

REFERENCE TITLE: schools; teacher omnibus

State of Arizona
Senate
Fifty-third Legislature
Second Regular Session
2018

SB 1306

Introduced by
Senators Quezada: Contreras, Dalessandro, Farley, Hobbs, Mendez, Meza,
Miranda, Peshlakai

AN ACT

AMENDING SECTION 15-183, 15-203, 15-532 AND 15-533, ARIZONA REVISED STATUTES; REPEALING SECTION 15-553, ARIZONA REVISED STATUTES; AMENDING SECTION 15-782.01, ARIZONA REVISED STATUTES; REPEALING LAWS 2017, CHAPTER 245, SECTION 7; RELATING TO TEACHERS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 15-183, Arizona Revised Statutes, is amended to
3 read:

4 15-183. Charter schools; application; requirements; immunity;
5 exemptions; renewal of application; reprisal; fee;
6 funds; annual reports

7 A. An applicant seeking to establish a charter school shall submit
8 a written application to a proposed sponsor as prescribed in subsection C
9 of this section. The application, application process and application
10 time frames shall be posted on the sponsor's website and shall include the
11 following, as specified in the application adopted by the sponsor:

- 12 1. A detailed educational plan.
- 13 2. A detailed business plan.
- 14 3. A detailed operational plan.
- 15 4. Any other materials required by the sponsor.

16 B. The sponsor of a charter school may contract with a public body,
17 private person or private organization for the purpose of establishing a
18 charter school pursuant to this article.

19 C. The sponsor of a charter school may be either the state board of
20 education, the state board for charter schools, a university under the
21 jurisdiction of the Arizona board of regents, a community college district
22 or a group of community college districts, subject to the following
23 requirements:

24 1. An applicant may not submit an application for sponsorship to
25 any person or entity other than those prescribed in this subsection.

26 2. The applicant may submit the application to the state board of
27 education or the state board for charter schools. Notwithstanding any
28 other law, neither the state board for charter schools nor the state board
29 of education shall grant a charter to a school district governing board
30 for a new charter school or for the conversion of an existing district
31 public school to a charter school. The state board of education or the
32 state board for charter schools may approve the application if the
33 application meets the requirements of this article and may approve the
34 charter if the proposed sponsor determines, within its sole discretion,
35 that the applicant is sufficiently qualified to operate a charter school
36 and that the applicant is applying to operate as a separate charter holder
37 by considering factors such as whether:

38 (a) The schools have separate governing bodies, governing body
39 membership, staff, facilities and student population.

40 (b) Daily operations are carried out by different administrators.

41 (c) The applicant intends to have an affiliation agreement for the
42 purpose of providing enrollment preferences.

43 (d) The applicant's charter management organization has multiple
44 charter holders serving varied grade configurations on one physical site
45 or nearby sites serving one community.

1 (e) It is reconstituting an existing school site population at the
2 same or new site.

3 (f) It is reconstituting an existing grade configuration from a
4 prior charter holder with at least one grade remaining on the original
5 site with the other grade or grades moving to a new site. The state board
6 of education or the state board for charter schools may approve any
7 charter schools transferring charters. If the state board of education or
8 the state board for charter schools rejects the preliminary application,
9 the state board of education or the state board for charter schools shall
10 notify the applicant in writing of the reasons for the rejection and of
11 suggestions for improving the application. An applicant may submit a
12 revised application for reconsideration by the state board of education or
13 the state board for charter schools. The applicant may request, and the
14 state board of education or the state board for charter schools may
15 provide, technical assistance to improve the application.

16 3. The applicant may submit the application to a university under
17 the jurisdiction of the Arizona board of regents, a community college
18 district or a group of community college districts. A university, a
19 community college district or a group of community college districts shall
20 not grant a charter to a school district governing board for a new charter
21 school or for the conversion of an existing district public school to a
22 charter school. A university, a community college district or a group of
23 community college districts may approve the application if it meets the
24 requirements of this article and if the proposed sponsor determines, in
25 its sole discretion, that the applicant is sufficiently qualified to
26 operate a charter school.

27 4. Each applicant seeking to establish a charter school shall
28 submit a full set of fingerprints to the approving agency for the purpose
29 of obtaining a state and federal criminal records check pursuant to
30 section 41-1750 and Public Law 92-544. If an applicant will have direct
31 contact with students, the applicant shall possess a valid fingerprint
32 clearance card that is issued pursuant to title 41, chapter 12, article
33 3.1. The department of public safety may exchange this fingerprint data
34 with the federal bureau of investigation. The criminal records check
35 shall be completed before the issuance of a charter.

36 5. ~~All persons engaged in instructional work directly as a~~
37 ~~classroom, laboratory or other teacher or indirectly as a supervisory~~
38 ~~teacher, speech therapist or principal shall have a valid fingerprint~~
39 ~~clearance card that is issued pursuant to title 41, chapter 12, article~~
40 ~~3.1~~ A PERSON WHO IS EMPLOYED AS A TEACHER OR ADMINISTRATOR AT A CHARTER
41 SCHOOL IS SUBJECT TO THE SAME FINGERPRINTING REQUIREMENTS PRESCRIBED IN
42 THIS TITLE FOR TEACHERS AND ADMINISTRATORS WHO ARE EMPLOYED BY SCHOOL
43 DISTRICTS, unless the person is a volunteer or guest speaker who is
44 accompanied in the classroom by a person ~~with a valid fingerprint~~
45 ~~clearance card. A charter school shall not employ a teacher whose~~

1 ~~certificate has been surrendered or revoked, unless the teacher's~~
2 ~~certificate has been subsequently reinstated by the state board of~~
3 ~~education~~ WHO IS A CERTIFICATED TEACHER OR A CERTIFICATED ADMINISTRATOR.

4 All other personnel shall be fingerprint checked pursuant to section
5 15-512, or the charter school may require those personnel to obtain a
6 fingerprint clearance card issued pursuant to title 41, chapter 12,
7 article 3.1. Before employment, the charter school shall make documented,
8 good faith efforts to contact previous employers of a person to obtain
9 information and recommendations that may be relevant to a person's fitness
10 for employment as prescribed in section 15-512, subsection F. The charter
11 school shall notify the department of public safety if the charter school
12 or sponsor receives credible evidence that a person who possesses a valid
13 fingerprint clearance card is arrested for or is charged with an offense
14 listed in section 41-1758.03, subsection B. ~~A person who is employed at a~~
15 ~~charter school that has met the requirements of this paragraph is not~~
16 ~~required to meet any additional requirements that are established by the~~
17 ~~department of education or that may be established by rule by the state~~
18 ~~board of education. The state board of education may not adopt rules that~~
19 ~~exceed the requirements for persons qualified to teach in charter schools~~
20 ~~prescribed in title I of the every student succeeds act (P.L. 114-95) or~~
21 ~~the individuals with disabilities education improvement act of 2004~~
22 ~~(P.L. 108-446).~~ Charter schools may hire personnel WHO ARE NOT REQUIRED
23 TO BE FINGERPRINTED AND who have not yet received a fingerprint clearance
24 card if proof is provided of the submission of an application to the
25 department of public safety for a fingerprint clearance card and if the
26 charter school that is seeking to hire the applicant does all of the
27 following:

28 (a) Documents in the applicant's file the necessity for hiring and
29 placement of the applicant before receiving a fingerprint clearance card.

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

35 (c) Obtains references from the applicant's current employer and
36 the two most recent previous employers except for applicants who have been
37 employed for at least five years by the applicant's most recent employer.

38 (d) Provides general supervision of the applicant until the date
39 that the fingerprint card is obtained.

40 (e) Completes a search of criminal records in all local
41 jurisdictions outside of this state in which the applicant has lived in
42 the previous five years.

43 (f) Verifies the fingerprint status of the applicant with the
44 department of public safety.

1 6. A charter school that complies with the fingerprinting
2 requirements of this section shall be deemed to have complied with section
3 15-512 and is entitled to the same rights and protections provided to
4 school districts by section 15-512.

5 7. If a charter school operator is not already subject to a public
6 meeting or hearing by the municipality in which the charter school is
7 located, the operator of a charter school shall conduct a public meeting
8 at least thirty days before the charter school operator opens a site or
9 sites for the charter school. The charter school operator shall post
10 notices of the public meeting in at least three different locations that
11 are within three hundred feet of the proposed charter school site.

12 8. A person who is employed by a charter school or who is an
13 applicant for employment with a charter school, who is arrested for or
14 charged with a nonappealable offense listed in section 41-1758.03,
15 subsection B and who does not immediately report the arrest or charge to
16 the person's supervisor or potential employer is guilty of unprofessional
17 conduct and the person shall be immediately dismissed from employment with
18 the charter school or immediately excluded from potential employment with
19 the charter school.

20 9. A person who is employed by a charter school and who is
21 convicted of any nonappealable offense listed in section 41-1758.03,
22 subsection B or is convicted of any nonappealable offense that amounts to
23 unprofessional conduct under section 15-550 shall immediately do all of
24 the following:

25 (a) Surrender any certificates issued by the department of
26 education.

27 (b) Notify the person's employer or potential employer of the
28 conviction.

29 (c) Notify the department of public safety of the conviction.

30 (d) Surrender the person's fingerprint clearance card.

31 D. An entity that is authorized to sponsor charter schools pursuant
32 to this article has no legal authority over or responsibility for a
33 charter school sponsored by a different entity. This subsection does not
34 apply to the state board of education's duty to exercise general
35 supervision over the public school system pursuant to section 15-203,
36 subsection A, paragraph 1.

37 E. The charter of a charter school shall do all of the following:

38 1. Ensure compliance with federal, state and local rules,
39 regulations and statutes relating to health, safety, civil rights and
40 insurance. The department of education shall publish a list of relevant
41 rules, regulations and statutes to notify charter schools of their
42 responsibilities under this paragraph.

43 2. Ensure that it is nonsectarian in its programs, admission
44 policies and employment practices and all other operations.

1 3. Ensure that it provides a comprehensive program of instruction
2 for at least a kindergarten program or any grade between grades one and
3 twelve, except that a school may offer this curriculum with an emphasis on
4 a specific learning philosophy or style or certain subject areas such as
5 mathematics, science, fine arts, performance arts or foreign language.

6 4. Ensure that it designs a method to measure pupil progress toward
7 the pupil outcomes adopted by the state board of education pursuant to
8 section 15-741.01, including participation in the statewide assessment and
9 the nationally standardized norm-referenced achievement test as designated
10 by the state board and the completion and distribution of an annual report
11 card as prescribed in chapter 7, article 3 of this title.

12 5. Ensure that, except as provided in this article and in its
13 charter, it is exempt from all statutes and rules relating to schools,
14 governing boards and school districts.

15 6. Ensure that, except as provided in this article, it is subject
16 to the same financial and electronic data submission requirements as a
17 school district, including the uniform system of financial records as
18 prescribed in chapter 2, article 4 of this title, procurement rules as
19 prescribed in section 15-213 and audit requirements. The auditor general
20 shall conduct a comprehensive review and revision of the uniform system of
21 financial records to ensure that the provisions of the uniform system of
22 financial records that relate to charter schools are in accordance with
23 commonly accepted accounting principles used by private business. A
24 school's charter may include exceptions to the requirements of this
25 paragraph that are necessary as determined by the university, the
26 community college district, the group of community college districts, the
27 state board of education or the state board for charter schools. The
28 department of education or the office of the auditor general may conduct
29 financial, program or compliance audits.

30 7. Ensure compliance with all federal and state laws relating to
31 the education of children with disabilities in the same manner as a school
32 district.

33 8. Ensure that it provides for a governing body for the charter
34 school that is responsible for the policy decisions of the charter school.
35 Notwithstanding section 1-216, if there is a vacancy or vacancies on the
36 governing body, a majority of the remaining members of the governing body
37 constitute a quorum for the transaction of business, unless that quorum is
38 prohibited by the charter school's operating agreement.

39 9. Ensure that it provides a minimum of one hundred eighty
40 instructional days before June 30 of each fiscal year unless it is
41 operating on an alternative calendar approved by its sponsor. The
42 superintendent of public instruction shall adjust the apportionment
43 schedule accordingly to accommodate a charter school utilizing an
44 alternative calendar.

1 10. ENSURE THAT ALL PERSONS WHO ARE EMPLOYED AS TEACHERS OR
2 ADMINISTRATORS AT THE CHARTER SCHOOL ARE SUBJECT TO THE SAME REQUIREMENTS
3 PRESCRIBED IN THIS TITLE FOR TEACHERS AND ADMINISTRATORS WHO ARE EMPLOYED
4 BY SCHOOL DISTRICTS, INCLUDING THE SAME CERTIFICATION AND FINGERPRINTING
5 REQUIREMENTS.

6 F. A charter school shall keep in the personnel file of all current
7 employees who provide instruction to pupils at the charter school
8 information about the employee's educational and teaching background and
9 experience in a particular academic content subject area. A charter
10 school shall inform parents and guardians of the availability of the
11 information and shall make the information available for inspection on
12 request of parents and guardians of pupils enrolled at the charter school.
13 This subsection does not require any charter school to release personally
14 identifiable information in relation to any teacher or employee, including
15 the teacher's or employee's address, salary, social security number or
16 telephone number.

17 G. The charter of a charter school may be amended at the request of
18 the governing body of the charter school and on the approval of the
19 sponsor.

20 H. Charter schools may contract, sue and be sued.

21 I. The charter is effective for fifteen years from the first day of
22 the fiscal year as specified in the charter, subject to the following:

23 1. At least eighteen months before the expiration of the charter,
24 the sponsor shall notify the charter school that the charter school may
25 apply for renewal and shall make the renewal application available to the
26 charter school. A charter school that elects to apply for renewal shall
27 file a complete renewal application at least fifteen months before the
28 expiration of the charter. A sponsor shall give written notice of its
29 intent not to renew the charter school's request for renewal to the
30 charter school at least twelve months before the expiration of the
31 charter. The sponsor shall make data used in making renewal decisions
32 available to the school and the public and shall provide a public report
33 summarizing the evidence basis for each decision. The sponsor may deny
34 the request for renewal if, in its judgment, the charter holder has failed
35 to do any of the following:

36 (a) Meet or make sufficient progress toward the academic
37 performance expectations set forth in the performance framework.

38 (b) Meet the operational performance expectations set forth in the
39 performance framework or any improvement plans.

40 (c) Complete the obligations of the contract.

41 (d) Comply with this article or any provision of law from which the
42 charter school is not exempt.

43 2. A charter operator may apply for early renewal. At least nine
44 months before the charter school's intended renewal consideration, the
45 operator of the charter school shall submit a letter of intent to the

1 sponsor to apply for early renewal. The sponsor shall review fiscal
2 audits and academic performance data for the charter school that are
3 annually collected by the sponsor, review the current contract between the
4 sponsor and the charter school and provide the qualifying charter school
5 with a renewal application. On submission of a complete application, the
6 sponsor shall give written notice of its consideration of the renewal
7 application. The sponsor may deny the request for early renewal if, in
8 the sponsor's judgment, the charter holder has failed to do any of the
9 following:

10 (a) Meet or make sufficient progress toward the academic
11 performance expectations set forth in the performance framework.

12 (b) Meet the operational performance expectations set forth in the
13 performance framework or any improvement plans.

14 (c) Complete the obligations of the contract.

15 (d) Comply with this article or any provision of law from which the
16 charter school is not exempt.

17 3. A sponsor shall review a charter at five-year intervals using a
18 performance framework adopted by the sponsor and may revoke a charter at
19 any time if the charter school breaches one or more provisions of its
20 charter or if the sponsor determines that the charter holder has failed to
21 do any of the following:

22 (a) Meet or make sufficient progress toward the academic
23 performance expectations set forth in the performance framework.

24 (b) Meet the operational performance expectations set forth in the
25 performance framework or any improvement plans.

26 (c) Comply with this article or any provision of law from which the
27 charter school is not exempt.

28 4. In determining whether to renew or revoke a charter holder, the
29 sponsor must consider making sufficient progress toward the academic
30 performance expectations set forth in the sponsor's performance framework
31 as one of the most important factors.

32 5. At least sixty days before the effective date of the proposed
33 revocation, the sponsor shall give written notice to the operator of the
34 charter school of its intent to revoke the charter. Notice of the
35 sponsor's intent to revoke the charter shall be delivered personally to
36 the operator of the charter school or sent by certified mail, return
37 receipt requested, to the address of the charter school. The notice shall
38 incorporate a statement of reasons for the proposed revocation of the
39 charter. The sponsor shall allow the charter school at least sixty days
40 to correct the problems associated with the reasons for the proposed
41 revocation of the charter. The final determination of whether to revoke
42 the charter shall be made at a public hearing called for such purpose.

43 J. The charter may be renewed for successive periods of twenty
44 years.

1 K. A charter school that is sponsored by the state board of
2 education, the state board for charter schools, a university, a community
3 college district or a group of community college districts may not be
4 located on the property of a school district unless the district governing
5 board grants this authority.

6 L. A governing board or a school district employee who has control
7 over personnel actions shall not take unlawful reprisal against another
8 employee of the school district because the employee is directly or
9 indirectly involved in an application to establish a charter school. A
10 governing board or a school district employee shall not take unlawful
11 reprisal against an educational program of the school or the school
12 district because an application to establish a charter school proposes the
13 conversion of all or a portion of the educational program to a charter
14 school. For the purposes of this subsection, "unlawful reprisal" means an
15 action that is taken by a governing board or a school district employee as
16 a direct result of a lawful application to establish a charter school and
17 that is adverse to another employee or an education program and:

18 1. With respect to a school district employee, results in one or
19 more of the following:

- 20 (a) Disciplinary or corrective action.
- 21 (b) Detail, transfer or reassignment.
- 22 (c) Suspension, demotion or dismissal.
- 23 (d) An unfavorable performance evaluation.
- 24 (e) A reduction in pay, benefits or awards.
- 25 (f) Elimination of the employee's position without a reduction in
26 force by reason of lack of monies or work.
- 27 (g) Other significant changes in duties or responsibilities that
28 are inconsistent with the employee's salary or employment classification.

29 2. With respect to an educational program, results in one or more
30 of the following:

- 31 (a) Suspension or termination of the program.
- 32 (b) Transfer or reassignment of the program to a less favorable
33 department.
- 34 (c) Relocation of the program to a less favorable site within the
35 school or school district.
- 36 (d) Significant reduction or termination of funding for the
37 program.

38 M. Charter schools shall secure insurance for liability and
39 property loss. The governing body of a charter school that is sponsored
40 by the state board of education or the state board for charter schools may
41 enter into an intergovernmental agreement or otherwise contract to
42 participate in an insurance program offered by a risk retention pool
43 established pursuant to section 11-952.01 or 41-621.01 or the charter
44 school may secure its own insurance coverage. The pool may charge the

1 requesting charter school reasonable fees for any services it performs in
2 connection with the insurance program.

3 N. Charter schools do not have the authority to acquire property by
4 eminent domain.

5 O. A sponsor, including members, officers and employees of the
6 sponsor, is immune from personal liability for all acts done and actions
7 taken in good faith within the scope of its authority.

8 P. Charter school sponsors and this state are not liable for the
9 debts or financial obligations of a charter school or persons who operate
10 charter schools.

11 Q. The sponsor of a charter school shall establish procedures to
12 conduct administrative hearings on determination by the sponsor that
13 grounds exist to revoke a charter. Procedures for administrative hearings
14 shall be similar to procedures prescribed for adjudicative proceedings in
15 title 41, chapter 6, article 10. Except as provided in section
16 41-1092.08, subsection H, final decisions of the state board of education
17 and the state board for charter schools from hearings conducted pursuant
18 to this subsection are subject to judicial review pursuant to title 12,
19 chapter 7, article 6.

20 R. The sponsoring entity of a charter school shall have oversight
21 and administrative responsibility for the charter schools that it
22 sponsors. In implementing its oversight and administrative
23 responsibilities, the sponsor shall ground its actions in evidence of the
24 charter holder's performance in accordance with the performance framework
25 adopted by the sponsor. The performance framework shall be publicly
26 available, shall be placed on the sponsoring entity's website and shall
27 include:

28 1. The academic performance expectations of the charter school and
29 the measurement of sufficient progress toward the academic performance
30 expectations.

31 2. The operational expectations of the charter school, including
32 adherence to all applicable laws and obligations of the charter contract.

33 3. Intervention and improvement policies.

34 S. Charter schools may pledge, assign or encumber their assets to
35 be used as collateral for loans or extensions of credit.

36 T. All property accumulated by a charter school shall remain the
37 property of the charter school.

38 U. Charter schools may not locate a school on property that is less
39 than one-fourth mile from agricultural land regulated pursuant to section
40 3-365, except that the owner of the agricultural land may agree to comply
41 with the buffer zone requirements of section 3-365. If the owner agrees
42 in writing to comply with the buffer zone requirements and records the
43 agreement in the office of the county recorder as a restrictive covenant
44 running with the title to the land, the charter school may locate a school
45 within the affected buffer zone. The agreement may include any

1 stipulations regarding the charter school, including conditions for future
2 expansion of the school and changes in the operational status of the
3 school that will result in a breach of the agreement.

4 V. A transfer of a charter to another sponsor, a transfer of a
5 charter school site to another sponsor or a transfer of a charter school
6 site to a different charter shall be completed before the beginning of the
7 fiscal year that the transfer is scheduled to become effective. An entity
8 that sponsors charter schools may accept a transferring school after the
9 beginning of the fiscal year if the transfer is approved by the
10 superintendent of public instruction. The superintendent of public
11 instruction shall have the discretion to consider each transfer during the
12 fiscal year on a case-by-case basis. A charter holder seeking to transfer
13 sponsors shall comply with the current charter terms regarding assignment
14 of the charter. A charter holder transferring sponsors shall notify the
15 current sponsor that the transfer has been approved by the new sponsor.

16 W. Notwithstanding subsection V of this section, a charter holder
17 on an improvement plan must notify parents or guardians of registered
18 students of the intent to transfer the charter and the timing of the
19 proposed transfer. On the approved transfer, the new sponsor shall
20 enforce the improvement plan but may modify the plan based on performance.

21 X. Notwithstanding subsection Y of this section, the state board
22 for charter schools shall charge a processing fee to any charter school
23 that amends its contract to participate in Arizona online instruction
24 pursuant to section 15-808. The charter Arizona online instruction
25 processing fund is established consisting of fees collected and
26 administered by the state board for charter schools. The state board for
27 charter schools shall use monies in the fund only for the processing of
28 contract amendments for charter schools participating in Arizona online
29 instruction. Monies in the fund are continuously appropriated.

30 Y. The sponsoring entity may not charge any fees to a charter
31 school that it sponsors unless the sponsor has provided services to the
32 charter school and the fees represent the full value of those services
33 provided by the sponsor. On request, the value of the services provided
34 by the sponsor to the charter school shall be demonstrated to the
35 department of education.

36 Z. Charter schools may enter into an intergovernmental agreement
37 with a presiding judge of the juvenile court to implement a law-related
38 education program as defined in section 15-154. The presiding judge of
39 the juvenile court may assign juvenile probation officers to participate
40 in a law-related education program in any charter school in the county.
41 The cost of juvenile probation officers who participate in the program
42 implemented pursuant to this subsection shall be funded by the charter
43 school.

1 AA. The sponsor of a charter school shall modify previously
2 approved curriculum requirements for a charter school that wishes to
3 participate in the board examination system prescribed in chapter 7,
4 article 6 of this title.

5 BB. If a charter school decides not to participate in the board
6 examination system prescribed in chapter 7, article 6 of this title,
7 pupils enrolled at that charter school may earn a Grand Canyon diploma by
8 obtaining a passing score on the same board examinations.

9 CC. Notwithstanding subsection Y of this section, a sponsor of
10 charter schools may charge a new charter application processing fee to any
11 applicant. The application fee shall fully cover the cost of application
12 review and any needed technical assistance. Authorizers may approve
13 policies that allow a portion of the fee to be returned to the applicant
14 whose charter is approved.

15 DD. A charter school may choose to provide a preschool program for
16 children with disabilities pursuant to section 15-771.

17 EE. Pursuant to the prescribed graduation requirements adopted by
18 the state board of education, the governing body of a charter school
19 operating a high school may approve a rigorous computer science course
20 that would fulfill a mathematics course required for graduation from high
21 school. The governing body may approve a rigorous computer science course
22 only if the rigorous computer science course includes significant
23 mathematics content and the governing body determines the high school
24 where the rigorous computer science course is offered has sufficient
25 capacity, infrastructure and qualified staff, including competent teachers
26 of computer science.

27 FF. A charter school may permit the use of school property,
28 including school buildings, grounds, buses and equipment, by any person,
29 group or organization for any lawful purpose, including a recreational,
30 educational, political, economic, artistic, moral, scientific, social,
31 religious or other civic or governmental purpose. The charter school may
32 charge a reasonable fee for the use of the school property.

33 GG. A charter school and its employees, including the governing
34 body, or chief administrative officer, are immune from civil liability
35 with respect to all decisions made and actions taken to allow the use of
36 school property, unless the charter school or its employees are guilty of
37 gross negligence or intentional misconduct. This subsection does not
38 limit any other immunity provisions that are prescribed by law.

39 HH. Sponsors authorized pursuant to this section shall submit an
40 annual report to the auditor general on or before October 1. The report
41 shall include:

42 1. The current number of charters authorized and the number of
43 schools operated by authorized charter holders.

1 2. The academic and operational performance of the sponsor's
2 charter portfolio as measured by the sponsor's adopted performance
3 framework.

4 3. For the prior year, the number of new charters approved, the
5 number of charter schools closed and the reason for the closure.

6 4. The sponsor's application, amendment, renewal and revocation
7 processes, charter contract template and current performance framework as
8 required by this section.

9 II. The auditor general shall prescribe the format for the annual
10 report required by subsection HH of this section and may require that the
11 annual report be submitted electronically. The auditor general shall
12 review the submitted annual reports to ensure that the reports include the
13 required items in subsection HH of this section and shall make the annual
14 reports available on request. If the auditor general finds significant
15 noncompliance or if a sponsor fails to submit the annual report required
16 by subsection HH of this section, on or before December 31 of each year
17 the auditor general shall report to the governor, the president of the
18 senate, the speaker of the house of representatives and the chairs of the
19 senate and house education committees or their successor committees, and
20 the legislature shall consider revoking the sponsor's authority to sponsor
21 charter schools.

22 Sec. 2. Section 15-203, Arizona Revised Statutes, is amended to
23 read:

24 15-203. Powers and duties

25 A. The state board of education shall:

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

29 2. Keep a record of its proceedings.

30 3. Make rules for its own government.

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

32 5. Subject to title 41, chapter 4, article 4, employ staff.

33 6. Prescribe and supervise the duties of its employees pursuant to
34 title 41, chapter 4, article 4, if not otherwise prescribed by statute.

35 7. Delegate to the superintendent of public instruction the
36 execution of board policies and rules.

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

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

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

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

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

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

21 14. Supervise and control the certification of persons engaged in
22 instructional work directly as any classroom, laboratory or other teacher
23 or indirectly as a supervisory teacher, speech therapist, principal or
24 superintendent in a school district, including school district preschool
25 programs, or any other educational institution below the community
26 college, college or university level, and prescribe rules for
27 certification, **INCLUDING RULES FOR CERTIFICATION OF TEACHERS WHO HAVE**
28 **TEACHING EXPERIENCE AND WHO ARE TRAINED IN OTHER STATES, THAT ARE NOT**
29 **UNNECESSARILY RESTRICTIVE AND THAT ARE SUBSTANTIALLY SIMILAR TO THE RULES**
30 **PRESCRIBED FOR THE CERTIFICATION OF TEACHERS TRAINED IN THIS STATE.** The
31 rules:

32 (a) Shall ~~provide for~~ **ALLOW** a variety of alternative teacher and
33 administrator preparation programs, ~~that allow for~~ **WITH** variations in
34 program sequence and design, to apply for program approval. The state
35 board shall adopt rules pursuant to this subdivision designed to allow for
36 a variety of formats and shall not require a prescribed answer or design
37 from the program provider in order to obtain approval from the state
38 board. ~~Any rules adopted by the state board pursuant to this subdivision~~
39 ~~shall be substantially different from the rules adopted for the approval~~
40 ~~of traditional preparation programs and may not unnecessarily restrict a~~
41 ~~variety of alternative preparation programs from operating and providing~~
42 ~~instruction in this state.~~ The state board shall evaluate each program
43 provider based on the program's ability to prepare teachers and
44 administrators and to recruit teachers and administrators with a variety
45 of experiences and talents. The state board shall permit universities

1 under the jurisdiction of the Arizona board of regents, community colleges
 2 in this state, private postsecondary institutions licensed by this state,
 3 school districts, charter schools, ~~AND~~ professional organizations,
 4 ~~nonprofit organizations and private entities~~ to apply for program approval
 5 and shall create application procedures and certification criteria that
 6 are ~~substantially~~ less restrictive than those for traditional preparation
 7 programs. ~~At the completion of an~~ Alternative preparation
 8 program, graduates shall:

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

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

13 (iii) Obtain a fingerprint clearance card pursuant to section
 14 15-534.

15 (iv) ~~If applicable,~~ Complete training in structured English
 16 immersion as prescribed by the state board ~~pursuant to section 15-756.09.~~

17 (v) ~~If applicable,~~ Complete training in research-based systematic
 18 phonics instruction as prescribed in subdivision (b) of this paragraph.

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

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

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

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

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

34 (f) Shall provide for the issuance of a ~~subject matter expert~~
 35 ~~standard~~ SPECIALIZED teaching certificate to ~~persons who have~~ CLASSROOM
 36 TEACHERS WITH expertise in ~~a content area or subject matter~~ IN EITHER
 37 SCIENCE, TECHNOLOGY, ENGINEERING OR MATHEMATICS. ~~Persons~~ TEACHERS who are
 38 certified pursuant to this subdivision shall complete training, ~~if~~
 39 ~~applicable,~~ in structured English immersion as prescribed by the state
 40 board ~~pursuant to section 15-756.09.~~ ~~Persons~~ TEACHERS who are certified
 41 pursuant to this subdivision are exempt from the PROFESSIONAL KNOWLEDGE
 42 AND subject knowledge proficiency requirements prescribed in section
 43 15-533 and from the proficiency requirements prescribed in section 15-532
 44 on the Constitutions of the United States and Arizona. ~~Persons pursuant~~
 45 ~~to item (i) of this subdivision are also exempt from the professional~~

1 ~~knowledge proficiency requirements pursuant to section 15-533.~~ A person
2 TEACHER who obtains a ~~subject matter expert standard~~ SPECIALIZED teaching
3 certificate pursuant to this subdivision may provide instruction in the
4 ~~person's~~ TEACHER'S field of expertise in grades six through twelve at any
5 public school in this state. ~~Issuance of the subject matter expert~~
6 ~~standard teaching certificate may not be conditioned on the person's~~
7 ~~employment with a local education agency. A person who meets the~~
8 ~~requirements of this subdivision shall be issued a subject matter expert~~
9 ~~standard teaching certificate without having to demonstrate professional~~
10 ~~knowledge proficiency pursuant to section 15-533, except that the person~~
11 ~~shall have at least two years to demonstrate professional knowledge~~
12 ~~proficiency pursuant to section 15-533. School districts shall evaluate~~
13 ~~and provide support pursuant to section 15-537 to teachers certified~~
14 ~~pursuant to this subdivision. If a person fails to meet the professional~~
15 ~~knowledge requirements of this section within two years, the department of~~
16 ~~education or state board of education may temporarily suspend the subject~~
17 ~~matter expert standard teaching certificate. A certificate that is~~
18 ~~temporarily suspended pursuant to this subdivision is not considered a~~
19 ~~disciplinary action and a person shall be allowed to correct the~~
20 ~~deficiency within the remaining time of the subject matter expert standard~~
21 ~~teaching certification.~~ This subdivision does not require a person
22 TEACHER who has obtained another type of teaching certificate from the
23 state board to obtain a ~~subject matter expert standard~~ SPECIALIZED
24 teaching certificate pursuant to this subdivision in order to provide
25 instruction in grades six through twelve IN A SCIENCE, TECHNOLOGY,
26 ENGINEERING OR MATHEMATICS COURSE. A person CLASSROOM TEACHER is eligible
27 for a ~~subject matter expert standard~~ SPECIALIZED teaching certificate
28 pursuant to this subdivision if the ~~person obtains a valid fingerprint~~
29 ~~clearance card that is issued pursuant to title 41, chapter 12, article~~
30 ~~3.1 and~~ TEACHER meets any ALL of the following requirements:

31 (i) Has taught SCIENCE, TECHNOLOGY, ENGINEERING OR MATHEMATICS
32 courses ~~relevant to a content area or subject matter~~ for the last two
33 consecutive years and for a total of at least three years at one or more
34 regionally or nationally accredited public or private postsecondary
35 institutions. ~~A person~~ AN APPLICANT shall demonstrate compliance with
36 this requirement by providing the state board with written proof of
37 employment for specific durations from one or more qualifying
38 postsecondary institutions.

39 (ii) Has either a baccalaureate degree, a master's degree or a
40 doctoral degree in a ~~specific~~ AN ACADEMIC subject area that is ~~directly~~
41 ~~relevant to a content area or subject matter taught in public schools~~
42 SPECIFIC TO SCIENCE, TECHNOLOGY, ENGINEERING OR MATHEMATICS OR HAS
43 OBTAINED A PASSING SCORE ON A STATEWIDE EDUCATOR ASSESSMENT IN SCIENCE,
44 TECHNOLOGY, ENGINEERING OR MATHEMATICS THAT IS RECOGNIZED BY THE STATE
45 BOARD.

1 ~~(iii) Demonstrates expertise through relevant work experience of at~~
2 ~~least five years in a field that is relevant to a content area or subject~~
3 ~~matter taught in public schools. A person shall demonstrate compliance~~
4 ~~with this requirement by providing the state board with written proof of~~
5 ~~employment.~~

6 (iii) OBTAINS A VALID FINGERPRINT CLEARANCE CARD THAT IS ISSUED
7 PURSUANT TO TITLE 41, CHAPTER 12, ARTICLE 3.1.

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

15 (h) Shall allow for ~~all~~ A standard ~~certificates~~ CERTIFICATE issued
16 to a person pursuant to this section to be ~~both issued and~~ renewed for at
17 least ~~twelve~~ EIGHT years and may not require more than fifteen hours of
18 continuing education credits each year in order to renew any certificate
19 issued pursuant to this section.

20 (i) Shall allow a certificate, and any endorsement or approved area
21 related to that certificate, to be renewed at least two years but not more
22 than ten years after that certificate expires without any other
23 requirements adopted by the state board of education or the department of
24 education if the person is in good standing, has at least ten years of
25 verified full-time experience in this state in the area IN WHICH the
26 person is seeking renewed certification and possesses a valid fingerprint
27 clearance card issued pursuant to section 15-534. A certificate renewed
28 pursuant to this subdivision shall be identical to the expired
29 certificate.

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

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

38 17. Adopt proficiency examinations for its use. The state board of
39 education shall determine the passing score for the proficiency
40 examinations.

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

44 19. Supervise and control the qualifications of professional
45 nonteaching school personnel and prescribe standards relating to

1 qualifications. The standards shall not require the business manager of a
2 school district to obtain certification from the state board of education.

3 20. Impose such disciplinary action, including the issuance of a
4 letter of censure, suspension, suspension with conditions or revocation of
5 a certificate, on a finding of immoral or unprofessional conduct.

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

8 22. Adopt a rule to promote braille literacy pursuant to section
9 15-214.

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

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

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

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

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

36 27. Adopt rules that provide for EDUCATOR certification reciprocity
37 ~~for certificates issued pursuant to this section.~~ The rules for
38 ~~certification reciprocity~~ ISSUANCE OF A COMPARABLE RECIPROCAL EDUCATOR
39 CERTIFICATE shall include a requirement that the applicant possess a
40 comparable valid certification from another state THAT INCLUDED PASSING
41 THAT STATE'S SUBJECT KNOWLEDGE AND PROFESSIONAL EXAMS and be in good
42 standing with that other state. An applicant who possesses a valid
43 certification from another state and a fingerprint clearance card pursuant
44 to section 15-534 and who is in good standing with that other state shall
45 be issued a ~~comparable~~ standard TEACHING certificate without any other

1 requirements from the state board of education or the department of
2 education. A person who is issued a certificate pursuant to this
3 paragraph is not required to meet any requirement prescribed in section
4 15-533.

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

8 (a) Currently resides in this state.

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

13 29. Cooperate with the Arizona-Mexico commission in the governor's
14 office and with researchers at universities in this state to collect data
15 and conduct projects in the United States and Mexico on issues that are
16 within the scope of the duties of the department of education and that
17 relate to quality of life, trade and economic development in this state in
18 a manner that will help the Arizona-Mexico commission to assess and
19 enhance the economic competitiveness of this state and of the
20 Arizona-Mexico region.

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

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

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

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

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

39 (d) Orientation and notification procedures of community service
40 opportunities for pupils entering grade nine, including the development of
41 a notification form. The notification form shall be signed by the pupil
42 and the pupil's parent or guardian, except that a pupil shall not be
43 required to participate in community service if the parent or guardian
44 notifies the principal of the pupil's school in writing that the parent or
45 guardian does not wish the pupil to participate in community service.

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

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

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

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

20 (i) The transfer of student records.

21 (ii) Awarding credit for completed coursework.

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

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

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

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

42 35. Adopt a list of approved professional development training
43 providers for use by school districts as provided in section 15-107,
44 subsection J. The professional development training providers shall meet
45 the training curriculum requirements determined by the state board of

1 education in at least the areas of school finance, governance, employment,
2 staffing, inventory and human resources, internal controls and
3 procurement.

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

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

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

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

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

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

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

10 40. In consultation with the department of health services, the
11 department of education, medical professionals, school health
12 professionals, school administrators and an organization that represents
13 school nurses in this state, adopt rules that prescribe the following for
14 school districts and charter schools:

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

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

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

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

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

1 41. In consultation with the department of education, medical
2 professionals, school health professionals, school administrators and an
3 organization that represents school nurses in this state, adopt rules that
4 prescribe the following for school districts and charter schools that
5 elect to administer inhalers:

6 (a) Annual training in the recognition of respiratory distress
7 symptoms and the procedures to follow when respiratory distress occurs, in
8 accordance with good clinical practice, and the administration of
9 inhalers, as directed on the prescription protocol, by designated medical
10 and nonmedical school personnel.

11 (b) Requirements for school districts and charter schools that
12 elect to administer inhalers to designate at least two employees at each
13 school to be trained in the recognition of respiratory distress symptoms
14 and the procedures to follow when respiratory distress occurs, in
15 accordance with good clinical practice, and at least two employees at each
16 school to be trained in the administration of inhalers, as directed on the
17 prescription protocol.

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

20 (d) Procedures for annually requesting a standing order for
21 inhalers and spacers or holding chambers pursuant to section 15-158 from
22 the chief medical officer of a county health department, a physician
23 licensed pursuant to title 32, chapter 13 or 17 or a nurse practitioner
24 licensed pursuant to title 32, chapter 15.

25 (e) Procedures for notifying a parent once an inhaler has been
26 administered.

27 B. The state board of education may:

28 1. Contract.

29 2. Sue and be sued.

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

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

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

5 C. Placement decisions of teaching intern certificate holders
 6 issued pursuant to subsection A, paragraph 14, subdivision (a) of this
 7 section and section 15-552 shall be based on agreements between the
 8 teacher preparation provider, the provider's partner organizations and the
 9 local education agency. The practices of the department of education and
 10 the rules and policies of the state board of education may not restrict
 11 placement of teaching intern certification holders based on local
 12 education agency instructional models and may only consider the academic
 13 quality of the school, the effectiveness of the teaching intern
 14 certification holder's on-site mentor and the opportunity for a wide
 15 variety of schools and school models to access teaching intern
 16 certification holders.

17 Sec. 3. Section 15-532, Arizona Revised Statutes, is amended to
 18 read:

19 15-532. Examination on state and United States constitutions;
 20 reciprocity requirement; exemption;
 21 intergovernmental agreement or contract for
 22 administration and evaluation

23 A. A person who is applying for a certificate authorizing the
 24 person to become a teacher in a school, in addition to fingerprinting and
 25 other requirements, shall either complete the required classes or pass a
 26 satisfactory examination on the provisions and principles of the
 27 Constitutions of the United States and Arizona.

28 B. A person who has not met the requirements of this section at the
 29 time application is made but who has met all other requirements shall be
 30 granted a certificate for at least three years, except that a person who
 31 has not met the requirements of this section but who has met all other
 32 requirements and who applies for a certificate authorizing the person to
 33 teach an academic course that focuses predominantly on history,
 34 government, social studies, citizenship, law or civics shall be granted a
 35 certificate for not more than one year. No additional certificate may be
 36 granted until all requirements have been fulfilled as provided by the
 37 regulations of the state board of education governing certification of
 38 teachers. ~~A person who is applying for reciprocity pursuant to section~~
 39 ~~15-203, subsection A, paragraph 27 shall be issued a standard certificate~~
 40 ~~and demonstrate completion of the requirements pursuant to the timelines~~
 41 ~~established in this section. The department of education or state board~~
 42 ~~of education may temporarily suspend the standard certificate of a person~~
 43 ~~who fails to meet the requirements of this section within the prescribed~~
 44 ~~time frames. A certificate that is temporarily suspended pursuant to this~~
 45 ~~subsection is not considered a disciplinary action and a person shall be~~

1 ~~allowed to correct the deficiency within the remaining time of the~~
2 ~~standard certification.~~

3 C. A noncertified person, qualified under the federal and state
4 plans for vocational education, shall be exempt from this section for the
5 purpose of acting as an instructor for special adult and evening classes.

6 D. The state board of education may enter into intergovernmental
7 agreements or contracts pursuant to title 11, chapter 7, article 3 for the
8 administration and evaluation of the examination on the provisions and
9 principles of the Constitutions of the United States and Arizona.
10 Notwithstanding section 15-531, the intergovernmental agreement or
11 contract shall specify the fee for the administration and evaluation of
12 the examination and may provide for the retention of all or part of the
13 monies by the contractor administering and evaluating the examination.

14 E. A university under the jurisdiction of the Arizona board of
15 regents shall offer the classes required by this section to students who
16 are pursuing a bachelor of arts degree in education or a bachelor of
17 science degree in education at that university.

18 Sec. 4. Section 15-533, Arizona Revised Statutes, is amended to
19 read:

20 15-533. Proficiency examination; examination reciprocity

21 A. To qualify for EITHER a BASIC OR standard teaching certificate,
22 or equivalent certificate later adopted by the state board of education, a
23 person must pass each component of the proficiency examination developed
24 and administered by the state board of education. The proficiency
25 examination shall consist of only a professional knowledge test and a
26 subject knowledge test.

27 B. A person is not required to take the examination if the person
28 possesses a comparable valid certification from another state and is in
29 good standing with that other state pursuant to section 15-203, subsection
30 A, paragraph 27.

31 ~~C. A person who is applying for a standard certificate, or any~~
32 ~~other certificate adopted by the state board of education, is not required~~
33 ~~to take the professional knowledge test, the subject knowledge test or the~~
34 ~~entire proficiency examination if the person has passed corresponding~~
35 ~~portions of an examination adopted by a state agency in another state that~~
36 ~~is substantially similar to the examination adopted by the state board of~~
37 ~~education. A person who is applying for a standard certificate, or any~~
38 ~~other certificate adopted by the state board of education, is not required~~
39 ~~to take any portion of the proficiency examination if the person has been~~
40 ~~a full-time teacher in any state, including this state, for at least three~~
41 ~~years in the same area of certification in which the person is applying~~
42 ~~for certification in this state.~~

1 ~~D. An applicant for a standard certificate or any other certificate~~
2 ~~adopted by the state board of education may demonstrate subject knowledge~~
3 ~~proficiency instead of taking the subject knowledge test required pursuant~~
4 ~~to this section by meeting any of the following:~~

5 ~~1. Has taught courses relevant to a content area or subject matter~~
6 ~~for the last two consecutive years and for a total of at least three years~~
7 ~~at one or more regionally or nationally accredited public or private~~
8 ~~postsecondary institutions. A person shall demonstrate compliance with~~
9 ~~this requirement by providing the state board with written proof of~~
10 ~~employment for specific durations from one or more qualifying~~
11 ~~postsecondary institutions.~~

12 ~~2. Has either a baccalaureate degree, a master's degree or a~~
13 ~~doctoral degree in a subject area that is relevant to a content area or~~
14 ~~subject matter taught in public schools.~~

15 ~~3. Demonstrates expertise through relevant work experience of at~~
16 ~~least five years in a field that is relevant to a content area or subject~~
17 ~~matter taught in public schools. A person shall demonstrate compliance~~
18 ~~with this requirement by providing the state board with written proof of~~
19 ~~employment.~~

20 C. A PERSON IS NOT REQUIRED TO TAKE THE SUBJECT KNOWLEDGE PORTION
21 OF THE EXAMINATION IF THE PERSON HAS OBTAINED A MASTER'S DEGREE IN THAT
22 SUBJECT AREA AT AN ACCREDITED INSTITUTION OF HIGHER EDUCATION ACCORDING TO
23 AN OFFICIAL TRANSCRIPT ISSUED FROM THE INSTITUTION.

24 ~~E.~~ D. A person who obtained structured English immersion training
25 in another state that the state board of education determines is
26 comparable to the structured English immersion training required in this
27 state shall not be required to obtain additional structured English
28 immersion training in this state pursuant to section 15-756.09.

29 ~~F.~~ E. The state board of education may grant a BASIC OR standard
30 teaching certificate for at least three years to a teacher who has not met
31 the requirements of this section at the time of application.

32 ~~G.~~ F. A person is not required to pass the proficiency examination
33 or the equivalent examination more than once. The state board of
34 education may adopt rules to modify the requirements of subsection ~~B or C~~
35 A of this section for persons who have taught, obtained certification or
36 obtained a master's degree in another country.

37 ~~H.~~ G. A person who is not required to pass the proficiency
38 examination developed and administered in this state by the state board of
39 education pursuant to SUBSECTION A OR B OF this section shall only be
40 granted reciprocity for those proficiency examinations required in this
41 state that pertain to the grade levels and content areas that the person
42 is certified to teach in another state.

43 Sec. 5. Repeal

44 Section 15-553, Arizona Revised Statutes, is repealed.

