

REFERENCE TITLE: schools; superintendents; severance packages; prohibition

State of Arizona  
House of Representatives  
Fifty-fifth Legislature  
First Regular Session  
2021

# HB 2121

Introduced by  
Representatives Bolick: Blackman, Roberts

AN ACT

AMENDING SECTION 15-503, ARIZONA REVISED STATUTES; RELATING TO SCHOOL EMPLOYEES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 15-503, Arizona Revised Statutes, is amended to  
3 read:

4 15-503. Superintendents, principals, head teachers and school  
5 psychologists; term of employment; evaluation;  
6 contract delivery; nonretention notice; severance  
7 package prohibited; definition

8 A. The governing board may:

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

15 2. Appoint a head teacher.

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

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

36 C. The governing board shall establish systems for ~~the evaluation~~  
37 ~~of~~ **EVALUATING** the performance of principals and other school  
38 administrators and certificated school psychologists in the school  
39 district. In ~~the development~~ **DEVELOPING** and ~~adoption of~~ **ADOPTING** these  
40 performance evaluation systems, the governing board shall avail itself of  
41 the advice of its administrators and certificated school psychologists.  
42 Each evaluation shall include recommendations as to areas of improvement  
43 in the performance of the certificated school psychologist if the  
44 performance of the certificated school psychologist warrants improvement.  
45 After ~~transmittal of~~ **TRANSMITTING** an assessment, a governing board

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

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

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

1 F. The governing board shall make available the evaluation and  
2 performance classification of each principal in the school district to  
3 school districts and charter schools that are inquiring about the  
4 performance of the principal for hiring purposes.

5 G. NOTWITHSTANDING ANY OTHER LAW OF THIS STATE, BEGINNING FROM AND  
6 AFTER THE EFFECTIVE DATE OF THIS AMENDMENT TO THIS SECTION, A SCHOOL  
7 DISTRICT MAY NOT PROVIDE A SEVERANCE PACKAGE TO A SCHOOL DISTRICT  
8 SUPERINTENDENT. THIS SUBSECTION DOES NOT APPLY IF EITHER:

9 1. THE SCHOOL DISTRICT HAS EITHER EXPLICITLY OR IMPLICITLY PROMISED  
10 THE SCHOOL DISTRICT SUPERINTENDENT BEFORE THE EFFECTIVE DATE OF THIS  
11 AMENDMENT TO THIS SECTION THAT THE SCHOOL DISTRICT SUPERINTENDENT WAS  
12 ENTITLED TO A SEVERANCE PACKAGE IN THE EVENT OF THE SCHOOL DISTRICT  
13 SUPERINTENDENT'S SEVERANCE OF EMPLOYMENT.

14 2. THE SCHOOL DISTRICT SUPERINTENDENT IS ENTITLED TO A SEVERANCE  
15 PACKAGE UNDER FEDERAL LAW.

16 H. FOR THE PURPOSES OF THIS SECTION, "SEVERANCE PACKAGE" MEANS  
17 SEVERANCE PAY AS DEFINED IN SECTION 23-621.