

PROPOSED

HOUSE OF REPRESENTATIVES AMENDMENTS TO S.B. 1313

(Reference to Senate engrossed bill)

1 Strike everything after the enacting clause and insert:

2 "Section 1. Section 15-201, Arizona Revised Statutes, is amended to  
3 read:

4 15-201. State board of education; members; appointment; terms

5 A. The state board of education shall be composed of the  
6 superintendent of public instruction, the president of a state university or  
7 a state college, ~~three~~ FOUR lay members, a president or chancellor of a  
8 community college district, a superintendent of a high school district, AN  
9 OWNER OR ADMINISTRATOR OF A CHARTER SCHOOL, a classroom teacher and a county  
10 school superintendent. A member who is a president of a state university or  
11 a state college shall not succeed himself.

12 B. The governor shall appoint each member, other than the  
13 superintendent of public instruction, pursuant to section 38-211 for a term  
14 of four years beginning on the third Monday in January.

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

16 15-202. Meetings; majority required for validation; travel  
17 expenses; immunity

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

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

23 C. Members shall be allowed travel expenses and reimbursement for  
24 subsistence, as provided by title 38, chapter 4, article 2, to be paid ~~upon~~  
25 ON claims approved by the ~~superintendent of public instruction~~ DEPARTMENT OF

1 ADMINISTRATION, as other claims against the state are paid, from the  
2 appropriation for the board authorized in the general appropriation bill.

3 D. Members of the board are immune from personal liability with  
4 respect to all acts done and actions taken in good faith within the scope of  
5 their authority during duly constituted regular and special meetings with  
6 approval of a majority of ALL MEMBERS OF the board.

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

8 15-203. Powers and duties

9 A. The state board of education shall:

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

13 2. Keep a record of its proceedings.

14 3. Make rules for its own government.

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

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

18 6. Prescribe AND SUPERVISE the duties of its employees PURSUANT TO  
19 TITLE 41, CHAPTER 4, ARTICLE 4, if not OTHERWISE prescribed by statute.

20 7. Delegate to the superintendent of public instruction the execution  
21 of board policies and rules.

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

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

26 10. Prepare a budget for expenditures necessary for proper maintenance  
27 of the board and accomplishment of its purposes and present the budget to the  
28 legislature.

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

30 12. Prescribe a minimum course of study in the common schools, minimum  
31 competency requirements for the promotion of pupils from the third grade and  
32 minimum course of study and competency requirements for the promotion of  
33 pupils from the eighth grade. The state board of education shall prepare a

1 fiscal impact statement of any proposed changes to the minimum course of  
2 study or competency requirements and, on completion, shall send a copy to the  
3 director of the joint legislative budget committee and the executive director  
4 of the school facilities board. The state board of education shall not adopt  
5 any changes in the minimum course of study or competency requirements in  
6 effect on July 1, 1998 that will have a fiscal impact on school capital  
7 costs.

8 13. Prescribe minimum course of study and competency requirements for  
9 the graduation of pupils from high school. The state board of education  
10 shall prepare a fiscal impact statement of any proposed changes to the  
11 minimum course of study or competency requirements and, on completion, shall  
12 send a copy to the director of the joint legislative budget committee and the  
13 executive director of the school facilities board. The state board of  
14 education shall not adopt any changes in the minimum course of study or  
15 competency requirements in effect on July 1, 1998 that will have a fiscal  
16 impact on school capital costs.

17 14. Supervise and control the certification of persons engaged in  
18 instructional work directly as any classroom, laboratory or other teacher or  
19 indirectly as a supervisory teacher, speech therapist, principal or  
20 superintendent in a school district, including school district preschool  
21 programs, or any other educational institution below the community college,  
22 college or university level, and prescribe rules for certification, including  
23 rules for certification of teachers who have teaching experience and who are  
24 trained in other states, that are not unnecessarily restrictive and are  
25 substantially similar to the rules prescribed for the certification of  
26 teachers trained in this state. The rules:

27 (a) Shall allow a variety of alternative teacher and administrator  
28 preparation programs, with variations in program sequence and design, to  
29 apply for program approval. The state board shall adopt rules pursuant to  
30 this subdivision designed to allow for a variety of formats and shall not  
31 require a prescribed answer or design from the program provider in order to  
32 obtain approval from the state board. The state board shall evaluate each  
33 program provider based on the program's ability to prepare teachers and

1 administrators and to recruit teachers and administrators with a variety of  
2 experiences and talents. The state board shall permit universities under the  
3 jurisdiction of the Arizona board of regents, community colleges in this  
4 state, private postsecondary institutions licensed by this state, school  
5 districts, charter schools and professional organizations to apply for  
6 program approval and shall create application procedures and certification  
7 criteria that are less restrictive than those for traditional preparation  
8 programs. Alternative preparation program graduates shall:

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

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

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

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

16 (v) Complete training in ~~research-based~~ RESEARCH-BASED systematic  
17 phonics instruction as prescribed in subdivision (b) of this paragraph.

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

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

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

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

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

31 (f) Shall provide for the issuance of a specialized teaching  
32 certificate to classroom teachers with expertise in either science,  
33 technology, engineering or mathematics. Teachers who are certified pursuant

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

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

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

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

30 (g) Notwithstanding section 15-533, may exempt persons applying for a  
31 secondary education certificate from the subject knowledge portion of the  
32 proficiency examination if the state board determines that the person has  
33 work experience in science, technology, engineering or mathematics and can

1 demonstrate adequate knowledge of a particular subject through a  
2 postsecondary education degree or twenty-four credit hours of relevant  
3 coursework.

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 EXAMINATIONS.

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

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

22 ~~20.~~ 19. Impose such disciplinary action, including the issuance of a  
23 letter of censure, suspension, suspension with conditions or revocation of a  
24 certificate, ~~upon~~ ON a finding of immoral or unprofessional conduct.

25 ~~21.~~ 20. Establish an assessment, data gathering and reporting system  
26 for pupil performance as prescribed in chapter 7, article 3 of this title.

27 ~~22.~~ 21. Adopt a rule to promote braille literacy pursuant to section  
28 15-214.

29 ~~23.~~ 22. CONSISTENT WITH SECTION 15-350, adopt rules prescribing  
30 procedures for the investigation by the ~~department~~ STATE BOARD of education  
31 of every written complaint alleging that a certificated person has engaged in  
32 immoral conduct.

1           ~~24.~~ 23. For purposes of federal law, serve as the state board for  
2 vocational and technological education and meet at least four times each year  
3 solely to execute the powers and duties of the state board for vocational and  
4 technological education.

5           ~~25.~~ 24. Develop and maintain a handbook for use in the schools of  
6 this state that provides guidance for the teaching of moral, civic and  
7 ethical education. The handbook shall promote existing curriculum frameworks  
8 and shall encourage school districts to recognize moral, civic and ethical  
9 values within instructional and programmatic educational development programs  
10 for the general purpose of instilling character and ethical principles in  
11 pupils in kindergarten programs and grades one through twelve.

12           ~~26.~~ 25. Require pupils to recite the following passage from the  
13 declaration of independence for pupils in grades four through six at the  
14 commencement of the first class of the day in the schools, except that a  
15 pupil shall not be required to participate if the pupil or the pupil's parent  
16 or guardian objects:

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

23           ~~27.~~ 26. Adopt rules that provide for educator certification  
24 reciprocity. The rules for issuance of a comparable reciprocal educator  
25 certificate shall include a requirement that the applicant possess a  
26 comparable valid certification from another state.

27           ~~28.~~ 27. Adopt rules that provide for the presentation of an honorary  
28 high school diploma to a person who has never obtained a high school diploma  
29 and who meets both of the following requirements:

30                       (a) Currently resides in this state.

31                       (b) Provides documented evidence from the department of veterans'  
32 services that the person enlisted in the armed forces of the United States

1 and served in World War I, World War II, the Korean conflict or the Vietnam  
2 conflict.

3 ~~29.~~ 28. Cooperate with the Arizona-Mexico commission in the  
4 governor's office and with researchers at universities in this state to  
5 collect data and conduct projects in the United States and Mexico on issues  
6 that are within the scope of the duties of the department of education and  
7 that relate to quality of life, trade and economic development in this state  
8 in a manner that will help the Arizona-Mexico commission to assess and  
9 enhance the economic competitiveness of this state and of the Arizona-Mexico  
10 region.

11 ~~30.~~ 29. Adopt rules to define and provide guidance to schools as to  
12 the activities that would constitute immoral or unprofessional conduct of  
13 certificated persons.

14 ~~31.~~ 30. Adopt guidelines to encourage pupils in grades nine, ten,  
15 eleven and twelve to volunteer for twenty hours of community service before  
16 graduation from high school. A school district that complies with the  
17 guidelines adopted pursuant to this paragraph is not liable for damages  
18 resulting from a pupil's participation in community service unless the school  
19 district is found to have demonstrated wanton or reckless disregard for the  
20 safety of the pupil and other participants in community service. For the  
21 purposes of this paragraph, "community service" may include service learning.  
22 The guidelines shall include the following:

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

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

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

28 (d) Orientation and notification procedures of community service  
29 opportunities for pupils entering grade nine, including the development of a  
30 notification form. The notification form shall be signed by the pupil and  
31 the pupil's parent or guardian, except that a pupil shall not be required to  
32 participate in community service if the parent or guardian notifies the

1 principal of the pupil's school in writing that the parent or guardian does  
2 not wish the pupil to participate in community service.

3 (e) Procedures for a pupil in grade nine to prepare a written proposal  
4 that outlines the type of community service that the pupil would like to  
5 perform and the goals that the pupil hopes to achieve as a result of  
6 community service. The pupil's written proposal shall be reviewed by a  
7 faculty advisor, a guidance counselor or any other school employee who is  
8 designated as the community service program coordinator for that school. The  
9 pupil may alter the written proposal at any time before performing community  
10 service.

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

15 ~~32.~~ 31. To facilitate the transfer of military personnel and their  
16 dependents to and from the public schools of this state, pursue, in  
17 cooperation with the Arizona board of regents, reciprocity agreements with  
18 other states concerning the transfer credits for military personnel and their  
19 dependents. A reciprocity agreement entered into pursuant to this paragraph  
20 shall:

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

22 (i) The transfer of student records.

23 (ii) Awarding credit for completed coursework.

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

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

29 ~~33.~~ 32. Adopt guidelines that school district governing boards shall  
30 use in identifying pupils who are eligible for gifted programs and in  
31 providing gifted education programs and services. The state board of  
32 education shall adopt any other guidelines and rules that it deems necessary  
33 in order to carry out the purposes of chapter 7, article 4.1 of this title.

1           ~~34.~~ 33. For each of the alternative textbook formats of human-voiced  
2 audio, large-print and braille, designate alternative media producers to  
3 adapt existing standard print textbooks or to provide specialized textbooks,  
4 or both, for pupils with disabilities in this state. Each alternative media  
5 producer shall be capable of producing alternative textbooks in all relevant  
6 subjects in at least one of the alternative textbook formats. The board  
7 shall post the designated list of alternative media producers on its website.

8           ~~35.~~ 34. Adopt a list of approved professional development training  
9 providers for use by school districts as provided in section 15-107,  
10 subsection J. The professional development training providers shall meet the  
11 training curriculum requirements determined by the state board of education  
12 in at least the areas of school finance, governance, employment, staffing,  
13 inventory and human resources, internal controls and procurement.

14           ~~36.~~ 35. Adopt rules to prohibit a person who violates the  
15 notification requirements prescribed in section 15-183, subsection C,  
16 paragraph 8 or section 15-550, subsection C from certification pursuant to  
17 this title until the person is no longer charged or is acquitted of any  
18 offenses listed in section 41-1758.03, subsection B. The board shall also  
19 adopt rules to prohibit a person who violates the notification requirements,  
20 certification surrender requirements or fingerprint clearance card surrender  
21 requirements prescribed in section 15-183, subsection C, paragraph 9 or  
22 section 15-550, subsection D from certification pursuant to this title for at  
23 least ten years after the date of the violation.

24           ~~37.~~ 36. Adopt rules for the alternative certification of teachers of  
25 nontraditional foreign languages that allow for the passing of a nationally  
26 accredited test to substitute for the education coursework required for  
27 certification.

28           ~~38.~~ 37. Adopt and maintain a model framework for a teacher and  
29 principal evaluation instrument that includes quantitative data on student  
30 academic progress that accounts for between thirty-three percent and fifty  
31 percent of the evaluation outcomes. The framework shall include four  
32 performance classifications, designated as highly effective, effective,  
33 developing and ineffective, and guidelines for school districts and charter

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

19 ~~39.~~ 38. Adopt rules to define competency-based educational pathways  
20 for college and career readiness that may be used by schools. The rules  
21 shall include the following components:

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

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

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

31 ~~40.~~ 39. In consultation with the department of health services, the  
32 department of education, medical professionals, school health professionals,  
33 school administrators and an organization that represents school nurses in

1 this state, adopt rules ~~on or before January 1, 2014~~ that prescribe the  
2 following for school districts and charter schools:

3 (a) Annual training in the administration of auto-injectable  
4 epinephrine, as directed on the prescription protocol, for designated medical  
5 and nonmedical school personnel. The annual training prescribed in this  
6 subdivision is optional during any fiscal year in which sufficient monies are  
7 not appropriated by the legislature during that fiscal year to provide for  
8 the purchase of two juvenile doses and two adult doses of auto-injectable  
9 epinephrine at each public school in this state and if the school does not  
10 stock two juvenile doses and two adult doses of auto-injectable epinephrine  
11 at the school during that fiscal year.

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

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

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

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

32 B. The state board of education may:

33 1. Contract.

- 1           2. Sue and be sued.
- 2           3. Distribute and score the tests prescribed in chapter 7, article 3  
3 of this title.
- 4           4. Provide for an advisory committee to conduct hearings and  
5 screenings to determine whether grounds exist to impose disciplinary action  
6 against a certificated person, whether grounds exist to reinstate a revoked  
7 or surrendered certificate and whether grounds exist to approve or deny an  
8 initial application for certification or a request for renewal of a  
9 certificate. The board may delegate its responsibility to conduct hearings  
10 and screenings to its advisory committee. Hearings shall be conducted  
11 pursuant to title 41, chapter 6, article 6.
- 12           5. Proceed with the disposal of any complaint requesting disciplinary  
13 action or with any disciplinary action against a person holding a certificate  
14 as prescribed in subsection A, paragraph 14 of this section after the  
15 suspension or expiration of the certificate or surrender of the certificate  
16 by the holder.
- 17           6. Assess costs and reasonable attorney fees against a person who  
18 files a frivolous complaint or who files a complaint in bad faith. Costs  
19 assessed pursuant to this paragraph shall not exceed the expenses incurred by  
20 the state board in the investigation of the complaint.
- 21           7. REQUEST FROM THE DEPARTMENT OF EDUCATION OR THE SUPERINTENDENT OF  
22 PUBLIC INSTRUCTION ANY DATA, INFORMATION OR TECHNICAL SUPPORT RELATED TO THE  
23 POWERS AND DUTIES PRESCRIBED IN THIS SECTION.
- 24           Sec. 4. Section 15-240, Arizona Revised Statutes, is transferred and  
25 renumbered for placement in title 15, chapter 2, article 1, Arizona Revised  
26 Statutes, as section 15-203.01 and, as so renumbered, is amended to read:
- 27           15-203.01. Issuance of subpoenas
- 28           A. On the request of any person who is investigating, on behalf of the  
29 ~~department~~ STATE BOARD of education, a complaint alleging that a certificated  
30 person has engaged in immoral or unprofessional conduct, the ~~department~~ STATE  
31 BOARD of education may issue subpoenas compelling the attendance and  
32 testimony of witnesses or demanding the production for examination or copying  
33 of documents or any physical evidence.



1 the department of education that the requirements of this subsection have  
2 been met.

3 E. The state board of education shall adopt rules relating to the  
4 authorized critical language courses that include notification to school  
5 districts about the times and places of the course offerings and  
6 instructional models for the courses.

7 F. The department of education shall track, monitor and expand the  
8 pilot program to include additional course offerings and other critical  
9 languages, subject to pupil demand for the courses and subject to available  
10 resources, except that no more than twenty school sites may participate in  
11 the pilot program.

12 G. Beginning in the 2014-2015 school year, the state board of  
13 education shall select seven schools to participate in the pilot program as  
14 follows:

- 15 1. Three participating schools shall offer Chinese language courses.
- 16 2. Two participating schools shall offer Spanish language courses.
- 17 3. Two participating schools shall offer additional critical language  
18 courses.

19 H. If sufficient funding is available for the pilot program, each  
20 participating school shall:

- 21 1. Receive up to ten thousand dollars on or before July 1 of every  
22 year that the school participates in the pilot program.
- 23 2. Establish a researched-based instructional model adopted by the  
24 state board of education that uses fifty ~~per-cent~~ PERCENT instruction in  
25 English and fifty ~~per-cent~~ PERCENT instruction in another critical language.
- 26 3. Begin the instructional model prescribed in this section in either  
27 the kindergarten program or grade one and add an additional grade each year  
28 of participation in the pilot program.

29 I. If sufficient funding is available, the department of education  
30 shall establish and maintain an office of economic development and critical  
31 languages to assist the department in carrying out this section. If  
32 sufficient funding is not available, the department shall prorate the amount

1 provided to each participating school in accordance with the funding  
2 available.

3 J. Pupils who are classified as English language learners pursuant to  
4 section 15-756 and native speakers of the critical language being taught are  
5 not eligible to participate in the pilot program.

6 K. The program established by this section ends on September 30, 2020  
7 pursuant to section 41-3102.

8 L. For the purposes of this section, "critical languages" means:

9 1. Languages described in the national security language initiative,  
10 including Chinese, Russian, French, Spanish, Japanese, Arabic and Portuguese.

11 2. Native American languages.

12 Sec. 6. Section 15-217, Arizona Revised Statutes, is amended to read:

13 15-217. K-6 technology-based language development and literacy  
14 intervention pilot program; educational technology  
15 provider; review; reports; fund

16 A. The state board of education shall develop **RULES AND POLICIES FOR** a  
17 two-year pilot program for K-6 technology-based language development and  
18 literacy intervention **TO BE ADMINISTERED BY THE DEPARTMENT OF EDUCATION**. The  
19 state board shall develop application procedures and selection criteria **TO BE**  
20 **ADMINISTERED BY THE DEPARTMENT OF EDUCATION** for school districts and charter  
21 schools that voluntarily decide to participate in the pilot program.

22 B. **SUBJECT TO REVIEW AND APPROVAL BY** the state board **OF EDUCATION, THE**  
23 **DEPARTMENT OF EDUCATION** shall submit a request for proposals to educational  
24 technology providers for the delivery of technology-based language  
25 development and literacy intervention software to be made available to all  
26 pupils in kindergarten programs and grades one through six who are enrolled  
27 in schools that participate in the pilot program and who are identified as  
28 English language learners.

29 C. The state board shall establish **GUIDELINES FOR** the format of the  
30 applications, application procedures and selection criteria **TO BE**  
31 **ADMINISTERED BY THE DEPARTMENT OF EDUCATION** for educational technology  
32 providers that wish to submit a proposal for the delivery of K-6  
33 technology-based language development and literacy intervention software to

1 be used in the pilot program. The state board shall select and award a  
2 contract to one educational technology provider to deliver K-6  
3 technology-based language development and literacy intervention software  
4 pursuant to this section. The state board shall ~~distribute~~ APPROVE THE  
5 DISTRIBUTION OF monies appropriated for this purpose to the selected  
6 provider.

7 D. The K-6 technology-based language development and literacy  
8 intervention software for English language learners must differentiate  
9 instruction for each pupil and meet all of the following requirements:

10 1. Include instruction individualized to teach each pupil the  
11 following five strands of literacy:

- 12 (a) Phonics.
- 13 (b) Phonemic awareness.
- 14 (c) Vocabulary.
- 15 (d) Comprehension.
- 16 (e) Fluency.

17 2. Have components that are created for and aligned to state academic  
18 standards. The software must correlate to the Arizona English language  
19 proficiency standards.

20 3. Contain internal assessments, checkpoints, tracking and reports for  
21 teachers, administrators and parents.

22 4. Be used to address varied learner needs and to assist teachers in  
23 tracking pupil growth toward important curricular goals. The software must  
24 have tools and off-line resources that enable teachers to more effectively  
25 meet the individual needs of each pupil.

26 5. Provide immediate feedback to pupils and provide automatic  
27 remediation when needed. The software must provide scaffolding through  
28 illustrations, front-loaded vocabulary, audio support, interactive glossary  
29 words, instructional feedback, strategic questions and adaptive content that  
30 provides extra practice as needed.

31 6. Include grade-appropriate digital books with literature text and  
32 informational text. Pupils must be able to practice reading on the computer  
33 by recording readings and comparing those readings to the reading model.

1           7. Provide implicit and explicit instruction. The software must teach  
2 the core areas of listening and reading comprehension, including intertextual  
3 comprehension.

4           8. Teach pupils academic vocabulary using real and virtual experience  
5 and visuals to introduce vocabulary. The vocabulary must be related to core  
6 content areas and provide additional language development activities for  
7 those pupils requiring this assistance.

8           9. Teach basic interpersonal communicative skills and cognitive  
9 academic language proficiency and assess a pupil's understanding of each.

10          E. The educational technology provider selected pursuant to subsection  
11 C of this section must have experience with large statewide implementations  
12 and the ability to support a statewide level of implementation. The provider  
13 must submit evidence of pupil progress on an annual basis.

14          F. The joint legislative budget committee shall annually review the  
15 results of the delivery of K-6 technology-based language development and  
16 literacy intervention for English language learners through software provided  
17 pursuant to this section.

18          G. On or before September 15, 2015, the state board of education shall  
19 submit a progress report on the pilot program to the joint legislative budget  
20 committee. On or before September 15, 2016, **THE DEPARTMENT OF EDUCATION**  
21 **SHALL PREPARE A REPORT TO BE DELIVERED AND APPROVED BY THE STATE BOARD AND**  
22 the state board shall submit ~~a~~ **THE APPROVED** report to the governor, the  
23 president of the senate and the speaker of the house of representatives  
24 regarding the pilot program and delivery of K-6 technology-based language  
25 development and literacy intervention for English language learners through  
26 software provided pursuant to this section. The report must include a  
27 recommendation of whether the legislature should consider expanding the pilot  
28 program as a permanent statewide program and information on the number of  
29 school districts, charter schools and pupils who participated in the  
30 intervention. The state board shall submit a copy of this report to the  
31 secretary of state.

32          H. The technology-based language development and literacy intervention  
33 fund is established consisting of legislative appropriations and monies

1 transferred into the fund. The department of education shall administer the  
2 fund. Monies in the fund are subject to legislative appropriation. Monies  
3 in the fund must be used for the K-6 technology-based language development  
4 and literacy intervention pilot program established pursuant to this section.  
5 Monies in the fund are exempt from the provisions of section 35-190 relating  
6 to lapsing of appropriations.

7 Sec. 7. Section 15-231, Arizona Revised Statutes, is amended to read:

8 15-231. Department of education

9 A. There is created a department of education.

10 B. The department shall be administered through:

11 1. The state board of education, which shall be the ~~policy-determining~~  
12 POLICY-DETERMINING body of the department.

13 2. The superintendent of public instruction in whom all executive,  
14 administrative and ministerial functions of the department are vested and who  
15 is the executive officer of the state board of education AND WHO IS  
16 RESPONSIBLE FOR THE EXECUTION OF RULES AND POLICIES ADOPTED BY THE STATE  
17 BOARD.

18 C. In addition to any divisions established by law, the superintendent  
19 of public instruction may establish such divisions as in the judgment of the  
20 superintendent of public instruction are necessary for the proper transaction  
21 of the business of the department.

22 D. The department shall be conducted under the control of the  
23 superintendent of public instruction.

24 Sec. 8. Section 15-234, Arizona Revised Statutes, is amended to read:

25 15-234. Appropriations for adult education; eligibility;  
26 supplemental fees; definition

27 A. Any appropriation made to the ~~state board of education or~~  
28 department of education for the purposes of adult education may be expended  
29 for costs to the department of activities related to adult education,  
30 including the costs of operating the division of adult education. In  
31 addition, any of the monies may be allocated to an adult education provider  
32 as provided in subsections B and C of this section.

1           B. An adult education provider ~~which~~ THAT offers a course of study for  
2 adult education under section 15-232 is eligible for allocation of funds  
3 pursuant to subsection C of this section from the ~~state board~~ DEPARTMENT of  
4 education if the district or county offering ~~such~~ THAT course meets all  
5 applicable standards established under rules of the state board OF EDUCATION.

6           C. The ~~state board~~ DEPARTMENT of education may allocate from its  
7 available appropriation for adult education any amount it deems appropriate  
8 for the use of an eligible adult education provider to compensate for costs  
9 of conducting the course of study of adult education based on an application  
10 ~~which shall include~~ THAT INCLUDES a budget and other criteria as established  
11 by the state board of education. This application must be approved by the  
12 state board of education prior to the commencement of classes or courses of  
13 study if the applicant wishes to be compensated. Compensation shall be  
14 limited to the approved amount in the application.

15           D. An adult education provider that offers a course of study for adult  
16 education pursuant to section 15-232 may charge supplemental fees to adults  
17 who are eligible to participate in the adult education program. Any  
18 supplemental fees charged for adult education programs shall be approved by  
19 the department of education prior to the imposition of the fees. Adult  
20 education providers shall conspicuously post information on the supplemental  
21 fee structure and shall provide advance written notice to all program  
22 participants of any changes to the approved fee structure at least ninety  
23 days prior to taking effect. Any supplemental fees collected pursuant to  
24 this subsection shall only be used to support and expand adult education  
25 instruction AND not to supplant existing state and federal funding. The  
26 STATE department of corrections shall not charge supplemental fees pursuant  
27 to this subsection.

28           E. For the purposes of this section, "adult education provider" means  
29 a school district, community college district, correctional facility or  
30 community-based organization, an institution serving educationally  
31 disadvantaged adults, or any other institution that receives public funds to  
32 provide adult education services.



1 connection with their attendance at meetings of the advisory committee and  
2 other advisory committee activities.

3 Sec. 10. Section 15-239, Arizona Revised Statutes, is amended to read:  
4 15-239. School compliance and recognition; accreditation; audits

5 A. The department of education may:

6 1. Monitor school districts to ascertain that laws applying to the  
7 school districts are implemented as prescribed by law.

8 2. SUBJECT TO REVIEW AND APPROVAL BY THE STATE BOARD OF EDUCATION,  
9 adopt a system of recognition for school districts that meet or exceed the  
10 requirements of the law that apply to the school districts.

11 3. SUBJECT TO REVIEW AND APPROVAL BY THE STATE BOARD OF EDUCATION,  
12 establish standards and procedures for the accreditation of all schools  
13 requesting state accreditation.

14 B. SUBJECT TO REVIEW AND APPROVAL BY THE STATE BOARD OF EDUCATION, the  
15 department of education may adopt guidelines necessary to implement this  
16 section.

17 C. The department of education may conduct financial, compliance or  
18 average daily membership audits of school districts and charter schools.  
19 ~~Beginning in fiscal year 2011-2012 and in~~ Each fiscal year ~~thereafter~~, the  
20 department of education shall include at least a ten ~~per cent~~ PERCENT sample  
21 of daily attendance records as part of the average daily membership audits.

22 D. The auditor general may conduct financial, program, compliance or  
23 average daily membership audits of school districts and charter schools.  
24 ~~Beginning in fiscal year 2011-2012 and in~~ Each fiscal year ~~thereafter~~, the  
25 auditor general shall include at least a ten ~~per cent~~ PERCENT sample of daily  
26 attendance records as part of the average daily membership audits.

27 E. When conducting monitoring and audit activities allowed by this  
28 section, the department of education shall prescribe an audit window of up to  
29 three consecutive fiscal years immediately preceding the current fiscal year  
30 at the time the monitoring or audit activity commences. If the department  
31 issues findings within twenty-four months after the beginning of audit or  
32 monitoring activities, the department may adjust funding to a school district  
33 or charter school if actions that took place within the audit window resulted

1 in overpayment or underpayment of state aid to the school district or charter  
2 school or the miscalculation of the budget limit for the school district, or  
3 both. Notwithstanding section 15-901, subsection A, paragraph 1, subdivision  
4 (a), adjustments to average daily membership for failure to provide  
5 sufficient instructional time to meet the requirements for a full-time  
6 student pursuant to section 15-901, subsection A, paragraph 1, subdivision  
7 (b), may be made proportionately according to the percentage by which the  
8 instructional time provided does not meet the required number of  
9 instructional hours prescribed for that grade level. Adjustments to state  
10 aid and budget limits as prescribed by this subsection shall be made in  
11 accordance with section 15-915.

12 Sec. 11. Section 15-211, Arizona Revised Statutes, is transferred and  
13 renumbered for placement in title 15, chapter 2, article 2, Arizona Revised  
14 Statutes, as section 15-248.03 and, as so renumbered, is amended to read:

15 15-248.03. K-3 reading program; receipt and use of monies;  
16 additional funding; program termination

17 A. The ~~state board of education, in collaboration with the~~ department  
18 of education, shall establish a K-3 reading program to improve the reading  
19 proficiency of pupils in kindergarten programs and grades one, two and three  
20 in the public schools of this state.

21 B. On or before October 1, 2012, each school district and charter  
22 school shall submit to the ~~state board~~ DEPARTMENT of education a plan for  
23 improving the reading proficiency of its pupils in kindergarten programs and  
24 grades one, two and three. The plan shall include baseline data on the  
25 reading proficiency of its pupils in kindergarten programs and grades one,  
26 two and three and a budget for spending monies from both the K-3 support  
27 level weight and the K-3 reading support level weight established in section  
28 15-943. ~~Beginning in fiscal year 2013-2014 and~~ Each fiscal year thereafter,  
29 each school district and charter school shall submit to the ~~state board~~  
30 DEPARTMENT of education on or before October 1 an updated K-3 reading program  
31 plan that includes data on program expenditures and results.

32 C. School districts and charter schools shall use monies generated by  
33 the K-3 reading support level weight established in section 15-943 only on

1 reading programs for pupils in kindergarten programs and grades one, two and  
2 three with particular emphasis on pupils in kindergarten programs and grades  
3 one and two.

4 D. Each school district and charter school that is assigned a letter  
5 grade of C, D or F pursuant to section 15-241, subsection H or that has more  
6 than ten ~~per cent~~ PERCENT of its pupils in grade three reading far below the  
7 third grade level according to the reading portion of the Arizona instrument  
8 to measure standards test, or a successor test, shall receive monies  
9 generated by the K-3 reading support level weight established in section  
10 15-943 only after the K-3 reading program plan of the school district or  
11 charter school has been approved by the state board of education. THE  
12 DEPARTMENT OF EDUCATION SHALL REVIEW K-3 READING PROGRAM PLANS SUBMITTED  
13 PURSUANT TO THIS SUBSECTION AND SHALL PROVIDE RECOMMENDATIONS TO THE STATE  
14 BOARD OF EDUCATION.

15 E. Pupils in a charter school that is in its first year of operation  
16 and that is sponsored by the state board of education, the state board for  
17 charter schools, a university under the jurisdiction of the Arizona board of  
18 regents, a community college district or a group of community college  
19 districts are eligible for the K-3 reading support level weight.

20 F. The department of education shall solicit gifts, grants and  
21 donations from any lawful public or private source in order to provide  
22 additional funding for the K-3 reading program.

23 G. The program established by this section ends on July 1, 2022  
24 pursuant to section 41-3102.

25 Sec. 12. Section 15-251, Arizona Revised Statutes, is amended to read:  
26 15-251. Powers and duties

27 The superintendent of public instruction shall:

- 28 1. Superintend the schools of this state.
- 29 2. Request the auditor general to investigate when necessary the  
30 accounts of school monies kept by any state, county or district officer.
- 31 3. Subject to supervision by the state board of education, apportion  
32 to the several counties the monies to which each county is entitled for the  
33 year. Apportionment shall be made as provided in chapter 9 of this title.



1           4. Print and distribute the courses of study prescribed by the state  
2 board of education.

3           5. Prepare and print blank forms for teachers' certificates.

4           B. The superintendent of public instruction may prepare and publish on  
5 the ~~web-site~~ WEBSITE maintained by the department of education a list of the  
6 top elementary schools in this state, the top junior high or middle schools  
7 in this state, the top high schools in this state and the top charter schools  
8 in this state based on the school's academic gains according to measures  
9 selected by the department of education. The number of top schools  
10 determined by the department of education in the 2007-2008 school year shall  
11 be limited to the top fifty schools in each category prescribed in this  
12 subsection. After the 2007-2008 school year, the department of education may  
13 include more than fifty schools in any category prescribed in this subsection  
14 if more than fifty schools in that category meet the selection criteria  
15 established for the top fifty schools in that category in the 2007-2008  
16 school year. Academic gains shall be expressed in terms of percentile  
17 ranking in percentile points and shall be appropriately weighted for  
18 scientific validity. The superintendent of public instruction may make  
19 technical adjustments to the information prescribed in this subsection that  
20 are necessary for purposes of comparability of data, and the superintendent  
21 shall post an explanation of these technical adjustments on the department's  
22 ~~web-site~~ WEBSITE. The superintendent may measure and post the following  
23 information with respect to the top fifty schools in each category prescribed  
24 in this subsection:

25           1. If the school provides instruction in kindergarten programs and  
26 grades one and two, a separate measurement of the school's academic gains in  
27 kindergarten programs and in grades one and two.

28           2. The percentage of parents of pupils who are enrolled at the school  
29 who categorize the school as excellent on a survey of parental satisfaction  
30 with the school.

31           3. The percentage of pupils who are enrolled at the school and who  
32 categorize the school as excellent on a survey of pupil satisfaction with the  
33 school.

1           4. The percentage of teachers who are employed at the school and who  
2 categorize the school as excellent on a survey of teacher satisfaction with  
3 the school.

4           C. Claims for the printing of laws and reports of the superintendent  
5 shall be approved by the superintendent and paid as other claims against the  
6 state are paid from appropriations for the ~~state board~~ DEPARTMENT of  
7 education.

8           Sec. 14. Section 15-341, Arizona Revised Statutes, is amended to read:

9           15-341. General powers and duties; immunity; delegation

10          A. The governing board shall:

11           1. Prescribe and enforce policies and procedures for the governance of  
12 the schools, not inconsistent with law or rules prescribed by the state board  
13 of education.

14           2. Exclude from schools all books, publications, papers or audiovisual  
15 materials of a sectarian, partisan or denominational character. This  
16 paragraph shall not be construed to prohibit the elective course permitted by  
17 section 15-717.01.

18           3. Manage and control the school property within its district.

19           4. Acquire school furniture, apparatus, equipment, library books and  
20 supplies for the use of the schools.

21           5. Prescribe the curricula and criteria for the promotion and  
22 graduation of pupils as provided in sections 15-701 and 15-701.01.

23           6. Furnish, repair and insure, at full insurable value, the school  
24 property of the district.

25           7. Construct school buildings on approval by a vote of the district  
26 electors.

27           8. Make in the name of the district conveyances of property belonging  
28 to the district and sold by the board.

29           9. Purchase school sites when authorized by a vote of the district at  
30 an election conducted as nearly as practicable in the same manner as the  
31 election provided in section 15-481 and held on a date prescribed in section  
32 15-491, subsection E, but such authorization shall not necessarily specify

1 the site to be purchased and such authorization shall not be necessary to  
2 exchange unimproved property as provided in section 15-342, paragraph 23.

3 10. Construct, improve and furnish buildings used for school purposes  
4 when such buildings or premises are leased from the national park service.

5 11. Purchase school sites or construct, improve and furnish school  
6 buildings from the proceeds of the sale of school property only on approval  
7 by a vote of the district electors.

8 12. Hold pupils to strict account for disorderly conduct on school  
9 property.

10 13. Discipline students for disorderly conduct on the way to and from  
11 school.

12 14. Except as provided in section 15-1224, deposit all monies received  
13 by the district as gifts, grants and devises with the county treasurer who  
14 shall credit the deposits as designated in the uniform system of financial  
15 records. If not inconsistent with the terms of the gifts, grants and devises  
16 given, any balance remaining after expenditures for the intended purpose of  
17 the monies have been made shall be used for reduction of school district  
18 taxes for the budget year, except that in the case of accommodation schools  
19 the county treasurer shall carry the balance forward for use by the county  
20 school superintendent for accommodation schools for the budget year.

21 15. Provide that, if a parent or legal guardian chooses not to accept  
22 a decision of the teacher as provided in section 15-521, paragraph 4, the  
23 parent or legal guardian may request in writing that the governing board  
24 review the teacher's decision. This paragraph shall not be construed to  
25 release school districts from any liability relating to a child's promotion  
26 or retention.

27 16. Provide for adequate supervision over pupils in instructional and  
28 noninstructional activities by certificated or noncertificated personnel.

29 17. Use school monies received from the state and county school  
30 apportionment exclusively for payment of salaries of teachers and other  
31 employees and contingent expenses of the district.

32 18. Make an annual report to the county school superintendent on or  
33 before October 1 in the manner and form and on the blanks prescribed by the

1 superintendent of public instruction or county school superintendent. The  
2 board shall also make reports directly to the county school superintendent or  
3 the superintendent of public instruction whenever required.

4 19. Deposit all monies received by school districts other than student  
5 activities monies or monies from auxiliary operations as provided in sections  
6 15-1125 and 15-1126 with the county treasurer to the credit of the school  
7 district except as provided in paragraph 20 of this subsection and sections  
8 15-1223 and 15-1224, and the board shall expend the monies as provided by law  
9 for other school funds.

10 20. Establish bank accounts in which the board during a month may  
11 deposit miscellaneous monies received directly by the district. The board  
12 shall remit monies deposited in the bank accounts at least monthly to the  
13 county treasurer for deposit as provided in paragraph 19 of this subsection  
14 and in accordance with the uniform system of financial records.

15 21. Prescribe and enforce policies and procedures for disciplinary  
16 action against a teacher who engages in conduct that is a violation of the  
17 policies of the governing board but that is not cause for dismissal of the  
18 teacher or for revocation of the certificate of the teacher. Disciplinary  
19 action may include suspension without pay for a period of time not to exceed  
20 ten school days. Disciplinary action shall not include suspension with pay  
21 or suspension without pay for a period of time longer than ten school days.  
22 The procedures shall include notice, hearing and appeal provisions for  
23 violations that are cause for disciplinary action. The governing board may  
24 designate a person or persons to act on behalf of the board on these matters.

25 22. Prescribe and enforce policies and procedures for disciplinary  
26 action against an administrator who engages in conduct that is a violation of  
27 the policies of the governing board regarding duties of administrators but  
28 that is not cause for dismissal of the administrator or for revocation of the  
29 certificate of the administrator. Disciplinary action may include suspension  
30 without pay for a period of time not to exceed ten school days. Disciplinary  
31 action shall not include suspension with pay or suspension without pay for a  
32 period of time longer than ten school days. The procedures shall include  
33 notice, hearing and appeal provisions for violations that are cause for

1 disciplinary action. The governing board may designate a person or persons  
2 to act on behalf of the board on these matters. For violations that are  
3 cause for dismissal, the provisions of notice, hearing and appeal in chapter  
4 5, article 3 of this title shall apply. The filing of a timely request for a  
5 hearing suspends the imposition of a suspension without pay or a dismissal  
6 pending completion of the hearing.

7 23. Notwithstanding sections 13-3108 and 13-3120, prescribe and  
8 enforce policies and procedures that prohibit a person from carrying or  
9 possessing a weapon on school grounds unless the person is a peace officer or  
10 has obtained specific authorization from the school administrator.

11 24. Prescribe and enforce policies and procedures relating to the  
12 health and safety of all pupils participating in district sponsored practice  
13 sessions or games or other interscholastic athletic activities, including:

14 (a) The provision of water.

15 (b) Guidelines, information and forms, developed in consultation with  
16 a statewide private entity that supervises interscholastic activities, to  
17 inform and educate coaches, pupils and parents of the dangers of concussions  
18 and head injuries and the risks of continued participation in athletic  
19 activity after a concussion. The policies and procedures shall require that,  
20 before a pupil participates in an athletic activity, the pupil and the  
21 pupil's parent must sign an information form at least once each school year  
22 that states that the parent is aware of the nature and risk of concussion.  
23 The policies and procedures shall require that a pupil who is suspected of  
24 sustaining a concussion in a practice session, game or other interscholastic  
25 athletic activity be immediately removed from the athletic activity. A coach  
26 from the pupil's team or an official or a licensed health care provider may  
27 remove a pupil from play. A team parent may also remove the parent's own  
28 child from play. A pupil may return to play on the same day if a health care  
29 provider rules out a suspected concussion at the time the pupil is removed  
30 from play. On a subsequent day, the pupil may return to play if the pupil  
31 has been evaluated by and received written clearance to resume participation  
32 in athletic activity from a health care provider who has been trained in the  
33 evaluation and management of concussions and head injuries. A health care

1 provider who is a volunteer and who provides clearance to participate in  
2 athletic activity on the day of the suspected injury or on a subsequent day  
3 is immune from civil liability with respect to all decisions made and actions  
4 taken that are based on good faith implementation of the requirements of this  
5 subdivision, except in cases of gross negligence or wanton or wilful neglect.  
6 A school district, school district employee, team coach, official or team  
7 volunteer or a parent or guardian of a team member is not subject to civil  
8 liability for any act, omission or policy undertaken in good faith to comply  
9 with the requirements of this subdivision or for a decision made or an action  
10 taken by a health care provider. A group or organization that uses property  
11 or facilities owned or operated by a school district for athletic activities  
12 shall comply with the requirements of this subdivision. A school district  
13 and its employees and volunteers are not subject to civil liability for any  
14 other person or organization's failure or alleged failure to comply with the  
15 requirements of this subdivision. This subdivision does not apply to teams  
16 that are based in another state and that participate in an athletic activity  
17 in this state. For the purposes of this subdivision, athletic activity does  
18 not include dance, rhythmic gymnastics, competitions or exhibitions of  
19 academic skills or knowledge or other similar forms of physical noncontact  
20 activities, civic activities or academic activities, whether engaged in for  
21 the purposes of competition or recreation. For the purposes of this  
22 subdivision, "health care provider" means a physician who is licensed  
23 pursuant to title 32, chapter 13 or 17, an athletic trainer who is licensed  
24 pursuant to title 32, chapter 41, a nurse practitioner who is licensed  
25 pursuant to title 32, chapter 15, and a physician assistant who is licensed  
26 pursuant to title 32, chapter 25.

27 25. Prescribe and enforce policies and procedures regarding the  
28 smoking of tobacco within school buildings. The policies and procedures  
29 shall be adopted in consultation with school district personnel and members  
30 of the community and shall state whether smoking is prohibited in school  
31 buildings. If smoking in school buildings is not prohibited, the policies and  
32 procedures shall clearly state the conditions and circumstances under which  
33 smoking is permitted, those areas in a school building that may be designated

1 as smoking areas and those areas in a school building that may not be  
2 designated as smoking areas.

3 26. Establish an assessment, data gathering and reporting system as  
4 prescribed in chapter 7, article 3 of this title.

5 27. Provide special education programs and related services pursuant  
6 to section 15-764, subsection A to all children with disabilities as defined  
7 in section 15-761.

8 28. Administer competency tests prescribed by the state board of  
9 education for the graduation of pupils from high school.

10 29. Ensure that insurance coverage is secured for all construction  
11 projects for purposes of general liability, property damage and workers'  
12 compensation and secure performance and payment bonds for all construction  
13 projects.

14 30. Keep on file the resumes of all current and former employees who  
15 provide instruction to pupils at a school. Resumes shall include an  
16 individual's educational and teaching background and experience in a  
17 particular academic content subject area. A school district shall inform  
18 parents and guardians of the availability of the resume information and shall  
19 make the resume information available for inspection on request of parents  
20 and guardians of pupils enrolled at a school. This paragraph shall not be  
21 construed to require any school to release personally identifiable  
22 information in relation to any teacher or employee, including the teacher's  
23 or employee's address, salary, social security number or telephone number.

24 31. Report to local law enforcement agencies any suspected crime  
25 against a person or property that is a serious offense as defined in section  
26 13-706 or that involves a deadly weapon or dangerous instrument or serious  
27 physical injury and any conduct that poses a threat of death or serious  
28 physical injury to employees, students or anyone on the property of the  
29 school. This paragraph does not limit or preclude the reporting by a school  
30 district or an employee of a school district of suspected crimes other than  
31 those required to be reported by this paragraph. For the purposes of this  
32 paragraph, "dangerous instrument", "deadly weapon" and "serious physical  
33 injury" have the same meanings prescribed in section 13-105.

1           32. In conjunction with local law enforcement agencies and local  
2 medical facilities, develop an emergency response plan for each school in the  
3 school district in accordance with minimum standards developed jointly by the  
4 department of education and the division of emergency management within the  
5 department of emergency and military affairs.

6           33. Provide written notice to the parents or guardians of all students  
7 affected in the school district at least ten days prior to a public meeting  
8 to discuss closing a school within the school district. The notice shall  
9 include the reasons for the proposed closure and the time and place of the  
10 meeting. The governing board shall fix a time for a public meeting on the  
11 proposed closure no less than ten days before voting in a public meeting to  
12 close the school. The school district governing board shall give notice of  
13 the time and place of the meeting. At the time and place designated in the  
14 notice, the school district governing board shall hear reasons for or against  
15 closing the school. The school district governing board is exempt from this  
16 paragraph if it is determined by the governing board that the school shall be  
17 closed because it poses a danger to the health or safety of the pupils or  
18 employees of the school. A governing board may consult with the school  
19 facilities board for technical assistance and for information on the impact  
20 of closing a school. The information provided from the school facilities  
21 board shall not require the governing board to take or not take any action.

22           34. Incorporate instruction on Native American history into  
23 appropriate existing curricula.

24           35. Prescribe and enforce policies and procedures:

25           (a) Allowing pupils who have been diagnosed with anaphylaxis by a  
26 health care provider licensed pursuant to title 32, chapter 13, 14, 17 or 25  
27 or by a registered nurse practitioner licensed and certified pursuant to  
28 title 32, chapter 15 to carry and self-administer emergency medications,  
29 including auto-injectable epinephrine, while at school and at  
30 school-sponsored activities. The pupil's name on the prescription label on  
31 the medication container or on the medication device and annual written  
32 documentation from the pupil's parent or guardian to the school that  
33 authorizes possession and self-administration is sufficient proof that the

1 pupil is entitled to the possession and self-administration of the  
2 medication. The policies shall require a pupil who uses auto-injectable  
3 epinephrine while at school and at school-sponsored activities to notify the  
4 nurse or the designated school staff person of the use of the medication as  
5 soon as practicable. A school district and its employees are immune from  
6 civil liability with respect to all decisions made and actions taken that are  
7 based on good faith implementation of the requirements of this subdivision,  
8 except in cases of wanton or wilful neglect.

9 (b) For the emergency administration of auto-injectable epinephrine by  
10 a trained employee of a school district pursuant to section 15-157.

11 36. Allow the possession and self-administration of prescription  
12 medication for breathing disorders in handheld inhaler devices by pupils who  
13 have been prescribed that medication by a health care professional licensed  
14 pursuant to title 32. The pupil's name on the prescription label on the  
15 medication container or on the handheld inhaler device and annual written  
16 documentation from the pupil's parent or guardian to the school that  
17 authorizes possession and self-administration shall be sufficient proof that  
18 the pupil is entitled to the possession and self-administration of the  
19 medication. A school district and its employees are immune from civil  
20 liability with respect to all decisions made and actions taken that are based  
21 on a good faith implementation of the requirements of this paragraph.

22 37. Prescribe and enforce policies and procedures to prohibit pupils  
23 from harassing, intimidating and bullying other pupils on school grounds, on  
24 school property, on school buses, at school bus stops, at school-sponsored  
25 events and activities and through the use of electronic technology or  
26 electronic communication on school computers, networks, forums and mailing  
27 lists that include the following components:

28 (a) A procedure for pupils, parents and school district employees to  
29 confidentially report to school officials incidents of harassment,  
30 intimidation or bullying. The school shall make available written forms  
31 designed to provide a full and detailed description of the incident and any  
32 other relevant information about the incident.

1 (b) A requirement that school district employees report in writing  
2 suspected incidents of harassment, intimidation or bullying to the  
3 appropriate school official and a description of appropriate disciplinary  
4 procedures for employees who fail to report suspected incidents that are  
5 known to the employee.

6 (c) A requirement that, at the beginning of each school year, school  
7 officials provide all pupils with a written copy of the rights, protections  
8 and support services available to a pupil who is an alleged victim of an  
9 incident reported pursuant to this paragraph.

10 (d) If an incident is reported pursuant to this paragraph, a  
11 requirement that school officials provide a pupil who is an alleged victim of  
12 the incident with a written copy of the rights, protections and support  
13 services available to that pupil.

14 (e) A formal process for the documentation of reported incidents of  
15 harassment, intimidation or bullying and for the confidentiality, maintenance  
16 and disposition of this documentation. School districts shall maintain  
17 documentation of all incidents reported pursuant to this paragraph for at  
18 least six years. The school shall not use that documentation to impose  
19 disciplinary action unless the appropriate school official has investigated  
20 and determined that the reported incidents of harassment, intimidation or  
21 bullying occurred. If a school provides documentation of reported incidents  
22 to persons other than school officials or law enforcement, all individually  
23 identifiable information shall be redacted.

24 (f) A formal process for the investigation by the appropriate school  
25 officials of suspected incidents of harassment, intimidation or bullying,  
26 including procedures for notifying the alleged victim on completion and  
27 disposition of the investigation.

28 (g) Disciplinary procedures for pupils who have admitted or been found  
29 to have committed incidents of harassment, intimidation or bullying.

30 (h) A procedure that sets forth consequences for submitting false  
31 reports of incidents of harassment, intimidation or bullying.

32 (i) Procedures designed to protect the health and safety of pupils who  
33 are physically harmed as the result of incidents of harassment, intimidation

1 and bullying, including, if appropriate, procedures to contact emergency  
2 medical services or law enforcement agencies, or both.

3 (j) Definitions of harassment, intimidation and bullying.

4 38. Prescribe and enforce policies and procedures regarding changing  
5 or adopting attendance boundaries that include the following components:

6 (a) A procedure for holding public meetings to discuss attendance  
7 boundary changes or adoptions that allows public comments.

8 (b) A procedure to notify the parents or guardians of the students  
9 affected.

10 (c) A procedure to notify the residents of the households affected by  
11 the attendance boundary changes.

12 (d) A process for placing public meeting notices and proposed maps on  
13 the school district's website for public review, if the school district  
14 maintains a website.

15 (e) A formal process for presenting the attendance boundaries of the  
16 affected area in public meetings that allows public comments.

17 (f) A formal process for notifying the residents and parents or  
18 guardians of the affected area as to the decision of the governing board on  
19 the school district's website, if the school district maintains a website.

20 (g) A formal process for updating attendance boundaries on the school  
21 district's website within ninety days of an adopted boundary change. The  
22 school district shall send a direct link to the school district's attendance  
23 boundaries website to the department of real estate.

24 (h) If the land that a school was built on was donated within the past  
25 five years, a formal process to notify the entity that donated the land  
26 affected by the decision of the governing board.

27 39. If the state board of education determines that the school  
28 district has committed an overexpenditure as defined in section 15-107,  
29 provide a copy of the fiscal management report submitted pursuant to section  
30 15-107, subsection H on its website and make copies available to the public  
31 on request. The school district shall comply with a request within five  
32 business days after receipt.

1           40. Ensure that the contract for the superintendent is structured in a  
2 manner in which up to twenty ~~per-cent~~ PERCENT of the total annual salary  
3 included for the superintendent in the contract is classified as performance  
4 pay. This paragraph shall not be construed to require school districts to  
5 increase total compensation for superintendents. Unless the school district  
6 governing board votes to implement an alternative procedure at a public  
7 meeting called for this purpose, the performance pay portion of the  
8 superintendent's total annual compensation shall be determined as follows:

9           (a) Twenty-five ~~per-cent~~ PERCENT of the performance pay shall be  
10 determined based on the percentage of academic gain determined by the  
11 department of education of pupils who are enrolled in the school district  
12 compared to the academic gain achieved by the highest ranking of the fifty  
13 largest school districts in this state. For the purposes of this  
14 subdivision, the department of education shall determine academic gain by the  
15 academic growth achieved by each pupil who has been enrolled at the same  
16 school in a school district for at least five consecutive months measured  
17 against that pupil's academic results in the 2008-2009 school year. For the  
18 purposes of this subdivision, of the fifty largest school districts in this  
19 state, the school district with pupils who demonstrate the highest statewide  
20 percentage of overall academic gain measured against academic results for the  
21 2008-2009 school year shall be assigned a score of 100 and the school  
22 district with pupils who demonstrate the lowest statewide percentage of  
23 overall academic gain measured against academic results for the 2008-2009  
24 school year shall be assigned a score of 0.

25           (b) Twenty-five ~~per-cent~~ PERCENT of the performance pay shall be  
26 determined by the percentage of parents of pupils who are enrolled at the  
27 school district who assign a letter grade of "A" to the school on a survey of  
28 parental satisfaction with the school district. The parental satisfaction  
29 survey shall be administered and scored by an independent entity that is  
30 selected by the governing board and that demonstrates sufficient expertise  
31 and experience to accurately measure the results of the survey. The parental  
32 satisfaction survey shall use standard random sampling procedures and provide  
33 anonymity and confidentiality to each parent who participates in the

1 survey. The letter grade scale used on the parental satisfaction survey  
2 shall direct parents to assign one of the following letter grades:

3 (i) A letter grade of "A" if the school district is excellent.

4 (ii) A letter grade of "B" if the school district is above average.

5 (iii) A letter grade of "C" if the school district is average.

6 (iv) A letter grade of "D" if the school district is below average.

7 (v) A letter grade of "F" if the school district is a failure.

8 (c) Twenty-five ~~per-cent~~ PERCENT of the performance pay shall be  
9 determined by the percentage of teachers who are employed at the school  
10 district and who assign a letter grade of "A" to the school on a survey of  
11 teacher satisfaction with the school. The teacher satisfaction survey shall  
12 be administered and scored by an independent entity that is selected by the  
13 governing board and that demonstrates sufficient expertise and experience to  
14 accurately measure the results of the survey. The teacher satisfaction  
15 survey shall use standard random sampling procedures and provide anonymity  
16 and confidentiality to each teacher who participates in the survey. The  
17 letter grade scale used on the teacher satisfaction survey shall direct  
18 teachers to assign one of the following letter grades:

19 (i) A letter grade of "A" if the school district is excellent.

20 (ii) A letter grade of "B" if the school district is above average.

21 (iii) A letter grade of "C" if the school district is average.

22 (iv) A letter grade of "D" if the school district is below average.

23 (v) A letter grade of "F" if the school district is a failure.

24 (d) Twenty-five ~~per-cent~~ PERCENT of the performance pay shall be  
25 determined by other criteria selected by the governing board.

26 41. Maintain and store permanent public records of the school district  
27 as required by law. Notwithstanding section 39-101, the standards adopted by  
28 the Arizona state library, archives and public records for the maintenance  
29 and storage of school district public records shall allow school districts to  
30 elect to satisfy the requirements of this paragraph by maintaining and  
31 storing these records either on paper or in an electronic format, or a  
32 combination of a paper and electronic format.

1           42. Adopt in a public meeting and implement by school year 2013-2014  
2 policies for principal evaluations. Before the adoption of principal  
3 evaluation policies, the school district governing board shall provide  
4 opportunities for public discussion on the proposed policies. The policies  
5 shall describe:

6           (a) The principal evaluation instrument, including the four  
7 performance classifications adopted by the governing board pursuant to  
8 section 15-203, subsection A, paragraph ~~38~~ 37.

9           (b) Alignment of professional development opportunities to the  
10 principal evaluations.

11           (c) Incentives for principals in one of the two highest performance  
12 classifications pursuant to section 15-203, subsection A, paragraph ~~38~~ 37,  
13 which may include:

14           (i) Multiyear contracts pursuant to section 15-503.

15           (ii) Incentives to work at schools that are assigned a letter grade of  
16 D or F pursuant to section 15-241.

17           (d) Transfer and contract processes for principals designated in the  
18 lowest performance classification pursuant to section 15-203, subsection A,  
19 paragraph ~~38~~ 37.

20           B. Notwithstanding subsection A, paragraphs 7, 9 and 11 of this  
21 section, the county school superintendent may construct, improve and furnish  
22 school buildings or purchase or sell school sites in the conduct of an  
23 accommodation school.

24           C. If any school district acquires real or personal property, whether  
25 by purchase, exchange, condemnation, gift or otherwise, the governing board  
26 shall pay to the county treasurer any taxes on the property that were unpaid  
27 as of the date of acquisition, including penalties and interest. The lien  
28 for unpaid delinquent taxes, penalties and interest on property acquired by a  
29 school district:

30           1. Is not abated, extinguished, discharged or merged in the title to  
31 the property.

32           2. Is enforceable in the same manner as other delinquent tax liens.

1           D. The governing board may not locate a school on property that is  
2 less than one-fourth mile from agricultural land regulated pursuant to  
3 section 3-365, except that the owner of the agricultural land may agree to  
4 comply with the buffer zone requirements of section 3-365. If the owner  
5 agrees in writing to comply with the buffer zone requirements and records the  
6 agreement in the office of the county recorder as a restrictive covenant  
7 running with the title to the land, the school district may locate a school  
8 within the affected buffer zone. The agreement may include any stipulations  
9 regarding the school, including conditions for future expansion of the school  
10 and changes in the operational status of the school that will result in a  
11 breach of the agreement.

12           E. A school district, its governing board members, its school council  
13 members and its employees are immune from civil liability for the  
14 consequences of adoption and implementation of policies and procedures  
15 pursuant to subsection A of this section and section 15-342. This waiver  
16 does not apply if the school district, its governing board members, its  
17 school council members or its employees are guilty of gross negligence or  
18 intentional misconduct.

19           F. A governing board may delegate in writing to a superintendent,  
20 principal or head teacher the authority to prescribe procedures that are  
21 consistent with the governing board's policies.

22           G. Notwithstanding any other provision of this title, a school  
23 district governing board shall not take any action that would result in a  
24 reduction of pupil square footage unless the governing board notifies the  
25 school facilities board established by section 15-2001 of the proposed action  
26 and receives written approval from the school facilities board to take the  
27 action. A reduction includes an increase in administrative space that  
28 results in a reduction of pupil square footage or sale of school sites or  
29 buildings, or both. A reduction includes a reconfiguration of grades that  
30 results in a reduction of pupil square footage of any grade level. This  
31 subsection does not apply to temporary reconfiguration of grades to  
32 accommodate new school construction if the temporary reconfiguration does not  
33 exceed one year. The sale of equipment that results in a reduction that

1 falls below the equipment requirements prescribed in section 15-2011,  
2 subsection B is subject to commensurate withholding of school district  
3 district additional assistance monies pursuant to the direction of the school  
4 facilities board. Except as provided in section 15-342, paragraph 10,  
5 proceeds from the sale of school sites, buildings or other equipment shall be  
6 deposited in the school plant fund as provided in section 15-1102.

7 H. Subsections C through G of this section apply to a county board of  
8 supervisors and a county school superintendent when operating and  
9 administering an accommodation school.

10 Sec. 15. Section 15-350, Arizona Revised Statutes, is amended to read:

11 15-350. Investigation of immoral or unprofessional conduct;  
12 confidentiality

13 A. PURSUANT TO SECTION 15-203, SUBSECTION A, PARAGRAPH 22, on request  
14 of the state board of education, any school or school district that has  
15 employed a certificated person during the time in which the person is alleged  
16 to have engaged in conduct constituting grounds for disciplinary action shall  
17 make available the attendance and testimony of witnesses, documents and any  
18 physical evidence within the school district's control for examination or  
19 copying. All information received and records or reports kept by the state  
20 board of education during an investigation of immoral or unprofessional  
21 conduct are confidential and are not a public record.

22 B. Notwithstanding subsection A of this section, the state board of  
23 education may provide information, records or reports relating to the  
24 investigation of a certificate holder to any school or school district that  
25 currently employs the certificate holder. All information, records or  
26 reports received by any school or school district pursuant to this subsection  
27 shall be used for employment purposes only, are confidential and are not a  
28 public record.

29 C. An investigator who is regularly employed and paid by the state  
30 board of education has the authority to access criminal history records and  
31 criminal history record information, as defined in section 41-1750, from law  
32 enforcement agencies.

1           Sec. 16. Section 15-501, Arizona Revised Statutes, is amended to read:

2           15-501. Definitions

3           In this chapter, unless the context otherwise requires:

4           1. "Administrator" means any school district administrator except a  
5 school principal devoting not less than fifty ~~per-cent~~ PERCENT of ~~his~~ THE  
6 PRINCIPAL'S time to classroom teaching.

7           2. "Certificated teacher" means a person who holds a certificate from  
8 the state board of education to work in the schools of this state and who is  
9 employed under contract in a school district in a position that requires  
10 certification except a psychologist or an administrator devoting less than  
11 fifty ~~per-cent~~ PERCENT of ~~his~~ THE PSYCHOLOGIST'S time to classroom teaching.

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

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

18           5. "Inadequacy of classroom performance" means the definition of  
19 inadequacy classroom performance adopted by the governing board pursuant to  
20 section 15-538.

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

26           7. "Performance classifications" means the four performance  
27 classifications adopted by the state board of education pursuant to section  
28 15-203, subsection A, paragraph ~~38~~ 37.

29           8. "Qualified evaluator" means a school principal or other person who  
30 is trained to evaluate teachers and who is designated by the governing board  
31 to evaluate the school district's certificated teachers.

32           9. "Superintendent" means the superintendent of schools of a school  
33 district.

1           10. "Suspension without pay" means suspension without pay for a period  
2 of time not to exceed ten school days.

3           Sec. 17. Section 15-503, Arizona Revised Statutes, is amended to read:

4           15-503. Superintendents, principals, head teachers and school  
5                           psychologists; terms of employment; evaluation;  
6                           contract delivery; nonretention notice

7           A. The governing board may:

8           1. Employ a superintendent or principal, or both. If the governing  
9 board employs a superintendent, the governing board shall determine the  
10 qualifications for the superintendent by action taken at a public meeting.  
11 The governing board shall require a superintendent to have a valid  
12 fingerprint clearance card that is issued pursuant to title 41, chapter 12,  
13 article 3.1.

14           2. Appoint a head teacher.

15           3. Jointly with another governing board employ a superintendent or a  
16 principal, or both. If the governing board jointly employs a superintendent,  
17 the governing boards shall jointly determine the qualifications for the  
18 superintendent by action taken at a public meeting. The governing boards  
19 shall require a superintendent to have a valid fingerprint clearance card  
20 that is issued pursuant to title 41, chapter 12, article 3.1.

21           B. The term of employment of superintendents may be for any period not  
22 exceeding three years, except that if the superintendent's contract with the  
23 school district is for multiple years pursuant to this subsection the school  
24 district shall not offer to extend or renegotiate the contract until no  
25 earlier than fifteen months before the expiration of the contract. The term  
26 of employment of principals may be for any period not exceeding three years  
27 pursuant to section 15-341, subsection A, paragraph 42, except that if the  
28 principal's contract with the school district is for multiple years the  
29 school district shall not offer to extend or negotiate the contract until May  
30 of the year preceding the final year of the contract. The school district  
31 governing board or the governing body of the charter school shall communicate  
32 the superintendent's or principal's duties with respect to the classroom site  
33 fund established by section 15-977.

1           C. The governing board shall establish systems for the evaluation of  
2 the performance of principals that meet the requirements prescribed in  
3 section 15-203, subsection A, paragraph ~~38~~ 37 and other school administrators  
4 and certificated school psychologists in the school district. In the  
5 development and adoption of these performance evaluation systems, the  
6 governing board shall avail itself of the advice of its administrators and  
7 certificated school psychologists. Each evaluation shall include  
8 recommendations as to areas of improvement in the performance of the  
9 certificated school psychologist if the performance of the certificated  
10 school psychologist warrants improvement. After transmittal of an  
11 assessment, a board designee shall confer with the certificated school  
12 psychologist to make specific recommendations as to areas of improvement in  
13 the certificated school psychologist's performance. The board designee shall  
14 provide assistance and opportunities for the certificated school psychologist  
15 to improve ~~his~~ THE PSYCHOLOGIST'S performance and shall follow up with the  
16 certificated school psychologist after a reasonable period of time for the  
17 purpose of ascertaining that the certificated school psychologist is  
18 demonstrating adequate performance. The evaluation process for certificated  
19 school psychologists shall include appeal procedures for certificated school  
20 psychologists who disagree with the evaluation of their performance, if the  
21 evaluation is for use as criteria for establishing compensation or dismissal.

22           D. On or before May 15 each year, the governing board shall offer a  
23 contract for the next school year to each certified administrator and  
24 certificated school psychologist who is in the last year of ~~his~~ THE contract  
25 unless, on or before April 15, the governing board, a member of the board  
26 acting on behalf of the board or the superintendent of the school district  
27 gives notice to the administrator or certificated school psychologist of the  
28 board's intention not to offer a new contract. If the governing board has  
29 called for an override election for the third Tuesday in May as provided in  
30 section 15-481, the governing board shall offer a contract for the next  
31 school year to each certified administrator or certificated school  
32 psychologist who is in the last year of ~~his~~ THE contract on or before June 15  
33 unless, no later than five days after the override election excluding

1 Saturday, Sunday and legal holidays, the governing board, a member of the  
2 board acting on behalf of the board or the superintendent of the school  
3 district gives notice to the administrator or the certificated school  
4 psychologist of the board's intention not to offer a new contract. The  
5 administrator's or the certificated school psychologist's acceptance of the  
6 contract shall be indicated within thirty days from the date of the written  
7 contract or the offer is revoked. The administrator or certificated school  
8 psychologist accepts the contract by signing the contract and returning it to  
9 the governing board or by making a written instrument that accepts the terms  
10 of the contract and delivering the written instrument to the governing board.

11 E. Notice of the board's intention not to reemploy the administrator  
12 or certificated school psychologist shall be made by delivering the notice  
13 personally to the administrator or the certificated school psychologist or by  
14 sending the notice by certified mail, postmarked on or before the applicable  
15 deadline prescribed in subsection D of this section, and directed to the  
16 administrator or the certificated school psychologist at ~~his~~ **THE**  
17 **ADMINISTRATOR'S OR PSYCHOLOGIST'S** place of residence as recorded in the  
18 school district records.

19 F. The school district governing board shall make available the  
20 evaluation and performance classification pursuant to section 15-203,  
21 subsection A, paragraph ~~38~~ **37** of each principal in the school district to  
22 school districts and charter schools that are inquiring about the performance  
23 of the principal for hiring purposes.

24 Sec. 18. Section 15-512, Arizona Revised Statutes, is amended to read:

25 **15-512. Noncertificated personnel; fingerprinting personnel;**  
26 **background investigations; affidavit; civil immunity;**  
27 **violation; classification; definition**

28 A. Noncertificated personnel and personnel who are not paid employees  
29 of the school district and who are not either the parent or the guardian of a  
30 pupil who attends school in the school district but who are required or  
31 allowed to provide services directly to pupils without the supervision of a  
32 certificated employee and who are initially hired by a school district after  
33 January 1, 1990 shall be fingerprinted as a condition of employment except

1 for personnel who are required as a condition of licensing to be  
2 fingerprinted if the license is required for employment or for personnel who  
3 were previously employed by a school district and who reestablished  
4 employment with that district within one year after the date that the  
5 employee terminated employment with the district. A school district may  
6 require noncertificated personnel and personnel who are not paid employees of  
7 the school district and who are not either the parent or the guardian of a  
8 pupil who attends school in the school district but who are required or  
9 allowed to provide services directly to pupils without the supervision of a  
10 certificated employee to obtain a fingerprint clearance card as a condition  
11 of employment. Even if the school district does not require a fingerprint  
12 clearance card as a condition of employment, noncertificated personnel and  
13 personnel who are not paid employees of the school district and who are not  
14 either the parent or the guardian of a pupil who attends school in the school  
15 district but who are required or allowed to provide services directly to  
16 pupils without the supervision of a certificated employee may apply for a  
17 fingerprint clearance card. A school district may release the results of a  
18 background check or communicate whether the person has been issued or denied  
19 a fingerprint clearance card to another school district for employment  
20 purposes. The employee's fingerprints and the form prescribed in subsection  
21 D of this section shall be submitted to the school district within twenty  
22 days after the date an employee begins work. A school district may terminate  
23 an employee if the information on the form provided under subsection D of  
24 this section is inconsistent with the information received from the  
25 fingerprint check or the information received in connection with a  
26 fingerprint clearance card application. The school district shall develop  
27 procedures for fingerprinting employees. For the purposes of this  
28 subsection, "supervision" means under the direction of and, except for brief  
29 periods of time during a school day or a school activity, within sight of a  
30 certificated employee when providing direct services to pupils.

31 B. Fingerprints submitted pursuant to this section shall be used to  
32 conduct a state and federal criminal records check pursuant to section

1 41-1750 and Public Law 92-544. The department of public safety may exchange  
2 this fingerprint data with the federal bureau of investigation.

3 C. The school district shall assume the costs of fingerprint checks  
4 and fingerprint clearance cards and may charge these costs to its  
5 fingerprinted employee, except that the school district may not charge the  
6 costs of the fingerprint check or the fingerprint clearance card to personnel  
7 of the school district who are not paid employees. The fees charged for  
8 fingerprinting shall be deposited with the county treasurer who shall credit  
9 the deposit to the fingerprint fund of the school district. The costs  
10 charged to a fingerprinted employee are limited to and the proceeds in the  
11 fund may only be applied to the actual costs, including personnel costs,  
12 incurred as a result of the fingerprint checks or the fingerprint clearance  
13 cards. The fingerprint fund is a continuing fund that is not subject to  
14 reversion.

15 D. Personnel required to be fingerprinted or obtain a fingerprint  
16 clearance card as prescribed in subsection A of this section shall certify on  
17 forms that are provided by the school and notarized whether they are awaiting  
18 trial on or have ever been convicted of or admitted in open court or pursuant  
19 to a plea agreement committing any of the following criminal offenses in this  
20 state or similar offenses in another jurisdiction:

- 21 1. Sexual abuse of a minor.
- 22 2. Incest.
- 23 3. First or second degree murder.
- 24 4. Kidnapping.
- 25 5. Arson.
- 26 6. Sexual assault.
- 27 7. Sexual exploitation of a minor.
- 28 8. Felony offenses involving contributing to the delinquency of a  
29 minor.
- 30 9. Commercial sexual exploitation of a minor.
- 31 10. Felony offenses involving sale, distribution or transportation of,  
32 offer to sell, transport, or distribute or conspiracy to sell, transport or  
33 distribute marijuana or dangerous or narcotic drugs.

1           11. Felony offenses involving the possession or use of marijuana,  
2 dangerous drugs or narcotic drugs.

3           12. Misdemeanor offenses involving the possession or use of marijuana  
4 or dangerous drugs.

5           13. Burglary in the first degree.

6           14. Burglary in the second or third degree.

7           15. Aggravated or armed robbery.

8           16. Robbery.

9           17. A dangerous crime against children as defined in section 13-705.

10          18. Child abuse.

11          19. Sexual conduct with a minor.

12          20. Molestation of a child.

13          21. Manslaughter.

14          22. Aggravated assault.

15          23. Assault.

16          24. Exploitation of minors involving drug offenses.

17          E. A school district may refuse to hire or may review or terminate  
18 personnel who have been convicted of or admitted committing any of the  
19 criminal offenses prescribed in subsection D of this section or of a similar  
20 offense in another jurisdiction. A school district that is considering  
21 terminating an employee pursuant to this subsection shall hold a hearing to  
22 determine whether a person already employed shall be terminated. In  
23 conducting a review, the governing board shall utilize the guidelines,  
24 including the list of offenses that are not subject to review, as prescribed  
25 by the state board of education pursuant to section 15-534, subsection C. In  
26 considering whether to hire or terminate the employment of a person, the  
27 governing board shall take into account the following factors:

28           1. The nature of the crime and the potential for crimes against  
29 children.

30           2. Offenses committed as a minor for which proceedings were held under  
31 the jurisdiction of a juvenile or an adult court.

1           3. Offenses that have been expunged by a court of competent  
2 jurisdiction, if the person has been pardoned or if the person's sentence has  
3 been commuted.

4           4. The employment record of the person since the commission of the  
5 crime if the crime was committed more than ten years before the governing  
6 board's consideration of whether to hire or terminate the person.

7           5. The reliability of the evidence of an admission of a crime unless  
8 made under oath in a court of competent jurisdiction.

9           F. Before employment with the school district, the district shall make  
10 documented, good faith efforts to contact previous employers of a person to  
11 obtain information and recommendations that may be relevant to a person's  
12 fitness for employment. A governing board shall adopt procedures for  
13 conducting background investigations required by this subsection, including  
14 one or more standard forms for use by school district officials to document  
15 their efforts to obtain information from previous employers. A school  
16 district may provide information received as a result of a background  
17 investigation required by this section to any other school district, to any  
18 other public school and to any public entity that agrees pursuant to a  
19 contract or intergovernmental agreement to perform background investigations  
20 for school districts or other public schools. School districts and other  
21 public schools may enter into intergovernmental agreements pursuant to  
22 section 11-952 and cooperative purchasing agreements pursuant to rules  
23 adopted in accordance with section 15-213 for the purposes of performing or  
24 contracting for the performance of background investigations and for sharing  
25 the results of background investigations required by this subsection.  
26 Information obtained about an employee or applicant for employment by any  
27 school district or other public school in the performance of a background  
28 investigation may be retained by that school district or the other public  
29 school or by any public entity that agrees pursuant to contract to perform  
30 background investigations for school districts or other public schools and  
31 may be provided to any school district or other public school that is  
32 performing a background investigation required by this subsection.

1           G. A school district may fingerprint or require any other employee of  
2 the district to obtain a fingerprint clearance card, whether paid or not, or  
3 any other applicant for employment with the school district not otherwise  
4 required by this section to be fingerprinted or obtain a fingerprint  
5 clearance card on the condition that the school district may not charge the  
6 costs of the fingerprint check or fingerprint clearance card to the  
7 fingerprinted applicant or nonpaid employee.

8           H. A contractor, subcontractor or vendor or any employee of a  
9 contractor, subcontractor or vendor who is contracted to provide services on  
10 a regular basis at an individual school shall obtain a valid fingerprint  
11 clearance card pursuant to title 41, chapter 12, article 3.1. A school  
12 district governing board shall adopt policies to exempt a person from the  
13 requirements of this subsection if the person's normal job duties are not  
14 likely to result in independent access to or unsupervised contact with  
15 pupils. A school district, its governing board members, its school council  
16 members and its employees are exempt from civil liability for the  
17 consequences of adoption and implementation of policies and procedures  
18 pursuant to this subsection unless the school district, its governing board  
19 members, its school council members or its employees are guilty of gross  
20 negligence or intentional misconduct.

21           I. Subsection A of this section does not apply to a person who  
22 provides instruction or other education services to a pupil, with the written  
23 consent of the parent or guardian of the pupil, under a work release program,  
24 advance placement course or other education program that occurs off school  
25 property.

26           J. Public entities that agree pursuant to contract to perform  
27 background investigations, public schools, the department of education, **THE**  
28 **STATE BOARD OF EDUCATION** and previous employers who provide information  
29 pursuant to this section are immune from civil liability unless the  
30 information provided is false and is acted on by the school district to the  
31 harm of the employee and the public entity, ~~the~~ public school, ~~the~~ previous  
32 employer, **STATE BOARD OF EDUCATION** or ~~the~~ department of education knows the  
33 information is false or acts with reckless disregard of the information's

1 truth or falsity. A school district that relies on information obtained  
2 pursuant to this section in making employment decisions is immune from civil  
3 liability for use of the information unless the information obtained is false  
4 and the school district knows the information is false or acts with reckless  
5 disregard of the information's truth or falsity.

6 K. The superintendent of a school district or chief administrator of a  
7 charter school or the person's designee who is responsible for implementing  
8 the governing board's policy regarding background investigations required by  
9 subsection F of this section and who fails to carry out that responsibility  
10 is guilty of unprofessional conduct and shall be subject to disciplinary  
11 action by the state board.

12 L. A school district may hire noncertificated personnel before  
13 receiving the results of the fingerprint check or a fingerprint clearance  
14 card but may terminate employment if the information on the form provided in  
15 subsection D of this section is inconsistent with the information received  
16 from the fingerprint check or the fingerprint clearance card. In addition to  
17 any other conditions or requirements deemed necessary by the superintendent  
18 of public instruction to protect the health and safety of pupils,  
19 noncertificated personnel who are required or allowed unsupervised contact  
20 with pupils may be hired by school districts before the results of a  
21 fingerprint check are received or a fingerprint clearance card is issued if  
22 all of the following conditions are met:

23 1. The school district that is seeking to hire the applicant shall  
24 document in the applicant's file the necessity for hiring and placement of  
25 the applicant before a fingerprint check could be completed or a fingerprint  
26 clearance card could be issued.

27 2. The school district that is seeking to hire the applicant shall do  
28 all of the following:

29 (a) Ensure that the department of public safety completes a statewide  
30 criminal history information check on the applicant. A statewide criminal  
31 history information check shall be completed by the department of public  
32 safety every one hundred twenty days until the date that the fingerprint  
33 check is completed or the fingerprint clearance card is issued or denied.

1 (b) Obtain references from the applicant's current employer and two  
2 most recent previous employers except for applicants who have been employed  
3 for at least five years by the applicant's most recent employer.

4 (c) Provide general supervision of the applicant until the date that  
5 the fingerprint check is completed or the fingerprint clearance card is  
6 issued or denied.

7 (d) Report to the superintendent of public instruction on June 30 and  
8 December 31 each year the number of applicants hired before the completion of  
9 a fingerprint check or the issuance of a fingerprint clearance card. In  
10 addition, the school district shall report the number of applicants for whom  
11 fingerprint checks were not received or fingerprint clearance cards were not  
12 issued after one hundred twenty days and after one hundred seventy-five days  
13 of hire.

14 M. Notwithstanding any other law, this section does not apply to  
15 pupils who attend school in a school district and who are also employed by a  
16 school district.

17 N. A person who makes a false statement, representation or  
18 certification in any application for employment with the school district is  
19 guilty of a class 3 misdemeanor.

20 O. For the purposes of this section, "background investigation" means  
21 any communication with an employee's or applicant's former employer that  
22 concerns the education, training, experience, qualifications and job  
23 performance of the employee or applicant and that is used for the purpose of  
24 evaluating the employee or applicant for employment. Background  
25 investigation does not include the results of any state or federal criminal  
26 history records check.

27 Sec. 19. Section 15-514, Arizona Revised Statutes, is amended to read:

28 15-514. Immoral or unprofessional conduct of certificated  
29 persons; duty to report; immunity

30 A. Any certificated person or governing board member who reasonably  
31 suspects or receives a reasonable allegation that a person certificated by  
32 the state board of education has engaged in conduct involving minors that  
33 would be subject to the reporting requirements of section 13-3620 shall

1 report or cause reports to be made to the ~~department~~ STATE BOARD of education  
2 in writing as soon as is reasonably practicable but not later than three  
3 business days after the person first suspects or receives an allegation of  
4 the conduct.

5 B. The superintendent of a school district or the chief administrator  
6 of a charter school who reasonably suspects or receives a reasonable  
7 allegation that an act of immoral or unprofessional conduct that would  
8 constitute grounds for dismissal or criminal charges by a certificated person  
9 has occurred shall report the conduct to the ~~department~~ STATE BOARD of  
10 education.

11 C. A person who reports or provides information pursuant to this  
12 section regarding the immoral or unprofessional conduct of a certificated  
13 person in good faith is not subject to an action for civil damages as a  
14 result.

15 D. A governing board or school or school district employee who has  
16 control over personnel decisions shall not take unlawful reprisal against an  
17 employee because the employee reports in good faith information as required  
18 by this section. For the purposes of this subsection, "unlawful reprisal"  
19 means an action that is taken by a governing board as a direct result of a  
20 lawful report pursuant to this section and, with respect to the employee,  
21 results in one or more of the following:

- 22 1. Disciplinary action.
- 23 2. Transfer or reassignment.
- 24 3. Suspension, demotion or dismissal.
- 25 4. An unfavorable performance evaluation.
- 26 5. Other significant changes in duties or responsibilities that are  
27 inconsistent with the employee's salary or employment classification.

28 E. Failure to report information as required by this section by a  
29 certificated person constitutes grounds for disciplinary action by the state  
30 board of education.

31 F. A governing board or school district employee who has control over  
32 personnel decisions and who reasonably suspects or receives a reasonable  
33 allegation that a person certificated by the state board of education has

1 engaged in conduct involving minors that would be subject to the reporting  
2 requirements of section 13-3620 and this article shall not accept the  
3 resignation of the certificate holder until these suspicions or allegations  
4 have been reported to the state board of education.

5 Sec. 20. Section 15-534.01, Arizona Revised Statutes, is amended to  
6 read:

7 15-534.01. Withdrawal of applications for administrative  
8 deficiencies; denial of applications for  
9 substantive deficiencies; certification time frames

10 A. If an application for certification is administratively incomplete,  
11 as prescribed in title 41, chapter 6, article 7.1, the department of  
12 education ~~or the state board of education~~ shall issue a written notice  
13 requesting the applicant to supply missing documents or other information.  
14 The department of education shall consider an application for certification  
15 withdrawn if, within sixty days after the date of the notice, the applicant  
16 does not supply the documentation or information requested or does not  
17 provide reasonable documented justification for the delay. On receipt of  
18 documented justification, the department of education shall provide an  
19 additional thirty days for the requested documentation or information to be  
20 provided before considering an application withdrawn.

21 B. If an application for certification is substantively incomplete, as  
22 prescribed in title 41, chapter 6, article 7.1, the department of education  
23 ~~or the state board of education~~ may issue a written notice requesting the  
24 applicant to supply additional documents or other information. The ~~state~~  
25 ~~board of education or the~~ department of education shall deny an application  
26 for certification if, within sixty days after the date of the notice, the  
27 applicant does not supply the documentation or information requested.

28 C. If the final day of a deadline imposed by this section falls on a  
29 Saturday, Sunday or other legal holiday, the next business day is the final  
30 day of the deadline.

31 D. A notice of denial of an application for certification issued by  
32 the ~~state board of education or the~~ department of education pursuant to  
33 subsection B of this section shall comply with section 41-1076.



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

3           C. By school year 2015-2016, the policies prescribed in subsection B  
4 of this section shall describe:

5           1. Performance improvement plans for teachers designated in the lowest  
6 performance classification.

7           2. Dismissal or nonrenewal procedures pursuant to section 15-536 or  
8 15-539 for teachers who continue to be designated in the lowest performance  
9 classification. The procedures shall require that the school district issue  
10 the preliminary notice of inadequacy of classroom performance no later than  
11 the second consecutive year that the teacher is designated in one of the two  
12 lowest performance classifications unless the teacher is in the first or  
13 second year of employment with the school district or has been reassigned to  
14 teach a new subject or grade level for the preceding or current school year.

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

27           E. The governing board shall prescribe specific procedures for the  
28 teacher performance evaluation system, which shall include at least the  
29 following elements:

30           1. At least two actual classroom observations of the certificated  
31 teacher demonstrating teaching skills in a complete and uninterrupted lesson  
32 by the qualified evaluator. There shall be at least sixty calendar days  
33 between the first and last observations. The last observation may follow the

1 issuance of a preliminary notice of inadequacy of classroom performance and  
2 be used to determine whether the teacher has corrected inadequacies and has  
3 demonstrated adequate classroom performance. An observation shall not be  
4 conducted within two instructional days of any scheduled period in which  
5 school is not in session for one week or more. Within ten business days  
6 after each observation, the qualified evaluator shall provide written  
7 feedback to the teacher.

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

10 3. Appeal procedures for teachers who disagree with the evaluation of  
11 their performance, if the evaluation is for use as criteria for establishing  
12 compensation.

13 4. Training requirements for qualified evaluators.

14 5. A plan for the appropriate use of quantitative data of student  
15 academic progress in evaluations of all certificated teachers. The plan may  
16 make distinctions between certificated teachers who provide direct  
17 instruction to students and certificated teachers who do not provide direct  
18 instruction to students. The plan may include data for multiple school years  
19 and may limit the use of data for certificated teachers who have taught for  
20 less than two complete school years.

21 F. The governing board may waive the requirement of a second classroom  
22 observation for a continuing teacher whose teaching performance based on the  
23 first classroom observation places the teacher in one of the two highest  
24 performance classifications for the current school year, unless the teacher  
25 requests a second observation.

26 G. The results of an annual evaluation conducted as provided in this  
27 section shall be in writing or provided in AN electronic format to the  
28 certificated teacher, and a copy shall be transmitted or provided in an  
29 electronic format to the certificated teacher within five days after  
30 completion of the evaluation. The certificated teacher may initiate a  
31 written reaction or response to the evaluation.

32 H. Each evaluation shall include recommendations as to areas of  
33 improvement in the performance of the certificated teacher if the performance

1 of the teacher warrants improvement. After transmittal of an evaluation, the  
2 qualified evaluator or another board designee shall confer with the teacher  
3 to make specific recommendations as to areas of improvement in the teacher's  
4 performance. The qualified evaluator or other board designee shall provide  
5 professional development opportunities for the certificated teacher to  
6 improve performance and follow up with the teacher after a reasonable period  
7 of time for the purpose of ascertaining that the teacher is demonstrating  
8 adequate performance.

9 I. Copies of the evaluation report and performance classification of a  
10 certificated teacher **THAT ARE** retained by the governing board and the  
11 department of education are confidential, do not constitute a public record  
12 and shall not be released or shown to any person except:

13 1. To the certificated teacher who may make any use of it.

14 2. To authorized district officers and employees for all personnel  
15 matters regarding employment and contracts and for any hearing that relates  
16 to personnel matters.

17 3. To school districts and charter schools that inquire about the  
18 performance of the teacher for prospective employment purposes. A school  
19 district or charter school that receives information about a certificated  
20 teacher from the evaluation report and performance classification shall use  
21 this information solely for employment purposes and shall not release **THIS**  
22 **INFORMATION** to or allow access to this information by any other person,  
23 entity, school district or charter school.

24 4. For introduction in evidence or discovery in any court action  
25 between the governing board and the certificated teacher in which either:

26 (a) The competency of the teacher is at issue.

27 (b) The evaluation and performance classification were an exhibit at a  
28 hearing, the result of which is challenged.

29 J. Any school district policy pertaining to the transfer of teachers  
30 from one school to another school in a school district shall take into  
31 consideration the current distribution of teachers across all of the  
32 performance classifications and the needs of the pupils in the school  
33 district.

1           Sec. 22. Section 15-539, Arizona Revised Statutes, is amended to read:

2           15-539. Dismissal of certificated teacher; due process; written  
3                           charges; notice; hearing on request

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

11           B. Whenever the superintendent presents a statement of charges wherein  
12 the alleged cause for dismissal constitutes immoral or unprofessional  
13 conduct, the governing board may adopt a resolution that a complaint be filed  
14 with the ~~department~~ STATE BOARD of education. Pending disciplinary action by  
15 the state board ~~of education~~, the certificated teacher may be reassigned by  
16 the superintendent or placed on administrative leave by the governing board  
17 pursuant to section 15-540.

18           C. Except as provided in section 15-536, the governing board shall  
19 give a certificated teacher written preliminary notice of inadequacy of  
20 classroom performance pursuant to section 15-538 if its intention to dismiss  
21 is based on charges of inadequacy of classroom performance. If within the  
22 time specified in the written preliminary notice of inadequacy of classroom  
23 performance the teacher does not demonstrate adequate classroom performance,  
24 the governing board shall dismiss the teacher either within ten days of the  
25 service of a subsequent notice of intention to dismiss or by the end of the  
26 contract year in which the subsequent notice of intention to dismiss is  
27 served unless the teacher has requested a hearing as provided in subsection F  
28 of this section. If the teacher demonstrates adequate classroom performance  
29 during the period allowed to correct such deficiencies as specified in the  
30 written preliminary notice of inadequacy of classroom performance, the  
31 governing board may not dismiss the teacher for the reasons specified in the  
32 written preliminary notice of inadequacy of classroom performance. ~~If the~~  
33 ~~governing board of a school district has received approval to budget for a~~

~~career ladder program, the governing board may define inadequacy of classroom performance by establishing a single level of performance that is required of all teachers or by establishing more than one required level of performance. If more than one level is established, the same level of performance for minimum adequacy shall be required of all teachers who have completed the same number of years of teaching in the district.~~

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

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

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

Sec. 23. Section 15-552, Arizona Revised Statutes, is amended to read:

15-552. Alternative teacher development program; report; program termination

A. The state board of education shall establish **RULES AND POLICIES FOR** an alternative teacher development program **TO BE ADMINISTERED BY THE**

1 DEPARTMENT OF EDUCATION for the purpose of accelerating the process of  
2 identifying, training and placing highly qualified individuals into ~~low~~  
3 ~~income~~ LOW-INCOME schools through the use of teaching intern certification  
4 and the identification of a qualified service provider.

5 B. SUBJECT TO REVIEW AND APPROVAL BY THE STATE BOARD OF EDUCATION, the  
6 department of education shall develop application procedures, selection  
7 criteria and minimum performance standards for service providers that wish to  
8 participate in the program.

9 C. The state board of education shall award a matching grant to a  
10 service provider that meets all of the requirements of this section. The  
11 amount of the matching grant shall be equal to the matching monies raised by  
12 the service provider, not to exceed the total of monies appropriated to the  
13 alternative teacher development program. The service provider that receives  
14 the matching grant shall demonstrate that its alternative teacher development  
15 program serves public schools in this state and meets all of the following  
16 requirements:

17 1. Is a nonprofit 501(c)(3) organization that has been providing  
18 alternative teacher recruitment and placement in this state for a period of  
19 not less than ten years.

20 2. Serves only public schools that provide instruction to student  
21 populations in which a majority of the students are from ~~low-income~~  
22 LOW-INCOME households.

23 3. Requires that individuals seeking to participate in the alternative  
24 teacher development program offered by the service provider have attained a  
25 baccalaureate degree from an accredited institution.

26 4. Maintains a competitive application and selection process for  
27 individuals seeking to participate in the alternative teacher development  
28 program offered by the service provider.

29 5. Requires all individuals who participate in the alternative teacher  
30 development program to commit to serve as a teacher in a ~~low-income~~  
31 LOW-INCOME public school in this state for not less than two years.

1           6. Provides ongoing support, evaluations and professional development  
2 to teachers placed in a classroom through the alternative teacher development  
3 program.

4           D. The service provider selected to participate in the alternative  
5 teacher development program shall annually report at least the following  
6 information to the department of education:

7           1. The number of teachers placed in ~~low-income~~ LOW-INCOME schools by  
8 the service provider.

9           2. The number of students served by teachers placed in ~~low-income~~  
10 LOW-INCOME schools by the service provider.

11           3. Demographic data concerning the aggregate composition of students  
12 in classrooms served by teachers placed by the service provider.

13           4. A listing of the school districts and schools in which teachers  
14 were placed by the service provider.

15           5. A total of all matching monies raised by the service provider.

16           E. The ~~department~~ STATE BOARD of education shall submit an annual  
17 report PREPARED by THE DEPARTMENT OF EDUCATION AND APPROVED BY THE STATE  
18 BOARD OF EDUCATION ON OR BEFORE December 15 of each year concerning the  
19 alternative teacher development program to the governor, the president of the  
20 senate and the speaker of the house of representatives that includes an  
21 evaluation of the effectiveness of the program. The ~~department of education~~  
22 STATE BOARD shall provide a copy of the report to the secretary of state.  
23 The report shall include a comparison of the annual academic achievement gain  
24 of students served by teachers participating in the alternative teacher  
25 development program and students served by beginning teachers in the same  
26 school.

27           F. The program established by this section ends on July 1, 2020.

28           Sec. 24. Section 15-756, Arizona Revised Statutes, is amended to read:

29           15-756. Identification of English language learners

30           A. The primary or home language for all new pupils who enroll in a  
31 school district or charter school shall be identified in a manner prescribed  
32 by the STATE BOARD OF EDUCATION AND ADMINISTERED BY THE superintendent of  
33 public instruction.

1           B. The English language proficiency of all pupils with a primary or  
2 home language other than English shall be assessed through the administration  
3 of English language proficiency assessments in a manner prescribed by the  
4 ~~STATE BOARD OF EDUCATION AND ADMINISTERED BY THE~~ superintendent of public  
5 instruction. The test scores adopted by the ~~superintendent~~ STATE BOARD as  
6 indicating English language proficiency shall be based on the test  
7 publishers' designated scores. The department OF EDUCATION shall annually  
8 request an appropriation to pay for the purchase of all language proficiency  
9 assessments, ~~AND~~ scoring and ancillary materials as prescribed by the  
10 ~~department~~ STATE BOARD for school districts and charter schools.

11           C. If it is determined that a pupil is not English language  
12 proficient, the pupil shall be classified as an English language learner and  
13 shall be enrolled in an English language education program pursuant to  
14 section 15-752 or 15-753.

15           Sec. 25. Section 15-756.06, Arizona Revised Statutes, is amended to  
16 read:

17           15-756.06. Reevaluation of former English language learners

18           The English language proficiency of each pupil WHO WAS previously  
19 classified as an English language learner within the last two years shall be  
20 tested annually at the end of each school year, in the same manner as  
21 provided in section 15-756, subsection B. The ~~superintendent of public~~  
22 ~~instruction~~ STATE BOARD OF EDUCATION shall prescribe AND THE SUPERINTENDENT  
23 OF PUBLIC INSTRUCTION SHALL ADMINISTER the manner in which pupils are  
24 reevaluated. Pupils who fail to demonstrate English proficiency on the  
25 reassessment test in the two years following their exit from structured  
26 English immersion, subject to parental consent, shall be reenrolled in  
27 structured English immersion pursuant to section 15-752 and may be provided  
28 compensatory instruction as defined in section 15-756.11.

1           Sec. 26. Section 15-756.07, Arizona Revised Statutes, is amended to  
2 read:

3           15-756.07. Office of English language acquisition services;  
4                           duties

5           The office of English language acquisition services is established in  
6 the department of education. **SUBJECT TO REVIEW AND APPROVAL BY THE STATE**  
7 **BOARD OF EDUCATION**, the department of education, office of English language  
8 acquisition services, shall:

9           1. Develop guidelines for monitoring school districts and charter  
10 schools to ensure compliance with all federal and state laws regarding  
11 English language learners.

12           2. In consultation with county school superintendents, develop  
13 regional programs to enhance all aspects of training for teachers and  
14 administrators.

15           3. Publish English language learner policy guidelines for school  
16 districts and charter schools that include a list of relevant rules,  
17 regulations and statutes relating to English language learner programs to  
18 notify school districts and charter schools of their responsibilities.

19           4. Provide technical assistance to school districts and charter  
20 schools to implement structured English immersion programs.

21           Sec. 27. Section 15-795.01, Arizona Revised Statutes, is amended to  
22 read:

23           15-795.01. Competency-based college-ready educational pathways

24           In accordance with the rules adopted by the state board of education  
25 pursuant to section 15-203, subsection A, paragraph ~~39~~ 38, students who are  
26 eligible for a high school diploma through the fulfillment of a defined  
27 competency-based college-ready educational pathway shall have multiple  
28 pathways available to them and may:

29           1. Enroll the following fall semester in a community college under the  
30 jurisdiction of a community college district in this state. Community  
31 colleges under the jurisdiction of a community college district in this state  
32 shall admit students who obtain a high school diploma through the fulfillment  
33 of a defined competency-based educational pathway and who otherwise meet the

1 qualifications for admission. The school district or charter school from  
2 which the student earned the high school diploma shall include that student  
3 in the school district's or charter school's student count and shall continue  
4 to receive per pupil funding for a student who earns a high school diploma  
5 until that student would otherwise have graduated at the end of grade twelve,  
6 as long as that student is enrolled as a full-time student in a community  
7 college under the jurisdiction of a community college district in this state.  
8 The school district or charter school shall subtract twenty ~~per-cent~~ PERCENT  
9 of its average daily membership amount and reimburse the community college if  
10 the student has earned a high school diploma and is attending a community  
11 college as a full-time student. If the student attends community college on  
12 a community college campus, the school district or charter school shall  
13 reimburse the community college district for the amount of operating and  
14 capital outlay full-time student equivalency monies. For the purposes of  
15 this paragraph, the amount of operating full-time student equivalency monies  
16 shall be equivalent to the average appropriation per full-time student  
17 equivalent for all community college districts as calculated pursuant to  
18 section 15-1466, subsection C, paragraph 2. Fifty ~~per-cent~~ PERCENT of the  
19 remaining balance of the per pupil funding shall be used for teacher and  
20 pupil incentives, including scholarship programs, to offset the costs of  
21 competency-based pathways and to provide customized programs of assistance  
22 for students who do not demonstrate mastery. The other fifty ~~per-cent~~  
23 PERCENT shall be used for maintenance and operations, including capital.  
24 Under this paragraph, a student who earns a high school diploma is  
25 responsible for tuition. A student who earns a high school diploma may  
26 enroll in community college courses offered on a community college campus or  
27 a high school campus, or both. Notwithstanding any other law, community  
28 college districts shall not classify a student who remains in high school  
29 pursuant to this paragraph as a full-time equivalent student. Students who  
30 take courses on high school campuses pursuant to this paragraph shall be  
31 eligible to participate in extracurricular activities, including  
32 interscholastic sports, through the end of grade twelve. The expenditure by  
33 community college districts of payments from the school district or charter

1 school to the community colleges under this section shall not be included  
2 under the district expenditure limitation prescribed pursuant to article IX,  
3 section 21, Constitution of Arizona. If the instruction provided under this  
4 paragraph is offered on a community college campus, the funding and  
5 implementation mechanics between the school district or charter school and  
6 the community college shall be determined by agreement between the school  
7 district or charter school and the community college.

8 2. Remain in high school and participate in programs of study  
9 available to students through the school district or charter school. The  
10 school district or charter school shall continue to include that student in  
11 the school district's or charter school's student count and shall continue to  
12 receive per pupil funding for a student who is eligible for a high school  
13 diploma until that student would otherwise have graduated at the end of grade  
14 twelve, as long as that student is enrolled in approved advanced preparation  
15 programs of study at that school district or charter school. Students who  
16 elect to remain in high school pursuant to this paragraph shall not be  
17 prevented from enrolling at a high school after the student becomes eligible  
18 for a high school diploma and shall be eligible to participate in  
19 extracurricular activities, including interscholastic sports, through the end  
20 of grade twelve.

21 3. Enroll in a full-time career and technical education program  
22 offered on a high school campus or a joint technical education district  
23 campus, or any combination of these campuses. A student who elects to remain  
24 in high school pursuant to this paragraph shall not be prevented from  
25 enrolling at a high school after the pupil becomes eligible for a high school  
26 diploma and shall be eligible to participate in extracurricular activities,  
27 including interscholastic sports, through the end of grade twelve. The  
28 school district or charter school from which the student became eligible for  
29 the high school diploma shall include that student in the school district's  
30 or charter school's student count and shall continue to receive per pupil  
31 funding for a student who is eligible for a high school diploma until that  
32 student would otherwise have graduated at the end of grade twelve, as long as  
33 that student is enrolled in an approved full-time career and technical

1 education program. Notwithstanding any other law, if the instruction  
2 provided under this paragraph is provided by a joint technical education  
3 district in a full-time career and technical education program that is  
4 designed to lead to a certificate that is awarded by an industry or  
5 recognized as meeting industry standards, the sum of the average daily  
6 membership for that pupil shall not exceed 1.25, and the average daily  
7 membership shall be apportioned at 1.0 for the joint technical education  
8 district and 0.25 for the school district.

9 4. If accepted for admission to a university under the jurisdiction of  
10 the Arizona board of regents, enroll in the university after completion of  
11 additional high school coursework designed to prepare students for admission  
12 to selective postsecondary institutions that offer baccalaureate degrees.  
13 The school district or charter school from which the student earned the high  
14 school diploma shall include that student in the school district's or charter  
15 school's student count and shall continue to receive per pupil funding for a  
16 student who earns a high school diploma until that student would otherwise  
17 have graduated at the end of grade twelve for as long as that student is  
18 enrolled as a full-time student in the university. One-third of the school  
19 district's or charter school's average daily membership amount shall be  
20 retained by the school district or the operator of the charter school.  
21 One-third of the school district's or charter school's average daily  
22 membership amount shall be retained for use at the school site. One-third of  
23 the school district's or charter school's average daily membership amount  
24 shall be distributed as follows:

25 (a) Fifty ~~per-cent~~ PERCENT of this amount shall be deposited in a  
26 scholarship account established and managed by the school district or charter  
27 school from which the student graduated specifically for a student who  
28 qualifies for a diploma and who attends a university under the jurisdiction  
29 of the Arizona board of regents as a full-time student.

30 (b) Fifty ~~per-cent~~ PERCENT of this amount shall be retained by the  
31 university where the student is enrolled.

1           Sec. 28. Section 15-977, Arizona Revised Statutes, is amended to read:

2           15-977. Classroom site fund: definitions

3           A. The classroom site fund is established consisting of monies  
4 transferred to the fund pursuant to section 37-521, subsection B and section  
5 42-5029, subsection E, paragraph 10. The department of education shall  
6 administer the fund. School districts and charter schools may not supplant  
7 existing school site funding with revenues from the fund. All monies  
8 distributed from the fund are intended for use at the school site. Each  
9 school district or charter school shall allocate forty ~~per cent~~ PERCENT of  
10 the monies for teacher compensation increases based on performance and  
11 employment related expenses, twenty ~~per cent~~ PERCENT of the monies for  
12 teacher base salary increases and employment related expenses and forty ~~per~~  
13 ~~cent~~ PERCENT of the monies for maintenance and operation purposes as  
14 prescribed in subsection H of this section. Teacher compensation increases  
15 based on performance or teacher base salary increases distributed pursuant to  
16 this subsection shall supplement, and not supplant, teacher compensation  
17 monies from any other sources. The school district or charter school shall  
18 notify each school principal of the amount available to the school by April  
19 15 of each year. The district or charter school shall request from the  
20 school's principal each school's priority for the allocation of the funds  
21 available to the school for each program listed under subsection H of this  
22 section. The amount budgeted by the school district or charter school  
23 pursuant to this section shall not be included in the allowable budget  
24 balance carryforward calculated pursuant to section 15-943.01.

25           B. A school district governing board must adopt a performance based  
26 compensation system at a public hearing to allocate funding from the  
27 classroom site fund pursuant to subsection A of this section. ~~Beginning in~~  
28 ~~school year 2014-2015~~, Individual teacher performance as measured by the  
29 teacher's performance classification pursuant to section 15-203, subsection  
30 A, paragraph ~~38~~ 37 shall be a component of the school district's portion of  
31 the forty ~~per cent~~ PERCENT allocation for teacher compensation based on  
32 performance and employment related expenses.

1 C. A school district governing board shall vote on a performance based  
2 compensation system that includes the following elements:

- 3 1. School district performance and school performance.
- 4 2. Individual teacher performance as measured by the teacher's  
5 performance classification pursuant to section 15-203, subsection A,  
6 paragraph ~~38~~ 37. ~~Beginning in school year 2014-2015,~~ The individual teacher  
7 performance component shall account for thirty-three ~~per-cent~~ PERCENT of the  
8 forty ~~per-cent~~ PERCENT allocation for teacher compensation based on  
9 performance and employment related expenses.
- 10 3. Measures of academic progress toward the academic standards adopted  
11 by the state board of education.
- 12 4. Other measures of academic progress.
- 13 5. Dropout or graduation rates.
- 14 6. Attendance rates.
- 15 7. Ratings of school quality by parents.
- 16 8. Ratings of school quality by students.
- 17 9. The input of teachers and administrators.
- 18 10. Approval of the performance based compensation system based on an  
19 affirmative vote of at least seventy ~~per-cent~~ PERCENT of the teachers  
20 eligible to participate in the performance based compensation system.
- 21 11. An appeals process for teachers who have been denied performance  
22 based compensation.
- 23 12. Regular evaluation for effectiveness, which shall comply ~~by fiscal~~  
24 ~~year 2014-2015~~ with section 15-203, subsection A, paragraph ~~38~~ 37.

25 D. A performance based compensation system shall include teacher  
26 professional development programs that are aligned with the elements of the  
27 performance based compensation system.

28 E. A school district governing board may modify the elements contained  
29 in subsection C of this section and consider additional elements when  
30 adopting a performance based compensation system. A school district  
31 governing board shall adopt any modifications or additional elements and  
32 specify the criteria used at a public hearing.

1 F. Until December 31, 2009, each school district shall develop an  
2 assessment plan for its performance based compensation system and submit the  
3 plan to the department of education by December 31 of each year. A copy of  
4 the performance based compensation system and assessment plan adopted by the  
5 school district governing board shall be included in the report submitted to  
6 the department of education.

7 G. Monies in the fund are continuously appropriated, are exempt from  
8 the provisions of section 35-190 relating to lapsing of appropriations and  
9 shall be distributed as follows:

10 1. By March 30 of each year, the staff of the joint legislative budget  
11 committee shall determine a per pupil amount from the fund for the budget  
12 year using the estimated statewide weighted count for the current year  
13 pursuant to section 15-943, paragraph 2, subdivision (a) and based on  
14 estimated available resources in the classroom site fund for the budget year  
15 adjusted for any prior year carryforward or shortfall.

16 2. The allocation to each charter school and school district for a  
17 fiscal year shall equal the per pupil amount established in paragraph 1 of  
18 this subsection for the fiscal year multiplied by the weighted student count  
19 for the school district or charter school for the fiscal year pursuant to  
20 section 15-943, paragraph 2, subdivision (a). For the purposes of this  
21 paragraph, the weighted student count for a school district that serves as  
22 the district of attendance for nonresident pupils shall be increased to  
23 include nonresident pupils who attend school in the school district.

24 H. Monies distributed from the classroom site fund shall be spent for  
25 the following maintenance and operation purposes:

- 26 1. Class size reduction.
- 27 2. Teacher compensation increases.
- 28 3. AIMS intervention programs.
- 29 4. Teacher development.
- 30 5. Dropout prevention programs.
- 31 6. Teacher liability insurance premiums.

32 I. The district governing board or charter school shall allocate the  
33 classroom site fund monies to include, wherever possible, the priorities

1 identified by the principals of the schools while assuring that the funds  
2 maximize classroom opportunities and conform to the authorized expenditures  
3 identified in subsection A of this section.

4 J. School districts and charter schools that receive monies from the  
5 classroom site fund shall submit a report by November 15 of each year to the  
6 superintendent of public instruction that provides an accounting of the  
7 expenditures of monies distributed from the fund during the previous fiscal  
8 year and a summary of the results of district and school programs funded with  
9 monies distributed from the fund. The department of education in conjunction  
10 with the auditor general shall prescribe the format of the report under this  
11 subsection.

12 K. School districts and charter schools that receive monies from the  
13 classroom site fund shall receive these monies monthly in an amount not to  
14 exceed one-twelfth of the monies estimated pursuant to subsection G of this  
15 section, except that if there are insufficient monies in the fund that month  
16 to make payments, the distribution for that month shall be prorated for each  
17 school district or charter school. The department of education may make an  
18 additional payment in the current month for any prior month or months in  
19 which school districts or charter schools received a prorated payment if  
20 there are sufficient monies in the fund that month for the additional  
21 payments. The state is not required to make payments to a school district or  
22 charter school classroom site fund if the state classroom site fund revenue  
23 collections are insufficient to meet the estimated allocations to school  
24 districts and charter schools pursuant to subsection G of this section.

25 L. The state education system for committed youth shall receive monies  
26 from the classroom site fund in the same manner as school districts and  
27 charter schools. The Arizona state schools for the deaf and the blind shall  
28 receive monies from the classroom site fund in an amount that corresponds to  
29 the weighted student count for the current year pursuant to section 15-943,  
30 paragraph 2, subdivision (b) for each pupil enrolled in the Arizona state  
31 schools for the deaf and the blind. Except as otherwise provided in this  
32 subsection, the Arizona state schools for the deaf and the blind and the

1 state education system for committed youth are subject to this section in the  
2 same manner as school districts and charter schools.

3 M. Each school district and charter school, including school districts  
4 that unify pursuant to section 15-448 or consolidate pursuant to section  
5 15-459, shall establish a local level classroom site fund to receive  
6 allocations from the state level classroom site fund. The local level  
7 classroom site fund shall be a budgetary controlled account. Interest  
8 charges for any registered warrants for the local level classroom site fund  
9 shall be a charge against the local level classroom site fund. Interest  
10 earned on monies in the local level classroom site fund shall be added to the  
11 local level classroom site fund as provided in section 15-978. This state  
12 shall not be required to make payments to a school district or charter school  
13 local level classroom site fund that are in addition to monies transferred to  
14 the state level classroom site fund pursuant to section 37-521, subsection B  
15 and section 42-5029, subsection E, paragraph 10.

16 N. Monies distributed from the classroom site fund for class size  
17 reduction, AIMS intervention and dropout prevention programs shall only be  
18 used for instructional purposes in the instruction function as defined in the  
19 uniform system of financial records, except that monies shall not be used for  
20 ~~school-sponsored~~ SCHOOL-SPONSORED athletics.

21 0. For the purposes of this section:

22 1. "AIMS intervention" means summer programs, after school programs,  
23 before school programs or tutoring programs that are specifically designed to  
24 ensure that pupils meet the Arizona academic standards as measured by the  
25 Arizona instrument to measure standards test prescribed by section 15-741.

26 2. "Class size reduction" means any maintenance and operations  
27 expenditure that is designed to reduce the ratio of pupils to classroom  
28 teachers, including the use of persons who serve as aides to classroom  
29 teachers.

1           Sec. 29. Section 15-980, Arizona Revised Statutes, is amended to read:

2           15-980. Uncollected property tax: property tax loss:  
3                           supplemental state aid

4           A. A school district is eligible for supplemental state aid pursuant  
5 to this section if a county treasurer certifies to ~~a~~ THE school district  
6 after January 1 that, in the treasurer's reasonable belief, more than twenty  
7 ~~per-cent~~ PERCENT of the primary property tax revenues that the school  
8 district is entitled by law to receive pursuant to section 42-18052 will not  
9 be remitted to the district due to one of the following circumstances:

10           1. Property tax delinquencies.

11           2. A loss of property tax revenue resulting from a decrease in  
12 assessed valuation due to a natural disaster such as fire or flood.

13           B. On receiving a certificate pursuant to subsection A of this  
14 section, the school district may apply to the department of education for  
15 supplemental state aid. The application shall include the county treasurer's  
16 certified estimate of the total amount of uncollected primary property taxes  
17 or the amount of lost property tax revenue for the school district for the  
18 tax year payable in the current fiscal year.

19           C. Within forty-five days after receiving a complete and correct  
20 application, the state board of education shall APPROVE THE APPLICATION AND  
21 DIRECT THE DEPARTMENT OF EDUCATION TO pay ~~to~~ the school district from amounts  
22 appropriated for state aid the amount determined in subsection B of this  
23 section. The department of education shall notify the county treasurer and  
24 the county school superintendent of the amount and the date of the payment of  
25 the supplemental state aid. Supplemental state aid paid under this section  
26 shall be excluded from the calculation made pursuant to section 15-973,  
27 subsection C.

28           D. The superintendent of a school district that receives supplemental  
29 state aid due to delinquent property taxes pursuant to subsection A,  
30 paragraph 1 of this section shall report to the department of education  
31 between May 5 and May 25 the actual amount of primary property taxes that was  
32 not collected and remitted to the district during the current fiscal year,  
33 based on information from the county treasurer. If the amount of

1 supplemental state aid paid pursuant to subsection C of this section exceeds  
2 the actual amount of the uncollected primary property taxes that the district  
3 is entitled to receive, the state board of education shall **DIRECT THE**  
4 **DEPARTMENT OF EDUCATION TO** deduct the difference between the amount of  
5 supplemental state aid paid and the amount of the uncollected primary  
6 property taxes from the June 15 and, if necessary, subsequent apportionments  
7 of state aid pursuant to section 15-973, subsection B.

8 E. Beginning on June 1 after the payment of supplemental state aid,  
9 the county school superintendent shall report quarterly to the department of  
10 education the amount of any payments of delinquent primary property taxes  
11 received by the district during the previous quarter with respect to a tax  
12 year for which the supplemental state aid was paid and not previously  
13 deducted from state aid pursuant to subsection D of this section. The  
14 department shall deduct the amount reported from the next apportionment of  
15 state aid to the district pursuant to section 15-973, subsection B until the  
16 supplemental state aid is repaid. If the district does not receive any  
17 apportionment pursuant to section 15-973, subsection B, the department shall  
18 direct the school district superintendent to pay that amount to the state  
19 treasurer for deposit in the state general fund.

20 F. A school district that receives supplemental state aid due to loss  
21 of assessed valuation pursuant to subsection A, paragraph 2 of this section  
22 may receive supplemental state aid for up to three fiscal years. The amount  
23 of supplemental state aid shall be reduced each year by one-third and any  
24 increased property tax revenue due to higher assessed valuation."

25 Amend title to conform

PAUL BOYER

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