

PROPOSED AMENDMENT

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

LINDA GRAY

5/19/09  
3:53 PM  
S: A0/tam