

House Engrossed  
suspension; requirements; K-4 students

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

# HOUSE BILL 2460

AN ACT

AMENDING SECTION 15-843, ARIZONA REVISED STATUTES; RELATING TO THE  
SUSPENSION AND EXPULSION OF PUPILS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 15-843, Arizona Revised Statutes, is amended to  
3 read:

4 15-843. Pupil disciplinary proceedings; definition

5 A. An action concerning discipline, suspension or expulsion of a pupil  
6 is not subject to title 38, chapter 3, article 3.1, except that the governing  
7 board of a school district shall post regular notice and shall take minutes  
8 of any hearing held by the governing board concerning the discipline,  
9 suspension or expulsion of a pupil.

10 B. The governing board of any school district, in consultation with  
11 the teachers and parents of the school district, shall prescribe rules for  
12 the discipline, suspension and expulsion of pupils. The rules shall be  
13 consistent with the constitutional rights of pupils and shall include at  
14 least the following:

15 1. Penalties for excessive pupil absenteeism pursuant to section  
16 15-803, including failure in a subject, failure to pass a grade, suspension  
17 or expulsion.

18 2. Procedures for using corporal punishment if allowed by the  
19 governing board.

20 3. Procedures for the reasonable use of physical force by certificated  
21 or classified personnel in self-defense, defense of others and defense of  
22 property.

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

25 5. A notice and hearing procedure for cases concerning the suspension  
26 of a pupil for more than ten days.

27 6. Procedures and conditions for readmitting a pupil who has been  
28 expelled or suspended for more than ten days.

29 7. Procedures to appeal to the governing board the suspension of a  
30 pupil for more than ten days, if the decision to suspend the pupil was not  
31 made by the governing board.

32 8. Procedures to appeal the recommendation of the hearing officer or  
33 officers designated by the board as provided in subsection F of this section  
34 at the time the board considers the recommendation.

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

37 (a) A process for prior written parental notification that confinement  
38 may be used for disciplinary purposes and that is included in the pupil's  
39 enrollment packet or admission form.

40 (b) A process for prior written parental consent before confinement is  
41 allowed for any pupil in the school district. The policies shall provide for  
42 an exemption to prior written parental consent if a school principal or  
43 teacher determines that the pupil poses imminent physical harm to self or  
44 others. The school principal or teacher shall make reasonable attempts to

1 notify the pupil's parent or guardian in writing by the end of the same day  
2 that confinement was used.

3 10. Procedures that require the school district to annually report to  
4 the department of education in a manner prescribed by the department the  
5 number of suspensions and expulsions that involve the possession, use or sale  
6 of an illegal substance under title 13, chapter 34 and the type of illegal  
7 substance involved in each suspension or expulsion. The department of  
8 education shall compile this information and annually post the information on  
9 its website. The information shall comply with the family educational rights  
10 and privacy act of 1974 (P.L. 93-380; 88 Stat. ~~57~~ 571; 20 United States Code  
11 section 1232g), shall not include personally identifiable information and  
12 shall show the number of suspensions and expulsions associated with each  
13 illegal substance aggregated statewide and by county.

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

19 D. The governing board shall:

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

22 2. Develop procedures allowing teachers and principals to recommend  
23 the suspension or expulsion of pupils.

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

26 4. Delegate to the principal the authority to remove a disruptive  
27 pupil from the classroom.

28 E. If a pupil withdraws from school after receiving notice of possible  
29 action concerning discipline, expulsion or suspension, the governing board  
30 may continue with the action after the withdrawal and may record the results  
31 of such action in the pupil's permanent file.

32 F. In all actions concerning the expulsion of a pupil, the governing  
33 board of a school district shall:

34 1. Be notified of the intended action.

35 2. Either:

36 (a) Decide, in executive session, whether to hold a hearing or to  
37 designate one or more hearing officers to hold a hearing to hear the  
38 evidence, prepare a record and bring a recommendation to the board for action  
39 and whether the hearing shall be held in executive session.

40 (b) Provide by policy or vote at its annual organizational meeting  
41 that all hearings concerning the expulsion of a pupil conducted pursuant to  
42 this section will be conducted before a hearing officer selected from a list  
43 of hearing officers approved by the governing board.

44 3. Give written notice, at least five working days before the hearing  
45 by the governing board or the hearing officer or officers designated by the

1 governing board, to all pupils subject to expulsion and their parents or  
2 guardians of the date, time and place of the hearing. If the governing board  
3 decides that the hearing is to be held in executive session, the written  
4 notice shall include a statement of the right of the parents or guardians or  
5 an emancipated pupil who is subject to expulsion to object to the governing  
6 board's decision to have the hearing held in executive session. Objections  
7 shall be made in writing to the governing board.

8 G. If a parent or guardian or an emancipated pupil who is subject to  
9 expulsion disagrees that the hearing should be held in executive session, the  
10 hearing shall be held in an open meeting unless:

11 1. If only one pupil is subject to expulsion and disagreement exists  
12 between that pupil's parents or guardians, the governing board, after  
13 consultations with the pupil's parents or guardians or the emancipated pupil,  
14 shall decide in executive session whether the hearing will be in executive  
15 session.

16 2. If more than one pupil is subject to expulsion and disagreement  
17 exists between the parents or guardians of different pupils, separate  
18 hearings shall be held subject to this section.

19 H. This section does not prevent the pupil who is subject to expulsion  
20 or suspension, and the pupil's parents or guardians and legal counsel, from  
21 attending any executive session pertaining to the proposed disciplinary  
22 action, from having access to the minutes and testimony of the executive  
23 session or from recording the session at the parent's or guardian's expense.

24 I. In schools employing a superintendent or a principal, the authority  
25 to suspend a pupil from school is vested in the superintendent, principal or  
26 other school officials granted this power by the governing board of the  
27 school district.

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

30 K. ~~Unless required by section 15-841, subsection 6~~ EXCEPT AS PROVIDED  
31 IN SUBSECTION L OF THIS SECTION, a school district or charter school may  
32 suspend or expel a pupil who is enrolled in a kindergarten program, first  
33 grade, second grade, third grade or fourth grade only if all of the following  
34 apply:

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

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

38 (a) Involves the possession of a dangerous weapon without  
39 authorization from the school.

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

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

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

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

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

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

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

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

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

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

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

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

42 L. SUBSECTION K OF THIS SECTION DOES NOT APPLY IF EITHER:

43 1. EXPULSION IS REQUIRED PURSUANT TO SECTION 15-841, SUBSECTION G.

1           2. THE SCHOOL DISTRICT OR CHARTER SCHOOL IS SUSPENDING THE PUPIL FOR  
2 TWO OR FEWER DAYS AND THE AGGREGATE SUSPENSIONS FOR THE PUPIL DO NOT EXCEED  
3 TEN DAYS WITHIN THE SCHOOL YEAR.

4           ~~M.~~ M. All cases of suspension shall be for good cause and shall be  
5 reported within five days to the governing board by the superintendent or the  
6 person imposing the suspension.

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

18           ~~N.~~ O. The principal of each school shall ensure that a copy of all  
19 rules pertaining to THE discipline, suspension and expulsion of pupils is  
20 distributed to the parents of each pupil at the time the pupil is enrolled in  
21 THE school.

22           ~~O.~~ P. The principal of each school shall ensure that all rules  
23 pertaining to the discipline, suspension and expulsion of pupils are  
24 communicated to students at the beginning of each school year, and to  
25 transfer students at the time of their enrollment in the school.

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

30           ~~Q.~~ R. For the purposes of this section, "aggravating circumstances"  
31 means the pupil is engaged in persistent behavior that:

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