

REFERENCE TITLE: schools; teacher evaluations; dismissals

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

## **HB 2500**

Introduced by  
Representatives Goodale, Boyer, Miranda, Orr: Borrelli, Brophy McGee,  
Carter, Coleman, Gray, Meyer, Pierce J, Pratt, Stevens

AN ACT

AMENDING SECTIONS 15-501, 15-536, 15-537, 15-538, 15-538.01, 15-539 AND  
15-550, ARIZONA REVISED STATUTES; RELATING TO CERTIFICATION AND EMPLOYMENT OF  
TEACHERS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 15-501, Arizona Revised Statutes, is amended to  
3 read:

4 15-501. Definitions

5 In this chapter, unless the context otherwise requires:

6 1. "Administrator" means any school district administrator except a  
7 school principal devoting not less than fifty per cent of his time to  
8 classroom teaching.

9 2. "Certificated teacher" means a person who holds a certificate from  
10 the state board of education to work in the schools of this state and who is  
11 employed under contract in a school district in a position ~~which~~ THAT  
12 requires certification except a psychologist or an administrator devoting  
13 less than fifty per cent of his time to classroom teaching.

14 3. "Full-time" means employed for a full school day, or its  
15 equivalent, or for a full class load, or its equivalent, as determined by the  
16 governing board.

17 4. "Governing board" means the governing board of a school district or  
18 a county school superintendent in the case of accommodation schools located  
19 in such county.

20 5. "INADEQUACY OF CLASSROOM PERFORMANCE" MEANS THE DEFINITION OF  
21 INADEQUACY CLASSROOM PERFORMANCE ADOPTED BY THE GOVERNING BOARD PURSUANT TO  
22 SECTION 15-538.

23 ~~5-~~ 6. "Major portion of a school year" means full-time employment for  
24 fifty-one per cent of the school days during which school is in session,  
25 except that a certificated teacher is not deemed to have completed the major  
26 portion of the third school year of three consecutive years of employment  
27 until the end of the third school year.

28 7. "PERFORMANCE CLASSIFICATIONS" MEANS THE FOUR PERFORMANCE  
29 CLASSIFICATIONS ADOPTED BY THE STATE BOARD OF EDUCATION PURSUANT TO SECTION  
30 15-203, SUBSECTION A, PARAGRAPH 38.

31 8. "QUALIFIED EVALUATOR" MEANS A SCHOOL PRINCIPAL OR OTHER PERSON WHO  
32 IS TRAINED TO EVALUATE TEACHERS AND WHO IS DESIGNATED BY THE GOVERNING BOARD  
33 TO EVALUATE THE SCHOOL DISTRICT'S CERTIFICATED TEACHERS.

34 ~~6-~~ 9. "Superintendent" means the superintendent of schools of a  
35 school district.

36 ~~7-~~ 10. "Suspension without pay" means suspension without pay for a  
37 period of time not to exceed ten school days.

38 Sec. 2. Section 15-536, Arizona Revised Statutes, is amended to read:

39 15-536. Offer of contract to probationary teacher; acceptance;  
40 notice to teacher of intention not to reemploy;  
41 definition

42 A. ~~Subject to sections 15-539, 15-540, 15-541, 15-544 and 15-549,~~ The  
43 governing board shall offer a teaching contract for the next ensuing school  
44 year to each ~~certificated~~ PROBATIONARY teacher ~~who has not been employed by~~  
45 ~~the school district for more than the major portion of three consecutive~~

1 ~~school years or who is beginning the teacher's fourth year of employment and~~  
2 ~~who has been designated in one of the two lowest performance classifications~~  
3 ~~pursuant to section 15-203, subsection A, paragraph 38 and who is under a~~  
4 ~~contract of employment with the school district for the current school year,~~  
5 unless the governing board, a member of the board acting on behalf of the  
6 board or the superintendent of the school district gives notice to the  
7 teacher of the board's intention not to offer a teaching contract or unless  
8 such teacher has been dismissed pursuant to section 15-538, 15-539, 15-541 or  
9 15-544. The teacher's acceptance of the contract for the ensuing year must  
10 be indicated within fifteen business days from the date of the teacher's  
11 receipt of the written contract or the offer is revoked. Receipt under this  
12 subsection will be deemed to have occurred when the written contract is  
13 personally delivered, placed in the teacher's school provided mailbox,  
14 including electronic mail, or two days after being placed in a United States  
15 postal service mailbox. The teacher accepts the contract by signing the  
16 contract and returning it to the governing board or by making a written  
17 instrument ~~which~~ THAT accepts the terms of the contract and delivering it to  
18 the governing board. If the written instrument includes terms in addition to  
19 the terms of the contract offered by the board, the teacher fails to accept  
20 the contract.

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

42 C. This section shall not be construed to provide a ~~certificated~~  
43 ~~PROBATIONARY~~ teacher ~~who has not been employed by the school district for~~  
44 ~~more than the major portion of three consecutive school years and who has~~  
45 ~~received notice of the board's intention not to offer a teaching contract or~~

1 ~~a certificated teacher who has not been employed for more than the major~~  
2 ~~portion of four consecutive school years, who is under contract pursuant to~~  
3 ~~this section and who has been designated in one of the two lowest performance~~  
4 ~~classifications pursuant to section 15-203, subsection A, paragraph 38~~ with  
5 the right to a hearing pursuant to section 15-539, subsection G.

6 D. A CERTIFICATED TEACHER WHO IS CURRENTLY A CONTINUING TEACHER AS  
7 DEFINED IN SECTION 15-538.01 BUT WHO HAS BEEN DESIGNATED IN ONE OF THE TWO  
8 LOWEST PERFORMANCE CLASSIFICATIONS FOR THE PRECEDING AND CURRENT SCHOOL YEARS  
9 SHALL IMMEDIATELY BECOME A PROBATIONARY TEACHER AND SHALL REMAIN A  
10 PROBATIONARY TEACHER UNTIL THAT TEACHER'S PERFORMANCE CLASSIFICATION IS  
11 DESIGNATED IN EITHER OF THE TWO HIGHEST PERFORMANCE CLASSIFICATIONS.

12 E. FOR THE PURPOSES OF THIS SECTION, "PROBATIONARY TEACHER" MEANS A  
13 CERTIFICATED TEACHER WHO IS NOT A CONTINUING TEACHER.

14 Sec. 3. Section 15-537, Arizona Revised Statutes, is amended to read:  
15 15-537. Performance of certificated teachers; evaluation  
16 system; confidentiality

17 A. The governing board of a school district shall establish a system  
18 for the evaluation of the performance of certificated teachers in the school  
19 district that meets the requirements prescribed in section 15-203, subsection  
20 A, paragraph 38 AND THAT RESULTS IN AT LEAST ONE EVALUATION OF EACH  
21 CERTIFICATED TEACHER BY A QUALIFIED EVALUATOR EACH SCHOOL YEAR. The  
22 objectives of the teacher performance evaluation system are to improve  
23 instruction and maintain instructional strengths. The governing board shall  
24 involve its certificated teachers in the development and periodic evaluation  
25 of the teacher performance evaluation system.

26 B. The school district governing board shall adopt teacher evaluation  
27 policies in a public meeting ~~by school year 2013-2014~~. Before the adoption  
28 of teacher evaluation policies, the school district governing board shall  
29 provide opportunities for public discussion on the proposed policies. The  
30 policies shall describe:

31 1. Incentives for teachers in the highest performance classification,  
32 ~~including~~ WHICH MAY INCLUDE multiyear contracts not to exceed three years.  
33 The policies shall specify that the offer and acceptance of a multiyear  
34 contract does not exclude that teacher from the application of section  
35 15-538.01, 15-540, 15-541 or 15-549 and that the teacher may accept a  
36 multiyear contract offer or decline and accept a one year contract.

37 2. Incentives for teachers in the two highest performance  
38 classifications to work at schools that are assigned a letter grade of D or F  
39 pursuant to section 15-241.

40 3. Protections for teachers who are transferred to schools that are  
41 assigned a letter grade of D or F pursuant to section 15-241.

42 4. Protections for teachers if the principal of the school is  
43 designated in the lowest performance classification.

44 C. ~~Beginning in~~ BY school year 2015-2016, the policies prescribed in  
45 subsection B of this section shall describe:

1 ~~1. Support and consequences for teachers designated in the lowest~~  
2 ~~performance classification.~~

3 ~~2.~~ 1. PERFORMANCE INCENTIVE PLANS for teachers  
4 designated in the lowest performance classification ~~that includes the use of~~  
5 ~~a performance improvement plan for those teachers pursuant to section 15-539.~~  
6 ~~The policy shall specify that this intervention option may be used only once~~  
7 ~~for each teacher.~~

8 ~~3.~~ 2. Dismissal policies OR NONRENEWAL PROCEDURES pursuant to section  
9 15-536 OR 15-539 for teachers who continue to be designated in the lowest  
10 performance classification ~~after using the intervention option prescribed in~~  
11 ~~paragraph 2 of this subsection.~~ THE PROCEDURES SHALL REQUIRE THAT THE SCHOOL  
12 DISTRICT ISSUE THE PRELIMINARY NOTICE OF INADEQUACY OF CLASSROOM PERFORMANCE  
13 NO LATER THAN THE SECOND CONSECUTIVE YEAR THAT THE TEACHER IS DESIGNATED IN  
14 ONE OF THE TWO LOWEST PERFORMANCE CLASSIFICATIONS.

15 ~~4. Dismissal policies pursuant to section 15-539 for teachers who are~~  
16 ~~not provided an intervention option pursuant to paragraph 2 of this~~  
17 ~~subsection. The policies shall require that the school district governing~~  
18 ~~board initiate the notice of inadequacy of classroom performance process~~  
19 ~~pursuant to section 15-539 no later than the second consecutive year that the~~  
20 ~~teacher is designated in the lowest performance classification.~~

21 D. A teacher who has been employed by the school district for the  
22 major portion of three or more consecutive school years and who is CURRENTLY  
23 designated in the lowest performance classification for two consecutive  
24 school years shall not be transferred as a teacher to another school in that  
25 school district unless the school district has issued a PRELIMINARY notice of  
26 inadequacy of classroom performance and approved a performance improvement  
27 plan for the teacher pursuant to section 15-539 and the governing board has  
28 approved the new placement as in the best interests of the pupils in the  
29 school. A teacher who continues to be designated in one of the two lowest  
30 performance classifications shall not be permitted to transfer to another  
31 school. A teacher shall not be transferred more than once pursuant to this  
32 subsection.

33 E. The governing board shall prescribe specific procedures for the  
34 teacher performance evaluation system ~~pursuant to section 15-203, subsection~~  
35 ~~A, paragraph 38,~~ which shall include at least the following elements:

36 1. At least two ANNUAL actual classroom observations of the  
37 certificated teacher demonstrating teaching skills in a complete and  
38 uninterrupted lesson by the ~~person observing the teacher~~ QUALIFIED EVALUATOR.  
39 There shall be at least sixty calendar days between the first and last  
40 observations. THE LAST OBSERVATION MAY FOLLOW THE ISSUANCE OF A PRELIMINARY  
41 NOTICE OF INADEQUACY OF CLASSROOM PERFORMANCE AND BE USED TO DETERMINE  
42 WHETHER THE TEACHER HAS CORRECTED INADEQUACIES AND HAS DEMONSTRATED ADEQUATE  
43 CLASSROOM PERFORMANCE. AN OBSERVATION SHALL NOT BE CONDUCTED WITHIN TWO  
44 INSTRUCTIONAL DAYS OF ANY SCHEDULED PERIOD IN WHICH SCHOOL IS NOT IN SESSION  
45 FOR ONE WEEK OR MORE. Within ten business days after each observation, the

1 ~~person observing the teacher~~ QUALIFIED EVALUATOR shall provide written  
2 feedback to the teacher.

3 2. Specific and reasonable plans for the improvement of teacher  
4 performance as provided in subsection H of this section.

5 3. Appeal procedures for teachers who disagree with the evaluation of  
6 their performance, if the evaluation is for use as criteria for establishing  
7 compensation.

8 4. TRAINING REQUIREMENTS FOR QUALIFIED EVALUATORS.

9 5. A PLAN FOR THE APPROPRIATE USE OF QUANTITATIVE DATA OF STUDENT  
10 ACADEMIC PROGRESS IN EVALUATIONS OF ALL CERTIFICATED TEACHERS. THE PLAN MAY  
11 MAKE DISTINCTIONS BETWEEN CERTIFICATED TEACHERS WHO PROVIDE DIRECT  
12 INSTRUCTION TO STUDENTS AND CERTIFICATED TEACHERS WHO DO NOT PROVIDE DIRECT  
13 INSTRUCTION TO STUDENTS. THE PLAN MAY INCLUDE DATA FOR MULTIPLE SCHOOL YEARS  
14 AND MAY LIMIT THE USE OF DATA FOR CERTIFICATED TEACHERS WHO HAVE TAUGHT FOR  
15 LESS THAN TWO COMPLETE SCHOOL YEARS.

16 ~~F. The governing board shall designate persons who are qualified to  
17 observe teachers and to serve as evaluators for the district's teacher  
18 performance evaluation system. The governing board shall ensure that persons  
19 evaluating teachers are trained and qualified to evaluate teachers.~~

20 F. THE GOVERNING BOARD MAY WAIVE THE REQUIREMENT OF A SECOND CLASSROOM  
21 OBSERVATION FOR A CONTINUING TEACHER WHOSE TEACHING PERFORMANCE BASED ON THE  
22 FIRST CLASSROOM OBSERVATION PLACES THE TEACHER IN ONE OF THE TWO HIGHEST  
23 PERFORMANCE CLASSIFICATIONS FOR THE CURRENT SCHOOL YEAR, UNLESS THE TEACHER  
24 REQUESTS A SECOND OBSERVATION.

25 G. The results of an annual evaluation conducted as provided in this  
26 section shall be in writing OR MADE AVAILABLE TO THE CERTIFICATED TEACHER IN  
27 AN ELECTRONIC FORMAT, and a copy shall be transmitted OR MADE AVAILABLE IN AN  
28 ELECTRONIC FORMAT to the certificated teacher within five days after  
29 completion of the evaluation. The certificated teacher may initiate a  
30 written reaction or response to the evaluation.

31 H. Each evaluation shall include recommendations as to areas of  
32 improvement in the performance of the certificated teacher if the performance  
33 of the teacher warrants improvement. After transmittal of an evaluation, ~~a~~  
34 THE QUALIFIED EVALUATOR OR ANOTHER board designee shall confer with the  
35 teacher to make specific recommendations as to areas of improvement in the  
36 teacher's performance. The QUALIFIED EVALUATOR OR OTHER board designee shall  
37 provide professional development opportunities for the certificated teacher  
38 to improve performance and follow up with the teacher after a reasonable  
39 period of time for the purpose of ascertaining that the teacher is  
40 demonstrating adequate performance.

41 I. Copies of the evaluation report and performance classification of a  
42 certificated teacher retained by the governing board and the department of  
43 education are confidential, do not constitute a public record and shall not  
44 be released or shown to any person except:

- 1           1. To the certificated teacher who may make any use of it.
- 2           2. To authorized district officers and employees for all personnel  
3 matters regarding employment and contracts and for any hearing that relates  
4 to personnel matters.
- 5           3. To school districts and charter schools that inquire about the  
6 performance of the teacher for PROSPECTIVE employment purposes. A SCHOOL  
7 DISTRICT OR CHARTER SCHOOL THAT RECEIVES INFORMATION ABOUT A CERTIFICATED  
8 TEACHER FROM THE EVALUATION REPORT AND PERFORMANCE CLASSIFICATION SHALL USE  
9 THIS INFORMATION SOLELY FOR EMPLOYMENT PURPOSES AND SHALL NOT RELEASE TO OR  
10 ALLOW ACCESS TO THIS INFORMATION BY ANY OTHER PERSON, ENTITY, SCHOOL DISTRICT  
11 OR CHARTER SCHOOL.
- 12           4. For introduction in evidence or discovery in any court action  
13 between the governing board and the certificated teacher in which either:  
14           (a) The competency of the teacher is at issue.  
15           (b) The evaluation and performance classification were an exhibit at a  
16 hearing, the result of which is challenged.
- 17           J. Any school district policy pertaining to the transfer of teachers  
18 from one school to another school in a school district shall take into  
19 consideration the current distribution of teachers across all of the  
20 performance classifications and the needs of the pupils in the school  
21 district.
- 22           ~~K. For the purposes of this section, "performance classification"~~  
23 ~~means the four performance classifications adopted by the state board of~~  
24 ~~education pursuant to section 15-203, subsection A, paragraph 38.~~
- 25           Sec. 4. Section 15-538, Arizona Revised Statutes, is amended to read:  
26           15-538. Preliminary notice of inadequacy of classroom  
27                           performance; performance improvement plan; adoption  
28                           of definition
- 29           A. The governing board of any school district shall give any  
30 certificated teacher ~~who has not been employed by the school district for~~  
31 ~~more than the major portion of three consecutive school years~~ notice of  
32 intention to dismiss or not to reemploy if such intention is based on charges  
33 of inadequacy of classroom performance ~~as defined by the governing board~~  
34 ~~pursuant to section 15-539, subsection D.~~ The governing board, ~~or its~~  
35 authorized representative, ~~shall,~~ at least ~~ninety~~ SIXTY CALENDAR days ~~prior~~  
36 ~~to~~ BEFORE such notice, SHALL give the teacher written preliminary notice of  
37 ~~his~~ inadequacy OF CLASSROOM PERFORMANCE, specifying the nature thereof with  
38 such particularity as to furnish the teacher an opportunity to correct ~~his~~  
39 inadequacies and ~~overcome the grounds for such charge~~ DEMONSTRATE ADEQUATE  
40 CLASSROOM PERFORMANCE. The governing board may delegate to employees of the  
41 governing board the general authority to issue preliminary notices of  
42 inadequacy of classroom performance to teachers pursuant to this section  
43 without the need for prior approval of each notice by the governing board.  
44 In all cases in which an employee of the governing board issues a preliminary  
45 notice of inadequacy of classroom performance without prior approval by the

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

5 ~~B. If the preliminary notice required in subsection A of this section~~  
6 ~~is issued as a result of an intention to dismiss, such preliminary notice~~  
7 ~~shall be given at least ninety days prior to service of notice of the~~  
8 ~~intention to dismiss. If the preliminary notice is issued as a result of an~~  
9 ~~intention not to reemploy, such preliminary notice shall be given no later~~  
10 ~~than January 15.~~

11 B. THE PRELIMINARY NOTICE OF INADEQUACY OF CLASSROOM PERFORMANCE SHALL  
12 BE ACCOMPANIED BY A PERFORMANCE IMPROVEMENT PLAN DESIGNED TO HELP THE TEACHER  
13 CORRECT INADEQUACIES AND DEMONSTRATE ADEQUATE CLASSROOM PERFORMANCE.

14 C. THE GOVERNING BOARD SHALL ADOPT A DEFINITION OF INADEQUACY OF  
15 CLASSROOM PERFORMANCE THAT ALIGNS WITH THE PERFORMANCE CLASSIFICATIONS. THE  
16 GOVERNING BOARD'S DEFINITION MAY SET STANDARDS THAT EXCEED THE STANDARDS OF  
17 THE PERFORMANCE CLASSIFICATIONS AND APPLIES TO NOTICES ISSUED PURSUANT TO  
18 SECTIONS 15-536 AND 15-537 AND THIS SECTION. THE GOVERNING BOARD SHALL  
19 DEVELOP ITS DEFINITION OF INADEQUACY OF CLASSROOM PERFORMANCE IN CONSULTATION  
20 WITH ITS CERTIFICATED TEACHERS. THE CONSULTATION MAY BE ACCOMPLISHED BY  
21 HOLDING A PUBLIC HEARING, FORMING AN ADVISORY COMMITTEE OR PROVIDING TEACHERS  
22 THE OPPORTUNITY TO RESPOND TO A PROPOSED DEFINITION.

23 Sec. 5. Section 15-538.01, Arizona Revised Statutes, is amended to  
24 read:

25 15-538.01. Offer of contract to continuing teacher: definition

26 A. Subject to sections 15-539, 15-540, 15-541, 15-544 and ~~15-549~~  
27 ~~15-546~~, the governing board shall offer to each ~~certificated~~ CONTINUING  
28 teacher ~~who has been employed by the school district for more than the major~~  
29 ~~portion of three consecutive school years and who is under contract of~~  
30 ~~employment with the school district for the current year or who is not~~  
31 ~~designated in the lowest performance classification pursuant to section~~  
32 ~~15-203, subsection A, paragraph 38 and was offered a contract in the prior~~  
33 ~~year pursuant to section 15-536~~ a contract renewal for the next ensuing  
34 school year unless the governing board, a member of the board acting on  
35 behalf of the board or the superintendent of the school district gives notice  
36 to the teacher of the board's intent not to offer a contract and to dismiss  
37 the teacher as provided in section 15-539.

38 B. The teacher's acceptance of the contract must be indicated within  
39 fifteen business days from the date of the teacher's receipt of the written  
40 contract or the offer of a contract is revoked. Receipt under this  
41 subsection will be deemed to have occurred when the written contract is  
42 personally delivered, placed in the teacher's school provided mailbox,  
43 including electronic mail, or two days after being placed in a United States  
44 postal service mailbox. The teacher accepts the contract by signing the  
45 contract and returning it to the governing board or by making a written

1 instrument that accepts the terms of the contract and delivering it to the  
2 governing board. If the written instrument includes terms in addition to the  
3 terms of the contract offered by the board, the teacher fails to accept the  
4 contract.

5 C. A CERTIFICATED TEACHER WHO IS CURRENTLY A CONTINUING TEACHER BUT  
6 WHO HAS BEEN DESIGNATED IN ONE OF THE TWO LOWEST PERFORMANCE CLASSIFICATIONS  
7 FOR THE PRECEDING AND CURRENT SCHOOL YEARS SHALL IMMEDIATELY BECOME A  
8 PROBATIONARY TEACHER AS DEFINED IN SECTION 15-536 AND SHALL REMAIN A  
9 PROBATIONARY TEACHER UNTIL THAT TEACHER'S PERFORMANCE CLASSIFICATION IS  
10 DESIGNATED IN EITHER OF THE TWO HIGHEST PERFORMANCE CLASSIFICATIONS.

11 D. FOR THE PURPOSES OF THIS SECTION, "CONTINUING TEACHER" MEANS A  
12 CERTIFICATED TEACHER WHO HAS BEEN AND IS CURRENTLY EMPLOYED BY THE SCHOOL  
13 DISTRICT FOR THE MAJOR PORTION OF THREE CONSECUTIVE SCHOOL YEARS AND WHO HAS  
14 NOT BEEN DESIGNATED IN ONE OF THE TWO LOWEST PERFORMANCE CLASSIFICATIONS FOR  
15 THE PRECEDING AND CURRENT SCHOOL YEARS.

16 Sec. 6. Section 15-539, Arizona Revised Statutes, is amended to read:  
17 15-539. Dismissal of certificated teacher; due process; written  
18 charges; notice; hearing on request

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

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

33 C. Except as provided in section 15-536, the governing board shall  
34 give a certificated teacher ~~who has been employed by the school district for~~  
35 ~~more than the major portion of three consecutive school years notice of~~  
36 ~~intention to dismiss~~ WRITTEN PRELIMINARY NOTICE OF INADEQUACY OF CLASSROOM  
37 PERFORMANCE PURSUANT TO SECTION 15-538 if its intention to dismiss is based  
38 on charges of inadequacy of classroom performance ~~as defined by the governing~~  
39 ~~board pursuant to subsection D of this section. The governing board or its~~  
40 ~~authorized representative shall give the teacher a written preliminary notice~~  
41 ~~of inadequacy of classroom performance at least ten instructional days before~~  
42 ~~the start of the period of time within which to correct the inadequacy and~~  
43 ~~overcome the grounds for the charge. The governing board may delegate to~~  
44 ~~employees of the governing board the general authority to issue preliminary~~  
45 ~~notices of inadequacy of classroom performance to teachers pursuant to this~~

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

37 ~~D. The governing board shall develop a definition of inadequacy of~~  
38 ~~classroom performance that aligns with the performance classifications~~  
39 ~~adopted by the state board of education pursuant to section 15-203,~~  
40 ~~subsection A, paragraph 38. This definition of inadequacy of classroom~~  
41 ~~performance applies to notices issued pursuant to section 15-536, section~~  
42 ~~15-538 and this section. The governing board shall develop its definition of~~  
43 ~~inadequacy of classroom performance in consultation with its certificated~~  
44 ~~teachers. The consultation may be accomplished by holding a public hearing,~~  
45 ~~forming an advisory committee, providing teachers the opportunity to respond~~

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

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

13 ~~F.~~ E. The notice shall be in writing and shall be served on the  
14 certificated teacher personally or by United States registered or certified  
15 mail addressed to the teacher's last known address. A copy of the charges,  
16 together with a copy of this section and sections 15-501, 15-538.01, 15-540,  
17 15-541, 15-542, and 15-544, through 15-545, 15-546 AND 15-547, shall be  
18 attached to the notice.

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

25 Sec. 7. Section 15-550, Arizona Revised Statutes, is amended to read:

26 15-550. Unprofessional conduct; penalty

27 A. A teacher who has been convicted of a dangerous crime against  
28 children as defined in section 13-705 or has been convicted of a violation of  
29 section 13-1404 or 13-1406 in which the victim was a minor or section 13-1405  
30 or an act committed in another state or territory ~~which~~ THAT if committed in  
31 this state would have been a dangerous crime against children or a violation  
32 of section 13-1404 or 13-1406 in which the victim was a minor or a violation  
33 of section 13-1405 is guilty of unprofessional conduct and the teacher's  
34 certificate shall be revoked permanently immediately on notification of  
35 conviction by the clerk of the court or the magistrate.

36 B. A teacher who has been convicted of a preparatory offense as  
37 prescribed in section 13-1001 of any of the offenses prescribed in subsection  
38 A of this section or any crime that requires the teacher to register as a sex  
39 offender is guilty of unprofessional conduct and the teacher's certificate  
40 shall be permanently revoked on notification of the conviction by a court of  
41 competent jurisdiction.

42 C. A person who is employed by a school district or who is an  
43 applicant for employment with a school district, who is arrested for or  
44 charged with any nonappealable offense listed in section 41-1758.03,  
45 subsection B and who does not immediately report the arrest or charge to the

1 person's supervisor or potential employer is guilty of unprofessional conduct  
2 and the person shall be immediately dismissed from employment with the school  
3 district or immediately excluded from potential employment with the school  
4 district. ~~Nothing in~~ This subsection ~~shall be construed to~~ DOES NOT entitle  
5 a person dismissed pursuant to this subsection to a right to a hearing  
6 pursuant to section 15-539, subsection ~~G~~ F.

7 D. A person who is employed by a school district and who is convicted  
8 of any nonappealable offense listed in section 41-1758.03, subsection B or is  
9 convicted of any nonappealable offense that amounts to unprofessional conduct  
10 under this section shall immediately do all of the following:

- 11 1. Surrender any certificates issued by the department of education.
- 12 2. Notify the person's employer or potential employer of the  
13 conviction.
- 14 3. Notify the department of public safety of the conviction.
- 15 4. Surrender the person's fingerprint clearance card.

16 Sec. 8. Retroactivity

17 This act applies retroactively to from and after June 30, 2013.