

REFERENCE TITLE: public schools; noncertificated personnel; discipline

State of Arizona
Senate
Fifty-sixth Legislature
Second Regular Session
2024

SB 1560

Introduced by
Senator Bennett

AN ACT

AMENDING SECTIONS 15-505 AND 15-534.04, ARIZONA REVISED STATUTES; 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 15-505, Arizona Revised Statutes, is amended to
3 read:

4 15-505. Discipline; educator information system; personnel
5 list; definitions

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

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

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

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

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

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

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

35 F. For the purposes of this section:

36 1. "Noncertificated person":

37 (a) Means **A CURRENT OR PROSPECTIVE EMPLOYEE OF** a school district or
38 charter school ~~employee~~ who both:

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

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

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

46 (i) A transportation employee as defined in section 15-513.

- 1 (ii) A food service employee or contractor.
- 2 (iii) A maintenance worker.
- 3 (iv) An employee or contractor of the school district or charter

4 school that is not required to possess a valid fingerprint clearance card.
5 2. "Supervised" means being under the direction of and, except for
6 brief periods of time during a school day or school activity, within sight
7 of a certificated employee when providing direct services to pupils.

8 Sec. 2. Section 15-534.04, Arizona Revised Statutes, is amended to
9 read:

10 15-534.04. Reciprocal discipline; certificated and
11 noncertificated persons; definition

12 A. A final adjudication or judgment in another jurisdiction that a
13 certificated or noncertificated person has engaged in immoral or
14 unprofessional conduct shall be treated as immoral or unprofessional
15 conduct for the purposes of any disciplinary proceeding conducted against
16 that person in this state.

17 B. An applicant for certification who has been disciplined in
18 another jurisdiction for immoral or unprofessional conduct shall
19 successfully complete the disciplinary process in that jurisdiction before
20 that person may apply for certification in this state.

21 C. After receiving notification that a person's educator
22 certificate has been revoked OR SUSPENDED in another jurisdiction, the
23 state board of education may revoke OR SUSPEND all certificates issued in
24 this state to that person in a manner that is consistent with the terms of
25 revocation OR SUSPENSION in the other jurisdiction, unless that person
26 requests a hearing pursuant to title 41, chapter 6, article 6. After
27 conducting a hearing requested pursuant to this subsection, the state
28 board of education shall determine whether to uphold ~~the revocation~~ or to
29 decline the revocation OR SUSPENSION.

30 D. A NONCERTIFICATED PERSON WHO HAS BEEN DISCIPLINED IN ANOTHER
31 JURISDICTION FOR IMMORAL OR UNPROFESSIONAL CONDUCT MUST SUCCESSFULLY
32 COMPLETE THE DISCIPLINARY PROCESS IN THAT JURISDICTION BEFORE THE
33 NONCERTIFICATED PERSON MAY BE EMPLOYED BY A SCHOOL DISTRICT OR CHARTER
34 SCHOOL IN THIS STATE.

35 E. AFTER RECEIVING NOTICE THAT ANOTHER JURISDICTION HAS REVOKED OR
36 SUSPENDED A NONCERTIFICATED PERSON'S ABILITY TO BE EMPLOYED BY A PUBLIC
37 SCHOOL IN THAT JURISDICTION, THE STATE BOARD OF EDUCATION MAY PROHIBIT THE
38 NONCERTIFICATED PERSON FROM BEING EMPLOYED BY A SCHOOL DISTRICT OR CHARTER
39 SCHOOL IN THIS STATE IN A MANNER THAT IS CONSISTENT WITH THE TERMS OF
40 REVOCATION OR SUSPENSION IN THE OTHER JURISDICTION, UNLESS THE
41 NONCERTIFICATED PERSON REQUESTS A HEARING PURSUANT TO TITLE 41, CHAPTER 6,
42 ARTICLE 6. AFTER CONDUCTING A HEARING REQUESTED PURSUANT TO THIS
43 SUBSECTION, THE STATE BOARD OF EDUCATION SHALL DETERMINE WHETHER TO UPHOLD
44 OR TO DECLINE THE REVOCATION OR SUSPENSION.

45 ~~D.~~ F. For the purposes of this section, "noncertificated person"
46 has the same meaning prescribed in section 15-505.