

State of Arizona
House of Representatives
Fifty-third Legislature
Second Regular Session
2018

HOUSE BILL 2187

AN ACT

AMENDING SECTIONS 15-203, 15-341 AND 15-537, ARIZONA REVISED STATUTES;
RELATING TO SCHOOL PERSONNEL.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

1 14. Supervise and control the certification of persons engaged in
2 instructional work directly as any classroom, laboratory or other teacher
3 or indirectly as a supervisory teacher, speech therapist, principal or
4 superintendent in a school district, including school district preschool
5 programs, or any other educational institution below the community
6 college, college or university level, and prescribe rules for
7 certification. The rules:

8 (a) Shall provide for a variety of alternative teacher and
9 administrator preparation programs that allow for variations in program
10 sequence and design to apply for program approval. The state board shall
11 adopt rules pursuant to this subdivision designed to allow for a variety
12 of formats and shall not require a prescribed answer or design from the
13 program provider in order to obtain approval from the state board. Any
14 rules adopted by the state board pursuant to this subdivision shall be
15 substantially different from the rules adopted for the approval of
16 traditional preparation programs and may not unnecessarily restrict a
17 variety of alternative preparation programs from operating and providing
18 instruction in this state. The state board shall evaluate each program
19 provider based on the program's ability to prepare teachers and
20 administrators and to recruit teachers and administrators with a variety
21 of experiences and talents. The state board shall permit universities
22 under the jurisdiction of the Arizona board of regents, community colleges
23 in this state, private postsecondary institutions licensed by this state,
24 school districts, charter schools, professional organizations, nonprofit
25 organizations and private entities to apply for program approval and shall
26 create application procedures and certification criteria that are
27 substantially less restrictive than those for traditional preparation
28 programs. At the completion of an alternative preparation program,
29 graduates shall:

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

32 (ii) If applicable, demonstrate professional knowledge and subject
33 knowledge proficiency pursuant to section 15-533.

34 (iii) Obtain a fingerprint clearance card pursuant to section
35 15-534.

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

38 (v) If applicable, complete training in research-based systematic
39 phonics instruction as prescribed in subdivision (b) of this paragraph.

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

42 (b) Shall require applicants for all certificates for common school
43 instruction to complete a minimum of forty-five classroom hours or three
44 ~~college level~~ COLLEGE-LEVEL credit hours, or the equivalent, of training

1 in research-based systematic phonics instruction from a public or private
2 provider.

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

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

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

11 (f) Shall provide for the issuance of a subject matter expert
12 standard teaching certificate to persons who have expertise in a content
13 area or subject matter. Persons who are certified pursuant to this
14 subdivision shall complete training, if applicable, in structured English
15 immersion as prescribed by the state board pursuant to section 15-756.09.
16 Persons who are certified pursuant to this subdivision are exempt from the
17 subject knowledge proficiency requirements prescribed in section 15-533
18 and from the proficiency requirements prescribed in section 15-532 on the
19 Constitutions of the United States and Arizona. Persons ~~pursuant~~ WHO ARE
20 SUBJECT to item (i) of this subdivision are also exempt from the
21 professional knowledge proficiency requirements pursuant to section
22 15-533. A person who obtains a subject matter expert standard teaching
23 certificate pursuant to this subdivision may provide instruction in the
24 person's field of expertise in grades six through twelve at any public
25 school in this state. Issuance of the subject matter expert standard
26 teaching certificate may not be conditioned on the person's employment
27 with a local education agency. A person who meets the requirements of
28 this subdivision shall be issued a subject matter expert standard teaching
29 certificate without having to demonstrate professional knowledge
30 proficiency pursuant to section 15-533, except that the person shall have
31 at least two years to demonstrate professional knowledge proficiency
32 pursuant to section 15-533. School districts shall evaluate and provide
33 support pursuant to section 15-537 to teachers WHO ARE certified pursuant
34 to this subdivision. If a person fails to meet the professional knowledge
35 requirements of this section within two years, the department of education
36 or state board of education may temporarily suspend the subject matter
37 expert standard teaching certificate. A certificate that is temporarily
38 suspended pursuant to this subdivision is not considered a disciplinary
39 action, and a person shall be allowed to correct the deficiency within the
40 remaining time of the subject matter expert standard teaching
41 certification. This subdivision does not require a person who has
42 obtained another type of teaching certificate from the state board to
43 obtain a subject matter expert standard teaching certificate pursuant to
44 this subdivision in order to provide instruction in grades six through
45 twelve. A person is eligible for a subject matter expert standard

1 teaching certificate pursuant to this subdivision if the person obtains a
2 valid fingerprint clearance card that is issued pursuant to title 41,
3 chapter 12, article 3.1 and meets any of the following requirements:

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

11 (ii) Has either a baccalaureate degree, a master's degree or a
12 doctoral degree in a specific subject area that is directly relevant to a
13 content area or subject matter taught in public schools.

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

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

26 (h) Shall allow for all standard TEACHING certificates issued to a
27 person pursuant to this section to be both issued and renewed for at least
28 twelve years and may not require more than fifteen hours of continuing
29 education credits each year in order to renew any certificate issued
30 pursuant to this section.

31 (i) Shall allow a STANDARD TEACHING certificate, and any
32 endorsement or approved area related to that certificate, to be renewed at
33 least two years but not more than ten years after that certificate expires
34 without any other requirements adopted by the state board of education or
35 the department of education if the person is in good standing, has at
36 least ten years of verified full-time experience in this state in the area
37 IN WHICH the person is seeking renewed certification and possesses a valid
38 fingerprint clearance card issued pursuant to section 15-534. A
39 certificate renewed pursuant to this subdivision shall be identical to the
40 expired certificate.

41 15. Adopt a list of approved tests for determining special
42 education assistance to gifted pupils as defined in and as provided in
43 chapter 7, article 4.1 of this title. The adopted tests shall provide
44 separate scores for quantitative reasoning, verbal reasoning and nonverbal

1 reasoning and shall be capable of providing reliable and valid scores at
2 the highest ranges of the score distribution.

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

5 17. Adopt proficiency examinations for its use. The state board of
6 education shall determine the passing score for the proficiency
7 examinations.

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

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

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

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

20 22. Adopt a rule to promote braille literacy pursuant to section
21 15-214.

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

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

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

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

42 We hold these truths to be self-evident, that all men
43 are created equal, that they are endowed by their creator with
44 certain unalienable rights, that among these are life, liberty
45 and the pursuit of happiness. That to secure these rights,

1 governments are instituted among men, deriving their just
2 powers from the consent of the governed. . . .

3 27. Adopt rules that provide for certification reciprocity for
4 certificates issued pursuant to this section. The rules for certification
5 reciprocity shall include a requirement that the applicant possess a
6 comparable valid certification from another state and be in good standing
7 with that other state. An applicant who possesses a valid certification
8 from another state and a fingerprint clearance card pursuant to section
9 15-534 and who is in good standing with that other state shall be issued a
10 comparable standard certificate without any other requirements from the
11 state board of education or the department of education. A person who is
12 issued a certificate pursuant to this paragraph is not required to meet
13 any requirement prescribed in section 15-533.

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

17 (a) Currently resides in this state.

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

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

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

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

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

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

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

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

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

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

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

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

29 (i) The transfer of student records.

30 (ii) Awarding credit for completed coursework.

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

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

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

43 34. For each of the alternative textbook formats of human-voiced
44 audio, large-print and braille, designate alternative media producers to
45 adapt existing standard print textbooks or to provide specialized

1 textbooks, or both, for pupils with disabilities in this state. Each
2 alternative media producer shall be capable of producing alternative
3 textbooks in all relevant subjects in at least one of the alternative
4 textbook formats. The board shall post the designated list of alternative
5 media producers on its website.

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

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

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

28 38. Adopt and ~~maintain a model framework~~ PERIODICALLY UPDATE
29 GUIDANCE for a teacher and principal evaluation instrument that includes
30 quantitative data on student academic progress ~~that accounts for between~~
31 ~~thirty-three percent and fifty percent of the evaluation outcomes.~~ A
32 SCHOOL DISTRICT OR CHARTER SCHOOL MAY ELECT TO MEASURE STUDENT ACADEMIC
33 PROGRESS FOR THE PURPOSES OF THIS PARAGRAPH WITH AN INSTRUMENT OTHER THAN
34 THE STATEWIDE ASSESSMENT. The ~~framework~~ GUIDANCE shall include four
35 performance classifications, designated as highly effective, effective,
36 developing and ineffective, and guidelines for school districts and
37 charter schools to use in their evaluation instruments. The state board
38 of education shall adopt best practices for professional development and
39 evaluator training. The state board of education may periodically make
40 adjustments to align the ~~model framework~~ GUIDANCE for teacher and
41 principal evaluations with assessment or data changes at the state level.
42 School districts and charter schools shall use an instrument that meets
43 the data ~~requirements~~ GUIDANCE established by the state board of education
44 to annually evaluate individual teachers and principals. School districts
45 and charter schools shall adopt definitions for the performance

1 classifications adopted by the state board of education in a public
2 meeting and apply the performance classifications to their evaluation
3 instruments in a manner designed to improve principal and teacher
4 performance. For charter holders, the principal evaluation instrument
5 applies to each charter school's instructional leader whose primary
6 responsibility is to oversee the academic performance of the charter
7 school. This paragraph does not apply to an officer, director, member or
8 partner of the charter holder. The school district governing board shall
9 discuss at a public meeting at least annually its aggregate performance
10 classifications of principals and teachers. THIS PARAGRAPH DOES NOT LIMIT
11 OR RESTRICT A SCHOOL DISTRICT OR CHARTER SCHOOL FROM DETERMINING BOTH:

12 (a) THE MEASUREMENT TOOL OR TOOLS THAT THE SCHOOL DISTRICT OR
13 CHARTER SCHOOL WILL USE TO EVALUATE TEACHERS AND PRINCIPALS.

14 (b) THE FORMULA THAT THE SCHOOL DISTRICT OR CHARTER SCHOOL MAY USE
15 TO DETERMINE EVALUATION OUTCOMES.

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

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

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

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

28 40. In consultation with the department of health services, the
29 department of education, medical professionals, school health
30 professionals, school administrators and an organization that represents
31 school nurses in this state, adopt rules that prescribe the following for
32 school districts and charter schools:

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

42 (b) Annual training for all school site personnel on the
43 recognition of anaphylactic shock symptoms and the procedures to follow
44 when anaphylactic shock occurs, following the national guidelines of the
45 American academy of pediatrics. The annual training prescribed in this

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

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

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

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

17 41. In consultation with the department of education, medical
18 professionals, school health professionals, school administrators and an
19 organization that represents school nurses in this state, adopt rules that
20 prescribe the following for school districts and charter schools that
21 elect to administer inhalers:

22 (a) Annual training in the recognition of respiratory distress
23 symptoms and the procedures to follow when respiratory distress occurs, in
24 accordance with good clinical practice, and the administration of
25 inhalers, as directed on the prescription protocol, by designated medical
26 and nonmedical school personnel.

27 (b) Requirements for school districts and charter schools that
28 elect to administer inhalers to designate at least two employees at each
29 school to be trained in the recognition of respiratory distress symptoms
30 and the procedures to follow when respiratory distress occurs, in
31 accordance with good clinical practice, and at least two employees at each
32 school to be trained in the administration of inhalers, as directed on the
33 prescription protocol.

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

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

41 (e) Procedures for notifying a parent once an inhaler has been
42 administered.

43 B. The state board of education may:

- 44 1. Contract.
- 45 2. Sue and be sued.

1 3. Distribute and score the tests prescribed in chapter 7, article
2 3 of this title.

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

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

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

20 C. Placement decisions of teaching intern certificate holders
21 issued pursuant to subsection A, paragraph 14, subdivision (a) of this
22 section and section 15-552 shall be based on agreements between the
23 teacher preparation provider, the provider's partner organizations and the
24 local education agency. The practices of the department of education and
25 the rules and policies of the state board of education may not restrict
26 placement of teaching intern certification holders based on local
27 education agency instructional models and may only consider the academic
28 quality of the school, the effectiveness of the teaching intern
29 certification holder's on-site mentor and the opportunity for a wide
30 variety of schools and school models to access teaching intern
31 certification holders.

32 Sec. 2. Section 15-341, Arizona Revised Statutes, is amended to
33 read:

34 15-341. General powers and duties; immunity; delegation

35 A. The governing board shall:

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

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

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

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

- 1 5. Prescribe the curricula and criteria for the promotion and
2 graduation of pupils as provided in sections 15-701 and 15-701.01.
- 3 6. Furnish, repair and insure, at full insurable value, the school
4 property of the district.
- 5 7. Construct school buildings on approval by a vote of the district
6 electors.
- 7 8. Make in the name of the district conveyances of property
8 belonging to the district and sold by the board.
- 9 9. Purchase school sites when authorized by a vote of the district
10 at an election conducted as nearly as practicable in the same manner as
11 the election provided in section 15-481 and held on a date prescribed in
12 section 15-491, subsection E, but such authorization shall not necessarily
13 specify the site to be purchased and such authorization shall not be
14 necessary to exchange unimproved property as provided in section 15-342,
15 paragraph 23.
- 16 10. Construct, improve and furnish buildings used for school
17 purposes when such buildings or premises are leased from the national park
18 service.
- 19 11. Purchase school sites or construct, improve and furnish school
20 buildings from the proceeds of the sale of school property only on
21 approval by a vote of the district electors.
- 22 12. Hold pupils to strict account for disorderly conduct on school
23 property.
- 24 13. Discipline students for disorderly conduct on the way to and
25 from school.
- 26 14. Except as provided in section 15-1224, deposit all monies
27 received by the district as gifts, grants and devises with the county
28 treasurer who shall credit the deposits as designated in the uniform
29 system of financial records. If not inconsistent with the terms of the
30 gifts, grants and devises given, any balance remaining after expenditures
31 for the intended purpose of the monies have been made shall be used for
32 reduction of school district taxes for the budget year, except that in the
33 case of accommodation schools the county treasurer shall carry the balance
34 forward for use by the county school superintendent for accommodation
35 schools for the budget year.
- 36 15. Provide that, if a parent or legal guardian chooses not to
37 accept a decision of the teacher as provided in ~~section~~ paragraph 42 of
38 this subsection, the parent or legal guardian may request in writing that
39 the governing board review the teacher's decision. This paragraph shall
40 not be construed to release school districts from any liability relating
41 to a child's promotion or retention.
- 42 16. Provide for adequate supervision over pupils in instructional
43 and noninstructional activities by certificated or noncertificated
44 personnel.

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

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

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

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

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

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

1 imposition of a suspension without pay or a dismissal pending completion
2 of the hearing.

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

7 24. Prescribe and enforce policies and procedures relating to the
8 health and safety of all pupils participating in ~~district-sponsored~~
9 **DISTRICT-SPONSORED** practice sessions or games or other interscholastic
10 athletic activities, including:

11 (a) The provision of water.

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

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

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

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

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

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

25 29. Keep in the personnel file of all current and former employees
26 who provide instruction to pupils at a school information about the
27 employee's educational and teaching background and experience in a
28 particular academic content subject area. A school district shall inform
29 parents and guardians of the availability of the information and shall
30 make the information available for inspection on request of parents and
31 guardians of pupils enrolled at a school. This paragraph shall not be
32 construed to require any school to release personally identifiable
33 information in relation to any teacher or employee, including the
34 teacher's or employee's address, salary, social security number or
35 telephone number.

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

1 "serious physical injury" have the same meanings prescribed in section
2 13-105.

3 31. In conjunction with local law enforcement agencies and
4 emergency response agencies, develop an emergency response plan for each
5 school in the school district in accordance with minimum standards
6 developed jointly by the department of education and the division of
7 emergency management within the department of emergency and military
8 affairs.

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

26 33. Incorporate instruction on Native American history into
27 appropriate existing curricula.

28 34. Prescribe and enforce policies and procedures:

29 (a) Allowing pupils who have been diagnosed with anaphylaxis by a
30 health care provider licensed pursuant to title 32, chapter 13, 14, 17 or
31 25 or by a registered nurse practitioner licensed and certified pursuant
32 to title 32, chapter 15 to carry and self-administer emergency
33 medications, including epinephrine auto-injectors, while at school and at
34 school-sponsored activities. The pupil's name on the prescription label
35 on the medication container or on the medication device and annual written
36 documentation from the pupil's parent or guardian to the school that
37 authorizes possession and self-administration is sufficient proof that the
38 pupil is entitled to the possession and self-administration of the
39 medication. The policies shall require a pupil who uses an epinephrine
40 auto-injector while at school and at school-sponsored activities to notify
41 the nurse or the designated school staff person of the use of the
42 medication as soon as practicable. A school district and its employees
43 are immune from civil liability with respect to all decisions made and
44 actions taken that are based on good faith implementation of the

1 requirements of this subdivision, except in cases of wanton or wilful
2 neglect.

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

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

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

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

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

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

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

41 (e) A formal process for the documentation of reported incidents of
42 harassment, intimidation or bullying and for the confidentiality,
43 maintenance and disposition of this documentation. School districts shall
44 maintain documentation of all incidents reported pursuant to this
45 paragraph for at least six years. The school shall not use that

1 documentation to impose disciplinary action unless the appropriate school
2 official has investigated and determined that the reported incidents of
3 harassment, intimidation or bullying occurred. If a school provides
4 documentation of reported incidents to persons other than school officials
5 or law enforcement, all individually identifiable information shall be
6 redacted.

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

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

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

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

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

20 37. Prescribe and enforce policies and procedures regarding
21 changing or adopting attendance boundaries that include the following
22 components:

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

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

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

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

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

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

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

42 38. If the state board of education determines that the school
43 district has committed an overexpenditure as defined in section 15-107,
44 provide a copy of the fiscal management report submitted pursuant to
45 section 15-107, subsection H on its website and make copies available to

1 the public on request. The school district shall comply with a request
2 within five business days after receipt.

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

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

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

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

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

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

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

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

26 41. Adopt in a public meeting ~~and implement by school year~~
27 ~~2013-2014~~ policies for principal evaluations. Before the adoption of
28 principal evaluation policies, the school district governing board shall
29 provide opportunities for public discussion on the proposed policies.
30 The policies shall describe:

31 (a) THE METHODS USED TO EVALUATE THE PERFORMANCE OF PRINCIPALS,
32 INCLUDING THE DATA USED TO MEASURE STUDENT PERFORMANCE AND JOB
33 EFFECTIVENESS.

34 (b) THE FORMULA USED TO DETERMINE EVALUATION OUTCOMES.

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

38 ~~(b)~~ (d) Alignment of professional development opportunities to the
39 principal evaluations.

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

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

1 ~~(d)~~ (f) Transfer and contract processes for principals designated
2 in the lowest performance classification pursuant to section 15-203,
3 subsection A, paragraph 38.

4 42. Prescribe and enforce policies and procedures that define the
5 duties of principals and teachers. These policies and procedures shall
6 authorize teachers to take and maintain daily classroom attendance, make
7 the decision to promote or retain a pupil in a grade in common school or
8 to pass or fail a pupil in a course in high school, subject to review by
9 the governing board in the manner provided in section 15-342,
10 paragraph 11.

11 43. Prescribe and enforce policies and procedures for the emergency
12 administration by an employee of a school district pursuant to section
13 36-2267 of naloxone hydrochloride or any other opioid antagonist approved
14 by the United States food and drug administration.

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

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

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

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

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

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

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

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

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

26 Sec. 3. Section 15-537, Arizona Revised Statutes, is amended to
27 read:

28 15-537. Performance of certificated teachers; evaluation
29 system; confidentiality

30 A. The governing board of a school district shall establish a
31 system for the evaluation of the performance of certificated teachers in
32 the school district that meets the requirements prescribed in section
33 15-203, subsection A, paragraph 38 and that results in at least one
34 evaluation of each certificated teacher by a qualified evaluator each
35 school year. The objectives of the teacher performance evaluation system
36 are to improve instruction and maintain instructional strengths. The
37 governing board shall involve its certificated teachers in the development
38 and periodic evaluation of the teacher performance evaluation system.

39 B. The school district governing board shall adopt teacher
40 evaluation policies in a public meeting. Before the adoption of teacher
41 evaluation policies, the school district governing board shall provide
42 opportunities for public discussion on the proposed policies. The
43 policies shall describe:

1 1. THE METHODS USED TO EVALUATE THE PERFORMANCE OF PRINCIPALS,
2 INCLUDING THE DATA USED TO MEASURE STUDENT PERFORMANCE AND JOB
3 EFFECTIVENESS.

4 2. THE FORMULA USED TO DETERMINE EVALUATION OUTCOMES.

5 ~~1.~~ 3. Incentives for teachers in the highest performance
6 classification, which may include multiyear contracts not to exceed three
7 years. The policies shall specify that the offer and acceptance of a
8 multiyear contract does not exclude that teacher from the application of
9 section 15-538.01, 15-540, 15-541 or 15-549 and that the teacher may
10 accept a multiyear contract offer or decline and accept a ~~one-year~~
11 ONE-YEAR contract.

12 ~~2.~~ 4. Incentives for teachers in the two highest performance
13 classifications to work at schools that are assigned a letter grade of D
14 or F pursuant to section 15-241.

15 ~~3.~~ 5. Protections for teachers who are transferred to schools that
16 are assigned a letter grade of D or F pursuant to section 15-241.

17 ~~4.~~ 6. Protections for teachers if the principal of the school is
18 designated in the lowest performance classification.

19 C. ~~By school year 2015-2016,~~ The policies prescribed in subsection
20 B of this section shall describe:

21 1. Performance improvement plans for teachers designated in the
22 lowest performance classification.

23 2. Dismissal or nonrenewal procedures pursuant to section 15-536 or
24 15-539 for teachers who continue to be designated in the lowest
25 performance classification. The procedures shall require that the school
26 district issue the preliminary notice of inadequacy of classroom
27 performance no later than the second consecutive year that the teacher is
28 designated in one of the two lowest performance classifications unless the
29 teacher is in the first or second year of employment with the school
30 district or has been reassigned to teach a new subject or grade level for
31 the preceding or current school year.

32 D. A teacher who has been employed by the school district for the
33 major portion of three or more consecutive school years and who is
34 currently designated in the lowest performance classification for two
35 consecutive school years shall not be transferred as a teacher to another
36 school in that school district unless the school district has issued a
37 preliminary notice of inadequacy of classroom performance and approved a
38 performance improvement plan for the teacher pursuant to section 15-539
39 and the governing board has approved the new placement as in the best
40 interests of the pupils in the school. A teacher who continues to be
41 designated in one of the two lowest performance classifications shall not
42 be permitted to transfer to another school. A teacher shall not be
43 transferred more than once pursuant to this subsection.

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

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

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

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

20 4. Training requirements for qualified evaluators.

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

28 F. The governing board may waive the requirement of a second
29 classroom observation for a continuing teacher whose teaching performance
30 based on the first classroom observation places the teacher in one of the
31 two highest performance classifications for the current school year,
32 unless the teacher requests a second observation.

33 G. The results of an annual evaluation conducted as provided in
34 this section shall be in writing or provided in AN electronic format to
35 the certificated teacher, and a copy shall be transmitted or provided in
36 an electronic format to the certificated teacher within five days after
37 completion of the evaluation. The certificated teacher may initiate a
38 written reaction or response to the evaluation.

39 H. Each evaluation shall include recommendations as to areas of
40 improvement in the performance of the certificated teacher if the
41 performance of the teacher warrants improvement. After transmittal of an
42 evaluation, the qualified evaluator or another board designee shall confer
43 with the teacher to make specific recommendations as to areas of
44 improvement in the teacher's performance. The qualified evaluator or
45 other board designee shall provide professional development opportunities

1 for the certificated teacher to improve performance and follow up with the
2 teacher after a reasonable period of time for the purpose of ascertaining
3 that the teacher is demonstrating adequate performance.

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

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

9 2. To authorized district officers and employees for all personnel
10 matters regarding employment and contracts and for any hearing that
11 relates to personnel matters.

12 3. To school districts and charter schools that inquire about the
13 performance of the teacher for prospective employment purposes. A school
14 district or charter school that receives information about a certificated
15 teacher from the evaluation report and performance classification shall
16 use this information solely for employment purposes and shall not release
17 THIS INFORMATION to or allow access to this information by any other
18 person, entity, school district or charter school.

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

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

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

24 J. Any school district policy pertaining to the transfer of
25 teachers from one school to another school in a school district shall take
26 into consideration the current distribution of teachers across all of the
27 performance classifications and the needs of the pupils in the school
28 district.