

State of Arizona
Senate
Fifty-second Legislature
Second Regular Session
2016

SENATE BILL 1239

AN ACT

AMENDING TITLE 15, CHAPTER 2, ARTICLE 3, ARIZONA REVISED STATUTES, BY ADDING SECTION 15-258; AMENDING SECTION 15-1626, ARIZONA REVISED STATUTES; RELATING TO THE STATE BILITERACY PROGRAM.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Title 15, chapter 2, article 3, Arizona Revised Statutes,
3 is amended by adding section 15-258, to read:

4 15-258. State seal of biliteracy program; requirements;
5 diploma; program termination

6 A. THE SUPERINTENDENT OF PUBLIC INSTRUCTION SHALL ESTABLISH A STATE
7 SEAL OF BILITERACY PROGRAM TO RECOGNIZE STUDENTS WHO GRADUATE FROM A SCHOOL
8 OPERATED BY A SCHOOL DISTRICT OR A CHARTER SCHOOL LOCATED IN THIS STATE AND
9 WHO HAVE ATTAINED A HIGH LEVEL OF PROFICIENCY IN ONE OR MORE LANGUAGES IN
10 ADDITION TO ENGLISH.

11 B. THE SUPERINTENDENT OF PUBLIC INSTRUCTION SHALL:

12 1. CREATE A STATE SEAL OF BILITERACY THAT SHALL BE AFFIXED TO THE
13 DIPLOMA AND NOTED ON THE TRANSCRIPT OF A STUDENT TO RECOGNIZE THAT THE
14 STUDENT HAS MET THE REQUIREMENTS PRESCRIBED IN THIS SECTION.

15 2. DELIVER THE STATE SEAL OF BILITERACY TO EACH PUBLIC SCHOOL DISTRICT
16 OR CHARTER SCHOOL THAT PARTICIPATES IN THE PROGRAM.

17 C. ANY SCHOOL DISTRICT OR CHARTER SCHOOL MAY VOLUNTARILY PARTICIPATE
18 IN THE STATE SEAL OF BILITERACY PROGRAM BY NOTIFYING THE SUPERINTENDENT OF
19 PUBLIC INSTRUCTION OF THE SCHOOL DISTRICT'S OR CHARTER SCHOOL'S INTENT TO
20 PARTICIPATE IN THE PROGRAM.

21 D. EACH SCHOOL DISTRICT GOVERNING BOARD OR CHARTER SCHOOL GOVERNING
22 BODY THAT PARTICIPATES IN THE STATE SEAL OF BILITERACY PROGRAM SHALL:

23 1. IDENTIFY THE STUDENTS WHO HAVE MET THE REQUIREMENTS TO BE AWARDED
24 THE STATE SEAL OF BILITERACY.

25 2. AFFIX THE STATE SEAL OF BILITERACY TO THE DIPLOMA AND NOTE THE
26 RECEIPT OF THE STATE SEAL OF BILITERACY ON THE TRANSCRIPT OF EACH STUDENT WHO
27 MEETS THOSE REQUIREMENTS.

28 E. THE STATE BOARD OF EDUCATION, IN COLLABORATION WITH THE DEPARTMENT
29 OF EDUCATION, SHALL ADOPT A LIST OF ASSESSMENTS USING RESEARCHED-BASED
30 METHODOLOGY TO DETERMINE A STUDENT'S PROFICIENCY IN A LANGUAGE OTHER THAN
31 ENGLISH AND MAY ADOPT RULES AS NECESSARY TO CARRY OUT THE PURPOSES OF THIS
32 SECTION.

33 F. A SCHOOL DISTRICT OR CHARTER SCHOOL THAT PARTICIPATES IN THE STATE
34 SEAL OF BILITERACY PROGRAM ESTABLISHED PURSUANT TO THIS SECTION SHALL AWARD A
35 STUDENT, ON GRADUATION FROM HIGH SCHOOL, A HIGH SCHOOL DIPLOMA WITH A STATE
36 SEAL OF BILITERACY IF THE STUDENT MEETS ALL OF THE FOLLOWING REQUIREMENTS:

37 1. SUCCESSFULLY COMPLETES ALL ENGLISH LANGUAGE ARTS REQUIREMENTS FOR
38 GRADUATION WITH AN OVERALL GRADE POINT AVERAGE IN THOSE CLASSES OF 2.0 OR
39 HIGHER ON A 4.0 SCALE, OR THE EQUIVALENT.

40 2. PASSES THE END-OF-COURSE EXAMINATIONS IN ENGLISH LANGUAGE ARTS
41 REQUIRED PURSUANT TO SECTION 15-755.

42 3. DEMONSTRATES PROFICIENCY IN ONE OR MORE LANGUAGES OTHER THAN
43 ENGLISH BY MEETING THE REQUIREMENTS ADOPTED PURSUANT TO SUBSECTION E OF THIS
44 SECTION.

1 4. IF THE STUDENT HAS A PRIMARY LANGUAGE OTHER THAN ENGLISH, OBTAINS A
2 SCORE OF PROFICIENT OR HIGHER BASED ON THE ENGLISH LANGUAGE PROFICIENCY
3 STANDARDS, PURSUANT TO SECTION 15-756.

4 G. THE PROGRAM ESTABLISHED PURSUANT TO THIS SECTION ENDS ON JULY 1,
5 2026 PURSUANT TO SECTION 41-3102.

6 Sec. 2. Section 15-1626, Arizona Revised Statutes, is amended to read:
7 15-1626. General administrative powers and duties of board:
8 definition

9 A. The board shall:

10 1. Have and exercise the powers necessary for the effective governance
11 and administration of the institutions under its control. To that end, the
12 board may adopt, and authorize each university to adopt, such regulations,
13 policies, rules or measures as are deemed necessary and may delegate in
14 writing to its committees, to its university presidents, or their designees,
15 or to other entities under its control, ~~any~~ any part of its authority for the
16 administration and governance of such institutions, including those powers
17 enumerated in section 15-1625, subsection B, paragraphs 2 and 4, paragraphs
18 3, 4, 8, 9, 11 and 12 of this subsection and subsection B of this section.
19 Any delegation of authority may be rescinded by the board at any time in
20 whole or in part.

21 2. Appoint and employ and determine the compensation of presidents
22 with such power and authority and for such purposes in connection with the
23 operation of the institutions as the board deems necessary.

24 3. Appoint and employ and determine the compensation of
25 vice-presidents, deans, professors, instructors, lecturers, fellows and such
26 other officers and employees with such power and authority and for such
27 purposes in connection with the operation of the institutions as the board
28 deems necessary, or delegate its authority pursuant to paragraph 1 of this
29 subsection.

30 4. Remove any officer or employee when the interests of education in
31 this state so require in accordance with its personnel rules and policies.

32 5. Fix tuitions and fees to be charged and differentiate the tuitions
33 and fees between institutions and between residents, nonresidents,
34 undergraduate students, graduate students, students from foreign countries
35 and students who have earned credit hours in excess of the credit hour
36 threshold. For the purposes of this paragraph, the undergraduate credit hour
37 threshold is one hundred forty-five hours for students who attend a
38 university under the jurisdiction of the board. The undergraduate credit
39 hour threshold shall be based on the actual full-time equivalent student
40 enrollment counted on the forty-fifth day of every fall and spring semester,
41 divided by two, and any budget adjustment based on student enrollment shall
42 occur in the fiscal year following the actual full-time equivalent student
43 enrollment count. The undergraduate credit hour threshold shall not apply to
44 degree programs that require credit hours above the credit hour threshold,
45 credits earned in the pursuit of up to two baccalaureate degrees, credits

1 earned in the pursuit of up to two state regulated licensures or
2 certificates, credits earned in the pursuit of teaching certification,
3 credits transferred from a private institution of higher education, credits
4 transferred from an institution of higher education in another state, credits
5 earned at another institution of higher education but that are not accepted
6 as transfer credits at the university where the student is currently enrolled
7 and credits earned by students who enroll at a university under the
8 jurisdiction of the board more than twenty-four months after the end of that
9 student's previous enrollment at a public institution of higher education in
10 this state. On or before October 15 of each year, the board shall report to
11 the joint legislative budget committee the number of in-state students and
12 out-of-state students who were enrolled at universities under the
13 jurisdiction of the board during the previous fiscal year who met or exceeded
14 the undergraduate credit hour threshold prescribed in this paragraph. The
15 amount of tuition, registration fees and other revenues included in the
16 operating budget for the university adopted by the board as prescribed in
17 paragraph 13 of this subsection shall be deposited, ~~—~~ pursuant to sections
18 35-146 and 35-147. All other tuition and fee revenue shall be retained by
19 each university for expenditure as approved by the board, except that the
20 universities shall not use any tuition or fee revenue to fund or support an
21 alumni association.

22 6. Except as provided in subsection I of this section, adopt rules to
23 govern its tuition and fee setting process that provide for the following:

24 (a) At least one public hearing at each university as an opportunity
25 for students and members of the public to comment on any proposed increase in
26 tuition or fees.

27 (b) Publication of the notice of public hearing at least ten days
28 prior to the hearing in a newspaper of general circulation in Maricopa
29 county, Coconino county and Pima county. The notice shall include the date,
30 time and location of the public hearing.

31 (c) Public disclosure by each university of any proposed increases in
32 tuition or fees at least ten days prior to the public hearing.

33 (d) **A ROLL CALL VOTE OF ANY** final board action on changes in tuition
34 or fees ~~shall be taken by roll call vote.~~

35 The procedural requirements of subdivisions (a), (b), (c) and (d) of
36 this paragraph apply only to those changes in tuition or fees that
37 require board approval.

38 7. Pursuant to section 35-115, submit a budget request for each
39 institution under its jurisdiction that includes the estimated tuition and
40 fee revenue available to support the programs of the institution as described
41 in the budget request. The estimated available tuition and fee revenue shall
42 be based on the tuition and registration fee rates in effect at the time the
43 budget request is submitted with adjustments for projected changes in
44 enrollment as provided by the board.

1 8. Establish ~~curriculums~~ CURRICULA and designate courses at the
2 several institutions that in its judgment will best serve the interests of
3 this state.

4 9. Award such degrees and diplomas on the completion of such courses
5 and curriculum requirements as it deems appropriate.

6 10. Prescribe qualifications for admission of all students to the
7 universities, INCLUDING QUALIFICATIONS THAT ALLOW APPLICANTS WHO HAVE EARNED
8 A DIPLOMA AFFIXED WITH THE STATE SEAL OF BILITERACY PURSUANT TO SECTION
9 15-258 TO SATISFY THE FOREIGN LANGUAGE REQUIREMENTS FOR ADMISSION. The board
10 shall establish policies for guaranteed admission that ~~assure~~ ENSURE fair and
11 equitable access to students in this state from public, private and charter
12 schools and homeschools. For the purpose of determining the qualifications
13 of honorably discharged veterans, veterans are those persons who served in
14 the armed forces for a minimum of two years and who were previously enrolled
15 at a university or community college in this state. No prior failing grades
16 received by the veteran at the university or community college in this state
17 may be considered.

18 11. Adopt any energy conservation standards promulgated by the
19 department of administration for the construction of new buildings.

20 12. Employ for such time and purposes as the board requires attorneys
21 whose compensation shall be fixed and paid by the board. Litigation to which
22 the board is a party and for which self-insurance is not provided may be
23 compromised or settled at the direction of the board.

24 13. Adopt annually an operating budget for each university equal to
25 the sum of appropriated general fund monies and the amount of tuition,
26 registration fees and other revenues approved by the board and allocated to
27 each university operating budget.

28 14. In consultation with the state board of education and other
29 education groups, develop and implement a program to award honors
30 endorsements to be affixed to the high school diplomas of qualifying high
31 school pupils and to be included in the transcripts of pupils who are awarded
32 endorsements. The board shall develop application procedures and testing
33 criteria and adopt testing instruments and procedures to administer the
34 program. In order to receive an honors endorsement, a pupil must demonstrate
35 an extraordinary level of knowledge, skill and competency as measured by the
36 testing instruments adopted by the board in mathematics, English, science and
37 social studies. Additional subjects may be added at the determination of the
38 board. The program is voluntary for pupils.

39 15. Require the publisher of each literary and nonliterary textbook
40 used in the universities of this state to furnish computer software in a
41 standardized format when software becomes available for nonliterary textbooks
42 to the Arizona board of regents from which braille versions of the textbooks
43 may be produced.

1 16. Require universities that provide a degree in education to require
2 courses that are necessary to obtain a provisional structured English
3 immersion endorsement as prescribed by the state board of education.

4 17. Acquire United States flags for each classroom that are
5 manufactured in the United States and that are at least two feet by three
6 feet and hardware to appropriately display the United States flags, acquire a
7 legible copy of the Constitution of the United States and the Bill of Rights,
8 display the flags in each classroom in accordance with title 4 of the United
9 States Code and display a legible copy of the Constitution of the United
10 States and the Bill of Rights adjacent to the flag.

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

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

18 (i) The transfer of student records.

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

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

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

25 19. Require a university to publicly post notices of all of its
26 employment openings, including the title and description, instructions for
27 applying and relevant contact information.

28 20. In consultation with the community college districts in this
29 state, develop and implement common equivalencies for specific levels of
30 achievement on advanced placement examinations and international
31 baccalaureate examinations in order to award commensurate postsecondary
32 academic credits at community colleges and public universities in this state.

33 21. On or before August 1 of each year, report to the joint
34 legislative budget committee the graduation rate by university campus during
35 the previous fiscal year. The board shall also report the retention rate by
36 university campus and by class, as determined by date of entry during the
37 previous fiscal year.

38 B. The board shall adopt personnel policies for all employees of the
39 board and the universities.

40 C. In conjunction with the auditor general, the board shall develop a
41 uniform accounting and reporting system, which shall be reviewed by the joint
42 legislative budget committee before final adoption by the board. The board
43 shall require each university to comply with the uniform accounting and
44 reporting system.

1 D. The board may employ legal assistance in procuring loans for the
2 institutions from the United States government. Fees or compensation paid
3 for such legal assistance shall not be a claim on the general fund of this
4 state but shall be paid from funds of the institutions.

5 E. The board shall approve or disapprove any contract or agreement
6 entered into by the university of Arizona hospital with the Arizona health
7 facilities authority.

8 F. The board may adopt policies that authorize the institutions under
9 its jurisdiction to enter into employment contracts with nontenured employees
10 for periods of more than one year but not more than five years. The policies
11 shall prescribe limitations on the authority of the institutions to enter
12 into employment contracts for periods of more than one year but not more than
13 five years, including the requirement that the board approve the contracts.

14 G. The board may adopt a plan or plans for employee benefits that
15 allow for participation in a cafeteria plan that meets the requirements of
16 the United States internal revenue code of 1986.

17 H. The board may establish a program for the exchange of students
18 between the universities under the jurisdiction of the board and colleges and
19 universities located in the state of Sonora, Mexico. Notwithstanding
20 subsection A, paragraph 5 of this section, the program may provide for
21 in-state tuition at the universities under the jurisdiction of the board for
22 fifty Sonoran students in exchange for similar tuition provisions for up to
23 fifty Arizona students enrolled or seeking enrollment in Sonoran colleges or
24 universities. The board may direct the universities to work in conjunction
25 with the Arizona-Mexico commission to coordinate recruitment and admissions
26 activities.

27 I. Subsection A, paragraph 6, subdivisions (a), (b), (c) and (d) of
28 this section do not apply to fee increases that are set by individual
29 universities and that do not require approval by the Arizona board of regents
30 before the fee increase becomes effective.

31 J. The Arizona board of regents, in collaboration with the
32 universities under its jurisdiction, shall adopt a performance funding model.
33 The performance funding model shall use performance metrics that include the
34 increase in degrees awarded, the increase in completed student credit hours
35 and the increase in externally generated research and public service funding.
36 The funding formula may give added weight to degrees related to science,
37 technology, engineering and mathematics and other high-value degrees that are
38 in short supply or that are essential to this state's long-term economic
39 development strategy.

40 K. The Arizona board of regents shall use the performance funding
41 model adopted pursuant to subsection J of this section in developing and
42 submitting budget requests for the universities under its jurisdiction.

43 L. On or before November 1 of each year, the Arizona board of regents
44 shall submit to the joint legislative budget committee and the governor's

1 office of strategic planning and budgeting a report on university debt and
2 obligations, including:

- 3 1. Long-term notes and obligations.
- 4 2. Certificates of participation and other obligations pursuant to any
5 lease-purchase agreements.
- 6 3. Revenue bonds.
- 7 4. Bonds issued pursuant to section 15-1682.03.

8 M. The report issued pursuant to subsection L of this section shall
9 contain, for the most recent fiscal year:

- 10 1. The aggregate level of outstanding principal and the principal and
11 interest payments, by type of debt or obligation.
- 12 2. An itemization, by campus and project, of the amount of yearly
13 principal and interest to be paid in the most recent and the next five fiscal
14 years.

15 N. The board may enter into an intergovernmental agreement pursuant to
16 section 15-1747 to manage universities under its jurisdiction subject to the
17 terms of the reciprocity agreement.

18 O. For the purposes of this section, "university debt and obligations"
19 means debt and obligations, the principal and interest of which are paid in
20 whole or in part with university monies.

21 Sec. 3. 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.