

Senate Engrossed

State of Arizona  
Senate  
Forty-fifth Legislature  
Second Regular Session  
2002

CHAPTER 181

# SENATE BILL 1067

AN ACT

AMENDING SECTIONS 8-207, 13-912, 13-2911, 13-3101, 13-3110 AND 15-341,  
ARIZONA REVISED STATUTES; RELATING TO SAFE SCHOOLS.

(TEXT OF BILL BEGINS ON NEXT PAGE)



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

2 Section 1. Section 8-207, Arizona Revised Statutes, is amended to  
3 read:

4 8-207. Order of adjudication; noncriminal; use as evidence

5 A. Except as provided by section 13-904, SUBSECTION H, SECTION  
6 13-2921.01 or sections 28-3304, 28-3306 and 28-3320, an order of the juvenile  
7 court in proceedings under this chapter shall not be deemed a conviction of  
8 crime, impose any civil disabilities ordinarily resulting from a conviction  
9 or operate to disqualify the juvenile in any civil service application or  
10 appointment.

11 B. The disposition of a juvenile in the juvenile court may not be used  
12 against the juvenile in any case or proceeding other than a criminal or  
13 juvenile case in any court, whether before or after reaching majority, except  
14 as provided by section 13-2921.01 or sections 28-3304, 28-3306 and 28-3320.

15 Sec. 2. Section 13-912, Arizona Revised Statutes, is amended to read:

16 13-912. Restoration of civil rights for first offenders;  
17 exception

18 A. ~~Upon completion of the term of probation, or upon absolute~~  
19 ~~discharge from imprisonment, and upon the completion of payment of any fine~~  
20 ~~or restitution imposed; Any person who has not previously been convicted of~~  
21 ~~any other felony shall automatically be restored any civil rights which THAT~~  
22 ~~were lost or suspended by the conviction. IF THE PERSON BOTH:~~

23 1. COMPLETES A TERM OF PROBATION OR RECEIVES AN ABSOLUTE DISCHARGE  
24 FROM IMPRISONMENT.

25 2. PAYS ANY FINE OR RESTITUTION IMPOSED.

26 B. This section does not apply to a person's right to possess weapons  
27 as defined in section 13-3101 unless ~~he~~ THE PERSON applies to a court  
28 pursuant to the procedures of section 13-906.

29 Sec. 3. Section 13-2911, Arizona Revised Statutes, is amended to read:

30 13-2911. Interference with or disruption of an educational  
31 institution; violation; classification; definitions

32 A. A person commits interference with or disruption of an educational  
33 institution by doing any of the following:

34 1. ~~For the purpose of causing, or in reckless disregard of causing,~~  
35 ~~interference with or disruption of an educational institution, INTENTIONALLY,~~  
36 ~~KNOWINGLY OR RECKLESSLY INTERFERING WITH OR DISRUPTING THE NORMAL OPERATIONS~~  
37 ~~OF AN EDUCATIONAL INSTITUTION BY EITHER:~~

38 (a), Threatening to cause physical injury to any employee OR STUDENT  
39 of an educational institution or any person attending ~~an~~ ON THE PROPERTY OF  
40 AN educational institution.

41 2. (b) ~~For the purpose of causing, or in reckless disregard of~~  
42 ~~causing, interference with or disruption of an educational institution,~~  
43 Threatening to cause damage to any educational institution, the property of  
44 any educational institution, OR the property of any employee OR STUDENT of

1 an educational institution ~~or the property of any person attending an~~  
2 educational institution.

3 ~~3.~~ 2. INTENTIONALLY OR knowingly ~~going on~~ ENTERING or remaining on  
4 the property of any educational institution for the purpose of interfering  
5 with ~~or disrupting~~ the lawful use of the property or in any manner as to deny  
6 or interfere with the lawful use of the property by others.

7 ~~4.~~ 3. INTENTIONALLY OR knowingly refusing to obey a lawful order  
8 given pursuant to subsection C of this section.

9 B. To constitute a violation of this section, the acts that are  
10 prohibited by subsection A, paragraph 1 ~~or 2~~ of this section are not required  
11 to be directed at a specific individual, a specific educational institution  
12 or any specific property of an educational institution.

13 C. ~~When~~ The chief administrative officer of an educational institution  
14 or an officer or employee designated by him THE CHIEF ADMINISTRATIVE OFFICER  
15 to maintain order MAY ORDER A PERSON TO LEAVE THE PROPERTY OF THE EDUCATIONAL  
16 INSTITUTION IF THE OFFICER OR EMPLOYEE has reasonable grounds to believe  
17 EITHER that:

18 1. Any person or persons are committing any act that interferes with  
19 or disrupts the lawful use of the property by others at the educational  
20 institution. ~~or has reasonable grounds to believe~~

21 2. Any person has entered on the property of an educational  
22 institution for the purpose of committing such an ANY act, ~~the officer or~~  
23 ~~employee may order the person to leave the property of the educational~~  
24 institution THAT INTERFERES WITH OR DISRUPTS THE LAWFUL USE OF THE PROPERTY  
25 BY OTHERS AT THE EDUCATIONAL INSTITUTION.

26 D. The appropriate governing board of every educational institution  
27 shall adopt rules PURSUANT TO TITLE 41, CHAPTER 6 for the maintenance of  
28 public order on all property of any educational institution under its  
29 jurisdiction that is used for educational purposes and shall provide a  
30 program for the enforcement of its rules. The rules shall govern the conduct  
31 of students, faculty and other staff and all members of the public while on  
32 the property of the educational institution. Penalties for violations of the  
33 rules shall be clearly set forth and enforced. Penalties shall include  
34 provisions for the ejection of a violator from the property and, in the case  
35 of a student, faculty member or other staff violator, the violator's  
36 suspension, OR expulsion or ANY other appropriate disciplinary action.  
37 ~~Adoption of all rules required by this section shall be governed by title 41,~~  
38 ~~chapter 6, and the rules~~ A GOVERNING BOARD shall be amended AMEND ITS RULES  
39 as necessary to ensure the maintenance of public order. Any deadly weapon,  
40 dangerous instrument or explosive that is used, displayed or possessed by a  
41 person in violation of a rule adopted pursuant to this subsection shall be  
42 forfeited and sold, destroyed or otherwise disposed of pursuant to chapter  
43 39 of this title. This subsection does not DO EITHER OF THE FOLLOWING:

1           1. Preclude school districts from conducting approved gun safety  
2 programs on school campuses. ~~This subsection does not~~

3           2. Apply to private universities, colleges, high schools or common  
4 schools or other private educational institutions.

5           E. An educational institution is not eligible to receive any state aid  
6 or assistance unless rules are adopted in accordance with this section.

7           F. This section does not prevent or limit the authority of the  
8 governing board of any educational institution to discharge any employee or  
9 expel, suspend or otherwise punish any student for any violation of its  
10 rules, even though the violation is unlawful under this chapter or is  
11 otherwise an offense.

12           G. This section may be enforced by any peace officer in this state  
13 wherever and whenever a violation occurs.

14           H. Restitution under sections 8-341, 8-345 and 13-603 applies to any  
15 financial loss that is suffered by a person or educational institution as a  
16 result of a violation of this section.

17           I. Interference with or disruption of an educational institution  
18 pursuant to subsection A, paragraph 1 ~~or~~ 2 of this section is a class 6  
19 felony. Interference with or disruption of an educational institution  
20 pursuant to subsection A, paragraph 2 OR 3 ~~or~~ 4 of this section is a class  
21 1 misdemeanor.

22           J. For the purposes of this section:

23           1. "Educational institution" means, except as otherwise provided, any  
24 university, college, community college, high school or common school in this  
25 state.

26           2. "Governing board" means the body, whether appointed or elected,  
27 that has responsibility for the maintenance and government of an educational  
28 institution.

29           3. ~~"Interference with or disruption of" includes causing an employee~~  
30 ~~of an educational institution to take any action to protect the educational~~  
31 ~~institution, or the employees, students or property of an educational~~  
32 ~~institution~~ ANY ACT THAT MIGHT REASONABLY LEAD TO THE EVACUATION OR CLOSURE  
33 OF ANY PROPERTY OF THE EDUCATIONAL INSTITUTION OR THE POSTPONEMENT,  
34 CANCELLATION OR SUSPENSION OF ANY CLASS OR OTHER SCHOOL ACTIVITY. FOR THE  
35 PURPOSES OF THIS PARAGRAPH, AN ACTUAL EVACUATION, CLOSURE, POSTPONEMENT,  
36 CANCELLATION OR SUSPENSION IS NOT REQUIRED FOR THE ACT TO BE CONSIDERED AN  
37 INTERFERENCE OR DISRUPTION.

38           4. "Property of an educational institution" means all land, buildings  
39 and other facilities that are owned, operated or controlled by the governing  
40 board of an educational institution and that are devoted to educational  
41 purposes.

42           Sec. 4. Section 13-3101, Arizona Revised Statutes, is amended to read:

43           13-3101. Definitions

44           A. In this chapter, unless the context otherwise requires:

1           1. "Deadly weapon" means anything that is designed for lethal  
2 use. The term includes a firearm.

3           2. "Deface" means to remove, alter or destroy the manufacturer's  
4 serial number.

5           3. "Explosive" means any dynamite, nitroglycerine, black powder or  
6 other similar explosive material including plastic explosives. Explosive  
7 does not include ammunition or ammunition components such as primers,  
8 percussion caps, smokeless powder, black powder and black powder substitutes  
9 used for hand loading purposes.

10          4. "Firearm" means any loaded or unloaded handgun, pistol, revolver,  
11 rifle, shotgun or other weapon that will or is designed to or that may  
12 readily be converted to expel a projectile by the action of an explosive.  
13 Firearm does not include a firearm in permanently inoperable condition.

14          5. "Occupied structure" means any building, object, vehicle,  
15 watercraft, aircraft or place with sides and a floor that is separately  
16 securable from any other structure attached to it, that is used for lodging,  
17 business, transportation, recreation or storage and in which one or more  
18 human beings either is or is likely to be present or so near as to be in  
19 equivalent danger at the time the discharge of a firearm occurs. Occupied  
20 structure includes any dwelling house, whether occupied, unoccupied or  
21 vacant.

22          6. "Prohibited possessor" means any person:

23           (a) Who has been found to constitute a danger to himself or to others  
24 pursuant to court order under section 36-540, and whose court ordered  
25 treatment has not been terminated by court order.

26           (b) Who has been convicted within or without this state of a felony  
27 or who has been adjudicated delinquent and whose civil right to possess or  
28 carry a gun or firearm has not been restored.

29           (c) Who is at the time of possession serving a term of imprisonment  
30 in any correctional or detention facility.

31           (d) Who is at the time of possession serving a term of probation  
32 pursuant to a conviction for a domestic violence offense as defined in  
33 section 13-3601 or a felony offense, parole, community supervision, work  
34 furlough, home arrest or release on any other basis or who is serving a term  
35 of probation or parole pursuant to the interstate compact under title 31,  
36 chapter 3, article 4.

37          7. "Prohibited weapon" means, but does not include fireworks imported,  
38 distributed or used in compliance with state laws or local ordinances, any  
39 propellant, propellant actuated devices or propellant actuated industrial  
40 tools that are manufactured, imported or distributed for their intended  
41 purposes or a device that is commercially manufactured primarily for the  
42 purpose of illumination, including any of the following:

43           (a) Explosive, incendiary or poison gas:

44           (i) Bomb.

45           (ii) Grenade.

1 (iii) Rocket having a propellant charge of more than four ounces.

2 (iv) Mine.

3 (b) Device that is designed, made or adapted to muffle the report of  
4 a firearm.

5 (c) Firearm that is capable of shooting more than one shot  
6 automatically, without manual reloading, by a single function of the trigger.

7 (d) Rifle with a barrel length of less than sixteen inches, or shotgun  
8 with a barrel length of less than eighteen inches, or any firearm that is  
9 made from a rifle or shotgun and that, as modified, has an overall length of  
10 less than twenty-six inches.

11 (e) Instrument, including a nunchaku, that consists of two or more  
12 sticks, clubs, bars or rods to be used as handles, connected by a rope, cord,  
13 wire or chain, in the design of a weapon used in connection with the practice  
14 of a system of self-defense.

15 (f) Breakable container that contains a flammable liquid with a flash  
16 point of one hundred fifty degrees Fahrenheit or less and that has a wick or  
17 similar device capable of being ignited.

18 (g) CHEMICAL OR COMBINATION OF CHEMICALS, COMPOUNDS OR MATERIALS,  
19 INCLUDING DRY ICE, THAT ARE PLACED IN A SEALED OR UNSEALED CONTAINER FOR THE  
20 PURPOSE OF GENERATING A GAS TO CAUSE A MECHANICAL FAILURE, RUPTURE OR  
21 BURSTING OF THE CONTAINER.

22 (g) (h) Combination of parts or materials that is designed and  
23 intended for use in making or converting a device into an item set forth in  
24 subdivision (a) or (f) of this paragraph.

25 B. The items set forth in subsection A, paragraph 6-7, subdivisions  
26 (a), (b), (c) and (d) OF THIS SECTION do not include any firearms or devices  
27 that are registered in the national firearms registry and transfer records  
28 of the United States treasury department or any firearm that has been  
29 classified as a curio or relic by the United States treasury department.

30 Sec. 5. Section 13-3110, Arizona Revised Statutes, is amended to read:

31 13-3110. Misconduct involving simulated explosive devices;  
32 classification; definition

33 A. A person commits misconduct involving simulated explosive devices  
34 by intentionally giving or sending to another person or placing in a private  
35 or public place a simulated explosive device with the intent to terrify,  
36 intimidate, threaten or harass.

37 B. The placing or sending of a simulated explosive device without  
38 written notice attached to the device in a conspicuous place that the device  
39 has been rendered inert and is possessed for the purpose of curio, OR relic  
40 collection, display or other similar purpose, is prima facie evidence of  
41 intent to terrify, intimidate, threaten or harass.

42 C. Misconduct involving simulated explosive devices is a class 1  
43 misdemeanor.

44 D. In this section "simulated explosive device" means a simulation of  
45 a prohibited weapon described in section 13-3101, paragraph 6-7, subdivision

1 (a) or (f) which THAT a reasonable person would believe is such a prohibited  
2 weapon.

3 Sec. 6. Section 15-341, Arizona Revised Statutes, is amended to read:  
4 15-341. General powers and duties; immunity; delegation

5 A. The governing board shall:

6 1. Prescribe and enforce policies and procedures for the governance  
7 of the schools, not inconsistent with law or rules prescribed by the state  
8 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 two hundred school days, as applicable, or its equivalent as approved by the  
12 superintendent of public instruction for a school district operating 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.

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

25 7. Furnish, repair and insure, at full insurable value, the school  
26 property of the district.

27 8. Construct school buildings on approval by a vote of the district  
28 electors.

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

31 10. Purchase school sites when authorized by a vote of the district at  
32 an election conducted as nearly as practicable in the same manner as the  
33 election provided in section 15-481 and held on a date prescribed in section  
34 15-491, subsection E, but such authorization shall not necessarily specify  
35 the site to be purchased and such authorization shall not be necessary to  
36 exchange unimproved property as provided in section 15-342, paragraph 23.

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

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

42 13. Hold pupils to strict account for disorderly conduct on school  
43 property.

1           14. Discipline students for disorderly conduct on the way to and from  
2 school.

3           15. Except as provided in section 15-1224, deposit all monies received  
4 by the district as gifts, grants and devises with the county treasurer who  
5 shall credit the deposits as designated in the uniform system of financial  
6 records. If not inconsistent with the terms of the gifts, grants and devises  
7 given, any balance remaining after expenditures for the intended purpose of  
8 the monies have been made shall be used for reduction of school district  
9 taxes for the budget year, except that in the case of accommodation schools  
10 the county treasurer shall carry the balance forward for use by the county  
11 school superintendent for accommodation schools for the budget year.

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

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

20           18. Use school monies received from the state and county school  
21 apportionment exclusively for payment of salaries of teachers and other  
22 employees and contingent expenses of the district.

23           19. Make an annual report to the county school superintendent on or  
24 before October 1 each year in the manner and form and on the blanks  
25 prescribed by the superintendent of public instruction or county school  
26 superintendent. The board shall also make reports directly to the county  
27 school superintendent or the superintendent of public instruction whenever  
28 required.

29           20. Deposit all monies received by school districts other than student  
30 activities monies or monies from auxiliary operations as provided in sections  
31 15-1125 and 15-1126 with the county treasurer to the credit of the school  
32 district except as provided in paragraph 21 of this subsection and sections  
33 15-1223 and 15-1224, and the board shall expend the monies as provided by law  
34 for other school funds.

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

40           22. Employ an attorney admitted to practice in this state whose  
41 principal practice is in the area of commercial real estate, or a real estate  
42 broker who is licensed by this state and who is employed by a reputable  
43 commercial real estate company, to negotiate a lease of five or more years  
44 for the school district if the governing board decides to enter into a lease  
45 of five or more years as lessor of school buildings or grounds as provided

1 in section 15-342, paragraph 7 or 10. Any lease of five or more years  
2 negotiated pursuant to this paragraph shall provide that the lessee is  
3 responsible for payment of property taxes pursuant to the requirements of  
4 section 42-11104.

5 23. Prescribe and enforce policies and procedures for disciplinary  
6 action against a teacher who engages in conduct which is a violation of the  
7 policies of the governing board but which is not cause for dismissal of the  
8 teacher or for revocation of the certificate of the teacher. Disciplinary  
9 action may include suspension without pay for a period of time not to exceed  
10 ten school days. Disciplinary action shall not include suspension with pay  
11 or suspension without pay for a period of time longer than ten school days.  
12 The procedures shall include notice, hearing and appeal provisions for  
13 violations which are cause for disciplinary action. The governing board may  
14 designate a person or persons to act on behalf of the board on these matters.

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

30 25. Notwithstanding section 13-3108, prescribe and enforce policies and  
31 procedures that prohibit a person from carrying or possessing a weapon on  
32 school grounds unless the person is a peace officer or has obtained specific  
33 authorization from the school administrator.

34 26. Prescribe and enforce policies and procedures relating to the  
35 health and safety of all pupils participating in district sponsored practice  
36 sessions, games or other interscholastic athletic activities, including the  
37 provision of water. A school district and its employees are immune from  
38 civil liability for the consequences of the good faith adoption and  
39 implementation of policies and procedures pursuant to this paragraph.

40 27. Prescribe and enforce policies and procedures regarding the smoking  
41 of tobacco within school buildings. The policies and procedures shall be  
42 adopted in consultation with school district personnel and members of the  
43 community and shall state whether smoking is prohibited in school buildings.  
44 If smoking in school buildings is not prohibited, the policies and procedures  
45 shall clearly state the conditions and circumstances under which smoking is

1 permitted, those areas in a school building which may be designated as  
2 smoking areas and those areas in a school building which may not be  
3 designated as smoking areas.

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

6 29. Provide special education programs and related services pursuant  
7 to section 15-764, subsection A to all children with disabilities as defined  
8 in section 15-761.

9 30. Administer competency tests prescribed by the state board of  
10 education for the graduation of pupils from high school.

11 31. Secure insurance coverage for all construction projects for  
12 purposes of general liability, property damage and workers' compensation and  
13 secure performance and payment bonds for all construction projects.

14 32. Keep on file the resumes of all current and former employees who  
15 provide instruction to pupils at a school. Resumes shall include an  
16 individual's educational and teaching background and experience in a  
17 particular academic content subject area. A school district shall inform  
18 parents and guardians of the availability of the resume information and shall  
19 make these THE RESUME INFORMATION available for inspection on request of  
20 parents and guardians of pupils enrolled at a school. Nothing in this  
21 paragraph shall be construed to require any school to release personally  
22 identifiable information in relation to any teacher or employee including the  
23 teacher's or employee's address, salary, social security number or telephone  
24 number.

25 33. Report to local law enforcement AGENCIES any suspected crimes CRIME  
26 against persons A PERSON or property THAT IS A SERIOUS OFFENSE AS DEFINED BY  
27 SECTION 13-604 OR THAT INVOLVES A DEADLY WEAPON OR DANGEROUS INSTRUMENT OR  
28 SERIOUS PHYSICAL INJURY and any incidents CONDUCT that could potentially  
29 threaten the safety or security of pupils, teachers or administrators POSES  
30 A THREAT OF DEATH OR SERIOUS PHYSICAL INJURY TO EMPLOYEES, STUDENTS OR ANYONE  
31 ON THE PROPERTY OF THE SCHOOL. A school district and its employees are  
32 immune from liability for any good faith actions taken in furtherance of this  
33 paragraph. FOR THE PURPOSES OF THIS PARAGRAPH, "DANGEROUS INSTRUMENT",  
34 "DEADLY WEAPON" AND "SERIOUS PHYSICAL INJURY" HAVE THE SAME MEANING  
35 PRESCRIBED IN SECTION 13-105. THIS PARAGRAPH DOES NOT LIMIT OR PRECLUDE THE  
36 REPORTING BY A SCHOOL DISTRICT OR AN EMPLOYEE OF A SCHOOL DISTRICT OF  
37 SUSPECTED CRIMES OTHER THAN THOSE REQUIRED TO BE REPORTED BY THIS PARAGRAPH.

38 34. In conjunction with local law enforcement AGENCIES and local  
39 medical facilities, develop an emergency response plan for each school in the  
40 school district in accordance with minimum standards developed jointly by the  
41 department of education and the division of emergency management within the  
42 department of emergency and military affairs.

43 35. Annually assign at least one school district employee to  
44 participate in a multihazard crisis training program developed or selected  
45 by the governing board.

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

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

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

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

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

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

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

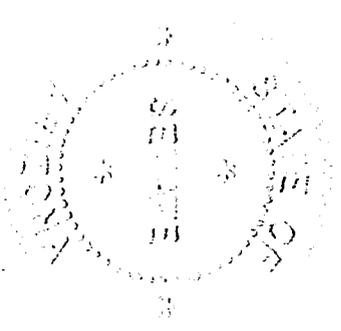
34 G. Notwithstanding any other provision of this title, a school  
35 district governing board shall not take any action that would result in an  
36 immediate reduction or a reduction within three years of pupil square footage  
37 that would cause the school district to fall below the minimum adequate gross  
38 square footage requirements prescribed in section 15-2011, subsection C,  
39 unless the governing board notifies the school facilities board established  
40 by section 15-2001 of the proposed action and receives written approval from  
41 the school facilities board to take the action. A reduction includes an  
42 increase in administrative space that results in a reduction of pupil square  
43 footage or sale of school sites or buildings, or both. The sale of equipment  
44 that results in an immediate reduction or a reduction within three years that  
45 falls below the equipment requirements prescribed in section 15-2011,

1 subsection B is subject to commensurate withholding of school district  
2 capital outlay revenue limit monies pursuant to the direction of the school  
3 facilities board. Except as provided in section 15-342, paragraph 10,  
4 proceeds from the sale of school sites, buildings or other equipment shall  
5 be deposited in the school plant fund as provided in section 15-1102.

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

APPROVED BY THE GOVERNOR MAY 7, 2002.

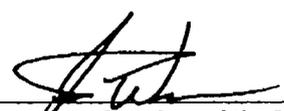
FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 8, 2002.



Passed the House April 30, 20 02,

by the following vote: 53 Ayes,

0 Nays, 7 Not Voting

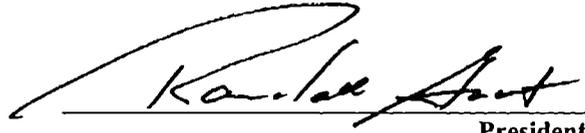
  
Speaker of the House

  
Chief Clerk of the House

Passed the Senate April 2, 20 02,

by the following vote: 25 Ayes,

0 Nays, 5 Not Voting

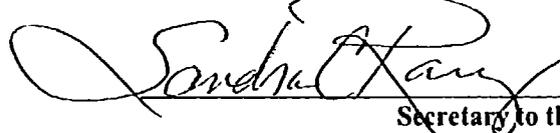
  
President of the Senate

  
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill was received by the Governor this  
1 day of May, 2001,

at 10:47 o'clock A M.

  
Secretary to the Governor

Approved this 7 day of

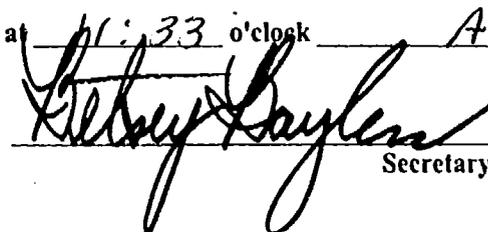
May, 2002,

at 2:13 o'clock P M.

  
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State  
this 8 day of May, 2002

at 11:33 o'clock A M.  
  
Secretary of State

S.B. 1067