

State of Arizona
House of Representatives
Fifty-fifth Legislature
First Regular Session
2021

HB 2863

Introduced by
Representative Udall: Senator Boyer

AN ACT

AMENDING SECTIONS 15-1301, 15-1302, 15-1303, 15-1304, 15-1305, 15-1321, 15-1323, 15-1324, 15-1325, 15-1326, 15-1327, 15-1329, 15-1330, 15-1341, 15-1342, 15-1343, 15-1344, 15-1345 AND 15-1346, ARIZONA REVISED STATUTES; AMENDING TITLE 15, CHAPTER 11, ARTICLE 3, ARIZONA REVISED STATUTES, BY ADDING SECTION 15-1347; 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. Heading change

3 The chapter heading of title 15, chapter 11, Arizona Revised
4 Statutes, is changed from "ARIZONA STATE SCHOOL FOR THE DEAF AND THE
5 BLIND" to "ARIZONA STATE SCHOOLS FOR THE DEAF AND THE BLIND".

6 Sec. 2. Section 15-1301, Arizona Revised Statutes, is amended to
7 read:

8 15-1301. Definitions

9 In this chapter, unless the context otherwise requires:

10 ~~3.~~ 1. "Schools" "ASDB" means the Arizona state schools for the deaf
11 and the blind, ~~and includes programs and services offered for the deaf and~~
12 ~~the blind by the schools in conjunction with other educational~~
13 ~~institutions~~ INCLUDING THE SCHOOLS AND COOPERATIVE PROGRAMS.

14 2. "COOPERATIVE PROGRAMS" MEANS THE PROGRAMS AND SERVICES OFFERED
15 FOR THE DEAF AND THE BLIND BY THE SCHOOLS IN CONJUNCTION WITH OTHER
16 EDUCATIONAL INSTITUTIONS.

17 ~~4.~~ 3. "Employee classifications" means one of the following:

18 (a) Management and supervisory staff on a ~~twelve-month~~ TWELVE-MONTH
19 schedule.

20 (b) Teachers, ~~AND~~ credentialed and noncredentialed specialists, on
21 an academic schedule.

22 (c) Clerical, accounting, ~~AND~~ maintenance workers and others on a
23 ~~twelve-month~~ TWELVE-MONTH schedule.

24 (d) Food service WORKERS and bus drivers on an academic schedule.

25 ~~2.~~ 4. "Hearing impairment" means A hearing impairment as defined
26 in section 15-761.

27 5. "LEA" MEANS A LOCAL EDUCATION AGENCY THAT HAS ADMINISTRATIVE
28 CONTROL AND DIRECTION FOR PUBLIC EDUCATION.

29 6. "LEA OF RECORD" MEANS THE SCHOOL DISTRICT OF RESIDENCE OF A
30 STUDENT.

31 7. "SCHOOLS" MEANS THE CAMPUS-BASED PROGRAMS LOCATED IN TUCSON AND
32 PHOENIX.

33 ~~4.~~ 8. "Sensory impairment" means the following conditions, as
34 defined in section 15-761:

35 (a) Visual impairment.

36 (b) Hearing impairment.

37 (c) Both a visual IMPAIRMENT and A hearing impairment.

38 (d) Multiple disabilities, if at least one of the disabilities is a
39 visual IMPAIRMENT or a hearing impairment.

40 ~~5.~~ 9. "Visual impairment" means A visual impairment as defined in
41 section 15-761.

1 Sec. 3. Section 15-1302, Arizona Revised Statutes, is amended to
2 read:

3 15-1302. Arizona state schools for the deaf and the blind;
4 provision of services

5 A. There shall be Arizona state schools for the deaf and the blind
6 ~~which~~ THAT provide schools and regional COOPERATIVE programs in
7 appropriate locations in this state.

8 B. The schools shall ~~be for the education of~~ EDUCATE sensory
9 impaired persons, so that the persons educated there may become
10 self-sustaining and useful citizens.

11 C. THE ASDB SHALL BE FULLY RECOGNIZED AS AN INSTITUTION FOR
12 EDUCATIONAL PURPOSES.

13 ~~C. D.~~ D. The schools shall be fully recognized as ~~institutions for~~
14 ~~educational purposes~~ A LIMITED, DESIGNATED LEA FOR STUDENTS AND ASSUME THE
15 RESPONSIBILITIES OF PROVIDING SERVICES AS PRESCRIBED THROUGH EACH
16 STUDENT'S INDIVIDUALIZED EDUCATION PROGRAM ACCOMMODATION PLAN WHEN THE
17 TEAM THAT DEVELOPS THE STUDENT'S INDIVIDUALIZED EDUCATION PROGRAM
18 ACCOMMODATION PLAN DETERMINES THAT THE STUDENT BE PLACED AT THE ASDB.

19 E. AS A LIMITED, DESIGNATED LEA FOR STUDENTS PLACED AT THE SCHOOLS,
20 THE SCHOOLS HAVE FULL RESPONSIBILITY FOR ALL SERVICES DEFINED IN EACH
21 STUDENT'S INDIVIDUALIZED EDUCATION PROGRAM, INCLUDING ALL OF THE
22 FOLLOWING:

- 23 1. RESPONSIBILITY UNDER ALL FEDERAL AND STATE ACCOUNTABILITY
24 REQUIREMENTS.
- 25 2. ISSUING STUDENT DIPLOMAS.
- 26 3. FEDERAL CENSUS COUNTS.
- 27 4. ALL REQUIRED REPORTS AND COMMUNICATIONS REGARDING A STUDENT TO
28 THE DEPARTMENT OF EDUCATION.

29 ~~D. F.~~ F. The ~~schools shall be~~ ASDB IS AN optional ~~resources to~~
30 RESOURCE FOR school districts, state institutions and other approved
31 educational programs. Resource services ~~shall~~ include, ~~but are not~~
32 ~~limited to,~~ the following:

- 33 1. Assessments.
- 34 2. Special curriculum.
- 35 3. SPECIALIZED equipment and materials, INCLUDING ASSISTIVE
36 TECHNOLOGY.
- 37 4. Supplemental related services.
- 38 5. Special short-term programs.
- 39 6. Program planning and staff development.
- 40 7. Information services for parents, families and the public.
- 41 8. Research and development to promote improved educational
42 programs and services.

43 ~~E. G.~~ G. The services prescribed in subsection ~~D. F~~ OF THIS SECTION
44 shall not duplicate existing services and shall include a variety of
45 methodology as may be requested by the school districts, state

1 institutions and other approved educational programs, including ~~but not~~
2 ~~limited to~~ oral, auditory, total communication and cued speech.

3 H. WHEN THE SCHOOLS BECOME A STUDENT'S DESIGNATED LEA, THE LEA OF
4 RECORD AND THE SCHOOLS SHALL ENSURE THAT ALL RIGHTS AND REQUIREMENTS
5 REGARDING INDIVIDUAL STUDENT ASSESSMENT, ELIGIBILITY, SERVICES, PLACEMENT
6 AND PROCEDURAL SAFEGUARDS PROVIDED THROUGH THE INDIVIDUALS WITH
7 DISABILITIES EDUCATION ACT (P.L. 91-230; 84 STAT. 175 THROUGH 188) REMAIN
8 IN FORCE.

9 I. THIS SECTION DOES NOT DIMINISH THE RESPONSIBILITY OF A STUDENT'S
10 LEA OF RECORD TO EDUCATE THE STUDENT AS PROVIDED IN THIS TITLE.

11 J. THE SUPERINTENDENT OF THE ASDB SHALL RECEIVE REIMBURSEMENT
12 MONIES FROM PROGRAMS, INCLUDING MEDICAID AND E-RATE PRIORITY ONE FUNDING,
13 AND MAY APPLY FOR FEDERAL AND STATE EDUCATION GRANT MONIES, INCLUDING
14 GRANTS UNDER THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT (P.L. 91-230;
15 84 STAT. 175 THROUGH 188) AND TITLE I OF THE ELEMENTARY AND SECONDARY
16 EDUCATION ACT OF 1965 (P.L. 89-10; 79 STAT. 27), AS REAUTHORIZED, DURING
17 THE YEAR.

18 K. IF APPROPRIATE, THE SCHOOLS MAY BE ELIGIBLE FOR FISCAL SUPPORT
19 AVAILABLE TO ALTERNATIVE SCHOOLS OR THEIR EQUIVALENT.

20 Sec. 4. Section 15-1303, Arizona Revised Statutes, is amended to
21 read:

22 15-1303. ASDB; public corporation; tax exemption

23 A. The ~~school~~ ASDB shall be a body corporate under the name of "the
24 Arizona state ~~school~~ SCHOOLS for the deaf and the blind".

25 B. The ~~corporation~~ ASDB shall:

26 1. Have perpetual succession.

27 2. Have a corporate seal.

28 3. Be deemed a public corporation, and its property ~~shall be~~ IS
29 exempt from all taxes and assessments.

30 C. The ~~corporation~~ ASDB may, in the corporate name:

31 1. Sue and be sued.

32 2. Contract and be contracted with.

33 3. Take and hold by purchase, gift or devise real and personal
34 property required for its use.

35 4. Convert property received by gift, purchase or devise ~~which~~ THAT
36 is not suitable for its use into ~~money~~ MONIES or property ~~which~~ THAT is
37 suitable for its use.

38 Sec. 5. Section 15-1304, Arizona Revised Statutes, is amended to
39 read:

40 15-1304. Land reserved for use and benefit of schools;
41 schools for the deaf and the blind fund; exemption

42 A. The grant of one hundred thousand acres of land for schools for
43 the deaf and the blind made by the enabling act approved June 20, 1910, or
44 the proceeds of such lands as are sold or otherwise disposed of, is
45 forever reserved for the use and benefit of the ~~school for the deaf and~~
46 ~~the blind~~ ASDB.

1 B. ~~No~~ Land exchanges or sales or commercial leases in excess of ten
2 years of land of the grant by the United States for the use and benefit of
3 the ~~school for the deaf and the blind~~ ASDB shall NOT be disposed of except
4 by majority approval of the voting members of the board of directors of
5 the ~~school~~ ASDB.

6 C. The superintendent of the ~~school~~ ASDB shall annually report to
7 the board on the use of monies that are the proceeds of or income from the
8 proceeds of land of the grant by the United States for the use and benefit
9 of the ~~school~~ ASDB.

10 D. The schools for the deaf and the blind fund is established
11 consisting of monies from expendable earnings of the grant in subsection A
12 of this section, monies from the department of education for special
13 educational vouchers for deaf and blind students pursuant to section
14 15-1202, except for monies dedicated to THE regional school ~~cooperatives~~
15 COOPERATIVE PROGRAMS, which are continuously appropriated, and overage and
16 nonresident student monies collected pursuant to section 15-1345. Monies
17 in the fund are subject to legislative appropriation and are exempt from
18 the provisions of section 35-190 relating to lapsing of appropriations.

19 Sec. 6. Section 15-1305, Arizona Revised Statutes, is amended to
20 read:

21 15-1305. Arizona state schools for the deaf and the blind
22 classroom site fund; exemption

23 The Arizona state schools for the deaf and the blind classroom site
24 fund is established consisting of monies received from the department of
25 education pursuant to section 15-977. The ~~Arizona state schools for the~~
26 ~~deaf and the blind~~ ASDB shall administer the fund. Monies in the fund are
27 exempt from the provisions of section 35-190 relating to lapsing of
28 appropriations and are continuously appropriated.

29 Sec. 7. Section 15-1321, Arizona Revised Statutes, is amended to
30 read:

31 15-1321. Board of directors; members; appointment; terms;
32 compensation

33 A. The ~~school for the deaf and the blind~~ ASDB shall be governed by
34 a board of directors. The board ~~shall consist~~ CONSISTS of the governor,
35 as an ex officio nonvoting member, the superintendent of public
36 instruction or the superintendent's designee, ~~the governor shall appoint~~
37 one member from the commission for the deaf and the hard of hearing, one
38 member from the governor's council on blindness and visual impairment and
39 six appointive members.

40 B. The governor shall appoint the appointive members of the board,
41 the member from the commission for the deaf and the hard of hearing and
42 the member from the governor's council on blindness and visual impairment
43 to terms of three years. One member shall be an employee of a school
44 district who works with the district's program for sensory impaired
45 pupils. In selecting three of the remaining five appointive members, the
46 governor shall give preference to persons who have experience in and

1 knowledge of sensory impaired education. The terms of two appointive
2 members expire on the first Monday of January of each year. AN
3 appointment to fill a vacancy resulting other than by expiration of THE
4 term ~~shall be~~ IS for the unexpired portion of the term only.

5 C. Members of the board shall not receive compensation.

6 Sec. 8. Section 15-1323, Arizona Revised Statutes, is amended to
7 read:

8 15-1323. Board of directors; fund; powers and duties

9 A. The board may bring actions and proceedings necessary to protect
10 the interests of the schools. Such proceedings shall be instituted in the
11 name of the ~~Arizona state schools for the deaf and the blind~~ ASDB.

12 B. The board shall be trustee of all donations of lands, monies or
13 other things of value for the benefit of the schools. Notwithstanding
14 title 35, chapters 1 and 2, the board may invest monies donated to the
15 ~~school~~ ASDB through a contract with an investment specialist. The
16 superintendent of the ~~schools~~ ASDB shall annually report to the board on
17 the use of monies received as donations or income from donations.

18 C. The board shall maintain an enterprise fund ~~in which shall be~~
19 ~~retained~~ TO RETAIN fees, rentals and other charges received for the use of
20 school facilities for nonschool events.

21 D. The board shall:

22 1. Provide from the ~~funds~~ MONIES appropriated for the ~~schools~~ ASDB
23 all the necessary staff, services, supplies and equipment.

24 2. Prescribe the system of records and accounts for the ~~schools~~
25 ASDB.

26 3. Cause to be kept a record of all important papers.

27 4. Cause to be kept a set of books and accounts that show every
28 transaction made, every appropriation by the legislature for the schools,
29 the purchase, storage and consumption of supplies for subsistence,
30 construction and other purposes, receipts from all sources and all
31 expenditures made.

32 E. Books and records of the ~~schools~~ ASDB shall be open to public
33 inspection, unless otherwise restricted by law.

34 Sec. 9. Section 15-1324, Arizona Revised Statutes, is amended to
35 read:

36 15-1324. Reports; board of directors

37 The board shall prepare and file:

38 1. An annual report to the governor with a detailed statement of
39 the cost of maintaining the ~~school which~~ ASDB THAT shows in detail every
40 financial transaction, a complete record of the conditions and work of the
41 ~~school~~, ASDB and ~~including~~ THAT INCLUDES reports by the superintendent and
42 chief ~~medical~~ FINANCIAL officer.

43 2. An estimate for the ~~use of the~~ legislature ~~of~~ TO USE SHOWING
44 appropriations necessary for the support of and ~~for~~ needed improvements to
45 the ~~school~~, ASDB and ~~also~~ a report of the operation of the ~~school~~ ASDB for
46 the preceding year.

1 Sec. 10. Section 15-1325, Arizona Revised Statutes, is amended to
2 read:

3 15-1325. Superintendent and other personnel; appointment;
4 compensation; term of employment; qualifications;
5 nonretention notice

6 A. There shall be a superintendent of the ~~schools~~ ASDB who shall be
7 the executive officer. The superintendent shall be appointed by the board
8 of directors, and the board shall issue one, two or ~~three-year~~ THREE-YEAR
9 contracts for the superintendent. The superintendent is eligible to
10 receive compensation pursuant to section 38-611. The board of directors
11 shall designate the management and supervisory positions. The
12 superintendent, with the approval of and acting on behalf of the board,
13 shall issue one, two or ~~three-year~~ THREE-YEAR contracts for the management
14 and supervisory positions designated by the board pursuant to this
15 section. Compensation for persons who are issued contracts pursuant to
16 this section shall be paid according to a range of compensation approved
17 by the board of directors.

18 B. The board of directors shall determine the qualifications for
19 the superintendent by action taken at a public meeting. The board of
20 directors shall consider the following qualifications for a candidate for
21 the superintendent position:

22 1. Experience in ~~the education of~~ EDUCATING students who are deaf,
23 hard of hearing, blind, visually impaired and deaf and blind.

24 2. Experience in ~~the administration of~~ ADMINISTERING education
25 programs for students who are deaf, hard of hearing, blind, visually
26 impaired and deaf and blind.

27 3. A clear understanding of, and expertise in, the education issues
28 facing deaf and blind students, language acquisition, communication
29 access, independent living and accessible education materials.

30 C. The board of directors shall establish a system ~~for the~~
31 ~~evaluation of~~ TO EVALUATE the performance of the superintendent in
32 consultation with the administration of the ~~schools~~ ASDB. The
33 superintendent shall establish a system ~~for the evaluation of~~ TO EVALUATE
34 the performance of persons who are contracted pursuant to this section in
35 consultation with the staff of the ~~schools~~ ASDB.

36 D. On or before April 15 preceding the expiration of the
37 superintendent's employment contract, the board of directors shall give
38 written notice to the superintendent of the board's intention to offer or
39 not to offer a new employment contract. On or before April 15 preceding
40 the expiration of the contract of a person contracted by the
41 superintendent, acting on behalf of the board pursuant to this section,
42 the superintendent shall give written notice to the person of the board's
43 intention to offer or not to offer the person a new employment
44 contract. If the board decides to offer the superintendent a new
45 employment contract, the board shall offer the new employment contract on
46 or before May 15 preceding the expiration of the superintendent's current

1 employment contract. If the board decides to offer a new employment
2 contract to a person contracted pursuant to this section, the
3 superintendent, acting on behalf of the board, shall offer the new
4 employment contract on or before May 15 preceding the expiration of the
5 current employment contract. The person offered a contract pursuant to
6 this subsection shall accept the contract by signing and returning it to
7 the board within thirty days, or the offer is deemed refused. If the
8 person adds written terms or conditions to the employment contract
9 offered, the person fails to accept the employment contract.

10 E. Notice of the board of directors' intention not to reemploy the
11 superintendent or a person contracted pursuant to this section shall be
12 delivered to the superintendent or the person contracted by one of the
13 following:

14 1. The superintendent, in person, acting on behalf of the board.

15 2. Certified mail, postmarked on or before the deadline prescribed
16 in subsection D of this section and directed to the PERSON'S place of
17 residence as recorded in the agency's records.

18 Sec. 11. Section 15-1326, Arizona Revised Statutes, is amended to
19 read:

20 15-1326. Employment and discharge of personnel; probationary
21 status; report; hearing; policies

22 A. The superintendent, acting on behalf of the board of directors,
23 shall employ all personnel needed ~~for the operation of~~ TO OPERATE the
24 ~~schools~~ ASDB. The superintendent, with the approval of and acting on
25 behalf of the board, may issue individual contracts for teaching
26 positions. The board shall review all personnel appointments on a
27 periodic basis and may require employment justification by the
28 superintendent as it deems necessary.

29 B. Except as provided in section 15-1325, the superintendent shall
30 place each new employee in a probationary employment status. The board
31 shall determine the term and conditions of probationary employment status.
32 The superintendent may discharge any probationary employee who is unsuited
33 or not qualified for employment at the ~~schools~~ ASDB. On satisfactory
34 completion of probationary employment, employees shall be granted
35 permanent employment status.

36 C. The superintendent may discharge, only for cause, any permanent
37 employee at the ~~schools~~ ASDB. The superintendent shall file with the
38 board a written report of the action and the reasons for the discharge.
39 Permanent employees who are discharged from employment at the ~~schools~~ ASDB
40 are entitled to due process protections in the manner provided by the
41 board, including a hearing before the board of directors. The due process
42 procedures will be developed in consultation with the employees.

43 D. The board shall prescribe policies for employees, including
44 employee conduct and discipline.

1 Sec. 12. Section 15-1327, Arizona Revised Statutes, is amended to
2 read:

3 15-1327. Reduction of salaries or personnel; limit; notice;
4 reappointment

5 A. The board of directors may direct the superintendent to reduce
6 salaries or eliminate permanent employee positions in the ~~Arizona state~~
7 ~~schools for the deaf and the blind~~ ASDB in order to effectuate economies
8 in the operation of the ~~schools~~ ASDB or to improve the efficient conduct
9 and administration of the ~~schools~~ ASDB. The superintendent, with the
10 approval of the board, may designate the positions to be eliminated within
11 an employee classification, and the reduction of personnel shall occur
12 within and be limited to that specific employee classification. A person
13 whose position is eliminated does not have a preferred right to employment
14 in a different employee classification, except that when a vacancy exists
15 in a teaching position and no teacher who is currently employed at any of
16 the schools OR COOPERATIVE PROGRAMS applies for the position, a person
17 whose position in a management or supervisory position is eliminated has a
18 preferred right to employment as a teacher if that person is qualified for
19 the teaching position. A person whose position is eliminated and who is
20 transferred to a different position in a lower grade does not have a
21 preferred right to a continued salary based on the former position or to
22 any particular salary level in the lower grade. ~~No~~ A reduction in the
23 salary of a certificated teacher or credentialed specialist who has been
24 employed by the schools for more than one year shall NOT be made except in
25 accordance with a general salary reduction in the schools by which the
26 person is employed, and in such a case the reduction shall be applied
27 equitably among all permanent employees.

28 B. Notice of a general salary reduction shall be given to each
29 certificated teacher and credentialed specialist affected not later than
30 May 15 before the fiscal year in which the reduction is to take effect.

31 C. A permanent employee who is dismissed for reasons of economy or
32 to improve the efficient conduct and administration of the ~~schools~~ ASDB
33 shall have a preferred right of reappointment in the order of original
34 employment by the board of directors in the event of an increase in the
35 number of permanent employees or the reestablishment of services within a
36 period of one year.

37 Sec. 13. Section 15-1329, Arizona Revised Statutes, is amended to
38 read:

39 15-1329. Employee classification; salaries; definition

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

43 B. All salary schedules for employees of the ~~schools shall~~ ASDB
44 become operative on July 1 of each year and shall be included in the
45 estimate of expenses submitted by the superintendent.

1 C. In any fiscal year in which monies are appropriated to the
2 department of education to provide teacher salary increases, each teacher
3 who is employed by the ~~Arizona state schools for the deaf and the blind~~
4 ASDB in that fiscal year is eligible for the same salary increase from
5 that appropriation in the same manner as any other public schoolteacher.

6 D. For the purposes of this section, "teacher who is employed by
7 the ~~Arizona state schools for the deaf and the blind~~ ASDB" means a person
8 who both:

9 1. Was eligible to be included in the year-end full-time equivalent
10 teacher count of the ~~Arizona state schools for the deaf and the blind~~ ASDB
11 for the 2016-2017 school year in the annual financial report of the
12 ~~Arizona state schools for the deaf and the blind~~ ASDB.

13 2. Teaches at the ~~Arizona state schools for the deaf and the blind~~
14 ASDB during the school year.

15 Sec. 14. Section 15-1330, Arizona Revised Statutes, is amended to
16 read:

17 15-1330. Personnel; fingerprinting; immunity

18 A. The board of directors shall require the superintendent to have
19 a valid fingerprint clearance card issued pursuant to title 41, chapter
20 12, article 3.1. Certificated personnel employed by the schools shall
21 have valid fingerprint clearance cards issued pursuant to title 41,
22 chapter 12, article 3.1 or shall apply for a fingerprint clearance card
23 within seven working days after employment.

24 B. Noncertificated personnel employed by the ~~schools~~ ASDB and
25 nonpaid personnel working in the schools shall be fingerprinted as a
26 condition of employment for the purpose of obtaining state and federal
27 criminal records checks. Noncertificated employees and nonpaid personnel
28 who do not have a valid fingerprint clearance card shall submit
29 fingerprints on the form prescribed by the ~~school~~ ASDB to the
30 superintendent within twenty days after the date the person begins
31 work. Employment with the ~~schools~~ ASDB is conditioned on the results of
32 the fingerprint check. Fingerprint checks shall be conducted pursuant to
33 section 41-1750 and Public Law 92-544. The department of public safety
34 may exchange this fingerprint data with the federal bureau of
35 investigation.

36 C. The ~~schools~~ ASDB may charge the employee or nonpaid personnel
37 for the costs of the fingerprint checks.

38 D. Personnel employed by the ~~schools~~ ASDB shall certify on forms
39 that are provided by the ~~schools~~ ASDB that they are not awaiting trial on
40 and have never been convicted of or admitted in open court or pursuant to
41 a plea agreement of committing any criminal offenses in this state or
42 similar offenses in another state or jurisdiction as specified in section
43 41-1758.03, subsections B and C.

44 E. Before employment, the ~~schools~~ ASDB shall make documented, good
45 faith efforts to contact previous employers of personnel to obtain
46 information and recommendations that may be relevant to a person's fitness

1 for employment. For certificated personnel, the ~~schools~~ ASDB may also
2 contact the department of education to obtain information that is
3 contained in the person's certification record and that may be relevant to
4 the person's fitness for employment. For persons in other positions that
5 require licensing, the ~~schools~~ ASDB may also contact the agency that
6 issued the license for information relevant to the person's fitness for
7 employment. Agencies and previous employers that provide information
8 pursuant to this subsection are immune from civil liability unless the
9 information provided is false and is acted on to the detriment of the
10 employment applicant by the ~~schools~~ ASDB and the previous employer or
11 agency knows the information is false or acts with reckless disregard of
12 the truth or falsity of the information. Employees who rely on
13 information obtained pursuant to this subsection in making employment
14 decisions are immune from civil liability unless the information obtained
15 is false and the employee knows the information is false or acts with
16 reckless disregard of the truth or falsity of the information.

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

20 1. Is arrested for or charged with an offense listed in section
21 41-1758.03, subsection B.

22 2. Falsified information on the form required by subsection D of
23 this section.

24 Sec. 15. Section 15-1341, Arizona Revised Statutes, is amended to
25 read:

26 15-1341. Instruction of students

27 A. The board of directors shall ~~see~~ ENSURE that all ~~persons~~
28 ~~admitted to~~ STUDENTS WHO ARE PLACED AT the ~~school~~ SCHOOLS are taught and
29 trained by methods ~~which~~ THAT are ~~to~~ IN their best interests.

30 B. The board shall ensure the careful supervision of the care,
31 education and development of ~~pupils~~ STUDENTS to ~~insure~~ ENSURE that the
32 best care and education known to modern science ~~is~~ ARE given, as nearly as
33 is practicable, and that the best methods of teaching ~~the~~ STUDENTS WITH A
34 sensory ~~impaired~~ IMPAIRMENT are used in the ~~school~~ SCHOOLS.

35 C. The board shall give special attention to the methods of care,
36 education and development of the ~~persons~~ STUDENTS admitted, with
37 particular consideration of the humanitarian aspects of their education.

38 D. The board, if advisable in particular cases, may allow ~~pupils~~
39 STUDENTS to remain at the ~~school~~ SCHOOLS during the entire year.

40 Sec. 16. Section 15-1342, Arizona Revised Statutes, is amended to
41 read:

42 15-1342. Placement in schools

43 A. Chapter 7, article 4 of this title governs ~~admissions to~~
44 PLACEMENT IN the ~~school~~ SCHOOLS except as provided in this section. The
45 evaluation and consideration of placement in the ~~school~~ SCHOOLS shall be
46 made under the direction of the chief administrative official of the

1 school district, CHARTER SCHOOL or accommodation school within the
 2 boundaries of which the child resides or a person designated by the
 3 official as responsible for special education after consultation with the
 4 parent, as defined in section 15-761, of the child. If a parent or legal
 5 guardian of a child directly refers a child to the ~~state school for the~~
 6 ~~deaf and the blind~~ SCHOOLS, the ~~school~~ ASDB shall immediately, after
 7 notification of THE referral, contact the chief administrative official of
 8 the school district, CHARTER SCHOOL or accommodation school within the
 9 boundaries of which the child resides. The chief administrative official
 10 shall arrange for the establishment of a placement and evaluation team for
 11 that child.

12 B. A placement and evaluation team shall determine the appropriate
 13 educational placement for the child based on the development of an
 14 individualized education program. Each placement and evaluation team
 15 shall document that it has advised the CHILD'S parent or legal guardian of
 16 all placement options. The placement and evaluation team shall consist of
 17 at least the following persons:

- 18 1. The parent or legal guardian of the child.
- 19 2. An administrator from the school district in which the child
 20 resides.
- 21 3. A certified teacher of ~~the~~ STUDENTS WITH A sensory ~~impaired~~
 22 IMPAIRMENT who provides or may provide in the future educational services
 23 to the child.
- 24 4. An evaluator, with preference given to an evaluator who is
 25 trained and experienced in evaluating the educational needs of CHILDREN
 26 WITH A sensory ~~impaired children~~ IMPAIRMENT.
- 27 5. A representative of the ~~school~~ ASDB.

28 C. The individualized education program plan of a child continuing
 29 in special education placement from the prior school year shall be
 30 reviewed annually and revised if necessary. The individualized planning
 31 conference shall include a representative of the school district of
 32 residence and a representative of the ~~school~~ SCHOOLS, the child's teacher,
 33 the parent, as defined in section 15-761, of the child and, if
 34 appropriate, the child.

35 D. Except as provided in subsection F of this section, the chief
 36 administrative official of the school district, CHARTER SCHOOL or
 37 accommodation school within the boundaries of which the child resides or a
 38 person designated by the official as responsible for special education
 39 shall place the child according to the recommendations of the
 40 individualized education program team.

41 E. A child who is placed in the ~~school~~ SCHOOLS but moves from one
 42 school district or county to another may remain placed in the ~~school~~
 43 SCHOOLS until the next annual review. A representative of the child's new
 44 district of residence shall be included on the team conducting the
 45 review. The superintendent of the ~~school~~ ASDB shall, at least quarterly,
 46 give the chief ~~administrator~~ ADMINISTRATIVE OFFICIAL of the school

1 district, CHARTER SCHOOL or accommodation school notice of any changes in
2 a child's residence.

3 F. If the chief ~~administrator~~ ADMINISTRATIVE OFFICIAL of the school
4 district, CHARTER SCHOOL or accommodation school or ~~his~~ THE OFFICIAL'S
5 designee and the superintendent of the ~~school~~ ASDB determine that the
6 ~~school~~ SCHOOLS cannot provide the appropriate educational programs and
7 services needed by the child, they shall locate or establish a program to
8 meet the child's needs in consultation with the department of education
9 and any other appropriate state agency.

10 G. A complete record of every ~~person admitted~~ CHILD PLACED shall be
11 kept from the date of ~~his admission~~ THE CHILD'S PLACEMENT to the date of
12 ~~his~~ THE CHILD'S discharge or death. The records shall be accessible to
13 the board or a legislative committee or ~~upon~~ ON order of a judge of a
14 court of record.

15 H. If there is any question regarding the propriety of the
16 placement ~~or admission~~ of any ~~person~~ CHILD received in the ~~school~~ SCHOOLS,
17 the governing board of the school district, CHARTER SCHOOL or
18 accommodation school within the boundaries of which the child resides or
19 the board of the ~~school~~ ASDB shall ~~make an investigation~~ INVESTIGATE and
20 take such action as it deems proper.

21 I. IF THE SCHOOLS ARE THE DESIGNATED, LIMITED LEA FOR A STUDENT,
22 THE SCHOOLS HAVE FULL RESPONSIBILITY FOR ALL SERVICES DEFINED IN THE
23 STUDENT'S INDIVIDUALIZED EDUCATION PROGRAM, INCLUDING ALL OF THE
24 FOLLOWING:

- 25 1. RESPONSIBILITY UNDER ALL FEDERAL AND STATE ACCOUNTABILITY
26 REQUIREMENTS.
- 27 2. ISSUING STUDENT DIPLOMAS.
- 28 3. FEDERAL CENSUS COUNTS.
- 29 4. ALL REQUIRED REPORTS AND COMMUNICATIONS REGARDING A STUDENT TO
30 THE DEPARTMENT OF EDUCATION.

31 J. NOTWITHSTANDING THE SCHOOLS' DESIGNATION AS A LIMITED LEA FOR A
32 STUDENT, A REPRESENTATIVE FROM THE SCHOOL DISTRICT OF RESIDENCE, CHARTER
33 SCHOOL OR ACCOMMODATION SCHOOL REMAINS A REQUIRED MEMBER OF THE STUDENT'S
34 INDIVIDUALIZED EDUCATION PROGRAM TEAM.

35 ~~I.~~ K. ~~No~~ A political or religious belief shall NOT be required as a
36 qualification of any student of the ~~school~~ SCHOOLS.

37 Sec. 17. Section 15-1343, Arizona Revised Statutes, is amended to
38 read:

39 15-1343. Persons entitled to education; residency

40 A. A person is entitled to an education ~~in the schools for the deaf~~
41 ~~and the blind~~ AT THE ASDB without charge if the person is a resident of
42 this state, ~~age~~ IS three through twenty-one years OF AGE and HAS A sensory
43 ~~impaired~~ IMPAIRMENT to an extent that ~~he~~ THE PERSON cannot acquire an
44 appropriate education in the PERSON'S school district of residence.

45 B. The school district of residence that refers a pupil for
46 ~~admission to~~ PLACEMENT IN the ~~schools~~ ASDB shall determine that the pupil

1 is a resident of this state or is otherwise eligible for an education
2 without charge pursuant to sections 15-823 and 15-824.

3 Sec. 18. Section 15-1344, Arizona Revised Statutes, is amended to
4 read:

5 15-1344. Authority for enrollment; children under three years
6 of age; definition

7 A. The board of directors may enroll a child WHO IS under ~~the age~~
8 ~~of~~ three years OF AGE in the ~~schools for the deaf and the blind~~ ASDB
9 without charge if the person having legal custody of the child is a
10 resident of this state and the child ~~is~~ HAS A sensory ~~impaired~~ IMPAIRMENT
11 to an extent that the ~~person~~ CHILD would benefit from a specialized
12 program.

13 B. For the purposes of this section, the residence of the person
14 having legal custody of the ~~pupil~~ CHILD is considered the residence of the
15 ~~pupil~~ CHILD.

16 C. For the purposes of this section, "legal custody" means legal
17 custody pursuant to section 15-824.

18 Sec. 19. Section 15-1345, Arizona Revised Statutes, is amended to
19 read:

20 15-1345. Overage and nonresident students; deposit

21 A. Persons WHO ARE older than the age specified in section 15-1343
22 and persons who are not residents of this state may be ~~admitted to~~ PLACED
23 AT the ~~school~~ ASDB if its capacity ~~will permit~~ ALLOWS, but ~~no~~ A person
24 shall NOT be received into or retained ~~in the school~~ AT THE ASDB to the
25 exclusion or detriment of those for whom ~~it~~ THE ASDB is especially
26 founded.

27 B. Persons from other states and countries may have the benefits of
28 the ~~school~~ ASDB by complying with the conditions of ~~admission~~ PLACEMENT
29 for state citizens and by advance payment to the superintendent of an
30 amount fixed by the board.

31 C. Monies collected pursuant to subsection B of this section shall
32 be deposited in the schools for the deaf and the blind fund established by
33 section 15-1304.

34 Sec. 20. Section 15-1346, Arizona Revised Statutes, is amended to
35 read:

36 15-1346. Payment for personal expenses

37 ~~A. It is the responsibility of~~ Parents or persons having legal
38 custody of a pupil ~~to~~ PLACED AT THE SCHOOLS SHALL provide sufficient
39 monies for that pupil ~~enrolled in the school~~ to cover personal care items,
40 including clothing, hearing aids, hearing aid repairs, eyeglasses,
41 eyeglass repairs, medical or dental care and transportation to the ~~school~~
42 SCHOOLS and home at the close of the school term.

43 ~~B. The superintendent shall periodically make an account of~~
44 ~~certified expenses for a pupil and shall bill the parent or person having~~
45 ~~legal custody of the pupil for reimbursement of such expenses. If the~~
46 ~~superintendent determines that the parent or person having legal custody~~

~~1 of the pupil is unable to pay the account and that the pupil is indigent,
2 the superintendent shall remit the account after one school year to the
3 clerk of the board of supervisors of the county in which the pupil resides
4 for payment from the county general fund.~~

5 Sec. 21. Title 15, chapter 11, article 3, Arizona Revised Statutes,
6 is amended by adding section 15-1347, to read:

7 15-1347. Facilities and transportation; transportation
8 limits; waiver

9 A. THE ASDB RETAINS MANAGEMENT AND CONTROL OF ALL ASDB FACILITIES.

10 B. THE ASDB SHALL PARTNER WITH THE DEPARTMENT OF ADMINISTRATION TO
11 ESTABLISH AND MANAGE ALL CAPITAL PROJECTS.

12 C. TRANSPORTATION SHALL BE PROVIDED TO STUDENTS REFERRED TO THE
13 SCHOOLS AS THE LIMITED, DESIGNATED LEA. MILES SHALL BE REIMBURSED TO THE
14 SCHOOLS IN THE SAME MANNER AS THAT OF THE SCHOOL DISTRICT OF RESIDENCE.

15 D. THE SCHOOLS MAY NOT TRANSPORT STUDENTS TO OR FROM A LOCATION
16 THAT IS EITHER:

17 1. MORE THAN THIRTY MILES FROM THE SCHOOLS.

18 2. MORE THAN ONE HUNDRED TWENTY MINUTES FROM THE SCHOOLS EITHER
19 BEFORE OR AFTER THE END OF A SCHOOL DAY.

20 E. EXCEPT AS PROVIDED IN SUBSECTION D OF THIS SECTION, THE SCHOOLS
21 SHALL WAIVE THE DISTANCE AND TIME LIMITS TO TRANSPORT STUDENTS
22 PARTICIPATING IN THE RESIDENTIAL PROGRAM TO THEIR HOMES FOR APPROVED
23 BREAKS SCHEDULED IN THE SCHOOLS' CALENDAR. THE SCHOOLS MAY WAIVE THE
24 DISTANCE AND TIME LIMITS TO TRANSPORT STUDENTS PARTICIPATING IN THE
25 RESIDENTIAL PROGRAM FOR OTHER CIRCUMSTANCES APPROVED BY THE SUPERINTENDENT
26 OF THE ASDB.

27 F. A REFERRING LEA THAT IS OUTSIDE THE TRANSPORTATION BOUNDARIES OF
28 THE SCHOOLS SHALL COMBINE RESOURCES WITH THE SCHOOLS TO PROVIDE
29 TRANSPORTATION TO A DESIGNATED MEETING POINT ESTABLISHED BY THE SCHOOLS.