

# Title 15 Working Group

## 2015 Annual Report

The Title 15 Working Group is an independent committee established to annually review the Arizona Education Code—specifically A.R.S. Title 15—to determine whether it contains any unnecessary or over-burdensome language. The Working Group was asked to recommend to the Arizona Superintendent of Public Instruction proposed statutory changes by December 1, 2015. The 2015 Working Group is a 16-member body, representing a diverse group of individuals who work with these education statutes on a daily basis.

### **Chairman**

#### **Ernest Calderón**

*Policy Representative*

President Emeritus AZ Board of Regents

Lewis & Gellen, LLP

### **Vice-Chair**

#### **Kevin Hegarty**

*Business Operations Rep.*

Laveen Elementary School District

#### **Dr. Erica Avila-Hlavaty**

*Special Ed. Representative*

Isaac School District

#### **Jeremy Calles**

*School Finance Representative*

Kyrene Elementary

#### **Jeanne Casteen**

*Teacher and School Board*

*Member Representative*

Creighton School District; Isaac

Middle School

#### **April Hamilton**

*Policy Representative*

House Counsel, Go Daddy

#### **Ricardo Hernandez**

*County Representative*

Office of Pima County School

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#### **Todd Jaeger**

*Support Services Representative*

Amphitheater Unified School

District

#### **Jody Johnson**

*Charter School Representative*

Pointe Schools

#### **Dr. Quinn Kellis**

*Superintendent Representative*

Madison School District

#### **Bill Maas**

*Superintendent Representative*

Deer Valley Unified School

District – Retired

#### **Dr. David Peterson**

*Superintendent Representative*

Scottsdale Unified School

District

#### **Thomas Pickrell**

*Large District & Legal*

*Representative*

Mesa Public Schools

#### **Jennifer Reynolds**

*Parent Representative*

Parent

#### **Carol Weekly**

*Health & Nutrition*

*Representative*

Queen Creek Unified School

District

#### **Travis Zander**

*High School & Finance*

*Representative*

Agua Fria Union High School

District

The Working Group was created by Superintendent of Public Instruction Diane Douglas to serve as an independent guide in proposing recommendations to aid in making the Arizona Education Code as efficiently and effectively applied to Arizona schools as possible.

### **Diane Douglas**

*Superintendent of Public Instruction*

Ashley Berg  
*Executive Director*

Aiden Fleming  
*Deputy Director*

Kristian Fasching  
*Legislative Liaison*

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## Introduction

This report is provided as an informative look at the Arizona Superintendent of Public Instruction's Title 15 Working Group and its efforts in 2015. As most of the informal meetings of the Working Group were not open to the public, and not subject to the Arizona Open Meeting laws, this report is intended to provide transparency on:

- The purpose of the Working Group;
- The Working Group members and selection process;
- The Working Group process (including timeline); and
- The Working Group's proposed statutory changes.

Intended to be an annual process, 2015 was the inaugural year for the Title 15 Working Group. The Arizona Department of Education (ADE) will provide a final report detailing the Working Group's efforts each year, prior to the legislative session.

## Goal

The Working Group was created by Superintendent of Public Instruction Diane Douglas with the goal of removing overly-burdensome, inefficient, or antiquated language from Title 15 of the Arizona Revised Statutes. Years of adding language to Title 15 has created an Education Code that consists of well over one-thousand pages. While many of these additions are either federally required or are essential to the educational process, a significant number do little to increase achievement, improve accountability, or provide any other significant educational benefit to Arizona's students. The overall mission of the Working Group was simple: How does this law help kids?

Four "types" of statutes can typically be found in Title 15:

### **Statement Statutes:**

A number of statutes were created in order to make a statement about a specific issue, yet have little-to-no positive impact on student achievement. Although frequently well-intentioned, many come with a "may" attached (e.g., if a school chooses to offer a certain instructional activity, not only are many of such activities unfunded, but the school must then adhere to a laundry list of requirements mandated under a specific statute). The result is that many schools don't go through the trouble of providing such activities for fear of falling amiss of the required statutory language and the statutes lay dormant for years, filling up Arizona's Education Code.

### **Antiquated or Outdated Statutes:**

Antiquated or outdated statutes once served a valuable function, but are no longer beneficial to schools or students. Either removing antiquated or outdated language—or updating such language—are both viable options to treat such statutes.

### **Inefficient/Overly-Worded:**

Many statutes have vital provisions, surrounded by blocks of statutory language that can be cut. Similarly, the Working Group can suggest moving statutory provisions from one statute to another, to preserve the language that is necessary, and remove the rest.

In other instances, merely deleting inefficient sentences, or simplifying convoluted statutory language, can result in statutes that retain their intended meanings and are much easier to interpret. In some statutes, minimal language additions can help to clarify the language and put it in context.

### **Ambiguous Language or Statutes Needing Technical Changes:**

Frequently, unclear or technically-unsound language can be found in statutes. These errors or ambiguities can typically be found and rectified rather quickly.

## **Members**

The initial Title 15 Working Group was formed after the 2015 legislative session. The Superintendent of Public Instruction felt it was vital to include a diverse representation of members for the group, including school superintendents, business managers, parents, a teacher and other education stakeholders—all of whom are impacted regularly by these statutes. Members are public volunteers; none of the members are lobbyists, representatives of organizations, or employees of ADE.

Members were selected after an application process, wherein applicants were vetted to determine whether they would be a valuable addition to the Working Group. Members for 2015 were announced in June of 2015. The membership is as follows:

- **Ernest Calderón (Chairman)** - President Emeritus of the Arizona Board of Regents & Partner in Lewis & Gellen, LLP law firm providing expertise in education law (Policy Representative).
- **Kevin Hegarty (Vice Chairman)** - Executive Director of Business and Operations at Laveen Elementary School District (Business Operations Representative).
- **Dr. Erica Avila-Hlavaty** - Director of Student Services focusing on transforming the special education program at Isaac School District (Special Education Representative).
- **Jeremy Calles** - CFO at Kyrene Elementary School District (School Finance Representative).
- **Jeanne Casteen** - Member of Creighton School District Governing Board & current teacher at North High School (Teacher & School Board Member Representative).
- **April Hamilton** – House Counsel at GoDaddy, prior associate attorney at Ridenour, Hinton & Lewis law firm practicing in the area of education law (Policy Representative).
- **Ricardo Hernandez** - Deputy County School Superintendent and CFO at the Office of the Pima County School Superintendent (County Representative).
- **Todd Jaeger** - Associate Superintendent and General Counsel and Executive Director of Human Resources at Amphitheater Unified School District (Support Services Representative).
- **Jody Johnson** - Founder & CEO of Pointe Schools (Charter School Representative).
- **Dr. Quinn Kellis** - Superintendent of Madison School District (Superintendent Representative).

- **Bill Maas** - Retired Associate Superintendent of Fiscal Services for Deer Valley Unified School District (Superintendent Representative).
- **Dr. David Peterson** - Superintendent of Scottsdale Unified School District (Superintendent Representative).
- **Thomas Pickrell** - General Counsel for Mesa Public Schools (Large District & Legal Representative).
- **Jennifer Reynolds** - Parent of four school aged children (Parent Representative).
- **Carol Weekly** - Director of Child Nutrition at Queen Creek Unified School District (Health & Nutrition Representative).
- **Travis Zander** - CFO at Agua Fria Union High School District (High School & School Finance Representative).

## 2015 Timeline and Highlights

The Title 15 Working Group first met on July 8, 2015, at Thunderbird High School for a public meeting. The members received feedback from the public about their concerns and suggestions for possible statutory changes. It was imperative to the Working Group that they hear from the public before convening their work on individual statutory provisions.

Additional informal meetings were conducted on:

- August 11
- August 25
- September 16
- October 2
- October 19

Over sixty (60) statutes were discussed at length. *See Appendix A.* The Working Group spent a significant amount of time ensuring that everyone's suggestions were considered, whether from a Member or the public.

## Directives

The Working Group was instructed to focus on the subtraction of statutory language, with any additions being made only as completely necessary.

Each meeting, the Group was given a set of statutes which included not only suggestions from members, but also comments received from the public via email and during a public meeting held on July 8, 2015. *For a complete list of statutes submitted, see Appendix A.* The Working Group would review the overall objective of their work, and proceed to break into sub-groups for discussion of the statutes for that meeting. Once the sub-groups completed their deliberations, they reconvened into their full group and discussed their findings.

Upon completion of the large group review, the Working Group would put each statutory amendment—or lack thereof—for a vote. Agreed-upon proposed amendments were recorded and included in a

master document for review at the final Working Group meeting. The Superintendent of Public Instruction reviewed the agreed upon statutory changes resulting from the final Working Group meeting.

The Title 15 Working Group is submitting two proposals to the Superintendent of Public Instruction. The two bills are explained below. *Please see the section titled Working Group Recommendations.*

## **Working Group Recommendations**

In the Working Group's final meeting, a selection of approximately forty (40) statutes were reviewed, discussed, and finally pared down to a number that the Group agreed to recommend. With the purpose of the Working Group being primarily to subtract, not add, the following is a list of the statutes the Group has recommended and the Superintendent has approved to be amended or removed which will be included in Bill 1:

1. A.R.S. 15-102 Parental involvement in the school; definition
2. A.R.S. 15-152 Pest management at schools; notice
3. A.R.S. 15-183 Charter schools; application; requirements; immunity; exemptions; renewal of application; reprisal; fee; funds; annual reports
4. A.R.S. 15-306 Register of Warrants
5. A.R.S. 15-341 General powers and duties; immunity; delegation
6. A.R.S. 15-349 Operation of motor vehicle fleet; options to conventional fuels
7. A.R.S. 15-353 Duties of Principals
8. A.R.S. 15-393 Joint technical education district governing board; report; definitions
9. A.R.S. 15-505 Examination of Person displaying symptoms of pulmonary disease
10. A.R.S. 15-521 Duties of Teachers
11. A.R.S. 15-903 Budget format; prohibited expenditures
12. A.R.S. 15-910 School district budgets; excess utility costs; desegregation costs; tuition costs for
13. A.R.S. 15-1103 Insurance proceeds fund; disposition of proceeds
14. A.R.S. 15-1107 Litigation recovery fund; disposition of proceeds bond issues; costs for registering warrants; report

*The draft of the proposed language changes for Bill 1 is included in Appendix B.*

The following is a list of the statutes the Title 15 Working Group has recommended to be amended and included in Bill 2:

1. A.R.S. 15-342 Discretionary powers
2. A.R.S. 15-348 Interscholastic athletics noncontact sports
3. A.R.S. 15-351 School councils; duties; membership
4. A.R.S. 15-352 Exemptions
5. A.R.S. 15-706 Instruction in environmental education; definition
6. A.R.S. 15-707 High schools; education about organ donation

7. A.R.S. 15-708 Remedial education programs; powers of the governing board; definition
8. A.R.S. 15-709 Review of students in remedial education programs
9. A.R.S. 15-711.01 Instruction on stranger danger
10. A.R.S. 15-712.01 Instruction on dating abuse; definitions
11. A.R.S. 15-713 Training in use of bows or firearms; instruction materials; certification of instructors; cooperating agencies
12. A.R.S. 15-714 Eligibility for training in use of bows or firearms
13. A.R.S. 15-714.01 Arizona gun safety program course
14. A.R.S. 15-716 Instruction on acquired immune deficiency syndrome; department assistance
15. A.R.S. 15-718 Instruction on skin cancer prevention
16. A.R.S. 15-718.01 Instruction on cardiopulmonary resuscitation; exemptions; definition
17. A.R.S. 15-720.02 Instruction on personal finance in high schools
18. A.R.S. 36-884 Exemptions
19. A.R.S. 41-1279.03 Powers and duties

*The draft of the proposed language changes for Bill 2 is included in Appendix C.*

## **Conclusion**

The overall mission of the Title 15 Working group was simple: How does this law help kids? Over the past few months, the Group filtered through many statutes, dissecting each line of text to determine whether it truly did in fact “help kids”. After careful deliberation, the Working Group feels their list of proposed amendments and deletions is a step in the right direction. That being said, there are a number of inefficient, ineffective, or unnecessary statutes that still remain. As this is an annual process, it is the hope that these statutes will too be considered in the future.

# **Appendix A**

## **Statutes Submitted for Review**

### August 11, 2015

- A.R.S. 15-102
- A.R.S. 15-112
- A.R.S. 15-341
- A.R.S. 15-342
- A.R.S. 15-353
- A.R.S. 15-505
- A.R.S. 15-521
- A.R.S. 15-706
- A.R.S. 15-717.01

### August 25, 2015

- A.R.S. 15-112
- A.R.S. 15-152
- A.R.S. 15-348
- A.R.S. 15-349
- A.R.S. 15-354
- A.R.S. 15-707
- A.R.S. 15-710
- A.R.S. 15-711
- A.R.S. 15-711.01
- A.R.S. 15-712
- A.R.S. 15-712.01
- A.R.S. 15-713
- A.R.S. 15-714
- A.R.S. 15-716
- A.R.S. 15-717
- A.R.S. 15-718
- A.R.S. 15-718.01
- A.R.S. 15-720.01
- A.R.S. 15-720.02

### September 16, 2015

- A.R.S. 15-708



- A.R.S. 15-709
- A.R.S. 15-714.01
- A.R.S. 15-715
- A.R.S. 15-719
- A.R.S. 15-720
- A.R.S. 36-884
- A.R.S. 41-1279.03
- A.R.S. 15-102
- A.R.S. 15-183
- A.R.S. 15-306
- A.R.S. 15-351
- A.R.S. 15-393
- A.R.S. 15-903
- A.R.S. 15-905.01
- A.R.S. 15-910

October 2, 2015

- A.R.S. 15-1102
- A.R.S. 15-1103
- A.R.S. 15-1104
- A.R.S. 15-1105
- A.R.S. 15-1106
- A.R.S. 15-1107
- A.R.S. 15-1108
- A.R.S. 15-752
- A.R.S. 15-2401
- A.R.S. 15-2402
- A.R.S. 15-2403
- A.R.S. 15-2404

## **Appendix B**

### **Bill 1: Proposed Statutory Changes**

#### 15-102. Parental involvement in the school: definition

A. The governing board, in consultation with parents, teachers and administrators, shall develop and adopt a policy to promote the involvement of parents and guardians of children enrolled in the schools within the school district, including:

1. A plan for parent participation in the schools which is designed to improve parent and teacher cooperation in such areas as homework, attendance and discipline. **THE PLAN SHALL INCLUDE ADMINISTRATION OF A PARENT SATISFACTION SURVEY.**

2. Procedures by which parents may learn about the course of study for their children and review learning materials, including the source of any supplemental educational materials.

3. Procedures by which parents who object to any learning material or activity on the basis that it is harmful may withdraw their children from the activity or from the class or program in which the material is used. Objection to a learning material or activity on the basis that it is harmful includes objection to a material or activity because it questions beliefs or practices in sex, morality or religion.

4. If a school district offers any sex education curricula pursuant to section 15-711 or 15-716 or pursuant to any rules adopted by the state board of education, procedures to prohibit a school district from providing sex education instruction to a pupil unless the pupil's parent provides written permission for the child to participate in the sex education curricula.

5. Procedures by which parents will be notified in advance of and given the opportunity to withdraw their children from any instruction or presentations regarding sexuality in courses other than formal sex education curricula.

6. Procedures by which parents may learn about the nature and purpose of clubs and activities that are part of the school curriculum, extracurricular clubs and activities that have been approved by the school.

7. Procedures by which parents may learn about parental rights and responsibilities under the laws of this state, including the following:

(a) The right to opt in to a sex education curriculum if one is provided by the school district.

(b) Open enrollment rights pursuant to section 15-816.01.

(c) The right to opt out of assignments pursuant to this section.

(d) The right to opt out of immunizations pursuant to section 15-873.

(e) The promotion requirements prescribed in section 15-701.

(f) The minimum course of study and competency requirements for graduation from high school prescribed in section 15-701.01.

(g) The right to opt out of instruction on the acquired immune deficiency syndrome pursuant to section 15-716.

(h) The right to review test results pursuant to section 15-743.

(i) The right to participate in gifted programs pursuant to section 15-779.01.

(j) The right to access instructional materials pursuant to section 15-730.

(k) The right to receive a school report card pursuant to section 15-746.

(l) The attendance requirements prescribed in sections 15-802, 15-803 and 15-821.

(m) The right to public review of courses of study and textbooks pursuant to section 15-721.

(n) The right to be excused from school attendance for religious purposes pursuant to section 15-806.

(o) Policies related to parental involvement pursuant to this section.

(p) The right to seek membership on school councils pursuant to section 15-351.

(q) The right to participate in a parental satisfaction survey pursuant to **THIS SECTION.**

(r) Information about the student accountability information system as prescribed in section 15-1042.

(s) The right to access the failing schools tutoring fund pursuant to section 15-241.

15-152. Pest management at schools; notice

A. The governing board of each school district, ~~in consultation with teachers, parents, guardians, administrators, members of the public, a certified applicator, and at least one health professional,~~ shall develop and adopt a policy to provide pupils and employees with at least forty-eight hours' notice before pesticides are applied on school property. **NOTWITHSTANDING THE REQUIREMENT OF FORTY-EIGHT HOURS' NOTICE, A DISTRICT MAY IMMEDIATELY APPLY PESTICIDE TO AN IDENTIFIED INFESTATION IF THE DISTRICT DETERMINES THE APPLICATION IS NECESSARY TO ARREST FURTHER INFESTATION AND REASONABLE PRECAUTIONS ARE TAKEN TO AVOID EXPOSURE TO STUDENTS AND EMPLOYEES.** ~~The policy shall include at least the following:~~

~~1. Procedures for providing the notification including:~~

~~(a) Procedures for oral notification to pupils and employees during a regular school session.~~

~~(b) Procedures for written notification to parents or guardians during a regular school session.~~

~~(c) Procedures for the posting of signs to identify pesticide application areas.~~

~~2. Procedures for requiring any contracted pest control applicator to provide detailed and sufficient information to the schools for the purpose of completing the posting materials.~~

~~3. Procedures providing for continuing instruction for pupils who are absent because of pesticide application on school property.~~

~~B. Each school district shall maintain written records of pesticide application notifications. The school district may delegate to the pest control applicator the duty to fill out and post notices required by district policy.~~

~~C. B.~~ For purposes of this section "pesticides" does not include nonrestricted use disinfectants, sanitizers or deodorizers regulated by the federal insecticide, fungicide and rodenticide act but includes other pesticides regulated under the federal insecticide, fungicide and rodenticide act (P.L. 100-532; 102 Stat. 2654; 7 United States Code section 136).

15-183. Charter schools; application; requirements; immunity; exemptions; renewal of application; reprisal; fee; funds; annual reports

A. An applicant seeking to establish a charter school shall submit a written application to a proposed sponsor as prescribed in subsection C of this section. The application, application process and application time frames shall be posted on the sponsor's website and shall include the following, as specified in the application adopted by the sponsor:

1. A detailed educational plan.

2. A detailed business plan.

3. A detailed operational plan.

4. Any other materials required by the sponsor.

B. The sponsor of a charter school may contract with a public body, private person or private organization for the purpose of establishing a charter school pursuant to this article.

C. The sponsor of a charter school may be either a school district governing board, the state board of education, the state board for charter schools, a university under the jurisdiction of the Arizona board of regents, a community college district with enrollment of more than fifteen thousand full-time equivalent students or a group of community college districts with a combined enrollment of more than fifteen thousand full-time equivalent students, subject to the following requirements:

1. For charter schools that submit an application for sponsorship to a school district governing board:

(a) An applicant for a charter school may submit its application to a school district governing board, which shall either accept or reject sponsorship of the charter school within ninety days. An applicant may submit a revised application for reconsideration by the governing board. If the governing board rejects the application, the governing board shall notify the applicant in writing of the reasons for the rejection. The applicant may request, and the governing board may provide, technical assistance to improve the application.

(b) In the first year that a school district is determined to be out of compliance with the uniform system of financial records, within fifteen days of the determination of noncompliance, the school district shall notify by certified mail each charter school sponsored by the school district that the school district is out of compliance with the uniform system of financial records. The notification shall include a statement that if the school

district is determined to be out of compliance for a second consecutive year, the charter school will be required to transfer sponsorship to another entity pursuant to subdivision (c) of this paragraph.

(c) In the second consecutive year that a school district is determined to be out of compliance with the uniform system of financial records, within fifteen days of the determination of noncompliance, the school district shall notify by certified mail each charter school sponsored by the school district that the school district is out of compliance with the uniform system of financial records. A charter school that receives a notification of school district noncompliance pursuant to this subdivision shall file a written sponsorship transfer application within forty-five days with the state board of education, the state board for charter schools or the school district governing board if the charter school is located within the geographic boundaries of that school district. A charter school that receives a notification of school district noncompliance may request an extension of time to file a sponsorship transfer application, and the state board of education, the state board for charter schools or a school district governing board may grant an extension of not more than an additional thirty days if good cause exists for the extension. The state board of education and the state board for charter schools shall approve a sponsorship transfer application pursuant to this paragraph.

(d) A school district governing board shall not grant a charter to a charter school that is located outside the geographic boundaries of that school district.

(e) A school district that has been determined to be out of compliance with the uniform system of financial records during either of the previous two fiscal years shall not sponsor a new or transferring charter school.

(f) Notwithstanding any other law, a school district governing board shall not grant a charter to a new charter school that begins initial operations after June 30, 2013 or convert an existing district public school to a charter school that begins initial operations after June 30, 2013.

2. The applicant may submit the application to the state board of education or the state board for charter schools. Notwithstanding any other law, neither the state board for charter schools nor the state board of education shall grant a charter to a school district governing board for a new charter school that begins initial operations after June 30, 2013 or for the conversion of an existing district public school to a charter school that begins initial operations after June 30, 2013. The state board of education or the state board for charter schools may approve the application if the application meets the requirements of this article and may approve the charter if the proposed sponsor determines, within its sole discretion, that the applicant is sufficiently qualified to operate a charter school and that the applicant is applying to operate as a separate charter holder by considering factors such as whether:

(a) The schools have separate governing bodies, governing body membership, staff, facilities and student population.

(b) Daily operations are carried out by different administrators.

(c) The applicant intends to have an affiliation agreement for the purpose of providing enrollment preferences.

(d) The applicant's charter management organization has multiple charter holders serving varied grade configurations on one physical site or nearby sites serving one community.

(e) It is reconstituting an existing school site population at the same or new site.

(f) It is reconstituting an existing grade configuration from a prior charter holder with at least one grade remaining on the original site with the other grade or grades moving to a new site. The state board of education or the state board for charter schools may approve any charter schools transferring charters. The state board of education and the state board for charter schools shall approve any charter schools transferring charters from a school district that is determined to be out of compliance with the uniform system of financial records pursuant to this section, but may require the charter school to sign a new charter that is equivalent to the charter awarded by the former sponsor. If the state board of education or the state board for charter schools rejects the preliminary application, the state board of education or the state board for charter schools shall notify the applicant in writing of the reasons for the rejection and of suggestions for improving the application. An applicant may submit a revised application for reconsideration by the state board of education or the state board for charter schools. The applicant may request, and the state board of education or the state board for charter schools may provide, technical assistance to improve the application.

3. The applicant may submit the application to a university under the jurisdiction of the Arizona board of regents, a community college district or a group of community college districts. A university, a community college district or a group of community college districts shall not grant a charter to a school district

governing board for a new charter school that begins initial operations after June 30, 2013 or for the conversion of an existing district public school to a charter school that begins initial operations after June 30, 2013. A university, a community college district or a group of community college districts may approve the application if it meets the requirements of this article and if the proposed sponsor determines, in its sole discretion, that the applicant is sufficiently qualified to operate a charter school.

4. Each applicant seeking to establish a charter school shall submit a full set of fingerprints to the approving agency for the purpose of obtaining a state and federal criminal records check pursuant to section 41-1750 and Public Law 92-544. If an applicant will have direct contact with students, the applicant shall possess a valid fingerprint clearance card that is issued pursuant to title 41, chapter 12, article 3.1. The department of public safety may exchange this fingerprint data with the federal bureau of investigation. The criminal records check shall be completed before the issuance of a charter.

5. All persons engaged in instructional work directly as a classroom, laboratory or other teacher or indirectly as a supervisory teacher, speech therapist or principal shall have a valid fingerprint clearance card that is issued pursuant to title 41, chapter 12, article 3.1, unless the person is a volunteer or guest speaker who is accompanied in the classroom by a person with a valid fingerprint clearance card. A charter school shall not employ a teacher whose certificate has been surrendered or revoked, unless the teacher's certificate has been subsequently reinstated by the state board of education. All other personnel shall be fingerprint checked pursuant to section 15-512, or the charter school may require those personnel to obtain a fingerprint clearance card issued pursuant to title 41, chapter 12, article 3.1. Before employment, the charter school shall make documented, good faith efforts to contact previous employers of a person to obtain information and recommendations that may be relevant to a person's fitness for employment as prescribed in section 15-512, subsection F. The charter school shall notify the department of public safety if the charter school or sponsor receives credible evidence that a person who possesses a valid fingerprint clearance card is arrested for or is charged with an offense listed in section 41-1758.03, subsection B. Charter schools may hire personnel that have not yet received a fingerprint clearance card if proof is provided of the submission of an application to the department of public safety for a fingerprint clearance card and if the charter school that is seeking to hire the applicant does all of the following:

(a) Documents in the applicant's file the necessity for hiring and placement of the applicant before receiving a fingerprint clearance card.

(b) Ensures that the department of public safety completes a statewide criminal records check on the applicant. A statewide criminal records check shall be completed by the department of public safety every one hundred twenty days until the date that the fingerprint check is completed or the fingerprint clearance card is issued or denied.

(c) Obtains references from the applicant's current employer and the two most recent previous employers except for applicants who have been employed for at least five years by the applicant's most recent employer.

(d) Provides general supervision of the applicant until the date that the fingerprint card is obtained.

(e) Completes a search of criminal records in all local jurisdictions outside of this state in which the applicant has lived in the previous five years.

(f) Verifies the fingerprint status of the applicant with the department of public safety.

6. A charter school that complies with the fingerprinting requirements of this section shall be deemed to have complied with section 15-512 and is entitled to the same rights and protections provided to school districts by section 15-512.

7. If a charter school operator is not already subject to a public meeting or hearing by the municipality in which the charter school is located, the operator of a charter school shall conduct a public meeting at least thirty days before the charter school operator opens a site or sites for the charter school. The charter school operator shall post notices of the public meeting in at least three different locations that are within three hundred feet of the proposed charter school site.

8. A person who is employed by a charter school or who is an applicant for employment with a charter school, who is arrested for or charged with a nonappealable offense listed in section 41-1758.03, subsection B and who does not immediately report the arrest or charge to the person's supervisor or potential employer is guilty of unprofessional conduct and the person shall be immediately dismissed from employment with the charter school or immediately excluded from potential employment with the charter school.

9. A person who is employed by a charter school and who is convicted of any nonappealable offense listed in section 41-1758.03, subsection B or is convicted of any nonappealable offense that amounts to unprofessional conduct under section 15-550 shall immediately do all of the following:

- (a) Surrender any certificates issued by the department of education.
- (b) Notify the person's employer or potential employer of the conviction.
- (c) Notify the department of public safety of the conviction.
- (d) Surrender the person's fingerprint clearance card.

D. An entity that is authorized to sponsor charter schools pursuant to this article has no legal authority over or responsibility for a charter school sponsored by a different entity. This subsection does not apply to the state board of education's duty to exercise general supervision over the public school system pursuant to section 15-203, subsection A, paragraph 1.

E. The charter of a charter school shall do all of the following:

1. Ensure compliance with federal, state and local rules, regulations and statutes relating to health, safety, civil rights and insurance. The department of education shall publish a list of relevant rules, regulations and statutes to notify charter schools of their responsibilities under this paragraph.

2. Ensure that it is nonsectarian in its programs, admission policies and employment practices and all other operations.

3. Ensure that it provides a comprehensive program of instruction for at least a kindergarten program or any grade between grades one and twelve, except that a school may offer this curriculum with an emphasis on a specific learning philosophy or style or certain subject areas such as mathematics, science, fine arts, performance arts or foreign language.

4. Ensure that it designs a method to measure pupil progress toward the pupil outcomes adopted by the state board of education pursuant to section 15-741.01, including participation in the Arizona instrument to measure standards test and the nationally standardized norm-referenced achievement test as designated by the state board and the completion and distribution of an annual report card as prescribed in chapter 7, article 3 of this title.

5. Ensure that, except as provided in this article and in its charter, it is exempt from all statutes and rules relating to schools, governing boards and school districts.

6. Ensure that, except as provided in this article, it is subject to the same financial and electronic data submission requirements as a school district, including the uniform system of financial records as prescribed in chapter 2, article 4 of this title, procurement rules as prescribed in section 15-213 and audit requirements. The auditor general shall conduct a comprehensive review and revision of the uniform system of financial records to ensure that the provisions of the uniform system of financial records that relate to charter schools are in accordance with commonly accepted accounting principles used by private business. A school's charter may include exceptions to the requirements of this paragraph that are necessary as determined by the district governing board, the university, the community college district, the group of community college districts, the state board of education or the state board for charter schools. The department of education or the office of the auditor general may conduct financial, program or compliance audits.

7. Ensure compliance with all federal and state laws relating to the education of children with disabilities in the same manner as a school district.

8. Ensure that it provides for a governing body for the charter school that is responsible for the policy decisions of the charter school. Notwithstanding section 1-216, if there is a vacancy or vacancies on the governing body, a majority of the remaining members of the governing body constitute a quorum for the transaction of business, unless that quorum is prohibited by the charter school's operating agreement.

9. Ensure that it provides a minimum of one hundred eighty instructional days before June 30 of each fiscal year unless it is operating on an alternative calendar approved by its sponsor. The superintendent of public instruction shall adjust the apportionment schedule accordingly to accommodate a charter school utilizing an alternative calendar.

F. A charter school shall keep ~~on~~ **IN THE PERSONNEL** file ~~the resumes~~ of all current ~~and former~~ employees who provide instruction to pupils at the charter school. ~~Resumes shall include an individual's~~ **INFORMATION ABOUT THE EMPLOYEE'S** educational and teaching background and experience in a particular academic content subject area. A charter school shall inform parents and guardians of the availability of the ~~resume~~ information and shall make the ~~resume~~ information available for inspection on request of parents and guardians of pupils enrolled at the charter school. This subsection does not require any charter school to

release personally identifiable information in relation to any teacher or employee, including the teacher's or employee's address, salary, social security number or telephone number.

G. The charter of a charter school may be amended at the request of the governing body of the charter school and on the approval of the sponsor.

H. Charter schools may contract, sue and be sued.

I. The charter is effective for fifteen years from the first day of the fiscal year as specified in the charter, subject to the following:

1. At least eighteen months before the expiration of the charter, the sponsor shall notify the charter school that the charter school may apply for renewal and shall make the renewal application available to the charter school. A charter school that elects to apply for renewal shall file a complete renewal application at least fifteen months before the expiration of the charter. A sponsor shall give written notice of its intent not to renew the charter school's request for renewal to the charter school at least twelve months before the expiration of the charter. The sponsor shall make data used in making renewal decisions available to the school and the public and shall provide a public report summarizing the evidence basis for each decision. The sponsor may deny the request for renewal if, in its judgment, the charter holder has failed to do any of the following:

(a) Meet or make sufficient progress toward the academic performance expectations set forth in the performance framework.

(b) Meet the operational performance expectations set forth in the performance framework or any improvement plans.

(c) Complete the obligations of the contract.

(d) Comply with this article or any provision of law from which the charter school is not exempt.

2. A charter operator may apply for early renewal. At least nine months before the charter school's intended renewal consideration, the operator of the charter school shall submit a letter of intent to the sponsor to apply for early renewal. The sponsor shall review fiscal audits and academic performance data for the charter school that are annually collected by the sponsor, review the current contract between the sponsor and the charter school and provide the qualifying charter school with a renewal application. On submission of a complete application, the sponsor shall give written notice of its consideration of the renewal application. The sponsor may deny the request for early renewal if, in the sponsor's judgment, the charter holder has failed to do any of the following:

(a) Meet or make sufficient progress toward the academic performance expectations set forth in the performance framework.

(b) Meet the operational performance expectations set forth in the performance framework or any improvement plans.

(c) Complete the obligations of the contract.

(d) Comply with this article or any provision of law from which the charter school is not exempt.

3. A sponsor shall review a charter at five-year intervals using a performance framework adopted by the sponsor and may revoke a charter at any time if the charter school breaches one or more provisions of its charter or if the sponsor determines that the charter holder has failed to do any of the following:

(a) Meet or make sufficient progress toward the academic performance expectations set forth in the performance framework.

(b) Meet the operational performance expectations set forth in the performance framework or any improvement plans.

(c) Comply with this article or any provision of law from which the charter school is not exempt.

4. In determining whether to renew or revoke a charter holder, the sponsor must consider making sufficient progress toward the academic performance expectations set forth in the sponsor's performance framework as one of the most important factors.

5. At least sixty days before the effective date of the proposed revocation, the sponsor shall give written notice to the operator of the charter school of its intent to revoke the charter. Notice of the sponsor's intent to revoke the charter shall be delivered personally to the operator of the charter school or sent by certified mail, return receipt requested, to the address of the charter school. The notice shall incorporate a statement of reasons for the proposed revocation of the charter. The sponsor shall allow the charter school at least sixty days to correct the problems associated with the reasons for the proposed revocation of the charter. The final determination of whether to revoke the charter shall be made at a public hearing called for such purpose.

J. The charter may be renewed for successive periods of twenty years.

K. A charter school that is sponsored by the state board of education, the state board for charter schools, a university, a community college district or a group of community college districts may not be located on the property of a school district unless the district governing board grants this authority.

L. A governing board or a school district employee who has control over personnel actions shall not take unlawful reprisal against another employee of the school district because the employee is directly or indirectly involved in an application to establish a charter school. A governing board or a school district employee shall not take unlawful reprisal against an educational program of the school or the school district because an application to establish a charter school proposes the conversion of all or a portion of the educational program to a charter school. For the purposes of this subsection, "unlawful reprisal" means an action that is taken by a governing board or a school district employee as a direct result of a lawful application to establish a charter school and that is adverse to another employee or an education program and:

1. With respect to a school district employee, results in one or more of the following:

(a) Disciplinary or corrective action.

(b) Detail, transfer or reassignment.

(c) Suspension, demotion or dismissal.

(d) An unfavorable performance evaluation.

(e) A reduction in pay, benefits or awards.

(f) Elimination of the employee's position without a reduction in force by reason of lack of monies or work.

(g) Other significant changes in duties or responsibilities that are inconsistent with the employee's salary or employment classification.

2. With respect to an educational program, results in one or more of the following:

(a) Suspension or termination of the program.

(b) Transfer or reassignment of the program to a less favorable department.

(c) Relocation of the program to a less favorable site within the school or school district.

(d) Significant reduction or termination of funding for the program.

M. Charter schools shall secure insurance for liability and property loss. The governing body of a charter school that is sponsored by the state board of education or the state board for charter schools may enter into an intergovernmental agreement or otherwise contract to participate in an insurance program offered by a risk retention pool established pursuant to section 11-952.01 or 41-621.01 or the charter school may secure its own insurance coverage. The pool may charge the requesting charter school reasonable fees for any services it performs in connection with the insurance program.

N. Charter schools do not have the authority to acquire property by eminent domain.

O. A sponsor, including members, officers and employees of the sponsor, is immune from personal liability for all acts done and actions taken in good faith within the scope of its authority.

P. Charter school sponsors and this state are not liable for the debts or financial obligations of a charter school or persons who operate charter schools.

Q. The sponsor of a charter school shall establish procedures to conduct administrative hearings on determination by the sponsor that grounds exist to revoke a charter. Procedures for administrative hearings shall be similar to procedures prescribed for adjudicative proceedings in title 41, chapter 6, article 10. Except as provided in section 41-1092.08, subsection H, final decisions of the state board of education and the state board for charter schools from hearings conducted pursuant to this subsection are subject to judicial review pursuant to title 12, chapter 7, article 6.

R. The sponsoring entity of a charter school shall have oversight and administrative responsibility for the charter schools that it sponsors. In implementing its oversight and administrative responsibilities, the sponsor shall ground its actions in evidence of the charter holder's performance in accordance with the performance framework adopted by the sponsor. The performance framework shall be publicly available, shall be placed on the sponsoring entity's website and shall include:

1. The academic performance expectations of the charter school and the measurement of sufficient progress toward the academic performance expectations.

2. The operational expectations of the charter school, including adherence to all applicable laws and obligations of the charter contract.

3. Intervention and improvement policies.



S. Charter schools may pledge, assign or encumber their assets to be used as collateral for loans or extensions of credit.

T. All property accumulated by a charter school shall remain the property of the charter school.

U. Charter schools may not locate a school on property that is less than one-fourth mile from agricultural land regulated pursuant to section 3-365, except that the owner of the agricultural land may agree to comply with the buffer zone requirements of section 3-365. If the owner agrees in writing to comply with the buffer zone requirements and records the agreement in the office of the county recorder as a restrictive covenant running with the title to the land, the charter school may locate a school within the affected buffer zone. The agreement may include any stipulations regarding the charter school, including conditions for future expansion of the school and changes in the operational status of the school that will result in a breach of the agreement.

V. A transfer of a charter to another sponsor, a transfer of a charter school site to another sponsor or a transfer of a charter school site to a different charter shall be completed before the beginning of the fiscal year that the transfer is scheduled to become effective. An entity that sponsors charter schools may accept a transferring school after the beginning of the fiscal year if the transfer is approved by the superintendent of public instruction. The superintendent of public instruction shall have the discretion to consider each transfer during the fiscal year on a case by case basis. If a charter school is sponsored by a school district that is determined to be out of compliance with this title, the uniform system of financial records or any other state or federal law, the charter school may transfer to another sponsoring entity at any time during the fiscal year. A charter holder seeking to transfer sponsors shall comply with the current charter terms regarding assignment of the charter. A charter holder transferring sponsors shall notify the current sponsor that the transfer has been approved by the new sponsor.

W. Notwithstanding subsection V of this section, a charter holder on an improvement plan must notify parents or guardians of registered students of the intent to transfer the charter and the timing of the proposed transfer. On the approved transfer, the new sponsor shall enforce the improvement plan but may modify the plan based on performance.

X. Notwithstanding subsection Y of this section, the state board for charter schools shall charge a processing fee to any charter school that amends its contract to participate in Arizona online instruction pursuant to section 15-808. The charter Arizona online instruction processing fund is established consisting of fees collected and administered by the state board for charter schools. The state board for charter schools shall use monies in the fund only for the processing of contract amendments for charter schools participating in Arizona online instruction. Monies in the fund are continuously appropriated.

Y. The sponsoring entity may not charge any fees to a charter school that it sponsors unless the sponsor has provided services to the charter school and the fees represent the full value of those services provided by the sponsor. On request, the value of the services provided by the sponsor to the charter school shall be demonstrated to the department of education.

Z. Charter schools may enter into an intergovernmental agreement with a presiding judge of the juvenile court to implement a law related education program as defined in section 15-154. The presiding judge of the juvenile court may assign juvenile probation officers to participate in a law related education program in any charter school in the county. The cost of juvenile probation officers who participate in the program implemented pursuant to this subsection shall be funded by the charter school.

AA. The sponsor of a charter school shall modify previously approved curriculum requirements for a charter school that wishes to participate in the board examination system prescribed in chapter 7, article 6 of this title.

BB. If a charter school decides not to participate in the board examination system prescribed in chapter 7, article 6 of this title, pupils enrolled at that charter school may earn a Grand Canyon diploma by obtaining a passing score on the same board examinations.

CC. Notwithstanding subsection Y of this section, a sponsor of charter schools may charge a new charter application processing fee to any applicant. The application fee shall fully cover the cost of application review and any needed technical assistance. Authorizers may approve policies that allow a portion of the fee to be returned to the applicant whose charter is approved.

DD. A charter school may choose to provide a preschool program for children with disabilities pursuant to section 15-771.

EE. Pursuant to the prescribed graduation requirements adopted by the state board of education, the governing body of a charter school operating a high school may approve a rigorous computer science course that would fulfill a mathematics course required for graduation from high school. The governing body may approve a rigorous computer science course only if the rigorous computer science course includes significant mathematics content and the governing body determines the high school where the rigorous computer science course is offered has sufficient capacity, infrastructure and qualified staff, including competent teachers of computer science.

FF. A charter school may permit the use of school property, including school buildings, grounds, buses and equipment, by any person, group or organization for any lawful purpose, including a recreational, educational, political, economic, artistic, moral, scientific, social, religious or other civic or governmental purpose. The charter school may charge a reasonable fee for the use of the school property.

GG. A charter school and its employees, including the governing body, or chief administrative officer, are immune from civil liability with respect to all decisions made and actions taken to allow the use of school property, unless the charter school or its employees are guilty of gross negligence or intentional misconduct. This subsection does not limit any other immunity provisions that are prescribed by law.

HH. Sponsors authorized pursuant to this section shall submit an annual report to the auditor general on or before October 1 of each year. The report shall include:

1. The current number of charters authorized and the number of schools operated by authorized charter holders.
2. The academic and operational performance of the sponsor's charter portfolio as measured by the sponsor's adopted performance framework.
3. The number of new charters approved and the number of charter schools closed and reason for the closure in the prior year.
4. The sponsor's application, amendment, renewal and revocation processes, charter contract template and current performance framework as required by this section.

II. The auditor general shall prescribe the format for the annual report required by subsection HH of this section and may require that the annual report be submitted electronically. The auditor general shall review the submitted annual reports to ensure that the reports include the required items in subsection HH of this section and shall make the annual reports available upon request. If the auditor general finds significant noncompliance or a sponsor's failure to submit the annual report required by subsection HH of this section, on or before December 31 of each year the auditor general shall report to the governor, the president of the senate, the speaker of the house of representatives and the chairs of the senate and house education committees or their successor committees, and the legislature shall consider revoking the sponsor's authority to sponsor charter schools.

#### 15-306. Register of warrants

~~The county school superintendent shall keep a register of warrants showing the funds upon which the warrants have been drawn, the number of warrants, in whose favor and for what purpose drawn, and also a receipt from the person to whom the warrant was delivered.~~

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

A. The governing board shall:

1. Prescribe and enforce policies and procedures for the governance of the schools, not inconsistent with law or rules prescribed by the state board of education.
2. Exclude from schools all books, publications, papers or audiovisual materials of a sectarian, partisan or denominational character. This paragraph shall not be construed to prohibit the elective course permitted by section 15-717.01.
3. Manage and control the school property within its district.
4. Acquire school furniture, apparatus, equipment, library books and supplies for the use of the schools.
5. Prescribe the curricula and criteria for the promotion and graduation of pupils as provided in sections 15-701 and 15-701.01.
6. Furnish, repair and insure, at full insurable value, the school property of the district.

7. Construct school buildings on approval by a vote of the district electors.
8. Make in the name of the district conveyances of property belonging to the district and sold by the board.
9. Purchase school sites when authorized by a vote of the district at an election conducted as nearly as practicable in the same manner as the election provided in section 15-481 and held on a date prescribed in section 15-491, subsection E, but such authorization shall not necessarily specify the site to be purchased and such authorization shall not be necessary to exchange unimproved property as provided in section 15-342, paragraph 23.
10. Construct, improve and furnish buildings used for school purposes when such buildings or premises are leased from the national park service.
11. Purchase school sites or construct, improve and furnish school buildings from the proceeds of the sale of school property only on approval by a vote of the district electors.
12. Hold pupils to strict account for disorderly conduct on school property.
13. Discipline students for disorderly conduct on the way to and from school.
14. Except as provided in section 15-1224, deposit all monies received by the district as gifts, grants and devises with the county treasurer who shall credit the deposits as designated in the uniform system of financial records. If not inconsistent with the terms of the gifts, grants and devises given, any balance remaining after expenditures for the intended purpose of the monies have been made shall be used for reduction of school district taxes for the budget year, except that in the case of accommodation schools the county treasurer shall carry the balance forward for use by the county school superintendent for accommodation schools for the budget year.
15. PRESCRIBE AND ENFORCE POLICIES AND PROCEDURES THAT DEFINE THE DUTIES OF PRINCIPALS AND TEACHERS. SUCH POLICIES AND PROCEDURES SHALL AUTHORIZE TEACHERS TO TAKE AND MAINTAIN DAILY CLASSROOM ATTENDANCE, MAKE THE DECISION TO PROMOTE OR RETAIN A PUPIL IN GRADE IN A COMMON SCHOOL OR TO PASS OR FAIL A PUPIL IN A COURSE IN HIGH SCHOOL, SUBJECT TO REVIEW BY THE GOVERNING BOARD, ONLY AS PROVIDED IN SECTION 15-342, PARAGRAPH 11.
- ~~15.~~ 16. Provide that, if a parent or legal guardian chooses not to accept a decision of the teacher as provided in ~~section 15-521, paragraph 4~~ SECTION 15-341, PARAGRAPH 15, the parent or legal guardian may request in writing that the governing board review the teacher's decision. This paragraph shall not be construed to release school districts from any liability relating to a child's promotion or retention.
- ~~16.~~ 17. Provide for adequate supervision over pupils in instructional and noninstructional activities by certificated or noncertificated personnel.
- ~~17.~~ 18. Use school monies received from the state and county school apportionment exclusively for payment of salaries of teachers and other employees and contingent expenses of the district.
- ~~18.~~ 19. Make an annual report to the county school superintendent on or before October 1 in the manner and form and on the blanks prescribed by the superintendent of public instruction or county school superintendent. The board shall also make reports directly to the county school superintendent or the superintendent of public instruction whenever required.
- ~~19.~~ 20. Deposit all monies received by school districts other than student activities monies or monies from auxiliary operations as provided in sections 15-1125 and 15-1126 with the county treasurer to the credit of the school district except as provided in paragraph 20 of this subsection and sections 15-1223 and 15-1224, and the board shall expend the monies as provided by law for other school funds.
- ~~20.~~ 21. Establish bank accounts in which the board during a month may deposit miscellaneous monies received directly by the district. The board shall remit monies deposited in the bank accounts at least monthly to the county treasurer for deposit as provided in paragraph 19 of this subsection and in accordance with the uniform system of financial records.
- ~~21.~~ 22. Prescribe and enforce policies and procedures for disciplinary action against a teacher who engages in conduct that is a violation of the policies of the governing board but that is not cause for dismissal of the teacher or for revocation of the certificate of the teacher. Disciplinary action may include suspension without pay for a period of time not to exceed ten school days. Disciplinary action shall not include suspension with pay or suspension without pay for a period of time longer than ten school days. The procedures shall include notice, hearing and appeal provisions for violations that are cause for disciplinary action. The governing board may designate a person or persons to act on behalf of the board on these matters.
- ~~22.~~ 23. Prescribe and enforce policies and procedures for disciplinary action against an administrator who engages in conduct that is a violation of the policies of the governing board regarding duties of administrators

but that is not cause for dismissal of the administrator or for revocation of the certificate of the administrator. Disciplinary action may include suspension without pay for a period of time not to exceed ten school days. Disciplinary action shall not include suspension with pay or suspension without pay for a period of time longer than ten school days. The procedures shall include notice, hearing and appeal provisions for violations that are cause for disciplinary action. The governing board may designate a person or persons to act on behalf of the board on these matters. For violations that are cause for dismissal, the provisions of notice, hearing and appeal in chapter 5, article 3 of this title shall apply. The filing of a timely request for a hearing suspends the imposition of a suspension without pay or a dismissal pending completion of the hearing.

~~23.~~ 24. Notwithstanding sections 13-3108 and 13-3120, prescribe and enforce policies and procedures that prohibit a person from carrying or possessing a weapon on school grounds unless the person is a peace officer or has obtained specific authorization from the school administrator.

~~24.~~ 25. Prescribe and enforce policies and procedures relating to the health and safety of all pupils participating in district sponsored practice sessions or games or other interscholastic athletic activities, including:

(a) The provision of water.

(b) Guidelines, information and forms, developed in consultation with a statewide private entity that supervises interscholastic activities, to inform and educate coaches, pupils and parents of the dangers of concussions and head injuries and the risks of continued participation in athletic activity after a concussion. The policies and procedures shall require that, before a pupil participates in an athletic activity, the pupil and the pupil's parent must sign an information form at least once each school year that states that the parent is aware of the nature and risk of concussion. The policies and procedures shall require that a pupil who is suspected of sustaining a concussion in a practice session, game or other interscholastic athletic activity be immediately removed from the athletic activity. A coach from the pupil's team or an official or a licensed health care provider may remove a pupil from play. A team parent may also remove the parent's own child from play. A pupil may return to play on the same day if a health care provider rules out a suspected concussion at the time the pupil is removed from play. On a subsequent day, the pupil may return to play if the pupil has been evaluated by and received written clearance to resume participation in athletic activity from a health care provider who has been trained in the evaluation and management of concussions and head injuries. A health care provider who is a volunteer and who provides clearance to participate in athletic activity on the day of the suspected injury or on a subsequent day is immune from civil liability with respect to all decisions made and actions taken that are based on good faith implementation of the requirements of this subdivision, except in cases of gross negligence or wanton or ~~wilful~~ WILLFUL neglect. A school district, school district employee, team coach, official or team volunteer or a parent or guardian of a team member is not subject to civil liability for any act, omission or policy undertaken in good faith to comply with the requirements of this subdivision or for a decision made or an action taken by a health care provider. A group or organization that uses property or facilities owned or operated by a school district for athletic activities shall comply with the requirements of this subdivision. A school district and its employees and volunteers are not subject to civil liability for any other person or organization's failure or alleged failure to comply with the requirements of this subdivision. This subdivision does not apply to teams that are based in another state and that participate in an athletic activity in this state. For the purposes of this subdivision, athletic activity does not include dance, rhythmic gymnastics, competitions or exhibitions of academic skills or knowledge or other similar forms of physical noncontact activities, civic activities or academic activities, whether engaged in for the purposes of competition or recreation. For the purposes of this subdivision, "health care provider" means a physician who is licensed pursuant to title 32, chapter 13 or 17, an athletic trainer who is licensed pursuant to title 32, chapter 41, a nurse practitioner who is licensed pursuant to title 32, chapter 15, and a physician assistant who is licensed pursuant to title 32, chapter 25.

~~25. Prescribe and enforce policies and procedures regarding the smoking of tobacco within school buildings. The policies and procedures shall be adopted in consultation with school district personnel and members of the community and shall state whether smoking is prohibited in school buildings. If smoking in school buildings is not prohibited, the policies and procedures shall clearly state the conditions and circumstances under which smoking is permitted, those areas in a school building that may be designated as smoking areas and those areas in a school building that may not be designated as smoking areas.~~

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

27. Provide special education programs and related services pursuant to section 15-764, subsection A to all children with disabilities as defined in section 15-761.
28. Administer competency tests prescribed by the state board of education for the graduation of pupils from high school.
29. Ensure that insurance coverage is secured for all construction projects for purposes of general liability, property damage and workers' compensation and secure performance and payment bonds for all construction projects.
30. Keep ~~on~~ **IN THE PERSONNEL** file ~~the resumes~~ of all current ~~and former~~ employees who provide instruction to pupils at a school, **INFORMATION ABOUT THE EMPLOYEE'S Resumes shall include an individual's** educational and teaching background and experience in a particular academic content subject area. A school district shall inform parents and guardians of the availability of the ~~resume~~ information and shall make the ~~resume~~ information available for inspection on request of parents and guardians of pupils enrolled at a school. This paragraph shall not be construed to require any school to release personally identifiable information in relation to any teacher or employee, including the teacher's or employee's address, salary, social security number or telephone number.
31. Report to local law enforcement agencies any suspected crime against a person or property that is a serious offense as defined in section 13-706 or that involves a deadly weapon or dangerous instrument or serious physical injury and any conduct that poses a threat of death or serious physical injury to employees, students or anyone on the property of the school. This paragraph does not limit or preclude the reporting by a school district or an employee of a school district of suspected crimes other than those required to be reported by this paragraph. For the purposes of this paragraph, "dangerous instrument", "deadly weapon" and "serious physical injury" have the same meanings prescribed in section 13-105.
32. In conjunction with local law enforcement agencies and ~~local medical facilities~~ **EMERGENCY RESPONSE AGENCIES**, develop an emergency response plan for each school in the school district in accordance with minimum standards developed jointly by the department of education and the division of emergency management within the department of emergency and military affairs.
33. Provide written notice to the parents or guardians of all students ~~affected~~ **ENROLLED** in the school district at least ten days prior to a public meeting to discuss closing a school within the school district. The notice shall include the reasons for the proposed closure and the time and place of the meeting. The governing board shall fix a time for a public meeting on the proposed closure no less than ten days before voting in a public meeting to close the school. The school district governing board shall give notice of the time and place of the meeting. At the time and place designated in the notice, the school district governing board shall hear reasons for or against closing the school. The school district governing board is exempt from this paragraph if it is determined by the governing board that the school shall be closed because it poses a danger to the health or safety of the pupils or employees of the school. A governing board may consult with the school facilities board for technical assistance and for information on the impact of closing a school. The information provided from the school facilities board shall not require the governing board to take or not take any action.
34. Incorporate instruction on Native American history into appropriate existing curricula.
35. Prescribe and enforce policies and procedures:
  - (a) Allowing pupils who have been diagnosed with anaphylaxis by a health care provider licensed pursuant to title 32, chapter 13, 14, 17 or 25 or by a registered nurse practitioner licensed and certified pursuant to title 32, chapter 15 to carry and self-administer emergency medications, including auto-injectable epinephrine, while at school and at school-sponsored activities. The pupil's name on the prescription label on the medication container or on the medication device and annual written documentation from the pupil's parent or guardian to the school that authorizes possession and self-administration is sufficient proof that the pupil is entitled to the possession and self-administration of the medication. The policies shall require a pupil who uses auto-injectable epinephrine while at school and at school-sponsored activities to notify the nurse or the designated school staff person of the use of the medication as soon as practicable. A school district and its employees are immune from civil liability with respect to all decisions made and actions taken that are based on good faith implementation of the requirements of this subdivision, except in cases of wanton or ~~wilful~~ **WILLFUL** neglect.
  - (b) For the emergency administration of auto-injectable epinephrine by a trained employee of a school district pursuant to section 15-157.

36. Allow the possession and self-administration of prescription medication for breathing disorders in handheld inhaler devices by pupils who have been prescribed that medication by a health care professional licensed pursuant to title 32. The pupil's name on the prescription label on the medication container or on the handheld inhaler device and annual written documentation from the pupil's parent or guardian to the school that authorizes possession and self-administration shall be sufficient proof that the pupil is entitled to the possession and self-administration of the medication. A school district and its employees are immune from civil liability with respect to all decisions made and actions taken that are based on a good faith implementation of the requirements of this paragraph.

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

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

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

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

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

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

(f) A formal process for the investigation by the appropriate school officials of suspected incidents of harassment, intimidation or bullying, including procedures for notifying the alleged victim on completion and disposition of the investigation.

(g) Disciplinary procedures for pupils who have admitted or been found to have committed incidents of harassment, intimidation or bullying.

(h) A procedure that sets forth consequences for submitting false reports of incidents of harassment, intimidation or bullying.

(i) Procedures designed to protect the health and safety of pupils who are physically harmed as the result of incidents of harassment, intimidation and bullying, including, if appropriate, procedures to contact emergency medical services or law enforcement agencies, or both.

(j) Definitions of harassment, intimidation and bullying.

38. Prescribe and enforce policies and procedures regarding changing or adopting attendance boundaries that include the following components:

(a) A procedure for holding public meetings to discuss attendance boundary changes or adoptions that allows public comments.

(b) A procedure to notify the parents or guardians of the students affected.

(c) A procedure to notify the residents of the households affected by the attendance boundary changes.

(d) A process for placing public meeting notices and proposed maps on the school district's website for public review, if the school district maintains a website.

(e) A formal process for presenting the attendance boundaries of the affected area in public meetings that allows public comments.

(f) A formal process for notifying the residents and parents or guardians of the affected area as to the decision of the governing board on the school district's website, if the school district maintains a website.

(g) A formal process for updating attendance boundaries on the school district's website within ninety days of an adopted boundary change. The school district shall send a direct link to the school district's attendance boundaries website to the department of real estate.

~~(h) If the land that a school was built on was donated within the past five years, a formal process to notify the entity that donated the land affected by the decision of the governing board.~~

39. If the state board of education determines that the school district has committed an overexpenditure as defined in section 15-107, provide a copy of the fiscal management report submitted pursuant to section 15-107, subsection H on its website and make copies available to the public on request. The school district shall comply with a request within five business days after receipt.

40. Ensure that the contract for the superintendent is structured in a manner in which up to twenty per cent of the total annual salary included for the superintendent in the contract is classified as performance pay. This paragraph shall not be construed to require school districts to increase total compensation for superintendents. Unless the school district governing board votes to implement an alternative procedure at a public meeting called for this purpose, the performance pay portion of the superintendent's total annual compensation shall be determined as follows:

(a) Twenty-five per cent of the performance pay shall be determined based on the percentage of academic gain determined by the department of education of pupils who are enrolled in the school district compared to the academic gain achieved by the highest ranking of the fifty largest school districts in this state. For the purposes of this subdivision, the department of education shall determine academic gain by the academic growth achieved by each pupil who has been enrolled at the same school in a school district for at least five consecutive months measured against that pupil's academic results in the 2008-2009 school year. For the purposes of this subdivision, of the fifty largest school districts in this state, the school district with pupils who demonstrate the highest statewide percentage of overall academic gain measured against academic results for the 2008-2009 school year shall be assigned a score of 100 and the school district with pupils who demonstrate the lowest statewide percentage of overall academic gain measured against academic results for the 2008-2009 school year shall be assigned a score of 0.

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

(i) A letter grade of "A" if the school district is excellent.

(ii) A letter grade of "B" if the school district is above average.

(iii) A letter grade of "C" if the school district is average.

(iv) A letter grade of "D" if the school district is below average.

(v) A letter grade of "F" if the school district is a failure.

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

(i) A letter grade of "A" if the school district is excellent.

(ii) A letter grade of "B" if the school district is above average.

(iii) A letter grade of "C" if the school district is average.

(iv) A letter grade of "D" if the school district is below average.

(v) A letter grade of "F" if the school district is a failure.

(d) Twenty-five per cent of the performance pay shall be determined by other criteria selected by the governing board.

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

42. Adopt in a public meeting and implement by school year 2013-2014 policies for principal evaluations. Before the adoption of principal evaluation policies, the school district governing board shall provide opportunities for public discussion on the proposed policies. The policies shall describe:

(a) The principal evaluation instrument, including the four performance classifications adopted by the governing board pursuant to section 15-203, subsection A, paragraph 38.

(b) Alignment of professional development opportunities to the principal evaluations.

(c) Incentives for principals in one of the two highest performance classifications pursuant to section 15-203, subsection A, paragraph 38, which may include:

(i) Multiyear contracts pursuant to section 15-503.

(ii) Incentives to work at schools that are assigned a letter grade of D or F pursuant to section 15-241.

(d) Transfer and contract processes for principals designated in the lowest performance classification pursuant to section 15-203, subsection A, paragraph 38.

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

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

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

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

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

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

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

G. Notwithstanding any other provision of this title, a school district governing board shall not take any action that would result in a reduction of pupil square footage unless the governing board notifies the school facilities board established by section 15-2001 of the proposed action and receives written approval from the school facilities board to take the action. A reduction includes an increase in administrative space that results in a reduction of pupil square footage or sale of school sites or buildings, or both. A reduction includes a reconfiguration of grades that results in a reduction of pupil square footage of any grade level. This subsection does not apply to temporary reconfiguration of grades to accommodate new school construction if the temporary reconfiguration does not exceed one year. The sale of equipment that results in a reduction that falls below the equipment requirements prescribed in section 15-2011, subsection B is subject to commensurate withholding of school district district additional assistance monies pursuant to the direction of the school facilities board. Except as provided in section 15-342, paragraph 10, proceeds from the sale of school sites, buildings or other equipment shall be deposited in the school plant fund as provided in section 15-1102.



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

~~15-349. Operation of motor vehicle fleet; options to conventional fuels~~

~~A. The governing board of a school district with an average daily membership as defined in section 15-901 of more than three thousand that is located within or that has bus routes running within area A as defined in section 49-541 shall develop and implement, subject to the availability of a state air quality funding source, a vehicle fleet plan for vehicles with a gross vehicle weight rating of at least seventeen thousand five hundred pounds for the purpose of encouraging the use of fuels listed pursuant to this subsection in school district owned vehicles. The plan shall provide for at least fifty per cent of the fleet with a gross vehicle weight rating of at least seventeen thousand five hundred pounds to operate on any of the following by December 31, 2004, and each year thereafter:~~

- ~~1. Alternative fuels or clean burning fuels as defined in section 1-215.~~
- ~~2. Ultra low sulfur diesel fuel as defined in section 49-558.01 that is used in an engine with an emission control device.~~
- ~~3. Vehicles powered by an engine that meets or exceeds an emission standard for diesel particulate matter of 0.05 grams per brake horsepower hour.~~

~~B. Engine retrofits or conversions meet the requirements of subsection A of this section if they have been approved for use by any one of the following:~~

- ~~1. The United States environmental protection agency voluntary retrofit program.~~
- ~~2. The United States environmental protection agency verification protocol for retrofit catalyst particulate filter and engine modification control technologies for highway and nonroad use diesel engines.~~
- ~~3. The California air resources board diesel emission control strategy verification procedure.~~
- ~~4. Sections 43100 and 43102 of the health and safety code of the state of California.~~
- ~~5. Actual emission testing performed on the vehicle.~~

~~C. This section does not preclude a school district from using any local, federal or private funding sources that may be available in order to comply with the requirements of this section.~~

~~D. If the requirements of subsection A of this section are met by the use of clean burning fuel as defined in section 1-215, vehicle equivalents under those requirements shall be calculated as follows:~~

- ~~1. One vehicle equivalent for every four hundred fifty gallons of neat biodiesel or two thousand two hundred fifty gallons of a diesel fuel substitute prescribed in section 1-215, paragraph 7, subdivision (b).~~
- ~~2. One vehicle equivalent for every five hundred thirty gallons of the fuel prescribed in section 1-215, paragraph 7, subdivision (d).~~

**15-353. Responsibilities of principals**

~~The principal of every school offering instruction in preschool programs, kindergarten programs or any combination of grades one through twelve is responsible for:~~

- ~~1. Providing leadership for the school.~~
- ~~2. Implementing the goals and the strategic plan of the school.~~
- ~~3. Serving as the administrator of the school.~~
- ~~4. Distributing a parental satisfaction survey to the parent of every child enrolled at the school. The parental satisfaction survey shall be distributed at least once each year and shall be distributed as part of the regular parent communication correspondence.~~

**15-393. Joint technical education district governing board; report; definitions**

A. The management and control of the joint district are vested in the joint technical education district governing board, including the content and quality of the courses offered by the district, the quality of teachers who provide instruction on behalf of the district, the salaries of teachers who provide instruction on behalf of the district and the reimbursement of other entities for the facilities used by the district. Unless the governing boards of the school districts participating in the formation of the joint district vote to implement an alternative election system as provided in subsection B of this section, the joint board shall consist of five

members elected from five single member districts formed within the joint district. The single member district election system shall be submitted as part of the plan for the joint district pursuant to section 15-392 and shall be established in the plan as follows:

1. The governing boards of the school districts participating in the formation of the joint district shall define the boundaries of the single member districts so that the single member districts are as nearly equal in population as is practicable, except that if the joint district lies in part in each of two or more counties, at least one single member district may be entirely within each of the counties comprising the joint district if this district design is consistent with the obligation to equalize the population among single member districts.
2. The boundaries of each single member district shall follow election precinct boundary lines, as far as practicable, in order to avoid further segmentation of the precincts.
3. A person who is a registered voter of this state and who is a resident of the single member district is eligible for election to the office of joint board member from the single member district. The terms of office of the members of the joint board shall be as prescribed in section 15-427, subsection B. An employee of a joint technical education district or the spouse of an employee shall not hold membership on a governing board of a joint technical education district by which the employee is employed. A member of one school district governing board or joint technical education district governing board is ineligible to be a candidate for nomination or election to or serve simultaneously as a member of any other governing board, except that a member of a governing board may be a candidate for nomination or election for any other governing board if the member is serving in the last year of a term of office. A member of a governing board shall resign the member's seat on the governing board before becoming a candidate for nomination or election to the governing board of any other school district or joint technical education district, unless the member of the governing board is serving in the last year of a term of office.
4. Nominating petitions shall be signed by the number of qualified electors of the single member district as provided in section 16-322.

B. The governing boards of the school districts participating in the formation of the joint district may vote to implement any other alternative election system for the election of joint district board members. If an alternative election system is selected, it shall be submitted as part of the plan for the joint district pursuant to section 15-392, and the implementation of the system shall be as approved by the United States justice department.

C. The joint technical education district shall be subject to the following provisions of this title:

1. Chapter 1, articles 1 through 6.
2. Sections 15-208, 15-210, 15-213 and 15-234.
3. Articles 2, 3 and 5 of this chapter.
4. Section 15-361.
5. Chapter 4, articles 1, 2 and 5.
6. Chapter 5, articles 1, 2 and 3.
7. Sections 15-701.01, 15-722, 15-723, 15-724, 15-727, 15-728, 15-729 and 15-730.
8. Chapter 7, article 5.
9. Chapter 8, articles 1, 3 and 4.
10. Sections 15-828 and 15-829.
11. Chapter 9, article 1, article 6, except for section 15-995, and article 7.
12. Sections 15-941, 15-943.01, 15-948, 15-952, 15-953 and 15-973.
13. Sections 15-1101 and 15-1104.
14. Chapter 10, articles 2, 3, 4 and 8.

D. Notwithstanding subsection C of this section, the following apply to a joint technical education district:

1. A joint district may issue bonds for the purposes specified in section 15-1021 and in chapter 4, article 5 of this title to an amount in the aggregate, including the existing indebtedness, not exceeding one percent of the taxable property used for secondary tax purposes, as determined pursuant to title 42, chapter 15, article 1, within the joint technical education district as ascertained by the last property tax assessment previous to issuing the bonds.
2. The number of governing board members for a joint district shall be as prescribed in subsection A of this section.
3. The student count for the first year of operation of a joint technical education district as provided in this article shall be determined as follows:

(a) Determine the estimated student count for joint district classes that will operate in the first year of operation. This estimate shall be based on actual registration of pupils as of March 30 scheduled to attend classes that will be operated by the joint district. The student count for the district of residence of the pupils registered at the joint district shall be adjusted. The adjustment shall cause the district of residence to reduce the student count for the pupil to reflect the courses to be taken at the joint district. The district of residence shall review and approve the adjustment of its own student count as provided in this subdivision before the pupils from the school district can be added to the student count of the joint district.

(b) The student count for the new joint district shall be the student count as determined in subdivision (a) of this paragraph.

(c) For the first year of operation, the joint district shall revise the student count to the actual average daily membership as prescribed in section 15-901, subsection A, paragraph 1 for students attending classes in the joint district. A joint district shall revise its student count, the base support level as provided in section 15-943.02, the revenue control limit as provided in section 15-944.01 and the district additional assistance as provided in section 15-962.01 prior to May 15. A joint district that overestimated its student count shall revise its budget prior to May 15. A joint district that underestimated its student count may revise its budget prior to May 15.

(d) After March 15 of the first year of operation, the district of residence shall adjust its student count by reducing it to reflect the courses actually taken at the joint district. The district of residence shall revise its student count, the base support level as provided in section 15-943, the revenue control limit as provided in section 15-944 and the district additional assistance as provided in section 15-962.01 prior to May 15. A district that underestimated the student count for students attending the joint district shall revise its budget prior to May 15. A district that overestimated the student count for students attending the joint district may revise its budget prior to May 15.

(e) A joint district for the first year of operation shall not be eligible for adjustment pursuant to section 15-948.

(f) The procedures for implementing this paragraph shall be as prescribed in the uniform system of financial records.

(g) Pupils in an approved joint technical education district centralized program may generate an average daily membership of 1.0 during any day of the week and at any time between July 1 and June 30 of each fiscal year.

For the purposes of this paragraph, "district of residence" means the district that included the pupil in its average daily membership for the year before the first year of operation of the joint district and that would have included the pupil in its student count for the purposes of computing its base support level for the fiscal year of the first year of operation of the joint district if the pupil had not enrolled in the joint district.

4. A student includes any person enrolled in the joint district without regard to the person's age or high school graduation status, except that:

(a) A student in a kindergarten program or in grades one through nine who enrolls in courses offered by the joint technical education district shall not be included in the joint district's student count or average daily membership.

(b) A student in a kindergarten program or in grades one through nine who is enrolled in career and technical education courses shall not be funded in whole or in part with monies provided by a joint technical education district, except that a pupil in grade eight or nine may be funded with monies generated by the five cent qualifying tax rate authorized in subsection F of this section.

(c) A student who is over twenty-one years of age shall not be included in the student count of the joint district for the purposes of chapter 9, articles 3, 4 and 5 of this title.

5. A joint district may operate for more than one hundred eighty days per year, with expanded hours of service.

6. A joint district may use the carryforward provisions of section 15-943.01.

7. A school district that is part of a joint district shall use any monies received pursuant to this article to supplement and not supplant base year career and technical education courses, and directly related equipment and facilities, except that a school district that is part of a joint technical education district and that has used monies received pursuant to this article to supplant career and technical education courses that were offered before the first year that the school district participated in the joint district or the first year that the school district used monies received pursuant to this article or that used the monies for purposes other

than for career and technical education courses shall use one hundred percent of the monies received pursuant to this article to supplement and not supplant base year career and technical education courses.

8. A joint technical education district shall use any monies received pursuant to this article to enhance and not supplant career and technical education courses and directly related equipment and facilities.

9. A joint technical education district or a school district that is part of a joint district or a charter school shall only include pupils in grades ten through twelve in the calculation of student count or average daily membership if the pupils are enrolled in courses that are approved jointly by the governing board of the joint technical education district and each participating school district or charter school for satellite courses taught within the participating school district or charter school, or approved solely by the joint technical education district for centrally located courses. Student count and average daily membership from courses that are not part of an approved program for career and technical education shall not be included in student count and average daily membership of a joint technical education district.

E. The joint board shall appoint a superintendent as the executive officer of the joint district.

F. Taxes may be levied for the support of the joint district as prescribed in chapter 9, article 6 of this title, except that a joint technical education district shall not levy a property tax pursuant to law that exceeds five cents per one hundred dollars assessed valuation except for bond monies pursuant to subsection D, paragraph 1 of this section. Except for the taxes levied pursuant to section 15-994, such taxes shall be obtained from a levy of taxes on the taxable property used for secondary tax purposes.

G. The schools in the joint district are available to all persons who reside in the joint district and to pupils whose district of residence within this state is paying tuition on behalf of the pupils to a district of attendance that is a member of the joint technical education district, subject to the rules for admission prescribed by the joint board.

H. The joint board may collect tuition for adult students and the attendance of pupils who are residents of school districts that are not participating in the joint district pursuant to arrangements made between the governing board of the district and the joint board.

I. The joint board may accept gifts, grants, federal monies, tuition and other allocations of monies to erect, repair and equip buildings and for the cost of operation of the schools of the joint district.

J. One member of the joint board shall be selected chairman. The chairman shall be selected annually on a rotation basis from among the participating school districts. The chairman of the joint board shall be a voting member.

K. A joint board and a community college district may enter into agreements for the provision of administrative, operational and educational services and facilities.

L. Any agreement between the governing board of a joint technical education district and another joint technical education district, a school district, a charter school or a community college district shall be in the form of an intergovernmental agreement or other written contract. The auditor general shall modify the uniform system of financial records and budget forms in accordance with this subsection. The intergovernmental agreement or other written contract shall completely and accurately specify each of the following:

1. The financial provisions of the intergovernmental agreement or other written contract and the format for the billing of all services.
2. The accountability provisions of the intergovernmental agreement or other written contract.
3. The responsibilities of each joint technical education district, each school district, each charter school and each community college district that is a party to the intergovernmental agreement or other written contract.
4. The type of instruction that will be provided under the intergovernmental agreement or other written contract, including individualized education programs pursuant to section 15-763.
5. The quality of the instruction that will be provided under the intergovernmental agreement or other written contract.
6. The transportation services that will be provided under the intergovernmental agreement or other written contract and the manner in which transportation costs will be paid.
7. The amount that the joint technical education district will contribute to a course and the amount of support required by the school district or the community college.
8. That the services provided by the joint technical education district, the school district, the charter school or the community college district be proportionally calculated in the cost of delivering the service.
9. That the payment for services shall not exceed the cost of the services provided.

~~M. On or before December 31 of each year, each joint technical education district shall submit a detailed report to the career and technical education division of the department of education. The career and technical education division of the department of education shall collect, summarize and analyze the data submitted by the joint districts, shall submit an annual report that summarizes the data submitted by the joint districts to the governor, the speaker of the house of representatives, the president of the senate and the state board of education and shall submit a copy of this report to the secretary of state. The data submitted by each joint technical education district shall include the following:~~

- ~~1. The average daily membership of the joint district.~~
- ~~2. The program listings and program descriptions of programs offered by the joint district, including the course sequences for each program.~~
- ~~3. The costs associated with each program offered by the joint district.~~
- ~~4. The completion rate for each program offered by the joint district. For the purposes of this paragraph, "completion rate" means the completion rate for students who are designated as concentrators in that program by the department of education under the career and technology approved plan.~~
- ~~5. The graduation rate from the school district of residence of students who have completed a program in the joint district.~~
- ~~6. A detailed description of the career opportunities available to students after completion of the program offered by the joint district.~~
- ~~7. A detailed description of the career placement of students who have completed the program offered by the joint district.~~
- ~~8. Any other data deemed necessary by the department of education to carry out its duties under this subsection.~~

~~N. M.~~ If the career and technical education division of the department of education determines that a course does not meet the criteria for approval as a joint technical education course, the governing board of the joint technical education district may appeal this decision to the state board of education acting as the state board of vocational education.

~~Q. N.~~ Notwithstanding any other law, the average daily membership for a pupil who is enrolled in a joint technical education course defined in section 15-391 and who does not meet the criteria specified in subsection Q or R of this section shall be 0.25 for each course, except the sum of the average daily membership shall not exceed the limits prescribed by subsection D, Q or R of this section, as applicable.

~~P. O.~~ If a career and technical education course or program is provided on a satellite campus, the sum of the average daily membership, as provided in section 15-901, subsection A, paragraph 1, for that pupil in the school district or charter school and joint technical education district shall not exceed 1.25. The school district or charter school and the joint district shall determine the apportionment of the average daily membership for that pupil between the school district or charter school and the joint district. A pupil who attends a course or program at a satellite campus and who is not enrolled in the school district or charter school where the satellite campus is located may generate the average daily membership pursuant to this subsection if the pupil is enrolled in a school district that is a member district in the same joint technical education district.

~~Q. P.~~ The sum of the average daily membership of a pupil who is enrolled in both the school district and joint technical education district course or program provided at a community college pursuant to subsection K of this section or at a centralized campus shall not exceed 1.75. The member school district and the joint district shall determine the apportionment of the average daily membership and student enrollment for that pupil between the member school district and the joint district, except that the amount apportioned shall not exceed 1.0 for either entity. Notwithstanding any other law, the average daily membership for a pupil in grade ten, eleven or twelve who is enrolled in a course that meets for at least one hundred fifty minutes per class period at a centralized campus shall be 0.75. To qualify for funding pursuant to this subsection, a centralized campus shall offer programs and courses to all eligible students in each member district of the joint technical education district.

~~R. Q.~~ The average daily membership for a pupil in grade ten, eleven or twelve who is enrolled in a course that meets for at least one hundred fifty minutes per class period at a leased centralized campus shall not exceed 0.75. The sum of the average daily membership, as provided in section 15-901, subsection A, paragraph 1, of a pupil who is enrolled in both the school district and in joint technical education district courses provided at a leased centralized campus shall not exceed 1.75 if all of the following conditions are met:

1. The course qualifies as a joint technical education course as defined in section 15-391.
  2. The course is offered to all eligible students in each member district of the joint technical education district and enrolls students from multiple high schools.
  3. The joint technical education district program in which the course is included addresses a specific industry need and has been developed in cooperation with that industry, or the leased facility is a state or federal asset that would otherwise be unused or underutilized.
  4. The lease is established at fair market value if the lease is executed for a facility located on the site of a member district and was approved by the joint committee on capital review, except that a lease that was executed or renewed before December 31, 2012 is not subject to approval by the joint committee on capital review. The requirement prescribed in this paragraph does not apply from and after December 31, 2016.
- ~~S.~~ **R.** A student who is enrolled in an accommodation school as defined in section 15-101 may be treated as a student of the school district in which the student physically resides for the purposes of enrollment in a joint technical education district and shall be included in the calculation of average daily membership for either the joint technical education district or the accommodation school, or both.
- ~~T.~~ **S.** Notwithstanding any other law, the student count for a joint technical education district shall be equivalent to the joint technical education district's average daily membership.
- ~~U.~~ **T.** Beginning in fiscal year 2016-2017, base support level funding that a school district or charter school receives for a pupil who is enrolled in both a school district or charter school and a joint technical education district satellite campus program shall be funded at ninety-two and one-half percent of the base support level funding that the school district or charter school would otherwise receive for that pupil.
- ~~V.~~ **U.** Beginning in fiscal year 2016-2017, base support level funding that a joint technical education district receives for a pupil who is enrolled in both a school district or charter school and a joint technical education district shall be funded at ninety-two and one-half percent of the base support level funding that the joint technical education district would otherwise receive for that pupil.
- ~~W.~~ **V.** A school district may not prohibit or discourage students who are enrolled in that school district from attending courses offered by a joint technical education district.
- ~~X.~~ **W.** Notwithstanding subsection D, paragraph 7 of this section, a school district or charter school that experiences a reduction in its base support level funding pursuant to subsection U of this section may use a portion of joint technical education district monies that it receives pursuant to this section in order to offset the loss of regular education funding that it experiences pursuant to subsection U of this section. The amount of joint technical education monies that the school district or charter school may use to offset the loss of funding that it experiences pursuant to subsection U of this section may not exceed the reduction in base support level funding that it experiences pursuant to subsection U of this section.
- ~~Y.~~ **X.** The governing board of the joint technical education district may contract with any charter school that is located within the boundaries of the joint technical education district to allow that charter school to offer career and technical education courses or programs as a satellite campus.
- ~~Z.~~ **Y.** For the purposes of this section:
1. "Base year" means the complete school year in which voters of a school district elected to join a joint technical education district.
  2. "Centralized campus" means a facility that is owned and operated by a joint technical education district for the purpose of offering joint technical education programs or joint technical education courses as defined in section 15-391.
  3. "Lease" means a written agreement in which the right of occupancy or use of real property is conveyed from one person or entity to another person or entity for a specified period of time.
  4. "Leased centralized campus" means a facility that is leased and operated by a joint technical education district for the purpose of offering joint technical education programs or joint technical education courses as defined in section 15-391.
  5. "Satellite campus" means a facility that is owned or operated by a school district or charter school for the purpose of offering joint technical education programs or joint technical education courses as defined in section 15-391.

**15-505. Examination of persons displaying symptoms of pulmonary disease**

~~A school district employee shall not be required to submit to annual or other regular periodic examinations for tuberculosis, except that in instances where such employee displays symptoms of pulmonary disease the governing board may require such employee to submit to such tests or examinations as a licensed physician deems appropriate.~~

### **15-521. Duties of teachers**

Every teacher shall:

- ~~1. Make student learning the primary focus of the teacher's professional time.~~
- ~~2. Hold pupils to strict account for disorderly conduct.~~
- ~~3. Take and maintain daily classroom attendance.~~
- ~~4. Make the decision to promote or retain a pupil in grade in a common school or to pass or fail a pupil in a course in high school. Such decisions may be overturned only as provided in section 15-342, paragraph 11.~~
- ~~5. Comply with all rules and policies of the governing board that relate to the duties prescribed in this section.~~

### **15-903. Budget format; prohibited expenditures**

A. The superintendent of public instruction in conjunction with the auditor general shall prepare and prescribe a budget format to be utilized by all school districts.

B. The budget format shall be designed to allow all school districts to plan and provide in detail for the use of available funds. The budget format shall contain distinct sections for, but need not be limited to, maintenance and operation, debt service, special projects, capital outlay, adjacent ways and classroom site fund. The maintenance and operation section shall include, but need not be limited to, separate subsections for regular education programs, special education programs and operational expenditures for pupil transportation. Each subsection shall clearly distinguish classroom instruction expenditures. The special education program subsection shall include, ~~but is not limited to, programs for each~~ **A SUBTOTAL FOR THE** disability classification ~~S~~ **as** defined in section 15-761 and programs for gifted, vocational and technical education, remedial education and bilingual students. The total expenditures for each of these programs shall be included on the budget form. The pupil transportation subsection shall include all operational expenditures relating to the transportation of pupils, including all operational expenditures within a contract if the school district contracts for pupil transportation.

C. The capital outlay section of the budget shall include a subsection for unrestricted capital outlay. The unrestricted capital outlay subsection shall include budgeted expenditures for acquisitions by purchase, lease-purchase or lease of capital items as defined in the uniform system of financial records and shall include:

1. Land, buildings and improvements to land and buildings, including labor and related employee benefits costs and material costs if work is performed by school district employees.
2. Furniture, furnishings, athletic equipment and other equipment, including computer software.
3. Pupil and nonpupil transportation vehicles and equipment, including all capital expenditures within a contract if the school district contracts for pupil transportation.
4. Textbooks and related printed subject matter materials adopted by the governing board.
5. Instructional aids.
6. Library books.
7. Payment of principal and interest on bonds.
8. School district administration emergency needs that are directly related to pupils.

D. The budget format shall contain distinct subsections for the following:

1. Special programs to improve academic achievement of pupils in kindergarten programs and grades one through three as provided in section 15-482.
2. School plant funds.
3. Capital outlay budget increases as provided in section 15-481.
4. Property taxation, including the following:
  - (a) The primary tax rates for the school district for the current year and the budget year.
  - (b) The secondary tax rates for maintenance and operation, K-3 and capital overrides for the school district for the current year and the budget year.

(c) The secondary tax rates for class A bonds for the school district for the current year and the budget year.

(d) The secondary tax rates for class B bonds for the school district for the current year and the budget year.

5. A description of any corrections or adjustments made to the budget pursuant to section 15-915.

E. The budget format shall also contain:

1. A statement identifying proposed pupil-teacher ratios and pupil-staff ratios relating to the provision of special education services for the budget year.

2. A statement identifying the number of full-time equivalent certified employees.

F. The special projects section shall include budgeted expenditures for state special projects, including special adult projects, career education, deficiencies correction fund projects and new school facilities fund projects, such federal special projects as ESEA title programs, vocational education and title IV Indian education, and other special projects.

G. A school district shall not make expenditures for campaign literature associated with school district or charter school officials. If the superintendent of public instruction determines that a school district has violated this subsection, the superintendent of public instruction may withhold any portion of the school district's apportionment of state aid.

H. The budget format shall include an electronic format that shall be submitted for each proposed, adopted and revised budget.

15-910. School district budgets; excess utility costs; desegregation costs; tuition costs for bond issues; costs for registering warrants; report

(Caution: 1998 Prop. 105 applies)

~~A. The governing board may budget for the district's excess utility costs which are specifically exempt from the district's revenue control limit. If approved by the qualified electors voting at a statewide general election, the exemption from the revenue control limit under this subsection expires at the end of the 2008-2009 budget year. The uniform system of financial records shall specify expenditure items allowable as excess utility costs, which are limited to direct operational costs of heating, cooling, water and electricity, telephone communications and sanitation fees. The department of education and the auditor general shall include in the maintenance and operation section of the budget format, as provided in section 15-903, a separate line for utility expenditures and a special excess utility cost category. The special excess utility cost category shall contain budgeted expenditures for excess utility costs, determined as follows:~~

~~1. Determine the lesser of the total budgeted or total actual utility expenditures for fiscal year 1984-1985.~~

~~2. Multiply the amount in paragraph 1 of this subsection by the total percentage increase or decrease in the revenue control limit and the capital outlay revenue limit for the budget year over the revenue control limit and the capital outlay revenue limit for fiscal year 1984-1985 excluding monies available from a career ladder program or a teacher compensation program provided for in section 15-952.~~

~~3. The sum of the amounts in paragraphs 1 and 2 of this subsection is the amount budgeted in the utility expenditure line.~~

~~4. Additional expenditures for utilities are budgeted in the excess utility cost category.~~

~~B. The governing board shall apply the same percentage increase or decrease allowed in the revenue control limit and the capital outlay revenue limit as provided in section 15-905, subsection E or section 15-948 to the utility expenditure line of the budget.~~

~~C. The governing board may expend from the excess utility cost category only after it has expended for utility purposes the full amount budgeted in the utility expenditure line of the budget.~~

~~D. The governing board, after notice is given and a public meeting is held as provided in section 15-905, subsection D, may revise at any time before May 15 the amount budgeted in the excess utility cost category for the current year. Not later than May 18, the budget as revised shall be submitted electronically to the superintendent of public instruction.~~

~~E. If the revised excess utility cost category results in an expenditure of monies in excess of school district revenues for the current year, the county school superintendent shall include within the revenue estimate for the budget year monies necessary to meet the liabilities incurred by the school district in the current year in excess of revenues received for the current year.~~

~~F. If a school district receives a refund of utility expenditures or a rebate on energy saving devices or services, the refund or rebate shall be applied against utility expenditures for the current year as a reduction of the~~



~~expenditures, except that the reduction of expenditures shall not exceed the amount of actual utility expenditures.~~

~~G.~~ A. The governing board may budget for expenses of complying with or continuing to implement activities which were required or permitted by a court order of desegregation or administrative agreement with the United States department of education office for civil rights directed toward remediating alleged or proven racial discrimination which are specifically exempt in whole or in part from the revenue control limit and district additional assistance. This exemption applies only to expenses incurred for activities which are begun before the termination of the court order or administrative agreement. If a district is levying a primary property tax on February 23, 2006 and using those monies to administer an English language learner program to remedy alleged or proven discrimination under title VI of the civil rights act of 1964 (42 United States Code section 2000d), the district may spend those monies to remedy a violation of the equal education act of 1974 (20 United States Code section 1703(f)). Nothing in this subsection allows a school district to levy a primary property tax for violations of the equal education act of 1974 (20 United States Code section 1703(f)) in the absence of an alleged or proven discrimination under title VI of the civil rights act of 1964 (42 United States Code section 2000d).

~~H.~~ B. If a governing board chooses to budget monies outside of the revenue control limit as provided in subsection G of this section, the governing board may do one of the following:

1. Use monies from the maintenance and operation fund equal to any excess desegregation or compliance expenses beyond the revenue control limit before June 30 of the current year.
2. Notify the county school superintendent to include the cost of the excess expenses in the county school superintendent's estimate of the additional amount needed for the school district from the primary property tax as provided in section 15-991.
3. Employ the provisions of both paragraphs 1 and 2 of this subsection, provided that the total amount transferred and included in the amount needed from property taxes does not exceed the total amount budgeted as prescribed in subsection J, paragraph 1 of this section.

~~I.~~ C. If a governing board chooses to budget monies outside of district additional assistance as provided in subsection G of this section, the governing board may notify the county school superintendent to include the cost of the excess expenses in the county school superintendent's estimate of the additional amount needed for the school district from the primary property tax as provided in section 15-991.

~~J.~~ D. A governing board using subsections G, H and I of this section:

1. Shall prepare and employ a separate maintenance and operation desegregation budget and capital outlay desegregation budget on a form prescribed by the superintendent of public instruction in conjunction with the auditor general. The budget format shall be designed to allow a school district to plan and provide in detail for expenditures to be incurred solely as a result of compliance with or continuing to implement activities which were required or permitted by a court order of desegregation or administrative agreement with the United States department of education office for civil rights directed toward remediating alleged or proven racial discrimination.
2. Shall prepare as a part of the annual financial report a detailed report of expenditures incurred solely as a result of compliance with or continuing to implement activities which were required or permitted by a court order of desegregation or administrative agreement with the United States department of education office for civil rights directed toward remediating alleged or proven racial discrimination, in a format prescribed by the auditor general in conjunction with the Arizona department of education as provided by section 15-904.
3. On or before July 15, 2006 and each year thereafter, shall collect and report data regarding activities related to a court order of desegregation or an administrative agreement with the United States department of education office for civil rights directed toward remediating alleged or proven racial discrimination in a format prescribed by the Arizona department of education. The department shall compile and submit copies of the reports to the governor, the president of the senate, the speaker of the house of representatives and the chairpersons of the education committees of the senate and the house of representatives. A school district that becomes subject to a new court order of desegregation or a party to an administrative agreement with the United States department of education office for civil rights directed toward remediating alleged or proven racial discrimination shall submit these reports on or before July 15 or within ninety days of the date of the court order or administrative agreement, whichever occurs first. The Arizona department of education, in consultation with the auditor general, shall develop reporting requirements to ensure that school districts

submit at least the following information and documentation to the Arizona department of education beginning in fiscal year 2006-2007:

(a) A district-wide budget summary and a budget summary on a school by school basis for each school in the school district that lists the sources and uses of monies that are designated for desegregation purposes.

(b) A detailed list of desegregation activities on a district-wide basis and on a school by school basis for each school in the school district.

(c) The date that the school district was determined to be out of compliance with title VI of the civil rights act of 1964 (42 United States Code section 2000d) and the basis for that determination.

(d) The initial date that the school district began to levy property taxes to provide funding for desegregation expenses and any dates that these property tax levies were increased.

(e) If applicable, a current and accurate description of all magnet type programs that are in operation pursuant to the court order during the current school year on a district-wide basis and on a school by school basis. This information shall contain the eligibility and attendance criteria of each magnet type program, the capacity of each magnet type program, the ethnic composition goals of each magnet type program, the actual attending ethnic composition of each magnet type program and the specific activities offered in each magnet type program.

(f) The number of pupils who participate in desegregation activities on a district-wide basis and on a school by school basis for each school in the school district.

(g) A detailed summary of the academic achievement of pupils on a district-wide basis and on a school by school basis for each school in the school district.

(h) The number of employees, including teachers and administrative personnel, on a district-wide basis and on a school by school basis for each school in the school district that is necessary to conduct desegregation activities.

(i) The number of employees, including teachers and administrative personnel, on a district-wide basis and on a school by school basis for each school in the school district and the number of employees at school district administrative offices that are funded in whole or in part with desegregation monies received pursuant to this section.

(j) The amount of monies that is not derived through a primary or secondary property tax levy and that is budgeted and spent on desegregation activities on a district-wide basis and on a school by school basis for each school in the school district.

(k) Verification that the desegregation funding will supplement and not supplant funding for other academic and extracurricular activities.

(l) Verification that the desegregation funding is educationally justifiable.

(m) Any documentation that supports the proposition that the requested desegregation funding is intended to result in equal education opportunities for all pupils in the school district.

(n) Verification that the desegregation funding will be used to promote systemic and organizational changes within the school district.

(o) Verification that the desegregation funding will be used in accordance with the academic standards adopted by the state board of education pursuant to sections 15-701 and 15-701.01.

(p) Verification that the desegregation funding will be used to accomplish specific actions to remediate proven discrimination pursuant to title VI of the civil rights act of 1964 (42 United States Code section 2000d) as specified in the court order or administrative agreement.

(q) An evaluation by the school district of the effectiveness of the school district's desegregation measures.

(r) An estimate of when the school district will be in compliance with the court order or administrative agreement and a detailed account of the steps that the school district will take to achieve compliance.

(s) Any other information that the department of education deems necessary to carry out the purposes of this paragraph.

~~K~~ E. If a school district governing board budgets for expenses of complying with a court order of desegregation or an administrative agreement with the United States department of education office for civil rights directed toward remediating alleged or proven racial discrimination, the governing board shall ensure that the desegregation expenses will:

1. Be educationally justifiable.
2. Result in equal education opportunities for all pupils in the school district.
3. Be used to promote systemic and organizational changes within the school district.

4. Be used in accordance with the academic standards adopted by the state board of education pursuant to sections 15-701 and 15-701.01.
  5. Be used to accomplish specific actions to remediate proven discrimination pursuant to title VI of the civil rights act of 1964 (42 United States Code section 2000d) as specified in the court order or administrative agreement.
  6. Be used in accordance with a plan submitted to the department of education that includes an estimate of the amount of monies that will be required to bring the school district into compliance with the court order or administrative agreement and an estimate of when the school district will be in compliance with the court order or administrative agreement.
  7. Beginning in fiscal year 2009-2010 and continuing each fiscal year thereafter, not exceed the amount budgeted by the school district for desegregation expenses in fiscal year 2008-2009.
- F.** The governing board may budget for the bond issues portion of the cost of tuition charged the district as provided in section 15-824 for the pupils attending school in another school district, except that if the district is a common school district not within a high school district, the district may only include that part of tuition which is excluded from the revenue control limit and district support level as provided in section 15-951. The bond issues portion of the cost of tuition charged is specifically exempt from the revenue control limit of the school district of residence, and the primary property tax rate set to fund this amount shall not be included in the computation of additional state aid for education as provided in section 15-972, except as provided in section 15-972, subsection E. The department of education and the auditor general shall include in the maintenance and operation section of the budget format, as provided in section 15-903, a separate category for the bond issues portion of the cost of tuition.
- G.** The governing board may budget for interest expenses it incurred for registering warrants drawn against a fund of the school district or net interest expense on tax anticipation notes as prescribed in section 35-465.05, subsection C for the fiscal year preceding the current year if the county treasurer pooled all school district monies for investment as provided in section 15-996 for the fiscal year preceding the current year and, in those school districts that receive state aid, the school districts applied for an apportionment of state aid before the date set for the apportionment as provided in section 15-973 for the fiscal year preceding the current year. The governing board may budget an amount for interest expenses for registering warrants or issuing tax anticipation notes equal to or less than the amount of the warrant interest expense or net interest expense on tax anticipation notes as prescribed in section 35-465.05, subsection C for the fiscal year preceding the current year as provided in this subsection which is specifically exempt from the revenue control limit. For the purposes of this subsection, "state aid" means state aid as determined in sections 15-971 and 15-972.

**15-1103. Insurance proceeds fund; disposition of proceeds**

- A. Monies received for and derived from insurance losses shall be deposited with the county treasurer who shall credit the deposits to the insurance proceeds fund of the respective school district. The insurance proceeds fund of a school district is a continuing fund not subject to reversion.
- B. The governing board, or the superintendent or chief administrative officer with the approval of the governing board, may apply the proceeds from insurance recoveries to the payment of any outstanding bonded indebtedness of the school district that is payable from the levy of taxes on property within the school district.
- C. The governing board, or the superintendent or chief administrative officer with the approval of the governing board, may apply the proceeds of insurance recoveries to construct, acquire, improve, repair or furnish school property ~~after notice and a hearing.~~

**15-1107. Litigation recovery fund; disposition of proceeds**

- A. Monies received for and derived from settlement of legal controversies or from recovery of costs, attorney fees or damages by a school district in litigation by or against the school district shall be deposited with the county treasurer who shall credit the deposits to the litigation recovery fund of the school district. The litigation recovery fund is a continuing fund which is not subject to reversion.

B. If a school district receives monies as provided in subsection A for the purpose of replacing or repairing school buildings or other school property, the governing board, or the superintendent or chief administrative officer with the approval of the governing board, may only apply the proceeds to:

1. Pay any outstanding bonded indebtedness of the school district which is payable from the levy of taxes on property within the school district.

2. Construct, acquire, improve, repair or furnish school buildings ~~after notice and a hearing~~.

3. Replace or repair the school property other than school buildings.

C. Except as provided in subsection B, the governing board, or the superintendent or chief administrative officer with the approval of the governing board, may apply the proceeds of litigation recoveries to procure legal services or for the costs of litigation.

# Appendix C

## Bill 2: Proposed Statutory Changes

### **15-342. Discretionary powers**

A. The governing board may TAKE SUCH ACTIONS AS ARE NECESSARY OR APPROPRIATE TO ACQUIRE, OPERATE, AND MAINTAIN PROPERTY OF THE SCHOOL DISTRICT AND PROVIDE EDUCATION AND RELATED SERVICES TO PUPILS, PROVIDED THAT ITS ACTIONS COMPLY WITH ANY MANDATORY DUTY OR RESTRICTION OF AUTHORITY OF THE GOVERNING BOARD SET FORTH IN TITLE 15 OR ANY OTHER STATE LAW OR A RULE OF THE STATE BOARD OF EDUCATION OR SCHOOL FACILITIES BOARD.

B. PURSUANT TO THE GRANT OF DISCRETIONARY POWERS TO THE GOVERNING BOARD PURSUANT TO THIS SECTION, THE GOVERNING BOARD MAY, WITHOUT LIMITATION:

1. Expel pupils for misconduct.
2. Exclude from grades one through eight children under six years of age.
3. Make such separation of groups of pupils as it deems advisable.
4. Maintain such special schools during vacation as deemed necessary for the benefit of the pupils of the school district.
5. Permit a superintendent or principal or representatives of the superintendent or principal to travel for a school purpose, as determined by a majority vote of the board. The board may permit members and members-elect of the board to travel within or without the school district for a school purpose and receive reimbursement. Any expenditure for travel and subsistence pursuant to this paragraph shall be as provided in title 38, chapter 4, article 2. The designated post of duty referred to in section 38-621 shall be construed, for school district governing board members, to be the member's actual place of residence, as opposed to the school district office or the school district boundaries. Such expenditures shall be a charge against the budgeted school district funds. The governing board of a school district shall prescribe procedures and amounts for reimbursement of lodging and subsistence expenses. Reimbursement amounts shall not exceed the maximum amounts established pursuant to section 38-624, subsection C.
6. Construct or provide in rural districts housing facilities for teachers and other school employees that the board determines are necessary for the operation of the school.
7. Sell or lease to the state, a county, a city, another school district or a tribal government agency any school property required for a public purpose, provided the sale or lease of the property will not affect the normal operations of a school within the school district.
8. Annually budget and expend funds for membership in an association of school districts within this state.
9. Enter into leases or lease-purchase agreements for school buildings or grounds, or both, as lessor or as lessee, for periods of less than ten years subject to voter approval for construction of school buildings as prescribed in section 15-341, subsection A, paragraph 7.
10. Subject to chapter 16 of this title, sell school sites or enter into leases or lease-purchase agreements for school buildings and grounds, as lessor or as lessee, for a period of ten years or more, but not to exceed ninety-nine years, if authorized by a vote of the school district electors in an election called by the governing board as provided in section 15-491, except that authorization by the school district electors in an election is not required if one of the following requirements is met:
  - (a) The market value of the school property is less than fifty thousand dollars or the property is procured through a renewable energy development agreement, an energy performance contract, which among other items includes a renewable energy power service agreement, or a simplified energy performance contract pursuant to section 15-213.01.
  - (b) The buildings and sites are completely funded with monies distributed by the school facilities board.
  - (c) The transaction involves the sale of improved or unimproved property pursuant to an agreement with the school facilities board in which the school district agrees to sell the improved or unimproved property and transfer the proceeds of the sale to the school facilities board in exchange for monies from the school facilities board for the acquisition of a more suitable school site. For a sale of property acquired by a school district prior to July 9, 1998, a school district shall transfer to the school facilities board that portion of the proceeds

that equals the cost of the acquisition of a more suitable school site. If there are any remaining proceeds after the transfer of monies to the school facilities board, a school district shall only use those remaining proceeds for future land purchases approved by the school facilities board, or for capital improvements not funded by the school facilities board for any existing or future facility.

(d) The transaction involves the sale of improved or unimproved property pursuant to a formally adopted plan and the school district uses the proceeds of this sale to purchase other property that will be used for similar purposes as the property that was originally sold, provided that the sale proceeds of the improved or unimproved property are used within two years after the date of the original sale to purchase the replacement property. If the sale proceeds of the improved or unimproved property are not used within two years after the date of the original sale to purchase replacement property, the sale proceeds shall be used towards payment of any outstanding bonded indebtedness. If any sale proceeds remain after paying for outstanding bonded indebtedness, or if the district has no outstanding bonded indebtedness, sale proceeds shall be used to reduce the district's primary tax levy. A school district shall not use this subdivision unless all of the following conditions exist:

(i) The school district is the sole owner of the improved or unimproved property that the school district intends to sell.

(ii) The school district did not purchase the improved or unimproved property that the school district intends to sell with monies that were distributed pursuant to chapter 16 of this title.

(iii) The transaction does not violate section 15-341, subsection G.

11. Review the decision of a teacher to promote a pupil to a grade or retain a pupil in a grade in a common school or to pass or fail a pupil in a course in high school. The pupil has the burden of proof to overturn the decision of a teacher to promote, retain, pass or fail the pupil. In order to sustain the burden of proof, the pupil shall demonstrate to the governing board that the pupil has mastered the academic standards adopted by the state board of education pursuant to sections 15-701 and 15-701.01. If the governing board overturns the decision of a teacher pursuant to this paragraph, the governing board shall adopt a written finding that the pupil has mastered the academic standards. Notwithstanding title 38, chapter 3, article 3.1, the governing board shall review the decision of a teacher to promote a pupil to a grade or retain a pupil in a grade in a common school or to pass or fail a pupil in a course in high school in executive session unless a parent or legal guardian of the pupil or the pupil, if emancipated, disagrees that the review should be conducted in executive session and then the review shall be conducted in an open meeting. If the review is conducted in executive session, the board shall notify the teacher of the date, time and place of the review and shall allow the teacher to be present at the review. If the teacher is not present at the review, the board shall consult with the teacher before making its decision. Any request, including the written request as provided in section 15-341, the written evidence presented at the review and the written record of the review, including the decision of the governing board to accept or reject the teacher's decision, shall be retained by the governing board as part of its permanent records.

12. Provide transportation or site transportation loading and unloading areas for any child or children if deemed for the best interest of the district, whether within or without the district, county or state.

13. Enter into intergovernmental agreements and contracts with school districts or other governing bodies as provided in section 11-952. Intergovernmental agreements and contracts between school districts or between a school district and other governing bodies as provided in section 11-952 are exempt from competitive bidding under the procurement rules adopted by the state board of education pursuant to section 15-213.

14. Include in the curricula it prescribes for high schools in the school district career and technical education, vocational education and technology education programs and career and technical, vocational and technology program improvement services for the high schools, subject to approval by the state board of education. The governing board may contract for the provision of career and technical, vocational and technology education as provided in section 15-789.

15. Suspend a teacher or administrator from the teacher's or administrator's duties without pay for a period of time of not to exceed ten school days, if the board determines that suspension is warranted pursuant to section 15-341, subsection A, paragraphs 21 and 22.

16. Dedicate school property within an incorporated city or town to such city or town or within a county to that county for use as a public right-of-way if both of the following apply:

(a) Pursuant to an ordinance adopted by such city, town, or county, there will be conferred upon the school district privileges and benefits that may include benefits related to zoning.

(b) The dedication will not affect the normal operation of any school within the district.

17. Enter into option agreements for the purchase of school sites.

18. Donate surplus or outdated learning materials, educational equipment and furnishings to nonprofit community organizations where the governing board determines that the anticipated cost of selling the learning materials, educational equipment or furnishings equals or exceeds the estimated market value of the materials.

19. Prescribe policies for the assessment of reasonable fees for students to use district-provided parking facilities. The fees are to be applied by the district solely against costs incurred in operating or securing the parking facilities. Any policy adopted by the governing board pursuant to this paragraph shall include a fee waiver provision in appropriate cases of need or economic hardship.

20. Establish alternative educational programs that are consistent with the laws of this state to educate pupils, including pupils who have been reassigned pursuant to section 15-841, subsection E or F.

21. Require a period of silence to be observed at the commencement of the first class of the day in the schools. If a governing board chooses to require a period of silence to be observed, the teacher in charge of the room in which the first class is held shall announce that a period of silence not to exceed one minute in duration will be observed for meditation, and during that time no activities shall take place and silence shall be maintained.

22. Require students to wear uniforms.

23. Exchange unimproved property or improved property, including school sites, where the governing board determines that the improved property is unnecessary for the continued operation of the school district without requesting authorization by a vote of the school district electors if the governing board determines that the exchange is necessary to protect the health, safety or welfare of pupils or when the governing board determines that the exchange is based on sound business principles for either:

(a) Unimproved or improved property of equal or greater value.

(b) Unimproved property that the owner contracts to improve if the value of the property ultimately received by the school district is of equal or greater value.

24. For common and high school pupils, assess reasonable fees for optional extracurricular activities and programs conducted when the common or high school is not in session, except that no fees shall be charged for pupils' access to or use of computers or related materials. For high school pupils, the governing board may assess reasonable fees for fine arts and vocational education courses and for optional services, equipment and materials offered to the pupils beyond those required to successfully complete the basic requirements of any other course, except that no fees shall be charged for pupils' access to or use of computers or related materials. Fees assessed pursuant to this paragraph shall be adopted at a public meeting after notice has been given to all parents of pupils enrolled at schools in the district and shall not exceed the actual costs of the activities, programs, services, equipment or materials. The governing board shall authorize principals to waive the assessment of all or part of a fee assessed pursuant to this paragraph if it creates an economic hardship for a pupil. For the purposes of this paragraph, "extracurricular activity" means any optional, noncredit, educational or recreational activity that supplements the education program of the school, whether offered before, during or after regular school hours.

25. Notwithstanding section 15-341, subsection A, paragraphs 7 and 9, construct school buildings and purchase or lease school sites, without a vote of the school district electors, if the buildings and sites are totally funded from one or more of the following:

(a) Monies in the unrestricted capital outlay fund, except that the estimated cost shall not exceed two hundred fifty thousand dollars for a district that utilizes section 15-949.

(b) Monies distributed from the school facilities board established by section 15-2001.

(c) Monies specifically donated for the purpose of constructing school buildings.

This paragraph shall not be construed to eliminate the requirement for an election to raise revenues for a capital outlay override pursuant to section 15-481 or a bond election pursuant to section 15-491.

26. Conduct a background investigation that includes a fingerprint check conducted pursuant to section 41-1750, subsection G for certificated personnel and personnel who are not paid employees of the school district, as a condition of employment. A school district may release the results of a background check to another school district for employment purposes. The school district may charge the costs of fingerprint

checks to its fingerprinted employee, except that the school district may not charge the costs of fingerprint checks for personnel who are not paid employees of the school district.

27. Unless otherwise prohibited by law, sell advertising as follows:

(a) Advertisements shall be age appropriate and not contain promotion of any substance that is illegal for minors such as alcohol, tobacco and drugs or gambling. Advertisements shall comply with the state sex education policy of abstinence.

(b) Advertising approved by the governing board for the exterior of school buses may appear only on the sides of the bus in the following areas:

(i) The signs shall be below the seat level rub rail and not extend above the bottom of the side windows.

(ii) The signs shall be at least three inches from any required lettering, lamp, wheel well or reflector behind the service door or stop signal arm.

(iii) The signs shall not extend from the body of the bus so as to allow a handhold or present a danger to pedestrians.

(iv) The signs shall not interfere with the operation of any door or window.

(v) The signs shall not be placed on any emergency doors.

(c) The school district shall establish an advertisement fund that is composed of revenues from the sale of advertising. The monies in an advertisement fund are not subject to reversion.

28. Assess reasonable damage deposits to pupils in grades seven through twelve for the use of textbooks, musical instruments, band uniforms or other equipment required for academic courses. The governing board shall adopt policies on any damage deposits assessed pursuant to this paragraph at a public meeting called for this purpose after providing notice to all parents of pupils in grades seven through twelve in the school district. Principals of individual schools within the district may waive the damage deposit requirement for any textbook or other item if the payment of the damage deposit would create an economic hardship for the pupil. The school district shall return the full amount of the damage deposit for any textbook or other item if the pupil returns the textbook or other item in reasonably good condition within the time period prescribed by the governing board. For the purposes of this paragraph, "in reasonably good condition" means the textbook or other item is in the same or a similar condition as it was when the pupil received it, plus ordinary wear and tear.

29. Notwithstanding section 15-1105, expend surplus monies in the civic center school fund for maintenance and operations or unrestricted capital outlay, if sufficient monies are available in the fund after meeting the needs of programs established pursuant to section 15-1105.

30. Notwithstanding section 15-1143, expend surplus monies in the community school program fund for maintenance and operations or unrestricted capital outlay, if sufficient monies are available in the fund after meeting the needs of programs established pursuant to section 15-1142.

31. Adopt guidelines for standardization of the format of the school report cards required by section 15-746 for schools within the district.

32. Adopt policies that require parental notification when a law enforcement officer interviews a pupil on school grounds. Policies adopted pursuant to this paragraph shall not impede a peace officer from the performance of the peace officer's duties. If the school district governing board adopts a policy that requires parental notification:

(a) The policy may provide reasonable exceptions to the parental notification requirement.

(b) The policy shall set forth whether and under what circumstances a parent may be present when a law enforcement officer interviews the pupil, including reasonable exceptions to the circumstances under which a parent may be present when a law enforcement officer interviews the pupil, and shall specify a reasonable maximum time after a parent is notified that an interview of a pupil by a law enforcement officer may be delayed to allow the parent to be present.

33. Enter into voluntary partnerships with any party to finance with funds other than school district funds and cooperatively design school facilities that comply with the adequacy standards prescribed in section 15-2011 and the square footage per pupil requirements pursuant to section 15-2041, subsection D, paragraph 3, subdivision (b). The design plans and location of any such school facility shall be submitted to the school facilities board for approval pursuant to section 15-2041, subsection 0. If the school facilities board approves the design plans and location of any such school facility, the party in partnership with the school district may cause to be constructed and the district may begin operating the school facility before monies are distributed from the school facilities board pursuant to section 15-2041. Monies distributed from the new school



facilities fund to a school district in a partnership with another party to finance and design the school facility shall be paid to the school district pursuant to section 15-2041. The school district shall reimburse the party in partnership with the school district from the monies paid to the school district pursuant to section 15-2041, in accordance with the voluntary partnership agreement. Before the school facilities board distributes any monies pursuant to this subsection, the school district shall demonstrate to the school facilities board that the facilities to be funded pursuant to section 15-2041, subsection O meet the minimum adequacy standards prescribed in section 15-2011. If the cost to construct the school facility exceeds the amount that the school district receives from the new school facilities fund, the partnership agreement between the school district and the other party shall specify that, except as otherwise provided by the other party, any such excess costs shall be the responsibility of the school district. The school district governing board shall adopt a resolution in a public meeting that an analysis has been conducted on the prospective effects of the decision to operate a new school with existing monies from the school district's maintenance and operations budget and how this decision may affect other schools in the school district. If a school district acquires land by donation at an appropriate school site approved by the school facilities board and a school facility is financed and built on the land pursuant to this paragraph, the school facilities board shall distribute an amount equal to twenty per cent of the fair market value of the land that can be used for academic purposes. The school district shall place the monies in the unrestricted capital outlay fund and increase the unrestricted capital budget limit by the amount of the monies placed in the fund. Monies distributed under this paragraph shall be distributed from the new school facilities fund pursuant to section 15-2041. If a school district acquires land by donation at an appropriate school site approved by the school facilities board and a school facility is financed and built on the land pursuant to this paragraph, the school district shall not receive monies from the school facilities board for the donation of real property pursuant to section 15-2041, subsection F. It is unlawful for:

(a) A county, city or town to require as a condition of any land use approval that a landowner or landowners that entered into a partnership pursuant to this paragraph provide any contribution, donation or gift, other than a site donation, to a school district. This subdivision only applies to the property in the voluntary partnership agreement pursuant to this paragraph.

(b) A county, city or town to require as a condition of any land use approval that the landowner or landowners located within the geographic boundaries of the school subject to the voluntary partnership pursuant to this paragraph provide any donation or gift to the school district except as provided in the voluntary partnership agreement pursuant to this paragraph.

(c) A community facilities district established pursuant to title 48, chapter 4, article 6 to be used for reimbursement of financing the construction of a school pursuant to this paragraph.

(d) A school district to enter into an agreement pursuant to this paragraph with any party other than a master planned community party. Any land area consisting of at least three hundred twenty acres that is the subject of a development agreement with a county, city or town entered into pursuant to section 9-500.05 or 11-1101 shall be deemed to be a master planned community. For the purposes of this subdivision, "master planned community" means a land area consisting of at least three hundred twenty acres, which may be noncontiguous, that is the subject of a zoning ordinance approved by the governing body of the county, city or town in which the land is located that establishes the use of the land area as a planned area development or district, planned community development or district, planned unit development or district or other land use category or district that is recognized in the local ordinance of such county, city or town and that specifies the use of such land is for a master planned development.

34. Enter into an intergovernmental agreement with a presiding judge of the juvenile court to implement a law related education program as defined in section 15-154. The presiding judge of the juvenile court may assign juvenile probation officers to participate in a law related education program in any school district in the county. The cost of juvenile probation officers who participate in the program implemented pursuant to this paragraph shall be funded by the school district.

35. Offer to sell outdated learning materials, educational equipment or furnishings at a posted price commensurate with the value of the items to pupils who are currently enrolled in that school district before those materials are offered for public sale.

36. If the school district is a small school district as defined in section 15-901, and if permitted by federal law, opt out of federal grant opportunities if the governing board determines that the federal requirements impose unduly burdensome reporting requirements.

**~~15-348. Interscholastic athletics noncontact sports~~**

~~A governing board or an interscholastic athletic association may permit common school students to participate in practice sessions of noncontact sports with secondary school students.~~

**~~15-351. School councils; duties; membership~~**

~~A. The purpose of this section is to ensure that individuals who are affected by the outcome of a decision at the school site share in the decision making process.~~

~~B. Each school shall establish a school council. A governing board may delegate to a school council the responsibility to develop a curriculum and may delegate any additional powers that are reasonably necessary to accomplish decentralization. The school council shall take into consideration the ethnic composition of the local community and, except as provided in section 15-352, shall consist of the following members:~~

~~1. Parents or guardians of pupils enrolled in the school. A parent or guardian who is employed by the school district may serve as a member of the school council if the parent or guardian is not employed at the same school where the parent or guardian's child is enrolled.~~

~~2. Teachers.~~

~~3. Noncertified employees.~~

~~4. Community members.~~

~~5. Pupils, if the school is a high school.~~

~~6. The principal of the school.~~

~~C. Each group specified in subsection B of this section shall select its school council appointees and shall submit the names of its respective representatives to the principal. The initial representatives shall be selected at public meetings held at the school site, and, thereafter, representatives shall be selected by their groups in the manner determined by the school council. Schools shall give notice of the public meeting where the initial representatives of the groups shall be selected, clearly stating its purpose, time and place. The notice shall be posted in at least three different locations at the school site and in the community and shall be given to pupils for delivery to their parents or guardians.~~

~~D. The governing board shall determine the initial number of school council members. Thereafter, the school council shall determine the number. The number of teachers and parents or guardians of pupils enrolled at the school shall be equal. Teachers and parents or guardians of pupils enrolled at the school shall constitute a majority of the school council members.~~

~~E. The school council shall adopt written guidelines that specify the number of school council members and the methods for the selection of school council members.~~

~~F. The principal shall serve as chairman of the school council unless another person is elected by a majority of the school council members.~~

**~~15-352. Exemptions~~**

~~A. The governing board is not obligated to reconstitute previously formed school councils pursuant to this section if the existing school councils include representation by more than one teacher and more than one parent or guardian of a pupil enrolled at the school.~~

~~B. The governing board may allow an alternative school to establish an alternative school council with members other than those specified in section 15-351 if teachers and parents or guardians of pupils enrolled at the school are represented.~~

~~C. A school district that has only one school or a student population of less than six hundred students may decide by a vote of the governing board to not participate in the decentralization process required by this article. If the governing board votes to not participate, the district is not subject to this article.~~

**~~15-706. Instruction in environmental education; definition~~**

~~A. The department of education shall establish and maintain an environmental education information resource system to assist school districts that choose to develop and implement environmental education programs. The system shall include a current documentation, referral and dissemination program for~~

~~environmental education materials and information that promotes knowledge of the environment, including various scientific and economic concepts that impact on environmental and natural resource issues of this state and its citizens.~~

~~B. If a school district chooses to provide instruction in environmental education, the environmental education program shall:~~

- ~~1. Be based on current scientific information.~~
- ~~2. Include a discussion of economic and social implications.~~

~~C. For the purposes of this section "environmental education" means educational processes, programs and activities which are specifically designed to enhance student acquisition of knowledge of scientific and economic principles, concepts and facts as they relate to environmental topics and issues and which are taught in an unbiased, fair and balanced manner.~~

#### **15-707. High schools; education about organ donation**

~~Each high school in this state that provides a driver education program may educate the students who are enrolled in the program about the option of organ donation.~~

#### **15-708. Remedial education programs; powers of the governing board; definition**

~~A. Beginning July 1, 1980 school districts with an estimated student count of five thousand or less for the 1980-1981 school year may provide remedial education programs to children with learning problems who are presently being served in special education programs as provided in article 4 of this chapter but who will no longer qualify for special education from and after July 20, 1979.~~

~~B. Beginning July 1, 1980 school districts with an estimated student count of more than five thousand for the 1980-1981 school year shall provide remedial education programs to children with learning problems who are presently being served in special education programs as provided in article 4 of this chapter but who will no longer qualify for special education from and after July 20, 1979.~~

~~C. Nothing in this section or section 15-709 shall be construed to preclude a school district from providing remedial education programs for children not specifically provided for in this section or section 15-709.~~

~~D. The governing board may employ teachers who hold a valid Arizona teachers certificate or supportive personnel as deemed necessary for the operation of a remedial education program.~~

~~E. In this section and section 15-709, unless the context otherwise requires, "remedial education programs" means curricula to supplement the regular school curricula to assist children with learning problems in achieving the level they are expected to achieve in the regular classroom.~~

#### **15-709. Review of students in remedial education programs**

~~A. The educational development of a child in a remedial education program as provided in this section and section 15-708 shall be reviewed each regular reporting period by the teachers or others instructing the child in the remedial education program and the regular classroom teacher to determine if the child has reached the expected level of achievement. If it is determined that the child is maintaining his expected level of achievement, the child shall no longer be eligible for assistance in the remedial education program.~~

~~B. Parents shall be notified of the progress of their child in the remedial education program as provided in this section and section 15-708 by the established reporting method of the school district, which may be the report card.~~

#### **15-711.01. Instruction on stranger danger**

~~All school districts and charter schools may incorporate instruction into the existing curricula in the common school grades on the dangers of unsupervised interaction with strangers. Each school district and charter school may develop its own course of study to meet the requirements of this section.~~

#### **15-712.01. Instruction on dating abuse; definitions**

~~A. A school district that provides instruction in grades seven through twelve may incorporate dating abuse information that is age appropriate into the school district's existing health curriculum for pupils in grades seven through twelve that includes the following components:~~

- ~~1. A definition of dating abuse.~~
- ~~2. The recognition of dating abuse warning signs.~~
- ~~3. The characteristics of healthy relationships.~~

~~B. On written request to the principal of the school where a child is enrolled, the parent or guardian of a pupil who is under eighteen years of age shall be permitted to review the dating abuse information instructional materials within a reasonable time after submitting the written request.~~

~~C. For the purposes of this section:~~

- ~~1. "Dating abuse" means a pattern of behavior in which one person uses or threatens to use physical, sexual, verbal or emotional abuse to control the person's dating partner.~~
- ~~2. "Dating partner" means any person who is involved in an intimate association with another person that is primarily characterized by the expectation of affectionate involvement and that includes casual, serious and long-term dating partners.~~

### ~~**15-713. Training in use of bows or firearms; instruction materials; certification of instructors; cooperating agencies**~~

~~A. The Arizona game and fish department may provide training in the safe handling and use of bows or firearms and safe hunting practices, in conjunction with the common schools and high schools of the state when the schools request the training.~~

~~B. The Arizona game and fish department may prescribe courses of study, approve instruction materials, certify instructors for training programs conducted by private organizations or public agencies and issue certificates of completion of the required course of study.~~

~~C. To carry out the purposes of the training program authorized by this section and section 15-714, the Arizona game and fish department may cooperate with other agencies and private organizations.~~

### ~~**15-714. Eligibility for training in use of bows or firearms**~~

~~A. Training courses may be offered on a voluntary basis pursuant to section 17-245.~~

~~B. The courses held for students in the common schools and high schools shall be elective only, and attendance in such classes shall not be considered in computing a school district's student count.~~

#### ~~**15-714.01. Arizona gun safety program course**~~

~~A. In addition to the voluntary training in the use of bows and firearms prescribed in sections 15-713 and 15-714, any school district or charter school may offer as an elective course a one semester, one credit course in firearm marksmanship that shall be designated as the Arizona gun safety program course.~~

~~B. A pupil shall be deemed to have satisfactorily completed the Arizona gun safety program course by demonstrating that the pupil has the ability to safely discharge a firearm as defined in section 13-3101.~~

~~C. The course of instruction prescribed in this section shall be jointly developed by the Arizona game and fish commission, the department of public safety and private firearms organizations and may include materials provided by private youth organizations. At a minimum, the Arizona gun safety program course shall include each of the following:~~

- ~~1. Instruction on the rules of firearm safety.~~
- ~~2. Instruction on the basic operation of firearms.~~
- ~~3. Instruction on the history of firearms and marksmanship.~~
- ~~4. Instruction on the role of firearms in preserving peace and freedom.~~
- ~~5. Instruction on the constitutional roots of the right to keep and bear arms.~~
- ~~6. Instruction on the use of clay targets.~~
- ~~7. Practice time at a shooting range.~~
- ~~8. Actual demonstration by the pupil of competence with a firearm as defined in section 13-3101 by safely discharging the firearm at one or more targets.~~

~~D. School districts and charter schools shall arrange for adequate use of shooting range time by pupils in the Arizona gun safety program course at any established shooting range.~~

~~E. Pupils who satisfactorily complete the Arizona gun safety program course shall receive a certificate of accomplishment.~~

~~F. A person who is currently certified as a firearms safety instructor by the Arizona game and fish department, the national rifle association, a federal, state or local law enforcement agency, a branch of the United States military, a federal agency, the reserve officer training corps, the junior reserve officer training corps or the civilian marksmanship program is qualified to teach the Arizona gun safety program course.~~

~~G. Nothing in this section shall be construed to limit or expand the liability of any person under other provisions of law.~~

#### **15-716. Instruction on acquired immune deficiency syndrome; department assistance**

~~A. Each common, high and unified school district may provide instruction to kindergarten programs through the twelfth grade on acquired immune deficiency syndrome and the human immunodeficiency virus.~~

~~B. Each district is free to develop its own course of study for each grade. At a minimum, instruction shall:~~

- ~~1. Be appropriate to the grade level in which it is offered.~~
- ~~2. Be medically accurate.~~
- ~~3. Promote abstinence.~~
- ~~4. Discourage drug abuse.~~
- ~~5. Dispel myths regarding transmission of the human immunodeficiency virus.~~

~~C. No district shall include in its course of study instruction which:~~

- ~~1. Promotes a homosexual life style.~~
- ~~2. Portrays homosexuality as a positive alternative life style.~~
- ~~3. Suggests that some methods of sex are safe methods of homosexual sex.~~

~~D. At the request of a school district, the department of health services or the department of education shall review instruction materials to determine their medical accuracy.~~

~~E. At the request of a school district, the department of education shall provide the following assistance:~~

- ~~1. A suggested course of study.~~
- ~~2. Teacher training.~~
- ~~3. A list of available films and other teaching aids.~~

~~F. At the request of a parent, a pupil shall be excused from instruction on the acquired immune deficiency syndrome and the human immunodeficiency virus as provided in subsection A of this section. The school district shall notify all parents of their ability to withdraw their child from the instruction.~~

#### **15-718. Instruction on skin cancer prevention**

~~All public schools shall incorporate instruction into the existing curricula in the common school grades on skin cancer prevention if the United States environmental protection agency furnishes free of charge to schools a comprehensive program on the prevention of skin cancer. The instruction shall be provided in an age appropriate manner and shall include the following components:~~

- ~~1. The basic facts about skin cancer, including the negative impact of human exposure to ultraviolet radiation obtained through sunburns and tanning.~~
- ~~2. A comprehensive set of strategies and behaviors to reduce the risk of contracting skin cancer.~~

#### **15-718.01. Instruction on cardiopulmonary resuscitation; exemptions; definition** **(Eff. 7/1/15)**

~~A. School districts and charter schools may provide public school pupils with one or more training sessions in cardiopulmonary resuscitation, through the use of psychomotor skills in an age appropriate manner, during the seventh, eighth, ninth, tenth, eleventh or twelfth grade.~~

~~B. If a school district or charter school provides training pursuant to this section, the training shall be based on the most current training developed by a nationally recognized nonprofit organization that provides~~

~~training in cardiopulmonary resuscitation that is based on the most current national evidence-based emergency cardiovascular care guidelines for cardiopulmonary resuscitation.~~

~~C. If a school district or charter school offers instruction that results in cardiopulmonary resuscitation certification, the instruction must be provided by a certified cardiopulmonary resuscitation trainer. This subsection does not require a teacher or administrator who facilitates, provides or oversees the instruction to be an authorized trainer of cardiopulmonary resuscitation if the instruction does not result in cardiopulmonary resuscitation certification.~~

~~D. If a school district or charter school provides training pursuant to this section, a pupil shall be excused from the instruction on cardiopulmonary resuscitation at the request of either:~~

~~1. The pupil's parent.~~

~~2. A pupil who provides written documentation that the pupil has previously received training in or is currently certified in cardiopulmonary resuscitation.~~

~~E. If a school district or charter school provides training pursuant to this section, a school district or charter school may accept from any person, public entity or other legal entity in-kind donations of materials, equipment or services that may be used in the instruction on cardiopulmonary resuscitation.~~

~~F. For the purposes of this section, "psychomotor skills" means sequences of physical actions that are practiced in a manner that supports cognitive learning.~~

### **15-720.02. Instruction on personal finance in high schools**

~~A. A school district governing board or charter school may prescribe a separate personal finance course for the graduation of pupils from high school or incorporate personal finance instruction into an existing course or existing curricula for the graduation of pupils from high school, that is in addition to or higher than the course of study and competency requirements that the state board of education prescribes for the graduation of pupils.~~

~~B. If a personal finance course is prescribed by a school district governing board or charter school or if personal finance instruction is incorporated into an existing course or existing curricula, the course or incorporated instruction shall include the following:~~

~~1. Explanations on how education, career choices and family obligations affect future income.~~

~~2. Analyses of how advertising influences consumer choices.~~

~~3. The determination of short-term and long-term financial goals and plans, including income, spending, saving and investing.~~

~~4. Comparisons of the advantages and disadvantages of using various forms of credit and the determining factors of credit history.~~

~~5. Explanations of the risk, return and liquidity of short-term and long-term saving and investment choices.~~

~~6. Identification of investment options available to individuals and households.~~

~~C. A school district governing board or charter school may develop its own curriculum on personal finance or may use a curriculum on personal finance that is currently used by other public schools in this state or by public schools in other states. A school district governing board or charter school may use curriculum on personal finance developed by or in conjunction with an organization with expertise in providing instruction to high school pupils on personal finance skills.~~

### **36-884. Exemptions**

This article does not apply to the care given to children by or in:

1. The homes of parents or blood relatives.

2. A religious institution conducting a nursery in conjunction with its religious services or conducting parent-supervised occasional drop-in care.

3. A unit of the public school system, including specialized professional services provided by school districts for the sole purpose of meeting mandated requirements to address the physical and mental impairments prescribed in section 15-771. If a public school provides child care ~~other than during the school's regular hours or~~ for children who are not regularly enrolled in kindergarten programs or grades one through twelve, that portion of the school that provides **SUCH** child care is subject to standards of care prescribed pursuant to section 36-883.04.

4. A regularly organized private school engaged in an educational program that may be attended in substitution for public school pursuant to section 15-802. If the school provides child care beyond regular public school hours or for children who are not regularly enrolled in kindergarten programs or grades one through twelve, that portion of the school providing such care shall be considered a child care facility and is subject to this article.
5. Any facility that provides training only in specific subjects, including dancing, drama, music, self-defense or religion and tutoring provided by public schools solely to improve school performance.
6. Any facility that provides only recreational or instructional activities to school age children who may enter into and depart from the facility at their own volition. The facility may require the children to document their entrance into and departure from the facility. This documentation does not affect the exemption under this paragraph. The facility shall post a notice stating it is not a licensed child care facility under section 36-882.
7. Any of the Arizona state schools for the deaf and the blind.
8. A facility that provides only educational instruction for children who are at least three and not older than six years of age if all the following are true:
  - (a) The facility instructs only in the core subjects of math, reading and science.
  - (b) The facility does not accept state-subsidized tuition for the children.
  - (c) A child is present at the facility for not more than two and one-quarter hours a day and not more than three days a week.
  - (d) The instruction is not provided in place of care ordinarily provided by a parent or guardian.
  - (e) The facility posts a notice that the facility is not licensed under this article.
  - (f) The facility requires fingerprint cards of all personnel pursuant to section 36-883.02.
9. A facility that operates a day camp that provides recreational programs to children if all of the following are true:
  - (a) The day camp is accredited by a nationally recognized accrediting organization for day camps as approved by the department.
  - (b) The day camp operates for less than twenty-four hours a day and less than ten weeks each calendar year.
  - (c) The day camp posts a notice at the facility and on its website that it is not licensed under the laws of this state as a child care facility.
  - (d) The day camp provides programs only to children who are at least five years of age.
  - (e) The day camp requires fingerprint cards of all personnel pursuant to section 36-883.02.

#### **41-1279.03. Powers and duties**

##### **A. The auditor general shall:**

- ~~1. Prepare an audit plan for approval by the committee and report to the committee the results of each audit and investigation and other reviews conducted by the auditor general.~~
- ~~2. Conduct or cause to be conducted at least biennial financial and compliance audits of financial transactions and accounts kept by or for all state agencies subject to the single audit act of 1984 (P.L. 98-502). The audits shall be conducted in accordance with generally accepted governmental auditing standards and accordingly shall include tests of the accounting records and other auditing procedures as may be considered necessary in the circumstances. The audits shall include the issuance of suitable reports as required by the single audit act of 1984 (P.L. 98-502) so the legislature, federal government and others will be informed as to the adequacy of financial statements of the state in compliance with generally accepted governmental accounting principles and to determine whether the state has complied with laws and regulations that may have a material effect on the financial statements and on major federal assistance programs.~~
- ~~3. Perform procedural reviews for all state agencies at times determined by the auditor general. These reviews may include evaluation of administrative and accounting internal controls and reports on these reviews.~~
- ~~4. Perform special research requests, special audits and related assignments as designated by the committee and conduct performance audits, special audits, special research requests and investigations of any state agency, whether created by the constitution or otherwise, as may be requested by the committee.~~
- ~~5. Annually on or before the fourth Monday of December, prepare a written report to the governor and to the committee that contains a summary of activities for the previous fiscal year.~~

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

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

(b) Reviews projects completed to date and projects to be completed during the remaining years in which a transportation excise tax is in effect. Within six months after each review period the auditor general shall present a report to the speaker of the house of representatives and the president of the senate detailing findings and making recommendations. If the parameters of the performance audit are set by the citizens transportation oversight committee, the auditor general shall also present the report to the citizens transportation oversight committee.

(c) Reviews, determines, reports and makes recommendations to the speaker of the house of representatives and the president of the senate whether the distribution of highway user revenues complies with title 28, chapter 18, article 2. If the parameters of the performance audit are set by the citizens transportation oversight committee, the auditor general shall also present the report to the citizens transportation oversight committee.

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

8. Perform special audits designated pursuant to law if the auditor general determines that there are adequate monies appropriated for the auditor general to complete the audit. If the auditor general determines the appropriated monies are inadequate, the auditor general shall notify the committee.

9. Beginning on July 1, 2001, establish a school-wide audit team in the office of the auditor general to conduct performance audits and monitor school districts to determine the percentage of every dollar spent in the classroom by a school district. The performance audits shall determine whether school districts that receive monies from the Arizona structured English immersion fund established by section 15-756.04 and the statewide compensatory instruction fund established by section 15-756.11 are in compliance with title 15, chapter 7, article 3.1. The auditor general shall determine, through random selection, the school districts to be audited each year, subject to review by the joint legislative audit committee. A school district that is subject to an audit pursuant to this paragraph shall notify the auditor general in writing as to whether the school district agrees or disagrees with the findings and recommendations of the audit and whether the school district will implement the findings and recommendations, implement modifications to the findings and recommendations or refuse to implement the findings and recommendations. The school district shall submit to the auditor general a written status report on the implementation of the audit findings and recommendations every six months for two years after an audit conducted pursuant to this paragraph. The auditor general shall review the school district's progress toward implementing the findings and recommendations of the audit every six months after receipt of the district's status report for two years. The auditor general may review a school district's progress beyond this two-year period for recommendations that have not yet been implemented by the school district. The auditor general shall provide a status report of these reviews to the joint legislative audit committee. The school district shall participate in any hearing scheduled during this review period by the joint legislative audit committee or by any other legislative committee designated by the joint legislative audit committee.

B. The auditor general may:

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

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

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

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



~~E. The department of transportation shall reimburse the auditor general as follows, and the auditor general shall deposit the reimbursed monies in the audit services revolving fund:~~

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

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