

Senate Engrossed

noncertificated school employees; due process

State of Arizona  
Senate  
Fifty-sixth Legislature  
Second Regular Session  
2024

# SENATE BILL 1392

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.