



Bill Number: H.B. 2289

Klein Floor Amendment

Reference to: APPROP amendment

Amendment drafted by: Liisa Laikko

FLOOR AMENDMENT EXPLANATION

- Requires school district governing boards to prescribe procedures for the principal of the school to notify the superintendent of the school district and the county school superintendent if a suspension or expulsion involves a dangerous drug.
- Requires the school district superintendent, if there are separate incidents involving the greater of one-half of one percent of the total school population or three separate incidents resulting in suspension or expulsion occur involving the same drug at the same school in the same school year, to do the following:
 - provide written or electronic notification to the parents of pupils enrolled at the school that the presence of the particular drug has been reported, including information about the drug, a list of symptoms associated with the use of or addiction to the drug and information about rehabilitation services; and
 - conduct a community forum on the campus of the school to discuss the presence of and problems associated with the drug.
 - post the notification on the school's website.

Amendment explanation prepared by Liisa Laikko

4/13/2011

KLEIN FLOOR AMENDMENT

SENATE AMENDMENTS TO H.B. 2289

(Reference to APPROP amendment)

1 Page 30, between lines 9 and 10, insert:

2 "Section 8. Section 15-843, Arizona Revised Statutes, is amended to
3 read:

4 15-843. Pupil disciplinary proceedings

5 A. An action concerning discipline, suspension or expulsion of a pupil
6 is not subject to title 38, chapter 3, article 3.1, except that the governing
7 board of a school district shall post regular notice and shall take minutes
8 of any hearing held by the governing board concerning the discipline,
9 suspension or expulsion of a pupil.

10 B. The governing board of any school district, in consultation with
11 the teachers and parents of the school district, shall prescribe rules for
12 the discipline, suspension and expulsion of pupils. The rules shall be
13 consistent with the constitutional rights of pupils and shall include at
14 least the following:

15 1. Penalties for excessive pupil absenteeism pursuant to section
16 15-803, including failure in a subject, failure to pass a grade, suspension
17 or expulsion.

18 2. Procedures for the use of corporal punishment if allowed by the
19 governing board.

20 3. Procedures for the reasonable use of physical force by certificated
21 or classified personnel in self-defense, defense of others and defense of
22 property.

23 4. Procedures for dealing with pupils who have committed or who are
24 believed to have committed a crime.

25 5. A notice and hearing procedure for cases concerning the suspension
26 of a pupil for more than ten days.

1 6. Procedures and conditions for readmission of a pupil who has been
2 expelled or suspended for more than ten days.

3 7. Procedures for appeal to the governing board of the suspension of a
4 pupil for more than ten days, if the decision to suspend the pupil was not
5 made by the governing board.

6 8. Procedures for appeal of the recommendation of the hearing officer
7 or officers designated by the board as provided in subsection F of this
8 section at the time the board considers the recommendation.

9 9. PROCEDURES FOR THE PRINCIPAL OF THE SCHOOL TO NOTIFY THE
10 SUPERINTENDENT OF THE SCHOOL DISTRICT AND THE COUNTY SCHOOL SUPERINTENDENT IF
11 A SUSPENSION OR EXPULSION INVOLVES A DANGEROUS DRUG AS DEFINED IN SECTION
12 13-3401. THE PROCEDURES SHALL REQUIRE THAT IF THERE ARE SEPARATE INCIDENTS
13 INVOLVING THE GREATER OF ONE-HALF OF ONE PERCENT OF THE TOTAL SCHOOL
14 POPULATION OR THREE SEPARATE INCIDENTS THAT RESULT IN SUSPENSION OR EXPULSION
15 INVOLVING THE SAME DANGEROUS DRUG AT THE SAME SCHOOL DURING THE SAME SCHOOL
16 YEAR, THE SUPERINTENDENT OF THE SCHOOL DISTRICT SHALL BOTH:

17 (a) PROVIDE WRITTEN OR ELECTRONIC NOTIFICATION TO THE PARENTS OF
18 PUPILS ENROLLED AT THE SCHOOL THAT THE PRESENCE OF THIS PARTICULAR DRUG HAS
19 BEEN REPORTED AT THE SCHOOL. THE NOTICE SHALL INCLUDE INFORMATION ABOUT THIS
20 PARTICULAR DRUG, A LIST OF SYMPTOMS ASSOCIATED WITH THE USE OF OR ADDICTION
21 TO THIS PARTICULAR DRUG AND INFORMATION ABOUT REHABILITATION SERVICES. THE
22 NOTICE SHALL ALSO BE POSTED ON THE SCHOOL'S WEBSITE.

23 (b) CONDUCT A COMMUNITY FORUM ON THE CAMPUS OF THE SCHOOL TO DISCUSS
24 THE PRESENCE OF THIS PARTICULAR DRUG AT THE SCHOOL AND THE PROBLEMS
25 ASSOCIATED WITH THIS PARTICULAR DRUG.

26 C. Penalties adopted pursuant to subsection B, paragraph 1 of this
27 section for excessive absenteeism shall not be applied to pupils who have
28 completed the course requirements and whose absence from school is due solely
29 to illness, disease or accident as certified by a person who is licensed
30 pursuant to title 32, chapter 7, 13, 15 or 17.

31 D. The governing board shall:

1 1. Support and assist teachers in the implementation and enforcement
2 of the rules prescribed pursuant to subsection B of this section.

3 2. Develop procedures allowing teachers and principals to recommend
4 the suspension or expulsion of pupils.

5 3. Develop procedures allowing teachers and principals to temporarily
6 remove disruptive pupils from a class.

7 4. Delegate to the principal the authority to remove a disruptive
8 pupil from the classroom.

9 E. If a pupil withdraws from school after receiving notice of possible
10 action concerning discipline, expulsion or suspension, the governing board
11 may continue with the action after the withdrawal and may record the results
12 of such action in the pupil's permanent file.

13 F. In all action concerning the expulsion of a pupil, the governing
14 board of a school district shall:

15 1. Be notified of the intended action.

16 2. Either:

17 (a) Decide, in executive session, whether to hold a hearing or to
18 designate one or more hearing officers to hold a hearing to hear the
19 evidence, prepare a record and bring a recommendation to the board for action
20 and whether the hearing shall be held in executive session.

21 (b) Provide by policy or vote at its annual organizational meeting
22 that all hearings concerning the expulsion of a pupil conducted pursuant to
23 this section will be conducted before a hearing officer selected from a list
24 of hearing officers approved by the governing board.

25 3. Give written notice, at least five working days before the hearing
26 by the governing board or the hearing officer or officers designated by the
27 governing board, to all pupils subject to expulsion and their parents or
28 guardians of the date, time and place of the hearing. If the governing board
29 decides that the hearing is to be held in executive session, the written
30 notice shall include a statement of the right of the parents or guardians or
31 an emancipated pupil who is subject to expulsion to object to the governing

1 board's decision to have the hearing held in executive session. Objections
2 shall be made in writing to the governing board.

3 G. If a parent or guardian or an emancipated pupil who is subject to
4 expulsion disagrees that the hearing should be held in executive session, it
5 shall be held in an open meeting unless:

6 1. If only one pupil is subject to expulsion and disagreement exists
7 between that pupil's parents or guardians, the governing board, after
8 consultations with the pupil's parents or guardians or the emancipated pupil,
9 shall decide in executive session whether the hearing will be in executive
10 session.

11 2. If more than one pupil is subject to expulsion and disagreement
12 exists between the parents or guardians of different pupils, separate
13 hearings shall be held subject to this section.

14 H. This section does not prevent the pupil who is subject to expulsion
15 or suspension, and the pupil's parents or guardians and legal counsel, from
16 attending any executive session pertaining to the proposed disciplinary
17 action, from having access to the minutes and testimony of the executive
18 session or from recording the session at the parent's or guardian's expense.

19 I. In schools employing a superintendent or a principal, the authority
20 to suspend a pupil from school is vested in the superintendent, principal or
21 other school officials granted this power by the governing board of the
22 school district.

23 J. In schools that do not have a superintendent or principal, a
24 teacher may suspend a pupil from school.

25 K. In all cases of suspension, it shall be for good cause and shall be
26 reported within five days to the governing board by the superintendent or the
27 person imposing the suspension.

28 L. Rules pertaining to the discipline, suspension and expulsion of
29 pupils shall not be based on race, color, religion, sex, national origin or
30 ancestry. If the department of education, the auditor general or the
31 attorney general determines that a school district is substantially and

1 deliberately not in compliance with this subsection and if the school
2 district has failed to correct the deficiency within ninety days after
3 receiving notice from the department of education, the superintendent of
4 public instruction may withhold the monies the school district would
5 otherwise be entitled to receive from the date of the determination of
6 noncompliance until the department of education determines that the school
7 district is in compliance with this subsection.

8 M. The principal of each school shall ensure that a copy of all rules
9 pertaining to discipline, suspension and expulsion of pupils is distributed
10 to the parents of each pupil at the time the pupil is enrolled in school.

11 N. The principal of each school shall ensure that all rules pertaining
12 to the discipline, suspension and expulsion of pupils are communicated to
13 students at the beginning of each school year, and to transfer students at
14 the time of their enrollment in the school."

15 Amend title to conform

4/13/11
8:16 AM
S: LL/ly