

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

HOUSE BILL 2823

AN ACT

AMENDING SECTIONS 15-203, 15-341, 15-503, 15-521, 15-536 AND 15-537, ARIZONA REVISED STATUTES; AMENDING TITLE 15, CHAPTER 5, ARTICLE 3, ARIZONA REVISED STATUTES, BY ADDING SECTION 15-537.01; AMENDING SECTIONS 15-538.01, 15-539 AND 15-977, ARIZONA REVISED STATUTES; RELATING TO SCHOOL PERSONNEL.

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

9 16. Adopt rules governing the methods for the administration of all
10 proficiency examinations.

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

13 18. Include within its budget the cost of contracting for the purchase,
14 distribution and scoring of the examinations as provided in paragraphs 16 and
15 17 of this subsection.

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

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

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

25 22. Adopt a rule to promote braille literacy pursuant to section
26 15-214.

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

30 24. For purposes of federal law, serve as the state board for
31 vocational and technological education and meet at least four times each year
32 solely to execute the powers and duties of the state board for vocational and
33 technological education.

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

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

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

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

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

19 (a) Currently resides in this state.

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

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

31 30. Adopt rules to define and provide guidance to schools as to the
32 activities that would constitute immoral or unprofessional conduct of
33 certificated persons.

34 31. Adopt guidelines to encourage pupils in grades nine, ten, eleven
35 and twelve to volunteer for twenty hours of community service before
36 graduation from high school. A school district that complies with the
37 guidelines adopted pursuant to this paragraph is not liable for damages
38 resulting from a pupil's participation in community service unless the school
39 district is found to have demonstrated wanton or reckless disregard for the
40 safety of the pupil and other participants in community service. For the
41 purposes of this paragraph, "community service" may include service learning.
42 The guidelines shall include the following:

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

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

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

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

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

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

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

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

30 (i) The transfer of student records.

31 (ii) Awarding credit for completed course work.

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

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

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

42 34. For each of the alternative textbook formats of human-voiced audio,
43 large-print and braille, designate alternative media producers to adapt
44 existing standard print textbooks or to provide specialized textbooks, or
45 both, for pupils with disabilities in this state. Each alternative media

1 producer shall be capable of producing alternative textbooks in all relevant
2 subjects in at least one of the alternative textbook formats. The board
3 shall post the designated list of alternative media producers on its website.

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

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

20 37. Adopt rules for the alternative certification of teachers of
21 nontraditional foreign languages that allow for the passing of a nationally
22 accredited test to substitute for the education coursework required for
23 certification.

24 38. ~~On or before December 15, 2011,~~ Adopt and maintain a model
25 framework for a teacher and principal evaluation instrument that includes
26 quantitative data on student academic progress that accounts for between
27 thirty-three per cent and fifty per cent of the evaluation outcomes. ~~and ON~~
28 ~~OR BEFORE DECEMBER 1, 2012, THE FRAMEWORK SHALL INCLUDE FOUR PERFORMANCE~~
29 ~~CLASSIFICATIONS, DESIGNATED AS HIGHLY EFFECTIVE, EFFECTIVE, DEVELOPING AND~~
30 ~~INEFFECTIVE, AND GUIDELINES FOR SCHOOL DISTRICTS AND CHARTER SCHOOLS TO USE~~
31 ~~IN THEIR EVALUATION INSTRUMENTS. THE STATE BOARD OF EDUCATION SHALL ADOPT~~
32 ~~best practices for professional development and evaluator training. THE~~
33 ~~STATE BOARD OF EDUCATION MAY PERIODICALLY MAKE ADJUSTMENTS TO ALIGN THE MODEL~~
34 ~~FRAMEWORK FOR TEACHER AND PRINCIPAL EVALUATIONS WITH ASSESSMENT OR DATA~~
35 ~~CHANGES AT THE STATE LEVEL.~~ School districts and charter schools shall use
36 an instrument that meets the data requirements established by the state board
37 of education to annually evaluate individual teachers and principals
38 beginning in school year 2012-2013. ~~BY SCHOOL YEAR 2013-2014, SCHOOL~~
39 ~~DISTRICTS AND CHARTER SCHOOLS SHALL ADOPT DEFINITIONS FOR THE PERFORMANCE~~
40 ~~CLASSIFICATIONS ADOPTED BY THE STATE BOARD OF EDUCATION IN A PUBLIC MEETING~~
41 ~~AND APPLY THE PERFORMANCE CLASSIFICATIONS TO THEIR EVALUATION INSTRUMENTS IN~~
42 ~~A MANNER DESIGNED TO IMPROVE PRINCIPAL AND TEACHER PERFORMANCE. FOR CHARTER~~
43 ~~HOLDERS, THE PRINCIPAL EVALUATION INSTRUMENT APPLIES TO EACH CHARTER SCHOOL'S~~
44 ~~INSTRUCTIONAL LEADER WHOSE PRIMARY RESPONSIBILITY IS TO OVERSEE THE ACADEMIC~~
45 ~~PERFORMANCE OF THE CHARTER SCHOOL. THIS PARAGRAPH DOES NOT APPLY TO AN~~

1 OFFICER, DIRECTOR, MEMBER OR PARTNER OF THE CHARTER HOLDER. THE SCHOOL
2 DISTRICT GOVERNING BOARD SHALL DISCUSS AT A PUBLIC MEETING AT LEAST ANNUALLY
3 ITS AGGREGATE PERFORMANCE CLASSIFICATIONS OF PRINCIPALS AND TEACHERS.

4 B. The state board of education may:

5 1. Contract.

6 2. Sue and be sued.

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

9 4. Provide for an advisory committee to conduct hearings and
10 screenings to determine whether grounds exist to impose disciplinary action
11 against a certificated person, whether grounds exist to reinstate a revoked
12 or surrendered certificate and whether grounds exist to approve or deny an
13 initial application for certification or a request for renewal of a
14 certificate. The board may delegate its responsibility to conduct hearings
15 and screenings to its advisory committee. Hearings shall be conducted
16 pursuant to title 41, chapter 6, article 6.

17 5. Proceed with the disposal of any complaint requesting disciplinary
18 action or with any disciplinary action against a person holding a certificate
19 as prescribed in subsection A, paragraph 14 of this section after the
20 suspension or expiration of the certificate or surrender of the certificate
21 by the holder.

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

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

27 15-341. General powers and duties; immunity; delegation

28 A. The governing board shall:

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

32 2. Exclude from schools all books, publications, papers or audiovisual
33 materials of a sectarian, partisan or denominational character.

34 3. Manage and control the school property within its district.

35 4. Acquire school furniture, apparatus, equipment, library books and
36 supplies for the use of the schools.

37 5. Prescribe the curricula and criteria for the promotion and
38 graduation of pupils as provided in sections 15-701 and 15-701.01.

39 6. Furnish, repair and insure, at full insurable value, the school
40 property of the district.

41 7. Construct school buildings on approval by a vote of the district
42 electors.

43 8. Make in the name of the district conveyances of property belonging
44 to the district and sold by the board.

- 1 9. Purchase school sites when authorized by a vote of the district at
2 an election conducted as nearly as practicable in the same manner as the
3 election provided in section 15-481 and held on a date prescribed in section
4 15-491, subsection E, but such authorization shall not necessarily specify
5 the site to be purchased and such authorization shall not be necessary to
6 exchange unimproved property as provided in section 15-342, paragraph 23.
- 7 10. Construct, improve and furnish buildings used for school purposes
8 when such buildings or premises are leased from the national park service.
- 9 11. Purchase school sites or construct, improve and furnish school
10 buildings from the proceeds of the sale of school property only on approval
11 by a vote of the district electors.
- 12 12. Hold pupils to strict account for disorderly conduct on school
13 property.
- 14 13. Discipline students for disorderly conduct on the way to and from
15 school.
- 16 14. Except as provided in section 15-1224, deposit all monies received
17 by the district as gifts, grants and devises with the county treasurer who
18 shall credit the deposits as designated in the uniform system of financial
19 records. If not inconsistent with the terms of the gifts, grants and devises
20 given, any balance remaining after expenditures for the intended purpose of
21 the monies have been made shall be used for reduction of school district
22 taxes for the budget year, except that in the case of accommodation schools
23 the county treasurer shall carry the balance forward for use by the county
24 school superintendent for accommodation schools for the budget year.
- 25 15. Provide that, if a parent or legal guardian chooses not to accept a
26 decision of the teacher as provided in section 15-521, paragraph ~~2- 3~~, the
27 parent or legal guardian may request in writing that the governing board
28 review the teacher's decision. ~~Nothing in~~ This paragraph shall NOT be
29 construed to release school districts from any liability relating to a
30 child's promotion or retention.
- 31 16. Provide for adequate supervision over pupils in instructional and
32 noninstructional activities by certificated or noncertificated personnel.
- 33 17. Use school monies received from the state and county school
34 apportionment exclusively for payment of salaries of teachers and other
35 employees and contingent expenses of the district.
- 36 18. Make an annual report to the county school superintendent on or
37 before October 1 in the manner and form and on the blanks prescribed by the
38 superintendent of public instruction or county school superintendent. The
39 board shall also make reports directly to the county school superintendent or
40 the superintendent of public instruction whenever required.
- 41 19. Deposit all monies received by school districts other than student
42 activities monies or monies from auxiliary operations as provided in sections
43 15-1125 and 15-1126 with the county treasurer to the credit of the school
44 district except as provided in paragraph 20 of this subsection and sections

1 15-1223 and 15-1224, and the board shall expend the monies as provided by law
2 for other school funds.

3 20. Establish bank accounts in which the board during a month may
4 deposit miscellaneous monies received directly by the district. The board
5 shall remit monies deposited in the bank accounts at least monthly to the
6 county treasurer for deposit as provided in paragraph 19 of this subsection
7 and in accordance with the uniform system of financial records.

8 21. Prescribe and enforce policies and procedures for disciplinary
9 action against a teacher who engages in conduct that is a violation of the
10 policies of the governing board but that is not cause for dismissal of the
11 teacher or for revocation of the certificate of the teacher. Disciplinary
12 action may include suspension without pay for a period of time not to exceed
13 ten school days. Disciplinary action shall not include suspension with pay
14 or suspension without pay for a period of time longer than ten school days.
15 The procedures shall include notice, hearing and appeal provisions for
16 violations that are cause for disciplinary action. The governing board may
17 designate a person or persons to act on behalf of the board on these matters.

18 22. Prescribe and enforce policies and procedures for disciplinary
19 action against an administrator who engages in conduct that is a violation of
20 the policies of the governing board regarding duties of administrators but
21 that is not cause for dismissal of the administrator or for revocation of the
22 certificate of the administrator. Disciplinary action may include suspension
23 without pay for a period of time not to exceed ten school days. Disciplinary
24 action shall not include suspension with pay or suspension without pay for a
25 period of time longer than ten school days. The procedures shall include
26 notice, hearing and appeal provisions for violations that are cause for
27 disciplinary action. The governing board may designate a person or persons
28 to act on behalf of the board on these matters. For violations that are
29 cause for dismissal, the provisions of notice, hearing and appeal in chapter
30 5, article 3 of this title shall apply. The filing of a timely request for a
31 hearing suspends the imposition of a suspension without pay or a dismissal
32 pending completion of the hearing.

33 23. Notwithstanding sections 13-3108 and 13-3120, prescribe and enforce
34 policies and procedures that prohibit a person from carrying or possessing a
35 weapon on school grounds unless the person is a peace officer or has obtained
36 specific authorization from the school administrator.

37 24. Prescribe and enforce policies and procedures relating to the
38 health and safety of all pupils participating in district sponsored practice
39 sessions or games or other interscholastic athletic activities, including:

40 (a) The provision of water.

41 (b) Guidelines, information and forms, developed in consultation with
42 a statewide private entity that supervises interscholastic activities, to
43 inform and educate coaches, pupils and parents of the dangers of concussions
44 and head injuries and the risks of continued participation in athletic
45 activity after a concussion. The policies and procedures shall require that,

1 before a pupil participates in an athletic activity, the pupil and the
2 pupil's parent must sign an information form at least once each school year
3 that states that the parent is aware of the nature and risk of concussion.
4 The policies and procedures shall require that a pupil who is suspected of
5 sustaining a concussion in a practice session, game or other interscholastic
6 athletic activity be immediately removed from the athletic activity. A coach
7 from the pupil's team or an official or a licensed health care provider may
8 remove a pupil from play. A team parent may also remove ~~his or her~~ THE
9 PARENT'S own child from play. A pupil may return to play on the same day if
10 a health care provider rules out a suspected concussion at the time the pupil
11 is removed from play. On a subsequent day, the pupil may return to play if
12 the pupil has been evaluated by and received written clearance to resume
13 participation in athletic activity from a health care provider who has been
14 trained in the evaluation and management of concussions and head injuries. A
15 health care provider who is a volunteer and who provides clearance to
16 participate in athletic activity on the day of the suspected injury or on a
17 subsequent day is immune from civil liability with respect to all decisions
18 made and actions taken that are based on good faith implementation of the
19 requirements of this subdivision, except in cases of gross negligence or
20 wanton or wilful neglect. A school district, school district employee, team
21 coach, official, ~~OR~~ team volunteer or a parent or guardian of a team member
22 is not subject to civil liability for any act, omission or policy undertaken
23 in good faith to comply with the requirements of this subdivision or for a
24 decision made or an action taken by a health care provider. A group or
25 organization that uses property or facilities owned or operated by a school
26 district for athletic activities shall comply with the requirements of this
27 subdivision. A school district and its employees and volunteers are not
28 subject to civil liability for any other person or organization's failure or
29 alleged failure to comply with the requirements of this subdivision. This
30 subdivision does not apply to teams that are based in another state and that
31 participate in an athletic activity in this state. For the purposes of this
32 subdivision, athletic activity does not include dance, rhythmic gymnastics,
33 competitions or exhibitions of academic skills or knowledge or other similar
34 forms of physical noncontact activities, civic activities or academic
35 activities, whether engaged in for the purposes of competition or recreation.
36 For the purposes of this subdivision, "~~a~~ health care provider" means a
37 physician who is licensed pursuant to title 32, chapter 13 or 17, an athletic
38 trainer who is licensed pursuant to title 32, chapter 41, a nurse
39 practitioner who is licensed pursuant to title 32, chapter 15, and a
40 physician assistant who is licensed pursuant to title 32, chapter 25.

41 25. Prescribe and enforce policies and procedures regarding the smoking
42 of tobacco within school buildings. The policies and procedures shall be
43 adopted in consultation with school district personnel and members of the
44 community and shall state whether smoking is prohibited in school buildings.
45 If smoking in school buildings is not prohibited, the policies and procedures

1 shall clearly state the conditions and circumstances under which smoking is
2 permitted, those areas in a school building that may be designated as smoking
3 areas and those areas in a school building that may not be designated as
4 smoking areas.

5 26. Establish an assessment, data gathering and reporting system as
6 prescribed in chapter 7, article 3 of this title.

7 27. Provide special education programs and related services pursuant to
8 section 15-764, subsection A to all children with disabilities as defined in
9 section 15-761.

10 28. Administer competency tests prescribed by the state board of
11 education for the graduation of pupils from high school.

12 29. Ensure that insurance coverage is secured for all construction
13 projects for purposes of general liability, property damage and workers'
14 compensation and secure performance and payment bonds for all construction
15 projects.

16 30. Keep on file the resumes of all current and former employees who
17 provide instruction to pupils at a school. Resumes shall include an
18 individual's educational and teaching background and experience in a
19 particular academic content subject area. A school district shall inform
20 parents and guardians of the availability of the resume information and shall
21 make the resume information available for inspection on request of parents
22 and guardians of pupils enrolled at a school. ~~Nothing in~~ This paragraph
23 shall NOT be construed to require any school to release personally
24 identifiable information in relation to any teacher or employee, including
25 the teacher's or employee's address, salary, social security number or
26 telephone number.

27 31. Report to local law enforcement agencies any suspected crime
28 against a person or property that is a serious offense as defined in section
29 13-706 or that involves a deadly weapon or dangerous instrument or serious
30 physical injury and any conduct that poses a threat of death or serious
31 physical injury to employees, students or anyone on the property of the
32 school. This paragraph does not limit or preclude the reporting by a school
33 district or an employee of a school district of suspected crimes other than
34 those required to be reported by this paragraph. For the purposes of this
35 paragraph, "dangerous instrument", "deadly weapon" and "serious physical
36 injury" have the same meanings prescribed in section 13-105.

37 32. In conjunction with local law enforcement agencies and local
38 medical facilities, develop an emergency response plan for each school in the
39 school district in accordance with minimum standards developed jointly by the
40 department of education and the division of emergency management within the
41 department of emergency and military affairs.

42 33. Provide written notice to the parents or guardians of all students
43 affected in the school district at least ten days prior to a public meeting
44 to discuss closing a school within the school district. The notice shall
45 include the reasons for the proposed closure and the time and place of the

1 meeting. The governing board shall fix a time for a public meeting on the
2 proposed closure no less than ten days before voting in a public meeting to
3 close the school. The school district governing board shall give notice of
4 the time and place of the meeting. At the time and place designated in the
5 notice, the school district governing board shall hear reasons for or against
6 closing the school. The school district governing board is exempt from this
7 paragraph if it is determined by the governing board that the school shall be
8 closed because it poses a danger to the health or safety of the pupils or
9 employees of the school. A governing board may consult with the school
10 facilities board for technical assistance and for information on the impact
11 of closing a school. The information provided from the school facilities
12 board shall not require the governing board to take or not take any action.

13 34. Incorporate instruction on Native American history into appropriate
14 existing curricula.

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

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

43 37. Prescribe and enforce policies and procedures to prohibit pupils
44 from harassing, intimidating and bullying other pupils on school grounds, on
45 school property, on school buses, at school bus stops, at school sponsored

1 events and activities and through the use of electronic technology or
2 electronic communication on school computers, networks, forums and mailing
3 lists that include the following components:

4 (a) A procedure for pupils, parents and school district employees to
5 confidentially report to school officials incidents of harassment,
6 intimidation or bullying. The school shall make available written forms
7 designed to provide a full and detailed description of the incident and any
8 other relevant information about the incident.

9 (b) A requirement that school district employees report in writing
10 suspected incidents of harassment, intimidation or bullying to the
11 appropriate school official and a description of appropriate disciplinary
12 procedures for employees who fail to report suspected incidents that are
13 known to the employee.

14 (c) A requirement that, at the beginning of each school year, school
15 officials provide all pupils with a written copy of the rights, protections
16 and support services available to a pupil who is an alleged victim of an
17 incident reported pursuant to this paragraph.

18 (d) If an incident is reported pursuant to this paragraph, a
19 requirement that school officials provide a pupil who is an alleged victim of
20 the incident with a written copy of the rights, protections and support
21 services available to that pupil.

22 (e) A formal process for the documentation of reported incidents of
23 harassment, intimidation or bullying and for the confidentiality, maintenance
24 and disposition of this documentation. School districts shall maintain
25 documentation of all incidents reported pursuant to this paragraph for at
26 least six years. The school shall not use that documentation to impose
27 disciplinary action unless the appropriate school official has investigated
28 and determined that the reported incidents of harassment, intimidation or
29 bullying occurred. If a school provides documentation of reported incidents
30 to persons other than school officials or law enforcement, all individually
31 identifiable information shall be redacted.

32 (f) A formal process for the investigation by the appropriate school
33 officials of suspected incidents of harassment, intimidation or bullying,
34 including procedures for notifying the alleged victim on completion and
35 disposition of the investigation.

36 (g) Disciplinary procedures for pupils who have admitted or been found
37 to have committed incidents of harassment, intimidation or bullying.

38 (h) A procedure that sets forth consequences for submitting false
39 reports of incidents of harassment, intimidation or bullying.

40 (i) Procedures designed to protect the health and safety of pupils who
41 are physically harmed as the result of incidents of harassment, intimidation
42 and bullying, including, if appropriate, procedures to contact emergency
43 medical services or law enforcement agencies, or both.

44 (j) Definitions of harassment, intimidation and bullying.

1 38. Prescribe and enforce policies and procedures regarding changing or
2 adopting attendance boundaries that include the following components:

3 (a) A procedure for holding public meetings to discuss attendance
4 boundary changes or adoptions that allows public comments.

5 (b) A procedure to notify the parents or guardians of the students
6 affected.

7 (c) A procedure to notify the residents of the households affected by
8 the attendance boundary changes.

9 (d) A process for placing public meeting notices and proposed maps on
10 the school district's website for public review, if the school district
11 maintains a website.

12 (e) A formal process for presenting the attendance boundaries of the
13 affected area in public meetings that allows public comments.

14 (f) A formal process for notifying the residents and parents or
15 guardians of the affected area as to the decision of the governing board on
16 the school district's website, if the school district maintains a website.

17 (g) A formal process for updating attendance boundaries on the school
18 district's website within ninety days of an adopted boundary change. The
19 school district shall send a direct link to the school district's attendance
20 boundaries website to the department of real estate.

21 (h) If the land that a school was built on was donated within the past
22 five years, a formal process to notify the entity that donated the land
23 affected by the decision of the governing board.

24 39. If the state board of education determines that the school district
25 has committed an overexpenditure as defined in section 15-107, provide a copy
26 of the fiscal management report submitted pursuant to section 15-107,
27 subsection H on its website and make copies available to the public on
28 request. The school district shall comply with a request within five
29 business days after receipt.

30 40. Ensure that the contract for the superintendent is structured in a
31 manner in which up to twenty per cent of the total annual salary included for
32 the superintendent in the contract is classified as performance pay. ~~Nothing~~
33 ~~in~~ This paragraph shall NOT be construed to require school districts to
34 increase total compensation for superintendents. Unless the school district
35 governing board votes to implement an alternative procedure at a public
36 meeting called for this purpose, the performance pay portion of the
37 superintendent's total annual compensation shall be determined as follows:

38 (a) Twenty-five per cent of the performance pay shall be determined
39 based on the percentage of academic gain determined by the department of
40 education of pupils who are enrolled in the school district compared to the
41 academic gain achieved by the highest ranking of the fifty largest school
42 districts in this state. For the purposes of this subdivision, the
43 department of education shall determine academic gain by the academic growth
44 achieved by each pupil who has been enrolled at the same school in a school
45 district for at least five consecutive months measured against that pupil's

1 academic results in the 2008-2009 school year. For the purposes of this
2 subdivision, of the fifty largest school districts in this state, the school
3 district with pupils who demonstrate the highest statewide percentage of
4 overall academic gain measured against academic results for the 2008-2009
5 school year shall be assigned a score of 100 and the school district with
6 pupils who demonstrate the lowest statewide percentage of overall academic
7 gain measured against academic results for the 2008-2009 school year shall be
8 assigned a score of 0.

9 (b) Twenty-five per cent of the performance pay shall be determined by
10 the percentage of parents of pupils who are enrolled at the school district
11 who assign a letter grade of "A" to the school on a survey of parental
12 satisfaction with the school district. The parental satisfaction survey
13 shall be administered and scored by an independent entity that is selected by
14 the governing board and that demonstrates sufficient expertise and experience
15 to accurately measure the results of the survey. The parental satisfaction
16 survey shall use standard random sampling procedures and provide anonymity
17 and confidentiality to each parent who participates in the survey. The
18 letter grade scale used on the parental satisfaction survey shall direct
19 parents to assign one of the following letter grades:

- 20 (i) A letter grade of "A" if the school district is excellent.
- 21 (ii) A letter grade of "B" if the school district is above average.
- 22 (iii) A letter grade of "C" if the school district is average.
- 23 (iv) A letter grade of "D" if the school district is below average.
- 24 (v) A letter grade of "F" if the school district is a failure.

25 (c) Twenty-five per cent of the performance pay shall be determined by
26 the percentage of teachers who are employed at the school district and who
27 assign a letter grade of "A" to the school on a survey of teacher
28 satisfaction with the school. The teacher satisfaction survey shall be
29 administered and scored by an independent entity that is selected by the
30 governing board and that demonstrates sufficient expertise and experience to
31 accurately measure the results of the survey. The teacher satisfaction
32 survey shall use standard random sampling procedures and provide anonymity
33 and confidentiality to each teacher who participates in the survey. The
34 letter grade scale used on the teacher satisfaction survey shall direct
35 teachers to assign one of the following letter grades:

- 36 (i) A letter grade of "A" if the school district is excellent.
- 37 (ii) A letter grade of "B" if the school district is above average.
- 38 (iii) A letter grade of "C" if the school district is average.
- 39 (iv) A letter grade of "D" if the school district is below average.
- 40 (v) A letter grade of "F" if the school district is a failure.

41 (d) Twenty-five per cent of the performance pay shall be determined by
42 other criteria selected by the governing board.

43 41. Maintain and store permanent public records of the school district
44 as required by law. Notwithstanding section 39-101, the standards adopted by
45 the Arizona state library, archives and public records for the maintenance

1 and storage of school district public records shall allow school districts to
2 elect to satisfy the requirements of this paragraph by maintaining and
3 storing these records either on paper or in an electronic format, or a
4 combination of a paper and electronic format.

5 42. ADOPT IN A PUBLIC MEETING AND IMPLEMENT BY SCHOOL YEAR 2013-2014
6 POLICIES FOR PRINCIPAL EVALUATIONS. BEFORE THE ADOPTION OF PRINCIPAL
7 EVALUATION POLICIES, THE SCHOOL DISTRICT GOVERNING BOARD SHALL PROVIDE
8 OPPORTUNITIES FOR PUBLIC DISCUSSION ON THE PROPOSED POLICIES. THE POLICIES
9 SHALL DESCRIBE:

10 (a) THE PRINCIPAL EVALUATION INSTRUMENT, INCLUDING THE FOUR
11 PERFORMANCE CLASSIFICATIONS ADOPTED BY THE GOVERNING BOARD PURSUANT TO
12 SECTION 15-203, SUBSECTION A, PARAGRAPH 38.

13 (b) ALIGNMENT OF PROFESSIONAL DEVELOPMENT OPPORTUNITIES TO THE
14 PRINCIPAL EVALUATIONS.

15 (c) INCENTIVES FOR PRINCIPALS IN ONE OF THE TWO HIGHEST PERFORMANCE
16 CLASSIFICATIONS PURSUANT TO SECTION 15-203, SUBSECTION A, PARAGRAPH 38, WHICH
17 MAY INCLUDE:

18 (i) MULTIYEAR CONTRACTS PURSUANT TO SECTION 15-503.

19 (ii) INCENTIVES TO WORK AT SCHOOLS THAT ARE ASSIGNED A LETTER GRADE OF
20 D OR F PURSUANT TO SECTION 15-241.

21 (d) TRANSFER AND CONTRACT PROCESSES FOR PRINCIPALS DESIGNATED IN THE
22 LOWEST PERFORMANCE CLASSIFICATION PURSUANT TO SECTION 15-203, SUBSECTION A,
23 PARAGRAPH 38.

24 B. Notwithstanding subsection A, paragraphs 7, 9 and 11 of this
25 section, the county school superintendent may construct, improve and furnish
26 school buildings or purchase or sell school sites in the conduct of an
27 accommodation school.

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

34 1. Is not abated, extinguished, discharged or merged in the title to
35 the property.

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

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

1 and changes in the operational status of the school that will result in a
2 breach of the agreement.

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

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

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

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

34 Sec. 3. Section 15-503, Arizona Revised Statutes, is amended to read:

35 15-503. Superintendents, principals, head teachers and school
36 psychologists; term of employment; evaluation;
37 contract delivery; nonretention notice

38 A. The governing board may:

39 1. Employ a superintendent or principal, or both. If the governing
40 board employs a superintendent, the governing board shall determine the
41 qualifications for the superintendent by action taken at a public meeting.
42 The governing board shall require a superintendent to have a valid
43 fingerprint clearance card that is issued pursuant to title 41, chapter 12,
44 article 3.1.

1 2. Appoint a head teacher.

2 3. Jointly with another governing board employ a superintendent or a
3 principal, or both. If the governing board jointly employs a superintendent,
4 the governing boards shall jointly determine the qualifications for the
5 superintendent by action taken at a public meeting. The governing boards
6 shall require a superintendent to have a valid fingerprint clearance card
7 that is issued pursuant to title 41, chapter 12, article 3.1.

8 B. The term of employment of superintendents ~~or principals~~ may be for
9 any period not exceeding three years, except that if the superintendent's ~~or~~
10 ~~principal's~~ contract with the school district is for multiple years pursuant
11 to this subsection the school district shall not offer to extend or
12 renegotiate the contract until May of the year preceding the final year of
13 the contract. **THE TERM OF EMPLOYMENT OF PRINCIPALS MAY BE FOR ANY PERIOD NOT**
14 **EXCEEDING THREE YEARS PURSUANT TO SECTION 15-341, SUBSECTION A, PARAGRAPH 42,**
15 **EXCEPT THAT IF THE PRINCIPAL'S CONTRACT WITH THE SCHOOL DISTRICT IS FOR**
16 **MULTIPLE YEARS THE SCHOOL DISTRICT SHALL NOT OFFER TO EXTEND OR NEGOTIATE THE**
17 **CONTRACT UNTIL MAY OF THE YEAR PRECEDING THE FINAL YEAR OF THE CONTRACT.** The
18 school district governing board or the governing body of the charter school
19 shall communicate the superintendent's or principal's duties with respect to
20 the classroom site fund established by section 15-977.

21 C. The governing board shall establish systems for the evaluation of
22 the performance of principals **THAT MEET THE REQUIREMENTS PRESCRIBED IN**
23 **SECTION 15-203, SUBSECTION A, PARAGRAPH 38** and other school administrators
24 and certificated school psychologists in the school district. In the
25 development and adoption of these performance evaluation systems, the
26 governing board shall avail itself of the advice of its administrators and
27 certificated school psychologists. Each evaluation shall include
28 recommendations as to areas of improvement in the performance of the
29 certificated school psychologist if the performance of the certificated
30 school psychologist warrants improvement. After transmittal of an
31 assessment, a board designee shall confer with the certificated school
32 psychologist to make specific recommendations as to areas of improvement in
33 the certificated school psychologist's performance. The board designee shall
34 provide assistance and opportunities for the certificated school psychologist
35 to improve his performance and shall follow up with the certificated school
36 psychologist after a reasonable period of time for the purpose of
37 ascertaining that the certificated school psychologist is demonstrating
38 adequate performance. The evaluation process for certificated school
39 psychologists shall include appeal procedures for certificated school
40 psychologists who disagree with the evaluation of their performance, if the
41 evaluation is for use as criteria for establishing compensation or dismissal.

42 D. On or before May 15 each year, the governing board shall offer a
43 contract for the next school year to each certified administrator and
44 certificated school psychologist who is in the last year of his contract
45 unless, on or before April 15, the governing board, a member of the board

1 acting on behalf of the board or the superintendent of the school district
2 gives notice to the administrator or certificated school psychologist of the
3 board's intention not to offer a new contract. If the governing board has
4 called for an override election for the third Tuesday in May as provided in
5 section 15-481, the governing board shall offer a contract for the next
6 school year to each certified administrator or certificated school
7 psychologist who is in the last year of his contract on or before June 15
8 unless, no later than five days after the override election excluding
9 Saturday, Sunday and legal holidays, the governing board, a member of the
10 board acting on behalf of the board or the superintendent of the school
11 district gives notice to the administrator or the certificated school
12 psychologist of the board's intention not to offer a new contract. The
13 administrator's or the certificated school psychologist's acceptance of the
14 contract shall be indicated within thirty days from the date of the written
15 contract or the offer is revoked. The administrator or certificated school
16 psychologist accepts the contract by signing the contract and returning it to
17 the governing board or by making a written instrument that accepts the terms
18 of the contract and delivering the written instrument to the governing board.

19 E. Notice of the board's intention not to reemploy the administrator
20 or certificated school psychologist shall be made by delivering the notice
21 personally to the administrator or the certificated school psychologist or by
22 sending the notice by certified mail, postmarked on or before the applicable
23 deadline prescribed in subsection D of this section, and directed to the
24 administrator or the certificated school psychologist at his place of
25 residence as recorded in the school district records.

26 F. THE SCHOOL DISTRICT GOVERNING BOARD SHALL MAKE AVAILABLE THE
27 EVALUATION AND PERFORMANCE CLASSIFICATION PURSUANT TO SECTION 15-203,
28 SUBSECTION A, PARAGRAPH 38 OF EACH PRINCIPAL IN THE SCHOOL DISTRICT TO SCHOOL
29 DISTRICTS AND CHARTER SCHOOLS THAT ARE INQUIRING ABOUT THE PERFORMANCE OF THE
30 PRINCIPAL FOR HIRING PURPOSES.

31 Sec. 4. Section 15-521, Arizona Revised Statutes, is amended to read:

32 15-521. Duties of teachers

33 Every teacher shall:

34 1. MAKE STUDENT LEARNING THE PRIMARY FOCUS OF THE TEACHER'S
35 PROFESSIONAL TIME.

36 ~~1-~~ 2. Hold pupils to strict account for disorderly conduct.

37 ~~2-~~ 3. Take and maintain daily classroom attendance.

38 ~~3-~~ 4. Make the decision to promote or retain a pupil in grade in a
39 common school or to pass or fail a pupil in a course in high school. Such
40 decisions may be overturned only as provided in section 15-342, paragraph 11.

41 ~~4-~~ 5. Comply with all rules and policies of the governing board that
42 relate to the duties prescribed in this section.

1 Sec. 5. Section 15-536, Arizona Revised Statutes, is amended to read:
2 15-536. Offer of contract to certificated teacher who has not
3 been employed more than three consecutive school
4 years; acceptance; notice to teacher of intention not
5 to reemploy

6 A. Subject to sections 15-539, 15-540, 15-541, 15-544 and 15-549, the
7 governing board shall offer a teaching contract for the next ensuing school
8 year to each certificated teacher who has not been employed by the school
9 district for more than the major portion of three consecutive school years **OR**
10 **WHO IS BEGINNING THE TEACHER'S FOURTH YEAR OF EMPLOYMENT AND WHO HAS BEEN**
11 **DESIGNATED IN ONE OF THE TWO LOWEST PERFORMANCE CLASSIFICATIONS PURSUANT TO**
12 **SECTION 15-203, SUBSECTION A, PARAGRAPH 38** and who is under a contract of
13 employment with the school district for the current school year, unless the
14 governing board, a member of the board acting on behalf of the board or the
15 superintendent of the school district gives notice to the teacher of the
16 board's intention not to offer a teaching contract or unless such teacher has
17 been dismissed pursuant to section 15-538, 15-539, 15-541 or 15-544. The
18 teacher's acceptance of the contract for the ensuing year must be indicated
19 within fifteen business days from the date of the teacher's receipt of the
20 written contract or the offer is revoked. Receipt under this subsection will
21 be deemed to have occurred when the written contract is personally delivered,
22 placed in the teacher's school provided mailbox, including electronic mail,
23 or two days after being placed in a United States postal service mailbox.
24 The teacher accepts the contract by signing the contract and returning it to
25 the governing board or by making a written instrument which accepts the terms
26 of the contract and delivering it to the governing board. If the written
27 instrument includes terms in addition to the terms of the contract offered by
28 the board, the teacher fails to accept the contract.

29 B. Notice of the board's intention not to reemploy the teacher shall
30 be by delivering it personally to the teacher or by sending it by registered
31 or certified mail to the teacher at the teacher's place of residence as
32 recorded in the school district records. The notice shall incorporate a
33 statement of reasons for not reemploying the teacher. If the reasons are
34 charges of inadequacy of classroom performance as defined by the governing
35 board pursuant to section 15-539, subsection D, the board or its authorized
36 representative, at least ninety days prior to such notice, shall give the
37 teacher written preliminary notice of inadequacy, specifying the nature of
38 the inadequacy with such particularity as to furnish the teacher an
39 opportunity to correct the inadequacies and overcome the grounds for such
40 charge. The governing board may delegate to employees of the governing board
41 the general authority to issue preliminary notices of inadequacy of classroom
42 performance to teachers pursuant to this subsection without the need for
43 prior approval of each notice by the governing board. In all cases in which
44 an employee of the governing board issues a preliminary notice of inadequacy
45 of classroom performance without prior approval by the governing board, the

1 employee shall report its issuance to the governing board within five school
2 days. The written notice of intention not to reemploy shall include a copy
3 of any evaluation pertinent to the charges made and filed with the board.

4 C. ~~Nothing in~~ This section shall NOT be construed to provide a
5 certificated teacher who has not been employed by the school district for
6 more than the major portion of three consecutive school years and who has
7 received notice of the board's intention not to offer a teaching contract OR
8 A CERTIFICATED TEACHER WHO HAS NOT BEEN EMPLOYED FOR MORE THAN THE MAJOR
9 PORTION OF FOUR CONSECUTIVE SCHOOL YEARS, WHO IS UNDER CONTRACT PURSUANT TO
10 THIS SECTION AND WHO HAS BEEN DESIGNATED IN ONE OF THE TWO LOWEST PERFORMANCE
11 CLASSIFICATIONS PURSUANT TO SECTION 15-203, SUBSECTION A, PARAGRAPH 38 with
12 the right to a hearing pursuant to section 15-539, subsection G.

13 Sec. 6. Section 15-537, Arizona Revised Statutes, is amended to read:

14 15-537. Performance of certificated teachers; evaluation
15 system; definition

16 A. The governing board of a school district shall establish a system
17 for the evaluation of the performance of certificated teachers in the school
18 district THAT MEETS THE REQUIREMENTS PRESCRIBED IN SECTION 15-203, SUBSECTION
19 A, PARAGRAPH 38. The objectives of the teacher performance evaluation system
20 are to improve instruction and maintain instructional strengths. The
21 governing board shall involve its certificated teachers in the development
22 and periodic evaluation of the teacher performance evaluation system.

23 B. THE SCHOOL DISTRICT GOVERNING BOARD SHALL ADOPT TEACHER EVALUATION
24 POLICIES IN A PUBLIC MEETING BY SCHOOL YEAR 2013-2014. BEFORE THE ADOPTION
25 OF TEACHER EVALUATION POLICIES, THE SCHOOL DISTRICT GOVERNING BOARD SHALL
26 PROVIDE OPPORTUNITIES FOR PUBLIC DISCUSSION ON THE PROPOSED POLICIES. THE
27 POLICIES SHALL DESCRIBE:

28 1. INCENTIVES FOR TEACHERS IN THE HIGHEST PERFORMANCE CLASSIFICATION,
29 INCLUDING MULTIYEAR CONTRACTS NOT TO EXCEED THREE YEARS. THE POLICIES SHALL
30 SPECIFY THAT THE OFFER AND ACCEPTANCE OF A MULTIYEAR CONTRACT DOES NOT
31 EXCLUDE THAT TEACHER FROM THE APPLICATION OF SECTION 15-538.01, 15-540,
32 15-541 OR 15-549 AND THAT THE TEACHER MAY ACCEPT A MULTIYEAR CONTRACT OFFER
33 OR DECLINE AND ACCEPT A ONE YEAR CONTRACT.

34 2. INCENTIVES FOR TEACHERS IN THE TWO HIGHEST PERFORMANCE
35 CLASSIFICATIONS TO WORK AT SCHOOLS THAT ARE ASSIGNED A LETTER GRADE OF D OR F
36 PURSUANT TO SECTION 15-241.

37 3. PROTECTIONS FOR TEACHERS WHO ARE TRANSFERRED TO SCHOOLS THAT ARE
38 ASSIGNED A LETTER GRADE OF D OR F PURSUANT TO SECTION 15-241.

39 4. PROTECTIONS FOR TEACHERS IF THE PRINCIPAL OF THE SCHOOL IS
40 DESIGNATED IN THE LOWEST PERFORMANCE CLASSIFICATION.

41 C. BEGINNING IN SCHOOL YEAR 2015-2016, THE POLICIES PRESCRIBED IN
42 SUBSECTION B OF THIS SECTION SHALL DESCRIBE:

43 1. SUPPORT AND CONSEQUENCES FOR TEACHERS DESIGNATED IN THE LOWEST
44 PERFORMANCE CLASSIFICATION.

1 2. AN INTERVENTION OPTION FOR TEACHERS DESIGNATED IN THE LOWEST
2 PERFORMANCE CLASSIFICATION THAT INCLUDES THE USE OF A PERFORMANCE IMPROVEMENT
3 PLAN FOR THOSE TEACHERS PURSUANT TO SECTION 15-539. THE POLICY SHALL SPECIFY
4 THAT THIS INTERVENTION OPTION MAY BE USED ONLY ONCE FOR EACH TEACHER.

5 3. DISMISSAL POLICIES PURSUANT TO SECTION 15-539 FOR TEACHERS WHO
6 CONTINUE TO BE DESIGNATED IN THE LOWEST PERFORMANCE CLASSIFICATION AFTER
7 USING THE INTERVENTION OPTION PRESCRIBED IN PARAGRAPH 2 OF THIS SUBSECTION.

8 4. DISMISSAL POLICIES PURSUANT TO SECTION 15-539 FOR TEACHERS WHO ARE
9 NOT PROVIDED AN INTERVENTION OPTION PURSUANT TO PARAGRAPH 2 OF THIS
10 SUBSECTION. THE POLICIES SHALL REQUIRE THAT THE SCHOOL DISTRICT GOVERNING
11 BOARD INITIATE THE NOTICE OF INADEQUACY OF CLASSROOM PERFORMANCE PROCESS
12 PURSUANT TO SECTION 15-539 NO LATER THAN THE SECOND CONSECUTIVE YEAR THAT THE
13 TEACHER IS DESIGNATED IN THE LOWEST PERFORMANCE CLASSIFICATION.

14 D. A TEACHER WHO HAS BEEN EMPLOYED BY THE SCHOOL DISTRICT FOR THE
15 MAJOR PORTION OF THREE OR MORE CONSECUTIVE SCHOOL YEARS AND WHO IS DESIGNATED
16 IN THE LOWEST PERFORMANCE CLASSIFICATION FOR TWO CONSECUTIVE SCHOOL YEARS
17 SHALL NOT BE TRANSFERRED AS A TEACHER TO ANOTHER SCHOOL IN THAT SCHOOL
18 DISTRICT UNLESS THE SCHOOL DISTRICT HAS ISSUED A NOTICE OF INADEQUACY OF
19 CLASSROOM PERFORMANCE AND APPROVED A PERFORMANCE IMPROVEMENT PLAN FOR THE
20 TEACHER PURSUANT TO SECTION 15-539 AND THE GOVERNING BOARD HAS APPROVED THE
21 NEW PLACEMENT AS IN THE BEST INTERESTS OF THE PUPILS IN THE SCHOOL. A
22 TEACHER WHO CONTINUES TO BE DESIGNATED IN ONE OF THE TWO LOWEST PERFORMANCE
23 CLASSIFICATIONS SHALL NOT BE PERMITTED TO TRANSFER TO ANOTHER SCHOOL. A
24 TEACHER SHALL NOT BE TRANSFERRED MORE THAN ONCE PURSUANT TO THIS SUBSECTION.

25 ~~B.~~ E. The governing board shall prescribe specific procedures for the
26 teacher performance evaluation system PURSUANT TO SECTION 15-203, SUBSECTION
27 A, PARAGRAPH 38, which shall include at least the following elements:

28 ~~1. A reliable evaluation instrument including specific criteria for~~
29 ~~measuring effective teaching performance in each area of the teacher's~~
30 ~~classroom responsibility.~~

31 ~~2. An assessment of the competencies of teachers as they relate to the~~
32 ~~specific criteria for measuring teacher performance prescribed in paragraph 1~~
33 ~~of this subsection.~~

34 ~~3.~~ 1. A specified minimum number and minimum duration of AT LEAST TWO
35 actual classroom observations of the certificated teacher demonstrating
36 teaching skills IN A COMPLETE AND UNINTERRUPTED LESSON by the persons
37 evaluating PERSON OBSERVING the teacher. THERE SHALL BE AT LEAST SIXTY
38 CALENDAR DAYS BETWEEN THE FIRST AND LAST OBSERVATIONS. WITHIN TEN BUSINESS
39 DAYS AFTER EACH OBSERVATION, THE PERSON OBSERVING THE TEACHER SHALL PROVIDE
40 WRITTEN FEEDBACK TO THE TEACHER.

41 ~~4.~~ 2. Specific and reasonable plans for the improvement of teacher
42 performance as provided in subsection ~~F- H~~ OF THIS SECTION.

43 ~~5.~~ 3. Appeal procedures for teachers who disagree with the evaluation
44 of their performance, if the evaluation is for use as criteria for
45 establishing compensation.

1 ~~C. A regular evaluation of the performance of each certificated~~
2 ~~teacher as provided in this section shall be performed at least twice each~~
3 ~~year for a teacher who has not been employed by the school district for more~~
4 ~~than the major portion of three consecutive school years and at least once~~
5 ~~each year for a teacher who has been employed by the school district for more~~
6 ~~than the major portion of three consecutive school years. The governing~~
7 ~~board may provide for additional teacher performance evaluations as it deems~~
8 ~~necessary.~~

9 ~~D.~~ F. The governing board shall designate persons who are qualified
10 to evaluate OBSERVE teachers AND to serve as evaluators for the district's
11 teacher performance evaluation system. The governing board shall ensure that
12 persons evaluating teachers are TRAINED AND qualified to evaluate teachers.

13 ~~E.~~ G. THE RESULTS OF an ANNUAL evaluation made CONDUCTED as provided
14 in this section shall be in writing, and a copy shall be transmitted to the
15 certificated teacher within five days after completion of the evaluation.
16 The certificated teacher may initiate a written reaction or response to the
17 evaluation.

18 ~~F.~~ H. Each evaluation shall include recommendations as to areas of
19 improvement in the performance of the certificated teacher if the performance
20 of the teacher warrants improvement. After transmittal of an assessment
21 EVALUATION a board designee shall confer with the teacher to make specific
22 recommendations as to areas of improvement in the teacher's performance. The
23 board designee shall provide assistance and PROFESSIONAL DEVELOPMENT
24 opportunities for the certificated teacher to improve his performance and
25 follow up with the teacher after a reasonable period of time for the purpose
26 of ascertaining that the teacher is demonstrating adequate classroom
27 performance.

28 ~~G.~~ I. Copies of the assessment and evaluation report AND PERFORMANCE
29 CLASSIFICATION of a certificated teacher retained by the governing board AND
30 THE DEPARTMENT OF EDUCATION are confidential, do not constitute a public
31 record and shall not be released or shown to any person except:

- 32 1. To the certificated teacher who may make any use of it.
33 2. To authorized district officers and employees for all personnel
34 matters regarding employment and contracts and for any hearing which THAT
35 relates to personnel matters.

36 3. TO SCHOOL DISTRICTS AND CHARTER SCHOOLS THAT INQUIRE ABOUT THE
37 PERFORMANCE OF THE TEACHER FOR EMPLOYMENT PURPOSES.

38 ~~3-~~ 4. For introduction in evidence or discovery in any court action
39 between the governing board and the certificated teacher in which either:

- 40 (a) The competency of the teacher is at issue.
41 (b) The assessment and evaluation AND PERFORMANCE CLASSIFICATION were
42 an exhibit at a hearing, the result of which is challenged.

43 J. ANY SCHOOL DISTRICT POLICY PERTAINING TO THE TRANSFER OF TEACHERS
44 FROM ONE SCHOOL TO ANOTHER SCHOOL IN A SCHOOL DISTRICT SHALL TAKE INTO
45 CONSIDERATION THE CURRENT DISTRIBUTION OF TEACHERS ACROSS ALL OF THE

1 PERFORMANCE CLASSIFICATIONS AND THE NEEDS OF THE PUPILS IN THE SCHOOL
2 DISTRICT.

3 K. FOR THE PURPOSES OF THIS SECTION, "PERFORMANCE CLASSIFICATION"
4 MEANS THE FOUR PERFORMANCE CLASSIFICATIONS ADOPTED BY THE STATE BOARD OF
5 EDUCATION PURSUANT TO SECTION 15-203, SUBSECTION A, PARAGRAPH 38.

6 Sec. 7. Title 15, chapter 5, article 3, Arizona Revised Statutes, is
7 amended by adding section 15-537.01, to read:

8 15-537.01. Posting of best practices for teacher and principal
9 evaluation systems

10 A. ON OR BEFORE SEPTEMBER 15, 2012, THE DEPARTMENT OF EDUCATION SHALL
11 IDENTIFY AND PROMINENTLY POST ON THE WEBSITE MAINTAINED BY THE DEPARTMENT THE
12 BEST PRACTICES FOR THE IMPLEMENTATION AND ASSESSMENT OF PRINCIPAL AND TEACHER
13 EVALUATION SYSTEMS.

14 B. THE BEST PRACTICES POSTED BY THE DEPARTMENT OF EDUCATION PURSUANT
15 TO SUBSECTION A OF THIS SECTION SHALL BE FROM AT LEAST THE FOLLOWING PUBLIC
16 SCHOOLS IN THIS STATE:

17 1. ONE LARGE SCHOOL DISTRICT LOCATED IN A COUNTY WITH A POPULATION OF
18 AT LEAST EIGHT HUNDRED THOUSAND PERSONS.

19 2. ONE SMALL SCHOOL DISTRICT LOCATED IN A COUNTY WITH A POPULATION OF
20 AT LEAST EIGHT HUNDRED THOUSAND PERSONS.

21 3. ONE SCHOOL DISTRICT LOCATED IN A COUNTY WITH A POPULATION OF FEWER
22 THAN EIGHT HUNDRED THOUSAND PERSONS.

23 4. ONE CHARTER SCHOOL.

24 C. THE BEST PRACTICES POSTED BY THE DEPARTMENT OF EDUCATION PURSUANT
25 TO SUBSECTION A OF THIS SECTION SHALL INCLUDE DETAILED INFORMATION ON THE
26 FOLLOWING:

27 1. THE IMPLEMENTATION PROCESS FOR TEACHER AND PRINCIPAL EVALUATION
28 SYSTEMS.

29 2. THE EVALUATION WEIGHTINGS.

30 3. THE TYPES OF QUALITATIVE AND QUANTITATIVE ELEMENTS USED.

31 4. THE METHODS IN WHICH THE EVALUATIONS GUIDE PROFESSIONAL
32 DEVELOPMENT.

33 5. THE TYPES OF DECISIONS FOR WHICH THE EVALUATIONS ARE USED.

34 Sec. 8. Section 15-538.01, Arizona Revised Statutes, is amended to
35 read:

36 15-538.01. Offer of contract to certificated teacher employed
37 more than three consecutive school years

38 A. Subject to sections 15-539, 15-540, 15-541, 15-544 and 15-549, the
39 governing board shall offer to each certificated teacher who has been
40 employed by the school district for more than the major portion of three
41 consecutive school years and who is under contract of employment with the
42 school district for the current year OR WHO IS NOT DESIGNATED IN THE LOWEST
43 PERFORMANCE CLASSIFICATION PURSUANT TO SECTION 15-203, SUBSECTION A,
44 PARAGRAPH 38 AND WAS OFFERED A CONTRACT IN THE PRIOR YEAR PURSUANT TO SECTION
45 15-536 a contract renewal for the next ensuing school year unless the

1 governing board, a member of the board acting on behalf of the board or the
2 superintendent of the school district gives notice to the teacher of the
3 board's intent not to offer a contract and to dismiss the teacher as provided
4 in section 15-539.

5 B. The teacher's acceptance of the contract must be indicated within
6 fifteen business days from the date of the teacher's receipt of the written
7 contract or the offer of a contract is revoked. Receipt under this
8 subsection will be deemed to have occurred when the written contract is
9 personally delivered, placed in the teacher's school provided mailbox,
10 including electronic mail, or two days after being placed in a United States
11 postal service mailbox. The teacher accepts the contract by signing the
12 contract and returning it to the governing board or by making a written
13 instrument ~~which~~ THAT accepts the terms of the contract and delivering it to
14 the governing board. If the written instrument includes terms in addition to
15 the terms of the contract offered by the board, the teacher fails to accept
16 the contract.

17 Sec. 9. Section 15-539, Arizona Revised Statutes, is amended to read:
18 15-539. Dismissal of certificated teacher; due process; written
19 charges; notice; hearing on request

20 A. On a written statement of charges presented by the superintendent,
21 charging that there exists cause for the suspension without pay for a period
22 of time greater than ten school days or dismissal of a certificated teacher
23 of the district, the governing board, except as otherwise provided in this
24 article, shall give notice to the teacher of its intention to suspend without
25 pay or dismiss the teacher at the expiration of ten days from the date of the
26 service of the notice.

27 B. Whenever the superintendent presents a statement of charges wherein
28 the alleged cause for dismissal constitutes immoral or unprofessional
29 conduct, the governing board may adopt a resolution that a complaint be filed
30 with the department of education. Pending disciplinary action by the state
31 board of education, the certificated teacher may be reassigned by the
32 superintendent or placed on administrative leave by the GOVERNING board
33 pursuant to section 15-540.

34 C. EXCEPT AS PROVIDED IN SECTION 15-536, the governing board shall
35 give a certificated teacher who has been employed by the school district for
36 more than the major portion of three consecutive school years notice of
37 intention to dismiss if its intention to dismiss is based on charges of
38 inadequacy of classroom performance as defined by the governing board
39 pursuant to subsection D of this section. The governing board or its
40 authorized representative shall give the teacher a written preliminary notice
41 of inadequacy of classroom performance at least ten instructional days before
42 the start of the period of time within which to correct the inadequacy and
43 overcome the grounds for the charge. The governing board may delegate to
44 employees of the governing board the general authority to issue preliminary
45 notices of inadequacy of classroom performance to teachers pursuant to this

1 section without the need for prior approval of each notice by the governing
2 board. In all cases in which an employee of the governing board issues a
3 preliminary notice of inadequacy of classroom performance without prior
4 approval by the governing board, the employee shall report its issuance to
5 the governing board within five school days. The written preliminary notice
6 of inadequacy of classroom performance shall specify the nature of the
7 inadequacy of classroom performance with such particularity as to furnish the
8 teacher an opportunity to correct the teacher's inadequacies and overcome the
9 grounds for the charge. The written preliminary notice of inadequacy of
10 classroom performance shall be based on a valid evaluation according to
11 school district procedure, shall include a copy of any evaluation pertinent
12 to the charges made and shall state the date by which the teacher has to
13 correct the inadequacy and overcome the grounds for the charge. That
14 evaluation shall not be conducted within two instructional days of any school
15 break of one week or more. The written preliminary notice of inadequacy of
16 classroom performance shall allow the teacher not less than sixty
17 instructional days within which to correct the inadequacy and overcome the
18 grounds for the charge. If within the time specified in the written
19 preliminary notice of inadequacy of classroom performance the teacher does
20 not demonstrate adequate classroom performance, the governing board shall
21 dismiss the teacher either within ten days of the service of a subsequent
22 notice of intention to dismiss or by the end of the contract year in which
23 the subsequent notice of intention to dismiss is served unless the teacher
24 has requested a hearing as provided in subsection G of this section. If the
25 teacher demonstrates adequate classroom performance during the period allowed
26 to correct such deficiencies as specified in the written preliminary notice
27 of inadequacy of classroom performance, the governing board may not dismiss
28 the teacher for the reasons specified in the written preliminary notice of
29 inadequacy of classroom performance. If the governing board of a school
30 district has received approval to budget for a career ladder program, the
31 governing board may define inadequacy of classroom performance by
32 establishing a single level of performance that is required of all teachers
33 or by establishing more than one required level of performance. If more than
34 one level is established, the same level of performance for minimum adequacy
35 shall be required of all teachers who have completed the same number of years
36 of teaching in the district.

37 D. The governing board shall develop a definition of inadequacy of
38 classroom performance that **ALIGNS WITH THE PERFORMANCE CLASSIFICATIONS**
39 **ADOPTED BY THE STATE BOARD OF EDUCATION PURSUANT TO SECTION 15-203,**
40 **SUBSECTION A, PARAGRAPH 38. THIS DEFINITION OF INADEQUACY OF CLASSROOM**
41 **PERFORMANCE** applies to notices issued pursuant to section 15-536, section
42 15-538 and this section. The governing board shall develop its definition of
43 inadequacy of classroom performance in consultation with its certificated
44 teachers. The consultation may be accomplished by holding a public hearing,
45 forming an advisory committee, providing teachers the opportunity to respond

1 to a proposed definition or obtaining teacher approval of a career ladder
2 program that defines inadequacy of classroom performance.

3 E. Any written statement of charges alleging unprofessional conduct,
4 conduct in violation of the rules or policies of the governing board or
5 inadequacy of classroom performance shall specify instances of behavior and
6 the acts or omissions constituting the charge so that the certificated
7 teacher will be able to prepare a defense. If applicable, it shall state the
8 statutes, rules or written objectives of the governing board that the
9 certificated teacher is alleged to have violated and set forth the facts
10 relevant to each occasion of alleged unprofessional conduct, conduct in
11 violation of the rules or policies of the governing board or inadequacy of
12 classroom performance.

13 F. The notice shall be in writing and shall be served on the
14 certificated teacher personally or by United States registered or certified
15 mail addressed to the teacher's last known address. A copy of the charges,
16 together with a copy of this section and sections 15-501, 15-538.01, 15-540,
17 15-541, 15-542 and 15-544 through 15-547, shall be attached to the notice.

18 G. The certificated teacher who receives notice that there exists
19 cause for dismissal or suspension without pay shall have the right to a
20 hearing if the teacher files a written request with the governing board
21 within ten days of service of notice. The filing of a timely request shall
22 suspend the imposition of a suspension without pay or a dismissal pending
23 completion of the hearing.

24 Sec. 10. Section 15-977, Arizona Revised Statutes, is amended to read:

25 15-977. Classroom site fund; definitions

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

1 included in the allowable budget balance carryforward calculated pursuant to
2 section 15-943.01.

3 B. A school district governing board must adopt a performance based
4 compensation system at a public hearing to allocate funding from the
5 classroom site fund pursuant to subsection A of this section. BEGINNING IN
6 SCHOOL YEAR 2014-2015, INDIVIDUAL TEACHER PERFORMANCE AS MEASURED BY THE
7 TEACHER'S PERFORMANCE CLASSIFICATION PURSUANT TO SECTION 15-203, SUBSECTION
8 A, PARAGRAPH 38 SHALL BE A COMPONENT OF THE SCHOOL DISTRICT'S PORTION OF THE
9 FORTY PER CENT ALLOCATION FOR TEACHER COMPENSATION BASED ON PERFORMANCE AND
10 EMPLOYMENT RELATED EXPENSES.

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

- 13 1. School district performance and school performance.
14 2. INDIVIDUAL TEACHER PERFORMANCE AS MEASURED BY THE TEACHER'S
15 PERFORMANCE CLASSIFICATION PURSUANT TO SECTION 15-203, SUBSECTION A,
16 PARAGRAPH 38. BEGINNING IN SCHOOL YEAR 2014-2015, THE INDIVIDUAL TEACHER
17 PERFORMANCE COMPONENT SHALL ACCOUNT FOR THIRTY-THREE PER CENT OF THE FORTY
18 PER CENT ALLOCATION FOR TEACHER COMPENSATION BASED ON PERFORMANCE AND
19 EMPLOYMENT RELATED EXPENSES.

20 ~~2.~~ 3. Measures of academic progress toward the academic standards
21 adopted by the state board of education.

22 ~~3.~~ 4. Other measures of academic progress.

23 ~~4.~~ 5. Dropout or graduation rates.

24 ~~5.~~ 6. Attendance rates.

25 ~~6.~~ 7. Ratings of school quality by parents.

26 ~~7.~~ 8. Ratings of school quality by students.

27 ~~8.~~ 9. The input of teachers and administrators.

28 ~~9.~~ 10. Approval of the performance based compensation system based on
29 an affirmative vote of at least seventy per cent of the teachers eligible to
30 participate in the performance based compensation system.

31 ~~10.~~ 11. An appeals process for teachers who have been denied
32 performance based compensation.

33 ~~11.~~ 12. Regular evaluation for effectiveness, WHICH SHALL COMPLY BY
34 FISCAL YEAR 2014-2015 WITH SECTION 15-203, SUBSECTION A, PARAGRAPH 38.

35 D. A performance based compensation system shall include teacher
36 professional development programs that are aligned with the elements of the
37 performance based compensation system.

38 E. A school district governing board may modify the elements contained
39 in subsection C of this section and consider additional elements when
40 adopting a performance based compensation system. A school district
41 governing board shall adopt any modifications or additional elements and
42 specify the criteria used at a public hearing.

43 F. Until December 31, 2009, each school district shall develop an
44 assessment plan for its performance based compensation system and submit the
45 plan to the department of education by December 31 of each year. A copy of

1 the performance based compensation system and assessment plan adopted by the
2 school district governing board shall be included in the report submitted to
3 the department of education.

4 G. Monies in the fund are continuously appropriated, are exempt from
5 the provisions of section 35-190 relating to lapsing of appropriations and
6 shall be distributed as follows:

7 1. By March 30 of each year, the staff of the joint legislative budget
8 committee shall determine a per pupil amount from the fund for the budget
9 year using the estimated statewide weighted count for the current year
10 pursuant to section 15-943, paragraph 2, subdivision (a) and based on
11 estimated available resources in the classroom site fund for the budget year
12 adjusted for any prior year carryforward or shortfall.

13 2. The allocation to each charter school and school district for a
14 fiscal year shall equal the per pupil amount established in paragraph 1 of
15 this subsection for the fiscal year multiplied by the weighted student count
16 for the school district or charter school for the fiscal year pursuant to
17 section 15-943, paragraph 2, subdivision (a). For the purposes of this
18 paragraph, the weighted student count for a school district that serves as
19 the district of attendance for nonresident pupils shall be increased to
20 include nonresident pupils who attend school in the school district.

21 H. Monies distributed from the classroom site fund shall be spent for
22 the following maintenance and operation purposes:

- 23 1. Class size reduction.
- 24 2. Teacher compensation increases.
- 25 3. AIMS intervention programs.
- 26 4. Teacher development.
- 27 5. Dropout prevention programs.
- 28 6. Teacher liability insurance premiums.

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

34 J. School districts and charter schools that receive monies from the
35 classroom site fund shall submit a report by November 15 of each year to the
36 superintendent of public instruction that provides an accounting of the
37 expenditures of monies distributed from the fund during the previous fiscal
38 year and a summary of the results of district and school programs funded with
39 monies distributed from the fund. The department of education in conjunction
40 with the auditor general shall prescribe the format of the report under this
41 subsection.

42 K. School districts and charter schools that receive monies from the
43 classroom site fund shall receive these monies monthly in an amount not to
44 exceed one-twelfth of the monies estimated pursuant to subsection G of this
45 section, except that if there are insufficient monies in the fund that month

1 to make payments, the distribution for that month shall be prorated for each
2 school district or charter school. The department of education may make an
3 additional payment in the current month for any prior month or months in
4 which school districts or charter schools received a prorated payment if
5 there are sufficient monies in the fund that month for the additional
6 payments. The state is not required to make payments to a school district or
7 charter school classroom site fund if the state classroom site fund revenue
8 collections are insufficient to meet the estimated allocations to school
9 districts and charter schools pursuant to subsection G of this section.

10 L. The state education system for committed youth shall receive monies
11 from the classroom site fund in the same manner as school districts and
12 charter schools. The Arizona state schools for the deaf and the blind shall
13 receive monies from the classroom site fund in an amount that corresponds to
14 the weighted student count for the current year pursuant to section 15-943,
15 paragraph 2, subdivision (b) for each pupil enrolled in the Arizona state
16 schools for the deaf and the blind. Except as otherwise provided in this
17 subsection, the Arizona state schools for the deaf and the blind and the
18 state education system for committed youth are subject to this section in the
19 same manner as school districts and charter schools.

20 M. Each school district and charter school, including school districts
21 that unify pursuant to section 15-448 or consolidate pursuant to section
22 15-459, shall establish a local level classroom site fund to receive
23 allocations from the state level classroom site fund. The local level
24 classroom site fund shall be a budgetary controlled account. Interest
25 charges for any registered warrants for the local level classroom site fund
26 shall be a charge against the local level classroom site fund. Interest
27 earned on monies in the local level classroom site fund shall be added to the
28 local level classroom site fund as provided in section 15-978. This state
29 shall not be required to make payments to a school district or charter school
30 local level classroom site fund that are in addition to monies transferred to
31 the state level classroom site fund pursuant to section 37-521, subsection B
32 and section 42-5029, subsection E, paragraph 10.

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

38 0. For the purposes of this section:

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

43 2. "Class size reduction" means any maintenance and operations
44 expenditure that is designed to reduce the ratio of pupils to classroom

1 teachers, including the use of persons who serve as aides to classroom
2 teachers.

3 Sec. 11. Teacher and principal evaluations; alternative
4 timeline

5 Notwithstanding section 15-203, subsection A, paragraph 38, Arizona
6 Revised Statutes, as amended by this act, a school district governing board
7 or a charter school governing body may elect to postpone the full
8 implementation of the required teacher and principal evaluation until the
9 2013-2014 school year if a majority of the governing board or a majority of
10 the governing body votes to postpone the evaluation implementation at a
11 public meeting and adopts a plan at the public meeting that includes:

12 1. All of the following, which shall be adopted before
13 September 30, 2012:

14 (a) A timeline for the evaluation to be implemented by the beginning
15 of the 2013-2014 school year.

16 (b) A plan for engaging teachers and other interested stakeholders.

17 (c) A plan to determine how the evaluations will guide professional
18 development.

19 2. All of the following, which shall be adopted before December
20 31, 2012:

21 (a) An instrument or instruments considered for the evaluation.

22 (b) The percentage of the outcome of the evaluation in accordance with
23 the framework adopted by the state board of education pursuant to section
24 15-203, subsection A, paragraph 38, Arizona Revised Statutes, as amended by
25 this act.

26 Sec. 12. Pilot evaluation instrument

27 A. The department of education may develop an evaluation instrument
28 that complies with the framework adopted by the state board of education
29 pursuant to section 15-203, subsection A, paragraph 38, Arizona Revised
30 Statutes, as amended by this act, for school districts and charter schools.

31 B. The instrument developed by the department of education may be
32 pilot tested in the school districts and charter schools that choose to
33 participate in the pilot program in school year 2012-2013.