

Senate Engrossed

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

SENATE BILL 1497

AN ACT

AMENDING SECTIONS 15-203 AND 15-977, ARIZONA REVISED STATUTES; RELATING TO
TEACHER AND PRINCIPAL EVALUATIONS.

(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 credit hours, or the equivalent, of training in

1 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 certified pursuant to this
34 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. A person shall demonstrate compliance with
8 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. A person shall demonstrate compliance
17 with this requirement by providing the state board with written proof of
18 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 certificates issued to a person
27 pursuant to this section to be both issued and renewed for at least twelve
28 years and may not require more than fifteen hours of continuing education
29 credits each year in order to renew any certificate issued pursuant to
30 this section.

31 (i) Shall allow a certificate, and any endorsement or approved area
32 related to that certificate, to be renewed at least two years but not more
33 than ten years after that certificate expires without any other
34 requirements adopted by the state board of education or the department of
35 education if the person is in good standing, has at least ten years of
36 verified full-time experience in this state in the area **IN WHICH** the
37 person is seeking renewed certification and possesses a valid fingerprint
38 clearance card issued pursuant to section 15-534. A certificate renewed
39 pursuant to this subdivision shall be identical to the expired
40 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 board shall also adopt
18 rules to prohibit a person who violates the notification requirements,
19 certification surrender requirements or fingerprint clearance card
20 surrender requirements prescribed in section 15-183, subsection C,
21 paragraph 9 or section 15-550, subsection D from certification pursuant to
22 this title for at least ten years after the date of the violation.

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

27 38. Adopt and maintain a model framework for a teacher and
28 principal evaluation instrument ~~DESIGNED TO IMPROVE PRINCIPAL AND TEACHER~~
29 ~~PERFORMANCE AND IMPROVE STUDENT ACHIEVEMENT~~ that includes quantitative
30 data on ~~student~~ THE academic progress ~~FOR ALL STUDENTS AND~~ that accounts
31 for between ~~thirty-three~~ TWENTY percent and ~~fifty~~ FORTY percent of the
32 evaluation outcomes. ~~THE QUANTITATIVE DATA ON STUDENT ACADEMIC PROGRESS~~
33 ~~SHALL BE VALID AND RELIABLE AND DIRECTLY ATTRIBUTABLE TO THE TEACHER BEING~~
34 ~~EVALUATED. THE FRAMEWORK SHALL ALLOW FOR STUDENTS WHO WERE NOT ENROLLED~~
35 ~~IN A SCHOOL FOR A FULL ACADEMIC YEAR TO BE EXCLUDED FROM THE STUDENT~~
36 ~~ACADEMIC PROGRESS DATA. QUANTITATIVE DATA ASSOCIATED WITH THE STATEWIDE~~
37 ~~ASSESSMENT PURSUANT TO SECTION 15-741 IS NOT REQUIRED TO BE INCLUDED AS~~
38 ~~PART OF THE EVALUATION FOR TEACHERS WHO INSTRUCT STUDENTS IN CONTENT AREAS~~
39 ~~THAT ARE TESTED BY THE STATEWIDE ASSESSMENT. QUANTITATIVE DATA ASSOCIATED~~
40 ~~WITH THE STATEWIDE ASSESSMENT PURSUANT TO SECTION 15-741 MAY NOT BE PART~~
41 ~~OF THE EVALUATION FOR TEACHERS WHO DO NOT INSTRUCT STUDENTS IN CONTENT~~
42 ~~AREAS THAT ARE TESTED BY THE STATEWIDE ASSESSMENT. A SCHOOL DISTRICT OR~~
43 ~~CHARTER SCHOOL THAT CHOOSES TO HAVE QUANTITATIVE DATA ASSOCIATED WITH THE~~
44 ~~STATEWIDE ASSESSMENT INCLUDED AS PART OF THE EVALUATION FRAMEWORK SHALL~~
45 ~~ENSURE THAT TEACHERS WHO INSTRUCT STUDENTS IN SOCIAL STUDIES, ENGLISH~~

1 LANGUAGE ARTS, MATHEMATICS AND SCIENCE COLLABORATE TO IMPROVE STUDENT
2 ACADEMIC PROGRESS ON THE STATEWIDE ASSESSMENT. A SCHOOL DISTRICT OR
3 CHARTER SCHOOL MAY DETERMINE THE PORTION OF THE QUANTITATIVE DATA ON
4 STUDENT ACADEMIC PROGRESS THAT IS ASSOCIATED WITH THE STATEWIDE
5 ASSESSMENT. THE PORTION OF THE EVALUATION THAT IS ASSOCIATED WITH
6 QUANTITATIVE DATA ON STUDENT ACADEMIC PROGRESS SHALL INCLUDE MULTIPLE
7 MEASURES OF STUDENT ACADEMIC PROGRESS. THE FRAMEWORK SHALL ALSO INCLUDE
8 TEACHER OBSERVATIONS THAT ACCOUNT FOR BETWEEN SIXTY PERCENT AND EIGHTY
9 PERCENT AND THAT INCLUDE PERFORMANCE COMPONENTS BY OBSERVING THE CLASSROOM
10 ENVIRONMENT, INSTRUCTIONAL PRACTICES, PROFESSIONAL RESPONSIBILITIES AND
11 PLANNING AND PREPARATION OF THE TEACHER. The framework shall include four
12 performance classifications, designated as highly effective, effective,
13 developing and ineffective, and guidelines for school districts and
14 charter schools to use in their evaluation instruments. The state board
15 of education shall adopt best practices for professional development and
16 evaluator training. The state board of education may periodically make
17 adjustments to align the model framework for teacher and principal
18 evaluations with assessment or data changes at the state level. School
19 districts and charter schools shall use an instrument that meets the data
20 requirements established by the state board of education to annually
21 evaluate individual teachers and principals. School districts and charter
22 schools shall adopt definitions for the performance classifications
23 adopted by the state board of education in a public meeting and apply the
24 performance classifications to their evaluation instruments in a manner
25 designed to improve principal and teacher performance. For charter
26 holders, the principal evaluation instrument applies to each charter
27 school's instructional leader whose primary responsibility is to oversee
28 the academic performance of the charter school. This paragraph does not
29 apply to an officer, director, member or partner of the charter
30 holder. The school district governing board shall discuss at a public
31 meeting at least annually its aggregate performance classifications of
32 principals and teachers. FOR THE PURPOSES OF THIS PARAGRAPH, "STUDENT
33 ACADEMIC PROGRESS":

34 (a) MEANS MEASUREMENTS OF THE STUDENT'S LEARNING OF GRADE-LEVEL
35 CONTENT STANDARDS THAT INCLUDE THE AMOUNT OF ACADEMIC GROWTH THAT THE
36 STUDENT DEMONSTRATES AND THE STUDENT'S OVERALL ACADEMIC PROFICIENCY.
37 THESE MEASUREMENTS INCLUDE STATE-ADMINISTERED ASSESSMENTS, VALID AND
38 RELIABLE CLASSROOM LEVEL DATA, LOCAL EDUCATION AGENCY-ADMINISTERED
39 BENCHMARK ASSESSMENTS AND FORMATIVE OR SUMMATIVE ASSESSMENTS.

40 (b) DOES NOT EXCLUDE OTHER QUANTITATIVE DATA AND METRICS THAT ARE
41 AVAILABLE TO EVALUATE A STUDENT'S ACADEMIC PROGRESS.

42 39. Adopt rules to define competency-based educational pathways for
43 college and career readiness that may be used by schools. The rules shall
44 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.

44 41. In consultation with the department of education, medical
45 professionals, school health professionals, school administrators and an

1 organization that represents school nurses in this state, adopt rules that
2 prescribe the following for school districts and charter schools that
3 elect to administer inhalers:

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

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

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

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

23 (e) Procedures for notifying a parent once an inhaler has been
24 administered.

25 B. The state board of education may:

26 1. Contract.

27 2. Sue and be sued.

28 3. Distribute and score the tests prescribed in chapter 7, article
29 3 of this title.

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

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

43 6. Assess costs and reasonable attorney fees against a person who
44 files a frivolous complaint or who files a complaint in bad faith. Costs

1 assessed pursuant to this paragraph shall not exceed the expenses incurred
2 by the department of education in the investigation of the complaint.

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

15 Sec. 2. Section 15-977, Arizona Revised Statutes, is amended to
16 read:

17 15-977. Classroom site fund; definitions

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

42 B. A school district governing board must adopt a performance based
43 compensation system at a public hearing to allocate funding from the
44 classroom site fund pursuant to subsection A of this section. Individual
45 teacher performance as measured by the teacher's performance

1 classification pursuant to section 15-203, subsection A, paragraph 38
2 shall be a component of the school district's portion of the forty percent
3 allocation for teacher compensation based on performance ~~and employment~~
4 ~~related expenses~~.

5 C. A school district governing board shall vote on a performance
6 based compensation system that includes:

7 1. BOTH OF the following elements:

8 ~~1.~~ (a) School district performance and school performance.

9 ~~2.~~ (b) Individual teacher performance as measured by the teacher's
10 performance classification pursuant to section 15-203, subsection A,
11 paragraph 38. The individual teacher performance component shall account
12 for thirty-three percent of the forty percent allocation for teacher
13 compensation based on performance ~~and employment related expenses~~.

14 2. AT LEAST FOUR OF THE FOLLOWING ADDITIONAL ELEMENTS:

15 ~~3.~~ (a) Measures of academic progress toward the academic standards
16 adopted by the state board of education.

17 ~~4.~~ (b) Other measures of academic progress.

18 ~~5.~~ (c) Dropout or graduation rates FOR STUDENTS IN HIGH SCHOOL.

19 ~~6.~~ (d) Attendance rates.

20 ~~7.~~ (e) Ratings of school quality by parents.

21 ~~8.~~ (f) Ratings of school quality by students.

22 ~~9.~~ (g) The input of teachers and administrators.

23 ~~10.~~ (h) Approval of the performance based compensation system
24 based on an affirmative vote of at least seventy percent of the teachers
25 eligible to participate in the performance based compensation system.

26 ~~11.~~ (i) An appeals process for teachers who have been denied
27 performance based compensation.

28 ~~12.~~ (j) Regular evaluation for effectiveness, which shall comply
29 with section 15-203, subsection A, paragraph 38.

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

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

38 F. ~~Until December 31, 2009,~~ Each school district shall develop an
39 assessment plan for its performance based compensation system and submit
40 the plan to the department of education by December 31 of each year. A
41 copy of the performance based compensation system and assessment plan
42 adopted by the school district governing board shall be ~~included in the~~
43 ~~report submitted to~~ AVAILABLE ON THE WEBSITE OF the department of
44 education.

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

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

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

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

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

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

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

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

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

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

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

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

39 O. For the purposes of this section:

40 1. "Assessment intervention" means summer programs, after school
41 programs, before school programs or tutoring programs that are
42 specifically designed to ensure that pupils meet the Arizona academic
43 standards as measured by the statewide assessment prescribed by section
44 15-741.

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

5 3. "EMPLOYMENT-RELATED EXPENSES" MEANS THE EXPENSES FOR WHICH THE
6 SCHOOL DISTRICT OR CHARTER SCHOOL IS RESPONSIBLE AS AN EMPLOYER AND THAT
7 INCLUDE ONLY CONTRIBUTIONS FOR THE FEDERAL INSURANCE CONTRIBUTIONS ACT,
8 RETIREMENT, HEALTH INSURANCE, UNEMPLOYMENT COMPENSATION INSURANCE AND
9 WORKERS' COMPENSATION INSURANCE.