

**FILED**

**KEN BENNETT  
SECRETARY OF STATE**

State of Arizona  
House of Representatives  
Forty-ninth Legislature  
Second Regular Session  
2010

CHAPTER 98

**HOUSE BILL 2227**

AN ACT

AMENDING SECTION 15-502, ARIZONA REVISED STATUTES; AMENDING SECTION 15-502, ARIZONA REVISED STATUTES, AS AMENDED BY SECTION 1 OF THIS ACT; REPEALING SECTION 15-504, ARIZONA REVISED STATUTES; AMENDING TITLE 15, CHAPTER 5, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING A NEW SECTION 15-504; AMENDING SECTION 15-536, ARIZONA REVISED STATUTES; AMENDING SECTION 15-536, ARIZONA REVISED STATUTES, AS AMENDED BY SECTION 5 OF THIS ACT; AMENDING SECTION 15-536, ARIZONA REVISED STATUTES, AS AMENDED BY SECTION 6 OF THIS ACT; AMENDING SECTION 15-538.01, ARIZONA REVISED STATUTES; AMENDING SECTION 15-538.01, ARIZONA REVISED STATUTES, AS AMENDED BY SECTION 8 OF THIS ACT; AMENDING SECTION 15-538.01, ARIZONA REVISED STATUTES, AS AMENDED BY SECTION 9 OF THIS ACT; AMENDING SECTION 15-539, ARIZONA REVISED STATUTES; AMENDING SECTION 15-539, ARIZONA REVISED STATUTES, AS AMENDED BY SECTION 11 OF THIS ACT; AMENDING SECTION 15-541, ARIZONA REVISED STATUTES; AMENDING SECTION 15-541, ARIZONA REVISED STATUTES, AS AMENDED BY SECTION 13 OF THIS ACT; AMENDING SECTION 15-544, ARIZONA REVISED STATUTES; AMENDING SECTION 15-544, ARIZONA REVISED STATUTES, AS AMENDED BY SECTION 15 OF THIS ACT; RELATING TO SCHOOL DISTRICT EMPLOYEES.

(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 MAY at any time may employ and fix the salaries  
7 and benefits of employees necessary for the succeeding year. The contracts  
8 of all certificated employees shall be in writing, and all employees shall be  
9 employed subject to THE PROVISIONS OF section 38-481. The governing board  
10 may obtain the services of any employee, including teachers, substitute  
11 teachers and administrators, by contracting with a private entity that  
12 employs personnel required by the school district.

13 B. A teacher shall not be employed if the teacher has not received a  
14 certificate for teaching granted by the proper authorities. If a teacher has  
15 filed an application and completed all of the requirements for a certificate  
16 but time does not allow a teacher to receive a certificate before the  
17 commencement of employment, the conditional certificate shall serve as a  
18 certificate for the payment of wages, provided that the teacher files the  
19 conditional certificate with the county school superintendent and the  
20 certificate is issued within three months of the date of commencing  
21 employment. In order to be paid wages beyond the three month period  
22 prescribed in this subsection, the teacher shall file the certificate with  
23 the county school superintendent. Any contract issued to a teacher who has  
24 completed certificate requirements but has not received a certificate shall  
25 be specifically contingent upon receipt of such a certificate. The governing  
26 board of a school district that is subject to section 15-914.01 shall adhere  
27 to the duties described in section 15-302, subsection A, paragraph 9 for  
28 purposes of this subsection.

29 C. No dependent, as defined in section 43-1001, of a governing board  
30 member may be employed in the school district in which the person to whom  
31 such dependent is so related is a governing board member, except by consent  
32 of the board.

33 D. The governing board may employ certificated teachers under contract  
34 as part-time classroom teachers. Notwithstanding any other statute, a  
35 certificated teacher who has been employed by the school district for more  
36 than the major portion of three consecutive school years does not lose the  
37 entitlement to the procedures prescribed in sections 15-538.01, 15-539  
38 through 15-544 and 15-547 if the teacher is employed under contract on a  
39 part-time basis for at least forty per cent time. ~~For the purposes of AS~~  
40 ~~USED IN~~ this subsection, "forty per cent time" means employed for at least  
41 forty per cent of the school day required of full-time teachers of the same  
42 grade level or for at least forty per cent of the class load assigned to  
43 full-time teachers of the same grade level, as determined by the governing  
44 board.

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

4 ~~1. A baccalaureate degree in accounting, finance, school finance or~~  
5 ~~public finance.~~

6 ~~2. A graduate degree in accounting, finance, school finance or public~~  
7 ~~finance.~~

8 ~~3. Other finance training or finance experience that the governing~~  
9 ~~board determines is sufficient to qualify the person to administer the~~  
10 ~~business operations of the school district.~~

11 ~~F. E. Notwithstanding sections 23-351 and 23-353, if an employee is~~  
12 ~~discharged from the service of a school district, the school district shall~~  
13 ~~pay the wages due to the employee within ten calendar days from the date of~~  
14 ~~discharge.~~

15 ~~G. F. Each school district shall establish policies and procedures to~~  
16 ~~provide teachers with personal liability insurance.~~

17 ~~H. Notwithstanding any other law, a school district shall not adopt~~  
18 ~~policies that provide employment retention priority for teachers based on~~  
19 ~~tenure or seniority.~~

20 ~~Sec. 2. Section 15-502, Arizona Revised Statutes, as amended by~~  
21 ~~section 1 of this act, is amended to read:~~

22 ~~15-502. Employment of school district personnel; payment of~~  
23 ~~wages of discharged employee~~

24 ~~A. The governing board may at any time MAY employ and fix the salaries~~  
25 ~~and benefits of employees necessary for the succeeding year. The contracts~~  
26 ~~of all certificated employees shall be in writing, and all employees shall be~~  
27 ~~employed subject to the provisions of section 38-481. The governing board~~  
28 ~~may obtain the services of any employee, including teachers, substitute~~  
29 ~~teachers and administrators, by contracting with a private entity that~~  
30 ~~employs personnel required by the school district.~~

31 ~~B. A teacher shall not be employed if the teacher has not received a~~  
32 ~~certificate for teaching granted by the proper authorities. If a teacher has~~  
33 ~~filed an application and completed all of the requirements for a certificate~~  
34 ~~but time does not allow a teacher to receive a certificate before the~~  
35 ~~commencement of employment, the conditional certificate shall serve as a~~  
36 ~~certificate for the payment of wages, provided that the teacher files the~~  
37 ~~conditional certificate with the county school superintendent and the~~  
38 ~~certificate is issued within three months of the date of commencing~~  
39 ~~employment. In order to be paid wages beyond the three month period~~  
40 ~~prescribed in this subsection, the teacher shall file the certificate with~~  
41 ~~the county school superintendent. Any contract issued to a teacher who has~~  
42 ~~completed certificate requirements but has not received a certificate shall~~  
43 ~~be specifically contingent upon receipt of such a certificate. The governing~~  
44 ~~board of a school district that is subject to section 15-914.01 shall adhere~~

1 to the duties described in section 15-302, subsection A, paragraph 9 for  
2 purposes of this subsection.

3 C. No dependent, as defined in section 43-1001, of a governing board  
4 member may be employed in the school district in which the person to whom  
5 such dependent is so related is a governing board member, except by consent  
6 of the board.

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

19 E. THE GOVERNING BOARD MAY EMPLOY A BUSINESS MANAGER WHO HAS EXPERTISE  
20 IN FINANCE. FOR THE PURPOSES OF THIS SUBSECTION, "EXPERTISE IN FINANCE"  
21 MEANS ONE OR MORE OF THE FOLLOWING:

22 1. A BACCALAUREATE DEGREE IN ACCOUNTING, FINANCE, SCHOOL FINANCE OR  
23 PUBLIC FINANCE.

24 2. A GRADUATE DEGREE IN ACCOUNTING, FINANCE, SCHOOL FINANCE OR PUBLIC  
25 FINANCE.

26 3. OTHER FINANCE TRAINING OR FINANCE EXPERIENCE THAT THE GOVERNING  
27 BOARD DETERMINES IS SUFFICIENT TO QUALIFY THE PERSON TO ADMINISTER THE  
28 BUSINESS OPERATIONS OF THE SCHOOL DISTRICT.

29 ~~F.~~ F. Notwithstanding sections 23-351 and 23-353, if an employee is  
30 discharged from the service of a school district, the school district shall  
31 pay the wages due to the employee within ten calendar days from the date of  
32 discharge.

33 ~~F.~~ G. Each school district shall establish policies and procedures to  
34 provide teachers with personal liability insurance.

35 H. NOTWITHSTANDING ANY OTHER LAW, A SCHOOL DISTRICT SHALL NOT ADOPT  
36 POLICIES THAT PROVIDE EMPLOYMENT RETENTION PRIORITY FOR TEACHERS BASED ON  
37 TENURE OR SENIORITY.

38 Sec. 3. Repeal

39 Section 15-504, Arizona Revised Statutes, is repealed.

40 Sec. 4. Title 15, chapter 5, article 1, Arizona Revised Statutes, is  
41 amended by adding a new section 15-504, to read:

42 15-504. Contract days for professional association activities;  
43 prohibition

44 SCHOOL DISTRICT EMPLOYMENT CONTRACTS SHALL NOT INCLUDE COMPENSATED DAYS  
45 FOR PROFESSIONAL ASSOCIATION ACTIVITIES. FOR THE PURPOSES OF THIS SECTION,

1 PROFESSIONAL ASSOCIATION ACTIVITIES DO NOT INCLUDE CONDUCT THAT OCCURS DURING  
2 A FIELD TRIP FOR PUPILS. THIS SECTION DOES NOT PROHIBIT INDIVIDUAL EMPLOYEES  
3 OF SCHOOL DISTRICTS FROM TAKING COMPENSATED LEAVE TIME FOR ANY PERSONAL  
4 PURPOSE, ANY PROFESSIONAL PURPOSE OR ANY OTHER LAWFUL PURPOSE.

5 Sec. 5. Section 15-536, Arizona Revised Statutes, is amended to read:  
6 15-536. Offer of contract to certificated teacher who has not  
7 been employed more than three consecutive school  
8 years; acceptance; notice to teacher of intention not  
9 to reemploy

10 A. Subject to THE PROVISIONS OF sections 15-539, 15-540, 15-541,  
11 15-544 and 15-549, the governing board shall, BETWEEN MARCH 15 AND MAY 15  
12 offer a teaching contract for the next ensuing school year to each  
13 certificated teacher who has not been employed by the school district for  
14 more than the major portion of three consecutive school years and who is  
15 under a contract of employment with the school district for the current  
16 school year, unless, ON OR BEFORE APRIL 15, the governing board, a member of  
17 the board acting on behalf of the board or the superintendent of the school  
18 district gives notice to the teacher of the board's intention not to offer a  
19 teaching contract ~~or~~, unless such teacher has been dismissed pursuant to  
20 section 15-538, 15-539, 15-541 or 15-544. The teacher's acceptance of the  
21 contract for the ensuing year must be indicated within thirty days from the  
22 date of the written contract or the offer is revoked. RECEIPT UNDER THIS  
23 SUBSECTION WILL BE DEEMED TO HAVE OCCURRED WHEN THE WRITTEN CONTRACT IS  
24 PERSONALLY DELIVERED, PLACED IN THE TEACHER'S SCHOOL PROVIDED MAILBOX,  
25 INCLUDING ELECTRONIC MAIL, OR TWO DAYS AFTER BEING PLACED IN A UNITED STATES  
26 POSTAL SERVICE MAIL BOX. The teacher accepts the contract by signing the  
27 contract and returning it to the governing board or by making a written  
28 instrument which accepts the terms of the contract and delivering it to the  
29 governing board. If the written instrument includes terms in addition to the  
30 terms of the contract offered by the board, the teacher fails to accept the  
31 contract.

32 B. Notice of the board's intention not to reemploy the teacher shall  
33 be by delivering it personally to the teacher or by sending it by registered  
34 or certified mail BEARING A POSTMARK OF ON OR BEFORE APRIL 15, DIRECTED to  
35 the teacher at ~~the teacher's~~ HIS place of residence as recorded in the school  
36 district records. The notice shall incorporate a statement of reasons for  
37 not reemploying the teacher. If the reasons are charges of inadequacy of  
38 classroom performance as defined by the governing board pursuant to section  
39 15-539, subsection D, the board, or its authorized representative, SHALL, at  
40 least ninety days prior to such notice, ~~shall~~ give the teacher written  
41 preliminary notice of HIS inadequacy, specifying the nature of the inadequacy  
42 with such particularity as to furnish the teacher an opportunity to correct  
43 ~~the~~ HIS inadequacies and overcome the grounds for such charge. The governing  
44 board may delegate to employees of the governing board the general authority  
45 to issue preliminary notices of inadequacy of classroom performance to

1 teachers pursuant to this subsection without the need for prior approval of  
2 each notice by the governing board. In all cases in which an employee of the  
3 governing board issues a preliminary notice of inadequacy of classroom  
4 performance without prior approval by the governing board, the employee shall  
5 report its issuance to the governing board within five school days. The  
6 written notice of intention not to reemploy shall include a copy of any  
7 evaluation pertinent to the charges made and filed with the board.

8 C. Nothing in this section shall be construed SO AS to provide a  
9 certificated teacher who has not been employed by the school district for  
10 more than the major portion of three consecutive school years and who has  
11 received notice of the board's intention not to offer a teaching contract  
12 with the right to a hearing pursuant to THE PROVISIONS OF section 15-539,  
13 subsection G.

14 Sec. 6. Section 15-536, Arizona Revised Statutes, as amended by  
15 section 5 of this act, is amended to read:

16 15-536. Offer of contract to certificated teacher who has not  
17 been employed more than three consecutive school  
18 years; acceptance; notice to teacher of intention not  
19 to reemploy

20 A. Subject to ~~the provisions of~~ sections 15-539, 15-540, 15-541,  
21 15-544 and 15-549, the governing board shall, ~~between March 15 and May 15,~~  
22 offer a teaching contract for the next ensuing school year to each  
23 certificated teacher who has not been employed by the school district for  
24 more than the major portion of three consecutive school years and who is  
25 under a contract of employment with the school district for the current  
26 school year, unless, ~~on or before April 15,~~ the governing board, a member of  
27 the board acting on behalf of the board or the superintendent of the school  
28 district gives notice to the teacher of the board's intention not to offer a  
29 teaching contract, ~~OR~~ unless such teacher has been dismissed pursuant to  
30 section 15-538, 15-539, 15-541 or 15-544. The teacher's acceptance of the  
31 contract for the ensuing year must be indicated within thirty days from the  
32 date of the written contract or the offer is revoked. The teacher accepts  
33 the contract by signing the contract and returning it to the governing board  
34 or by making a written instrument which accepts the terms of the contract and  
35 delivering it to the governing board. If the written instrument includes  
36 terms in addition to the terms of the contract offered by the board, the  
37 teacher fails to accept the contract.

38 B. Notice of the board's intention not to reemploy the teacher shall  
39 be by delivering it personally to the teacher or by sending it by registered  
40 or certified mail ~~bearing a postmark of on or before April 15,~~ directed to  
41 the teacher at his THE TEACHER'S place of residence as recorded in the school  
42 district records. The notice shall incorporate a statement of reasons for  
43 not reemploying the teacher. If the reasons are charges of inadequacy of  
44 classroom performance as defined by the governing board pursuant to section  
45 15-539, subsection D, the board, ~~or its authorized representative, shall,~~ at

1 least ninety days prior to such notice, SHALL give the teacher written  
2 preliminary notice of ~~his~~ inadequacy, specifying the nature of the inadequacy  
3 with such particularity as to furnish the teacher an opportunity to correct  
4 ~~his~~ THE inadequacies and overcome the grounds for such charge. The governing  
5 board may delegate to employees of the governing board the general authority  
6 to issue preliminary notices of inadequacy of classroom performance to  
7 teachers pursuant to this subsection without the need for prior approval of  
8 each notice by the governing board. In all cases in which an employee of the  
9 governing board issues a preliminary notice of inadequacy of classroom  
10 performance without prior approval by the governing board, the employee shall  
11 report its issuance to the governing board within five school days. The  
12 written notice of intention not to reemploy shall include a copy of any  
13 evaluation pertinent to the charges made and filed with the board.

14 C. Nothing in this section shall be construed ~~so as~~ to provide a  
15 certificated teacher who has not been employed by the school district for  
16 more than the major portion of three consecutive school years and who has  
17 received notice of the board's intention not to offer a teaching contract  
18 with the right to a hearing pursuant to ~~the provisions of~~ section 15-539,  
19 subsection G.

20 Sec. 7. Section 15-536, Arizona Revised Statutes, as amended by  
21 section 6 of this act, is amended to read:

22 15-536. Offer of contract to certificated teacher who has not  
23 been employed more than three consecutive school  
24 years; acceptance; notice to teacher of intention not  
25 to reemploy

26 A. Subject to sections 15-539, 15-540, 15-541, 15-544 and 15-549, the  
27 governing board shall offer a teaching contract for the next ensuing school  
28 year to each certificated teacher who has not been employed by the school  
29 district for more than the major portion of three consecutive school years  
30 and who is under a contract of employment with the school district for the  
31 current school year, unless the governing board, a member of the board acting  
32 on behalf of the board or the superintendent of the school district gives  
33 notice to the teacher of the board's intention not to offer a teaching  
34 contract or unless such teacher has been dismissed pursuant to section  
35 15-538, 15-539, 15-541 or 15-544. The teacher's acceptance of the contract  
36 for the ensuing year must be indicated within ~~thirty~~ FIFTEEN BUSINESS days  
37 from the date of the TEACHER'S RECEIPT OF THE written contract or the offer  
38 is revoked. The teacher accepts the contract by signing the contract and  
39 returning it to the governing board or by making a written instrument which  
40 accepts the terms of the contract and delivering it to the governing board.  
41 If the written instrument includes terms in addition to the terms of the  
42 contract offered by the board, the teacher fails to accept the contract.

43 B. Notice of the board's intention not to reemploy the teacher shall  
44 be by delivering it personally to the teacher or by sending it by registered  
45 or certified mail to the teacher at the teacher's place of residence as

1 recorded in the school district records. The notice shall incorporate a  
2 statement of reasons for not reemploying the teacher. If the reasons are  
3 charges of inadequacy of classroom performance as defined by the governing  
4 board pursuant to section 15-539, subsection D, the board or its authorized  
5 representative, at least ninety days prior to such notice, shall give the  
6 teacher written preliminary notice of inadequacy, specifying the nature of  
7 the inadequacy with such particularity as to furnish the teacher an  
8 opportunity to correct ~~his~~ THE inadequacies and overcome the grounds for such  
9 charge. The governing board may delegate to employees of the governing board  
10 the general authority to issue preliminary notices of inadequacy of classroom  
11 performance to teachers pursuant to this subsection without the need for  
12 prior approval of each notice by the governing board. In all cases in which  
13 an employee of the governing board issues a preliminary notice of inadequacy  
14 of classroom performance without prior approval by the governing board, the  
15 employee shall report its issuance to the governing board within five school  
16 days. The written notice of intention not to reemploy shall include a copy  
17 of any evaluation pertinent to the charges made and filed with the board.

18 C. Nothing in this section shall be construed to provide a  
19 certificated teacher who has not been employed by the school district for  
20 more than the major portion of three consecutive school years and who has  
21 received notice of the board's intention not to offer a teaching contract  
22 with the right to a hearing pursuant to section 15-539, subsection G.

23 Sec. 8. Section 15-538.01, Arizona Revised Statutes, is amended to  
24 read:

25 15-538.01. Offer of contract to certificated teacher employed  
26 more than three consecutive school years

27 A. Subject to THE PROVISIONS OF sections 15-539, 15-540, 15-541,  
28 15-544 and 15-549, the governing board shall, BETWEEN MARCH 15 AND MAY 15,  
29 offer to each certificated teacher who has been employed by the school  
30 district for more than the major portion of three consecutive school years  
31 and who is under contract of employment with the school district for the  
32 current year a contract renewal for the next ensuing school year unless ON OR  
33 BEFORE MAY 15 the governing board, a member of the board acting on behalf of  
34 the board or the superintendent of the school district gives notice to the  
35 teacher of the board's intent not to offer a contract and to dismiss the  
36 teacher as provided in section 15-539.

37 B. The teacher's acceptance of the contract must be indicated within  
38 ~~thirty~~ FIFTEEN BUSINESS days from the date of the TEACHER'S RECEIPT OF THE  
39 written contract or the offer of a contract is revoked. RECEIPT UNDER THIS  
40 SUBSECTION WILL BE DEEMED TO HAVE OCCURRED WHEN THE WRITTEN CONTRACT IS  
41 PERSONALLY DELIVERED, PLACED IN THE TEACHER'S SCHOOL PROVIDED MAILBOX,  
42 INCLUDING ELECTRONIC MAIL, OR TWO DAYS AFTER BEING PLACED IN A UNITED STATES  
43 POSTAL SERVICE MAIL BOX. The teacher accepts the contract by signing the  
44 contract and returning it to the governing board or by making a written  
45 instrument which accepts the terms of the contract and delivering it to the

1 governing board. If the written instrument includes terms in addition to the  
2 terms of the contract offered by the board, the teacher fails to accept the  
3 contract.

4 C. IF DISMISSAL PROCEEDINGS IN REFERENCE TO THE TEACHER CANNOT BE  
5 COMPLETED BY MAY 15 THROUGH NO FAULT OF THE GOVERNING BOARD OR THE  
6 SUPERINTENDENT, OR IF THE INCIDENTS RELIED ON IN WHOLE OR IN PART OCCURRED  
7 AFTER MAY 15, DISMISSAL PROCEEDINGS MAY CONTINUE OR BE INITIATED.

8 Sec. 9. Section 15-538.01, Arizona Revised Statutes, as amended by  
9 section 8 of this act, is amended to read:

10 15-538.01. Offer of contract to certificated teacher employed  
11 more than three consecutive school years

12 A. Subject to ~~the provisions of~~ sections 15-539, 15-540, 15-541,  
13 15-544 and 15-549, the governing board shall, ~~between March 15 and May 15,~~  
14 offer to each certificated teacher who has been employed by the school  
15 district for more than the major portion of three consecutive school years  
16 and who is under contract of employment with the school district for the  
17 current year a contract renewal for the next ensuing school year unless ~~on or~~  
18 ~~before May 15~~ the governing board, a member of the board acting on behalf of  
19 the board or the superintendent of the school district gives notice to the  
20 teacher of the board's intent not to offer a contract and to dismiss the  
21 teacher as provided in section 15-539.

22 B. The teacher's acceptance of the contract must be indicated within  
23 thirty days from the date of the written contract or the offer of a contract  
24 is revoked. The teacher accepts the contract by signing the contract and  
25 returning it to the governing board or by making a written instrument which  
26 accepts the terms of the contract and delivering it to the governing board.  
27 If the written instrument includes terms in addition to the terms of the  
28 contract offered by the board, the teacher fails to accept the contract.

29 ~~C. If dismissal proceedings in reference to the teacher cannot be~~  
30 ~~completed by May 15 through no fault of the governing board or the~~  
31 ~~superintendent, or if the incidents relied on in whole or in part occurred~~  
32 ~~after May 15, dismissal proceedings may continue or be initiated.~~

33 Sec. 10. Section 15-538.01, Arizona Revised Statutes, as amended by  
34 section 9 of this act, is amended to read:

35 15-538.01. Offer of contract to certificated teacher employed  
36 more than three consecutive school years

37 A. Subject to sections 15-539, 15-540, 15-541, 15-544 and 15-549, the  
38 governing board shall offer to each certificated teacher who has been  
39 employed by the school district for more than the major portion of three  
40 consecutive school years and who is under contract of employment with the  
41 school district for the current year a contract renewal for the next ensuing  
42 school year unless the governing board, a member of the board acting on  
43 behalf of the board or the superintendent of the school district gives notice  
44 to the teacher of the board's intent not to offer a contract and to dismiss  
45 the teacher as provided in section 15-539.



1 preliminary notice of inadequacy of classroom performance shall be based on a  
2 valid evaluation according to school district procedure, shall include a copy  
3 of any evaluation pertinent to the charges made and shall state the date by  
4 which the teacher has to correct the inadequacy and overcome the grounds for  
5 the charge. That evaluation shall not be conducted within two instructional  
6 days of any school break of one week or more. The written preliminary notice  
7 of inadequacy of classroom performance shall allow the teacher not less than  
8 ~~sixty~~ EIGHTY-FIVE instructional days within which to correct the inadequacy  
9 and overcome the grounds for the charge. If within the time specified in the  
10 written preliminary notice of inadequacy of classroom performance the teacher  
11 does not demonstrate adequate classroom performance, the governing board  
12 shall dismiss the teacher either within ~~ten~~ THIRTY days of the service of a  
13 subsequent notice of intention to dismiss or by the end of the contract year  
14 in which the subsequent notice of intention to dismiss is served unless the  
15 teacher has requested a hearing as provided in subsection G of this section.  
16 If the teacher demonstrates adequate classroom performance during the period  
17 allowed to correct such deficiencies as specified in the written preliminary  
18 notice of inadequacy of classroom performance, the governing board may not  
19 dismiss the teacher for the reasons specified in the written preliminary  
20 notice of inadequacy of classroom performance. If the governing board of a  
21 school district has received approval to budget for a career ladder program,  
22 the governing board may define inadequacy of classroom performance by  
23 establishing a single level of performance ~~that~~ WHICH is required of all  
24 teachers or by establishing more than one required level of performance. If  
25 more than one level is established, the same level of performance for minimum  
26 adequacy shall be required of all teachers who have completed the same number  
27 of years of teaching in the district.

28 D. The governing board shall develop a definition of inadequacy of  
29 classroom performance that applies to notices issued pursuant to section  
30 15-536, section 15-538 and this section. The governing board shall develop  
31 its definition of inadequacy of classroom performance in consultation with  
32 its certificated teachers. The consultation may be accomplished by holding a  
33 public hearing, forming an advisory committee, providing teachers the  
34 opportunity to respond to a proposed definition or obtaining teacher approval  
35 of a career ladder program ~~that~~ WHICH defines inadequacy of classroom  
36 performance.

37 E. Any written statement of charges alleging unprofessional conduct,  
38 conduct in violation of the rules or policies of the governing board or  
39 inadequacy of classroom performance shall specify instances of behavior and  
40 the acts or omissions constituting the charge so that the certificated  
41 teacher will be able to prepare a defense. If applicable, it shall state the  
42 statutes, rules or written objectives of the governing board ~~that~~ WHICH the  
43 certificated teacher is alleged to have violated and set forth the facts  
44 relevant to each occasion of alleged unprofessional conduct, conduct in

1 violation of the rules or policies of the governing board or inadequacy of  
2 classroom performance.

3 F. The notice shall be in writing and shall be served ~~on~~ UPON the  
4 certificated teacher personally or by United States registered or certified  
5 mail addressed to the teacher's last known address. A copy of the charges,  
6 together with a copy of this section and sections 15-501, 15-538.01, 15-540,  
7 15-541, 15-542 and 15-544 through 15-547, shall be attached to the notice.

8 G. The certificated teacher who receives notice that there exists  
9 cause for dismissal or suspension without pay shall have the right to a  
10 hearing if the teacher files a written request with the governing board  
11 within ~~ten~~ THIRTY days of service of notice. The filing of a timely request  
12 shall suspend the imposition of a suspension without pay or a dismissal  
13 pending completion of the hearing.

14 Sec. 12. Section 15-539, Arizona Revised Statutes, as amended by  
15 section 11 of this act, is amended to read:

16 15-539. Dismissal of certificated teacher; due process; written  
17 charges; notice; hearing on request

18 A. ~~Upon~~ ON a written statement of charges presented by the  
19 superintendent, charging that there exists cause for the suspension without  
20 pay for a period of time greater than ten school days or dismissal of a  
21 certificated teacher of the district, the governing board ~~shall~~, except as  
22 otherwise provided in this article, SHALL give notice to the teacher of its  
23 intention to suspend without pay or dismiss the teacher at the expiration of  
24 ~~thirty~~ TEN days from the date of the service of the notice.

25 B. Whenever the superintendent presents a statement of charges wherein  
26 the alleged cause for dismissal constitutes immoral or unprofessional  
27 conduct, the governing board may adopt a resolution that a complaint be filed  
28 with the department of education. Pending disciplinary action by the state  
29 board of education, the certificated teacher may be reassigned by the  
30 superintendent or placed on administrative leave by the board pursuant to  
31 section 15-540.

32 C. The governing board shall give a certificated teacher who has been  
33 employed by the school district for more than the major portion of three  
34 consecutive school years notice of intention to dismiss if its intention to  
35 dismiss is based on charges of inadequacy of classroom performance as defined  
36 by the governing board pursuant to subsection D of this section. The  
37 governing board or its authorized representative shall give the teacher a  
38 written preliminary notice of inadequacy of classroom performance at least  
39 ten instructional days ~~prior to~~ BEFORE the start of the period of time within  
40 which to correct the inadequacy and overcome the grounds for the charge. The  
41 governing board may delegate to employees of the governing board the general  
42 authority to issue preliminary notices of inadequacy of classroom performance  
43 to teachers pursuant to this section without the need for prior approval of  
44 each notice by the governing board. In all cases in which an employee of the  
45 governing board issues a preliminary notice of inadequacy of classroom

1 performance without prior approval by the governing board, the employee shall  
2 report its issuance to the governing board within five school days. The  
3 written preliminary notice of inadequacy of classroom performance shall  
4 specify the nature of the inadequacy of classroom performance with such  
5 particularity as to furnish the teacher an opportunity to correct the  
6 teacher's inadequacies and overcome the grounds for the charge. The written  
7 preliminary notice of inadequacy of classroom performance shall be based on a  
8 valid evaluation according to school district procedure, shall include a copy  
9 of any evaluation pertinent to the charges made and shall state the date by  
10 which the teacher has to correct the inadequacy and overcome the grounds for  
11 the charge. That evaluation shall not be conducted within two instructional  
12 days of any school break of one week or more. The written preliminary notice  
13 of inadequacy of classroom performance shall allow the teacher not less than  
14 ~~eighty-five~~ SIXTY instructional days within which to correct the inadequacy  
15 and overcome the grounds for the charge. If within the time specified in the  
16 written preliminary notice of inadequacy of classroom performance the teacher  
17 does not demonstrate adequate classroom performance, the governing board  
18 shall dismiss the teacher either within ~~thirty~~ TEN days of the service of a  
19 subsequent notice of intention to dismiss or by the end of the contract year  
20 in which the subsequent notice of intention to dismiss is served unless the  
21 teacher has requested a hearing as provided in subsection G of this section.  
22 If the teacher demonstrates adequate classroom performance during the period  
23 allowed to correct such deficiencies as specified in the written preliminary  
24 notice of inadequacy of classroom performance, the governing board may not  
25 dismiss the teacher for the reasons specified in the written preliminary  
26 notice of inadequacy of classroom performance. If the governing board of a  
27 school district has received approval to budget for a career ladder program,  
28 the governing board may define inadequacy of classroom performance by  
29 establishing a single level of performance ~~which~~ THAT is required of all  
30 teachers or by establishing more than one required level of performance. If  
31 more than one level is established, the same level of performance for minimum  
32 adequacy shall be required of all teachers who have completed the same number  
33 of years of teaching in the district.

34 D. The governing board shall develop a definition of inadequacy of  
35 classroom performance that applies to notices issued pursuant to section  
36 15-536, section 15-538 and this section. The governing board shall develop  
37 its definition of inadequacy of classroom performance in consultation with  
38 its certificated teachers. The consultation may be accomplished by holding a  
39 public hearing, forming an advisory committee, providing teachers the  
40 opportunity to respond to a proposed definition or obtaining teacher approval  
41 of a career ladder program ~~which~~ THAT defines inadequacy of classroom  
42 performance.

43 E. Any written statement of charges alleging unprofessional conduct,  
44 conduct in violation of the rules or policies of the governing board or  
45 inadequacy of classroom performance shall specify instances of behavior and

1 the acts or omissions constituting the charge so that the certificated  
2 teacher will be able to prepare a defense. If applicable, it shall state the  
3 statutes, rules or written objectives of the governing board ~~which~~ THAT the  
4 certificated teacher is alleged to have violated and set forth the facts  
5 relevant to each occasion of alleged unprofessional conduct, conduct in  
6 violation of the rules or policies of the governing board or inadequacy of  
7 classroom performance.

8 F. The notice shall be in writing and shall be served ~~upon~~ ON the  
9 certificated teacher personally or by United States registered or certified  
10 mail addressed to the teacher's last known address. A copy of the charges,  
11 together with a copy of this section and sections 15-501, 15-538.01, 15-540,  
12 15-541, 15-542 and 15-544 through 15-547, shall be attached to the notice.

13 G. The certificated teacher who receives notice that there exists  
14 cause for dismissal or suspension without pay shall have the right to a  
15 hearing if the teacher files a written request with the governing board  
16 within ~~thirty~~ TEN days of service of notice. The filing of a timely request  
17 shall suspend the imposition of a suspension without pay or a dismissal  
18 pending completion of the hearing.

19 Sec. 13. Section 15-541, Arizona Revised Statutes, is amended to read:  
20 15-541. Hearing on dismissal

21 A. The governing board shall decide whether to hold a hearing on the  
22 dismissal or suspension without pay for a period of time longer than ten days  
23 of a certificated teacher as provided in this article. If the governing  
24 board decides not to hold a hearing, the governing board shall designate a  
25 hearing officer to hold the hearing, hear the evidence, prepare a record and  
26 issue a recommendation to the governing board for action. The governing  
27 board may provide by policy or vote at its annual organizational meeting that  
28 all hearings conducted pursuant to this section ~~shall~~ WILL be conducted  
29 before a hearing officer. The hearing officer ~~shall~~ WILL be mutually agreed  
30 upon by the parties to the hearing. If the parties cannot mutually agree on  
31 a hearing officer, a hearing officer ~~shall~~ WILL be selected by the governing  
32 board from a list provided by the department of education or the American  
33 arbitration association. The hearing shall be held not less than ~~fifteen~~ TEN  
34 nor more than ~~thirty~~ TWENTY-FIVE days after the request is filed unless all  
35 parties to the hearing mutually agree to a different hearing date, and notice  
36 of the time and place of the hearing shall be given to the teacher not less  
37 than three days before the date of the hearing. The teacher may request that  
38 the hearing be conducted in public or private. At the hearing the teacher  
39 may appear in person and by counsel, if desired, and may present any  
40 testimony, evidence or statements, either oral or in writing, in the  
41 teacher's behalf. The governing board or the hearing officer shall prepare  
42 an official record of the hearing, including all testimony recorded manually  
43 or by mechanical device, and exhibits. The teacher who is the subject of the  
44 hearing may not request that the testimony be transcribed unless the teacher  
45 agrees in writing to pay the actual cost of the transcription. Within ten

1 days after a hearing conducted by the governing board, the board shall  
2 determine whether there existed good and just cause for the notice of  
3 dismissal or suspension and shall render its decision accordingly, either  
4 affirming or withdrawing the notice of dismissal or suspension. Within ten  
5 days after a hearing conducted by a hearing officer, the hearing officer  
6 shall deliver a written recommendation to the governing board that includes  
7 findings of fact and conclusions. Parties to the hearing have the right to  
8 object to the findings of the hearing officer and present oral and written  
9 arguments to the governing board.

10 B. A hearing held pursuant to this section may not be conducted by any  
11 hearing officer having a personal interest which would conflict with ~~the~~  
12 ~~hearing officer's~~ HIS OR HER objectivity in the hearing. The governing board  
13 has an additional ten days to determine whether good and just cause existed  
14 for the notice of dismissal or suspension and shall render its decision  
15 accordingly, either affirming or withdrawing the notice of suspension or  
16 dismissal. Good and just cause does not include religious or political  
17 beliefs or affiliations unless they are in violation of the oath of the  
18 teacher.

19 Sec. 14. Section 15-541, Arizona Revised Statutes, as amended by  
20 section 13 of this act, is amended to read:

21 15-541. Hearing on dismissal

22 A. The governing board shall decide whether to hold a hearing on the  
23 dismissal or suspension without pay for a period of time longer than ten days  
24 of a certificated teacher as provided in this article. If the governing  
25 board decides not to hold a hearing, the governing board shall designate a  
26 hearing officer to hold the hearing, hear the evidence, prepare a record and  
27 issue a recommendation to the governing board for action. The governing  
28 board may provide by policy or vote at its annual organizational meeting that  
29 all hearings conducted pursuant to this section ~~will~~ SHALL be conducted  
30 before a hearing officer. The hearing officer ~~will~~ SHALL be mutually agreed  
31 upon by the parties to the hearing. If the parties cannot mutually agree on  
32 a hearing officer, a hearing officer ~~will~~ SHALL be selected by the governing  
33 board from a list provided by the department of education or the American  
34 arbitration association. The hearing shall be held not less than ~~ten~~ FIFTEEN  
35 nor more than ~~twenty-five~~ THIRTY days after the request is filed unless all  
36 parties to the hearing mutually agree to a different hearing date, and notice  
37 of the time and place of the hearing shall be given to the teacher not less  
38 than three days before the date of the hearing. The teacher may request that  
39 the hearing be conducted in public or private. At the hearing the teacher  
40 may appear in person and by counsel, if desired, and may present any  
41 testimony, evidence or statements, either oral or in writing, in the  
42 teacher's behalf. The governing board or the hearing officer shall prepare  
43 an official record of the hearing, including all testimony recorded manually  
44 or by mechanical device, and exhibits. The teacher who is the subject of the  
45 hearing may not request that the testimony be transcribed unless the teacher

1 agrees in writing to pay the actual cost of the transcription. Within ten  
2 days after a hearing conducted by the governing board, the board shall  
3 determine whether there existed good and just cause for the notice of  
4 dismissal or suspension and shall render its decision accordingly, either  
5 affirming or withdrawing the notice of dismissal or suspension. Within ten  
6 days after a hearing conducted by a hearing officer, the hearing officer  
7 shall deliver a written recommendation to the governing board that includes  
8 findings of fact and conclusions. Parties to the hearing have the right to  
9 object to the findings of the hearing officer and present oral and written  
10 arguments to the governing board.

11 B. A hearing held pursuant to this section may not be conducted by any  
12 hearing officer having a personal interest which would conflict with ~~his or~~  
13 ~~her~~ THE HEARING OFFICER'S objectivity in the hearing. The governing board  
14 has an additional ten days to determine whether good and just cause existed  
15 for the notice of dismissal or suspension and shall render its decision  
16 accordingly, either affirming or withdrawing the notice of suspension or  
17 dismissal. Good and just cause does not include religious or political  
18 beliefs or affiliations unless they are in violation of the oath of the  
19 teacher.

20 Sec. 15. Section 15-544, Arizona Revised Statutes, is amended to read:  
21 15-544. Limitations on reduction of salaries or personnel

22 A. A governing board may reduce salaries or eliminate certificated  
23 teachers in a school district in order to effectuate economies in the  
24 operation of the district or to improve the efficient conduct and  
25 administration of the schools of the school district, BUT NO REDUCTION IN THE  
26 SALARY OF A CERTIFICATED TEACHER WHO HAS BEEN EMPLOYED BY THE SCHOOL DISTRICT  
27 FOR MORE THAN THE MAJOR PORTION OF THREE CONSECUTIVE SCHOOL YEARS SHALL BE  
28 MADE EXCEPT IN ACCORDANCE WITH A GENERAL SALARY REDUCTION IN THE SCHOOL  
29 DISTRICT BY WHICH THE TEACHER IS EMPLOYED, AND IN SUCH CASE THE REDUCTION  
30 SHALL BE APPLIED EQUITABLY AMONG ALL SUCH TEACHERS.

31 B. Notice of a general salary reduction shall be given each  
32 certificated teacher affected NOT LATER THAN MAY 15 BEFORE THE FISCAL YEAR IN  
33 WHICH THE REDUCTION IS TO TAKE EFFECT.

34 C. A CERTIFICATED TEACHER DISMISSED FOR REASONS OF ECONOMY OR TO  
35 IMPROVE THE EFFICIENT CONDUCT AND ADMINISTRATION OF THE SCHOOLS OF THE SCHOOL  
36 DISTRICT SHALL HAVE A PREFERRED RIGHT OF REAPPOINTMENT IN THE ORDER OF  
37 ORIGINAL EMPLOYMENT BY THE GOVERNING BOARD IN THE EVENT OF AN INCREASE IN THE  
38 NUMBER OF CERTIFICATED TEACHERS OR THE REESTABLISHMENT OF SERVICES WITHIN A  
39 PERIOD OF THREE YEARS.

40 ~~C.~~ D. The provisions of this section do not apply to reductions in  
41 salary from monies from the classroom site fund pursuant to section 15-977.

1           Sec. 16. Section 15-544, Arizona Revised Statutes, as amended by  
2 section 15 of this act, is amended to read:

3           15-544. Limitations on reduction of salaries or personnel

4           A. A governing board may reduce salaries or eliminate certificated  
5 teachers in a school district in order to effectuate economies in the  
6 operation of the district or to improve the efficient conduct and  
7 administration of the schools of the school district, ~~but no reduction in the~~  
8 ~~salary of a certificated teacher who has been employed by the school district~~  
9 ~~for more than the major portion of three consecutive school years shall be~~  
10 ~~made except in accordance with a general salary reduction in the school~~  
11 ~~district by which the teacher is employed, and in such case the reduction~~  
12 ~~shall be applied equitably among all such teachers.~~

13           B. Notice of a general salary reduction shall be given each  
14 certificated teacher affected ~~not later than May 15 before the fiscal year in~~  
15 ~~which the reduction is to take effect.~~

16           ~~C. A certificated teacher dismissed for reasons of economy or to~~  
17 ~~improve the efficient conduct and administration of the schools of the school~~  
18 ~~district shall have a preferred right of reappointment in the order of~~  
19 ~~original employment by the governing board in the event of an increase in the~~  
20 ~~number of certificated teachers or the reestablishment of services within a~~  
21 ~~period of three years.~~

22           ~~D. C.~~ C. The provisions of this section do not apply to reductions in  
23 salary from monies from the classroom site fund pursuant to section 15-977.

24           Sec. 17. Career ladder programs; maximum base level increase  
25 for fiscal year 2009-2010

26           A. Notwithstanding section 15-918.04, Arizona Revised Statutes, for  
27 fiscal year 2009-2010 the maximum base level increase that is permitted for a  
28 school district that participates in the career ladder program shall be five  
29 per cent.

30           B. For fiscal year 2009-2010, the career ladder program is limited  
31 only to teachers who participated in the program in the prior fiscal year.

32           Sec. 18. Retroactivity

33           Section 15-502, Arizona Revised Statutes, as amended by sections 1 and  
34 2 of this act, section 3 of this act, section 15-504, Arizona Revised  
35 Statutes, as added by this act, section 15-536, Arizona Revised Statutes, as  
36 amended by sections 5 and 6 of this act, section 15-538.01, Arizona Revised  
37 Statutes, as amended by sections 8 and 9 of this act, section 15-539, Arizona  
38 Revised Statutes, as amended by sections 11 and 12 of this act, section  
39 15-541, Arizona Revised Statutes, as amended by sections 13 and 14 of this  
40 act, section 15-544, Arizona Revised Statutes, as amended by sections 15 and  
41 16 of this act and section 17 of this act are effective retroactively to  
42 November 24, 2009.

APPROVED BY THE GOVERNOR APRIL 20, 2010.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 21, 2010.

Passed the House February 22, 2010

Passed the Senate April 14, 2010

by the following vote: 55 Ayes,

by the following vote: 16 Ayes,

2 Nays, 3 Not Voting

14 Nays, 0 Not Voting

[Signature]  
Speaker of the House

[Signature]  
President of the Senate

[Signature]  
Chief Clerk of the House

[Signature]  
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill received by the Governor this

           day of           , 20    

at            o'clock            M.

            
Secretary to the Governor

Approved this            day of

          

at            o'clock            M.

            
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this            day of           , 20    

at            o'clock            M.

            
Secretary of State

H.B. 2227

HOUSE CONCURS IN SENATE  
AMENDMENTS AND FINAL PASSAGE

April 14, 2010,

by the following vote: 34 Ayes,

20 Nays, 6 Not Voting

[Signature]  
Speaker of the House  
Cheryl Laube  
Chief Clerk of the House

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill was received by the Governor this  
14<sup>th</sup> day of April, 2010,

at 3:40 o'clock P. M.

[Signature]  
Secretary to the Governor

Approved this 20<sup>th</sup> day of

April, 2010,

at 6:11 o'clock P. M.

[Signature]  
Governor of Arizona

H.B. 2227

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State  
this 21<sup>st</sup> day of April, 2010,

at 10:06 o'clock A. M.

[Signature]  
Secretary of State