

REFERENCE TITLE: school districts; registered nurses

State of Arizona  
House of Representatives  
Forty-eighth Legislature  
First Regular Session  
2007

## HB 2591

Introduced by  
Representatives Lujan, Ableser, Gallardo, Hershberger, Kirkpatrick,  
Pancrazi, Saradnik, Schapira, Sinema, Thrasher, Senator McCune Davis:  
Representatives Anderson, Burns J, Campbell CH, Lopes, Meza, Prezelski,  
Reagan, Ulmer

AN ACT

AMENDING TITLE 15, CHAPTER 2, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTIONS 15-245 AND 15-246; AMENDING SECTION 15-341, ARIZONA REVISED STATUTES; AMENDING TITLE 41, CHAPTER 27, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTION 41-3017.01; MAKING AN APPROPRIATION; RELATING TO SCHOOL NURSES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 15, chapter 2, article 2, Arizona Revised Statutes,  
3 is amended by adding sections 15-245 and 15-246, to read:

4 15-245. School nursing program oversight committee; membership;  
5 duties; definition

6 A. THE SCHOOL NURSING PROGRAM OVERSIGHT COMMITTEE IS ESTABLISHED  
7 CONSISTING OF THE FOLLOWING MEMBERS:

8 1. TWO MEMBERS OF THE SENATE WHO ARE FROM DIFFERENT POLITICAL PARTIES  
9 AND WHO ARE APPOINTED BY THE PRESIDENT OF THE SENATE. THESE MEMBERS SERVE AS  
10 ADVISORY MEMBERS. THE PRESIDENT OF THE SENATE SHALL SELECT ONE MEMBER TO  
11 SERVE AS COCHAIRPERSON OF THE COMMITTEE.

12 2. TWO MEMBERS OF THE HOUSE OF REPRESENTATIVES WHO ARE FROM DIFFERENT  
13 POLITICAL PARTIES AND WHO ARE APPOINTED BY THE SPEAKER OF THE HOUSE OF  
14 REPRESENTATIVES. THESE MEMBERS SERVE AS ADVISORY MEMBERS. THE SPEAKER OF  
15 THE HOUSE OF REPRESENTATIVES SHALL SELECT ONE MEMBER TO SERVE AS  
16 COCHAIRPERSON OF THE COMMITTEE.

17 3. THE GOVERNOR OR THE GOVERNOR'S DESIGNEE.

18 4. THE SUPERINTENDENT OF PUBLIC INSTRUCTION OR THE SUPERINTENDENT'S  
19 DESIGNEE.

20 5. A REGISTERED NURSE AS DEFINED IN SECTION 32-1601 WHO PRACTICES AS A  
21 SCHOOL NURSE AND WHO IS APPOINTED BY THE SPEAKER OF THE HOUSE OF  
22 REPRESENTATIVES.

23 6. A REGISTERED NURSE AS DEFINED IN SECTION 32-1601 WHO PRACTICES AS A  
24 SCHOOL NURSE AND WHO IS APPOINTED BY THE PRESIDENT OF THE SENATE.

25 7. A PUBLIC SCHOOL PRINCIPAL WHO IS APPOINTED BY THE SUPERINTENDENT OF  
26 PUBLIC INSTRUCTION.

27 8. A LICENSED PHYSICIAN AS DEFINED IN SECTION 36-501 WHO PRACTICES  
28 PEDIATRICS AND WHO IS APPOINTED BY THE GOVERNOR.

29 B. MEMBERS SERVE AT THE PLEASURE OF THE APPOINTING AUTHORITY.

30 C. THE COMMITTEE SHALL REVIEW PLANS SUBMITTED BY APPLICANTS FOR  
31 PARTICIPATION IN THE SCHOOL NURSING PROGRAM ESTABLISHED BY SECTION 15-246 AND  
32 SHALL SELECT SITES THAT ARE ELIGIBLE TO RECEIVE MONIES BASED ON SCHOOL  
33 NURSING NEEDS. THE COMMITTEE SHALL ALSO REVIEW RENEWAL APPLICATIONS FROM  
34 PARTICIPATING SITES.

35 D. THE COMMITTEE SHALL EVALUATE THE PROGRAM AND REPORT ANNUALLY TO THE  
36 PRESIDENT OF THE SENATE, THE SPEAKER OF THE HOUSE OF REPRESENTATIVES, THE  
37 GOVERNOR AND THE JOINT LEGISLATIVE AUDIT COMMITTEE ON OR BEFORE NOVEMBER 1.

38 E. FOR THE PURPOSES OF THIS SECTION, "ADVISORY MEMBER" MEANS A MEMBER  
39 WHO ADVISES THE COMMITTEE BUT WHO IS NOT ELIGIBLE TO VOTE AND IS NOT A MEMBER  
40 FOR THE PURPOSES OF DETERMINING A QUORUM.

41 15-246. School nursing program; proposals; requirements

42 A. THE SCHOOL NURSING PROGRAM IS ESTABLISHED TO PROVIDE FINANCIAL  
43 ASSISTANCES TO SCHOOL DISTRICTS FOR COMPLIANCE WITH SECTION 15-341,  
44 SUBSECTION A, PARAGRAPH 41.

1 B. A SCHOOL DISTRICT THAT HAS A STUDENT COUNT OF SEVEN HUNDRED FIFTY  
2 PUPILS OR MORE AND THAT DOES NOT HAVE AT LEAST ONE REGISTERED NURSE AS  
3 DEFINED IN SECTION 32-1601 AT EVERY SCHOOL SITE, OR A SCHOOL DISTRICT THAT  
4 HAS A STUDENT COUNT OF LESS THAN SEVEN HUNDRED FIFTY PUPILS AND THAT DOES NOT  
5 HAVE AT LEAST ONE REGISTERED NURSE TO SERVE ON A ROTATIONAL BASIS BETWEEN  
6 INDIVIDUAL SCHOOL SITES, MAY APPLY TO PARTICIPATE OR MAY COMPLETE AN  
7 APPLICATION TO CONTINUE IN THE SCHOOL NURSING PROGRAM AS PROVIDED IN THIS  
8 SECTION FOR ANY FISCAL YEAR BY SUBMITTING TO THE SCHOOL NURSING PROGRAM  
9 OVERSIGHT COMMITTEE ON OR BEFORE APRIL 15 A PROGRAM PROPOSAL OR AN  
10 APPLICATION TO CONTINUE THE PROGRAM. THE PROGRAM PROPOSAL SHALL CONTAIN:

11 1. A DETAILED DESCRIPTION OF THE SCHOOL NURSING AND HEALTH CARE NEEDS  
12 OF THE PUBLIC SCHOOL OR SCHOOL DISTRICT.

13 2. A PLAN FOR IMPLEMENTING A NURSING PROGRAM AT EACH SCHOOL SITE.

14 3. A PLAN TO USE REGISTERED NURSES AS DEFINED IN SECTION 32-1601 IN  
15 THE SCHOOLS, INCLUDING A PLAN TO PLACE ONE REGISTERED NURSE AT EVERY SCHOOL  
16 SITE IN THE DISTRICT. THE SCHOOL NURSING PROGRAM OVERSIGHT COMMISSION MAY  
17 APPROVE PLANS THAT PROVIDE FOR ONE REGISTERED NURSE TO SERVE ON A ROTATIONAL  
18 BASIS BETWEEN THE INDIVIDUAL SCHOOL SITES IN A DISTRICT FOR DISTRICTS THAT  
19 HAVE A STUDENT COUNT OF LESS THAN SEVEN HUNDRED FIFTY PUPILS.

20 C. THE STATE BOARD OF EDUCATION SHALL ADMINISTER THE PROGRAM.  
21 REPRESENTATIVES FROM THE STATE BOARD OF EDUCATION SHALL VISIT SCHOOLS LOCATED  
22 IN SCHOOL DISTRICTS THAT SUBMIT PROGRAM PROPOSALS IN ORDER TO VERIFY THE  
23 INFORMATION CONTAINED IN THE PROGRAM PROPOSALS.

24 D. AT THE DIRECTION OF THE STATE BOARD OF EDUCATION, THE DEPARTMENT OF  
25 EDUCATION SHALL DISTRIBUTE MONIES TO THE SCHOOL DISTRICTS WHOSE PLANS HAVE  
26 BEEN APPROVED BY THE SCHOOL NURSING PROGRAM OVERSIGHT COMMITTEE.

27 E. A SCHOOL DISTRICT SHALL NOT PARTICIPATE IN THE SCHOOL NURSING  
28 PROGRAM PURSUANT TO THIS SECTION FOR MORE THAN THREE CONSECUTIVE SCHOOL  
29 YEARS. NEW APPLICANTS ARE RESTRICTED TO UNENCUMBERED MONIES THAT HAVE BEEN  
30 APPROPRIATED IN PREVIOUS FISCAL YEARS OR MONIES APPROPRIATED TO EXPAND THE  
31 PROGRAM.

32 F. ANY APPROPRIATIONS THAT ARE MADE TO THE DEPARTMENT OF EDUCATION FOR  
33 THE SCHOOL NURSING PROGRAM ARE EXEMPT FROM THE PROVISIONS OF SECTION 35-190  
34 RELATING TO THE LAPSING OF APPROPRIATIONS. ALL MONIES THAT ARE NOT USED FOR  
35 AN APPROVED SCHOOL NURSING PLAN DURING THE FISCAL YEAR FOR WHICH THE MONIES  
36 WERE APPROPRIATED REVERT TO THE DEPARTMENT OF EDUCATION FOR DISTRIBUTION TO  
37 THE PROGRAM IN THE FOLLOWING FISCAL YEAR.

38 G. MONIES RECEIVED BY A SCHOOL DISTRICT UNDER THE PROGRAM SHALL BE  
39 SPENT TO IMPLEMENT THE APPROVED PLANS.

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

41 15-341. General powers and duties; immunity; delegation

42 A. The governing board shall:

43 1. Prescribe and enforce policies and procedures for the governance of  
44 the schools, not inconsistent with law or rules prescribed by the state board  
45 of education.

- 1           2. Maintain the schools established by it for the attendance of each  
2 pupil for a period of not less than one hundred seventy-five school days or  
3 two hundred school days, as applicable, or its equivalent as approved by the  
4 superintendent of public instruction for a school district operating on a  
5 year-round operation basis, to offer an educational program on the basis of a  
6 four day school week or to offer an alternative kindergarten program on the  
7 basis of a three day school week, in each school year, and if the funds of  
8 the district are sufficient, for a longer period, and as far as practicable  
9 with equal rights and privileges.
- 10           3. Exclude from schools all books, publications, papers or audiovisual  
11 materials of a sectarian, partisan or denominational character.
- 12           4. Manage and control the school property within its district.
- 13           5. Acquire school furniture, apparatus, equipment, library books and  
14 supplies for the use of the schools.
- 15           6. Prescribe the curricula and criteria for the promotion and  
16 graduation of pupils as provided in sections 15-701 and 15-701.01.
- 17           7. Furnish, repair and insure, at full insurable value, the school  
18 property of the district.
- 19           8. Construct school buildings on approval by a vote of the district  
20 electors.
- 21           9. Make in the name of the district conveyances of property belonging  
22 to the district and sold by the board.
- 23           10. Purchase school sites when authorized by a vote of the district at  
24 an election conducted as nearly as practicable in the same manner as the  
25 election provided in section 15-481 and held on a date prescribed in section  
26 15-491, subsection E, but such authorization shall not necessarily specify  
27 the site to be purchased and such authorization shall not be necessary to  
28 exchange unimproved property as provided in section 15-342, paragraph 23.
- 29           11. Construct, improve and furnish buildings used for school purposes  
30 when such buildings or premises are leased from the national park service.
- 31           12. Purchase school sites or construct, improve and furnish school  
32 buildings from the proceeds of the sale of school property only on approval  
33 by a vote of the district electors.
- 34           13. Hold pupils to strict account for disorderly conduct on school  
35 property.
- 36           14. Discipline students for disorderly conduct on the way to and from  
37 school.
- 38           15. Except as provided in section 15-1224, deposit all monies received  
39 by the district as gifts, grants and devises with the county treasurer who  
40 shall credit the deposits as designated in the uniform system of financial  
41 records. If not inconsistent with the terms of the gifts, grants and devises  
42 given, any balance remaining after expenditures for the intended purpose of  
43 the monies have been made shall be used for reduction of school district  
44 taxes for the budget year, except that in the case of accommodation schools

1 the county treasurer shall carry the balance forward for use by the county  
2 school superintendent for accommodation schools for the budget year.

3 16. Provide that, if a parent or legal guardian chooses not to accept a  
4 decision of the teacher as provided in section 15-521, paragraph 3, the  
5 parent or legal guardian may request in writing that the governing board  
6 review the teacher's decision. Nothing in this paragraph shall be construed  
7 to release school districts from any liability relating to a child's  
8 promotion or retention.

9 17. Provide for adequate supervision over pupils in instructional and  
10 noninstructional activities by certificated or noncertificated personnel.

11 18. Use school monies received from the state and county school  
12 apportionment exclusively for payment of salaries of teachers and other  
13 employees and contingent expenses of the district.

14 19. Make an annual report to the county school superintendent on or  
15 before October 1 each year in the manner and form and on the blanks  
16 prescribed by the superintendent of public instruction or county school  
17 superintendent. The board shall also make reports directly to the county  
18 school superintendent or the superintendent of public instruction whenever  
19 required.

20 20. Deposit all monies received by school districts other than student  
21 activities monies or monies from auxiliary operations as provided in sections  
22 15-1125 and 15-1126 with the county treasurer to the credit of the school  
23 district except as provided in paragraph 21 of this subsection and sections  
24 15-1223 and 15-1224, and the board shall expend the monies as provided by law  
25 for other school funds.

26 21. Establish a bank account in which the board during a month may  
27 deposit miscellaneous monies received directly by the district. The board  
28 shall remit monies deposited in the bank account at least monthly to the  
29 county treasurer for deposit as provided in paragraph 20 of this subsection  
30 and in accordance with the uniform system of financial records.

31 22. Employ an attorney admitted to practice in this state whose  
32 principal practice is in the area of commercial real estate, or a real estate  
33 broker who is licensed by this state and who is employed by a reputable  
34 commercial real estate company, to negotiate a lease of five or more years  
35 for the school district if the governing board decides to enter into a lease  
36 of five or more years as lessor of school buildings or grounds as provided in  
37 section 15-342, paragraph 7 or 10. Any lease of five or more years  
38 negotiated pursuant to this paragraph shall provide that the lessee is  
39 responsible for payment of property taxes pursuant to the requirements of  
40 section 42-11104.

41 23. Prescribe and enforce policies and procedures for disciplinary  
42 action against a teacher who engages in conduct that is a violation of the  
43 policies of the governing board but that is not cause for dismissal of the  
44 teacher or for revocation of the certificate of the teacher. Disciplinary  
45 action may include suspension without pay for a period of time not to exceed

1 ten school days. Disciplinary action shall not include suspension with pay  
2 or suspension without pay for a period of time longer than ten school  
3 days. The procedures shall include notice, hearing and appeal provisions for  
4 violations that are cause for disciplinary action. The governing board may  
5 designate a person or persons to act on behalf of the board on these matters.

6 24. Prescribe and enforce policies and procedures for disciplinary  
7 action against an administrator who engages in conduct that is a violation of  
8 the policies of the governing board regarding duties of administrators but  
9 that is not cause for dismissal of the administrator or for revocation of the  
10 certificate of the administrator. Disciplinary action may include suspension  
11 without pay for a period of time not to exceed ten school days. Disciplinary  
12 action shall not include suspension with pay or suspension without pay for a  
13 period of time longer than ten school days. The procedures shall include  
14 notice, hearing and appeal provisions for violations that are cause for  
15 disciplinary action. The governing board may designate a person or persons  
16 to act on behalf of the board on these matters. For violations that are  
17 cause for dismissal, the provisions of notice, hearing and appeal in chapter  
18 5, article 3 of this title shall apply. The filing of a timely request for a  
19 hearing suspends the imposition of a suspension without pay or a dismissal  
20 pending completion of the hearing.

21 25. Notwithstanding section 13-3108, prescribe and enforce policies and  
22 procedures that prohibit a person from carrying or possessing a weapon on  
23 school grounds unless the person is a peace officer or has obtained specific  
24 authorization from the school administrator.

25 26. Prescribe and enforce policies and procedures relating to the  
26 health and safety of all pupils participating in district sponsored practice  
27 sessions, games or other interscholastic athletic activities, including the  
28 provision of water.

29 27. Prescribe and enforce policies and procedures regarding the smoking  
30 of tobacco within school buildings. The policies and procedures shall be  
31 adopted in consultation with school district personnel and members of the  
32 community and shall state whether smoking is prohibited in school  
33 buildings. If smoking in school buildings is not prohibited, the policies  
34 and procedures shall clearly state the conditions and circumstances under  
35 which smoking is permitted, those areas in a school building that may be  
36 designated as smoking areas and those areas in a school building that may not  
37 be designated as smoking areas.

38 28. Establish an assessment, data gathering and reporting system as  
39 prescribed in chapter 7, article 3 of this title.

40 29. Provide special education programs and related services pursuant to  
41 section 15-764, subsection A to all children with disabilities as defined in  
42 section 15-761.

1           30. Administer competency tests prescribed by the state board of  
2 education for the graduation of pupils from high school.

3           31. Secure insurance coverage for all construction projects for  
4 purposes of general liability, property damage and workers' compensation and  
5 secure performance and payment bonds for all construction projects.

6           32. Keep on file the resumes of all current and former employees who  
7 provide instruction to pupils at a school. Resumes shall include an  
8 individual's educational and teaching background and experience in a  
9 particular academic content subject area. A school district shall inform  
10 parents and guardians of the availability of the resume information and shall  
11 make the resume information available for inspection on request of parents  
12 and guardians of pupils enrolled at a school. Nothing in this paragraph  
13 shall be construed to require any school to release personally identifiable  
14 information in relation to any teacher or employee including the teacher's or  
15 employee's address, salary, social security number or telephone number.

16           33. Report to local law enforcement agencies any suspected crime  
17 against a person or property that is a serious offense as defined in section  
18 13-604 or that involves a deadly weapon or dangerous instrument or serious  
19 physical injury and any conduct that poses a threat of death or serious  
20 physical injury to employees, students or anyone on the property of the  
21 school. This paragraph does not limit or preclude the reporting by a school  
22 district or an employee of a school district of suspected crimes other than  
23 those required to be reported by this paragraph. For the purposes of this  
24 paragraph, "dangerous instrument", "deadly weapon" and "serious physical  
25 injury" have the same meaning prescribed in section 13-105.

26           34. In conjunction with local law enforcement agencies and local  
27 medical facilities, develop an emergency response plan for each school in the  
28 school district in accordance with minimum standards developed jointly by the  
29 department of education and the division of emergency management within the  
30 department of emergency and military affairs.

31           35. Annually assign at least one school district employee to  
32 participate in a multihazard crisis training program developed or selected by  
33 the governing board.

34           36. Provide written notice to the parents or guardians of all students  
35 affected in the school district at least thirty days prior to a public  
36 meeting to discuss closing a school within the school district. The notice  
37 shall include the reasons for the proposed closure and the time and place of  
38 the meeting. The governing board shall fix a time for a public meeting on  
39 the proposed closure no less than thirty days before voting in a public  
40 meeting to close the school. The school district governing board shall give  
41 notice of the time and place of the meeting. At the time and place  
42 designated in the notice, the school district governing board shall hear  
43 reasons for or against closing the school. The school district governing  
44 board is exempt from this paragraph if it is determined by the governing

1 board that the school shall be closed because it poses a danger to the health  
2 or safety of the pupils or employees of the school.

3 37. Incorporate instruction on Native American history into appropriate  
4 existing curricula.

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

22 39. Allow the possession and self-administration of prescription  
23 medication for breathing disorders in handheld inhaler devices, by pupils who  
24 have been prescribed that medication by a health care professional licensed  
25 pursuant to title 32. The pupil's name on the prescription label on the  
26 medication container or on the handheld inhaler device and annual written  
27 documentation from the pupil's parent or guardian to the school that  
28 authorizes possession and self-administration shall be sufficient proof that  
29 the pupil is entitled to the possession and self-administration of the  
30 medication. A school district and its employees are immune from civil  
31 liability with respect to all decisions made and actions taken that are based  
32 on a good faith implementation of the requirements of this paragraph.

33 40. Prescribe and enforce policies and procedures to prohibit pupils  
34 from harassing, intimidating and bullying other pupils on school grounds, on  
35 school property, on school buses, at school bus stops and at school sponsored  
36 events and activities that include the following components:

37 (a) A procedure for pupils to confidentially report to school  
38 officials incidents of harassment, intimidation or bullying.

39 (b) A procedure for parents and guardians of pupils to submit written  
40 reports to school officials of suspected incidents of harassment,  
41 intimidation or bullying.

42 (c) A requirement that school district employees report suspected  
43 incidents of harassment, intimidation or bullying to the appropriate school  
44 official.



1 (d) A formal process for the documentation of reported incidents of  
2 harassment, intimidation or bullying, except that no documentation shall be  
3 maintained unless the harassment, intimidation or bullying has been proven.

4 (e) A formal process for the investigation by the appropriate school  
5 officials of suspected incidents of harassment, intimidation or bullying.

6 (f) Disciplinary procedures for pupils who have admitted or been found  
7 to have committed incidents of harassment, intimidation or bullying.

8 (g) A procedure that sets forth consequences for submitting false  
9 reports of incidents of harassment, intimidation or bullying.

10 41. BEGINNING IN THE 2012-2013 SCHOOL YEAR, EMPLOY ONE OR MORE  
11 REGISTERED NURSES AS DEFINED IN SECTION 32-1601 TO BE ASSIGNED AS FOLLOWS:

12 (a) FOR A SCHOOL DISTRICT THAT HAS A STUDENT COUNT OF SEVEN HUNDRED  
13 FIFTY PUPILS OR MORE, THE GOVERNING BOARD SHALL ASSIGN AT LEAST ONE  
14 REGISTERED NURSE ON A FULL-TIME BASIS TO EACH INDIVIDUAL SCHOOL SITE LOCATED  
15 IN THE SCHOOL DISTRICT.

16 (b) FOR A SCHOOL DISTRICT THAT HAS A STUDENT COUNT OF LESS THAN SEVEN  
17 HUNDRED FIFTY PUPILS, THE GOVERNING BOARD SHALL ASSIGN AT LEAST ONE  
18 REGISTERED NURSE TO SERVE ON A ROTATIONAL BASIS BETWEEN THE INDIVIDUAL SCHOOL  
19 SITES LOCATED IN THE SCHOOL DISTRICT.

20 THE DEPARTMENT OF EDUCATION SHALL POST ON ITS WEBSITE A LIST OF SCHOOL  
21 DISTRICTS THAT ARE IN COMPLIANCE WITH THIS PARAGRAPH.

22 B. Notwithstanding subsection A, paragraphs 8, 10 and 12 of this  
23 section, the county school superintendent may construct, improve and furnish  
24 school buildings or purchase or sell school sites in the conduct of an  
25 accommodation school.

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

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

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

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

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

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

11 G. Notwithstanding any other provision of this title, a school  
12 district governing board shall not take any action that would result in an  
13 immediate reduction or a reduction within three years of pupil square footage  
14 that would cause the school district to fall below the minimum adequate gross  
15 square footage requirements prescribed in section 15-2011, subsection C,  
16 unless the governing board notifies the school facilities board established  
17 by section 15-2001 of the proposed action and receives written approval from  
18 the school facilities board to take the action. A reduction includes an  
19 increase in administrative space that results in a reduction of pupil square  
20 footage or sale of school sites or buildings, or both. A reduction includes  
21 a reconfiguration of grades that results in a reduction of pupil square  
22 footage of any grade level. This subsection does not apply to temporary  
23 reconfiguration of grades to accommodate new school construction if the  
24 temporary reconfiguration does not exceed one year. The sale of equipment  
25 that results in an immediate reduction or a reduction within three years that  
26 falls below the equipment requirements prescribed in section 15-2011,  
27 subsection B is subject to commensurate withholding of school district  
28 capital outlay revenue limit monies pursuant to the direction of the school  
29 facilities board. Except as provided in section 15-342, paragraph 10,  
30 proceeds from the sale of school sites, buildings or other equipment shall be  
31 deposited in the school plant fund as provided in section 15-1102.

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

35 I. Until the state board of education and the auditor general adopt  
36 rules pursuant to section 15-213, subsection ~~J~~ I, a school district may  
37 procure construction services, including services for new school construction  
38 pursuant to section 15-2041, by the construction-manager-at-risk,  
39 design-build and job-order-contracting methods of project delivery as  
40 provided in title 41, chapter 23, except that the rules adopted by the  
41 director of the department of administration do not apply to procurements  
42 pursuant to this subsection. Any procurement commenced pursuant to this  
43 subsection may be completed pursuant to this subsection.

