

State of Arizona
Senate
Fifty-fourth Legislature
Second Regular Session
2020

SENATE BILL 1454

AN ACT

AMENDING SECTIONS 15-203 AND 15-249.06, ARIZONA REVISED STATUTES; RELATING
TO SCHOOL INSTRUCTION.

(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. Pursuant to section 15-501.01, supervise and control the
2 certification of persons engaged in instructional work directly as any
3 classroom, laboratory or other teacher or indirectly as a supervisory
4 teacher, speech therapist, principal or superintendent in a school
5 district, including school district preschool programs, or any other
6 educational institution below the community college, college or university
7 level, and prescribe rules for certification.

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

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

16 17. Adopt proficiency examinations for its use and determine the
17 passing score for the proficiency examinations.

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

21 19. Supervise and control the qualifications of professional
22 nonteaching school personnel and prescribe standards relating to
23 qualifications. The standards shall not require the business manager of a
24 school district to obtain certification from the state board of education.

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

28 21. Establish an assessment, data gathering and reporting system
29 for pupil performance as prescribed in chapter 7, article 3 of this title,
30 including qualifying examinations for the **DUAL ENROLLMENT AND** college
31 credit by examination incentive program pursuant to section 15-249.06.

32 22. Adopt a rule to promote braille literacy pursuant to section
33 15-214.

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

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

41 25. Develop and maintain a handbook for use in the schools of this
42 state that provides guidance for the teaching of moral, civic and ethical
43 education. The handbook shall promote existing curriculum frameworks and
44 shall encourage school districts to recognize moral, civic and ethical
45 values within instructional and programmatic educational development

1 programs for the general purpose of instilling character and ethical
2 principles in pupils in kindergarten programs and grades one through
3 twelve.

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

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

15 27. Adopt rules that provide for certification reciprocity pursuant
16 to section 15-501.01.

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

20 (a) Currently resides in this state.

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

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

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

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

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

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

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

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

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

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

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

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

33 (i) The transfer of student records.

34 (ii) Awarding credit for completed coursework.

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

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

41 33. Adopt guidelines that school district governing boards shall
42 use in identifying pupils who are eligible for gifted programs and in
43 providing gifted education programs and services. The state board of
44 education shall adopt any other guidelines and rules that it deems

1 necessary in order to carry out the purposes of chapter 7, article 4.1 of
2 this title.

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

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

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

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

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

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

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

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

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

6 (a) Annual training in the administration of auto-injectable
7 epinephrine for designated medical and nonmedical school personnel. The
8 annual training prescribed in this subdivision is optional during any
9 fiscal year in which a school does not stock epinephrine auto-injectors at
10 the school during that fiscal year.

11 (b) Annual training for all school site personnel on the
12 recognition of anaphylactic shock symptoms and the procedures to follow
13 when anaphylactic shock occurs, following the national guidelines of the
14 American academy of pediatrics. The annual training prescribed in this
15 subdivision is optional during any fiscal year in which a school does not
16 stock epinephrine auto-injectors at the school during that fiscal year.

17 (c) Procedures for the administration of epinephrine auto-injectors
18 in emergency situations.

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

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

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

32 (a) Annual training in the recognition of respiratory distress
33 symptoms and the procedures to follow when respiratory distress occurs, in
34 accordance with good clinical practice, and the administration of
35 inhalers, as directed on the prescription protocol, by designated medical
36 and nonmedical school personnel.

37 (b) Requirements for school districts and charter schools that
38 elect to administer inhalers to designate at least two employees at each
39 school to be trained in the recognition of respiratory distress symptoms
40 and the procedures to follow when respiratory distress occurs, in
41 accordance with good clinical practice, and at least two employees at each
42 school to be trained in the administration of inhalers, as directed on the
43 prescription protocol.

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

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

6 (e) Procedures for notifying a parent once an inhaler has been
7 administered.

8 41. Adopt rules for certification that allow substitute teachers
9 who can demonstrate primary teaching responsibility in a classroom as
10 defined by the state board of education to use the time spent in that
11 classroom toward the required capstone experience for standard teaching
12 certification.

13 B. The state board of education may:

14 1. Contract.

15 2. Sue and be sued.

16 3. Distribute and score the tests prescribed in chapter 7, article
17 3 of this title.

18 4. Provide for an advisory committee to conduct hearings and
19 screenings to determine whether grounds exist to impose disciplinary
20 action against a certificated person, whether grounds exist to reinstate a
21 revoked or surrendered certificate and whether grounds exist to approve or
22 deny an initial application for certification or a request for renewal of
23 a certificate. The board may delegate its responsibility to conduct
24 hearings and screenings to its advisory committee. Hearings shall be
25 conducted pursuant to title 41, chapter 6, article 6.

26 5. Proceed with the disposal of any complaint requesting
27 disciplinary action or with any disciplinary action against a person
28 holding a certificate as prescribed in subsection A, paragraph 14 of this
29 section after the suspension or expiration of the certificate or surrender
30 of the certificate by the holder.

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

35 Sec. 2. Section 15-249.06, Arizona Revised Statutes, is amended to
36 read:

37 15-249.06. Dual enrollment and college credit by examination
38 incentive program; incentive bonuses; report;
39 fund; program termination

40 A. The DUAL ENROLLMENT AND college credit by examination incentive
41 program is established within the department of education to provide an
42 incentive bonus to teachers, school districts and charter schools for
43 students who COMPLETE A QUALIFYING DUAL ENROLLMENT COURSE WITH A PASSING
44 GRADE OR obtain a passing score on a qualifying examination for college
45 credit while in high school.

1 B. The Arizona board of regents shall maintain a list of qualifying
2 examinations that a high school student may take in order to receive
3 college credit in mathematics, English language arts, social studies or
4 science from any university under the jurisdiction of the Arizona board of
5 regents and the passing scores required on those examinations in order to
6 receive college credit. On or before September 1 of each year, the
7 Arizona board of regents shall provide the list of qualifying examinations
8 and passing scores to the department of education and shall submit this
9 list to the joint legislative budget committee.

10 C. EACH COMMUNITY COLLEGE DISTRICT GOVERNING BOARD SHALL MAINTAIN A
11 LIST OF QUALIFYING DUAL ENROLLMENT COURSES OFFERED PURSUANT TO SECTION
12 15-1821.01 THAT A HIGH SCHOOL STUDENT MAY TAKE IN ORDER TO RECEIVE COLLEGE
13 CREDIT IN MATHEMATICS, ENGLISH LANGUAGE ARTS, SOCIAL STUDIES OR SCIENCE
14 AND THE PASSING GRADE REQUIRED IN EACH QUALIFYING DUAL ENROLLMENT COURSE
15 IN ORDER TO RECEIVE COLLEGE CREDIT. ON OR BEFORE SEPTEMBER 1 OF EACH
16 YEAR, EACH COMMUNITY COLLEGE DISTRICT GOVERNING BOARD SHALL PROVIDE THE
17 LIST OF QUALIFYING DUAL ENROLLMENT COURSES AND PASSING GRADES TO THE
18 DEPARTMENT OF EDUCATION AND THE JOINT LEGISLATIVE BUDGET COMMITTEE.

19 ~~C. D. Beginning in fiscal year 2017-2018,~~ The department of
20 education shall pay an incentive bonus to school districts and charter
21 schools for each student in grades nine through twelve who receives a
22 passing score during the previous fiscal year on a qualifying examination
23 identified by the Arizona board of regents pursuant to subsection B of
24 this section. A student who receives a passing score on a qualifying
25 examination and who is enrolled in a school where fifty percent or more of
26 the students are eligible for free or reduced-price lunches shall generate
27 for the school or charter school a bonus of \$450 per passing score on a
28 qualifying examination. A student who receives a passing score on a
29 qualifying examination and who is enrolled in a school where less than
30 fifty percent of the students are eligible for free or reduced-price
31 lunches shall generate for the school or charter school a bonus of \$300
32 per passing score on a qualifying examination. If the statewide sum of
33 per student bonuses awarded pursuant to this subsection exceeds the amount
34 of available monies appropriated for incentive bonuses, the bonus monies
35 shall be reduced proportionally to cover all eligible bonus awards.

36 E. BEGINNING IN FISCAL YEAR 2021-2022, THE DEPARTMENT OF EDUCATION
37 SHALL PAY AN INCENTIVE BONUS TO SCHOOL DISTRICTS AND CHARTER SCHOOLS FOR
38 EACH STUDENT IN GRADES NINE THROUGH TWELVE WHO COMPLETES A QUALIFYING DUAL
39 ENROLLMENT COURSE, AS IDENTIFIED BY A COMMUNITY COLLEGE DISTRICT GOVERNING
40 BOARD PURSUANT TO SUBSECTION C OF THIS SECTION, WITH A PASSING GRADE
41 DURING THE PREVIOUS FISCAL YEAR AND WHO IS ENROLLED IN A SCHOOL WHERE
42 FIFTY PERCENT OR MORE OF THE STUDENTS ARE ELIGIBLE FOR FREE OR
43 REDUCED-PRICE LUNCHES. A STUDENT WHO COMPLETES A QUALIFYING DUAL
44 ENROLLMENT COURSE WITH A PASSING GRADE AND WHO IS ENROLLED IN A SCHOOL
45 WHERE FIFTY PERCENT OR MORE OF THE STUDENTS ARE ELIGIBLE FOR FREE OR

1 REDUCED-PRICE LUNCHES SHALL GENERATE FOR THE SCHOOL OR CHARTER SCHOOL A
2 BONUS OF \$450 PER PASSING GRADE IN A QUALIFYING DUAL ENROLLMENT COURSE.
3 IF THE STATEWIDE SUM OF PER STUDENT BONUSES AWARDED PURSUANT TO THIS
4 SUBSECTION EXCEEDS THE AMOUNT OF AVAILABLE MONIES APPROPRIATED FOR
5 INCENTIVE BONUSES, THE BONUS MONIES SHALL BE REDUCED PROPORTIONALLY TO
6 COVER ALL ELIGIBLE BONUS AWARDS.

7 ~~D.~~ F. A school district or charter school that receives an
8 incentive bonus pursuant to this section shall distribute at least fifty
9 percent of the bonus monies to the associated classroom teacher for each
10 student who COMPLETES A QUALIFYING DUAL ENROLLMENT COURSE WITH A PASSING
11 GRADE OR passes a qualifying examination and to other teachers of relevant
12 subjects who instructed that student, including ~~but not limited to~~
13 teachers in the same department or subject matter that contributed to the
14 student COMPLETING A QUALIFYING DUAL ENROLLMENT COURSE WITH A PASSING
15 GRADE OR passing the examination, as identified by the school district
16 governing board, the charter school governing body or the school
17 principal. Bonus monies awarded to a teacher pursuant to this subsection
18 are in addition to any regular wage, compensation or other bonus the
19 teacher receives or is scheduled to receive and shall be provided to the
20 teacher by the end of the school year or not later than thirty days after
21 the end of the school year. The remainder of any bonus monies received by
22 a school district or charter school shall be allocated by the school
23 principal on behalf of students who receive a PASSING GRADE OR passing
24 score and may be used for teacher professional development or student
25 instructional support, reimbursement of examination fees or instructional
26 materials. Any bonus monies received by a school district or charter
27 school pursuant to this subsection shall be separately accounted for in
28 the school district's or charter school's annual financial report.

29 ~~E.~~ G. Incentive bonuses distributed to and any bonus monies
30 received by a school district or charter school pursuant to this section
31 are not subject to collective bargaining.

32 ~~F.~~ H. Payments made by the department of education pursuant to
33 this section shall be distributed to schools not later than March 1 of
34 each year. School districts and charter schools may appeal the allocation
35 of bonus monies not later than August 1 of each year. The department may
36 withhold up to \$10,000 of the monies appropriated for the purposes of this
37 section to address allocation appeals by school districts and charter
38 schools.

39 ~~G.~~ I. On or before ~~December 15, 2018 and on or before~~ December 15
40 of each year ~~thereafter~~, the department of education shall submit to the
41 president of the senate, the speaker of the house of representatives, the
42 governor, the secretary of state, and the joint legislative budget
43 committee, a report on all of the following:

44 1. The number of students WHO COMPLETED A QUALIFYING DUAL
45 ENROLLMENT COURSE AND who took a qualifying examination at each school.

- 1 2. The number of students WHO COMPLETED A QUALIFYING DUAL
2 ENROLLMENT COURSE WITH A PASSING GRADE AND who received a passing score on
3 a qualifying examination and the number of incentive bonus awards
4 distributed.
- 5 3. The number and types of QUALIFYING DUAL ENROLLMENT COURSES AND
6 qualifying examinations taken by students.
- 7 4. The amount of bonus monies received by each school.
- 8 ~~H.~~ J. Incentive bonuses distributed to and any bonus monies
9 received by a teacher are not compensation as defined in section 38-711.
- 10 ~~I.~~ K. The DUAL ENROLLMENT AND college credit by examination
11 development fund is established consisting of monies that are appropriated
12 to the department of education for the purposes of this section but that
13 are not distributed by the end of the fiscal year in which the monies are
14 appropriated. The department shall administer the fund. Monies in the
15 fund are continuously appropriated and are exempt from the provisions of
16 section 35-190 relating to lapsing of appropriations. The department
17 shall distribute monies in the fund to schools in which fifty percent or
18 more of the students are eligible for free or reduced-price lunches to
19 assist those schools in developing and operating classes that offer
20 qualifying examinations pursuant to this section. The department shall
21 prioritize distributions from the fund based on need.
- 22 ~~J.~~ L. The program established by this section ends on July 1, 2026
23 pursuant to section 41-3102.