

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

CHAPTER 165
HOUSE BILL 2697

AN ACT

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

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

1 indirectly as a supervisory teacher, speech therapist, principal or
2 superintendent in a school district, including school district preschool
3 programs, or any other educational institution below the community college,
4 college or university level, and prescribe rules for certification, including
5 rules for certification of teachers who have teaching experience and who are
6 trained in other states, ~~which~~ THAT are not unnecessarily restrictive and are
7 substantially similar to the rules prescribed for the certification of
8 teachers trained in this state. The rules shall:

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

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

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

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

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

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

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

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

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

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

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

1 (f) NOTWITHSTANDING SECTION 15-533, THE STATE BOARD MAY EXEMPT PERSONS
2 APPLYING FOR A SECONDARY EDUCATION CERTIFICATE FROM THE SUBJECT KNOWLEDGE
3 PORTION OF THE PROFICIENCY EXAMINATION IF THE STATE BOARD DETERMINES THAT THE
4 PERSON HAS WORK EXPERIENCE IN SCIENCE, TECHNOLOGY, ENGINEERING OR MATHEMATICS
5 AND CAN DEMONSTRATE ADEQUATE KNOWLEDGE OF A PARTICULAR SUBJECT THROUGH A
6 POSTSECONDARY EDUCATION DEGREE OR TWENTY-FOUR CREDIT HOURS OF RELEVANT
7 COURSEWORK.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

24 (a) Currently resides in this state.

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

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

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

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

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

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

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

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

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

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

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

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

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

34 (i) The transfer of student records.

35 (ii) Awarding credit for completed course work.

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

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

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

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

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

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

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

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

36 B. The state board of education may:

37 1. Contract.

38 2. Sue and be sued.

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

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

1 and screenings to its advisory committee. Hearings shall be conducted
2 pursuant to title 41, chapter 6, article 6.

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

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

APPROVED BY THE GOVERNOR APRIL 3, 2012.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 3, 2012.