

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

CHAPTER 259
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.
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 15. Adopt a list of approved tests for determining special education
2 assistance to gifted pupils as defined in and as provided in chapter 7,
3 article 4.1 of this title. The adopted tests shall provide separate scores
4 for quantitative reasoning, verbal reasoning and nonverbal reasoning and
5 shall be capable of providing reliable and valid scores at the highest ranges
6 of the score distribution.

7 16. Adopt rules governing the methods for the administration of all
8 proficiency examinations.

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

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

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

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

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

23 22. Adopt a rule to promote braille literacy pursuant to section
24 15-214.

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

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

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

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

44 We hold these truths to be self-evident, that all men are
45 created equal, that they are endowed by their creator with
46 certain unalienable rights, that among these are life, liberty

1 and the pursuit of happiness. That to secure these rights,
2 governments are instituted among men, deriving their just powers
3 from the consent of the governed. . . .

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

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

16 (a) Currently resides in this state.

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

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

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

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

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

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

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

45 (d) Orientation and notification procedures of community service
46 opportunities for pupils entering grade nine, including the development of a

1 notification form. The notification form shall be signed by the pupil and
2 the pupil's parent or guardian, except that a pupil shall not be required to
3 participate in community service if the parent or guardian notifies the
4 principal of the pupil's school in writing that the parent or guardian does
5 not wish the pupil to participate in community service.

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

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

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

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

25 (i) The transfer of student records.

26 (ii) Awarding credit for completed course work.

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

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

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

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

44 35. Adopt a list of approved professional development training
45 providers for use by school districts as provided in section 15-107,
46 subsection J. The professional development training providers shall meet the

1 training curriculum requirements determined by the state board of education
2 in at least the areas of school finance, governance, employment, staffing,
3 inventory and human resources, internal controls and procurement.

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

14 37. Adopt rules for the alternative certification of teachers of
15 nontraditional foreign languages that allow for the passing of a nationally
16 accredited test to substitute for the education coursework required for
17 certification.

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

43 B. The state board of education may:

- 44 1. Contract.
- 45 2. Sue and be sued.

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

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

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

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

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

21 15-341. General powers and duties; immunity; delegation

22 A. The governing board shall:

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

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

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

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

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

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

35 7. Construct school buildings on approval by a vote of the district
36 electors.

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

39 9. Purchase school sites when authorized by a vote of the district at
40 an election conducted as nearly as practicable in the same manner as the
41 election provided in section 15-481 and held on a date prescribed in section
42 15-491, subsection E, but such authorization shall not necessarily specify
43 the site to be purchased and such authorization shall not be necessary to
44 exchange unimproved property as provided in section 15-342, paragraph 23.

45 10. Construct, improve and furnish buildings used for school purposes
46 when such buildings or premises are leased from the national park service.

1 11. Purchase school sites or construct, improve and furnish school
2 buildings from the proceeds of the sale of school property only on approval
3 by a vote of the district electors.

4 12. Hold pupils to strict account for disorderly conduct on school
5 property.

6 13. Discipline students for disorderly conduct on the way to and from
7 school.

8 14. Except as provided in section 15-1224, deposit all monies received
9 by the district as gifts, grants and devises with the county treasurer who
10 shall credit the deposits as designated in the uniform system of financial
11 records. If not inconsistent with the terms of the gifts, grants and devises
12 given, any balance remaining after expenditures for the intended purpose of
13 the monies have been made shall be used for reduction of school district
14 taxes for the budget year, except that in the case of accommodation schools
15 the county treasurer shall carry the balance forward for use by the county
16 school superintendent for accommodation schools for the budget year.

17 15. Provide that, if a parent or legal guardian chooses not to accept a
18 decision of the teacher as provided in section 15-521, paragraph ~~2~~ 3, the
19 parent or legal guardian may request in writing that the governing board
20 review the teacher's decision. ~~Nothing in~~ This paragraph shall NOT be
21 construed to release school districts from any liability relating to a
22 child's promotion or retention.

23 16. Provide for adequate supervision over pupils in instructional and
24 noninstructional activities by certificated or noncertificated personnel.

25 17. Use school monies received from the state and county school
26 apportionment exclusively for payment of salaries of teachers and other
27 employees and contingent expenses of the district.

28 18. Make an annual report to the county school superintendent on or
29 before October 1 in the manner and form and on the blanks prescribed by the
30 superintendent of public instruction or county school superintendent. The
31 board shall also make reports directly to the county school superintendent or
32 the superintendent of public instruction whenever required.

33 19. Deposit all monies received by school districts other than student
34 activities monies or monies from auxiliary operations as provided in sections
35 15-1125 and 15-1126 with the county treasurer to the credit of the school
36 district except as provided in paragraph 20 of this subsection and sections
37 15-1223 and 15-1224, and the board shall expend the monies as provided by law
38 for other school funds.

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

44 21. Prescribe and enforce policies and procedures for disciplinary
45 action against a teacher who engages in conduct that is a violation of the
46 policies of the governing board but that is not cause for dismissal of the

1 teacher or for revocation of the certificate of the teacher. Disciplinary
2 action may include suspension without pay for a period of time not to exceed
3 ten school days. Disciplinary action shall not include suspension with pay
4 or suspension without pay for a period of time longer than ten school days.
5 The procedures shall include notice, hearing and appeal provisions for
6 violations that are cause for disciplinary action. The governing board may
7 designate a person or persons to act on behalf of the board on these matters.

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

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

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

30 (a) The provision of water.

31 (b) Guidelines, information and forms, developed in consultation with
32 a statewide private entity that supervises interscholastic activities, to
33 inform and educate coaches, pupils and parents of the dangers of concussions
34 and head injuries and the risks of continued participation in athletic
35 activity after a concussion. The policies and procedures shall require that,
36 before a pupil participates in an athletic activity, the pupil and the
37 pupil's parent must sign an information form at least once each school year
38 that states that the parent is aware of the nature and risk of concussion.
39 The policies and procedures shall require that a pupil who is suspected of
40 sustaining a concussion in a practice session, game or other interscholastic
41 athletic activity be immediately removed from the athletic activity. A coach
42 from the pupil's team or an official or a licensed health care provider may
43 remove a pupil from play. A team parent may also remove ~~his or her~~ THE
44 PARENT'S own child from play. A pupil may return to play on the same day if
45 a health care provider rules out a suspected concussion at the time the pupil
46 is removed from play. On a subsequent day, the pupil may return to play if

1 the pupil has been evaluated by and received written clearance to resume
2 participation in athletic activity from a health care provider who has been
3 trained in the evaluation and management of concussions and head injuries. A
4 health care provider who is a volunteer and who provides clearance to
5 participate in athletic activity on the day of the suspected injury or on a
6 subsequent day is immune from civil liability with respect to all decisions
7 made and actions taken that are based on good faith implementation of the
8 requirements of this subdivision, except in cases of gross negligence or
9 wanton or wilful neglect. A school district, school district employee, team
10 coach, official, ~~OR~~ team volunteer or a parent or guardian of a team member
11 is not subject to civil liability for any act, omission or policy undertaken
12 in good faith to comply with the requirements of this subdivision or for a
13 decision made or an action taken by a health care provider. A group or
14 organization that uses property or facilities owned or operated by a school
15 district for athletic activities shall comply with the requirements of this
16 subdivision. A school district and its employees and volunteers are not
17 subject to civil liability for any other person or organization's failure or
18 alleged failure to comply with the requirements of this subdivision. This
19 subdivision does not apply to teams that are based in another state and that
20 participate in an athletic activity in this state. For the purposes of this
21 subdivision, athletic activity does not include dance, rhythmic gymnastics,
22 competitions or exhibitions of academic skills or knowledge or other similar
23 forms of physical noncontact activities, civic activities or academic
24 activities, whether engaged in for the purposes of competition or recreation.
25 For the purposes of this subdivision, "~~a~~ health care provider" means a
26 physician who is licensed pursuant to title 32, chapter 13 or 17, an athletic
27 trainer who is licensed pursuant to title 32, chapter 41, a nurse
28 practitioner who is licensed pursuant to title 32, chapter 15, and a
29 physician assistant who is licensed pursuant to title 32, chapter 25.

30 25. Prescribe and enforce policies and procedures regarding the smoking
31 of tobacco within school buildings. The policies and procedures shall be
32 adopted in consultation with school district personnel and members of the
33 community and shall state whether smoking is prohibited in school buildings.
34 If smoking in school buildings is not prohibited, the policies and procedures
35 shall clearly state the conditions and circumstances under which smoking is
36 permitted, those areas in a school building that may be designated as smoking
37 areas and those areas in a school building that may not be designated as
38 smoking areas.

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

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

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

1 29. Ensure that insurance coverage is secured for all construction
2 projects for purposes of general liability, property damage and workers'
3 compensation and secure performance and payment bonds for all construction
4 projects.

5 30. Keep on file the resumes of all current and former employees who
6 provide instruction to pupils at a school. Resumes shall include an
7 individual's educational and teaching background and experience in a
8 particular academic content subject area. A school district shall inform
9 parents and guardians of the availability of the resume information and shall
10 make the resume information available for inspection on request of parents
11 and guardians of pupils enrolled at a school. ~~Nothing in~~ This paragraph
12 shall **NOT** be construed to require any school to release personally
13 identifiable information in relation to any teacher or employee, including
14 the teacher's or employee's address, salary, social security number or
15 telephone number.

16 31. Report to local law enforcement agencies any suspected crime
17 against a person or property that is a serious offense as defined in section
18 13-706 or that involves a deadly weapon or dangerous instrument or serious
19 physical injury and any conduct that poses a threat of death or serious
20 physical injury to employees, students or anyone on the property of the
21 school. This paragraph does not limit or preclude the reporting by a school
22 district or an employee of a school district of suspected crimes other than
23 those required to be reported by this paragraph. For the purposes of this
24 paragraph, "dangerous instrument", "deadly weapon" and "serious physical
25 injury" have the same meanings prescribed in section 13-105.

26 32. In conjunction with local law enforcement agencies and local
27 medical facilities, develop an emergency response plan for each school in the
28 school district in accordance with minimum standards developed jointly by the
29 department of education and the division of emergency management within the
30 department of emergency and military affairs.

31 33. Provide written notice to the parents or guardians of all students
32 affected in the school district at least ten days prior to a public meeting
33 to discuss closing a school within the school district. The notice shall
34 include the reasons for the proposed closure and the time and place of the
35 meeting. The governing board shall fix a time for a public meeting on the
36 proposed closure no less than ten days before voting in a public meeting to
37 close the school. The school district governing board shall give notice of
38 the time and place of the meeting. At the time and place designated in the
39 notice, the school district governing board shall hear reasons for or against
40 closing the school. The school district governing board is exempt from this
41 paragraph if it is determined by the governing board that the school shall be
42 closed because it poses a danger to the health or safety of the pupils or
43 employees of the school. A governing board may consult with the school
44 facilities board for technical assistance and for information on the impact
45 of closing a school. The information provided from the school facilities
46 board shall not require the governing board to take or not take any action.

1 34. Incorporate instruction on Native American history into appropriate
2 existing curricula.

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

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

31 37. Prescribe and enforce policies and procedures to prohibit pupils
32 from harassing, intimidating and bullying other pupils on school grounds, on
33 school property, on school buses, at school bus stops, at school sponsored
34 events and activities and through the use of electronic technology or
35 electronic communication on school computers, networks, forums and mailing
36 lists that include the following components:

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

42 (b) A requirement that school district employees report in writing
43 suspected incidents of harassment, intimidation or bullying to the
44 appropriate school official and a description of appropriate disciplinary
45 procedures for employees who fail to report suspected incidents that are
46 known to the employee.

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

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

9 (e) A formal process for the documentation of reported incidents of
10 harassment, intimidation or bullying and for the confidentiality, maintenance
11 and disposition of this documentation. School districts shall maintain
12 documentation of all incidents reported pursuant to this paragraph for at
13 least six years. The school shall not use that documentation to impose
14 disciplinary action unless the appropriate school official has investigated
15 and determined that the reported incidents of harassment, intimidation or
16 bullying occurred. If a school provides documentation of reported incidents
17 to persons other than school officials or law enforcement, all individually
18 identifiable information shall be redacted.

19 (f) A formal process for the investigation by the appropriate school
20 officials of suspected incidents of harassment, intimidation or bullying,
21 including procedures for notifying the alleged victim on completion and
22 disposition of the investigation.

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

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

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

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

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

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

36 (b) A procedure to notify the parents or guardians of the students
37 affected.

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

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

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

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

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

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

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

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

25 (a) Twenty-five per cent of the performance pay shall be determined
26 based on the percentage of academic gain determined by the department of
27 education of pupils who are enrolled in the school district compared to the
28 academic gain achieved by the highest ranking of the fifty largest school
29 districts in this state. For the purposes of this subdivision, the
30 department of education shall determine academic gain by the academic growth
31 achieved by each pupil who has been enrolled at the same school in a school
32 district for at least five consecutive months measured against that pupil's
33 academic results in the 2008-2009 school year. For the purposes of this
34 subdivision, of the fifty largest school districts in this state, the school
35 district with pupils who demonstrate the highest statewide percentage of
36 overall academic gain measured against academic results for the 2008-2009
37 school year shall be assigned a score of 100 and the school district with
38 pupils who demonstrate the lowest statewide percentage of overall academic
39 gain measured against academic results for the 2008-2009 school year shall be
40 assigned a score of 0.

41 (b) Twenty-five per cent of the performance pay shall be determined by
42 the percentage of parents of pupils who are enrolled at the school district
43 who assign a letter grade of "A" to the school on a survey of parental
44 satisfaction with the school district. The parental satisfaction survey
45 shall be administered and scored by an independent entity that is selected by
46 the governing board and that demonstrates sufficient expertise and experience

1 to accurately measure the results of the survey. The parental satisfaction
2 survey shall use standard random sampling procedures and provide anonymity
3 and confidentiality to each parent who participates in the survey. The
4 letter grade scale used on the parental satisfaction survey shall direct
5 parents to assign one of the following letter grades:

- 6 (i) A letter grade of "A" if the school district is excellent.
- 7 (ii) A letter grade of "B" if the school district is above average.
- 8 (iii) A letter grade of "C" if the school district is average.
- 9 (iv) A letter grade of "D" if the school district is below average.
- 10 (v) A letter grade of "F" if the school district is a failure.

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

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

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

29 41. Maintain and store permanent public records of the school district
30 as required by law. Notwithstanding section 39-101, the standards adopted by
31 the Arizona state library, archives and public records for the maintenance
32 and storage of school district public records shall allow school districts to
33 elect to satisfy the requirements of this paragraph by maintaining and
34 storing these records either on paper or in an electronic format, or a
35 combination of a paper and electronic format.

36 42. ADOPT IN A PUBLIC MEETING AND IMPLEMENT BY SCHOOL YEAR 2013-2014
37 POLICIES FOR PRINCIPAL EVALUATIONS. BEFORE THE ADOPTION OF PRINCIPAL
38 EVALUATION POLICIES, THE SCHOOL DISTRICT GOVERNING BOARD SHALL PROVIDE
39 OPPORTUNITIES FOR PUBLIC DISCUSSION ON THE PROPOSED POLICIES. THE POLICIES
40 SHALL DESCRIBE:

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

44 (b) ALIGNMENT OF PROFESSIONAL DEVELOPMENT OPPORTUNITIES TO THE
45 PRINCIPAL EVALUATIONS.

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

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

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

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

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

14 C. If any school district acquires real or personal property, whether
15 by purchase, exchange, condemnation, gift or otherwise, the governing board
16 shall pay to the county treasurer any taxes on the property that were unpaid
17 as of the date of acquisition, including penalties and interest. The lien
18 for unpaid delinquent taxes, penalties and interest on property acquired by a
19 school district:

20 1. Is not abated, extinguished, discharged or merged in the title to
21 the property.

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

23 D. The governing board may not locate a school on property that is
24 less than one-fourth mile from agricultural land regulated pursuant to
25 section 3-365, except that the owner of the agricultural land may agree to
26 comply with the buffer zone requirements of section 3-365. If the owner
27 agrees in writing to comply with the buffer zone requirements and records the
28 agreement in the office of the county recorder as a restrictive covenant
29 running with the title to the land, the school district may locate a school
30 within the affected buffer zone. The agreement may include any stipulations
31 regarding the school, including conditions for future expansion of the school
32 and changes in the operational status of the school that will result in a
33 breach of the agreement.

34 E. A school district, its governing board members, its school council
35 members and its employees are immune from civil liability for the
36 consequences of adoption and implementation of policies and procedures
37 pursuant to subsection A of this section and section 15-342. This waiver
38 does not apply if the school district, its governing board members, its
39 school council members or its employees are guilty of gross negligence or
40 intentional misconduct.

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

44 G. Notwithstanding any other provision of this title, a school
45 district governing board shall not take any action that would result in a
46 reduction of pupil square footage unless the governing board notifies the

1 school facilities board established by section 15-2001 of the proposed action
2 and receives written approval from the school facilities board to take the
3 action. A reduction includes an increase in administrative space that
4 results in a reduction of pupil square footage or sale of school sites or
5 buildings, or both. A reduction includes a reconfiguration of grades that
6 results in a reduction of pupil square footage of any grade level. This
7 subsection does not apply to temporary reconfiguration of grades to
8 accommodate new school construction if the temporary reconfiguration does not
9 exceed one year. The sale of equipment that results in a reduction that
10 falls below the equipment requirements prescribed in section 15-2011,
11 subsection B is subject to commensurate withholding of school district
12 capital outlay revenue limit monies pursuant to the direction of the school
13 facilities board. Except as provided in section 15-342, paragraph 10,
14 proceeds from the sale of school sites, buildings or other equipment shall be
15 deposited in the school plant fund as provided in section 15-1102.

16 H. Subsections C through G of this section apply to a county board of
17 supervisors and a county school superintendent when operating and
18 administering an accommodation school.

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

20 15-503. Superintendents, principals, head teachers and school
21 psychologists; term of employment; evaluation;
22 contract delivery; nonretention notice

23 A. The governing board may:

24 1. Employ a superintendent or principal, or both. If the governing
25 board employs a superintendent, the governing board shall determine the
26 qualifications for the superintendent by action taken at a public meeting.
27 The governing board shall require a superintendent to have a valid
28 fingerprint clearance card that is issued pursuant to title 41, chapter 12,
29 article 3.1.

30 2. Appoint a head teacher.

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

37 B. The term of employment of superintendents ~~or principals~~ may be for
38 any period not exceeding three years, except that if the superintendent's ~~or~~
39 ~~principal's~~ contract with the school district is for multiple years pursuant
40 to this subsection the school district shall not offer to extend or
41 renegotiate the contract until May of the year preceding the final year of
42 the contract. **THE TERM OF EMPLOYMENT OF PRINCIPALS MAY BE FOR ANY PERIOD NOT**
43 **EXCEEDING THREE YEARS PURSUANT TO SECTION 15-341, SUBSECTION A, PARAGRAPH 42,**
44 **EXCEPT THAT IF THE PRINCIPAL'S CONTRACT WITH THE SCHOOL DISTRICT IS FOR**
45 **MULTIPLE YEARS THE SCHOOL DISTRICT SHALL NOT OFFER TO EXTEND OR NEGOTIATE THE**
46 **CONTRACT UNTIL MAY OF THE YEAR PRECEDING THE FINAL YEAR OF THE CONTRACT.** The

1 school district governing board or the governing body of the charter school
2 shall communicate the superintendent's or principal's duties with respect to
3 the classroom site fund established by section 15-977.

4 C. The governing board shall establish systems for the evaluation of
5 the performance of principals **THAT MEET THE REQUIREMENTS PRESCRIBED IN**
6 **SECTION 15-203, SUBSECTION A, PARAGRAPH 38** and other school administrators
7 and certificated school psychologists in the school district. In the
8 development and adoption of these performance evaluation systems, the
9 governing board shall avail itself of the advice of its administrators and
10 certificated school psychologists. Each evaluation shall include
11 recommendations as to areas of improvement in the performance of the
12 certificated school psychologist if the performance of the certificated
13 school psychologist warrants improvement. After transmittal of an
14 assessment, a board designee shall confer with the certificated school
15 psychologist to make specific recommendations as to areas of improvement in
16 the certificated school psychologist's performance. The board designee shall
17 provide assistance and opportunities for the certificated school psychologist
18 to improve his performance and shall follow up with the certificated school
19 psychologist after a reasonable period of time for the purpose of
20 ascertaining that the certificated school psychologist is demonstrating
21 adequate performance. The evaluation process for certificated school
22 psychologists shall include appeal procedures for certificated school
23 psychologists who disagree with the evaluation of their performance, if the
24 evaluation is for use as criteria for establishing compensation or dismissal.

25 D. On or before May 15 each year, the governing board shall offer a
26 contract for the next school year to each certified administrator and
27 certificated school psychologist who is in the last year of his contract
28 unless, on or before April 15, the governing board, a member of the board
29 acting on behalf of the board or the superintendent of the school district
30 gives notice to the administrator or certificated school psychologist of the
31 board's intention not to offer a new contract. If the governing board has
32 called for an override election for the third Tuesday in May as provided in
33 section 15-481, the governing board shall offer a contract for the next
34 school year to each certified administrator or certificated school
35 psychologist who is in the last year of his contract on or before June 15
36 unless, no later than five days after the override election excluding
37 Saturday, Sunday and legal holidays, the governing board, a member of the
38 board acting on behalf of the board or the superintendent of the school
39 district gives notice to the administrator or the certificated school
40 psychologist of the board's intention not to offer a new contract. The
41 administrator's or the certificated school psychologist's acceptance of the
42 contract shall be indicated within thirty days from the date of the written
43 contract or the offer is revoked. The administrator or certificated school
44 psychologist accepts the contract by signing the contract and returning it to
45 the governing board or by making a written instrument that accepts the terms
46 of the contract and delivering the written instrument to the governing board.

1 E. Notice of the board's intention not to reemploy the administrator
2 or certificated school psychologist shall be made by delivering the notice
3 personally to the administrator or the certificated school psychologist or by
4 sending the notice by certified mail, postmarked on or before the applicable
5 deadline prescribed in subsection D of this section, and directed to the
6 administrator or the certificated school psychologist at his place of
7 residence as recorded in the school district records.

8 F. THE SCHOOL DISTRICT GOVERNING BOARD SHALL MAKE AVAILABLE THE
9 EVALUATION AND PERFORMANCE CLASSIFICATION PURSUANT TO SECTION 15-203,
10 SUBSECTION A, PARAGRAPH 38 OF EACH PRINCIPAL IN THE SCHOOL DISTRICT TO SCHOOL
11 DISTRICTS AND CHARTER SCHOOLS THAT ARE INQUIRING ABOUT THE PERFORMANCE OF THE
12 PRINCIPAL FOR HIRING PURPOSES.

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

14 15-521. Duties of teachers

15 Every teacher shall:

16 1. MAKE STUDENT LEARNING THE PRIMARY FOCUS OF THE TEACHER'S
17 PROFESSIONAL TIME.

18 ~~1.~~ 2. Hold pupils to strict account for disorderly conduct.

19 ~~2.~~ 3. Take and maintain daily classroom attendance.

20 ~~3.~~ 4. Make the decision to promote or retain a pupil in grade in a
21 common school or to pass or fail a pupil in a course in high school. Such
22 decisions may be overturned only as provided in section 15-342, paragraph 11.

23 ~~4.~~ 5. Comply with all rules and policies of the governing board that
24 relate to the duties prescribed in this section.

25 Sec. 5. Section 15-536, Arizona Revised Statutes, is amended to read:

26 15-536. Offer of contract to certificated teacher who has not
27 been employed more than three consecutive school
28 years; acceptance; notice to teacher of intention not
29 to reemploy

30 A. Subject to sections 15-539, 15-540, 15-541, 15-544 and 15-549, the
31 governing board shall offer a teaching contract for the next ensuing school
32 year to each certificated teacher who has not been employed by the school
33 district for more than the major portion of three consecutive school years **OR**
34 **WHO IS BEGINNING THE TEACHER'S FOURTH YEAR OF EMPLOYMENT AND WHO HAS BEEN**
35 **DESIGNATED IN ONE OF THE TWO LOWEST PERFORMANCE CLASSIFICATIONS PURSUANT TO**
36 **SECTION 15-203, SUBSECTION A, PARAGRAPH 38** and who is under a contract of
37 employment with the school district for the current school year, unless the
38 governing board, a member of the board acting on behalf of the board or the
39 superintendent of the school district gives notice to the teacher of the
40 board's intention not to offer a teaching contract or unless such teacher has
41 been dismissed pursuant to section 15-538, 15-539, 15-541 or 15-544. The
42 teacher's acceptance of the contract for the ensuing year must be indicated
43 within fifteen business days from the date of the teacher's receipt of the
44 written contract or the offer is revoked. Receipt under this subsection will
45 be deemed to have occurred when the written contract is personally delivered,
46 placed in the teacher's school provided mailbox, including electronic mail,

1 or two days after being placed in a United States postal service mailbox.
2 The teacher accepts the contract by signing the contract and returning it to
3 the governing board or by making a written instrument which accepts the terms
4 of the contract and delivering it to the governing board. If the written
5 instrument includes terms in addition to the terms of the contract offered by
6 the board, the teacher fails to accept the contract.

7 B. Notice of the board's intention not to reemploy the teacher shall
8 be by delivering it personally to the teacher or by sending it by registered
9 or certified mail to the teacher at the teacher's place of residence as
10 recorded in the school district records. The notice shall incorporate a
11 statement of reasons for not reemploying the teacher. If the reasons are
12 charges of inadequacy of classroom performance as defined by the governing
13 board pursuant to section 15-539, subsection D, the board or its authorized
14 representative, at least ninety days prior to such notice, shall give the
15 teacher written preliminary notice of inadequacy, specifying the nature of
16 the inadequacy with such particularity as to furnish the teacher an
17 opportunity to correct the inadequacies and overcome the grounds for such
18 charge. The governing board may delegate to employees of the governing board
19 the general authority to issue preliminary notices of inadequacy of classroom
20 performance to teachers pursuant to this subsection without the need for
21 prior approval of each notice by the governing board. In all cases in which
22 an employee of the governing board issues a preliminary notice of inadequacy
23 of classroom performance without prior approval by the governing board, the
24 employee shall report its issuance to the governing board within five school
25 days. The written notice of intention not to reemploy shall include a copy
26 of any evaluation pertinent to the charges made and filed with the board.

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

36 Sec. 6. Section 15-537, Arizona Revised Statutes, is amended to read:
37 15-537. Performance of certificated teachers; evaluation
38 system; definition

39 A. The governing board of a school district shall establish a system
40 for the evaluation of the performance of certificated teachers in the school
41 district THAT MEETS THE REQUIREMENTS PRESCRIBED IN SECTION 15-203, SUBSECTION
42 A, PARAGRAPH 38. The objectives of the teacher performance evaluation system
43 are to improve instruction and maintain instructional strengths. The
44 governing board shall involve its certificated teachers in the development
45 and periodic evaluation of the teacher performance evaluation system.

1 B. THE SCHOOL DISTRICT GOVERNING BOARD SHALL ADOPT TEACHER EVALUATION
2 POLICIES IN A PUBLIC MEETING BY SCHOOL YEAR 2013-2014. BEFORE THE ADOPTION
3 OF TEACHER EVALUATION POLICIES, THE SCHOOL DISTRICT GOVERNING BOARD SHALL
4 PROVIDE OPPORTUNITIES FOR PUBLIC DISCUSSION ON THE PROPOSED POLICIES. THE
5 POLICIES SHALL DESCRIBE:

6 1. INCENTIVES FOR TEACHERS IN THE HIGHEST PERFORMANCE CLASSIFICATION,
7 INCLUDING MULTIYEAR CONTRACTS NOT TO EXCEED THREE YEARS. THE POLICIES SHALL
8 SPECIFY THAT THE OFFER AND ACCEPTANCE OF A MULTIYEAR CONTRACT DOES NOT
9 EXCLUDE THAT TEACHER FROM THE APPLICATION OF SECTION 15-538.01, 15-540,
10 15-541 OR 15-549 AND THAT THE TEACHER MAY ACCEPT A MULTIYEAR CONTRACT OFFER
11 OR DECLINE AND ACCEPT A ONE YEAR CONTRACT.

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

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

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

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

21 1. SUPPORT AND CONSEQUENCES FOR TEACHERS DESIGNATED IN THE LOWEST
22 PERFORMANCE CLASSIFICATION.

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

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

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

36 D. A TEACHER WHO HAS BEEN EMPLOYED BY THE SCHOOL DISTRICT FOR THE
37 MAJOR PORTION OF THREE OR MORE CONSECUTIVE SCHOOL YEARS AND WHO IS DESIGNATED
38 IN THE LOWEST PERFORMANCE CLASSIFICATION FOR TWO CONSECUTIVE SCHOOL YEARS
39 SHALL NOT BE TRANSFERRED AS A TEACHER TO ANOTHER SCHOOL IN THAT SCHOOL
40 DISTRICT UNLESS THE SCHOOL DISTRICT HAS ISSUED A NOTICE OF INADEQUACY OF
41 CLASSROOM PERFORMANCE AND APPROVED A PERFORMANCE IMPROVEMENT PLAN FOR THE
42 TEACHER PURSUANT TO SECTION 15-539 AND THE GOVERNING BOARD HAS APPROVED THE
43 NEW PLACEMENT AS IN THE BEST INTERESTS OF THE PUPILS IN THE SCHOOL. A
44 TEACHER WHO CONTINUES TO BE DESIGNATED IN ONE OF THE TWO LOWEST PERFORMANCE
45 CLASSIFICATIONS SHALL NOT BE PERMITTED TO TRANSFER TO ANOTHER SCHOOL. A
46 TEACHER SHALL NOT BE TRANSFERRED MORE THAN ONCE PURSUANT TO THIS SUBSECTION.

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

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

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

10 ~~3.~~ 1. A specified minimum number and minimum duration of AT LEAST TWO
11 actual classroom observations of the certificated teacher demonstrating
12 teaching skills IN A COMPLETE AND UNINTERRUPTED LESSON by the persons
13 evaluating PERSON OBSERVING the teacher. THERE SHALL BE AT LEAST SIXTY
14 CALENDAR DAYS BETWEEN THE FIRST AND LAST OBSERVATIONS. WITHIN TEN BUSINESS
15 DAYS AFTER EACH OBSERVATION, THE PERSON OBSERVING THE TEACHER SHALL PROVIDE
16 WRITTEN FEEDBACK TO THE TEACHER.

17 ~~4.~~ 2. Specific and reasonable plans for the improvement of teacher
18 performance as provided in subsection ~~F~~ H OF THIS SECTION.

19 ~~5.~~ 3. Appeal procedures for teachers who disagree with the evaluation
20 of their performance, if the evaluation is for use as criteria for
21 establishing compensation.

22 ~~C. A regular evaluation of the performance of each certificated~~
23 ~~teacher as provided in this section shall be performed at least twice each~~
24 ~~year for a teacher who has not been employed by the school district for more~~
25 ~~than the major portion of three consecutive school years and at least once~~
26 ~~each year for a teacher who has been employed by the school district for more~~
27 ~~than the major portion of three consecutive school years. The governing~~
28 ~~board may provide for additional teacher performance evaluations as it deems~~
29 ~~necessary.~~

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

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

39 ~~F.~~ H. Each evaluation shall include recommendations as to areas of
40 improvement in the performance of the certificated teacher if the performance
41 of the teacher warrants improvement. After transmittal of an ~~assessment~~
42 EVALUATION a board designee shall confer with the teacher to make specific
43 recommendations as to areas of improvement in the teacher's performance. The
44 board designee shall provide ~~assistance and~~ PROFESSIONAL DEVELOPMENT
45 opportunities for the certificated teacher to improve his performance and
46 follow up with the teacher after a reasonable period of time for the purpose

1 of ascertaining that the teacher is demonstrating adequate ~~classroom~~
2 performance.

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

7 1. To the certificated teacher who may make any use of it.
8 2. To authorized district officers and employees for all personnel
9 matters regarding employment and contracts and for any hearing ~~which~~ THAT
10 relates to personnel matters.

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

13 ~~3.~~ 4. For introduction in evidence or discovery in any court action
14 between the governing board and the certificated teacher in which either:

15 (a) The competency of the teacher is at issue.
16 (b) The ~~assessment and~~ evaluation AND PERFORMANCE CLASSIFICATION were
17 an exhibit at a hearing, the result of which is challenged.

18 J. ANY SCHOOL DISTRICT POLICY PERTAINING TO THE TRANSFER OF TEACHERS
19 FROM ONE SCHOOL TO ANOTHER SCHOOL IN A SCHOOL DISTRICT SHALL TAKE INTO
20 CONSIDERATION THE CURRENT DISTRIBUTION OF TEACHERS ACROSS ALL OF THE
21 PERFORMANCE CLASSIFICATIONS AND THE NEEDS OF THE PUPILS IN THE SCHOOL
22 DISTRICT.

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

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

28 15-537.01. Posting of best practices for teacher and principal
29 evaluation systems

30 A. ON OR BEFORE SEPTEMBER 15, 2012, THE DEPARTMENT OF EDUCATION SHALL
31 IDENTIFY AND PROMINENTLY POST ON THE WEBSITE MAINTAINED BY THE DEPARTMENT THE
32 BEST PRACTICES FOR THE IMPLEMENTATION AND ASSESSMENT OF PRINCIPAL AND TEACHER
33 EVALUATION SYSTEMS.

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

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

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

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

43 4. ONE CHARTER SCHOOL.

44 C. THE BEST PRACTICES POSTED BY THE DEPARTMENT OF EDUCATION PURSUANT
45 TO SUBSECTION A OF THIS SECTION SHALL INCLUDE DETAILED INFORMATION ON THE
46 FOLLOWING:

- 1 1. THE IMPLEMENTATION PROCESS FOR TEACHER AND PRINCIPAL EVALUATION
- 2 SYSTEMS.
- 3 2. THE EVALUATION WEIGHTINGS.
- 4 3. THE TYPES OF QUALITATIVE AND QUANTITATIVE ELEMENTS USED.
- 5 4. THE METHODS IN WHICH THE EVALUATIONS GUIDE PROFESSIONAL
- 6 DEVELOPMENT.
- 7 5. THE TYPES OF DECISIONS FOR WHICH THE EVALUATIONS ARE USED.

8 Sec. 8. Section 15-538.01, Arizona Revised Statutes, is amended to

9 read:

10 15-538.01. Offer of contract to certificated teacher employed
11 more than three consecutive school years

12 A. Subject to sections 15-539, 15-540, 15-541, 15-544 and 15-549, the

13 governing board shall offer to each certificated teacher who has been

14 employed by the school district for more than the major portion of three

15 consecutive school years and who is under contract of employment with the

16 school district for the current year OR WHO IS NOT DESIGNATED IN THE LOWEST

17 PERFORMANCE CLASSIFICATION PURSUANT TO SECTION 15-203, SUBSECTION A,

18 PARAGRAPH 38 AND WAS OFFERED A CONTRACT IN THE PRIOR YEAR PURSUANT TO SECTION

19 15-536 a contract renewal for the next ensuing school year unless the

20 governing board, a member of the board acting on behalf of the board or the

21 superintendent of the school district gives notice to the teacher of the

22 board's intent not to offer a contract and to dismiss the teacher as provided

23 in section 15-539.

24 B. The teacher's acceptance of the contract must be indicated within

25 fifteen business days from the date of the teacher's receipt of the written

26 contract or the offer of a contract is revoked. Receipt under this

27 subsection will be deemed to have occurred when the written contract is

28 personally delivered, placed in the teacher's school provided mailbox,

29 including electronic mail, or two days after being placed in a United States

30 postal service mailbox. The teacher accepts the contract by signing the

31 contract and returning it to the governing board or by making a written

32 instrument ~~which~~ THAT accepts the terms of the contract and delivering it to

33 the governing board. If the written instrument includes terms in addition to

34 the terms of the contract offered by the board, the teacher fails to accept

35 the contract.

36 Sec. 9. Section 15-539, Arizona Revised Statutes, is amended to read:

37 15-539. Dismissal of certificated teacher; due process; written
38 charges; notice; hearing on request

39 A. On a written statement of charges presented by the superintendent,

40 charging that there exists cause for the suspension without pay for a period

41 of time greater than ten school days or dismissal of a certificated teacher

42 of the district, the governing board, except as otherwise provided in this

43 article, shall give notice to the teacher of its intention to suspend without

44 pay or dismiss the teacher at the expiration of ten days from the date of the

45 service of the notice.

1 B. Whenever the superintendent presents a statement of charges wherein
2 the alleged cause for dismissal constitutes immoral or unprofessional
3 conduct, the governing board may adopt a resolution that a complaint be filed
4 with the department of education. Pending disciplinary action by the state
5 board of education, the certificated teacher may be reassigned by the
6 superintendent or placed on administrative leave by the GOVERNING board
7 pursuant to section 15-540.

8 C. EXCEPT AS PROVIDED IN SECTION 15-536, the governing board shall
9 give a certificated teacher who has been employed by the school district for
10 more than the major portion of three consecutive school years notice of
11 intention to dismiss if its intention to dismiss is based on charges of
12 inadequacy of classroom performance as defined by the governing board
13 pursuant to subsection D of this section. The governing board or its
14 authorized representative shall give the teacher a written preliminary notice
15 of inadequacy of classroom performance at least ten instructional days before
16 the start of the period of time within which to correct the inadequacy and
17 overcome the grounds for the charge. The governing board may delegate to
18 employees of the governing board the general authority to issue preliminary
19 notices of inadequacy of classroom performance to teachers pursuant to this
20 section without the need for prior approval of each notice by the governing
21 board. In all cases in which an employee of the governing board issues a
22 preliminary notice of inadequacy of classroom performance without prior
23 approval by the governing board, the employee shall report its issuance to
24 the governing board within five school days. The written preliminary notice
25 of inadequacy of classroom performance shall specify the nature of the
26 inadequacy of classroom performance with such particularity as to furnish the
27 teacher an opportunity to correct the teacher's inadequacies and overcome the
28 grounds for the charge. The written preliminary notice of inadequacy of
29 classroom performance shall be based on a valid evaluation according to
30 school district procedure, shall include a copy of any evaluation pertinent
31 to the charges made and shall state the date by which the teacher has to
32 correct the inadequacy and overcome the grounds for the charge. That
33 evaluation shall not be conducted within two instructional days of any school
34 break of one week or more. The written preliminary notice of inadequacy of
35 classroom performance shall allow the teacher not less than sixty
36 instructional days within which to correct the inadequacy and overcome the
37 grounds for the charge. If within the time specified in the written
38 preliminary notice of inadequacy of classroom performance the teacher does
39 not demonstrate adequate classroom performance, the governing board shall
40 dismiss the teacher either within ten days of the service of a subsequent
41 notice of intention to dismiss or by the end of the contract year in which
42 the subsequent notice of intention to dismiss is served unless the teacher
43 has requested a hearing as provided in subsection G of this section. If the
44 teacher demonstrates adequate classroom performance during the period allowed
45 to correct such deficiencies as specified in the written preliminary notice
46 of inadequacy of classroom performance, the governing board may not dismiss

1 the teacher for the reasons specified in the written preliminary notice of
2 inadequacy of classroom performance. If the governing board of a school
3 district has received approval to budget for a career ladder program, the
4 governing board may define inadequacy of classroom performance by
5 establishing a single level of performance that is required of all teachers
6 or by establishing more than one required level of performance. If more than
7 one level is established, the same level of performance for minimum adequacy
8 shall be required of all teachers who have completed the same number of years
9 of teaching in the district.

10 D. The governing board shall develop a definition of inadequacy of
11 classroom performance that **ALIGNS WITH THE PERFORMANCE CLASSIFICATIONS**
12 **ADOPTED BY THE STATE BOARD OF EDUCATION PURSUANT TO SECTION 15-203,**
13 **SUBSECTION A, PARAGRAPH 38. THIS DEFINITION OF INADEQUACY OF CLASSROOM**
14 **PERFORMANCE** applies to notices issued pursuant to section 15-536, section
15 15-538 and this section. The governing board shall develop its definition of
16 inadequacy of classroom performance in consultation with its certificated
17 teachers. The consultation may be accomplished by holding a public hearing,
18 forming an advisory committee, providing teachers the opportunity to respond
19 to a proposed definition or obtaining teacher approval of a career ladder
20 program that defines inadequacy of classroom performance.

21 E. Any written statement of charges alleging unprofessional conduct,
22 conduct in violation of the rules or policies of the governing board or
23 inadequacy of classroom performance shall specify instances of behavior and
24 the acts or omissions constituting the charge so that the certificated
25 teacher will be able to prepare a defense. If applicable, it shall state the
26 statutes, rules or written objectives of the governing board that the
27 certificated teacher is alleged to have violated and set forth the facts
28 relevant to each occasion of alleged unprofessional conduct, conduct in
29 violation of the rules or policies of the governing board or inadequacy of
30 classroom performance.

31 F. The notice shall be in writing and shall be served on the
32 certificated teacher personally or by United States registered or certified
33 mail addressed to the teacher's last known address. A copy of the charges,
34 together with a copy of this section and sections 15-501, 15-538.01, 15-540,
35 15-541, 15-542 and 15-544 through 15-547, shall be attached to the notice.

36 G. The certificated teacher who receives notice that there exists
37 cause for dismissal or suspension without pay shall have the right to a
38 hearing if the teacher files a written request with the governing board
39 within ten days of service of notice. The filing of a timely request shall
40 suspend the imposition of a suspension without pay or a dismissal pending
41 completion of the hearing.

42 Sec. 10. Section 15-977, Arizona Revised Statutes, is amended to read:
43 15-977. Classroom site fund; definitions

44 A. The classroom site fund is established consisting of monies
45 transferred to the fund pursuant to section 37-521, subsection B and section
46 42-5029, subsection E, paragraph 10. The department of education shall

1 administer the fund. School districts and charter schools may not supplant
2 existing school site funding with revenues from the fund. All monies
3 distributed from the fund are intended for use at the school site. Each
4 school district or charter school shall allocate forty per cent of the monies
5 for teacher compensation increases based on performance and employment
6 related expenses, twenty per cent of the monies for teacher base salary
7 increases and employment related expenses and forty per cent of the monies
8 for maintenance and operation purposes as prescribed in subsection H of this
9 section. Teacher compensation increases based on performance or teacher base
10 salary increases distributed pursuant to this subsection shall supplement,
11 and not supplant, teacher compensation monies from any other sources. The
12 school district or charter school shall notify each school principal of the
13 amount available to the school by April 15 of each year. The district or
14 charter school shall request from the school's principal each school's
15 priority for the allocation of the funds available to the school for each
16 program listed under subsection H of this section. The amount budgeted by
17 the school district or charter school pursuant to this section shall not be
18 included in the allowable budget balance carryforward calculated pursuant to
19 section 15-943.01.

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

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

30 1. School district performance and school performance.

31 2. INDIVIDUAL TEACHER PERFORMANCE AS MEASURED BY THE TEACHER'S
32 PERFORMANCE CLASSIFICATION PURSUANT TO SECTION 15-203, SUBSECTION A,
33 PARAGRAPH 38. BEGINNING IN SCHOOL YEAR 2014-2015, THE INDIVIDUAL TEACHER
34 PERFORMANCE COMPONENT SHALL ACCOUNT FOR THIRTY-THREE PER CENT OF THE FORTY
35 PER CENT ALLOCATION FOR TEACHER COMPENSATION BASED ON PERFORMANCE AND
36 EMPLOYMENT RELATED EXPENSES.

37 ~~2.~~ 3. Measures of academic progress toward the academic standards
38 adopted by the state board of education.

39 ~~3.~~ 4. Other measures of academic progress.

40 ~~4.~~ 5. Dropout or graduation rates.

41 ~~5.~~ 6. Attendance rates.

42 ~~6.~~ 7. Ratings of school quality by parents.

43 ~~7.~~ 8. Ratings of school quality by students.

44 ~~8.~~ 9. The input of teachers and administrators.

1 ~~9.~~ 10. Approval of the performance based compensation system based on
2 an affirmative vote of at least seventy per cent of the teachers eligible to
3 participate in the performance based compensation system.

4 ~~10.~~ 11. An appeals process for teachers who have been denied
5 performance based compensation.

6 ~~11.~~ 12. Regular evaluation for effectiveness, WHICH SHALL COMPLY BY
7 FISCAL YEAR 2014-2015 WITH SECTION 15-203, SUBSECTION A, PARAGRAPH 38.

8 D. A performance based compensation system shall include teacher
9 professional development programs that are aligned with the elements of the
10 performance based compensation system.

11 E. A school district governing board may modify the elements contained
12 in subsection C of this section and consider additional elements when
13 adopting a performance based compensation system. A school district
14 governing board shall adopt any modifications or additional elements and
15 specify the criteria used at a public hearing.

16 F. Until December 31, 2009, each school district shall develop an
17 assessment plan for its performance based compensation system and submit the
18 plan to the department of education by December 31 of each year. A copy of
19 the performance based compensation system and assessment plan adopted by the
20 school district governing board shall be included in the report submitted to
21 the department of education.

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

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

31 2. The allocation to each charter school and school district for a
32 fiscal year shall equal the per pupil amount established in paragraph 1 of
33 this subsection for the fiscal year multiplied by the weighted student count
34 for the school district or charter school for the fiscal year pursuant to
35 section 15-943, paragraph 2, subdivision (a). For the purposes of this
36 paragraph, the weighted student count for a school district that serves as
37 the district of attendance for nonresident pupils shall be increased to
38 include nonresident pupils who attend school in the school district.

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

- 41 1. Class size reduction.
- 42 2. Teacher compensation increases.
- 43 3. AIMS intervention programs.
- 44 4. Teacher development.
- 45 5. Dropout prevention programs.
- 46 6. Teacher liability insurance premiums.

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

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

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

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

37 M. Each school district and charter school, including school districts
38 that unify pursuant to section 15-448 or consolidate pursuant to section
39 15-459, shall establish a local level classroom site fund to receive
40 allocations from the state level classroom site fund. The local level
41 classroom site fund shall be a budgetary controlled account. Interest
42 charges for any registered warrants for the local level classroom site fund
43 shall be a charge against the local level classroom site fund. Interest
44 earned on monies in the local level classroom site fund shall be added to the
45 local level classroom site fund as provided in section 15-978. This state
46 shall not be required to make payments to a school district or charter school

1 local level classroom site fund that are in addition to monies transferred to
2 the state level classroom site fund pursuant to section 37-521, subsection B
3 and section 42-5029, subsection E, paragraph 10.

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

9 O. For the purposes of this section:

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

14 2. "Class size reduction" means any maintenance and operations
15 expenditure that is designed to reduce the ratio of pupils to classroom
16 teachers, including the use of persons who serve as aides to classroom
17 teachers.

18 Sec. 11. Teacher and principal evaluations; alternative
19 timeline

20 Notwithstanding section 15-203, subsection A, paragraph 38, Arizona
21 Revised Statutes, as amended by this act, a school district governing board
22 or a charter school governing body may elect to postpone the full
23 implementation of the required teacher and principal evaluation until the
24 2013-2014 school year if a majority of the governing board or a majority of
25 the governing body votes to postpone the evaluation implementation at a
26 public meeting and adopts a plan at the public meeting that includes:

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

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

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

32 (c) A plan to determine how the evaluations will guide professional
33 development.

34 2. All of the following, which shall be adopted before December
35 31, 2012:

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

37 (b) The percentage of the outcome of the evaluation in accordance with
38 the framework adopted by the state board of education pursuant to section
39 15-203, subsection A, paragraph 38, Arizona Revised Statutes, as amended by
40 this act.

41 Sec. 12. Pilot evaluation instrument

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

H.B. 2823

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

APPROVED BY THE GOVERNOR APRIL 12, 2012.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 12, 2012.