

Senate Engrossed House Bill

~~schools; state board; rules; modularization~~
(now: education board; rules; learning outcomes)

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

CHAPTER 289
HOUSE BILL 2135

AN ACT

AMENDING SECTIONS 15-203 AND 15-701.01, ARIZONA REVISED STATUTES; RELATING
TO THE STATE BOARD OF EDUCATION.

(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 college credit by examination
31 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, **BEGINNING WITH MATH**.

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)~~ (b) **ON OR BEFORE DECEMBER 31, 2022**, a mechanism to allow
42 pupils in grades seven through twelve who have demonstrated competency in
43 a subject to immediately obtain credit for the mastery of that subject.
44 The rules shall include a list of applicable subjects, ~~including the level~~
45 ~~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.

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

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

8 (e) Procedures for notifying a parent once an inhaler has been
9 administered.

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

15 42. For the purposes of Sandra Day O'Connor civics celebration day
16 instruction under section 15-710.01, develop a list of recommended
17 resources relating to civics education that align with the academic
18 standards prescribed by the state board of education in social studies
19 pursuant to sections 15-701 and 15-701.01. The state board shall
20 establish a process that allows public schools to recommend resources for
21 addition to the list.

22 B. The state board of education may:

23 1. Contract.

24 2. Sue and be sued.

25 3. Distribute and score the tests prescribed in chapter 7, article
26 3 of this title.

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

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

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

1 Sec. 2. Section 15-701.01, Arizona Revised Statutes, is amended to
2 read:

3 15-701.01. High schools; graduation; requirements; community
4 college or university courses; transfer from
5 other schools; academic credit

6 A. The state board of education shall:

7 1. Prescribe a minimum course of study, ~~as defined in section~~
8 ~~15-101 and incorporating~~ THAT INCORPORATES the academic standards adopted
9 by the state board, ~~for the graduation of pupils from high school.~~

10 2. Prescribe competency requirements for the graduation of pupils
11 from high school incorporating the academic standards in at least the
12 areas of reading, writing, mathematics, science and social studies. The
13 academic standards prescribed by the state board in social studies shall
14 include personal finance and American civics education. The state board
15 may consider establishing a required separate personal finance course for
16 the purpose of the graduation of pupils from high school. The state board
17 shall require at least one-half of a course credit in economics, which
18 shall include financial literacy and personal financial management. The
19 competency requirements for social studies shall include a requirement
20 that, in order to graduate from high school or obtain a high school
21 equivalency diploma, a pupil must correctly answer at least sixty of the
22 one hundred questions listed on a test that is identical to the civics
23 portion of the naturalization test used by the United States citizenship
24 and immigration services. A district school or charter school shall
25 document on the pupil's transcript that the pupil has passed a test that
26 is identical to the civics portion of the naturalization test used by the
27 United States citizenship and immigration services as required by this
28 section.

29 3. Develop and adopt competency tests pursuant to section 15-741.
30 English language learners who are subject to article 3.1 of this chapter
31 are subject to the assessments prescribed in section 15-741.

32 B. The governing board of a school district shall:

33 1. Prescribe curricula that include the academic standards in the
34 required subject areas pursuant to subsection A, paragraph 1 of this
35 section.

36 2. Prescribe criteria for the graduation of pupils from the high
37 schools in the school district. These criteria shall include
38 accomplishment of the academic standards in at least reading, writing,
39 mathematics, science and social studies, as determined by district
40 assessment. Other criteria may include additional measures of academic
41 achievement and attendance. Pursuant to the prescribed graduation
42 requirements adopted by the state board of education, the governing board
43 may approve a rigorous computer science course that would fulfill a
44 mathematics course required for graduation from high school. The
45 governing board may approve a rigorous computer science course only if the

1 rigorous computer science course includes significant mathematics content
2 and the governing board determines the high school where the rigorous
3 computer science course is offered has sufficient capacity, infrastructure
4 and qualified staff, including competent teachers of computer science.
5 The school district governing board or charter school governing body may
6 determine the method and manner in which to administer a test that is
7 identical to the civics portion of the naturalization test used by the
8 United States citizenship and immigration services. A pupil who does not
9 obtain a passing score on the test that is identical to the civics portion
10 of the naturalization test may retake the test until the pupil obtains a
11 passing score.

12 C. The governing board may prescribe the course of study and
13 competency requirements for the graduation of pupils from high school that
14 are in addition to or higher than the course of study and competency
15 requirements that the state board prescribes.

16 D. The governing board may prescribe competency requirements for
17 the passage of pupils in courses that are required for graduation from
18 high school.

19 E. A teacher shall determine whether to pass or fail a pupil in a
20 course in high school on the basis of the competency requirements, if any
21 have been prescribed. The governing board, if it reviews the decision of
22 a teacher to pass or fail a pupil in a course in high school as provided
23 in section 15-342, paragraph 11, shall base its decision on the competency
24 requirements, if any have been prescribed.

25 F. Graduation requirements established by the governing board may
26 be met by a pupil who passes courses in the required or elective subjects
27 at a community college or university, if the course is at a higher level
28 than the course taught in the high school attended by the pupil or, if the
29 course is not taught in the high school, the level of the course is equal
30 to or higher than the level of a high school course. The governing board
31 shall determine whether the subject matter of the community college or
32 university course is appropriate to the specific requirement the pupil
33 intends it to fulfill and whether the level of the community college or
34 university course is less than, equal to or higher than a high school
35 course, and the governing board shall award one-half of a Carnegie unit
36 for each three semester hours of credit that the pupil earns in an
37 appropriate community college or university course. If a pupil is not
38 satisfied with the decision of the governing board regarding the amount of
39 credit granted or the subjects for which credit is granted, the pupil may
40 request that the state board of education review the decision of the
41 governing board, and the state board shall make the final determination of
42 the amount of credit to be given the pupil and for which subjects. The
43 governing board shall not limit the number of credits that is required for
44 high school graduation and that may be met by taking community college or
45 university courses. For the purposes of this subsection:

1 1. "Community college" means an educational institution that is
2 operated by a community college district as defined in section 15-1401 or
3 a postsecondary educational institution under the jurisdiction of an
4 Indian tribe recognized by the United States department of the interior.

5 2. "University" means a university under the jurisdiction of the
6 Arizona board of regents.

7 G. A pupil who transfers from a private school shall be provided
8 with a list that indicates those credits that have been accepted and
9 denied by the school district. A pupil may request to take an examination
10 in each particular course in which credit has been denied. The school
11 district shall accept the credit for each particular course in which the
12 pupil takes an examination and receives a passing score on a test designed
13 and evaluated by a teacher in the school district who teaches the subject
14 matter on which the examination is based. In addition to the above
15 requirements, the governing board of a school district may prescribe
16 requirements for the acceptance of the credits of pupils who transfer from
17 a private school.

18 H. If a pupil who was previously enrolled in a charter school or
19 school district enrolls in a school district in this state, the school
20 district shall accept credits earned by the pupil in courses or
21 instructional programs at the charter school or school district. The
22 governing board of a school district may adopt a policy concerning the
23 application of transfer credits for the purpose of determining whether a
24 credit earned by a pupil who was previously enrolled in a school district
25 or charter school will be assigned as an elective or core credit. [A
26 SCHOOL DISTRICT OR CHARTER SCHOOL MAY NOTE THE LEARNING OUTCOMES THAT A
27 STUDENT MASTERED AS PRESCRIBED IN THE RULES ADOPTED PURSUANT TO SECTION
28 15-203, SUBSECTION A, PARAGRAPH 38 TO PROVIDE A RECORD OF THE DEMONSTRATED
29 COMPETENCIES AND AWARD PARTIAL CREDIT.](#)

30 I. A pupil who transfers credit from a charter school, a school
31 district or Arizona online instruction shall be provided with a list that
32 indicates which credits have been accepted as elective credits and which
33 credits have been accepted as core credits by the school district or
34 charter school. Within ten school days after receiving the list, the
35 pupil may request to take an examination in each particular course in
36 which core credit has been denied. The school district or charter school
37 shall accept the credit as a core credit for each particular course in
38 which the pupil takes an examination and receives a passing score on a
39 test that is aligned to the competency requirements adopted pursuant to
40 this section and that is designed and evaluated by a teacher in the school
41 district or charter school who teaches the subject matter on which the
42 examination is based. If a pupil is enrolled in a school district or
43 charter school and that pupil also participates in Arizona online
44 instruction between May 1 and July 31, the school district or charter
45 school shall not require proof of payment as a condition of the school

1 district or charter school accepting credits earned from the online course
2 provider.

3 J. The state board of education shall adopt rules to allow high
4 school pupils who can demonstrate competency in a particular academic
5 course or subject to obtain academic credit for the course or subject
6 without enrolling in the course or subject.

7 K. Pupils who earn a Grand Canyon diploma pursuant to article 6 of
8 this chapter are exempt from the graduation requirements prescribed in
9 this section. Pupils who earn a Grand Canyon diploma are entitled to all
10 the rights and privileges of persons who graduate with a high school
11 diploma issued pursuant to this section, including access to postsecondary
12 scholarships and other forms of student financial aid and access to all
13 forms of postsecondary education. Notwithstanding any other law, a pupil
14 who is eligible for a Grand Canyon diploma may elect to remain in high
15 school through grade twelve and shall not be prevented from enrolling at a
16 high school after the pupil becomes eligible for a Grand Canyon diploma.
17 A pupil who is eligible for a Grand Canyon diploma and who elects not to
18 pursue one of the options prescribed in section 15-792.03 may only be
19 readmitted to that high school or another high school in this state
20 pursuant to policies adopted by the school district of readmission.

21 Sec. 3. Learning outcomes; state board of education; duties;
22 delayed repeal

23 A. Before adopting the rules prescribed in section 15-203,
24 subsection A, paragraph 38, subdivision (a), Arizona Revised Statutes, as
25 amended by this act, the state board of education shall:

- 26 1. Review research and examples from across the country.
- 27 2. Consult with experts in education to examine and provide
28 examples of ways in which learning outcomes may be assessed and used to
29 satisfy the requirements prescribed in title 15, chapter 7, article 1,
30 Arizona Revised Statutes, relating to determining promotion and credit.
- 31 3. On or before December 1, 2022, create subject competencies for
32 algebra 1, algebra 2 and geometry.

33 B. This section is repealed from and after December 31, 2022.

APPROVED BY THE GOVERNOR APRIL 28, 2021.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 28, 2021.