Senate Engrossed

FILED
KEN BENNETT
SECRETARY OF STATE

State of Arizona
Senate
Fiftieth Legislature
Second Regular Session
2012

CHAPTER 354

SENATE BILL 1037

AN ACT

AMENDING SECTIONS 41-2815, 41-2818 AND 41-2831, ARIZONA REVISED STATUTES; RELATING TO JUVENILE CORRECTIONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Section 41-2815, Arizona Revised Statutes, is amended to
3 read:
4 41-2815. Individual treatment plan; diagnostic assessment;
5 placement
6 A. The department shall develop for each committed youth an individual
7 treatment plan based on a diagnostic psychological evaluation and educational
8 assessment received from the court pursuant to section 8-341 or performed by
9 the department. The individual treatment plan shall take into consideration
10 the public safety and other factors that are relevant to the youth's
11 treatment, rehabilitation and education.
12 B. The diagnostic assessment that is required by subsection A of this
13 section shall be conducted under the supervision of a psychologist licensed
14 pursuant to title 32, chapter 19.1. The written evaluation shall include:
15 1. The reason for the referral.
16 2. Relevant medical findings.
17 3. A description of the tests and screening devices that are
18 administered and the results.
19 4. An assessment of the child's intellectual functioning and levels of
20 achievement, including a neuropsychological screening and, if applicable, a
21 diagnostic statistical manual-IIIR diagnosis and psychoeducational diagnosis.
22 5. The developmental, social and educational histories of the child.
23 6. An analysis of the child's problematic behavior, including a
24 description of the behavior, its frequency and duration, any aggravating or
25 mitigating circumstances and the likelihood that the problematic behavior
26 will recur, and an analysis of related factors.
27 7. An assessment of the child's family system, including the ability
28 of the family to supervise the child and support positive behavior in the
29 child. The evaluation may recommend the types of services needed to
30 strengthen the family's ability to supervise and support the child.
31 8. An assessment of the child's strengths and skills especially those
32 related to changing the problematic behavior.
33 9. Specific recommendations regarding the level and type of services
34 and supervision that would address the child's problematic behavior and
35 educational deficiencies, if any.
36 C. Based on the youth's individual treatment plan, the department
37 shall assign each committed youth to an appropriate EDUCATIONAL PROGRAM IN A
38 secure care facility or other placement. The department shall establish or
39 contract for secure care facilities and residential and nonresidential
40 community placements and programs.
41 Sec. 2. Section 41-2818, Arizona Revised Statutes, is amended to read:
42 41-2818. Conditional liberty; notification
43 A. After a determination by the department that a youth is not likely
44 to be a threat to the public safety if released and that the youth's

continued treatment, rehabilitation and education in a less restrictive setting are consistent with the public's safety and interest, the youth may be granted conditional liberty and placed under the care of the youth's parent or legal guardian or a resident of this state of good moral character or placed in a community based treatment center.

B. Each youth who is placed on conditional liberty is subject to the conditions imposed by the department, INCLUDING AN ASSIGNMENT TO AN EDUCATIONAL PROGRAM. When conditional liberty is granted, the youth shall receive and sign a copy of the terms of conditional liberty.

C. The department shall notify the committing court and the county attorney in the county in which the youth was committed twenty days before granting conditional liberty. The department shall consider the recommendation of the court, the county attorney and the victim, if any, before granting conditional liberty.

D. If the department grants conditional liberty, the department shall provide the court and county attorney with a copy of the youth's terms of conditional liberty. If the youth was adjudicated for an offense involving the purchase, possession or consumption of spirituous liquor or a violation of title 13, chapter 34, the department may require the juvenile to:

1. Complete alcohol or other drug screening, education or treatment that is licensed through the department of health services.

2. Submit to random drug and alcohol testing at least two times per week as a condition of the youth's conditional liberty.

Sec. 3. Section 41-2831, Arizona Revised Statutes, is amended to read:

41-2831. <u>State educational system for committed youth; report</u>

A. The director shall establish a state educational system for committed youth for the common and high school education of committed youth.

B. The director shall identify three persons who are qualified to serve as superintendent of the state educational system for committed youth. The director and the superintendent of public instruction shall agree on one of the three persons whom the director shall employ as superintendent to manage the educational system. The superintendent of the educational system shall employ teachers and other personnel as needed in accordance with chapter 4, article 5 of this title, subject to the approval of the director. All persons who are employed to work in the educational system including the superintendent shall hold the appropriate certificate prescribed by the state board of education in section 15-203, subsection A, paragraph 14.

C. The director shall cause to be implemented the course of study for youth who are enrolled in the state educational system for committed youth.

D. The director shall consider the inclusion of factors related to a pupil's academic progress and standards of behavior as part of the length of stay guidelines adopted as prescribed in section 41-2816.

E. The state educational system for committed youth shall provide appropriate education to all committed youth as required by state and federal

law. If not otherwise required by law, the educational system shall provide an appropriate education to all committed youth who have not received a high school diploma or a high school certificate of equivalency.

F. On entrance of a youth to the state educational system for committed youth, the educational system shall administer a basic skills examination to the youth to determine the educational needs of the youth. A similar examination shall be administered on the youth's exit from the educational system to assess the youth's progress while enrolled in the educational system.

G. The department is entitled to receive equalization assistance for the costs of the state educational system for committed youth as provided in title 15, chapter 11.1.

H. The superintendent shall:

1. Keep records and provide information as the department of education requires to determine the appropriate amount of equalization assistance.

2. Prepare an annual financial report containing information similar to that provided by school districts in the report prescribed in section 15-904 in a format prescribed by the department of administration in consultation with the auditor general and submit the report to the governor, the speaker of the house of representatives, the president of the senate and the department of education by November 1. When submitting the report to the speaker and president, the superintendent shall send a copy of the report to the chairmen of the house and senate education committees and shall send a notice to all other legislators that the report is available on request.

3. Establish a system for communicating with each youth's school district of residence in order to facilitate the transfer of records, the determination of the most appropriate educational program and the transfer of educational credit.

I. The department of administration shall develop and maintain a special pay plan for teachers and other professional educational personnel within the state educational system for committed youth. The pay plan shall attempt to keep salaries at a comparable level to that of public school district personnel. Recommendations for this pay plan shall be included within the department of administration's annual recommendation to the legislature pursuant to section 41-763.01.

J. NOTWITHSTANDING ANY LAW TO THE CONTRARY, THE DIRECTOR SHALL DESIGNATE AN EDUCATIONAL PROGRAM FOR YOUTH ON CONDITIONAL LIBERTY AND, IF IT IS IN THE BEST INTERESTS OF THE YOUTH AND THE COMMUNITY, MAY ASSIGN A YOUTH TO A SPECIFIC PUBLIC OR PRIVATE EDUCATIONAL PROGRAM.

APPROVED BY THE GOVERNOR MAY 14, 2012.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 15, 2012.

Passed the House May 1, 2012,

by the following vote: 58 Ayes,

0 Nays, 2 Not Voting

Speaker of the House

Cheryl Laube

Chief Clerk of the House

Passed the Senate January 19, 2012,

by the following vote: 28 Ayes,

0 Nays, 1 Not Voting

1 Vacant

President of the Senate

Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

3rd day of May, 2012,

at 10:24 o'clock A M.

Secretary to the Governor

Approved this 14th day of

May, 2012,

at 10:08 o'clock A. M.

Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 15th day of May, 2012,

at 8:32 o'clock a M.

Secretary of State

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