

Senate Engrossed

noncertificated school personnel; disciplinary action

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

SENATE BILL 1292

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.

42 5. The applicant, at the time that identity verified fingerprints
43 are taken, shall provide the law enforcement agency, school district,
44 charter school or other entity with a completed application form for a
45 fingerprint clearance card, the fingerprint card with the requisite

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

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

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

30 (b) The information technology security policy approved by the
31 department.

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

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

40 9. A person who has a set of identity verified fingerprints on file
41 with the department of public safety pursuant to this section ~~shall~~ IS not
42 ~~be~~ required to submit a new set of fingerprints to the department of
43 public safety to renew the person's fingerprint clearance card. On
44 receipt of the required application form and fee for a renewal fingerprint
45 clearance card from a person required to submit identity verified

1 fingerprints, the department of public safety shall attempt to use the
2 electronic copy of the applicant's identity verified fingerprints that are
3 retained pursuant to this section to conduct the state and national
4 criminal records checks. The department of public safety may require the
5 applicant to submit a new set of identity verified fingerprints if the
6 department of public safety determines that the original fingerprints
7 submitted have been lost or damaged or are found to be otherwise of
8 insufficient quality to conduct a valid technical fingerprint search
9 either by the department of public safety or the federal bureau of
10 investigation.

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

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

17 15-183. Charter schools; application; requirements; immunity;
18 exemptions; renewal of application; reprisal; fee;
19 funds; annual reports

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

- 25 1. A detailed educational plan.
- 26 2. A detailed business plan.
- 27 3. A detailed operational plan.
- 28 4. Any other materials required by the sponsor.

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

32 C. The sponsor of a charter school may be either the state board of
33 education, the state board for charter schools, a university under the
34 jurisdiction of the Arizona board of regents, a community college district
35 or a group of community college districts, subject to the following
36 requirements:

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

39 2. The applicant may apply to the state board of education or the
40 state board for charter schools. Notwithstanding any other law, neither
41 the state board for charter schools nor the state board of education shall
42 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. The state board of education or the state board for
45 charter schools may approve the application if the application meets the

1 requirements of this article and may approve the charter if the proposed
2 sponsor determines, within its sole discretion, that the applicant is
3 sufficiently qualified to operate a charter school and that the applicant
4 is applying to operate as a separate charter holder by considering factors
5 such as whether:

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

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

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

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

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

16 (f) The applicant is reconstituting an existing grade configuration
17 from a prior charter holder with at least one grade remaining on the
18 original site with the other grade or grades moving to a new site. The
19 state board of education or the state board for charter schools may
20 approve any charter schools transferring charters. If the state board of
21 education or the state board for charter schools rejects the preliminary
22 application, the state board of education or the state board for charter
23 schools shall notify the applicant in writing of the reasons for the
24 rejection and of suggestions for improving the application. An applicant
25 may submit a revised application for reconsideration by the state board of
26 education or the state board for charter schools. The applicant may
27 request, and the state board of education or the state board for charter
28 schools may provide, technical assistance to improve the application.

29 3. The applicant may submit the application to a university under
30 the jurisdiction of the Arizona board of regents, a community college
31 district or a group of community college districts. A university, a
32 community college district or a group of community college districts shall
33 not grant a charter to a school district governing board for a new charter
34 school or for the conversion of an existing district public school to a
35 charter school. A university, a community college district or a group of
36 community college districts may approve the application if it meets the
37 requirements of this article and if the proposed sponsor determines, in
38 its sole discretion, that the applicant is sufficiently qualified to
39 operate a charter school.

40 4. Each applicant seeking to establish a charter school shall
41 submit a full set of fingerprints to the approving agency for the purpose
42 of obtaining a state and federal criminal records check pursuant to
43 section 41-1750 and Public Law 92-544. If an applicant will have direct
44 contact with students, the applicant shall possess a valid fingerprint
45 clearance card that is issued pursuant to title 41, chapter 12,

1 article 3.1. The department of public safety may exchange this
2 fingerprint data with the federal bureau of investigation. The criminal
3 records check shall be completed before the issuance of a charter.

4 5. All persons engaged in instructional work directly as a
5 classroom, laboratory or other teacher or indirectly as a supervisory
6 teacher, speech therapist or principal and all charter representatives,
7 charter school governing body members and officers, directors, members and
8 partners of the charter holder shall have a valid fingerprint clearance
9 card that is issued pursuant to title 41, chapter 12, article 3.1, unless
10 the person is a volunteer or guest speaker who is accompanied in the
11 classroom by a person with a valid fingerprint clearance card. A charter
12 school shall not employ in any position that requires a valid fingerprint
13 clearance card a person against whom the state board of education has
14 taken disciplinary action as prescribed in section 15-505 or whose
15 certificate has been suspended, surrendered or revoked, unless the
16 person's certificate has been subsequently reinstated by the state board
17 of education. All other personnel ~~shall be fingerprint checked pursuant~~
18 ~~to~~ ARE SUBJECT TO THE FINGERPRINT CHECK OR FINGERPRINT CLEARANCE CARD
19 REQUIREMENTS PRESCRIBED BY section 15-512. ~~, or~~ The charter school may
20 require those personnel WHO ARE NOT SUBJECT TO FINGERPRINT CHECK
21 REQUIREMENTS PURSUANT TO SECTION 15-512 to obtain a fingerprint clearance
22 card issued pursuant to title 41, chapter 12, article 3.1. Before
23 employment, the charter school shall make documented, good faith efforts
24 to contact previous employers of a person to obtain information and
25 recommendations that may be relevant to the person's fitness for
26 employment as prescribed in section 15-512, subsection F, including
27 checking the educator information system that is maintained by the
28 department of education pursuant to section 15-505. The charter school
29 shall notify the department of public safety if the charter school or
30 sponsor receives credible evidence that a person who possesses a valid
31 fingerprint clearance card is arrested for or is charged with an offense
32 listed in section 41-1758.03, subsection B. A person who is employed at a
33 charter school that has met the requirements of this paragraph is not
34 required to meet any additional requirements that are established by the
35 department of education or that may be established by rule by the state
36 board of education. The state board of education may not adopt rules that
37 exceed the requirements for persons who are qualified to teach in charter
38 schools prescribed in title I of the every student succeeds act
39 (P.L. 114-95) or the individuals with disabilities education improvement
40 act of 2004 (P.L. 108-446). Charter schools may hire personnel ~~who have~~
41 ~~not yet received~~ BEFORE THE RESULTS OF A FINGERPRINT CHECK ARE RECEIVED OR
42 a fingerprint clearance card IS ISSUED if proof is provided of the
43 submission of an application to the department of public safety for a
44 FINGERPRINT CHECK OR A fingerprint clearance card and if the charter
45 school that is seeking to hire the applicant does all of the following:

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

4 (b) Ensures that the department of public safety completes a
5 statewide AND FEDERAL criminal records check on the applicant. ~~★~~
6 ~~statewide criminal records check shall be completed by the department of~~
7 ~~public safety~~ every one hundred twenty days until the date ~~that~~ the
8 fingerprint check is completed or the fingerprint clearance card is issued
9 or denied.

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

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

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

20 (f) Verifies the fingerprint status of the applicant with the
21 department of public safety.

22 6. A charter school that complies with the fingerprinting
23 requirements of this section shall be deemed to have complied with section
24 15-512 and is entitled to the same rights and protections provided to
25 school districts by section 15-512.

26 7. If a charter school operator is not already subject to a public
27 meeting or hearing by the municipality in which the charter school is
28 located, the operator of a charter school shall conduct a public meeting
29 at least thirty days before the charter school operator opens a site or
30 sites for the charter school. The charter school operator shall post
31 notices of the public meeting in at least three different locations that
32 are within three hundred feet of the proposed charter school site.

33 8. A person who is employed by a charter school or who is an
34 applicant for employment with a charter school, who is arrested for or
35 charged with a nonappealable offense listed in section 41-1758.03,
36 subsection B and who does not immediately report the arrest or charge to
37 the person's supervisor or potential employer is guilty of unprofessional
38 conduct and the person shall be immediately dismissed from employment with
39 the charter school or immediately excluded from potential employment with
40 the charter school.

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

1 (a) Surrender any certificates issued by the department of
2 education.

3 (b) Notify the person's employer or potential employer of the
4 conviction.

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

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

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

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

14 1. Ensure compliance with federal, state and local rules,
15 regulations and statutes relating to health, safety, civil rights and
16 insurance. The department of education shall publish a list of relevant
17 rules, regulations and statutes to notify charter schools of their
18 responsibilities under this paragraph.

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

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

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

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

35 6. Ensure that, except as provided in this article, it is subject
36 to the same financial and electronic data submission requirements as a
37 school district, including the uniform system of financial records as
38 prescribed in chapter 2, article 4 of this title, procurement rules as
39 prescribed in section 15-213 and audit requirements. The auditor general
40 shall conduct a comprehensive review and revision of the uniform system of
41 financial records to ensure that the provisions of the uniform system of
42 financial records that relate to charter schools are in accordance with
43 commonly accepted accounting principles used by private business. A
44 school's charter may include exceptions to the requirements of this
45 paragraph that are necessary as determined by the university, the

1 community college district, the group of community college districts, the
2 state board of education or the state board for charter schools. The
3 department of education or the office of the auditor general may conduct
4 financial, program or compliance audits.

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

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

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

20 F. A charter school shall collect and maintain information about
21 each teacher's educational and teaching background and experience in a
22 particular academic content subject area. A charter school shall either
23 post the information on the charter school's website or make the
24 information available for inspection on request of parents and guardians
25 of pupils enrolled at the charter school. This subsection does not
26 require any charter school to release personally identifiable information
27 in relation to any teacher, including the teacher's address, salary,
28 social security number or telephone number.

29 G. The charter of a charter school may be amended at the request of
30 the governing body of the charter school and on the approval of the
31 sponsor.

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

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

35 1. At least eighteen months before the charter expires, the sponsor
36 shall notify the charter school that the charter school may apply for
37 renewal and shall make the renewal application available to the charter
38 school. A charter school that elects to apply for renewal shall file a
39 complete renewal application at least fifteen months before the charter
40 expires. A sponsor shall give written notice of its intent not to renew
41 the charter school's request for renewal to the charter school at least
42 twelve months before the expiration of the charter. The sponsor shall
43 make data used in making renewal decisions available to the school and the
44 public and shall provide a public report summarizing the evidence basis

1 for each decision. The sponsor may deny the request for renewal if, in
2 its judgment, the charter holder has failed to 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) Complete the obligations of the contract.

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

12 2. A charter operator may apply for early renewal. At least nine
13 months before the charter school's intended renewal consideration, the
14 operator of the charter school shall submit a letter of intent to the
15 sponsor to apply for early renewal. The sponsor shall review fiscal
16 audits and academic performance data for the charter school that are
17 annually collected by the sponsor, review the current contract between the
18 sponsor and the charter school and provide the qualifying charter school
19 with a renewal application. On submission of a complete application, the
20 sponsor shall give written notice of its consideration of the renewal
21 application. The sponsor may deny the request for early renewal if, in
22 the sponsor's judgment, the charter holder has failed to do any of the
23 following:

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

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

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

30 (d) Complete the obligations of the contract.

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

33 3. A sponsor shall review a charter at five-year intervals using a
34 performance framework adopted by the sponsor and may revoke a charter at
35 any time if the charter school breaches one or more provisions of its
36 charter or if the sponsor determines that the charter holder has failed to
37 do any of the following:

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

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

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

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

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

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

23 J. The charter may be renewed for successive periods of twenty
24 years.

25 K. A charter school that is sponsored by the state board of
26 education, the state board for charter schools, a university, a community
27 college district or a group of community college districts may not be
28 located on the property of a school district unless the district governing
29 board grants this authority.

30 L. A governing board or a school district employee who has control
31 over personnel actions shall not take unlawful reprisal against another
32 employee of the school district because the employee is directly or
33 indirectly involved in an application to establish a charter school. A
34 governing board or a school district employee shall not take unlawful
35 reprisal against an educational program of the school or the school
36 district because an application to establish a charter school proposes to
37 convert all or a portion of the educational program to a charter school.
38 For the purposes of this subsection, "unlawful reprisal" means an action
39 that is taken by a governing board or a school district employee as a
40 direct result of a lawful application to establish a charter school and
41 that is adverse to another employee or an education program and:

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

44 (a) Disciplinary or corrective action.

45 (b) Detail, transfer or reassignment.

- 1 (c) Suspension, demotion or dismissal.
- 2 (d) An unfavorable performance evaluation.
- 3 (e) A reduction in pay, benefits or awards.
- 4 (f) Elimination of the employee's position without a reduction in
5 force by reason of lack of monies or work.
- 6 (g) Other significant changes in duties or responsibilities that
7 are inconsistent with the employee's salary or employment classification.
- 8 2. With respect to an educational program, results in one or more
9 of the following:
 - 10 (a) Suspension or termination of the program.
 - 11 (b) Transfer or reassignment of the program to a less favorable
12 department.
 - 13 (c) Relocation of the program to a less favorable site within the
14 school or school district.
 - 15 (d) Significant reduction or termination of funding for the
16 program.
- 17 M. Charter schools shall secure insurance for liability and
18 property loss. The governing body of a charter school that is sponsored
19 by the state board of education or the state board for charter schools may
20 enter into an intergovernmental agreement or otherwise contract to
21 participate in an insurance program offered by a risk retention pool
22 established pursuant to section 11-952.01 or 41-621.01 or the charter
23 school may secure its own insurance coverage. The pool may charge the
24 requesting charter school reasonable fees for any services it performs in
25 connection with the insurance program.
- 26 N. Charter schools do not have the authority to acquire property by
27 eminent domain.
- 28 O. A sponsor, including members, officers and employees of the
29 sponsor, is immune from personal liability for all acts done and actions
30 taken in good faith within the scope of its authority.
- 31 P. Charter school sponsors and this state are not liable for the
32 debts or financial obligations of a charter school or persons who operate
33 charter schools.
- 34 Q. The sponsor of a charter school shall establish procedures to
35 conduct administrative hearings on determination by the sponsor that
36 grounds exist to revoke a charter. Procedures for administrative hearings
37 shall be similar to procedures prescribed for adjudicative proceedings in
38 title 41, chapter 6, article 10. Except as provided in section
39 41-1092.08, subsection H, final decisions of the state board of education
40 and the state board for charter schools from hearings conducted pursuant
41 to this subsection are subject to judicial review pursuant to title 12,
42 chapter 7, article 6.
- 43 R. The sponsoring entity of a charter school shall have oversight
44 and administrative responsibility for the charter schools that it
45 sponsors. In implementing its oversight and administrative

1 responsibilities, the sponsor shall ground its actions in evidence of the
2 charter holder's performance in accordance with the performance framework
3 adopted by the sponsor. The performance framework shall be publicly
4 available, shall be placed on the sponsoring entity's website and shall
5 include:

6 1. The academic performance expectations of the charter school and
7 the measurement of sufficient progress toward the academic performance
8 expectations.

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

11 3. The financial expectations of the charter school.

12 4. Intervention and improvement policies.

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

15 T. All property accumulated by a charter school shall remain the
16 property of the charter school.

17 U. Charter schools may not locate a school on property that is less
18 than one-fourth mile from agricultural land regulated pursuant to section
19 3-365, except that the owner of the agricultural land may agree to comply
20 with the buffer zone requirements of section 3-365. If the owner agrees
21 in writing to comply with the buffer zone requirements and records the
22 agreement in the office of the county recorder as a restrictive covenant
23 running with the title to the land, the charter school may locate a school
24 within the affected buffer zone. The agreement may include any
25 stipulations regarding the charter school, including conditions for future
26 expansion of the school and changes in the operational status of the
27 school that will result in a breach of the agreement.

28 V. A transfer of a charter to another sponsor, a transfer of a
29 charter school site to another sponsor or a transfer of a charter school
30 site to a different charter shall be completed before the beginning of the
31 fiscal year that the transfer is scheduled to become effective. An entity
32 that sponsors charter schools may accept a transferring school after the
33 beginning of the fiscal year if the transfer is approved by the
34 superintendent of public instruction. The superintendent of public
35 instruction shall have the discretion to consider each transfer during the
36 fiscal year on a case-by-case basis. A charter holder seeking to transfer
37 sponsors shall comply with the current charter terms regarding assignment
38 of the charter. A charter holder transferring sponsors shall notify the
39 current sponsor that the transfer has been approved by the new sponsor.

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

1 X. Notwithstanding subsection Y of this section, the state board
2 for charter schools shall charge a processing fee to any charter school
3 that amends its contract to participate in Arizona online instruction
4 pursuant to section 15-808. The charter Arizona online instruction
5 processing fund is established consisting of fees collected and
6 administered by the state board for charter schools. The state board for
7 charter schools shall use monies in the fund only for processing contract
8 amendments for charter schools participating in Arizona online
9 instruction. Monies in the fund are continuously appropriated.

10 Y. The sponsoring entity may not charge any fees to a charter
11 school that it sponsors unless the sponsor has provided services to the
12 charter school and the fees represent the full value of those services
13 provided by the sponsor. On request, the value of the services provided
14 by the sponsor to the charter school shall be demonstrated to the
15 department of education.

16 Z. Charter schools may enter into an intergovernmental agreement
17 with a presiding judge of the juvenile court to implement a law-related
18 education program as defined in section 15-154. The presiding judge of
19 the juvenile court may assign juvenile probation officers to participate
20 in a law-related education program in any charter school in the county.
21 The cost of juvenile probation officers who participate in the program
22 implemented pursuant to this subsection shall be funded by the charter
23 school.

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

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

32 CC. Notwithstanding subsection Y of this section, a sponsor of
33 charter schools may charge a new charter application processing fee to any
34 applicant. The application fee shall fully cover the cost of application
35 review and any needed technical assistance. Authorizers may approve
36 policies that allow a portion of the fee to be returned to the applicant
37 whose charter is approved.

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

40 EE. Pursuant to the prescribed graduation requirements adopted by
41 the state board of education, the governing body of a charter school
42 operating a high school may approve a rigorous computer science course
43 that would fulfill a mathematics course required for graduation from high
44 school. The governing body may approve a rigorous computer science course
45 only if the rigorous computer science course includes significant

1 mathematics content and the governing body determines the high school
2 where the rigorous computer science course is offered has sufficient
3 capacity, infrastructure and qualified staff, including competent teachers
4 of computer science.

5 FF. A charter school may allow the use of school property,
6 including school buildings, grounds, buses and equipment, by any person,
7 group or organization for any lawful purpose, including a recreational,
8 educational, political, economic, artistic, moral, scientific, social,
9 religious or other civic or governmental purpose. The charter school may
10 charge a reasonable fee for the use of the school property.

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

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

20 1. The current number of charters authorized and the number of
21 schools operated by authorized charter holders.

22 2. The academic, operational and financial performance of the
23 sponsor's charter portfolio as measured by the sponsor's adopted
24 performance framework.

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

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

30 II. The auditor general shall prescribe the format for the annual
31 report required by subsection HH of this section and may require that the
32 annual report be submitted electronically. The auditor general shall
33 review the submitted annual reports to ensure that the reports include the
34 required items in subsection HH of this section and shall make the annual
35 reports available on request. If the auditor general finds significant
36 noncompliance or if a sponsor fails to submit the annual report required
37 by subsection HH of this section, on or before December 31 of each year
38 the auditor general shall report to the governor, the president of the
39 senate, the speaker of the house of representatives and the chairs of the
40 senate and house education committees or their successor committees, and
41 the legislature shall consider revoking the sponsor's authority to sponsor
42 charter schools.

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

3 15-505. Discipline; educator information system; personnel
4 list; definition

5 A. Pursuant to the rules and procedures adopted pursuant to section
6 15-203, the state board of education shall investigate written complaints
7 alleging that a noncertificated person has engaged in immoral or
8 unprofessional conduct.

9 B. The state board of education may review a complaint and
10 determine whether to take disciplinary action against a noncertificated
11 person who has engaged in immoral or unprofessional conduct, including
12 prohibiting the person's employment at a school district or charter school
13 for up to five years except as otherwise prescribed in section 15-550.
14 The state board shall adopt rules and procedures for disciplinary action
15 of noncertificated persons that are substantially similar to the rules and
16 procedures for certificated persons.

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

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

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

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

29 E. Each school district and charter school shall annually submit to
30 the department of education a list of certificated and noncertificated
31 persons who are employed at the school district or charter school. The
32 department shall issue guidance to school districts and charter schools
33 regarding this subsection.

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

35 ~~the~~ "noncertificated person":

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

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

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

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

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

- 1 ~~(iii)~~ (b) A food service employee or contractor.
2 ~~(iii)~~ (c) A maintenance worker.
3 ~~(iv)~~ (d) An employee or contractor of the school district or
4 charter school that is not required to possess a valid fingerprint
5 clearance card.

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

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

11 15-512. Noncertificated personnel; fingerprinting personnel;
12 background investigations; affidavit; civil
13 immunity; violation; classification; definition

14 A. Noncertificated personnel and personnel who are not paid
15 employees of the school district and who are not either the parent or the
16 guardian of a pupil who attends school in the school district but who are
17 required or allowed to provide services directly to pupils ~~without being~~
18 ~~supervised by a certificated employee~~ and who are initially hired by a
19 school district after January 1, 1990 shall ~~be fingerprinted~~ OBTAIN A
20 FINGERPRINT CLEARANCE CARD PURSUANT TO SECTION 15-106 as a condition of
21 employment ~~except for personnel who are required as a condition of~~
22 ~~licensing to be fingerprinted if the license is required for employment or~~
23 ~~for personnel who were previously employed by a school district and who~~
24 ~~reestablished employment with that district within one year after the date~~
25 ~~that the employee terminated employment with the district. A school~~
26 ~~district may require noncertificated personnel and personnel who are not~~
27 ~~paid employees of the school district and who are not either the parent or~~
28 ~~the guardian of a pupil who attends school in the school district but who~~
29 ~~are required or allowed to provide services directly to pupils without~~
30 ~~being supervised by a certificated employee to obtain a fingerprint~~
31 ~~clearance card as a condition of employment. Even if the school district~~
32 ~~does not require a fingerprint clearance card as a condition of~~
33 ~~employment, noncertificated personnel and personnel who are not paid~~
34 ~~employees of the school district and who are not either the parent or the~~
35 ~~guardian of a pupil who attends school in the school district but who are~~
36 ~~required or allowed to provide services directly to pupils without being~~
37 ~~supervised by a certificated employee may apply for a fingerprint~~
38 ~~clearance card.~~ A school district may release the results of a background
39 check or communicate whether the person has been issued or denied a
40 fingerprint clearance card to another school district for employment
41 purposes. The employee's fingerprints and the form prescribed in
42 subsection D of this section shall be submitted to the school district
43 within twenty days after the date an employee begins work. A school
44 district may terminate an employee if the information on the form provided
45 under subsection D of this section is inconsistent with the information

1 received ~~from the fingerprint check or the information received~~ in
2 connection with a fingerprint clearance card application. The school
3 district shall develop procedures for fingerprinting employees AND
4 SUBMITTING IDENTITY VERIFIED FINGERPRINT CARDS PURSUANT TO SECTION 15-106.
5 ~~For the purposes of this subsection, "supervised" means being under the~~
6 ~~direction of and, except for brief periods of time during a school day or~~
7 ~~school activity, within sight of a certificated employee when providing~~
8 ~~direct services to pupils.~~

9 B. Fingerprints submitted pursuant to this section shall be used to
10 conduct a state and federal criminal records check pursuant to section
11 41-1750 and Public Law 92-544. The department of public safety may
12 exchange this fingerprint data with the federal bureau of investigation.

13 C. The school district shall assume the costs of ~~fingerprint checks~~
14 ~~and~~ fingerprint clearance cards PURSUANT TO SUBSECTION A OF THIS SECTION
15 and may charge these costs to ~~its~~ THE SCHOOL DISTRICT'S fingerprinted
16 employee, except that the school district may not charge the costs of ~~the~~
17 ~~fingerprint check or~~ the fingerprint clearance card to personnel of the
18 school district who are not paid employees. The fees charged for
19 fingerprinting shall be deposited with the county treasurer who shall
20 credit the deposit to the fingerprint fund of the school district. The
21 costs charged to a fingerprinted employee are limited to and the proceeds
22 in the fund may only be applied to the actual costs, including personnel
23 costs, incurred as a result of ~~the fingerprint checks or~~ the fingerprint
24 clearance cards. The fingerprint fund is a continuing fund that is not
25 subject to reversion.

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

- 34 1. Sexual abuse of a minor.
- 35 2. Incest.
- 36 3. First or second degree murder.
- 37 4. Kidnapping.
- 38 5. Arson.
- 39 6. Sexual assault.
- 40 7. Sexual exploitation of a minor.
- 41 8. Felony offenses involving contributing to the delinquency of a
42 minor.
- 43 9. Commercial sexual exploitation of a minor.

1 10. Felony offenses involving sale, distribution or transportation
2 of, offer to sell, transport, or distribute or conspiracy to sell,
3 transport or distribute marijuana or dangerous or narcotic drugs.
4 11. Felony offenses involving the possession or use of marijuana,
5 dangerous drugs or narcotic drugs.
6 12. Misdemeanor offenses involving the possession or use of
7 marijuana or dangerous drugs.
8 13. Burglary in the first degree.
9 14. Burglary in the second or third degree.
10 15. Aggravated or armed robbery.
11 16. Robbery.
12 17. A dangerous crime against children as defined in section
13 13-705.
14 18. Child abuse.
15 19. Sexual conduct with a minor.
16 20. Molestation of a child.
17 21. Manslaughter.
18 22. Aggravated assault.
19 23. Assault.
20 24. Exploitation of minors involving drug offenses.
21 E. A school district may refuse to hire or may review or terminate
22 personnel who have been convicted of or admitted committing any of the
23 criminal offenses prescribed in subsection D of this section or of a
24 similar offense in another jurisdiction. A school district that is
25 considering terminating an employee pursuant to this subsection shall hold
26 a hearing to determine whether a person already employed shall be
27 terminated. In conducting a review, the governing board shall utilize the
28 guidelines, including the list of offenses that are not subject to review,
29 as prescribed by the state board of education pursuant to section 15-534,
30 subsection C. In considering whether to hire or terminate the employment
31 of a person, the governing board shall take into account the following
32 factors:
33 1. The nature of the crime and the potential for crimes against
34 children.
35 2. Offenses committed as a minor for which proceedings were held
36 under the jurisdiction of a juvenile or an adult court.
37 3. Offenses that have been expunged by a court of competent
38 jurisdiction, if the person has been pardoned or if the person's sentence
39 has been commuted.
40 4. The employment record of the person since the commission of the
41 crime if the crime was committed more than ten years before the governing
42 board's consideration of whether to hire or terminate the person.
43 5. The reliability of the evidence of an admission of a crime
44 unless made under oath in a court of competent jurisdiction.

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

36 G. A school district may fingerprint or require any other employee
37 of the district to obtain a fingerprint clearance card, whether paid or
38 not, or any other applicant for employment with the school district not
39 otherwise required by this section to ~~be fingerprinted or~~ obtain a
40 fingerprint clearance card on the condition that the school district may
41 not charge the costs of the fingerprint check or fingerprint clearance
42 card to the fingerprinted applicant or nonpaid employee.

43 H. A contractor, subcontractor or vendor or any employee of a
44 contractor, subcontractor or vendor who is contracted to provide services
45 on a regular basis at an individual school shall obtain a valid

1 fingerprint clearance card pursuant to title 41, chapter 12, article 3.1.
 2 A school district governing board shall adopt policies to exempt a person
 3 from the requirements of this subsection if the person's normal job duties
 4 are not likely to result in independent access to or unsupervised contact
 5 with pupils. A school district, its governing board members, its school
 6 council members and its employees are exempt from civil liability for the
 7 consequences of adoption and implementation of policies and procedures
 8 pursuant to this subsection unless the school district, ~~its~~ SCHOOL
 9 DISTRICT governing board members, ~~its~~ school council members or ~~its~~ SCHOOL
 10 DISTRICT employees are guilty of gross negligence or intentional
 11 misconduct.

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

17 ~~I.~~ I. Public entities that agree pursuant to A contract to perform
 18 background investigations, public schools, the department of education,
 19 the state board of education and previous employers who provide
 20 information pursuant to this section are immune from civil liability
 21 unless the information provided is false and is acted on by the school
 22 district to the harm of the employee and the public entity, the public
 23 school, the previous employer, the state board of education or the
 24 department of education knows the information is false or acts with
 25 reckless disregard of the information's truth or falsity. A school
 26 district that relies on information obtained pursuant to this section in
 27 making employment decisions is immune from civil liability for use of the
 28 information unless the information obtained is false and the school
 29 district knows the information is false or acts with reckless disregard of
 30 the information's truth or falsity.

31 ~~K.~~ J. The superintendent of a school district or chief
 32 administrator of a charter school or the person's designee who is
 33 responsible for implementing the governing board's policy regarding
 34 background investigations required by subsection F of this section and who
 35 fails to carry out that responsibility is guilty of unprofessional conduct
 36 and is subject to disciplinary action by the state board.

37 ~~L.~~ K. A school district may hire noncertificated personnel before
 38 receiving the results of the fingerprint check or a fingerprint clearance
 39 card but may terminate employment if the information on the form provided
 40 in subsection D of this section is inconsistent with the information
 41 received from the fingerprint check or the fingerprint clearance card. In
 42 addition to any other conditions or requirements deemed necessary by the
 43 superintendent of public instruction to protect the health and safety of
 44 pupils, a school district may hire noncertificated personnel who are
 45 required or allowed ~~unsupervised contact with~~ TO PROVIDE SERVICES DIRECTLY

1 TO pupils before ~~the results of a fingerprint check are received or~~ a
2 fingerprint clearance card is issued if the school district does all of
3 the following:

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

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

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

14 4. Provides general supervision of the applicant until the date
15 ~~that the fingerprint check is completed or~~ the fingerprint clearance card
16 is issued or denied.

17 5. Reports to the superintendent of public instruction on June 30
18 and December 31 each year the number of applicants hired before ~~the~~
19 ~~completion of a fingerprint check or~~ the issuance of a fingerprint
20 clearance card. In addition, the school district shall report the number
21 of applicants for whom ~~fingerprint checks were not received or~~ fingerprint
22 clearance cards were not issued after one hundred twenty days and after
23 one hundred seventy-five days of hire.

24 ~~M.~~ L. Notwithstanding any other law, this section does not apply
25 to pupils who attend school in a school district and who are also employed
26 by a school district.

27 ~~N.~~ M. A person who makes a false statement, representation or
28 certification in any application for employment with the school district
29 is guilty of a class 3 misdemeanor.

30 ~~O.~~ N. For the purposes of this section, "background investigation"
31 means any communication with an employee's or applicant's former employer
32 that concerns the education, training, experience, qualifications and job
33 performance of the employee or applicant and that is used for the purpose
34 of evaluating the employee or applicant for employment. Background
35 investigation does not include the results of any state or federal
36 criminal history records check.

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

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

41 B. The legislature intends that the appropriation made in
42 subsection A of this section be considered ongoing funding in future
43 years.

1 Sec. 6. Conditional enactment

2 This act does not become effective unless the sum of \$1,200,000 is
3 appropriated from the state general fund in fiscal year 2025-2026 to the
4 state board of education to implement section 15-505, Arizona Revised
5 Statutes, as amended by this act.