

REFERENCE TITLE: county school superintendents; powers; duties

State of Arizona
House of Representatives
Fiftieth Legislature
Second Regular Session
2012

HB 2012

Introduced by
Representative Fillmore

AN ACT

AMENDING SECTIONS 15-353, 15-502, 15-721, 15-722, 15-726 AND 15-977, ARIZONA REVISED STATUTES; AMENDING TITLE 15, ARIZONA REVISED STATUTES, BY ADDING CHAPTER 9.1; RELATING TO COUNTY SCHOOL SUPERINTENDENTS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 15-353, Arizona Revised Statutes, is amended to
3 read:

4 15-353. Responsibilities of principals

5 A. The principal of every school offering instruction in preschool
6 programs, kindergarten programs or any combination of grades one through
7 twelve is responsible for:

- 8 1. Providing leadership for the school.
- 9 2. Implementing the goals and the strategic plan of the school.
- 10 3. Serving as the administrator of the school.
- 11 4. Distributing a parental satisfaction survey to the parent of every
12 child enrolled at the school. The parental satisfaction survey shall be
13 distributed at least once each year and shall be distributed as part of the
14 regular parent communication correspondence.

15 B. THE PRINCIPAL OF EVERY SCHOOL OFFERING INSTRUCTION IN PRESCHOOL
16 PROGRAMS, KINDERGARTEN PROGRAMS OR ANY COMBINATION OF GRADES ONE THROUGH
17 TWELVE MAY TERMINATE THE EMPLOYMENT OF ANY CLASSROOM TEACHER WHO IS EMPLOYED
18 AT THAT SCHOOL AT ANY TIME, SUBJECT TO REVIEW AND APPROVAL BY THE COUNTY
19 SCHOOL SUPERINTENDENT. A SCHOOL DISTRICT GOVERNING BOARD SHALL NOT ENTER
20 INTO A COLLECTIVE BARGAINING AGREEMENT THAT PROHIBITS A PRINCIPAL FROM
21 TERMINATING THE EMPLOYMENT OF CLASSROOM TEACHERS PURSUANT TO THIS SUBSECTION.
22 THIS SUBSECTION SHALL NOT BE CONSTRUED TO PREVENT OR INTERFERE WITH A SCHOOL
23 DISTRICT GOVERNING BOARD'S INDEPENDENT AUTHORITY TO TERMINATE THE EMPLOYMENT
24 OF CLASSROOM TEACHERS PURSUANT TO CHAPTER 5 OF THIS TITLE.

25 Sec. 2. Section 15-502, Arizona Revised Statutes, is amended to read:

26 15-502. Employment of school district personnel: payment of
27 wages of discharged employee

28 A. The governing board at any time may employ and fix the salaries and
29 benefits of employees necessary for the succeeding year. The contracts of
30 all certificated employees shall be in writing, and all employees shall be
31 employed subject to section 38-481. The governing board may obtain the
32 services of any employee, including teachers, substitute teachers and
33 administrators, by contracting with a private entity that employs personnel
34 required by the school district.

35 B. A teacher shall not be employed if the teacher has not received a
36 certificate for teaching granted by the proper authorities. If a teacher has
37 filed an application and completed all of the requirements for a certificate
38 but time does not allow a teacher to receive a certificate before the
39 commencement of employment, the conditional certificate shall serve as a
40 certificate for the payment of wages, provided that the teacher files the
41 conditional certificate with the county school superintendent and the
42 certificate is issued within three months of the date of commencing
43 employment. In order to be paid wages beyond the three month period
44 prescribed in this subsection, the teacher shall file the certificate with
45 the county school superintendent. Any contract issued to a teacher who has
46 completed certificate requirements but has not received a certificate shall

1 be specifically contingent ~~upon~~ ON receipt of such a certificate. The
2 governing board of a school district that is subject to section 15-914.01
3 shall adhere to the duties described in section 15-302, subsection A,
4 paragraph 9 for purposes of this subsection.

5 C. No dependent, as defined in section 43-1001, of a governing board
6 member may be employed in the school district in which the person to whom
7 such dependent is so related is a governing board member, except by consent
8 of the board.

9 D. The governing board may employ certificated teachers under contract
10 as part-time classroom teachers. Notwithstanding any other statute, a
11 certificated teacher who has been employed by the school district for more
12 than the major portion of three consecutive school years does not lose the
13 entitlement to the procedures prescribed in sections 15-538.01, 15-539
14 through 15-544 and 15-547 if the teacher is employed under contract on a
15 part-time basis for at least forty per cent time. For the purposes of this
16 subsection, "forty per cent time" means employed for at least forty per cent
17 of the school day required of full-time teachers of the same grade level or
18 for at least forty per cent of the class load assigned to full-time teachers
19 of the same grade level, as determined by the governing board.

20 E. The governing board may employ a business manager who has expertise
21 in finance. For the purposes of this subsection, "expertise in finance"
22 means one or more of the following:

23 1. A baccalaureate degree in accounting, finance, school finance or
24 public finance.

25 2. A graduate degree in accounting, finance, school finance or public
26 finance.

27 3. Other finance training or finance experience that the governing
28 board determines is sufficient to qualify the person to administer the
29 business operations of the school district.

30 F. Notwithstanding sections 23-351 and 23-353, if an employee is
31 discharged from the service of a school district, the school district shall
32 pay the wages due to the employee within ten calendar days from the date of
33 discharge.

34 G. Each school district shall establish policies and procedures to
35 provide teachers with personal liability insurance.

36 H. Notwithstanding any other law, a school district shall not adopt
37 policies that provide employment retention priority for teachers based on
38 tenure or seniority.

39 I. THIS ARTICLE SHALL NOT BE CONSTRUED TO PREVENT OR INTERFERE WITH A
40 PRINCIPAL'S INDEPENDENT AUTHORITY TO TERMINATE THE EMPLOYMENT OF CLASSROOM
41 TEACHERS PURSUANT TO SECTION 15-353.

42 Sec. 3. Section 15-721, Arizona Revised Statutes, is amended to read:

43 15-721. Common schools; course of study; textbooks and teaching
44 aids; definition

45 A. BEGINNING IN THE 2012-2013 SCHOOL YEAR, THE COUNTY SCHOOL
46 SUPERINTENDENT SHALL SELECT ONE BASIC TEXTBOOK FOR EACH GRADE LEVEL FOR EACH

1 ACADEMIC SUBJECT OR COURSE THAT IS PROVIDED TO PUPILS WHO ARE ENROLLED IN
2 SCHOOL DISTRICTS WITHIN THAT COUNTY. IF THE BOUNDARIES OF A SCHOOL DISTRICT
3 ARE WITHIN TWO OR MORE COUNTIES, THE COUNTY SCHOOL SUPERINTENDENT OF THE
4 COUNTY WHERE THE MAJORITY OF THAT SCHOOL DISTRICT'S PUPILS ARE ENROLLED SHALL
5 SELECT THE TEXTBOOKS FOR THAT ENTIRE SCHOOL DISTRICT. The governing board
6 shall approve for common schools the course of study, ~~the basic textbook for~~
7 ~~each course~~ and all units recommended for credit under each general subject
8 title prior to implementation of the course.

9 B. If any course does not include a basic textbook, the ~~governing~~
10 ~~board~~ COUNTY SCHOOL SUPERINTENDENT shall approve all supplemental books used
11 in the course ~~prior to approval of the course~~.

12 C. If any course includes a basic textbook and uses supplemental
13 books, the ~~governing board~~ COUNTY SCHOOL SUPERINTENDENT may approve all
14 supplemental books and teaching aids, including instructional computer
15 software, that are used in the course ~~prior to approval of the course~~.

16 D. If the course includes a basic textbook and uses supplemental books
17 that have not been approved by the ~~governing board at the time of approval of~~
18 ~~the course~~ COUNTY SCHOOL SUPERINTENDENT, a teacher may use the supplemental
19 books at any time during the school year. Use of the supplemental books
20 shall be brought to the attention of the ~~governing board~~ COUNTY SCHOOL
21 SUPERINTENDENT during the school year in which they are added for
22 ratification.

23 E. Notwithstanding any other law, subsections B and C OF THIS SECTION
24 do not apply to supplemental books used in courses or programs instituted
25 pursuant to article 4 of this chapter.

26 F. The governing board shall:

27 1. Enforce the course of study ~~and select all textbooks used in the~~
28 ~~common schools~~ and purchase the textbooks SELECTED BY THE COUNTY SCHOOL
29 SUPERINTENDENT from the publishers. District school funds may be budgeted
30 and expended by the governing board for teaching aids, including
31 instructional computer software. For courses that do not require that each
32 student have a textbook other than for classroom instruction, the school
33 district need only purchase one textbook for each student in the largest
34 group that would be receiving classroom instruction at any one time.

35 2. Require that all meetings of committees authorized for the purposes
36 of ~~textbook~~ review and selection OF TEACHING AIDS be open to the public as
37 prescribed in title 38, chapter 3, article 3.1.

38 3. Make available at the school district office for review by the
39 public, for a period of sixty days prior to formal selection of ~~textbooks~~ A
40 TEACHING AID, a copy of each ~~textbook~~ TEACHING AID that is being considered
41 for selection.

42 G. For the purposes of this section, "textbook" means printed
43 instructional materials or digital content, or both, and related printed or
44 nonprinted instructional materials, that are written and published primarily
45 for use in school instruction and that are required by a state educational
46 agency or a local educational agency for use by pupils in the classroom,

1 including materials that require the availability of electronic equipment in
2 order to be used as a learning resource.

3 Sec. 4. Section 15-722, Arizona Revised Statutes, is amended to read:
4 15-722. High schools; course of study; textbooks; definition

5 A. BEGINNING IN THE 2012-2013 SCHOOL YEAR, THE COUNTY SCHOOL
6 SUPERINTENDENT SHALL SELECT ONE BASIC TEXTBOOK FOR EACH GRADE LEVEL FOR EACH
7 ACADEMIC SUBJECT OR COURSE THAT IS PROVIDED TO PUPILS WHO ARE ENROLLED IN
8 SCHOOL DISTRICTS WITHIN THAT COUNTY. IF THE BOUNDARIES OF A SCHOOL DISTRICT
9 ARE WITHIN TWO OR MORE COUNTIES, THE COUNTY SCHOOL SUPERINTENDENT OF THE
10 COUNTY WHERE THE MAJORITY OF THAT SCHOOL DISTRICT'S PUPILS ARE ENROLLED SHALL
11 SELECT THE TEXTBOOKS FOR THAT ENTIRE SCHOOL DISTRICT. The governing board
12 shall approve for high schools the course of study, ~~the basic textbook for~~
13 ~~each course~~ and all units that are recommended for credit under each general
14 subject title prior to implementation of such course.

15 B. If any course does not include a basic textbook, the ~~governing~~
16 ~~board~~ COUNTY SCHOOL SUPERINTENDENT shall approve all supplemental books that
17 are used in such course prior to usage.

18 C. If any course includes a basic textbook and uses supplemental books
19 or instructional computer software, the ~~governing board~~ COUNTY SCHOOL
20 SUPERINTENDENT may approve all supplemental books and instructional computer
21 software that are used in such course prior to usage.

22 D. If the course includes a basic text and uses supplemental books
23 that have not been approved by the ~~governing board at the time of approval of~~
24 ~~the course~~ COUNTY SCHOOL SUPERINTENDENT, a teacher may use such supplemental
25 books at any time during the school year. Use of such supplemental books
26 shall be brought to the attention of the ~~governing board~~ COUNTY SCHOOL
27 SUPERINTENDENT during the school year in which they are added for
28 ratification.

29 E. The ~~governing board~~ COUNTY SCHOOL SUPERINTENDENT shall prescribe up
30 to five textbooks for each course, and the teacher, with the consent of the
31 ~~governing board~~ COUNTY SCHOOL SUPERINTENDENT, may use any one of the
32 prescribed textbooks for the purposes of the teacher's course.

33 F. For the purposes of this section, "textbook" means printed
34 instructional materials or digital content, or both, and related printed or
35 nonprinted instructional materials, that are written and published primarily
36 for use in school instruction and that are required by a state educational
37 agency or a local educational agency for use by pupils in the classroom,
38 including materials that require the availability of electronic equipment in
39 order to be used as a learning resource.

40 Sec. 5. Section 15-726, Arizona Revised Statutes, is amended to read:
41 15-726. Purchase of textbooks and instructional computer

42 software by schools having four or fewer teachers;
43 welfare institutions

44 A. In all schools having four or fewer teachers, the county school
45 superintendent may ~~have advisory authority to assist~~ ADVISE the governing

1 board in the ~~selection and~~ ordering of textbooks and instructional computer
2 software pursuant to this title.

3 B. State welfare institutions maintaining educational facilities and
4 the various accommodation schools shall purchase textbooks and instructional
5 computer software by the same procedures as provided for the common schools.

6 C. Welfare institutions shall purchase textbooks and instructional
7 computer software with their own institutional funds, and the textbooks and
8 instructional computer software required for the accommodation schools shall
9 be purchased by the county school superintendents from the county school
10 reserve funds of the various counties.

11 Sec. 6. Section 15-977, Arizona Revised Statutes, is amended to read:

12 15-977. Classroom site fund; definitions

13 A. The classroom site fund is established consisting of monies
14 transferred to the fund pursuant to section 37-521, subsection B and section
15 42-5029, subsection E, paragraph 10. The department of education shall
16 administer the fund. School districts and charter schools may not supplant
17 existing school site funding with revenues from the fund. All monies
18 distributed from the fund are intended for use at the school site. Each
19 school district or charter school shall allocate forty per cent of the monies
20 for teacher compensation increases based on performance and employment
21 related expenses, twenty per cent of the monies for teacher base salary
22 increases and employment related expenses and forty per cent of the monies
23 for maintenance and operation purposes as prescribed in subsection H of this
24 section. Teacher compensation increases based on performance or teacher base
25 salary increases distributed pursuant to this subsection shall supplement,
26 and not supplant, teacher compensation monies from any other sources. The
27 school district or charter school shall notify each school principal of the
28 amount available to the school by April 15 of each year. The district or
29 charter school shall request from the school's principal each school's
30 priority for the allocation of the funds available to the school for each
31 program listed under subsection H of this section. The amount budgeted by
32 the school district or charter school pursuant to this section shall not be
33 included in the allowable budget balance carryforward calculated pursuant to
34 section 15-943.01.

35 B. A school district governing board must adopt a performance based
36 compensation system at a public hearing to allocate funding from the
37 classroom site fund pursuant to subsection A of this section.

38 C. A school district governing board shall vote on a performance based
39 compensation system that includes the following elements:

40 1. School district performance and school performance.

41 2. Measures of academic progress toward the academic standards adopted
42 by the state board of education.

43 3. Other measures of academic progress.

44 4. Dropout or graduation rates.

45 5. Attendance rates.

46 6. Ratings of school quality by parents.

- 1 7. Ratings of school quality by students.
- 2 8. The input of teachers and administrators.
- 3 9. Approval of the performance based compensation system based on an
4 affirmative vote of at least seventy per cent of the teachers eligible to
5 participate in the performance based compensation system.
- 6 10. An appeals process for teachers who have been denied performance
7 based compensation. **THE BASIS FOR AN APPEAL UNDER THIS PARAGRAPH IS LIMITED**
8 **TO A REVIEW OF WHETHER OR NOT THE TEACHER MET THE CRITERIA ESTABLISHED BY THE**
9 **COUNTY SCHOOL SUPERINTENDENT FOR INCLUSION IN THE HIGHEST PERFORMING TWENTY**
10 **PER CENT OF THE TEACHERS IN THE SCHOOL DISTRICT OR CHARTER SCHOOL.**
- 11 11. Regular evaluation for effectiveness.
- 12 D. A performance based compensation system shall include teacher
13 professional development programs that are aligned with the elements of the
14 performance based compensation system.
- 15 E. A school district governing board may modify the elements contained
16 in subsection C of this section and consider additional elements when
17 adopting a performance based compensation system. A school district
18 governing board shall adopt any modifications or additional elements and
19 specify the criteria used at a public hearing.
- 20 F. Until December 31, 2009, each school district shall develop an
21 assessment plan for its performance based compensation system and submit the
22 plan to the department of education by December 31 of each year. A copy of
23 the performance based compensation system and assessment plan adopted by the
24 school district governing board shall be included in the report submitted to
25 the department of education.
- 26 G. Monies in the fund are continuously appropriated, are exempt from
27 the provisions of section 35-190 relating to lapsing of appropriations and
28 shall be distributed as follows:
- 29 1. By March 30 of each year, the staff of the joint legislative budget
30 committee shall determine a per pupil amount from the fund for the budget
31 year using the estimated statewide weighted count for the current year
32 pursuant to section 15-943, paragraph 2, subdivision (a) and based on
33 estimated available resources in the classroom site fund for the budget year
34 adjusted for any prior year carryforward or shortfall.
- 35 2. The allocation to each charter school and school district for a
36 fiscal year shall equal the per pupil amount established in paragraph 1 of
37 this subsection for the fiscal year multiplied by the weighted student count
38 for the school district or charter school for the fiscal year pursuant to
39 section 15-943, paragraph 2, subdivision (a). For the purposes of this
40 paragraph, the weighted student count for a school district that serves as
41 the district of attendance for nonresident pupils shall be increased to
42 include nonresident pupils who attend school in the school district.
- 43 H. Monies distributed from the classroom site fund shall be spent for
44 the following maintenance and operation purposes:
- 45 1. Class size reduction.
- 46 2. Teacher compensation increases.

- 1 3. AIMS intervention programs.
- 2 4. Teacher development.
- 3 5. Dropout prevention programs.
- 4 6. Teacher liability insurance premiums.

5 I. The district governing board or charter school shall allocate the
6 classroom site fund monies to include, wherever possible, the priorities
7 identified by the principals of the schools while assuring that the funds
8 maximize classroom opportunities and conform to the authorized expenditures
9 identified in subsection A of this section.

10 J. School districts and charter schools that receive monies from the
11 classroom site fund shall submit a report by November 15 of each year to the
12 superintendent of public instruction that provides an accounting of the
13 expenditures of monies distributed from the fund during the previous fiscal
14 year and a summary of the results of district and school programs funded with
15 monies distributed from the fund. The department of education in conjunction
16 with the auditor general shall prescribe the format of the report under this
17 subsection.

18 K. School districts and charter schools that receive monies from the
19 classroom site fund shall receive these monies monthly in an amount not to
20 exceed one-twelfth of the monies estimated pursuant to subsection G of this
21 section, except that if there are insufficient monies in the fund that month
22 to make payments, the distribution for that month shall be prorated for each
23 school district or charter school. The department of education may make an
24 additional payment in the current month for any prior month or months in
25 which school districts or charter schools received a prorated payment if
26 there are sufficient monies in the fund that month for the additional
27 payments. The state is not required to make payments to a school district or
28 charter school classroom site fund if the state classroom site fund revenue
29 collections are insufficient to meet the estimated allocations to school
30 districts and charter schools pursuant to subsection G of this section.

31 L. The state education system for committed youth shall receive monies
32 from the classroom site fund in the same manner as school districts and
33 charter schools. The Arizona state schools for the deaf and the blind shall
34 receive monies from the classroom site fund in an amount that corresponds to
35 the weighted student count for the current year pursuant to section 15-943,
36 paragraph 2, subdivision (b) for each pupil enrolled in the Arizona state
37 schools for the deaf and the blind. Except as otherwise provided in this
38 subsection, the Arizona state schools for the deaf and the blind and the
39 state education system for committed youth are subject to this section in the
40 same manner as school districts and charter schools.

41 M. Each school district and charter school, including school districts
42 that unify pursuant to section 15-448 or consolidate pursuant to section
43 15-459, shall establish a local level classroom site fund to receive
44 allocations from the state level classroom site fund. The local level
45 classroom site fund shall be a budgetary controlled account. Interest
46 charges for any registered warrants for the local level classroom site fund

1 shall be a charge against the local level classroom site fund. Interest
2 earned on monies in the local level classroom site fund shall be added to the
3 local level classroom site fund as provided in section 15-978. This state
4 shall not be required to make payments to a school district or charter school
5 local level classroom site fund that are in addition to monies transferred to
6 the state level classroom site fund pursuant to section 37-521, subsection B
7 and section 42-5029, subsection E, paragraph 10.

8 N. Monies distributed from the classroom site fund for class size
9 reduction, AIMS intervention and dropout prevention programs shall only be
10 used for instructional purposes in the instruction function as defined in the
11 uniform system of financial records, except that monies shall not be used for
12 school sponsored athletics.

13 O. MONIES DISTRIBUTED FROM THE CLASSROOM SITE FUND FOR TEACHER
14 COMPENSATION INCREASES THAT ARE BASED ON PERFORMANCE SHALL BE DISTRIBUTED TO
15 ONLY THE HIGHEST PERFORMING TWENTY PER CENT OF THE TEACHERS IN THE SCHOOL
16 DISTRICT OR CHARTER SCHOOL BASED ON THE CRITERIA ESTABLISHED BY THE COUNTY
17 SCHOOL SUPERINTENDENT. IN DETERMINING THESE CRITERIA, THE COUNTY SCHOOL
18 SUPERINTENDENT SHALL TAKE INTO CONSIDERATION THE ELEMENTS PRESCRIBED IN THE
19 PERFORMANCE BASED COMPENSATION SYSTEM ADOPTED PURSUANT TO SUBSECTION C OF
20 THIS SECTION, BUT THE COUNTY SCHOOL SUPERINTENDENT MAY ESTABLISH ADDITIONAL
21 OR DIFFERENT CRITERIA.

22 ~~0.~~ P. For the purposes of this section:

23 1. "AIMS intervention" means summer programs, after school programs,
24 before school programs or tutoring programs that are specifically designed to
25 ensure that pupils meet the Arizona academic standards as measured by the
26 Arizona instrument to measure standards test prescribed by section 15-741.

27 2. "Class size reduction" means any maintenance and operations
28 expenditure that is designed to reduce the ratio of pupils to classroom
29 teachers, including the use of persons who serve as aides to classroom
30 teachers.

31 Sec. 7. Title 15, Arizona Revised Statutes, is amended by adding
32 chapter 9.1, to read:

33 CHAPTER 9.1
34 SCHOOL FINANCE

35 ARTICLE 1. GENERAL PROVISIONS

36 15-1051. School finance; role of county school superintendent;
37 pupil testing

38 A. NOTWITHSTANDING ANY OTHER LAW, FUNDING SHALL BE PROVIDED PURSUANT
39 TO THIS TITLE ON A PER PUPIL BASIS TO EACH COUNTY SCHOOL SUPERINTENDENT.

40 B. EACH COUNTY SCHOOL SUPERINTENDENT SHALL DISBURSE THE FUNDING
41 PROVIDED PURSUANT TO THIS TITLE TO THE SCHOOL DISTRICTS AND CHARTER SCHOOLS
42 IN THAT COUNTY IN A MANNER AND IN AN AMOUNT NECESSARY FOR THE COUNTY, THE
43 SCHOOL DISTRICT AND THE CHARTER SCHOOL TO COMPLY WITH THE LAWS OF THIS STATE.

1 C. IN ORDER TO RECEIVE FUNDING DISBURSED PURSUANT TO THIS TITLE, THE
2 COUNTY SCHOOL SUPERINTENDENT SHALL VERIFY THAT EACH SCHOOL DISTRICT AND
3 CHARTER SCHOOL IN THAT COUNTY ANNUALLY ADMINISTERS THE FOLLOWING TESTS TO
4 PUPILS IN THAT SCHOOL DISTRICT OR CHARTER SCHOOL:

5 1. A NATIONALLY RECOGNIZED STANDARDIZED PLACEMENT TEST TO PUPILS IN
6 GRADES THREE AND EIGHT.

7 2. A NATIONALLY RECOGNIZED STANDARDIZED TEST FOR COLLEGE ADMISSIONS
8 FOR PUPILS IN GRADES TEN, ELEVEN AND TWELVE.