

REFERENCE TITLE: school personnel; reporting; drug offenses

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

SB 1548

Introduced by
Senators Alston: Gabaldón, Gonzales, Miranda; Representative Gutierrez

AN ACT

AMENDING SECTIONS 13-3411 AND 15-746, ARIZONA REVISED STATUTES; RELATING
TO DRUGS ON SCHOOL GROUNDS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 13-3411, Arizona Revised Statutes, is amended to
3 read:

4 13-3411. Possession, use, sale or transfer of marijuana,
5 peyote, prescription drugs, dangerous drugs or
6 narcotic drugs or manufacture of dangerous drugs
7 in a drug free school zone; definitions

8 A. It is unlawful for a person to do any of the following:

9 1. Intentionally be present in a drug free school zone to sell or
10 transfer marijuana, peyote, prescription-only drugs, dangerous drugs or
11 narcotic drugs.

12 2. Possess or use marijuana, peyote, dangerous drugs or narcotic
13 drugs in a drug free school zone.

14 3. Manufacture dangerous drugs in a drug free school zone.

15 B. A person who violates subsection A of this section is guilty of
16 the same class of felony that the person would otherwise be guilty of had
17 the violation not occurred within a drug free school zone, except that the
18 presumptive, minimum and maximum sentence shall be increased by one year.
19 The additional sentence imposed under this subsection is in addition to
20 any enhanced punishment that may be applicable under section 13-703,
21 section 13-704, section 13-708, subsection D or any provision in this
22 chapter. A person is not eligible for suspension of sentence, probation,
23 pardon or release from confinement on any basis except pursuant to section
24 31-233, subsection A or B until the sentence imposed by the court has been
25 served or commuted.

26 C. In addition to any other penalty prescribed by this title, the
27 court shall order a person who is convicted of a violation of this section
28 to pay a fine of ~~not less than two thousand dollars~~ AT LEAST \$2,000 or
29 three times the value as determined by the court of the drugs involved in
30 or giving rise to the charge, whichever is greater, and not more than the
31 maximum authorized by chapter 8 of this title. A judge shall not suspend
32 any part or all of the imposition of any fine required by this subsection.

33 D. Each school district's governing board or its designee, or the
34 chief administrative officer in the case of a nonpublic school, shall
35 place and maintain permanently affixed signs located in a visible manner
36 at the main entrance of each school that identifies the school and its
37 accompanying grounds as a drug free school zone.

38 E. The drug free school zone map prepared pursuant to title 15
39 shall constitute an official record as to the location and boundaries of
40 each drug free school zone. The school district's governing board or its
41 designee, or the chief administrative officer in the case of any nonpublic
42 school, shall promptly notify the county attorney of any changes in the
43 location and boundaries of any school property and shall file with the
44 county recorder the original map prepared pursuant to title 15.

1 ~~F. All school personnel who observe a violation of this section~~
2 ~~shall immediately report the violation to a school administrator. The~~
3 ~~administrator shall immediately report the violation to a peace~~
4 ~~officer. It is unlawful for any school personnel or school administrator~~
5 ~~to fail to report a violation as prescribed in this section.~~

6 ~~G.~~ F. School personnel having custody or control of school records
7 of a student involved in an alleged violation of this section shall make
8 the records available to a peace officer ~~upon~~ ON written request signed by
9 a magistrate. Records disclosed pursuant to this subsection are
10 confidential and may be used only in a judicial or administrative
11 proceeding. A person furnishing records required under this subsection or
12 a person participating in a judicial or administrative proceeding or
13 investigation resulting from the furnishing of records required under this
14 subsection is immune from civil or criminal liability by reason of such
15 action unless the person acted with malice.

16 ~~H. A person who violates subsection F of this section is guilty of~~
17 ~~a class 3 misdemeanor.~~

18 ~~I.~~ G. For the purposes of this section:

19 1. "Drug free school zone" means the area within three hundred feet
20 of a school or its accompanying grounds, any public property within one
21 thousand feet of a school or its accompanying grounds, a school bus stop
22 or on any school bus or bus contracted to transport pupils to any school.

23 2. "School" means any public or nonpublic kindergarten program,
24 common school or high school.

25 Sec. 2. Section 15-746, Arizona Revised Statutes, is amended to
26 read:

27 15-746. School report cards; distribution; annual report

28 A. Each school shall distribute an annual report card that contains
29 at least the following information:

30 1. A description of the school's regular, magnet and special
31 instructional programs.

32 2. A description of the school's current academic goals.

33 3. A summary of each of the following:

34 (a) The results achieved by pupils enrolled at the school during
35 the prior three school years as measured by the statewide assessment and
36 the nationally standardized norm-referenced achievement test as designated
37 by the state board and as reported in the annual report prescribed by
38 section 15-743.

39 (b) Pupil progress on an ongoing and annual basis, showing the
40 trends in gain or loss in pupil achievement over time in reading, language
41 arts and mathematics for all years in which pupils are enrolled in the
42 school district for an entire school year and for which this information
43 is available.

44 (c) Pupil progress for pupils who are not enrolled in a district
45 for an entire school year.

1 4. The attendance rate of pupils enrolled at the school as
2 reflected in the school's average daily membership as defined in section
3 15-901.

4 5. The total number of incidents that occurred on the school
5 grounds, at school bus stops, at stops for MOTOR vehicles described in
6 section 15-925, on school buses, on MOTOR vehicles described in section
7 15-925 and at school-sponsored events and that required the contact of a
8 local, county, tribal, state or federal law enforcement officer pursuant
9 to ~~section 13-3411, subsection F,~~ section 13-3620, section 15-341,
10 subsection A, paragraph 30 or section 15-515. The total number of
11 incidents reported shall only include reports that law enforcement
12 officers report to the school and that are supported by probable cause.
13 For the purposes of this paragraph, a certified peace officer who serves
14 as a school resource officer is a law enforcement officer. A school may
15 provide clarifying information if the school has a school resource officer
16 on campus.

17 6. The percentage of pupils who have either graduated to the next
18 grade level or graduated from high school.

19 7. A description of the social services available at the school
20 site.

21 8. The school calendar, including the length of the school day and
22 hours of operations.

23 9. The total number of pupils enrolled at the school during the
24 previous school year.

25 10. The transportation services available.

26 11. A description of the responsibilities of parents of children
27 enrolled at the school.

28 12. A description of the responsibilities of the school to the
29 parents of the children enrolled at the school, including dates the report
30 cards are delivered to the home.

31 13. A description of the composition and duties of the school
32 council as prescribed in section 15-351 if such a school council exists.

33 14. For the most recent year available, the average current
34 expenditure per pupil for administrative functions compared to the
35 predicted average current expenditure per pupil for administrative
36 functions according to an analysis of administrative cost data by the
37 joint legislative budget committee staff.

38 15. If the school provides instruction to pupils in kindergarten
39 programs and grades one through three, the ratio of pupils to teachers in
40 each classroom where instruction is provided in kindergarten programs and
41 grades one through three.

42 16. The average class size per grade level for all grade levels,
43 kindergarten programs and grades one through eight. For the purposes of
44 this paragraph, "average class size" means the weighted average of each
45 class.

1 B. The department of education shall develop a standardized report
2 card format that meets the requirements of subsection A of this section.
3 The department shall modify the standardized report card as necessary on
4 an annual basis. The department shall distribute to each school in this
5 state a copy of the standardized report card that includes the required
6 test scores for each school. Additional copies of the standardized report
7 card shall be available on request.

8 C. After each school has completed the report card distributed to
9 it by the department of education, the school, in addition to distributing
10 the report card as prescribed in subsection A of this section, shall send
11 a copy of the report card to the department. The department shall prepare
12 an annual report that contains the report card from each school in this
13 state.

14 D. The school shall distribute report cards to parents of pupils
15 enrolled at the school, not later than the last day of school of each
16 fiscal year, and shall present a summary of the contents of the report
17 cards at an annual public meeting held at the school. The school shall
18 give notice at least two weeks before the public meeting that clearly
19 states the purposes, time and place of the meeting.

20 E. ~~Beginning in fiscal year 2021-2022,~~ The school report card
21 prescribed by this section shall include a link to access the information
22 required by section 15-747.