

REFERENCE TITLE: noncertificated school personnel; disciplinary action

State of Arizona
Senate
Fifty-seventh Legislature
First Regular Session
2025

SB 1292

Introduced by
Senators Miranda: Angius

AN ACT

AMENDING SECTIONS 15-106, 15-183, 15-505 AND 15-512, ARIZONA REVISED STATUTES; APPROPRIATING MONIES; RELATING TO SCHOOL EMPLOYEES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Section 15-106, Arizona Revised Statutes, is amended to
3 read:

4 **15-106. Identity verified fingerprints**

5 An applicant who applies for a new teaching certificate in order to
6 teach in a school district, a participant in field experience or student
7 teaching in this state, an applicant who applies for a renewal of an
8 existing teaching certificate in order to continue teaching in a school
9 district, an applicant who is required for the first time to be
10 fingerprinted in order to teach in a charter school and an applicant who
11 is required to renew fingerprints in order to continue teaching in a
12 charter school pursuant to section 15-183, an applicant who is required to
13 be fingerprinted **OR TO OBTAIN A FINGERPRINT CLEARANCE CARD** pursuant to
14 section 15-512 and any person who is contracted by this state, by a school
15 district or by a charter school to provide tutoring services shall submit
16 for an identity verified fingerprint card that will be used by the
17 department of public safety to process the fingerprint clearance card
18 pursuant to title 41, chapter 12, article 3.1 as follows:

19 1. The applicant shall submit a request for an application packet
20 from the department of public safety.

21 2. The application packet shall be contained in an envelope
22 specified by the department of public safety and shall include the
23 following:

24 (a) A blank applicant fingerprint card.
25 (b) An application for a fingerprint clearance card.
26 (c) Instructions for ~~the return of~~ **RETURNING** the application
27 packet.

28 3. A school district or charter school may contract for
29 fingerprinting services through an entity or entities and shall provide a
30 copy of the instructions to the entity or entities as provided by the
31 department of public safety regarding the submission of identity verified
32 fingerprints. If a school district or charter school elects to provide
33 fingerprinting services, the school district or charter school shall
34 authorize an individual employed by the school district or charter school
35 to administer the services.

36 4. The department of public safety shall provide instructions to
37 law enforcement agencies and public schools regarding the submission of
38 identity verified fingerprints. The department of public safety shall
39 reject the application for a fingerprint clearance card if the application
40 is not correct or is not submitted according to the instructions provided
41 by the department of public safety.

1 5. The applicant, at the time that identity verified fingerprints
2 are taken, shall provide the law enforcement agency, school district,
3 charter school or other entity with a completed application form for a
4 fingerprint clearance card, the fingerprint card with the requisite
5 demographic information and the required fee in the form of a money order
6 or cashier's check made out to the department of public safety. The law
7 enforcement agency, school district, charter school or other entity shall
8 verify the identity of the applicant through recognized means of
9 photographic identification and a comparison of the demographic
10 information on the photographic identification against the demographic
11 information on the application form and the fingerprint card. The
12 authorized person taking the fingerprints shall enter on the application
13 form a description of the photographic identification presented by the
14 applicant. The law enforcement agency, school district, charter school or
15 other entity shall place the completed fingerprint card, the completed
16 application form or any other form required by the department of public
17 safety and the fee provided by the applicant in the postage prepaid
18 envelope provided by the department of public safety and mail it to the
19 fingerprinting division in the department of public safety. A law
20 enforcement agency, school district, charter school or other entity may
21 charge the applicant a reasonable fee for services provided pursuant to
22 this section.

23 6. Fingerprints submitted electronically or through an
24 internet-based system pursuant to section 41-1758.01 shall include a
25 completed application for a fingerprint clearance card, the requisite
26 applicant demographic information and the required fee, and shall be
27 identity verified in accordance with instructions provided by the
28 department of public safety. The department shall reject the application
29 for a fingerprint clearance card if the application is not correct or is
30 not submitted according to the department's instructions. The entity or
31 entities contracted by the department shall comply with:

32 (a) All information privacy and security measures and submission
33 standards established by the department.

34 (b) The information technology security policy approved by the
35 department.

36 7. The department of public safety shall process the application
37 packet in the same manner prescribed for fingerprint clearance cards
38 issued pursuant to title 41, chapter 12, article 3.1.

39 8. The department of public safety shall provide for digital
40 storage and retrieval of identity verified fingerprints taken pursuant to
41 this section. The fingerprints taken pursuant to this section shall be
42 digitally designated in the fingerprint archive as identity verified
43 fingerprint records.

1 9. A person who has a set of identity verified fingerprints on file
2 with the department of public safety pursuant to this section ~~shall~~ IS not
3 ~~be~~ required to submit a new set of fingerprints to the department of
4 public safety to renew the person's fingerprint clearance card. On
5 receipt of the required application form and fee for a renewal fingerprint
6 clearance card from a person required to submit identity verified
7 fingerprints, the department of public safety shall attempt to use the
8 electronic copy of the applicant's identity verified fingerprints that are
9 retained pursuant to this section to conduct the state and national
10 criminal records checks. The department of public safety may require the
11 applicant to submit a new set of identity verified fingerprints if the
12 department of public safety determines that the original fingerprints
13 submitted have been lost or damaged or are found to be otherwise of
14 insufficient quality to conduct a valid technical fingerprint search
15 either by the department of public safety or the federal bureau of
16 investigation.

17 10. A person who participates in a teacher preparation program that
18 is approved by the state board of education and who does not participate
19 in field experience or student teaching in this state ~~shall~~ IS not ~~be~~
20 required to obtain a fingerprint clearance card pursuant to this section.

21 Sec. 2. Section 15-183, Arizona Revised Statutes, is amended to
22 read:

23 15-183. Charter schools: application: requirements: immunity:
24 exemptions; renewal of application; reprisal; fee;
25 funds; annual reports

26 A. An applicant seeking to establish a charter school shall apply
27 in writing to a proposed sponsor as prescribed in subsection C of this
28 section. The application, application process and application time frames
29 shall be posted on the sponsor's website and shall include the following,
30 as specified in the application adopted by the sponsor:

- 31 1. A detailed educational plan.
- 32 2. A detailed business plan.
- 33 3. A detailed operational plan.
- 34 4. Any other materials required by the sponsor.

35 B. The sponsor of a charter school may contract with a public body,
36 private person or private organization for the purpose of establishing a
37 charter school pursuant to this article.

38 C. The sponsor of a charter school may be either the state board of
39 education, the state board for charter schools, a university under the
40 jurisdiction of the Arizona board of regents, a community college district
41 or a group of community college districts, subject to the following
42 requirements:

1 1. An applicant may not apply for sponsorship to any person or
2 entity other than those prescribed in this subsection.

3 2. The applicant may apply to the state board of education or the
4 state board for charter schools. Notwithstanding any other law, neither
5 the state board for charter schools nor the state board of education shall
6 grant a charter to a school district governing board for a new charter
7 school or for the conversion of an existing district public school to a
8 charter school. The state board of education or the state board for
9 charter schools may approve the application if the application meets the
10 requirements of this article and may approve the charter if the proposed
11 sponsor determines, within its sole discretion, that the applicant is
12 sufficiently qualified to operate a charter school and that the applicant
13 is applying to operate as a separate charter holder by considering factors
14 such as whether:

15 (a) The schools have separate governing bodies, governing body
16 membership, staff, facilities and student population.

17 (b) Daily operations are carried out by different administrators.

18 (c) The applicant intends to have an affiliation agreement for the
19 purpose of providing enrollment preferences.

20 (d) The applicant's charter management organization has multiple
21 charter holders serving varied grade configurations on one physical site
22 or nearby sites serving one community.

23 (e) The applicant is reconstituting an existing school site
24 population at the same or new site.

25 (f) The applicant is reconstituting an existing grade configuration
26 from a prior charter holder with at least one grade remaining on the
27 original site with the other grade or grades moving to a new site. The
28 state board of education or the state board for charter schools may
29 approve any charter schools transferring charters. If the state board of
30 education or the state board for charter schools rejects the preliminary
31 application, the state board of education or the state board for charter
32 schools shall notify the applicant in writing of the reasons for the
33 rejection and of suggestions for improving the application. An applicant
34 may submit a revised application for reconsideration by the state board of
35 education or the state board for charter schools. The applicant may
36 request, and the state board of education or the state board for charter
37 schools may provide, technical assistance to improve the application.

38 3. The applicant may submit the application to a university under
39 the jurisdiction of the Arizona board of regents, a community college
40 district or a group of community college districts. A university, a
41 community college district or a group of community college districts shall
42 not grant a charter to a school district governing board for a new charter
43 school or for the conversion of an existing district public school to a
44 charter school. A university, a community college district or a group of
45 community college districts may approve the application if it meets the

1 requirements of this article and if the proposed sponsor determines, in
2 its sole discretion, that the applicant is sufficiently qualified to
3 operate a charter school.

4 4. Each applicant seeking to establish a charter school shall
5 submit a full set of fingerprints to the approving agency for the purpose
6 of obtaining a state and federal criminal records check pursuant to
7 section 41-1750 and Public Law 92-544. If an applicant will have direct
8 contact with students, the applicant shall possess a valid fingerprint
9 clearance card that is issued pursuant to title 41, chapter 12,
10 article 3.1. The department of public safety may exchange this
11 fingerprint data with the federal bureau of investigation. The criminal
12 records check shall be completed before the issuance of a charter.

13 5. All persons engaged in instructional work directly as a
14 classroom, laboratory or other teacher or indirectly as a supervisory
15 teacher, speech therapist or principal and all charter representatives,
16 charter school governing body members and officers, directors, members and
17 partners of the charter holder shall have a valid fingerprint clearance
18 card that is issued pursuant to title 41, chapter 12, article 3.1, unless
19 the person is a volunteer or guest speaker who is accompanied in the
20 classroom by a person with a valid fingerprint clearance card. A charter
21 school shall not employ in any position that requires a valid fingerprint
22 clearance card a person against whom the state board of education has
23 taken disciplinary action as prescribed in section 15-505 or whose
24 certificate has been suspended, surrendered or revoked, unless the
25 person's certificate has been subsequently reinstated by the state board
26 of education. All other personnel ~~shall be fingerprint checked pursuant~~
27 to ARE SUBJECT TO THE FINGERPRINT CHECK OR FINGERPRINT CLEARANCE CARD
28 REQUIREMENTS PRESCRIBED BY section 15-512. ~~, or~~ The charter school may
29 require those personnel WHO ARE NOT SUBJECT TO FINGERPRINT CHECK
30 REQUIREMENTS PURSUANT TO SECTION 15-512 to obtain a fingerprint clearance
31 card issued pursuant to title 41, chapter 12, article 3.1. Before
32 employment, the charter school shall make documented, good faith efforts
33 to contact previous employers of a person to obtain information and
34 recommendations that may be relevant to the person's fitness for
35 employment as prescribed in section 15-512, subsection F, including
36 checking the educator information system that is maintained by the
37 department of education pursuant to section 15-505. The charter school
38 shall notify the department of public safety if the charter school or
39 sponsor receives credible evidence that a person who possesses a valid
40 fingerprint clearance card is arrested for or is charged with an offense
41 listed in section 41-1758.03, subsection B. A person who is employed at a
42 charter school that has met the requirements of this paragraph is not
43 required to meet any additional requirements that are established by the
44 department of education or that may be established by rule by the state
45 board of education. The state board of education may not adopt rules that

1 exceed the requirements for persons who are qualified to teach in charter
2 schools prescribed in title I of the every student succeeds act
3 (P.L. 114-95) or the individuals with disabilities education improvement
4 act of 2004 (P.L. 108-446). Charter schools may hire personnel ~~who have~~
5 ~~not yet received~~ BEFORE THE RESULTS OF A FINGERPRINT CHECK ARE RECEIVED OR
6 a fingerprint clearance card IS ISSUED if proof is provided of the
7 submission of an application to the department of public safety for a
8 FINGERPRINT CHECK OR A fingerprint clearance card and if the charter
9 school that is seeking to hire the applicant does all of the following:

10 (a) Documents in the applicant's file the necessity for hiring and
11 placing the applicant before the ~~applicant receives~~ RESULTS OF A
12 FINGERPRINT CHECK ARE RECEIVED OR a fingerprint clearance card IS ISSUED.

13 (b) Ensures that the department of public safety completes a
14 statewide AND FEDERAL criminal records check on the applicant. ~~A~~
15 ~~statewide criminal records check shall be completed by the department of~~
16 ~~public safety~~ every one hundred twenty days until the date ~~that~~ the
17 fingerprint check is completed or the fingerprint clearance card is issued
18 or denied.

19 (c) Obtains references from the applicant's current employer and
20 the two most recent previous employers, except for applicants who have
21 been employed for at least five years by the applicant's most recent
22 employer.

23 (d) Provides general supervision of the applicant until the date
24 ~~that~~ the RESULTS OF THE FINGERPRINT CHECK ARE RECEIVED OR THE fingerprint
25 card is obtained.

26 (e) Completes a search of criminal records in all local
27 jurisdictions outside of this state in which the applicant has lived in
28 the previous five years.

29 (f) Verifies the fingerprint status of the applicant with the
30 department of public safety.

31 6. A charter school that complies with the fingerprinting
32 requirements of this section shall be deemed to have complied with section
33 15-512 and is entitled to the same rights and protections provided to
34 school districts by section 15-512.

35 7. If a charter school operator is not already subject to a public
36 meeting or hearing by the municipality in which the charter school is
37 located, the operator of a charter school shall conduct a public meeting
38 at least thirty days before the charter school operator opens a site or
39 sites for the charter school. The charter school operator shall post
40 notices of the public meeting in at least three different locations that
41 are within three hundred feet of the proposed charter school site.

42 8. A person who is employed by a charter school or who is an
43 applicant for employment with a charter school, who is arrested for or
44 charged with a nonappealable offense listed in section 41-1758.03,
45 subsection B and who does not immediately report the arrest or charge to

1 the person's supervisor or potential employer is guilty of unprofessional
2 conduct and the person shall be immediately dismissed from employment with
3 the charter school or immediately excluded from potential employment with
4 the charter school.

5 9. A person who is employed by a charter school and who is
6 convicted of any nonappealable offense listed in section 41-1758.03,
7 subsection B or is convicted of any nonappealable offense that amounts to
8 unprofessional conduct under section 15-550 shall immediately do all of
9 the following:

10 (a) Surrender any certificates issued by the department of
11 education.

12 (b) Notify the person's employer or potential employer of the
13 conviction.

14 (c) Notify the department of public safety of the conviction.

15 (d) Surrender the person's fingerprint clearance card.

16 D. An entity that is authorized to sponsor charter schools pursuant
17 to this article has no legal authority over or responsibility for a
18 charter school sponsored by a different entity. This subsection does not
19 apply to the state board of education's duty to exercise general
20 supervision over the public school system pursuant to section 15-203,
21 subsection A, paragraph 1.

22 E. The charter of a charter school shall do all of the following:

23 1. Ensure compliance with federal, state and local rules,
24 regulations and statutes relating to health, safety, civil rights and
25 insurance. The department of education shall publish a list of relevant
26 rules, regulations and statutes to notify charter schools of their
27 responsibilities under this paragraph.

28 2. Ensure that it is nonsectarian in its programs, admission
29 policies and employment practices and all other operations.

30 3. Ensure that it provides a comprehensive program of instruction
31 for at least a kindergarten program or any grade between grades one and
32 twelve, except that a school may offer this curriculum with an emphasis on
33 a specific learning philosophy or style or certain subject areas such as
34 mathematics, science, fine arts, performance arts or foreign language.

35 4. Ensure that it designs a method to measure pupil progress toward
36 the pupil outcomes adopted by the state board of education pursuant to
37 section 15-741.01, including participation in the statewide assessment and
38 the nationally standardized norm-referenced achievement test as designated
39 by the state board and the completion and distribution of an annual report
40 card as prescribed in chapter 7, article 3 of this title.

41 5. Ensure that, except as provided in this article and in its
42 charter, it is exempt from all statutes and rules relating to schools,
43 governing boards and school districts.

1 6. Ensure that, except as provided in this article, it is subject
2 to the same financial and electronic data submission requirements as a
3 school district, including the uniform system of financial records as
4 prescribed in chapter 2, article 4 of this title, procurement rules as
5 prescribed in section 15-213 and audit requirements. The auditor general
6 shall conduct a comprehensive review and revision of the uniform system of
7 financial records to ensure that the provisions of the uniform system of
8 financial records that relate to charter schools are in accordance with
9 commonly accepted accounting principles used by private business. A
10 school's charter may include exceptions to the requirements of this
11 paragraph that are necessary as determined by the university, the
12 community college district, the group of community college districts, the
13 state board of education or the state board for charter schools. The
14 department of education or the office of the auditor general may conduct
15 financial, program or compliance audits.

16 7. Ensure compliance with all federal and state laws relating to
17 the education of children with disabilities in the same manner as a school
18 district.

19 8. Ensure that it provides for a governing body for the charter
20 school that is responsible for the policy decisions of the charter school.
21 Notwithstanding section 1-216, if there is a vacancy or vacancies on the
22 governing body, a majority of the remaining members of the governing body
23 constitute a quorum for the transaction of business, unless that quorum is
24 prohibited by the charter school's operating agreement.

25 9. Ensure that it provides a minimum of one hundred eighty
26 instructional days before June 30 of each fiscal year unless it is
27 operating on an alternative calendar approved by its sponsor. The
28 superintendent of public instruction shall adjust the apportionment
29 schedule accordingly to accommodate a charter school utilizing an
30 alternative calendar.

31 F. A charter school shall collect and maintain information about
32 each teacher's educational and teaching background and experience in a
33 particular academic content subject area. A charter school shall either
34 post the information on the charter school's website or make the
35 information available for inspection on request of parents and guardians
36 of pupils enrolled at the charter school. This subsection does not
37 require any charter school to release personally identifiable information
38 in relation to any teacher, including the teacher's address, salary,
39 social security number or telephone number.

40 G. The charter of a charter school may be amended at the request of
41 the governing body of the charter school and on the approval of the
42 sponsor.

43 H. Charter schools may contract, sue and be sued.

44 I. The charter is effective for fifteen years from the first day of
45 the fiscal year as specified in the charter, subject to the following:

1 1. At least eighteen months before the charter expires, the sponsor
2 shall notify the charter school that the charter school may apply for
3 renewal and shall make the renewal application available to the charter
4 school. A charter school that elects to apply for renewal shall file a
5 complete renewal application at least fifteen months before the charter
6 expires. A sponsor shall give written notice of its intent not to renew
7 the charter school's request for renewal to the charter school at least
8 twelve months before the expiration of the charter. The sponsor shall
9 make data used in making renewal decisions available to the school and the
10 public and shall provide a public report summarizing the evidence basis
11 for each decision. The sponsor may deny the request for renewal if, in
12 its judgment, the charter holder has failed to do any of the following:

13 (a) Meet or make sufficient progress toward the academic
14 performance expectations set forth in the performance framework.

15 (b) Meet the operational performance expectations set forth in the
16 performance framework or any improvement plans.

17 (c) Meet the financial performance expectations set forth in the
18 performance framework or any improvement plans.

19 (d) Complete the obligations of the contract.

20 (e) Comply with this article or any provision of law from which the
21 charter school is not exempt.

22 2. A charter operator may apply for early renewal. At least nine
23 months before the charter school's intended renewal consideration, the
24 operator of the charter school shall submit a letter of intent to the
25 sponsor to apply for early renewal. The sponsor shall review fiscal
26 audits and academic performance data for the charter school that are
27 annually collected by the sponsor, review the current contract between the
28 sponsor and the charter school and provide the qualifying charter school
29 with a renewal application. On submission of a complete application, the
30 sponsor shall give written notice of its consideration of the renewal
31 application. The sponsor may deny the request for early renewal if, in
32 the sponsor's judgment, the charter holder has failed to do any of the
33 following:

34 (a) Meet or make sufficient progress toward the academic
35 performance expectations set forth in the performance framework.

36 (b) Meet the operational performance expectations set forth in the
37 performance framework or any improvement plans.

38 (c) Meet the financial performance expectations set forth in the
39 performance framework or any improvement plans.

40 (d) Complete the obligations of the contract.

41 (e) Comply with this article or any provision of law from which the
42 charter school is not exempt.

43 3. A sponsor shall review a charter at five-year intervals using a
44 performance framework adopted by the sponsor and may revoke a charter at
45 any time if the charter school breaches one or more provisions of its

1 charter or if the sponsor determines that the charter holder has failed to
2 do any of the following:

3 (a) Meet or make sufficient progress toward the academic
4 performance expectations set forth in the performance framework.

5 (b) Meet the operational performance expectations set forth in the
6 performance framework or any improvement plans.

7 (c) Meet the financial performance expectations set forth in the
8 performance framework or any improvement plans.

9 (d) Comply with this article or any provision of law from which the
10 charter school is not exempt.

11 4. In determining whether to renew or revoke a charter holder, the
12 sponsor must consider making sufficient progress toward the academic
13 performance expectations set forth in the sponsor's performance framework
14 as one of the most important factors.

15 5. Before the sponsor adopts a determination of intent to revoke a
16 charter, the charter holder shall have at least thirty days to address the
17 problems, as necessary or applicable, associated with the reason or
18 reasons for the determination of intent to revoke. The sponsor is not
19 required to provide the charter holder with thirty days to correct the
20 problems associated with the reason or reasons for adopting a
21 determination of intent to revoke if the reason or reasons cannot be
22 remedied, including a failure to submit required financial audits pursuant
23 to subsection E, paragraph 6 of this section and section 15-914, or for a
24 matter of health or safety, or both. Before the sponsor adopts a
25 determination of intent to revoke a charter, the sponsor shall give
26 written notice to the charter holder that includes the reason or reasons
27 for the sponsor's consideration to revoke the charter. Notice may be
28 provided by electronic means or by United States mail and is effective on
29 the date of email or, if sent by United States mail, the earlier of the
30 date of receipt by the charter holder or within five days after the notice
31 is mailed. The determination of whether to proceed to revocation shall be
32 made at a public meeting called for that purpose.

33 J. The charter may be renewed for successive periods of twenty
34 years.

35 K. A charter school that is sponsored by the state board of
36 education, the state board for charter schools, a university, a community
37 college district or a group of community college districts may not be
38 located on the property of a school district unless the district governing
39 board grants this authority.

40 L. A governing board or a school district employee who has control
41 over personnel actions shall not take unlawful reprisal against another
42 employee of the school district because the employee is directly or
43 indirectly involved in an application to establish a charter school. A
44 governing board or a school district employee shall not take unlawful
45 reprisal against an educational program of the school or the school

1 district because an application to establish a charter school proposes to
2 convert all or a portion of the educational program to a charter school.
3 For the purposes of this subsection, "unlawful reprisal" means an action
4 that is taken by a governing board or a school district employee as a
5 direct result of a lawful application to establish a charter school and
6 that is adverse to another employee or an education program and:

7 1. With respect to a school district employee, results in one or
8 more of the following:

- 9 (a) Disciplinary or corrective action.
- 10 (b) Detail, transfer or reassignment.
- 11 (c) Suspension, demotion or dismissal.
- 12 (d) An unfavorable performance evaluation.
- 13 (e) A reduction in pay, benefits or awards.

14 (f) Elimination of the employee's position without a reduction in
15 force by reason of lack of monies or work.

16 (g) Other significant changes in duties or responsibilities that
17 are inconsistent with the employee's salary or employment classification.

18 2. With respect to an educational program, results in one or more
19 of the following:

- 20 (a) Suspension or termination of the program.
- 21 (b) Transfer or reassignment of the program to a less favorable
22 department.
- 23 (c) Relocation of the program to a less favorable site within the
24 school or school district.
- 25 (d) Significant reduction or termination of funding for the
26 program.

27 M. Charter schools shall secure insurance for liability and
28 property loss. The governing body of a charter school that is sponsored
29 by the state board of education or the state board for charter schools may
30 enter into an intergovernmental agreement or otherwise contract to
31 participate in an insurance program offered by a risk retention pool
32 established pursuant to section 11-952.01 or 41-621.01 or the charter
33 school may secure its own insurance coverage. The pool may charge the
34 requesting charter school reasonable fees for any services it performs in
35 connection with the insurance program.

36 N. Charter schools do not have the authority to acquire property by
37 eminent domain.

38 O. A sponsor, including members, officers and employees of the
39 sponsor, is immune from personal liability for all acts done and actions
40 taken in good faith within the scope of its authority.

41 P. Charter school sponsors and this state are not liable for the
42 debts or financial obligations of a charter school or persons who operate
43 charter schools.

1 Q. The sponsor of a charter school shall establish procedures to
2 conduct administrative hearings on determination by the sponsor that
3 grounds exist to revoke a charter. Procedures for administrative hearings
4 shall be similar to procedures prescribed for adjudicative proceedings in
5 title 41, chapter 6, article 10. Except as provided in section
6 41-1092.08, subsection H, final decisions of the state board of education
7 and the state board for charter schools from hearings conducted pursuant
8 to this subsection are subject to judicial review pursuant to title 12,
9 chapter 7, article 6.

10 R. The sponsoring entity of a charter school shall have oversight
11 and administrative responsibility for the charter schools that it
12 sponsors. In implementing its oversight and administrative
13 responsibilities, the sponsor shall ground its actions in evidence of the
14 charter holder's performance in accordance with the performance framework
15 adopted by the sponsor. The performance framework shall be publicly
16 available, shall be placed on the sponsoring entity's website and shall
17 include:

18 1. The academic performance expectations of the charter school and
19 the measurement of sufficient progress toward the academic performance
20 expectations.

21 2. The operational expectations of the charter school, including
22 adherence to all applicable laws and obligations of the charter contract.

23 3. The financial expectations of the charter school.

24 4. Intervention and improvement policies.

25 S. Charter schools may pledge, assign or encumber their assets to
26 be used as collateral for loans or extensions of credit.

27 T. All property accumulated by a charter school shall remain the
28 property of the charter school.

29 U. Charter schools may not locate a school on property that is less
30 than one-fourth mile from agricultural land regulated pursuant to section
31 3-365, except that the owner of the agricultural land may agree to comply
32 with the buffer zone requirements of section 3-365. If the owner agrees
33 in writing to comply with the buffer zone requirements and records the
34 agreement in the office of the county recorder as a restrictive covenant
35 running with the title to the land, the charter school may locate a school
36 within the affected buffer zone. The agreement may include any
37 stipulations regarding the charter school, including conditions for future
38 expansion of the school and changes in the operational status of the
39 school that will result in a breach of the agreement.

40 V. A transfer of a charter to another sponsor, a transfer of a
41 charter school site to another sponsor or a transfer of a charter school
42 site to a different charter shall be completed before the beginning of the
43 fiscal year that the transfer is scheduled to become effective. An entity
44 that sponsors charter schools may accept a transferring school after the
45 beginning of the fiscal year if the transfer is approved by the

1 superintendent of public instruction. The superintendent of public
2 instruction shall have the discretion to consider each transfer during the
3 fiscal year on a case-by-case basis. A charter holder seeking to transfer
4 sponsors shall comply with the current charter terms regarding assignment
5 of the charter. A charter holder transferring sponsors shall notify the
6 current sponsor that the transfer has been approved by the new sponsor.

7 W. Notwithstanding subsection V of this section, a charter holder
8 on an improvement plan must notify parents or guardians of registered
9 students of the intent to transfer the charter and the timing of the
10 proposed transfer. On the approved transfer, the new sponsor shall
11 enforce the improvement plan but may modify the plan based on performance.

12 X. Notwithstanding subsection Y of this section, the state board
13 for charter schools shall charge a processing fee to any charter school
14 that amends its contract to participate in Arizona online instruction
15 pursuant to section 15-808. The charter Arizona online instruction
16 processing fund is established consisting of fees collected and
17 administered by the state board for charter schools. The state board for
18 charter schools shall use monies in the fund only for processing contract
19 amendments for charter schools participating in Arizona online
20 instruction. Monies in the fund are continuously appropriated.

21 Y. The sponsoring entity may not charge any fees to a charter
22 school that it sponsors unless the sponsor has provided services to the
23 charter school and the fees represent the full value of those services
24 provided by the sponsor. On request, the value of the services provided
25 by the sponsor to the charter school shall be demonstrated to the
26 department of education.

27 Z. Charter schools may enter into an intergovernmental agreement
28 with a presiding judge of the juvenile court to implement a law-related
29 education program as defined in section 15-154. The presiding judge of
30 the juvenile court may assign juvenile probation officers to participate
31 in a law-related education program in any charter school in the county.
32 The cost of juvenile probation officers who participate in the program
33 implemented pursuant to this subsection shall be funded by the charter
34 school.

35 AA. The sponsor of a charter school shall modify previously
36 approved curriculum requirements for a charter school that wishes to
37 participate in the board examination system prescribed in chapter 7,
38 article 6 of this title.

39 BB. If a charter school decides not to participate in the board
40 examination system prescribed in chapter 7, article 6 of this title,
41 pupils enrolled at that charter school may earn a Grand Canyon diploma by
42 obtaining a passing score on the same board examinations.

43 CC. Notwithstanding subsection Y of this section, a sponsor of
44 charter schools may charge a new charter application processing fee to any
45 applicant. The application fee shall fully cover the cost of application

1 review and any needed technical assistance. Authorizers may approve
2 policies that allow a portion of the fee to be returned to the applicant
3 whose charter is approved.

4 DD. A charter school may choose to provide a preschool program for
5 children with disabilities pursuant to section 15-771.

6 EE. Pursuant to the prescribed graduation requirements adopted by
7 the state board of education, the governing body of a charter school
8 operating a high school may approve a rigorous computer science course
9 that would fulfill a mathematics course required for graduation from high
10 school. The governing body may approve a rigorous computer science course
11 only if the rigorous computer science course includes significant
12 mathematics content and the governing body determines the high school
13 where the rigorous computer science course is offered has sufficient
14 capacity, infrastructure and qualified staff, including competent teachers
15 of computer science.

16 FF. A charter school may allow the use of school property,
17 including school buildings, grounds, buses and equipment, by any person,
18 group or organization for any lawful purpose, including a recreational,
19 educational, political, economic, artistic, moral, scientific, social,
20 religious or other civic or governmental purpose. The charter school may
21 charge a reasonable fee for the use of the school property.

22 GG. A charter school and its employees, including the governing
23 body, or chief administrative officer, are immune from civil liability
24 with respect to all decisions made and actions taken to allow the use of
25 school property, unless the charter school or its employees are guilty of
26 gross negligence or intentional misconduct. This subsection does not
27 limit any other immunity provisions that are prescribed by law.

28 HH. Sponsors authorized pursuant to this section shall submit an
29 annual report to the auditor general on or before October 1. The report
30 shall include:

31 1. The current number of charters authorized and the number of
32 schools operated by authorized charter holders.

33 2. The academic, operational and financial performance of the
34 sponsor's charter portfolio as measured by the sponsor's adopted
35 performance framework.

36 3. For the prior year, the number of new charters approved, the
37 number of charter schools closed and the reason for the closure.

38 4. The sponsor's application, amendment, renewal and revocation
39 processes, charter contract template and current performance framework as
40 required by this section.

41 II. The auditor general shall prescribe the format for the annual
42 report required by subsection HH of this section and may require that the
43 annual report be submitted electronically. The auditor general shall
44 review the submitted annual reports to ensure that the reports include the
45 required items in subsection HH of this section and shall make the annual

1 reports available on request. If the auditor general finds significant
2 noncompliance or if a sponsor fails to submit the annual report required
3 by subsection HH of this section, on or before December 31 of each year
4 the auditor general shall report to the governor, the president of the
5 senate, the speaker of the house of representatives and the chairs of the
6 senate and house education committees or their successor committees, and
7 the legislature shall consider revoking the sponsor's authority to sponsor
8 charter schools.

9 Sec. 3. Section 15-505, Arizona Revised Statutes, is amended to
10 read:

11 15-505. Discipline; educator information system; personnel
12 list; definition

13 A. **IF SUFFICIENT MONIES ARE AVAILABLE**, pursuant to the rules and
14 procedures adopted pursuant to section 15-203, the state board of
15 education shall investigate written complaints alleging that a
16 noncertificated person has engaged in immoral or unprofessional conduct.

17 B. The state board of education may review a complaint and
18 determine whether to take disciplinary action against a noncertificated
19 person who has engaged in immoral or unprofessional conduct, including
20 prohibiting the person's employment at a school district or charter school
21 for up to five years except as otherwise prescribed in section 15-550. **IF**
22 **SUFFICIENT MONIES ARE AVAILABLE**, the state board shall adopt rules and
23 procedures for disciplinary action of noncertificated persons that are
24 substantially similar to the rules and procedures for certificated
25 persons.

26 C. Before employing a certificated or noncertificated person,
27 school districts and charter schools shall conduct a search of the
28 prospective employee on the educator information system that is maintained
29 by the department of education.

30 D. A school district or charter school may not employ either of the
31 following in a position that requires a valid fingerprint clearance card:

32 1. A certificated person whose certificate has been suspended,
33 surrendered or revoked, unless the state board of education has
34 subsequently reinstated the person's certificate.

35 2. A noncertificated person who has been prohibited from employment
36 at a school district or charter school by the state board of education
37 pursuant to subsection B of this section.

38 E. Each school district and charter school shall annually submit to
39 the department of education a list of certificated and noncertificated
40 persons who are employed at the school district or charter school. The
41 department shall issue guidance to school districts and charter schools
42 regarding this subsection.

1 F. For the purposes of this section, ~~1.~~

2 ~~1.~~ "noncertificated person":

3 ~~(a)~~ 1. Means a current or prospective employee of a school
4 district or charter school who both:

5 ~~(i)~~ (a) Does not possess a certificate issued pursuant to rules
6 adopted by the state board of education under section 15-203, subsection
7 A, paragraph 14.

8 ~~(ii)~~ (b) Is required or allowed to provide services directly to
9 pupils ~~without being supervised by a certificated employee~~.

10 ~~(b)~~ 2. Does not include a person who does not hold a certificate
11 and who is one of the following at a school district or charter school:

12 ~~(i)~~ (a) A transportation employee as defined in section 15-513.

13 ~~(ii)~~ (b) A food service employee or contractor.

14 ~~(iii)~~ (c) A maintenance worker.

15 ~~(iv)~~ (d) An employee or contractor of the school district or
16 charter school that is not required to possess a valid fingerprint
17 clearance card.

18 ~~2. "Supervised" means being under the direction of and, except for
19 brief periods of time during a school day or school activity, within sight
20 of a certificated employee when providing direct services to pupils.~~

21 Sec. 4. Section 15-512, Arizona Revised Statutes, is amended to
22 read:

23 15-512. Noncertificated personnel: fingerprinting personnel;
24 background investigations; affidavit; civil
25 immunity; violation; classification; definition

26 A. Noncertificated personnel and personnel who are not paid
27 employees of the school district and who are not either the parent or the
28 guardian of a pupil who attends school in the school district but who are
29 required or allowed to provide services directly to pupils ~~without being~~
30 ~~supervised by a certificated employee~~ and who are initially hired by a
31 school district after January 1, 1990 shall ~~be fingerprinted~~ OBTAIN A
32 FINGERPRINT CLEARANCE CARD PURSUANT TO SECTION 15-106 as a condition of
33 employment ~~except for personnel who are required as a condition of~~
34 ~~licensing to be fingerprinted if the license is required for employment or~~
35 ~~for personnel who were previously employed by a school district and who~~
36 ~~reestablished employment with that district within one year after the date~~
37 ~~that the employee terminated employment with the district. A school~~
38 ~~district may require noncertificated personnel and personnel who are not~~
39 ~~paid employees of the school district and who are not either the parent or~~
40 ~~the guardian of a pupil who attends school in the school district but who~~
41 ~~are required or allowed to provide services directly to pupils without~~
42 ~~being supervised by a certificated employee to obtain a fingerprint~~
43 ~~clearance card as a condition of employment. Even if the school district~~
44 ~~does not require a fingerprint clearance card as a condition of~~
45 ~~employment, noncertificated personnel and personnel who are not paid~~

1 ~~employees of the school district and who are not either the parent or the~~
2 ~~guardian of a pupil who attends school in the school district but who are~~
3 ~~required or allowed to provide services directly to pupils without being~~
4 ~~supervised by a certificated employee may apply for a fingerprint~~
5 ~~clearance card~~. A school district may release the results of a background
6 check or communicate whether the person has been issued or denied a
7 fingerprint clearance card to another school district for employment
8 purposes. The employee's fingerprints and the form prescribed in
9 subsection D of this section shall be submitted to the school district
10 within twenty days after the date an employee begins work. A school
11 district may terminate an employee if the information on the form provided
12 under subsection D of this section is inconsistent with the information
13 received ~~from the fingerprint check or the information received~~ in
14 connection with a fingerprint clearance card application. The school
15 district shall develop procedures for fingerprinting employees **AND**
SUBMITTING IDENTITY VERIFIED FINGERPRINT CARDS PURSUANT TO SECTION
15-106. For the purposes of this subsection, "supervised" means being
under the direction of and, except for brief periods of time during a
school day or school activity, within sight of a certificated employee
when providing direct services to pupils.

21 B. Fingerprints submitted pursuant to this section shall be used to
22 conduct a state and federal criminal records check pursuant to section
23 41-1750 and Public Law 92-544. The department of public safety may
24 exchange this fingerprint data with the federal bureau of investigation.

25 C. The school district shall assume the costs of ~~fingerprint checks~~
26 **and** fingerprint clearance cards **PURSUANT TO SUBSECTION A OF THIS SECTION**
27 and may charge these costs to **its** THE SCHOOL DISTRICT'S fingerprinted
28 employee, except that the school district may not charge the costs of ~~the~~
~~fingerprint check or~~ the fingerprint clearance card to personnel of the
29 school district who are not paid employees. The fees charged for
30 fingerprinting shall be deposited with the county treasurer who shall
31 credit the deposit to the fingerprint fund of the school district. The
32 costs charged to a fingerprinted employee are limited to and the proceeds
33 in the fund may only be applied to the actual costs, including personnel
34 costs, incurred as a result of ~~the fingerprint checks or~~ the fingerprint
35 clearance cards. The fingerprint fund is a continuing fund that is not
36 subject to reversion.

37 D. Personnel required to ~~be fingerprinted or~~ obtain a fingerprint
38 clearance card as prescribed in subsection A of this section shall certify
39 on forms that are provided by the school and notarized whether they are
40 awaiting trial on or have ever been convicted of or admitted in open court
41 or pursuant to a plea agreement committing any of the following criminal
42 offenses in this state or similar offenses in another jurisdiction,
43 including a charge or conviction that has been vacated, set aside or
44 expunged:

- 1 1. Sexual abuse of a minor.
- 2 2. Incest.
- 3 3. First or second degree murder.
- 4 4. Kidnapping.
- 5 5. Arson.
- 6 6. Sexual assault.
- 7 7. Sexual exploitation of a minor.
- 8 8. Felony offenses involving contributing to the delinquency of a
9 minor.
- 10 9. Commercial sexual exploitation of a minor.
- 11 10. Felony offenses involving sale, distribution or transportation
12 of, offer to sell, transport, or distribute or conspiracy to sell,
13 transport or distribute marijuana or dangerous or narcotic drugs.
- 14 11. Felony offenses involving the possession or use of marijuana,
15 dangerous drugs or narcotic drugs.
- 16 12. Misdemeanor offenses involving the possession or use of
17 marijuana or dangerous drugs.
- 18 13. Burglary in the first degree.
- 19 14. Burglary in the second or third degree.
- 20 15. Aggravated or armed robbery.
- 21 16. Robbery.
- 22 17. A dangerous crime against children as defined in section
23 13-705.
- 24 18. Child abuse.
- 25 19. Sexual conduct with a minor.
- 26 20. Molestation of a child.
- 27 21. Manslaughter.
- 28 22. Aggravated assault.
- 29 23. Assault.
- 30 24. Exploitation of minors involving drug offenses.

31 E. A school district may refuse to hire or may review or terminate
32 personnel who have been convicted of or admitted committing any of the
33 criminal offenses prescribed in subsection D of this section or of a
34 similar offense in another jurisdiction. A school district that is
35 considering terminating an employee pursuant to this subsection shall hold
36 a hearing to determine whether a person already employed shall be
37 terminated. In conducting a review, the governing board shall utilize the
38 guidelines, including the list of offenses that are not subject to review,
39 as prescribed by the state board of education pursuant to section 15-534,
40 subsection C. In considering whether to hire or terminate the employment
41 of a person, the governing board shall take into account the following
42 factors:

1 1. The nature of the crime and the potential for crimes against
2 children.

3 2. Offenses committed as a minor for which proceedings were held
4 under the jurisdiction of a juvenile or an adult court.

5 3. Offenses that have been expunged by a court of competent
6 jurisdiction, if the person has been pardoned or if the person's sentence
7 has been commuted.

8 4. The employment record of the person since the commission of the
9 crime if the crime was committed more than ten years before the governing
10 board's consideration of whether to hire or terminate the person.

11 5. The reliability of the evidence of an admission of a crime
12 unless made under oath in a court of competent jurisdiction.

13 F. Before a person is employed with the school district, the
14 district shall make documented, good faith efforts to contact previous
15 employers of the person to obtain information and recommendations that may
16 be relevant to the person's fitness for employment, including conducting a
17 search of the educator information system that is maintained by the
18 department of education pursuant to section 15-505. A school district may
19 not employ in a position that requires a valid fingerprint clearance card
20 a person against whom the state board of education has taken disciplinary
21 action as prescribed in section 15-505 or whose certificate has been
22 suspended, surrendered or revoked, unless the state board has subsequently
23 reinstated the person's certificate. A governing board shall adopt
24 procedures for conducting background investigations required by this
25 subsection, including one or more standard forms for use by school
26 district officials to document their efforts to obtain information from
27 previous employers. A school district may provide information received as
28 a result of a background investigation required by this section to any
29 other school district, to any other public school and to any public entity
30 that agrees pursuant to a contract or intergovernmental agreement to
31 perform background investigations for school districts or other public
32 schools. School districts and other public schools may enter into
33 intergovernmental agreements pursuant to section 11-952 and cooperative
34 purchasing agreements pursuant to rules adopted in accordance with section
35 15-213 for the purposes of performing or contracting for the performance
36 of background investigations and for sharing the results of background
37 investigations required by this subsection. Information obtained about an
38 employee or applicant for employment by any school district or other
39 public school in the performance of a background investigation, including
40 any records indicating that a current or former employee of a school or
41 school district was disciplined for violating policies of the school
42 district governing board pursuant to section 15-153, may be retained by
43 that school district or the other public school or by any public entity
44 that agrees pursuant to contract to perform background investigations for
45 school districts or other public schools and may be provided to any school

1 district or other public school that is performing a background
2 investigation required by this subsection.

3 G. A school district may fingerprint or require any other employee
4 of the district to obtain a fingerprint clearance card, whether paid or
5 not, or any other applicant for employment with the school district not
6 otherwise required by this section to ~~be fingerprinted or~~ obtain a
7 fingerprint clearance card on the condition that the school district may
8 not charge the costs of the fingerprint check or fingerprint clearance
9 card to the fingerprinted applicant or nonpaid employee.

10 H. A contractor, subcontractor or vendor or any employee of a
11 contractor, subcontractor or vendor who is contracted to provide services
12 on a regular basis at an individual school shall obtain a valid
13 fingerprint clearance card pursuant to title 41, chapter 12, article 3.1.
14 A school district governing board shall adopt policies to exempt a person
15 from the requirements of this subsection if the person's normal job duties
16 are not likely to result in independent access to or unsupervised contact
17 with pupils. A school district, its governing board members, its school
18 council members and its employees are exempt from civil liability for the
19 consequences of adoption and implementation of policies and procedures
20 pursuant to this subsection unless the school district, ~~its~~ SCHOOL
21 DISTRICT governing board members, ~~its~~ school council members or ~~its~~ SCHOOL
22 DISTRICT employees are guilty of gross negligence or intentional
23 misconduct.

24 ~~I. Subsection A of this section does not apply to a person who
25 provides instruction or other education services to a pupil, with the
26 written consent of the parent or guardian of the pupil, under a work
27 release program, advance placement course or other education program that
28 occurs off school property.~~

29 ~~J. I.~~ Public entities that agree pursuant to A contract to perform
30 background investigations, public schools, the department of education,
31 the state board of education and previous employers who provide
32 information pursuant to this section are immune from civil liability
33 unless the information provided is false and is acted on by the school
34 district to the harm of the employee and the public entity, the public
35 school, the previous employer, the state board of education or the
36 department of education knows the information is false or acts with
37 reckless disregard of the information's truth or falsity. A school
38 district that relies on information obtained pursuant to this section in
39 making employment decisions is immune from civil liability for use of the
40 information unless the information obtained is false and the school
41 district knows the information is false or acts with reckless disregard of
42 the information's truth or falsity.

1 **K.** J. The superintendent of a school district or chief
2 administrator of a charter school or the person's designee who is
3 responsible for implementing the governing board's policy regarding
4 background investigations required by subsection F of this section and who
5 fails to carry out that responsibility is guilty of unprofessional conduct
6 and is subject to disciplinary action by the state board.

7 **K.** A school district may hire noncertificated personnel before
8 receiving the results of the fingerprint check or a fingerprint clearance
9 card but may terminate employment if the information on the form provided
10 in subsection D of this section is inconsistent with the information
11 received from the fingerprint check or the fingerprint clearance card. In
12 addition to any other conditions or requirements deemed necessary by the
13 superintendent of public instruction to protect the health and safety of
14 pupils, a school district may hire noncertificated personnel who are
15 required or allowed ~~unsupervised contact with~~ **TO PROVIDE SERVICES DIRECTLY**
16 **TO** pupils before ~~the results of a fingerprint check are received or~~ a
17 fingerprint clearance card is issued if the school district does all of
18 the following:

19 1. Documents in the applicant's file the necessity for hiring and
20 placing the applicant before ~~a fingerprint check could be completed or~~ a
21 fingerprint clearance card could be issued.

22 2. Ensures that the department of public safety completes a
23 statewide **AND FEDERAL** criminal history information check on the applicant
24 every one hundred twenty days until the date ~~that the fingerprint check is~~
25 ~~completed or~~ the fingerprint clearance card is issued or denied.

26 3. Obtains references from the applicant's current employer and two
27 most recent previous employers, except for applicants who have been
28 employed for at least five years by the applicant's most recent employer.

29 4. Provides general supervision of the applicant until the date
30 ~~that the fingerprint check is completed or~~ the fingerprint clearance card
31 is issued or denied.

32 5. Reports to the superintendent of public instruction on June 30
33 and December 31 each year the number of applicants hired before ~~the~~
34 ~~completion of a fingerprint check or~~ the issuance of a fingerprint
35 clearance card. In addition, the school district shall report the number
36 of applicants for whom ~~fingerprint checks were not received or~~ fingerprint
37 clearance cards were not issued after one hundred twenty days and after
38 one hundred seventy-five days of hire.

39 **M.** L. Notwithstanding any other law, this section does not apply
40 to pupils who attend school in a school district and who are also employed
41 by a school district.

42 **M.** M. A person who makes a false statement, representation or
43 certification in any application for employment with the school district
44 is guilty of a class 3 misdemeanor.

1 ~~0.~~ **N.** For the purposes of this section, "background investigation" 2 means any communication with an employee's or applicant's former employer 3 that concerns the education, training, experience, qualifications and job 4 performance of the employee or applicant and that is used for the purpose 5 of evaluating the employee or applicant for employment. Background 6 investigation does not include the results of any state or federal 7 criminal history records check.

8 Sec. 5. Appropriation; state board of education; intent

9 A. The sum of \$1,200,000 is appropriated from the state general 10 fund in fiscal year 2025-2026 to the state board of education to implement 11 section 15-505, Arizona Revised Statutes, as amended by this act.

12 B. The legislature intends that the appropriation made in 13 subsection A of this section be considered ongoing funding in future 14 years.