

State of Arizona  
House of Representatives  
Forty-fifth Legislature  
First Regular Session  
2001

CHAPTER 56

# HOUSE BILL 2549

AN ACT

AMENDING SECTION 15-203, ARIZONA REVISED STATUTES; RELATING TO THE STATE BOARD OF EDUCATION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:  
2 Section 1. Section 15-203, Arizona Revised Statutes, is amended to  
3 read:  
4 15-203. Powers and duties  
5 A. The state board of education shall:  
6 1. Exercise general supervision over and regulate the conduct of the  
7 public school system.  
8 2. Keep a record of its proceedings.  
9 3. Make rules for its own government.  
10 4. Determine the policy and work undertaken by it.  
11 5. Appoint its employees, on the recommendation of the superintendent  
12 of public instruction.  
13 6. Prescribe the duties of its employees if not prescribed by statute.  
14 7. Delegate to the superintendent of public instruction the execution  
15 of board policies.  
16 8. Recommend to the legislature changes or additions to the statutes  
17 pertaining to schools.  
18 9. Prepare, publish and distribute reports concerning the educational  
19 welfare of this state.  
20 10. Prepare a budget for expenditures necessary for proper maintenance  
21 of the board and accomplishment of its purposes and present the budget to the  
22 legislature.  
23 11. Aid in the enforcement of laws relating to schools.  
24 12. Prescribe a minimum course of study in the common schools, minimum  
25 competency requirements for the promotion of pupils from the third grade and  
26 minimum course of study and competency requirements for the promotion of  
27 pupils from the eighth grade. The state board of education shall prepare a  
28 fiscal impact statement of any proposed changes to the minimum course of  
29 study or competency requirements and, on completion, shall send a copy to the  
30 director of the joint legislative budget committee and the executive director  
31 of the school facilities board. The state board of education shall not adopt  
32 any changes in the minimum course of study or competency requirements in  
33 effect on July 1, 1998 that will have a fiscal impact on school capital  
34 costs.  
35 13. Prescribe minimum course of study and competency requirements for  
36 the graduation of pupils from high school. The state board of education  
37 shall prepare a fiscal impact statement of any proposed changes to the  
38 minimum course of study or competency requirements and, on completion, shall  
39 send a copy to the director of the joint legislative budget committee and the  
40 executive director of the school facilities board. The state board of  
41 education shall not adopt any changes in the minimum course of study or  
42 competency requirements in effect on July 1, 1998 that will have a fiscal  
43 impact on school capital costs.  
44 14. Supervise and control the certification of persons engaged in  
45 instructional work directly as any classroom, laboratory or other teacher or  
46 indirectly as a supervisory teacher, speech therapist, principal or

1 superintendent in a school district, including school district preschool  
2 programs, or any other educational institution below the community college,  
3 college or university level, and prescribe rules for certification, including  
4 rules for certification of teachers who have teaching experience and who are  
5 trained in other states, which are not unnecessarily restrictive and are  
6 substantially similar to the rules prescribed for the certification of  
7 teachers trained in this state. Until July 1, 2006, the rules shall require  
8 applicants for all certificates for common school instruction to complete a  
9 minimum of forty-five classroom hours or three college level credit hours, or  
10 the equivalent, of training in research based systematic phonics instruction  
11 from a public or private provider. The rules shall not require a teacher to  
12 obtain a master's degree or to take any additional graduate courses as a  
13 condition of certification or recertification.

14 15. Adopt a list of approved tests for determining special education  
15 assistance to gifted students as defined in section 15-761 and as provided in  
16 section 15-764. The adopted tests shall provide separate scores for  
17 quantitative reasoning, verbal reasoning and nonverbal reasoning and shall be  
18 capable of providing reliable and valid scores at the highest ranges of the  
19 score distribution.

20 16. Adopt rules governing the methods for the administration of all  
21 proficiency examinations.

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

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

27 19. Supervise and control the qualifications of professional  
28 nonteaching school personnel and prescribe standards relating to  
29 qualifications.

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

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

35 22. Adopt a rule to promote braille literacy pursuant to section  
36 15-214.

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

40 24. For purposes of federal law, serve as the state board for  
41 vocational and technological education and meet at least four times each year  
42 solely to execute the powers and duties of the state board for vocational and  
43 technological education.

44 25. Develop and maintain a handbook for use in the schools of this  
45 state that provides guidance for the teaching of moral, civic and ethical  
46 education. The handbook shall promote existing curriculum frameworks and

1 shall encourage school districts to recognize moral, civic and ethical values  
2 within instructional and programmatic educational development programs for  
3 the general purpose of instilling character and ethical principles in pupils  
4 in kindergarten programs and grades one through twelve.

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

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

16 27. By July 1, 2000, adopt rules which provide for teacher  
17 certification reciprocity. The rules shall provide for a one year reciprocal  
18 teaching certificate with minimum requirements including valid teacher  
19 certification from a state with substantially similar criminal history or  
20 teacher fingerprinting requirements and proof of the submission of an  
21 application for a class one or class two fingerprint clearance card pursuant  
22 to title 41, chapter 12, article 3.1.

23 28. ADOPT RULES THAT WILL BE IN EFFECT UNTIL DECEMBER 31, 2006 AND THAT  
24 PROVIDE FOR THE PRESENTATION OF AN HONORARY HIGH SCHOOL DIPLOMA TO A PERSON  
25 WHO HAS NEVER OBTAINED A HIGH SCHOOL DIPLOMA AND WHO MEETS EACH OF THE  
26 FOLLOWING REQUIREMENTS:

- 27 (a) IS AT LEAST SIXTY-FIVE YEARS OF AGE.  
28 (b) CURRENTLY RESIDES IN THIS STATE.  
29 (c) PROVIDES DOCUMENTED EVIDENCE FROM THE ARIZONA DEPARTMENT OF  
30 VETERANS SERVICES THAT THE PERSON ENLISTED IN THE ARMED FORCES OF THE UNITED  
31 STATES BEFORE COMPLETING HIGH SCHOOL IN A PUBLIC OR PRIVATE SCHOOL.  
32 (d) WAS HONORABLY DISCHARGED FROM SERVICE WITH THE ARMED FORCES OF THE  
33 UNITED STATES.

34 B. The state board of education may:

- 35 1. Contract.  
36 2. Sue and be sued.  
37 3. Distribute and score the tests prescribed in chapter 7, article 3  
38 of this title.

39 4. Provide for an advisory committee and administrative law judges to  
40 conduct hearings to determine whether grounds exist to impose disciplinary  
41 action against a certificated person and whether grounds exist to reinstate a  
42 revoked or surrendered certificate. The board may delegate its  
43 responsibility to conduct hearings to its advisory committee and to  
44 administrative law judges. Hearings shall be conducted pursuant to title 41,  
45 chapter 6, article 10.

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

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

APPROVED BY THE GOVERNOR APRIL 6, 2001.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 6, 2001.