

REFERENCE TITLE: schools; corporal punishment; prohibition.

State of Arizona
Senate
Fifty-sixth Legislature
Second Regular Session
2024

SB 1379

Introduced by

Senators Alston: Bravo, Burch, Epstein, Fernandez, Gabaldón, Gonzales,
Hatathlie, Marsh, Mendez, Miranda; Representatives Contreras P, Terech

AN ACT

AMENDING SECTION 15-105, ARIZONA REVISED STATUTES; AMENDING TITLE 15,
CHAPTER 1, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION
15-120.05; 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 15-120.05, to read:

3 15-120.05. 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 ~~pupit~~
23 STUDENT is not subject to title 38, chapter 3, article 3.1, except that the
24 governing board of a school district shall post regular notice and shall take
25 minutes of any hearing held by the governing board concerning the discipline,
26 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 shall
30 be consistent with the constitutional rights of ~~pupits~~ STUDENTS and shall
31 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 and
39 defense of property.

40 ~~4.~~ 3. Procedures for dealing with ~~pupits~~ STUDENTS who have committed
41 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 who
45 has been expelled or suspended for more than ten days.

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

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

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

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

19 ~~10.~~ 9. Procedures that require the school district to annually report
20 to the department of education in a manner prescribed by the department the
21 number of suspensions and expulsions that involve the possession, use or sale
22 of an illegal substance under title 13, chapter 34 and the type of illegal
23 substance involved in each suspension or expulsion. The department of
24 education shall compile this information and annually post the information on
25 its website. The information shall comply with the family educational rights
26 and privacy act of 1974 (P.L. 93-380; 88 Stat. 571; 20 United States Code
27 section 1232g), shall not include personally identifiable information and
28 shall show the number of suspensions and expulsions associated with each
29 illegal substance aggregated statewide and by county.

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

35 D. The governing board shall:

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

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

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

42 4. Delegate to the principal the authority to remove a disruptive
43 ~~pupit~~ STUDENT from the classroom.

44 E. If a ~~pupit~~ STUDENT withdraws from school after receiving notice of
45 possible action concerning discipline, expulsion or suspension, the governing

1 board may continue with the action after the withdrawal and may record the
2 results of such action in the ~~pupit's~~ STUDENT'S permanent file.

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

5 1. Be notified of the intended action.

6 2. Either:

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

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

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

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

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

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

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

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

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

3 K. Except as provided in subsection L of this section, a school
4 district or charter school may suspend or expel a ~~pupit~~ STUDENT who is
5 enrolled in a kindergarten program, first grade, second grade, third grade or
6 fourth grade only if all of the following apply:

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

8 2. The ~~pupit~~ STUDENT engaged in conduct on school grounds ~~that meets~~
9 AND AT LEAST one of the following criteria APPLIES:

10 (a) THE CONDUCT involves the possession of a dangerous weapon without
11 authorization from the school.

12 (b) THE CONDUCT involves the possession, use or sale of a dangerous
13 drug as defined in section 13-3401 or a narcotic drug as defined in section
14 13-3401 or a violation of section 13-3411.

15 (c) THE CONDUCT immediately endangers the health or safety of others.

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

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

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

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

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

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

38 4. Before suspending or expelling the ~~pupit~~ STUDENT, the school
39 district or charter school considers and, if feasible while maintaining the
40 health and safety of others, in consultation with the ~~pupit's~~ STUDENT'S
41 parent or guardian to the extent possible, employs alternative behavioral and
42 disciplinary interventions that are available to the school district or
43 charter school, that are appropriate to the circumstances and that are
44 considerate of health and safety. The school district or charter school

1 shall document the alternative behavioral and disciplinary interventions it
2 considers and employs.

3 5. The school district or charter school, by policy, provides for
4 both:

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

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

16 L. Subsection K of this section does not apply if either:

17 1. Expulsion is required pursuant to section 15-841, subsection G.

18 2. The school district or charter school is suspending the ~~pupil~~
19 STUDENT for two or fewer days and the aggregate suspensions for the ~~pupil~~
20 STUDENT do not exceed ten days within the school year.

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

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

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

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

43 Q. School districts may refer a ~~pupil~~ STUDENT who has been subject to
44 discipline, suspension or expulsion pursuant to this section to a career and

1 college readiness program for at-risk students established pursuant to
2 section 15-707.

3 R. For the purposes of this section, "aggravating circumstances" means
4 the ~~pupil~~ STUDENT is engaged in persistent behavior that:

5 1. Has been documented by the school.

6 2. Prevents other students from learning or prevents the teacher from
7 maintaining control of the classroom environment.

8 3. Is unresponsive to targeted interventions as documented through
9 an established intervention process.