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Jane Dee Hull
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CHAPTER 125

SENATE BILL 1186

AN ACT

AMENDING SECTIONS 15-341 AND 15-342, ARIZONA REVISED STATUTES; RELATING TO SCHOOL DISTRICT GOVERNING BOARDS.

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

2 Section 1. Section 15-341, Arizona Revised Statutes, is amended to
3 read:

4 15-341. General powers and duties; immunity; delegation

5 A. The governing board shall:

6 1. Prescribe and enforce ~~rules~~ POLICIES AND PROCEDURES for the
7 governance of the schools, not inconsistent with law or rules prescribed by
8 the state board of education.

9 2. Maintain the schools established by it for the attendance of each
10 pupil for a period of not less than one hundred seventy-five school days, or
11 its equivalent as approved by the superintendent of public instruction for
12 a school district approved by the state board of education to operate on a
13 year-round operation basis, to offer an educational program on the basis of
14 a four day school week or to offer an alternative kindergarten program on the
15 basis of a three day school week, in each school year, and if the funds of
16 the district are sufficient, for a longer period, and as far as practicable
17 with equal rights and privileges.

18 3. Exclude from schools all books, publications, papers or audiovisual
19 materials of a sectarian, partisan or denominational character.

20 4. Manage and control the school property within its district.

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

1 6. Prescribe the curricula and criteria for the promotion and
2 graduation of pupils as provided in sections 15-701 and 15-701.01.

3 7. Furnish, repair and insure the school property of the district.

4 8. Construct school buildings on approval by a vote of the district
5 electors, except that a vote of the district electors shall not be necessary
6 to construct school buildings which are included in a plan for the use of the
7 reserve of the capital outlay fund and which have an estimated cost of:

8 (a) For a district with a student count of at least five hundred, two
9 hundred fifty thousand dollars or less.

10 (b) For a district with a student count of less than five hundred, one
11 hundred thousand dollars or less.

12 9. Make in the name of the district conveyances of property belonging
13 to the district and sold by the board.

14 10. Purchase school sites when authorized by a vote of the district at
15 an election conducted as nearly as practicable in the same manner as the
16 election provided in section 15-481 and held on a date prescribed in section
17 15-491, subsection E, but such authorization shall not necessarily specify
18 the site to be purchased and such authorization shall not be necessary to
19 exchange unimproved property as provided in section 15-342, paragraph ~~21~~ 23
20 or to purchase school sites which are included in a plan for the use of the
21 reserve of the capital outlay fund and which have an estimated cost of:

22 (a) For a district with a student count of at least five hundred, two
23 hundred fifty thousand dollars or less.

24 (b) For a district with a student count of less than five hundred, one
25 hundred thousand dollars or less.

26 11. Construct, improve and furnish buildings used for school purposes
27 when such buildings or premises are leased from the national park service.

28 12. Purchase school sites or construct, improve and furnish school
29 buildings from the proceeds of the sale of school property only on approval
30 by a vote of the district electors.

31 13. Hold pupils to strict account for disorderly conduct on school
32 property.

33 14. Discipline students for disorderly conduct on the way to and from
34 school.

35 15. Except as provided in section 15-1224, deposit all monies received
36 by the district as gifts, grants and devises with the county treasurer who
37 shall credit the deposits as designated in the uniform system of financial
38 records. If not inconsistent with the terms of the gifts, grants and devises
39 given, any balance remaining after expenditures for the intended purpose of
40 the monies have been made shall be used for reduction of school district
41 taxes for the budget year, except that in the case of accommodation schools
42 the county treasurer shall carry the balance forward for use by the county
43 school superintendent for accommodation schools for the budget year.

1 16. Provide that, if a parent or legal guardian chooses not to accept
2 a decision of the teacher as provided in section 15-521, paragraph 3, the
3 parent or legal guardian may request in writing that the governing board
4 review the teacher's decision. Nothing in this paragraph shall be construed
5 to release school districts from any liability relating to a child's
6 promotion or retention.

7 17. Provide for adequate supervision over pupils in instructional and
8 noninstructional activities by certificated or noncertificated personnel.

9 18. Use school monies received from the state and county school
10 apportionment exclusively for payment of salaries of teachers and other
11 employees and contingent expenses of the district.

12 19. Make an annual report to the county school superintendent on or
13 before October 1 each year in the manner and form and on the blanks
14 prescribed by the superintendent of public instruction or county school
15 superintendent. The board shall also make reports directly to the county
16 school superintendent or the superintendent of public instruction whenever
17 required.

18 20. Deposit all monies received by school districts other than student
19 activities monies or monies from auxiliary operations as provided in
20 sections 15-1125 and 15-1126 with the county treasurer to the credit of the
21 school district except as provided in paragraph 21 of this subsection and
22 sections 15-1223 and 15-1224, and the board shall expend the monies as
23 provided by law for other school funds.

24 21. Establish a bank account in which the board may during a month
25 deposit miscellaneous monies received directly by the district. The board
26 shall remit monies deposited in the bank account at least monthly to the
27 county treasurer for deposit as provided in paragraph 20 of this subsection
28 and in accordance with the uniform system of financial records.

29 22. Provide adequate data to the state board for vocational and
30 technological education for the follow-up survey as provided in section
31 15-781.01, subsection D, paragraph 18.

32 23. Employ an attorney admitted to practice in this state whose
33 principal practice is in the area of commercial real estate, or a real
34 estate broker who is licensed by this state and who is employed by a
35 reputable commercial real estate company, to negotiate a lease of five or
36 more years for the school district if the governing board decides to enter
37 into a lease of five or more years as lessor of school buildings or grounds
38 as provided in section 15-342, paragraph 7 or 10. Any lease of five or more
39 years negotiated pursuant to this paragraph shall provide that the lessee
40 is responsible for payment of property taxes pursuant to the requirements of
41 section 42-271, subsection A, paragraph 3.

42 24. Prescribe and enforce policies AND PROCEDURES for disciplinary
43 action against a teacher who engages in conduct which is a violation of the
44 policies of the governing board but which is not cause for dismissal of the

1 teacher or for revocation of the certificate of the teacher. Disciplinary
2 action may include suspension without pay for a period of time not to exceed
3 ten school days. Disciplinary action shall not include suspension with pay
4 or suspension without pay for a period of time longer than ten school days.
5 The ~~policies~~ PROCEDURES shall include notice, hearing and appeal ~~procedures~~
6 PROVISIONS for violations which are cause for disciplinary action. The
7 governing board may designate a person or persons to act on behalf of the
8 board on these matters.

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

24 26. Prescribe and enforce ~~rules~~ POLICIES AND PROCEDURES that prohibit
25 a person from carrying or possessing a weapon on school grounds unless the
26 person is a peace officer or has obtained specific authorization from the
27 school administrator.

28 27. Prescribe AND ENFORCE ~~rules~~ POLICIES AND PROCEDURES relating to the
29 health and safety of all pupils participating in district sponsored practice
30 sessions, games or other interscholastic athletic activities, including the
31 provision of water. A school district and its employees are immune from
32 civil liability for the consequences of the good faith adoption and
33 implementation of ~~rules~~ POLICIES AND PROCEDURES pursuant to this paragraph.

34 28. Prescribe AND ENFORCE policies and procedures regarding the smoking
35 of tobacco within school buildings. The policies and procedures shall be
36 adopted in consultation with school district personnel and members of the
37 community and shall state whether smoking is prohibited in school buildings.
38 If smoking in school buildings is not prohibited, the policies and procedures
39 shall clearly state the conditions and circumstances under which smoking is
40 permitted, those areas in a school building which may be designated as
41 smoking areas and those areas in a school building which may not be
42 designated as smoking areas.

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

1 30. Provide special education programs and related services pursuant
2 to section 15-764, subsection A to all children with disabilities as defined
3 in section 15-761.

4 B. Notwithstanding subsection A, paragraphs 8, 10 and 12 of this
5 section, the county school superintendent may construct, improve and furnish
6 school buildings or purchase or sell school sites in the conduct of an
7 accommodation school.

8 C. A SCHOOL DISTRICT'S GOVERNING BOARD MEMBERS AND ITS SCHOOL-BASED
9 COUNCIL MEMBERS ARE IMMUNE FROM CIVIL LIABILITY FOR THE CONSEQUENCES OF
10 ADOPTION AND IMPLEMENTATION OF POLICIES AND PROCEDURES PURSUANT TO SUBSECTION
11 A OF THIS SECTION AND SECTION 15-342. THIS WAIVER DOES NOT APPLY IF THE
12 SCHOOL DISTRICT'S GOVERNING BOARD MEMBERS, OR ITS SCHOOL-BASED COUNCIL
13 MEMBERS ARE GUILTY OF GROSS NEGLIGENCE OR INTENTIONAL MISCONDUCT.

14 D. A GOVERNING BOARD MAY DELEGATE IN WRITING TO A SUPERINTENDENT,
15 PRINCIPAL OR HEAD TEACHER THE AUTHORITY TO PRESCRIBE PROCEDURES THAT ARE
16 CONSISTENT WITH THE GOVERNING BOARD'S POLICIES.

17 E. SUBSECTIONS C AND D SHALL APPLY TO A COUNTY BOARD OF SUPERVISORS
18 AND A COUNTY SCHOOL SUPERINTENDENT WHEN OPERATING AND ADMINISTERING AN
19 ACCOMMODATION SCHOOL.

20 Sec. 2. Section 15-342, Arizona Revised Statutes, is amended to read:
21 15-342. Discretionary powers

22 The governing board may:

23 1. Expel pupils for misconduct.
24 2. Exclude from grades one through eight children under six years of
25 age.

26 3. Make such separation of groups of pupils as it deems advisable.

27 4. Maintain such special schools during vacation as deemed necessary
28 for the benefit of the pupils of the school district.

29 5. Permit a superintendent or principal or his representatives to
30 travel for a school purpose, as determined by a majority vote of the board.
31 The board may permit members and members-elect of the board to travel within
32 or without the school district for a school purpose and receive
33 reimbursement. Any expenditure for travel and subsistence pursuant to this
34 paragraph shall be as provided in title 38, chapter 4, article 2. The
35 designated post of duty referred to in section 38-621 shall be construed, for
36 school district governing board members, to be the member's actual place of
37 residence, as opposed to the school district office or the school district
38 boundaries. Such expenditures shall be a charge against the budgeted school
39 district funds. The governing board of a school district shall prescribe
40 procedures and amounts for reimbursement of lodging and subsistence expenses.
41 Reimbursement amounts shall not exceed the maximum amounts established
42 pursuant to section 38-624, subsection C.

1 6. Construct or provide in rural districts housing facilities for
2 teachers and other school employees which the board determines are necessary
3 for the operation of the school.

4 7. Sell or lease to the state, county or city any school property
5 required for a public purpose, provided the sale or lease of the property
6 will not affect the normal operations of a school within the school district.

7 8. Annually budget and expend funds for membership in an association
8 of school districts within this state.

9 9. Enter into leases or lease-purchase agreements for school buildings
10 or grounds, or both, as lessor or as lessee, for periods of less than five
11 years subject to voter approval for construction of school buildings as
12 prescribed in section 15-341, subsection A, paragraph 8.

13 10. Sell school sites or enter into leases or lease-purchase agreements
14 for school buildings and grounds, as lessor or as lessee, for a period of
15 five years or more, but not to exceed ninety-nine years, if authorized by
16 vote of the school district electors in an election called by the governing
17 board as provided in section 15-491, except that if the market value of the
18 school property is less than fifty thousand dollars authorization by the
19 school district electors in an election is not required.

20 11. Review the decision of a teacher to promote a pupil to a grade or
21 retain a pupil in a grade in a common school or to pass or fail a pupil in
22 a course in high school. Notwithstanding title 38, chapter 3, article 3.1,
23 the governing board shall review the decision of a teacher to promote a pupil
24 to a grade or retain a pupil in a grade in a common school or to pass or fail
25 a pupil in a course in high school in executive session unless a parent or
26 legal guardian of the pupil or the pupil, if emancipated, disagrees that the
27 review should be conducted in executive session and then the review shall be
28 conducted in an open meeting. If the review is conducted in executive
29 session, the board shall notify the teacher of the date, time and place of
30 the review and shall allow the teacher to be present at the review. If the
31 teacher is not present at the review, the board shall consult with the
32 teacher before making its decision. Any request, including the written
33 request as provided in section 15-341, the written evidence presented at the
34 review and the written record of the review, including the decision of the
35 governing board to accept or reject the teacher's decision, shall be retained
36 by the governing board as part of its permanent records.

37 12. Provide transportation for any child or children if deemed for the
38 best interest of the district, whether within or without the district, county
39 or state.

40 13. Enter into intergovernmental agreements and contracts with school
41 districts or other governing bodies as provided in section 11-952.

42 14. Include in the curricula which it prescribes for high schools in
43 the school district vocational and technological education programs and
44 vocational and technological program improvement services for the high

1 schools, subject to approval by the state board of education. The governing
2 board may contract for the provision of vocational and technological
3 education as provided in section 15-789.

4 15. Suspend a teacher or administrator from his duties without pay for
5 a period of time of not to exceed ten school days, if the board determines
6 that suspension is warranted pursuant to section 15-341, subsection A,
7 paragraphs 24 and 25.

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

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

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

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

17 18. Donate surplus or outdated learning materials to nonprofit
18 community organizations where the governing board determines that the
19 anticipated cost of selling the learning materials equals or exceeds the
20 estimated market value of the materials.

21 19. Prescribe ~~rules~~ POLICIES for the assessment of reasonable fees for
22 students to use district-provided parking facilities. The fees are to be
23 applied by the district solely against costs incurred in operating or
24 securing the parking facilities. Any ~~rule~~ POLICY adopted by the governing
25 board pursuant to this paragraph shall include a fee waiver provision in
26 appropriate cases of need or economic hardship.

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

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

36 22. Require students to wear uniforms.

37 23. Exchange unimproved property for unimproved property of
38 substantially equal or greater value without requesting authorization by a
39 vote of the school district electors if the governing board determines that
40 the exchange is necessary to protect the health or safety of pupils.

41 24. For common and high school pupils, assess reasonable fees for
42 optional extracurricular activities and programs conducted when the common
43 or high school is not in session, except that no fees shall be charged for
44 pupils' access to or use of computers or related materials. For high school

1 pupils, THE GOVERNING BOARD MAY assess reasonable fees for fine arts and
2 vocational education courses and for optional services, equipment and
3 materials offered to the pupils beyond those required to successfully
4 complete the basic requirements of any other course, except that no fees
5 shall be charged for pupils' access to or use of computers or related
6 materials. Fees assessed pursuant to this paragraph shall be adopted at a
7 public meeting after notice has been given to all parents of pupils enrolled
8 at schools in the district and shall not exceed the actual costs of the
9 activities, programs, services, equipment or materials. The governing board
10 shall authorize principals to waive the assessment of all or part of a fee
11 assessed pursuant to this paragraph if it creates an economic hardship for
12 a pupil. For the purposes of this paragraph, "extracurricular activity"
13 means any optional, noncredit, educational or recreational activity which
14 supplements the education program of the school, whether offered before,
15 during or after regular school hours.

APPROVED BY THE GOVERNOR APRIL 9, 1996.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 10, 1996.