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

SB 1416  

Introduced by  
Senator Dial  

AN ACT  


(TEXT OF BILL BEGINS ON NEXT PAGE)
Be it enacted by the Legislature of the State of Arizona:

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

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

A. The state board of education shall be composed of the superintendent of public instruction, the president of a state university or a state college, three lay members, a president or chancellor of a community college district, a superintendent of a high school district, an owner or administrator of a charter school, a classroom teacher and a county school superintendent. A member who is a president of a state university or a state college shall not succeed himself.

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

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

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

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

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

C. Members shall be allowed travel expenses and reimbursement for subsistence, as provided by title 38, chapter 4, article 2, to be paid upon claims approved by the superintendent of public instruction department of administration, as other claims against the state are paid, from the appropriation for the board authorized in the general appropriation bill.

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

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

15-203. Powers and duties

A. The state board of education shall:

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

2. Keep a record of its proceedings.


4. Determine the policy and work undertaken by it.

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

6. Prescribe AND SUPERVISE the duties of its employees PURSUANT TO TITLE 41, CHAPTER 4, ARTICLE 4, if not OTHERWISE prescribed by statute.
7. Delegate to the superintendent of public instruction the execution of board policies and rules.

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

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

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

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

12. Prescribe a minimum course of study in the common schools, minimum competency requirements for the promotion of pupils from the third grade and minimum course of study and competency requirements for the promotion of pupils from the eighth grade. The state board of education shall prepare a fiscal impact statement of any proposed changes to the minimum course of study or competency requirements and, on completion, shall send a copy to the director of the joint legislative budget committee and the executive director of the school facilities board. The state board of education shall not adopt any changes in the minimum course of study or competency requirements in effect on July 1, 1998 that will have a fiscal impact on school capital costs.

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

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

(a) Shall allow a variety of alternative teacher and administrator preparation programs, with variations in program sequence and design, to apply for program approval. The state board shall adopt rules pursuant to this subdivision designed to allow for a variety of formats and shall not require a prescribed answer or design from the program provider in order to
obtain approval from the state board. The state board shall evaluate each
program provider based on the program’s ability to prepare teachers and
administrators and to recruit teachers and administrators with a variety of
experiences and talents. The state board shall permit universities under the
jurisdiction of the Arizona board of regents, community colleges in this
state, private postsecondary institutions licensed by this state, school
districts, charter schools and professional organizations to apply for
program approval and shall create application procedures and certification
criteria that are less restrictive than those for traditional preparation
programs. Alternative preparation program graduates shall:
   (i) Hold a bachelor's degree from an accredited postsecondary
       education institution.
   (ii) Demonstrate professional knowledge and subject knowledge
       proficiency pursuant to section 15-533.
   (iii) Obtain a fingerprint clearance card pursuant to section 15-534.
   (iv) Complete training in structured English immersion as prescribed
       by the state board.
   (v) Complete training in research-based systematic phonics instruction
       as prescribed in subdivision (b) of this paragraph.
   (vi) Demonstrate the required proficiency in the Constitutions of the
       United States and Arizona as prescribed in section 15-532.
(b) Shall require applicants for all certificates for common school
instruction to complete a minimum of forty-five classroom hours or three
college level credit hours, or the equivalent, of training in research-based
systematic phonics instruction from a public or private provider.
(c) Shall not require a teacher to obtain a master's degree or to take
any additional graduate courses as a condition of certification or
recertification.
(d) Shall allow a general equivalency diploma to be substituted for a
high school diploma in the certification of emergency substitute teachers.
(e) Shall allow but shall not require the superintendent of a school
district to obtain certification from the state board of education.
(f) Shall provide for the issuance of a specialized teaching
certificate to classroom teachers with expertise in either science,
technology, engineering or mathematics. Teachers who are certified pursuant
to this subdivision shall complete training in structured English immersion
as prescribed by the state board. Teachers who are certified pursuant to
this subdivision are exempt from the professional knowledge and subject
knowledge proficiency requirements prescribed in section 15-533 and from the
proficiency requirements prescribed in section 15-532 on the Constitutions of
the United States and Arizona. A teacher who obtains a specialized teaching
certificate pursuant to this subdivision may provide instruction in the
teacher's field of expertise in grades six through twelve at any public
school in this state. This subdivision does not require a teacher who has
obtained another type of teaching certificate from the state board to obtain
a specialized teaching certificate pursuant to this subdivision in order to
provide instruction in grades six through twelve in a science, technology,
engineering or mathematics course. A classroom teacher is eligible for a
specialized teaching certificate pursuant to this subdivision if the teacher
meets all of the following requirements:

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

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

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

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

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

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

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

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

19. Supervise and control the qualifications of professional
nonteaching school personnel and prescribe standards relating to
qualifications. The standards shall not require the business manager of a
school district to obtain certification from the state board of education.
20. Impose such disciplinary action, including the issuance of a letter of censure, suspension, suspension with conditions or revocation of a certificate, upon a finding of immoral or unprofessional conduct.

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

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

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

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

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

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

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

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

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

(a) Currently resides in this state.

(b) Provides documented evidence from the department of veterans' services that the person enlisted in the armed forces of the United States and served in World War I, World War II, the Korean conflict or the Vietnam conflict.
28. Cooperate with the Arizona-Mexico commission in the governor's office and with researchers at universities in this state to collect data and conduct projects in the United States and Mexico on issues that are within the scope of the duties of the department of education and that relate to quality of life, trade and economic development in this state in a manner that will help the Arizona-Mexico commission to assess and enhance the economic competitiveness of this state and of the Arizona-Mexico region.

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

30. Adopt guidelines to encourage pupils in grades nine, ten, eleven and twelve to volunteer for twenty hours of community service before graduation from high school. A school district that complies with the guidelines adopted pursuant to this paragraph is not liable for damages resulting from a pupil's participation in community service unless the school district is found to have demonstrated wanton or reckless disregard for the safety of the pupil and other participants in community service. For the purposes of this paragraph, "community service" may include service learning. The guidelines shall include the following:
   (a) A list of the general categories in which community service may be performed.
   (b) A description of the methods by which community service will be monitored.
   (c) A consideration of risk assessment for community service projects.
   (d) Orientation and notification procedures of community service opportunities for pupils entering grade nine, including the development of a notification form. The notification form shall be signed by the pupil and the pupil's parent or guardian, except that a pupil shall not be required to participate in community service if the parent or guardian notifies the principal of the pupil's school in writing that the parent or guardian does not wish the pupil to participate in community service.
   (e) Procedures for a pupil in grade nine to prepare a written proposal that outlines the type of community service that the pupil would like to perform and the goals that the pupil hopes to achieve as a result of community service. The pupil's written proposal shall be reviewed by a faculty advisor, a guidance counselor or any other school employee who is designated as the community service program coordinator for that school. The pupil may alter the written proposal at any time before performing community service.
   (f) Procedures for a faculty advisor, a guidance counselor or any other school employee who is designated as the community service program coordinator to evaluate and certify the completion of community service performed by pupils.
31. To facilitate the transfer of military personnel and their dependents to and from the public schools of this state, pursue, in cooperation with the Arizona board of regents, reciprocity agreements with other states concerning the transfer credits for military personnel and their dependents. A reciprocity agreement entered into pursuant to this paragraph shall:

(a) Address procedures for each of the following:
   (i) The transfer of student records.
   (ii) Awarding credit for completed coursework.
   (iii) Permitting a student to satisfy the graduation requirements prescribed in section 15-701.01 through the successful performance on comparable exit-level assessment instruments administered in another state.

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

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

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

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

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

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

38. Adopt and maintain a model framework for a teacher and principal evaluation instrument that includes quantitative data on student academic progress that accounts for between thirty-three percent and fifty percent of the evaluation outcomes. The framework shall include four performance classifications, designated as highly effective, effective, developing and ineffective, and guidelines for school districts and charter schools to use in their evaluation instruments. The state board of education shall adopt best practices for professional development and evaluator training. The state board of education may periodically make adjustments to the model framework for teacher and principal evaluations with assessment or data changes at the state level. School districts and charter schools shall use an instrument that meets the data requirements established by the state board of education to annually evaluate individual teachers and principals. School districts and charter schools shall adopt definitions for the performance classifications adopted by the state board of education in a public meeting and apply the performance classifications to their evaluation instruments in a manner designed to improve principal and teacher performance. For charter holders, the principal evaluation instrument applies to each charter school’s instructional leader whose primary responsibility is to oversee the academic performance of the charter school. This paragraph does not apply to an officer, director, member or partner of the charter holder. The school district governing board shall discuss at a public meeting at least annually its aggregate performance classifications of principals and teachers.

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

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

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

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

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

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

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

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

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

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

B. The state board of education may:

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

5. Proceed with the disposal of any complaint requesting disciplinary action or with any disciplinary action against a person holding a certificate as prescribed in subsection A, paragraph 14 of this section after the suspension or expiration of the certificate or surrender of the certificate by the holder.
6. Assess costs and reasonable attorney fees against a person who files a frivolous complaint or who files a complaint in bad faith. Costs assessed pursuant to this paragraph shall not exceed the expenses incurred by the state board in the investigation of the complaint.

7. REQUEST FROM THE DEPARTMENT OF EDUCATION OR THE SUPERINTENDENT OF PUBLIC INSTRUCTION ANY DATA, INFORMATION OR TECHNICAL SUPPORT RELATED TO THE POWERS AND DUTIES PRESCRIBED IN THIS SECTION.

Sec. 4. Section 15-240, Arizona Revised Statutes, is transferred and renumbered for placement in title 15, chapter 2, article 1, Arizona Revised Statutes, as section 15-203.01 and, as so renumbered, is amended to read:

15-203.01. Issuance of subpoenas

A. On the request of any person who is investigating, on behalf of the department STATE BOARD of education, a complaint alleging that a certificated person has engaged in immoral or unprofessional conduct, the department STATE BOARD of education may issue subpoenas compelling the attendance and testimony of witnesses or demanding the production for examination or copying of documents or any physical evidence.

B. The superior court, on application by the department STATE BOARD of education or by the person subpoenaed, has jurisdiction to issue an order either:

1. Requiring the person to appear before the department of education or the duly authorized agent to produce evidence relating to the matter under investigation.

2. Revoking, limiting or modifying the subpoena if in the court's opinion the evidence demanded does not relate to conduct that might constitute grounds for disciplinary action, is not relevant to the subject matter of the investigation or does not describe with sufficient particularity the evidence whose production is required.

C. Any failure to obey an order of the court pursuant to subsection B OF THIS SECTION may be punished by the court as contempt.

Sec. 5. Section 15-216, Arizona Revised Statutes, is amended to read:

15-216. Arizona critical language and economic development pilot program; rules; program termination; definition

A. If sufficient funding is provided for this purpose, the state board of education shall establish RULES AND POLICIES FOR a six-year Arizona critical language and economic development pilot program TO BE ADMINISTERED BY THE DEPARTMENT OF EDUCATION. SUBJECT TO APPROVAL BY the state board of education, in consultation with the department of education—shall develop and implement courses of study in critical languages for the pilot program.

B. A course authorized under the pilot program may be taught through innovative learning technologies either in a traditional setting or by a visiting foreign guest teacher.

C. The courses authorized under the pilot program may use paraprofessionals in the classroom who are fluent in the critical language
being taught and who can provide reinforcement and tutoring to pupils on days
and at times when the pupils are not receiving regular instruction.

D. Participating school districts and charter schools shall ensure
that any paraprofessionals who participate in the pilot program are fluent in
the critical languages being taught and shall submit a signed attestation to
the department of education that the requirements of this subsection have
been met.

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

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

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

1. Three participating schools shall offer Chinese language courses.
2. Two participating schools shall offer Spanish language courses.
3. Two participating schools shall offer additional critical language
courses.

H. If sufficient funding is available for the pilot program, each
participating school shall:
1. Receive up to ten thousand dollars on or before July 1 of every
year that the school participates in the pilot program.
2. Establish a researched-based instructional model adopted by the
state board of education that uses fifty per cent instruction in
English and fifty per cent instruction in another critical language.
3. Begin the instructional model prescribed in this section in either
the kindergarten program or grade one and add an additional grade each year
of participation in the pilot program.

I. If sufficient funding is available, the department of education
shall establish and maintain an office of economic development and critical
languages to assist the department in carrying out this section. If
sufficient funding is not available, the department shall prorate the amount
provided to each participating school in accordance with the funding
available.

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

K. The program established by this section ends on September 30, 2020
pursuant to section 41-3102.
L. For the purposes of this section, “critical languages” means:

1. Languages described in the national security language initiative, including Chinese, Russian, French, Spanish, Japanese, Arabic and Portuguese.
2. Native American languages.

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

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

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

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

C. The state board shall establish GUIDELINES FOR the format of the applications, application procedures and selection criteria TO BE ADMINISTERED BY THE DEPARTMENT OF EDUCATION for educational technology providers that wish to submit a proposal for the delivery of K-6 technology-based language development and literacy intervention software to be used in the pilot program. The state board shall select and award a contract to one educational technology provider to deliver K-6 technology-based language development and literacy intervention software pursuant to this section. The state board shall distribute APPROVE THE DISTRIBUTION OF monies appropriated for this purpose to the selected provider.

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

1. Include instruction individualized to teach each pupil the following five strands of literacy:
   (a) Phonics.
   (b) Phonemic awareness.
   (c) Vocabulary.
   (d) Comprehension.
   (e) Fluency.

2. Have components that are created for and aligned to state academic standards. The software must correlate to the Arizona English language proficiency standards.
3. Contain internal assessments, checkpoints, tracking and reports for teachers, administrators and parents.

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

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

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

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

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

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

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

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

G. On or before September 15, 2015, the state board of education shall submit a progress report on the pilot program to the joint legislative budget committee. On or before September 15, 2016, THE DEPARTMENT OF EDUCATION SHALL PREPARE A REPORT TO BE DELIVERED AND APPROVED BY THE STATE BOARD AND the state board shall submit a THE APPROVED report to the governor, the president of the senate and the speaker of the house of representatives regarding the pilot program and delivery of K-6 technology-based language development and literacy intervention for English language learners through software provided pursuant to this section. The report must include a recommendation of whether the legislature should consider expanding the pilot program as a permanent statewide program and information on the number of school districts, charter schools and pupils who participated in the intervention. The state board shall submit a copy of this report to the secretary of state.
H. The technology-based language development and literacy intervention fund is established consisting of legislative appropriations and monies transferred into the fund. The department of education shall administer the fund. Monies in the fund are subject to legislative appropriation. Monies in the fund must be used for the K-6 technology-based language development and literacy intervention pilot program established pursuant to this section. Monies in the fund are exempt from the provisions of section 35-190 relating to lapsing of appropriations.

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

15-231. Department of education
A. There is created a department of education.
B. The department shall be administered through:
   1. The state board of education, which shall be the policy-determining body of the department.
   2. The superintendent of public instruction in whom all executive, administrative and ministerial functions of the department are vested and who is the executive officer of the state board of education AND WHO IS RESPONSIBLE FOR THE EXECUTION OF RULES AND POLICIES ADOPTED BY THE STATE BOARD.
C. In addition to any divisions established by law, the superintendent of public instruction may establish such divisions as in the judgment of the superintendent of public instruction are necessary for the proper transaction of the business of the department.
D. The department shall be conducted under the control of the superintendent of public instruction.

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

15-234. Appropriations for adult education; eligibility; supplemental fees; definition
A. Any appropriation made to the state board of education or department of education for the purposes of adult education may be expended for costs to the department of activities related to adult education, including the costs of operating the division of adult education. In addition, any of the monies may be allocated to an adult education provider as provided in subsections B and C of this section.
B. An adult education provider which offers a course of study for adult education under section 15-232 is eligible for allocation of funds pursuant to subsection C of this section from the state board of education if the district or county offering such course meets all applicable standards established under rules of the state board of education.
C. The state board of education may allocate from its available appropriation for adult education any amount it deems appropriate for the use of an eligible adult education provider to compensate for costs of conducting the course of study of adult education based on an application which shall include a budget and other criteria as established by the state board of education. This application must be approved by the
state board of education prior to the commencement of classes or courses of
study if the applicant wishes to be compensated. Compensation shall be
limited to the approved amount in the application.

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

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

Sec. 9. Section 15-235, Arizona Revised Statutes, is amended to read:
15-235. Division of special education; director; duties;
qualifications; advisory committee; members

A. THE division of special education is established to carry out
this section, section 15-236 and chapter 7, article 4 of this title subject
to the superintendent of public instruction.

B. There shall be at least one director of the division of special
education.

C. The director or directors shall carry out this section, section
15-236 and chapter 7, article 4 of this title and the duties prescribed by
the state board of education relating to the administration of this section,
section 15-236 and chapter 7, article 4 of this title.

D. The division of special education may review special education
programs, including placement of pupils, to determine that program,
evaluation and placement procedures comply with sections 15-766 and 15-767
and the rules approved by the state board of education.

E. Only a person who is experienced in special education is eligible
for appointment as a director of the division of special education.

F. A special education advisory committee is established that shall
advise and consult with the state board of education, the superintendent of
public instruction and the director or directors of the division of special
education and that shall engage in other activities as are provided in this
section. The advisory committee shall be composed pursuant to the
requirements of 20 United States Code section 1412(A)(21)(b) and (e)
1412(a)(21)(B) AND (C). The state board of education shall appoint the
members of the advisory committee for staggered three-year terms. Vacancies shall be filled for the unexpired term in the same manner as
original appointments.

G. The advisory committee shall have a minimum of two meetings a year.
H. The advisory committee annually shall elect its own chairman and
vice-chairman. The state DEPARTMENT of education shall regularly
submit, as part of its budget request, any item or items sufficient to cover
expenses of the operation of the advisory committee, and of its members in
connection with their attendance at meetings of the advisory committee and
other advisory committee activities.

Sec. 10. Section 15-239, Arizona Revised Statutes, is amended to read:
15-239. School compliance and recognition; accreditation; audits
A. The department of education may:
1. Monitor school districts to ascertain that laws applying to the
school districts are implemented as prescribed by law.
2. SUBJECT TO REVIEW AND APPROVAL BY THE STATE BOARD OF EDUCATION,
adopt a system of recognition for school districts that meet or exceed the
requirements of the law that apply to the school districts.
3. SUBJECT TO REVIEW AND APPROVAL BY THE STATE BOARD OF EDUCATION,
establish standards and procedures for the accreditation of all schools
requesting state accreditation.

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

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

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

E. When conducting monitoring and audit activities allowed by this
section, the department of education shall prescribe an audit window of up to
three consecutive fiscal years immediately preceding the current fiscal year
at the time the monitoring or audit activity commences. If the department
issues findings within twenty-four months after the beginning of audit or
monitoring activities, the department may adjust funding to a school district
or charter school if actions that took place within the audit window resulted
in overpayment or underpayment of state aid to the school district or charter
school or the miscalculation of the budget limit for the school district, or
both. Notwithstanding section 15-901, subsection A, paragraph 1, subdivision (a), adjustments to average daily membership for failure to provide sufficient instructional time to meet the requirements for a full-time student pursuant to section 15-901, subsection A, paragraph 1, subdivision (b), may be made proportionately according to the percentage by which the instructional time provided does not meet the required number of instructional hours prescribed for that grade level. Adjustments to state aid and budget limits as prescribed by this subsection shall be made in accordance with section 15-915.

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

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

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

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

C. School districts and charter schools shall use monies generated by the K-3 reading support level weight established in section 15-943 only on reading programs for pupils in kindergarten programs and grades one, two and three with particular emphasis on pupils in kindergarten programs and grades one and two.

D. Each school district and charter school that is assigned a letter grade of C, D or F pursuant to section 15-241, subsection H or that has more than ten percent PERCENT of its pupils in grade three reading far below the third grade level according to the reading portion of the Arizona instrument to measure standards test, or a successor test, shall receive monies generated by the K-3 reading support level weight established in section 15-943 only after the K-3 reading program plan of the school district or charter school has been approved by the state board of education. THE DEPARTMENT OF EDUCATION SHALL REVIEW K-3 READING PROGRAM PLANS SUBMITTED PURSUANT TO THIS SUBSECTION AND SHALL PROVIDE RECOMMENDATIONS TO THE STATE BOARD OF EDUCATION.
E. Pupils in a charter school that is in its first year of operation and that is sponsored by the state board of education, the state board for charter schools, a university under the jurisdiction of the Arizona board of regents, a community college district or a group of community college districts are eligible for the K-3 reading support level weight.

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

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

Sec. 12. Section 15-251, Arizona Revised Statutes, is amended to read:

15-251. Powers and duties

The superintendent of public instruction shall:

1. Superintend the schools of this state.

2. Request the auditor general to investigate when necessary the accounts of school monies kept by any state, county or district officer.

3. Subject to supervision by the state board of education, apportion to the several counties the monies to which each county is entitled for the year. Apportionment shall be made as provided in chapter 9 of this title.

4. Direct the work of all employees of the board who shall be employees of the department of education.

5. Execute, under the direction of the state board of education, the policies which have been decided upon by the state board, IN COOPERATION WITH THE STAFF OF THE STATE BOARD.

6. Direct the performance of executive, administrative or ministerial functions by the department of education or divisions or employees thereof OF THE DEPARTMENT.


7. SUGGEST DISCUSSION ITEMS, INITIATIVES OR POLICIES TO BE REVIEWED OR APPROVED BY THE STATE BOARD OF EDUCATION.

8. REGULARLY UPDATE THE STATE BOARD OF EDUCATION.

9. SUBJECT TO REVIEW AND APPROVAL BY THE STATE BOARD OF EDUCATION, REQUEST THE DELEGATION OF DUTIES OR CHANGES IN POLICIES AND RULES.

Sec. 13. Section 15-252, Arizona Revised Statutes, is amended to read:

15-252. Powers and duties; publications; payment of claims for printing

A. The superintendent of public instruction shall:

1. Print as needed in pamphlet form the laws relating to schools, including model forms of which the superintendent is unable to supply blanks, and supply copies of the pamphlets to school officers and teachers, school libraries and the Arizona state library, archives and public records.
2. Prepare, print and distribute pamphlets on subjects the state board of education directs, including school sanitation, school architecture and an enumeration of the school holidays established by law.

3. Prepare, print and distribute through the county school superintendents blank forms and school registers, with instructions and rules as to their use, to teachers and officers charged with administration of laws pertaining to schools.

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

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

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

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

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

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

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

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

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

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

A. The governing board shall:

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

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

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

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

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

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

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

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

9. Purchase school sites when authorized by a vote of the district at an election conducted as nearly as practicable in the same manner as the election provided in section 15-481 and held on a date prescribed in section 15-491, subsection E, but such authorization shall not necessarily specify the site to be purchased and such authorization shall not be necessary to exchange unimproved property as provided in section 15-342, paragraph 23.

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

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

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

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

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

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

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

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

18. Make an annual report to the county school superintendent on or
before October 1 in the manner and form and on the blanks prescribed by the
superintendent of public instruction or county school superintendent. The
board shall also make reports directly to the county school superintendent or
the superintendent of public instruction whenever required.

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

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

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

22. Prescribe and enforce policies and procedures for disciplinary
action against an administrator who engages in conduct that is a violation of
the policies of the governing board regarding duties of administrators but
that is not cause for dismissal of the administrator or for revocation of the
certificate of the administrator. Disciplinary action may include suspension
without pay for a period of time not to exceed ten school days. Disciplinary
action shall not include suspension with pay or suspension without pay for a period of time longer than ten school days. The procedures shall include notice, hearing and appeal provisions for violations that are cause for disciplinary action. The governing board may designate a person or persons to act on behalf of the board on these matters. For violations that are cause for dismissal, the provisions of notice, hearing and appeal in chapter 5, article 3 of this title shall apply. The filing of a timely request for a hearing suspends the imposition of a suspension without pay or a dismissal pending completion of the hearing.

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

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

(a) The provision of water.
(b) Guidelines, information and forms, developed in consultation with a statewide private entity that supervises interscholastic activities, to inform and educate coaches, pupils and parents of the dangers of concussions and head injuries and the risks of continued participation in athletic activity after a concussion. The policies and procedures shall require that, before a pupil participates in an athletic activity, the pupil and the pupil's parent must sign an information form at least once each school year that states that the parent is aware of the nature and risk of concussion. The policies and procedures shall require that a pupil who is suspected of sustaining a concussion in a practice session, game or other interscholastic athletic activity be immediately removed from the athletic activity. A coach from the pupil's team or an official or a licensed health care provider may remove a pupil from play. A team parent may also remove the parent's own child from play. A pupil may return to play on the same day if a health care provider rules out a suspected concussion at the time the pupil is removed from play. On a subsequent day, the pupil may return to play if the pupil has been evaluated by and received written clearance to resume participation in athletic activity from a health care provider who has been trained in the evaluation and management of concussions and head injuries. A health care provider who is a volunteer and who provides clearance to participate in athletic activity on the day of the suspected injury or on a subsequent day is immune from civil liability with respect to all decisions made and actions taken that are based on good faith implementation of the requirements of this subdivision, except in cases of gross negligence or wanton or wilful neglect. A school district, school district employee, team coach, official or team volunteer or a parent or guardian of a team member is not subject to civil liability for any act, omission or policy undertaken in good faith to comply with the requirements of this subdivision or for a decision made or an action
taken by a health care provider. A group or organization that uses property
or facilities owned or operated by a school district for athletic activities
shall comply with the requirements of this subdivision. A school district
and its employees and volunteers are not subject to civil liability for any
other person or organization's failure or alleged failure to comply with the
requirements of this subdivision. This subdivision does not apply to teams
that are based in another state and that participate in an athletic activity
in this state. For the purposes of this subdivision, athletic activity does
not include dance, rhythmic gymnastics, competitions or exhibitions of
academic skills or knowledge or other similar forms of physical noncontact
activities, civic activities or academic activities, whether engaged in for
the purposes of competition or recreation. For the purposes of this
subdivision, "health care provider" means a physician who is licensed
pursuant to title 32, chapter 13 or 17, an athletic trainer who is licensed
pursuant to title 32, chapter 41, a nurse practitioner who is licensed
pursuant to title 32, chapter 15, and a physician assistant who is licensed
pursuant to title 32, chapter 25.

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

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

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

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

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

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

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

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

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

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

35. Prescribe and enforce policies and procedures:
(a) Allowing pupils who have been diagnosed with anaphylaxis by a
health care provider licensed pursuant to title 32, chapter 13, 14, 17 or 25
or by a registered nurse practitioner licensed and certified pursuant to
title 32, chapter 15 to carry and self-administer emergency medications,
including auto-injectable epinephrine, while at school and at
school-sponsored activities. The pupil's name on the prescription label on
the medication container or on the medication device and annual written
documentation from the pupil's parent or guardian to the school that
authorizes possession and self-administration is sufficient proof that the
pupil is entitled to the possession and self-administration of the medication. The policies shall require a pupil who uses auto-injectable epinephrine while at school and at school-sponsored activities to notify the nurse or the designated school staff person of the use of the medication as soon as practicable. A school district and its employees are immune from civil liability with respect to all decisions made and actions taken that are based on good faith implementation of the requirements of this subdivision, except in cases of wanton or wilful neglect.

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

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

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

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

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

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

(d) If an incident is reported pursuant to this paragraph, a requirement that school officials provide a pupil who is an alleged victim of the incident with a written copy of the rights, protections and support services available to that pupil.
(e) A formal process for the documentation of reported incidents of harassment, intimidation or bullying and for the confidentiality, maintenance and disposition of this documentation. School districts shall maintain documentation of all incidents reported pursuant to this paragraph for at least six years. The school shall not use that documentation to impose disciplinary action unless the appropriate school official has investigated and determined that the reported incidents of harassment, intimidation or bullying occurred. If a school provides documentation of reported incidents to persons other than school officials or law enforcement, all individually identifiable information shall be redacted.

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

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

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

(i) Procedures designed to protect the health and safety of pupils who are physically harmed as the result of incidents of harassment, intimidation and bullying, including, if appropriate, procedures to contact emergency medical services or law enforcement agencies, or both.

(j) Definitions of harassment, intimidation and bullying.

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

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

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

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

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

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

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

(g) A formal process for updating attendance boundaries on the school district's website within ninety days of an adopted boundary change. The school district shall send a direct link to the school district's attendance boundaries website to the department of real estate.
(h) If the land that a school was built on was donated within the past five years, a formal process to notify the entity that donated the land affected by the decision of the governing board.

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

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

   (a) Twenty-five percent of the performance pay shall be determined based on the percentage of academic gain determined by the department of education of pupils who are enrolled in the school district compared to the academic gain achieved by the highest ranking of the fifty largest school districts in this state. For the purposes of this subdivision, the department of education shall determine academic gain by the academic growth achieved by each pupil who has been enrolled at the same school in a school district for at least five consecutive months measured against that pupil's academic results in the 2008-2009 school year. For the purposes of this subdivision, of the fifty largest school districts in this state, the school district with pupils who demonstrate the highest statewide percentage of overall academic gain measured against academic results for the 2008-2009 school year shall be assigned a score of 100 and the school district with pupils who demonstrate the lowest statewide percentage of overall academic gain measured against academic results for the 2008-2009 school year shall be assigned a score of 0.

   (b) Twenty-five percent of the performance pay shall be determined by the percentage of parents of pupils who are enrolled at the school district who assign a letter grade of "A" to the school on a survey of parental satisfaction with the school district. The parental satisfaction survey shall be administered and scored by an independent entity that is selected by the governing board and that demonstrates sufficient expertise and experience to accurately measure the results of the survey. The parental satisfaction survey shall use standard random sampling procedures and provide anonymity and confidentiality to each parent who participates in the survey. The letter grade scale used on the parental satisfaction survey shall direct parents to assign one of the following letter grades:

   [Further text]

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(i) A letter grade of "A" if the school district is excellent.
(ii) A letter grade of "B" if the school district is above average.
(iii) A letter grade of "C" if the school district is average.
(iv) A letter grade of "D" if the school district is below average.
(v) A letter grade of "F" if the school district is a failure.

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

(i) A letter grade of "A" if the school district is excellent.
(ii) A letter grade of "B" if the school district is above average.
(iii) A letter grade of "C" if the school district is average.
(iv) A letter grade of "D" if the school district is below average.
(v) A letter grade of "F" if the school district is a failure.

(d) Twenty-five percent of the performance pay shall be determined by other criteria selected by the governing board.

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

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

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

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

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

(i) Multiyear contracts pursuant to section 15-503.
(ii) Incentives to work at schools that are assigned a letter grade of D or F pursuant to section 15-241.

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

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

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

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

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

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

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

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

G. Notwithstanding any other provision of this title, a school district governing board shall not take any action that would result in a reduction of pupil square footage unless the governing board notifies the school facilities board established by section 15-2001 of the proposed action and receives written approval from the school facilities board to take the action. A reduction includes an increase in administrative space that
results in a reduction of pupil square footage or sale of school sites or
buildings, or both. A reduction includes a reconfiguration of grades that
results in a reduction of pupil square footage of any grade level. This
subsection does not apply to temporary reconfiguration of grades to
accommodate new school construction if the temporary reconfiguration does not
exceed one year. The sale of equipment that results in a reduction that
falls below the equipment requirements prescribed in section 15-2011,
subsection B is subject to commensurate withholding of school district
district additional assistance monies pursuant to the direction of the school
facilities board. Except as provided in section 15-342, paragraph 10,
proceeds from the sale of school sites, buildings or other equipment shall be
deposited in the school plant fund as provided in section 15-1102.

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

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

15-501. Definitions

In this chapter, unless the context otherwise requires:

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

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

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

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

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

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

7. "Performance classifications" means the four performance
classifications adopted by the state board of education pursuant to section
15-203, subsection A, paragraph 38 37.
8. "Qualified evaluator" means a school principal or other person who is trained to evaluate teachers and who is designated by the governing board to evaluate the school district's certificated teachers.

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

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

Sec. 16. Section 15-503, Arizona Revised Statutes, is amended to read:

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

A. The governing board may:

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

2. Appoint a head teacher.

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

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

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

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

E. Notice of the board's intention not to reemploy the administrator
or certificated school psychologist shall be made by delivering the notice
personally to the administrator or the certificated school psychologist or by
sending the notice by certified mail, postmarked on or before the applicable
deadline prescribed in subsection D of this section, and directed to the
administrator or the certificated school psychologist at his THE
ADMINISTRATOR'S OR PSYCHOLOGIST'S place of residence as recorded in the
school district records.
F. The school district governing board shall make available the evaluation and performance classification pursuant to section 15-203, subsection A, paragraph 38 of each principal in the school district to school districts and charter schools that are inquiring about the performance of the principal for hiring purposes.

Sec. 17. Section 15-512, Arizona Revised Statutes, is amended to read:

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

A. Noncertificated personnel and personnel who are not paid employees of the school district and who are not either the parent or the guardian of a pupil who attends school in the school district but who are required or allowed to provide services directly to pupils without the supervision of a certificated employee and who are initially hired by a school district after January 1, 1990 shall be fingerprinted as a condition of employment except for personnel who are required as a condition of licensing to be fingerprinted if the license is required for employment or for personnel who were previously employed by a school district and who reestablished employment with that district within one year after the date that the employee terminated employment with the district. A school district may require noncertificated personnel and personnel who are not paid employees of the school district and who are not either the parent or the guardian of a pupil who attends school in the school district but who are required or allowed to provide services directly to pupils without the supervision of a certificated employee to obtain a fingerprint clearance card as a condition of employment. Even if the school district does not require a fingerprint clearance card as a condition of employment, noncertificated personnel and personnel who are not paid employees of the school district and who are not either the parent or the guardian of a pupil who attends school in the school district but who are required or allowed to provide services directly to pupils without the supervision of a certificated employee may apply for a fingerprint clearance card. A school district may release the results of a background check or communicate whether the person has been issued or denied a fingerprint clearance card to another school district for employment purposes. The employee's fingerprints and the form prescribed in subsection D of this section shall be submitted to the school district within twenty days after the date an employee begins work. A school district may terminate an employee if the information on the form provided under subsection D of this section is inconsistent with the information received from the fingerprint check or the information received in connection with a fingerprint clearance card application. The school district shall develop procedures for fingerprinting employees. For the purposes of this subsection, "supervision" means under the direction of and, except for brief periods of time during a school day or a school activity, within sight of a certificated employee when providing direct services to pupils.
B. Fingerprints submitted pursuant to this section shall be used to conduct a state and federal criminal records check pursuant to section 41-1750 and Public Law 92-544. The department of public safety may exchange this fingerprint data with the federal bureau of investigation.

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

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

1. Sexual abuse of a minor.
2. Incest.
3. First or second degree murder.
5. Arson.
7. Sexual exploitation of a minor.
8. Felony offenses involving contributing to the delinquency of a minor.
10. Felony offenses involving sale, distribution or transportation of, offer to sell, transport, or distribute or conspiracy to sell, transport or distribute marijuana or dangerous or narcotic drugs.
11. Felony offenses involving the possession or use of marijuana, dangerous drugs or narcotic drugs.
12. Misdemeanor offenses involving the possession or use of marijuana or dangerous drugs.
14. Burglary in the second or third degree.
15. Aggravated or armed robbery.
16. Robbery.
17. A dangerous crime against children as defined in section 13-705.
19. Sexual conduct with a minor.
20. Molestation of a child.
22. Aggravated assault.
23. Assault.
24. Exploitation of minors involving drug offenses.

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

1. The nature of the crime and the potential for crimes against children.
2. Offenses committed as a minor for which proceedings were held under the jurisdiction of a juvenile or an adult court.
3. Offenses that have been expunged by a court of competent jurisdiction, if the person has been pardoned or if the person's sentence has been commuted.
4. The employment record of the person since the commission of the crime if the crime was committed more than ten years before the governing board's consideration of whether to hire or terminate the person.
5. The reliability of the evidence of an admission of a crime unless made under oath in a court of competent jurisdiction.

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

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

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

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

J. Public entities that agree pursuant to contract to perform 
background investigations, public schools, the department of education, THE 
STATE BOARD OF EDUCATION and previous employers who provide information 
pursuant to this section are immune from civil liability unless the 
information provided is false and is acted on by the school district to the 
harm of the employee and the public entity, the public school, the previous 
employer, STATE BOARD OF EDUCATION or the department of education knows the 
information is false or acts with reckless disregard of the information's 
truth or falsity. A school district that relies on information obtained 
pursuant to this section in making employment decisions is immune from civil 
liability for use of the information unless the information obtained is false
and the school district knows the information is false or acts with reckless
disregard of the information's truth or falsity.

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

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

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

2. The school district that is seeking to hire the applicant shall do
all of the following:
   (a) Ensure that the department of public safety completes a statewide
criminal history information check on the applicant. A statewide criminal
history information check shall be completed by the department of public
safety every one hundred twenty days until the date that the fingerprint
check is completed or the fingerprint clearance card is issued or denied.
   (b) Obtain references from the applicant's current employer and two
most recent previous employers except for applicants who have been employed
for at least five years by the applicant's most recent employer.
   (c) Provide general supervision of the applicant until the date that
the fingerprint check is completed or the fingerprint clearance card is
issued or denied.
   (d) Report to the superintendent of public instruction on June 30 and
December 31 each year the number of applicants hired before the completion of
a fingerprint check or the issuance of a fingerprint clearance card. In
addition, the school district shall report the number of applicants for whom
fingerprint checks were not received or fingerprint clearance cards were not
issued after one hundred twenty days and after one hundred seventy-five days
of hire.
M. Notwithstanding any other law, this section does not apply to pupils who attend school in a school district and who are also employed by a school district.

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

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

Sec. 18. Section 15-514, Arizona Revised Statutes, is amended to read:

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

A. Any certificated person or governing board member who reasonably suspects or receives a reasonable allegation that a person certificated by the state board of education has engaged in conduct involving minors that would be subject to the reporting requirements of section 13-3620 shall report or cause reports to be made to the department STATE BOARD of education in writing as soon as is reasonably practicable but not later than three business days after the person first suspects or receives an allegation of the conduct.

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

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

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

1. Disciplinary action.

2. Transfer or reassignment.

3. Suspension, demotion or dismissal.

5. Other significant changes in duties or responsibilities that are inconsistent with the employee's salary or employment classification.

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

F. A governing board or school district employee who has control over personnel decisions and who reasonably suspects or receives a reasonable allegation that a person certificated by the state board of education has engaged in conduct involving minors that would be subject to the reporting requirements of section 13-3620 and this article shall not accept the resignation of the certificate holder until these suspicions or allegations have been reported to the state board of education.

Sec. 19. Section 15-534.01, Arizona Revised Statutes, is amended to read:

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

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

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

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

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

E. A person who has had an application for certification denied by the state board of education or the department of education pursuant to subsection B of this section may file a written request for a hearing with
the state board of education within fifteen days after receiving the notice
of denial. The appeal shall be conducted in accordance with title 41,
chapter 6, article 6.

Sec. 20. Section 15-537, Arizona Revised Statutes, is amended to read:
15-537. Performance of certificated teachers; evaluation
system; confidentiality
A. The governing board of a school district shall establish a system
for the evaluation of the performance of certificated teachers in the school
district that meets the requirements prescribed in section 15-203, subsection
A, paragraph \( \text{38} \) and that results in at least one evaluation of each
certificated teacher by a qualified evaluator each school year. The
objectives of the teacher performance evaluation system are to improve
instruction and maintain instructional strengths. The governing board shall
involve its certificated teachers in the development and periodic evaluation
of the teacher performance evaluation system.

B. The school district governing board shall adopt teacher evaluation
policies in a public meeting. Before the adoption of teacher evaluation
policies, the school district governing board shall provide opportunities for
public discussion on the proposed policies. The policies shall describe:
1. Incentives for teachers in the highest performance classification,
which may include multiyear contracts not to exceed three years. The
policies shall specify that the offer and acceptance of a multiyear contract
does not exclude that teacher from the application of section 15-538.01,
15-540, 15-541 or 15-549 and that the teacher may accept a multiyear contract
offer or decline and accept a one year contract.
2. Incentives for teachers in the two highest performance
classifications to work at schools that are assigned a letter grade of D or F
pursuant to section 15-241.
3. Protections for teachers who are transferred to schools that are
assigned a letter grade of D or F pursuant to section 15-241.
4. Protections for teachers if the principal of the school is
designated in the lowest performance classification.

C. By school year 2015-2016, the policies prescribed in subsection B
of this section shall describe:
1. Performance improvement plans for teachers designated in the lowest
performance classification.
2. Dismissal or nonrenewal procedures pursuant to section 15-536 or
15-539 for teachers who continue to be designated in the lowest performance
classification. The procedures shall require that the school district issue
the preliminary notice of inadequacy of classroom performance no later than
the second consecutive year that the teacher is designated in one of the two
lowest performance classifications unless the teacher is in the first or
second year of employment with the school district or has been reassigned to
teach a new subject or grade level for the preceding or current school year.
D. A teacher who has been employed by the school district for the major portion of three or more consecutive school years and who is currently designated in the lowest performance classification for two consecutive school years shall not be transferred as a teacher to another school in that school district unless the school district has issued a preliminary notice of inadequacy of classroom performance and approved a performance improvement plan for the teacher pursuant to section 15-539 and the governing board has approved the new placement as in the best interests of the pupils in the school. A teacher who continues to be designated in one of the two lowest performance classifications shall not be permitted to transfer to another school. A teacher shall not be transferred more than once pursuant to this subsection.

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

1. At least two actual classroom observations of the certificated teacher demonstrating teaching skills in a complete and uninterrupted lesson by the qualified evaluator. There shall be at least sixty calendar days between the first and last observations. The last observation may follow the issuance of a preliminary notice of inadequacy of classroom performance and be used to determine whether the teacher has corrected inadequacies and has demonstrated adequate classroom performance. An observation shall not be conducted within two instructional days of any scheduled period in which school is not in session for one week or more. Within ten business days after each observation, the qualified evaluator shall provide written feedback to the teacher.

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

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

4. Training requirements for qualified evaluators.

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

F. The governing board may waive the requirement of a second classroom observation for a continuing teacher whose teaching performance based on the first classroom observation places the teacher in one of the two highest performance classifications for the current school year, unless the teacher requests a second observation.
G. The results of an annual evaluation conducted as provided in this section shall be in writing or provided in an electronic format to the certificated teacher, and a copy shall be transmitted or provided in an electronic format to the certificated teacher within five days after completion of the evaluation. The certificated teacher may initiate a written reaction or response to the evaluation.

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

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

1. To the certificated teacher who may make any use of it.
2. To authorized district officers and employees for all personnel matters regarding employment and contracts and for any hearing that relates to personnel matters.
3. To school districts and charter schools that inquire about the performance of the teacher for prospective employment purposes. A school district or charter school that receives information about a certificated teacher from the evaluation report and performance classification shall use this information solely for employment purposes and shall not release THIS INFORMATION to or allow access to this information by any other person, entity, school district or charter school.
4. For introduction in evidence or discovery in any court action between the governing board and the certificated teacher in which either:
   (a) The competency of the teacher is at issue.
   (b) The evaluation and performance classification were an exhibit at a hearing, the result of which is challenged.

J. Any school district policy pertaining to the transfer of teachers from one school to another school in a school district shall take into consideration the current distribution of teachers across all of the performance classifications and the needs of the pupils in the school district.
Sec. 21. Section 15-539, Arizona Revised Statutes, is amended to read:

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

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

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

C. Except as provided in section 15-536, the governing board shall give a certificated teacher written preliminary notice of inadequacy of classroom performance pursuant to section 15-538 if its intention to dismiss is based on charges of inadequacy of classroom performance. If within the time specified in the written preliminary notice of inadequacy of classroom performance the teacher does not demonstrate adequate classroom performance, the governing board shall dismiss the teacher either within ten days of the service of a subsequent notice of intention to dismiss or by the end of the contract year in which the subsequent notice of intention to dismiss is served unless the teacher has requested a hearing as provided in subsection F of this section. If the teacher demonstrates adequate classroom performance during the period allowed to correct such deficiencies as specified in the written preliminary notice of inadequacy of classroom performance, the governing board may not dismiss the teacher for the reasons specified in the written preliminary notice of inadequacy of classroom performance. If the 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
A 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. 22. 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 DEPARTMENT OF EDUCATION for the purpose of accelerating the process of identifying, training and placing highly qualified individuals into low-income LOW-INCOME schools through the use of teaching intern certification and the identification of a qualified service provider.

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

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

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

2. Serves only public schools that provide instruction to student populations in which a majority of the students are from low-income LOW-INCOME households.
3. Requires that individuals seeking to participate in the alternative teacher development program offered by the service provider have attained a baccalaureate degree from an accredited institution.

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

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

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

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

1. The number of teachers placed in low-income schools by the service provider.

2. The number of students served by teachers placed in low-income schools by the service provider.

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

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

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

E. The department shall submit an annual report prepared by the department of education and approved by the state board of education on or before December 15 of each year concerning the alternative teacher development program to the governor, the president of the senate and the speaker of the house of representatives that includes an evaluation of the effectiveness of the program. The department of education shall provide a copy of the report to the secretary of state. The report shall include a comparison of the annual academic achievement gain of students served by teachers participating in the alternative teacher development program and students served by beginning teachers in the same school.

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

Sec. 23. Section 15-756, Arizona Revised Statutes, is amended to read:

15-756. Identification of English language learners

A. The primary or home language for all new pupils who enroll in a school district or charter school shall be identified in a manner prescribed by the state board of education and administered by the superintendent of public instruction.

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

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

Sec. 24. Section 15-756.06, Arizona Revised Statutes, is amended to
read:

15-756.06. Reevaluation of former English language learners
The English language proficiency of each pupil WHO WAS previously
classified as an English language learner within the last two years shall be
tested annually at the end of each school year, in the same manner as
provided in section 15-756, subsection B. The superintendent of public
instruction STATE BOARD OF EDUCATION shall prescribe AND THE SUPERINTENDENT
OF PUBLIC INSTRUCTION SHALL ADMINISTER the manner in which pupils are
reevaluated. Pupils who fail to demonstrate English proficiency on the
reassessment test in the two years following their exit from structured
English immersion, subject to parental consent, shall be reenrolled in
structured English immersion pursuant to section 15-752 and may be provided
compensatory instruction as defined in section 15-756.11.

Sec. 25. Section 15-756.07, Arizona Revised Statutes, is amended to
read:

15-756.07. Office of English language acquisition services;
duties
The office of English language acquisition services is established in
the department of education. SUBJECT TO REVIEW AND APPROVAL BY THE STATE
BOARD OF EDUCATION, the department of education, office of English language
acquisition services, shall:
1. Develop guidelines for monitoring school districts and charter
schools to ensure compliance with all federal and state laws regarding
English language learners.
2. In consultation with county school superintendents, develop
regional programs to enhance all aspects of training for teachers and
administrators.
3. Publish English language learner policy guidelines for school
districts and charter schools that include a list of relevant rules,
regulations and statutes relating to English language learner programs to
notify school districts and charter schools of their responsibilities.
4. Provide technical assistance to school districts and charter
schools to implement structured English immersion programs.
Sec. 26. Section 15-795.01, Arizona Revised Statutes, is amended to read:

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

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

1. Enroll the following fall semester in a community college under the jurisdiction of a community college district in this state. Community colleges under the jurisdiction of a community college district in this state shall admit students who obtain a high school diploma through the fulfillment of a defined competency-based educational pathway and who otherwise meet the qualifications for admission. The school district or charter school from which the student earned the high school diploma shall include that student in the school district's or charter school's student count and shall continue to receive per pupil funding for a student who earns a high school diploma until that student would otherwise have graduated at the end of grade twelve, as long as that student is enrolled as a full-time student in a community college under the jurisdiction of a community college district in this state. The school district or charter school shall subtract twenty percent of its average daily membership amount and reimburse the community college if the student has earned a high school diploma and is attending a community college as a full-time student. If the student attends community college on a community college campus, the school district or charter school shall reimburse the community college district for the amount of operating and capital outlay full-time student equivalency monies. For the purposes of this paragraph, the amount of operating full-time student equivalency monies shall be equivalent to the average appropriation per full-time student equivalent for all community college districts as calculated pursuant to section 15-1466, subsection C, paragraph 2. Fifty percent of the remaining balance of the per pupil funding shall be used for teacher and pupil incentives, including scholarship programs, to offset the costs of competency-based pathways and to provide customized programs of assistance for students who do not demonstrate mastery. The other fifty percent shall be used for maintenance and operations, including capital. Under this paragraph, a student who earns a high school diploma is responsible for tuition. A student who earns a high school diploma may enroll in community college courses offered on a community college campus or a high school campus, or both. Notwithstanding any other law, community college districts shall not classify a student who remains in high school pursuant to this paragraph as a full-time equivalent student. Students who take courses on high school campuses pursuant to this paragraph shall be eligible to participate in extracurricular activities, including interscholastic sports, through the end of grade twelve. The expenditure by
community college districts of payments from the school district or charter school to the community colleges under this section shall not be included under the district expenditure limitation prescribed pursuant to article IX, section 21, Constitution of Arizona. If the instruction provided under this paragraph is offered on a community college campus, the funding and implementation mechanics between the school district or charter school and the community college shall be determined by agreement between the school district or charter school and the community college.

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

3. Enroll in a full-time career and technical education program offered on a high school campus or a joint technical education district campus, or any combination of these campuses. A student who elects to remain in high school pursuant to this paragraph shall not be prevented from enrolling at a high school after the pupil becomes eligible for a high school diploma and shall be eligible to participate in extracurricular activities, including interscholastic sports, through the end of grade twelve. The school district or charter school from which the student became eligible for the high school diploma shall include that student in the school district's or charter school's student count and shall continue to receive per pupil funding for a student who is eligible for a high school diploma until that student would otherwise have graduated at the end of grade twelve, as long as that student is enrolled in an approved full-time career and technical education program. Notwithstanding any other law, if the instruction provided under this paragraph is provided by a joint technical education district in a full-time career and technical education program that is designed to lead to a certificate that is awarded by an industry or recognized as meeting industry standards, the sum of the average daily membership for that pupil shall not exceed 1.25, and the average daily membership shall be apportioned at 1.0 for the joint technical education district and 0.25 for the school district.

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

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

(b) Fifty percent of this amount shall be retained by the university where the student is enrolled.

Sec. 27. Section 15-977, Arizona Revised Statutes, is amended to read:

15-977. Classroom site fund; definitions
A. The classroom site fund is established consisting of monies transferred to the fund pursuant to section 37-521, subsection B and section 42-5029, subsection E, paragraph 10. The department of education shall administer the fund. School districts and charter schools may not supplant existing school site funding with revenues from the fund. All monies distributed from the fund are intended for use at the school site. Each school district or charter school shall allocate forty percent of the monies for teacher compensation increases based on performance and employment related expenses, twenty percent of the monies for teacher base salary increases and employment related expenses and forty percent of the monies for maintenance and operation purposes as prescribed in subsection H of this section. Teacher compensation increases based on performance or teacher base salary increases distributed pursuant to this subsection shall supplement, and not supplant, teacher compensation monies from any other sources. The school district or charter school shall notify each school principal of the amount available to the school by April 15 of each year. The district or charter school shall request from the school's principal each school's priority for the allocation of the funds available to the school for each program listed under subsection H of this section. The amount budgeted by the school district or charter school pursuant to this section shall not be included in the allowable budget balance carryforward calculated pursuant to section 15-943.01.
B. A school district governing board must adopt a performance based compensation system at a public hearing to allocate funding from the classroom site fund pursuant to subsection A of this section. Beginning in school year 2014-2015, individual teacher performance as measured by the teacher's performance classification pursuant to section 15-203, subsection A, paragraph 38 shall be a component of the school district's portion of the forty percent allocation for teacher compensation based on performance and employment related expenses.

C. A school district governing board shall vote on a performance based compensation system that includes the following elements:
   2. Individual teacher performance as measured by the teacher's performance classification pursuant to section 15-203, subsection A, paragraph 38. Beginning in school year 2014-2015, the individual teacher performance component shall account for thirty-three percent of the forty percent allocation for teacher compensation based on performance and employment related expenses.
   3. Measures of academic progress toward the academic standards adopted by the state board of education.
   4. Other measures of academic progress.
   5. Dropout or graduation rates.
   6. Attendance rates.
   7. Ratings of school quality by parents.
   8. Ratings of school quality by students.
   9. The input of teachers and administrators.
   10. Approval of the performance based compensation system based on an affirmative vote of at least seventy percent of the teachers eligible to participate in the performance based compensation system.
   11. An appeals process for teachers who have been denied performance based compensation.

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

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

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

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

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

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

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

1. Class size reduction.
2. Teacher compensation increases.
3. AIMS intervention programs.
4. Teacher development.
5. Dropout prevention programs.
6. Teacher liability insurance premiums.

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

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

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

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

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

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

O. For the purposes of this section:

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

2. "Class size reduction" means any maintenance and operations
expenditure that is designed to reduce the ratio of pupils to classroom
teachers, including the use of persons who serve as aides to classroom
teachers.
Sec. 28. Section 15-980, Arizona Revised Statutes, is amended to read:

15-980. Uncollected property tax; property tax loss; supplemental state aid

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

1. Property tax delinquencies.

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

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

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

D. The superintendent of a school district that receives supplemental state aid due to delinquent property taxes pursuant to subsection A, paragraph 1 of this section shall report to the department of education between May 5 and May 25 the actual amount of primary property taxes that was not collected and remitted to the district during the current fiscal year, based on information from the county treasurer. If the amount of supplemental state aid paid pursuant to subsection C of this section exceeds the actual amount of the uncollected primary property taxes that the district is entitled to receive, the state board of education shall DIRECT THE DEPARTMENT OF EDUCATION TO deduct the difference between the amount of supplemental state aid paid and the amount of the uncollected primary property taxes from the June 15 and, if necessary, subsequent apportionments of state aid pursuant to section 15-973, subsection B.

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

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