

REFERENCE TITLE: **noncertificated school employees; due process**

State of Arizona
Senate
Fifty-fifth Legislature
Second Regular Session
2022

SB 1533

Introduced by
Senators Alston: Bowie, Hatathlie; Representatives Andrade, Hernandez M,
Longdon

AN ACT

**AMENDING SECTION 15-502, ARIZONA REVISED STATUTES; RELATING TO SCHOOL
PERSONNEL.**

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 15-502, Arizona Revised Statutes, is amended to
3 read:

4 15-502. Employment of school district personnel; payment of
5 wages of discharged employee

6 A. The governing board at any time may employ and fix the salaries
7 and benefits of employees necessary for the succeeding year. The
8 contracts of all certificated employees shall be in writing, and all
9 employees shall be employed subject to section 38-481. The governing
10 board may transmit and receive contracts of certificated employees in an
11 electronic format and may accept electronic signatures on those contracts.
12 If a contract has not been transmitted to the certificated employee by the
13 end of the current school year, the ~~transmittal of~~ GOVERNING BOARD SHALL
14 TRANSMIT an electronic contract to that certificated employee ~~prior to~~
15 BEFORE the start of the next school year ~~shall be submitted~~ to both the
16 certificated employee's school district ~~e-mail~~ EMAIL ADDRESS as well as
17 the certificated employee's personal ~~e-mail~~ EMAIL ADDRESS in order to
18 notify ~~them~~ THE EMPLOYEE of the offer of contract. Each certificated
19 employee shall ~~be responsible for submitting his or her~~ SUBMIT THE
20 EMPLOYEE'S personal ~~e-mail~~ EMAIL ADDRESS to human resources personnel at
21 the school district for this purpose. Documents transmitted in an
22 electronic format pursuant to this subsection ~~shall be~~ ARE considered
23 written documents for the purposes of sections 15-536 and 15-538.01. The
24 governing board may adopt requirements that require electronic signatures
25 to be followed by original signatures within a specified time period. A
26 governing board that accepts an electronic signature for a certificated
27 employee's contract shall provide validation to the certificated employee
28 that the contract has been transmitted. The governing board may obtain
29 the services of any employee, including teachers, substitute teachers and
30 administrators, by contracting with a private entity that employs
31 personnel required by the school district. THE GOVERNING BOARD SHALL
32 ADOPT AND ADMINISTER PERSONNEL POLICIES THAT PROVIDE NONCERTIFICATED
33 PERSONNEL WITH SUBSTANTIALLY EQUIVALENT DUE PROCESS PROCEDURES AS THOSE
34 PRESCRIBED IN THIS CHAPTER FOR CERTIFICATED TEACHERS.

35 B. A teacher shall not be employed if the teacher has not received
36 a certificate for teaching granted by the proper authorities. If a
37 teacher has filed an application and completed all of the requirements for
38 a certificate but time does not allow ~~a~~ THE teacher to receive a
39 certificate before the commencement of employment, the conditional
40 certificate shall serve as a certificate for the payment of
41 wages, ~~provided that~~ IF the teacher files the conditional certificate with
42 the county school superintendent and the certificate is issued within
43 three months ~~of~~ AFTER the date of commencing employment. In order to be
44 paid wages beyond the three-month period prescribed in this subsection,
45 the teacher shall file the certificate with the county school

1 superintendent. Any contract issued to a teacher who has completed
2 certificate requirements but has not received a certificate shall be
3 specifically contingent on receipt of such a certificate. The governing
4 board of a school district that is subject to section 15-914.01 shall
5 adhere to the duties described in section 15-302, subsection A, paragraph
6 9 for ~~THE~~ purposes of this subsection.

7 C. ~~No~~ A dependent, as defined in section 43-1001, of a governing
8 board member may ~~NOT~~ be employed in the school district in which the
9 person to whom ~~such~~ ~~THE~~ dependent is so related is a governing board
10 member, except by consent of the board.

11 D. The governing board may employ certificated teachers under
12 contract as part-time classroom teachers. Notwithstanding any other
13 statute, a certificated teacher who has been employed by the school
14 district for more than the major portion of three consecutive school years
15 does not lose the entitlement to the procedures prescribed in sections
16 15-538.01, 15-539, ~~through~~ 15-540, 15-541, 15-542, 15-543, 15-544 and
17 15-547 if the teacher is employed under contract on a part-time basis for
18 at least forty ~~per cent~~ PERCENT time. For the purposes of this
19 subsection, "forty ~~per cent~~ PERCENT time" means employed for at least
20 forty ~~per cent~~ PERCENT of the school day required of full-time teachers of
21 the same grade level or for at least forty ~~per cent~~ PERCENT of the class
22 load assigned to full-time teachers of the same grade level, as determined
23 by the governing board.

24 E. The governing board may employ a business manager who has
25 expertise in finance. For the purposes of this subsection, "expertise in
26 finance" means one or more of the following:

- 27 1. A baccalaureate degree in accounting, finance, school finance or
28 public finance.
- 29 2. A graduate degree in accounting, finance, school finance or
30 public finance.
- 31 3. Other finance training or finance experience that the governing
32 board determines is sufficient to qualify the person to administer the
33 business operations of the school district.

34 F. Notwithstanding sections 23-351 and 23-353, if an employee is
35 discharged from the service of a school district, the school district
36 shall pay the wages due to the employee within ten calendar days ~~from~~
37 ~~AFTER~~ the date of discharge.

38 G. Each school district shall establish policies and procedures to
39 provide teachers with personal liability insurance.

40 H. Notwithstanding any other law, a school district shall not adopt
41 policies that provide employment retention priority for teachers based on
42 tenure or seniority.