

State of Arizona
House of Representatives
Forty-eighth Legislature
Second Regular Session
2008

HOUSE BILL 2566

AN ACT

AMENDING SECTION 15-534, ARIZONA REVISED STATUTES; RELATING TO SCHOOL PERSONNEL.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Section 15-534, Arizona Revised Statutes, is amended to
3 read:
4 15-534. Fingerprinting; review and disciplinary action;
5 violation; classification
6 A. A person who applies for a certificate as prescribed in section
7 15-203 shall have a valid fingerprint clearance card that is issued pursuant
8 to title 41, chapter 12, article 3.1. Applicants who possess a certificate
9 pursuant to section 15-203 and who apply for additional certificates or who
10 apply for renewal of any certificate shall meet one of the following
11 requirements:
12 1. Have a valid fingerprint clearance card issued pursuant to title
13 41, chapter 12, article 3.1.
14 2. Provide proof of the submission of an application for a fingerprint
15 clearance card. Applicants who have been denied a fingerprint clearance card
16 shall also provide proof that the applicant qualifies for a good cause
17 exception hearing pursuant to section 41-619.55.
18 B. A person who is certified pursuant to section 15-203 shall maintain
19 a valid fingerprint clearance card during the valid period of the person's
20 certificate or certificates.
21 C. The state board of education may review and determine whether to
22 renew or not issue a certificate to an applicant for certification on a
23 finding that the applicant engaged in conduct that is immoral or
24 unprofessional or engaged in conduct that would warrant disciplinary action
25 if the person had been certified at the time that the alleged conduct
26 occurred. The board shall prescribe guidelines for this process.
27 D. The state board of education may take disciplinary action against
28 or not renew the certificate of a person on a finding that the certificated
29 person engaged in conduct that is immoral or unprofessional or engaged in
30 conduct that would warrant disciplinary action if the person had been
31 certified at the time that the alleged conduct occurred. The board shall
32 prescribe guidelines for this process.
33 E. The department of education may issue conditional certification
34 before an applicant has obtained a valid fingerprint clearance card. A
35 conditional certificate may be used only for employment in the school
36 district that submits an application to the department of education for
37 conditional certification pursuant to this subsection. The state board of
38 education may revoke conditional certification if the information on the
39 application for a conditional certificate is false or incomplete, the
40 applicant is denied a fingerprint clearance card or the conditional
41 certificate is used for employment in a school district other than the school
42 district that is indicated on the application for conditional certification.
43 In addition to any other conditions or requirements deemed necessary by the
44 superintendent of public instruction to protect the health and safety of
45 pupils, conditional certification shall be issued before the applicant

1 obtains a fingerprint clearance card if all of the following conditions are
2 met:

3 1. The school district that is seeking to hire the applicant verifies
4 in writing on a form developed by the department of education the necessity
5 for hiring and placement of the applicant before a fingerprint check is
6 completed.

7 2. The school district that is seeking to hire the applicant performs
8 all of the following:

9 (a) Ensures that the department of public safety completes a statewide
10 criminal records check on the applicant. A statewide criminal records check
11 shall be completed by the department of public safety every one hundred
12 twenty days until the date that the fingerprint check is completed.

13 (b) Completes a search of criminal records in all local jurisdictions
14 outside of this state in which the applicant has lived in the previous five
15 years.

16 (c) Obtains references from the applicant's current employer and two
17 most recent previous employers except for applicants who have been employed
18 for at least five years by the applicant's most recent employer.

19 (d) Provides general supervision of the applicant until the applicant
20 receives permanent certification from the department of education.

21 F. Before employment, schools or school districts shall verify the
22 certification and fingerprint status of applicants who apply for school or
23 school district positions that require certification.

24 G. ANY PERSON WHO PARTICIPATES IN A TEACHER PREPARATION PROGRAM THAT
25 IS APPROVED BY THE STATE BOARD OR ANY PERSON WHO IS CONTRACTED BY THIS STATE,
26 BY A SCHOOL DISTRICT OR BY A CHARTER SCHOOL TO PROVIDE TUTORING SERVICES
27 SHALL OBTAIN A FINGERPRINT CLEARANCE CARD PURSUANT TO THIS SECTION BEFORE THE
28 PERSON PARTICIPATES IN FIELD EXPERIENCE IN WHICH SERVICES WILL BE PROVIDED
29 DIRECTLY TO PUPILS.

30 ~~G.~~ H. The state board of education shall notify the department of
31 public safety if the state board of education receives credible evidence that
32 a person who possesses a valid fingerprint clearance card either:

33 1. Is arrested for or charged with an offense listed in section
34 41-1758.03, subsection B.

35 2. Falsified information on the form required by subsection A of this
36 section.

37 ~~H.~~ I. A person who makes a false statement, representation or
38 certification in any application for certification is guilty of a class 3
39 misdemeanor.