



ARIZONA HOUSE OF REPRESENTATIVES

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Second Regular Session

Senate: ED DP 7-0-1-0 | 3rd Read 28-0-2-0

House: ED DP 6-1-0-3

SB 1558: school employment; criminal convictions; disclosure

Sponsor: Senator Bennett, LD 1

House Engrossed

Overview

Instructs a person applying for employment at a school district, charter school or private school (school) to provide disclosure of specified criminal offenses.

History

Charter school personnel who are directly or indirectly engaged in instructional work and other specified charter school-related individuals must have a valid fingerprint clearance card (FCC). All other charter school employees must be fingerprint checked, and the charter school may require these employees to obtain a valid FCC. Furthermore, any person who applies for a certificate issued by the State Board of Education (SBE) must have a valid FCC. School district personnel who are not certificated and personnel who provide services directly to students without being supervised by a certificated employee and who meet other prescribed criteria must be fingerprinted, though the school district may require these employees to obtain a valid FCC. Statute lists the offenses that preclude a person from receiving an FCC, including a dangerous crime against children and offenses that require a person to register as a sex offender (A.R.S. §§ [15-106](#), [15-183](#), [15-512](#), [15-534](#), [41-1758.03](#)).

A person is guilty of unprofessional conduct if they are convicted of: 1) a dangerous crime against children; 2) sexual abuse or sexual assault of a minor; 3) an act committed in another state or territory that if committed in Arizona would be a dangerous crime against children or sexual abuse or sexual assault of a minor; 4) sexual conduct with a minor; 5) a preparatory offense of these offenses; or 6) any crime that requires sex offender registration. A person convicted of these offenses must have their certificate revoked by SBE or be prohibited from employment at a public school if the person is not certificated ([A.R.S. § 15-550](#)).

Provisions

1. Requires a person applying for employment by a school to disclose whether they have pled guilty, pled no contest, been convicted of or are awaiting trial on:
 - a) a dangerous crime against children;
 - b) sexual abuse or sexual assault of a minor;
 - c) an act committed in another state or territory that if committed in Arizona would be a dangerous crime against children or sexual abuse or sexual assault of a minor;
 - d) sexual conduct with a minor;
 - e) any crime that requires a person to register as a sex offender; or
 - f) a preparatory offense of these offenses.

Prop 105 (45 votes) Prop 108 (40 votes) Emergency (40 votes) Fiscal Note

2. Declares an individual who knowingly violates the requirement to provide disclosure of the specified criminal offenses is guilty of a class 6 felony.
3. Provides that it is a defense to a prosecution for a violation of the requirement to disclose the specified offenses committed in another state or territory that the individual's failure to disclose was due to a good faith mistake of law.
4. Defines *school*.