

REFERENCE TITLE: schools; alternative teacher certification

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

## **HB 2482**

Introduced by  
Representatives McComish, Boone, Schapira: Barto, Clark, Crump, Driggs,  
Konopnicki, Reagan, Robson, Thrasher

AN ACT

AMENDING SECTION 15-501, ARIZONA REVISED STATUTES; AMENDING TITLE 15, CHAPTER 5, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 15-504; AMENDING SECTION 15-534, ARIZONA REVISED STATUTES; RELATING TO TEACHERS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 15-501, Arizona Revised Statutes, is amended to  
3 read:

4 15-501. Definitions

5 In this chapter, unless the context otherwise requires:

6 1. "Administrator" means any school district administrator except a  
7 school principal devoting not less than fifty per cent of his time to  
8 classroom teaching.

9 2. "Certificated teacher" means a person who holds a certificate from  
10 the state board of education PURSUANT TO SECTION 15-203 OR FROM A NATIONAL  
11 ORGANIZATION PURSUANT TO SECTION 15-504 to work in the schools of this state  
12 and who is employed under contract in a school district in a position which  
13 requires certification except a psychologist or an administrator devoting  
14 less than fifty per cent of his time to classroom teaching.

15 3. "Full-time" means employed for a full school day, or its  
16 equivalent, or for a full class load, or its equivalent, as determined by the  
17 governing board.

18 4. "Governing board" means the governing board of a school district or  
19 a county school superintendent in the case of accommodation schools located  
20 in such county.

21 5. "Major portion of a school year" means full-time employment for  
22 fifty-one per cent of the school days during which school is in session,  
23 except that a certificated teacher is not deemed to have completed the major  
24 portion of the third school year of three consecutive years of employment  
25 until the end of the third school year.

26 6. "Superintendent" means the superintendent of schools of a school  
27 district.

28 7. "Suspension without pay" means suspension without pay for a period  
29 of time not to exceed ten school days.

30 Sec. 2. Title 15, chapter 5, article 1, Arizona Revised Statutes, is  
31 amended by adding section 15-504, to read:

32 15-504. Alternative teacher certification; requirements; report

33 A. IN ADDITION TO TEACHERS WHO OBTAIN A CERTIFICATE FROM THE STATE  
34 BOARD OF EDUCATION PURSUANT TO SECTION 15-203, A SCHOOL DISTRICT MAY HIRE  
35 TEACHERS WHO HAVE RECEIVED A CERTIFICATE ISSUED BY A NATIONAL ORGANIZATION  
36 THAT HAS RECEIVED AN ADVANCED CREDENTIALING GRANT FUNDED BY THE UNITED STATES  
37 DEPARTMENT OF EDUCATION AND THAT OFFERS CERTIFICATION IN THE CONTENT AREAS OF  
38 BIOLOGY, CHEMISTRY, ENGLISH, MATHEMATICS, PHYSICS, SCIENCE, HISTORY,  
39 ELEMENTARY EDUCATION AND SPECIAL EDUCATION AND ANY ADDITIONAL CONTENT AREAS  
40 APPROVED BY THE STATE BOARD OF EDUCATION.

41 B. A SCHOOL DISTRICT SHALL NOT EMPLOY A PERSON WHO HAS RECEIVED A  
42 CERTIFICATE ISSUED PURSUANT TO SUBSECTION A OF THIS SECTION UNTIL THE PERSON  
43 HAS COMPLIED WITH THE FINGERPRINTING REQUIREMENTS PRESCRIBED IN SECTION  
44 15-534.

1 C. THE STATE BOARD OF EDUCATION SHALL ISSUE AN ALTERNATIVE CERTIFICATE  
2 TO TEACH IN THE SCHOOLS OF THIS STATE TO ANY PERSON WHO HAS RECEIVED A  
3 CERTIFICATE ISSUED PURSUANT TO SUBSECTION A OF THIS SECTION AND WHO HAS  
4 OBTAINED AT LEAST A BACHELOR'S DEGREE FROM A REGIONALLY ACCREDITED  
5 POSTSECONDARY EDUCATIONAL INSTITUTION. AN ALTERNATIVE CERTIFICATE ISSUED  
6 PURSUANT TO THIS SECTION IS VALID FOR ONE YEAR AND MAY BE ANNUALLY RENEWED  
7 FOR TWO ADDITIONAL YEARS.

8 D. THE STATE BOARD OF EDUCATION SHALL SUBMIT AN ANNUAL REPORT TO THE  
9 GOVERNOR, THE SPEAKER OF THE HOUSE OF REPRESENTATIVES, THE PRESIDENT OF THE  
10 SENATE AND THE SUPERINTENDENT OF PUBLIC INSTRUCTION THAT LISTS THE TOTAL  
11 NUMBER OF PERSONS WHO HAVE OBTAINED ALTERNATIVE CERTIFICATION PURSUANT TO  
12 THIS SECTION AND WHO ARE EMPLOYED BY SCHOOLS IN THIS STATE. THE STATE BOARD  
13 OF EDUCATION SHALL PROVIDE A COPY OF THIS REPORT TO THE SECRETARY OF STATE  
14 AND THE DIRECTOR OF THE ARIZONA STATE LIBRARY, ARCHIVES AND PUBLIC RECORDS.

15 E. A PERSON WHO HAS OBTAINED ALTERNATIVE CERTIFICATION PURSUANT TO  
16 THIS SECTION AND WHO HAS BEEN HIRED BY A SCHOOL DISTRICT HAS THE SAME RIGHTS  
17 AND RESPONSIBILITIES AS OTHER TEACHERS WHO HAVE OBTAINED CERTIFICATION  
18 PURSUANT TO SECTION 15-203 AND WHO ARE EMPLOYED BY THAT SCHOOL DISTRICT.

19 Sec. 3. Section 15-534, Arizona Revised Statutes, is amended to read:  
20 15-534. Fingerprinting; review and disciplinary action;  
21 violation; classification

22 A. A person who applies for a certificate as prescribed in section  
23 15-203 OR 15-504 shall have a valid fingerprint clearance card that is issued  
24 pursuant to title 41, chapter 12, article 3.1. Applicants who possess a  
25 certificate pursuant to section 15-203 OR 15-504 and who apply for additional  
26 certificates or who apply for renewal of any certificate shall meet one of  
27 the following requirements:

28 1. Have a valid fingerprint clearance card issued pursuant to title  
29 41, chapter 12, article 3.1.

30 2. Provide proof of the submission of an application for a fingerprint  
31 clearance card. Applicants who have been denied a fingerprint clearance card  
32 shall also provide proof that the applicant qualifies for a good cause  
33 exception hearing pursuant to section 41-619.55.

34 B. A person who is certified pursuant to section 15-203 OR 15-504  
35 shall maintain a valid fingerprint clearance card during the valid period of  
36 the person's certificate or certificates.

37 C. The state board of education may review and determine whether to  
38 renew or not issue a certificate to an applicant for certification PURSUANT  
39 TO SECTION 15-203 on a finding that the applicant engaged in conduct that is  
40 immoral or unprofessional or engaged in conduct that would warrant  
41 disciplinary action if the person had been certified at the time that the  
42 alleged conduct occurred. The board shall prescribe guidelines for this  
43 process.

1 D. The state board of education may take disciplinary action against  
2 or not renew the certificate ISSUED PURSUANT TO SECTION 15-203 of a person on  
3 a finding that the certificated person engaged in conduct that is immoral or  
4 unprofessional or engaged in conduct that would warrant disciplinary action  
5 if the person had been certified at the time that the alleged conduct  
6 occurred. The board shall prescribe guidelines for this process.

7 E. The department of education may issue conditional certification  
8 before an applicant FOR A CERTIFICATE ISSUED PURSUANT TO SECTION 15-203 has  
9 obtained a valid fingerprint clearance card. THE DEPARTMENT OF EDUCATION MAY  
10 ISSUE CONDITIONAL EMPLOYMENT APPROVAL BEFORE A PERSON WHO OBTAINS A  
11 CERTIFICATE ISSUED PURSUANT TO SECTION 15-504 HAS OBTAINED A VALID  
12 FINGERPRINT CARD. A conditional certificate OR CONDITIONAL EMPLOYMENT  
13 APPROVAL may be used only for employment in the school district that submits  
14 an application to the department of education for conditional certification  
15 OR CONDITIONAL EMPLOYMENT APPROVAL pursuant to this subsection. The state  
16 board of education may revoke conditional certification OR CONDITIONAL  
17 EMPLOYMENT APPROVAL if the information on the application for a conditional  
18 certificate OR CONDITIONAL EMPLOYMENT APPROVAL is false or incomplete, the  
19 applicant is denied a fingerprint clearance card or the conditional  
20 certificate OR CONDITIONAL EMPLOYMENT APPROVAL is used for employment in a  
21 school district other than the school district that is indicated on the  
22 application for conditional certification OR FOR CONDITIONAL EMPLOYMENT  
23 APPROVAL. In addition to any other conditions or requirements deemed  
24 necessary by the superintendent of public instruction to protect the health  
25 and safety of pupils, conditional certification OR CONDITIONAL EMPLOYMENT  
26 APPROVAL shall be issued before the applicant obtains a fingerprint clearance  
27 card if all of the following conditions are met:

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

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

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

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

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

1 (d) Provides general supervision of the applicant until the applicant  
2 receives permanent certification OR PERMANENT EMPLOYMENT APPROVAL from the  
3 department of education.

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

7 G. The state board of education shall notify the department of public  
8 safety if the state board of education receives credible evidence that a  
9 person who possesses a valid fingerprint clearance card either:

10 1. Is arrested for or charged with an offense listed in section  
11 41-1758.03, subsection B.

12 2. Falsified information on the form required by subsection A of this  
13 section.

14 H. A person who makes a false statement, representation or  
15 certification in any application for certification is guilty of a class 3  
16 misdemeanor.