

COMMITTEE ON EDUCATION

SENATE AMENDMENTS TO H.B. 2184

(Reference to House engrossed bill)

1 Page 1, after line 14 insert:

2 "Sec. 2. Section 15-202, Arizona Revised Statutes, is amended to read:

3 15-202. Meetings; majority required for validation; travel  
4 expenses; immunity

5 A. The state board of education shall hold four regular meetings  
6 annually at times it directs. Special meetings may be held on the call of  
7 the presiding officer.

8 B. Concurrence of a majority of all members of the board is necessary  
9 for validation of an act of the board.

10 C. Members shall be allowed travel expenses and reimbursement for  
11 subsistence, as provided by title 38, chapter 4, article 2, to be paid upon  
12 claims approved by the ~~superintendent of public instruction~~ DEPARTMENT OF  
13 ADMINISTRATION, as other claims against the state are paid, from the  
14 appropriation for the board authorized in the general appropriation bill.

15 D. Members of the board are immune from personal liability with  
16 respect to all acts done and actions taken in good faith within the scope of  
17 their authority during duly constituted regular and special meetings with  
18 approval of a majority of the board.

19 Sec. 3. Section 15-203, Arizona Revised Statutes, is amended to read:

20 15-203. Powers and duties

21 A. The state board of education shall:

22 1. Exercise general supervision over and regulate the conduct of the  
23 public school system and adopt any rules and policies it deems necessary to  
24 accomplish this purpose.

25 2. Keep a record of its proceedings.

26 3. Make rules for its own government.

27 4. Determine the policy and work undertaken by it.

1           5. Subject to title 41, chapter 4, article 4, employ staff ~~on the~~  
2 ~~recommendation of the superintendent of public instruction.~~

3           6. Prescribe **AND SUPERVISE** the duties of its employees if not  
4 **OTHERWISE** prescribed by statute.

5           7. Delegate to the superintendent of public instruction the execution  
6 of board policies and rules.

7           8. Recommend to the legislature changes or additions to the statutes  
8 pertaining to schools.

9           9. Prepare, publish and distribute reports concerning the educational  
10 welfare of this state.

11           10. Prepare a budget for expenditures necessary for proper maintenance  
12 of the board and accomplishment of its purposes and present the budget to the  
13 legislature.

14           11. Aid in the enforcement of laws relating to schools.

15           12. Prescribe a minimum course of study in the common schools, minimum  
16 competency requirements for the promotion of pupils from the third grade and  
17 minimum course of study and competency requirements for the promotion of  
18 pupils from the eighth grade. The state board of education shall prepare a  
19 fiscal impact statement of any proposed changes to the minimum course of  
20 study or competency requirements and, on completion, shall send a copy to the  
21 director of the joint legislative budget committee and the executive director  
22 of the school facilities board. The state board of education shall not adopt  
23 any changes in the minimum course of study or competency requirements in  
24 effect on July 1, 1998 that will have a fiscal impact on school capital  
25 costs.

26           13. Prescribe minimum course of study and competency requirements for  
27 the graduation of pupils from high school. The state board of education  
28 shall prepare a fiscal impact statement of any proposed changes to the  
29 minimum course of study or competency requirements and, on completion, shall  
30 send a copy to the director of the joint legislative budget committee and the  
31 executive director of the school facilities board. The state board of  
32 education shall not adopt any changes in the minimum course of study or

1 competency requirements in effect on July 1, 1998 that will have a fiscal  
2 impact on school capital costs.

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

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

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

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

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

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

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

5           (vi) Demonstrate the required proficiency in the Constitutions of the  
6 United States and Arizona as prescribed in section 15-532.

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

11           (c) Shall not require a teacher to obtain a master's degree or to take  
12 any additional graduate courses as a condition of certification or  
13 recertification.

14           (d) Shall allow a general equivalency diploma to be substituted for a  
15 high school diploma in the certification of emergency substitute teachers.

16           (e) Shall allow but shall not require the superintendent of a school  
17 district to obtain certification from the state board of education.

18           (f) Shall provide for the issuance of a specialized teaching  
19 certificate to classroom teachers with expertise in either science,  
20 technology, engineering or mathematics. Teachers who are certified pursuant  
21 to this subdivision shall complete training in structured English immersion  
22 as prescribed by the state board. Teachers who are certified pursuant to  
23 this subdivision are exempt from the professional knowledge and subject  
24 knowledge proficiency requirements prescribed in section 15-533 and from the  
25 proficiency requirements prescribed in section 15-532 on the Constitutions of  
26 the United States and Arizona. A teacher who obtains a specialized teaching  
27 certificate pursuant to this subdivision may provide instruction in the  
28 teacher's field of expertise in grades seven through twelve at any public  
29 school in this state. This subdivision does not require a teacher who has  
30 obtained another type of teaching certificate from the state board to obtain  
31 a specialized teaching certificate pursuant to this subdivision in order to  
32 provide instruction in grades seven through twelve in a science, technology,

1 engineering or mathematics course. A classroom teacher is eligible for a  
2 specialized teaching certificate pursuant to this subdivision if the teacher  
3 meets all of the following requirements:

4 (i) Has taught science, technology, engineering or mathematics courses  
5 for the last two consecutive years and for a total of at least three years at  
6 one or more regionally or nationally accredited public or private  
7 postsecondary institutions. An applicant shall demonstrate compliance with  
8 this requirement by providing the state board with written proof of  
9 employment for specific durations from one or more qualifying postsecondary  
10 institutions.

11 (ii) Has either a baccalaureate degree, a master's degree or a  
12 doctorate degree in an academic subject that is specific to science,  
13 technology, engineering or mathematics or has obtained a passing score on a  
14 statewide educator assessment in science, technology, engineering or  
15 mathematics that is recognized by the state board.

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

18 (g) Notwithstanding section 15-533, may exempt persons applying for a  
19 secondary education certificate from the subject knowledge portion of the  
20 proficiency examination if the state board determines that the person has  
21 work experience in science, technology, engineering or mathematics and can  
22 demonstrate adequate knowledge of a particular subject through a  
23 postsecondary education degree or twenty-four credit hours of relevant  
24 coursework.

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

31 16. Adopt rules governing the methods for the administration of all  
32 proficiency examinations.

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

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

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

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

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

15          22. Adopt a rule to promote braille literacy pursuant to section  
16 15-214.

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

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

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

31          26. Require pupils to recite the following passage from the declaration  
32 of independence for pupils in grades four through six at the commencement of

1 the first class of the day in the schools, except that a pupil shall not be  
2 required to participate if the pupil or the pupil's parent or guardian  
3 objects:

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

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

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

22 (a) Currently resides in this state.

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

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

1 that will help the Arizona-Mexico commission to assess and enhance the  
2 economic competitiveness of this state and of the Arizona-Mexico region.

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

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

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

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

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

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

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

1 pupil may alter the written proposal at any time before performing community  
2 service.

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

7 32. To facilitate the transfer of military personnel and their  
8 dependents to and from the public schools of this state, pursue, in  
9 cooperation with the Arizona board of regents, reciprocity agreements with  
10 other states concerning the transfer credits for military personnel and their  
11 dependents. A reciprocity agreement entered into pursuant to this paragraph  
12 shall:

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

14 (i) The transfer of student records.

15 (ii) Awarding credit for completed coursework.

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

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

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

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

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

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

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

21           38. Adopt and maintain a model framework for a teacher and principal  
22 evaluation instrument that includes quantitative data on student academic  
23 progress that accounts for between thirty-three per cent and fifty per cent  
24 of the evaluation outcomes. On or before December 1, 2012, the framework  
25 shall include four performance classifications, designated as highly  
26 effective, effective, developing and ineffective, and guidelines for school  
27 districts and charter schools to use in their evaluation instruments. The  
28 state board of education shall adopt best practices for professional  
29 development and evaluator training. The state board of education may  
30 periodically make adjustments to align the model framework for teacher and  
31 principal evaluations with assessment or data changes at the state level.  
32 School districts and charter schools shall use an instrument that meets the

1 data requirements established by the state board of education to annually  
2 evaluate individual teachers and principals beginning in school year  
3 2012-2013. By school year 2013-2014, school districts and charter schools  
4 shall adopt definitions for the performance classifications adopted by the  
5 state board of education in a public meeting and apply the performance  
6 classifications to their evaluation instruments in a manner designed to  
7 improve principal and teacher performance. For charter holders, the  
8 principal evaluation instrument applies to each charter school's  
9 instructional leader whose primary responsibility is to oversee the academic  
10 performance of the charter school. This paragraph does not apply to an  
11 officer, director, member or partner of the charter holder. The school  
12 district governing board shall discuss at a public meeting at least annually  
13 its aggregate performance classifications of principals and teachers.

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

17 (a) The establishment of learning outcomes that will be expected for  
18 students in a particular subject.

19 (b) A process and criteria by which assessments may be identified or  
20 established to determine if students have reached the desired competencies in  
21 a particular subject.

22 (c) A mechanism to allow pupils in grades seven through twelve who  
23 have demonstrated competency in a subject to immediately obtain credit for  
24 the mastery of that subject. The rules shall include a list of applicable  
25 subjects, including the level of competency required for each subject.

26 40. In consultation with the department of health services, the  
27 department of education, medical professionals, school health professionals,  
28 school administrators and an organization that represents school nurses in  
29 this state, adopt rules on or before January 1, 2014 that prescribe the  
30 following for school districts and charter schools:

31 (a) Annual training in the administration of auto-injectable  
32 epinephrine, as directed on the prescription protocol, for designated medical

1 and nonmedical school personnel. The annual training prescribed in this  
2 subdivision is optional during any fiscal year in which sufficient monies are  
3 not appropriated by the legislature during that fiscal year to provide for  
4 the purchase of two juvenile doses and two adult doses of auto-injectable  
5 epinephrine at each public school in this state and if the school does not  
6 stock two juvenile doses and two adult doses of auto-injectable epinephrine  
7 at the school during that fiscal year.

8 (b) Annual training for all school site personnel on the recognition  
9 of anaphylactic shock symptoms and the procedures to follow when anaphylactic  
10 shock occurs, following the national guidelines of the American academy of  
11 pediatrics. The annual training prescribed in this subdivision is optional  
12 during any fiscal year in which sufficient monies are not appropriated by the  
13 legislature during that fiscal year to provide for the purchase of two  
14 juvenile doses and two adult doses of auto-injectable epinephrine at each  
15 public school in this state and if the school does not stock two juvenile  
16 doses and two adult doses of auto-injectable epinephrine at the school during  
17 that fiscal year.

18 (c) Procedures for the administration of auto-injectable epinephrine  
19 in emergency situations, as directed on the prescription protocol.

20 (d) Procedures for annually requesting a standing order for  
21 epinephrine auto-injectors pursuant to section 15-157 from the chief medical  
22 officer of the department of health services, the chief medical officer of a  
23 county health department, a doctor of medicine licensed pursuant to title 32,  
24 chapter 13 or a doctor of osteopathy licensed pursuant to title 32,  
25 chapter 17.

26 (e) Procedures for reporting the use of auto-injectable epinephrine to  
27 the department of health services.

28 B. The state board of education may:

29 1. Contract.

30 2. Sue and be sued.

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

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

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

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

18           Sec. 4. Section 15-231, Arizona Revised Statutes, is amended to read:

19           15-231. Department of education

20           A. There is created a department of education.

21           B. The department shall be administered through:

22           1. The state board of education which shall be the policy determining  
23 body of the department.

24           2. The superintendent of public instruction in whom all executive,  
25 administrative and ministerial functions of the department are vested and who  
26 is the executive officer **RESPONSIBLE FOR THE EXECUTION OF POLICIES** of the  
27 state board of education.

28           C. In addition to any divisions established by law, the superintendent  
29 of public instruction may establish such divisions as in the judgment of the  
30 superintendent of public instruction are necessary for the proper transaction  
31 of the business of the department.

1 D. The department shall be conducted under the control of the  
2 superintendent of public instruction.

3 Sec. 5. Section 15-251, Arizona Revised Statutes, is amended to read:

4 15-251. Powers and duties

5 The superintendent of public instruction shall:

6 1. Superintend the schools of this state.

7 2. Request the auditor general to investigate when necessary the  
8 accounts of school monies kept by any state, county or district officer.

9 3. Subject to supervision by the state board of education, apportion  
10 to the several counties the monies to which each county is entitled for the  
11 year. Apportionment shall be made as provided in chapter 9 of this title.

12 ~~4. Direct the work of all employees of the board who shall be  
13 employees of the department of education.~~

14 ~~5.~~ 4. Execute, under the direction of the state board of education,  
15 the policies which have been decided upon by the state board.

16 ~~6.~~ 5. Direct the performance of executive, administrative or  
17 ministerial functions by the department of education or divisions or  
18 employees thereof.

19 6. PROVIDE INFORMATION TO THE STATE BOARD OF EDUCATION RELATED TO THE  
20 POWERS AND DUTIES ENUMERATED IN SECTION 15-203.

21 Sec. 6. Emergency

22 This act is an emergency measure that is necessary to preserve the  
23 public peace, health or safety and is operative immediately as provided by  
24 law.”

25 Amend title to conform

2/24/15  
4:40 PM  
S: MS/ljs