

REFERENCE TITLE: schools; teachers; principals; evaluation systems

State of Arizona  
House of Representatives  
Fiftieth Legislature  
Second Regular Session  
2012

## **HB 2823**

Introduced by  
Representatives Goodale, Proud, Stevens: Carter, Crandell, Meyer, Vogt,  
Yee

AN ACT

AMENDING SECTIONS 15-203, 15-503, 15-521 AND 15-537, ARIZONA REVISED STATUTES; AMENDING TITLE 15, CHAPTER 5, ARTICLE 3, ARIZONA REVISED STATUTES, BY ADDING SECTION 15-537.01; AMENDING SECTION 15-977, ARIZONA REVISED STATUTES; RELATING TO SCHOOL PERSONNEL.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

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

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

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

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

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

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

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

35           (vi) Demonstrate the required proficiency in the constitutions of the  
36 United States and Arizona as prescribed in section 15-532.

37           (b) Require applicants for all certificates for common school  
38 instruction to complete a minimum of forty-five classroom hours or three  
39 college level credit hours, or the equivalent, of training in research based  
40 systematic phonics instruction from a public or private provider.

41           (c) Not require a teacher to obtain a master's degree or to take any  
42 additional graduate courses as a condition of certification or  
43 recertification.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

19           (a) Currently resides in this state.

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

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

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

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

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

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

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

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

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

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

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

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

30 (i) The transfer of student records.

31 (ii) Awarding credit for completed course work.

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

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

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

42 34. For each of the alternative textbook formats of human-voiced audio,  
43 large-print and braille, designate alternative media producers to adapt  
44 existing standard print textbooks or to provide specialized textbooks, or  
45 both, for pupils with disabilities in this state. Each alternative media

1 producer shall be capable of producing alternative textbooks in all relevant  
2 subjects in at least one of the alternative textbook formats. The board  
3 shall post the designated list of alternative media producers on its website.

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

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

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

24 38. ~~On or before December 15, 2011,~~ Adopt and maintain a model  
25 framework for a teacher and principal evaluation instrument that includes  
26 quantitative data on student academic progress that accounts for between  
27 thirty-three per cent and fifty per cent of the evaluation outcomes. ~~and ON~~  
28 ~~OR BEFORE DECEMBER 1, 2012, THE FRAMEWORK SHALL INCLUDE DEFINITIONS FOR THE~~  
29 ~~FOUR PERFORMANCE CLASSIFICATIONS TO BE USED IN THE EVALUATION INSTRUMENT.~~  
30 ~~THE STATE BOARD OF EDUCATION SHALL ADOPT~~ best practices for professional  
31 development and evaluator training. ~~THE STATE BOARD OF EDUCATION MAY~~  
32 ~~PERIODICALLY MAKE ADJUSTMENTS TO ALIGN THE EVALUATION INSTRUMENT WITH~~  
33 ~~ASSESSMENT OR DATA CHANGES AT THE STATE LEVEL.~~ School districts and charter  
34 schools shall use an instrument that meets the data requirements established  
35 by the state board of education to annually evaluate individual teachers and  
36 principals beginning in school year 2012-2013. ~~BY SCHOOL YEAR 2013-2014,~~  
37 ~~SCHOOL DISTRICTS AND CHARTER SCHOOLS SHALL APPLY THE PERFORMANCE~~  
38 ~~CLASSIFICATIONS ADOPTED BY THE STATE BOARD OF EDUCATION IN THEIR EVALUATION~~  
39 ~~INSTRUMENTS.~~

40 B. The state board of education may:

41 1. Contract.

42 2. Sue and be sued.

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

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

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

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

18           Sec. 2. Section 15-503, Arizona Revised Statutes, is amended to read:

19           15-503. Superintendents, principals, head teachers and school  
20 psychologists; term of employment; evaluation;  
21 contract delivery; nonretention notice

22           A. The governing board may:

23           1. Employ a superintendent or principal, or both. If the governing  
24 board employs a superintendent, the governing board shall determine the  
25 qualifications for the superintendent by action taken at a public meeting.  
26 The governing board shall require a superintendent to have a valid  
27 fingerprint clearance card that is issued pursuant to title 41, chapter 12,  
28 article 3.1.

29           2. Appoint a head teacher.

30           3. Jointly with another governing board employ a superintendent or a  
31 principal, or both. If the governing board jointly employs a superintendent,  
32 the governing boards shall jointly determine the qualifications for the  
33 superintendent by action taken at a public meeting. The governing boards  
34 shall require a superintendent to have a valid fingerprint clearance card  
35 that is issued pursuant to title 41, chapter 12, article 3.1.

36           B. The term of employment of superintendents ~~or principals~~ may be for  
37 any period not exceeding three years, except that if the superintendent's or  
38 principal's contract with the school district is for multiple years pursuant  
39 to this subsection the school district shall not offer to extend or  
40 renegotiate the contract until May of the year preceding the final year of  
41 the contract. The school district governing board or the governing body of  
42 the charter school shall communicate the superintendent's ~~or principal's~~  
43 duties with respect to the classroom site fund established by section 15-977.

44           C. The governing board shall establish systems for the evaluation of  
45 the performance of principals **THAT MEET THE REQUIREMENTS PRESCRIBED IN**



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

20 D. On or before May 15 each year, the governing board shall offer a  
 21 contract for the next school year to each certified administrator and  
 22 certificated school psychologist who is in the last year of his contract  
 23 unless, on or before April 15, the governing board, a member of the board  
 24 acting on behalf of the board or the superintendent of the school district  
 25 gives notice to the administrator or certificated school psychologist of the  
 26 board's intention not to offer a new contract. If the governing board has  
 27 called for an override election for the third Tuesday in May as provided in  
 28 section 15-481, the governing board shall offer a contract for the next  
 29 school year to each certified administrator or certificated school  
 30 psychologist who is in the last year of his contract on or before June 15  
 31 unless, no later than five days after the override election excluding  
 32 Saturday, Sunday and legal holidays, the governing board, a member of the  
 33 board acting on behalf of the board or the superintendent of the school  
 34 district gives notice to the administrator or the certificated school  
 35 psychologist of the board's intention not to offer a new contract. The  
 36 administrator's or the certificated school psychologist's acceptance of the  
 37 contract shall be indicated within thirty days from the date of the written  
 38 contract or the offer is revoked. The administrator or certificated school  
 39 psychologist accepts the contract by signing the contract and returning it to  
 40 the governing board or by making a written instrument that accepts the terms  
 41 of the contract and delivering the written instrument to the governing board.

42 E. Notice of the board's intention not to reemploy the administrator  
 43 or certificated school psychologist shall be made by delivering the notice  
 44 personally to the administrator or the certificated school psychologist or by  
 45 sending the notice by certified mail, postmarked on or before the applicable

1 deadline prescribed in subsection D of this section, and directed to the  
2 administrator or the certificated school psychologist at his place of  
3 residence as recorded in the school district records.

4 F. A PRINCIPAL WHO IS DESIGNATED IN THE HIGHEST PERFORMANCE  
5 CLASSIFICATION:

6 1. MAY BE OFFERED A MULTIYEAR EMPLOYMENT CONTRACT NOT TO EXCEED THREE  
7 YEARS.

8 2. IS ELIGIBLE FOR INCENTIVES TO WORK AT SCHOOLS THAT ARE ASSIGNED A  
9 LETTER GRADE OF D OR F PURSUANT TO SECTION 15-241.

10 G. NOTWITHSTANDING SUBSECTION J OF THIS SECTION, A PRINCIPAL WHO IS  
11 CLASSIFIED FOR ONE YEAR IN THE LOWEST PERFORMANCE CLASSIFICATION SHALL NOT BE  
12 TRANSFERRED AS A PRINCIPAL TO ANOTHER SCHOOL WITHIN THAT SCHOOL DISTRICT.  
13 THE PRINCIPAL SHALL BE PROVIDED AND COMPLETE A PROFESSIONAL DEVELOPMENT  
14 PROGRAM FOCUSED ON THE AREAS IN WHICH THE PRINCIPAL NEEDS TO IMPROVE WITHIN  
15 ONE YEAR OF RECEIVING THIS CLASSIFICATION.

16 H. A PRINCIPAL WHO IS CLASSIFIED FOR TWO CONSECUTIVE YEARS OR THREE  
17 NONCONSECUTIVE YEARS IN THE LOWEST PERFORMANCE CLASSIFICATION SHALL NOT BE  
18 EMPLOYED AS A PRINCIPAL IN ANY OTHER PUBLIC SCHOOL IN THIS STATE FOR TWO  
19 YEARS AND SHALL COMPLETE PROFESSIONAL DEVELOPMENT IN INSTRUCTIONAL  
20 LEADERSHIP.

21 I. COPIES OF THE EVALUATION REPORT AND PERFORMANCE CLASSIFICATION OF A  
22 PRINCIPAL RETAINED BY THE GOVERNING BOARD ARE CONFIDENTIAL, DO NOT CONSTITUTE  
23 A PUBLIC RECORD AND SHALL NOT BE RELEASED OR SHOWN TO ANY PERSON EXCEPT:

24 1. TO THE PRINCIPAL WHO MAY MAKE ANY USE OF IT.

25 2. TO AUTHORIZED DISTRICT OFFICERS AND EMPLOYEES FOR ALL PERSONNEL  
26 MATTERS REGARDING EMPLOYMENT AND CONTRACTS AND FOR ANY HEARING THAT RELATES  
27 TO PERSONNEL MATTERS.

28 3. FOR INTRODUCTION IN EVIDENCE OR DISCOVERY IN ANY COURT ACTION  
29 BETWEEN THE GOVERNING BOARD AND THE PRINCIPAL IN WHICH EITHER:

30 (a) THE COMPETENCY OF THE PRINCIPAL IS AT ISSUE.

31 (b) THE EVALUATION AND PERFORMANCE CLASSIFICATION WERE AN EXHIBIT AT A  
32 HEARING, THE RESULT OF WHICH IS CHALLENGED.

33 J. A PRINCIPAL SHALL NOT BE TRANSFERRED TO ANOTHER SCHOOL WITHIN THAT  
34 SCHOOL DISTRICT UNLESS THE GOVERNING BOARD APPROVES THE TRANSFER IN WRITING.  
35 WHEN CONSIDERING WHETHER TO APPROVE THE TRANSFER OF A PRINCIPAL TO ANOTHER  
36 SCHOOL WITHIN THAT SCHOOL DISTRICT, THE GOVERNING BOARD SHALL CONSIDER THE  
37 NEEDS OF THE PUPILS AT EACH SCHOOL.

38 Sec. 3. Section 15-521, Arizona Revised Statutes, is amended to read:  
39 15-521. Duties of teachers

40 Every teacher shall:

41 1. MAKE STUDENT LEARNING THE PRIMARY FOCUS OF THE TEACHER'S  
42 PROFESSIONAL TIME.

43 ~~1.~~ 2. Hold pupils to strict account for disorderly conduct.

44 ~~2.~~ 3. Take and maintain daily classroom attendance.

1           ~~3-~~ 4. Make the decision to promote or retain a pupil in grade in a  
2 common school or to pass or fail a pupil in a course in high school. Such  
3 decisions may be overturned only as provided in section 15-342, paragraph 11.

4           ~~4-~~ 5. Comply with all rules and policies of the governing board that  
5 relate to the duties prescribed in this section.

6           Sec. 4. Section 15-537, Arizona Revised Statutes, is amended to read:

7           15-537. Performance of certificated teachers; evaluation  
8                                   system; definition

9           A. The governing board of a school district shall establish a system  
10 for the evaluation of the performance of certificated teachers in the school  
11 district ~~THAT MEETS THE REQUIREMENTS PRESCRIBED IN SECTION 15-203, SUBSECTION~~  
12 ~~A, PARAGRAPH 38.~~ The objectives of the teacher performance evaluation system  
13 are to improve instruction and maintain instructional strengths. The  
14 governing board shall involve its certificated teachers in the development  
15 and periodic evaluation of the teacher performance evaluation system.

16           B. ~~A SCHOOL DISTRICT SHALL USE THE TEACHER EVALUATION PRESCRIBED BY~~  
17 ~~SECTION 15-203, SUBSECTION A, PARAGRAPH 38 TO PLACE A CERTIFICATED TEACHER~~  
18 ~~WHO HAS BEEN EMPLOYED BY THE SCHOOL DISTRICT FOR THE MAJOR PORTION OF TWO~~  
19 ~~CONSECUTIVE SCHOOL YEARS IN A PERFORMANCE CLASSIFICATION ADOPTED BY THE STATE~~  
20 ~~BOARD OF EDUCATION. NOTWITHSTANDING SECTION 15-536:~~

21           1. ~~A SCHOOL DISTRICT MAY OFFER A TEACHING CONTRACT TO A CERTIFICATED~~  
22 ~~TEACHER WHO HAS NOT BEEN EMPLOYED BY THE SCHOOL DISTRICT FOR THE MAJOR~~  
23 ~~PORTION OF THREE CONSECUTIVE YEARS AND WHO HAS BEEN DESIGNATED IN THE LOWEST~~  
24 ~~PERFORMANCE CLASSIFICATION.~~

25           2. ~~A TEACHING CONTRACT ISSUED PURSUANT TO PARAGRAPH 1 OF THIS~~  
26 ~~SUBSECTION IS NOT SUBJECT TO SECTIONS 15-539, 15-540, 15-541, 15-544 AND~~  
27 ~~15-549 UNTIL THAT TEACHER HAS ACHIEVED A HIGHER PERFORMANCE CLASSIFICATION~~  
28 ~~FOR TWO CONSECUTIVE YEARS.~~

29           C. ~~A SCHOOL DISTRICT SHALL USE THE TEACHER EVALUATION PRESCRIBED BY~~  
30 ~~SECTION 15-203, SUBSECTION A, PARAGRAPH 38 TO PLACE A CERTIFICATED TEACHER~~  
31 ~~WHO HAS BEEN EMPLOYED BY THE SCHOOL DISTRICT FOR THE MAJOR PORTION OF THREE~~  
32 ~~OR MORE CONSECUTIVE SCHOOL YEARS IN A PERFORMANCE CLASSIFICATION AS ADOPTED~~  
33 ~~BY THE STATE BOARD OF EDUCATION. NOTWITHSTANDING SECTION 15-538.01, A~~  
34 ~~TEACHER WHO HAS BEEN EMPLOYED BY THE SCHOOL DISTRICT FOR THE MAJOR PORTION OF~~  
35 ~~THREE OR MORE CONSECUTIVE SCHOOL YEARS AND WHO IS DESIGNATED IN THE HIGHEST~~  
36 ~~PERFORMANCE CLASSIFICATION MAY BE OFFERED A MULTIYEAR EMPLOYMENT CONTRACT,~~  
37 ~~NOT TO EXCEED THREE YEARS, AND IS ELIGIBLE FOR INCENTIVES TO WORK AT SCHOOLS~~  
38 ~~THAT ARE ASSIGNED A LETTER GRADE OF D OR F PURSUANT TO SECTION 15-241. A~~  
39 ~~TEACHER WHO HAS BEEN EMPLOYED BY THE SCHOOL DISTRICT FOR THE MAJOR PORTION OF~~  
40 ~~THREE OR MORE CONSECUTIVE SCHOOL YEARS AND WHO IS DESIGNATED IN THE LOWEST~~  
41 ~~PERFORMANCE CLASSIFICATION FOR TWO CONSECUTIVE SCHOOL YEARS SHALL NOT BE~~  
42 ~~TRANSFERRED AS A TEACHER TO ANOTHER SCHOOL IN THAT SCHOOL DISTRICT. A~~  
43 ~~TEACHER WHO HAS BEEN EMPLOYED BY THE SCHOOL DISTRICT FOR THE MAJOR PORTION OF~~  
44 ~~THREE OR MORE CONSECUTIVE SCHOOL YEARS AND WHO IS DESIGNATED IN THE LOWEST~~  
45 ~~PERFORMANCE CLASSIFICATION FOR TWO CONSECUTIVE YEARS OR THREE NONCONSECUTIVE~~

1 YEARS SHALL NOT BE THE TEACHER OF RECORD ASSIGNED TO A CLASSROOM UNTIL THAT  
2 TEACHER COMPLETES A PROFESSIONAL DEVELOPMENT PROGRAM FOCUSED ON THE AREAS IN  
3 WHICH THE TEACHER NEEDS TO IMPROVE. IF THE SCHOOL DISTRICT DOES NOT PROVIDE  
4 PROFESSIONAL DEVELOPMENT, THE SCHOOL DISTRICT SHALL USE THE TEACHER  
5 EVALUATION TO DOCUMENT AND NOTIFY THE TEACHER OF INADEQUATE CLASSROOM  
6 PERFORMANCE PURSUANT TO SECTIONS 15-538, 15-538.01 AND 15-539. FOR THE  
7 PURPOSES OF THIS PARAGRAPH, "TEACHER OF RECORD" MEANS A PERSON, INCLUDING A  
8 PERSON ON TEAMS, WHO IS RESPONSIBLE FOR THE PLANNING, ASSESSMENT AND DELIVERY  
9 OF INSTRUCTION TO PUPILS IN CLASSROOMS.

10 ~~B.~~ D. The governing board shall prescribe specific procedures for the  
11 teacher performance evaluation system, which shall include at least the  
12 following elements:

13 ~~1. A reliable evaluation instrument including specific criteria for~~  
14 ~~measuring effective teaching performance in each area of the teacher's~~  
15 ~~classroom responsibility.~~

16 ~~2. An assessment of the competencies of teachers as they relate to the~~  
17 ~~specific criteria for measuring teacher performance prescribed in paragraph 1~~  
18 ~~of this subsection.~~

19 ~~3. 1. A specified minimum number and minimum duration of AT LEAST ONE~~  
20 actual classroom ~~observations~~ OBSERVATION of the certificated teacher  
21 demonstrating teaching skills by the persons evaluating the teacher. WITHIN  
22 THIRTY DAYS AFTER THE OBSERVATION, THE PERSONS EVALUATING THE TEACHER SHALL  
23 PROVIDE WRITTEN RESULTS TO THE CERTIFICATED TEACHER. THE TEACHER MAY REQUEST  
24 AN ADDITIONAL OBSERVATION WITHIN THIRTY DAYS OF RECEIVING THE RESULTS. THE  
25 SECOND OBSERVATION SHALL BE COMPLETED IN TIME TO BE REFLECTED IN THAT SCHOOL  
26 YEAR'S EVALUATION OUTCOMES.

27 ~~4. 2.~~ Specific and reasonable plans for the improvement of teacher  
28 performance as provided in subsection ~~F- G OF THIS SECTION.~~

29 ~~5. 3.~~ Appeal procedures for teachers who disagree with the evaluation  
30 of their performance, if the evaluation is for use as criteria for  
31 establishing compensation.

32 ~~C. A regular evaluation of the performance of each certificated~~  
33 ~~teacher as provided in this section shall be performed at least twice each~~  
34 ~~year for a teacher who has not been employed by the school district for more~~  
35 ~~than the major portion of three consecutive school years and at least once~~  
36 ~~each year for a teacher who has been employed by the school district for more~~  
37 ~~than the major portion of three consecutive school years. The governing~~  
38 ~~board may provide for additional teacher performance evaluations as it deems~~  
39 ~~necessary.~~

40 ~~D.~~ E. The governing board shall designate persons who are qualified  
41 to evaluate teachers to serve as evaluators for the district's teacher  
42 performance evaluation system. The governing board shall ensure that persons  
43 evaluating teachers are qualified to evaluate teachers.



1 B. THE BEST PRACTICES POSTED BY THE DEPARTMENT OF EDUCATION PURSUANT  
2 TO SUBSECTION A OF THIS SECTION SHALL BE FROM AT LEAST THE FOLLOWING PUBLIC  
3 SCHOOLS IN THIS STATE:

4 1. ONE LARGE SCHOOL DISTRICT LOCATED IN A COUNTY WITH A POPULATION OF  
5 AT LEAST EIGHT HUNDRED THOUSAND PERSONS.

6 2. ONE SMALL SCHOOL DISTRICT LOCATED IN A COUNTY WITH A POPULATION OF  
7 AT LEAST EIGHT HUNDRED THOUSAND PERSONS.

8 3. ONE SCHOOL DISTRICT LOCATED IN A COUNTY WITH A POPULATION OF FEWER  
9 THAN EIGHT HUNDRED THOUSAND PERSONS.

10 4. ONE CHARTER SCHOOL.

11 C. THE BEST PRACTICES POSTED BY THE DEPARTMENT OF EDUCATION PURSUANT  
12 TO SUBSECTION A OF THIS SECTION SHALL INCLUDE DETAILED INFORMATION ON THE  
13 FOLLOWING:

14 1. THE IMPLEMENTATION PROCESS FOR TEACHER AND PRINCIPAL EVALUATION  
15 SYSTEMS.

16 2. THE EVALUATION WEIGHTINGS.

17 3. THE TYPES OF QUALITATIVE AND QUANTITATIVE ELEMENTS USED.

18 4. THE METHODS IN WHICH THE EVALUATIONS GUIDE PROFESSIONAL  
19 DEVELOPMENT.

20 5. THE TYPES OF DECISIONS FOR WHICH THE EVALUATIONS ARE USED.

21 Sec. 6. Section 15-977, Arizona Revised Statutes, is amended to read:  
22 15-977. Classroom site fund; definitions

23 A. The classroom site fund is established consisting of monies  
24 transferred to the fund pursuant to section 37-521, subsection B and section  
25 42-5029, subsection E, paragraph 10. The department of education shall  
26 administer the fund. School districts and charter schools may not supplant  
27 existing school site funding with revenues from the fund. All monies  
28 distributed from the fund are intended for use at the school site. Each  
29 school district or charter school shall allocate forty per cent of the monies  
30 for teacher compensation increases based on performance and employment  
31 related expenses, twenty per cent of the monies for teacher base salary  
32 increases and employment related expenses and forty per cent of the monies  
33 for maintenance and operation purposes as prescribed in subsection H of this  
34 section. **THE FORTY PER CENT ALLOCATED BY SCHOOL DISTRICTS FOR TEACHER  
35 COMPENSATION INCREASES BASED ON PERFORMANCE AND EMPLOYMENT RELATED EXPENSES  
36 SHALL BE IN ACCORDANCE WITH SECTION 15-203, SUBSECTION A, PARAGRAPH 38.**  
37 Teacher compensation increases based on performance or teacher base salary  
38 increases distributed pursuant to this subsection shall supplement, and not  
39 supplant, teacher compensation monies from any other sources. The school  
40 district or charter school shall notify each school principal of the amount  
41 available to the school by April 15 of each year. The district or charter  
42 school shall request from the school's principal each school's priority for  
43 the allocation of the funds available to the school for each program listed  
44 under subsection H of this section. The amount budgeted by the school  
45 district or charter school pursuant to this section shall not be included in

1 the allowable budget balance carryforward calculated pursuant to section  
2 15-943.01.

3 B. A school district governing board must adopt a performance based  
4 compensation system at a public hearing to allocate funding from the  
5 classroom site fund pursuant to subsection A of this section.

6 C. UNTIL THE END OF THE 2014-2015 SCHOOL YEAR, a school district  
7 governing board shall vote on a performance based compensation system that  
8 includes the following elements:

- 9 1. School district performance and school performance.
- 10 2. Measures of academic progress toward the academic standards adopted  
11 by the state board of education.
- 12 3. Other measures of academic progress.
- 13 4. Dropout or graduation rates.
- 14 5. Attendance rates.
- 15 6. Ratings of school quality by parents.
- 16 7. Ratings of school quality by students.
- 17 8. The input of teachers and administrators.

18 ~~9. Approval of the performance based compensation system based on an  
19 affirmative vote of at least seventy per cent of the teachers eligible to  
20 participate in the performance based compensation system.~~

21 ~~10.~~ 9. An appeals process for teachers who have been denied  
22 performance based compensation.

23 ~~11.~~ 10. Regular evaluation for effectiveness, WHICH SHALL COMPLY BY  
24 FISCAL YEAR 2014-2015 WITH SECTION 15-203, SUBSECTION A, PARAGRAPH 38.

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.

33 F. Until December 31, 2009, each school district shall develop an  
34 assessment plan for its performance based compensation system and submit the  
35 plan to the department of education by December 31 of each year. A copy of  
36 the performance based compensation system and assessment plan adopted by the  
37 school district governing board shall be included in the report submitted to  
38 the department of education.

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

- 42 1. By March 30 of each year, the staff of the joint legislative budget  
43 committee shall determine a per pupil amount from the fund for the budget  
44 year using the estimated statewide weighted count for the current year  
45 pursuant to section 15-943, paragraph 2, subdivision (a) and based on

1 estimated available resources in the classroom site fund for the budget year  
2 adjusted for any prior year carryforward or shortfall.

3 2. The allocation to each charter school and school district for a  
4 fiscal year shall equal the per pupil amount established in paragraph 1 of  
5 this subsection for the fiscal year multiplied by the weighted student count  
6 for the school district or charter school for the fiscal year pursuant to  
7 section 15-943, paragraph 2, subdivision (a). For the purposes of this  
8 paragraph, the weighted student count for a school district that serves as  
9 the district of attendance for nonresident pupils shall be increased to  
10 include nonresident pupils who attend school in the school district.

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

- 13 1. Class size reduction.
- 14 2. Teacher compensation increases.
- 15 3. AIMS intervention programs.
- 16 4. Teacher development.
- 17 5. Dropout prevention programs.
- 18 6. Teacher liability insurance premiums.

19 I. The district governing board or charter school shall allocate the  
20 classroom site fund monies to include, wherever possible, the priorities  
21 identified by the principals of the schools while assuring that the funds  
22 maximize classroom opportunities and conform to the authorized expenditures  
23 identified in subsection A of this section.

24 J. School districts and charter schools that receive monies from the  
25 classroom site fund shall submit a report by November 15 of each year to the  
26 superintendent of public instruction that provides an accounting of the  
27 expenditures of monies distributed from the fund during the previous fiscal  
28 year and a summary of the results of district and school programs funded with  
29 monies distributed from the fund. The department of education in conjunction  
30 with the auditor general shall prescribe the format of the report under this  
31 subsection.

32 K. School districts and charter schools that receive monies from the  
33 classroom site fund shall receive these monies monthly in an amount not to  
34 exceed one-twelfth of the monies estimated pursuant to subsection G of this  
35 section, except that if there are insufficient monies in the fund that month  
36 to make payments, the distribution for that month shall be prorated for each  
37 school district or charter school. The department of education may make an  
38 additional payment in the current month for any prior month or months in  
39 which school districts or charter schools received a prorated payment if  
40 there are sufficient monies in the fund that month for the additional  
41 payments. The state is not required to make payments to a school district or  
42 charter school classroom site fund if the state classroom site fund revenue  
43 collections are insufficient to meet the estimated allocations to school  
44 districts and charter schools pursuant to subsection G of this section.



1 L. The state education system for committed youth shall receive monies  
2 from the classroom site fund in the same manner as school districts and  
3 charter schools. The Arizona state schools for the deaf and the blind shall  
4 receive monies from the classroom site fund in an amount that corresponds to  
5 the weighted student count for the current year pursuant to section 15-943,  
6 paragraph 2, subdivision (b) for each pupil enrolled in the Arizona state  
7 schools for the deaf and the blind. Except as otherwise provided in this  
8 subsection, the Arizona state schools for the deaf and the blind and the  
9 state education system for committed youth are subject to this section in the  
10 same manner as school districts and charter schools.

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

24 N. Monies distributed from the classroom site fund for class size  
25 reduction, AIMS intervention and dropout prevention programs shall only be  
26 used for instructional purposes in the instruction function as defined in the  
27 uniform system of financial records, except that monies shall not be used for  
28 school sponsored athletics.

29 O. For the purposes of this section:

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

34 2. "Class size reduction" means any maintenance and operations  
35 expenditure that is designed to reduce the ratio of pupils to classroom  
36 teachers, including the use of persons who serve as aides to classroom  
37 teachers.