Senate Engrossed

State of Arizona
Senate
Forty-fifth Legislature
First Regular Session
2001

CHAPTER 141

SENATE BILL 1343

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 the
7 public school system.
8 2. Keep a record of its proceedings.
9 3. Make rules for its own government.
10 4. Determine the policy and work undertaken by it.
11 5. Appoint its employees, on the recommendation of the superintendent
12 of public instruction.
13 6. Prescribe the duties of its employees if not prescribed by statute.
14 7. Delegate to the superintendent of public instruction the execution
15 of board policies.
16 8. Recommend to the legislature changes or additions to the statutes
17 pertaining to schools.
18 9. Prepare, publish and distribute reports concerning the educational
19 welfare of this state.
20 10. Prepare a budget for expenditures necessary for proper maintenance
21 of the board and accomplishment of its purposes and present the budget to the
22 legislature.
23 11. Aid in the enforcement of laws relating to schools.
24 12. Prescribe a minimum course of study in the common schools, minimum
25 competency requirements for the promotion of pupils from the third grade and
26 minimum course of study and competency requirements for the promotion of
27 pupils from the eighth grade. The state board of education shall prepare a
28 fiscal impact statement of any proposed changes to the minimum course of
29 study or competency requirements and, on completion, shall send a copy to the
30 director of the joint legislative budget committee and the executive director
31 of the school facilities board. The state board of education shall not adopt
32 any changes in the minimum course of study or competency requirements in
33 effect on July 1, 1998 that will have a fiscal impact on school capital
34 costs.
35 13. Prescribe minimum course of study and competency requirements for
36 the graduation of pupils from high school. The state board of education
37 shall prepare a fiscal impact statement of any proposed changes to the
38 minimum course of study or competency requirements and, on completion, shall
39 send a copy to the director of the joint legislative budget committee and the
40 executive director of the school facilities board. The state board of
41 education shall not adopt any changes in the minimum course of study or
42 competency requirements in effect on July 1, 1998 that will have a fiscal
43 impact on school capital costs.
44 14. Supervise and control the certification of persons engaged in
45 instructional work directly as any classroom, laboratory or other teacher or
46 indirectly as a supervisory teacher, speech therapist, principal or

superintendent in a school district, including school district preschool programs, or any other educational institution below the community college, college or university level, and prescribe rules for certification, including rules for certification of teachers who have teaching experience and who are trained in other states, which are not unnecessarily restrictive and are substantially similar to the rules prescribed for the certification of teachers trained in this state. Until July 1, 2006, the rules shall require applicants for all certificates for common school instruction to complete a minimum of forty-five classroom hours or three college level credit hours, or the equivalent, of training in research based systematic phonics instruction from a public or private provider. The rules shall not require a teacher to obtain a master's degree or to take any additional graduate courses as a condition of certification or recertification. THE RULES SHALL ALLOW A GENERAL EQUIVALENCY DIPLOMA TO BE SUBSTITUTED FOR A HIGH SCHOOL DIPLOMA IN THE CERTIFICATION OF EMERGENCY SUBSTITUTE TEACHERS.

15. Adopt a list of approved tests for determining special education assistance to gifted students as defined in section 15-761 and as provided in section 15-764. The adopted tests shall provide separate scores for quantitative reasoning, verbal reasoning and nonverbal reasoning and shall be capable of providing reliable and valid scores at the highest ranges of the score distribution.

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

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

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

19. Supervise and control the qualifications of professional nonteaching school personnel and prescribe standards relating to qualifications.

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

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

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

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

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

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

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

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

27. By July 1, 2000, adopt rules which provide for teacher certification reciprocity. The rules shall provide for a one year reciprocal teaching certificate with minimum requirements including valid teacher certification from a state with substantially similar criminal history or teacher fingerprinting requirements and proof of the submission of an application for a class one or class two fingerprint clearance card pursuant to title 41, chapter 12, article 3.1.

B. The state board of education may:

1. Contract.

2. Sue and be sued.

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

4. Provide for an advisory committee and administrative law judges to conduct hearings to determine whether grounds exist to impose disciplinary action against a certificated person and whether grounds exist to reinstate a revoked or surrendered certificate. The board may delegate its responsibility to conduct hearings to its advisory committee and to administrative law judges. Hearings shall be conducted pursuant to title 41, chapter 6, article 10.

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

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

APPROVED BY THE GOVERNOR APRIL 17, 2001.
FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 17, 2001.

Passed the House April 10, 2001,

by the following vote: 42 Ayes,

15 Nays, 3 Not Voting

Speaker of the House

Chief Clerk of the House

Passed the Senate February 28, 2001,

by the following vote: 17 Ayes,

13 Nays, 0 Not Voting

President of the Senate

Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

11 day of April, 2001,

at 11:03 o'clock A M.

Secretary to the Governor

Approved this 17 day of

April, 2001,

at 11:58 o'clock A M.

Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 17 day of April, 2001,

at 4:45 o'clock P M.

Secretary of State

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