

COMMITTEE ON JUDICIARY
HOUSE OF REPRESENTATIVES AMENDMENTS TO S.B. 1149
(Reference to Senate engrossed bill)

1 Strike everything after the enacting clause and insert:

2 "Section 1. Section 15-342, Arizona Revised Statutes, is amended to
3 read:

4 15-342. Discretionary powers

5 The governing board may:

6 1. Expel pupils for misconduct.

7 2. Exclude from grades one through eight children under six years of
8 age.

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

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

12 5. Permit a superintendent or principal or representatives of the
13 superintendent or principal to travel for a school purpose, as determined
14 by a majority vote of the board. The board may permit members and
15 members-elect of the board to travel within or without the school district
16 for a school purpose and receive reimbursement. Any expenditure for travel
17 and subsistence pursuant to this paragraph shall be as provided in title
18 38, chapter 4, article 2. The designated post of duty referred to in
19 section 38-621 shall be construed, for school district governing board
20 members, to be the member's actual place of residence, as opposed to the
21 school district office or the school district boundaries. Such
22 expenditures shall be a charge against the budgeted school district funds.
23 The governing board of a school district shall prescribe procedures and

1 amounts for reimbursement of lodging and subsistence expenses.
2 Reimbursement amounts shall not exceed the maximum amounts established
3 pursuant to section 38-624, subsection C.

4 6. Construct or provide in rural districts housing facilities for
5 teachers and other school employees that the board determines are necessary
6 for the operation of the school.

7 7. Sell or lease to the state, a county, a city, another school
8 district or a tribal government agency any school property required for a
9 public purpose, provided the sale or lease of the property will not affect
10 the normal operations of a school within the school district.

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

13 9. Enter into leases or lease-purchase agreements for school
14 buildings or grounds, or both, as lessor or as lessee, for periods of less
15 than fifteen years subject to voter approval for construction of school
16 buildings as prescribed in section 15-341, subsection A, paragraph 7.

17 10. Subject to chapter 16 of this title, sell school sites or enter
18 into leases or lease-purchase agreements for school buildings and grounds,
19 as lessor or as lessee, for a period of fifteen years or more, but not to
20 exceed ninety-nine years, if authorized by a vote of the school district
21 electors in an election called by the governing board as provided in
22 section 15-491, except that authorization by the school district electors
23 in an election is not required if one of the following requirements is met:

24 (a) The market value of the school property is less than ~~fifty~~
25 ~~thousand dollars~~ \$50,000 or the property is procured through a renewable
26 energy development agreement, an energy performance contract, which among
27 other items includes a renewable energy power service agreement, or a
28 simplified energy performance contract pursuant to section 15-213.01.

29 (b) The buildings and sites are completely funded with monies
30 distributed by the school facilities board.

31 (c) The transaction involves the sale of improved or unimproved
32 property pursuant to an agreement with the school facilities board in which

1 the school district agrees to sell the improved or unimproved property and
2 transfer the proceeds of the sale to the school facilities board in
3 exchange for monies from the school facilities board for the acquisition of
4 a more suitable school site. For a sale of property acquired by a school
5 district prior to July 9, 1998, a school district shall transfer to the
6 school facilities board that portion of the proceeds that equals the cost
7 of the acquisition of a more suitable school site. If there are any
8 remaining proceeds after the transfer of monies to the school facilities
9 board, a school district shall only use those remaining proceeds for future
10 land purchases approved by the school facilities board, or for capital
11 improvements not funded by the school facilities board for any existing or
12 future facility.

13 (d) The transaction involves the sale of improved or unimproved
14 property pursuant to a formally adopted plan and the school district uses
15 the proceeds of this sale to purchase other property that will be used for
16 similar purposes as the property that was originally sold, provided that
17 the sale proceeds of the improved or unimproved property are used within
18 two years after the date of the original sale to purchase the replacement
19 property. If the sale proceeds of the improved or unimproved property are
20 not used within two years after the date of the original sale to purchase
21 replacement property, the sale proceeds shall be used towards payment of
22 any outstanding bonded indebtedness. If any sale proceeds remain after
23 paying for outstanding bonded indebtedness, or if the district has no
24 outstanding bonded indebtedness, sale proceeds shall be used to reduce the
25 district's primary tax levy. A school district shall not use this
26 subdivision unless all of the following conditions exist:

27 (i) The school district is the sole owner of the improved or
28 unimproved property that the school district intends to sell.

29 (ii) The school district did not purchase the improved or unimproved
30 property that the school district intends to sell with monies that were
31 distributed pursuant to chapter 16 of this title.

32 (iii) The transaction does not violate section 15-341, subsection G.

1 11. Review the decision of a teacher to promote a pupil to a grade
2 or retain a pupil in a grade in a common school or to pass or fail a pupil
3 in a course in high school. The pupil has the burden of proof to overturn
4 the decision of a teacher to promote, retain, pass or fail the pupil. In
5 order to sustain the burden of proof, the pupil shall demonstrate to the
6 governing board that the pupil has mastered the academic standards adopted
7 by the state board of education pursuant to sections 15-701 and 15-701.01.
8 If the governing board overturns the decision of a teacher pursuant to this
9 paragraph, the governing board shall adopt a written finding that the pupil
10 has mastered the academic standards. Notwithstanding title 38, chapter 3,
11 article 3.1, the governing board shall review the decision of a teacher to
12 promote a pupil to a grade or retain a pupil in a grade in a common school
13 or to pass or fail a pupil in a course in high school in executive session
14 unless a parent or legal guardian of the pupil or the pupil, if
15 emancipated, disagrees that the review should be conducted in executive
16 session and then the review shall be conducted in an open meeting. If the
17 review is conducted in executive session, the board shall notify the
18 teacher of the date, time and place of the review and shall allow the
19 teacher to be present at the review. If the teacher is not present at the
20 review, the board shall consult with the teacher before making its
21 decision. Any request, including the written request as provided in
22 section 15-341, the written evidence presented at the review and the
23 written record of the review, including the decision of the governing board
24 to accept or reject the teacher's decision, shall be retained by the
25 governing board as part of its permanent records.

26 12. Provide transportation or site transportation loading and
27 unloading areas for any child or children if deemed for the best interest
28 of the district, whether within or without the district, county or state.

29 13. Enter into intergovernmental agreements and contracts with
30 school districts or other governing bodies as provided in section 11-952.
31 Intergovernmental agreements and contracts between school districts or
32 between a school district and other governing bodies as provided in section

1 11-952 are exempt from competitive bidding under the procurement rules
2 adopted by the state board of education pursuant to section 15-213.

3 14. Include in the curricula it prescribes for high schools in the
4 school district career and technical education, vocational education and
5 technology education programs and career and technical, vocational and
6 technology program improvement services for the high schools, subject to
7 approval by the state board of education. The governing board may contract
8 for the provision of career and technical, vocational and technology
9 education as provided in section 15-789.

10 15. Suspend a teacher or administrator from the teacher's or
11 administrator's duties without pay for a period of time of not to exceed
12 ten school days, if the board determines that suspension is warranted
13 pursuant to section 15-341, subsection A, paragraphs 21 and 22.

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

17 (a) Pursuant to an ordinance adopted by such city, town or county,
18 there will be conferred upon the school district privileges and benefits
19 that may include benefits related to zoning.

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

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

23 18. Donate surplus or outdated learning materials, educational
24 equipment and furnishings to nonprofit community organizations where the
25 governing board determines that the anticipated cost of selling the
26 learning materials, educational equipment or furnishings equals or exceeds
27 the estimated market value of the materials.

28 19. Prescribe policies for the assessment of reasonable fees for
29 students to use district-provided parking facilities. The fees are to be
30 applied by the district solely against costs incurred in operating or
31 securing the parking facilities. Any policy adopted by the governing board

1 pursuant to this paragraph shall include a fee waiver provision in
2 appropriate cases of need or economic hardship.

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

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

13 22. Require students to wear uniforms.

14 23. Exchange unimproved property or improved property, including
15 school sites, where the governing board determines that the improved
16 property is unnecessary for the continued operation of the school district
17 without requesting authorization by a vote of the school district electors
18 if the governing board determines that the exchange is necessary to protect
19 the health, safety or welfare of pupils or when the governing board
20 determines that the exchange is based on sound business principles for
21 either:

22 (a) Unimproved or improved property of equal or greater value.

23 (b) Unimproved property that the owner contracts to improve if the
24 value of the property ultimately received by the school district is of
25 equal or greater value.

26 24. For common and high school pupils, assess reasonable fees for
27 optional extracurricular activities and programs conducted when the common
28 or high school is not in session, except that no fees shall be charged for
29 pupils' access to or use of computers or related materials. For high
30 school pupils, the governing board may assess reasonable fees for fine arts
31 and vocational education courses and for optional services, equipment and
32 materials offered to the pupils beyond those required to successfully

1 complete the basic requirements of any other course, except that no fees
2 shall be charged for pupils' access to or use of computers or related
3 materials. Fees assessed pursuant to this paragraph shall be adopted at a
4 public meeting after notice has been given to all parents of pupils
5 enrolled at schools in the district and shall not exceed the actual costs
6 of the activities, programs, services, equipment or materials. The
7 governing board shall authorize principals to waive the assessment of all
8 or part of a fee assessed pursuant to this paragraph if it creates an
9 economic hardship for a pupil. For the purposes of this paragraph,
10 "extracurricular activity" means any optional, noncredit, educational or
11 recreational activity that supplements the education program of the school,
12 whether offered before, during or after regular school hours.

13 25. Notwithstanding section 15-341, subsection A, paragraphs 7 and
14 9, construct school buildings and purchase or lease school sites, without a
15 vote of the school district electors, if the buildings and sites are
16 totally funded from one or more of the following:

17 (a) Monies in the unrestricted capital outlay fund, except that the
18 estimated cost shall not exceed ~~two hundred fifty thousand dollars~~ \$250,000
19 for a district that utilizes section 15-949.

20 (b) Monies distributed from the school facilities board established
21 by section 15-2001.

22 (c) Monies specifically donated for the purpose of constructing
23 school buildings.

24 This paragraph shall not be construed to eliminate the requirement for an
25 election to raise revenues for a capital outlay override pursuant to
26 section 15-481 or a bond election pursuant to section 15-491.

27 26. Conduct a background investigation that includes a fingerprint
28 check conducted pursuant to section 41-1750, subsection G for certificated
29 personnel and personnel who are not paid employees of the school district,
30 as a condition of employment. A school district may release the results of
31 a background check to another school district for employment purposes. The
32 school district may charge the costs of fingerprint checks to its

1 fingerprinted employee, except that the school district may not charge the
2 costs of fingerprint checks for personnel who are not paid employees of the
3 school district.

4 27. Unless otherwise prohibited by law, sell advertising as follows:

5 (a) Advertisements shall be age appropriate and not contain
6 promotion of any substance that is illegal for minors such as alcohol,
7 tobacco and drugs or gambling. Advertisements shall comply with the state
8 sex education policy of abstinence.

9 (b) Advertising approved by the governing board for the exterior of
10 school buses may appear only on the sides of the bus in the following
11 areas:

12 (i) The signs shall be below the seat level rub rail and not extend
13 above the bottom of the side windows.

14 (ii) The signs shall be at least three inches from any required
15 lettering, lamp, wheel well or reflector behind the service door or stop
16 signal arm.

17 (iii) The signs shall not extend from the body of the bus so as to
18 allow a handhold or present a danger to pedestrians.

19 (iv) The signs shall not interfere with the operation of any door or
20 window.

21 (v) The signs shall not be placed on any emergency doors.

22 (c) The school district shall establish an advertisement fund that
23 is composed of revenues from the sale of advertising. The monies in an
24 advertisement fund are not subject to reversion.

25 28. Assess reasonable damage deposits to pupils in grades seven
26 through twelve for the use of textbooks, musical instruments, band uniforms
27 or other equipment required for academic courses. The governing board
28 shall adopt policies on any damage deposits assessed pursuant to this
29 paragraph at a public meeting called for this purpose after providing
30 notice to all parents of pupils in grades seven through twelve in the
31 school district. Principals of individual schools within the district may
32 waive the damage deposit requirement for any textbook or other item if the

1 payment of the damage deposit would create an economic hardship for the
2 pupil. The school district shall return the full amount of the damage
3 deposit for any textbook or other item if the pupil returns the textbook or
4 other item in reasonably good condition within the time period prescribed
5 by the governing board. For the purposes of this paragraph, "in reasonably
6 good condition" means the textbook or other item is in the same or a
7 similar condition as it was when the pupil received it, plus ordinary wear
8 and tear.

9 29. Notwithstanding section 15-1105, expend surplus monies in the
10 civic center school fund for maintenance and operations or unrestricted
11 capital outlay, if sufficient monies are available in the fund after
12 meeting the needs of programs established pursuant to section 15-1105.

13 30. Notwithstanding section 15-1143, expend surplus monies in the
14 community school program fund for maintenance and operations or
15 unrestricted capital outlay, if sufficient monies are available in the fund
16 after meeting the needs of programs established pursuant to section
17 15-1142.

18 31. Adopt guidelines for standardization of the format of the school
19 report cards required by section 15-746 for schools within the district.

20 32. Adopt policies that require parental notification when a law
21 enforcement officer interviews a pupil on school grounds. Policies adopted
22 pursuant to this paragraph shall not impede a peace officer from the
23 performance of the peace officer's duties. If the school district
24 governing board adopts a policy that requires parental notification:

25 (a) The policy may provide reasonable exceptions to the parental
26 notification requirement.

27 (b) The policy shall set forth whether and under what circumstances
28 a parent may be present when a law enforcement officer interviews the
29 pupil, including reasonable exceptions to the circumstances under which a
30 parent may be present when a law enforcement officer interviews the pupil,
31 and shall specify a reasonable maximum time after a parent is notified that

1 an interview of a pupil by a law enforcement officer may be delayed to
2 allow the parent to be present.

3 33. Enter into voluntary partnerships with any party to finance with
4 funds other than school district funds and cooperatively design school
5 facilities that comply with the adequacy standards prescribed in section
6 15-2011 and the square footage per pupil requirements pursuant to section
7 15-2041, subsection D, paragraph 3, subdivision (b). The design plans and
8 location of any such school facility shall be submitted to the school
9 facilities board for approval pursuant to section 15-2041, subsection 0.
10 If the school facilities board approves the design plans and location of
11 any such school facility, the party in partnership with the school district
12 may cause to be constructed and the district may begin operating the school
13 facility before monies are distributed from the school facilities board
14 pursuant to section 15-2041. Monies distributed from the new school
15 facilities fund to a school district in a partnership with another party to
16 finance and design the school facility shall be paid to the school district
17 pursuant to section 15-2041. The school district shall reimburse the party
18 in partnership with the school district from the monies paid to the school
19 district pursuant to section 15-2041, in accordance with the voluntary
20 partnership agreement. Before the school facilities board distributes any
21 monies pursuant to this subsection, the school district shall demonstrate
22 to the school facilities board that the facilities to be funded pursuant to
23 section 15-2041, subsection 0 meet the minimum adequacy standards
24 prescribed in section 15-2011. If the cost to construct the school
25 facility exceeds the amount that the school district receives from the new
26 school facilities fund, the partnership agreement between the school
27 district and the other party shall specify that, except as otherwise
28 provided by the other party, any such excess costs shall be the
29 responsibility of the school district. The school district governing board
30 shall adopt a resolution in a public meeting that an analysis has been
31 conducted on the prospective effects of the decision to operate a new
32 school with existing monies from the school district's maintenance and

1 operations budget and how this decision may affect other schools in the
2 school district. If a school district acquires land by donation at an
3 appropriate school site approved by the school facilities board and a
4 school facility is financed and built on the land pursuant to this
5 paragraph, the school facilities board shall distribute an amount equal to
6 twenty percent of the fair market value of the land that can be used for
7 academic purposes. The school district shall place the monies in the
8 unrestricted capital outlay fund and increase the unrestricted capital
9 budget limit by the amount of the monies placed in the fund. Monies
10 distributed under this paragraph shall be distributed from the new school
11 facilities fund pursuant to section 15-2041. If a school district acquires
12 land by donation at an appropriate school site approved by the school
13 facilities board and a school facility is financed and built on the land
14 pursuant to this paragraph, the school district shall not receive monies
15 from the school facilities board for the donation of real property pursuant
16 to section 15-2041, subsection F. It is unlawful for:

17 (a) A county, city or town to require as a condition of any land use
18 approval that a landowner or landowners that entered into a partnership
19 pursuant to this paragraph provide any contribution, donation or gift,
20 other than a site donation, to a school district. This subdivision only
21 applies to the property in the voluntary partnership agreement pursuant to
22 this paragraph.

23 (b) A county, city or town to require as a condition of any land use
24 approval that the landowner or landowners located within the geographic
25 boundaries of the school subject to the voluntary partnership pursuant to
26 this paragraph provide any donation or gift to the school district except
27 as provided in the voluntary partnership agreement pursuant to this
28 paragraph.

29 (c) A community facilities district established pursuant to title
30 48, chapter 4, article 6 to be used for reimbursement of financing the
31 construction of a school pursuant to this paragraph.

1 (d) A school district to enter into an agreement pursuant to this
2 paragraph with any party other than a master planned community party. Any
3 land area consisting of at least three hundred twenty acres that is the
4 subject of a development agreement with a county, city or town entered into
5 pursuant to section 9-500.05 or 11-1101 shall be deemed to be a master
6 planned community. For the purposes of this subdivision, "master planned
7 community" means a land area consisting of at least three hundred twenty
8 acres, which may be noncontiguous, that is the subject of a zoning
9 ordinance approved by the governing body of the county, city or town in
10 which the land is located that establishes the use of the land area as a
11 planned area development or district, planned community development or
12 district, planned unit development or district or other land use category
13 or district that is recognized in the local ordinance of such county, city
14 or town and that specifies the use of such land is for a master planned
15 development.

16 34. Enter into an intergovernmental agreement with a presiding judge
17 of the juvenile court to implement a law-related education program as
18 defined in section 15-154. The presiding judge of the juvenile court may
19 assign juvenile probation officers to participate in a law-related
20 education program in any school district in the county. The cost of
21 juvenile probation officers who participate in the program implemented
22 pursuant to this paragraph shall be funded by the school district.

23 35. Offer to sell outdated learning materials, educational equipment
24 or furnishings at a posted price commensurate with the value of the items
25 to pupils who are currently enrolled in that school district before those
26 materials are offered for public sale.

27 36. If the school district is a small school district as defined in
28 section 15-901, and if permitted by federal law, opt out of federal grant
29 opportunities if the governing board determines that the federal
30 requirements impose unduly burdensome reporting requirements.

31 37. Prescribe and enforce policies and procedures for the emergency
32 administration of inhalers by trained employees of the school district and

1 nurses who are under contract with the school district pursuant to section
2 15-158.

3 38. Develop policies and procedures to allow principals to budget
4 for or assist with budgeting federal, state and local monies.

5 Sec. 2. Section 15-841, Arizona Revised Statutes, is amended to
6 read:

7 15-841. Responsibilities of pupils; expulsion; alternative
8 education programs; alternative to suspension
9 programs; placement review committees

10 A. Pupils shall comply with the rules, pursue the required course of
11 study and submit to the authority of the teachers, the administrators and
12 the governing board. A teacher may send a pupil to the principal's office
13 in order to maintain effective discipline in the classroom. If a pupil is
14 sent to the principal's office pursuant to this subsection, the principal
15 shall employ appropriate discipline management techniques that are
16 consistent with rules adopted by the school district governing board. A
17 teacher may remove a pupil from the classroom if either of the following
18 conditions exists:

19 1. The teacher has documented that the pupil has repeatedly
20 interfered with the teacher's ability to communicate effectively with the
21 other pupils in the classroom or with the ability of the other pupils to
22 learn.

23 2. The teacher has determined that the pupil's behavior is so
24 unruly, disruptive or abusive that it seriously interferes with the
25 teacher's ability to communicate effectively with the other pupils in the
26 classroom or with the ability of the other pupils to learn.

27 B. A pupil may be expelled for continued open defiance of authority,
28 continued disruptive or disorderly behavior, violent behavior that includes
29 use or display of a dangerous instrument or a deadly weapon as defined in
30 section 13-105, use or possession of a gun, or excessive absenteeism. A
31 pupil may be expelled for excessive absenteeism only if the pupil has
32 reached the age or completed the grade after which school attendance is not

1 required as prescribed in section 15-802. A school district may expel
2 pupils for actions other than those listed in this subsection as the school
3 district deems appropriate.

4 C. A school district may refuse to admit any pupil who has been
5 expelled from another educational institution or who is in the process of
6 being expelled from another educational institution.

7 D. A school district, ~~may~~ annually or ~~upon~~ ON the request of any
8 pupil or the parent or guardian, MAY review the reasons for THE PUPIL'S
9 expulsion and consider readmission.

10 E. A SCHOOL DISTRICT OR CHARTER SCHOOL MAY REFUSE TO ADMIT A PUPIL
11 IF THE PUPIL IS UNDER SUSPENSION OR IS IN THE PROCESS OF BEING SUSPENDED
12 FROM ANOTHER EDUCATIONAL INSTITUTION. IF A SCHOOL DISTRICT OR CHARTER
13 SCHOOL CHOOSES TO ADMIT A PUPIL THAT IS UNDER SUSPENSION OR IS IN THE
14 PROCESS OF BEING SUSPENDED FROM ANOTHER EDUCATIONAL INSTRUCTION, THE PUPIL
15 MAY BE ASSIGNED TO AN ALTERNATIVE TO SUSPENSION PROGRAM AS PRESCRIBED IN
16 SUBSECTION J OF THIS SECTION. IF THE PUPIL HAS COMPLETED THE SUSPENSION
17 TIME, THE PUPIL SHALL BE ADMITTED TO THE SCHOOL DISTRICT OR CHARTER SCHOOL
18 PURSUANT TO TITLE 15, CHAPTER 8, ARTICLE 1.1.

19 ~~F.~~ F. As an alternative to suspension or expulsion, the school
20 district may reassign any pupil to an alternative education program if the
21 pupil does not meet the requirements for participation in the alternative
22 to suspension program prescribed in subsection ~~H~~ J of this section and if
23 good cause exists for expulsion or for a long-term suspension.

24 ~~F.~~ G. A school district may ~~also~~ reassign a pupil to an alternative
25 ~~educational~~ EDUCATION program if the pupil refuses to comply with rules,
26 refuses to pursue the required course of study or refuses to submit to the
27 authority of teachers, administrators or the governing board.

28 ~~G.~~ H. A school district or charter school shall expel from school
29 for a period of not less than one year a pupil who is determined to have
30 brought a firearm to a school within the jurisdiction of the school
31 district or the charter school, except that the school district or charter
32 school may modify this expulsion requirement for a pupil on a ~~case by case~~

1 CASE-BY-CASE basis. This subsection shall be construed consistently with
2 the requirements of the individuals with disabilities education act (20
3 United States Code sections 1400 through 1420). For the purposes of this
4 subsection:

5 1. "Expel" may include removing a pupil from a regular school
6 setting and providing educational services in an alternative setting.

7 2. "Firearm" means a firearm as defined in 18 United States Code
8 section 921.

9 ~~#: I.~~ I. A school district or charter school shall expel from school
10 for at least one year a pupil who is determined to have threatened an
11 educational institution ~~as defined in section 13-2911~~, except that the
12 school district or charter school may modify this expulsion requirement for
13 a pupil on a ~~case by case~~ CASE-BY-CASE basis if the pupil participates in
14 mediation, community service, restitution or other programs in which the
15 pupil takes responsibility for the results of the threat. This subsection
16 shall be construed consistently with the requirements of the individuals
17 with disabilities education act (20 United States Code sections 1400
18 through 1420). A school district may reassign a pupil who is subject to
19 expulsion pursuant to this subsection to an alternative education program
20 pursuant to subsection ~~E~~ F of this section if the pupil participates in
21 mediation, community service, restitution or other programs in which the
22 pupil takes responsibility for the threat. A school district or charter
23 school may require the pupil's parent or guardian to participate in
24 mediation, community service, restitution or other programs in which the
25 parent or guardian takes responsibility with the pupil for the threat. For
26 the purposes of this subsection, "threatened an educational institution"
27 means to interfere with or disrupt an educational institution AS DEFINED IN
28 SECTION 13-2911 by doing any of the following:

29 1. For the purpose of causing, or in reckless disregard of causing,
30 ~~interference~~ INTERFERING with or ~~disruption of~~ DISRUPTING an educational
31 institution, threatening to cause physical injury to any employee of an
32 educational institution or any person attending an educational institution.

1 2. For the purpose of causing, or in reckless disregard of causing,
2 ~~interference~~ INTERFERING with or ~~disruption of~~ DISRUPTING an educational
3 institution, threatening to cause damage to any educational institution,
4 the property of any educational institution, the property of any employee
5 of ~~an~~ THE educational institution or the property of any person attending
6 ~~an~~ THE educational institution.

7 3. Going on or remaining on the property of any educational
8 institution for the purpose of interfering with or disrupting the lawful
9 use of the property or in any manner as to deny or interfere with the
10 lawful use of the property by others.

11 4. Refusing to obey a lawful order to leave the property of an
12 educational institution.

13 ~~I. J. By January 1, 2001,~~ Each school district AND CHARTER SCHOOL
14 shall establish an alternative to suspension program in consultation with
15 local law enforcement officials or school resource officers. The school
16 district governing board OR THE CHARTER SCHOOL GOVERNING BODY shall adopt
17 policies to determine the requirements for participation in the alternative
18 to suspension program. Pupils who would otherwise be subject to suspension
19 pursuant to this article and who meet the school district's OR CHARTER
20 SCHOOL'S requirements for participation in the alternative to suspension
21 program shall be transferred to a location on school premises that is
22 isolated from other pupils or transferred to a location that is not on
23 school premises. The alternative to suspension program shall be discipline
24 intensive and require academic work, and may require community service,
25 groundskeeping and litter control, parent supervision, and evaluation or
26 other appropriate activities. ~~The~~ Community service, groundskeeping and
27 litter control, ~~and~~ and other appropriate activities may be performed on
28 school grounds or at any other designated area.

29 ~~J. K.~~ K. Each school shall establish a placement review committee to
30 determine the placement of a pupil if a teacher refuses to readmit the
31 pupil to the teacher's class and to make recommendations to the governing
32 board regarding the readmission of expelled pupils. The process for

1 determining the placement of a pupil in a new class or replacement in the
2 existing class shall not exceed three business days from the date the pupil
3 was first removed from the existing class. The principal shall not return
4 a pupil to the classroom from which the pupil was removed without the
5 teacher's consent unless the committee determines that the return of the
6 pupil to that classroom is the best or only practicable alternative. The
7 committee shall be composed of two teachers who are employed at the school
8 and who are selected by the faculty members of the school and one
9 administrator who is employed by the school and who is selected by the
10 principal. The faculty members of the school shall select a third teacher
11 to serve as an alternate member of the committee. If the teacher who
12 refuses to readmit the pupil is a member of the committee, that teacher
13 shall be excused from participating in the determination of the pupil's
14 readmission and the alternate teacher member shall replace that teacher on
15 the committee until the conclusion of all matters relating to that pupil's
16 readmission."

17 Amend title to conform

And, as so amended, it do pass

JOHN M. ALLEN
CHAIRMAN

1149JUDICIARY
03/27/2019
12:12 PM
H: ra