOOL SITE IN ACCORDANCE WITH THE MINIMUM  
4 STANDARDS DEVELOPED JOINTLY BY THE DEPARTMENT OF EDUCATION AND THE  
5 DIVISION OF EMERGENCY MANAGEMENT WITHIN THE DEPARTMENT OF EMERGENCY AND  
6 MILITARY AFFAIRS PURSUANT TO SECTION 15-341. THE CHARTER SCHOOL SHALL  
7 SOLICIT INPUT FROM STUDENTS, PARENTS, TEACHERS AND OTHER EMPLOYEES OF THE  
8 CHARTER SCHOOL WHEN IT DEVELOPS AN EMERGENCY RESPONSE PLAN PURSUANT TO  
9 THIS SUBSECTION.

10           ~~HH~~ II. Sponsors authorized pursuant to this section shall submit  
11 an annual report to the auditor general on or before October 1. The  
12 report shall include:

13           1. The current number of charters authorized and the number of  
14 schools operated by authorized charter holders.

15           2. The academic, operational and financial performance of the  
16 sponsor's charter portfolio as measured by the sponsor's adopted  
17 performance framework.

18           3. For the prior year, the number of new charters approved, the  
19 number of charter schools closed and the reason for the closure.

20           4. The sponsor's application, amendment, renewal and revocation  
21 processes, charter contract template and current performance framework as  
22 required by this section.

23           ~~II~~ JJ. The auditor general shall prescribe the format for the  
24 annual report required by subsection ~~HH~~ II of this section and may require  
25 that the annual report be submitted electronically. The auditor general  
26 shall review the submitted annual reports to ensure that the reports  
27 include the required items in subsection ~~HH~~ II of this section and shall  
28 make the annual reports available on request. If the auditor general  
29 finds significant noncompliance or if a sponsor fails to submit the annual  
30 report required by subsection ~~HH~~ II of this section, on or before December  
31 31 of each year the auditor general shall report to the governor, the  
32 president of the senate, the speaker of the house of representatives and  
33 the chairs of the senate and house education committees or their successor  
34 committees, and the legislature shall consider revoking the sponsor's  
35 authority to sponsor charter schools.

36           Sec. 2. Section 15-341, Arizona Revised Statutes, is amended to  
37 read:

38           15-341. General powers and duties; immunity; delegation

39           A. The governing board shall:

40           1. Prescribe and enforce policies and procedures to govern the  
41 schools that are not inconsistent with the laws or rules prescribed by the  
42 state board of education.

43           2. Exclude from schools all books, publications, papers or  
44 audiovisual materials of a sectarian, partisan or denominational

1 character. This paragraph does not prohibit the elective course allowed  
2 by section 15-717.01.

3 3. Manage and control the school property within its district,  
4 except that a district may enter into a partnership with an entity,  
5 including a charter school, another school district or a military base, to  
6 operate a school or offer educational services in a district building,  
7 including at a vacant or partially used building, or in any building on  
8 the entity's property pursuant to a written agreement between the parties.

9 4. Acquire school furniture, apparatus, equipment, library books  
10 and supplies for the schools to use.

11 5. Prescribe the curricula and criteria for the promotion and  
12 graduation of pupils as provided in sections 15-701 and 15-701.01.

13 6. Furnish, repair and insure, at full insurable value, the school  
14 property of the district.

15 7. Construct school buildings on approval by a vote of the district  
16 electors.

17 8. In the name of the district, convey property belonging to the  
18 district and sold by the board.

19 9. Purchase school sites when authorized by a vote of the district  
20 at an election conducted as nearly as practicable in the same manner as  
21 the election provided in section 15-481 and held on a date prescribed in  
22 section 15-491, subsection E, but such authorization shall not necessarily  
23 specify the site to be purchased and such authorization shall not be  
24 necessary to exchange unimproved property as provided in section 15-342,  
25 paragraph 23.

26 10. Construct, improve and furnish buildings used for school  
27 purposes when such buildings or premises are leased from the national park  
28 service.

29 11. Purchase school sites or construct, improve and furnish school  
30 buildings from the proceeds of the sale of school property only on  
31 approval by a vote of the district electors.

32 12. Hold pupils to strict account for disorderly conduct on school  
33 property.

34 13. Discipline students for disorderly conduct on the way to and  
35 from school.

36 14. Except as provided in section 15-1224, deposit all monies  
37 received by the district as gifts, grants and devises with the county  
38 treasurer who shall credit the deposits as designated in the uniform  
39 system of financial records. If not inconsistent with the terms of the  
40 gifts, grants and devises given, any balance remaining after expenditures  
41 for the intended purpose of the monies have been made shall be used to  
42 reduce school district taxes for the budget year, except that in the case  
43 of accommodation schools the county treasurer shall carry the balance  
44 forward for use by the county school superintendent for accommodation  
45 schools for the budget year.

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

7           16. Provide for adequate supervision over pupils in instructional  
8 and noninstructional activities by certificated or noncertificated  
9 personnel.

10          17. Use school monies received from the state and county school  
11 apportionment exclusively to pay salaries of teachers and other employees  
12 and contingent expenses of the district.

13          18. Annually report to the county school superintendent on or  
14 before October 1 in the manner and form and on the blanks prescribed by  
15 the superintendent of public instruction or county school superintendent.  
16 The board shall also report directly to the county school superintendent  
17 or the superintendent of public instruction whenever required.

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

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

29          21. Prescribe and enforce policies and procedures for disciplinary  
30 action against a teacher who engages in conduct that is a violation of the  
31 policies of the governing board but that is not cause for dismissal of the  
32 teacher or for revocation of the certificate of the teacher. Disciplinary  
33 action may include suspension without pay for a period of time not to  
34 exceed ten school days. Disciplinary action shall not include suspension  
35 with pay or suspension without pay for a period of time longer than ten  
36 school days. The procedures shall include notice, hearing and appeal  
37 provisions for violations that are cause for disciplinary action. The  
38 governing board may designate a person or persons to act on behalf of the  
39 board on these matters.

40          22. Prescribe and enforce policies and procedures for disciplinary  
41 action against an administrator who engages in conduct that is a violation  
42 of the policies of the governing board regarding duties of administrators  
43 but that is not cause for dismissal of the administrator or for revocation  
44 of the certificate of the administrator. Disciplinary action may include  
45 suspension without pay for a period of time not to exceed ten school days.

1 Disciplinary action shall not include suspension with pay or suspension  
2 without pay for a period of time longer than ten school days. The  
3 procedures shall include notice, hearing and appeal provisions for  
4 violations that are cause for disciplinary action. The governing board  
5 may designate a person or persons to act on behalf of the board on these  
6 matters. For violations that are cause for dismissal, the provisions of  
7 notice, hearing and appeal in chapter 5, article 3 of this title  
8 apply. The filing of a timely request for a hearing suspends the  
9 imposition of a suspension without pay or a dismissal pending completion  
10 of the hearing.

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

15 24. Prescribe and enforce policies and procedures relating to the  
16 health and safety of all pupils participating in district-sponsored  
17 practice sessions or games or other interscholastic athletic activities,  
18 including:

19 (a) The provision of water.

20 (b) Guidelines, information and forms, developed in consultation  
21 with a statewide private entity that supervises interscholastic  
22 activities, to inform and educate coaches, pupils and parents of the  
23 dangers of concussions and head injuries and the risks of continued  
24 participation in athletic activity after a concussion. The policies and  
25 procedures shall require that, before a pupil participates in an athletic  
26 activity, the pupil and the pupil's parent sign an information form at  
27 least once each school year that states that the parent is aware of the  
28 nature and risk of concussion. The policies and procedures shall require  
29 that a pupil who is suspected of sustaining a concussion in a practice  
30 session, game or other interscholastic athletic activity be immediately  
31 removed from the athletic activity and that the pupil's parent or guardian  
32 be notified. A coach from the pupil's team or an official or a licensed  
33 health care provider may remove a pupil from play. A team parent may also  
34 remove the parent's own child from play. A pupil may return to play on  
35 the same day if a health care provider rules out a suspected concussion at  
36 the time the pupil is removed from play. On a subsequent day, the pupil  
37 may return to play if the pupil has been evaluated by and received written  
38 clearance to resume participation in athletic activity from a health care  
39 provider who has been trained in evaluating and managing concussions and  
40 head injuries. A health care provider who is a volunteer and who provides  
41 clearance to participate in athletic activity on the day of the suspected  
42 injury or on a subsequent day is immune from civil liability with respect  
43 to all decisions made and actions taken that are based on good faith  
44 implementation of the requirements of this subdivision, except in cases of  
45 gross negligence or wanton or wilful neglect. A school district, school



1 district employee, team coach, official or team volunteer or a parent or  
 2 guardian of a team member is not subject to civil liability for any act,  
 3 omission or policy undertaken in good faith to comply with the  
 4 requirements of this subdivision or for a decision made or an action taken  
 5 by a health care provider. A group or organization that uses property or  
 6 facilities owned or operated by a school district for athletic activities  
 7 shall comply with the requirements of this subdivision. A school district  
 8 and its employees and volunteers are not subject to civil liability for  
 9 any other person or organization's failure or alleged failure to comply  
 10 with the requirements of this subdivision. This subdivision does not  
 11 apply to teams that are based in another state and that participate in an  
 12 athletic activity in this state. For the purposes of this subdivision,  
 13 athletic activity does not include dance, rhythmic gymnastics,  
 14 competitions or exhibitions of academic skills or knowledge or other  
 15 similar forms of physical noncontact activities, civic activities or  
 16 academic activities, whether engaged in for the purposes of competition or  
 17 recreation. For the purposes of this subdivision, "health care provider"  
 18 means a physician who is licensed pursuant to title 32, chapter 13, 14 or  
 19 17, an athletic trainer who is licensed pursuant to title 32, chapter 41,  
 20 a nurse practitioner who is licensed pursuant to title 32, chapter 15, and  
 21 a physician assistant who is licensed pursuant to title 32, chapter 25.

22 (c) Guidelines, information and forms that are developed in  
 23 consultation with a statewide private entity that supervises  
 24 interscholastic activities to inform and educate coaches, pupils and  
 25 parents of the dangers of heat-related illnesses, sudden cardiac death and  
 26 prescription opioid use. Before a pupil participates in any  
 27 district-sponsored practice session or game or other interscholastic  
 28 athletic activity, the pupil and the pupil's parent must be provided with  
 29 information at least once each school year on the risks of heat-related  
 30 illnesses, sudden cardiac death and prescription opioid addiction.

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

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

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

38 28. Ensure that insurance coverage is secured for all construction  
 39 projects for purposes of general liability, property damage and workers'  
 40 compensation and secure performance and payment bonds for all construction  
 41 projects.

42 29. Keep in the personnel file of all current and former employees  
 43 who provide instruction to pupils at a school information about the  
 44 employee's educational and teaching background and experience in a  
 45 particular academic content subject area. A school district shall inform

1 parents and guardians of the availability of the information and shall  
 2 make the information available for inspection on request of parents and  
 3 guardians of pupils enrolled at a school. This paragraph does not require  
 4 any school to release personally identifiable information in relation to  
 5 any teacher or employee, including the teacher's or employee's address,  
 6 salary, social security number or telephone number.

7 30. Report to local law enforcement agencies any suspected crime  
 8 against a person or property that is a serious offense as defined in  
 9 section 13-706 or that involves a deadly weapon or dangerous instrument or  
 10 serious physical injury and any conduct that poses a threat of death or  
 11 serious physical injury to employees, students or anyone on the property  
 12 of the school. This paragraph does not limit or preclude the reporting by  
 13 a school district or an employee of a school district of suspected crimes  
 14 other than those required to be reported by this paragraph. For the  
 15 purposes of this paragraph, "dangerous instrument", "deadly weapon" and  
 16 "serious physical injury" have the same meanings prescribed in section  
 17 13-105.

18 31. In conjunction with local law enforcement agencies and  
 19 emergency response agencies, develop an emergency response plan for each  
 20 school in the school district in accordance with minimum standards  
 21 developed jointly by the department of education and the division of  
 22 emergency management within the department of emergency and military  
 23 affairs. THE GOVERNING BOARD SHALL SOLICIT INPUT FROM STUDENTS, PARENTS,  
 24 TEACHERS AND OTHER EMPLOYEES OF THE SCHOOL AND EMPLOYEES OF THE SCHOOL  
 25 DISTRICT WHEN IT DEVELOPS EACH EMERGENCY RESPONSE PLAN PURSUANT TO THIS  
 26 PARAGRAPH.

27 32. Provide written notice to the parents or guardians of all  
 28 students enrolled in the school district at least ten days before a public  
 29 meeting to discuss closing a school within the school district. The  
 30 notice shall include the reasons for the proposed closure and the time and  
 31 place of the meeting. The governing board shall fix a time for a public  
 32 meeting on the proposed closure not less than ten days before voting in a  
 33 public meeting to close the school. The school district governing board  
 34 shall give notice of the time and place of the meeting. At the time and  
 35 place designated in the notice, the school district governing board shall  
 36 hear reasons for or against closing the school. The school district  
 37 governing board is exempt from this paragraph if the governing board  
 38 determines that the school shall be closed because it poses a danger to  
 39 the health or safety of the pupils or employees of the school. A  
 40 governing board may consult with the division of school facilities within  
 41 the department of administration for technical assistance and for  
 42 information on the impact of closing a school. The information provided  
 43 from the division of school facilities within the department of  
 44 administration shall not require the governing board to take or not take  
 45 any action.

1           33. Incorporate instruction on Native American history into  
2 appropriate existing curricula.

3           34. Prescribe and enforce policies and procedures:

4           (a) Allowing pupils who have been diagnosed with anaphylaxis by a  
5 health care provider licensed pursuant to title 32, chapter 13, 14, 17 or  
6 25 or by a registered nurse practitioner licensed and certified pursuant  
7 to title 32, chapter 15 to carry and self-administer emergency  
8 medications, including epinephrine auto-injectors, while at school and at  
9 school-sponsored activities. The pupil's name on the prescription label on  
10 the medication container or on the medication device and annual written  
11 documentation from the pupil's parent or guardian to the school that  
12 authorizes possession and self-administration is sufficient proof that the  
13 pupil is entitled to possess and self-administer the medication. The  
14 policies shall require a pupil who uses an epinephrine auto-injector while  
15 at school and at school-sponsored activities to notify the nurse or the  
16 designated school staff person of the use of the medication as soon as  
17 practicable. A school district and its employees are immune from civil  
18 liability with respect to all decisions made and actions taken that are  
19 based on good faith implementation of the requirements of this  
20 subdivision, except in cases of wanton or wilful neglect.

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

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

34           36. Prescribe and enforce policies and procedures to prohibit  
35 pupils from harassing, intimidating and bullying other pupils on school  
36 grounds, on school property, on school buses, at school bus stops, at  
37 school-sponsored events and activities and through the use of electronic  
38 technology or electronic communication on school computers, networks,  
39 forums and mailing lists that include the following components:

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

1 (b) A requirement that school district employees report in writing  
2 suspected incidents of harassment, intimidation or bullying to the  
3 appropriate school official and a description of appropriate disciplinary  
4 procedures for employees who fail to report suspected incidents that are  
5 known to the employee.

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

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

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

25 (f) A formal process for the appropriate school officials to  
26 investigate suspected incidents of harassment, intimidation or bullying,  
27 including procedures for notifying the alleged victim and the alleged  
28 victim's parent or guardian when a school official or employee becomes  
29 aware of the suspected incident of harassment, intimidation or bullying.

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

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

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

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

39 37. Prescribe and enforce policies and procedures regarding  
40 changing or adopting attendance boundaries that include the following  
41 components:

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

44 (b) A procedure to notify the parents or guardians of the students  
45 affected, including assurance that, if that school remains open as part of

1 the boundary change and capacity is available, students assigned to a new  
2 attendance area may stay enrolled in their current school.

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

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

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

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

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

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

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

32 (a) Twenty-five percent of the performance pay shall be determined  
33 based on the percentage of academic gain determined by the department of  
34 education of pupils who are enrolled in the school district compared to  
35 the academic gain achieved by the highest ranking of the fifty largest  
36 school districts in this state. For the purposes of this subdivision, the  
37 department of education shall determine academic gain by the academic  
38 growth achieved by each pupil who has been enrolled at the same school in  
39 a school district for at least five consecutive months measured against  
40 that pupil's academic results in the 2008-2009 school year. For the  
41 purposes of this subdivision, of the fifty largest school districts in  
42 this state, the school district with pupils who demonstrate the highest  
43 statewide percentage of overall academic gain measured against academic  
44 results for the 2008-2009 school year shall be assigned a score of 100 and  
45 the school district with pupils who demonstrate the lowest statewide

1 percentage of overall academic gain measured against academic results for  
2 the 2008-2009 school year shall be assigned a score of 0.

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

- 14 (i) A letter grade of "A" if the school district is excellent.
- 15 (ii) A letter grade of "B" if the school district is above average.
- 16 (iii) A letter grade of "C" if the school district is average.
- 17 (iv) A letter grade of "D" if the school district is below average.
- 18 (v) A letter grade of "F" if the school district is a failure.

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

- 30 (i) A letter grade of "A" if the school district is excellent.
- 31 (ii) A letter grade of "B" if the school district is above average.
- 32 (iii) A letter grade of "C" if the school district is average.
- 33 (iv) A letter grade of "D" if the school district is below average.
- 34 (v) A letter grade of "F" if the school district is a failure.

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

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

44 41. Adopt in a public meeting and implement policies for principal  
45 evaluations. Before adopting principal evaluation policies, the school

1 district governing board shall provide opportunities for public discussion  
2 on the proposed policies. The governing board shall adopt policies that:

3 (a) Are designed to improve principal performance and improve  
4 student achievement.

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

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

10 (d) Describe both of the following:

11 (i) The methods used to evaluate the performance of principals,  
12 including the data used to measure student performance and job  
13 effectiveness.

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

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

22 43. Prescribe and enforce policies and procedures for the emergency  
23 administration by an employee of a school district pursuant to section  
24 36-2267 of naloxone hydrochloride or any other opioid antagonist approved  
25 by the United States food and drug administration.

26 44. In addition to the notification requirements prescribed in  
27 paragraph 36 of this subsection, prescribe and enforce reasonable and  
28 appropriate policies to notify a pupil's parent or guardian if any person  
29 engages in harassing, threatening or intimidating conduct against that  
30 pupil. A school district and its officials and employees are immune from  
31 civil liability with respect to all decisions made and actions taken that  
32 are based on good faith implementation of the requirements of this  
33 paragraph, except in cases of gross negligence or wanton or wilful  
34 neglect. A person engages in threatening or intimidating if the person  
35 threatens or intimidates by word or conduct to cause physical injury to  
36 another person or serious damage to the property of another on school  
37 grounds. A person engages in harassment if, with intent to harass or with  
38 knowledge that the person is harassing another person, the person  
39 anonymously or otherwise contacts, communicates or causes a communication  
40 with another person by verbal, electronic, mechanical, telephonic or  
41 written means in a manner that harasses on school grounds or substantially  
42 disrupts the school environment.

43 45. Each fiscal year, provide to each school district employee a  
44 total compensation statement that is broken down by category of benefit or

1 payment and that includes, for that employee, at least all of the  
2 following:

- 3 (a) Base salary and any additional pay.
- 4 (b) Medical benefits and the value of any employer-paid portions of  
5 insurance plan premiums.
- 6 (c) Retirement benefit plans, including social security.
- 7 (d) Legally required benefits.
- 8 (e) Any paid leave.
- 9 (f) Any other payment made to or on behalf of the employee.
- 10 (g) Any other benefit provided to the employee.

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

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

21 C. If any school district acquires real or personal property,  
22 whether by purchase, exchange, condemnation, gift or otherwise, the  
23 governing board shall pay to the county treasurer any taxes on the  
24 property that were unpaid as of the date of acquisition, including  
25 penalties and interest. The lien for unpaid delinquent taxes, penalties  
26 and interest on property acquired by a school district:

- 27 1. Is not abated, extinguished, discharged or merged in the title  
28 to the property.
- 29 2. Is enforceable in the same manner as other delinquent tax liens.

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

41 E. A school district, its governing board members, its school  
42 council members and its employees are immune from civil liability for the  
43 consequences of adopting and implementing policies and procedures pursuant  
44 to subsection A of this section and section 15-342. This waiver does not  
45 apply if the school district, its governing board members, its school



1 council members or its employees are guilty of gross negligence or  
2 intentional misconduct.

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

6 G. Notwithstanding any other provision of this title, a school  
7 district governing board shall not take any action that would result in a  
8 reduction of pupil square footage unless the governing board notifies the  
9 school facilities oversight board established by section 41-5701.02 of the  
10 proposed action and receives written approval from the school facilities  
11 oversight board to take the action. A reduction includes an increase in  
12 administrative space that results in a reduction of pupil square footage  
13 or sale of school sites or buildings, or both. A reduction includes a  
14 reconfiguration of grades that results in a reduction of pupil square  
15 footage of any grade level. This subsection does not apply to temporary  
16 reconfiguration of grades to accommodate new school construction if the  
17 temporary reconfiguration does not exceed one year. The sale of equipment  
18 that results in a reduction that falls below the equipment requirements  
19 prescribed in section 41-5711, subsection B is subject to commensurate  
20 withholding of school district additional assistance monies  
21 pursuant to the direction of the school facilities oversight board.  
22 Except as provided in section 15-342, paragraph 10, proceeds from the sale  
23 of school sites, buildings or other equipment shall be deposited in the  
24 school plant fund as provided in section 15-1102.

25 H. Subsections C through G of this section apply to a county board  
26 of supervisors and a county school superintendent when operating and  
27 administering an accommodation school.

28 I. A school district governing board may delegate authority in  
29 writing to the superintendent of the school district to submit plans for  
30 new school facilities to the school facilities oversight board for the  
31 purpose of certifying that the plans meet the minimum school facility  
32 adequacy guidelines prescribed in section 41-5711.

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