

Conference Engrossed

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

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)

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

Section 1. Section 15-183, Arizona Revised Statutes, is amended to read:

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

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

1. A detailed educational plan.
2. A detailed business plan.
3. A detailed operational plan.
4. Any other materials required by the sponsor.

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

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

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

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

- (a) The schools have separate governing bodies, governing body membership, staff, facilities and student population.
- (b) Daily operations are carried out by different administrators.
- (c) The applicant intends to have an affiliation agreement for the purpose of providing enrollment preferences.
- (d) The applicant's charter management organization has multiple charter holders serving varied grade configurations on one physical site or nearby sites serving one community.
- (e) It is reconstituting an existing school site population at the same or new site.

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

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

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

5. All persons engaged in instructional work directly as a classroom, laboratory or other teacher or indirectly as a supervisory teacher, speech therapist or principal shall have a valid fingerprint clearance card that is issued pursuant to title 41, chapter 12, article 3.1, unless the person is a volunteer or guest speaker who is accompanied in the classroom by a person with a valid fingerprint clearance card. ♦ A charter school shall not employ a teacher whose certificate has been surrendered or revoked, unless the teacher's certificate has been subsequently reinstated by the state board of education. All other personnel shall be fingerprint checked pursuant to section 15-512, or the charter school may require those personnel to obtain a fingerprint clearance card issued pursuant to title 41, chapter 12, article 3.1. ♦ Before employment, the charter school shall make documented, good faith efforts to contact previous employers of a person to obtain information and recommendations that may be relevant to a person's fitness for employment as prescribed in section 15-512, subsection E. The charter school shall notify the department of public safety if the charter school or sponsor receives credible evidence that a person who possesses a valid fingerprint clearance card is arrested for or is charged with an offense listed in section 41-1758.03, subsection B. **A PERSON WHO IS EMPLOYED AT A CHARTER SCHOOL THAT HAS MET THE REQUIREMENTS OF THIS PARAGRAPH IS NOT REQUIRED TO MEET ANY ADDITIONAL REQUIREMENTS THAT ARE ESTABLISHED BY THE DEPARTMENT OF EDUCATION OR THAT MAY BE ESTABLISHED BY RULE BY THE STATE BOARD OF EDUCATION. THE STATE BOARD OF EDUCATION MAY NOT ADOPT RULES THAT EXCEED THE REQUIREMENTS FOR PERSONS QUALIFIED TO TEACH IN CHARTER SCHOOLS PRESCRIBED IN TITLE I OF THE EVERY STUDENT SUCCEEDS ACT (P.L. 114-95) OR THE INDIVIDUALS WITH DISABILITIES EDUCATION IMPROVEMENT ACT OF 2004 (P.L. 108-446).** Charter schools may hire personnel who have not yet received a fingerprint clearance card if proof is provided of the submission of an application to the department of public safety for a fingerprint clearance card and if the charter school that is seeking to hire the applicant does all of the following:

(a) Documents in the applicant's file the necessity for hiring and placement of the applicant before receiving a fingerprint clearance card.

(b) Ensures that the department of public safety completes a statewide criminal records check on the applicant. ♦ A statewide criminal records check shall be completed by the department of public safety every one hundred twenty days until the date that the fingerprint check is completed or the fingerprint clearance card is issued or denied.

(c) Obtains references from the applicant's current employer and the two most recent previous employers except for applicants who have been employed for at least five years by the applicant's most recent employer.

(d) Provides general supervision of the applicant until the date that the fingerprint card is obtained.

(e) Completes a search of criminal records in all local jurisdictions outside of this state in which the applicant has lived in the previous five years.

(f) Verifies the fingerprint status of the applicant with the department of public safety.

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

7. If a charter school operator is not already subject to a public meeting or hearing by the municipality in which the charter school is located, the operator of a charter school shall conduct a public meeting at least thirty days before the charter school operator opens a site or sites for the charter school. ♦ The charter school operator shall post notices of the public meeting in at least three different locations that are within three hundred feet of the proposed charter school site.

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

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

- (a) Surrender any certificates issued by the department of education.
- (b) Notify the person's employer or potential employer of the conviction.
- (c) Notify the department of public safety of the conviction.
- (d) Surrender the person's fingerprint clearance card.

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

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

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

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

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

4. Ensure that it designs a method to measure pupil progress toward the pupil outcomes adopted by the state board of education pursuant to section 15-741.01, including participation in the statewide assessment and the nationally standardized norm-referenced achievement test as designated by the state board and the completion and distribution of an annual report card as prescribed in chapter 7, article 3 of this title.

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

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

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

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

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

F. A charter school shall keep in the personnel file of all current employees who provide instruction to pupils at the charter school information about the employee's educational and teaching background and experience in a particular academic content subject area. A charter school shall inform parents and guardians of the availability of the information and shall make the information available for inspection on request of parents and guardians of pupils enrolled at the charter school. ♦ This subsection does not require any charter school to release personally identifiable information in relation to any teacher or employee, including the teacher's or employee's address, salary, social security number or telephone number.

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

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

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

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

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

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

(c) Complete the obligations of the contract.

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

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

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

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

(c) Complete the obligations of the contract.

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

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

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

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

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

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

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

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

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

L. A governing board or a school district employee who has control over personnel actions shall not take unlawful reprisal against another employee of the school district because the employee is directly or indirectly involved in an application to establish a charter school. A governing board or a school district employee shall not take unlawful reprisal against an educational program of the school or the school district because an application to establish a charter school proposes the conversion of all or a portion of the educational program to a charter school. ♦ For the purposes of this subsection, "unlawful reprisal" means an action that is taken by a governing board or a school district employee as a direct result of a lawful application to establish a charter school and that is adverse to another employee or an education program and:

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

(a) Disciplinary or corrective action.

(b) Detail, transfer or reassignment.

(c) Suspension, demotion or dismissal.

(d) An unfavorable performance evaluation.

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

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

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

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

(a) Suspension or termination of the program.

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

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

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

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

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

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

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

Q. The sponsor of a charter school shall establish procedures to conduct administrative hearings on determination by the sponsor that grounds exist to revoke a charter. ♦ Procedures for administrative hearings shall be similar to procedures prescribed for adjudicative proceedings in title 41, chapter 6, article 10. Except as provided in section 41-1092.08, subsection H, final decisions of the state board of education and the state board for charter schools from hearings conducted pursuant to this subsection are subject to judicial review pursuant to title 12, chapter 7, article 6.

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

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

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

3. Intervention and improvement policies.

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

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

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

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

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

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

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

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

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

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

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

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

EE. Pursuant to the prescribed graduation requirements adopted by the state board of education, the governing body of a charter school operating a high school may approve a rigorous computer science course that would fulfill a mathematics course required for graduation from high school. ♦ The governing body may approve a rigorous computer science course only if the rigorous computer science course includes significant mathematics content and the governing body determines the high school where the

rigorous computer science course is offered has sufficient capacity, infrastructure and qualified staff, including competent teachers of computer science.

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

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

HH. Sponsors authorized pursuant to this section shall submit an annual report to the auditor general on or before October

1. The report shall include:

1. The current number of charters authorized and the number of schools operated by authorized charter holders.
2. The academic and operational performance of the sponsor's charter portfolio as measured by the sponsor's adopted performance framework.
3. For the prior year, the number of new charters approved, the number of charter schools closed and the reason for the closure.
4. The sponsor's application, amendment, renewal and revocation processes, charter contract template and current performance framework as required by this section.

II. The auditor general shall prescribe the format for the annual report required by subsection HH of this section and may require that the annual report be submitted electronically. The auditor general shall review the submitted annual reports to ensure that the reports include the required items in subsection HH of this section and shall make the annual reports available on request. If the auditor general finds significant noncompliance or if a sponsor fails to submit the annual report required by subsection HH of this section, on or before December 31 of each year the auditor general shall report to the governor, the president of the senate, the speaker of the house of representatives and the chairs of the senate and house education committees or their successor committees, and the legislature shall consider revoking the sponsor's authority to sponsor charter schools.

Sec. 2. 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, ~~including rules for certification of teachers who have teaching experience and who are trained in other states, that are not unnecessarily restrictive and are substantially similar to the rules prescribed for the certification of teachers trained in this state.~~♦ The rules:

(a) Shall ~~allow~~ **PROVIDE FOR** a variety of alternative teacher and administrator preparation programs, ~~with~~ **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, ~~and~~ 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 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 ~~specialized~~ **SUBJECT MATTER EXPERT STANDARD** teaching certificate to ~~classroom teachers with~~ **PERSONS WHO HAVE** expertise in ~~either science, technology, engineering or mathematics~~ **A CONTENT AREA OR SUBJECT MATTER.** ~~Teachers~~ **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.** ~~Teachers~~ **PERSONS** who are certified pursuant to this subdivision are exempt from the ~~professional knowledge and~~ 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 TO ITEM (i) OF THIS SUBDIVISION ARE ALSO EXEMPT FROM THE PROFESSIONAL KNOWLEDGE PROFICIENCY REQUIREMENTS PURSUANT TO SECTION 15-533.** A ~~teacher~~ **PERSON** who obtains a ~~specialized~~ **SUBJECT MATTER EXPERT STANDARD** teaching certificate pursuant to this subdivision may provide instruction in the ~~teacher's~~ **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 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 ~~teacher~~ **PERSON** who has obtained another type of teaching certificate from the state board to obtain a ~~specialized~~ **SUBJECT MATTER EXPERT STANDARD** teaching certificate pursuant to this subdivision in order to provide instruction in grades six through twelve. ~~in a science, technology, engineering or mathematics course. A classroom teacher~~ **A PERSON** is eligible for a ~~specialized~~ **SUBJECT MATTER EXPERT STANDARD** teaching certificate pursuant to this subdivision if the ~~teacher~~ **PERSON OBTAINS A VALID FINGERPRINT CLEARANCE CARD THAT IS ISSUED PURSUANT TO TITLE 41, CHAPTER 12, ARTICLE 3.1 AND** meets ~~all~~ **ANY** of the following requirements:

(i) Has taught ~~science, technology, engineering or mathematics~~ **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. ~~An applicant~~ **A 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 ~~doctorate~~ **DOCTORAL** degree in ~~an academic~~ **A SPECIFIC** subject **AREA** that is ~~specific to science, technology, engineering or mathematics or has obtained a passing score on a statewide educator assessment in science, technology, engineering or mathematics that is recognized by the state board~~

~~(iii) Obtains a valid fingerprint clearance card that is issued pursuant to title 41, chapter 12, article 3.1. 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 PERSON SHALL DEMONSTRATE COMPLIANCE WITH THIS REQUIREMENT BY PROVIDING THE STATE BOARD WITH WRITTEN PROOF OF EMPLOYMENT.

(g) Notwithstanding section 15-533, ~~may~~ **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 ~~a~~ **ALL** standard ~~certificate~~ **CERTIFICATES** issued to a person pursuant to this section to be **BOTH ISSUED AND** renewed for at least ~~eight~~ **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.

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 ~~educator~~ certification reciprocity **FOR CERTIFICATES ISSUED PURSUANT TO THIS SECTION.** The rules for ~~issuance of a comparable reciprocal educator certificate~~ **CERTIFICATION RECIPROCITY** shall include a requirement that the applicant possess a comparable valid certification from another state ~~that included passing that state's subject knowledge and professional exams~~ 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 ~~teaching~~ 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 necessary in order to carry out the purposes of chapter 7, article 4.1 of this title.

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

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

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

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

38. Adopt and maintain a model framework for a teacher and principal evaluation instrument that includes quantitative data on student academic progress that accounts for between thirty-three percent and fifty percent of the evaluation outcomes. The framework shall include four performance classifications, designated as highly effective, effective, developing and ineffective, and guidelines for school districts and charter schools to use in their evaluation instruments. The state board of education shall adopt best practices for professional development and evaluator training. The state board of education may periodically make adjustments to align the model framework for teacher and principal evaluations with assessment or data changes at the state level. ♦ School districts and charter schools shall use an instrument that meets the data 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 ~~osteopathy~~ **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. ♦

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.

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

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

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

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

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

D. The state board of education may enter into intergovernmental agreements or contracts pursuant to title 11, chapter 7, article 3 for the administration and evaluation of the examination on the provisions and principles of the Constitutions of the United States and Arizona. Notwithstanding section 15-531, the intergovernmental agreement or contract shall specify the fee for the administration and evaluation of the examination and may provide for the retention of all or part of the monies by the contractor administering and evaluating the examination.

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

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

15-533. Proficiency examination; examination reciprocity

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

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

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

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

1. 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 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.

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

3. 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 PERSON SHALL DEMONSTRATE COMPLIANCE WITH THIS REQUIREMENT BY PROVIDING THE STATE BOARD WITH WRITTEN PROOF OF EMPLOYMENT.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

C. Through June 30, 2022, the state board of education shall allow an alternative preparation program provider that is a nonprofit organization under section 501(c)(3) of the internal revenue code, that operates in at least five states and that has been in operation for at least ten years to be approved for at least five years in order to prepare teachers in this state without any additional requirements. ♦ An applicant for an alternative preparation program provider pursuant to this subsection shall be approved in not more than sixty days. ♦ An alternative preparation program provider approved pursuant to this subsection shall only be reevaluated and renewed based on the alternative preparation program provider's ability to prepare and place teachers.