

REFERENCE TITLE: schools; suspended pupils; admission

State of Arizona
House of Representatives
Forty-ninth Legislature
First Regular Session
2009

HB 2415

Introduced by
Representatives Young Wright: Crandall, Fleming, Williams, Senator Melvin

AN ACT

AMENDING SECTION 15-841, ARIZONA REVISED STATUTES; RELATING TO SUSPENSION AND
EXPULSION OF PUPILS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Section 15-841, Arizona Revised Statutes, is amended to
3 read:
4 15-841. Responsibilities of pupils; expulsion; alternative
5 education programs; community service; placement
6 review committee
7 A. Pupils shall comply with the rules, pursue the required course of
8 study and submit to the authority of the teachers, the administrators and the
9 governing board. A teacher may send a pupil to the principal's office in
10 order to maintain effective discipline in the classroom. If a pupil is sent
11 to the principal's office pursuant to this subsection, the principal shall
12 employ appropriate discipline management techniques that are consistent with
13 rules adopted by the school district governing board. A teacher may remove a
14 pupil from the classroom if either of the following conditions exists:
15 1. The teacher has documented that the pupil has repeatedly interfered
16 with the teacher's ability to communicate effectively with the other pupils
17 in the classroom or with the ability of the other pupils to learn.
18 2. The teacher has determined that the pupil's behavior is so unruly,
19 disruptive or abusive that it seriously interferes with the teacher's ability
20 to communicate effectively with the other pupils in the classroom or with the
21 ability of the other pupils to learn.
22 B. A pupil may be expelled for continued open defiance of authority,
23 continued disruptive or disorderly behavior, violent behavior that includes
24 use or display of a dangerous instrument or a deadly weapon as defined in
25 section 13-105, use or possession of a gun, or excessive absenteeism. A
26 pupil may be expelled for excessive absenteeism only if the pupil has reached
27 the age or completed the grade after which school attendance is not required
28 as prescribed in section 15-802. A school district may expel pupils for
29 actions other than those listed in this subsection as the school district
30 deems appropriate.
31 C. A school district may refuse to admit any pupil who has been
32 **SUSPENDED OR** expelled from another educational institution or who is in the
33 process of being **SUSPENDED OR** expelled from another educational institution.
34 D. A school district, ~~may~~ annually or ~~upon~~ **ON** the request of any pupil
35 or the parent or guardian **MAY** review the reasons for expulsion and consider
36 readmission.
37 E. As an alternative to suspension or expulsion, the school district
38 may reassign any pupil to an alternative education program if the pupil does
39 not meet the requirements for participation in the alternative to suspension
40 program prescribed in subsection H of this section and if good cause exists
41 for expulsion or for a long-term suspension.
42 F. A school district may also reassign a pupil to an alternative
43 educational program if the pupil refuses to comply with rules, refuses to
44 pursue the required course of study or refuses to submit to the authority of
45 teachers, administrators or the governing board.

1 G. A school district or charter school shall expel from school for a
2 period of not less than one year a pupil who is determined to have brought a
3 firearm to a school within the jurisdiction of the school district or the
4 charter school, except that the school district or charter school may modify
5 this expulsion requirement for a pupil on a case by case basis. This
6 subsection shall be construed consistently with the requirements of the
7 individuals with disabilities education act (20 United States Code sections
8 1400 through 1420). For the purposes of this subsection:

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

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

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

32 1. For the purpose of causing, or in reckless disregard of causing,
33 interference with or disruption of an educational institution, threatening to
34 cause physical injury to any employee of an educational institution or any
35 person attending an educational institution.

36 2. For the purpose of causing, or in reckless disregard of causing,
37 interference with or disruption of an educational institution, threatening to
38 cause damage to any educational institution, the property of any educational
39 institution, the property of any employee of an educational institution or
40 the property of any person attending an educational institution.

41 3. Going on or remaining on the property of any educational
42 institution for the purpose of interfering with or disrupting the lawful use
43 of the property or in any manner as to deny or interfere with the lawful use
44 of the property by others.

1 4. Refusing to obey a lawful order to leave the property of an
2 educational institution.

3 I. ~~By January 1, 2001,~~ Each school district shall establish an
4 alternative to suspension program in consultation with local law enforcement
5 officials or school resource officers. The school district governing board
6 shall adopt policies to determine the requirements for participation in the
7 alternative to suspension program. Pupils who would otherwise be subject to
8 suspension pursuant to this article and who meet the school district's
9 requirements for participation in the alternative to suspension program shall
10 be transferred to a location on school premises that is isolated from other
11 pupils or transferred to a location that is not on school premises. The
12 alternative to suspension program shall be discipline intensive and require
13 academic work, and may require community service, groundskeeping and litter
14 control, parent supervision, and evaluation or other appropriate
15 activities. The community service, groundskeeping and litter control, and
16 other appropriate activities may be performed on school grounds or at any
17 other designated area.

18 J. Each school shall establish a placement review committee to
19 determine the placement of a pupil if a teacher refuses to readmit the pupil
20 to the teacher's class and to make recommendations to the governing board
21 regarding the readmission of expelled pupils. The process for determining
22 the placement of a pupil in a new class or replacement in the existing class
23 shall not exceed three business days from the date the pupil was first
24 removed from the existing class. The principal shall not return a pupil to
25 the classroom from which the pupil was removed without the teacher's consent
26 unless the committee determines that the return of the pupil to that
27 classroom is the best or only practicable alternative. The committee shall
28 be composed of two teachers who are employed at the school and who are
29 selected by the faculty members of the school and one administrator who is
30 employed by the school and who is selected by the principal. The faculty
31 members of the school shall select a third teacher to serve as an alternate
32 member of the committee. If the teacher who refuses to readmit the pupil is
33 a member of the committee, that teacher shall be excused from participating
34 in the determination of the pupil's readmission and the alternate teacher
35 member shall replace that teacher on the committee until the conclusion of
36 all matters relating to that pupil's readmission.