



HB2110 schools; employees; employment; discipline (Udall)

This bill establishes disciplinary and reporting requirements for noncertificated school employees found guilty of immoral or unprofessional conduct, in largely the same manner as currently exists for certificated employees.

Requirements for ADE and SBE

- Requires ADE to investigate complaints of immoral or unprofessional conduct by a noncertificated employee.
- Defines “noncertificated person” as a school district or charter school employee who does not have a certificate issued by SBE but is required or allowed to provide services directly to students without the supervision of a certificated employee.
- Excludes transportation employees, food service employees or contractors, maintenance workers, and an employee or contractor that is not required to possess a fingerprint clearance card from the definition of “noncertificated person”
- Allows ADE to provide investigative information, records, and reports about a certificated or noncertificated employee to:
 - Any school or district that currently employs the person
 - Any school or district the person has applied for employment
 - Any third-party employment entity that contracts with a school or district
 - Any agency making a certification or licensure decision about the person
 - An out-of-state education agency where the person is applying for a certificate
- Allows SBE to review complaints and determine disciplinary action, including prohibiting employment for up to five years at a school district or charter school
- Requires SBE to adopt rules and procedures for disciplinary action against noncertificated employees similar to the rules and procedures for certificated employees.
- Requires SBE to permanently prohibit employment at a school district or charter school a person convicted of:
 - A dangerous crime against children
 - Sexual abuse or sexual assault with a minor victim
 - Sexual conduct with a minor
 - An offense committed in another state that would have been one of the previous crimes in Arizona
 - Any crime requiring a person to register as a sex offender
- Allows SBE to provide for an advisory committee or hearing officers to conduct hearings and screenings to determine whether grounds exist to impose or lift disciplinary action against a noncertificated person.



Arizona School Boards Association

- Allows SBE to dispose of any complaint requesting disciplinary action against a noncertificated person after SBE has imposed disciplinary action
- Exempts SBE from administrative hearings for contested cases and appealable agency actions related to the discipline of noncertificated persons.

Requirements for School Districts and Charter Schools

- Requires school districts and charter schools to search the Educator Information System (EIS) before hiring a certificated or noncertificated person.
- Requires school districts and charter schools to submit an annual list to ADE of all certificated and noncertificated employees.
- Prohibits a school district or charter school from hiring a certificated person whose certificate has been suspended, surrendered, or revoked, unless their certificate was reinstated by SBE.
- Prohibits a school district or charter school from hiring a noncertificated person who had disciplinary action required by SBE.
- Specifies that a school district or charter school may not employ a noncertificated person who has been prohibited from employment at a public school by SBE.

Reporting Allegations

- Requires a person who reasonably suspects or receives a reasonable allegation that a certificated or noncertificated person engaged in conduct involving minors to report in to ADE no later than three business days after the first suspicion or allegation.
- Requires a school superintendent or the chief administrator of a charter school, who reasonably suspects or receives a reasonable allegation that a noncertificated person engaged in immoral or unprofessional conduct, to report the conduct to ADE.
- Clarifies that a noncertificated person's failure to report required information constitutes grounds for disciplinary action by SBE.
- Establishes a hold harmless policy for a person who reports information in good faith, regarding the immoral or unprofessional conduct of a noncertificated person.
- Prohibits a governing board or school district employee, who reasonably suspects or receives a reasonable allegation that a noncertificated person engaged in conduct involving minors, from accepting the noncertificated person's resignation until the suspicions or allegations are reported to SBE.
- Establishes that a final adjudication or judgement, that a noncertificated person engaged in immoral or unprofessional conduct in another state, as immoral or unprofessional conduct in Arizona.