

REFERENCE TITLE: schools; student behavior threat assessments

State of Arizona  
House of Representatives  
Fifty-first Legislature  
First Regular Session  
2013

## **HB 2195**

Introduced by  
Representatives Miranda, Lesko, Steele: Brophy McGee, Cardenas, Contreras,  
Dalessandro, Gabaldón, Gonzales, Mendez

AN ACT

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

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:  
2 Section 1. Section 15-203, Arizona Revised Statutes, is amended to  
3 read:  
4 15-203. Powers and duties  
5 A. The state board of education shall:  
6 1. Exercise general supervision over and regulate the conduct of the  
7 public school system and adopt any rules and policies it deems necessary to  
8 accomplish this purpose.  
9 2. Keep a record of its proceedings.  
10 3. Make rules for its own government.  
11 4. Determine the policy and work undertaken by it.  
12 5. Subject to title 41, chapter 4, article 4, employ staff on the  
13 recommendation of the superintendent 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, 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) SHALL 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) SHALL 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) SHALL not require a teacher to obtain a master's degree or to take  
40 any additional graduate courses as a condition of certification or  
41 recertification.

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

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

1 (f) SHALL provide for the issuance of a specialized teaching  
2 certificate to classroom teachers with expertise in either science,  
3 technology, engineering or mathematics. Teachers who are certified pursuant  
4 to this subdivision shall complete training in structured English immersion  
5 as prescribed by the state board. Teachers who are certified pursuant to  
6 this subdivision are exempt from the professional knowledge and subject  
7 knowledge proficiency requirements prescribed in section 15-533 and from the  
8 proficiency requirements prescribed in section 15-532 on the Constitutions of  
9 the United States and Arizona. A teacher who obtains a specialized teaching  
10 certificate pursuant to this subdivision may provide instruction in the  
11 teacher's field of expertise in grades seven through twelve at any public  
12 school in this state. This subdivision does not require a teacher who has  
13 obtained another type of teaching certificate from the state board to obtain  
14 a specialized teaching certificate pursuant to this ~~subsection~~ SUBDIVISION in  
15 order to provide instruction in grades seven through twelve in a science,  
16 technology, engineering or mathematics course. A classroom teacher is  
17 eligible for a specialized teaching certificate pursuant to this subdivision  
18 if the teacher meets all of the following requirements:

19 (i) Has taught science, technology, engineering or mathematics courses  
20 for the last two consecutive years and for a total of at least three years at  
21 one or more regionally or nationally accredited public or private  
22 postsecondary institutions. An applicant shall demonstrate compliance with  
23 this requirement by providing the state board with written proof of  
24 employment for specific durations from one or more qualifying postsecondary  
25 institutions.

26 (ii) Has either a baccalaureate degree, a master's degree or a  
27 ~~doctora~~ DOCTORATE degree in an academic subject that is specific to science,  
28 technology, engineering or mathematics or has obtained a passing score on a  
29 statewide educator assessment in science, technology, engineering or  
30 mathematics that is recognized by the state board.

31 (iii) Obtains a valid fingerprint clearance card that is issued  
32 pursuant to title 41, chapter 12, article 3.1.

33 (g) Notwithstanding section 15-533, ~~the state board~~ May exempt persons  
34 applying for a secondary education certificate from the subject knowledge  
35 portion of the proficiency examination if the state board determines that the  
36 person has work experience in science, technology, engineering or mathematics  
37 and can demonstrate adequate knowledge of a particular subject through a  
38 postsecondary education degree or twenty-four credit hours of relevant  
39 coursework.

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

1           16. Adopt rules governing the methods for the administration of all  
2 proficiency examinations.

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

5           18. Include within its budget the cost of contracting for the purchase,  
6 distribution and scoring of the examinations as provided in paragraphs 16 and  
7 17 of this subsection.

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

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

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

17           22. Adopt a rule to promote braille literacy pursuant to section  
18 15-214.

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

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

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

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

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

44           27. Adopt rules that provide for teacher certification reciprocity.  
45 The rules shall provide for a one-year reciprocal teaching certificate with  
46 minimum requirements, including valid teacher certification from a state with

1 substantially similar criminal history or teacher fingerprinting requirements  
2 and proof of the submission of an application for a fingerprint clearance  
3 card pursuant to title 41, chapter 12, article 3.1. For teachers who provide  
4 Arizona online instruction pursuant to section 15-808, the rules shall allow  
5 automatic certification reciprocity with other states that have similar  
6 programs.

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

10 (a) Currently resides in this state.

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

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

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

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

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

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

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

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

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

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

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

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

20 (i) The transfer of student records.

21 (ii) Awarding credit for completed ~~course-work~~ COURSEWORK.

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

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

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

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

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

45 36. Adopt rules to prohibit a person who violates the notification  
46 requirements prescribed in section 15-183, subsection C, paragraph 8 or

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

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

13 38. Adopt and maintain a model framework for a teacher and principal  
14 evaluation instrument that includes quantitative data on student academic  
15 progress that accounts for between thirty-three per cent and fifty per cent  
16 of the evaluation outcomes. On or before December 1, 2012, the framework  
17 shall include four performance classifications, designated as highly  
18 effective, effective, developing and ineffective, and guidelines for school  
19 districts and charter schools to use in their evaluation instruments. The  
20 state board of education shall adopt best practices for professional  
21 development and evaluator training. The state board of education may  
22 periodically make adjustments to align the model framework for teacher and  
23 principal evaluations with assessment or data changes at the state level.  
24 School districts and charter schools shall use an instrument that meets the  
25 data requirements established by the state board of education to annually  
26 evaluate individual teachers and principals beginning in school year  
27 2012-2013. By school year 2013-2014, school districts and charter schools  
28 shall adopt definitions for the performance classifications adopted by the  
29 state board of education in a public meeting and apply the performance  
30 classifications to their evaluation instruments in a manner designed to  
31 improve principal and teacher performance. For charter holders, the  
32 principal evaluation instrument applies to each charter school's  
33 instructional leader whose primary responsibility is to oversee the academic  
34 performance of the charter school. This paragraph does not apply to an  
35 officer, director, member or partner of the charter holder. The school  
36 district governing board shall discuss at a public meeting at least annually  
37 its aggregate performance classifications of principals and teachers.

38 39. Adopt rules to define competency-based educational pathways for  
39 college and career readiness that may be used by schools. The rules shall  
40 include the following components:

41 (a) The establishment of learning outcomes that will be expected for  
42 students in a particular subject ~~matter~~.

43 (b) A process and criteria by which assessments may be identified or  
44 established to determine if students have reached the desired competencies in  
45 a particular subject ~~matter~~.

1 (c) A mechanism to allow pupils in grades seven through twelve who  
2 have demonstrated competency in a subject ~~matter~~ to immediately obtain credit  
3 for the mastery of that subject ~~matter~~. The rules shall include a list of  
4 applicable subjects, including the level of competency required for each  
5 subject.

6 40. IN CONSULTATION WITH SCHOOL DISTRICTS AND CHARTER SCHOOLS, ON OR  
7 BEFORE JANUARY 1, 2015, ADOPT A RECOMMENDED PUPIL BEHAVIOR THREAT ASSESSMENT  
8 THAT MAY BE USED BY SCHOOL DISTRICTS AND CHARTER SCHOOLS. NO LATER THAN  
9 JANUARY 1, 2016, EACH SCHOOL DISTRICT GOVERNING BOARD AND EACH CHARTER SCHOOL  
10 GOVERNING BODY SHALL CONDUCT A PUBLIC MEETING TO CONSIDER THE ADOPTION OF THE  
11 PUPIL BEHAVIOR THREAT ASSESSMENT RECOMMENDED BY THE STATE BOARD OF EDUCATION,  
12 WHICH SHALL BE DESIGNED TO BOTH:

13 (a) PROVIDE A STRUCTURED APPROACH TO GATHER AND ORGANIZE INFORMATION  
14 ABOUT A PUPIL IN ORDER TO DETERMINE INTERVENTION AND SUPERVISION STRATEGIES  
15 THAT ARE UNIQUE TO THAT PARTICULAR PUPIL AND TO THE PARTICULAR SET OF  
16 CIRCUMSTANCES THAT GAVE RISE TO THE BEHAVIOR THREAT ASSESSMENT.

17 (b) PROVIDE INFORMATION THAT MAY BE COLLECTED AND REVIEWED BY SCHOOL  
18 PERSONNEL, WITH INPUT FROM THE PUPIL'S PARENT OR GUARDIAN, TO DETERMINE THE  
19 APPROPRIATE CATEGORY OF CONCERN ABOUT A PARTICULAR PUPIL. IF NECESSARY, THE  
20 SCHOOL PERSONNEL MAY ALSO SEEK INPUT FROM LAW ENFORCEMENT AND MENTAL HEALTH  
21 PROFESSIONALS TO DETERMINE THE APPROPRIATE CATEGORY OF CONCERN ABOUT A  
22 PARTICULAR PUPIL.

23 B. The state board of education may:

24 1. Contract.

25 2. Sue and be sued.

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

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

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

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