

House Engrossed

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

HOUSE BILL 2161

AN ACT

AMENDING SECTION 15-203, ARIZONA REVISED STATUTES; RELATING TO THE STATE BOARD OF EDUCATION.

(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. The rules shall:

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

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

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

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

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

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

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

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

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

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

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

3 (f) PROVIDE FOR THE ISSUANCE OF A SPECIALIZED TEACHING CERTIFICATE TO
4 CLASSROOM TEACHERS WITH EXPERTISE IN EITHER SCIENCE, TECHNOLOGY, ENGINEERING
5 OR MATHEMATICS. TEACHERS WHO ARE CERTIFIED PURSUANT TO THIS SUBDIVISION
6 SHALL COMPLETE TRAINING IN STRUCTURED ENGLISH IMMERSION AS PRESCRIBED BY THE
7 STATE BOARD. TEACHERS WHO ARE CERTIFIED PURSUANT TO THIS SUBDIVISION ARE
8 EXEMPT FROM THE PROFESSIONAL KNOWLEDGE AND SUBJECT KNOWLEDGE PROFICIENCY
9 REQUIREMENTS PRESCRIBED IN SECTION 15-533 AND FROM THE PROFICIENCY
10 REQUIREMENTS PRESCRIBED IN SECTION 15-532 ON THE CONSTITUTIONS OF THE UNITED
11 STATES AND ARIZONA. A TEACHER WHO OBTAINS A SPECIALIZED TEACHING CERTIFICATE
12 PURSUANT TO THIS SUBDIVISION MAY PROVIDE INSTRUCTION IN THE TEACHER'S FIELD
13 OF EXPERTISE IN GRADES SEVEN THROUGH TWELVE AT ANY PUBLIC SCHOOL IN THIS
14 STATE. THIS SUBDIVISION DOES NOT REQUIRE A TEACHER WHO HAS OBTAINED ANOTHER
15 TYPE OF TEACHING CERTIFICATE FROM THE STATE BOARD TO OBTAIN A SPECIALIZED
16 TEACHING CERTIFICATE PURSUANT TO THIS SUBSECTION IN ORDER TO PROVIDE
17 INSTRUCTION IN GRADES SEVEN THROUGH TWELVE IN A SCIENCE, TECHNOLOGY,
18 ENGINEERING OR MATHEMATICS COURSE. A CLASSROOM TEACHER IS ELIGIBLE FOR A
19 SPECIALIZED TEACHING CERTIFICATE PURSUANT TO THIS SUBDIVISION IF THE TEACHER
20 MEETS ALL OF THE FOLLOWING REQUIREMENTS:

21 (i) HAS TAUGHT SCIENCE, TECHNOLOGY, ENGINEERING OR MATHEMATICS COURSES
22 FOR THE LAST TWO CONSECUTIVE YEARS AND FOR A TOTAL OF AT LEAST THREE YEARS AT
23 ONE OR MORE REGIONALLY OR NATIONALLY ACCREDITED PUBLIC OR PRIVATE
24 POSTSECONDARY INSTITUTIONS. AN APPLICANT SHALL DEMONSTRATE COMPLIANCE WITH
25 THIS REQUIREMENT BY PROVIDING THE STATE BOARD WITH WRITTEN PROOF OF
26 EMPLOYMENT FOR SPECIFIC DURATIONS FROM ONE OR MORE QUALIFYING POSTSECONDARY
27 INSTITUTIONS.

28 (ii) HAS EITHER A BACCALAUREATE DEGREE, A MASTERS DEGREE OR A DOCTORAL
29 DEGREE IN AN ACADEMIC SUBJECT THAT IS SPECIFIC TO SCIENCE, TECHNOLOGY,
30 ENGINEERING OR MATHEMATICS OR HAS OBTAINED A PASSING SCORE ON A STATEWIDE
31 EDUCATOR ASSESSMENT IN SCIENCE, TECHNOLOGY, ENGINEERING OR MATHEMATICS THAT
32 IS RECOGNIZED BY THE STATE BOARD.

33 (iii) OBTAINS A VALID FINGERPRINT CLEARANCE CARD THAT IS ISSUED
34 PURSUANT TO TITLE 41, CHAPTER 12, ARTICLE 3.1.

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

41 16. Adopt rules governing the methods for the administration of all
42 proficiency examinations.

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

1 18. Include within its budget the cost of contracting for the purchase,
2 distribution and scoring of the examinations as provided in paragraphs 16 and
3 17 of this subsection.

4 19. Supervise and control the qualifications of professional
5 nonteaching school personnel and prescribe standards relating to
6 qualifications. The standards shall not require the business manager of a
7 school district to obtain certification from the state board of education.

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

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

13 22. Adopt a rule to promote braille literacy pursuant to section
14 15-214.

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

18 24. For purposes of federal law, serve as the state board for
19 vocational and technological education and meet at least four times each year
20 solely to execute the powers and duties of the state board for vocational and
21 technological education.

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

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

34 We hold these truths to be self-evident, that all men are
35 created equal, that they are endowed by their creator with
36 certain unalienable rights, that among these are life, liberty
37 and the pursuit of happiness. That to secure these rights,
38 governments are instituted among men, deriving their just powers
39 from the consent of the governed. . . .

40 27. Adopt rules that provide for teacher certification reciprocity.
41 The rules shall provide for a one year reciprocal teaching certificate with
42 minimum requirements, including valid teacher certification from a state with
43 substantially similar criminal history or teacher fingerprinting requirements
44 and proof of the submission of an application for a fingerprint clearance
45 card pursuant to title 41, chapter 12, article 3.1. For teachers who provide

1 Arizona online instruction pursuant to section 15-808, the rules shall allow
2 automatic certification reciprocity with other states that have similar
3 programs.

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

7 (a) Currently resides in this state.

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

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

19 30. Adopt rules to define and provide guidance to schools as to the
20 activities that would constitute immoral or unprofessional conduct of
21 certificated persons.

22 31. Adopt guidelines to encourage pupils in grades nine, ten, eleven
23 and twelve to volunteer for twenty hours of community service before
24 graduation from high school. A school district that complies with the
25 guidelines adopted pursuant to this paragraph is not liable for damages
26 resulting from a pupil's participation in community service unless the school
27 district is found to have demonstrated wanton or reckless disregard for the
28 safety of the pupil and other participants in community service. For the
29 purposes of this paragraph, "community service" may include service learning.
30 The guidelines shall include the following:

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

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

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

36 (d) Orientation and notification procedures of community service
37 opportunities for pupils entering grade nine, including the development of a
38 notification form. The notification form shall be signed by the pupil and
39 the pupil's parent or guardian, except that a pupil shall not be required to
40 participate in community service if the parent or guardian notifies the
41 principal of the pupil's school in writing that the parent or guardian does
42 not wish the pupil to participate in community service.

43 (e) Procedures for a pupil in grade nine to prepare a written proposal
44 that outlines the type of community service that the pupil would like to
45 perform and the goals that the pupil hopes to achieve as a result of

1 community service. The pupil's written proposal shall be reviewed by a
2 faculty advisor, a guidance counselor or any other school employee who is
3 designated as the community service program coordinator for that school. The
4 pupil may alter the written proposal at any time before performing community
5 service.

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

10 32. To facilitate the transfer of military personnel and their
11 dependents to and from the public schools of this state, pursue, in
12 cooperation with the Arizona board of regents, reciprocity agreements with
13 other states concerning the transfer credits for military personnel and their
14 dependents. A reciprocity agreement entered into pursuant to this paragraph
15 shall:

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

17 (i) The transfer of student records.

18 (ii) Awarding credit for completed course work.

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

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

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

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

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

42 36. Adopt rules to prohibit a person who violates the notification
43 requirements prescribed in section 15-183, subsection C, paragraph 8 or
44 section 15-550, subsection C from certification pursuant to this title until
45 the person is no longer charged or is acquitted of any offenses listed in

1 section 41-1758.03, subsection B. The board shall also adopt rules to
2 prohibit a person who violates the notification requirements, certification
3 surrender requirements or fingerprint clearance card surrender requirements
4 prescribed in section 15-183, subsection C, paragraph 9 or section 15-550,
5 subsection D from certification pursuant to this title for at least ten years
6 after the date of the violation.

7 37. Adopt rules for the alternative certification of teachers of
8 nontraditional foreign languages that allow for the passing of a nationally
9 accredited test to substitute for the education coursework required for
10 certification.

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

19 B. The state board of education may:

20 1. Contract.

21 2. Sue and be sued.

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

24 4. Provide for an advisory committee to conduct hearings and
25 screenings to determine whether grounds exist to impose disciplinary action
26 against a certificated person, whether grounds exist to reinstate a revoked
27 or surrendered certificate and whether grounds exist to approve or deny an
28 initial application for certification or a request for renewal of a
29 certificate. The board may delegate its responsibility to conduct hearings
30 and screenings to its advisory committee. Hearings shall be conducted
31 pursuant to title 41, chapter 6, article 6.

32 5. Proceed with the disposal of any complaint requesting disciplinary
33 action or with any disciplinary action against a person holding a certificate
34 as prescribed in subsection A, paragraph 14 of this section after the
35 suspension or expiration of the certificate or surrender of the certificate
36 by the holder.

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