

COMMITTEE ON PUBLIC SAFETY AND HUMAN SERVICES

SENATE AMENDMENTS TO S.B. 1049

(Reference to printed bill)

1 Page 3, between lines 37 and 38, insert:

2 "Sec. 2. Section 8-203.01, Arizona Revised Statutes, is amended to
3 read:

4 8-203.01. Fingerprinting juvenile probation officers: affidavit

5 A. Juvenile probation officers employed by the juvenile court shall be
6 fingerprinted as a condition of employment. A juvenile probation officer
7 shall submit fingerprints and the form prescribed in subsection D of this
8 section to the chief juvenile probation officer within ~~twenty~~ SEVEN WORKING
9 days after the date a juvenile probation officer begins work. Employment
10 with the juvenile court as a juvenile probation officer is conditioned on the
11 results of the fingerprint check.

12 B. Fingerprint checks shall be conducted pursuant to section 41-1750,
13 subsection G.

14 C. The juvenile court shall assume the costs of fingerprint checks and
15 may charge these costs to the fingerprinted juvenile probation officer.

16 D. Juvenile probation officers shall certify on forms that are
17 provided by the juvenile court and notarized that they are not awaiting trial
18 on and have never been convicted of or admitted committing any of the
19 following criminal offenses in this state or similar offenses in another
20 state or jurisdiction:

21 1. Sexual abuse of a minor.

22 2. Incest.

23 3. First or second degree murder.

24 4. Kidnapping.

25 5. Arson.

26 6. Sexual assault.

27 7. Sexual exploitation of a minor.

28 8. Contributing to the delinquency of a minor.

29 9. Commercial sexual exploitation of a minor.

30 10. Felony offenses involving distribution of marijuana, dangerous
31 drugs or narcotic drugs.

- 1 11. Burglary.
- 2 12. Robbery.
- 3 13. A dangerous crime against children pursuant to section 13-705.
- 4 14. Child abuse.
- 5 15. Sexual conduct with a minor.
- 6 16. Molestation of a child.

7 E. The juvenile court shall make documented, good faith efforts to
8 contact previous employers of juvenile probation officers to obtain
9 information or recommendations that may be relevant to an individual's
10 fitness for employment as a juvenile probation officer.”

11 Renumber to conform

12 Page 7, between lines 23 and 24, insert:

13 “3. CRIMINAL DAMAGE IS A CLASS 6 FELONY IF THE PERSON RECKLESSLY
14 DAMAGED THE PROPERTY OF ANOTHER IN AN AMOUNT OF ONE THOUSAND DOLLARS OR MORE
15 BUT LESS THAN TWO THOUSAND DOLLARS.”

16 Renumber to conform

17 Line 26, strike “two” insert “ONE”

18 Page 10, between lines 29 and 30, insert:

19 “5. A CHARTER SCHOOL THAT COMPLIES WITH THE FINGERPRINTING REQUIREMENTS
20 OF THIS SECTION SHALL BE DEEMED TO HAVE COMPLIED WITH SECTION 15-512 AND IS
21 ENTITLED TO THE SAME RIGHTS AND PROTECTIONS PROVIDED TO SCHOOL DISTRICTS BY
22 SECTION 15-512.”

23 Renumber to conform

24 Page 15, between lines 22 and 23, insert:

25 “Sec. 7. Section 15-203, Arizona Revised Statutes, is amended to read:
26 15-203. Powers and duties

27 A. The state board of education shall:

- 28 1. Exercise general supervision over and regulate the conduct of the
- 29 public school system and adopt any rules and policies it deems necessary to
- 30 accomplish this purpose.
- 31 2. Keep a record of its proceedings.
- 32 3. Make rules for its own government.

- 1 4. Determine the policy and work undertaken by it.
- 2 5. Appoint its employees, on the recommendation of the superintendent
3 of public instruction.
- 4 6. Prescribe the duties of its employees if not prescribed by statute.
- 5 7. Delegate to the superintendent of public instruction the execution
6 of board policies and rules.
- 7 8. Recommend to the legislature changes or additions to the statutes
8 pertaining to schools.
- 9 9. Prepare, publish and distribute reports concerning the educational
10 welfare of this state.
- 11 10. Prepare a budget for expenditures necessary for proper maintenance
12 of the board and accomplishment of its purposes and present the budget to the
13 legislature.
- 14 11. Aid in the enforcement of laws relating to schools.
- 15 12. Prescribe a minimum course of study in the common schools, minimum
16 competency requirements for the promotion of pupils from the third grade and
17 minimum course of study and competency requirements for the promotion of
18 pupils from the eighth grade. The state board of education shall prepare a
19 fiscal impact statement of any proposed changes to the minimum course of
20 study or competency requirements and, on completion, shall send a copy to the
21 director of the joint legislative budget committee and the executive director
22 of the school facilities board. The state board of education shall not adopt
23 any changes in the minimum course of study or competency requirements in
24 effect on July 1, 1998 that will have a fiscal impact on school capital
25 costs.
- 26 13. Prescribe minimum course of study and competency requirements for
27 the graduation of pupils from high school. The state board of education
28 shall prepare a fiscal impact statement of any proposed changes to the
29 minimum course of study or competency requirements and, on completion, shall
30 send a copy to the director of the joint legislative budget committee and the
31 executive director of the school facilities board. The state board of
32 education shall not adopt any changes in the minimum course of study or

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

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

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

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

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

1 18. Include within its budget the cost of contracting for the purchase,
2 distribution and scoring of the examinations as provided in paragraphs 16 and
3 17 of this subsection.

4 19. Supervise and control the qualifications of professional
5 nonteaching school personnel and prescribe standards relating to
6 qualifications.

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

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

12 22. Adopt a rule to promote braille literacy pursuant to section
13 15-214.

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

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

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

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

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

7 27. Adopt rules that provide for teacher certification reciprocity.
8 The rules shall provide for a one year reciprocal teaching certificate with
9 minimum requirements including valid teacher certification from a state with
10 substantially similar criminal history or teacher fingerprinting requirements
11 and proof of the submission of an application for a fingerprint clearance
12 card pursuant to title 41, chapter 12, article 3.1.

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

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

18 (b) Currently resides in this state.

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

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

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

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

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

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

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

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

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

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

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

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

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

12 (i) The transfer of student records.

13 (ii) Awarding credit for completed course work.

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

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

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

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

31 35. Adopt a list of approved professional development training
32 providers for use by school districts as provided in section 15-107,

1 subsection J. The professional development training providers shall meet the
2 training curriculum requirements determined by the state board of education
3 in at least the areas of school finance, governance, employment, staffing,
4 inventory and human resources, internal controls and procurement.

5 36. Adopt rules to prohibit a person who violates the notification
6 requirements prescribed in section 15-183, subsection C, paragraph ~~6~~ 7 or
7 section 15-550, subsection C from certification pursuant to this title until
8 the person is no longer charged or is acquitted of any offenses listed in
9 section 41-1758.03, subsection B. The board shall also adopt rules to
10 prohibit a person who violates the notification requirements, certification
11 surrender requirements or fingerprint clearance card surrender requirements
12 prescribed in section 15-183, subsection C, paragraph ~~7~~ 8 or section 15-550,
13 subsection D from certification pursuant to this title for at least ten years
14 after the date of the violation.

15 B. The state board of education may:

16 1. Contract.

17 2. Sue and be sued.

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

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

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

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

5 Renumber to conform

6 Page 15, line 41, strike “twenty” insert “SEVEN WORKING”

7 Page 18, line 20, strike “hire or”

8 Page 21, between lines 10 and 11, insert:

9 “Sec. 9. Section 15-1330, Arizona Revised Statutes, is amended to
10 read:

11 15-1330. Fingerprinting personnel: affidavit

12 A. Certificated personnel employed by the schools shall have valid
13 fingerprint clearance cards issued pursuant to title 41, chapter 12, article
14 3.1 or shall apply for a fingerprint clearance card within seven working days
15 of employment.

16 B. In addition to the fingerprint requirement in subsection A of this
17 section, certificated employees shall submit a second set of fingerprints to
18 the school for the purposes of obtaining state and federal criminal records
19 checks. Employment with the schools is conditioned on the results of the
20 fingerprint check required under this subsection and the maintenance of the
21 certificate or license required for employment. Fingerprint checks shall be
22 conducted pursuant to section 41-1750 and Public Law 92-544. The
23 fingerprints shall be submitted on the form prescribed by the school.

24 C. Noncertificated personnel employed by the schools and nonpaid
25 personnel working in the schools shall be fingerprinted as a condition of
26 employment for the purpose of obtaining state and federal criminal records
27 checks. Noncertificated employees and nonpaid personnel shall submit
28 fingerprints on the form prescribed by the school to the superintendent
29 within ~~twenty~~ SEVEN WORKING days after the date an employee begins work.
30 Employment with the schools is conditioned on the results of the fingerprint
31 check. Fingerprint checks shall be conducted pursuant to section 41-1750 and
32 Public Law 92-544.

1 D. The department of public safety may exchange the fingerprint data
2 collected pursuant to subsections B and C of this section with the federal
3 bureau of investigation.

4 E. The schools may charge the employee or nonpaid personnel for the
5 costs of the fingerprint checks.

6 F. Personnel employed by the schools shall certify on forms that are
7 provided by the schools and notarized that they are not awaiting trial on and
8 have never been convicted of or admitted in open court or pursuant to a plea
9 agreement of committing any criminal offenses in this state or similar
10 offenses in another state or jurisdiction as specified in section 41-1758.03,
11 subsections B and C.

12 G. Before employment, the schools shall make documented, good faith
13 efforts to contact previous employers of personnel to obtain information and
14 recommendations that may be relevant to a person's fitness for
15 employment. For certificated personnel, the schools may also contact the
16 department of education to obtain information that is contained in the
17 person's certification record and that may be relevant to the person's
18 fitness for employment. For persons in other positions that require
19 licensing, the schools may also contact the agency that issued the license
20 for information relevant to the person's fitness for employment. Agencies
21 and previous employers that provide information pursuant to this subsection
22 are immune from civil liability unless the information provided is false and
23 is acted on to the detriment of the employment applicant by the schools and
24 the previous employer or agency knows the information is false or acts with
25 reckless disregard of the truth or falsity of the information. Employees who
26 rely on information obtained pursuant to this subsection in making employment
27 decisions are immune from civil liability unless the information obtained is
28 false and the employee knows the information is false or acts with reckless
29 disregard of the truth or falsity of the information.

30 H. The superintendent shall notify the department of public safety if
31 the superintendent receives credible evidence that a person who possesses a
32 valid fingerprint clearance card either:

1 completed application that is provided by the department of public safety
2 within ~~twenty~~ SEVEN days after the date the person begins work.

3 E. A residential care institution, nursing care institution or home
4 health agency shall not allow a person or contracted person to continue to
5 provide direct care, home health services or supportive services if the
6 person has been denied a fingerprint clearance card pursuant to title 41,
7 chapter 12, article 3.1, has been denied approval pursuant to this section
8 before May 7, 2001 or has not received an interim approval from the board of
9 fingerprinting pursuant to section 41-619.55, subsection I.

10 F. Volunteers who provide services to residents under the direct
11 visual supervision of a previously screened owner or employee are exempt from
12 the fingerprint clearance card requirements of this section.

13 G. Notwithstanding the requirements of section 41-1758.02, subsection
14 B, a person who provides direct care, home health services or supportive
15 services for a residential care institution, home health agency or nursing
16 care institution after meeting the fingerprinting and criminal records check
17 requirements of this section is not required to meet the fingerprint and
18 criminal records check requirements of this section again if that person
19 remains employed by the same employer or changes employment within two years
20 after satisfying the requirements of this section. For the purposes of this
21 subsection, If the employer changes through sale, lease or operation of law,
22 a person is deemed to be employed by the same employer if that person remains
23 employed by the new employer.

24 H. Notwithstanding the requirements of section 41-1758.02, subsection
25 B, a person who has received approval pursuant to this section before May 7,
26 2001 and who remains employed by the same employer is not required to apply
27 for a fingerprint clearance card.

28 I. If a person's employment record contains a six-month or longer time
29 frame where the person was not employed by any employer, a completed
30 application with a new set of fingerprints shall be submitted to the
31 department of public safety.

32 J. For the purposes of this section:

1 1. "Home health services" has the same meaning prescribed in section
2 36-151.

3 2. "Supportive services" has the same meaning prescribed in section
4 36-151."

5 Renumber to conform

6 Page 23, line 21, strike "section" insert "SECTIONS"; after "41-1758.03" insert
7 "AND 41-1758.07"

8 Page 30, line 18, strike "or conspiring"

9 Page 31, line 2, after the period strike remainder of line
10 Strike line 3

11 Page 32, line 27, after "who" insert "BECOMES SUBJECT TO REGISTRATION AS A SEX
12 OFFENDER OR A PERSON WHO"

13 Line 40, after "A" insert "LEVEL I"

14 Page 33, line 4, after "A" insert "LEVEL I"

15 Page 34, line 29, after "A" insert "LEVEL I"

16 Page 37, line 15, strike "OR CONSPIRING"

17 Lines 18 and 27, after "A" insert "LEVEL I"

18 Lines 28 and 34, after the second "A" insert "LEVEL I"

19 Page 38, line 2, after the period strike remainder of line
20 Strike line 3

21 Line 14, after "CURRENT" insert "LEVEL I"

22 Line 17, after "PERSON'S" insert "LEVEL I"

23 Line 20, after "A" insert "LEVEL I"

24 Line 26, after the first "A" insert "LEVEL I"

25 Line 30 and 31, after "A" insert "LEVEL I"

26 Page 39, line 8, strike "AND" insert a comma; after "VENDORS" insert "OR ANYONE IT
27 LICENSES OR CERTIFIES"

28 Line 10, after "41-1758.03" insert "IF STATUTE REQUIRES THE EMPLOYEES,
29 CONTRACTORS, VENDORS OR ANYONE THE AGENCY LICENSES OR CERTIFIES TO HAVE A
30 FINGERPRINT CLEARANCE CARD ISSUED PURSUANT TO SECTION 41-1758.03"

Senate Amendments to S.B. 1049

- 1 Page 39, lines 14 and 19, after "A" insert "LEVEL I"
- 2 Line 27, after "36-594.02," insert "41-619.52, 41-619.53,"
- 3 Amend title to conform

5/19/09
3:53 PM
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