

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

# HOUSE BILL 2563

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.

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

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

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

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

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

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

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

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

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

41           (c) SHALL not require a teacher to obtain a master's degree or to take  
42 any additional graduate courses as a condition of certification or  
43 recertification.

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

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

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

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

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

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

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

1 (h) IN CONSULTATION WITH THE ARIZONA BOARD OF REGENTS, SHALL ENSURE  
2 THAT POSTSECONDARY EDUCATION PROGRAMS THAT PREPARE STUDENTS TO TEACH IN  
3 ELEMENTARY AND SECONDARY SCHOOLS REMAIN CURRENT, REFLECT A RIGOROUS COURSE OF  
4 STUDY THAT IS ALIGNED TO STATE AND NATIONAL STANDARDS AND THAT EACH OF THOSE  
5 STUDENTS:

6 (i) IS PROVIDED ADEQUATE COURSEWORK IN THE TEACHING OF READING AND  
7 MATHEMATICS.

8 (ii) IS PROVIDED WITH AN ASSESSMENT BEFORE THE STUDENT IS CERTIFIED TO  
9 TEACH IN ELEMENTARY SCHOOL TO DETERMINE THAT THE STUDENT POSSESSES THE  
10 REQUISITE KNOWLEDGE IN SCIENTIFICALLY-BASED READING AND MATHEMATICS  
11 INSTRUCTION THAT IS ALIGNED WITH THE MINIMUM COURSE OF STUDY AND COMPETENCY  
12 REQUIREMENTS ADOPTED BY THE STATE BOARD.

13 (iii) RECEIVES PREPARATION IN APPLYING FORMATIVE AND SUMMATIVE  
14 ASSESSMENTS WITHIN A SCHOOL SETTING THROUGH TECHNOLOGY-BASED ASSESSMENT  
15 SYSTEMS THAT MEASURE AND PREDICT EXPECTED STUDENT IMPROVEMENT.

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

22 16. Adopt rules governing the methods for the administration of all  
23 proficiency examinations.

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

26 18. Include within its budget the cost of contracting for the purchase,  
27 distribution and scoring of the examinations as provided in paragraphs 16 and  
28 17 of this subsection.

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

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

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

38 22. Adopt a rule to promote braille literacy pursuant to section  
39 15-214.

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

43 24. For purposes of federal law, serve as the state board for  
44 vocational and technological education and meet at least four times each year

1 solely to execute the powers and duties of the state board for vocational and  
2 technological education.

3 25. Develop and maintain a handbook for use in the schools of this  
4 state that provides guidance for the teaching of moral, civic and ethical  
5 education. The handbook shall promote existing curriculum frameworks and  
6 shall encourage school districts to recognize moral, civic and ethical values  
7 within instructional and programmatic educational development programs for  
8 the general purpose of instilling character and ethical principles in pupils  
9 in kindergarten programs and grades one through twelve.

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

15 We hold these truths to be self-evident, that all men are  
16 created equal, that they are endowed by their creator with  
17 certain unalienable rights, that among these are life, liberty  
18 and the pursuit of happiness. That to secure these rights,  
19 governments are instituted among men, deriving their just powers  
20 from the consent of the governed. . . .

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

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

33 (a) Currently resides in this state.

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

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

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

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

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

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

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

18           (d) Orientation and notification procedures of community service  
19 opportunities for pupils entering grade nine, including the development of a  
20 notification form. The notification form shall be signed by the pupil and  
21 the pupil's parent or guardian, except that a pupil shall not be required to  
22 participate in community service if the parent or guardian notifies the  
23 principal of the pupil's school in writing that the parent or guardian does  
24 not wish the pupil to participate in community service.

25           (e) Procedures for a pupil in grade nine to prepare a written proposal  
26 that outlines the type of community service that the pupil would like to  
27 perform and the goals that the pupil hopes to achieve as a result of  
28 community service. The pupil's written proposal shall be reviewed by a  
29 faculty advisor, a guidance counselor or any other school employee who is  
30 designated as the community service program coordinator for that school. The  
31 pupil may alter the written proposal at any time before performing community  
32 service.

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

37           32. To facilitate the transfer of military personnel and their  
38 dependents to and from the public schools of this state, pursue, in  
39 cooperation with the Arizona board of regents, reciprocity agreements with  
40 other states concerning the transfer credits for military personnel and their  
41 dependents. A reciprocity agreement entered into pursuant to this paragraph  
42 shall:

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

44           (i) The transfer of student records.

- 1 (ii) Awarding credit for completed ~~course-work~~ COURSEWORK.  
2 (iii) Permitting a student to satisfy the graduation requirements  
3 prescribed in section 15-701.01 through the successful performance on  
4 comparable exit-level assessment instruments administered in another state.  
5 (b) Include appropriate criteria developed by the state board of  
6 education and the Arizona board of regents.
- 7 33. Adopt guidelines that school district governing boards shall use in  
8 identifying pupils who are eligible for gifted programs and in providing  
9 gifted education programs and services. The state board of education shall  
10 adopt any other guidelines and rules that it deems necessary in order to  
11 carry out the purposes of chapter 7, article 4.1 of this title.
- 12 34. For each of the alternative textbook formats of human-voiced audio,  
13 large-print and braille, designate alternative media producers to adapt  
14 existing standard print textbooks or to provide specialized textbooks, or  
15 both, for pupils with disabilities in this state. Each alternative media  
16 producer shall be capable of producing alternative textbooks in all relevant  
17 subjects in at least one of the alternative textbook formats. The board  
18 shall post the designated list of alternative media producers on its website.
- 19 35. Adopt a list of approved professional development training  
20 providers for use by school districts as provided in section 15-107,  
21 subsection J. The professional development training providers shall meet the  
22 training curriculum requirements determined by the state board of education  
23 in at least the areas of school finance, governance, employment, staffing,  
24 inventory and human resources, internal controls and procurement.
- 25 36. Adopt rules to prohibit a person who violates the notification  
26 requirements prescribed in section 15-183, subsection C, paragraph 8 or  
27 section 15-550, subsection C from certification pursuant to this title until  
28 the person is no longer charged or is acquitted of any offenses listed in  
29 section 41-1758.03, subsection B. The board shall also adopt rules to  
30 prohibit a person who violates the notification requirements, certification  
31 surrender requirements or fingerprint clearance card surrender requirements  
32 prescribed in section 15-183, subsection C, paragraph 9 or section 15-550,  
33 subsection D from certification pursuant to this title for at least ten years  
34 after the date of the violation.
- 35 37. Adopt rules for the alternative certification of teachers of  
36 nontraditional foreign languages that allow for the passing of a nationally  
37 accredited test to substitute for the education coursework required for  
38 certification.
- 39 38. Adopt and maintain a model framework for a teacher and principal  
40 evaluation instrument that includes quantitative data on student academic  
41 progress that accounts for between thirty-three per cent and fifty per cent  
42 of the evaluation outcomes. On or before December 1, 2012, the framework  
43 shall include four performance classifications, designated as highly  
44 effective, effective, developing and ineffective, and guidelines for school

1 districts and charter schools to use in their evaluation instruments. The  
2 state board of education shall adopt best practices for professional  
3 development and evaluator training. The state board of education may  
4 periodically make adjustments to align the model framework for teacher and  
5 principal evaluations with assessment or data changes at the state level.  
6 School districts and charter schools shall use an instrument that meets the  
7 data requirements established by the state board of education to annually  
8 evaluate individual teachers and principals beginning in school year  
9 2012-2013. By school year 2013-2014, school districts and charter schools  
10 shall adopt definitions for the performance classifications adopted by the  
11 state board of education in a public meeting and apply the performance  
12 classifications to their evaluation instruments in a manner designed to  
13 improve principal and teacher performance. For charter holders, the  
14 principal evaluation instrument applies to each charter school's  
15 instructional leader whose primary responsibility is to oversee the academic  
16 performance of the charter school. This paragraph does not apply to an  
17 officer, director, member or partner of the charter holder. The school  
18 district governing board shall discuss at a public meeting at least annually  
19 its aggregate performance classifications of principals and teachers.

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

23 (a) The establishment of learning outcomes that will be expected for  
24 students in a particular subject **matter**.

25 (b) A process and criteria by which assessments may be identified or  
26 established to determine if students have reached the desired competencies in  
27 a particular subject **matter**.

28 (c) A mechanism to allow pupils in grades seven through twelve who  
29 have demonstrated competency in a subject **matter** to immediately obtain credit  
30 for the mastery of that subject **matter**. The rules shall include a list of  
31 applicable subjects, including the level of competency required for each  
32 subject.

33 B. The state board of education may:

34 1. Contract.

35 2. Sue and be sued.

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

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

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

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

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