

Conference Engrossed

**FILED**

**MICHELE REAGAN**

**SECRETARY OF STATE**

State of Arizona  
Senate  
Fifty-third Legislature  
First Regular Session  
2017

**CHAPTER 245**  
**SENATE BILL 1042**

AN ACT

AMENDING SECTIONS 15-183, 15-203, 15-532 AND 15-533, ARIZONA REVISED STATUTES; AMENDING TITLE 15, CHAPTER 5, ARTICLE 3, ARIZONA REVISED STATUTES, BY ADDING SECTION 15-553; AMENDING SECTION 15-782.01, ARIZONA REVISED STATUTES; RELATING TO TEACHERS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:  
2 Section 1. Section 15-183, Arizona Revised Statutes, is amended to  
3 read:

4 15-183. Charter schools; application; requirements; immunity;  
5 exemptions; renewal of application; reprisal; fee;  
6 funds; annual reports

7 A. An applicant seeking to establish a charter school shall submit  
8 a written application to a proposed sponsor as prescribed in subsection C  
9 of this section. The application, application process and application  
10 time frames shall be posted on the sponsor's website and shall include the  
11 following, as specified in the application adopted by the sponsor:

- 12 1. A detailed educational plan.
- 13 2. A detailed business plan.
- 14 3. A detailed operational plan.
- 15 4. Any other materials required by the sponsor.

16 B. The sponsor of a charter school may contract with a public body,  
17 private person or private organization for the purpose of establishing a  
18 charter school pursuant to this article.

19 C. The sponsor of a charter school may be either the state board of  
20 education, the state board for charter schools, a university under the  
21 jurisdiction of the Arizona board of regents, a community college district  
22 or a group of community college districts, subject to the following  
23 requirements:

24 1. An applicant may not submit an application for sponsorship to  
25 any person or entity other than those prescribed in this subsection.

26 2. The applicant may submit the application to the state board of  
27 education or the state board for charter schools. Notwithstanding any  
28 other law, neither the state board for charter schools nor the state board  
29 of education shall grant a charter to a school district governing board  
30 for a new charter school or for the conversion of an existing district  
31 public school to a charter school. The state board of education or the  
32 state board for charter schools may approve the application if the  
33 application meets the requirements of this article and may approve the  
34 charter if the proposed sponsor determines, within its sole discretion,  
35 that the applicant is sufficiently qualified to operate a charter school  
36 and that the applicant is applying to operate as a separate charter holder  
37 by considering factors such as whether:

38 (a) The schools have separate governing bodies, governing body  
39 membership, staff, facilities and student population.

40 (b) Daily operations are carried out by different administrators.

41 (c) The applicant intends to have an affiliation agreement for the  
42 purpose of providing enrollment preferences.

43 (d) The applicant's charter management organization has multiple  
44 charter holders serving varied grade configurations on one physical site  
45 or nearby sites serving one community.

1 (e) It is reconstituting an existing school site population at the  
2 same or new site.

3 (f) It is reconstituting an existing grade configuration from a  
4 prior charter holder with at least one grade remaining on the original  
5 site with the other grade or grades moving to a new site. The state board  
6 of education or the state board for charter schools may approve any  
7 charter schools transferring charters. If the state board of education or  
8 the state board for charter schools rejects the preliminary application,  
9 the state board of education or the state board for charter schools shall  
10 notify the applicant in writing of the reasons for the rejection and of  
11 suggestions for improving the application. An applicant may submit a  
12 revised application for reconsideration by the state board of education or  
13 the state board for charter schools. The applicant may request, and the  
14 state board of education or the state board for charter schools may  
15 provide, technical assistance to improve the application.

16 3. The applicant may submit the application to a university under  
17 the jurisdiction of the Arizona board of regents, a community college  
18 district or a group of community college districts. A university, a  
19 community college district or a group of community college districts shall  
20 not grant a charter to a school district governing board for a new charter  
21 school or for the conversion of an existing district public school to a  
22 charter school. A university, a community college district or a group of  
23 community college districts may approve the application if it meets the  
24 requirements of this article and if the proposed sponsor determines, in  
25 its sole discretion, that the applicant is sufficiently qualified to  
26 operate a charter school.

27 4. Each applicant seeking to establish a charter school shall  
28 submit a full set of fingerprints to the approving agency for the purpose  
29 of obtaining a state and federal criminal records check pursuant to  
30 section 41-1750 and Public Law 92-544. If an applicant will have direct  
31 contact with students, the applicant shall possess a valid fingerprint  
32 clearance card that is issued pursuant to title 41, chapter 12, article  
33 3.1. The department of public safety may exchange this fingerprint data  
34 with the federal bureau of investigation. The criminal records check  
35 shall be completed before the issuance of a charter.

36 5. All persons engaged in instructional work directly as a  
37 classroom, laboratory or other teacher or indirectly as a supervisory  
38 teacher, speech therapist or principal shall have a valid fingerprint  
39 clearance card that is issued pursuant to title 41, chapter 12, article  
40 3.1, unless the person is a volunteer or guest speaker who is accompanied  
41 in the classroom by a person with a valid fingerprint clearance card. A  
42 charter school shall not employ a teacher whose certificate has been  
43 surrendered or revoked, unless the teacher's certificate has been  
44 subsequently reinstated by the state board of education. All other  
45 personnel shall be fingerprint checked pursuant to section 15-512, or the

1 charter school may require those personnel to obtain a fingerprint  
2 clearance card issued pursuant to title 41, chapter 12, article 3.1.  
3 Before employment, the charter school shall make documented, good faith  
4 efforts to contact previous employers of a person to obtain information  
5 and recommendations that may be relevant to a person's fitness for  
6 employment as prescribed in section 15-512, subsection F. The charter  
7 school shall notify the department of public safety if the charter school  
8 or sponsor receives credible evidence that a person who possesses a valid  
9 fingerprint clearance card is arrested for or is charged with an offense  
10 listed in section 41-1758.03, subsection B. A PERSON WHO IS EMPLOYED AT A  
11 CHARTER SCHOOL THAT HAS MET THE REQUIREMENTS OF THIS PARAGRAPH IS NOT  
12 REQUIRED TO MEET ANY ADDITIONAL REQUIREMENTS THAT ARE ESTABLISHED BY THE  
13 DEPARTMENT OF EDUCATION OR THAT MAY BE ESTABLISHED BY RULE BY THE STATE  
14 BOARD OF EDUCATION. THE STATE BOARD OF EDUCATION MAY NOT ADOPT RULES THAT  
15 EXCEED THE REQUIREMENTS FOR PERSONS QUALIFIED TO TEACH IN CHARTER SCHOOLS  
16 PRESCRIBED IN TITLE I OF THE EVERY STUDENT SUCCEEDS ACT (P.L. 114-95) OR  
17 THE INDIVIDUALS WITH DISABILITIES EDUCATION IMPROVEMENT ACT OF 2004  
18 (P.L. 108-446). Charter schools may hire personnel who have not yet  
19 received a fingerprint clearance card if proof is provided of the  
20 submission of an application to the department of public safety for a  
21 fingerprint clearance card and if the charter school that is seeking to  
22 hire the applicant does all of the following:

- 23 (a) Documents in the applicant's file the necessity for hiring and  
24 placement of the applicant before receiving a fingerprint clearance card.
- 25 (b) Ensures that the department of public safety completes a  
26 statewide criminal records check on the applicant. A statewide criminal  
27 records check shall be completed by the department of public safety every  
28 one hundred twenty days until the date that the fingerprint check is  
29 completed or the fingerprint clearance card is issued or denied.
- 30 (c) Obtains references from the applicant's current employer and  
31 the two most recent previous employers except for applicants who have been  
32 employed for at least five years by the applicant's most recent employer.
- 33 (d) Provides general supervision of the applicant until the date  
34 that the fingerprint card is obtained.
- 35 (e) Completes a search of criminal records in all local  
36 jurisdictions outside of this state in which the applicant has lived in  
37 the previous five years.
- 38 (f) Verifies the fingerprint status of the applicant with the  
39 department of public safety.

40 6. A charter school that complies with the fingerprinting  
41 requirements of this section shall be deemed to have complied with section  
42 15-512 and is entitled to the same rights and protections provided to  
43 school districts by section 15-512.

44 7. If a charter school operator is not already subject to a public  
45 meeting or hearing by the municipality in which the charter school is

1 located, the operator of a charter school shall conduct a public meeting  
2 at least thirty days before the charter school operator opens a site or  
3 sites for the charter school. The charter school operator shall post  
4 notices of the public meeting in at least three different locations that  
5 are within three hundred feet of the proposed charter school site.

6 8. A person who is employed by a charter school or who is an  
7 applicant for employment with a charter school, who is arrested for or  
8 charged with a nonappealable offense listed in section 41-1758.03,  
9 subsection B and who does not immediately report the arrest or charge to  
10 the person's supervisor or potential employer is guilty of unprofessional  
11 conduct and the person shall be immediately dismissed from employment with  
12 the charter school or immediately excluded from potential employment with  
13 the charter school.

14 9. A person who is employed by a charter school and who is  
15 convicted of any nonappealable offense listed in section 41-1758.03,  
16 subsection B or is convicted of any nonappealable offense that amounts to  
17 unprofessional conduct under section 15-550 shall immediately do all of  
18 the following:

19 (a) Surrender any certificates issued by the department of  
20 education.

21 (b) Notify the person's employer or potential employer of the  
22 conviction.

23 (c) Notify the department of public safety of the conviction.

24 (d) Surrender the person's fingerprint clearance card.

25 D. An entity that is authorized to sponsor charter schools pursuant  
26 to this article has no legal authority over or responsibility for a  
27 charter school sponsored by a different entity. This subsection does not  
28 apply to the state board of education's duty to exercise general  
29 supervision over the public school system pursuant to section 15-203,  
30 subsection A, paragraph 1.

31 E. The charter of a charter school shall do all of the following:

32 1. Ensure compliance with federal, state and local rules,  
33 regulations and statutes relating to health, safety, civil rights and  
34 insurance. The department of education shall publish a list of relevant  
35 rules, regulations and statutes to notify charter schools of their  
36 responsibilities under this paragraph.

37 2. Ensure that it is nonsectarian in its programs, admission  
38 policies and employment practices and all other operations.

39 3. Ensure that it provides a comprehensive program of instruction  
40 for at least a kindergarten program or any grade between grades one and  
41 twelve, except that a school may offer this curriculum with an emphasis on  
42 a specific learning philosophy or style or certain subject areas such as  
43 mathematics, science, fine arts, performance arts or foreign language.

44 4. Ensure that it designs a method to measure pupil progress toward  
45 the pupil outcomes adopted by the state board of education pursuant to

1 section 15-741.01, including participation in the statewide assessment and  
2 the nationally standardized norm-referenced achievement test as designated  
3 by the state board and the completion and distribution of an annual report  
4 card as prescribed in chapter 7, article 3 of this title.

5 5. Ensure that, except as provided in this article and in its  
6 charter, it is exempt from all statutes and rules relating to schools,  
7 governing boards and school districts.

8 6. Ensure that, except as provided in this article, it is subject  
9 to the same financial and electronic data submission requirements as a  
10 school district, including the uniform system of financial records as  
11 prescribed in chapter 2, article 4 of this title, procurement rules as  
12 prescribed in section 15-213 and audit requirements. The auditor general  
13 shall conduct a comprehensive review and revision of the uniform system of  
14 financial records to ensure that the provisions of the uniform system of  
15 financial records that relate to charter schools are in accordance with  
16 commonly accepted accounting principles used by private business. A  
17 school's charter may include exceptions to the requirements of this  
18 paragraph that are necessary as determined by the university, the  
19 community college district, the group of community college districts, the  
20 state board of education or the state board for charter schools. The  
21 department of education or the office of the auditor general may conduct  
22 financial, program or compliance audits.

23 7. Ensure compliance with all federal and state laws relating to  
24 the education of children with disabilities in the same manner as a school  
25 district.

26 8. Ensure that it provides for a governing body for the charter  
27 school that is responsible for the policy decisions of the charter school.  
28 Notwithstanding section 1-216, if there is a vacancy or vacancies on the  
29 governing body, a majority of the remaining members of the governing body  
30 constitute a quorum for the transaction of business, unless that quorum is  
31 prohibited by the charter school's operating agreement.

32 9. Ensure that it provides a minimum of one hundred eighty  
33 instructional days before June 30 of each fiscal year unless it is  
34 operating on an alternative calendar approved by its sponsor. The  
35 superintendent of public instruction shall adjust the apportionment  
36 schedule accordingly to accommodate a charter school utilizing an  
37 alternative calendar.

38 F. A charter school shall keep in the personnel file of all current  
39 employees who provide instruction to pupils at the charter school  
40 information about the employee's educational and teaching background and  
41 experience in a particular academic content subject area. A charter  
42 school shall inform parents and guardians of the availability of the  
43 information and shall make the information available for inspection on  
44 request of parents and guardians of pupils enrolled at the charter school.  
45 This subsection does not require any charter school to release personally

1 identifiable information in relation to any teacher or employee, including  
2 the teacher's or employee's address, salary, social security number or  
3 telephone number.

4 G. The charter of a charter school may be amended at the request of  
5 the governing body of the charter school and on the approval of the  
6 sponsor.

7 H. Charter schools may contract, sue and be sued.

8 I. The charter is effective for fifteen years from the first day of  
9 the fiscal year as specified in the charter, subject to the following:

10 1. At least eighteen months before the expiration of the charter,  
11 the sponsor shall notify the charter school that the charter school may  
12 apply for renewal and shall make the renewal application available to the  
13 charter school. A charter school that elects to apply for renewal shall  
14 file a complete renewal application at least fifteen months before the  
15 expiration of the charter. A sponsor shall give written notice of its  
16 intent not to renew the charter school's request for renewal to the  
17 charter school at least twelve months before the expiration of the  
18 charter. The sponsor shall make data used in making renewal decisions  
19 available to the school and the public and shall provide a public report  
20 summarizing the evidence basis for each decision. The sponsor may deny  
21 the request for renewal if, in its judgment, the charter holder has failed  
22 to do any of the following:

23 (a) Meet or make sufficient progress toward the academic  
24 performance expectations set forth in the performance framework.

25 (b) Meet the operational performance expectations set forth in the  
26 performance framework or any improvement plans.

27 (c) Complete the obligations of the contract.

28 (d) Comply with this article or any provision of law from which the  
29 charter school is not exempt.

30 2. A charter operator may apply for early renewal. At least nine  
31 months before the charter school's intended renewal consideration, the  
32 operator of the charter school shall submit a letter of intent to the  
33 sponsor to apply for early renewal. The sponsor shall review fiscal  
34 audits and academic performance data for the charter school that are  
35 annually collected by the sponsor, review the current contract between the  
36 sponsor and the charter school and provide the qualifying charter school  
37 with a renewal application. On submission of a complete application, the  
38 sponsor shall give written notice of its consideration of the renewal  
39 application. The sponsor may deny the request for early renewal if, in  
40 the sponsor's judgment, the charter holder has failed to do any of the  
41 following:

42 (a) Meet or make sufficient progress toward the academic  
43 performance expectations set forth in the performance framework.

44 (b) Meet the operational performance expectations set forth in the  
45 performance framework or any improvement plans.

1 (c) Complete the obligations of the contract.

2 (d) Comply with this article or any provision of law from which the  
3 charter school is not exempt.

4 3. A sponsor shall review a charter at five-year intervals using a  
5 performance framework adopted by the sponsor and may revoke a charter at  
6 any time if the charter school breaches one or more provisions of its  
7 charter or if the sponsor determines that the charter holder has failed to  
8 do any of the following:

9 (a) Meet or make sufficient progress toward the academic  
10 performance expectations set forth in the performance framework.

11 (b) Meet the operational performance expectations set forth in the  
12 performance framework or any improvement plans.

13 (c) Comply with this article or any provision of law from which the  
14 charter school is not exempt.

15 4. In determining whether to renew or revoke a charter holder, the  
16 sponsor must consider making sufficient progress toward the academic  
17 performance expectations set forth in the sponsor's performance framework  
18 as one of the most important factors.

19 5. At least sixty days before the effective date of the proposed  
20 revocation, the sponsor shall give written notice to the operator of the  
21 charter school of its intent to revoke the charter. Notice of the  
22 sponsor's intent to revoke the charter shall be delivered personally to  
23 the operator of the charter school or sent by certified mail, return  
24 receipt requested, to the address of the charter school. The notice shall  
25 incorporate a statement of reasons for the proposed revocation of the  
26 charter. The sponsor shall allow the charter school at least sixty days  
27 to correct the problems associated with the reasons for the proposed  
28 revocation of the charter. The final determination of whether to revoke  
29 the charter shall be made at a public hearing called for such purpose.

30 J. The charter may be renewed for successive periods of twenty  
31 years.

32 K. A charter school that is sponsored by the state board of  
33 education, the state board for charter schools, a university, a community  
34 college district or a group of community college districts may not be  
35 located on the property of a school district unless the district governing  
36 board grants this authority.

37 L. A governing board or a school district employee who has control  
38 over personnel actions shall not take unlawful reprisal against another  
39 employee of the school district because the employee is directly or  
40 indirectly involved in an application to establish a charter school. A  
41 governing board or a school district employee shall not take unlawful  
42 reprisal against an educational program of the school or the school  
43 district because an application to establish a charter school proposes the  
44 conversion of all or a portion of the educational program to a charter  
45 school. For the purposes of this subsection, "unlawful reprisal" means an

1 action that is taken by a governing board or a school district employee as  
2 a direct result of a lawful application to establish a charter school and  
3 that is adverse to another employee or an education program and:

4 1. With respect to a school district employee, results in one or  
5 more of the following:

6 (a) Disciplinary or corrective action.

7 (b) Detail, transfer or reassignment.

8 (c) Suspension, demotion or dismissal.

9 (d) An unfavorable performance evaluation.

10 (e) A reduction in pay, benefits or awards.

11 (f) Elimination of the employee's position without a reduction in  
12 force by reason of lack of monies or work.

13 (g) Other significant changes in duties or responsibilities that  
14 are inconsistent with the employee's salary or employment classification.

15 2. With respect to an educational program, results in one or more  
16 of the following:

17 (a) Suspension or termination of the program.

18 (b) Transfer or reassignment of the program to a less favorable  
19 department.

20 (c) Relocation of the program to a less favorable site within the  
21 school or school district.

22 (d) Significant reduction or termination of funding for the  
23 program.

24 M. Charter schools shall secure insurance for liability and  
25 property loss. The governing body of a charter school that is sponsored  
26 by the state board of education or the state board for charter schools may  
27 enter into an intergovernmental agreement or otherwise contract to  
28 participate in an insurance program offered by a risk retention pool  
29 established pursuant to section 11-952.01 or 41-621.01 or the charter  
30 school may secure its own insurance coverage. The pool may charge the  
31 requesting charter school reasonable fees for any services it performs in  
32 connection with the insurance program.

33 N. Charter schools do not have the authority to acquire property by  
34 eminent domain.

35 O. A sponsor, including members, officers and employees of the  
36 sponsor, is immune from personal liability for all acts done and actions  
37 taken in good faith within the scope of its authority.

38 P. Charter school sponsors and this state are not liable for the  
39 debts or financial obligations of a charter school or persons who operate  
40 charter schools.

41 Q. The sponsor of a charter school shall establish procedures to  
42 conduct administrative hearings on determination by the sponsor that  
43 grounds exist to revoke a charter. Procedures for administrative hearings  
44 shall be similar to procedures prescribed for adjudicative proceedings in  
45 title 41, chapter 6, article 10. Except as provided in section

1 41-1092.08, subsection H, final decisions of the state board of education  
2 and the state board for charter schools from hearings conducted pursuant  
3 to this subsection are subject to judicial review pursuant to title 12,  
4 chapter 7, article 6.

5 R. The sponsoring entity of a charter school shall have oversight  
6 and administrative responsibility for the charter schools that it  
7 sponsors. In implementing its oversight and administrative  
8 responsibilities, the sponsor shall ground its actions in evidence of the  
9 charter holder's performance in accordance with the performance framework  
10 adopted by the sponsor. The performance framework shall be publicly  
11 available, shall be placed on the sponsoring entity's website and shall  
12 include:

13 1. The academic performance expectations of the charter school and  
14 the measurement of sufficient progress toward the academic performance  
15 expectations.

16 2. The operational expectations of the charter school, including  
17 adherence to all applicable laws and obligations of the charter contract.

18 3. Intervention and improvement policies.

19 S. Charter schools may pledge, assign or encumber their assets to  
20 be used as collateral for loans or extensions of credit.

21 T. All property accumulated by a charter school shall remain the  
22 property of the charter school.

23 U. Charter schools may not locate a school on property that is less  
24 than one-fourth mile from agricultural land regulated pursuant to section  
25 3-365, except that the owner of the agricultural land may agree to comply  
26 with the buffer zone requirements of section 3-365. If the owner agrees  
27 in writing to comply with the buffer zone requirements and records the  
28 agreement in the office of the county recorder as a restrictive covenant  
29 running with the title to the land, the charter school may locate a school  
30 within the affected buffer zone. The agreement may include any  
31 stipulations regarding the charter school, including conditions for future  
32 expansion of the school and changes in the operational status of the  
33 school that will result in a breach of the agreement.

34 V. A transfer of a charter to another sponsor, a transfer of a  
35 charter school site to another sponsor or a transfer of a charter school  
36 site to a different charter shall be completed before the beginning of the  
37 fiscal year that the transfer is scheduled to become effective. An entity  
38 that sponsors charter schools may accept a transferring school after the  
39 beginning of the fiscal year if the transfer is approved by the  
40 superintendent of public instruction. The superintendent of public  
41 instruction shall have the discretion to consider each transfer during the  
42 fiscal year on a case-by-case basis. A charter holder seeking to transfer  
43 sponsors shall comply with the current charter terms regarding assignment  
44 of the charter. A charter holder transferring sponsors shall notify the  
45 current sponsor that the transfer has been approved by the new sponsor.

1           W. Notwithstanding subsection V of this section, a charter holder  
2 on an improvement plan must notify parents or guardians of registered  
3 students of the intent to transfer the charter and the timing of the  
4 proposed transfer. On the approved transfer, the new sponsor shall  
5 enforce the improvement plan but may modify the plan based on performance.

6           X. Notwithstanding subsection Y of this section, the state board  
7 for charter schools shall charge a processing fee to any charter school  
8 that amends its contract to participate in Arizona online instruction  
9 pursuant to section 15-808. The charter Arizona online instruction  
10 processing fund is established consisting of fees collected and  
11 administered by the state board for charter schools. The state board for  
12 charter schools shall use monies in the fund only for the processing of  
13 contract amendments for charter schools participating in Arizona online  
14 instruction. Monies in the fund are continuously appropriated.

15           Y. The sponsoring entity may not charge any fees to a charter  
16 school that it sponsors unless the sponsor has provided services to the  
17 charter school and the fees represent the full value of those services  
18 provided by the sponsor. On request, the value of the services provided  
19 by the sponsor to the charter school shall be demonstrated to the  
20 department of education.

21           Z. Charter schools may enter into an intergovernmental agreement  
22 with a presiding judge of the juvenile court to implement a law-related  
23 education program as defined in section 15-154. The presiding judge of  
24 the juvenile court may assign juvenile probation officers to participate  
25 in a law-related education program in any charter school in the  
26 county. The cost of juvenile probation officers who participate in the  
27 program implemented pursuant to this subsection shall be funded by the  
28 charter school.

29           AA. The sponsor of a charter school shall modify previously  
30 approved curriculum requirements for a charter school that wishes to  
31 participate in the board examination system prescribed in chapter 7,  
32 article 6 of this title.

33           BB. If a charter school decides not to participate in the board  
34 examination system prescribed in chapter 7, article 6 of this title,  
35 pupils enrolled at that charter school may earn a Grand Canyon diploma by  
36 obtaining a passing score on the same board examinations.

37           CC. Notwithstanding subsection Y of this section, a sponsor of  
38 charter schools may charge a new charter application processing fee to any  
39 applicant. The application fee shall fully cover the cost of application  
40 review and any needed technical assistance. Authorizers may approve  
41 policies that allow a portion of the fee to be returned to the applicant  
42 whose charter is approved.

43           DD. A charter school may choose to provide a preschool program for  
44 children with disabilities pursuant to section 15-771.

1           EE. Pursuant to the prescribed graduation requirements adopted by  
2 the state board of education, the governing body of a charter school  
3 operating a high school may approve a rigorous computer science course  
4 that would fulfill a mathematics course required for graduation from high  
5 school. The governing body may approve a rigorous computer science course  
6 only if the rigorous computer science course includes significant  
7 mathematics content and the governing body determines the high school  
8 where the rigorous computer science course is offered has sufficient  
9 capacity, infrastructure and qualified staff, including competent teachers  
10 of computer science.

11           FF. A charter school may permit the use of school property,  
12 including school buildings, grounds, buses and equipment, by any person,  
13 group or organization for any lawful purpose, including a recreational,  
14 educational, political, economic, artistic, moral, scientific, social,  
15 religious or other civic or governmental purpose. The charter school may  
16 charge a reasonable fee for the use of the school property.

17           GG. A charter school and its employees, including the governing  
18 body, or chief administrative officer, are immune from civil liability  
19 with respect to all decisions made and actions taken to allow the use of  
20 school property, unless the charter school or its employees are guilty of  
21 gross negligence or intentional misconduct. This subsection does not  
22 limit any other immunity provisions that are prescribed by law.

23           HH. Sponsors authorized pursuant to this section shall submit an  
24 annual report to the auditor general on or before October 1. The report  
25 shall include:

26           1. The current number of charters authorized and the number of  
27 schools operated by authorized charter holders.

28           2. The academic and operational performance of the sponsor's  
29 charter portfolio as measured by the sponsor's adopted performance  
30 framework.

31           3. For the prior year, the number of new charters approved, the  
32 number of charter schools closed and the reason for the closure.

33           4. The sponsor's application, amendment, renewal and revocation  
34 processes, charter contract template and current performance framework as  
35 required by this section.

36           II. The auditor general shall prescribe the format for the annual  
37 report required by subsection HH of this section and may require that the  
38 annual report be submitted electronically. The auditor general shall  
39 review the submitted annual reports to ensure that the reports include the  
40 required items in subsection HH of this section and shall make the annual  
41 reports available on request. If the auditor general finds significant  
42 noncompliance or if a sponsor fails to submit the annual report required  
43 by subsection HH of this section, on or before December 31 of each year  
44 the auditor general shall report to the governor, the president of the  
45 senate, the speaker of the house of representatives and the chairs of the

1 senate and house education committees or their successor committees, and  
2 the legislature shall consider revoking the sponsor's authority to sponsor  
3 charter schools.

4 Sec. 2. Section 15-203, Arizona Revised Statutes, is amended to  
5 read:

6 15-203. Powers and duties

7 A. The state board of education shall:

8 1. Exercise general supervision over and regulate the conduct of  
9 the public school system and adopt any rules and policies it deems  
10 necessary to accomplish this purpose.

11 2. Keep a record of its proceedings.

12 3. Make rules for its own government.

13 4. Determine the policy and work undertaken by it.

14 5. Subject to title 41, chapter 4, article 4, employ staff.

15 6. Prescribe and supervise the duties of its employees pursuant to  
16 title 41, chapter 4, article 4, if not otherwise prescribed by statute.

17 7. Delegate to the superintendent of public instruction the  
18 execution of board policies and rules.

19 8. Recommend to the legislature changes or additions to the  
20 statutes pertaining to schools.

21 9. Prepare, publish and distribute reports concerning the  
22 educational welfare of this state.

23 10. Prepare a budget for expenditures necessary for proper  
24 maintenance of the board and accomplishment of its purposes and present  
25 the budget to the legislature.

26 11. Aid in the enforcement of laws relating to schools.

27 12. Prescribe a minimum course of study in the common schools,  
28 minimum competency requirements for the promotion of pupils from the third  
29 grade and minimum course of study and competency requirements for the  
30 promotion of pupils from the eighth grade. The state board of education  
31 shall prepare a fiscal impact statement of any proposed changes to the  
32 minimum course of study or competency requirements and, on completion,  
33 shall send a copy to the director of the joint legislative budget  
34 committee and the executive director of the school facilities board. The  
35 state board of education shall not adopt any changes in the minimum course  
36 of study or competency requirements in effect on July 1, 1998 that will  
37 have a fiscal impact on school capital costs.

38 13. Prescribe minimum course of study and competency requirements  
39 for the graduation of pupils from high school. The state board of  
40 education shall prepare a fiscal impact statement of any proposed changes  
41 to the minimum course of study or competency requirements and, on  
42 completion, shall send a copy to the director of the joint legislative  
43 budget committee and the executive director of the school facilities  
44 board. The state board of education shall not adopt any changes in the

1 minimum course of study or competency requirements in effect on July 1,  
2 1998 that will have a fiscal impact on school capital costs.

3 14. Supervise and control the certification of persons engaged in  
4 instructional work directly as any classroom, laboratory or other teacher  
5 or indirectly as a supervisory teacher, speech therapist, principal or  
6 superintendent in a school district, including school district preschool  
7 programs, or any other educational institution below the community  
8 college, college or university level, and prescribe rules for  
9 certification, ~~including rules for certification of teachers who have~~  
10 ~~teaching experience and who are trained in other states, that are not~~  
11 ~~unnecessarily restrictive and are substantially similar to the rules~~  
12 ~~prescribed for the certification of teachers trained in this state.~~ The  
13 rules:

14 (a) Shall ~~allow~~ PROVIDE FOR a variety of alternative teacher and  
15 administrator preparation programs, ~~with~~ THAT ALLOW FOR variations in  
16 program sequence and design, ~~to~~ apply for program approval. The state  
17 board shall adopt rules pursuant to this subdivision designed to allow for  
18 a variety of formats and shall not require a prescribed answer or design  
19 from the program provider in order to obtain approval from the state  
20 board. ANY RULES ADOPTED BY THE STATE BOARD PURSUANT TO THIS SUBDIVISION  
21 SHALL BE SUBSTANTIALLY DIFFERENT FROM THE RULES ADOPTED FOR THE APPROVAL  
22 OF TRADITIONAL PREPARATION PROGRAMS AND MAY NOT UNNECESSARILY RESTRICT A  
23 VARIETY OF ALTERNATIVE PREPARATION PROGRAMS FROM OPERATING AND PROVIDING  
24 INSTRUCTION IN THIS STATE. The state board shall evaluate each program  
25 provider based on the program's ability to prepare teachers and  
26 administrators and to recruit teachers and administrators with a variety  
27 of experiences and talents. The state board shall permit universities  
28 under the jurisdiction of the Arizona board of regents, community colleges  
29 in this state, private postsecondary institutions licensed by this state,  
30 school districts, charter schools, ~~and~~ professional organizations,  
31 NONPROFIT ORGANIZATIONS AND PRIVATE ENTITIES to apply for program approval  
32 and shall create application procedures and certification criteria that  
33 are SUBSTANTIALLY less restrictive than those for traditional preparation  
34 programs. AT THE COMPLETION OF AN alternative preparation program,  
35 graduates shall:

36 (i) Hold a bachelor's degree from an accredited postsecondary  
37 education institution.

38 (ii) IF APPLICABLE, demonstrate professional knowledge and subject  
39 knowledge proficiency pursuant to section 15-533.

40 (iii) Obtain a fingerprint clearance card pursuant to section  
41 15-534.

42 (iv) IF APPLICABLE, complete training in structured English  
43 immersion as prescribed by the state board PURSUANT TO SECTION 15-756.09.

44 (v) IF APPLICABLE, complete training in research-based systematic  
45 phonics instruction as prescribed in subdivision (b) of this paragraph.

1 (vi) Demonstrate the required proficiency in the Constitutions of  
2 the United States and Arizona as prescribed in section 15-532.

3 (b) Shall require applicants for all certificates for common school  
4 instruction to complete a minimum of forty-five classroom hours or three  
5 college level credit hours, or the equivalent, of training in  
6 research-based systematic phonics instruction from a public or private  
7 provider.

8 (c) Shall not require a teacher to obtain a master's degree or to  
9 take any additional graduate courses as a condition of certification or  
10 recertification.

11 (d) Shall allow a general equivalency diploma to be substituted for  
12 a high school diploma in the certification of emergency substitute  
13 teachers.

14 (e) Shall allow but shall not require the superintendent of a  
15 school district to obtain certification from the state board of education.

16 (f) Shall provide for the issuance of a ~~specialized~~ SUBJECT MATTER  
17 EXPERT STANDARD teaching certificate to ~~classroom teachers with~~ PERSONS  
18 WHO HAVE expertise in ~~either science, technology, engineering or~~  
19 ~~mathematics~~ A CONTENT AREA OR SUBJECT MATTER. ~~Teachers~~ PERSONS who are  
20 certified pursuant to this subdivision shall complete training, IF  
21 APPLICABLE, in structured English immersion as prescribed by the state  
22 board PURSUANT TO SECTION 15-756.09. ~~Teachers~~ PERSONS who are certified  
23 pursuant to this subdivision are exempt from the ~~professional knowledge~~  
24 ~~and~~ subject knowledge proficiency requirements prescribed in section  
25 15-533 and from the proficiency requirements prescribed in section 15-532  
26 on the Constitutions of the United States and Arizona. PERSONS PURSUANT  
27 TO ITEM (i) OF THIS SUBDIVISION ARE ALSO EXEMPT FROM THE PROFESSIONAL  
28 KNOWLEDGE PROFICIENCY REQUIREMENTS PURSUANT TO SECTION 15-533. A ~~teacher~~  
29 PERSON who obtains a ~~specialized~~ SUBJECT MATTER EXPERT STANDARD teaching  
30 certificate pursuant to this subdivision may provide instruction in the  
31 ~~teacher's~~ PERSON'S field of expertise in grades six through twelve at any  
32 public school in this state. ISSUANCE OF THE SUBJECT MATTER EXPERT  
33 STANDARD TEACHING CERTIFICATE MAY NOT BE CONDITIONED ON THE PERSON'S  
34 EMPLOYMENT WITH A LOCAL EDUCATION AGENCY. A PERSON WHO MEETS THE  
35 REQUIREMENTS OF THIS SUBDIVISION SHALL BE ISSUED A SUBJECT MATTER EXPERT  
36 STANDARD TEACHING CERTIFICATE WITHOUT HAVING TO DEMONSTRATE PROFESSIONAL  
37 KNOWLEDGE PROFICIENCY PURSUANT TO SECTION 15-533, EXCEPT THAT THE PERSON  
38 SHALL HAVE AT LEAST TWO YEARS TO DEMONSTRATE PROFESSIONAL KNOWLEDGE  
39 PROFICIENCY PURSUANT TO SECTION 15-533. SCHOOL DISTRICTS SHALL EVALUATE  
40 AND PROVIDE SUPPORT PURSUANT TO SECTION 15-537 TO TEACHERS CERTIFIED  
41 PURSUANT TO THIS SUBDIVISION. IF A PERSON FAILS TO MEET THE PROFESSIONAL  
42 KNOWLEDGE REQUIREMENTS OF THIS SECTION WITHIN TWO YEARS, THE DEPARTMENT OF  
43 EDUCATION OR STATE BOARD OF EDUCATION MAY TEMPORARILY SUSPEND THE SUBJECT  
44 MATTER EXPERT STANDARD TEACHING CERTIFICATE. A CERTIFICATE THAT IS  
45 TEMPORARILY SUSPENDED PURSUANT TO THIS SUBDIVISION IS NOT CONSIDERED A

1 DISCIPLINARY ACTION AND A PERSON SHALL BE ALLOWED TO CORRECT THE  
2 DEFICIENCY WITHIN THE REMAINING TIME OF THE SUBJECT MATTER EXPERT STANDARD  
3 TEACHING CERTIFICATION. This subdivision does not require a ~~teacher~~  
4 PERSON who has obtained another type of teaching certificate from the  
5 state board to obtain a ~~specialized~~ SUBJECT MATTER EXPERT STANDARD  
6 teaching certificate pursuant to this subdivision in order to provide  
7 instruction in grades six through twelve. ~~in a science, technology,~~  
8 ~~engineering or mathematics course. A classroom teacher~~ A PERSON is  
9 eligible for a ~~specialized~~ SUBJECT MATTER EXPERT STANDARD teaching  
10 certificate pursuant to this subdivision if the ~~teacher~~ PERSON OBTAINS A  
11 VALID FINGERPRINT CLEARANCE CARD THAT IS ISSUED PURSUANT TO TITLE 41,  
12 CHAPTER 12, ARTICLE 3.1 AND meets ~~at~~ ANY of the following requirements:

13 (i) Has taught ~~science, technology, engineering or mathematics~~  
14 courses RELEVANT TO A CONTENT AREA OR SUBJECT MATTER for the last two  
15 consecutive years and for a total of at least three years at one or more  
16 regionally or nationally accredited public or private postsecondary  
17 institutions. ~~An applicant~~ A PERSON shall demonstrate compliance with  
18 this requirement by providing the state board with written proof of  
19 employment for specific durations from one or more qualifying  
20 postsecondary institutions.

21 (ii) Has either a baccalaureate degree, a master's degree or a  
22 ~~doctorate~~ DOCTORAL degree in ~~an academic~~ A SPECIFIC subject AREA that is  
23 ~~specific to science, technology, engineering or mathematics or has~~  
24 ~~obtained a passing score on a statewide educator assessment in science,~~  
25 ~~technology, engineering or mathematics that is recognized by the state~~  
26 ~~board.~~

27 ~~(iii) Obtains a valid fingerprint clearance card that is issued~~  
28 ~~pursuant to title 41, chapter 12, article 3.1. DIRECTLY RELEVANT TO A~~  
29 ~~CONTENT AREA OR SUBJECT MATTER TAUGHT IN PUBLIC SCHOOLS.~~

30 (iii) DEMONSTRATES EXPERTISE THROUGH RELEVANT WORK EXPERIENCE OF AT  
31 LEAST FIVE YEARS IN A FIELD THAT IS RELEVANT TO A CONTENT AREA OR SUBJECT  
32 MATTER TAUGHT IN PUBLIC SCHOOLS. A PERSON SHALL DEMONSTRATE COMPLIANCE  
33 WITH THIS REQUIREMENT BY PROVIDING THE STATE BOARD WITH WRITTEN PROOF OF  
34 EMPLOYMENT.

35 (g) Notwithstanding section 15-533, ~~may~~ SHALL exempt persons  
36 applying for a secondary education certificate from the subject knowledge  
37 portion of the proficiency examination if the state board determines that  
38 the person has work experience in science, technology, engineering or  
39 mathematics and can demonstrate adequate knowledge of a particular subject  
40 through a postsecondary education degree or twenty-four credit hours of  
41 relevant coursework.

42 (h) Shall allow for ~~a~~ ALL standard ~~certificate~~ CERTIFICATES issued  
43 to a person pursuant to this section to be BOTH ISSUED AND renewed for at  
44 least ~~eight~~ TWELVE years and may not require more than fifteen hours of

1 continuing education credits each year in order to renew any certificate  
2 issued pursuant to this section.

3 15. Adopt a list of approved tests for determining special  
4 education assistance to gifted pupils as defined in and as provided in  
5 chapter 7, article 4.1 of this title. The adopted tests shall provide  
6 separate scores for quantitative reasoning, verbal reasoning and nonverbal  
7 reasoning and shall be capable of providing reliable and valid scores at  
8 the highest ranges of the score distribution.

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

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

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

17 19. Supervise and control the qualifications of professional  
18 nonteaching school personnel and prescribe standards relating to  
19 qualifications. The standards shall not require the business manager of a  
20 school district to obtain certification from the state board of education.

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

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

26 22. Adopt a rule to promote braille literacy pursuant to section  
27 15-214.

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

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

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

43 26. Require pupils to recite the following passage from the  
44 declaration of independence for pupils in grades four through six at the  
45 commencement of the first class of the day in the schools, except that a

1 pupil shall not be required to participate if the pupil or the pupil's  
2 parent or guardian objects:

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

9 27. Adopt rules that provide for ~~educator~~ certification reciprocity  
10 FOR CERTIFICATES ISSUED PURSUANT TO THIS SECTION. The rules for ~~issuance~~  
11 ~~of a comparable reciprocal educator certificate~~ CERTIFICATION RECIPROCITY  
12 shall include a requirement that the applicant possess a comparable valid  
13 certification from another state ~~that included passing that state's~~  
14 ~~subject knowledge and professional exams~~ and be in good standing with that  
15 other state. An applicant who possesses a valid certification from  
16 another state and a fingerprint clearance card pursuant to section 15-534  
17 and who is in good standing with that other state shall be issued a  
18 COMPARABLE standard ~~teaching~~ certificate without any other requirements  
19 from the state board of education or the department of education. A  
20 person who is issued a certificate pursuant to this paragraph is not  
21 required to meet any requirement prescribed in section 15-533.

22 28. Adopt rules that provide for the presentation of an honorary  
23 high school diploma to a person who has never obtained a high school  
24 diploma and who meets both of the following requirements:

25 (a) Currently resides in this state.

26 (b) Provides documented evidence from the department of veterans'  
27 services that the person enlisted in the armed forces of the United States  
28 and served in World War I, World War II, the Korean conflict or the  
29 Vietnam conflict.

30 29. Cooperate with the Arizona-Mexico commission in the governor's  
31 office and with researchers at universities in this state to collect data  
32 and conduct projects in the United States and Mexico on issues that are  
33 within the scope of the duties of the department of education and that  
34 relate to quality of life, trade and economic development in this state in  
35 a manner that will help the Arizona-Mexico commission to assess and  
36 enhance the economic competitiveness of this state and of the  
37 Arizona-Mexico region.

38 30. Adopt rules to define and provide guidance to schools as to the  
39 activities that would constitute immoral or unprofessional conduct of  
40 certificated persons.

41 31. Adopt guidelines to encourage pupils in grades nine, ten,  
42 eleven and twelve to volunteer for twenty hours of community service  
43 before graduation from high school. A school district that complies with  
44 the guidelines adopted pursuant to this paragraph is not liable for  
45 damages resulting from a pupil's participation in community service unless

1 the school district is found to have demonstrated wanton or reckless  
2 disregard for the safety of the pupil and other participants in community  
3 service. For the purposes of this paragraph, "community service" may  
4 include service learning. The guidelines shall include the following:

5 (a) A list of the general categories in which community service may  
6 be performed.

7 (b) A description of the methods by which community service will be  
8 monitored.

9 (c) A consideration of risk assessment for community service  
10 projects.

11 (d) Orientation and notification procedures of community service  
12 opportunities for pupils entering grade nine, including the development of  
13 a notification form. The notification form shall be signed by the pupil  
14 and the pupil's parent or guardian, except that a pupil shall not be  
15 required to participate in community service if the parent or guardian  
16 notifies the principal of the pupil's school in writing that the parent or  
17 guardian does not wish the pupil to participate in community service.

18 (e) Procedures for a pupil in grade nine to prepare a written  
19 proposal that outlines the type of community service that the pupil would  
20 like to perform and the goals that the pupil hopes to achieve as a result  
21 of community service. The pupil's written proposal shall be reviewed by a  
22 faculty advisor, a guidance counselor or any other school employee who is  
23 designated as the community service program coordinator for that school.  
24 The pupil may alter the written proposal at any time before performing  
25 community service.

26 (f) Procedures for a faculty advisor, a guidance counselor or any  
27 other school employee who is designated as the community service program  
28 coordinator to evaluate and certify the completion of community service  
29 performed by pupils.

30 32. To facilitate the transfer of military personnel and their  
31 dependents to and from the public schools of this state, pursue, in  
32 cooperation with the Arizona board of regents, reciprocity agreements with  
33 other states concerning the transfer credits for military personnel and  
34 their dependents. A reciprocity agreement entered into pursuant to this  
35 paragraph shall:

36 (a) Address procedures for each of the following:

37 (i) The transfer of student records.

38 (ii) Awarding credit for completed coursework.

39 (iii) Permitting a student to satisfy the graduation requirements  
40 prescribed in section 15-701.01 through the successful performance on  
41 comparable exit-level assessment instruments administered in another  
42 state.

43 (b) Include appropriate criteria developed by the state board of  
44 education and the Arizona board of regents.

1           33. Adopt guidelines that school district governing boards shall  
2 use in identifying pupils who are eligible for gifted programs and in  
3 providing gifted education programs and services. The state board of  
4 education shall adopt any other guidelines and rules that it deems  
5 necessary in order to carry out the purposes of chapter 7, article 4.1 of  
6 this title.

7           34. For each of the alternative textbook formats of human-voiced  
8 audio, large-print and braille, designate alternative media producers to  
9 adapt existing standard print textbooks or to provide specialized  
10 textbooks, or both, for pupils with disabilities in this state. Each  
11 alternative media producer shall be capable of producing alternative  
12 textbooks in all relevant subjects in at least one of the alternative  
13 textbook formats. The board shall post the designated list of alternative  
14 media producers on its website.

15           35. Adopt a list of approved professional development training  
16 providers for use by school districts as provided in section 15-107,  
17 subsection J. The professional development training providers shall meet  
18 the training curriculum requirements determined by the state board of  
19 education in at least the areas of school finance, governance, employment,  
20 staffing, inventory and human resources, internal controls and  
21 procurement.

22           36. Adopt rules to prohibit a person who violates the notification  
23 requirements prescribed in section 15-183, subsection C, paragraph 8 or  
24 section 15-550, subsection C from certification pursuant to this title  
25 until the person is no longer charged or is acquitted of any offenses  
26 listed in section 41-1758.03, subsection B. The board shall also adopt  
27 rules to prohibit a person who violates the notification requirements,  
28 certification surrender requirements or fingerprint clearance card  
29 surrender requirements prescribed in section 15-183, subsection C,  
30 paragraph 9 or section 15-550, subsection D from certification pursuant to  
31 this title for at least ten years after the date of the violation.

32           37. Adopt rules for the alternative certification of teachers of  
33 nontraditional foreign languages that allow for the passing of a  
34 nationally accredited test to substitute for the education coursework  
35 required for certification.

36           38. Adopt and maintain a model framework for a teacher and  
37 principal evaluation instrument that includes quantitative data on student  
38 academic progress that accounts for between thirty-three percent and fifty  
39 percent of the evaluation outcomes. The framework shall include four  
40 performance classifications, designated as highly effective, effective,  
41 developing and ineffective, and guidelines for school districts and  
42 charter schools to use in their evaluation instruments. The state board  
43 of education shall adopt best practices for professional development and  
44 evaluator training. The state board of education may periodically make  
45 adjustments to align the model framework for teacher and principal

1 evaluations with assessment or data changes at the state level. School  
2 districts and charter schools shall use an instrument that meets the data  
3 requirements established by the state board of education to annually  
4 evaluate individual teachers and principals. School districts and charter  
5 schools shall adopt definitions for the performance classifications  
6 adopted by the state board of education in a public meeting and apply the  
7 performance classifications to their evaluation instruments in a manner  
8 designed to improve principal and teacher performance. For charter  
9 holders, the principal evaluation instrument applies to each charter  
10 school's instructional leader whose primary responsibility is to oversee  
11 the academic performance of the charter school. This paragraph does not  
12 apply to an officer, director, member or partner of the charter  
13 holder. The school district governing board shall discuss at a public  
14 meeting at least annually its aggregate performance classifications of  
15 principals and teachers.

16 39. Adopt rules to define competency-based educational pathways for  
17 college and career readiness that may be used by schools. The rules shall  
18 include the following components:

19 (a) The establishment of learning outcomes that will be expected  
20 for students in a particular subject.

21 (b) A process and criteria by which assessments may be identified  
22 or established to determine if students have reached the desired  
23 competencies in a particular subject.

24 (c) A mechanism to allow pupils in grades seven through twelve who  
25 have demonstrated competency in a subject to immediately obtain credit for  
26 the mastery of that subject. The rules shall include a list of applicable  
27 subjects, including the level of competency required for each subject.

28 40. In consultation with the department of health services, the  
29 department of education, medical professionals, school health  
30 professionals, school administrators and an organization that represents  
31 school nurses in this state, adopt rules that prescribe the following for  
32 school districts and charter schools:

33 (a) Annual training in the administration of auto-injectable  
34 epinephrine, as directed on the prescription protocol, for designated  
35 medical and nonmedical school personnel. The annual training prescribed  
36 in this subdivision is optional during any fiscal year in which sufficient  
37 monies are not appropriated by the legislature during that fiscal year to  
38 provide for the purchase of two juvenile doses and two adult doses of  
39 epinephrine auto-injectors at each public school in this state and if the  
40 school does not stock two juvenile doses and two adult doses of  
41 epinephrine auto-injectors at the school during that fiscal year.

42 (b) Annual training for all school site personnel on the  
43 recognition of anaphylactic shock symptoms and the procedures to follow  
44 when anaphylactic shock occurs, following the national guidelines of the  
45 American academy of pediatrics. The annual training prescribed in this

1 subdivision is optional during any fiscal year in which sufficient monies  
2 are not appropriated by the legislature during that fiscal year to provide  
3 for the purchase of two juvenile doses and two adult doses of epinephrine  
4 auto-injectors at each public school in this state and if the school does  
5 not stock two juvenile doses and two adult doses of epinephrine  
6 auto-injectors at the school during that fiscal year.

7 (c) Procedures for the administration of epinephrine auto-injectors  
8 in emergency situations, as directed on the prescription protocol.

9 (d) Procedures for annually requesting a standing order for  
10 epinephrine auto-injectors pursuant to section 15-157 from the chief  
11 medical officer of the department of health services, the chief medical  
12 officer of a county health department, a doctor of medicine licensed  
13 pursuant to title 32, chapter 13 or a doctor of ~~osteopathy~~ OSTEOPATHIC  
14 MEDICINE licensed pursuant to title 32, chapter 17.

15 (e) Procedures for reporting the use of epinephrine auto-injectors  
16 to the department of health services.

17 B. The state board of education may:

18 1. Contract.

19 2. Sue and be sued.

20 3. Distribute and score the tests prescribed in chapter 7, article  
21 3 of this title.

22 4. Provide for an advisory committee to conduct hearings and  
23 screenings to determine whether grounds exist to impose disciplinary  
24 action against a certificated person, whether grounds exist to reinstate a  
25 revoked or surrendered certificate and whether grounds exist to approve or  
26 deny an initial application for certification or a request for renewal of  
27 a certificate. The board may delegate its responsibility to conduct  
28 hearings and screenings to its advisory committee. Hearings shall be  
29 conducted pursuant to title 41, chapter 6, article 6.

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

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

39 C. Placement decisions of teaching intern certificate holders  
40 issued pursuant to subsection A, paragraph 14, subdivision (a) of this  
41 section and section 15-552 shall be based on agreements between the  
42 teacher preparation provider, the provider's partner organizations and the  
43 local education agency. The practices of the department of education and  
44 the rules and policies of the state board of education may not restrict  
45 placement of teaching intern certification holders based on local

1 education agency instructional models and may only consider the academic  
2 quality of the school, the effectiveness of the teaching intern  
3 certification holder's on-site mentor and the opportunity for a wide  
4 variety of schools and school models to access teaching intern  
5 certification holders.

6 Sec. 3. Section 15-532, Arizona Revised Statutes, is amended to  
7 read:

8 15-532. Examination on state and United States constitutions;  
9 reciprocity requirement; exemption;  
10 intergovernmental agreement or contract for  
11 administration and evaluation

12 A. A person WHO IS applying for a certificate authorizing the  
13 person to become a teacher in a school, in addition to fingerprinting and  
14 other requirements, shall either complete the required classes or pass a  
15 satisfactory examination on the provisions and principles of the  
16 Constitutions of the United States and Arizona.

17 B. A person who has not met the requirements of this section at the  
18 time application is made but who has met all other requirements shall be  
19 granted a certificate for at least three years, except that a person who  
20 has not met the requirements of this section but who has met all other  
21 requirements and who applies for a certificate authorizing the person to  
22 teach an academic course that focuses predominantly on history,  
23 government, social studies, citizenship, law or civics shall be granted a  
24 certificate for not more than one year. No additional certificate may be  
25 granted until all requirements have been fulfilled as provided by the  
26 regulations of the state board of education governing certification of  
27 teachers. A PERSON WHO IS APPLYING FOR RECIPROCITY PURSUANT TO SECTION  
28 15-203, SUBSECTION A, PARAGRAPH 27 SHALL BE ISSUED A STANDARD CERTIFICATE  
29 AND DEMONSTRATE COMPLETION OF THE REQUIREMENTS PURSUANT TO THE TIMELINES  
30 ESTABLISHED IN THIS SECTION. THE DEPARTMENT OF EDUCATION OR STATE BOARD  
31 OF EDUCATION MAY TEMPORARILY SUSPEND THE STANDARD CERTIFICATE OF A PERSON  
32 WHO FAILS TO MEET THE REQUIREMENTS OF THIS SECTION WITHIN THE PRESCRIBED  
33 TIMEFRAMES. A CERTIFICATE THAT IS TEMPORARILY SUSPENDED PURSUANT TO THIS  
34 SUBSECTION IS NOT CONSIDERED A DISCIPLINARY ACTION AND A PERSON SHALL BE  
35 ALLOWED TO CORRECT THE DEFICIENCY WITHIN THE REMAINING TIME OF THE  
36 STANDARD CERTIFICATION.

37 C. A noncertified person, qualified under the federal and state  
38 plans for vocational education, shall be exempt from this section for the  
39 purpose of acting as an instructor for special adult and evening classes.

40 D. The state board of education may enter into intergovernmental  
41 agreements or contracts pursuant to title 11, chapter 7, article 3 for the  
42 administration and evaluation of the examination on the provisions and  
43 principles of the Constitutions of the United States and Arizona.  
44 Notwithstanding section 15-531, the intergovernmental agreement or  
45 contract shall specify the fee for the administration and evaluation of

1 the examination and may provide for the retention of all or part of the  
2 monies by the contractor administering and evaluating the examination.

3 E. A university under the jurisdiction of the Arizona board of  
4 regents shall offer the classes required by this section to students who  
5 are pursuing a bachelor of arts degree in education or a bachelor of  
6 science degree in education at that university.

7 Sec. 4. Section 15-533, Arizona Revised Statutes, is amended to  
8 read:

9 15-533. Proficiency examination; examination reciprocity

10 A. To qualify for ~~either a basic or~~ standard teaching certificate,  
11 or equivalent certificate later adopted by the state board of education, a  
12 person must pass each component of the proficiency examination developed  
13 and administered by the state board of education. The proficiency  
14 examination shall consist of only a professional knowledge test and a  
15 subject knowledge test.

16 B. A person is not required to take the examination if the person  
17 possesses a comparable valid certification from another state and is in  
18 good standing with that other state pursuant to section 15-203, subsection  
19 A, paragraph 27.

20 C. A PERSON WHO IS APPLYING FOR A STANDARD CERTIFICATE, OR ANY  
21 OTHER CERTIFICATE ADOPTED BY THE STATE BOARD OF EDUCATION, IS NOT REQUIRED  
22 TO TAKE THE PROFESSIONAL KNOWLEDGE TEST, THE SUBJECT KNOWLEDGE TEST OR THE  
23 ENTIRE PROFICIENCY EXAMINATION IF THE PERSON HAS PASSED CORRESPONDING  
24 PORTIONS OF AN EXAMINATION ADOPTED BY A STATE AGENCY IN ANOTHER STATE THAT  
25 IS SUBSTANTIALLY SIMILAR TO THE EXAMINATION ADOPTED BY THE STATE BOARD OF  
26 EDUCATION. A PERSON WHO IS APPLYING FOR A STANDARD CERTIFICATE, OR ANY  
27 OTHER CERTIFICATE ADOPTED BY THE STATE BOARD OF EDUCATION, IS NOT REQUIRED  
28 TO TAKE ANY PORTION OF THE PROFICIENCY EXAMINATION IF THE PERSON HAS BEEN  
29 A FULL-TIME TEACHER IN ANY STATE, INCLUDING THIS STATE, FOR AT LEAST THREE  
30 YEARS IN THE SAME AREA OF CERTIFICATION IN WHICH THE PERSON IS APPLYING  
31 FOR CERTIFICATION IN THIS STATE. ~~A person is not required to take the  
32 subject knowledge portion of the examination if the person has obtained a  
33 master's degree in that subject area at an accredited institution of  
34 higher education according to an official transcript issued from the  
35 institution.~~

36 D. AN APPLICANT FOR A STANDARD CERTIFICATE OR ANY OTHER CERTIFICATE  
37 ADOPTED BY THE STATE BOARD OF EDUCATION MAY DEMONSTRATE SUBJECT KNOWLEDGE  
38 PROFICIENCY INSTEAD OF TAKING THE SUBJECT KNOWLEDGE TEST REQUIRED PURSUANT  
39 TO THIS SECTION BY MEETING ANY OF THE FOLLOWING:

40 1. HAS TAUGHT COURSES RELEVANT TO A CONTENT AREA OR SUBJECT MATTER  
41 FOR THE LAST TWO CONSECUTIVE YEARS AND FOR A TOTAL OF AT LEAST THREE YEARS  
42 AT ONE OR MORE REGIONALLY OR NATIONALLY ACCREDITED PUBLIC OR PRIVATE  
43 POSTSECONDARY INSTITUTIONS. A PERSON SHALL DEMONSTRATE COMPLIANCE WITH  
44 THIS REQUIREMENT BY PROVIDING THE STATE BOARD WITH WRITTEN PROOF OF

1 EMPLOYMENT FOR SPECIFIC DURATIONS FROM ONE OR MORE QUALIFYING  
2 POSTSECONDARY INSTITUTIONS.

3 2. HAS EITHER A BACCALAUREATE DEGREE, A MASTER'S DEGREE OR A  
4 DOCTORAL DEGREE IN A SUBJECT AREA THAT IS RELEVANT TO A CONTENT AREA OR  
5 SUBJECT MATTER TAUGHT IN PUBLIC SCHOOLS.

6 3. DEMONSTRATES EXPERTISE THROUGH RELEVANT WORK EXPERIENCE OF AT  
7 LEAST FIVE YEARS IN A FIELD THAT IS RELEVANT TO A CONTENT AREA OR SUBJECT  
8 MATTER TAUGHT IN PUBLIC SCHOOLS. A PERSON SHALL DEMONSTRATE COMPLIANCE  
9 WITH THIS REQUIREMENT BY PROVIDING THE STATE BOARD WITH WRITTEN PROOF OF  
10 EMPLOYMENT.

11 E. A person who obtained structured English immersion training in  
12 another state that the state board of education determines is comparable  
13 to the structured English immersion training required in this state shall  
14 not be required to obtain additional structured English immersion training  
15 in this state pursuant to section 15-756.09.

16 F. The state board of education may grant a ~~basic or~~ standard  
17 teaching certificate for at least three years to a teacher who has not met  
18 the ~~requirement~~ REQUIREMENTS of this section at the time of application.

19 ~~B.~~ G. A person is not required to pass the proficiency examination  
20 or the equivalent examination more than once. The state board of  
21 education may adopt rules to modify the requirements of subsection ~~A~~ B OR  
22 C of this section for persons who have taught, obtained certification or  
23 obtained a master's degree in another country.

24 ~~C.~~ H. A person who is not required to pass the proficiency  
25 examination developed and administered in this state by the state board of  
26 education pursuant to ~~subsection A or B of~~ this section shall only be  
27 granted reciprocity for those proficiency examinations required in this  
28 state that pertain to the grade levels and content areas that the person  
29 is certified to teach in another state.

30 Sec. 5. Title 15, chapter 5, article 3, Arizona Revised Statutes,  
31 is amended by adding section 15-553, to read:

32 15-553. School districts and charter schools; classroom-based  
33 preparation program providers; teacher  
34 certification; rules

35 A. IN ADDITION TO ANY ALTERNATIVE PREPARATION PROGRAM PROVIDER PATH  
36 APPROVED BY THE STATE BOARD OF EDUCATION, A SCHOOL DISTRICT OR CHARTER  
37 SCHOOL MAY APPLY TO THE STATE BOARD OF EDUCATION FOR AUTHORITY TO APPROVE  
38 THE CERTIFICATION OF TEACHERS AS A CLASSROOM-BASED PREPARATION PROGRAM  
39 PROVIDER.

40 B. THE STATE BOARD OF EDUCATION SHALL ADOPT RULES, POLICIES AND  
41 PROCEDURES TO BE ADMINISTERED BY THE DEPARTMENT OF EDUCATION. THE RULES  
42 MAY NOT BE MORE RESTRICTIVE OR REQUIRE MORE THAN IS PRESCRIBED IN THIS  
43 SUBSECTION. THE RULES SHALL FACILITATE THE APPROVAL AND CERTIFICATION  
44 PROCESS PURSUANT TO THIS SECTION AND PROVIDE FOR ALL OF THE FOLLOWING:

1           1. THE SUPERINTENDENT OF A SCHOOL DISTRICT OR THE PRINCIPAL OF A  
2 CHARTER SCHOOL MUST VERIFY THAT THE APPLICANT FOR CERTIFICATION HAS MADE  
3 SATISFACTORY PROGRESS AND ACHIEVEMENT WITH STUDENTS. A TEACHER WHO IS  
4 TEACHING COURSES OR SUBJECTS THAT ARE TESTED BY THE STATEWIDE ASSESSMENT  
5 PURSUANT TO SECTION 15-741 MAY NOT RECEIVE A CERTIFICATE PURSUANT TO THIS  
6 SECTION UNTIL THE TEACHER HAS BEEN IN THE CLASSROOM FOR AT LEAST TWO YEARS  
7 AND STUDENT DATA HAS BEEN SUBMITTED BY THE SCHOOL DISTRICT OR CHARTER  
8 SCHOOL CONFIRMING THAT THE TEACHER'S STUDENTS, AT THE END OF THE SCHOOL  
9 YEAR, EITHER ARE PERFORMING AT GRADE LEVEL OR HAVE ACHIEVED AT LEAST ONE  
10 YEAR OF ACADEMIC GROWTH AT A RATE EQUIVALENT TO THE STATE AVERAGE FOR THE  
11 STUDENTS' ASSOCIATED PEER GROUPS.

12           2. FOR INFORMATIONAL PURPOSES ONLY, ALLOW A SCHOOL DISTRICT OR  
13 CHARTER SCHOOL TO SUBMIT A PROGRAM SEQUENCE OR TRAINING SCHEDULE ALONG  
14 WITH ANY INFORMATION REGARDING MENTORING AND COACHING OF TEACHER  
15 CANDIDATES.

16           3. A SCHOOL DISTRICT OR CHARTER SCHOOL MUST SUBMIT DATA SUPPORTING  
17 THE EFFICACY OF THE SCHOOL DISTRICT'S OR CHARTER SCHOOL'S TEACHER  
18 PREPARATION PROGRAM. A SCHOOL DISTRICT OR CHARTER SCHOOL MAY CONTRACT  
19 WITH A THIRD-PARTY PROVIDER TO PROVIDE THE TEACHER PREPARATION PROGRAM AND  
20 MAY USE THAT PROGRAM'S EFFICACY DATA TO MEET THE REQUIREMENTS OF THIS  
21 PARAGRAPH.

22           4. A SCHOOL DISTRICT OR CHARTER SCHOOL MAY ADOPT STUDENT  
23 ACHIEVEMENT REQUIREMENTS THAT EXCEED THE STUDENT ACHIEVEMENT REQUIREMENTS  
24 PRESCRIBED BY THIS SECTION.

25           5. AN APPLICANT FOR CERTIFICATION PURSUANT TO THIS SECTION MUST  
26 HOLD AT LEAST A BACHELOR'S DEGREE FROM AN ACCREDITED PUBLIC OR PRIVATE  
27 POSTSECONDARY INSTITUTION AND MEET BACKGROUND AND FINGERPRINT CLEARANCE  
28 CARD REQUIREMENTS PURSUANT TO SECTION 15-534.

29           6. AN APPLICANT PURSUING CERTIFICATION PURSUANT TO THIS SECTION  
30 MUST DEMONSTRATE SUBJECT KNOWLEDGE AND PROFESSIONAL KNOWLEDGE THROUGH ANY  
31 AVAILABLE OPTION PURSUANT TO SECTION 15-533.

32           C. ON THE SUBMISSION OF VERIFICATION FROM A SCHOOL DISTRICT OR  
33 CHARTER SCHOOL THAT THE REQUIREMENTS PRESCRIBED IN THIS SECTION HAVE BEEN  
34 MET, THE STATE BOARD SHALL ISSUE A CLASSROOM-BASED STANDARD TEACHING  
35 CERTIFICATE TO THE TEACHER PURSUANT TO SECTION 15-203.

36           D. A SCHOOL DISTRICT OR CHARTER SCHOOL MAY EMPLOY AND ENROLL  
37 EMERGENCY TEACHER CERTIFICATION HOLDERS WITH A BACHELOR'S DEGREE INTO ITS  
38 CLASSROOM-BASED PREPARATION PROGRAM. NOTWITHSTANDING ANY OTHER LAW AND  
39 BEGINNING IN SCHOOL YEAR 2020-2021, A SCHOOL DISTRICT MAY HIRE AND ENROLL  
40 INTO ITS CLASSROOM-BASED PREPARATION PROGRAM ANY TEACHING CANDIDATE WHO  
41 MEETS THE REQUIREMENTS OF SUBSECTION B, PARAGRAPH 5 OF THIS SECTION.

1           Sec. 6. Section 15-782.01, Arizona Revised Statutes, is amended to  
2 read:

3           15-782.01. Instructors; specialized teaching certificate;  
4                                   qualifications; rules; definition

5           A. In addition to any other current certification issued, the state  
6 board of education shall issue a specialized standard teaching certificate  
7 in STEM OR career and technical education to a person who provides  
8 instruction in a career and technical education course or program OR  
9 STEM-RELATED COURSE that is offered by a school district or joint  
10 technical education district if the person does all of the following:

11           1. Demonstrates expertise in the subject matter in which the person  
12 will provide instruction.

13           2. Demonstrates at least five years of work experience in the  
14 subject matter in which the person will provide instruction.

15           3. Complies with the fingerprinting and background check  
16 requirements prescribed in section 15-512.

17           B. The state board of education shall adopt rules to carry out the  
18 purposes of this section. A person who is issued a certificate pursuant to  
19 this section is not required to meet any requirement prescribed in section  
20 15-532, 15-533 or 15-756.09 or as may be further prescribed by law.

21           C. FOR THE PURPOSES OF THIS SECTION, "STEM" MEANS SCIENCE,  
22 TECHNOLOGY, ENGINEERING AND MATHEMATICS.

23           Sec. 7. Alternative teacher and administrator preparation  
24                                   programs; state board of education; rules

25           A. The state board of education shall immediately begin the process  
26 of adopting new rules for the approval of alternative teacher and  
27 administrator preparation programs that are substantially different from  
28 the rules established for the approval of traditional teacher and  
29 administrator preparation programs pursuant to section 15-203, subsection  
30 A, paragraph 14, subdivision (a), Arizona Revised Statutes, as amended by  
31 this act. The state board of education shall also revise state board  
32 rules to eliminate the issuance of provisional certificates and issue  
33 standard certificates to applicants from all available certification  
34 pathways.

35           B. The state board of education shall adopt the new rules required  
36 by subsection A of this section on or before November 15, 2017. Before  
37 the adoption of any rules pursuant to this section, the state board of  
38 education shall submit drafts of any proposed rules to the governor, the  
39 chairperson of the senate education committee and the chairperson of the  
40 house of representatives education committee.

41           C. Through June 30, 2022, the state board of education shall allow  
42 an alternative preparation program provider that is a nonprofit  
43 organization under section 501(c)(3) of the internal revenue code, that  
44 operates in at least five states and that has been in operation for at  
45 least ten years to be approved for at least five years in order to prepare

1 teachers in this state without any additional requirements. An applicant  
2 for an alternative preparation program provider pursuant to this  
3 subsection shall be approved in not more than sixty days. An alternative  
4 preparation program provider approved pursuant to this subsection shall  
5 only be reevaluated and renewed based on the alternative preparation  
6 program provider's ability to prepare and place teachers.

**APPROVED BY THE GOVERNOR MAY 2, 2017.**

**FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 2, 2017.**

Passed the House April 17, 20 17,

Passed the Senate February 6, 20 17,

by the following vote: 36 Ayes,

by the following vote: 17 Ayes,

22 Nays, 1 Not Voting  
12 1 vacant  
[Signature]  
Speaker of the House  
Pro Tempore  
[Signature]  
Chief Clerk of the House

13 Nays, 0 Not Voting  
[Signature]  
President of the Senate  
[Signature]  
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. 1042

~~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~~

HOUSE FINAL PASSAGE  
as per Joint Conference

Passed the House April 26, 2017,  
by the following vote: 33 Ayes,

22 Nays, 5 Not Voting

[Signature]  
Speaker of the House

[Signature]  
Chief Clerk of the House

SENATE FINAL PASSAGE  
as per Joint Conference

Passed the Senate April 25, 2017,  
by the following vote: 16 Ayes,

12 Nays, 2 Not Voting

[Signature]  
President of the Senate

[Signature]  
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill was received by the Governor  
this 26<sup>th</sup> day of April, 2017,

at 2:48 o'clock P. M.

[Signature]  
Secretary to the Governor

Approved this 2 day of  
May, 2017,

at 8:57 o'clock A M.

[Signature]  
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State  
this 2 day of May, 2017,

at 9:35 o'clock A M.

[Signature]  
Secretary of State

S.B. 1042