

State of Arizona
Senate
Forty-sixth Legislature
First Regular Session
2003

CHAPTER 160

SENATE BILL 1278

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

1 indirectly as a supervisory teacher, speech therapist, principal or
2 superintendent in a school district, including school district preschool
3 programs, or any other educational institution below the community college,
4 college or university level, and prescribe rules for certification, including
5 rules for certification of teachers who have teaching experience and who are
6 trained in other states, which are not unnecessarily restrictive and are
7 substantially similar to the rules prescribed for the certification of
8 teachers trained in this state. Until July 1, 2006, the rules shall require
9 applicants for all certificates for common school instruction to complete a
10 minimum of forty-five classroom hours or three college level credit hours,
11 or the equivalent, of training in research based systematic phonics
12 instruction from a public or private provider. The rules shall not require
13 a teacher to obtain a master's degree or to take any additional graduate
14 courses as a condition of certification or recertification. The rules shall
15 allow a general equivalency diploma to be substituted for a high school
16 diploma in the certification of emergency substitute teachers.

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

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

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

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

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

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

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

38 22. Adopt a rule to promote braille literacy pursuant to section
39 15-214.

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

43 24. For purposes of federal law, serve as the state board for
44 vocational and technological education and meet at least four times each year

1 solely to execute the powers and duties of the state board for vocational and
2 technological education.

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

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

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

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

28 28. Adopt rules that will be in effect until December 31, 2006 and
29 that provide for the presentation of an honorary high school diploma to a
30 person who has never obtained a high school diploma and who meets each of the
31 following requirements:

32 (a) Is at least sixty-five years of age.

33 (b) Currently resides in this state.

34 (c) Provides documented evidence from the Arizona department of
35 veterans' services that the person enlisted in the armed forces of the United
36 States before completing high school in a public or private school.

37 (d) Was honorably discharged from service with the armed forces of
38 the United States.

39 29. Cooperate with the Arizona-Mexico commission in the governor's
40 office and with researchers at universities in this state to collect data and
41 conduct projects in the United States and Mexico on issues that are within
42 the scope of the duties of the department of education and that relate to
43 quality of life, trade and economic development in this state in a manner
44 that will help the Arizona-Mexico commission to assess and enhance the
45 economic competitiveness of this state and of the Arizona-Mexico region.

1 30. ~~By December 1, 2001,~~ Adopt rules to define and provide guidance to
2 schools as to the activities that would constitute immoral or unprofessional
3 conduct of certificated persons.

4 31. ADOPT GUIDELINES TO ENCOURAGE PUPILS IN GRADES NINE, TEN, ELEVEN
5 AND TWELVE TO VOLUNTEER FOR TWENTY HOURS OF COMMUNITY SERVICE BEFORE
6 GRADUATION FROM HIGH SCHOOL. A SCHOOL DISTRICT THAT COMPLIES WITH THE
7 GUIDELINES ADOPTED PURSUANT TO THIS PARAGRAPH IS NOT LIABLE FOR DAMAGES
8 RESULTING FROM A PUPIL'S PARTICIPATION IN COMMUNITY SERVICE UNLESS THE SCHOOL
9 DISTRICT IS FOUND TO HAVE DEMONSTRATED WANTON OR RECKLESS DISREGARD FOR THE
10 SAFETY OF THE PUPIL AND OTHER PARTICIPANTS IN COMMUNITY SERVICE. FOR THE
11 PURPOSES OF THIS PARAGRAPH "COMMUNITY SERVICE" MAY INCLUDE SERVICE LEARNING.
12 THE GUIDELINES SHALL INCLUDE THE FOLLOWING:

13 (a) A LIST OF THE GENERAL CATEGORIES IN WHICH COMMUNITY SERVICE MAY
14 BE PERFORMED.

15 (b) A DESCRIPTION OF THE METHODS BY WHICH COMMUNITY SERVICE WILL BE
16 MONITORED.

17 (c) A CONSIDERATION OF RISK ASSESSMENT FOR COMMUNITY SERVICE PROJECTS.

18 (d) ORIENTATION AND NOTIFICATION PROCEDURES OF COMMUNITY SERVICE
19 OPPORTUNITIES FOR PUPILS ENTERING GRADE NINE INCLUDING THE DEVELOPMENT OF A
20 NOTIFICATION FORM. THE NOTIFICATION FORM SHALL BE SIGNED BY THE PUPIL AND
21 THE PUPIL'S PARENT OR GUARDIAN, EXCEPT THAT A PUPIL SHALL NOT BE REQUIRED TO
22 PARTICIPATE IN COMMUNITY SERVICE IF THE PARENT OR GUARDIAN NOTIFIES THE
23 PRINCIPAL OF THE PUPIL'S SCHOOL IN WRITING THAT THE PARENT OR GUARDIAN DOES
24 NOT WISH THE PUPIL TO PARTICIPATE IN COMMUNITY SERVICE.

25 (e) PROCEDURES FOR A PUPIL IN GRADE NINE TO PREPARE A WRITTEN PROPOSAL
26 THAT OUTLINES THE TYPE OF COMMUNITY SERVICE THAT THE PUPIL WOULD LIKE TO
27 PERFORM AND THE GOALS THAT THE PUPIL HOPES TO ACHIEVE AS A RESULT OF
28 COMMUNITY SERVICE. THE PUPIL'S WRITTEN PROPOSAL SHALL BE REVIEWED BY A
29 FACULTY ADVISOR, A GUIDANCE COUNSELOR OR ANY OTHER SCHOOL EMPLOYEE WHO IS
30 DESIGNATED AS THE COMMUNITY SERVICE PROGRAM COORDINATOR FOR THAT SCHOOL. THE
31 PUPIL MAY ALTER THE WRITTEN PROPOSAL AT ANY TIME BEFORE PERFORMING COMMUNITY
32 SERVICE.

33 (f) PROCEDURES FOR A FACULTY ADVISOR, A GUIDANCE COUNSELOR OR ANY
34 OTHER SCHOOL EMPLOYEE WHO IS DESIGNATED AS THE COMMUNITY SERVICE PROGRAM
35 COORDINATOR TO EVALUATE AND CERTIFY THE COMPLETION OF COMMUNITY SERVICE
36 PERFORMED BY PUPILS.

37 B. The state board of education may:

38 1. Contract.

39 2. Sue and be sued.

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

42 4. Provide for an advisory committee to conduct hearings and
43 screenings to determine whether grounds exist to impose disciplinary action
44 against a certificated person, whether grounds exist to reinstate a revoked
45 or surrendered certificate and whether grounds exist to approve or deny an

1 initial application for certification or a request for renewal of a
2 certificate. The board may delegate its responsibility to conduct hearings
3 and screenings to its advisory committee. Hearings shall be conducted
4 pursuant to title 41, chapter 6, article 6.

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

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

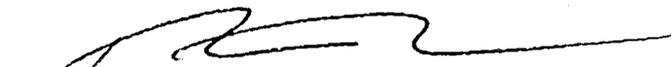
APPROVED BY THE GOVERNOR MAY 6, 2003.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 6, 2003.

Passed the House April 14, 20 03,

by the following vote: 48 Ayes,

12 Nays, 0 Not Voting



Speaker of the House
Pro Tempore


Chief Clerk of the House

Passed the Senate March 10, 20 03,

by the following vote: 18 Ayes,

12 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

 day of , 20 ,

at o'clock M.

Secretary to the Governor

Approved this day of

 , 20 ,

at o'clock M.

Governor of Arizona

S.B. 1278

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this day of , 20 ,

at o'clock M.

Secretary of State

SENATE CONCURS IN HOUSE AMENDMENTS
AND FINAL PASSAGE

Passed the Senate April 30, 2003

by the following vote: 18 Ayes,

11 Nays, 1 Not Voting

Ken Bennett
President of the Senate
Charmian Bellenton
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

30 day of April, 2003

at 3:37 o'clock P M.

Sandra Ramirez
Secretary to the Governor

Approved this 6 day of

May, 2003,

at 2:15 o'clock P M.

Jan Noytt
Governor of Arizona

S.B. 1278

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 6 day of May, 2003

at 4:26 o'clock P M.

Janice K. Brewer
Secretary of State