

REFERENCE TITLE: **firearm regulation; prohibition; repeal**

State of Arizona
House of Representatives
Fifty-sixth Legislature
Second Regular Session
2024

HB 2566

Introduced by

Representatives Gutierrez: Aguilar, Austin, Contreras L, Crews, De Los Santos, Hernandez C, Longdon, Mathis, Ortiz, Quiñonez, Schwiebert, Seaman, Stahl Hamilton, Terech, Villegas; Senator Sundareshan

AN ACT

REPEALING SECTION 13-3108, ARIZONA REVISED STATUTES; AMENDING SECTION 15-341, ARIZONA REVISED STATUTES; RELATING TO WEAPONS AND EXPLOSIVES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Repeal

3 Section 13-3108, Arizona Revised Statutes, is repealed.

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

6 15-341. General powers and duties; immunity; delegation

7 A. The governing board shall:

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

11 2. Exclude from schools all books, publications, papers or
12 audiovisual materials of a sectarian, partisan or denominational
13 character. This paragraph does not prohibit the elective course allowed
14 by section 15-717.01.

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

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

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

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

27 7. Construct school buildings on approval by a vote of the district
28 electors.

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

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

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

41 11. Purchase school sites or construct, improve and furnish school
42 buildings from the proceeds of the sale of school property only on
43 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.

1 21. Prescribe and enforce policies and procedures for disciplinary
2 action against a teacher who engages in conduct that is a violation of the
3 policies of the governing board but that is not cause for dismissal of the
4 teacher or for revocation of the certificate of the teacher. Disciplinary
5 action may include suspension without pay for a period of time not to
6 exceed ten school days. Disciplinary action shall not include suspension
7 with pay or suspension without pay for a period of time longer than ten
8 school days. The procedures shall include notice, hearing and appeal
9 provisions for violations that are cause for disciplinary action. The
10 governing board may designate a person or persons to act on behalf of the
11 board on these matters.

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

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

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

36 (a) The provision of water.

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

1 that a pupil who is suspected of sustaining a concussion in a practice
2 session, game or other interscholastic athletic activity be immediately
3 removed from the athletic activity and that the pupil's parent or guardian
4 be notified. A coach from the pupil's team or an official or a licensed
5 health care provider may remove a pupil from play. A team parent may also
6 remove the parent's own child from play. A pupil may return to play on
7 the same day if a health care provider rules out a suspected concussion at
8 the time the pupil is removed from play. On a subsequent day, the pupil
9 may return to play if the pupil has been evaluated by and received written
10 clearance to resume participation in athletic activity from a health care
11 provider who has been trained in evaluating and managing concussions and
12 head injuries. A health care provider who is a volunteer and who provides
13 clearance to participate in athletic activity on the day of the suspected
14 injury or on a subsequent day is immune from civil liability with respect
15 to all decisions made and actions taken that are based on good faith
16 implementation of the requirements of this subdivision, except in cases of
17 gross negligence or wanton or wilful neglect. A school district, school
18 district employee, team coach, official or team volunteer or a parent or
19 guardian of a team member is not subject to civil liability for any act,
20 omission or policy undertaken in good faith to comply with the
21 requirements of this subdivision or for a decision made or an action taken
22 by a health care provider. A group or organization that uses property or
23 facilities owned or operated by a school district for athletic activities
24 shall comply with the requirements of this subdivision. A school district
25 and its employees and volunteers are not subject to civil liability for
26 any other person or organization's failure or alleged failure to comply
27 with the requirements of this subdivision. This subdivision does not
28 apply to teams that are based in another state and that participate in an
29 athletic activity in this state. For the purposes of this subdivision,
30 athletic activity does not include dance, rhythmic gymnastics,
31 competitions or exhibitions of academic skills or knowledge or other
32 similar forms of physical noncontact activities, civic activities or
33 academic activities, whether engaged in for the purposes of competition or
34 recreation. For the purposes of this subdivision, "health care provider"
35 means a physician who is licensed pursuant to title 32, chapter 13, 14 or
36 17, an athletic trainer who is licensed pursuant to title 32, chapter 41,
37 a nurse practitioner who is licensed pursuant to title 32, chapter 15, and
38 a physician assistant who is licensed pursuant to title 32, chapter 25.

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

1 information at least once each school year on the risks of heat-related
2 illnesses, sudden cardiac death and prescription opioid addiction.

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

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

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

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

14 29. Collect and maintain information about each current and former
15 teacher's educational and teaching background and experience in a
16 particular academic content subject area. A school district shall either
17 post the information on the school district's website or make the
18 information available for inspection on request of parents and guardians
19 of pupils enrolled at a school. This paragraph does not require any
20 school to release personally identifiable information in relation to any
21 teacher, including the teacher's address, salary, social security number
22 or telephone number.

23 30. Report to local law enforcement agencies any suspected crime
24 against a person or property that is a serious offense as defined in
25 section 13-706 or that involves a deadly weapon or dangerous instrument or
26 serious physical injury and any conduct that poses a threat of death or
27 serious physical injury to employees, students or anyone on the property
28 of the school. This paragraph does not limit or preclude the reporting by
29 a school district or an employee of a school district of suspected crimes
30 other than those required to be reported by this paragraph. For the
31 purposes of this paragraph, "dangerous instrument", "deadly weapon" and
32 "serious physical injury" have the same meanings prescribed in section
33 13-105.

34 31. In conjunction with local law enforcement agencies and
35 emergency response agencies, develop an emergency response plan for each
36 school in the school district in accordance with minimum standards
37 developed jointly by the department of education and the division of
38 emergency management within the department of emergency and military
39 affairs. Any emergency response plan developed pursuant to this paragraph
40 must address how the school and emergency responders will communicate with
41 and provide assistance to students with disabilities.

42 32. Provide written notice to the parents or guardians of all
43 students enrolled in the school district at least ten days before a public
44 meeting to discuss closing a school within the school district. The
45 notice shall include the reasons for the proposed closure and the time and

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

16 33. Incorporate instruction on Native American history into
 17 appropriate existing curricula.

18 34. Prescribe and enforce policies and procedures:

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

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

38 35. Allow the possession and self-administration of prescription
 39 medication for breathing disorders in handheld inhaler devices by pupils
 40 who have been prescribed that medication by a health care professional
 41 licensed pursuant to title 32. The pupil's name on the prescription label
 42 on the medication container or on the handheld inhaler device and annual
 43 written documentation from the pupil's parent or guardian to the school
 44 that authorizes possession and self-administration is sufficient proof
 45 that the pupil is entitled to possess and self-administer the medication.

1 A school district and its employees are immune from civil liability with
2 respect to all decisions made and actions taken that are based on a good
3 faith implementation of the requirements of this paragraph.

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

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

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

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

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

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

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

- 1 (g) Disciplinary procedures for pupils who have admitted or been
2 found to have committed incidents of harassment, intimidation or bullying.
- 3 (h) A procedure that sets forth consequences for submitting false
4 reports of incidents of harassment, intimidation or bullying.
- 5 (i) Procedures designed to protect the health and safety of pupils
6 who are physically harmed as the result of incidents of harassment,
7 intimidation and bullying, including, if appropriate, procedures to
8 contact emergency medical services or law enforcement agencies, or both.
- 9 (j) Definitions of harassment, intimidation and bullying.
- 10 37. Prescribe and enforce policies and procedures regarding
11 changing or adopting attendance boundaries that include the following
12 components:
- 13 (a) A procedure for holding public meetings to discuss attendance
14 boundary changes or adoptions that allows public comments.
- 15 (b) A procedure to notify the parents or guardians of the students
16 affected, including assurance that, if that school remains open as part of
17 the boundary change and capacity is available, students assigned to a new
18 attendance area may stay enrolled in their current school.
- 19 (c) A procedure to notify the residents of the households affected
20 by the attendance boundary changes.
- 21 (d) A process for placing public meeting notices and proposed maps
22 on the school district's website for public review, if the school district
23 maintains a website.
- 24 (e) A formal process for presenting the attendance boundaries of
25 the affected area in public meetings that allows public comments.
- 26 (f) A formal process for notifying the residents and parents or
27 guardians of the affected area as to the decision of the governing board
28 on the school district's website, if the school district maintains a
29 website.
- 30 (g) A formal process for updating attendance boundaries on the
31 school district's website within ninety days after an adopted boundary
32 change. The school district shall send a direct link to the school
33 district's attendance boundaries website to the department of real estate.
- 34 38. If the state board of education determines that the school
35 district has committed an overexpenditure as defined in section 15-107,
36 provide a copy of the fiscal management report submitted pursuant to
37 section 15-107, subsection H on its website and make copies available to
38 the public on request. The school district shall comply with a request
39 within five business days after receipt.
- 40 39. Ensure that the contract for the superintendent is structured
41 in a manner in which up to twenty percent of the total annual salary
42 included for the superintendent in the contract is classified as
43 performance pay. This paragraph does not require school districts to
44 increase total compensation for superintendents. Unless the school
45 district governing board votes to implement an alternative procedure at a

1 public meeting called for this purpose, the performance pay portion of the
2 superintendent's total annual compensation shall be determined as follows:

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

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

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

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

- 1 (i) A letter grade of "A" if the school district is excellent.
- 2 (ii) A letter grade of "B" if the school district is above average.
- 3 (iii) A letter grade of "C" if the school district is average.
- 4 (iv) A letter grade of "D" if the school district is below average.
- 5 (v) A letter grade of "F" if the school district is a failure.
- 6 (d) Twenty-five percent of the performance pay shall be determined
- 7 by other criteria selected by the governing board.

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

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

19 (a) Are designed to improve principal performance and improve
20 student achievement.

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

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

26 (d) Describe both of the following:

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

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

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

38 43. Prescribe and enforce policies and procedures for the emergency
39 administration by an employee of a school district pursuant to section
40 36-2267 of naloxone hydrochloride or any other opioid antagonist approved
41 by the United States food and drug administration.

42 44. In addition to the notification requirements prescribed in
43 paragraph 36 of this subsection, prescribe and enforce reasonable and
44 appropriate policies to notify a pupil's parent or guardian if any person
45 engages in harassing, threatening or intimidating conduct against that

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

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

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

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

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

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

- 42 1. Is not abated, extinguished, discharged or merged in the title
43 to the property.

1 2. Is enforceable in the same manner as other delinquent tax liens.

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

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

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

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

42 H. Subsections C through G of this section apply to a county board
43 of supervisors and a county school superintendent when operating and
44 administering an accommodation school.

1 I. A school district governing board may delegate authority in
2 writing to the superintendent of the school district to submit plans for
3 new school facilities to the school facilities oversight board for the
4 purpose of certifying that the plans meet the minimum school facility
5 adequacy guidelines prescribed in section 41-5711.

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