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**FILED**

**Jane Dee Hull  
Secretary of State**

CHAPTER 71

**SENATE BILL 1251**

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

5 A. The governing board shall:

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

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

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

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

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

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

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

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

5           (a) FOR A DISTRICT WITH A STUDENT COUNT OF AT LEAST FIVE THOUSAND, ONE  
6 MILLION DOLLARS OR LESS.

7           ~~(a)~~ (b) For a district with a student count of at least ~~five~~ SIX  
8 hundred BUT LESS THAN FIVE THOUSAND, ~~two~~ FIVE hundred fifty thousand dollars  
9 or less.

10           ~~(b)~~ (c) For a district with a student count of less than ~~five~~ SIX  
11 hundred, ~~one~~ TWO hundred FIFTY 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 for disciplinary action against a  
43 teacher who engages in conduct which is a violation of the policies of the  
44 governing board but which is not cause for dismissal of the teacher or for

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

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

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

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

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

41 29. Establish an assessment, data gathering and reporting system as  
42 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           Sec. 2. Section 15-342, Arizona Revised Statutes, is amended to read:  
9           15-342. Discretionary powers

10          The governing board may:

11          1. Expel pupils for misconduct.

12          2. Exclude from grades one through eight children under six years of  
13 age.

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

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

17          5. Permit a superintendent or principal or his representatives to  
18 travel for a school purpose, as determined by a majority vote of the board.  
19 The board may permit members and members-elect of the board to travel within  
20 or without the school district for a school purpose and receive  
21 reimbursement. Any expenditure for travel and subsistence pursuant to this  
22 paragraph shall be as provided in title 38, chapter 4, article 2. The  
23 designated post of duty referred to in section 38-621 shall be construed, for  
24 school district governing board members, to be the member's actual place of  
25 residence, as opposed to the school district office or the school district  
26 boundaries. Such expenditures shall be a charge against the budgeted school  
27 district funds. The governing board of a school district shall prescribe  
28 procedures and amounts for reimbursement of lodging and subsistence expenses.  
29 Reimbursement amounts shall not exceed the maximum amounts established  
30 pursuant to section 38-624, subsection C.

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

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

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

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

43          10. Sell school sites or enter into leases or lease-purchase agreements  
44 for school buildings and grounds, as lessor or as lessee, for a period of

1 five years or more, but not to exceed ninety-nine years, if authorized by  
2 vote of the school district electors in an election called by the governing  
3 board as provided in section 15-491, except that if the market value of the  
4 school property is less than fifty thousand dollars authorization by the  
5 school district electors in an election is not required.

6 11. Review the decision of a teacher to promote a pupil to a grade or  
7 retain a pupil in a grade in a common school or to pass or fail a pupil in  
8 a course in high school. Notwithstanding title 38, chapter 3, article 3.1,  
9 the governing board shall review the decision of a teacher to promote a pupil  
10 to a grade or retain a pupil in a grade in a common school or to pass or fail  
11 a pupil in a course in high school in executive session unless a parent or  
12 legal guardian of the pupil or the pupil, if emancipated, disagrees that the  
13 review should be conducted in executive session and then the review shall be  
14 conducted in an open meeting. If the review is conducted in executive  
15 session, the board shall notify the teacher of the date, time and place of  
16 the review and shall allow the teacher to be present at the review. If the  
17 teacher is not present at the review, the board shall consult with the  
18 teacher before making its decision. Any request, including the written  
19 request as provided in section 15-341, the written evidence presented at the  
20 review and the written record of the review, including the decision of the  
21 governing board to accept or reject the teacher's decision, shall be retained  
22 by the governing board as part of its permanent records.

23 12. Provide transportation for any child or children if deemed for the  
24 best interest of the district, whether within or without the district, county  
25 or state.

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

28 14. Include in the curricula which it prescribes for high schools in  
29 the school district vocational and technological education programs and  
30 vocational and technological program improvement services for the high  
31 schools, subject to approval by the state board of education. The governing  
32 board may contract for the provision of vocational and technological  
33 education as provided in section 15-789.

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

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

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

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

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

4 18. Donate surplus or outdated learning materials to nonprofit  
5 community organizations where the governing board determines that the  
6 anticipated cost of selling the learning materials equals or exceeds the  
7 estimated market value of the materials.

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

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

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

23 22. Require students to wear uniforms.

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

28 24. For common and high school pupils, assess reasonable fees for  
29 optional extracurricular activities and programs conducted when the common  
30 or high school is not in session, except that no fees shall be charged for  
31 pupils' access to or use of computers or related materials. For high school  
32 pupils, THE GOVERNING BOARD MAY assess reasonable fees for fine arts and  
33 vocational education courses and for optional services, equipment and  
34 materials offered to the pupils beyond those required to successfully  
35 complete the basic requirements of any other course, except that no fees  
36 shall be charged for pupils' access to or use of computers or related  
37 materials. Fees assessed pursuant to this paragraph shall be adopted at a  
38 public meeting after notice has been given to all parents of pupils enrolled  
39 at schools in the district and shall not exceed the actual costs of the  
40 activities, programs, services, equipment or materials. The governing board  
41 shall authorize principals to waive the assessment of all or part of a fee  
42 assessed pursuant to this paragraph if it creates an economic hardship for  
43 a pupil. For the purposes of this paragraph, "extracurricular activity"  
44 means any optional, noncredit, educational or recreational activity which

1 supplements the education program of the school, whether offered before,  
2 during or after regular school hours.

3 25. CONSTRUCT SCHOOL BUILDINGS WITHOUT A VOTE OF THE SCHOOL DISTRICT  
4 ELECTORS IF THE CONSTRUCTION IS FUNDED BY MONIES SPECIFICALLY DONATED FOR THE  
5 PURPOSE OF CONSTRUCTING SCHOOL BUILDINGS.

APPROVED BY THE GOVERNOR APRIL 2, 1996

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