

REFERENCE TITLE: **qualified schools; harassment; bullying; policies**

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

SB 1396

Introduced by
Senators Epstein: Alston, Fernandez, Hatathlie, Miranda; Representative
Contreras P

AN ACT

AMENDING TITLE 15, CHAPTER 19, ARTICLE 1, ARIZONA REVISED STATUTES, BY
ADDING SECTION 15-2407; AMENDING SECTION 41-1279.03, ARIZONA REVISED
STATUTES; RELATING TO ARIZONA EMPOWERMENT SCHOLARSHIP ACCOUNTS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Title 15, chapter 19, article 1, Arizona Revised
3 Statutes, is amended by adding section 15-2407, to read:

4 15-2407. Qualified schools; harassment, intimidation and
5 bullying policies; violations

6 A. NOTWITHSTANDING SECTION 15-2404, A QUALIFIED SCHOOL THAT ACCEPTS
7 PAYMENT FROM A PARENT OR QUALIFIED STUDENT PURSUANT TO THIS CHAPTER SHALL
8 PRESCRIBE AND ENFORCE POLICIES AND PROCEDURES TO PROHIBIT STUDENTS FROM
9 HARASSING, INTIMIDATING AND BULLYING OTHER STUDENTS ON THE QUALIFIED
10 SCHOOL'S GROUNDS, PROPERTY AND BUSES, AT THE QUALIFIED SCHOOL'S BUS STOPS,
11 AT THE QUALIFIED SCHOOL'S SPONSORED EVENTS AND ACTIVITIES AND THROUGH THE
12 USE OF ELECTRONIC TECHNOLOGY OR ELECTRONIC COMMUNICATION ON THE QUALIFIED
13 SCHOOL'S COMPUTERS, NETWORKS, FORUMS AND MAILING LISTS THAT INCLUDE THE
14 FOLLOWING COMPONENTS:

15 1. A PROCEDURE FOR STUDENTS, PARENTS AND QUALIFIED SCHOOL EMPLOYEES
16 TO CONFIDENTIALLY REPORT TO THE QUALIFIED SCHOOL'S OFFICIALS INCIDENTS OF
17 HARASSMENT, INTIMIDATION OR BULLYING. THE QUALIFIED SCHOOL SHALL MAKE
18 AVAILABLE WRITTEN FORMS DESIGNED TO PROVIDE A FULL AND DETAILED
19 DESCRIPTION OF THE INCIDENT AND ANY OTHER RELEVANT INFORMATION ABOUT THE
20 INCIDENT.

21 2. A REQUIREMENT THAT QUALIFIED SCHOOL EMPLOYEES REPORT IN WRITING
22 SUSPECTED INCIDENTS OF HARASSMENT, INTIMIDATION OR BULLYING TO THE
23 APPROPRIATE QUALIFIED SCHOOL OFFICIAL AND A DESCRIPTION OF APPROPRIATE
24 DISCIPLINARY PROCEDURES FOR EMPLOYEES WHO FAIL TO REPORT SUSPECTED
25 INCIDENTS THAT ARE KNOWN TO THE EMPLOYEE.

26 3. A REQUIREMENT THAT, AT THE BEGINNING OF EACH SCHOOL YEAR,
27 QUALIFIED SCHOOL OFFICIALS PROVIDE ALL STUDENTS WITH A WRITTEN COPY OF THE
28 RIGHTS, PROTECTIONS AND SUPPORT SERVICES AVAILABLE TO A STUDENT WHO IS AN
29 ALLEGED VICTIM OF AN INCIDENT REPORTED PURSUANT TO THIS SUBSECTION.

30 4. IF AN INCIDENT IS REPORTED PURSUANT TO THIS SUBSECTION, A
31 REQUIREMENT THAT SCHOOL OFFICIALS PROVIDE A STUDENT WHO IS AN ALLEGED
32 VICTIM OF THE INCIDENT WITH A WRITTEN COPY OF THE RIGHTS, PROTECTIONS AND
33 SUPPORT SERVICES AVAILABLE TO THAT STUDENT.

34 5. A FORMAL PROCESS FOR DOCUMENTING REPORTED INCIDENTS OF
35 HARASSMENT, INTIMIDATION OR BULLYING AND PROVIDING FOR THE
36 CONFIDENTIALITY, MAINTENANCE AND DISPOSITION OF THIS DOCUMENTATION.
37 QUALIFIED SCHOOLS SHALL MAINTAIN DOCUMENTATION OF EACH INCIDENT REPORTED
38 PURSUANT TO THIS PARAGRAPH FOR AT LEAST SIX YEARS. THE QUALIFIED SCHOOL
39 MAY NOT USE THAT DOCUMENTATION TO IMPOSE DISCIPLINARY ACTION UNLESS THE
40 APPROPRIATE QUALIFIED SCHOOL OFFICIAL HAS INVESTIGATED AND DETERMINED THAT
41 THE REPORTED INCIDENT OF HARASSMENT, INTIMIDATION OR BULLYING OCCURRED.
42 IF A QUALIFIED SCHOOL PROVIDES DOCUMENTATION OF A REPORTED INCIDENT TO
43 PERSONS OTHER THAN QUALIFIED SCHOOL OFFICIALS OR LAW ENFORCEMENT, ALL
44 INDIVIDUALLY IDENTIFIABLE INFORMATION SHALL BE REDACTED.

1 6. A FORMAL PROCESS FOR THE APPROPRIATE OFFICIALS OF THE QUALIFIED
2 SCHOOL TO INVESTIGATE SUSPECTED INCIDENTS OF HARASSMENT, INTIMIDATION OR
3 BULLYING, INCLUDING PROCEDURES FOR NOTIFYING THE ALLEGED VICTIM AND THE
4 ALLEGED VICTIM'S PARENT OR GUARDIAN WHEN A QUALIFIED SCHOOL OFFICIAL OR
5 EMPLOYEE BECOMES AWARE OF THE SUSPECTED INCIDENT OF HARASSMENT,
6 INTIMIDATION OR BULLYING.

7 7. DISCIPLINARY PROCEDURES FOR STUDENTS WHO HAVE ADMITTED OR BEEN
8 FOUND TO HAVE COMMITTED INCIDENTS OF HARASSMENT, INTIMIDATION OR BULLYING.

9 8. A PROCEDURE THAT SETS FORTH CONSEQUENCES FOR SUBMITTING FALSE
10 REPORTS OF INCIDENTS OF HARASSMENT, INTIMIDATION OR BULLYING.

11 9. PROCEDURES DESIGNED TO PROTECT THE HEALTH AND SAFETY OF STUDENTS
12 WHO ARE PHYSICALLY HARMED AS THE RESULT OF INCIDENTS OF HARASSMENT,
13 INTIMIDATION AND BULLYING, INCLUDING, IF APPROPRIATE, PROCEDURES TO
14 CONTACT EMERGENCY MEDICAL SERVICES OR LAW ENFORCEMENT AGENCIES, OR BOTH.

15 10. DEFINITIONS OF HARASSMENT, INTIMIDATION AND BULLYING.

16 B. IF A QUALIFIED SCHOOL RECEIVES A NOTICE OF A VIOLATION PURSUANT
17 TO SECTION 41-1279.03, SUBSECTION A, PARAGRAPH 11, THE QUALIFIED SCHOOL
18 HAS SIXTY DAYS TO CURE THE VIOLATION. IF THE STATE BOARD OF EDUCATION
19 DETERMINES THAT THE QUALIFIED SCHOOL HAS FAILED TO CURE THE VIOLATION
20 WITHIN THE SIXTY-DAY PERIOD, THE STATE BOARD OF EDUCATION SHALL NOTIFY THE
21 QUALIFIED SCHOOL THAT THE QUALIFIED SCHOOL IS IN VIOLATION OF THIS SECTION
22 AND THE QUALIFIED SCHOOL SHALL REIMBURSE THE DEPARTMENT FOR ALL OF THE
23 ARIZONA EMPOWERMENT SCHOLARSHIP ACCOUNT MONIES THAT THE QUALIFIED SCHOOL
24 RECEIVED PURSUANT TO THIS CHAPTER FOR THE PREVIOUS SCHOOL YEAR.

25 Sec. 2. Section 41-1279.03, Arizona Revised Statutes, is amended to
26 read:

27 41-1279.03. Powers and duties

28 A. The auditor general shall:

29 1. Prepare an audit plan for approval by the committee and report
30 to the committee the results of each audit and investigation and other
31 reviews conducted by the auditor general.

32 2. Conduct or cause to be conducted annual financial and compliance
33 audits of financial transactions and accounts kept by or for all state
34 agencies subject to the federal single audit requirements. The audits
35 shall be conducted in accordance with generally accepted governmental
36 auditing standards and accordingly shall include tests of the accounting
37 records and other auditing procedures as may be considered necessary in
38 the circumstances. The audits shall include the issuance of suitable
39 reports as required by the federal single audit requirements so that the
40 legislature, the federal government and others will be informed as to the
41 adequacy of financial statements of this state in compliance with
42 generally accepted accounting principles and to determine whether this
43 state has complied with laws and regulations that may have a material
44 effect on the financial statements and on major federal assistance
45 programs.

1 3. Perform procedural reviews for all state agencies at times
2 determined by the auditor general. These reviews may include evaluation
3 of administrative and accounting internal controls and reports on these
4 reviews.

5 4. Perform special research requests, special audits and related
6 assignments as designated by the committee and conduct performance audits,
7 special audits, special research requests and investigations of any state
8 agency, whether created by the constitution or otherwise, as may be
9 requested by the committee.

10 5. Annually on or before the fourth Monday of December, prepare a
11 written report to the governor and to the committee that contains a
12 summary of activities for the previous fiscal year.

13 6. In the fifth year and in each fifth year thereafter in which a
14 transportation excise tax is in effect in a county as provided in section
15 42-6106 or 42-6107, conduct a performance audit that:

16 (a) Reviews past expenditures and future planned expenditures of
17 the transportation excise revenues and determines the impact of the
18 expenditures in solving transportation problems within the county and, for
19 a transportation excise tax in effect in a county as provided in section
20 42-6107, determines whether the expenditures of the transportation excise
21 revenues comply with section 28-6392, subsection B.

22 (b) Reviews projects completed to date and projects to be completed
23 during the remaining years in which a transportation excise tax is in
24 effect. Within six months after each review period, the auditor general
25 shall present a report to the speaker of the house of representatives and
26 the president of the senate detailing findings and making recommendations.

27 (c) Reviews, determines, reports and makes recommendations to the
28 speaker of the house of representatives and the president of the senate
29 whether the distribution of Arizona highway user revenues complies with
30 title 28, chapter 18, article 2.

31 7. If requested by the committee, conduct performance audits of
32 counties and incorporated cities and towns receiving Arizona highway user
33 revenue fund monies pursuant to title 28, chapter 18, article 2 to
34 determine whether the monies are being spent as provided in section
35 28-6533, subsection B.

36 8. Perform special audits designated pursuant to law if the auditor
37 general determines that there are adequate monies appropriated for the
38 auditor general to complete the audit. If the auditor general determines
39 the appropriated monies are inadequate, the auditor general shall notify
40 the [JOINT LEGISLATIVE AUDIT](#) committee. Based on information provided by
41 the auditor general, for any legislative measure that requires the auditor
42 general to perform a special audit, the joint legislative budget committee
43 staff shall notify all the members of the legislature as soon as
44 practicable of the cost to conduct the special audit.

1 9. Establish a schoolwide audit team in the office of the auditor
2 general to conduct performance audits and monitor school districts to
3 determine the percentage of every dollar spent in the classroom by the
4 school district. Each school district shall prominently post on its
5 website home page a copy of its profile pages that displays the percentage
6 of every dollar spent in the classroom by that school district from the
7 most recent status report issued by the auditor general pursuant to this
8 paragraph. The auditor general shall determine, through random selection,
9 the school districts to be audited each year, subject to review by the
10 joint legislative audit committee. A school district that is subject to
11 an audit pursuant to this paragraph shall notify the auditor general in
12 writing whether the school district agrees or disagrees with the findings
13 of the audit and whether the school district will implement the
14 recommendations, implement modifications to the recommendations or refuse
15 to implement the recommendations. The school district shall submit to the
16 auditor general a written status report on the implementation of the audit
17 recommendations at the request of the auditor general, within the two-year
18 period following the issuance of an audit conducted pursuant to this
19 paragraph. The auditor general shall review the school district's
20 progress toward implementing the recommendations of the audit and provide
21 status reports of the reviews to the joint legislative audit committee
22 during this two-year period. The auditor general may review a school
23 district's progress beyond this two-year period for recommendations that
24 have not yet been implemented by the school district. The school district
25 shall participate in any hearing scheduled during this review period by
26 the joint legislative audit committee or by any other legislative
27 committee designated by the joint legislative audit committee.

28 10. Annually review per diem compensation and reimbursement of
29 expenses for employees of this state and members of a state board,
30 commission, council or advisory committee by judgmentally selecting
31 samples and evaluating the propriety of per diem compensation and expense
32 reimbursements.

33 11. ANNUALLY AUDIT QUALIFIED SCHOOLS AS DEFINED IN SECTION 15-2401
34 FOR COMPLIANCE WITH SECTION 15-2407. IF THE AUDITOR GENERAL FINDS THAT A
35 QUALIFIED SCHOOL HAS FAILED TO COMPLY WITH THE REQUIREMENTS OF SECTION
36 15-2407, THE AUDITOR GENERAL SHALL:

37 (a) NOTIFY THE QUALIFIED SCHOOL AND THE STATE BOARD OF EDUCATION OF
38 THE VIOLATION.

39 (b) INSTRUCT THE QUALIFIED SCHOOL HOW TO CURE THE VIOLATION.

40 B. The auditor general may:

41 1. Subject to approval by the committee, adopt rules necessary to
42 administer the duties of the office.

43 2. Hire consultants to conduct the studies required by subsection
44 A, paragraphs 6 and 7 of this section.

1 C. If approved by the committee, the auditor general may charge a
2 reasonable fee for the cost of performing audits or providing accounting
3 services for auditing federal funds, special audits or special services
4 requested by political subdivisions of this state. Monies collected
5 pursuant to this subsection shall be deposited in the audit services
6 revolving fund.

7 D. The department of transportation, the county treasurer, the
8 county transportation excise tax recipients, ~~and~~ the board of supervisors
9 of a county that has approved a county transportation excise tax as
10 provided in section 42-6106 or 42-6107 and the governing bodies of
11 counties, cities and towns receiving Arizona highway user revenue fund
12 monies shall cooperate with and provide necessary information to the
13 auditor general or the auditor general's consultant.

14 E. The department of transportation or the county transportation
15 excise tax recipients shall reimburse the auditor general as follows, and
16 the auditor general shall deposit the reimbursed monies in the audit
17 services revolving fund:

18 1. For the cost of conducting the studies or hiring a consultant to
19 conduct the studies required by subsection A, paragraph 6, subdivisions
20 (a) and (b) of this section, from monies collected pursuant to a county
21 transportation excise tax levied pursuant to section 42-6106 or 42-6107.

22 2. For the cost of conducting the studies or hiring a consultant
23 pursuant to subsection A, paragraph 6, subdivision (c) and paragraph 7 of
24 this section, from the Arizona highway user revenue fund.