



ARIZONA HOUSE OF REPRESENTATIVES FLOOR AMENDMENT EXPLANATION

57th Legislature, 2nd Regular Session
Majority Research Staff

HB 2076: school safety; employee certification; policies

BLISS FLOOR AMENDMENT

1. Narrows the prescribed immunity from civil or criminal liability to a *public* school employee, rather than a school employee.
2. Modifies the definition of *eligible school* to mean any school, rather than a public or private school, that instructs students in kindergarten or the 1st through 12th grades.

BLISS FLOOR AMENDMENT
HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2076
(Reference to printed bill)

Amendment instruction key:
[GREEN UNDERLINING IN BRACKETS] indicates text added to statute or previously enacted session law.
[Green underlining in brackets] indicates text added to new session law or text restoring existing law.
[GREEN STRIKEOUT IN BRACKETS] indicates new text removed from statute or previously enacted session law.
[Green strikeout in brackets] indicates text removed from existing statute, previously enacted session law or new session law.
<<Green carets>> indicate a section added to the bill.
<<Green strikeout in carets>> indicates a section removed from the bill.

1 The bill as proposed to be amended is reprinted as follows:

2 Section 1. Title 15, chapter 2, article 2, Arizona Revised
3 Statutes, is amended by adding section 15-249.20, to read:

4 15-249.20. Save our children school safety program; employee
5 certification; fund; eligibility to carry
6 firearm; confidentiality; violation;
7 classification; immunity; biennial report;
8 definition

9 A. THE SAVE OUR CHILDREN SCHOOL SAFETY PROGRAM IS ESTABLISHED
10 WITHIN THE DEPARTMENT TO STRENGTHEN SCHOOL SAFETY THROUGH EMPLOYEE
11 TRAINING, MEDICAL PREPAREDNESS AND CRISIS-RESPONSE CAPABILITY. THE
12 DEPARTMENT MAY ADOPT RULES, POLICIES AND PROCEDURES TO IMPLEMENT THIS
13 SECTION.

14 B. THE DEPARTMENT, IN CONSULTATION WITH THE ARIZONA PEACE OFFICER
15 STANDARDS AND TRAINING BOARD, SHALL DEVELOP AND MAINTAIN A LIST OF
16 TRAINING AND CERTIFICATION PROGRAMS, INCLUDING ANNUAL RECERTIFICATION
17 PROGRAMS, THAT ARE APPROVED BY THE ARIZONA PEACE OFFICER STANDARDS AND
18 TRAINING BOARD PURSUANT TO SECTION 41-1822, SUBSECTION D. THE DEPARTMENT
19 SHALL POST THE LIST ON THE DEPARTMENT'S WEBSITE.

20 C. THE SAVE OUR CHILDREN SCHOOL SAFETY PROGRAM FUND IS ESTABLISHED
21 AND CONSISTS OF LEGISLATIVE APPROPRIATIONS, GIFTS, GRANTS AND OTHER MONIES
22 RECEIVED FOR THE SAVE OUR CHILDREN SCHOOL SAFETY PROGRAM. THE DEPARTMENT
23 SHALL ADMINISTER THE FUND. MONIES IN THE FUND ARE CONTINUOUSLY
24 APPROPRIATED AND ARE EXEMPT FROM THE PROVISIONS OF SECTION 35-190 RELATING
25 TO LAPSING OF APPROPRIATIONS. THE DEPARTMENT SHALL USE MONIES IN THE FUND
26 TO PROVIDE REIMBURSEMENTS ON A FIRST-COME, FIRST-SERVED BASIS FOR THE
27 FOLLOWING:

28 1. AN ELIGIBLE SCHOOL THAT HAS EITHER:

1 (a) PAID FOR ONE OR MORE OF THE ELIGIBLE SCHOOL'S EMPLOYEES TO
2 COMPLETE A TRAINING OR CERTIFICATION PROGRAM LISTED PURSUANT TO SUBSECTION
3 B OF THIS SECTION.

4 (b) PURCHASED SCHOOL SAFETY EQUIPMENT, MEDICAL KITS OR PROTECTIVE
5 GEAR FOR USE AT ONE OR MORE SCHOOL SITES.

6 2. AN INDIVIDUAL WHO MEETS ALL OF THE FOLLOWING:

7 (a) IS EMPLOYED BY AN ELIGIBLE SCHOOL.

8 (b) HAS PAID FOR AND SUCCESSFULLY COMPLETED A TRAINING OR
9 CERTIFICATION PROGRAM LISTED PURSUANT TO SUBSECTION B OF THIS SECTION.

10 (c) IS NOT REIMBURSED BY THE ELIGIBLE SCHOOL FOR THE COSTS OF THE
11 TRAINING OR CERTIFICATION PROGRAM.

12 D. AN ELIGIBLE SCHOOL MAY ADOPT WRITTEN POLICIES TO AUTHORIZE ONE
13 OR MORE EMPLOYEES TO CARRY A CONCEALED FIREARM ON SCHOOL GROUNDS IF THE
14 ELIGIBLE SCHOOL DOES ALL OF THE FOLLOWING:

15 1. NOTIFIES LOCAL LAW ENFORCEMENT AGENCIES AND THE DEPARTMENT OF
16 THE NUMBER OF EMPLOYEES WHO ARE AUTHORIZED TO CARRY A CONCEALED FIREARM ON
17 SCHOOL GROUNDS PURSUANT TO THIS SUBSECTION.

18 2. ENSURES THAT EACH EMPLOYEE WHO IS AUTHORIZED TO CARRY A
19 CONCEALED FIREARM ON SCHOOL GROUNDS PURSUANT TO THIS SUBSECTION HAS A
20 VALID CERTIFICATION PURSUANT TO A PROGRAM LISTED PURSUANT TO SUBSECTION B
21 OF THIS SECTION.

22 3. COMPLIES WITH THE CONFIDENTIALITY REQUIREMENTS PRESCRIBED IN
23 SUBSECTION E OF THIS SECTION.

24 E. NOTWITHSTANDING ANY OTHER LAW, THE PERSONALLY IDENTIFIABLE
25 INFORMATION OF EACH SCHOOL EMPLOYEE WHO PARTICIPATES IN A TRAINING OR
26 CERTIFICATION PROGRAM LISTED PURSUANT TO SUBSECTION B OF THIS SECTION OR
27 WHO IS AUTHORIZED TO CARRY A CONCEALED FIREARM ON SCHOOL GROUNDS PURSUANT
28 TO SUBSECTION D OF THIS SECTION IS CONFIDENTIAL AND MAY NOT BE DISCLOSED
29 TO THE PUBLIC. FOR THE PURPOSES OF THIS SUBSECTION, PERSONALLY
30 IDENTIFIABLE INFORMATION INCLUDES THE EMPLOYEE'S NAME, TRAINING SCHEDULE
31 AND DEPLOYMENT. A PERSON WHO VIOLATES THIS SUBSECTION IS GUILTY OF A
32 CLASS 1 MISDEMEANOR.

33 F. NOTWITHSTANDING ANY OTHER LAW, A [PUBLIC] SCHOOL EMPLOYEE WHO
34 HAS A VALID CERTIFICATION FROM A PROGRAM LISTED PURSUANT TO SUBSECTION B
35 OF THIS SECTION AND WHO ACTS IN GOOD FAITH AND CONSISTENTLY WITH THE
36 CERTIFICATION PROGRAM IS NOT SUBJECT TO CIVIL OR CRIMINAL LIABILITY FOR
37 THE SCHOOL EMPLOYEE'S ACTIONS IN DEFENSE OF STUDENTS, SCHOOL EMPLOYEES OR
38 SCHOOL VISITORS.

39 G. ANY POLICIES ADOPTED BY A SCHOOL PURSUANT TO SUBSECTION D OF
40 THIS SECTION CONSTITUTE A PROGRAM APPROVED BY THE SCHOOL FOR THE PURPOSES
41 OF SECTION 13-3102, SUBSECTION I, PARAGRAPH 2.

42 H. ON OR BEFORE DECEMBER 31 OF EACH ODD-NUMBERED YEAR, THE
43 DEPARTMENT SHALL SUBMIT A REPORT ON THE SAVE OUR CHILDREN SCHOOL SAFETY
44 PROGRAM TO THE SPEAKER OF THE HOUSE OF REPRESENTATIVES, THE PRESIDENT OF
45 THE SENATE AND THE GOVERNOR'S OFFICE, SHALL SUBMIT A COPY TO THE SECRETARY
46 OF STATE AND SHALL POST A COPY ON THE DEPARTMENT'S WEBSITE. THE REPORT
47 REQUIRED BY THIS SUBSECTION MUST INCLUDE ALL OF THE FOLLOWING:

1 1. THE TOTAL NUMBER OF SCHOOL EMPLOYEES WHO HAVE A VALID
2 CERTIFICATION FROM A PROGRAM LISTED PURSUANT TO SUBSECTION B OF THIS
3 SECTION.

4 2. THE TOTAL NUMBER OF SCHOOL EMPLOYEES WHO ARE AUTHORIZED TO CARRY
5 A CONCEALED FIREARM ON SCHOOL GROUNDS PURSUANT TO SUBSECTION D OF THIS
6 SECTION.

7 3. THE AMOUNT OF MONIES AVAILABLE IN THE FUND ESTABLISHED BY
8 SUBSECTION C OF THIS SECTION.

9 4. INFORMATION REGARDING ANY INCIDENT OR PROGRAM FEEDBACK.

10 5. RECOMMENDATIONS, IF ANY, TO IMPROVE THE PROGRAM ESTABLISHED BY
11 THIS SECTION.

12 I. FOR THE PURPOSES OF THIS SECTION, "ELIGIBLE SCHOOL" MEANS [~~★~~
13 ~~PUBLIC SCHOOL OR PRIVATE~~] [~~ANY~~] SCHOOL IN THIS STATE THAT OFFERS
14 INSTRUCTION TO STUDENTS IN A KINDERGARTEN PROGRAM OR ANY OF GRADES ONE
15 THROUGH TWELVE.

16 Sec. 2. Section 15-341, Arizona Revised Statutes, is amended to
17 read:

18 15-341. General powers and duties; immunity; delegation

19 A. Each school district governing board shall:

20 1. Prescribe and enforce policies and procedures to govern the
21 schools that are not inconsistent with the laws or rules prescribed by the
22 state board of education.

23 2. Exclude from schools all books, publications, papers or
24 audiovisual materials of a sectarian, partisan or denominational
25 character. This paragraph does not prohibit the elective course allowed
26 by section 15-717.01.

27 3. Manage and control the school property within its district,
28 except that a district may enter into a partnership with an entity,
29 including a charter school, another school district or a military base, to
30 operate a school or offer educational services in a district building,
31 including at a vacant or partially used building, or in any building on
32 the entity's property pursuant to a written agreement between the parties.

33 4. Acquire school furniture, apparatus, equipment, library books
34 and supplies for the schools to use.

35 5. Prescribe the curricula and criteria for the promotion and
36 graduation of pupils as provided in sections 15-701 and 15-701.01.

37 6. Furnish, repair and insure, at full insurable value, the school
38 property of the district.

39 7. Construct school buildings on approval by a vote of the district
40 electors.

41 8. In the name of the district, convey property belonging to the
42 district and sold by the board.

43 9. Purchase school sites when authorized by a vote of the district
44 at an election conducted as nearly as practicable in the same manner as
45 the election provided in section 15-481 and held on a date prescribed in
46 section 15-491, subsection E, but such authorization shall not necessarily
47 specify the site to be purchased and such authorization shall not be

1 necessary to exchange unimproved property as provided in section 15-342,
2 paragraph 23.

3 10. Construct, improve and furnish buildings used for school
4 purposes when such buildings or premises are leased from the national park
5 service.

6 11. Purchase school sites or construct, improve and furnish school
7 buildings from the proceeds of the sale of school property only on
8 approval by a vote of the district electors.

9 12. Hold pupils to strict account for disorderly conduct on school
10 property.

11 13. Discipline students for disorderly conduct on the way to and
12 from school.

13 14. Except as provided in section 15-1224, deposit all monies
14 received by the district as gifts, grants and devises with the county
15 treasurer who shall credit the deposits as designated in the uniform
16 system of financial records. If not inconsistent with the terms of the
17 gifts, grants and devises given, any balance remaining after expenditures
18 for the intended purpose of the monies have been made shall be used to
19 reduce school district taxes for the budget year, except that in the case
20 of accommodation schools the county treasurer shall carry the balance
21 forward for use by the county school superintendent for accommodation
22 schools for the budget year.

23 15. Provide that, if a parent or legal guardian chooses not to
24 accept a decision of the teacher as provided in paragraph 42 of this
25 subsection, the parent or legal guardian may request in writing that the
26 governing board review the teacher's decision. This paragraph does not
27 release school districts from any liability relating to a child's
28 promotion or retention.

29 16. Provide for adequate supervision over pupils in instructional
30 and noninstructional activities by certificated or noncertificated
31 personnel.

32 17. Use school monies received from the state and county school
33 apportionment exclusively to pay salaries of teachers and other employees
34 and contingent expenses of the district.

35 18. Annually report to the county school superintendent on or
36 before October 1 in the manner and form and on the blanks prescribed by
37 the superintendent of public instruction or county school superintendent.
38 The board shall also report directly to the county school superintendent
39 or the superintendent of public instruction whenever required.

40 19. Deposit all monies received by school districts other than
41 student activities monies or monies from auxiliary operations as provided
42 in sections 15-1125 and 15-1126 with the county treasurer to the credit of
43 the school district except as provided in paragraph 20 of this subsection
44 and sections 15-1223 and 15-1224, and the board shall spend the monies as
45 provided by law for other school funds.

46 20. Establish bank accounts in which the board during a month may
47 deposit miscellaneous monies received directly by the district. The board

1 shall remit monies deposited in the bank accounts at least monthly to the
2 county treasurer for deposit as provided in paragraph 19 of this
3 subsection and in accordance with the uniform system of financial records.

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

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

30 23. Notwithstanding sections 13-3108 and 13-3120, prescribe and
31 enforce policies and procedures that prohibit a person from carrying or
32 possessing a weapon on school grounds unless the person is a peace officer
33 or has obtained specific authorization from the school administrator. A
34 SCHOOL ADMINISTRATOR MAY AUTHORIZE AN EMPLOYEE TO CARRY A CONCEALED
35 FIREARM ON SCHOOL GROUNDS ONLY AS PROVIDED BY SECTION 15-249.20,
36 SUBSECTION D.

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

41 (a) The provision of water.

42 (b) Guidelines, information and forms, developed in consultation
43 with a statewide private entity that supervises interscholastic
44 activities, to inform and educate coaches, pupils and parents of the
45 dangers of concussions and head injuries and the risks of continued
46 participation in athletic activity after a concussion. The policies and
47 procedures shall require that, before a pupil participates in an athletic

1 activity, the pupil and the pupil's parent sign an information form at
2 least once each school year that states that the parent is aware of the
3 nature and risk of concussion. The policies and procedures shall require
4 that a pupil who is suspected of sustaining a concussion in a practice
5 session, game or other interscholastic athletic activity be immediately
6 removed from the athletic activity and that the pupil's parent or guardian
7 be notified. A coach from the pupil's team or an official or a licensed
8 health care provider may remove a pupil from play. A team parent may also
9 remove the parent's own child from play. A pupil may return to play on
10 the same day if a health care provider rules out a suspected concussion at
11 the time the pupil is removed from play. On a subsequent day, the pupil
12 may return to play if the pupil has been evaluated by and received written
13 clearance to resume participation in athletic activity from a health care
14 provider who has been trained in evaluating and managing concussions and
15 head injuries. A health care provider who is a volunteer and who provides
16 clearance to participate in athletic activity on the day of the suspected
17 injury or on a subsequent day is immune from civil liability with respect
18 to all decisions made and actions taken that are based on good faith
19 implementation of the requirements of this subdivision, except in cases of
20 gross negligence or wanton or wilful neglect. A school district, school
21 district employee, team coach, official or team volunteer or a parent or
22 guardian of a team member is not subject to civil liability for any act,
23 omission or policy undertaken in good faith to comply with the
24 requirements of this subdivision or for a decision made or an action taken
25 by a health care provider. A group or organization that uses property or
26 facilities owned or operated by a school district for athletic activities
27 shall comply with the requirements of this subdivision. A school district
28 and its employees and volunteers are not subject to civil liability for
29 any other person or organization's failure or alleged failure to comply
30 with the requirements of this subdivision. This subdivision does not
31 apply to teams that are based in another state and that participate in an
32 athletic activity in this state. For the purposes of this subdivision,
33 athletic activity does not include dance, rhythmic gymnastics,
34 competitions or exhibitions of academic skills or knowledge or other
35 similar forms of physical noncontact activities, civic activities or
36 academic activities, whether engaged in for the purposes of competition or
37 recreation. For the purposes of this subdivision, "health care provider"
38 means a physician who is licensed pursuant to title 32, chapter 13, 14 or
39 17, an athletic trainer who is licensed pursuant to title 32, chapter 41,
40 a nurse practitioner who is licensed pursuant to title 32, chapter 15, and
41 a physician assistant who is licensed pursuant to title 32, chapter 25.

42 (c) Guidelines, information and forms that are developed in
43 consultation with a statewide private entity that supervises
44 interscholastic activities to inform and educate coaches, pupils and
45 parents of the dangers of heat-related illnesses, sudden cardiac death and
46 prescription opioid use. Before a pupil participates in any
47 district-sponsored practice session or game or other interscholastic

1 athletic activity, the pupil and the pupil's parent must be provided with
2 information at least once each school year on the risks of heat-related
3 illnesses, sudden cardiac death and prescription opioid addiction.

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

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

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

11 28. Ensure that insurance coverage is secured for all construction
12 projects for purposes of general liability, property damage and workers'
13 compensation and secure performance and payment bonds for all construction
14 projects.

15 29. Collect and maintain information about each current and former
16 teacher's educational and teaching background and experience in a
17 particular academic content subject area. A school district shall either
18 post the information on the school district's website or make the
19 information available for inspection on request of parents and guardians
20 of pupils enrolled at a school. This paragraph does not require any
21 school to release personally identifiable information in relation to any
22 teacher, including the teacher's address, salary, social security number
23 or telephone number.

24 30. Report to local law enforcement agencies any suspected crime
25 against a person or property that is a serious offense as defined in
26 section 13-706 or that involves a deadly weapon or dangerous instrument or
27 serious physical injury and any conduct that poses a threat of death or
28 serious physical injury to employees, students or anyone on the property
29 of the school. This paragraph does not limit or preclude the reporting by
30 a school district or an employee of a school district of suspected crimes
31 other than those required to be reported by this paragraph. For the
32 purposes of this paragraph, "dangerous instrument", "deadly weapon" and
33 "serious physical injury" have the same meanings prescribed in section
34 13-105.

35 31. In conjunction with local law enforcement agencies and
36 emergency response agencies, develop an emergency response plan for each
37 school in the school district in accordance with minimum standards
38 developed jointly by the department of education and the division of
39 emergency management within the department of emergency and military
40 affairs. Any emergency response plan developed pursuant to this paragraph
41 must address how the school and emergency responders will communicate with
42 and provide assistance to students with disabilities.

43 32. Provide written notice to the parents or guardians of all
44 students enrolled in the school district at least ten days before a public
45 meeting to discuss closing a school within the school district. The
46 notice shall include the reasons for the proposed closure and the time and
47 place of the meeting. The governing board shall fix a time for a public

1 meeting on the proposed closure not less than ten days before voting in a
2 public meeting to close the school. The school district governing board
3 shall give notice of the time and place of the meeting. At the time and
4 place designated in the notice, the school district governing board shall
5 hear reasons for or against closing the school. The school district
6 governing board is exempt from this paragraph if the governing board
7 determines that the school shall be closed because it poses a danger to
8 the health or safety of the pupils or employees of the school. A
9 governing board may consult with the division of school facilities within
10 the department of administration for technical assistance and for
11 information on the impact of closing a school. The information provided
12 from the division of school facilities within the department of
13 administration shall not require the governing board to take or not take
14 any action.

15 33. Incorporate instruction on Native American history into
16 appropriate existing curricula.

17 34. Prescribe and enforce policies and procedures:

18 (a) Allowing pupils who have been diagnosed with anaphylaxis by a
19 health care provider licensed pursuant to title 32, chapter 13, 14, 17 or
20 25 or by a registered nurse practitioner licensed and certified pursuant
21 to title 32, chapter 15 to carry and self-administer emergency
22 medications, including epinephrine delivery systems, while at school and
23 at school-sponsored activities. The pupil's name on the prescription
24 label on the medication container or on the medication device and annual
25 written documentation from the pupil's parent or guardian to the school
26 that authorizes possession and self-administration is sufficient proof
27 that the pupil is entitled to possess and self-administer the
28 medication. The policies shall require a pupil who uses an epinephrine
29 delivery system while at school and at school-sponsored activities to
30 notify the nurse or the designated school staff person of the use of the
31 medication as soon as practicable. A school district and its employees
32 are immune from civil liability with respect to all decisions made and
33 actions taken that are based on good faith implementation of the
34 requirements of this subdivision, except in cases of wanton or wilful
35 neglect.

36 (b) For the emergency administration of epinephrine delivery
37 systems by a trained employee of a school district pursuant to section
38 15-157.

39 35. Allow the possession and self-administration of prescription
40 medication for breathing disorders in handheld inhaler devices by pupils
41 who have been prescribed that medication by a health care professional
42 licensed pursuant to title 32. The pupil's name on the prescription label
43 on the medication container or on the handheld inhaler device and annual
44 written documentation from the pupil's parent or guardian to the school
45 that authorizes possession and self-administration is sufficient proof
46 that the pupil is entitled to possess and self-administer the medication.
47 A school district and its employees are immune from civil liability with

1 respect to all decisions made and actions taken that are based on a good
2 faith implementation of the requirements of this paragraph.

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

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

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

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

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

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

38 (f) A formal process for the appropriate school officials to
39 investigate suspected incidents of harassment, intimidation or bullying,
40 including procedures for notifying the alleged victim and the alleged
41 victim's parent or guardian when a school official or employee becomes
42 aware of the suspected incident of harassment, intimidation or bullying.

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

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

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

5 (j) Definitions of harassment, intimidation and bullying.

6 37. Prescribe and enforce policies and procedures regarding
7 changing or adopting attendance boundaries that include the following
8 components:

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

11 (b) A procedure to notify the parents or guardians of the students
12 affected, including assurance that, if that school remains open as part of
13 the boundary change and capacity is available, students assigned to a new
14 attendance area may stay enrolled in their current school.

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

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

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

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

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

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

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

44 (a) Twenty-five percent of the performance pay shall be determined
45 based on the percentage of academic gain determined by the department of
46 education of pupils who are enrolled in the school district compared to
47 the academic gain achieved by the highest ranking of the fifty largest

1 school districts in this state. For the purposes of this subdivision, the
2 department of education shall determine academic gain by the academic
3 growth achieved by each pupil who has been enrolled at the same school in
4 a school district for at least five consecutive months measured against
5 that pupil's academic results in the 2008-2009 school year. For the
6 purposes of this subdivision, of the fifty largest school districts in
7 this state, the school district with pupils who demonstrate the highest
8 statewide percentage of overall academic gain measured against academic
9 results for the 2008-2009 school year shall be assigned a score of 100 and
10 the school district with pupils who demonstrate the lowest statewide
11 percentage of overall academic gain measured against academic results for
12 the 2008-2009 school year shall be assigned a score of 0.

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

- 24 (i) A letter grade of "A" if the school district is excellent.
- 25 (ii) A letter grade of "B" if the school district is above average.
- 26 (iii) A letter grade of "C" if the school district is average.
- 27 (iv) A letter grade of "D" if the school district is below average.
- 28 (v) A letter grade of "F" if the school district is a failure.

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

- 40 (i) A letter grade of "A" if the school district is excellent.
- 41 (ii) A letter grade of "B" if the school district is above average.
- 42 (iii) A letter grade of "C" if the school district is average.
- 43 (iv) A letter grade of "D" if the school district is below average.
- 44 (v) A letter grade of "F" if the school district is a failure.

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

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

8 41. Adopt in a public meeting and implement policies for principal
9 evaluations. Before adopting principal evaluation policies, the school
10 district governing board shall provide opportunities for public discussion
11 on the proposed policies. The governing board shall adopt policies that:

12 (a) Are designed to improve principal performance and improve
13 student achievement.

14 (b) Include the use of quantitative data on the academic progress
15 for all students, which shall account for between twenty percent and
16 thirty-three percent of the evaluation outcomes.

17 (c) Include four performance classifications, designated as highly
18 effective, effective, developing and ineffective.

19 (d) Describe both of the following:

20 (i) The methods used to evaluate the performance of principals,
21 including the data used to measure student performance and job
22 effectiveness.

23 (ii) The formula used to determine evaluation outcomes.

24 42. Prescribe and enforce policies and procedures that define the
25 duties of principals and teachers. These policies and procedures shall
26 authorize teachers to take and maintain daily classroom attendance, make
27 the decision to promote or retain a pupil in a grade in common school or
28 to pass or fail a pupil in a course in high school, subject to review by
29 the governing board in the manner provided in section 15-342,
30 paragraph 11.

31 43. Prescribe and enforce policies and procedures for the emergency
32 administration by an employee of a school district pursuant to section
33 36-2267 of naloxone hydrochloride or any other opioid antagonist approved
34 by the United States food and drug administration.

35 44. In addition to the notification requirements prescribed in
36 paragraph 36 of this subsection, prescribe and enforce reasonable and
37 appropriate policies to notify a pupil's parent or guardian if any person
38 engages in harassing, threatening or intimidating conduct against that
39 pupil. A school district and its officials and employees are immune from
40 civil liability with respect to all decisions made and actions taken that
41 are based on good faith implementation of the requirements of this
42 paragraph, except in cases of gross negligence or wanton or wilful
43 neglect. A person engages in threatening or intimidating if the person
44 threatens or intimidates by word or conduct to cause physical injury to
45 another person or serious damage to the property of another on school
46 grounds. A person engages in harassment if, with intent to harass or with
47 knowledge that the person is harassing another person, the person

1 anonymously or otherwise contacts, communicates or causes a communication
2 with another person by verbal, electronic, mechanical, telephonic or
3 written means in a manner that harasses on school grounds or substantially
4 disrupts the school environment.

5 45. Each fiscal year, provide to each school district employee a
6 total compensation statement that is broken down by category of benefit or
7 payment and that includes, for that employee, at least all of the
8 following:

9 (a) Base salary and any additional pay.

10 (b) Medical benefits and the value of any employer-paid portions of
11 insurance plan premiums.

12 (c) Retirement benefit plans, including social security.

13 (d) Legally required benefits.

14 (e) Any paid leave.

15 (f) Any other payment made to or on behalf of the employee.

16 (g) Any other benefit provided to the employee.

17 46. Develop and adopt in a public meeting policies to allow for
18 visits, tours and observations of all classrooms by parents of enrolled
19 pupils and parents who wish to enroll their children in the school
20 district unless a visit, tour or observation threatens the health and
21 safety of pupils and staff. These policies and procedures must be easily
22 accessible from the home page on each school's website.

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

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

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

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

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

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

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

11 G. Notwithstanding any other provision of this title, a school
12 district governing board shall not take any action that would result in a
13 reduction of pupil square footage unless the governing board notifies the
14 school facilities oversight board established by section 41-5701.02 of the
15 proposed action and receives written approval from the school facilities
16 oversight board to take the action. A reduction includes an increase in
17 administrative space that results in a reduction of pupil square footage
18 or sale of school sites or buildings, or both. A reduction includes a
19 reconfiguration of grades that results in a reduction of pupil square
20 footage of any grade level. This subsection does not apply to temporary
21 reconfiguration of grades to accommodate new school construction if the
22 temporary reconfiguration does not exceed one year. The sale of equipment
23 that results in a reduction that falls below the equipment requirements
24 prescribed in section 41-5711, subsection B is subject to commensurate
25 withholding of school district district additional assistance monies
26 pursuant to the direction of the school facilities oversight board.
27 Except as provided in section 15-342, paragraph 10, proceeds from the sale
28 of school sites, buildings or other equipment shall be deposited in the
29 school plant fund as provided in section 15-1102.

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

33 I. A school district governing board may delegate authority in
34 writing to the superintendent of the school district to submit plans for
35 new school facilities to the school facilities oversight board for the
36 purpose of certifying that the plans meet the minimum school facility
37 adequacy guidelines prescribed in section 41-5711.

38 J. For the purposes of subsection A, paragraph 37 of this section,
39 attendance boundaries may not be used to require students to attend
40 certain schools based on the student's place of residence.

41 Sec. 3. Section 41-1822, Arizona Revised Statutes, is amended to
42 read:

43 41-1822. Powers and duties of board; definition

44 A. With respect to peace officer training and certification, the
45 board shall:

1 1. Establish rules for the government and conduct of the board,
2 including meeting times and places and matters to be placed on the agenda
3 of each meeting.

4 2. Make recommendations, consistent with this article, to the
5 governor, the speaker of the house of representatives and the president of
6 the senate on all matters relating to law enforcement and public safety.

7 3. Prescribe reasonable minimum qualifications for officers to be
8 appointed to enforce the laws of this state and the political subdivisions
9 of this state and certify officers in compliance with these
10 qualifications. Notwithstanding any other law, the qualifications shall
11 require United States citizenship, shall relate to physical, mental and
12 moral fitness and shall govern the recruitment, appointment and retention
13 of all agents, peace officers and police officers of every political
14 subdivision of this state. The board shall constantly review the
15 qualifications established by this section and may amend the
16 qualifications at any time, subject to the requirements of section
17 41-1823.

18 4. Prescribe minimum courses of training and minimum standards for
19 training facilities for law enforcement officers. Only this state and
20 political subdivisions of this state may conduct basic peace officer
21 training. Basic peace officer academies may admit individuals who are not
22 peace officer cadets only if a cadet meets the minimum qualifications
23 established by paragraph 3 of this subsection. Training shall include:

24 (a) Courses in responding to and reporting all criminal offenses
25 that are motivated by race, color, religion, national origin, sexual
26 orientation, gender or disability.

27 (b) Training certified by the director of the department of health
28 services with assistance from a representative of the board on the nature
29 of unexplained infant death and the handling of cases involving the
30 unexplained death of an infant.

31 (c) Medical information on unexplained infant death for first
32 responders, including awareness and sensitivity in dealing with families
33 and child care providers, and the importance of forensically competent
34 death scene investigations.

35 (d) Information on the protocol of investigation in cases of an
36 unexplained infant death, including the importance of a consistent policy
37 of thorough death scene investigation.

38 (e) The use of the infant death investigation checklist pursuant to
39 section 36-3506.

40 (f) If an unexplained infant death occurs, the value of timely
41 communication between the medical examiner's office, the department of
42 health services and appropriate social service agencies that address the
43 issue of infant death and bereavement, to achieve a better understanding
44 of these deaths and to connect families to various community and public
45 health support systems to enhance recovery from grief.

46 5. Recommend curricula for advanced courses and seminars in law
47 enforcement and intelligence training in universities, colleges and

1 community colleges, in conjunction with the governing body of the
2 educational institution.

3 6. Make inquiries to determine whether this state or political
4 subdivisions of this state are adhering to the standards for recruitment,
5 appointment, retention and training established pursuant to this article.
6 The failure of this state or any political subdivision to adhere to the
7 standards shall be reported at the next regularly scheduled meeting of the
8 board for action deemed appropriate by that body.

9 7. Employ an executive director and other staff as are necessary to
10 fulfill the powers and duties of the board in accordance with the
11 requirements of the law enforcement merit system council.

12 B. With respect to state department of corrections correctional
13 officers, the board shall:

14 1. Approve a basic training curriculum of at least two hundred
15 forty hours.

16 2. Establish uniform minimum standards. These standards shall
17 include high school graduation or the equivalent and a physical
18 examination as prescribed by the director of the state department of
19 corrections.

20 3. Establish uniform standards for background investigations,
21 including criminal histories under section 41-1750, of all applicants
22 before enrolling in the academy. The board may adopt special procedures
23 for extended screening and investigations in extraordinary cases to ensure
24 suitability and adaptability to a career as a correctional officer.

25 4. Issue a certificate of completion to any state department of
26 corrections correctional officer who satisfactorily complies with the
27 minimum standards and completes the basic training program. The board may
28 issue a certificate of completion to a state department of corrections
29 correctional officer who has received comparable training in another state
30 if the board determines that the training was at least equivalent to that
31 provided by the academy and if the person complies with the minimum
32 standards.

33 5. Establish continuing training requirements and approve
34 curricula.

35 C. IN CONSULTATION WITH THE DEPARTMENT OF EDUCATION, THE BOARD
36 SHALL ESTABLISH UNIFORM STANDARDS FOR TRAINING AND CERTIFICATION PROGRAMS
37 FOR WHICH A SCHOOL OR SCHOOL EMPLOYEE MAY BE REIMBURSED PURSUANT TO
38 SECTION 15-249.20, SUBSECTION C THAT INCLUDE THE FOLLOWING:

39 1. FOR INITIAL CERTIFICATION, EACH OF THE FOLLOWING:

40 (a) AT LEAST FOUR HOURS OF TRAINING ON STATE LAW USE-OF-FORCE
41 JUSTIFICATION THAT IS PROVIDED BY A PEACE OFFICER, AN ATTORNEY OR A
42 FIREARMS SAFETY TRAINING INSTRUCTOR AS DEFINED IN SECTION 32-2601.

43 (b) AT LEAST TWENTY-FOUR HOURS OF FIREARMS SAFETY, MARKSMANSHIP,
44 JUDGMENT AND DECISION-MAKING TRAINING PROVIDED BY A PEACE OFFICER, A
45 FIREARMS SAFETY TRAINING INSTRUCTOR AS DEFINED IN SECTION 32-2601 OR AN
46 INSTRUCTOR WHO CONDUCTS A PISTOL QUALIFYING EXAMINATION PURSUANT TO
47 SECTION 38-1113.

1 (c) AT LEAST FOUR HOURS OF TACTICAL EMERGENCY CASUALTY CARE
2 TRAINING PROVIDED BY AN EMERGENCY MEDICAL CARE TECHNICIAN AS DEFINED IN
3 SECTION 36-2201, A REGISTERED NURSE AS DEFINED IN SECTION 32-1601 OR A
4 LICENSED PHYSICIAN.

5 (d) AT LEAST EIGHT HOURS OF SCENARIO-BASED TRAINING THAT
6 DEMONSTRATES COMPETENCY IN DECISION-MAKING, WEAPONS HANDLING AND MEDICAL
7 INTERVENTION.

8 2. FOR ANNUAL RECERTIFICATION, A BOARD-PRESCRIBED FIREARMS
9 QUALIFICATION COURSE.

10 D. THE BOARD SHALL:

11 1. ACCEPT APPLICATIONS, IN A FORM AND MANNER PRESCRIBED BY THE
12 BOARD, FOR TRAINING AND CERTIFICATION PROGRAMS TO BE INCLUDED ON THE LIST
13 THAT IS DEVELOPED AND MAINTAINED PURSUANT TO SECTION 15-249.20,
14 SUBSECTION B.

15 2. APPROVE AN APPLICATION FOR ANY TRAINING AND CERTIFICATION
16 PROGRAM THAT MEETS OR EXCEEDS THE STANDARDS ESTABLISHED PURSUANT TO
17 SUBSECTION C OF THIS SECTION.

18 3. MONITOR APPROVED TRAINING AND CERTIFICATION PROGRAMS TO ENSURE
19 THAT EACH PROGRAM CONTINUES TO SATISFY THE STANDARDS ESTABLISHED PURSUANT
20 TO SUBSECTION C OF THIS SECTION. IF A PROGRAM FALLS BELOW THE STANDARDS
21 ESTABLISHED PURSUANT TO SUBSECTION C OF THIS SECTION AND THE PROGRAM
22 PROVIDER FAILS TO CORRECT THE DEFICIENCIES, THE BOARD SHALL REMOVE THAT
23 PROGRAM FROM THE LIST THAT IS DEVELOPED AND MAINTAINED PURSUANT TO SECTION
24 15-249.20.

25 ~~E.~~ E. With respect to peace officer misconduct, the board may:

26 1. Receive complaints of peace officer misconduct from any person,
27 request law enforcement agencies to conduct investigations and conduct
28 independent investigations into whether an officer is in compliance with
29 the qualifications established pursuant to subsection A, paragraph 3 of
30 this section.

31 2. Receive a complaint of peace officer misconduct from the
32 president or chief executive officer of a board recognized law enforcement
33 association that represents the interests of certified law enforcement
34 officers if the association believes that a law enforcement agency refused
35 to investigate or made findings that are contradictory to prima facie
36 evidence of a violation of the qualifications established pursuant to
37 subsection A, paragraph 3 of this section. If the board finds that the
38 law enforcement agency refused to investigate or made findings that
39 contradicted prima facie evidence of a violation of the qualifications
40 established pursuant to subsection A, paragraph 3 of this section, the
41 board shall conduct an independent investigation to determine whether the
42 officer is in compliance with the qualifications established pursuant to
43 subsection A, paragraph 3 of this section and provide a letter of the
44 findings based on the investigation conducted by the board to the
45 president or chief executive officer of the board recognized law
46 enforcement association who made the complaint.

47 ~~F.~~ F. The board may:

1 1. Deny, suspend, revoke or cancel the certification of an officer
2 who is not in compliance with the qualifications established pursuant to
3 subsection A, paragraph 3 of this section.

4 2. Provide training and related services to assist state, tribal
5 and local law enforcement agencies to better serve the public, including
6 training for emergency alert notification systems.

7 3. Enter into contracts to carry out its powers and duties.

8 ~~F.~~ G. This section does not create a cause of action or a right to
9 bring an action, including an action based on discrimination due to sexual
10 orientation.

11 ~~F.~~ H. For the purposes of this section, "sexual orientation" means
12 consensual homosexuality or heterosexuality.

13 Enroll and engross to conform

14 Amend title to conform

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