

REFERENCE TITLE: schools; corporal punishment; prohibition.

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

## **SB 1551**

Introduced by  
Senators Alston: Gabaldón, Gonzales, Miranda; Representatives Gutierrez,  
Terech

AN ACT

AMENDING SECTION 15-105, ARIZONA REVISED STATUTES; AMENDING TITLE 15,  
CHAPTER 1, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION  
15-120.04; AMENDING SECTION 15-843, ARIZONA REVISED STATUTES; RELATING TO  
STUDENT DISCIPLINE.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 15-105, Arizona Revised Statutes, is amended to  
3 read:

4 15-105. Use of restraint and seclusion techniques;  
5 requirements; definitions

6 A. A school may ~~permit~~ ALLOW the use of restraint or seclusion  
7 techniques on any ~~pupit~~ STUDENT if both of the following apply:

8 1. The ~~pupit's~~ STUDENT'S behavior presents an imminent danger of  
9 bodily harm to the pupil or others.

10 2. Less restrictive interventions appear insufficient to mitigate  
11 the imminent danger of bodily harm.

12 B. If a restraint or seclusion technique is used on a ~~pupit~~  
13 STUDENT:

14 1. School personnel shall maintain continuous visual observation  
15 and monitoring of the ~~pupit~~ STUDENT while the restraint or seclusion  
16 technique is in use.

17 2. The restraint or seclusion technique shall end when the ~~pupit's~~  
18 STUDENT'S behavior no longer presents an imminent danger to the ~~pupit~~  
19 STUDENT or others.

20 3. The restraint or seclusion technique shall be used only by  
21 school personnel who are trained in the safe and effective use of  
22 restraint and seclusion techniques unless an emergency situation does not  
23 allow sufficient time to summon trained personnel.

24 4. The restraint technique employed may not impede the ~~pupit's~~  
25 STUDENT'S ability to breathe.

26 5. The restraint technique may not be out of proportion to the  
27 ~~pupit's~~ STUDENT'S age or physical condition.

28 C. Schools may establish policies and procedures for ~~the use of~~  
29 USING restraint or seclusion techniques in a school safety or crisis  
30 intervention plan if the plan is not specific to any individual ~~pupit~~  
31 STUDENT.

32 D. Schools shall establish reporting and documentation procedures  
33 to be followed when a restraint or seclusion technique has been used on a  
34 ~~pupit~~ STUDENT. The procedures shall include the following requirements:

35 1. School personnel shall provide the ~~pupit's~~ STUDENT'S parent or  
36 guardian with written or oral notice on the same day that the incident  
37 occurred, unless circumstances prevent same-day notification. If the  
38 notice is not provided on the same day of the incident, notice shall be  
39 given within twenty-four hours after the incident.

40 2. Within a reasonable time following the incident, school  
41 personnel shall provide the ~~pupit's~~ STUDENT'S parent or guardian with  
42 written documentation that includes information about any persons,  
43 locations or activities that may have triggered the behavior, if known,  
44 and specific information about the behavior and its precursors, the type  
45 of restraint or seclusion technique used and the duration of its use.

1           3. Schools shall review strategies used to address a ~~pupit's~~  
2 ~~STUDENT'S~~ dangerous behavior if there has been repeated use of restraint  
3 or seclusion techniques for the ~~pupit~~ ~~STUDENT~~ during a school year. The  
4 review shall include a review of the incidents in which A restraint or  
5 seclusion technique ~~were~~ ~~WAS~~ used and an analysis of how future incidents  
6 may be avoided, including whether the ~~pupit~~ ~~STUDENT~~ requires a functional  
7 behavioral assessment.

8           E. If a school district or charter school summons law enforcement  
9 instead of using a restraint or seclusion technique on a ~~pupit~~ ~~STUDENT~~,  
10 the school shall comply with the reporting, documentation and review  
11 procedures established under subsection D of this section.  
12 Notwithstanding this section, school resource officers are authorized to  
13 respond to situations that present the imminent danger of bodily harm  
14 according to protocols established by their law enforcement agency.

15           F. This section does not prohibit schools from adopting policies  
16 pursuant to section 15-843, subsection B, paragraph ~~3~~ 2.

17           G. For the purposes of this section:

18           1. "Restraint" means any method or device that immobilizes or  
19 reduces the ability of a ~~pupit~~ ~~STUDENT~~ to move the ~~pupit's~~ ~~STUDENT'S~~  
20 torso, arms, legs or head freely, including physical force or mechanical  
21 devices. Restraint does not include any of the following:

22           (a) Methods or devices implemented by trained school personnel or  
23 used by a ~~pupit~~ ~~STUDENT~~ for the specific and approved therapeutic or  
24 safety purposes for which the method or device is designed and, if  
25 applicable, prescribed.

26           (b) The temporary touching or holding of the hand, wrist, arm,  
27 shoulder or back for the purpose of inducing a ~~pupit~~ ~~STUDENT~~ to comply  
28 with a reasonable request or to go to a safe location.

29           (c) The brief holding of a ~~pupit~~ ~~STUDENT~~ by one adult for the  
30 purpose of calming or comforting the ~~pupit~~ ~~STUDENT~~.

31           (d) Physical force used to take a weapon away from a ~~pupit~~ ~~STUDENT~~  
32 or to separate and remove a ~~pupit~~ ~~STUDENT~~ from another person when the  
33 ~~pupit~~ ~~STUDENT~~ is engaged in a physical assault on another person.

34           2. "School" means a school district, a charter school, a public or  
35 private special education school that provides services to ~~pupit's~~ ~~STUDENTS~~  
36 placed by a public school, the Arizona state schools for the deaf and the  
37 blind and a private school.

38           3. "Seclusion" means the involuntary confinement of a ~~pupit~~ ~~STUDENT~~  
39 alone in a room from which egress is prevented. Seclusion does not  
40 include the use of a voluntary behavior management technique, including a  
41 timeout location, as part of a ~~pupit's~~ ~~STUDENT'S~~ education plan,  
42 individual safety plan, behavioral plan or individualized education  
43 program that involves the ~~pupit's~~ ~~STUDENT'S~~ separation from a larger group  
44 for purposes of calming.

1           Sec. 2. Title 15, chapter 1, article 1, Arizona Revised Statutes,  
2 is amended by adding section 15-120.04, to read:

3           15-120.04. Corporal punishment; prohibition; definition

4           A. A TEACHER, PRINCIPAL OR OTHER PERSON EMPLOYED BY A SCHOOL  
5 DISTRICT OR CHARTER SCHOOL MAY NOT SUBJECT A STUDENT TO CORPORAL  
6 PUNISHMENT. THE PROHIBITION ON CORPORAL PUNISHMENT DOES NOT PREVENT THE  
7 USE OF RESTRAINT OR SECLUSION TECHNIQUES THAT COMPLY WITH SECTION 15-105.  
8 IN DETERMINING WHETHER A PERSON WAS COMPLYING WITH A RESTRAINT OR  
9 SECLUSION TECHNIQUE, CONSIDERATION SHALL BE GIVEN TO REASONABLE JUDGMENTS  
10 THAT WERE MADE AT THE TIME OF THE EVENT BY A TEACHER, PRINCIPAL OR OTHER  
11 PERSON EMPLOYED BY THE SCHOOL DISTRICT OR CHARTER SCHOOL.

12           B. FOR THE PURPOSES OF THIS SECTION, "CORPORAL PUNISHMENT":

13           1. MEANS INFLECTING, OR CAUSING THE INFLECTION OF, PHYSICAL PAIN ON  
14 A STUDENT AS A MEANS OF DISCIPLINE.

15           2. DOES NOT INCLUDE PHYSICAL PAIN, INJURY OR DISCOMFORT CAUSED BY  
16 USING INCIDENTAL, MINOR OR REASONABLE PHYSICAL CONTACT OR OTHER ACTIONS  
17 DESIGNED TO MAINTAIN ORDER, CONTROL AND SAFETY IN THE SCHOOL OR CLASSROOM  
18 SETTING.

19           Sec. 3. Section 15-843, Arizona Revised Statutes, is amended to  
20 read:

21           15-843. Student disciplinary proceedings; definition

22           A. An action concerning discipline, suspension or expulsion of a  
23 ~~pupit~~ STUDENT is not subject to title 38, chapter 3, article 3.1, except  
24 that the governing board of a school district shall post regular notice  
25 and shall take minutes of any hearing held by the governing board  
26 concerning the discipline, suspension or expulsion of a ~~pupit~~ STUDENT.

27           B. The governing board of any school district, in consultation with  
28 the teachers and parents of the school district, shall prescribe rules for  
29 the discipline, suspension and expulsion of ~~pupits~~ STUDENTS. The rules  
30 shall be consistent with the constitutional rights of ~~pupits~~ STUDENTS and  
31 shall include at least the following:

32           1. Penalties for excessive ~~pupit~~ STUDENT absenteeism pursuant to  
33 section 15-803, including failure in a subject, failure to pass a grade,  
34 suspension or expulsion.

35           ~~2. Procedures for using corporal punishment if allowed by the~~  
36 ~~governing board.~~

37           ~~3.~~ 2. Procedures for the reasonable use of physical force by  
38 certificated or classified personnel in self-defense, defense of others  
39 and defense of property.

40           ~~4.~~ 3. Procedures for dealing with ~~pupits~~ STUDENTS who have  
41 committed or who are believed to have committed a crime.

42           ~~5.~~ 4. A notice and hearing procedure for cases concerning the  
43 suspension of a ~~pupit~~ STUDENT for more than ten days.

44           ~~6.~~ 5. Procedures and conditions for readmitting a ~~pupit~~ STUDENT  
45 who has been expelled or suspended for more than ten days.

1           ~~7.~~ 6. Procedures to appeal to the governing board the suspension  
2 of a ~~pupit~~ STUDENT for more than ten days, if the decision to suspend the  
3 ~~pupit~~ STUDENT was not made by the governing board.

4           ~~8.~~ 7. Procedures to appeal the recommendation of the hearing  
5 officer or officers designated by the board as provided in subsection F of  
6 this section at the time the board considers the recommendation.

7           ~~9.~~ 8. Disciplinary policies for confining ~~pupit~~s STUDENTS WHO ARE  
8 left alone in an enclosed space. These policies shall include the  
9 following:

10           (a) A process for prior written parental notification that  
11 confinement may be used for disciplinary purposes ~~and~~ that is included in  
12 the ~~pupit~~s STUDENT'S enrollment packet or admission form.

13           (b) A process for prior written parental consent before confinement  
14 is allowed for any ~~pupit~~ STUDENT in the school district. The policies  
15 shall provide for an exemption to prior written parental consent if a  
16 school principal or teacher determines that the ~~pupit~~ STUDENT poses  
17 imminent physical harm to self or others. The school principal or teacher  
18 shall make reasonable attempts to notify the ~~pupit~~s STUDENT'S parent or  
19 guardian in writing by the end of the same day that confinement was used.

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

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

37           D. The governing board shall:

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

40           2. Develop procedures allowing teachers and principals to recommend  
41 the suspension or expulsion of ~~pupit~~s STUDENTS.

42           3. Develop procedures allowing teachers and principals to  
43 temporarily remove disruptive ~~pupit~~s STUDENTS from a class.

44           4. Delegate to the principal the authority to remove a disruptive  
45 ~~pupit~~ STUDENT from the classroom.

1 E. If a ~~pupit~~ STUDENT withdraws from school after receiving notice  
2 of possible action concerning discipline, expulsion or suspension, the  
3 governing board may continue with the action after the withdrawal and may  
4 record the results of such action in the pupil's permanent file.

5 F. In all actions concerning the expulsion of a ~~pupit~~ STUDENT, the  
6 governing board of a school district shall:

7 1. Be notified of the intended action.

8 2. Either:

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

13 (b) Provide by policy or vote at its annual organizational meeting  
14 that all hearings concerning the expulsion of a ~~pupit~~ STUDENT conducted  
15 pursuant to this section will be conducted before a hearing officer  
16 selected from a list of hearing officers approved by the governing board.

17 3. Give written notice, at least five working days before the  
18 hearing by the governing board or the hearing officer or officers  
19 designated by the governing board, to all ~~pupits~~ STUDENTS subject to  
20 expulsion and their parents or guardians of the date, time and place of  
21 the hearing. If the governing board decides that the hearing is to be  
22 held in executive session, the written notice shall include a statement of  
23 the right of the parents or guardians or an emancipated ~~pupit~~ STUDENT who  
24 is subject to expulsion to object to the governing board's decision to  
25 have the hearing held in executive session. Objections shall be made in  
26 writing to the governing board.

27 G. If a parent or guardian or an emancipated ~~pupit~~ STUDENT who is  
28 subject to expulsion disagrees that the hearing should be held in  
29 executive session, the hearing shall be held in an open meeting unless:

30 1. If only one ~~pupit~~ STUDENT is subject to expulsion and  
31 disagreement exists between that ~~pupit's~~ STUDENT'S parents or guardians,  
32 the governing board, after consultations with the ~~pupit's~~ STUDENT'S  
33 parents or guardians or the emancipated ~~pupit~~ STUDENT, shall decide in  
34 executive session whether the hearing will be in executive session.

35 2. If more than one ~~pupit~~ STUDENT is subject to expulsion and  
36 disagreement exists between the parents or guardians of different ~~pupits~~  
37 STUDENTS, separate hearings shall be held subject to this section.

38 H. This section does not prevent the ~~pupit~~ STUDENT who is subject  
39 to expulsion or suspension, and the ~~pupit's~~ STUDENT'S parents or guardians  
40 and legal counsel, from attending any executive session pertaining to the  
41 proposed disciplinary action, from having access to the minutes and  
42 testimony of the executive session or from recording the session at the  
43 parent's or guardian's expense.

1 I. In schools employing a superintendent or a principal, the  
2 authority to suspend a ~~pupit~~ STUDENT from school is vested in the  
3 superintendent, principal or other school officials granted this power by  
4 the governing board of the school district.

5 J. In schools that do not have a superintendent or principal, a  
6 teacher may suspend a ~~pupit~~ STUDENT from school.

7 K. Unless required by section 15-841, subsection G, a school  
8 district or charter school may suspend or expel a ~~pupit~~ STUDENT who is  
9 enrolled in a kindergarten program, first grade, second grade, third grade  
10 or fourth grade only if all of the following apply:

11 1. The ~~pupit~~ STUDENT is seven years of age or older.

12 2. The ~~pupit~~ STUDENT engaged in conduct on school grounds that  
13 meets one of the following criteria:

14 (a) Involves the possession of a dangerous weapon without  
15 authorization from the school.

16 (b) Involves the possession, use or sale of a dangerous drug as  
17 defined in section 13-3401 or a narcotic drug as defined in section  
18 13-3401 or a violation of section 13-3411.

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

20 (d) The ~~pupit's~~ STUDENT'S behavior is determined by the school  
21 district governing board or charter school governing body to qualify as  
22 aggravating circumstances and ~~that~~ all of the following apply:

23 (i) The ~~pupit~~ STUDENT is engaged in persistent behavior that has  
24 been documented by the school and that prevents other ~~pupit's~~ STUDENTS from  
25 learning or prevents the teacher from maintaining control of the classroom  
26 environment.

27 (ii) The ~~pupit's~~ STUDENT'S ongoing behavior is unresponsive to  
28 targeted interventions as documented through an established intervention  
29 process that includes consultation with a school counselor, school  
30 psychologist or other mental health professional or social worker if  
31 available within the school district or charter school or through a  
32 state-sponsored program.

33 (iii) The ~~pupit's~~ STUDENT'S parent or guardian was notified and  
34 consulted about the ongoing behavior.

35 (iv) Before a long-term suspension or expulsion, the school  
36 provides the ~~pupit~~ STUDENT with a disability screening and the screening  
37 finds that the behavioral issues were not the result of a disability.

38 3. Failing to remove the ~~pupit~~ STUDENT from the school building  
39 would create a safety threat that cannot otherwise reasonably be addressed  
40 or qualifies as aggravating circumstances as specified in paragraph 2 of  
41 this subsection.

42 4. Before suspending or expelling the ~~pupit~~ STUDENT, the school  
43 district or charter school considers and, if feasible while maintaining  
44 the health and safety of others, in consultation with the ~~pupit's~~  
45 STUDENT'S parent or guardian to the extent possible, employs alternative

1 behavioral and disciplinary interventions that are available to the school  
2 district or charter school, that are appropriate to the circumstances and  
3 that are considerate of health and safety. The school district or charter  
4 school shall document the alternative behavioral and disciplinary  
5 interventions it considers and employs.

6 5. The school district or charter school, by policy, provides for  
7 both:

8 (a) A readmission procedure for ~~pupils~~ STUDENTS who are in  
9 kindergarten programs, first grade, second grade, third grade and fourth  
10 grade and who have served at least five school days of a suspension from  
11 the school that exceeds ten school days to be considered for readmission  
12 on appeal of the ~~pupils~~ STUDENT'S parent or guardian.

13 (b) A readmission procedure for ~~pupils~~ STUDENTS who are in  
14 kindergarten programs, first grade, second grade, third grade and fourth  
15 grade and who are expelled from or subject to alternative reassignment at  
16 the school to be considered for readmission on appeal of the ~~pupils~~  
17 STUDENT'S parent or guardian at least twenty school days after the  
18 effective date of the expulsion or alternative reassignment.

19 L. All cases of suspension shall be for good cause and shall be  
20 reported within five days to the governing board by the superintendent or  
21 the person imposing the suspension.

22 M. Rules pertaining to the discipline, suspension and expulsion of  
23 ~~pupils~~ STUDENTS shall not be based on race, color, religion, sex, national  
24 origin or ancestry. If the department of education, the auditor general  
25 or the attorney general determines that a school district is substantially  
26 and deliberately not in compliance with this subsection and if the school  
27 district has failed to correct the deficiency within ninety days after  
28 receiving notice from the department of education, the superintendent of  
29 public instruction may withhold the monies the school district would  
30 otherwise be entitled to receive from the date of the determination of  
31 noncompliance until the department of education determines that the school  
32 district is in compliance with this subsection.

33 N. The principal of each school shall ensure that a copy of all  
34 rules pertaining to THE discipline, suspension and expulsion of ~~pupils~~  
35 STUDENTS is distributed to the parents of each ~~pupil~~ STUDENT at the time  
36 the ~~pupil~~ STUDENT is enrolled in THE school.

37 O. The principal of each school shall ensure that all rules  
38 pertaining to the discipline, suspension and expulsion of ~~pupils~~ STUDENTS  
39 are communicated to students at the beginning of each school year, and to  
40 transfer students at the time of their enrollment in the school.

41 P. School districts may refer a ~~pupil~~ STUDENT who has been subject  
42 to discipline, suspension or expulsion pursuant to this section to a  
43 career and college readiness program for at-risk students established  
44 pursuant to section 15-707.



- 1           Q. For the purposes of this section, "aggravating circumstances"  
2 means the ~~pupit~~ STUDENT is engaged in persistent behavior that:  
3           1. Has been documented by the school.  
4           2. Prevents other students from learning or prevents the teacher  
5 from maintaining control of the classroom environment.  
6           3. Is unresponsive to targeted interventions as documented through  
7 an established intervention process.