

REFERENCE TITLE: state board; superintendent; powers; duties

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

SB 1416

Introduced by
Senator Dial

AN ACT

AMENDING SECTIONS 15-201, 15-202 AND 15-203, ARIZONA REVISED STATUTES; PROVIDING FOR TRANSFERRING AND RENUMBERING; AMENDING SECTION 15-203.01, ARIZONA REVISED STATUTES, AS TRANSFERRED AND RENUMBERED; AMENDING SECTIONS 15-216, 15-217, 15-231, 15-234, 15-235 AND 15-239, ARIZONA REVISED STATUTES; AMENDING SECTION 15-248.03, ARIZONA REVISED STATUTES, AS TRANSFERRED AND RENUMBERED; AMENDING SECTIONS 15-251, 15-252, 15-341, 15-501, 15-503, 15-512, 15-514, 15-534.01, 15-537, 15-539, 15-552, 15-756, 15-756.06, 15-756.07, 15-795.01, 15-977 AND 15-980, ARIZONA REVISED STATUTES; RELATING TO THE STATE BOARD OF EDUCATION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

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

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

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

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

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

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

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

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

23 C. Members shall be allowed travel expenses and reimbursement for
24 subsistence, as provided by title 38, chapter 4, article 2, to be paid ~~upon~~
25 ON claims approved by the ~~superintendent of public instruction~~ DEPARTMENT OF
26 ADMINISTRATION, as other claims against the state are paid, from the
27 appropriation for the board authorized in the general appropriation bill.

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

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

33 15-203. Powers and duties

34 A. The state board of education shall:

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

38 2. Keep a record of its proceedings.

39 3. Make rules for its own government.

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

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

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

1 7. Delegate to the superintendent of public instruction the execution
2 of board policies and rules.

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

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

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

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

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

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

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

41 (a) Shall allow a variety of alternative teacher and administrator
42 preparation programs, with variations in program sequence and design, to
43 apply for program approval. The state board shall adopt rules pursuant to
44 this subdivision designed to allow for a variety of formats and shall not
45 require a prescribed answer or design from the program provider in order to

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

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

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

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

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

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

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

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

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

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

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

33 (f) Shall provide for the issuance of a specialized teaching
34 certificate to classroom teachers with expertise in either science,
35 technology, engineering or mathematics. Teachers who are certified pursuant
36 to this subdivision shall complete training in structured English immersion
37 as prescribed by the state board. Teachers who are certified pursuant to
38 this subdivision are exempt from the professional knowledge and subject
39 knowledge proficiency requirements prescribed in section 15-533 and from the
40 proficiency requirements prescribed in section 15-532 on the Constitutions of
41 the United States and Arizona. A teacher who obtains a specialized teaching
42 certificate pursuant to this subdivision may provide instruction in the
43 teacher's field of expertise in grades six through twelve at any public
44 school in this state. This subdivision does not require a teacher who has
45 obtained another type of teaching certificate from the state board to obtain

1 a specialized teaching certificate pursuant to this subdivision in order to
2 provide instruction in grades six through twelve in a science, technology,
3 engineering or mathematics course. A classroom teacher is eligible for a
4 specialized teaching certificate pursuant to this subdivision if the teacher
5 meets all of the following requirements:

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

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

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

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

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

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

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

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

41 ~~19.~~ 18. Supervise and control the qualifications of professional
42 nonteaching school personnel and prescribe standards relating to
43 qualifications. The standards shall not require the business manager of a
44 school district to obtain certification from the state board of education.

1 ~~20-~~ 19. Impose such disciplinary action, including the issuance of a
2 letter of censure, suspension, suspension with conditions or revocation of a
3 certificate, ~~upon~~ ON a finding of immoral or unprofessional conduct.

4 ~~21-~~ 20. Establish an assessment, data gathering and reporting system
5 for pupil performance as prescribed in chapter 7, article 3 of this title.

6 ~~22-~~ 21. Adopt a rule to promote braille literacy pursuant to section
7 15-214.

8 ~~23-~~ 22. Adopt rules prescribing procedures for the investigation by
9 the ~~department~~ STATE BOARD of education of every written complaint alleging
10 that a certificated person has engaged in immoral conduct.

11 ~~24-~~ 23. For purposes of federal law, serve as the state board for
12 vocational and technological education and meet at least four times each year
13 solely to execute the powers and duties of the state board for vocational and
14 technological education.

15 ~~25-~~ 24. Develop and maintain a handbook for use in the schools of
16 this state that provides guidance for the teaching of moral, civic and
17 ethical education. The handbook shall promote existing curriculum frameworks
18 and shall encourage school districts to recognize moral, civic and ethical
19 values within instructional and programmatic educational development programs
20 for the general purpose of instilling character and ethical principles in
21 pupils in kindergarten programs and grades one through twelve.

22 ~~26-~~ 25. Require pupils to recite the following passage from the
23 declaration of independence for pupils in grades four through six at the
24 commencement of the first class of the day in the schools, except that a
25 pupil shall not be required to participate if the pupil or the pupil's parent
26 or guardian objects:

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

33 ~~27-~~ 26. Adopt rules that provide for educator certification
34 reciprocity. The rules for issuance of a comparable reciprocal educator
35 certificate shall include a requirement that the applicant possess a
36 comparable valid certification from another state.

37 ~~28-~~ 27. Adopt rules that provide for the presentation of an honorary
38 high school diploma to a person who has never obtained a high school diploma
39 and who meets both of the following requirements:

40 (a) Currently resides in this state.

41 (b) Provides documented evidence from the department of veterans'
42 services that the person enlisted in the armed forces of the United States
43 and served in World War I, World War II, the Korean conflict or the Vietnam
44 conflict.

1 ~~29.~~ 28. Cooperate with the Arizona-Mexico commission in the
2 governor's office and with researchers at universities in this state to
3 collect data and conduct projects in the United States and Mexico on issues
4 that are within the scope of the duties of the department of education and
5 that relate to quality of life, trade and economic development in this state
6 in a manner that will help the Arizona-Mexico commission to assess and
7 enhance the economic competitiveness of this state and of the Arizona-Mexico
8 region.

9 ~~30.~~ 29. Adopt rules to define and provide guidance to schools as to
10 the activities that would constitute immoral or unprofessional conduct of
11 certificated persons.

12 ~~31.~~ 30. Adopt guidelines to encourage pupils in grades nine, ten,
13 eleven and twelve to volunteer for twenty hours of community service before
14 graduation from high school. A school district that complies with the
15 guidelines adopted pursuant to this paragraph is not liable for damages
16 resulting from a pupil's participation in community service unless the school
17 district is found to have demonstrated wanton or reckless disregard for the
18 safety of the pupil and other participants in community service. For the
19 purposes of this paragraph, "community service" may include service learning.
20 The guidelines shall include the following:

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

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

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

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

33 (e) Procedures for a pupil in grade nine to prepare a written proposal
34 that outlines the type of community service that the pupil would like to
35 perform and the goals that the pupil hopes to achieve as a result of
36 community service. The pupil's written proposal shall be reviewed by a
37 faculty advisor, a guidance counselor or any other school employee who is
38 designated as the community service program coordinator for that school. The
39 pupil may alter the written proposal at any time before performing community
40 service.

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

1 ~~32-~~ 31. To facilitate the transfer of military personnel and their
2 dependents to and from the public schools of this state, pursue, in
3 cooperation with the Arizona board of regents, reciprocity agreements with
4 other states concerning the transfer credits for military personnel and their
5 dependents. A reciprocity agreement entered into pursuant to this paragraph
6 shall:

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

8 (i) The transfer of student records.

9 (ii) Awarding credit for completed coursework.

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

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

15 ~~33-~~ 32. Adopt guidelines that school district governing boards shall
16 use in identifying pupils who are eligible for gifted programs and in
17 providing gifted education programs and services. The state board of
18 education shall adopt any other guidelines and rules that it deems necessary
19 in order to carry out the purposes of chapter 7, article 4.1 of this title.

20 ~~34-~~ 33. For each of the alternative textbook formats of human-voiced
21 audio, large-print and braille, designate alternative media producers to
22 adapt existing standard print textbooks or to provide specialized textbooks,
23 or both, for pupils with disabilities in this state. Each alternative media
24 producer shall be capable of producing alternative textbooks in all relevant
25 subjects in at least one of the alternative textbook formats. The board
26 shall post the designated list of alternative media producers on its website.

27 ~~35-~~ 34. Adopt a list of approved professional development training
28 providers for use by school districts as provided in section 15-107,
29 subsection J. The professional development training providers shall meet the
30 training curriculum requirements determined by the state board of education
31 in at least the areas of school finance, governance, employment, staffing,
32 inventory and human resources, internal controls and procurement.

33 ~~36-~~ 35. Adopt rules to prohibit a person who violates the
34 notification requirements prescribed in section 15-183, subsection C,
35 paragraph 8 or section 15-550, subsection C from certification pursuant to
36 this title until the person is no longer charged or is acquitted of any
37 offenses listed in section 41-1758.03, subsection B. The board shall also
38 adopt rules to prohibit a person who violates the notification requirements,
39 certification surrender requirements or fingerprint clearance card surrender
40 requirements prescribed in section 15-183, subsection C, paragraph 9 or
41 section 15-550, subsection D from certification pursuant to this title for at
42 least ten years after the date of the violation.

43 ~~37-~~ 36. Adopt rules for the alternative certification of teachers of
44 nontraditional foreign languages that allow for the passing of a nationally

1 accredited test to substitute for the education coursework required for
2 certification.

3 ~~38-~~ 37. Adopt and maintain a model framework for a teacher and
4 principal evaluation instrument that includes quantitative data on student
5 academic progress that accounts for between thirty-three percent and fifty
6 percent of the evaluation outcomes. The framework shall include four
7 performance classifications, designated as highly effective, effective,
8 developing and ineffective, and guidelines for school districts and charter
9 schools to use in their evaluation instruments. The state board of education
10 shall adopt best practices for professional development and evaluator
11 training. The state board of education may periodically make adjustments to
12 align the model framework for teacher and principal evaluations with
13 assessment or data changes at the state level. School districts and charter
14 schools shall use an instrument that meets the data requirements established
15 by the state board of education to annually evaluate individual teachers and
16 principals. School districts and charter schools shall adopt definitions for
17 the performance classifications adopted by the state board of education in a
18 public meeting and apply the performance classifications to their evaluation
19 instruments in a manner designed to improve principal and teacher
20 performance. For charter holders, the principal evaluation instrument
21 applies to each charter school's instructional leader whose primary
22 responsibility is to oversee the academic performance of the charter school.
23 This paragraph does not apply to an officer, director, member or partner of
24 the charter holder. The school district governing board shall discuss at a
25 public meeting at least annually its aggregate performance classifications of
26 principals and teachers.

27 ~~39-~~ 38. Adopt rules to define competency-based educational pathways
28 for college and career readiness that may be used by schools. The rules
29 shall include the following components:

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

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

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

39 ~~40-~~ 39. In consultation with the department of health services, the
40 department of education, medical professionals, school health professionals,
41 school administrators and an organization that represents school nurses in
42 this state, adopt rules ~~on or before January 1, 2014~~ that prescribe the
43 following for school districts and charter schools:

44 (a) Annual training in the administration of auto-injectable
45 epinephrine, as directed on the prescription protocol, for designated medical

1 and nonmedical school personnel. The annual training prescribed in this
2 subdivision is optional during any fiscal year in which sufficient monies are
3 not appropriated by the legislature during that fiscal year to provide for
4 the purchase of two juvenile doses and two adult doses of auto-injectable
5 epinephrine at each public school in this state and if the school does not
6 stock two juvenile doses and two adult doses of auto-injectable epinephrine
7 at the school during that fiscal year.

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

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

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

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

28 B. The state board of education may:

29 1. Contract.

30 2. Sue and be sued.

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

33 4. Provide for an advisory committee to conduct hearings and
34 screenings to determine whether grounds exist to impose disciplinary action
35 against a certificated person, whether grounds exist to reinstate a revoked
36 or surrendered certificate and whether grounds exist to approve or deny an
37 initial application for certification or a request for renewal of a
38 certificate. The board may delegate its responsibility to conduct hearings
39 and screenings to its advisory committee. Hearings shall be conducted
40 pursuant to title 41, chapter 6, article 6.

41 5. Proceed with the disposal of any complaint requesting disciplinary
42 action or with any disciplinary action against a person holding a certificate
43 as prescribed in subsection A, paragraph 14 of this section after the
44 suspension or expiration of the certificate or surrender of the certificate
45 by the holder.

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

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

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

11 15-203.01. Issuance of subpoenas

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

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

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

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

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

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

32 15-216. Arizona critical language and economic development
33 pilot program; rules; program termination; definition

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

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

43 C. The courses authorized under the pilot program may use
44 paraprofessionals in the classroom who are fluent in the critical language

1 being taught and who can provide reinforcement and tutoring to pupils on days
2 and at times when the pupils are not receiving regular instruction.

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

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

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

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

20 1. Three participating schools shall offer Chinese language courses.

21 2. Two participating schools shall offer Spanish language courses.

22 3. Two participating schools shall offer additional critical language
23 courses.

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

26 1. Receive up to ten thousand dollars on or before July 1 of every
27 year that the school participates in the pilot program.

28 2. Establish a researched-based instructional model adopted by the
29 state board of education that uses fifty ~~per-cent~~ PERCENT instruction in
30 English and fifty ~~per-cent~~ PERCENT instruction in another critical language.

31 3. Begin the instructional model prescribed in this section in either
32 the kindergarten program or grade one and add an additional grade each year
33 of participation in the pilot program.

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

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

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

- 1 L. For the purposes of this section, "critical languages" means:
2 1. Languages described in the national security language initiative,
3 including Chinese, Russian, French, Spanish, Japanese, Arabic and Portuguese.
4 2. Native American languages.

5 Sec. 6. Section 15-217, Arizona Revised Statutes, is amended to read:
6 15-217. K-6 technology-based language development and literacy
7 intervention pilot program; educational technology
8 provider; review; reports; fund

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

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

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

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

- 36 1. Include instruction individualized to teach each pupil the
37 following five strands of literacy:
38 (a) Phonics.
39 (b) Phonemic awareness.
40 (c) Vocabulary.
41 (d) Comprehension.
42 (e) Fluency.
43 2. Have components that are created for and aligned to state academic
44 standards. The software must correlate to the Arizona English language
45 proficiency standards.

1 3. Contain internal assessments, checkpoints, tracking and reports for
2 teachers, administrators and parents.

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

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

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

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

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

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

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

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

32 G. On or before September 15, 2015, the state board of education shall
33 submit a progress report on the pilot program to the joint legislative budget
34 committee. On or before September 15, 2016, **THE DEPARTMENT OF EDUCATION**
35 **SHALL PREPARE A REPORT TO BE DELIVERED AND APPROVED BY THE STATE BOARD AND**
36 the state board shall submit ~~a~~ **THE APPROVED** report to the governor, the
37 president of the senate and the speaker of the house of representatives
38 regarding the pilot program and delivery of K-6 technology-based language
39 development and literacy intervention for English language learners through
40 software provided pursuant to this section. The report must include a
41 recommendation of whether the legislature should consider expanding the pilot
42 program as a permanent statewide program and information on the number of
43 school districts, charter schools and pupils who participated in the
44 intervention. The state board shall submit a copy of this report to the
45 secretary of state.

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

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

10 15-231. Department of education

11 A. There is created a department of education.

12 B. The department shall be administered through:

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

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

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

24 D. The department shall be conducted under the control of the
25 superintendent of public instruction.

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

27 15-234. Appropriations for adult education; eligibility;
28 supplemental fees; definition

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

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

40 C. The ~~state board~~ **DEPARTMENT** of education may allocate from its
41 available appropriation for adult education any amount it deems appropriate
42 for the use of an eligible adult education provider to compensate for costs
43 of conducting the course of study of adult education based on an application
44 ~~which shall include~~ **THAT INCLUDES** a budget and other criteria as established
45 by the state board of education. This application must be approved by the

1 state board of education prior to the commencement of classes or courses of
2 study if the applicant wishes to be compensated. Compensation shall be
3 limited to the approved amount in the application.

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

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

22 Sec. 9. Section 15-235, Arizona Revised Statutes, is amended to read:
23 15-235. Division of special education; director; duties;
24 qualifications; advisory committee; members

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

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

30 C. The director or directors shall carry out this section, section
31 15-236 and chapter 7, article 4 of this title and the duties prescribed by
32 the state board of education relating to the administration of this section,
33 section 15-236 and chapter 7, article 4 of this title.

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

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

40 F. A special education advisory committee is established that shall
41 advise and consult with the state board of education, the superintendent of
42 public instruction and the director or directors of the division of special
43 education and that shall engage in other activities as are provided in this
44 section. The advisory committee shall be composed pursuant to the
45 requirements of 20 United States Code section ~~1412(A)(21)(b) and (c)~~

1 1412(a)(21)(B) AND (C). The state board of education shall appoint the
2 members of the advisory committee for staggered ~~three-year~~ THREE-YEAR terms.
3 Vacancies shall be filled for the unexpired term in the same manner as
4 original appointments.

5 G. The advisory committee shall have a minimum of two meetings a year.

6 H. The advisory committee annually shall elect its own chairman and
7 vice-chairman. The ~~state board~~ DEPARTMENT of education shall regularly
8 submit, as part of its budget request, any item or items sufficient to cover
9 expenses of the operation of the advisory committee, and of its members in
10 connection with their attendance at meetings of the advisory committee and
11 other advisory committee activities.

12 Sec. 10. Section 15-239, Arizona Revised Statutes, is amended to read:

13 15-239. School compliance and recognition; accreditation;
14 audits

15 A. The department of education may:

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

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

21 3. ~~SUBJECT TO REVIEW AND APPROVAL BY THE STATE BOARD OF EDUCATION,~~
22 establish standards and procedures for the accreditation of all schools
23 requesting state accreditation.

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

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

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

37 E. When conducting monitoring and audit activities allowed by this
38 section, the department of education shall prescribe an audit window of up to
39 three consecutive fiscal years immediately preceding the current fiscal year
40 at the time the monitoring or audit activity commences. If the department
41 issues findings within twenty-four months after the beginning of audit or
42 monitoring activities, the department may adjust funding to a school district
43 or charter school if actions that took place within the audit window resulted
44 in overpayment or underpayment of state aid to the school district or charter
45 school or the miscalculation of the budget limit for the school district, or

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

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

13 15-248.03. K-3 reading program; receipt and use of monies;
 14 additional funding; program termination

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

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

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

35 D. Each school district and charter school that is assigned a letter
 36 grade of C, D or F pursuant to section 15-241, subsection H or that has more
 37 than ten ~~per cent~~ PERCENT of its pupils in grade three reading far below the
 38 third grade level according to the reading portion of the Arizona instrument
 39 to measure standards test, or a successor test, shall receive monies
 40 generated by the K-3 reading support level weight established in section
 41 15-943 only after the K-3 reading program plan of the school district or
 42 charter school has been approved by the state board of education. THE
 43 DEPARTMENT OF EDUCATION SHALL REVIEW K-3 READING PROGRAM PLANS SUBMITTED
 44 PURSUANT TO THIS SUBSECTION AND SHALL PROVIDE RECOMMENDATIONS TO THE STATE
 45 BOARD OF EDUCATION.

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

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

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

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

13 The superintendent of public instruction shall:

14 1. Superintend the schools of this state.

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

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

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

22 ~~5.~~ 4. Execute, under the direction of the state board of education,
23 the policies ~~which have been~~ decided ~~upon~~ by the state board, **IN COOPERATION**
24 **WITH THE STAFF OF THE STATE BOARD.**

25 ~~6.~~ 5. Direct the performance of executive, administrative or
26 ministerial functions by the department of education or divisions or
27 employees ~~thereof~~ **OF THE DEPARTMENT.**

28 6. **INCLUDE IN THE DEPARTMENT OF EDUCATION BUDGET THE COST OF**
29 **CONTRACTING FOR THE PURCHASE, DISTRIBUTION AND SCORING OF THE PROFICIENCY**
30 **EXAMINATIONS PRESCRIBED IN SECTION 15-203, SUBSECTION A, PARAGRAPHS 16**
31 **AND 17.**

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

34 8. **REGULARLY UPDATE THE STATE BOARD OF EDUCATION.**

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

37 Sec. 13. Section 15-252, Arizona Revised Statutes, is amended to read:
38 15-252. Powers and duties; publications; payment of claims for
39 printing

40 A. The superintendent of public instruction shall:

41 1. Print as needed in pamphlet form the laws relating to schools,
42 including model forms of which the superintendent is unable to supply blanks,
43 and supply copies of the pamphlets to school officers and teachers, school
44 libraries and the Arizona state library, archives and public records.

1 2. Prepare, print and distribute pamphlets on subjects the state board
2 of education directs, including school sanitation, school architecture and an
3 enumeration of the school holidays established by law.

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

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

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

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

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

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

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

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

44 C. Claims for the printing of laws and reports of the superintendent
45 shall be approved by the superintendent and paid as other claims against the

1 state are paid from appropriations for the ~~state board~~ DEPARTMENT of
2 education.

3 Sec. 14. Section 15-341, Arizona Revised Statutes, is amended to read:
4 15-341. General powers and duties; immunity; delegation

5 A. The governing board shall:

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

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

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

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

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

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

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

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

24 9. Purchase school sites when authorized by a vote of the district at
25 an election conducted as nearly as practicable in the same manner as the
26 election provided in section 15-481 and held on a date prescribed in section
27 15-491, subsection E, but such authorization shall not necessarily specify
28 the site to be purchased and such authorization shall not be necessary to
29 exchange unimproved property as provided in section 15-342, paragraph 23.

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

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

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

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

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

1 the county treasurer shall carry the balance forward for use by the county
2 school superintendent for accommodation schools for the budget year.

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

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

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

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

19 19. Deposit all monies received by school districts other than student
20 activities monies or monies from auxiliary operations as provided in sections
21 15-1125 and 15-1126 with the county treasurer to the credit of the school
22 district except as provided in paragraph 20 of this subsection and sections
23 15-1223 and 15-1224, and the board shall expend the monies as provided by law
24 for other school funds.

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

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

40 22. Prescribe and enforce policies and procedures for disciplinary
41 action against an administrator who engages in conduct that is a violation of
42 the policies of the governing board regarding duties of administrators but
43 that is not cause for dismissal of the administrator or for revocation of the
44 certificate of the administrator. Disciplinary action may include suspension
45 without pay for a period of time not to exceed ten school days. Disciplinary

1 action shall not include suspension with pay or suspension without pay for a
2 period of time longer than ten school days. The procedures shall include
3 notice, hearing and appeal provisions for violations that are cause for
4 disciplinary action. The governing board may designate a person or persons
5 to act on behalf of the board on these matters. For violations that are
6 cause for dismissal, the provisions of notice, hearing and appeal in chapter
7 5, article 3 of this title shall apply. The filing of a timely request for a
8 hearing suspends the imposition of a suspension without pay or a dismissal
9 pending completion of the hearing.

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

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

17 (a) The provision of water.

18 (b) Guidelines, information and forms, developed in consultation with
19 a statewide private entity that supervises interscholastic activities, to
20 inform and educate coaches, pupils and parents of the dangers of concussions
21 and head injuries and the risks of continued participation in athletic
22 activity after a concussion. The policies and procedures shall require that,
23 before a pupil participates in an athletic activity, the pupil and the
24 pupil's parent must sign an information form at least once each school year
25 that states that the parent is aware of the nature and risk of concussion.
26 The policies and procedures shall require that a pupil who is suspected of
27 sustaining a concussion in a practice session, game or other interscholastic
28 athletic activity be immediately removed from the athletic activity. A coach
29 from the pupil's team or an official or a licensed health care provider may
30 remove a pupil from play. A team parent may also remove the parent's own
31 child from play. A pupil may return to play on the same day if a health care
32 provider rules out a suspected concussion at the time the pupil is removed
33 from play. On a subsequent day, the pupil may return to play if the pupil
34 has been evaluated by and received written clearance to resume participation
35 in athletic activity from a health care provider who has been trained in the
36 evaluation and management of concussions and head injuries. A health care
37 provider who is a volunteer and who provides clearance to participate in
38 athletic activity on the day of the suspected injury or on a subsequent day
39 is immune from civil liability with respect to all decisions made and actions
40 taken that are based on good faith implementation of the requirements of this
41 subdivision, except in cases of gross negligence or wanton or wilful neglect.
42 A school district, school district employee, team coach, official or team
43 volunteer or a parent or guardian of a team member is not subject to civil
44 liability for any act, omission or policy undertaken in good faith to comply
45 with the requirements of this subdivision or for a decision made or an action

1 taken by a health care provider. A group or organization that uses property
2 or facilities owned or operated by a school district for athletic activities
3 shall comply with the requirements of this subdivision. A school district
4 and its employees and volunteers are not subject to civil liability for any
5 other person or organization's failure or alleged failure to comply with the
6 requirements of this subdivision. This subdivision does not apply to teams
7 that are based in another state and that participate in an athletic activity
8 in this state. For the purposes of this subdivision, athletic activity does
9 not include dance, rhythmic gymnastics, competitions or exhibitions of
10 academic skills or knowledge or other similar forms of physical noncontact
11 activities, civic activities or academic activities, whether engaged in for
12 the purposes of competition or recreation. For the purposes of this
13 subdivision, "health care provider" means a physician who is licensed
14 pursuant to title 32, chapter 13 or 17, an athletic trainer who is licensed
15 pursuant to title 32, chapter 41, a nurse practitioner who is licensed
16 pursuant to title 32, chapter 15, and a physician assistant who is licensed
17 pursuant to title 32, chapter 25.

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

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

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

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

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

38 30. Keep on file the resumes of all current and former employees who
39 provide instruction to pupils at a school. Resumes shall include an
40 individual's educational and teaching background and experience in a
41 particular academic content subject area. A school district shall inform
42 parents and guardians of the availability of the resume information and shall
43 make the resume information available for inspection on request of parents
44 and guardians of pupils enrolled at a school. This paragraph shall not be
45 construed to require any school to release personally identifiable

1 information in relation to any teacher or employee, including the teacher's
2 or employee's address, salary, social security number or telephone number.

3 31. Report to local law enforcement agencies any suspected crime
4 against a person or property that is a serious offense as defined in section
5 13-706 or that involves a deadly weapon or dangerous instrument or serious
6 physical injury and any conduct that poses a threat of death or serious
7 physical injury to employees, students or anyone on the property of the
8 school. This paragraph does not limit or preclude the reporting by a school
9 district or an employee of a school district of suspected crimes other than
10 those required to be reported by this paragraph. For the purposes of this
11 paragraph, "dangerous instrument", "deadly weapon" and "serious physical
12 injury" have the same meanings prescribed in section 13-105.

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

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

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

36 35. Prescribe and enforce policies and procedures:

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

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

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

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

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

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

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

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

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

1 (e) A formal process for the documentation of reported incidents of
2 harassment, intimidation or bullying and for the confidentiality, maintenance
3 and disposition of this documentation. School districts shall maintain
4 documentation of all incidents reported pursuant to this paragraph for at
5 least six years. The school shall not use that documentation to impose
6 disciplinary action unless the appropriate school official has investigated
7 and determined that the reported incidents of harassment, intimidation or
8 bullying occurred. If a school provides documentation of reported incidents
9 to persons other than school officials or law enforcement, all individually
10 identifiable information shall be redacted.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4 39. If the state board of education determines that the school
5 district has committed an overexpenditure as defined in section 15-107,
6 provide a copy of the fiscal management report submitted pursuant to section
7 15-107, subsection H on its website and make copies available to the public
8 on request. The school district shall comply with a request within five
9 business days after receipt.

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

18 (a) Twenty-five ~~per-cent~~ PERCENT of the performance pay shall be
19 determined based on the percentage of academic gain determined by the
20 department of education of pupils who are enrolled in the school district
21 compared to the academic gain achieved by the highest ranking of the fifty
22 largest school districts in this state. For the purposes of this
23 subdivision, the department of education shall determine academic gain by the
24 academic growth achieved by each pupil who has been enrolled at the same
25 school in a school district for at least five consecutive months measured
26 against that pupil's academic results in the 2008-2009 school year. For the
27 purposes of this subdivision, of the fifty largest school districts in this
28 state, the school district with pupils who demonstrate the highest statewide
29 percentage of overall academic gain measured against academic results for the
30 2008-2009 school year shall be assigned a score of 100 and the school
31 district with pupils who demonstrate the lowest statewide percentage of
32 overall academic gain measured against academic results for the 2008-2009
33 school year shall be assigned a score of 0.

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

- 1 (i) A letter grade of "A" if the school district is excellent.
2 (ii) A letter grade of "B" if the school district is above average.
3 (iii) A letter grade of "C" if the school district is average.
4 (iv) A letter grade of "D" if the school district is below average.
5 (v) A letter grade of "F" if the school district is a failure.
6 (c) Twenty-five ~~per-cent~~ PERCENT of the performance pay shall be
7 determined by the percentage of teachers who are employed at the school
8 district and who assign a letter grade of "A" to the school on a survey of
9 teacher satisfaction with the school. The teacher satisfaction survey shall
10 be administered and scored by an independent entity that is selected by the
11 governing board and that demonstrates sufficient expertise and experience to
12 accurately measure the results of the survey. The teacher satisfaction
13 survey shall use standard random sampling procedures and provide anonymity
14 and confidentiality to each teacher who participates in the survey. The
15 letter grade scale used on the teacher satisfaction survey shall direct
16 teachers to assign one of the following letter grades:
17 (i) A letter grade of "A" if the school district is excellent.
18 (ii) A letter grade of "B" if the school district is above average.
19 (iii) A letter grade of "C" if the school district is average.
20 (iv) A letter grade of "D" if the school district is below average.
21 (v) A letter grade of "F" if the school district is a failure.
22 (d) Twenty-five ~~per-cent~~ PERCENT of the performance pay shall be
23 determined by other criteria selected by the governing board.
24 41. Maintain and store permanent public records of the school district
25 as required by law. Notwithstanding section 39-101, the standards adopted by
26 the Arizona state library, archives and public records for the maintenance
27 and storage of school district public records shall allow school districts to
28 elect to satisfy the requirements of this paragraph by maintaining and
29 storing these records either on paper or in an electronic format, or a
30 combination of a paper and electronic format.
31 42. Adopt in a public meeting and implement by school year 2013-2014
32 policies for principal evaluations. Before the adoption of principal
33 evaluation policies, the school district governing board shall provide
34 opportunities for public discussion on the proposed policies. The policies
35 shall describe:
36 (a) The principal evaluation instrument, including the four
37 performance classifications adopted by the governing board pursuant to
38 section 15-203, subsection A, paragraph ~~38~~ 37.
39 (b) Alignment of professional development opportunities to the
40 principal evaluations.
41 (c) Incentives for principals in one of the two highest performance
42 classifications pursuant to section 15-203, subsection A, paragraph ~~38~~ 37,
43 which may include:
44 (i) Multiyear contracts pursuant to section 15-503.

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

3 (d) Transfer and contract processes for principals designated in the
4 lowest performance classification pursuant to section 15-203, subsection A,
5 paragraph ~~36~~ 37.

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

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

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

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

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

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

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

40 G. Notwithstanding any other provision of this title, a school
41 district governing board shall not take any action that would result in a
42 reduction of pupil square footage unless the governing board notifies the
43 school facilities board established by section 15-2001 of the proposed action
44 and receives written approval from the school facilities board to take the
45 action. A reduction includes an increase in administrative space that

1 results in a reduction of pupil square footage or sale of school sites or
2 buildings, or both. A reduction includes a reconfiguration of grades that
3 results in a reduction of pupil square footage of any grade level. This
4 subsection does not apply to temporary reconfiguration of grades to
5 accommodate new school construction if the temporary reconfiguration does not
6 exceed one year. The sale of equipment that results in a reduction that
7 falls below the equipment requirements prescribed in section 15-2011,
8 subsection B is subject to commensurate withholding of school district
9 district additional assistance monies pursuant to the direction of the school
10 facilities board. Except as provided in section 15-342, paragraph 10,
11 proceeds from the sale of school sites, buildings or other equipment shall be
12 deposited in the school plant fund as provided in section 15-1102.

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

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

17 15-501. Definitions

18 In this chapter, unless the context otherwise requires:

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

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

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

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

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

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

41 7. "Performance classifications" means the four performance
42 classifications adopted by the state board of education pursuant to section
43 15-203, subsection A, paragraph ~~38~~ 37.

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

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

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

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

9 15-503. Superintendents, principals, head teachers and school
10 psychologists; terms of employment; evaluation;
11 contract delivery; nonretention notice

12 A. The governing board may:

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

19 2. Appoint a head teacher.

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

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

39 C. The governing board shall establish systems for the evaluation of
40 the performance of principals that meet the requirements prescribed in
41 section 15-203, subsection A, paragraph ~~38~~ 37 and other school administrators
42 and certificated school psychologists in the school district. In the
43 development and adoption of these performance evaluation systems, the
44 governing board shall avail itself of the advice of its administrators and
45 certificated school psychologists. Each evaluation shall include

1 recommendations as to areas of improvement in the performance of the
2 certificated school psychologist if the performance of the certificated
3 school psychologist warrants improvement. After transmittal of an
4 assessment, a board designee shall confer with the certificated school
5 psychologist to make specific recommendations as to areas of improvement in
6 the certificated school psychologist's performance. The board designee shall
7 provide assistance and opportunities for the certificated school psychologist
8 to improve ~~his~~ THE PSYCHOLOGIST'S performance and shall follow up with the
9 certificated school psychologist after a reasonable period of time for the
10 purpose of ascertaining that the certificated school psychologist is
11 demonstrating adequate performance. The evaluation process for certificated
12 school psychologists shall include appeal procedures for certificated school
13 psychologists who disagree with the evaluation of their performance, if the
14 evaluation is for use as criteria for establishing compensation or dismissal.

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

37 E. Notice of the board's intention not to reemploy the administrator
38 or certificated school psychologist shall be made by delivering the notice
39 personally to the administrator or the certificated school psychologist or by
40 sending the notice by certified mail, postmarked on or before the applicable
41 deadline prescribed in subsection D of this section, and directed to the
42 administrator or the certificated school psychologist at ~~his~~ THE
43 ADMINISTRATOR'S OR PSYCHOLOGIST'S place of residence as recorded in the
44 school district records.

1 F. The school district governing board shall make available the
2 evaluation and performance classification pursuant to section 15-203,
3 subsection A, paragraph ~~38~~ 37 of each principal in the school district to
4 school districts and charter schools that are inquiring about the performance
5 of the principal for hiring purposes.

6 Sec. 17. Section 15-512, Arizona Revised Statutes, is amended to read:
7 15-512. Noncertificated personnel; fingerprinting personnel;
8 background investigations; affidavit; civil immunity;
9 violation; classification; definition

10 A. Noncertificated personnel and personnel who are not paid employees
11 of the school district and who are not either the parent or the guardian of a
12 pupil who attends school in the school district but who are required or
13 allowed to provide services directly to pupils without the supervision of a
14 certificated employee and who are initially hired by a school district after
15 January 1, 1990 shall be fingerprinted as a condition of employment except
16 for personnel who are required as a condition of licensing to be
17 fingerprinted if the license is required for employment or for personnel who
18 were previously employed by a school district and who reestablished
19 employment with that district within one year after the date that the
20 employee terminated employment with the district. A school district may
21 require noncertificated personnel and personnel who are not paid employees of
22 the school district and who are not either the parent or the guardian of a
23 pupil who attends school in the school district but who are required or
24 allowed to provide services directly to pupils without the supervision of a
25 certificated employee to obtain a fingerprint clearance card as a condition
26 of employment. Even if the school district does not require a fingerprint
27 clearance card as a condition of employment, noncertificated personnel and
28 personnel who are not paid employees of the school district and who are not
29 either the parent or the guardian of a pupil who attends school in the school
30 district but who are required or allowed to provide services directly to
31 pupils without the supervision of a certificated employee may apply for a
32 fingerprint clearance card. A school district may release the results of a
33 background check or communicate whether the person has been issued or denied
34 a fingerprint clearance card to another school district for employment
35 purposes. The employee's fingerprints and the form prescribed in subsection
36 D of this section shall be submitted to the school district within twenty
37 days after the date an employee begins work. A school district may terminate
38 an employee if the information on the form provided under subsection D of
39 this section is inconsistent with the information received from the
40 fingerprint check or the information received in connection with a
41 fingerprint clearance card application. The school district shall develop
42 procedures for fingerprinting employees. For the purposes of this
43 subsection, "supervision" means under the direction of and, except for brief
44 periods of time during a school day or a school activity, within sight of a
45 certificated employee when providing direct services to pupils.

1 B. Fingerprints submitted pursuant to this section shall be used to
2 conduct a state and federal criminal records check pursuant to section
3 41-1750 and Public Law 92-544. The department of public safety may exchange
4 this fingerprint data with the federal bureau of investigation.

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

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

- 23 1. Sexual abuse of a minor.
- 24 2. Incest.
- 25 3. First or second degree murder.
- 26 4. Kidnapping.
- 27 5. Arson.
- 28 6. Sexual assault.
- 29 7. Sexual exploitation of a minor.
- 30 8. Felony offenses involving contributing to the delinquency of a
31 minor.
- 32 9. Commercial sexual exploitation of a minor.
- 33 10. Felony offenses involving sale, distribution or transportation of,
34 offer to sell, transport, or distribute or conspiracy to sell, transport or
35 distribute marijuana or dangerous or narcotic drugs.
- 36 11. Felony offenses involving the possession or use of marijuana,
37 dangerous drugs or narcotic drugs.
- 38 12. Misdemeanor offenses involving the possession or use of marijuana
39 or dangerous drugs.
- 40 13. Burglary in the first degree.
- 41 14. Burglary in the second or third degree.
- 42 15. Aggravated or armed robbery.
- 43 16. Robbery.
- 44 17. A dangerous crime against children as defined in section 13-705.
- 45 18. Child abuse.

- 1 19. Sexual conduct with a minor.
- 2 20. Molestation of a child.
- 3 21. Manslaughter.
- 4 22. Aggravated assault.
- 5 23. Assault.
- 6 24. Exploitation of minors involving drug offenses.

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

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

30 F. Before employment with the school district, the district shall make
31 documented, good faith efforts to contact previous employers of a person to
32 obtain information and recommendations that may be relevant to a person's
33 fitness for employment. A governing board shall adopt procedures for
34 conducting background investigations required by this subsection, including
35 one or more standard forms for use by school district officials to document
36 their efforts to obtain information from previous employers. A school
37 district may provide information received as a result of a background
38 investigation required by this section to any other school district, to any
39 other public school and to any public entity that agrees pursuant to a
40 contract or intergovernmental agreement to perform background investigations
41 for school districts or other public schools. School districts and other
42 public schools may enter into intergovernmental agreements pursuant to
43 section 11-952 and cooperative purchasing agreements pursuant to rules
44 adopted in accordance with section 15-213 for the purposes of performing or
45 contracting for the performance of background investigations and for sharing

1 the results of background investigations required by this subsection.
2 Information obtained about an employee or applicant for employment by any
3 school district or other public school in the performance of a background
4 investigation may be retained by that school district or the other public
5 school or by any public entity that agrees pursuant to contract to perform
6 background investigations for school districts or other public schools and
7 may be provided to any school district or other public school that is
8 performing a background investigation required by this subsection.

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

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

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

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

1 and the school district knows the information is false or acts with reckless
2 disregard of the information's truth or falsity.

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

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

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

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

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

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

34 (c) Provide general supervision of the applicant until the date that
35 the fingerprint check is completed or the fingerprint clearance card is
36 issued or denied.

37 (d) Report to the superintendent of public instruction on June 30 and
38 December 31 each year the number of applicants hired before the completion of
39 a fingerprint check or the issuance of a fingerprint clearance card. In
40 addition, the school district shall report the number of applicants for whom
41 fingerprint checks were not received or fingerprint clearance cards were not
42 issued after one hundred twenty days and after one hundred seventy-five days
43 of hire.

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

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

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

14 Sec. 18. Section 15-514, Arizona Revised Statutes, is amended to read:
15 15-514. Immoral or unprofessional conduct of certificated
16 persons; duty to report; immunity

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

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

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

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

- 42 1. Disciplinary action.
- 43 2. Transfer or reassignment.
- 44 3. Suspension, demotion or dismissal.
- 45 4. An unfavorable performance evaluation.

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

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

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

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

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

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

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

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

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

43 E. A person who has had an application for certification denied by the
 44 state board of education ~~or the department of education~~ pursuant to
 45 subsection B of this section may file a written request for a hearing with

1 the state board of education within fifteen days after receiving the notice
2 of denial. The appeal shall be conducted in accordance with title 41,
3 chapter 6, article 6.

4 Sec. 20. Section 15-537, Arizona Revised Statutes, is amended to read:
5 15-537. Performance of certificated teachers: evaluation
6 system: confidentiality

7 A. The governing board of a school district shall establish a system
8 for the evaluation of the performance of certificated teachers in the school
9 district that meets the requirements prescribed in section 15-203, subsection
10 A, paragraph ~~38~~ 37 and that results in at least one evaluation of each
11 certificated teacher by a qualified evaluator each school year. The
12 objectives of the teacher performance evaluation system are to improve
13 instruction and maintain instructional strengths. The governing board shall
14 involve its certificated teachers in the development and periodic evaluation
15 of the teacher performance evaluation system.

16 B. The school district governing board shall adopt teacher evaluation
17 policies in a public meeting. Before the adoption of teacher evaluation
18 policies, the school district governing board shall provide opportunities for
19 public discussion on the proposed policies. The policies shall describe:

20 1. Incentives for teachers in the highest performance classification,
21 which may include multiyear contracts not to exceed three years. The
22 policies shall specify that the offer and acceptance of a multiyear contract
23 does not exclude that teacher from the application of section 15-538.01,
24 15-540, 15-541 or 15-549 and that the teacher may accept a multiyear contract
25 offer or decline and accept a one year contract.

26 2. Incentives for teachers in the two highest performance
27 classifications to work at schools that are assigned a letter grade of D or F
28 pursuant to section 15-241.

29 3. Protections for teachers who are transferred to schools that are
30 assigned a letter grade of D or F pursuant to section 15-241.

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

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

35 1. Performance improvement plans for teachers designated in the lowest
36 performance classification.

37 2. Dismissal or nonrenewal procedures pursuant to section 15-536 or
38 15-539 for teachers who continue to be designated in the lowest performance
39 classification. The procedures shall require that the school district issue
40 the preliminary notice of inadequacy of classroom performance no later than
41 the second consecutive year that the teacher is designated in one of the two
42 lowest performance classifications unless the teacher is in the first or
43 second year of employment with the school district or has been reassigned to
44 teach a new subject or grade level for the preceding or current school year.

1 D. A teacher who has been employed by the school district for the
2 major portion of three or more consecutive school years and who is currently
3 designated in the lowest performance classification for two consecutive
4 school years shall not be transferred as a teacher to another school in that
5 school district unless the school district has issued a preliminary notice of
6 inadequacy of classroom performance and approved a performance improvement
7 plan for the teacher pursuant to section 15-539 and the governing board has
8 approved the new placement as in the best interests of the pupils in the
9 school. A teacher who continues to be designated in one of the two lowest
10 performance classifications shall not be permitted to transfer to another
11 school. A teacher shall not be transferred more than once pursuant to this
12 subsection.

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

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

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

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

32 4. Training requirements for qualified evaluators.

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

40 F. The governing board may waive the requirement of a second classroom
41 observation for a continuing teacher whose teaching performance based on the
42 first classroom observation places the teacher in one of the two highest
43 performance classifications for the current school year, unless the teacher
44 requests a second observation.

1 G. The results of an annual evaluation conducted as provided in this
2 section shall be in writing or provided in AN electronic format to the
3 certificated teacher, and a copy shall be transmitted or provided in an
4 electronic format to the certificated teacher within five days after
5 completion of the evaluation. The certificated teacher may initiate a
6 written reaction or response to the evaluation.

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

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

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

22 2. To authorized district officers and employees for all personnel
23 matters regarding employment and contracts and for any hearing that relates
24 to personnel matters.

25 3. To school districts and charter schools that inquire about the
26 performance of the teacher for prospective employment purposes. A school
27 district or charter school that receives information about a certificated
28 teacher from the evaluation report and performance classification shall use
29 this information solely for employment purposes and shall not release THIS
30 INFORMATION to or allow access to this information by any other person,
31 entity, school district or charter school.

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

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

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

37 J. Any school district policy pertaining to the transfer of teachers
38 from one school to another school in a school district shall take into
39 consideration the current distribution of teachers across all of the
40 performance classifications and the needs of the pupils in the school
41 district.

1 Sec. 21. Section 15-539, Arizona Revised Statutes, is amended to read:
2 15-539. Dismissal of certificated teacher; due process; written
3 charges; notice; hearing on request

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

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

18 C. Except as provided in section 15-536, the governing board shall
19 give a certificated teacher written preliminary notice of inadequacy of
20 classroom performance pursuant to section 15-538 if its intention to dismiss
21 is based on charges of inadequacy of classroom performance. If within the
22 time specified in the written preliminary notice of inadequacy of classroom
23 performance the teacher does not demonstrate adequate classroom performance,
24 the governing board shall dismiss the teacher either within ten days of the
25 service of a subsequent notice of intention to dismiss or by the end of the
26 contract year in which the subsequent notice of intention to dismiss is
27 served unless the teacher has requested a hearing as provided in subsection F
28 of this section. If the teacher demonstrates adequate classroom performance
29 during the period allowed to correct such deficiencies as specified in the
30 written preliminary notice of inadequacy of classroom performance, the
31 governing board may not dismiss the teacher for the reasons specified in the
32 written preliminary notice of inadequacy of classroom performance. ~~If the~~
33 ~~governing board of a school district has received approval to budget for a~~
34 ~~career ladder program, the governing board may define inadequacy of classroom~~
35 ~~performance by establishing a single level of performance that is required of~~
36 ~~all teachers or by establishing more than one required level of performance.~~
37 ~~If more than one level is established, the same level of performance for~~
38 ~~minimum adequacy shall be required of all teachers who have completed the~~
39 ~~same number of years of teaching in the district.~~

40 D. Any written statement of charges alleging unprofessional conduct,
41 conduct in violation of the rules or policies of the governing board or
42 inadequacy of classroom performance shall specify instances of behavior and
43 the acts or omissions constituting the charge so that the certificated
44 teacher will be able to prepare a defense. If applicable, it shall state the
45 statutes, rules or written objectives of the governing board that the

1 certificated teacher is alleged to have violated and set forth the facts
2 relevant to each occasion of alleged unprofessional conduct, conduct in
3 violation of the rules or policies of the governing board or inadequacy of
4 classroom performance.

5 E. The notice shall be in writing and shall be served on the
6 certificated teacher personally or by United States registered or certified
7 mail addressed to the teacher's last known address. A copy of the charges,
8 together with a copy of this section and sections 15-501, 15-538.01, 15-540,
9 15-541, 15-542, 15-544, 15-545, 15-546 and 15-547, shall be attached to the
10 notice.

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

17 Sec. 22. Section 15-552, Arizona Revised Statutes, is amended to read:
18 15-552. Alternative teacher development program; report;
19 program termination

20 A. The state board of education shall establish **RULES AND POLICIES FOR**
21 an alternative teacher development program **TO BE ADMINISTERED BY THE**
22 **DEPARTMENT OF EDUCATION** for the purpose of accelerating the process of
23 identifying, training and placing highly qualified individuals into ~~low~~
24 ~~income~~ **LOW-INCOME** schools through the use of teaching intern certification
25 and the identification of a qualified service provider.

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

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

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

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

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

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

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

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

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

16 1. The number of teachers placed in ~~low-income~~ **LOW-INCOME** schools by
17 the service provider.

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

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

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

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

25 E. The ~~department~~ **STATE BOARD** of education shall submit an annual
26 report **PREPARED** by **THE DEPARTMENT OF EDUCATION AND APPROVED BY THE STATE**
27 **BOARD OF EDUCATION ON OR BEFORE** December 15 of each year concerning the
28 alternative teacher development program to the governor, the president of the
29 senate and the speaker of the house of representatives that includes an
30 evaluation of the effectiveness of the program. The ~~department of education~~
31 **STATE BOARD** shall provide a copy of the report to the secretary of state.
32 The report shall include a comparison of the annual academic achievement gain
33 of students served by teachers participating in the alternative teacher
34 development program and students served by beginning teachers in the same
35 school.

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

37 Sec. 23. Section 15-756, Arizona Revised Statutes, is amended to read:
38 **15-756. Identification of English language learners**

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

43 B. The English language proficiency of all pupils with a primary or
44 home language other than English shall be assessed through the administration
45 of English language proficiency assessments in a manner prescribed by the

1 STATE BOARD OF EDUCATION AND ADMINISTERED BY THE superintendent of public
2 instruction. The test scores adopted by the ~~superintendent~~ STATE BOARD as
3 indicating English language proficiency shall be based on the test
4 publishers' designated scores. The department OF EDUCATION shall annually
5 request an appropriation to pay for the purchase of all language proficiency
6 assessments, ~~AND~~ scoring and ancillary materials as prescribed by the
7 ~~department~~ STATE BOARD for school districts and charter schools.

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

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

14 15-756.06. Reevaluation of former English language learners

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

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

28 15-756.07. Office of English language acquisition services:
29 duties

30 The office of English language acquisition services is established in
31 the department of education. SUBJECT TO REVIEW AND APPROVAL BY THE STATE
32 BOARD OF EDUCATION, the department of education, office of English language
33 acquisition services, shall:

34 1. Develop guidelines for monitoring school districts and charter
35 schools to ensure compliance with all federal and state laws regarding
36 English language learners.

37 2. In consultation with county school superintendents, develop
38 regional programs to enhance all aspects of training for teachers and
39 administrators.

40 3. Publish English language learner policy guidelines for school
41 districts and charter schools that include a list of relevant rules,
42 regulations and statutes relating to English language learner programs to
43 notify school districts and charter schools of their responsibilities.

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

1 Sec. 26. Section 15-795.01, Arizona Revised Statutes, is amended to
2 read:

3 15-795.01. Competency-based college-ready educational pathways

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

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

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

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

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

43 4. If accepted for admission to a university under the jurisdiction of
44 the Arizona board of regents, enroll in the university after completion of
45 additional high school coursework designed to prepare students for admission

1 to selective postsecondary institutions that offer baccalaureate degrees.
2 The school district or charter school from which the student earned the high
3 school diploma shall include that student in the school district's or charter
4 school's student count and shall continue to receive per pupil funding for a
5 student who earns a high school diploma until that student would otherwise
6 have graduated at the end of grade twelve for as long as that student is
7 enrolled as a full-time student in the university. One-third of the school
8 district's or charter school's average daily membership amount shall be
9 retained by the school district or the operator of the charter school.
10 One-third of the school district's or charter school's average daily
11 membership amount shall be retained for use at the school site. One-third of
12 the school district's or charter school's average daily membership amount
13 shall be distributed as follows:

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

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

21 Sec. 27. Section 15-977, Arizona Revised Statutes, is amended to read:
22 15-977. Classroom site fund; definitions

23 A. The classroom site fund is established consisting of monies
24 transferred to the fund pursuant to section 37-521, subsection B and section
25 42-5029, subsection E, paragraph 10. The department of education shall
26 administer the fund. School districts and charter schools may not supplant
27 existing school site funding with revenues from the fund. All monies
28 distributed from the fund are intended for use at the school site. Each
29 school district or charter school shall allocate forty ~~per cent~~ PERCENT of
30 the monies for teacher compensation increases based on performance and
31 employment related expenses, twenty ~~per cent~~ PERCENT of the monies for
32 teacher base salary increases and employment related expenses and forty ~~per~~
33 ~~cent~~ PERCENT of the monies for maintenance and operation purposes as
34 prescribed in subsection H of this section. Teacher compensation increases
35 based on performance or teacher base salary increases distributed pursuant to
36 this subsection shall supplement, and not supplant, teacher compensation
37 monies from any other sources. The school district or charter school shall
38 notify each school principal of the amount available to the school by April
39 15 of each year. The district or charter school shall request from the
40 school's principal each school's priority for the allocation of the funds
41 available to the school for each program listed under subsection H of this
42 section. The amount budgeted by the school district or charter school
43 pursuant to this section shall not be included in the allowable budget
44 balance carryforward calculated pursuant to section 15-943.01.

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

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

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

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

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

41 F. Until December 31, 2009, each school district shall develop an
42 assessment plan for its performance based compensation system and submit the
43 plan to the department of education by December 31 of each year. A copy of
44 the performance based compensation system and assessment plan adopted by the

1 school district governing board shall be included in the report submitted to
2 the department of education.

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

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

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

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

- 22 1. Class size reduction.
- 23 2. Teacher compensation increases.
- 24 3. AIMS intervention programs.
- 25 4. Teacher development.
- 26 5. Dropout prevention programs.
- 27 6. Teacher liability insurance premiums.

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

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

41 K. School districts and charter schools that receive monies from the
42 classroom site fund shall receive these monies monthly in an amount not to
43 exceed one-twelfth of the monies estimated pursuant to subsection G of this
44 section, except that if there are insufficient monies in the fund that month
45 to make payments, the distribution for that month shall be prorated for each

1 school district or charter school. The department of education may make an
 2 additional payment in the current month for any prior month or months in
 3 which school districts or charter schools received a prorated payment if
 4 there are sufficient monies in the fund that month for the additional
 5 payments. The state is not required to make payments to a school district or
 6 charter school classroom site fund if the state classroom site fund revenue
 7 collections are insufficient to meet the estimated allocations to school
 8 districts and charter schools pursuant to subsection G of this section.

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

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

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

37 0. For the purposes of this section:

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

42 2. "Class size reduction" means any maintenance and operations
 43 expenditure that is designed to reduce the ratio of pupils to classroom
 44 teachers, including the use of persons who serve as aides to classroom
 45 teachers.

1 Sec. 28. Section 15-980, Arizona Revised Statutes, is amended to read:
2 15-980. Uncollected property tax; property tax loss;
3 supplemental state aid

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

10 1. Property tax delinquencies.

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

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

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

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

41 E. Beginning on June 1 after the payment of supplemental state aid,
42 the county school superintendent shall report quarterly to the department of
43 education the amount of any payments of delinquent primary property taxes
44 received by the district during the previous quarter with respect to a tax
45 year for which the supplemental state aid was paid and not previously

1 deducted from state aid pursuant to subsection D of this section. The
2 department shall deduct the amount reported from the next apportionment of
3 state aid to the district pursuant to section 15-973, subsection B until the
4 supplemental state aid is repaid. If the district does not receive any
5 apportionment pursuant to section 15-973, subsection B, the department shall
6 direct the school district superintendent to pay that amount to the state
7 treasurer for deposit in the state general fund.

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