

Senate Engrossed House Bill

FILED

MICHELE REAGAN
SECRETARY OF STATE

State of Arizona
House of Representatives
Fifty-third Legislature
First Regular Session
2017

CHAPTER 63
HOUSE BILL 2396

AN ACT

AMENDING SECTIONS 15-1304, 15-1325, 15-1326, 15-1327, 15-1329 AND 15-1330,
ARIZONA REVISED STATUTES; RELATING TO THE ARIZONA STATE SCHOOLS FOR THE
DEAF AND THE BLIND.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 15-1304, Arizona Revised Statutes, is amended to
3 read:

4 15-1304. Land reserved for use and benefit of school; schools
5 for the deaf and the blind fund

6 A. The grant of one hundred thousand acres of land for schools for
7 the deaf, ~~dumb~~ and THE blind made by the enabling act approved June 20,
8 1910, or the proceeds of such lands as are sold or otherwise disposed of,
9 is forever reserved for the use and benefit of the school for the deaf and
10 the blind.

11 B. No land exchanges or sales or commercial leases in excess of ten
12 years of land of the grant by the United States for the use and benefit of
13 the school for the deaf and the blind shall be disposed of except by
14 majority approval of the voting members of the board of directors of the
15 school.

16 C. The superintendent of the school shall annually report to the
17 board on the use of monies ~~which~~ THAT are the proceeds of or income from
18 the proceeds of land of the grant by the United States for the use and
19 benefit of the school.

20 D. ~~★~~ THE schools for the deaf and the blind fund is established
21 consisting of monies from expendable earnings of the grant in subsection A
22 of this section, monies from the department of education for special
23 educational vouchers for deaf and blind students pursuant to section
24 15-1202, except for monies dedicated to regional school cooperatives,
25 which are continuously appropriated, and overage and nonresident student
26 monies collected pursuant to section 15-1345. Monies in the fund are
27 subject to legislative appropriation and are exempt from the provisions of
28 section 35-190 relating to lapsing of appropriations.

29 Sec. 2. Section 15-1325, Arizona Revised Statutes, is amended to
30 read:

31 15-1325. Superintendent and other personnel; appointment;
32 compensation; term of employment; qualifications;
33 nonretention notice

34 A. There shall be a superintendent of the schools who shall be the
35 executive officer. The superintendent shall be appointed by the board of
36 directors, and the board shall issue one, two or three year contracts for
37 the superintendent. The superintendent is eligible to receive
38 compensation pursuant to section 38-611. The board of directors shall
39 designate the management and supervisory positions. The superintendent,
40 with the approval of and acting on behalf of the board, shall issue one,
41 two or three year contracts for the management and supervisory positions
42 designated by the board pursuant to this section. Compensation for
43 persons WHO ARE issued contracts pursuant to this section shall be paid
44 according to a range of compensation approved by the board of directors.

1 ~~B. The superintendent and the management and supervisory staff,~~
2 ~~except for the persons contracted for personnel service and business and~~
3 ~~finance service shall be persons who are competent educators of the deaf~~
4 ~~or the blind, or persons with multidisabilities and the sensory impaired,~~
5 ~~and who are acquainted with school management and class instruction of the~~
6 ~~deaf or the blind, or persons with multidisabilities and the sensory~~
7 ~~impaired. A person is eligible to be the superintendent, or hold a~~
8 ~~position on the management or supervisory staff except for a person~~
9 ~~contracted for personnel service and business and finance service if the~~
10 ~~person has had actual experience as a teacher of the deaf or the blind or~~
11 ~~persons with multidisabilities and the sensory impaired.~~

12 B. THE BOARD OF DIRECTORS SHALL DETERMINE THE QUALIFICATIONS FOR
13 THE SUPERINTENDENT BY ACTION TAKEN AT A PUBLIC MEETING. THE BOARD OF
14 DIRECTORS SHALL CONSIDER THE FOLLOWING QUALIFICATIONS FOR A CANDIDATE FOR
15 THE SUPERINTENDENT POSITION:

16 1. EXPERIENCE IN THE EDUCATION OF STUDENTS WHO ARE DEAF, HARD OF
17 HEARING, BLIND, VISUALLY IMPAIRED AND DEAF AND BLIND.

18 2. EXPERIENCE IN THE ADMINISTRATION OF EDUCATION PROGRAMS FOR
19 STUDENTS WHO ARE DEAF, HARD OF HEARING, BLIND, VISUALLY IMPAIRED AND DEAF
20 AND BLIND.

21 3. A CLEAR UNDERSTANDING OF, AND EXPERTISE IN, THE EDUCATION ISSUES
22 FACING DEAF AND BLIND STUDENTS, LANGUAGE ACQUISITION, COMMUNICATION
23 ACCESS, INDEPENDENT LIVING AND ACCESSIBLE EDUCATION MATERIALS.

24 C. The board of directors shall establish a system for the
25 evaluation of the performance of the superintendent in consultation with
26 the administration of the schools. The superintendent shall establish a
27 system for the evaluation of the performance of persons WHO ARE contracted
28 pursuant to this section in consultation with the staff of the schools.

29 D. On or before April 15 preceding the expiration of the
30 superintendent's employment contract, the board OF DIRECTORS shall give
31 written notice to the superintendent of the board's intention to offer or
32 not to offer a new employment contract. On or before April 15 preceding
33 the expiration of the contract of a person contracted by the
34 superintendent, acting on behalf of the board ~~of directors~~ pursuant to
35 this section, the superintendent shall give written notice to the person
36 of the board's intention to offer or not to offer the person a new
37 employment contract. If the board decides to offer the superintendent a
38 new employment contract, the board shall offer the new employment contract
39 on or before May 15 preceding the expiration of the superintendent's
40 current employment contract. If the board decides to offer a new
41 employment contract to a person contracted pursuant to this section, the
42 superintendent, acting on behalf of the board, shall offer the new
43 employment contract on or before May 15 preceding the expiration of the
44 current employment contract. The person offered a contract pursuant to
45 this subsection shall accept the contract by signing and returning it to

1 the board ~~of directors~~ within thirty days, or the offer is deemed refused.
2 If the person adds written terms or conditions to the employment contract
3 offered, the person fails to accept the employment contract.

4 E. Notice of the board of directors' intention not to reemploy the
5 superintendent or a person contracted pursuant to this section shall be
6 delivered to the superintendent or the person contracted by one of the
7 following:

8 1. The superintendent, in person, acting on behalf of the board.

9 2. Certified mail, postmarked on or before the deadline prescribed
10 in subsection D of this section and directed to the place of residence as
11 recorded in the agency's records.

12 Sec. 3. Section 15-1326, Arizona Revised Statutes, is amended to
13 read:

14 15-1326. Employment and discharge of personnel; probationary
15 status; report; hearing; policies

16 A. The superintendent, acting on behalf of the board of directors,
17 shall employ all personnel needed for the operation of the schools. The
18 superintendent, with the approval of and acting on behalf of the board,
19 may issue individual contracts for teaching positions. The board shall
20 review all personnel appointments on a periodic basis and may require
21 employment justification by the superintendent as it deems necessary.

22 B. Except as provided in section 15-1325, the superintendent shall
23 place each new employee in a probationary employment status. The board
24 shall determine the term and conditions of probationary employment status.
25 The superintendent may discharge any probationary employee who is unsuited
26 or not qualified for employment at the schools ~~and shall file with the~~
27 ~~board a written report of the action and the reasons for the discharge.~~
28 On satisfactory completion of probationary employment, employees shall be
29 granted permanent employment status.

30 C. The superintendent may discharge, only for cause, any permanent
31 employee at the schools. The superintendent shall file with the board a
32 written report of the action and the reasons for the discharge. Permanent
33 employees WHO ARE discharged from employment at the schools are entitled
34 to due process protections in the manner provided by the board, including
35 ~~but not limited to~~ a hearing before the board of directors. The due
36 process procedures will be developed in consultation with the employees.

37 D. The board shall prescribe policies for employees, including
38 employee conduct and discipline.

39 Sec. 4. Section 15-1327, Arizona Revised Statutes, is amended to
40 read:

41 15-1327. Limitations on reduction of salaries or personnel;
42 notice; reappointment

43 A. The board of directors may direct the superintendent to reduce
44 salaries or eliminate permanent employee positions in the Arizona state
45 schools for the deaf and the blind in order to effectuate economies in the

1 operation of the schools or to improve the efficient conduct and
2 administration of the schools. The superintendent, with the approval of
3 the board, may designate the positions to be eliminated within an employee
4 classification, and the reduction of personnel shall occur within and be
5 limited to that specific employee classification. A person whose position
6 is eliminated does not have a preferred right to employment in a different
7 employee classification, except that when a vacancy exists in a teaching
8 position and no teacher who is currently employed at any of the schools
9 applies for the position, a person whose position in a management or
10 supervisory position is eliminated has a preferred right to employment as
11 a teacher, ~~provided~~ IF that ~~the~~ person is qualified for the teaching
12 position. A person whose position is eliminated and who is transferred to
13 a different position in a lower grade does not have a preferred right to a
14 continued salary based on the former position or to any particular salary
15 level in the lower grade. No reduction in the salary of a certificated
16 teacher or credentialed specialist who has been employed by the schools
17 for more than one year shall be made except in accordance with a general
18 salary reduction in the schools by which the person is employed, and in
19 such A case the reduction shall be applied equitably among all permanent
20 employees.

21 B. Notice of a general salary reduction shall be given to each
22 certificated teacher and credentialed specialist affected not later than
23 May 15 before the fiscal year in which the reduction is to take effect.

24 C. A permanent employee WHO IS dismissed for reasons of economy or
25 to improve the efficient conduct and administration of the schools shall
26 have a preferred right of reappointment in the order of original
27 employment by the board of directors in the event of an increase in the
28 number of permanent employees or the reestablishment of services within a
29 period of ~~three years~~ ONE YEAR.

30 Sec. 5. Section 15-1329, Arizona Revised Statutes, is amended to
31 read:

32 15-1329. Employee salaries and classification

33 A. The board shall determine the salaries and assign an employee
34 classification of persons it employs, except for the superintendent as
35 provided in section 15-1325.

36 B. All salary schedules for employees of the schools shall become
37 operative on July 1 of each year and shall be included in the estimate of
38 expenses submitted by the superintendent.

39 ~~C. In addition to the officer's salary, each officer required to~~
40 ~~live at the school may receive food supplies for the officer's family from~~
41 ~~the regular supplies furnished to the institution, but such officer's~~
42 ~~family shall include only such officer's spouse and minor children.~~

43 ~~D. The superintendent shall furnish a semimonthly payroll for the~~
44 ~~school showing the name of each officer and employee, monthly stipend and~~
45 ~~time of service. The payroll shall be audited by the board and a~~

1 ~~statement of the amount determined due shall be filed with the department~~
2 ~~of administration and a warrant issued to each individual name therein~~
3 ~~contained.~~

4 Sec. 6. Section 15-1330, Arizona Revised Statutes, is amended to
5 read:

6 15-1330. Personnel; fingerprinting; affidavit; immunity

7 A. THE BOARD OF DIRECTORS SHALL REQUIRE THE SUPERINTENDENT TO HAVE
8 A VALID FINGERPRINT CLEARANCE CARD ISSUED PURSUANT TO TITLE 41, CHAPTER
9 12, ARTICLE 3.1. Certificated personnel employed by the schools shall
10 have valid fingerprint clearance cards issued pursuant to title 41,
11 chapter 12, article 3.1 or shall apply for a fingerprint clearance card
12 within seven working days of AFTER employment.

13 ~~B. In addition to the fingerprint requirement in subsection A of~~
14 ~~this section, certificated employees shall submit a second set of~~
15 ~~fingerprints to the school for the purposes of obtaining state and federal~~
16 ~~criminal records checks. Employment with the schools is conditioned on~~
17 ~~the results of the fingerprint check required under this subsection and~~
18 ~~the maintenance of the certificate or license required for employment.~~
19 ~~Fingerprint checks shall be conducted pursuant to section 41-1750 and~~
20 ~~Public Law 92-544. The fingerprints shall be submitted on the form~~
21 ~~prescribed by the school.~~

22 ~~B.~~ B. Noncertificated personnel employed by the schools and
23 nonpaid personnel working in the schools shall be fingerprinted as a
24 condition of employment for the purpose of obtaining state and federal
25 criminal records checks. Noncertificated employees and nonpaid personnel
26 shall submit fingerprints on the form prescribed by the school to the
27 superintendent within twenty days after the date an employee begins work.
28 Employment with the schools is conditioned on the results of the
29 fingerprint check. Fingerprint checks shall be conducted pursuant to
30 section 41-1750 and Public Law 92-544.

31 ~~D.~~ The department of public safety may exchange the THIS
32 fingerprint data collected pursuant to subsections B and C of this section
33 with the federal bureau of investigation.

34 ~~E.~~ C. The schools may charge the employee or nonpaid personnel for
35 the costs of the fingerprint checks.

36 ~~F.~~ D. Personnel employed by the schools shall certify on forms
37 that are provided by the schools and notarized that they are not awaiting
38 trial on and have never been convicted of or admitted in open court or
39 pursuant to a plea agreement of committing any criminal offenses in this
40 state or similar offenses in another state or jurisdiction as specified in
41 section 41-1758.03, subsections B and C.

42 ~~G.~~ E. Before employment, the schools shall make documented, good
43 faith efforts to contact previous employers of personnel to obtain
44 information and recommendations that may be relevant to a person's fitness
45 for employment. For certificated personnel, the schools may also contact

1 the department of education to obtain information that is contained in the
2 person's certification record and that may be relevant to the person's
3 fitness for employment. For persons in other positions that require
4 licensing, the schools may also contact the agency that issued the license
5 for information relevant to the person's fitness for employment. Agencies
6 and previous employers that provide information pursuant to this
7 subsection are immune from civil liability unless the information provided
8 is false and is acted on to the detriment of the employment applicant by
9 the schools and the previous employer or agency knows the information is
10 false or acts with reckless disregard of the truth or falsity of the
11 information. Employees who rely on information obtained pursuant to this
12 subsection in making employment decisions are immune from civil liability
13 unless the information obtained is false and the employee knows the
14 information is false or acts with reckless disregard of the truth or
15 falsity of the information.

16 ~~H.~~ F. The superintendent shall notify the department of public
17 safety if the superintendent receives credible evidence that a person who
18 possesses a valid fingerprint clearance card either:

19 1. Is arrested for or charged with an offense listed in section
20 41-1758.03, subsection B.

21 2. Falsified information on the form required by subsection ~~F~~ D of
22 this section.

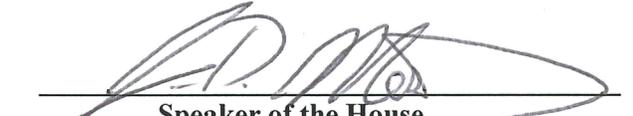
APPROVED BY THE GOVERNOR MARCH 24, 2017.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MARCH 24, 2017.

Passed the House February 21, 20 17

by the following vote: 58 Ayes,

0 Nays, 2 Not Voting


Speaker of the House Pro Tempore

Jim Drake
Chief Clerk of the House

Passed the Senate March 20, 2017

by the following vote: 29 Ayes,

0 Nays, 1 Not Voting


President of the Senate

Susan Acenas
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill received by the Governor this

_____ day of _____, 20_____

at _____ o'clock _____ M.

Secretary to the Governor

Approved this _____ day of

at _____ o'clock _____ M.

Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this _____ day of _____, 20_____

at _____ o'clock _____ M.

Secretary of State

H.B. 2396

HOUSE CONCURS IN SENATE
AMENDMENTS AND FINAL PASSAGE

March 23, 20 17,

by the following vote: 55 Ayes,

0 Nays, 5 Not Voting

W. R. Boylston
Speaker of the House
Pro Tempore

Jim Drake
Chief Clerk of the House

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this
23rd day of March, 20 17,

at 3:31 o'clock P. M.

Trista Lyman
Secretary to the Governor

Approved this 24th day of

March, 20 17,

at 2:10 o'clock P. M.

Fang L. Jones
Governor of Arizona

H.B. 2396

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State
this 24 day of March, 20 17,

at 5:05 o'clock P. M.

Michelle Reagan
Secretary of State