

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

CHAPTER 288
HOUSE BILL 2108

AN ACT

AMENDING SECTIONS 15-1329 AND 15-1330, ARIZONA REVISED STATUTES; RELATING
TO THE ARIZONA STATE SCHOOLS FOR THE DEAF AND THE BLIND.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 15-1329, Arizona Revised Statutes, is amended to
3 read:

4 15-1329. Employee salaries and classification; definition

5 A. The board shall determine the salaries and assign an employee
6 classification of persons it employs, except for the superintendent as
7 provided in section 15-1325.

8 B. All salary schedules for employees of the schools shall become
9 operative on July 1 of each year and shall be included in the estimate of
10 expenses submitted by the superintendent.

11 C. IN ANY FISCAL YEAR IN WHICH MONIES ARE APPROPRIATED TO THE
12 DEPARTMENT OF EDUCATION TO PROVIDE TEACHER SALARY INCREASES, EACH TEACHER
13 WHO IS EMPLOYED BY THE ARIZONA STATE SCHOOLS FOR THE DEAF AND THE BLIND IN
14 THAT FISCAL YEAR IS ELIGIBLE FOR THE SAME SALARY INCREASE FROM THAT
15 APPROPRIATION IN THE SAME MANNER AS ANY OTHER PUBLIC SCHOOLTEACHER.

16 D. FOR THE PURPOSES OF THIS SECTION, "TEACHER WHO IS EMPLOYED BY
17 THE ARIZONA STATE SCHOOLS FOR THE DEAF AND THE BLIND" MEANS A PERSON WHO
18 BOTH:

19 1. WAS ELIGIBLE TO BE INCLUDED IN THE YEAR-END FULL-TIME EQUIVALENT
20 TEACHER COUNT OF THE ARIZONA STATE SCHOOLS FOR THE DEAF AND THE BLIND FOR
21 THE 2016-2017 SCHOOL YEAR IN THE ANNUAL FINANCIAL REPORT OF THE ARIZONA
22 STATE SCHOOLS FOR THE DEAF AND THE BLIND.

23 2. TEACHES AT THE ARIZONA STATE SCHOOLS FOR THE DEAF AND THE BLIND
24 DURING THE SCHOOL YEAR.

25 Sec. 2. Section 15-1330, Arizona Revised Statutes, is amended to
26 read:

27 15-1330. Personnel; fingerprinting; immunity

28 A. The board of directors shall require the superintendent to have
29 a valid fingerprint clearance card issued pursuant to title 41, chapter
30 12, article 3.1. Certificated personnel employed by the schools shall
31 have valid fingerprint clearance cards issued pursuant to title 41,
32 chapter 12, article 3.1 or shall apply for a fingerprint clearance card
33 within seven working days after employment.

34 B. Noncertificated personnel employed by the schools and nonpaid
35 personnel working in the schools shall be fingerprinted as a condition of
36 employment for the purpose of obtaining state and federal criminal records
37 checks. Noncertificated employees and nonpaid personnel WHO DO NOT HAVE A
38 VALID FINGERPRINT CLEARANCE CARD shall submit fingerprints on the form
39 prescribed by the school to the superintendent within twenty days after
40 the date ~~an employee~~ THE PERSON begins work. Employment with the schools
41 is conditioned on the results of the fingerprint check. Fingerprint
42 checks shall be conducted pursuant to section 41-1750 and Public Law
43 92-544. The department of public safety may exchange this fingerprint
44 data with the federal bureau of investigation.

1 C. The schools may charge the employee or nonpaid personnel for the
2 costs of the fingerprint checks.

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

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

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

31 1. Is arrested for or charged with an offense listed in section
32 41-1758.03, subsection B.

33 2. Falsified information on the form required by subsection D of
34 this section.

35 Sec. 3. Retroactivity

36 Section 15-1329, Arizona Revised Statutes, as amended by this act,
37 applies retroactively to from and after June 30, 2017.

APPROVED BY THE GOVERNOR MAY 15, 2018.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 15, 2018.