

REFERENCE TITLE: temporary kindergarten teachers; certification

State of Arizona
House of Representatives
Fifty-second Legislature
First Regular Session
2015

HB 2518

Introduced by
Representatives Norgaard, Cardenas, Coleman, Robson: Boyer, Fann

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:

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.

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

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

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

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

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

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

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

42 (h) SHALL ALLOW A TEACHER WHO HOLDS A VALID CERTIFICATE TO TEACH IN
43 GRADES ONE THROUGH EIGHT BUT WHO DOES NOT HAVE AN EARLY CHILDHOOD ENDORSEMENT
44 TO PROVIDE INSTRUCTION IN A KINDERGARTEN PROGRAM FOR ONE YEAR. IF THE
45 TEACHER DOES NOT OBTAIN AN EARLY CHILDHOOD ENDORSEMENT DURING THE YEAR IN

1 WHICH THE TEACHER IS PROVIDING INSTRUCTION IN A KINDERGARTEN PROGRAM, THAT
2 TEACHER MAY NOT PROVIDE INSTRUCTION IN A KINDERGARTEN PROGRAM IN THE NEXT
3 SCHOOL YEAR.

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

10 16. Adopt rules governing the methods for the administration of all
11 proficiency examinations.

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

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

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

21 20. Impose such disciplinary action, including the issuance of a letter
22 of censure, suspension, suspension with conditions or revocation of a
23 certificate, ~~upon~~ ON a finding of immoral or unprofessional conduct.

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

26 22. Adopt a rule to promote braille literacy pursuant to section
27 15-214.

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

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

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

42 26. Require pupils to recite the following passage from the declaration
43 of independence for pupils in grades four through six at the commencement of
44 the first class of the day in the schools, except that a pupil shall not be

1 required to participate if the pupil or the pupil's parent or guardian
2 objects:

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

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

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

21 (a) Currently resides in this state.

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

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

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

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

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

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

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

6 (d) Orientation and notification procedures of community service
7 opportunities for pupils entering grade nine, including the development of a
8 notification form. The notification form shall be signed by the pupil and
9 the pupil's parent or guardian, except that a pupil shall not be required to
10 participate in community service if the parent or guardian notifies the
11 principal of the pupil's school in writing that the parent or guardian does
12 not wish the pupil to participate in community service.

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

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

25 32. To facilitate the transfer of military personnel and their
26 dependents to and from the public schools of this state, pursue, in
27 cooperation with the Arizona board of regents, reciprocity agreements with
28 other states concerning the transfer credits for military personnel and their
29 dependents. A reciprocity agreement entered into pursuant to this paragraph
30 shall:

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

32 (i) The transfer of student records.

33 (ii) Awarding credit for completed coursework.

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

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

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

44 34. For each of the alternative textbook formats of human-voiced audio,
45 large-print and braille, designate alternative media producers to adapt

1 existing standard print textbooks or to provide specialized textbooks, or
2 both, for pupils with disabilities in this state. Each alternative media
3 producer shall be capable of producing alternative textbooks in all relevant
4 subjects in at least one of the alternative textbook formats. The board
5 shall post the designated list of alternative media producers on its website.

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

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

22 37. Adopt rules for the alternative certification of teachers of
23 nontraditional foreign languages that allow for the passing of a nationally
24 accredited test to substitute for the education coursework required for
25 certification.

26 38. Adopt and maintain a model framework for a teacher and principal
27 evaluation instrument that includes quantitative data on student academic
28 progress that accounts for between thirty-three ~~per cent~~ PERCENT and fifty
29 ~~per cent~~ PERCENT of the evaluation outcomes. ~~On or before December 1, 2012,~~
30 The framework shall include four performance classifications, designated as
31 highly effective, effective, developing and ineffective, and guidelines for
32 school districts and charter schools to use in their evaluation instruments.
33 The state board of education shall adopt best practices for professional
34 development and evaluator training. The state board of education may
35 periodically make adjustments to align the model framework for teacher and
36 principal evaluations with assessment or data changes at the state level.
37 School districts and charter schools shall use an instrument that meets the
38 data requirements established by the state board of education to annually
39 evaluate individual teachers and principals ~~beginning in school year~~
40 ~~2012-2013. By school year 2013-2014,~~ School districts and charter schools
41 shall adopt definitions for the performance classifications adopted by the
42 state board of education in a public meeting and apply the performance
43 classifications to their evaluation instruments in a manner designed to
44 improve principal and teacher performance. For charter holders, the
45 principal evaluation instrument applies to each charter school's

1 instructional leader whose primary responsibility is to oversee the academic
2 performance of the charter school. This paragraph does not apply to an
3 officer, director, member or partner of the charter holder. The school
4 district governing board shall discuss at a public meeting at least annually
5 its aggregate performance classifications of principals and teachers.

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

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

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

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

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

23 (a) Annual training in the administration of auto-injectable
24 epinephrine, as directed on the prescription protocol, for designated medical
25 and nonmedical school personnel. The annual training prescribed in this
26 subdivision is optional during any fiscal year in which sufficient monies are
27 not appropriated by the legislature during that fiscal year to provide for
28 the purchase of two juvenile doses and two adult doses of auto-injectable
29 epinephrine at each public school in this state and if the school does not
30 stock two juvenile doses and two adult doses of auto-injectable epinephrine
31 at the school during that fiscal year.

32 (b) Annual training for all school site personnel on the recognition
33 of anaphylactic shock symptoms and the procedures to follow when anaphylactic
34 shock occurs, following the national guidelines of the American academy of
35 pediatrics. The annual training prescribed in this subdivision is optional
36 during any fiscal year in which sufficient monies are not appropriated by the
37 legislature during that fiscal year to provide for the purchase of two
38 juvenile doses and two adult doses of auto-injectable epinephrine at each
39 public school in this state and if the school does not stock two juvenile
40 doses and two adult doses of auto-injectable epinephrine at the school during
41 that fiscal year.

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

44 (d) Procedures for annually requesting a standing order for
45 epinephrine auto-injectors pursuant to section 15-157 from the chief medical

1 officer of the department of health services, the chief medical officer of a
2 county health department, a doctor of medicine licensed pursuant to title 32,
3 chapter 13 or a doctor of osteopathy licensed pursuant to title 32,
4 chapter 17.

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

7 B. The state board of education may:

8 1. Contract.

9 2. Sue and be sued.

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

12 4. Provide for an advisory committee to conduct hearings and
13 screenings to determine whether grounds exist to impose disciplinary action
14 against a certificated person, whether grounds exist to reinstate a revoked
15 or surrendered certificate and whether grounds exist to approve or deny an
16 initial application for certification or a request for renewal of a
17 certificate. The board may delegate its responsibility to conduct hearings
18 and screenings to its advisory committee. Hearings shall be conducted
19 pursuant to title 41, chapter 6, article 6.

20 5. Proceed with the disposal of any complaint requesting disciplinary
21 action or with any disciplinary action against a person holding a certificate
22 as prescribed in subsection A, paragraph 14 of this section after the
23 suspension or expiration of the certificate or surrender of the certificate
24 by the holder.

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