

State of Arizona
House of Representatives
Fifty-third Legislature
Second Regular Session
2018

CHAPTER 111
HOUSE BILL 2036

AN ACT

AMENDING SECTION 15-203, 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. Supervise and control the certification of persons engaged in
2 instructional work directly as any classroom, laboratory or other teacher
3 or indirectly as a supervisory teacher, speech therapist, principal or
4 superintendent in a school district, including school district preschool
5 programs, or any other educational institution below the community
6 college, college or university level, and prescribe rules for
7 certification. The rules:

8 (a) Shall provide for a variety of alternative teacher and
9 administrator preparation programs that allow for variations in program
10 sequence and design to apply for program approval. The state board shall
11 adopt rules pursuant to this subdivision designed to allow for a variety
12 of formats and shall not require a prescribed answer or design from the
13 program provider in order to obtain approval from the state board. Any
14 rules adopted by the state board pursuant to this subdivision shall be
15 substantially different from the rules adopted for the approval of
16 traditional preparation programs and may not unnecessarily restrict a
17 variety of alternative preparation programs from operating and providing
18 instruction in this state. The state board shall evaluate each program
19 provider based on the program's ability to prepare teachers and
20 administrators and to recruit teachers and administrators with a variety
21 of experiences and talents. The state board shall permit universities
22 under the jurisdiction of the Arizona board of regents, community colleges
23 in this state, private postsecondary institutions licensed by this state,
24 school districts, charter schools, professional organizations, nonprofit
25 organizations and private entities to apply for program approval and shall
26 create application procedures and certification criteria that are
27 substantially less restrictive than those for traditional preparation
28 programs. At the completion of an alternative preparation program,
29 graduates shall:

30 (i) Hold a bachelor's degree from an accredited postsecondary
31 education institution.

32 (ii) If applicable, demonstrate professional knowledge and subject
33 knowledge proficiency pursuant to section 15-533.

34 (iii) Obtain a fingerprint clearance card pursuant to section
35 15-534.

36 (iv) If applicable, complete training in structured English
37 immersion as prescribed by the state board pursuant to section 15-756.09.

38 (v) If applicable, complete training in research-based systematic
39 phonics instruction as prescribed in subdivision (b) of this paragraph.

40 (vi) Demonstrate the required proficiency in the Constitutions of
41 the United States and Arizona as prescribed in section 15-532.

42 (b) Shall require applicants for all certificates for common school
43 instruction to complete a minimum of forty-five classroom hours or three
44 ~~college level~~ COLLEGE-LEVEL credit hours, or the equivalent, of training

1 in research-based systematic phonics instruction from a public or private
2 provider.

3 (c) Shall not require a teacher to obtain a master's degree or to
4 take any additional graduate courses as a condition of certification or
5 recertification.

6 (d) Shall allow a general equivalency diploma to be substituted for
7 a high school diploma in the certification of emergency substitute
8 teachers.

9 (e) Shall allow but shall not require the superintendent of a
10 school district to obtain certification from the state board of education.

11 (f) Shall provide for the issuance of a subject matter expert
12 standard teaching certificate to persons who have expertise in a content
13 area or subject matter. Persons who are certified pursuant to this
14 subdivision shall complete training, if applicable, in structured English
15 immersion as prescribed by the state board pursuant to section 15-756.09.
16 Persons who are certified pursuant to this subdivision are exempt from the
17 subject knowledge proficiency requirements prescribed in section 15-533
18 and from the proficiency requirements prescribed in section 15-532 on the
19 Constitutions of the United States and Arizona. Persons ~~pursuant~~ WHO ARE
20 SUBJECT to item (i) of this subdivision are also exempt from the
21 professional knowledge proficiency requirements pursuant to section
22 15-533. A person who obtains a subject matter expert standard teaching
23 certificate pursuant to this subdivision may provide instruction in the
24 person's field of expertise in grades six through twelve at any public
25 school in this state. Issuance of the subject matter expert standard
26 teaching certificate may not be conditioned on the person's employment
27 with a local education agency. A person who meets the requirements of
28 this subdivision shall be issued a subject matter expert standard teaching
29 certificate without having to demonstrate professional knowledge
30 proficiency pursuant to section 15-533, except that the person shall have
31 at least two years to demonstrate professional knowledge proficiency
32 pursuant to section 15-533. School districts shall evaluate and provide
33 support pursuant to section 15-537 to teachers WHO ARE certified pursuant
34 to this subdivision. If a person fails to meet the professional knowledge
35 requirements of this section within two years, the department of education
36 or state board of education may temporarily suspend the subject matter
37 expert standard teaching certificate. A certificate that is temporarily
38 suspended pursuant to this subdivision is not considered a disciplinary
39 action, and a person shall be allowed to correct the deficiency within the
40 remaining time of the subject matter expert standard teaching
41 certification. This subdivision does not require a person who has
42 obtained another type of teaching certificate from the state board to
43 obtain a subject matter expert standard teaching certificate pursuant to
44 this subdivision in order to provide instruction in grades six through
45 twelve. A person is eligible for a subject matter expert standard

1 teaching certificate pursuant to this subdivision if the person obtains a
2 valid fingerprint clearance card that is issued pursuant to title 41,
3 chapter 12, article 3.1 and meets any of the following requirements:

4 (i) Has taught courses relevant to a content area or subject matter
5 for the last two consecutive years and for a total of at least three years
6 at one or more regionally or nationally accredited public or private
7 postsecondary institutions. ~~★~~ THE person shall demonstrate compliance
8 with this requirement by providing the state board with written proof of
9 employment for specific durations from one or more qualifying
10 postsecondary institutions.

11 (ii) Has either a baccalaureate degree, a master's degree or a
12 doctoral degree in a specific subject area that is directly relevant to a
13 content area or subject matter taught in public schools.

14 (iii) Demonstrates expertise through relevant work experience of at
15 least five years in a field that is relevant to a content area or subject
16 matter taught in public schools. ~~★~~ THE person shall demonstrate
17 compliance with this requirement by providing the state board with written
18 proof of employment.

19 (g) Notwithstanding section 15-533, shall exempt persons applying
20 for a secondary education certificate from the subject knowledge portion
21 of the proficiency examination if the state board determines that the
22 person has work experience in science, technology, engineering or
23 mathematics and can demonstrate adequate knowledge of a particular subject
24 through a postsecondary education degree or twenty-four credit hours of
25 relevant coursework.

26 (h) Shall allow for all standard TEACHING certificates issued to a
27 person pursuant to this section to be both issued and renewed for at least
28 twelve years and may not require more than fifteen hours of continuing
29 education credits each year in order to renew any certificate issued
30 pursuant to this section.

31 (i) Shall allow a STANDARD TEACHING certificate, and any
32 endorsement or approved area related to that certificate, to be renewed at
33 least two years but not more than ten years after that certificate expires
34 without any other requirements adopted by the state board of education or
35 the department of education if the person is in good standing, has at
36 least ten years of verified full-time experience in this state in the area
37 IN WHICH the person is seeking renewed certification and possesses a valid
38 fingerprint clearance card issued pursuant to section 15-534. A
39 certificate renewed pursuant to this subdivision shall be identical to the
40 expired certificate.

41 (j) SHALL ALLOW SUBSTITUTE TEACHERS WHO CAN DEMONSTRATE PRIMARY
42 TEACHING RESPONSIBILITY IN A CLASSROOM AS DEFINED BY THE STATE BOARD OF
43 EDUCATION TO USE THE TIME SPENT IN THAT CLASSROOM TOWARD THE REQUIRED
44 CAPSTONE EXPERIENCE FOR STANDARD TEACHING CERTIFICATION.

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

7 16. Adopt rules governing the methods for the administration of all
8 proficiency examinations.

9 17. Adopt proficiency examinations for its use. The state board of
10 education shall determine the passing score for the proficiency
11 examinations.

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

15 19. Supervise and control the qualifications of professional
16 nonteaching school personnel and prescribe standards relating to
17 qualifications. The standards shall not require the business manager of a
18 school district to obtain certification from the state board of education.

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

22 21. Establish an assessment, data gathering and reporting system
23 for pupil performance as prescribed in chapter 7, article 3 of this title.

24 22. Adopt a rule to promote braille literacy pursuant to section
25 15-214.

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

29 24. For purposes of federal law, serve as the state board for
30 vocational and technological education and meet at least four times each
31 year solely to execute the powers and duties of the state board for
32 vocational and technological education.

33 25. Develop and maintain a handbook for use in the schools of this
34 state that provides guidance for the teaching of moral, civic and ethical
35 education. The handbook shall promote existing curriculum frameworks and
36 shall encourage school districts to recognize moral, civic and ethical
37 values within instructional and programmatic educational development
38 programs for the general purpose of instilling character and ethical
39 principles in pupils in kindergarten programs and grades one through
40 twelve.

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

1 We hold these truths to be self-evident, that all men
2 are created equal, that they are endowed by their creator with
3 certain unalienable rights, that among these are life, liberty
4 and the pursuit of happiness. That to secure these rights,
5 governments are instituted among men, deriving their just
6 powers from the consent of the governed. . . .

7 27. Adopt rules that provide for certification reciprocity for
8 certificates issued pursuant to this section. The rules for certification
9 reciprocity shall include a requirement that the applicant possess a
10 comparable valid certification from another state and be in good standing
11 with that other state. An applicant who possesses a valid certification
12 from another state and a fingerprint clearance card pursuant to section
13 15-534 and who is in good standing with that other state shall be issued a
14 comparable standard certificate without any other requirements from the
15 state board of education or the department of education. A person who is
16 issued a certificate pursuant to this paragraph is not required to meet
17 any requirement prescribed in section 15-533.

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

21 (a) Currently resides in this state.

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

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

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

37 31. Adopt guidelines to encourage pupils in grades nine, ten,
38 eleven and twelve to volunteer for twenty hours of community service
39 before graduation from high school. A school district that complies with
40 the guidelines adopted pursuant to this paragraph is not liable for
41 damages resulting from a pupil's participation in community service unless
42 the school district is found to have demonstrated wanton or reckless
43 disregard for the safety of the pupil and other participants in community
44 service. For the purposes of this paragraph, "community service" may
45 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 and maintain a model framework for a teacher and
34 principal evaluation instrument that includes quantitative data on student
35 academic progress that accounts for between thirty-three percent and fifty
36 percent of the evaluation outcomes. The framework shall include four
37 performance classifications, designated as highly effective, effective,
38 developing and ineffective, and guidelines for school districts and
39 charter schools to use in their evaluation instruments. The state board
40 of education shall adopt best practices for professional development and
41 evaluator training. The state board of education may periodically make
42 adjustments to align the model framework for teacher and principal
43 evaluations with assessment or data changes at the state level. School
44 districts and charter schools shall use an instrument that meets the data
45 requirements established by the state board of education to annually

1 evaluate individual teachers and principals. School districts and charter
2 schools shall adopt definitions for the performance classifications
3 adopted by the state board of education in a public meeting and apply the
4 performance classifications to their evaluation instruments in a manner
5 designed to improve principal and teacher performance. For charter
6 holders, the principal evaluation instrument applies to each charter
7 school's instructional leader whose primary responsibility is to oversee
8 the academic performance of the charter school. This paragraph does not
9 apply to an officer, director, member or partner of the charter holder.
10 The school district governing board shall discuss at a public meeting at
11 least annually its aggregate performance classifications of principals and
12 teachers.

13 39. Adopt rules to define competency-based educational pathways for
14 college and career readiness that may be used by schools. The rules shall
15 include the following components:

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

18 (b) A process and criteria by which assessments may be identified
19 or established to determine if students have reached the desired
20 competencies in a particular subject.

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

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

30 (a) Annual training in the administration of auto-injectable
31 epinephrine, as directed on the prescription protocol, for designated
32 medical and nonmedical school personnel. The annual training prescribed
33 in this subdivision is optional during any fiscal year in which sufficient
34 monies are not appropriated by the legislature during that fiscal year to
35 provide for the purchase of two juvenile doses and two adult doses of
36 epinephrine auto-injectors at each public school in this state and if the
37 school does not stock two juvenile doses and two adult doses of
38 epinephrine auto-injectors at the school during that fiscal year.

39 (b) Annual training for all school site personnel on the
40 recognition of anaphylactic shock symptoms and the procedures to follow
41 when anaphylactic shock occurs, following the national guidelines of the
42 American academy of pediatrics. The annual training prescribed in this
43 subdivision is optional during any fiscal year in which sufficient monies
44 are not appropriated by the legislature during that fiscal year to provide
45 for the purchase of two juvenile doses and two adult doses of epinephrine

1 auto-injectors at each public school in this state and if the school does
2 not stock two juvenile doses and two adult doses of epinephrine
3 auto-injectors at the school during that fiscal year.

4 (c) Procedures for the administration of epinephrine auto-injectors
5 in emergency situations, as directed on the prescription protocol.

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

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

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

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

24 (b) Requirements for school districts and charter schools that
25 elect to administer inhalers to designate at least two employees at each
26 school to be trained in the recognition of respiratory distress symptoms
27 and the procedures to follow when respiratory distress occurs, in
28 accordance with good clinical practice, and at least two employees at each
29 school to be trained in the administration of inhalers, as directed on the
30 prescription protocol.

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

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

38 (e) Procedures for notifying a parent once an inhaler has been
39 administered.

40 B. The state board of education may:

41 1. Contract.

42 2. Sue and be sued.

43 3. Distribute and score the tests prescribed in chapter 7, article
44 3 of this title.

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

9 5. Proceed with the disposal of any complaint requesting
10 disciplinary action or with any disciplinary action against a person
11 holding a certificate as prescribed in subsection A, paragraph 14 of this
12 section after the suspension or expiration of the certificate or surrender
13 of the certificate by the holder.

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

18 C. Placement decisions of teaching intern certificate holders
19 issued pursuant to subsection A, paragraph 14, subdivision (a) of this
20 section and section 15-552 shall be based on agreements between the
21 teacher preparation provider, the provider's partner organizations and the
22 local education agency. The practices of the department of education and
23 the rules and policies of the state board of education may not restrict
24 placement of teaching intern certification holders based on local
25 education agency instructional models and may only consider the academic
26 quality of the school, the effectiveness of the teaching intern
27 certification holder's on-site mentor and the opportunity for a wide
28 variety of schools and school models to access teaching intern
29 certification holders.

APPROVED BY THE GOVERNOR APRIL 3, 2018.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 3, 2018.