

REFERENCE TITLE: school districts; noncertificated teachers

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

# HB 2039

Introduced by  
Representative Fillmore

AN ACT

AMENDING SECTIONS 15-203, 15-302 AND 15-502, ARIZONA REVISED STATUTES;  
RELATING TO SCHOOL EMPLOYEES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:  
2 Section 1. Section 15-203, Arizona Revised Statutes, is amended to  
3 read:  
4 15-203. Powers and duties  
5 A. The state board of education shall:  
6 1. Exercise general supervision over and regulate the conduct of the  
7 public school system and adopt any rules and policies it deems necessary to  
8 accomplish this purpose.  
9 2. Keep a record of its proceedings.  
10 3. Make rules for its own government.  
11 4. Determine the policy and work undertaken by it.  
12 5. Appoint its employees, on the recommendation of the superintendent  
13 of public instruction.  
14 6. Prescribe the duties of its employees if not prescribed by statute.  
15 7. Delegate to the superintendent of public instruction the execution  
16 of board policies and rules.  
17 8. Recommend to the legislature changes or additions to the statutes  
18 pertaining to schools.  
19 9. Prepare, publish and distribute reports concerning the educational  
20 welfare of this state.  
21 10. Prepare a budget for expenditures necessary for proper maintenance  
22 of the board and accomplishment of its purposes and present the budget to the  
23 legislature.  
24 11. Aid in the enforcement of laws relating to schools.  
25 12. Prescribe a minimum course of study in the common schools, minimum  
26 competency requirements for the promotion of pupils from the third grade and  
27 minimum course of study and competency requirements for the promotion of  
28 pupils from the eighth grade. The state board of education shall prepare a  
29 fiscal impact statement of any proposed changes to the minimum course of  
30 study or competency requirements and, on completion, shall send a copy to the  
31 director of the joint legislative budget committee and the executive director  
32 of the school facilities board. The state board of education shall not adopt  
33 any changes in the minimum course of study or competency requirements in  
34 effect on July 1, 1998 that will have a fiscal impact on school capital  
35 costs.  
36 13. Prescribe minimum course of study and competency requirements for  
37 the graduation of pupils from high school. The state board of education  
38 shall prepare a fiscal impact statement of any proposed changes to the  
39 minimum course of study or competency requirements and, on completion, shall  
40 send a copy to the director of the joint legislative budget committee and the  
41 executive director of the school facilities board. The state board of  
42 education shall not adopt any changes in the minimum course of study or  
43 competency requirements in effect on July 1, 1998 that will have a fiscal  
44 impact on school capital costs.

1           14. Supervise and control the certification of persons engaged in  
2 instructional work directly as any classroom, laboratory or other teacher or  
3 indirectly as a supervisory teacher, speech therapist, principal or  
4 superintendent in a school district, including school district preschool  
5 programs, or any other educational institution below the community college,  
6 college or university level, and prescribe rules for certification, including  
7 rules for certification of teachers who have teaching experience and who are  
8 trained in other states, ~~which~~ THAT are not unnecessarily restrictive and are  
9 substantially similar to the rules prescribed for the certification of  
10 teachers trained in this state. THIS PARAGRAPH SHALL NOT BE CONSTRUED TO  
11 REQUIRE A PERSON TO OBTAIN A CERTIFICATE ISSUED BY THE STATE BOARD IN ORDER  
12 TO PROVIDE CLASSROOM INSTRUCTION IN A SCHOOL DISTRICT IN THIS STATE. The  
13 rules shall:

14           (a) Allow a variety of alternative teacher and administrator  
15 preparation programs, with variations in program sequence and design, to  
16 apply for program approval. The state board shall adopt rules pursuant to  
17 this subdivision designed to allow for a variety of formats and shall not  
18 require a prescribed answer or design from the program provider in order to  
19 obtain approval from the state board. The state board shall evaluate each  
20 program provider based on the program's ability to prepare teachers and  
21 administrators and to recruit teachers and administrators with a variety of  
22 experiences and talents. The state board shall permit universities under the  
23 jurisdiction of the Arizona board of regents, community colleges in this  
24 state, private postsecondary institutions licensed by this state, school  
25 districts, charter schools and professional organizations to apply for  
26 program approval and shall create application procedures and certification  
27 criteria that are less restrictive than those for traditional preparation  
28 programs. Alternative preparation program graduates shall:

29           (i) Hold a bachelor's degree from an accredited postsecondary  
30 education institution.

31           (ii) Demonstrate professional knowledge and subject knowledge  
32 proficiency pursuant to section 15-533.

33           (iii) Obtain a fingerprint clearance card pursuant to section 15-534.

34           (iv) Complete training in structured English immersion as prescribed  
35 by the state board.

36           (v) Complete training in research based systematic phonics instruction  
37 as prescribed in subdivision (b) of this paragraph.

38           (vi) Demonstrate the required proficiency in the constitutions of the  
39 United States and Arizona as prescribed in section 15-532.

40           (b) Require applicants for all certificates for common school  
41 instruction to complete a minimum of forty-five classroom hours or three  
42 college level credit hours, or the equivalent, of training in research based  
43 systematic phonics instruction from a public or private provider.

1 (c) Not require a teacher to obtain a master's degree or to take any  
2 additional graduate courses as a condition of certification or  
3 recertification.

4 (d) Allow a general equivalency diploma to be substituted for a high  
5 school diploma in the certification of emergency substitute teachers.

6 (e) Allow but shall not require the superintendent of a school  
7 district to obtain certification from the state board of education.

8 15. Adopt a list of approved tests for determining special education  
9 assistance to gifted pupils as defined in and as provided in chapter 7,  
10 article 4.1 of this title. The adopted tests shall provide separate scores  
11 for quantitative reasoning, verbal reasoning and nonverbal reasoning and  
12 shall be capable of providing reliable and valid scores at the highest ranges  
13 of the score distribution.

14 16. Adopt rules governing the methods for the administration of all  
15 proficiency examinations.

16 17. Adopt proficiency examinations for its use. The state board of  
17 education shall determine the passing score for the proficiency examination.

18 18. Include within its budget the cost of contracting for the purchase,  
19 distribution and scoring of the examinations as provided in paragraphs 16 and  
20 17 of this subsection.

21 19. Supervise and control the qualifications of professional  
22 nonteaching school personnel and prescribe standards relating to  
23 qualifications. The standards shall not require the business manager of a  
24 school district to obtain certification from the state board of education.

25 20. Impose such disciplinary action, including the issuance of a letter  
26 of censure, suspension, suspension with conditions or revocation of a  
27 certificate, upon a finding of immoral or unprofessional conduct.

28 21. Establish an assessment, data gathering and reporting system for  
29 pupil performance as prescribed in chapter 7, article 3 of this title.

30 22. Adopt a rule to promote braille literacy pursuant to section  
31 15-214.

32 23. Adopt rules prescribing procedures for the investigation by the  
33 department of education of every written complaint alleging that a  
34 certificated person has engaged in immoral conduct.

35 24. For purposes of federal law, serve as the state board for  
36 vocational and technological education and meet at least four times each year  
37 solely to execute the powers and duties of the state board for vocational and  
38 technological education.

39 25. Develop and maintain a handbook for use in the schools of this  
40 state that provides guidance for the teaching of moral, civic and ethical  
41 education. The handbook shall promote existing curriculum frameworks and  
42 shall encourage school districts to recognize moral, civic and ethical values  
43 within instructional and programmatic educational development programs for  
44 the general purpose of instilling character and ethical principles in pupils  
45 in kindergarten programs and grades one through twelve.

1           26. Require pupils to recite the following passage from the declaration  
2 of independence for pupils in grades four through six at the commencement of  
3 the first class of the day in the schools, except that a pupil shall not be  
4 required to participate if the pupil or the pupil's parent or guardian  
5 objects:

6                       We hold these truths to be self-evident, that all men are  
7 created equal, that they are endowed by their creator with  
8 certain unalienable rights, that among these are life, liberty  
9 and the pursuit of happiness. That to secure these rights,  
10 governments are instituted among men, deriving their just powers  
11 from the consent of the governed. . . .

12           27. Adopt rules that provide for teacher certification reciprocity.  
13 The rules shall provide for a one year reciprocal teaching certificate with  
14 minimum requirements, including valid teacher certification from a state with  
15 substantially similar criminal history or teacher fingerprinting requirements  
16 and proof of the submission of an application for a fingerprint clearance  
17 card pursuant to title 41, chapter 12, article 3.1. For teachers who provide  
18 Arizona online instruction pursuant to section 15-808, the rules shall allow  
19 automatic certification reciprocity with other states that have similar  
20 programs.

21           28. Adopt rules that provide for the presentation of an honorary high  
22 school diploma to a person who has never obtained a high school diploma and  
23 who meets both of the following requirements:

24                       (a) Currently resides in this state.

25                       (b) Provides documented evidence from the Arizona department of  
26 veterans' services that the person enlisted in the armed forces of the United  
27 States and served in World War I, World War II, the Korean conflict or the  
28 Vietnam conflict.

29           29. Cooperate with the Arizona-Mexico commission in the governor's  
30 office and with researchers at universities in this state to collect data and  
31 conduct projects in the United States and Mexico on issues that are within  
32 the scope of the duties of the department of education and that relate to  
33 quality of life, trade and economic development in this state in a manner  
34 that will help the Arizona-Mexico commission to assess and enhance the  
35 economic competitiveness of this state and of the Arizona-Mexico region.

36           30. Adopt rules to define and provide guidance to schools as to the  
37 activities that would constitute immoral or unprofessional conduct of  
38 certificated persons.

39           31. Adopt guidelines to encourage pupils in grades nine, ten, eleven  
40 and twelve to volunteer for twenty hours of community service before  
41 graduation from high school. A school district that complies with the  
42 guidelines adopted pursuant to this paragraph is not liable for damages  
43 resulting from a pupil's participation in community service unless the school  
44 district is found to have demonstrated wanton or reckless disregard for the  
45 safety of the pupil and other participants in community service. For the

1 purposes of this paragraph, "community service" may include service learning.  
2 The guidelines shall include the following:

3 (a) A list of the general categories in which community service may be  
4 performed.

5 (b) A description of the methods by which community service will be  
6 monitored.

7 (c) A consideration of risk assessment for community service projects.

8 (d) Orientation and notification procedures of community service  
9 opportunities for pupils entering grade nine, including the development of a  
10 notification form. The notification form shall be signed by the pupil and  
11 the pupil's parent or guardian, except that a pupil shall not be required to  
12 participate in community service if the parent or guardian notifies the  
13 principal of the pupil's school in writing that the parent or guardian does  
14 not wish the pupil to participate in community service.

15 (e) Procedures for a pupil in grade nine to prepare a written proposal  
16 that outlines the type of community service that the pupil would like to  
17 perform and the goals that the pupil hopes to achieve as a result of  
18 community service. The pupil's written proposal shall be reviewed by a  
19 faculty advisor, a guidance counselor or any other school employee who is  
20 designated as the community service program coordinator for that school. The  
21 pupil may alter the written proposal at any time before performing community  
22 service.

23 (f) Procedures for a faculty advisor, a guidance counselor or any  
24 other school employee who is designated as the community service program  
25 coordinator to evaluate and certify the completion of community service  
26 performed by pupils.

27 32. To facilitate the transfer of military personnel and their  
28 dependents to and from the public schools of this state, pursue, in  
29 cooperation with the Arizona board of regents, reciprocity agreements with  
30 other states concerning the transfer credits for military personnel and their  
31 dependents. A reciprocity agreement entered into pursuant to this paragraph  
32 shall:

33 (a) Address procedures for each of the following:

34 (i) The transfer of student records.

35 (ii) Awarding credit for completed course work.

36 (iii) Permitting a student to satisfy the graduation requirements  
37 prescribed in section 15-701.01 through the successful performance on  
38 comparable exit-level assessment instruments administered in another state.

39 (b) Include appropriate criteria developed by the state board of  
40 education and the Arizona board of regents.

41 33. Adopt guidelines that school district governing boards shall use in  
42 identifying pupils who are eligible for gifted programs and in providing  
43 gifted education programs and services. The state board of education shall  
44 adopt any other guidelines and rules that it deems necessary in order to  
45 carry out the purposes of chapter 7, article 4.1 of this title.

1           34. For each of the alternative textbook formats of human-voiced audio,  
2 large-print and braille, designate alternative media producers to adapt  
3 existing standard print textbooks or to provide specialized textbooks, or  
4 both, for pupils with disabilities in this state. Each alternative media  
5 producer shall be capable of producing alternative textbooks in all relevant  
6 subjects in at least one of the alternative textbook formats. The board  
7 shall post the designated list of alternative media producers on its website.

8           35. Adopt a list of approved professional development training  
9 providers for use by school districts as provided in section 15-107,  
10 subsection J. The professional development training providers shall meet the  
11 training curriculum requirements determined by the state board of education  
12 in at least the areas of school finance, governance, employment, staffing,  
13 inventory and human resources, internal controls and procurement.

14           36. Adopt rules to prohibit a person who violates the notification  
15 requirements prescribed in section 15-183, subsection C, paragraph 8 or  
16 section 15-550, subsection C from certification pursuant to this title until  
17 the person is no longer charged or is acquitted of any offenses listed in  
18 section 41-1758.03, subsection B. The board shall also adopt rules to  
19 prohibit a person who violates the notification requirements, certification  
20 surrender requirements or fingerprint clearance card surrender requirements  
21 prescribed in section 15-183, subsection C, paragraph 9 or section 15-550,  
22 subsection D from certification pursuant to this title for at least ten years  
23 after the date of the violation.

24           37. Adopt rules for the alternative certification of teachers of  
25 nontraditional foreign languages that allow for the passing of a nationally  
26 accredited test to substitute for the education coursework required for  
27 certification.

28           38. On or before December 15, 2011, adopt and maintain a model  
29 framework for a teacher and principal evaluation instrument that includes  
30 quantitative data on student academic progress that accounts for between  
31 thirty-three per cent and fifty per cent of the evaluation outcomes and best  
32 practices for professional development and evaluator training. School  
33 districts and charter schools shall use an instrument that meets the data  
34 requirements established by the state board of education to annually evaluate  
35 individual teachers and principals beginning in school year 2012-2013.

36           B. The state board of education may:

37           1. Contract.

38           2. Sue and be sued.

39           3. Distribute and score the tests prescribed in chapter 7, article 3  
40 of this title.

41           4. Provide for an advisory committee to conduct hearings and  
42 screenings to determine whether grounds exist to impose disciplinary action  
43 against a certificated person, whether grounds exist to reinstate a revoked  
44 or surrendered certificate and whether grounds exist to approve or deny an  
45 initial application for certification or a request for renewal of a

1 certificate. The board may delegate its responsibility to conduct hearings  
2 and screenings to its advisory committee. Hearings shall be conducted  
3 pursuant to title 41, chapter 6, article 6.

4 5. Proceed with the disposal of any complaint requesting disciplinary  
5 action or with any disciplinary action against a person holding a certificate  
6 as prescribed in subsection A, paragraph 14 of this section after the  
7 suspension or expiration of the certificate or surrender of the certificate  
8 by the holder.

9 6. Assess costs and reasonable attorney fees against a person who  
10 files a frivolous complaint or who files a complaint in bad faith. Costs  
11 assessed pursuant to this paragraph shall not exceed the expenses incurred by  
12 the state board in the investigation of the complaint.

13 Sec. 2. Section 15-302, Arizona Revised Statutes, is amended to read:

14 15-302. Powers and duties

15 A. The county school superintendent shall:

16 1. Distribute all laws, reports, circulars, instructions and forms  
17 that he may receive for the use of school officers.

18 2. Record all official acts.

19 3. Appoint governing board members of school districts to fill all  
20 vacancies, but the term of the appointment shall be until the next regular  
21 election for governing board members, at which time a successor shall be  
22 elected to serve the unexpired portion of the term. Within thirty days after  
23 notification of a vacancy, the school district governing board may submit up  
24 to three names to the county school superintendent for consideration of an  
25 appointment to fill the vacancy. The county school superintendent is not  
26 required to appoint a governing board member from the list of names submitted  
27 by the governing board. The county school superintendent, if he deems it in  
28 the best interest of the community, may call a special election to fill the  
29 vacancies. If an election is called, the newly elected member shall serve  
30 for the remainder of the unexpired portion of the term.

31 4. Make reports, when directed by the superintendent of public  
32 instruction, showing matters relating to schools in his county as may be  
33 required on the forms furnished by the superintendent of public instruction.

34 5. Have such powers and perform such duties as otherwise prescribed by  
35 law.

36 6. On or before October 1 of each year, make a report to the  
37 superintendent of public instruction showing the amount of monies received  
38 from state school funds, special school district taxes and other sources, the  
39 total expenditures for school purposes and the balance on hand to the credit  
40 of each school district at the close of the school year.

41 7. Contract with the board of supervisors for the board of supervisors  
42 to conduct all regular school district elections.

43 8. Be responsible, in cooperation with the governing boards and the  
44 board of supervisors, for all special school district elections.



~~certificate is issued within three months of the date of commencing employment. In order to be paid wages beyond the three month period prescribed in this subsection, the teacher shall file the certificate with the county school superintendent. Any contract issued to a teacher who has completed certificate requirements but has not received a certificate shall be specifically contingent upon receipt of such a certificate. The governing board of a school district that is subject to section 15-914.01 shall adhere to the duties described in section 15-302, subsection A, paragraph 9 for purposes of this subsection.~~

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

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

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

28 1. A baccalaureate degree in accounting, finance, school finance or  
29 public finance.

30 2. A graduate degree in accounting, finance, school finance or public  
31 finance.

32 3. Other finance training or finance experience that the governing  
33 board determines is sufficient to qualify the person to administer the  
34 business operations of the school district.

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

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

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