

REFERENCE TITLE: schools; instruction; 9/11 education day

State of Arizona
House of Representatives
Fifty-fifth Legislature
Second Regular Session
2022

HB 2325

Introduced by
Representative Kavanagh

AN ACT

AMENDING TITLE 1, CHAPTER 3, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 1-321; AMENDING SECTION 15-203, ARIZONA REVISED STATUTES; AMENDING TITLE 15, CHAPTER 7, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 15-710.02; 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. Title 1, chapter 3, article 1, Arizona Revised Statutes,
3 is amended by adding section 1-321, to read:

4 1-321. 9/11 education day; observation

5 A. SEPTEMBER 11, IN EACH YEAR, SHALL BE OBSERVED AS 9/11 EDUCATION
6 DAY.

7 B. 9/11 EDUCATION DAY IS NOT A LEGAL HOLIDAY.

8 C. IF 9/11 EDUCATION DAY FALLS ON A SATURDAY, SUNDAY OR OTHER DAY
9 WHEN A PUBLIC SCHOOL IS NOT IN SESSION, THE PRECEDING OR FOLLOWING SCHOOL
10 DAY SHALL BE OBSERVED IN THE PUBLIC SCHOOL AS THE HOLIDAY.

11 Sec. 2. Section 15-203, Arizona Revised Statutes, is amended to
12 read:

13 15-203. Powers and duties; definition

14 A. The state board of education shall:

15 1. Exercise general supervision over and regulate the conduct of
16 the public school system and adopt any rules and policies it deems
17 necessary to accomplish this purpose.

18 2. Keep a record of its proceedings.

19 3. Make rules for its own government.

20 4. Determine the policy and work undertaken by it.

21 5. Subject to title 41, chapter 4, article 4, employ staff.

22 6. Prescribe and supervise the duties of its employees pursuant to
23 title 41, chapter 4, article 4, if not otherwise prescribed by statute.

24 7. Delegate to the superintendent of public instruction the
25 execution of board policies and rules.

26 8. Recommend to the legislature changes or additions to the
27 statutes pertaining to schools.

28 9. Prepare, publish and distribute reports concerning the
29 educational welfare of this state.

30 10. Prepare a budget for expenditures necessary for proper
31 maintenance of the board and accomplishment of its purposes and present
32 the budget to the legislature.

33 11. Aid in the enforcement of laws relating to schools.

34 12. Prescribe a minimum course of study in the common schools,
35 minimum competency requirements for the promotion of pupils from the third
36 grade and minimum course of study and competency requirements for the
37 promotion of pupils from the eighth grade. The state board of education
38 shall prepare a fiscal impact statement of any proposed changes to the
39 minimum course of study or competency requirements and, on completion,
40 shall send a copy to the director of the joint legislative budget
41 committee and the director of the school facilities division within the
42 department of administration. The state board of education shall not
43 adopt any changes in the minimum course of study or competency
44 requirements in effect on July 1, 1998 that will have a fiscal impact on
45 school capital costs.

1 13. Prescribe minimum course of study and competency requirements
2 for the graduation of pupils from high school. The state board of
3 education shall prepare a fiscal impact statement of any proposed changes
4 to the minimum course of study or competency requirements and, on
5 completion, shall send a copy to the director of the joint legislative
6 budget committee and the director of the school facilities division within
7 the department of administration. The state board of education shall not
8 adopt any changes in the minimum course of study or competency
9 requirements in effect on July 1, 1998 that will have a fiscal impact on
10 school capital costs.

11 14. Pursuant to section 15-501.01, supervise and control the
12 certification of persons engaged in instructional work directly as any
13 classroom, laboratory or other teacher or indirectly as a supervisory
14 teacher, speech therapist, principal or superintendent in a school
15 district, including school district preschool programs, or any other
16 educational institution below the community college, college or university
17 level, and prescribe rules for certification.

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

24 16. Adopt rules governing the methods for the administration of all
25 proficiency examinations.

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

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

31 19. Supervise and control the qualifications of professional
32 nonteaching school personnel and prescribe standards relating to
33 qualifications. The standards shall not require the business manager of a
34 school district to obtain certification from the state board of education.

35 20. Impose such disciplinary action, including disciplinary action
36 pursuant to section 15-505 or the issuance of a letter of censure,
37 suspension, suspension with conditions or revocation of a certificate, on
38 a finding of immoral or unprofessional conduct.

39 21. Establish an assessment, data gathering and reporting system
40 for pupil performance as prescribed in chapter 7, article 3 of this title,
41 including qualifying examinations for the college credit by examination
42 incentive program pursuant to section 15-249.06.

43 22. Adopt a rule to promote braille literacy pursuant to section
44 15-214.

45 23. Adopt rules prescribing procedures for the state board of
46 education to investigate every written complaint alleging that a

1 certificated person, a person seeking certification or a noncertificated
2 person has engaged in immoral or unprofessional conduct.

3 24. For purposes of federal law, serve as the state board for
4 vocational and technological education and meet at least four times each
5 year solely to execute the powers and duties of the state board for
6 vocational and technological education.

7 25. Develop and maintain a handbook for use in the schools of this
8 state that provides guidance for the teaching of moral, civic and ethical
9 education. The handbook shall promote existing curriculum frameworks and
10 shall encourage school districts to recognize moral, civic and ethical
11 values within instructional and programmatic educational development
12 programs for the general purpose of instilling character and ethical
13 principles in pupils in kindergarten programs and grades one through
14 twelve.

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

20 We hold these truths to be self-evident, that all men
21 are created equal, that they are endowed by their creator with
22 certain unalienable rights, that among these are life, liberty
23 and the pursuit of happiness. That to secure these rights,
24 governments are instituted among men, deriving their just
25 powers from the consent of the governed. . . .

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

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

31 (a) Currently resides in this state.

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

36 29. Cooperate with the Arizona-Mexico commission in the governor's
37 office and with researchers at universities in this state to collect data
38 and conduct projects in the United States and Mexico on issues that are
39 within the scope of the duties of the department of education and that
40 relate to quality of life, trade and economic development in this state in
41 a manner that will help the Arizona-Mexico commission to assess and
42 enhance the economic competitiveness of this state and of the
43 Arizona-Mexico region.

44 30. Adopt rules to define and provide guidance to schools as to the
45 activities that would constitute immoral or unprofessional conduct of
46 certificated and noncertificated persons.

1 31. Adopt guidelines to encourage pupils in grades nine, ten,
2 eleven and twelve to volunteer for twenty hours of community service
3 before graduation from high school. A school district that complies with
4 the guidelines adopted pursuant to this paragraph is not liable for
5 damages resulting from a pupil's participation in community service unless
6 the school district is found to have demonstrated wanton or reckless
7 disregard for the safety of the pupil and other participants in community
8 service. For the purposes of this paragraph, "community service" may
9 include service learning. The guidelines shall include the following:

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

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

14 (c) A consideration of risk assessment for community service
15 projects.

16 (d) Orientation and notification procedures of community service
17 opportunities for pupils entering grade nine, including the development of
18 a notification form. The notification form shall be signed by the pupil
19 and the pupil's parent or guardian, except that a pupil shall not be
20 required to participate in community service if the parent or guardian
21 notifies the principal of the pupil's school in writing that the parent or
22 guardian does not wish the pupil to participate in community service.

23 (e) Procedures for a pupil in grade nine to prepare a written
24 proposal that outlines the type of community service that the pupil would
25 like to perform and the goals that the pupil hopes to achieve as a result
26 of community service. The pupil's written proposal shall be reviewed by a
27 faculty advisor, a guidance counselor or any other school employee who is
28 designated as the community service program coordinator for that school.
29 The pupil may alter the written proposal at any time before performing
30 community service.

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

35 32. To facilitate the transfer of military personnel and their
36 dependents to and from the public schools of this state, pursue, in
37 cooperation with the Arizona board of regents, reciprocity agreements with
38 other states concerning the transfer credits for military personnel and
39 their dependents. A reciprocity agreement entered into pursuant to this
40 paragraph shall:

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

42 (i) ~~The transfer of TRANSFERRING~~ student records.

43 (ii) Awarding credit for completed coursework.

44 (iii) Allowing a student to satisfy the graduation requirements
45 prescribed in section 15-701.01 through the successful performance on

1 comparable exit-level assessment instruments administered in another
2 state.

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

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

11 34. For each of the alternative textbook formats of human-voiced
12 audio, large-print and braille, designate alternative media producers to
13 adapt existing standard print textbooks or to provide specialized
14 textbooks, or both, for pupils with disabilities in this state. Each
15 alternative media producer shall be capable of producing alternative
16 textbooks in all relevant subjects in at least one of the alternative
17 textbook formats. The board shall post the designated list of alternative
18 media producers on its website.

19 35. Adopt a list of approved professional development training
20 providers for use by school districts as provided in section 15-107,
21 subsection J. The professional development training providers shall meet
22 the training curriculum requirements determined by the state board of
23 education in at least the areas of school finance, governance, employment,
24 staffing, inventory and human resources, internal controls and
25 procurement.

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

37 37. Adopt rules for the alternative certification of teachers of
38 nontraditional foreign languages that allow for the passing of a
39 nationally accredited test to substitute for the education coursework
40 required for certification.

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

44 (a) The establishment of learning outcomes that will be expected
45 for students in a particular subject, beginning with math.

(b) On or before December 31, 2022, a mechanism to allow pupils in grades seven through twelve who have demonstrated competency in a subject to immediately obtain credit for the mastery of that subject. The rules shall include a list of applicable subjects.

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

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

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

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

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

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

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

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

(b) Requirements for school districts and charter schools that elect to administer inhalers to designate at least two employees at each school to be trained in the recognition of respiratory distress symptoms and the procedures to follow when respiratory distress occurs, in accordance with good clinical practice, and at least two employees at each

1 school to be trained in the administration of inhalers, as directed on the
2 prescription protocol.

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

5 (d) Procedures for annually requesting a standing order for
6 inhalers and spacers or holding chambers pursuant to section 15-158 from
7 the chief medical officer of a county health department, a physician
8 licensed pursuant to title 32, chapter 13, 14 or 17 or a nurse
9 practitioner licensed pursuant to title 32, chapter 15.

10 (e) Procedures for notifying a parent once an inhaler has been
11 administered.

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

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

24 43. Direct and oversee the work of all investigators related to
25 investigating certificated persons, persons seeking certification and
26 noncertificated persons for immoral or unprofessional conduct under this
27 title and rules adopted pursuant to this title. The investigators shall
28 be housed within and are employees of the state board of education.

29 44. Establish best practices for social media and cellular
30 telephone use between students and school personnel, including teachers,
31 coaches and counselors, and encourage school district governing boards and
32 charter school governing bodies to adopt policies that implement these
33 best practices. The state board of education shall make these best
34 practices available to both public and private schools.

35 45. FOR THE PURPOSES OF 9/11 EDUCATION DAY INSTRUCTION UNDER
36 SECTION 15-710.02, DEVELOP A LIST OF RECOMMENDED RESOURCES RELATING TO
37 AGE-APPROPRIATE EDUCATION ON THE TERRORIST ATTACKS OF SEPTEMBER 11, 2001
38 THAT ALIGN WITH THE ACADEMIC STANDARDS PRESCRIBED BY THE STATE BOARD
39 PURSUANT TO SECTIONS 15-701 AND 15-701.01. THE STATE BOARD SHALL
40 ESTABLISH A PROCESS THAT ALLOWS PUBLIC SCHOOLS TO RECOMMEND RESOURCES FOR
41 ADDITION TO THE LIST.

42 B. The state board of education may:

43 1. Contract.

44 2. Sue and be sued.

45 3. Distribute and score the tests prescribed in chapter 7, article
46 3 of this title.

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

11 5. Proceed with the disposal of any complaint requesting
12 disciplinary action against a noncertificated person after the board has
13 imposed disciplinary action pursuant to section 15-505 or against a person
14 holding a certificate as prescribed in subsection A, paragraph 14 of this
15 section after the suspension or expiration of the certificate or surrender
16 of the certificate by the holder.

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

21 7. Issue subpoenas to compel the attendance and testimony of
22 witnesses and production of documents or any physical evidence in
23 connection with an investigation or hearing of an allegation that a
24 certificated person, a person seeking certification or a noncertificated
25 person has engaged in immoral or unprofessional conduct. If a subpoena
26 issued by the board is disobeyed, the board may petition the superior
27 court to enforce the subpoena. Any failure to obey an order of the court
28 pursuant to this paragraph may be punished by the court as contempt.

29 C. For the purposes of this section, "noncertificated person" has
30 the same meaning prescribed in section 15-505.

31 Sec. 3. Title 15, chapter 7, article 1, Arizona Revised Statutes,
32 is amended by adding section 15-710.02, to read:

33 15-710.02. 9/11 education day: instruction requirement:
34 policies or rules

35 ON 9/11 EDUCATION DAY, EACH PUBLIC SCHOOL IN THIS STATE SHALL
36 DEDICATE A PORTION OF THE SCHOOL DAY TO AGE-APPROPRIATE EDUCATION ON THE
37 TERRORIST ATTACKS OF SEPTEMBER 11, 2001. THE STATE BOARD OF EDUCATION MAY
38 DEVELOP POLICIES OR ADOPT RULES FOR THE PURPOSES OF CARRYING OUT THIS
39 SECTION.