

REFERENCE TITLE: **employee housing; long-term leases; construction**

State of Arizona
Senate
Fifty-sixth Legislature
First Regular Session
2023

SB 1289

Introduced by
Senators Kaiser: Alston, Bennett, Kerr

AN ACT

**AMENDING SECTIONS 15-341 AND 15-342, ARIZONA REVISED STATUTES; RELATING TO
SCHOOL DISTRICT GOVERNING BOARDS.**

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 15-341, 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, **EXCEPT THAT VOTER APPROVAL IS NOT REQUIRED FOR THE CONSTRUCTION**
27 **OF HOUSING FACILITIES PURSUANT TO SECTION 15-342, PARAGRAPH 6.**

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

30 9. Purchase school sites when authorized by a vote of the district
31 at an election conducted as nearly as practicable in the same manner as
32 the election provided in section 15-481 and held on a date prescribed in
33 section 15-491, subsection E, but such authorization shall not necessarily
34 specify the site to be purchased and such authorization shall not be
35 necessary to:

36 (a) Exchange unimproved property as provided in section 15-342,
37 paragraph 23.

38 (b) **CONSTRUCT HOUSING FACILITIES PURSUANT TO SECTION 15-342,**
39 **PARAGRAPH 6.**

40 10. Construct, improve and furnish buildings used for school
41 purposes when such buildings or premises are leased from the national park
42 service.

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

1 12. Hold pupils to strict account for disorderly conduct on school
2 property.

3 13. Discipline students for disorderly conduct on the way to and
4 from school.

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

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

21 16. Provide for adequate supervision over pupils in instructional
22 and noninstructional activities by certificated or noncertificated
23 personnel.

24 17. Use school monies received from the state and county school
25 apportionment exclusively to pay salaries of teachers and other employees
26 and contingent expenses of the district.

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

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

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

43 21. Prescribe and enforce policies and procedures for disciplinary
44 action against a teacher who engages in conduct that is a violation of the
45 policies of the governing board but that is not cause for dismissal of the

1 teacher or for revocation of the certificate of the teacher. Disciplinary
2 action may include suspension without pay for a period of time not to
3 exceed ten school days. Disciplinary action shall not include suspension
4 with pay or suspension without pay for a period of time longer than ten
5 school days. The procedures shall include notice, hearing and appeal
6 provisions for violations that are cause for disciplinary action. The
7 governing board may designate a person or persons to act on behalf of the
8 board on these matters.

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

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

29 24. Prescribe and enforce policies and procedures relating to the
30 health and safety of all pupils participating in district-sponsored
31 practice sessions or games or other interscholastic athletic activities,
32 including:

33 (a) The provision of water.

34 (b) Guidelines, information and forms, developed in consultation
35 with a statewide private entity that supervises interscholastic
36 activities, to inform and educate coaches, pupils and parents of the
37 dangers of concussions and head injuries and the risks of continued
38 participation in athletic activity after a concussion. The policies and
39 procedures shall require that, before a pupil participates in an athletic
40 activity, the pupil and the pupil's parent sign an information form at
41 least once each school year that states that the parent is aware of the
42 nature and risk of concussion. The policies and procedures shall require
43 that a pupil who is suspected of sustaining a concussion in a practice
44 session, game or other interscholastic athletic activity be immediately
45 removed from the athletic activity and that the pupil's parent or guardian

1 be notified. A coach from the pupil's team or an official or a licensed
2 health care provider may remove a pupil from play. A team parent may also
3 remove the parent's own child from play. A pupil may return to play on
4 the same day if a health care provider rules out a suspected concussion at
5 the time the pupil is removed from play. On a subsequent day, the pupil
6 may return to play if the pupil has been evaluated by and received written
7 clearance to resume participation in athletic activity from a health care
8 provider who has been trained in evaluating and managing concussions and
9 head injuries. A health care provider who is a volunteer and who provides
10 clearance to participate in athletic activity on the day of the suspected
11 injury or on a subsequent day is immune from civil liability with respect
12 to all decisions made and actions taken that are based on good faith
13 implementation of the requirements of this subdivision, except in cases of
14 gross negligence or wanton or wilful neglect. A school district, school
15 district employee, team coach, official or team volunteer or a parent or
16 guardian of a team member is not subject to civil liability for any act,
17 omission or policy undertaken in good faith to comply with the
18 requirements of this subdivision or for a decision made or an action taken
19 by a health care provider. A group or organization that uses property or
20 facilities owned or operated by a school district for athletic activities
21 shall comply with the requirements of this subdivision. A school district
22 and its employees and volunteers are not subject to civil liability for
23 any other person or organization's failure or alleged failure to comply
24 with the requirements of this subdivision. This subdivision does not
25 apply to teams that are based in another state and that participate in an
26 athletic activity in this state. For the purposes of this subdivision,
27 athletic activity does not include dance, rhythmic gymnastics,
28 competitions or exhibitions of academic skills or knowledge or other
29 similar forms of physical noncontact activities, civic activities or
30 academic activities, whether engaged in for the purposes of competition or
31 recreation. For the purposes of this subdivision, "health care provider"
32 means a physician who is licensed pursuant to title 32, chapter 13, 14 or
33 17, an athletic trainer who is licensed pursuant to title 32, chapter 41,
34 a nurse practitioner who is licensed pursuant to title 32, chapter 15, and
35 a physician assistant who is licensed pursuant to title 32, chapter 25.

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

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

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

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

8 28. Ensure that insurance coverage is secured for all construction
9 projects for purposes of general liability, property damage and workers'
10 compensation and secure performance and payment bonds for all construction
11 projects.

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

22 30. Report to local law enforcement agencies any suspected crime
23 against a person or property that is a serious offense as defined in
24 section 13-706 or that involves a deadly weapon or dangerous instrument or
25 serious physical injury and any conduct that poses a threat of death or
26 serious physical injury to employees, students or anyone on the property
27 of the school. This paragraph does not limit or preclude the reporting by
28 a school district or an employee of a school district of suspected crimes
29 other than those required to be reported by this paragraph. For the
30 purposes of this paragraph, "dangerous instrument", "deadly weapon" and
31 "serious physical injury" have the same meanings prescribed in section
32 13-105.

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

39 32. Provide written notice to the parents or guardians of all
40 students enrolled in the school district at least ten days before a public
41 meeting to discuss closing a school within the school district. The
42 notice shall include the reasons for the proposed closure and the time and
43 place of the meeting. The governing board shall fix a time for a public
44 meeting on the proposed closure not less than ten days before voting in a
45 public meeting to close the school. The school district governing board

1 shall give notice of the time and place of the meeting. At the time and
2 place designated in the notice, the school district governing board shall
3 hear reasons for or against closing the school. The school district
4 governing board is exempt from this paragraph if the governing board
5 determines that the school shall be closed because it poses a danger to
6 the health or safety of the pupils or employees of the school. A
7 governing board may consult with the division of school facilities within
8 the department of administration for technical assistance and for
9 information on the impact of closing a school. The information provided
10 from the division of school facilities within the department of
11 administration shall not require the governing board to take or not take
12 any action.

13 33. Incorporate instruction on Native American history into
14 appropriate existing curricula.

15 34. Prescribe and enforce policies and procedures:

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

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

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

1 based on a good faith implementation of the requirements of this
2 paragraph.

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

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

14 (b) A requirement that school district employees report in writing
15 suspected incidents of harassment, intimidation or bullying to the
16 appropriate school official and a description of appropriate disciplinary
17 procedures for employees who fail to report suspected incidents that are
18 known to the employee.

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

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

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

38 (f) A formal process for the appropriate school officials to
39 investigate suspected incidents of harassment, intimidation or bullying,
40 including procedures for notifying the alleged victim and the alleged
41 victim's parent or guardian when a school official or employee becomes
42 aware of the suspected incident of harassment, intimidation or bullying.

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

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

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

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

8 37. Prescribe and enforce policies and procedures regarding
9 changing or adopting attendance boundaries that include the following
10 components:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

33 (c) Twenty-five percent of the performance pay shall be determined
34 by the percentage of teachers who are employed at the school district and
35 who assign a letter grade of "A" to the school on a survey of teacher
36 satisfaction with the school. The teacher satisfaction survey shall be
37 administered and scored by an independent entity that is selected by the
38 governing board and that demonstrates sufficient expertise and experience
39 to accurately measure the results of the survey. The teacher satisfaction
40 survey shall use standard random sampling procedures and provide anonymity
41 and confidentiality to each teacher who participates in the survey. The
42 letter grade scale used on the teacher satisfaction survey shall direct
43 teachers to assign one of the following letter grades:

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

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

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

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

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

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

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

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

17 (a) Are designed to improve principal performance and improve
18 student achievement.

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

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

24 (d) Describe both of the following:

25 (i) The methods used to evaluate the performance of principals,
26 including the data used to measure student performance and job
27 effectiveness.

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

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

36 43. Prescribe and enforce policies and procedures for the emergency
37 administration by an employee of a school district pursuant to section
38 36-2267 of naloxone hydrochloride or any other opioid antagonist approved
39 by the United States food and drug administration.

40 44. In addition to the notification requirements prescribed in
41 paragraph 36 of this subsection, prescribe and enforce reasonable and
42 appropriate policies to notify a pupil's parent or guardian if any person
43 engages in harassing, threatening or intimidating conduct against that
44 pupil. A school district and its officials and employees are immune from
45 civil liability with respect to all decisions made and actions taken that

1 are based on good faith implementation of the requirements of this
2 paragraph, except in cases of gross negligence or wanton or wilful
3 neglect. A person engages in threatening or intimidating if the person
4 threatens or intimidates by word or conduct to cause physical injury to
5 another person or serious damage to the property of another on school
6 grounds. A person engages in harassment if, with intent to harass or with
7 knowledge that the person is harassing another person, the person
8 anonymously or otherwise contacts, communicates or causes a communication
9 with another person by verbal, electronic, mechanical, telephonic or
10 written means in a manner that harasses on school grounds or substantially
11 disrupts the school environment.

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

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

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

30 B. Notwithstanding subsection A, paragraphs 7, 9 and 11 of this
31 section, the county school superintendent may construct, improve and
32 furnish school buildings or purchase or sell school sites in the conduct
33 of an accommodation school.

34 C. If any school district acquires real or personal property,
35 whether by purchase, exchange, condemnation, gift or otherwise, the
36 governing board shall pay to the county treasurer any taxes on the
37 property that were unpaid as of the date of acquisition, including
38 penalties and interest. The lien for unpaid delinquent taxes, penalties
39 and interest on property acquired by a school district:

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

43 D. The governing board may not locate a school on property that is
44 less than one-fourth mile from agricultural land regulated pursuant to
45 section 3-365, except that the owner of the agricultural land may agree to

1 comply with the buffer zone requirements of section 3-365. If the owner
2 agrees in writing to comply with the buffer zone requirements and records
3 the agreement in the office of the county recorder as a restrictive
4 covenant running with the title to the land, the school district may
5 locate a school within the affected buffer zone. The agreement may
6 include any stipulations regarding the school, including conditions for
7 future expansion of the school and changes in the operational status of
8 the school that will result in a breach of the agreement.

9 E. A school district, its governing board members, its school
10 council members and its employees are immune from civil liability for the
11 consequences of adopting and implementing policies and procedures pursuant
12 to subsection A of this section and section 15-342. This waiver does not
13 apply if the school district, its governing board members, its school
14 council members or its employees are guilty of gross negligence or
15 intentional misconduct.

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

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

38 H. Subsections C through G of this section apply to a county board
39 of supervisors and a county school superintendent when operating and
40 administering an accommodation school.

41 I. A school district governing board may delegate authority in
42 writing to the superintendent of the school district to submit plans for
43 new school facilities to the school facilities oversight board for the
44 purpose of certifying that the plans meet the minimum school facility
45 adequacy guidelines prescribed in section 41-5711.

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

4 Sec. 2. Section 15-342, Arizona Revised Statutes, is amended to
5 read:

6 15-342. Discretionary powers

7 The governing board may:

8 1. Expel pupils for misconduct.

9 2. Exclude from grades one through eight children under six years
10 of age.

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

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

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

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

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

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

38 9. Enter into leases or lease-purchase agreements for school
39 buildings or grounds, or both, as lessor or as lessee, for periods of less
40 than twenty years subject to voter approval for construction of school
41 buildings as prescribed in section 15-341, subsection A, paragraph 7,
42 EXCEPT THAT VOTER APPROVAL IS NOT REQUIRED FOR THE CONSTRUCTION OF HOUSING
43 FACILITIES PURSUANT TO PARAGRAPH 6.

44 10. Subject to title 41, chapter 56, sell school sites or enter
45 into leases or lease-purchase agreements for school buildings and grounds,

1 as lessor or as lessee, for a period of twenty years or more, but not to
2 exceed ninety-nine years, if authorized by a vote of the school district
3 electors in an election called by the governing board as provided in
4 section 15-491, except that authorization by the school district electors
5 in an election is not required if one of the following requirements is
6 met:

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

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

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

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

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

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

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

8 (e) THE LEASE OR LEASE-PURCHASE AGREEMENT IS EXECUTED FOR THE
9 PURPOSE OF CONSTRUCTING OR PROVIDING HOUSING FACILITIES PURSUANT TO
10 PARAGRAPH 6 OF THIS SUBSECTION.

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

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

39 13. Enter into intergovernmental agreements and contracts with
40 school districts or other governing bodies as provided in section 11-952.
41 Intergovernmental agreements and contracts between school districts or
42 between a school district and other governing bodies as provided in
43 section 11-952 are exempt from competitive bidding under the procurement
44 rules adopted by the state board of education pursuant to section 15-213.

1 14. Include in the curricula it prescribes for high schools in the
2 school district career and technical education, vocational education and
3 technology education programs and career and technical, vocational and
4 technology program improvement services for the high schools, subject to
5 approval by the state board of education. The governing board may
6 contract for the provision of career and technical, vocational and
7 technology education as provided in section 15-789.

8 15. Suspend a teacher or administrator from the teacher's or
9 administrator's duties without pay for a period of time of not to exceed
10 ten school days, if the board determines that suspension is warranted
11 pursuant to section 15-341, subsection A, paragraph 21 or 22.

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

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

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

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

21 18. Donate surplus or outdated learning materials, educational
22 equipment and furnishings to nonprofit community organizations if the
23 governing board determines that the anticipated cost of selling the
24 learning materials, educational equipment or furnishings equals or exceeds
25 the estimated market value of the materials.

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

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

35 21. Require a period of silence to be observed at the commencement
36 of the first class of the day in the schools. If a governing board
37 chooses to require a period of silence to be observed, the teacher in
38 charge of the room in which the first class is held shall announce that a
39 period of silence not to exceed one minute in duration will be observed
40 for meditation, and during that time no activities shall take place and
41 silence shall be maintained.

42 22. Require students to wear uniforms.

43 23. Exchange unimproved property or improved property, including
44 school sites, if the governing board determines that the improved property
45 is unnecessary for the continued operation of the school district without

1 requesting authorization by a vote of the school district electors and if
2 the governing board determines that the exchange is necessary to protect
3 the health, safety or welfare of pupils or if the governing board
4 determines that the exchange is based on sound business principles for
5 either:

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

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

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

29 25. Notwithstanding section 15-341, subsection A, paragraphs 7 and
30 9, construct school buildings and purchase or lease school sites, without
31 a vote of the school district electors, if the buildings and sites are
32 totally funded from one or more of the following:

33 (a) Monies in the unrestricted capital outlay fund, except that the
34 estimated cost shall not exceed \$250,000 for a district that uses section
35 15-949.

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

40 (c) Monies specifically donated for the purpose of constructing
41 school buildings.

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

1 26. Conduct a background investigation that includes a fingerprint
2 check conducted pursuant to section 41-1750, subsection G for certificated
3 personnel and personnel who are not paid employees of the school district,
4 as a condition of employment. A school district may release the results
5 of a background check to another school district for employment purposes.
6 The school district may charge the costs of fingerprint checks to its
7 fingerprinted employee, except that the school district may not charge the
8 costs of fingerprint checks for personnel who are not paid employees of
9 the school district.

10 27. Unless otherwise prohibited by law, sell advertising as
11 follows:

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

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

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

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

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

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

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

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

32 28. Assess reasonable damage deposits to pupils in grades seven
33 through twelve for using textbooks, musical instruments, band uniforms or
34 other equipment required for academic courses. The governing board shall
35 adopt policies on any damage deposits assessed pursuant to this paragraph
36 at a public meeting called for this purpose after providing notice to all
37 parents of pupils in grades seven through twelve in the school district.
38 Principals of individual schools within the district may waive the damage
39 deposit requirement for any textbook or other item if the payment of the
40 damage deposit would create an economic hardship for the pupil. The
41 school district shall return the full amount of the damage deposit for any
42 textbook or other item if the pupil returns the textbook or other item in
43 reasonably good condition within the time period prescribed by the
44 governing board. For the purposes of this paragraph, "in reasonably good
45 condition" means the textbook or other item is in the same or a similar

1 condition as it was when the pupil received it, plus ordinary wear and
2 tear.

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

7 30. Notwithstanding section 15-1143, spend surplus monies in the
8 community school program fund for maintenance and operations or
9 unrestricted capital outlay if sufficient monies are available in the fund
10 after meeting the needs of programs established pursuant to section
11 15-1142.

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

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

19 (a) The policy may provide reasonable exceptions to the parental
20 notification requirement.

21 (b) The policy shall set forth whether and under what circumstances
22 a parent may be present when a law enforcement officer interviews the
23 pupil, including reasonable exceptions to the circumstances under which a
24 parent may be present when a law enforcement officer interviews the pupil,
25 and shall specify a reasonable maximum time after a parent is notified
26 that an interview of a pupil by a law enforcement officer may be delayed
27 to allow the parent to be present.

28 33. Enter into voluntary partnerships with any party to finance
29 with monies other than school district monies and cooperatively design
30 school facilities that comply with the adequacy standards prescribed in
31 section 41-5711 and the square footage per pupil requirements pursuant to
32 section 41-5741, subsection D, paragraph 3, subdivision (b). The design
33 plans and location of any such school facility shall be submitted to the
34 school facilities oversight board for approval pursuant to section
35 41-5741, subsection 0. If the school facilities oversight board approves
36 the design plans and location of any such school facility, the party in
37 partnership with the school district may cause to be constructed and the
38 district may begin operating the school facility before monies are
39 distributed at the direction of the school facilities oversight board
40 pursuant to section 41-5741. Monies distributed from the new school
41 facilities fund to a school district in a partnership with another party
42 to finance and design the school facility shall be paid to the school
43 district pursuant to section 41-5741. The school district shall reimburse
44 the party in partnership with the school district from the monies paid to
45 the school district pursuant to section 41-5741, in accordance with the

1 voluntary partnership agreement. Before the school facilities oversight
2 board directs the distribution of any monies pursuant to this subsection,
3 the school district shall demonstrate to the school facilities oversight
4 board that the facilities to be funded pursuant to section 41-5741,
5 subsection 0 meet the minimum adequacy standards prescribed in section
6 41-5711. If the cost to construct the school facility exceeds the amount
7 that the school district receives from the new school facilities fund, the
8 partnership agreement between the school district and the other party
9 shall specify that, except as otherwise provided by the other party, any
10 such excess costs shall be the responsibility of the school district. The
11 school district governing board shall adopt a resolution in a public
12 meeting that an analysis has been conducted on the prospective effects of
13 the decision to operate a new school with existing monies from the school
14 district's maintenance and operations budget and how this decision may
15 affect other schools in the school district. If a school district
16 acquires land by donation at an appropriate school site approved by the
17 school facilities oversight board and a school facility is financed and
18 built on the land pursuant to this paragraph, the school facilities
19 oversight board shall direct the distribution of an amount equal to twenty
20 percent of the fair market value of the land that can be used for academic
21 purposes. The school district shall place the monies in the unrestricted
22 capital outlay fund and increase the unrestricted capital budget limit by
23 the amount of the monies placed in the fund. Monies distributed under
24 this paragraph shall be distributed from the new school facilities fund
25 pursuant to section 41-5741. If a school district acquires land by
26 donation at an appropriate school site approved by the school facilities
27 oversight board and a school facility is financed and built on the land
28 pursuant to this paragraph, the school district shall not receive monies
29 for the donation of real property pursuant to section 41-5741, subsection
30 F. It is unlawful for:

31 (a) A county, city or town to require as a condition of any land
32 use approval that a landowner or landowners that entered into a
33 partnership pursuant to this paragraph provide any contribution, donation
34 or gift, other than a site donation, to a school district. This
35 subdivision only applies to the property in the voluntary partnership
36 agreement pursuant to this paragraph.

37 (b) A county, city or town to require as a condition of any land
38 use approval that the landowner or landowners located within the
39 geographic boundaries of the school subject to the voluntary partnership
40 pursuant to this paragraph provide any donation or gift to the school
41 district except as provided in the voluntary partnership agreement
42 pursuant to this paragraph.

43 (c) A community facilities district established pursuant to title
44 48, chapter 4, article 6 to be used for reimbursement of financing the
45 construction of a school pursuant to this paragraph.

1 (d) A school district to enter into an agreement pursuant to this
2 paragraph with any party other than a master planned community party. Any
3 land area consisting of at least three hundred twenty acres that is the
4 subject of a development agreement with a county, city or town entered
5 into pursuant to section 9-500.05 or 11-1101 shall be deemed to be a
6 master planned community. For the purposes of this subdivision, "master
7 planned community" means a land area consisting of at least three hundred
8 twenty acres, which may be noncontiguous, that is the subject of a zoning
9 ordinance approved by the governing body of the county, city or town in
10 which the land is located that establishes the use of the land area as a
11 planned area development or district, planned community development or
12 district, planned unit development or district or other land use category
13 or district that is recognized in the local ordinance of such county, city
14 or town and that specifies the use of such land is for a master planned
15 development.

16 34. Enter into an intergovernmental agreement with a presiding
17 judge of the juvenile court to implement a law-related education program
18 as defined in section 15-154. The presiding judge of the juvenile court
19 may assign juvenile probation officers to participate in a law-related
20 education program in any school district in the county. The cost of
21 juvenile probation officers who participate in the program implemented
22 pursuant to this paragraph shall be funded by the school district.

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

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

31 37. Prescribe and enforce policies and procedures for the emergency
32 administration of inhalers by trained employees of the school district and
33 nurses who are under contract with the school district pursuant to section
34 15-158.

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

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