

## HOUSE FLOOR AMENDMENT EXPLANATION



Bill Number: **HB 2610**

Gress \_\_\_\_\_ Floor Amendment

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### ***School District Governing Board (Governing Board) Members***

1. Replaces the requirement that the county school superintendent remove each governing board member of a school district that the State Board of Education (SBE) places in receivership with the requirement that each governing board member immediately resign.
2. Directs the county school superintendent to appoint governing board members to *temporarily* fill the vacancies and stipulates that:
  - a) the appointment term is until a special election is held to elect new governing board members;
  - b) the county school superintendent must call, as soon as practicable, a special election to replace all governing board members temporarily appointed;
  - c) the county school superintendent must assign by lot the newly elected governing board members to initial two- and four-year terms and the term of office for each governing board member thereafter is four years from January 1 next following their election; and
  - d) each vacancy must be filled by the county school superintendent of the county in which the former governing board member resided at the time of removal.
3. Excludes a governing board member from the resignation requirement if they:
  - a) submitted a written complaint relating to the school district's financial practices to SBE or the Arizona Department of Education (ADE) before ADE recommends that SBE place the school district in receivership; or
  - b) were elected or appointed as governing board member not more than six months before ADE recommends that SBE place the school district in receivership.

Amendment explanation prepared by C. Houser

Phone Number x3213

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2/19/2025

4. Declares a person is ineligible to hold an appointive state, county, city, town or precinct office established by legislative enactment in Arizona if they:
  - a) are required to resign as governing board due to SBE placing the school district in receivership; or
  - b) resigned as a governing board member up to one month before the school district was placed in receivership.
5. Requires, if SBE placed a school district in receivership in January 2025, each member of the governing board to immediately resign and the vacancies to be filled as prescribed.

***Governing Board Real Estate Transactions***

6. Prohibits, retroactive to January 2, 2025, a governing board from entering into two or more real estate transactions in a 12-month period if the transactions involve the same parties and property.
7. Defines *property* and *transaction*.

***Miscellaneous***

8. Adds a severability clause.
9. Adds an emergency clause.

GRESS SUBSTITUTE FLOOR AMENDMENT  
HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2610

I move the following SUBSTITUTE amendment to the EDUCATION Committee Amendment to HOUSE BILL 2610 (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. Section 15-103, Arizona Revised Statutes, is  
3 amended to read:

4 15-103. School districts; financial mismanagement;  
5 intervention; receivership; definitions

6 A. The state board of education shall review allegations of  
7 school district insolvency and gross mismanagement. The state board  
8 shall give the school district an opportunity to respond to these  
9 allegations at a public meeting. If the state board determines that  
10 the school district is insolvent or has grossly mismanaged its  
11 finances, the state board shall appoint a receiver or fiscal crisis  
12 team for that school district.

13 B. The state board shall find a school district insolvent if  
14 it finds one or more of the following:

15 1. The school district is unable to pay debts as they fall  
16 due or in the usual course of business.

17 2. The salaries of any teachers or other employees have  
18 remained unpaid for forty-five days.

19 3. The tuition due another school district or other state  
20 institution remains unpaid on or after January 1 of the year  
21 following the school year it was due and there is no dispute  
22 regarding the validity or amount of the claim.

23 4. The school district has defaulted in payment of its bonds  
24 or interest on bonds or in payment of rentals due any state or  
25 federal authority or private business for a period of sixty calendar  
26 days and no action has been initiated within that period of time to  
27 make payment.

1           5. The school district has contracted for any loan not  
2 authorized by law.

3           6. The school district has accumulated and has operated with  
4 a deficit equal to five ~~per cent~~ PERCENT or more of the school  
5 district's revenue control limit for any fiscal year within the past  
6 two fiscal years or the conditions prescribed in section 15-107 have  
7 occurred.

8           7. The school district's warrants have not been honored for  
9 payment by the school district's servicing bank or by the county  
10 treasurer and the warrants have remained unpaid for a period of more  
11 than sixty calendar days.

12           C. A school district shall not be deemed to be insolvent  
13 pursuant to subsection B of this section if the circumstances are  
14 the result of the failure of the state to make any payments of  
15 monies due the school district at the time payment is due.

16           D. The state board of education ~~shall have~~ HAS jurisdiction  
17 over all petitions requesting that a school district be placed in  
18 receivership and a receiver be appointed or that a fiscal crisis  
19 team be appointed because of the school district's alleged  
20 insolvency or gross mismanagement. The state board ~~shall have~~ HAS  
21 the burden of demonstrating by a preponderance of the evidence that  
22 the school district is insolvent or is engaged in gross  
23 mismanagement.

24           E. If the state board of education finds that the school  
25 district is insolvent or has engaged in gross mismanagement, the  
26 state board may place the school district in receivership and  
27 appoint a receiver recommended by the state board. The state board  
28 shall develop and adopt a list of qualified receivers to be  
29 appointed by the board.

30           F. On appointment, the receiver SHALL PERFORM THE ACTIONS  
31 PRESCRIBED IN PARAGRAPH 1 OF THIS SUBSECTION AND may perform any of  
32 the actions prescribed in ~~paragraphs 1 through 11~~ PARAGRAPH 2 of  
33 this subsection and shall begin a full review and investigation of  
34 the school district's financial affairs and submit to the state  
35 board of education a detailed report listing the findings of that  
36 investigation that ~~shall include~~ INCLUDES a financial improvement  
37 plan and budget that details how the school district will eliminate  
38 any continued gross financial mismanagement and achieve financial  
39 solvency. The plan shall include a proposed timeline for achieving  
40 financial solvency. The receiver shall submit the report within one  
41 hundred twenty days after the receiver's appointment. The financial  
42 improvement plan approved by the state board of education:

43           1. SHALL REQUIRE THE RECEIVER TO TERMINATE FOR CAUSE THE  
44 SCHOOL DISTRICT SUPERINTENDENT. THE RECEIVER MAY NOT PROVIDE A  
45 SEVERANCE OR BUYOUT PACKAGE TO THE SCHOOL DISTRICT SUPERINTENDENT IF  
46 THE STATE BOARD OF EDUCATION PLACES THE SCHOOL DISTRICT IN

1 RECEIVERSHIP. A SUPERINTENDENT WHO IS TERMINATED PURSUANT TO THIS  
2 PARAGRAPH MAY APPEAL THE TERMINATION TO THE STATE BOARD OF EDUCATION  
3 IF THE SUPERINTENDENT FILES AN APPEAL WITH THE STATE BOARD WITHIN  
4 THIRTY DAYS AFTER RECEIVING NOTICE OF THE TERMINATION. IF THE  
5 SUPERINTENDENT DOES NOT PREVAIL IN AN APPEAL PURSUANT TO THIS  
6 PARAGRAPH, THE SUPERINTENDENT SHALL SURRENDER ANY CERTIFICATES  
7 ISSUED BY THE DEPARTMENT OF EDUCATION.

8 2. May authorize the receiver to do any of the following:

9 ~~1.~~ (a) Override any decisions of the school district's  
10 governing board or the school district superintendent, or both,  
11 concerning the management and operation of the school district, and  
12 initiate and make decisions concerning the management and operation  
13 of the school district.

14 ~~2.~~ (b) Attend any and all meetings of the school district's  
15 governing board and administrative staff.

16 ~~3.~~ (c) Supervise the day-to-day activities of the school  
17 district's staff, including reassigning the duties and  
18 responsibilities of personnel in a manner that, in the determination  
19 of the receiver, best suits the needs of the school district.

20 ~~4.~~ (d) Place on extended leave, suspend or terminate for  
21 cause the school district's ~~superintendent or~~ chief financial  
22 officer, ~~or both~~. The receiver is not authorized to provide a  
23 severance or buyout package to the school district's ~~superintendent~~  
24 ~~or~~ chief financial officer if the school district is placed ~~into~~ IN  
25 receivership by the state board of education. A ~~person~~ CHIEF  
26 FINANCIAL OFFICER WHO IS terminated pursuant to this ~~paragraph~~  
27 SUBDIVISION may appeal the ~~receiver's decision~~ TERMINATION to the  
28 state board of education if an appeal is filed with the state board  
29 within thirty days ~~of~~ AFTER receiving notice of the termination.

30 ~~5.~~ (e) Authorize pupils to transfer from schools operated by  
31 the school district to schools operated by another school district  
32 that is not currently in receivership.

33 ~~6.~~ (f) Appoint a chief educational officer who shall possess  
34 the powers and duties of a school district superintendent. A chief  
35 educational officer who is appointed pursuant to this ~~paragraph~~  
36 SUBDIVISION shall hold a valid administrative certificate.

37 ~~7.~~ (g) Appoint a chief fiscal officer who shall possess the  
38 powers and duties of the school district's chief school business  
39 official and any other duties regarding budgeting, accounting and  
40 other financial matters that are assigned to the school district by  
41 law.

42 ~~8.~~ (h) Appoint a competent independent public accountant to  
43 audit the accounts of the school district.

44 ~~9.~~ (i) Reorganize the school district's financial accounts,  
45 management and budgetary systems to improve financial responsibility  
46 and reduce financial inefficiency within the district.

1           ~~10.~~ (j) Establish school district fiscal guidelines and a  
2 system of internal controls, including internal administrative  
3 controls and internal accounting controls, with provisions for  
4 internal audits.

5           ~~11.~~ (k) Cancel or renegotiate any contract, other than  
6 contracts of certificated teachers who have been employed by the  
7 school district in the capacity of a certificated teacher for more  
8 than one year immediately before the date the receiver was  
9 appointed, to which the governing board or the school district is a  
10 party if the cancellation or renegotiation of the contract will  
11 produce needed economies in the operation of the district's schools.  
12 The receiver may refuse to reemploy any certificated teacher who has  
13 not been employed by the school district for more than the major  
14 portion of three consecutive school years ~~as provided in section~~  
15 ~~15-536~~.

16           G. The receiver's power, authority and duties ~~shall be~~ ARE  
17 effective on the date of the receiver's appointment by the state  
18 board of education. The receiver shall perform the receiver's  
19 duties according to the instructions of the state board of education  
20 order and according to law. The receiver shall promptly report any  
21 violations of law, including a violation of the uniform system of  
22 financial records, to the state board of education.

23           H. On review and approval of the state board of education,  
24 the receiver shall take all necessary steps to implement the  
25 financial improvement plan and budget ~~utilizing~~ USING those powers  
26 identified in the plan as prescribed in subsection F of this  
27 section.

28           I. The salary and benefits of the receiver and any officers  
29 or employees appointed by the receiver shall be paid by the school  
30 district. The state board of education shall determine the salary  
31 for the receiver and any officers or employees appointed by the  
32 receiver based on amounts recommended by the state board.

33           J. The state board of education shall remove the school  
34 district from receivership and dismiss the receiver and dismiss any  
35 officer or employee appointed by the receiver thirty days after all  
36 of the following have occurred:

37           1. The auditor general certifies that the school district has  
38 been financially solvent for one fiscal year.

39           2. The auditor general certifies that the school district's  
40 financial records are in compliance with the uniform system of  
41 financial records and generally accepted accounting principles.

42           3. The receiver certifies that the school district is no  
43 longer engaged in gross mismanagement.

44           4. The state board of education has determined that the  
45 school district is able to pay its debts as those debts become due.

1 K. Beginning ninety days after the submission of the first  
2 report prescribed in subsection F of this section, the receiver  
3 shall submit a quarterly progress report to the state board of  
4 education. The state board of education shall review the expenses  
5 and costs of the receiver at least once each calendar quarter.

6 L. The state board of education shall formally review the  
7 receiver's progress every six months. If, based on the quarterly  
8 progress reports, the state board determines that the receiver's  
9 progress is insufficient, the state board may remove the current  
10 receiver and appoint another receiver for the school district.

11 M. The state board of education may dismiss the receiver for  
12 cause or on a majority vote of no confidence in the receiver of the  
13 state board.

14 N. The school district shall indemnify the receiver and any  
15 officer or employee appointed by the receiver who is made or  
16 threatened to be made a party to any litigation by reason of their  
17 status under this section if the receiver, officer or employee acted  
18 in good faith and in a manner that the receiver, officer or employee  
19 reasonably believed to be consistent with the best interest of the  
20 school district and if the receiver, officer or employee had no  
21 reasonable cause to believe that the conduct was unlawful.

22 O. During the period of time that the school district is in  
23 receivership, ~~no~~ A member, officer, employee or agent of the school  
24 district may NOT enter into any contract or incur any liability on  
25 behalf of the school district for any purpose if the amount of the  
26 contract or liability exceeds the receiver's authorized financial  
27 plan and budget for the school district. The receiver may  
28 discipline, including, if warranted, imposing a suspension from duty  
29 without pay, removal from office or termination of, any school  
30 district employee or officer who violates this subsection.

31 P. This section does not create a private cause of action  
32 against the school district or its officers, directors, board  
33 members or employees.

34 Q. The assumption of control of the school district by the  
35 receiver shall ~~in no way~~ NOT interfere with the election ~~or~~  
36 ~~reelection~~ of school district governing board members, EXCEPT AS  
37 REQUIRED BY SECTION 15-302.01.

38 R. This section shall not interfere with a school district's  
39 ability to declare bankruptcy under federal law.

40 S. The state board of education shall continue to monitor and  
41 offer technical assistance to a school district for two years after  
42 its removal from receivership.

43 T. All information received and records or reports kept by  
44 the state board of education during an investigation resulting from  
45 a complaint against a receiver appointed pursuant to this section or  
46 section 15-107 are confidential and not a public record.

1 U. The state board of education or the department of  
2 education shall immediately notify the auditor general if the board  
3 or department has knowledge that a superintendent or chief financial  
4 officer who was employed at the school district at the time the  
5 school district was placed in receivership is currently employed in  
6 another school district or charter school in this state.

7 V. Notwithstanding any other law, a fiscal crisis team  
8 appointed pursuant to this section ~~shall be~~ IS subject to section  
9 15-107, subsections E through H and a school district that is  
10 assigned a level two fiscal crisis team pursuant to this section  
11 ~~shall be~~ IS subject to section 15-107, subsections J, K and L.

12 W. For the purposes of this section:

13 1. "Fiscal crisis team" means either:

14 (a) A level one fiscal crisis team with the duties and  
15 authority prescribed in section 15-107, subsection D, paragraph 2.

16 (b) A level two fiscal crisis team with the duties and  
17 authority prescribed in section 15-107, subsection D, paragraph 3.

18 2. "Gross mismanagement" means that the school district's  
19 officers or employees committed or engaged in gross incompetence or  
20 systemic and egregious mismanagement of the school district's  
21 finances or financial records.

22 3. "Notice" means written notice personally served or  
23 delivered by certified mail, return receipt requested.

24 4. "Receiver" means an individual WHO IS appointed by the  
25 state board of education from the persons recommended by the state  
26 board for the purpose of managing a school district placed in  
27 receivership by the state board of education.

28 5. "Receivership" means the state or condition of being under  
29 the control of the receiver appointed by the state board of  
30 education.

31 6. "Superintendent" means the chief executive officer of the  
32 school district.

33 Sec. 2. Title 15, chapter 3, article 1, Arizona Revised  
34 Statutes, is amended by adding section 15-302.01, to read:

35 15-302.01. School district governing board members;  
36 resignation; appointment; election;  
37 exceptions

38 [A.] NOTWITHSTANDING ANY OTHER LAW, IF THE STATE BOARD OF  
39 EDUCATION PLACES A SCHOOL DISTRICT IN RECEIVERSHIP PURSUANT TO  
40 SECTION 15-103, [THE COUNTY SCHOOL SUPERINTENDENT OF THE COUNTY IN  
41 WHICH THE SCHOOL DISTRICT IS LOCATED SHALL REMOVE] EACH MEMBER OF  
42 THE SCHOOL DISTRICT GOVERNING BOARD [SHALL IMMEDIATELY RESIGN] AND  
43 [THE COUNTY SCHOOL SUPERINTENDENT OF THE COUNTY IN WHICH THE SCHOOL  
44 DISTRICT IS LOCATED] SHALL [APPOINT GOVERNING BOARD MEMBERS TO  
45 TEMPORARILY] FILL THE VACANCIES PURSUANT TO SECTION 15-302, EXCEPT  
46 THAT[;]

1           1.] THE COUNTY SCHOOL SUPERINTENDENT MAY NOT ACCEPT NAMES  
2           FROM THE SCHOOL DISTRICT GOVERNING BOARD FOR CONSIDERATION.

3           [2. THE TERM OF AN APPOINTMENT PURSUANT TO THIS SUBSECTION  
4           SHALL BE UNTIL A SPECIAL ELECTION IS HELD TO ELECT NEW GOVERNING  
5           BOARD MEMBERS PURSUANT TO PARAGRAPH 3 OF THIS SUBSECTION.

6           3. AS SOON AS PRACTICABLE, THE COUNTY SCHOOL SUPERINTENDENT  
7           SHALL CALL A SPECIAL ELECTION TO REPLACE ALL GOVERNING BOARD MEMBERS  
8           WHO ARE TEMPORARILY APPOINTED PURSUANT TO PARAGRAPH 2 OF THIS  
9           SUBSECTION. THE COUNTY SCHOOL SUPERINTENDENT SHALL ASSIGN BY LOT  
10           THE NEW GOVERNING BOARD MEMBERS WHO ARE ELECTED PURSUANT TO THIS  
11           PARAGRAPH TO INITIAL TERMS OF TWO AND FOUR YEARS IN OFFICE.  
12           THEREAFTER, THE TERM OF OFFICE FOR EACH MEMBER IS FOUR YEARS FROM  
13           JANUARY 1 NEXT FOLLOWING THE MEMBER'S ELECTION.

14           4. IF THE SCHOOL DISTRICT IS LOCATED IN TWO OR MORE COUNTIES,  
15           EACH VACANCY SHALL BE FILLED BY THE COUNTY SCHOOL SUPERINTENDENT OF  
16           THE COUNTY IN WHICH THE FORMER GOVERNING BOARD MEMBER RESIDED AT THE  
17           TIME OF REMOVAL.

18           B. A SCHOOL DISTRICT GOVERNING BOARD MEMBER IS NOT SUBJECT TO  
19           THE RESIGNATION REQUIREMENT PRESCRIBED BY SUBSECTION A OF THIS  
20           SECTION IF EITHER:

21           1. THE GOVERNING BOARD MEMBER SUBMITTED A WRITTEN COMPLAINT  
22           RELATING TO THE SCHOOL DISTRICT'S FINANCIAL PRACTICES TO THE STATE  
23           BOARD OF EDUCATION OR THE DEPARTMENT OF EDUCATION BEFORE THE DATE ON  
24           WHICH THE DEPARTMENT OF EDUCATION RECOMMENDS THAT THE STATE BOARD OF  
25           EDUCATION PLACE THE SCHOOL DISTRICT IN RECEIVERSHIP.

26           2. THE INDIVIDUAL WAS ELECTED OR APPOINTED TO THE OFFICE OF  
27           SCHOOL DISTRICT GOVERNING BOARD MEMBER NOT MORE THAN SIX MONTHS  
28           BEFORE THE DATE ON WHICH THE DEPARTMENT OF EDUCATION RECOMMENDS THAT  
29           THE STATE BOARD OF EDUCATION PLACE THE SCHOOL DISTRICT IN  
30           RECEIVERSHIP.]

31           <<Sec. 3. Section 15-341, Arizona Revised Statutes, is  
32           amended to read:

33           15-341. General powers and duties; immunity; delegation

34           A. ~~[The]~~ [EACH SCHOOL DISTRICT] governing board shall:

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

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

42           3. Manage and control the school property within its  
43           district, except that a district may enter into a partnership with  
44           an entity, including a charter school, another school district or a  
45           military base, to operate a school or offer educational services in  
46           a district building, including at a vacant or partially used

1 building, or in any building on the entity's property pursuant to a  
2 written agreement between the parties.

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

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

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

9 7. Construct school buildings on approval by a vote of the  
10 district electors.

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

13 9. Purchase school sites when authorized by a vote of the  
14 district at an election conducted as nearly as practicable in the  
15 same manner as the election provided in section 15-481 and held on a  
16 date prescribed in section 15-491, subsection E, but such  
17 authorization shall not necessarily specify the site to be purchased  
18 and such authorization shall not be necessary to exchange unimproved  
19 property as provided in section 15-342, paragraph 23.

20 10. Construct, improve and furnish buildings used for school  
21 purposes when such buildings or premises are leased from the  
22 national park service.

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

26 12. Hold pupils to strict account for disorderly conduct on  
27 school property.

28 13. Discipline students for disorderly conduct on the way to  
29 and from school.

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

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

1           16. Provide for adequate supervision over pupils in  
2 instructional and noninstructional activities by certificated or  
3 noncertificated personnel.

4           17. Use school monies received from the state and county  
5 school apportionment exclusively to pay salaries of teachers and  
6 other employees and contingent expenses of the district.

7           18. Annually report to the county school superintendent on or  
8 before October 1 in the manner and form and on the blanks prescribed  
9 by the superintendent of public instruction or county school  
10 superintendent. The board shall also report directly to the county  
11 school superintendent or the superintendent of public instruction  
12 whenever required.

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

20           20. Establish bank accounts in which the board during a month  
21 may deposit miscellaneous monies received directly by the district.  
22 The board shall remit monies deposited in the bank accounts at least  
23 monthly to the county treasurer for deposit as provided in paragraph  
24 19 of this subsection and in accordance with the uniform system of  
25 financial records.

26           21. Prescribe and enforce policies and procedures for  
27 disciplinary action against a teacher who engages in conduct that is  
28 a violation of the policies of the governing board but that is not  
29 cause for dismissal of the teacher or for revocation of the  
30 certificate of the teacher. Disciplinary action may include  
31 suspension without pay for a period of time not to exceed ten school  
32 days. Disciplinary action shall not include suspension with pay or  
33 suspension without pay for a period of time longer than ten school  
34 days. The procedures shall include notice, hearing and appeal  
35 provisions for violations that are cause for disciplinary action.  
36 The governing board may designate a person or persons to act on  
37 behalf of the board on these matters.

38           22. Prescribe and enforce policies and procedures for  
39 disciplinary action against an administrator who engages in conduct  
40 that is a violation of the policies of the governing board regarding  
41 duties of administrators but that is not cause for dismissal of the  
42 administrator or for revocation of the certificate of the  
43 administrator. Disciplinary action may include suspension without  
44 pay for a period of time not to exceed ten school days.  
45 Disciplinary action shall not include suspension with pay or  
46 suspension without pay for a period of time longer than ten school

1 days. The procedures shall include notice, hearing and appeal  
2 provisions for violations that are cause for disciplinary action.  
3 The governing board may designate a person or persons to act on  
4 behalf of the board on these matters. For violations that are cause  
5 for dismissal, the provisions of notice, hearing and appeal in  
6 chapter 5, article 3 of this title apply. The filing of a timely  
7 request for a hearing suspends the imposition of a suspension  
8 without pay or a dismissal pending completion of the hearing.

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

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

18 (a) The provision of water.

19 (b) Guidelines, information and forms, developed in  
20 consultation with a statewide private entity that supervises  
21 interscholastic activities, to inform and educate coaches, pupils  
22 and parents of the dangers of concussions and head injuries and the  
23 risks of continued participation in athletic activity after a  
24 concussion. The policies and procedures shall require that, before  
25 a pupil participates in an athletic activity, the pupil and the  
26 pupil's parent sign an information form at least once each school  
27 year that states that the parent is aware of the nature and risk of  
28 concussion. The policies and procedures shall require that a pupil  
29 who is suspected of sustaining a concussion in a practice session,  
30 game or other interscholastic athletic activity be immediately  
31 removed from the athletic activity and that the pupil's parent or  
32 guardian be notified. A coach from the pupil's team or an official  
33 or a licensed health care provider may remove a pupil from play. A  
34 team parent may also remove the parent's own child from play. A  
35 pupil may return to play on the same day if a health care provider  
36 rules out a suspected concussion at the time the pupil is removed  
37 from play. On a subsequent day, the pupil may return to play if the  
38 pupil has been evaluated by and received written clearance to resume  
39 participation in athletic activity from a health care provider who  
40 has been trained in evaluating and managing concussions and head  
41 injuries. A health care provider who is a volunteer and who  
42 provides clearance to participate in athletic activity on the day of  
43 the suspected injury or on a subsequent day is immune from civil  
44 liability with respect to all decisions made and actions taken that  
45 are based on good faith implementation of the requirements of this  
46 subdivision, except in cases of gross negligence or wanton or wilful

1 neglect. A school district, school district employee, team coach,  
2 official or team volunteer or a parent or guardian of a team member  
3 is not subject to civil liability for any act, omission or policy  
4 undertaken in good faith to comply with the requirements of this  
5 subdivision or for a decision made or an action taken by a health  
6 care provider. A group or organization that uses property or  
7 facilities owned or operated by a school district for athletic  
8 activities shall comply with the requirements of this subdivision.  
9 A school district and its employees and volunteers are not subject  
10 to civil liability for any other person or organization's failure or  
11 alleged failure to comply with the requirements of this  
12 subdivision. This subdivision does not apply to teams that are  
13 based in another state and that participate in an athletic activity  
14 in this state. For the purposes of this subdivision, athletic  
15 activity does not include dance, rhythmic gymnastics, competitions  
16 or exhibitions of academic skills or knowledge or other similar  
17 forms of physical noncontact activities, civic activities or  
18 academic activities, whether engaged in for the purposes of  
19 competition or recreation. For the purposes of this subdivision,  
20 "health care provider" means a physician who is licensed pursuant to  
21 title 32, chapter 13, 14 or 17, an athletic trainer who is licensed  
22 pursuant to title 32, chapter 41, a nurse practitioner who is  
23 licensed pursuant to title 32, chapter 15, and a physician assistant  
24 who is licensed pursuant to title 32, chapter 25.

25 (c) Guidelines, information and forms that are developed in  
26 consultation with a statewide private entity that supervises  
27 interscholastic activities to inform and educate coaches, pupils and  
28 parents of the dangers of heat-related illnesses, sudden cardiac  
29 death and prescription opioid use. Before a pupil participates in  
30 any district-sponsored practice session or game or other  
31 interscholastic athletic activity, the pupil and the pupil's parent  
32 must be provided with information at least once each school year on  
33 the risks of heat-related illnesses, sudden cardiac death and  
34 prescription opioid addiction.

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

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

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

42 28. Ensure that insurance coverage is secured for all  
43 construction projects for purposes of general liability, property  
44 damage and workers' compensation and secure performance and payment  
45 bonds for all construction projects.

1           29. Collect and maintain information about each current and  
2 former teacher's educational and teaching background and experience  
3 in a particular academic content subject area. A school district  
4 shall either post the information on the school district's website  
5 or make the information available for inspection on request of  
6 parents and guardians of pupils enrolled at a school. This  
7 paragraph does not require any school to release personally  
8 identifiable information in relation to any teacher, including the  
9 teacher's address, salary, social security number or telephone  
10 number.

11           30. Report to local law enforcement agencies any suspected  
12 crime against a person or property that is a serious offense as  
13 defined in section 13-706 or that involves a deadly weapon or  
14 dangerous instrument or serious physical injury and any conduct that  
15 poses a threat of death or serious physical injury to employees,  
16 students or anyone on the property of the school. This paragraph  
17 does not limit or preclude the reporting by a school district or an  
18 employee of a school district of suspected crimes other than those  
19 required to be reported by this paragraph. For the purposes of this  
20 paragraph, "dangerous instrument", "deadly weapon" and "serious  
21 physical injury" have the same meanings prescribed in section  
22 13-105.

23           31. In conjunction with local law enforcement agencies and  
24 emergency response agencies, develop an emergency response plan for  
25 each school in the school district in accordance with minimum  
26 standards developed jointly by the department of education and the  
27 division of emergency management within the department of emergency  
28 and military affairs. Any emergency response plan developed  
29 pursuant to this paragraph must address how the school and emergency  
30 responders will communicate with and provide assistance to students  
31 with disabilities.

32           32. Provide written notice to the parents or guardians of all  
33 students enrolled in the school district at least ten days before a  
34 public meeting to discuss closing a school within the school  
35 district. The notice shall include the reasons for the proposed  
36 closure and the time and place of the meeting. The governing board  
37 shall fix a time for a public meeting on the proposed closure not  
38 less than ten days before voting in a public meeting to close the  
39 school. The school district governing board shall give notice of  
40 the time and place of the meeting. At the time and place designated  
41 in the notice, the school district governing board shall hear  
42 reasons for or against closing the school. The school district  
43 governing board is exempt from this paragraph if the governing board  
44 determines that the school shall be closed because it poses a danger  
45 to the health or safety of the pupils or employees of the school. A  
46 governing board may consult with the division of school facilities

1 within the department of administration for technical assistance and  
2 for information on the impact of closing a school. The information  
3 provided from the division of school facilities within the  
4 department of administration shall not require the governing board  
5 to take or not take any action.

6 33. Incorporate instruction on Native American history into  
7 appropriate existing curricula.

8 34. Prescribe and enforce policies and procedures:

9 (a) Allowing pupils who have been diagnosed with anaphylaxis  
10 by a health care provider licensed pursuant to title 32, chapter 13,  
11 14, 17 or 25 or by a registered nurse practitioner licensed and  
12 certified pursuant to title 32, chapter 15 to carry and  
13 self-administer emergency medications, including epinephrine  
14 auto-injectors, while at school and at school-sponsored  
15 activities. The pupil's name on the prescription label on the  
16 medication container or on the medication device and annual written  
17 documentation from the pupil's parent or guardian to the school that  
18 authorizes possession and self-administration is sufficient proof  
19 that the pupil is entitled to possess and self-administer the  
20 medication. The policies shall require a pupil who uses an  
21 epinephrine auto-injector while at school and at school-sponsored  
22 activities to notify the nurse or the designated school staff person  
23 of the use of the medication as soon as practicable. A school  
24 district and its employees are immune from civil liability with  
25 respect to all decisions made and actions taken that are based on  
26 good faith implementation of the requirements of this subdivision,  
27 except in cases of wanton or wilful neglect.

28 (b) For the emergency administration of epinephrine  
29 auto-injectors by a trained employee of a school district pursuant  
30 to section 15-157.

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

43 36. Prescribe and enforce policies and procedures to prohibit  
44 pupils from harassing, intimidating and bullying other pupils on  
45 school grounds, on school property, on school buses, at school bus  
46 stops, at school-sponsored events and activities and through the use

1 of electronic technology or electronic communication on school  
2 computers, networks, forums and mailing lists that include the  
3 following components:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

41 39. Ensure that the contract for the superintendent is  
42 structured in a manner in which up to twenty percent of the total  
43 annual salary included for the superintendent in the contract is  
44 classified as performance pay. This paragraph does not require  
45 school districts to increase total compensation for superintendents.  
46 Unless the school district governing board votes to implement an

1 alternative procedure at a public meeting called for this purpose,  
2 the performance pay portion of the superintendent's total annual  
3 compensation shall be determined as follows:

4 (a) Twenty-five percent of the performance pay shall be  
5 determined based on the percentage of academic gain determined by  
6 the department of education of pupils who are enrolled in the school  
7 district compared to the academic gain achieved by the highest  
8 ranking of the fifty largest school districts in this state. For  
9 the purposes of this subdivision, the department of education shall  
10 determine academic gain by the academic growth achieved by each  
11 pupil who has been enrolled at the same school in a school district  
12 for at least five consecutive months measured against that pupil's  
13 academic results in the 2008-2009 school year. For the purposes of  
14 this subdivision, of the fifty largest school districts in this  
15 state, the school district with pupils who demonstrate the highest  
16 statewide percentage of overall academic gain measured against  
17 academic results for the 2008-2009 school year shall be assigned a  
18 score of 100 and the school district with pupils who demonstrate the  
19 lowest statewide percentage of overall academic gain measured  
20 against academic results for the 2008-2009 school year shall be  
21 assigned a score of 0.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

33 41. Adopt in a public meeting and implement policies for  
34 principal evaluations. Before adopting principal evaluation  
35 policies, the school district governing board shall provide  
36 opportunities for public discussion on the proposed policies. The  
37 governing board shall adopt policies that:

38 (a) Are designed to improve principal performance and improve  
39 student achievement.

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

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

1 (d) Describe both of the following:

2 (i) The methods used to evaluate the performance of  
3 principals, including the data used to measure student performance  
4 and job effectiveness.

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

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

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

18 44. In addition to the notification requirements prescribed  
19 in paragraph 36 of this subsection, prescribe and enforce reasonable  
20 and appropriate policies to notify a pupil's parent or guardian if  
21 any person engages in harassing, threatening or intimidating conduct  
22 against that pupil. A school district and its officials and  
23 employees are immune from civil liability with respect to all  
24 decisions made and actions taken that are based on good faith  
25 implementation of the requirements of this paragraph, except in  
26 cases of gross negligence or wanton or wilful neglect. A person  
27 engages in threatening or intimidating if the person threatens or  
28 intimidates by word or conduct to cause physical injury to another  
29 person or serious damage to the property of another on school  
30 grounds. A person engages in harassment if, with intent to harass  
31 or with knowledge that the person is harassing another person, the  
32 person anonymously or otherwise contacts, communicates or causes a  
33 communication with another person by verbal, electronic, mechanical,  
34 telephonic or written means in a manner that harasses on school  
35 grounds or substantially disrupts the school environment.

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

40 (a) Base salary and any additional pay.

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

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

44 (d) Legally required benefits.

45 (e) Any paid leave.

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

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

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

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

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

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

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

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

35 E. A school district, its governing board members, its school  
36 council members and its employees are immune from civil liability  
37 for the consequences of adopting and implementing policies and  
38 procedures pursuant to subsection A of this section and section  
39 15-342. This waiver does not apply if the school district, its  
40 governing board members, its school council members or its employees  
41 are guilty of gross negligence or intentional misconduct.

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

1 G. Notwithstanding any other provision of this title, a  
2 school district governing board shall not [DO EITHER OF THE  
3 FOLLOWING:

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

24 [2. ENTER INTO TWO OR MORE REAL ESTATE TRANSACTIONS IN A  
25 TWELVE-MONTH PERIOD IF THE TRANSACTIONS INVOLVE BOTH THE SAME  
26 PARTIES AND THE SAME PROPERTY. FOR THE PURPOSES OF THIS PARAGRAPH:

27 (a) "PROPERTY" MEANS A SCHOOL SITE, A SCHOOL BUILDING, A  
28 SCHOOL FACILITY, A PORTION OF A SCHOOL SITE, SCHOOL BUILDING OR  
29 SCHOOL FACILITY OR A TRACT OF LAND.

30 (b) "TRANSACTION" INCLUDES THE SALE, EXCHANGE, PURCHASE OR  
31 LEASE, IN WHOLE OR IN PART, OF PROPERTY.]

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

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

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

1           <<Sec. 3. Section 15-421, Arizona Revised Statutes, is  
2 amended to read:

3           ~~15-421. Governing boards; members; qualifications;~~  
4           ~~prohibitions; candidate statements;~~  
5           ~~definitions~~

6           ~~A. The governing body of a school district shall be a~~  
7 ~~governing board. There shall be three governing board members,~~  
8 ~~except as otherwise provided by this section and section 15-425,~~  
9 ~~subsection A.~~

10          ~~B. The governing body of a high school district shall be a~~  
11 ~~governing board composed of:~~

12           ~~1. In a single district, the governing board members of the~~  
13 ~~common school district.~~

14           ~~2. In a union high school district, five members.~~

15          ~~C. A person is eligible for election to the office of~~  
16 ~~governing board member if all of the following apply:~~

17           ~~1. The person is a registered voter of this state.~~

18           ~~2. The person has been a resident of the school district for~~  
19 ~~at least one year immediately preceding the day of election.~~

20           ~~3. The person is not subject to registration as a sex~~  
21 ~~offender in this state or in any other jurisdiction.~~

22           ~~4. THE PERSON HAS NOT BEEN REMOVED FROM THE OFFICE OF~~  
23 ~~GOVERNING BOARD MEMBER PURSUANT TO SECTION 15-302.01.~~

24          ~~D. An employee of a school district, including a person who~~  
25 ~~directly provides certified or classified services to the school~~  
26 ~~district as an employee of a third-party contractor, or the spouse~~  
27 ~~of such an employee may not hold membership on the governing board~~  
28 ~~of a school district by which the employee is employed.~~

29          ~~E. Notwithstanding subsection D of this section and title 38,~~  
30 ~~chapter 3, article 8, a small school district may employ, including~~  
31 ~~employment through a third-party contractor that provides services~~  
32 ~~to the small school district, a substitute teacher who is related to~~  
33 ~~a member of the governing board as immediate family and who has had~~  
34 ~~the same household of residence within the preceding four years. If~~  
35 ~~a small school district employs a substitute teacher pursuant to~~  
36 ~~this subsection, the member of the governing board who is related to~~  
37 ~~the substitute teacher shall be recused from voting on any matter~~  
38 ~~relating to substitute teachers.~~

39          ~~F. A school district may employ, including employment through~~  
40 ~~a third-party contractor that provides services to the school~~  
41 ~~district, a person who served as a member of the school district's~~  
42 ~~governing board during the preceding two years only in a position in~~  
43 ~~which the person will provide services directly to students,~~  
44 ~~including as a certificated teacher, a substitute teacher and an~~  
45 ~~employee or contractor who provides transportation, instructional~~  
46 ~~support or student support services. A school district may increase~~

1 ~~the time period prescribed in this subsection to be more than two~~  
2 ~~years.~~

3 ~~G. A member of one governing board is ineligible to be a~~  
4 ~~candidate for nomination or election to or serve simultaneously as a~~  
5 ~~member of any other governing board, except that a member of a~~  
6 ~~governing board may be a candidate for nomination or election for~~  
7 ~~any other governing board if the member is serving in the last year~~  
8 ~~of a term of office. A member of a governing board shall resign the~~  
9 ~~member's seat on the governing board before becoming a candidate for~~  
10 ~~nomination or election to the governing board of any other school~~  
11 ~~district, unless the member of the governing board is serving in the~~  
12 ~~last year of a term of office.~~

13 ~~H. Notwithstanding section 15-511, each county school~~  
14 ~~superintendent shall publish on the superintendent's website the~~  
15 ~~statement of each certified candidate for membership on a school~~  
16 ~~district governing board located in the county. The county school~~  
17 ~~superintendent shall list each school district on the~~  
18 ~~superintendent's website from which a link shall be established to~~  
19 ~~the candidate's name, which shall link to the candidate's statement~~  
20 ~~and photograph. The candidate shall submit the statement to the~~  
21 ~~person at the county school superintendent's office assigned to~~  
22 ~~manage candidate statements, after notice of certification from the~~  
23 ~~county school superintendent's office but not later than twenty-one~~  
24 ~~days before the date that general election early ballots are allowed~~  
25 ~~to be mailed. The person shall post each candidate's statement on~~  
26 ~~the county school superintendent's website not later than fourteen~~  
27 ~~days before the date that general election early ballots are allowed~~  
28 ~~to be mailed. If a candidate does not submit a statement, the~~  
29 ~~county school superintendent's website shall state "no response~~  
30 ~~submitted" for the candidate. The candidate statements shall be~~  
31 ~~posted on the website alphabetically by each school district and by~~  
32 ~~candidate. The candidate statement shall be typewritten or~~  
33 ~~electronically submitted. The county school superintendent shall~~  
34 ~~post the statements verbatim as they are received unless a candidate~~  
35 ~~requests in writing that typographical errors be corrected. The~~  
36 ~~candidate statement shall contain the following items in the same~~  
37 ~~size and format for each candidate:~~

38 ~~1. A recent photograph of the candidate.~~

39 ~~2. A statement not to exceed five hundred words.~~

40 ~~3. A disclosure of any relationships by affinity, by~~  
41 ~~consanguinity or by law to the third degree that exist between the~~  
42 ~~candidate and any current governing board members or other~~  
43 ~~candidates for election to the same governing board.~~

44 ~~i. Persons related as immediate family who have the same~~  
45 ~~household of residence within four years prior shall not serve~~  
46 ~~simultaneously on the governing board of the same school district if~~

1 ~~the governing board is composed of five members. For a school~~  
2 ~~district with a student count of at least two hundred fifty that is~~  
3 ~~located in a county with a population of more than five hundred~~  
4 ~~thousand persons, not more than two persons related by affinity, by~~  
5 ~~consanguinity or by law to the third degree shall serve~~  
6 ~~simultaneously on the governing board of the same school district if~~  
7 ~~the governing board is composed of five members. A qualified~~  
8 ~~elector who resides in the school district may bring an action in~~  
9 ~~superior court to enforce this subsection.~~

10 ~~J. A person related as immediate family who has the same~~  
11 ~~household of residence within four years prior to a member of the~~  
12 ~~governing board of the same school district is ineligible to be a~~  
13 ~~candidate for nomination or election to that governing board if the~~  
14 ~~governing board is composed of five members, except that a person~~  
15 ~~related as immediate family who has the same household of residence~~  
16 ~~within four years prior to a member of a governing board may be a~~  
17 ~~candidate for nomination or election to the governing board of the~~  
18 ~~same school district if the member is serving in the last year of a~~  
19 ~~term of office. For a school district with a student count of at~~  
20 ~~least two hundred fifty that is located in a county with a~~  
21 ~~population of more than five hundred thousand persons, not more than~~  
22 ~~two persons related by affinity, by consanguinity or by law to the~~  
23 ~~third degree shall be eligible to be a candidate for nomination or~~  
24 ~~election to a governing board that is composed of five members. A~~  
25 ~~qualified elector who resides in the school district may bring an~~  
26 ~~action in superior court to enforce this subsection.~~

27 ~~K. Persons related as immediate family who have the same~~  
28 ~~household of residence within four years prior are ineligible to be~~  
29 ~~simultaneous candidates for nomination or election to the governing~~  
30 ~~board of the same school district if the governing board is composed~~  
31 ~~of five members. For a school district with a student count of at~~  
32 ~~least two hundred fifty that is located in a county with a~~  
33 ~~population of more than five hundred thousand persons, not more than~~  
34 ~~two persons related by affinity, by consanguinity or by law to the~~  
35 ~~third degree shall be simultaneous candidates for nomination or~~  
36 ~~election to a governing board that is composed of five members. A~~  
37 ~~qualified elector who resides in the school district may bring an~~  
38 ~~action in superior court to enforce this subsection.~~

39 ~~L. For the purposes of this section:~~

40 ~~1. "Household of residence" means the place of abode during~~  
41 ~~applicable time periods or the residence address used by an~~  
42 ~~individual for voter registration or property tax purposes.~~

43 ~~2. "Immediate family" means individuals who are married to~~  
44 ~~each other and any children of those individuals.~~

45 ~~3. "Small school district" has the same meaning prescribed in~~  
46 ~~section 15-901.>>~~

1 <<Sec. 4. Section 38-201, Arizona Revised Statutes, is  
2 amended to read:

3 38-201. General qualifications

4 A. ~~Every~~ [EACH] officer shall be ~~[not less than]~~ [AT LEAST]  
5 eighteen years of age, a citizen of the United States and a resident  
6 of this state.

7 B. ~~No~~ [A] person is ~~[NOT]~~ eligible to any office,  
8 employment or service in any public institution in ~~[the]~~ [THIS]  
9 state~~[-]~~ or in any of the several counties ~~[thereof,]~~ [OF THIS  
10 STATE] of any kind or character, whether by election, appointment or  
11 contract, unless ~~[he]~~ [THE PERSON] is a citizen of the United  
12 States, but ~~[the provisions of]~~ this subsection ~~[shall]~~ [DOES] not  
13 apply to the employment of any teacher, instructor or professor  
14 authorized to teach in the United States under the teacher exchange  
15 program as provided by federal statutes or the employment of  
16 university or college faculty members.

17 C. A person who is unable to speak, write and read the  
18 English language is not eligible to hold a state, county, city, town  
19 or precinct office in ~~[the]~~ [THIS] state, whether elective or  
20 appointive, and ~~[no]~~ [A] certificate of election or commission shall  
21 [NOT] issue to a person so disqualified.

22 D. Except as provided in subsection E [OF THIS SECTION], a  
23 person is not eligible for employment by or service for ~~[the]~~ [THIS]  
24 state or a political subdivision of ~~[the]~~ [THIS] state, including  
25 all boards and commissions of ~~[the]~~ [THIS] state or political  
26 subdivision [OF THIS STATE], all multimember governing bodies of  
27 departments, agencies, institutions and instrumentalities of ~~[the]~~ [THIS]  
28 [THIS] state or political subdivisions [OF THIS STATE] unless the  
29 person has registered with the selective service system if required  
30 by the federal military selective service act (62 Stat. 604; 50  
31 United States Code App. section 453).

32 E. A person may not be denied a right, privilege or benefit  
33 by reason of subsection D [OF THIS SECTION] if either of the  
34 following applies:

35 1. The requirement for the person to so register has  
36 terminated or become inapplicable to the person.

37 2. The person shows by a preponderance of the evidence that  
38 the failure of the person to register with the selective service  
39 system was not a knowing and ~~[willful]~~ [WILFUL] failure to register.

40 [F. A PERSON IS NOT ELIGIBLE TO HOLD AN APPOINTED STATE,  
41 COUNTY, CITY, TOWN OR PRECINCT OFFICE THAT IS ESTABLISHED BY  
42 LEGISLATIVE ENACTMENT IF THE PERSON EITHER:

43 1. IS REQUIRED TO RESIGN FROM THE OFFICE OF SCHOOL DISTRICT  
44 GOVERNING BOARD MEMBER PURSUANT TO SECTION 15-302.01.

1           2. RESIGNED FROM THE OFFICE OF SCHOOL DISTRICT GOVERNING  
2           BOARD MEMBER UP TO ONE MONTH BEFORE THE SCHOOL DISTRICT WAS PLACED  
3           IN RECEIVERSHIP PURSUANT TO SECTION 15-103.]>>

4           <<Sec. 5. School districts in receivership; resignation  
5                   of governing board members; vacancies;  
6                   delayed repeal

7           [A. If the state board of education placed a school district  
8           in receivership pursuant to section 15-103, Arizona Revised  
9           Statutes, as amended by this act, in January 2025, each member of  
10           the school district governing board shall immediately resign and the  
11           vacancies shall be filled pursuant to section 15-302.01. Arizona  
12           Revised Statutes, as added by this act.

13           B. This section is repealed from and after December 31,  
14           2026.]>>

15           <<Sec. 6. Retroactivity

16           [Section 15-341, Arizona Revised Statutes, as amended by this  
17           act, applies retroactively to from and after January 1, 2025.]>>

18           <<Sec. 7. Severability

19           [If any provision of this act or its application to any person  
20           or circumstance is held invalid, the invalidity does not affect  
21           other provisions or applications of the act that can be given effect  
22           without the invalid provision or application, and to this end the  
23           provisions of this act are severable.]>>

24           <<Sec. 8. Emergency

25           [This act is an emergency measure that is necessary to  
26           preserve the public peace, health or safety and is operative  
27           immediately as provided by law.]>>

28 Enroll and engross to conform

29 Amend title to conform

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