

House Engrossed Senate Bill

crimes against children; dependencies; omnibus

State of Arizona
Senate
Fifty-fifth Legislature
First Regular Session
2021

CHAPTER 435

SENATE BILL 1660

AN ACT

AMENDING SECTIONS 8-202, 8-514, 12-283, 13-107 AND 13-1401, ARIZONA REVISED STATUTES; AMENDING TITLE 13, CHAPTER 38, ARTICLE 30, ARIZONA REVISED STATUTES, BY ADDING SECTION 13-4254; AMENDING SECTION 15-203, ARIZONA REVISED STATUTES; AMENDING TITLE 15, CHAPTER 2, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTION 15-245; RELATING TO CRIMES AGAINST CHILDREN.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 8-202, Arizona Revised Statutes, is amended to
3 read:

4 8-202. Jurisdiction of juvenile court

5 A. The juvenile court has original jurisdiction over all
6 delinquency proceedings brought under the authority of this title.

7 B. The juvenile court has exclusive original jurisdiction over all
8 proceedings brought under the authority of this title except for
9 delinquency proceedings.

10 C. The juvenile court may consolidate any matter, except that the
11 juvenile court shall not consolidate any of the following:

12 1. A criminal proceeding that is filed in another division of
13 superior court and that involves a child who is subject to the
14 jurisdiction of the juvenile court.

15 2. A delinquency proceeding with any other proceeding that does not
16 involve delinquency, unless the juvenile delinquency adjudication
17 proceeding is not heard at the same time or in the same hearing as a
18 nondelinquency proceeding.

19 D. The juvenile court has jurisdiction of proceedings to:

20 1. Obtain judicial consent to the marriage, employment or
21 enlistment in the armed services of a child, if consent is required by
22 law.

23 2. In an action in which parental rights are terminated pursuant to
24 chapter 4, article 5 or 11 of this title, change the name of a minor child
25 who is the subject of the action. If the minor child who is the subject
26 of the action is twelve years of age or older, the court shall consider
27 the wishes of the child with respect to the name change.

28 E. The juvenile court has jurisdiction over both civil traffic
29 violations and offenses listed in section 8-323, subsection B that are
30 committed within the county by persons who are under eighteen years of age
31 unless the presiding judge of the county declines jurisdiction of these
32 cases. The presiding judge of the county may decline jurisdiction of
33 civil traffic violations committed within the county by juveniles if the
34 presiding judge finds that the declination would promote the more
35 efficient use of limited judicial and law enforcement resources located
36 within the county. If the presiding judge declines jurisdiction, juvenile
37 civil traffic violations shall be processed, heard and disposed of in the
38 same manner and with the same penalties as adult civil traffic violations.

39 F. The orders of the juvenile court under the authority of this
40 chapter or chapter 3 or 4 of this title take precedence over any order of
41 any other court of this state ~~except the court of appeals and the supreme~~
42 ~~court to the extent that they are inconsistent with orders of other~~
43 ~~courts.~~ EXCEPT FOR THE FOLLOWING:

44 1. AN ORDER ENTERED IN THE CRIMINAL COURT CONCERNING AN ONGOING
45 CASE THAT GOVERNS A CRIMINAL DEFENDANT'S ABILITY TO CONTACT THE VICTIM,

1 THE FAMILY OF THE VICTIM OR OTHER MINOR CHILDREN IF THE CRIMINAL COURT
2 MAKES A FINDING THAT CONTACT WITH OTHER MINOR CHILDREN WOULD POSE A RISK
3 OF HARM TO THOSE CHILDREN.

4 2. AN ORDER BY THE COURT OF APPEALS AND THE SUPREME COURT TO THE
5 EXTENT THEY ARE INCONSISTENT WITH ORDERS OF OTHER COURTS.

6 G. Except as provided in subsection H of this section, jurisdiction
7 of a child that is obtained by the juvenile court in a proceeding under
8 this chapter or chapter 3 or 4 of this title shall be retained by it, for
9 the purposes of implementing the orders made and filed in that proceeding,
10 until the child becomes eighteen years of age, unless terminated by order
11 of the court before the child's eighteenth birthday.

12 H. If the state files a notice of intent to retain jurisdiction
13 when proceedings are commenced pursuant to section 8-301, paragraph 1 or
14 2, the court shall retain jurisdiction over a juvenile who is at least
15 seventeen years of age and who has been adjudicated a delinquent juvenile
16 until the juvenile reaches nineteen years of age, unless before the
17 juvenile's nineteenth birthday either:

18 1. Jurisdiction is terminated by order of the court.

19 2. The juvenile is discharged from the jurisdiction of the
20 department of juvenile corrections pursuant to section 41-2820.

21 I. Persons who are under eighteen years of age shall be prosecuted
22 in the same manner as adults if either:

23 1. The juvenile court transfers jurisdiction pursuant to section
24 8-327.

25 2. The juvenile is charged as an adult with an offense listed in
26 section 13-501.

27 J. The juvenile court shall retain jurisdiction after a juvenile's
28 eighteenth birthday for the purpose of designating an undesignated felony
29 offense as a misdemeanor or felony, including after an adjudication is set
30 aside pursuant to section 8-348.

31 K. The juvenile court has jurisdiction to make the initial
32 determination prescribed in section 8-829 whether the voluntary
33 participation of a qualified young adult in an extended foster care
34 program pursuant to section 8-521.02 is in the young adult's best
35 interests.

36 Sec. 2. Section 8-514, Arizona Revised Statutes, is amended to
37 read:

38 8-514. Placement in foster homes

39 A. Subject to the provisions of section 8-514.01, the division or a
40 licensed child welfare agency if so authorized in its license may place a
41 child in a licensed foster home for care or for adoption. Notwithstanding
42 any law to the contrary, the division or a licensed child welfare agency
43 may place a child in excess of the number of children allowed and
44 identified in a foster parent's license if the division or agency
45 reasonably believes the foster home has the ability to safely handle

1 additional children, there are no outstanding concerns, deficiencies,
2 reports or investigations known by the division regarding the foster home,
3 and the child meets any of the following criteria:

4 1. The child is part of a sibling group that currently resides in
5 the foster home.

6 2. The child is part of a sibling group that is being considered
7 for placement in a foster home but because of the maximum child limit
8 would otherwise have to be separated.

9 3. The child previously resided in the foster home.

10 4. The child is a kinship placement for the foster home.

11 B. The department shall place a child in the least restrictive type
12 of placement available, consistent with the best interests of the child.
13 The order for placement preference is as follows:

14 1. With a parent.

15 2. With a grandparent.

16 3. In kinship care with another member of the child's extended
17 family, including a person who has a significant relationship with the
18 child. A foster parent or kinship caregiver with whom a child under three
19 years of age has resided for nine months or more is presumed to be a
20 person who has a significant relationship with the child.

21 4. In licensed family foster care.

22 5. In therapeutic foster care.

23 6. In a group home.

24 7. In a residential treatment facility.

25 C. Notwithstanding subsection B of this section, the order for
26 placement preference of a Native American child is as follows:

27 1. With a member of the child's extended family.

28 2. In a licensed family foster home approved or specified by the
29 child's tribe.

30 3. In an Indian foster home licensed or approved by an authorized
31 non-Indian licensing authority.

32 4. In an institution approved by the Indian tribe or operated by an
33 Indian organization that has a program suitable to meet the Indian child's
34 needs pursuant to 25 United States Code chapter 21.

35 D. At the time of placement there shall be presented to the foster
36 parents, by the agency or division placing the child, a written summary of
37 known, unprivileged information regarding the child, including the
38 following:

39 1. Demographic information.

40 2. Type of custody and previous placement.

41 3. Pertinent family information including but not limited to the
42 names of family members who, by court order, may not visit the child.

43 4. Known or available medical history including but not limited to:

44 (a) Allergies.

45 (b) Immunizations.

1 (c) Childhood diseases.

2 (d) Physical disabilities.

3 (e) Other idiosyncrasies.

4 (f) The child's last doctor, if known.

5 5. A summary of the child's history of adjudication on acts of
6 delinquency, as may be public record and available in the file of the
7 clerk of the superior court.

8 E. The responsibility of the agency or the division for a child
9 placed in a foster home shall be defined in writing and accepted by the
10 person receiving the child. The agency or division shall make available
11 to the foster parents a method of acquiring emergency information that may
12 be necessary to deal with situations that may arise pursuant to their
13 responsibilities as foster parents.

14 F. Every foster home shall maintain a record of the children
15 received, which shall include facts in regard to the children and their
16 care and shall be in the form and kept in the manner prescribed by the
17 division.

18 G. In addition to any other relevant factors, the department shall
19 consider the following in determining whether a placement is in the best
20 interests of the child:

21 1. The caregiver is interested in providing permanence for the
22 child if reunification efforts ultimately fail.

23 2. The expressed wishes of the birth parent and child, if
24 applicable, unless the wishes are contrary to law.

25 3. The relationship of the caregiver with the child and the child's
26 family.

27 4. The proximity of the placement home to the parents' home and the
28 child's current school or school district.

29 5. The strengths and parenting style of the caregiver in relation
30 to the child's behavior and needs.

31 6. The caregiver's willingness to communicate and interact with the
32 birth family to support visitation and the reunification process.

33 7. The caregiver's ability and willingness to accept placement of
34 the child and all or any of the child's siblings.

35 8. If any sibling will be placed separately, the caregiver's
36 ability and willingness to provide or assist in maintaining frequent
37 visitation or other ongoing contact between the child and the child's
38 sibling.

39 9. The child's fit with the family with regard to age, gender and
40 sibling relationships.

41 10. If the child has chronic behavioral health needs:

42 (a) Whether the child's behavior will place other children in the
43 home at risk.

44 (b) The caregiver's ability to provide the necessary level of
45 supervision to prevent harm to the child or others by the child.

1 11. Whether placement in the home would comply with the placement
2 preferences prescribed by 25 United States Code section 1915, if
3 applicable.

4 H. WITHIN THIRTY DAYS AFTER A DEPENDENT CHILD WHO IS AT LEAST EIGHT
5 YEARS OF AGE IS PLACED IN OUT-OF-HOME CARE, UNLESS OTHERWISE RECOMMENDED
6 BY A DOCTOR OR THERAPIST, THE DEPARTMENT SHALL ENSURE THAT THE CHILD
7 RECEIVES AGE-APPROPRIATE AND DEVELOPMENTALLY APPROPRIATE MATERIALS AND
8 RESOURCES ABOUT SEXUAL ABUSE, CHILD SEX TRAFFICKING AND EXPLOITATION. THE
9 MATERIALS AND RESOURCES MUST INCLUDE A DEFINITION OF SEXUAL ABUSE,
10 INFORMATION ABOUT THE DANGERS OF ONLINE AND IN-PERSON PREDATORS AND
11 METHODS FOR REPORTING ABUSE. THE MATERIALS AND RESOURCES MAY INCLUDE A
12 TWENTY-FOUR-HOUR HOTLINE TELEPHONE NUMBER.

13 Sec. 3. Section 12-283, Arizona Revised Statutes, is amended to
14 read:

15 12-283. Powers and duties

16 A. The clerk, in addition to the other duties prescribed by law or
17 rule of court, shall:

- 18 1. Attend each session of the court held in the county.
- 19 2. Keep a list of fees charged in actions.
- 20 3. Keep records required by law or rule of court.

21 4. ON OR BEFORE JANUARY 15 OF EACH YEAR, COMPILER A REPORT ON THE
22 NUMBER OF CIVIL ACTIONS THAT ARE FILED IN THE SUPERIOR COURT PURSUANT TO
23 SECTION 12-514 AND THE AGE OF THE PLAINTIFF IN EACH CASE. THE CLERK SHALL
24 SUBMIT THE REPORT TO THE GOVERNOR AND THE LEGISLATURE AND PROVIDE A COPY
25 OF THIS REPORT TO THE SECRETARY OF STATE.

26 B. The clerk may provide a consumer reporting agency as defined in
27 section 44-1691 with a copy of:

- 28 1. A court order obligating a person to pay child support or
29 spousal maintenance.
- 30 2. An order for assignment under section 25-323 or 25-504.

31 C. A clerk who provides the information in subsection B of this
32 section to a consumer reporting agency shall also provide the information
33 to the child support enforcement administration in the department of
34 economic security.

35 D. The clerk, in accordance with procedures established by the
36 board of supervisors, may appoint deputies, clerks and assistants
37 necessary to conduct the affairs of the office of the clerk. The
38 appointments shall be in writing. The clerk shall be the appointing
39 authority and shall administer and supervise all employees of the clerk's
40 office.

41 E. The clerk shall submit an annual budget request, which shall be
42 coordinated with the presiding judge, to the county board of
43 supervisors. The clerk shall be responsible for the funds appropriated by
44 the board to the clerk.

1 F. The clerk shall maintain and provide access to court records in
2 accordance with applicable law or rule of court. The clerk shall keep a
3 docket in the form and style as prescribed by the supreme court.

4 G. The clerk is responsible for the operations of the clerk's
5 office.

6 H. The clerk may provide programs to assist in the enforcement of
7 child support, spousal maintenance and parenting time and in the
8 establishment and modification of child support.

9 I. The clerk shall compile and publish electronically all superior
10 court criminal case minute entries, except as otherwise prohibited by law.
11 At a minimum, the information shall be arranged or searchable by the case
12 name, the case number and the name of the judge or commissioner.

13 Sec. 4. Section 13-107, Arizona Revised Statutes, is amended to
14 read:

15 13-107. Time limitations

16 A. A prosecution for any homicide, any conspiracy to commit
17 homicide that results in the death of a person, any offense that is listed
18 in chapter 14 or 35.1 of this title and that is a class 2 felony, any
19 violent sexual assault pursuant to section 13-1423, any violation of
20 section 13-2308.01, ~~OR~~ 13-2308.03 OR 13-3212, any misuse of public monies
21 or a felony involving falsification of public records or any attempt to
22 commit an offense listed in this subsection may be commenced at any time.

23 B. Except as otherwise provided in this section and section 28-672,
24 prosecutions for other offenses must be commenced within the following
25 periods after actual discovery by the state or the political subdivision
26 having jurisdiction of the offense or discovery by the state or the
27 political subdivision that should have occurred with the exercise of
28 reasonable diligence, whichever first occurs:

- 29 1. For a class 2 through a class 6 felony, seven years.
- 30 2. For a misdemeanor, one year.
- 31 3. For a petty offense, six months.

32 C. For the purposes of subsection B of this section, a prosecution
33 is commenced when an indictment, information or complaint is filed.

34 D. The period of limitation does not run during any time when the
35 accused is absent from the state or has no reasonably ascertainable place
36 of abode within the state.

37 E. The period of limitation does not run for a serious offense as
38 defined in section 13-706 during any time when the identity of the person
39 who commits the offense or offenses is unknown.

40 F. The time limitation within which a prosecution of a class 6
41 felony shall commence shall be determined pursuant to subsection B,
42 paragraph 1 of this section, irrespective of whether a court enters a
43 judgment of conviction for or a prosecuting attorney designates the
44 offense as a misdemeanor.

1 G. If a complaint, indictment or information filed before the
2 period of limitation has expired is dismissed for any reason, a new
3 prosecution may be commenced within six months after the dismissal becomes
4 final even if the period of limitation has expired at the time of the
5 dismissal or will expire within six months of the dismissal.

6 Sec. 5. Section 13-1401, Arizona Revised Statutes, is amended to
7 read:

8 13-1401. Definitions; factors

9 A. In this chapter, unless the context otherwise requires:

10 1. "Oral sexual contact" means oral contact with the penis, vulva
11 or anus.

12 2. "Position of trust" means a person who is or was any of the
13 following:

14 (a) The minor's parent, stepparent, GRANDPARENT, adoptive parent,
15 legal guardian, AUNT, UNCLE or foster parent.

16 (b) The minor's teacher OR ANY SCHOOL EMPLOYEE OR VOLUNTEER AT THE
17 MINOR'S SCHOOL WHO IS EIGHTEEN YEARS OF AGE OR OLDER.

18 (c) The minor's coach or instructor, whether the coach or
19 instructor is an employee or volunteer.

20 (d) The minor's clergyman or priest OR ANY PERSON WHO IS AT LEAST
21 EIGHTEEN YEARS OF AGE AND WHO WORKED OR VOLUNTEERED FOR A RELIGIOUS
22 ORGANIZATION THAT HOSTED EVENTS OR ACTIVITIES WHERE THE MINOR WAS IN
23 ATTENDANCE.

24 (e) Engaged in a sexual or romantic relationship with the minor's
25 parent, adoptive parent, GRANDPARENT, AUNT, UNCLE, legal guardian, foster
26 parent ~~or~~, stepparent, STEP-GRANDPARENT OR SIBLING.

27 (f) RELATED TO THE MINOR BY BLOOD OR MARRIAGE WITHIN THE THIRD
28 DEGREE AND IS AT LEAST TEN YEARS OLDER THAN THE MINOR.

29 (g) THE MINOR'S EMPLOYER.

30 (h) AN EMPLOYEE OF A GROUP HOME OR RESIDENTIAL TREATMENT FACILITY
31 WHERE THE MINOR RESIDES OR HAS PREVIOUSLY RESIDED. FOR THE PURPOSE OF
32 THIS SUBDIVISION, "GROUP HOME" MEANS A CHILD WELFARE AGENCY THAT RECEIVES
33 FOR CARE AND MAINTENANCE A CHILD WHO HAS BEEN ADJUDICATED DEPENDENT OR A
34 COMMUNITY RESIDENTIAL SETTING AS DEFINED IN SECTION 36-551.

35 3. "Sexual contact":

36 (a) Means any direct or indirect touching, fondling or manipulating
37 of any part of the genitals, anus or female breast by any part of the body
38 or by any object or causing a person to engage in such contact.

39 (b) Does not include direct or indirect touching or manipulating
40 during caretaking responsibilities, ~~or~~ or interactions with a minor or
41 vulnerable adult that an objective, reasonable person would recognize as
42 normal and reasonable under the circumstances.

43 4. "Sexual intercourse" means penetration into the penis, vulva or
44 anus by any part of the body or by any object or masturbatory contact with
45 the penis or vulva.

1 5. "Spouse" means a person who is legally married and cohabiting.

2 6. "Teacher" means a certificated teacher as defined in section
3 15-501 or any other person who provides instruction to pupils in any
4 school district, charter school or accommodation school, the Arizona state
5 schools for the deaf and the blind or a private school in this state.

6 7. "Without consent" includes any of the following:

7 (a) The victim is coerced by the immediate use or threatened use of
8 force against a person or property.

9 (b) The victim is incapable of consent by reason of mental
10 disorder, mental defect, drugs, alcohol, sleep or any other similar
11 impairment of cognition and such condition is known or should have
12 reasonably been known to the defendant. For the purposes of this
13 subdivision, "mental defect" means the victim is unable to comprehend the
14 distinctively sexual nature of the conduct or is incapable of
15 understanding or exercising the right to refuse to engage in the conduct
16 with another.

17 (c) The victim is intentionally deceived as to the nature of the
18 act.

19 (d) The victim is intentionally deceived to erroneously believe
20 that the person is the victim's spouse.

21 B. The following factors may be considered in determining whether a
22 relationship is currently or was previously a sexual or romantic
23 relationship pursuant to subsection A, paragraph 2, subdivision (e) of
24 this section:

25 1. The type of relationship.

26 2. The length of the relationship.

27 3. The frequency of the interaction between the two persons.

28 4. If the relationship has terminated, the length of time since the
29 termination.

30 Sec. 6. Title 13, chapter 38, article 30, Arizona Revised Statutes,
31 is amended by adding section 13-4254, to read:

32 13-4254. Pro se defendant; prohibited questioning of minor
33 victim

34 NOTWITHSTANDING SECTION 13-4253 AND ON MOTION OF THE PROSECUTION,
35 THE COURT MAY ORDER THAT A PRO SE DEFENDANT IN ANY CASE THAT INCLUDES
36 CHARGES AGAINST THE CHILD UNDER CHAPTERS 14 AND 35.1 OF THIS TITLE AND
37 SECTION 13-3206, 13-3212 OR 13-3623 IS PROHIBITED FROM DIRECTLY
38 QUESTIONING THE MINOR VICTIM IF THE COURT DETERMINES THAT DIRECT
39 QUESTIONING BY THE PRO SE DEFENDANT WOULD PREVENT THE MINOR VICTIM FROM
40 BEING ABLE TO REASONABLY COMMUNICATE.

1 Sec. 7. Section 15-203, Arizona Revised Statutes, is amended to
2 read:

3 15-203. Powers and duties

4 A. The state board of education shall:

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

8 2. Keep a record of its proceedings.

9 3. Make rules for its own government.

10 4. Determine the policy and work undertaken by it.

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

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

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

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

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

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

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

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

35 13. Prescribe minimum course of study and competency requirements
36 for the graduation of pupils from high school. The state board of
37 education shall prepare a fiscal impact statement of any proposed changes
38 to the minimum course of study or competency requirements and, on
39 completion, shall send a copy to the director of the joint legislative
40 budget committee and the executive director of the school facilities
41 board. The state board of education shall not adopt any changes in the
42 minimum course of study or competency requirements in effect on July 1,
43 1998 that will have a fiscal impact on school capital costs.

44 14. Pursuant to section 15-501.01, supervise and control the
45 certification of persons engaged in instructional work directly as any

1 classroom, laboratory or other teacher or indirectly as a supervisory
2 teacher, speech therapist, principal or superintendent in a school
3 district, including school district preschool programs, or any other
4 educational institution below the community college, college or university
5 level, and prescribe rules for certification.

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

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

14 17. Adopt proficiency examinations for its use and determine the
15 passing score for the proficiency examinations.

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

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

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

26 21. Establish an assessment, data gathering and reporting system
27 for pupil performance as prescribed in chapter 7, article 3 of this title,
28 including qualifying examinations for the college credit by examination
29 incentive program pursuant to section 15-249.06.

30 22. Adopt a rule to promote braille literacy pursuant to section
31 15-214.

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

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

39 25. Develop and maintain a handbook for use in the schools of this
40 state that provides guidance for the teaching of moral, civic and ethical
41 education. The handbook shall promote existing curriculum frameworks and
42 shall encourage school districts to recognize moral, civic and ethical
43 values within instructional and programmatic educational development
44 programs for the general purpose of instilling character and ethical

1 principles in pupils in kindergarten programs and grades one through
2 twelve.

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

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

14 27. Adopt rules that provide for certification reciprocity pursuant
15 to section 15-501.01.

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

19 (a) Currently resides in this state.

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

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
26 and conduct projects in the United States and Mexico on issues that are
27 within the scope of the duties of the department of education and that
28 relate to quality of life, trade and economic development in this state in
29 a manner that will help the Arizona-Mexico commission to assess and
30 enhance the economic competitiveness of this state and of the
31 Arizona-Mexico region.

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

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

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

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

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

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

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

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

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

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

31 (i) The transfer of student records.

32 (ii) Awarding credit for completed coursework.

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

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

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

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

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

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

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

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

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

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

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

43 39. In consultation with the department of health services, the
44 department of education, medical professionals, school health
45 professionals, school administrators and an organization that represents

1 school nurses in this state, adopt rules that prescribe the following for
2 school districts and charter schools:

3 (a) Annual training in the administration of auto-injectable
4 epinephrine for designated medical and nonmedical school personnel. The
5 annual training prescribed in this subdivision is optional during any
6 fiscal year in which a school does not stock epinephrine auto-injectors at
7 the school during that fiscal year.

8 (b) Annual training for all school site personnel on the
9 recognition of anaphylactic shock symptoms and the procedures to follow
10 when anaphylactic shock occurs, following the national guidelines of the
11 American academy of pediatrics. The annual training prescribed in this
12 subdivision is optional during any fiscal year in which a school does not
13 stock epinephrine auto-injectors at the school during that fiscal year.

14 (c) Procedures for the administration of epinephrine auto-injectors
15 in emergency situations.

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

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

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

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

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

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

43 (d) Procedures for annually requesting a standing order for
44 inhalers and spacers or holding chambers pursuant to section 15-158 from
45 the chief medical officer of a county health department, a physician

1 licensed pursuant to title 32, chapter 13 or 17 or a nurse practitioner
2 licensed pursuant to title 32, chapter 15.

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

5 41. Adopt rules for certification that allow substitute teachers
6 who can demonstrate primary teaching responsibility in a classroom as
7 defined by the state board of education to use the time spent in that
8 classroom toward the required capstone experience for standard teaching
9 certification.

10 42. For the purposes of Sandra Day O'Connor civics celebration day
11 instruction under section 15-710.01, develop a list of recommended
12 resources relating to civics education that align with the academic
13 standards prescribed by the state board of education in social studies
14 pursuant to sections 15-701 and 15-701.01. The state board shall
15 establish a process that allows public schools to recommend resources for
16 addition to the list.

17 43. ESTABLISH BEST PRACTICES FOR SOCIAL MEDIA AND CELLULAR
18 TELEPHONE USE BETWEEN STUDENTS AND SCHOOL PERSONNEL, INCLUDING TEACHERS,
19 COACHES AND COUNSELORS, AND ENCOURAGE SCHOOL DISTRICT GOVERNING BOARDS AND
20 CHARTER SCHOOL GOVERNING BODIES TO ADOPT POLICIES THAT IMPLEMENT THESE
21 BEST PRACTICES. THE STATE BOARD OF EDUCATION SHALL MAKE THESE BEST
22 PRACTICES AVAILABLE TO BOTH PUBLIC AND PRIVATE SCHOOLS.

23 B. The state board of education may:

24 1. Contract.

25 2. Sue and be sued.

26 3. Distribute and score the tests prescribed in chapter 7, article
27 3 of this title.

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

36 5. Proceed with the disposal of any complaint requesting
37 disciplinary action or with any disciplinary action against a person
38 holding a certificate as prescribed in subsection A, paragraph 14 of this
39 section after the suspension or expiration of the certificate or surrender
40 of the certificate 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
4 by the department of education in the investigation of the complaint.

5 Sec. 8. Title 15, chapter 2, article 2, Arizona Revised Statutes,
6 is amended by adding section 15-245, to read:

7 15-245. Mandatory reporting training; materials

8 A. THE ARIZONA PROSECUTING ATTORNEYS ADVISORY COUNCIL SHALL DEVELOP
9 A STATEWIDE TRAINING CURRICULUM ON THE MANDATORY REPORTING LAWS OF THIS
10 STATE, INCLUDING SECTION 13-3620, FOR PUBLIC SCHOOL PERSONNEL. EACH
11 PUBLIC SCHOOL SHALL REQUIRE ITS PERSONNEL TO COMPLETE THE TRAINING
12 DEVELOPED PURSUANT TO THIS SECTION.

13 B. THE DEPARTMENT OF EDUCATION SHALL PROVIDE RESOURCES AND
14 MATERIALS DEVELOPED PURSUANT TO THIS SECTION THAT SCHOOLS MAY USE FOR THE
15 PURPOSES OF PROVIDING INFORMATION ON THE MANDATORY REPORTING LAWS OF THIS
16 STATE, INCLUDING SECTION 13-3620, TO PARENTS AND STUDENTS.

17 C. THE DEPARTMENT SHALL MAKE THE TRAINING CURRICULUM AND MATERIALS
18 DEVELOPED PURSUANT TO THIS SECTION AVAILABLE TO PUBLIC AND PRIVATE
19 SCHOOLS. THIS SECTION DOES NOT REQUIRE PRIVATE SCHOOLS TO OFFER THE
20 TRAINING DEVELOPED PURSUANT TO THIS SECTION.

APPROVED BY THE GOVERNOR JULY 9, 2021.

FILED IN THE OFFICE OF THE SECRETARY OF STATE JULY 9, 2021.