STATE OF ARIZONA
OFFICE OF THE GOVERNOR

DOUGLAS A. DUCEY
GOVERNOR

EXECUTIVE OFFICE

April 3, 2018

The Honorable Michele Reagan
Secretary of State
1700 W. Washington, 7th Floor
Phoenix, AZ 85007

Dear Secretary Reagan:

I am transmitting to you the following bills from the Fifty-third Legislature, 2nd Regular Session, which I signed on April 3, 2018:

HB 2036 substitute teachers; experience; certification (Carter)
HB 2097 pension funding policies; employers (Livingston)
HB 2169 driving violations; restricted licenses; penalties (Boyer)
HB 2198 property tax; delinquent tax list (Shope)
HB 2245 prohibited bail; sexual conduct; molestation (Farnsworth, E.)
HB 2272 unmanned aircraft; emergencies; immunity (Thorpe)
HB 2302 private postsecondary regulation; opt-in (Thorpe)
HB 2421 national guard; employment rights (Andrade)
HB 2457 corporation commission; database fee; prohibited (Norgaard)
HB 2561 schools; civics literacy state seal (Boyer)
HB 2591 fallen correctional employees memorial; extension (Shope)
HB 2603 corporations; blockchain technology (Weninger)
SB 1110 photo radar; review; penalty (Borrelli)
SB 1159 school employees; contracts; revisions (Allen, S.)
SB 1163 credit security freezes; fees; prohibition (Brophy McGee)
SB 1240 weights and measures; duties; systems (Pratt)
SB 1376 landlord tenant act; personal property (Griffin)
SB 1393 dissolution; human embryos; disposition (Barto)
SB 1432 ranchers; landowners; fire training (Griffin)

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Sincerely,

Douglas A. Ducey
Governor
State of Arizona

cc: Senate Secretary
Chief Clerk of the House of Representatives
Arizona News Service

House Engrossed

FILED

MICHELE REAGAN

SECRETARY OF STATE

State of Arizona
House of Representatives
Fifty-third Legislature
Second Regular Session
2018

CHAPTER 111

HOUSE BILL 2036

AN ACT

AMENDING SECTION 15-203, ARIZONA REVISED STATUTES; RELATING TO THE STATE BOARD OF EDUCATION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

Be it enacted by the Legislature of the State of Arizona:

Section 1. Section 15-203, Arizona Revised Statutes, is amended to read:

15-203. Powers and duties

A. The state board of education shall:

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

2. Keep a record of its proceedings.

3. Make rules for its own government.

4. Determine the policy and work undertaken by it.

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

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

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

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

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

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

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

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

13. Prescribe minimum course of study and competency requirements for the graduation of pupils from high school. The state board of education shall prepare a fiscal impact statement of any proposed changes to the minimum course of study or competency requirements and, on completion, shall send a copy to the director of the joint legislative budget committee and the executive director of the school facilities board. The state board of education shall not adopt any changes in the minimum course of study or competency requirements in effect on July 1, 1998 that will have a fiscal impact on school capital costs.

14. Supervise and control the certification of persons engaged in instructional work directly as any classroom, laboratory or other teacher or indirectly as a supervisory teacher, speech therapist, principal or superintendent in a school district, including school district preschool programs, or any other educational institution below the community college, college or university level, and prescribe rules for certification. The rules:

(a) Shall provide for a variety of alternative teacher and administrator preparation programs that allow for variations in program sequence and design to apply for program approval. The state board shall adopt rules pursuant to this subdivision designed to allow for a variety of formats and shall not require a prescribed answer or design from the program provider in order to obtain approval from the state board. Any rules adopted by the state board pursuant to this subdivision shall be substantially different from the rules adopted for the approval of traditional preparation programs and may not unnecessarily restrict a variety of alternative preparation programs from operating and providing instruction in this state. The state board shall evaluate each program provider based on the program's ability to prepare teachers and administrators and to recruit teachers and administrators with a variety of experiences and talents. The state board shall permit universities under the jurisdiction of the Arizona board of regents, community colleges in this state, private postsecondary institutions licensed by this state, school districts, charter schools, professional organizations, nonprofit organizations and private entities to apply for program approval and shall create application procedures and certification criteria that are substantially less restrictive than those for traditional preparation programs. At the completion of an alternative preparation program, graduates shall:

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

(ii) If applicable, demonstrate professional knowledge and subject knowledge proficiency pursuant to section 15-533.

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

(iv) If applicable, complete training in structured English immersion as prescribed by the state board pursuant to section 15-756.09.

(v) If applicable, complete training in research-based systematic phonics instruction as prescribed in subdivision (b) of this paragraph.

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

(b) Shall require applicants for all certificates for common school instruction to complete a minimum of forty-five classroom hours or three ~~college level~~ COLLEGE-LEVEL credit hours, or the equivalent, of training

in research-based systematic phonics instruction from a public or private provider.

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

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

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

(f) Shall provide for the issuance of a subject matter expert standard teaching certificate to persons who have expertise in a content area or subject matter. Persons who are certified pursuant to this subdivision shall complete training, if applicable, in structured English immersion as prescribed by the state board pursuant to section 15-756.09. Persons who are certified pursuant to this subdivision are exempt from the subject knowledge proficiency requirements prescribed in section 15-533 and from the proficiency requirements prescribed in section 15-532 on the Constitutions of the United States and Arizona. Persons ~~pursuant~~ WHO ARE SUBJECT to item (i) of this subdivision are also exempt from the professional knowledge proficiency requirements pursuant to section 15-533. A person who obtains a subject matter expert standard teaching certificate pursuant to this subdivision may provide instruction in the person's field of expertise in grades six through twelve at any public school in this state. Issuance of the subject matter expert standard teaching certificate may not be conditioned on the person's employment with a local education agency. A person who meets the requirements of this subdivision shall be issued a subject matter expert standard teaching certificate without having to demonstrate professional knowledge proficiency pursuant to section 15-533, except that the person shall have at least two years to demonstrate professional knowledge proficiency pursuant to section 15-533. School districts shall evaluate and provide support pursuant to section 15-537 to teachers WHO ARE certified pursuant to this subdivision. If a person fails to meet the professional knowledge requirements of this section within two years, the department of education or state board of education may temporarily suspend the subject matter expert standard teaching certificate. A certificate that is temporarily suspended pursuant to this subdivision is not considered a disciplinary action, and a person shall be allowed to correct the deficiency within the remaining time of the subject matter expert standard teaching certification. This subdivision does not require a person who has obtained another type of teaching certificate from the state board to obtain a subject matter expert standard teaching certificate pursuant to this subdivision in order to provide instruction in grades six through twelve. A person is eligible for a subject matter expert standard

teaching certificate pursuant to this subdivision if the person obtains a valid fingerprint clearance card that is issued pursuant to title 41, chapter 12, article 3.1 and meets any of the following requirements:

(i) Has taught courses relevant to a content area or subject matter for the last two consecutive years and for a total of at least three years at one or more regionally or nationally accredited public or private postsecondary institutions. ~~A~~ THE person shall demonstrate compliance with this requirement by providing the state board with written proof of employment for specific durations from one or more qualifying postsecondary institutions.

(ii) Has either a baccalaureate degree, a master's degree or a doctoral degree in a specific subject area that is directly relevant to a content area or subject matter taught in public schools.

(iii) Demonstrates expertise through relevant work experience of at least five years in a field that is relevant to a content area or subject matter taught in public schools. ~~A~~ THE person shall demonstrate compliance with this requirement by providing the state board with written proof of employment.

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

(h) Shall allow for all standard TEACHING certificates issued to a person pursuant to this section to be both issued and renewed for at least twelve years and may not require more than fifteen hours of continuing education credits each year in order to renew any certificate issued pursuant to this section.

(i) Shall allow a STANDARD TEACHING certificate, and any endorsement or approved area related to that certificate, to be renewed at least two years but not more than ten years after that certificate expires without any other requirements adopted by the state board of education or the department of education if the person is in good standing, has at least ten years of verified full-time experience in this state in the area IN WHICH the person is seeking renewed certification and possesses a valid fingerprint clearance card issued pursuant to section 15-534. A certificate renewed pursuant to this subdivision shall be identical to the expired certificate.

(j) SHALL ALLOW SUBSTITUTE TEACHERS WHO CAN DEMONSTRATE PRIMARY TEACHING RESPONSIBILITY IN A CLASSROOM AS DEFINED BY THE STATE BOARD OF EDUCATION TO USE THE TIME SPENT IN THAT CLASSROOM TOWARD THE REQUIRED CAPSTONE EXPERIENCE FOR STANDARD TEACHING CERTIFICATION.

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

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

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

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

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

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

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

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

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

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

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

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

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

27. Adopt rules that provide for certification reciprocity for certificates issued pursuant to this section. The rules for certification reciprocity shall include a requirement that the applicant possess a comparable valid certification from another state and be in good standing with that other state. An applicant who possesses a valid certification from another state and a fingerprint clearance card pursuant to section 15-534 and who is in good standing with that other state shall be issued a comparable standard certificate without any other requirements from the state board of education or the department of education. A person who is issued a certificate pursuant to this paragraph is not required to meet any requirement prescribed in section 15-533.

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

(a) Currently resides in this state.

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

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

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

31. Adopt guidelines to encourage pupils in grades nine, ten, eleven and twelve to volunteer for twenty hours of community service before graduation from high school. A school district that complies with the guidelines adopted pursuant to this paragraph is not liable for damages resulting from a pupil's participation in community service unless the school district is found to have demonstrated wanton or reckless disregard for the safety of the pupil and other participants in community service. For the purposes of this paragraph, "community service" may include service learning. The guidelines shall include the following:

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

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

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

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

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

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

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

(a) Address procedures for each of the following:

(i) The transfer of student records.

(ii) Awarding credit for completed coursework.

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

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

33. Adopt guidelines that school district governing boards shall use in identifying pupils who are eligible for gifted programs and in providing gifted education programs and services. The state board of education shall adopt any other guidelines and rules that it deems

1 necessary in order to carry out the purposes of chapter 7, article 4.1 of
2 this title.
3 34. For each of the alternative textbook formats of human-voiced
4 audio, large-print and braille, designate alternative media producers to
5 adapt existing standard print textbooks or to provide specialized
6 textbooks, or both, for pupils with disabilities in this state. Each
7 alternative media producer shall be capable of producing alternative
8 textbooks in all relevant subjects in at least one of the alternative
9 textbook formats. The board shall post the designated list of alternative
10 media producers on its website.
11 35. Adopt a list of approved professional development training
12 providers for use by school districts as provided in section 15-107,
13 subsection J. The professional development training providers shall meet
14 the training curriculum requirements determined by the state board of
15 education in at least the areas of school finance, governance, employment,
16 staffing, inventory and human resources, internal controls and
17 procurement.
18 36. Adopt rules to prohibit a person who violates the notification
19 requirements prescribed in section 15-183, subsection C, paragraph 8 or
20 section 15-550, subsection C from certification pursuant to this title
21 until the person is no longer charged or is acquitted of any offenses
22 listed in section 41-1758.03, subsection B. The STATE board shall also
23 adopt rules to prohibit a person who violates the notification
24 requirements, certification surrender requirements or fingerprint
25 clearance card surrender requirements prescribed in section 15-183,
26 subsection C, paragraph 9 or section 15-550, subsection D from
27 certification pursuant to this title for at least ten years after the date
28 of the violation.
29 37. Adopt rules for the alternative certification of teachers of
30 nontraditional foreign languages that allow for the passing of a
31 nationally accredited test to substitute for the education coursework
32 required for certification.
33 38. Adopt and maintain a model framework for a teacher and
34 principal evaluation instrument that includes quantitative data on student
35 academic progress that accounts for between thirty-three percent and fifty
36 percent of the evaluation outcomes. The framework shall include four
37 performance classifications, designated as highly effective, effective,
38 developing and ineffective, and guidelines for school districts and
39 charter schools to use in their evaluation instruments. The state board
40 of education shall adopt best practices for professional development and
41 evaluator training. The state board of education may periodically make
42 adjustments to align the model framework for teacher and principal
43 evaluations with assessment or data changes at the state level. School
44 districts and charter schools shall use an instrument that meets the data
45 requirements established by the state board of education to annually

evaluate individual teachers and principals. School districts and charter schools shall adopt definitions for the performance classifications adopted by the state board of education in a public meeting and apply the performance classifications to their evaluation instruments in a manner designed to improve principal and teacher performance. For charter holders, the principal evaluation instrument applies to each charter school's instructional leader whose primary responsibility is to oversee the academic performance of the charter school. This paragraph does not apply to an officer, director, member or partner of the charter holder. The school district governing board shall discuss at a public meeting at least annually its aggregate performance classifications of principals and teachers.

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

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

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

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

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

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

(b) Annual training for all school site personnel on the recognition of anaphylactic shock symptoms and the procedures to follow when anaphylactic shock occurs, following the national guidelines of the American academy of pediatrics. The annual training prescribed in this subdivision is optional during any fiscal year in which sufficient monies are not appropriated by the legislature during that fiscal year to provide for the purchase of two juvenile doses and two adult doses of epinephrine

auto-injectors at each public school in this state and if the school does not stock two juvenile doses and two adult doses of epinephrine auto-injectors at the school during that fiscal year.

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

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

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

41. In consultation with the department of education, medical professionals, school health professionals, school administrators and an organization that represents school nurses in this state, adopt rules that prescribe the following for school districts and charter schools that elect to administer inhalers:

(a) Annual training in the recognition of respiratory distress symptoms and the procedures to follow when respiratory distress occurs, in accordance with good clinical practice, and the administration of inhalers, as directed on the prescription protocol, by designated medical and nonmedical school personnel.

(b) Requirements for school districts and charter schools that elect to administer inhalers to designate at least two employees at each school to be trained in the recognition of respiratory distress symptoms and the procedures to follow when respiratory distress occurs, in accordance with good clinical practice, and at least two employees at each school to be trained in the administration of inhalers, as directed on the prescription protocol.

(c) Procedures for the administration of inhalers in emergency situations, as directed on the prescription protocol.

(d) Procedures for annually requesting a standing order for inhalers and spacers or holding chambers pursuant to section 15-158 from the chief medical officer of a county health department, a physician licensed pursuant to title 32, chapter 13 or 17 or a nurse practitioner licensed pursuant to title 32, chapter 15.

(e) Procedures for notifying a parent once an inhaler has been administered.

B. The state board of education may:

1. Contract.

2. Sue and be sued.

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

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

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

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

C. Placement decisions of teaching intern certificate holders issued pursuant to subsection A, paragraph 14, subdivision (a) of this section and section 15-552 shall be based on agreements between the teacher preparation provider, the provider's partner organizations and the local education agency. The practices of the department of education and the rules and policies of the state board of education may not restrict placement of teaching intern certification holders based on local education agency instructional models and may only consider the academic quality of the school, the effectiveness of the teaching intern certification holder's on-site mentor and the opportunity for a wide variety of schools and school models to access teaching intern certification holders.

APPROVED BY THE GOVERNOR APRIL 3, 2018

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 3, 2018

Passed the House February 6, 20 18

by the following vote: 50 Ayes,

8 Nays, 1 Not Voting

1 Vacant

Speaker of the House

Pro Tempore

Chief Clerk of the House

Passed the Senate March 29, 20 18

by the following vote: 27 Ayes,

3 Nays, 0 Not Voting

President of the Senate

Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill received by the Governor this

2nd day of April, 20 18

at 1:41 o'clock P. M.

Secretary to the Governor

Approved this 3d day of

April 2018

at 1:19 o'clock P. M.

Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this 3 day of April, 20 18

at 4:12 o'clock P. M.

Secretary of State

H.B. 2036