



**ARIZONA STATE SENATE**  
*Fifty-Sixth Legislature, Second Regular Session*

FACT SHEET FOR S.B. 1392

noncertificated school employees; due process

Purpose

Requires a school district governing board (governing board) to adopt and administer personnel policies that provide noncertificated personnel with substantially equivalent due process procedures as those prescribed for certificated teachers.

Background

A governing board must offer each continuing and probationary teacher a teaching contract for the next school year, unless the governing board or the school district superintendent (district superintendent) gives notice of intention not to offer a contract. A teacher's acceptance of the contract must be indicated within 15 business days from the date the teacher receives the contract offer or the contract offer is revoked. A teacher accepts the contract by: 1) signing the contract and returning it to the governing board; or 2) making a written instrument that accepts the terms of the contract and delivering the contract to the governing board (A.R.S. §§ [15-536](#) and [15-538.01](#)).

A governing board must, if the district superintendent presents a written statement charging that there is cause for the dismissal or suspension without pay for a period of more than 10 school days of a certificated teacher, give notice to the teacher of the intention to dismiss or suspend without pay. A written statement of charges alleging unprofessional conduct, conduct in violation of governing board rules or policies or inadequacy of classroom performance must specify instances of behavior and the acts or omissions constituting the charge so the certificated teacher may prepare a defense. A certificated teacher who receives notice that there exists cause for dismissal or suspension without pay must have the right to a hearing if the teacher files a written request with the governing board within 10 days of service of notice. Filing a hearing request suspends the imposition of a dismissal or suspension without pay pending the hearing's completion ([A.R.S. § 15-539](#)).

A governing board must decide whether to hold a requested hearing on dismissal or suspension without pay or designate a hearing officer to conduct the hearing as outlined. The hearing must be held between 15 and 30 days after a request is filed. Within 10 days after a governing board conducts a hearing, the governing board must either affirm or withdraw the notice of dismissal or suspension according to the hearing's findings. Within 10 days after a hearing is conducted by a hearing officer, the hearing officer must deliver a written recommendation to the governing board that includes findings of fact and conclusions of the hearing. Parties to a hearing have the right to object to a hearing officer's findings and present oral and written arguments to a governing board. ([A.R.S. § 15-541](#)).

A *noncertificated person* means a school district or charter school employee who: 1) does not possess a certificate issued by the State Board of Education; and 2) is required or allowed to

provide services directly to pupils without being supervised by a certificated employee ([A.R.S. § 15-505](#)).

There is no anticipated fiscal impact to the state General Fund associated with this legislation.

Provisions

1. Requires a governing board to adopt and administer personnel policies that provide noncertificated personnel with due process procedures that are substantially equivalent to the due process procedures for certificated teachers.
2. Makes technical changes.
3. Becomes effective on the general effective date.

Prepared by Senate Research

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MH/LB/slp